

# A STATUS REPORT ON UNITED NATIONS REFORM

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## HEARING

BEFORE THE

### COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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MAY 25, 2006  
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(II)

## CONTENTS

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	Page
Biden, Hon. Joseph R., Jr., U.S. Senator from Delaware .....	19
Prepared statement .....	47
Bolton, Hon. John R., U.S. Permanent Representative to the United Nations ..	3
Prepared statement .....	7
Responses to questions submitted by Senator Biden .....	48
Responses to a question submitted by Senator Allen .....	49
Responses to questions submitted by Senator Martinez .....	50
Coleman, Hon. Norm, U.S. Senator from Minnesota .....	21
Dodd, Hon. Christopher J., U.S. Senator from Connecticut .....	28
Feingold, Hon. Russell D., U.S. Senator from Wisconsin .....	35
Hagel, Hon. Chuck, U.S. Senator from Nebraska .....	15
Lugar, Hon. Richard G., U.S. Senator from Indiana, opening statement .....	1
Sarbanes, Hon. Paul S., U.S. Senator from Maryland .....	32
Voinovich, Hon. George V., U.S. Senator from Ohio .....	25

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## **A STATUS REPORT ON UNITED NATIONS REFORM**

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**THURSDAY, MAY 25, 2006**

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

The committee met, pursuant to notice, at 9:40 a.m., in room SH-216, Hart Senate Office Building, Hon. Richard G. Lugar (chairman of the committee) presiding.

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

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

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order. The committee meets today to review the progress of reform at the United Nations. We are pleased to be joined by Ambassador John Bolton, who has been in the middle of the reform debate in New York and is working hard to advance reforms that will improve the transparency and the efficiency of the United Nations and safeguard against ethical and financial abuses that occurred in the recent past.

On February 6 Senator Coleman, Senator Voinovich, and I went to the United Nations at the invitation of Ambassador Bolton. He graciously arranged meetings for us with the Security Council, ambassadors from the Group of 77, and other influential representatives. During each meeting at the United Nations we stressed that the Foreign Relations Committee remains united in believing that the United States and the world benefit from an effective United Nations. We underscored that most Americans want the United Nations to help facilitate international burden-sharing in times of crisis. They want the United Nations to be a consistent and respected forum for diplomatic discussions, and they expect the United Nations to be a positive force in the global fight against poverty, disease, and hunger.

But we emphasized that the United Nations will have great difficulty achieving these objectives if its operations are encumbered by waste, corruption, and excess bureaucracy. Americans are deeply concerned by the Oil-for-Food scandal and the evolving investigation of kickbacks and rigged contracts in the United Nations' own procurement division. The influence and capabilities possessed by the United Nations come from the credibility associated with countries acting together in a well-established forum with well-established

lished rules. Profiteering, mismanagement, and bureaucratic stonewalling squander this precious resource.

Prior to our visit, I wrote to Secretary General Kofi Annan advocating the resolute and timely implementation of 10 reforms that would go far to build confidence in the United Nations. These 10 reforms do not conflict with the U.N. Charter or its mission. They would improve management practices and morale. They would enhance the U.N.'s global standing.

Several of the 10 reforms have already been initiated, including the funding of an ethics office that will enforce lower gift limits, the establishment of a zero-tolerance policy regarding sexual exploitation by U.N. personnel, the strengthening of the Office of Internal Oversight Services, the launching of a review of U.N. mandates that are more than 5 years old, and the creation of a whistleblower protection policy.

A number of the reforms, however, are still being discussed, including an overhaul of the U.N. procurement system to prevent bribes and kickbacks, the establishment of an oversight body that will be able to review the results of investigations, a one-time staff buyout to allow for a more efficient use of personnel, and improvements in external access to all U.N. documents.

The adoption of these reforms would not end the reform debate, nor should it. Reform cannot be treated like a one-time event. Rather, it should be an inherent part of the U.N. operating culture.

How the United Nations addresses human rights issues is particularly important. The United Nations recently elected a Human Rights Council to replace the discredited Human Rights Commission. Assistant Secretary of State for International Organizations, Kristen Silverberg, has said: "On the whole, we think it is an improvement over the Commission."

Nevertheless many important U.S. objectives were not achieved with regard to the structure of the Council, and the United States declined to seek a seat this year. We look forward to hearing Ambassador Bolton's views on the Human Rights Council. We are interested to know more about the administration's plans for dealing with the new body. In the absence of a seat on the Council, what is our strategy for maintaining U.S. advocacy for human rights at the United Nations? Do opportunities exist to improve the structure of the Council? What benchmarks would the administration use to determine whether it will run for a seat next year?

We also have great interest in Ambassador Bolton's assessment of current Security Council deliberations on Iran. The Bush administration has been attempting to build an international coalition capable of applying economic and diplomatic pressure on Iran that could dissuade it from continuing its drive toward a nuclear weapons capability. Thus far, efforts to obtain a Security Council consensus on a firm response to Iran's intransigence have not been successful.

Last week the Foreign Relations Committee held two hearings on Iran that focused on evaluating United States options. Today we are eager to continue these discussions with the benefit of Ambassador Bolton's firsthand report on the diplomatic situation in New York.

Again, we thank the Ambassador for joining us. We look forward to his insights. At the time that the distinguished ranking member joins us, I will ask him for opening comments that he may have. But at this point I would like to proceed with your testimony, Ambassador Bolton. Your entire statement will be made a part of the record in full and we would enjoy your comments. You are our sole witness, so be as extensive as you wish, and then the committee will have opportunities for questions of you.

**STATEMENT OF HON. JOHN R. BOLTON, U.S. PERMANENT  
REPRESENTATIVE TO THE UNITED NATIONS**

Ambassador BOLTON. Thank you very much, Mr. Chairman, members of the committee. It is a pleasure to be here today and I appreciate you putting the full prepared statement into the record. Perhaps what I can do is try and summarize some of the key points and then, of course, I would be happy to take the committee's questions.

I think first, I would return to the last hearing that you held on the subject of U.N. reform, the witness who spoke first, former Federal Reserve Chairman, Paul Volcker, who described his investigations into the Oil-for-Food scandal and the mismanagement and corruption that he found and reported in several doorstep-thick reports. He was asked—Chairman Volcker was asked—during that hearing if he thought there was a culture of corruption in the United Nations. He said: “No, I do not think there is a culture of corruption, although there is corruption. I think there is a culture of inaction.”

“A culture of inaction.” That is a profound insight into some of the difficulties that we face in terms of achieving reform. It contrasts with the mission that Secretary Rice has given us. She described it in her speech to the General Assembly last fall, where she said what the United States seeks is, in her words, “a lasting revolution of reform.”

“A lasting revolution of reform.” You know, it is not often that an American Secretary of State calls for revolution, but I think that is the measure of the strength of her feeling on the subject. We have been working on it since September, since the summit, when 150 heads of state and government came together in the outcome document that they produced, pushed forward the envelope on reform, and really gave all of us in New York our instructions about how to proceed.

Just to recall what the President said to the General Assembly last September, he said: “Meaningful institutional reforms must include measures to improve internal oversight, identify cost savings, and ensure that precious resources are used for their intended purpose.” That, obviously, is the standard that guides us as we proceed.

Let me address three areas of reform that are really before us over the next weeks and months, and then also touch on some of the other issues that you mentioned, like the Human Rights Council. The first is the broad area of management reform. Here I must report that progress has not been good. The standard that we are trying to reach there was really provided by Secretary General Kofi Annan in a report that he submitted to the General Assembly in

March of this year called "Investing in the United Nations." He recalled some of the earlier reform efforts that had been made at the United Nations, including some from earlier in his tenure. Let me just quote his analysis of what is really needed because it is a good summary of the way we think about it as well.

Secretary General Annan said: "The earlier reforms addressed the symptoms more than the causes of our shortcomings. It is now time to reach for deeper, more fundamental change. What is needed and what we now have a precious opportunity to undertake, is a radical overhaul of the entire Secretariat—its rules, its structures, its systems—to bring it more in line with today's realities and enable it to perform the new kinds of operations that member states now ask and expect of it."

The Secretary General's report contained a number of very specific recommendations that were referred to the Fifth Committee of the General Assembly, the budget committee, where extensive meetings were held and various reactions were put forward by different members. We were up until a few weeks ago, in the process of trying to work our way through deciding which of the reforms that the Secretary General had proposed, which we would accept and which we would not. I will say the United States strongly supported the general thrust of what the Secretary General had suggested. We did not support each and every reform. To be sure, in some cases we thought what the Secretary General had suggested were good first steps, not as far as we would go, but certainly warranted support.

As I say, we were discussing all of these issues when the Group of 77 introduced a resolution that substantially rejected the bulk of what the Secretary General had proposed. Not entirely and not conclusively, but it was essentially an across-the-board expression of dissatisfaction with the Secretary General's recommendations.

We pushed, along with our European and other allies, to try and work some kind of consensus solution so that we could still move forward with as many of the Secretary General's reports as possible, but the G-77 seemed determined not to have that happen, seemed determined to push the measure to a vote, which, as you know, is very unusual in the Fifth Committee, which has operated on the basis of consensus since the mid-1980s, when the Fifth Committee at that time routinely, and by large majorities, rejected the U.S. position on budget matters, in response to which the Congress began to withhold U.S. contributions.

We were unsuccessful, we, the European Union and Japan, were unsuccessful in preventing a vote. So both in the Fifth Committee and in the General Assembly subsequently, the Secretary General's report—the resolution rejecting much of the Secretary General's report—was adopted, finally, in the General Assembly by a vote of 121 to 50. The 50 countries, of which we were one, comprised the 25 countries of the European Union, almost all of the states of Eastern Europe, including several which are applicants to the European Union, Canada, Australia, New Zealand, Japan, the United States, South Korea, Turkey, Israel, and a number of other states.

The 121 countries that voted to reject the Secretary General's reforms in the aggregate contribute a little bit over 12 percent of the total U.N. budget. The 50 countries that supported the Secretary



General's reforms contribute almost 87 percent of the budget. That is, unfortunately, a good description of the distribution of opinion that we face.

We had hoped to move forward from this defeat of management reform, and the Secretary General indeed, just last week, submitted four new reports more specifically outlining his proposals. Just a few days ago, the G-77 sent the Secretary General a letter, which I would be happy to supply a copy to the committee, basically upbraiding the Secretary General for not listening to the resolution which was passed.

We have urged the Secretary General to respond strongly, to defend his recommendations, to defend his reports, to continue to work on management reform. We have been assured by the Secretariat that, in fact, he will do that. The Secretary General is now in Southeast Asia, but I think what it shows is the road ahead on management reform remains difficult.

Second, Mr. Chairman, you mentioned the question of oversight. This comes about in a number of ways. The ethics office that you mentioned, which has been established and which now needs to improve its ability to enforce ethics requirements on Secretariat employees. The Office of Internal Oversight Services, this is something that I must say has been a personal priority of mine since the time of Dick Thornburgh's tenure at the United Nations, when he was Under Secretary General for Management and Administrative Affairs. It was during his time there in 1992 that the OIOS, the impetus for the OIOS, was put forward.

Dick Thornburgh imagined that OIOS would be like an inspector general's office in the U.S. Government, providing the same kind of independent, forceful review of management within the Secretariat. But unfortunately, even when it was established, OIOS did not have the same kind of strength and independence that our inspectors general have. The effort to have independence for OIOS remains a very high priority for the United States.

I would just quote to you from the findings of the Comptroller General, just last month in fact, on his—GAO's—examination of the U.N.'s Office of Independent Oversight Services. The Comptroller General said: "U.N. funding arrangements constrain OIOS's ability to operate independently as mandated by the General Assembly and required by international auditing standards OIOS has adopted. OIOS depends on the resources of the funds, programs, and other entities it audits. The managers of these programs can deny OIOS permission to perform work or not pay OIOS for services. U.N. entities could thus avoid OIOS audits and investigations and high-risk areas can be, and have been, excluded from timely examination."

This is obviously something of great concern to us. In February when the United States was president of the Security Council we convened a meeting of the Council to discuss procurement fraud and a separate meeting to discuss sexual exploitation and abuse by U.N. peacekeepers. We had hoped that the Under Secretary General for OIOS would come before the Council, but the request was denied, unfortunately.

We are going to continue to work for OIOS independence. This is entirely consistent with Paul Volcker's recommendation to have

strong and independent outside auditing capabilities and to make sure that within the U.N. system itself that the auditors are able to perform their function and that OIOS can really attain that status of inspector general that Governor Thornburgh had in mind, originally.

Third, Mr. Chairman, on the subject of mandate review, which we think is the next most critical element of the reform process, the Secretariat provided to the membership a compendium of some 9,000 mandates that the General Assembly, the Security Council, and other bodies have imposed on the Secretariat over the years. We are going through those mandates now, in a systematic way, working very closely with the other members of the General Assembly, within the Security Council, to conduct that mandate review.

The United States along with Slovakia are the cochairmen of the Security Council mandate review. In particular, we have pulled together a group of like-minded countries to work with us on mandate review, a group that goes by the unlikely name of JUSKCANZ, as in "cans of juice." It comes in this way, building sort of backward from its origin, starting with the CANZ Group—Canada, Australia, New Zealand, which, obviously, had a lot in common and worked closely together on a variety of U.N. matters.

We added "JUS" to "JUSKCANZ" by bringing Japan and the United States together with them; Japan being the second largest contributor after the United States with about 19.5 percent of the assessed budget. I am pleased to say that just a few weeks ago we brought South Korea into JUSKCANZ, so it is now spelled J-U-S-K-C-A-N-Z, still pronounced "Juice Cans." We together provide almost 48 percent of the assessed contributions.

We have developed a list of some of the priorities we would like to see examined in the mandate review process. We have had extensive discussions with our friends in the European Union. We are planning outreach activities to the G-77 in hopes of persuading some of the more moderate countries there to work with us on mandate review.

But we are coming up on a crunch on June 30, when the expenditure cap, which was agreed to in December in the General Assembly, comes into play. This was something we felt would provide an incentive for extensive reform to take place. It was supported by the Secretariat back in December. To date, unfortunately, on the mandate review side, no mandates have actually been revised or eliminated or consolidated. So there is a lot of work to do between now and June 30.

One thing that we are considering, and we have discussed this in New York, that we be prepared to consider, is extending for 90 days the expenditure cap. In other words to avoid a crisis, to show our good faith, and give us more time to negotiate, we would be prepared to extend the expenditure cap from June 30 roughly to September 30. That has not been widely accepted in New York yet, but we are not eager to provoke a problem on June 30. Another 90 days would give us more time.

We are not asking for anything in exchange for doing this. We are simply saying this would be something to consider to give us more time, to show progress on the reform front.

Mr. Chairman, I do not want to take too much more time, but I did want to address the Human Rights Council, which I know is of great interest to the committee. You have summarized our position. I will say at this point the action has basically shifted to Geneva, which would be the venue for the council, as it was for the former Human Rights Commission, and our colleagues in our mission in Geneva and the other missions there are working on the extensive amount of preparatory decisions that have to be made before the council convenes on June 19.

Our belief is that by not presenting the United States as a candidate for this first Human Rights Council, we can, nonetheless, work very effectively in the early decisionmaking process, the agenda, the procedures, all of the many decisions that have to be made in setting up this new body. I think we've got empirical evidence for why that is right. When the United States was defeated for the Human Rights Commission in 2001 and, therefore, did not serve in 2002, I think those who participated in the work of the Commission then would say that actually the U.S. view was somewhat more highly prized than it was when we were actually a member of the Commission, because people were eager to get us back on.

So we are both in Washington and in Geneva and in New York in a supporting role, working hard on these early decisions, and that is certainly something that Secretary Rice is paying close attention to. We do not really know what the outcome will be. I think the question of what the performance of the new Human Rights Council will be will depend on what happens when they actually get rolling. It could in fairness, be 2 or 3 years before we can truly gain an accurate assessment of whether it turns out to be a better performing decisionmaking body than the predecessor—the Commission. But there is no diminution in the U.S. commitment to human rights standards around the world. There is no letup with our activity and we are working hard in Geneva in preparation for the opening of the council on the 19th of June.

With your permission, Mr. Chairman, perhaps I will stop there. I know there are a number of questions. There is more I would like to cover, but I feel it is probably better to stop now and take the committee's questions.

[The prepared statement of Ambassador Bolton follows:]

PREPARED STATEMENT OF HON. JOHN R. BOLTON, PERMANENT REPRESENTATIVE OF  
THE UNITED STATES TO THE UNITED NATIONS

INTRODUCTION

Mr. Chairman, thank you for inviting me to speak before you here today. The 7 months that have passed, since I last had the opportunity to meet with you, have witnessed a great deal of activity at the United Nations on a number of critical issues in which the committee has a great deal of interest. In the time I have before you today, I would like to provide you an update on where we stand, the progress we have made, and some of the challenges I believe we still confront in the days ahead. In addition to discussing some of the longer term issues related to U.N. reform, such as management reform, and the new Human Rights Council, I would also like to provide you with an update on where we stand with regard to several of the most critical issues currently on the agenda of the Security Council, notably the Iranian nuclear threat, Darfur, and Lebanon. In light of the recent deteriorating situation in Burma, I will also make mention of that, as well, as it may well arrive shortly back on the Security Council agenda.

At the outset, I would like to thank you and your colleagues for your continued interest in reforming the United Nations so that it lives up to the cherished ideals

outlined in its original charter. Your collective attention to this matter has been a valuable tool in our diplomatic efforts in New York. Through your ongoing efforts, both the U.N. Secretariat and delegations of other member states have a much greater appreciation of the importance the Congress—mirroring the American people—attach to the subject of U.N. reform. As the United Nations largest financial contributor, totaling some 22 percent of the regular assessed budget, the United States has a vital stake in ensuring that the United Nations succeeds.

A REPORT CARD ON REFORMING THE UNITED NATIONS

*Changing the culture*

Mr. Chairman, when I first testified before you in my current capacity last October, only 1 month had transpired since the signing of the ambitious Outcome Document by over 150 heads of state at the 60th anniversary of the U.N. General Assembly. Now with several more months under our belt, we are better situated to evaluate where we stand on a number of key issues. To be frank, though, the overall results have not been particularly encouraging. There has been some movement, but no real notable successes so far.

Rest assured, though, that the United States and many like-minded nations are working assiduously to keep the pressure on to reform. The U.S. mission is actively engaged in this effort to realize the goals outlined by President Bush during his address before the General Assembly last September, where he noted, “meaningful institutional reforms must include measures to improve internal oversight, identify cost savings, and ensure that precious resources are used for their intended purpose.” It is important for member states to take greater responsibility for governing how their citizens’ taxpayer dollars are spent.

We are taking steps to work with others to overhaul the system. One positive step forward was our success in imposing more fiscal discipline on the U.N. system last December. At a time when it appeared the reform effort was stalling, it would have been irresponsible for member states to approve a “business-as-usual” 2-year budget. By securing passage of a limit on U.N. spending through imposition of a spending cap on the 2-year budget, the United States scored a significant diplomatic victory in a consensual manner, despite many member states’ initial shock at the suggestion of using the budget as a lever to secure further progress on reform efforts. In a few weeks time, we will be situated to examine progress to date and to determine whether, and in what form, further spending should be authorized. Currently, we estimate that the interim budget will run out of money in early July.

Other cases have demonstrated the importance of standing firm. Let me give you one telling illustrative example of the environment and culture we face in New York City. As I testified before you last October, the United States views, as a major and important achievement, the decision by world leaders last September to create a Peace Building Commission and Support Office. These past months, we have been engaged in negotiations on details related to the office’s creation—notably funding. The United States adhered to guidance provided in the Outcome Document—approved by 150 world leaders—which was then operationalized through a General Assembly resolution to ensure that the Peace Building Support Office to support the new Peacebuilding Commission would be created within existing resources. While “within existing resources” can legitimately be defined as a number of support services to peacekeeping missions, resulting in missions unable to fulfill their mandates effectively. It means that when we are discussing management reform and U.N. reform more broadly, we are actually ultimately talking about people’s lives.

One need look no further than the Oil-for-Food scandal to illustrate this point. It was before this very committee that Paul Volcker, who chaired the inquiry into that scandal, coined the now oft-used expression “culture of inaction” that remains pervasive at the United Nations. Changing that culture and adapting it to modern-day management and accounting norms is no small task, but failure to do so is simply to invite future scandals. And, while the figures are well-known to many, they bear repeating in a public forum as often as possible. According to the Independent Inquiry Commission led by Chairman Volcker, Saddam Hussein’s regime diverted some \$1.8 billion in illicit kickbacks and surcharges, with more than 2,000 companies involved in these illicit payments. The report recently released by the Government Accountability Office notes that Saddam Hussein’s regime might have obtained up to \$12.8 billion in illicit revenue in the process. This money went directly into the coffers of one of the most oppressive dictatorships this world has ever known, creating a multiplier effect for financing terror in and beyond Iraq.

Member states have little justification to complain about failures within the U.N. system, if they, themselves, fail to take responsibility at even attempting to impose fiscal discipline on agencies or programs they are funding. Many U.N. agencies are,

in fact, well run and do work which serves the international community and member states well. In looking at some of the best-run agencies within the U.N. system, there appears to be another factor at play in determining the level of performance that we should explore—the funding mechanism. In the case of UNICEF, for example, William Brisben, U.S. Representative to UNICEF, noted last year that, one of the keys to UNICEF's success is its emphasis on measurable results, which document and prove to existing and potential contributors that their money is being well-spent. It bears repeating the words of Catherine Bertini, former U.N. Under Secretary General for Management and former head of the World Food Programme (WFP), noted that, "Voluntary funding creates an entirely different atmosphere at WFP than at the United Nations. At WFP, every staff member knows that we have to be as efficient, accountable, transparent, and results-oriented as is possible. If we are not, donor governments can take their funding elsewhere in a very competitive world among U.N. agencies, NGOs, and bilateral governments."

This is not necessarily to suggest that voluntary contributions are the proper model for all operations at the United Nations; other options are available and, in fact, utilized. It is noteworthy that many member governments, including the United States, already make voluntary contributions to particular specialized agencies or programs in addition to their assessed contribution.

As the United Nations largest financial contributor, with our annual assessment constituting 22 percent of the regular budget, the United States bears special responsibility to advance reform.

#### *Management reform*

In terms of specific priorities, the United States has consistently made clear that management reform is at the top of our agenda. Progress in this regard will have a transcendent impact on a number of issues related to all U.N. programs, including efficiency, transparency, and accountability. The United States has joined with others to launch an ambitious agenda of reform—reforms we think are vital to putting the United Nations back on track. This is consistent with Secretary Rice's call last September before the 60th meeting of the General Assembly to "launch a lasting revolution of reform." There have been some successes. We applaud, for example, the recent increase in resources for oversight and the implementation of whistleblower protection within the U.N. system. We also applaud the creation of an ethics office and the issuance of stricter financial disclosure requirements.

Already, though, we have seen sharply divided positions emerging on some key issues. Some member states have made it clear their interests are served by not reforming the United Nations. Many members of the Group of 77, or G-77 as it is known, are resisting efforts by the Secretariat to reform and streamline basic managerial structures and practices. They rallied together in response to the March 2006 report by the Secretary General, which offered a remarkably frank assessment of the situation we face today. His assessment was as follows: "The earlier reforms addressed the symptoms, more than the causes, of our shortcomings. It is now time to reach for deeper, more fundamental change. What is needed, and what we now have a precious opportunity to undertake, is a radical overhaul of the entire Secretariat—its rules, its structure, its systems—to bring it more in line with today's realities, and enable it to perform the new kinds of operations that member states now ask and expect of it. . . . Such a radically expanded range of activities calls for a radical overhaul of the United Nations Secretariat—its rules, structure, systems, and culture. Up to now, that has not happened."

Outlined in this report were a number of specific proposals to reform the U.N. system to increase efficiency. Recently, the Fifth Committee, which is the member state body in the U.N. system that handles budgetary and management-related issues, voted against many measures that would have increased the ability of the Secretariat to implement a number of significant and genuine reforms. To be sure, we do not agree with every single reform proposed by the Secretary General, but we certainly agree with his diagnosis of the problem and support his efforts.

What was particularly interesting about the Fifth Committee vote on some of the Secretary General's proposed reforms was the way the vote split. On one side are a group of 50 nations, including the United States, who are pushing an ambitious reform agenda, and whose combined contributions happen to total more than 86.7 percent of the U.N. budget. On the other side are over 120 nations who contribute 12 percent of the budget, and are blocking these reforms. The United States is still actively negotiating many of the types of reforms proposed by the Secretary General, though we must acknowledge it will be an uphill battle, with a majority of member states throwing down the gauntlet to reflect their opposition to some of the most anodyne of reforms. This was exemplified just last week when they wrote a letter to the Secretary General chastising him for issuing reports to the public on his pro-

posals for some reforms he feel is necessary. We believe it is important that all member states support the Secretary General in fulfilling his responsibility as Chief Administrative Officer as laid out in the U.N. Charter.

#### *OIOS independence*

Closely related to the issue of management reform is the importance of increasing the transparency and accountability of myriad institutions within the U.N. system. We remain concerned about the independence and autonomy of the Office of Internal Oversight Services, or OIOS. OIOS is the Inspector General of the United Nations, the body charged within the U.N. system to provide internal auditing, investigation, and evaluation of all activities under the authority of the Secretary General. The problem, though, is that in several ways OIOS is potentially beholden to those it is responsible for investigating. This inherently creates a conflict of interest, whether any specific one is identified or not. Just last month, the U.S. Government Accountability Office issued a report that concluded:

U.N. funding arrangements constrain OIOS's ability to operate independently as mandated by the General Assembly and required by international auditing standards OIOS has adopted. . . . OIOS depends on the resources of the funds, programs, and other entities it audits. The managers of these programs can deny OIOS permission to perform work or not pay OIOS for services. U.N. entities could thus avoid OIOS audits and investigations, and high-risk areas can be and have been excluded from timely examination.—*Statement by David M. Walker, Comptroller General of the United States, "United Nations: International Oversight and Procurement Controls and Processes Need Strengthening," United States Government Accountability Office, April 27, 2006.*

This situation is untenable and serves as an open invitation to those who may seek to defraud or abuse the system. As another measure to ensure OIOS's independence, we encourage OIOS to continue providing to member states any and all findings and conclusions it reaches whenever requested, a requirement the United States succeeded in having adopted by the U.N. General Assembly. OIOS can serve as a valuable tool for member states to take action or push through reforms that are sorely needed. We will push hard to make sure that the Independent Audit Advisory Committee is fully established to validate OIOS's work and ensure OIOS's independence of the U.N. Secretariat.

#### *Mandate review*

Establishing a fully independent and autonomous OIOS goes part and parcel with another major initiative currently underway in New York: The review of program mandates authorized by either the General Assembly or the Security Council that are more than 5 years old. Implementing an established and routine process to review program mandates is critical because there is no systemized process in place to review mandates, and thus mandates have been examined only in an ad hoc fashion by the United Nations, the UNGA, and the UNSC. We have no way of halting mandates that are obsolete or ineffective, and thus the United States and all other contributing members of the United Nations continue funding them. We hope to establish an ongoing process that will enable us to review program mandates not just now, but in the future as well. Reform of the United Nations should be done on a continuing basis, not just done in an ad hoc fashion.

Unfortunately, we are encountering intense opposition from the G-77 on this issue. They currently argue that their review excludes mandates that have been renewed by the General Assembly within the last 5 years. The G-77 position, if adopted, would unfortunately exclude from review some 75 percent of presently active mandates and hamper our ability to eliminate significant waste and overlap within the U.N. system. To date, these countries have made clear their interest in the status quo on this issue, which has resulted in active opposition to any genuine reform. At this stage, it is not possible to predict the ultimate outcome. With the budget cap set to expire in early July, we must work with our allies to persuade those opposed to reform to change their views.

#### *Human Rights Council*

That past March, we also witnessed the creation of the new Human Rights Council. As you know, the United States did not feel it appropriate to run for a seat on the Council given our opposition to its final structure in the first place. This in no way reflects, however, our unwavering commitment to human rights. We remain concerned that its institutional design could lead it to replicate the same flaws of old and will continue to work with countries that wish to promote and protect human rights as an observer on the Council. We urge Council members to work to-

ward the protection of vulnerable populations from gross abuses of human rights in places such as Burma, Darfur, and North Korea.

With respect to the composition of the new Council, some countries with abysmal records did not secure enough votes to be elected, such as Iran and others on troubling trajectories such as Venezuela. And while there may be some improvements over the old Commission on Human Rights, we remain concerned that a number of countries elected lack a genuine commitment to the protection and promotion of human rights, and have themselves been cited as gross abusers of human rights. While we do not hold a seat, rest assured that the United States will be actively engaged as observers when the new Council convenes for the first time on June 19 in Geneva.

#### CRITICAL ISSUES CONFRONTING THE U.N. SECURITY COUNCIL

##### *Iran*

Turning now to critical issues confronting the Security Council, it is certainly the case that the past few weeks have witnessed a flurry of activity on a number of important problems that I know this committee is keenly interested in.

In terms of resolving the Iranian nuclear issue, we are actively engaged with the United Kingdom, France, and Germany, or the EU3, as well as with China and Russia, and others, in seeking a peaceful and diplomatic solution. All of us share the same goal and belief that a nuclear-weapon-equipped Iran would pose a grave and serious threat to international peace and security. This would be true regardless of who leads Iran, but the inflammatory rhetoric of the Iranian regime's leader only serves to heighten tensions in the region.

It is difficult for me to go into specifics at this time, as just yesterday (May 24) there was a meeting in London of P5-plus-one Political Directors. I can tell you, though, that consultations in New York continue on a chapter VII resolution in the Security Council. Failure of the Security Council to act on this urgent matter would send a telling signal to other would-be proliferators that the United Nations lacks the political will to tackle the greatest threats to peace and security confronted by the international community.

In addition to the nuclear question, know that the United States remains deeply committed to protecting and promoting the human rights and democratic aspirations of the Iranian people. It is with this in mind that Secretary Rice has requested a \$75 million increase from Congress to support democratic efforts within the country. We consider ourselves allies of the Iranian people in this effort; which is why it is so important to reiterate that our concerns are with the current regime, not the people of Iran.

##### *Darfur*

Turning now to the steps we are taking to try to stop the genocide in Darfur, where some 200,000 have died due to conflict, famine, and disease in a civil war that has left over 2 million homeless since 2003. Atrocities must stop—like sexual violence to women in camps of displaced people—and those who have committed them must be held to account. There is some good news to report. Just last week, the Security Council unanimously passed Resolution 1679, which will facilitate planning for the future deployment of a U.N. peacekeeping operation in the Darfur region. It also has provisions calling for increased assistance to the current African Union peacekeeping force already in Sudan known as AMIS (African Mission in Sudan).

We are particularly pleased that the resolution passed under the authority of chapter 7 of the U.N. Charter. This is the part of the U.N. Charter that allows the Council to impose binding obligations on U.N. member states, and invoking it in this resolution underscores the importance the Council attaches to restoring peace and security in Darfur. This was a major diplomatic success for the United States given opposition by China and Russia.

This resolution sends a strong message to the Government of Sudan that it must not resist the U.N. efforts to supplement and augment the existing African Union peacekeeping force already there. This resolution will hopefully speed up the transition from the current African Union force of 7,000 to a much larger one of up to 14,000 under the command of the United Nations. We have seen some estimates that it might take 6 to 9 months for the augmented U.N. peacekeeping force to on the ground. While that timeframe seems long to us, we are pleased that Resolution 1679 will help expedite that process now that more formalized planning can begin. While it is premature to go into detail about the exact nature of the contribution the United States will make to the new operation, we are actively involved in the planning process, and are prepared to utilize both U.S. and NATO assets where ap-

propriate. Planning for the insertion of a U.N. peacekeeping force has already begun. Currently, an assessment team is preparing to visit Khartoum, and a delegation of members of the Security Council will be visiting shortly.

#### *Lebanon*

Finally, let me address the issue of Lebanon. Last week was an important stepping-stone toward hopefully achieving our goal of a democratically elected government in Lebanon free from interference by foreign forces, notably Syria and Iran. The passage of Resolution 1680, even with Russia's and China's abstention, sends a strong message to those countries that their continued attempts to coerce and undermine Lebanon's independence and democratic aspirations will not be tolerated by the international community.

It is important to keep the pressure on Syria, as we remain deeply concerned that the Syrian regime, despite the military withdrawal, continues to manipulate and coerce Lebanon in direct contravention of Resolution 1559. As President Bush recently noted, it is time for Syria to "stop exporting violence and start importing democracy."

Resolution 1680 also takes special note not just of Syria, but of Iran as well. For the first time ever, the Secretary General issued a report recently singling out Iran's disruptive and unhelpful role in Lebanon. Iran's financing and support of well-known terrorist groups like Hezbollah, Hamas, and Palestinian Islamic Jihad is a very serious matter and a direct impediment to achieving a sovereign and democratic Lebanon.

While Resolution 1680 builds upon Resolution 1559 in dealing with the question of Lebanon's security more generally, we continue to push for Syria's full cooperation on the investigation into the assassination of Lebanese Prime Minister, Rafiq Hariri, as called for in Resolution 1595 and 1636. Resolution 1636 was also passed—adopted under the authority of chapter 7 last October—noting that Syria's continued lack of cooperation would constitute a serious violation of its obligations under the relevant resolutions. We continue to support Commissioner Serge Brammertz' ongoing investigation into this terrorist act, and will support an extension of the U.N. International Independent Investigation Commission when its mandate expires in mid-June.

It was just over 1 year ago that, what has now been termed the "Cedar Revolution," was launched by the people of Lebanon. The United States stands firmly with the people of Lebanon who are working to help debunk the myth that people in the Middle East do not want democracy.

#### *Burma*

While Burma is not yet on the Security Council's formal agenda, I want to assure you that we will be looking forward to Under Secretary General Gambari's briefing later this week on his meetings in Burma. We will be working closely with our colleagues in the Security Council to find a way to back up Under Secretary General Gambari's efforts to press for the release of political detainees, including Aung San Suu Kyi. And, we intend to promote an inclusive and genuine political dialog in Burma that empowers Burma's people to decide their own future.

#### CONCLUSION

Mr. Chairman, it has been a pleasure to meet with you today to tell you what is happening up in Turtle Bay, despite the fact that news is not terribly encouraging. There are many other issues I could discuss, but I know that you and your colleagues will have questions. Let me close by saying that I have enjoyed the close working relationship I have had with this committee since arriving in New York last August. I greatly enjoyed your visit with several of your colleagues to the Security Council during our presidency last February, and know that door remains open to any committee member or member of their staff.

The CHAIRMAN. Well, thank you very much for your opening testimony, and I suspect our questions will bring forward a number of additional issues and comments.

We will have a 10-minute round of questions. To begin with, I will start by just raising the dynamics of the reform process, at least as I perceive it. It is often suggested—and I appreciate your comment and analysis—that the United States issues with regard to reform are well-known. Indeed, the President, in nominating you to be our Ambassador, pointed out that he was nominating you be-



cause you would be a very strong agent of reform and that that was certainly the intent of our Government and his Presidency, as a friend of the United Nations, as one who believes in that institution very deeply.

What some have suggested, outside of the United States, is that a good number of countries believe that when the Secretary General came forward with some of his reform ideas, that these were at the behest and call of the United States, that he had become an instrument of our policy, and that this acrimony led to this unusual vote of 108 to 50, that is different from the past. At least it is my understanding that, essentially, budget items were dealt with you by consensus. Perhaps they were dealt with by consensus because the United States sensed that in the event things ever came to votes ad seriatim on budgets, we would be outvoted for the reasons that you analyzed, namely that there are two-thirds of the countries of the world, maybe, that are paying 12 percent or less of the budget and relatively few countries that are picking up the bulk of the tab. The authority for the two-thirds comes from the fact that they have got one vote each. That is the nature of the organization. So that once we got into a voting contest here, this was something that we are unlikely to win.

You make a good point that we did have a showing of 50, including most of our European friends and other people who are responsible for much of the budget. But this does raise the question, where do we go from here? At what point does the body, as a whole, appreciate that we are pushing for reforms, not in the sense of attempting to diminish our support, which remains the most generous, or that of our cohorts in the 50 states, but because the place needs to be run better? Suggestions that have been made by you, by some of us, by the Secretary General, need to be taken seriously.

I just want your comment on the dynamics of this particular predicament, because I think it is extremely serious. If one issue after another comes to this sort of vote and the division is this way, reform is not going to occur very rapidly. As a matter of fact, demagogues can still take hold and things could move the other way.

So give us some lay of the land, as somebody who is on the ground there now.

Ambassador BOLTON. Well, Mr. Chairman, your prognosis is pretty gloomy, and I have to say I share the prognosis. The notion that somehow the Secretary General's reforms were done at our behest and not with what I think is, in his view, the best interests of the organization part, it is hard to describe how anybody can come to that conclusion. The Secretary General has spent most of his professional career in the U.N. system. He knows it as well as anybody. So when he says, looking at, coming particularly near the end of his 10-year tenure as Secretary General—this is somebody who speaks, I think, with as much authority as we are going to get on the need for internal reform.

The idea that these reforms somehow benefit the United States, the West or the North, if you view this as a North-South conflict, to the detriment of the other states, is just fundamentally wrong. The approach I think that most of us take as we look at the United Nations is a potential solver of international problems and we are

more likely to turn to it if we think it is efficient and effective, well-run, and cost-effective.

One of the ironies of the reform process is that some of the countries that are most critical of the United States for not using the United Nations more often, are among the countries leading the opposition to the reform.

So I think we have tried, we are going to continue to try because we believe it strongly, to urge that the reforms are not in the interest of the United States alone or even of all of the major contributors; they are in the interest of the organization. That is what the Secretary General, himself, has said and that is the line we are going to push.

I do think that this junction between contributions—assessed contributions—and voting power is something this body has turned to many times in the past, going back to the mid-1980s when the first withholdings were undertaken, and a number of discussions were had here about that subject. I did some calculations last night, and I did these myself so if my math is wrong, blame me, don't blame anybody else. But there are 191 members of the General Assembly, which means 96 is a majority. I calculated, starting with the lowest assessment, which is 0.001 percent of the total budget, and I added up until I got to 96. Actually I got to 97 because of a tie in the last one. The lowest assessed—the 97 lowest assessed contributors contribute 0.289 percent of the total budget. We contribute 22 percent.

When you compare the lowest, 48 countries contribute 0.001 percent. That means we contribute 22,000 times more than the lowest contributor. And yet we all have the same vote. We contribute—in 2005 our assessment was \$423 million. For those 48 countries contributing .001 percent, their contribution was \$17,000.

Now, that is not to say that we do not believe in the principle of sovereign equality in the United Nations. We do. But it is significant that on these questions the distribution of the vote is the way it is. It is why we have worked very hard to stay close to the European Union. It may be I have been in New York a little too long. When I looked at the 50 votes I thought, well, that is not bad, actually we had the European Union with us and countries as diverse as Turkey and South Korea and the CANZ countries and so on.

We need to do more and I can promise the committee we are going to do more to reach out to the moderates and the G-77 to try and convince them of the importance of the reform effort. We do not want to make this into a North-South confrontation. We have not sought that. We do not seek it. We want to try and build a broader coalition for reform and that work is under way.

The CHAIRMAN. I appreciate that final comment about our action steps. Just for the moment, we have to hope that maybe our own diplomacy—and you are on the point of this—is more effective than those countries that may not have much of a financial stake in the situation, but may have one vote in this, as we try to bring some understanding that this does not allow endless patronage of all sorts of supernumerary people who are not going to perform or 9,000 mandates from the past in which some country may have a feeling that for life eternal that ought remain on the books, whatever may be the inefficiencies of the organization.

I think this is pretty fundamental. We have argued a great deal about the Human Rights Commission and that is high profile, and yet just the fundamental organizational structure situation may make reform impossible unless there is some consensus that it ought to happen with a very broad group of nations. That is apparent to you, but I think this hearing just underlines that this is a very serious predicament of governance and of outlook really for the future.

I have one further question, and it is a judgment call. Some of us felt that perhaps we ought to be a candidate for this new Human Rights Council. It was the final decision of the administration that we would not be, and to suggest that perhaps, because we are not, our advice coming in is more effectual than if we had been there. That remains to be seen.

I want just again for you to review why we are not a Council member now and once again to assert your confidence that this off-the-council business is going to lead to more reform than our sitting around the table.

Ambassador BOLTON. Well, the decision not to seek a seat on the Council this year was not an easy one to make. It was a judgment call. In fact, it is based on predictions about the future of the Council. We could speculate about them for some length of time. I think now we will see how the Council actually operates and how that goes.

But a couple points that factored into the decision. First, because this is the beginning of the new Council, there will be staggered terms for the initial 57 members. They drew lots. Some will have a 1-year term, some will have a 2-year term, some will have a 3-year term. Of course, it was entirely possible we could have gotten elected but then only drawn a 1-year term, which would have meant that we would have had to have stood again the next year. We thought it better to wait until we could run for what would clearly be a 3-year term when that comes up.

Second, we did decide to vote against the resolution that created the Council. That was another difficult decision that we thought about long and hard before the decision was made. But we recognize that some were unhappy about that and we thought, rather than have that be a factor in the election, that we sit it out for the 1 year and then see how the Council performed.

But I can tell you from the discussions I have had in New York and from the excellent reporting that is coming from our colleagues at our mission in Geneva that they are very, very actively involved in the preparatory work. The other countries, I think, recognize the important contribution that the United States makes in human rights work within the U.N. system and I think we are participating fully and actively, and that is certainly Secretary Rice's direction.

The CHAIRMAN. Thank you very much.  
Senator Hagel.

**STATEMENT OF HON. CHUCK HAGEL, U.S. SENATOR FROM  
NEBRASKA**

Senator HAGEL. Mr. Chairman, thank you.

Mr. Bolton, welcome. I thank you and your colleagues for your efforts and good work. I would like to continue to pursue this same line of questioning that the chairman has presented. I want to go back to some comments that you made and, as I have read your testimony, you go into more elaboration, specifically, what happens when the United Nations runs out of money. As you note here in your testimony, the interim budget will run out of money in early July, and you responded, I think, by noting that there is some possibility that we would agree to extend it for 90 days, from June 30 to September 30, and so on.

In light of all that you were dealing with and all the issues that you have presented this morning and others that you have not talked about, not included in your testimony, some of the things that the chairman has talked about, I would be interested in getting an assessment from you on what is going to be our strategy—the U.S. strategy—as we reengage in June in the General Assembly. Are we going to be doing something different; better? At least my reading of your assessment presented, I think, an honest assessment. It is not particularly encouraging. Are we doing something different? Are we going to try to move some of these nations more to our side?

To be quite frank, I have heard from a number of U.N. sources, many of our friends and allies, that we have a number of countries alienated because they feel that we have changed objectives, we have moved the goalposts, whether it is budgets or whatever else it is.

I do not dispute the Volcker report; his analysis. I think anyone who has had any sense of that organization where you represent our interests knows that it is in deep trouble. At a time when the world is very dangerously complicated, that organization, it seems to me, is going to continue to be very important, not just for our interests but for the interests of the world.

So are we going to do anything different? How are we going to bring more of these countries alongside our focus, our objectives? How are we going to further develop a consensus of purpose in our leadership of the United Nations?

Ambassador BOLTON. Well, I think this is obviously a very important question, not just in the next 30 days—30 or 40 days—although that would be important to be sure, but over the longer term. Because to achieve the objective of the lasting revolution of reform, which is what Secretary Rice has directed us to do, I think we need to overcome that culture of inaction that Chairman Volcker talked about.

One of the things that we would like to do in addition to going through the 9,000 mandates is set up some procedure so that over a regular period of time, let us say 5 years, there would be a consistent review of mandates on a prearranged basis, so that we do not have to, once every 60 years, stop and try and review all the mandates at once, but that we are reviewing targets and aspirations and performance on a recurring basis and make decisions in a more orderly fashion.

I think that there are a number of countries, in the G-77 in particular, that view this process in a way as trying to take authority away from the General Assembly and put it in the Secretary Gen-

eral. They regard that as an attack on their sovereignty in many respects.

We have tried to explain that that is the farthest thing from our mind. It is certainly not the United States that is going to the General Assembly to say we want to reduce the authority of member states in the General Assembly, to strengthen the hand of the Secretary General. That is not our objective.

What we would like to do is to make sure in management terms the Secretary General has the flexibility that managers in many other large organizations have in terms of moving personnel and resources among the priorities that they do. But we have nothing but the firmest intention to make sure that it is ultimately the member governments of the General Assembly that direct the priorities of the Secretariat. We are not saying they should have more autonomy from the members, to be sure. So there is, I think, a misunderstanding in a way. Perhaps this is in the way this debate has been cast over the past couple of years that needs to be corrected. I think that is one broad point.

Point two, the policy argument needs to be made more effectively that rendering the United Nations more efficient, more transparent, better managed, makes it a more attractive vehicle for the United States and other countries to choose the United Nations to solve problems. When the difficulties of the Oil-for-Food Program became manifest, the former Deputy Secretary General of the United Nations, Louise Frchette, said: "I do not want, ever, to have another Oil-for-Food Program at the United Nations." We fundamentally disagree with that. We may need to all on the United Nations to undertake another major program, perhaps not the same as Oil for Food, but involving high stakes and high resources.

What we would like to be in a position to do if that arises is have confidence that such a program, such an endeavor, would be well managed and not driven by corruption, so that the substantive case we have to make is that, in fact, these management reforms do strengthen the United Nations, do make it more attractive, and are, therefore, in the best interest of the organization.

Third, and then this would be my last point, I think that we would be enhancing our diplomatic efforts in this next stage. The staff of the mission in New York is working 24/7 on this now, but we will be doing more in the capitals, having our embassies there enlarged. We will be doing more in Washington. Certainly a lot was done on these fronts before, but I think we are going to step up that level of activity. By forming the JUSKCANZ group, I think that has given us a very, very effective way of multiplying our diplomatic efforts.

We are in close touch with the European Union. We have met with them already this past week. We will be meeting with them again today up in New York. We have got other meetings planned next week. They have got their own internal decisionmaking process, as you know. But we are determined to stick very closely with them. And then we are going to have a concerted effort to reach out inside the G-77 to explain what we think are the merits of the reform proposals and hope that we are persuasive.

Senator HAGEL [presiding]. The last, No. 3 part of your answer, really addressed my question. As you say, you are enhancing diplo-

matic efforts, and you noted a couple specific areas. I would take, then, that that is part of the answer to my question, what are we doing differently to, as you use the term, enhance our diplomatic position to bring these countries closer to our focus.

Let me go to Iran for a moment. February 4 of this year, as we know, the IAEA voted 27 to 3 to refer Iran to the Security Council. I am going to ask you this question, Ambassador Bolton. Obviously, what is the status? Are we gaining ground; losing ground?

I have been one who has strongly advocated for some time that the United States needs to engage Iran. I do not believe that we will get to the core of the larger dynamic framework of differences until we do that. I met yesterday with the German Ambassador to Iran for some time and others. But I know that is not the position of this administration.

But tell me how we are winning at the United Nations? We have in the Security Council two members who, unless there has been a breakthrough in the last 24 hours, continue to refuse to take our position on this. I do not think things are getting better in the Middle East. I think things are getting worse in the Middle East. Iran is at the core of this. Give me some good news or explain to me why my assessment is wrong?

But in particular, as you are doing that, how are we gaining ground in the United Nations regarding Iran?

Ambassador BOLTON. Senator, I have to say, at this very moment, we are kind of in medias res in a number of activities. Yesterday in London there was a meeting of the political directors of the Perm 5 plus Germany in an effort to help delineate the package of incentives and disincentives that we want to present to Iran, a package that will show them on the one hand the incentive side, the prospects that are open to them if they seriously commit to suspend their uranium enrichment and plutonium reprocessing activities. This will be in many respects an elaboration of what the EU3—Britain, France, and Germany—have said to them before, as well as I think combined with the various Russian offers to guarantee fuel supplies and so on that have been made in the past.

On the other hand, a package of disincentives to show clearly to the Iranians if they choose not to suspend their progress toward acquiring a nuclear weapons capability what that option would be for them as well.

At this point, I think it would not be right for me to get into too much of the specifics. I think Secretary Rice deserves a chance to assess the situation. I am sure she is going to be consulting with her counterparts in the trying to determine a way ahead. We will be—as soon as I am released from the committee, I will be returning to New York to start working again on the chapter 7 resolution that we had under discussion, because that track needs to move forward as well.

I think, as we announced yesterday, there was good progress in the discussions in London. But we really are in the middle of this effort that began with Secretary Rice's meeting with the other Perm 5 Foreign Ministers in New York about 2 weeks ago, setting in motion this process that is now under way. But it certainly could not be any higher on the priority list to try and get this resolved,

and that is a subject of continuing conversations at the very highest levels.

Senator HAGEL. Thank you.

My time is up. I guess it is just you and me, Joe. Senator Joe Biden.

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

Senator BIDEN. Mr. Ambassador, welcome. I apologize for being late. There is a vote on, so I will probably only get in one question.

First of all, I want to compliment you on your efforts on Darfur. At some later time, maybe we can have a longer discussion about what you see the prospects are for us. I know we are talking about a force in the fall. I would like to talk with you about that. We really have moved the ball, but absent boots on the ground I am not sure what is going to happen.

I was confused about our position on the Human Rights Council. You have accurately pointed out what a mockery it has been on occasion in the past with respect to those who have been elected to lead the Commission. But when we bowed out of the race for a seat you said, "I think, and I believe this rather strongly, that our leverage in terms of performance of the new Council is greater by the United States not running." Then after that, upon creation of the Council, the administration issued a statement that said, "With a strong collective effort to make the new Council effective, the United States will likely run for the Council next year."

This may, or may not, have confused you, but I am confused.

Ambassador BOLTON. Well, I think the two statements are consistent because what we were saying was that we felt in this first election that it was the best judgment that we should not be a candidate, given the circumstances leading up to the creation of the Council. And also the reason I think—I do not recall if I mentioned that because this new Council is just beginning there will be staggered terms for the members. They drew lots to see who would have a 1-year term, who would have a 2-year term, who would have a 3-year term. So there was a prospect, since it was random selection, that if we had run we would only have a 1-year term and we would need to run again next year, whereas if we run next year we would run for a full 3-year term.

And it was a judgment call. It was an equity call on both sides of the question, whether to run, whether not to run, and they were debated and the judgment was made not to. I think what we can see already in Geneva as the preparatory work for the opening of the new Council has begun is we are fully participating and our status as a member or not a member of the Council really makes no difference, diplomatically, at this point.

Senator BIDEN. Did you indicate that you thought that the Perm 5 should be permanent members of this Council?

Ambassador BOLTON. The question came up in the context of what we call the Perm 5 convention, which is that, traditionally going back to early in the founding of the organization, that the Perm 5 members had served traditionally on basically all of the governing bodies that they sought to, and in exchange for that they

were never chairman of those governing bodies. That was something the five permanent members never ran for.

The fact is that, other than the case of the Republic of China, the People's Republic of China, because of that anomaly back in the 1950s and 1960s, the only Perm 5 member ever to have been defeated for a seat on the Human Rights Council was the United States. So when I was asked about the Perm 5 convention I did talk about that, because at that point—this was before the new Council had been created—I was trying to make it clear that I thought the United States could play an effective role on the new Council if it was set up in the right way.

Senator BIDEN. Would you view having Russia and China on the Council today, as a positive step?

Ambassador BOLTON. I think, given their human rights records, the answer to that is that they are likely to contribute to the same pattern of behavior as on the former Commission, which is not a good sign. But I would note they got elected.

Senator BIDEN. With regard to the issue of our dues and reforms, I listened closely to your answer to Senator Hagel, but I am still a little confused. Have we made clear exactly what reforms we are looking for, or is it that we will go back and look at every single aspect of the list of reforms before we pay our dues? In other words, do we have a checklist for any of the G-77 to look at and say, OK, I know this is what has to happen to get the United States in the deal?

That is a criticism I have heard: That even those who may, or may not, be prepared to engage in reform do not know, specifically, what reforms we are looking for.

Ambassador BOLTON. Well, the JUSKCANZ countries have put together a list of 20-some mandates that we view as a high priority to be reviewed between now and June 30, and we have distributed that. I think people are aware of those priorities. We have been trying, because we do not want to precipitate a crisis ourselves, we have been trying to avoid a circumstance where we are perceived as having drawn a line in the sand.

What we have tried to say is there are various combinations of things that can happen, there are some politically very sensitive mandates that do not cost a lot of money, but if those mandates were eliminated I would feel myself in the position to say that is real progress even though there are not hardly any cost savings involved at all.

On the other hand, those may be too difficult to do, but there may be some other mandates that would involve some cost savings. But please, I want to be clear. It has never been our position that all of this had to be done by June 30.

Senator BIDEN. To state the obvious, I am not looking for another crisis. With all that is going on, I am not looking for another crisis on June 30 in terms of again going through whether or not we are going to support the budget, pay our dues, et cetera.

Your recent statement in the House struck me. You said that one of the reasons the G-77 members were opposed to a reform agenda is that they are concerned "because the exact dimensions of our reform efforts are not entirely clear." That was your statement. Now, it may have been taken out of context but I do not think so.



So I would hope that you would let the committee know the combination of things that have to happen, the bottom line, so that we do not go through this process again, the brinksmanship, which I think is not good.

Ambassador BOLTON. I would be happy to supply the JUSKCANZ list on mandates.

Senator BIDEN. Is that our list?

Ambassador BOLTON. Yes, it is an agreed upon list. That is why we tried to do it through the JUSKCANZ mechanism.

Senator BIDEN. I got that. So those are all those things required to happen in order for you to—

Ambassador BOLTON. They would not all be required. This is another point, that I do think it is important that, because we are not going to finish everything by June 30, that we have an agreed-upon roadmap, perhaps through the end of this year, of how to have a systematic review of the other mandates that we are, obviously, not going to cover.

It is also why we have suggested, in New York, taking what would basically be the June 30 date for the expenditure cap to kick into place and just putting it off for 90 days, not asking for anything, just saying we are prepared to add in another, it would be another \$425 million of spending authority. That would take us to September 30, give us another 90 days to get some more mandates reviewed and decided upon, give us all 90 more days to try and work this out, to avoid the crisis.

We have suggested that in New York and so far it has not met with a lot of support. But it is an indication, I would suggest, that we are not trying to force this to an issue on the 30th. We are prepared to give ourselves another 90 days, even without any evidence I could give to you today of progress, but just give us a little bit more time to see if we can work it out.

Senator BIDEN [presiding]. Well, the time has run out on the vote. I have to go. We are going to recess until the chairman comes back. Thank you.

[Recess]

The CHAIRMAN [presiding]. The committee is called to order again. We thank our witness for his patience in the midst of our winding up the debate on the floor. We are likely to be called, we are advised, for one vote.

Ambassador BOLTON. I did not see you were changing lines, Mr. Chairman.

The CHAIRMAN. We are attempting to do our duty.

I am going to call now on Senator Coleman for his questions.

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

Senator COLEMAN. Thank you, Mr. Chairman. I want to start by just commending the Ambassador for the work that he is doing under difficult circumstances.

At the end he talked about reaching out and building a broader coalition. Certainly that needs to be done. I do want to state, Mr. Chairman, just for the record, the Ambassador is still—though he is the Permanent Representative, it is an interim appointment, and I think we have to acknowledge that, recognize that.

These are very critical times at the United Nations, very critical. In dealing with the situation with Iran and the prospect of getting a nuclear weapon, time is of the essence. I find it very disconcerting that, unless his appointment is—if there is confirmation, for the remainder of this President's term, unless we have that continuity, I worry that our ability to effectively deal with some very difficult, very challenging, and very important issues at the United Nations is going to be compromised.

So Mr. Chairman, I just would urge the committee to try to move this nomination forward again, to put aside any personal partisan differences. Right now we need continuity at the United Nations. I think it is fair to say, I would hope my colleagues say, that the work of the Ambassador has been commendable and he has used the diplomatic skills that he has honed over many, many years in this business. So I wanted to make that note for the record.

I have grave concerns about next January and February, dealing with the prospect of Iranian nuclear weapons and who is going to be representing us at the United Nations. We better have a person there who has that kind of credibility.

Now that my colleague from Ohio is here, I may repeat my comments for his benefit, the importance of this position, and having continuity between now and the end of this President's term I think is critical for this country. So I hope that we reconsider this nomination and that we can confirm it and have that representation that we need.

Ambassador, you raise—actually, let me just move to a quick observation. The chairman talked about the hope of a positive force at the United Nations and I share that hope. The chairman talked about concerns about the credibility of the United Nations in light of the Oil-for-Food and of the Volcker Commission and I share those concerns. The question is what do we do about that. We have got a Human Rights Council now that—and I appreciate the fact that we are working with it, but we have got China, Cuba, Russia, Saudi Arabia among its members.

You have a structural infirmity challenge in that the WEAD groups, the Western groups, the democracy groups, they are smaller now. They have less impact, not a majority. So even from a structural, a structural perspective, whatever our voice is, it is harder to have any guarantee of assurance that that voice is going to be heard and be able to take the kind of action it needs to take when groups least committed to democracy and human rights now run the show in this newly revised, reformed Human Rights Council.

So I find that challenging. But I guess the \$64,000 question, Mr. Ambassador, you talked about the numbers, 50 nations that put in 87 percent of the dues and they can kind of raise their voice as loud as they want, but they are 50 nations. You have got 50 nations that put in less than point-something percent of dues on an equal plane. So those folks that do not have, as we would say, skin in the game for any kind of change—certainly you cannot, by numbers alone, we cannot make any change.

So you have what I see as kind of fundamental structural challenges. My question is, Do those challenges make reform impossible or, even with that structural? Is there any kind of optimism that

we can have about reform in the United Nations, particularly based on the action we have seen over the last couple weeks when you have this kind of structural imbalance that makes reform difficult, if not impossible?

Ambassador BOLTON. Well, I think this junction between voting power and assessed contributions is a real issue. I do not think you can blink it away. I do not think that it is, perhaps, as fully recognized, the impact that it has. I do not think, though, that we can say it makes reform impossible. I think that is really what lies behind the effort that the President and the Secretary are making to do all that we can to convince people that these reforms truly are in the interest of the organization and they are not some Western imperialist design to take it over from behind the scenes.

That is why I have tried, on this idea that the reforms are a way to shift authority from the General Assembly to the Secretariat, to say, do you really think the Bush administration wants to reduce the sovereign authority of members of the United Nations, to strengthen the Secretary General? That is not the hidden game here.

But we, obviously, have to do more. We are looking at different ways of lobbying within the G-77, but it is a phenomenon that I think most of my colleagues in New York would say that the G-77 is often dominated—remember, it has 132 members, it is not just 77 any more. It is often dominated by the most forceful, the most determined, who in the closed meetings of the G-77 get the other members spun up to a point where it is hard for them to back away.

I will tell you, their whip organization is pretty good and that, breaking through that, is just something we are going to have to work a lot harder.

Senator COLEMAN. Look at the situation we face now. At the end of June—you were successful in, of course, stalling passing a biennial budget. So we do that to the end of June. Now we are at the end of June and reform has not taken place. The moderate reforms the Secretary General proposed have been essentially rejected by the G-77. So we are sitting there right now, we have pushed it off to then.

You come before us and say, we are willing to push this back 90 days with no strings attached. We are not asking for anything. But there is not an incentive for the G-77 to want to push it back. So we are coming in the next month to some kind of loggerheads.

Can you lay out the—tell us what our options are? Tell us what our choices are? As I say that, let me just kind of add to that that we have choices here, too; that we fund 22 percent of the operating budget, but I think we fund, what, 26 percent of the peacekeeping budget?

Ambassador BOLTON. 27.

Senator COLEMAN. We fund the voluntary budget, and we are not talking about \$430 million, we are talking over \$3 billion of U.S. taxpayer money that goes to the United Nations. The sense I have among my colleagues is we really want to see reform. We are not going to continue throwing money at an organization if, in fact, it is not credible, it is not transparent, it has not dealt with the corruption.

So we are going to have to make some choices, and I would hope that the member nations understand that. So my question is, At the end of June if reform is not happening—which I think is a fair assessment—what are our options; options A, B, and C, best case, worst case scenarios?

Ambassador BOLTON. Using June 30 as the cutoff date, I think the worst option is that the G-77 comes in, let us say, in the next week and adopts a resolution that says the spending cap is hereby lifted, period. If they force that to a vote they will likely win, along the same lines of the vote that we saw on the Fifth Committee, in which case the expenditure cap will be gone and what incentive there is for reform other than argument on the merits will have disappeared.

Our hope is, the other extreme from that, if you will, is that between now and June 30 we can achieve some substantial reform, especially on the mandate review. The way the G-77 has cut down the Secretary General's reforms on management I think makes it harder to score successes there, although we are still going to press for it. But if we could have some tangible successes in the area of the mandate review, I think at that point we would be prepared to say, let us lift the expenditure cap, assuming we have a roadmap ahead of how to complete the mandate review of these 9,000 mandates over a defined period of time. If we could have that, I think that would be the road ahead.

I would just say, my guess is, knowing the way the United Nations works, even though today is May 25 and we do not have any reform in the mandate review area yet, I would not necessarily take that as fatal, because I think a lot of this is going to occur at about 10 of midnight on June 30 when the deals get cut.

Senator COLEMAN. I would say, Mr. Ambassador, that it could well be fatal. It could well be fatal if reform does not move forward. The quote from the British Ambassador, Jones Barrington, when he reacted to the G-77 strategy, the blocking strategy, this is a quote: "We should realize we pay 80 percent of the budget. We are not going to have this sort of imposition on us by the draconian tactics of the G-77 at this moment. If they want to play with fire they are going to get their fingers burned."

Ambassador BOLTON. That was not me, Senator.

Senator COLEMAN. That was the critics. That was not John Bolton, Ambassador Bolton, saying that. That was the critics saying that.

I suspect the Japanese are being very frustrated, very frustrated. They make a significant contribution. So in the end reform really is essential for those of us who believe in working with the United Nations and a strong United Nations, a credible United Nations. I just hope that message is communicated back to member nations.

Ambassador BOLTON. That is why I thought it was important that, as it turns out, the Senators who are present here today came up to New York. I hope others can come up as well, because it is important to convey to them. We try and do it, but really when members of the House and Senate come up it conveys it even more strongly how broad the support for significant reform at the United Nations is.

Senator COLEMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Coleman.  
Senator Voinovich.

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

Senator VOINOVICH. Ambassador Bolton, I would like to say that your words today have been very conciliatory. I think that you are suggesting that you extend the cap or the decision on the budget to December 30 is a good move. I think that when the human rights issue came up that we voted "No," but we made it very clear that we are going to continue to participate in it. I was delighted to hear that you seemed to think we have been making some progress there and you think maybe being on the outside is better than being on the inside.

Ambassador BOLTON. It sounds counterintuitive, but I think it is going to play out correctly.

Senator VOINOVICH. Well, that is wonderful.

The other thing is I am very impressed with your JUSKCANZ group. I think that the important thing at this stage of the game is to keep everybody on board, and the fact that you had 50 votes is significant. Eighty-seven percent of the budget was represented by those 50 votes. I believe that we need to continue to push diplomacy, and I really believe that the reforms that we need have to get done this year. Kofi Annan is going to be leaving. The United Nations is going to have a new person on board, and I just wonder what is going to happen in the interim period. We have this wonderful window of opportunity to take advantage of this and I would be interested in what your perspective is and what happens when we have a new Secretary General.

The second issue is, if you recall—and I enjoyed visiting with you and some of the organizations—when we met with the G-77 group I made it very clear to them that they need to participate in this reform. The fact of the matter is that those countries who are picking up the tab want a successful, effective United Nations, and without the reform it is not going to happen.

The United Nations should understand that there is a certain amount of patience that we have, and then we run out of patience. One of the thoughts that I had—in fact we contacted the Japanese Embassy—was that perhaps we ought to get resolutions from the Parliaments of the various countries that are anteing up. Basically to state that we want to see progress made, that we are the ones that come up with the money, we have other alternatives for the use of that money, we believe in this organization, and to get them to understand that this is very serious business. This is not the United States out there solo, but it is a unified approach.

I think that one of the countries that should be really upset is Japan. Japan comes up with 19.4 percent of the dues and they cannot get on the Security Council. I am sure that their Parliament is very frustrated with this. The Brits are also frustrated. My suggestion is that you stay with the team and see if we cannot generate more effort by Parliaments with understandable language where we show that we are the ones that come up with the money and we have patience. However, we want to see the United Nations

come forward and support the reform that is necessary to make this into the organization that we all want it to be.

The first question is, Do you think this is the time? You seem to say, let us get the mandates taken care of, and that may be the most pressing issue, and then the reforms can continue. The other issue is, we met with Mr. Burnham, Christian Burnham. As you know, he is undertaking some new accounting and so on and so forth. I would like to know what this vote on reforms has to do with what Mr. Burnham is trying to do in terms of his job.

Ambassador BOLTON. Senator, I think your assessment is essentially the same as ours. On your first question about the new Secretary General, this is something that is probably the single most important decision we are going to make in New York this year. It has been a high priority of ours for some time. The first action, of course, is in the Security Council. We have been meeting among the five permanent members. There will actually be a meeting, that I will miss today, of all 15 members to talk informally about this process.

It is a critical point because we want to take advantage of the last 7 or so months of Secretary General Annan's term. He has demonstrated through his report, "Investing in the United Nations," his desire for management reform. He supported the expenditure cap. He and Mark Mollock Brown, now the Deputy Secretary General, were involved in the negotiations in December to give us the impetus to have these reforms.

So his departure, in a sense, brings in a new person who, almost by definition, will not be as deeply involved. But it is on our minds and I think it is on the minds of all countries committed deeply to reform that we want the new Secretary General to come in understanding that this has to be a priority for him or her and that the continued work—after all, the Charter calls the Secretary General the Chief Administrative Officer of the organization—is going to be extremely important.

So as we talk to candidates for Secretary General this is something that we always stress with them at all the different levels. The selection procedure for the Secretary General is not exactly the most transparent or understandable election procedure in the world, but we know who is interested in it and we are talking to them about it because we do think it is important.

The second point: The stress I have laid here today on mandate review is because the mandates are the programs, the activities, that the United Nations and its funds and programs and activities carry out. This really is, I think, what we look for the United Nations to do. We can all measure inputs to the United Nations. We contribute \$423 million a year to the United Nations. What we do not measure so well are the outputs, what exactly is it that we get from this program, or that office or that fund?

The mandate review gives us an opportunity to step back and look at the performance metrics comprehensively. As I say, we do not expect we are going to finish this budget June 30. That has never been our expectation. But we do want an agreed-upon road ahead for the systematic careful consideration of the mandates and then, as part of Secretary Rice's lasting revolution, a process

whereby mandates will be reviewed regularly over a systematic period of time.

Senator VOINOVICH. I get the impression that it is your opinion that the mandates are moving along. You feel good about the progress that you are making on the mandates, as contrasted to the fact that we lost the reform vote.

Ambassador BOLTON. Well, I am pleased that we have been reviewing them, systematically, in the General Assembly and we will be doing that in the Security Council as well. What we have not yet done is made any decisions on consolidating mandates, eliminating mandates, and that sort of thing. We have still got some pretty fundamental decisions.

If I could just take one second on one of the hardest ones. When the heads of state called for the mandate review in the outcome document in September, they said, we want to review all mandates older than 5 years, so in other words any things that have been in existence for a relatively long period of time. The G-77 has taken the position that even if a mandate were first put into place 20 years ago, if it was then renewed every year since then, so last year, the year before, it is not older than 5 years.

If that position prevails, we will review a total of 7 percent of the mandates, because most of them are reviewed every year. It's an impossible position to justify, but that is the kind of difficulty we went into.

Senator VOINOVICH. The question I have is this. If that is such a key issue, how quickly can we get it resolved in terms of, if that does not work then forget it?

Ambassador BOLTON. Right, I agree with that. That is one reason why I do not have a lot of confidence we will get some of these issues resolved by June 30, and in order to give us more time and not provoke a crisis in the next 35 days we have been offering up this 90-day extension. As Senator Coleman said, it has not attracted a lot of support because I think some countries who do not support the reform process think they might as well vote sooner rather than later. If that happens, then we have got a real problem.

Senator VOINOVICH. How aggressive have the partners been? For example, how aggressive have the Japanese been, since they have almost as much at stake as we have?

Ambassador BOLTON. They have been working very closely with us. The Germans and the others—the Germans are the third-largest contributors and it is something that, if you look at the potential parliamentary reaction, I think the Japanese are, perhaps, maybe second only to Congress in the level of attention that they have given to the reform effort, tied directly to the question of whether Japan gets a permanent seat on the Security Council.

There have been discussions in New York that if Japan does not get on the Council they might well consider cutting their assessed contribution from its present level, which is 19.5 percent, down to something like 14 or 15 percent. That is one option that is on the table for them.

Senator VOINOVICH. The last one: Would it help if the Parliaments of the various countries could get a similar resolution?

Ambassador BOLTON. I would be delighted, I would be delighted. Anything you can do. I think it is very important.

Senator VOINOVICH. Thank you.

The CHAIRMAN. Thank you, Senator Voinovich.

Senator Dodd.

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

Senator DODD. Thank you, Mr. Chairman. My apologies for arriving a bit late. We had a Banking Committee hearing, a markup on nominations and the flood insurance program, which I know is a critical issue for Indiana. So I wanted to make sure that—Lake Michigan maybe.

Welcome, Mr. Ambassador. It is good to see you again. Let me begin, if I can, not in any particular order here. I gather a number of my colleagues have raised with you issues regarding what it would take to lift the caps at the United Nations. I, yesterday, wrote a letter to Secretary Rice on a similar issue just to share, because it is a letter to her, but I have no problem with it being a public document, talking about some of the very specific reforms that have taken place under Secretary General Kofi Annan's leadership.

He pushed through U.N. greater financial disclosure policy that is more comprehensive, in fact, than the one U.S. political appointees face: Ethics office; one of the most important maybe, to create a U.N. information technology and accounting system that I know has been called on for some time. It goes on listing a number of those things.

I gather—and you correct me if I am wrong, but in response to one of the questions that were raised you were not terribly specific about what you thought had to be enacted before those caps would come up. Let me pursue that with you a bit. Would you share with us and give us some sort of benchmarks that you think are critical to meet here for those caps to come off, so we have some idea as to what needs to be done, knowing for instance that the peacekeeping operations may be in jeopardy, obviously pretty quickly, if we do not get the caps off. At least I am told that that may be the case. You may want to correct me on that.

Ambassador BOLTON. The expenditure cap applies only to core expenditures of the United Nations itself. It does not apply to peacekeeping operations at all. So they will not be affected. The expenditure cap was in the biannual budget of the core United Nations, \$3.8 billion over the 2006–2007 biennium, \$1.9 billion. This year the cap was \$950 million, which is why we keep using the figure of June 30. At an even-burn rate of expenditures month by month, it would take you about 6 months into the year. But the peacekeeping budget is not affected.

We have made over the past several months various interventions in the plenary discussions of the mandate review and the Fifth Committee discussions of the management reform areas, a number of the issues that we think need to be addressed. But I did say, earlier, we have not tried to draw a line in the sand. We have tried to say, look, if we have more success in one area with some of the politically sensitive mandates, for example, that they might



be eliminated even though they do not save very much money, that could be an important sign of success, whereas if we deem it not advisable to go after them but we achieve some cost savings in some other areas, that we wanted to be flexible on that.

We felt we had to show some significant reforms by the 30th of June and a path ahead that would show the way to making decisions on the rest. We have never said that we had to decide everything by June 30. So what we have been trying to do is actually be flexible and not say, if we do not get this, then bad things will happen. We have been trying to say we need to make progress and to be open to suggestions that we might find turn out to be acceptable to others that we would not necessarily have thought were high on our list, but would show progress.

Senator DODD. Are you satisfied that what I have described to you very briefly are major steps in the right direction?

Ambassador BOLTON. Well, I think those are steps that were in-train before the summit last September, and whether they are—they are certainly all things we have supported. Whether they turn out to be successful or not, remains to be seen. Certainly that is something we will be working very closely with the Secretariat on. Those are the ethics steps in particular.

Senator DODD. Am I to conclude that you are optimistic that this thing is going to be, this matter will be resolved in the coming weeks here?

Ambassador BOLTON. I am not optimistic. That is why I mentioned one possibility we have floated is that we be prepared to, in effect, defer the point at which the expenditure cap kicks in for another 90 days. Again, the expenditure cap is in terms of dollars. It is not necessarily days.

Senator DODD. I understand.

Ambassador BOLTON. But if we added another \$425 million, that might take us to about September 30, which by definition would give us 90 more days for further negotiations, and we would not even ask anything for it. Some people have said, well, you ought to at least tie it to some reforms, and our view is we just ought to say, look, we are not trying to provoke a crisis on June 30; let us give ourselves 90 more days. Maybe some people do not want to work in August, but I will be there, and let us see how much we can get done. If that were acceptable I think we would have a little bit more space and we might actually be able to accomplish more.

Senator DODD. Well, I hope you can, and I obviously prefaced my question by saying that all of us here, certainly on this side of the dais here, strongly support the effort in getting whatever meaningful reforms we can enacted in the United Nations. There is no debate at all, recognizing that we are dealing with a multiplicity of interests at the United Nations and the importance that that institution plays, the critical role it plays in advancing not only its own interests but our interests in many, many places.

There is a correlation between what the United Nations has as its goals and our goals in many places around the world and it is critically important that that organization remain as viable as possible. So we will all be watching.

Let me ask you as well—I mentioned to you I ran into the Ambassador in the corridor a few weeks ago and I shared with him, Mr. Chairman, that I—

Ambassador BOLTON. You did not say which corridor it was, though.

Senator DODD. It was over in the House.

I mentioned to the Ambassador that I had had a brief lunch with the Ambassador from Iran, the U.N. Ambassador from Iran, which I found interesting, Mr. Chairman, and conversing about the obviously ongoing situation that exists here. Do you talk with him or do you have any relationship? Do we have any conversations? Are you authorized, I guess I should ask, to have any conversations with the Iranian Ambassador?

Ambassador BOLTON. No, I am not and so we do not. But my British and French counterparts, obviously, are in touch with him up in New York since they have diplomatic relations.

Senator DODD. Let me ask you. We had just a terrific hearing, I think a week ago, the chairman conducted. We have a lot of good hearings, but this one was particularly pointed because we had a group of people in front of us who represented a rather wide spectrum on political, ideological thinking in the country. The chairman, in fact all of us in one way or another, raised the issue of Iran and where we ought to be moving.

There have been headlines in the paper, recently, about certain initiatives, and to a person—and the chairman will correct me if I am wrong; there were not many of us at that hearing. But as I recall, no one wanted to take the military option off the table. I do not recall them saying that, but they all suggested that probably the most likely avenue of producing the desired results—and that is particularly of convincing the Iranians that a nuclear weapons program is intolerable—was probably pursuing an aggressive, muscular, diplomatic initiative. At least I think that is the conclusion that they all reached, and again I think they represented a pretty wide spectrum.

Are you prepared to share your thinking with us on this at all, or just give us some idea as to what extent is this idea being pursued and discussed? Obviously we are in a public forum and I do not expect you to go into great detail, but I would love to hear your thinking on this, generally, as to how we ought to pursue it and whether or not that option ought to be examined.

Ambassador BOLTON. You mean direct contact with the Iranians?

Senator DODD. Or in the context of an European initiative, however you think is possible. But does it make any sense to you that this is something that we ought to pursue?

Ambassador BOLTON. I think on the subject of the direct negotiations, both Tony Snow at the White House and Sean McCormack at the State Department addressed it yesterday. I do not have anything new or different to say on that score. But Secretary Rice, really beginning with the meeting that she had with her Perm 5 and German counterparts in New York about 2 weeks ago, has been exploring ways to make the alternatives available to Iran very clear, both on the incentive side and the disincentive side.

She is now considering the results of the meeting that was held yesterday in London and I am sure we will be in touch with her

counterparts to see how we proceed down that road. It has been her view that we take a pause from the pursuit of the resolution we were after in New York in order to give this initiative some time, and now that that discussion has been held we will pick up again the resolution on chapter 7 making mandatory on Iran the requirement that it cease its uranium enrichment activity.

That is one track while the incentives and disincentives package proceeds on another track as well. So I think it is actually a very active moment in a variety of diplomatic channels on Iran.

Senator DODD. Again, Mr. Chairman, I thank you for that. It is very, very worthwhile.

A last quick question I have here. I am interested in knowing the rationale for our decision not to seek a seat on the U.N. Commission on—the Human Rights Council. I gather one of the achievements of U.N. reforms, I think, and I certainly read it as such, was the replacement of the discredited Commission with a new Commission. I think that is a significant achievement. We chose not to seek to be a member of the Council and I gather from accounts, at least as I read them—and you can correct them if I read it wrong—that you felt we could have more influence on the Council from the outside than being a member of the Council.

I am curious about that argument. It just seems to me that, given the importance of this and the elevation of the status of this reform, how important it was to us to get the reforms on the Council—there are some who believe that we might not have been able to get the votes to get a seat on the Council, rather than making the decision ourselves to not be on the Council. It seems to me we have a far better chance as a member of the Council to help shape the decisions and the agenda of that Council than being on the sidelines.

I would love to hear you tell me why that is not a viable reason, unless the reason was we did not have the votes. If that is the case, then no matter what the argument is it does not make much sense if we did not have the votes.

Ambassador BOLTON. Well, we never did a vote count, so I do not really know the answer to that. We tried to make a judgment on the merits and the merits convinced us that, although it was a call that required some thinking, that it was better to stay on the outside.

Senator DODD. How could it possibly be better to be on the outside when you are trying to shape such an important forum?

Ambassador BOLTON. The empirical basis for that is the experience we had in 2002 after the United States was defeated for a seat on the Human Rights Commission, when, in fact, in Geneva when the Commission met in 2002 we probably had more influence on the Commission's decisions, in the opinion of those who were monitoring it carefully, because so many countries wanted to convince us to run again the next year and get a seat.

I can tell you from the reporting that we have from our colleagues in our mission in Geneva, who are, today, participating fully in all of the preparatory work for the new Commission, that we, and frankly others that are not members of the new Council as well who want to participate, are taking just as much a role as the countries that actually were elected.

So it was our judgment that—and it may seem counterintuitive, but I think there is a basis for it—that we would have as much, or maybe even more, influence if we did not seek a seat.

Senator DODD. Well, that is an intriguing argument, but I accept it at this point.

Mr. Chairman, thank you very much.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Sarbanes.

**STATEMENT OF HON. PAUL S. SARBANES, U.S. SENATOR FROM MARYLAND**

Senator SARBANES. Thank you very much, Mr. Chairman.

Just to pursue the Human Rights Council for a moment, I think that not enough credit has been given to Ambassador Eliason for what he was able to negotiate with respect to the changes from the Commission to the Council.

For those of us who have to count votes, getting a majority of everyone who is a member of the organization is no small threshold. I think, in fact, when the vote was taken all but a couple of countries would have gotten on even if it was two-thirds of those voting, which was the position you were pushing, if I am not mistaken.

Ambassador BOLTON. It was the Secretary General's position, which we supported.

Senator SARBANES. Which was two-thirds of those voting?

Ambassador BOLTON. Present and voting.

Senator SARBANES. And Eliason got a majority of all of the total membership; is that correct?

Ambassador BOLTON. That is correct; 96.

Senator SARBANES. And am I correct that in the vote that just took place, only a couple of the countries that did get on would not have gotten on under the standard you were supporting; is that correct?

Ambassador BOLTON. I have not, myself, made that count, so I would have to take a look at it.

Senator SARBANES. I think only Azerbaijan and Saudi Arabia passed the majority vote but fell short of gaining two-thirds of those present and voting. The others—China, Cuba, Pakistan, Russia, some of the ones whose human rights performance is questioned—would have qualified even under the other standard, I think.

You have no information to the contrary?

Ambassador BOLTON. As I say, I have not done that calculation. I just cannot respond.

Senator SARBANES. I think it is an interesting calculation to do, as a matter of fact.

I want to ask you about Darfur. We are pressing hard, as I understand it, for a U.N. force to go into Darfur; is that correct?

Ambassador BOLTON. Well, we are trying to do two things. The first is to transition from the existing African Union force in Darfur, which we call AMIS, the African Union Mission in the Sudan, which is not projected to take place for another 6 or perhaps more months. We are certainly working to make that happen earlier.

But second, in whatever period it will take for AMIS to be replaced by—I am sorry to use these acronyms—UNMIS, the U.N. Mission in the Sudan, which is currently in the southern part of the country and whose mandate would be expanded to Darfur, in that, whatever that interim period is, we want to take steps to strengthen the existing AMIS force, which has done a commendable job as far as it has gone, but which does not have the resources and the mobility to provide real security throughout the region.

So I want to stress that we are not simply waiting for 6 months before we can re-hat to a U.N. force, but also looking at ways to strengthen, in effect move forward, the transition to a U.N. force.

Senator SARBANES. I guess my concern is that the U.N. force would require additional undertakings by the United Nations and further budget requirements. Yet, you have put in a budget cap at the United Nations.

Ambassador BOLTON. The budget cap does not affect peacekeeping.

Senator SARBANES. Well, as I understand it, the direct funding of the peacekeeping is done separately, and I want to address where the United States is contributing to that. But I also understand that the U.N.'s general budget authority, which is affected by the cap, does cover the coordinators in the Department of Peacekeeping Operations, which provides support for the peacekeepers. I am told it provides a whole range of logistical support for the peacekeeping efforts. That Office would be affected by the cap and, in fact, might be very severely impinged by it.

So if that is the case—and if it is not in your knowledge bank at the moment, I would hope you would go back and check on it—then we are somewhat at cross-purposes here. We have imposed a cap and yet we are pushing programs which are going to put us in conflict with that cap. Would that not be the case?

Ambassador BOLTON. Well, as I said before you came in, Senator, one of the things we have floated in New York is to extend the effect of the expenditure cap coming into play by 90 days to—and I will not recite all the reasons for it again, but, basically, that would give us more time to try and make more progress on the reform effort and avoid coming to a potential crisis on June 30.

Now, I cannot guarantee, I am sure you understand, that when we get to September 30, things are necessarily going to be better. But this is one of the reasons why we have offered this in New York and we hope that it would get serious consideration.

Senator SARBANES. Well, I understand you want to keep the pressure on. I do think that at some point you have to calculate whether it is going to impede some of these other major goals we have, which are quite significant and substantial to us. Of course, Darfur obviously has attracted a lot of attention in the Congress and across the country and indeed around the world.

On the peacekeeping itself, I understand we are about \$400 million in arrears on U.N. peacekeeping.

Ambassador BOLTON. I suspect in terms of U.N. accounting it is actually more than that, since the bills for peacekeeping assessments come irregularly through the year. They come depending on the mandate renewal times and the rest, and the assessments are

due in U.N. accounting practices 30 days after the bill is presented. Since the authorization of mandates and the consequent billing for peacekeeping do not mesh with the U.S. budget cycle, our arrears are probably technically higher than that. That would be fixed, presumably, by the end of this year when the congressional appropriations process is finished.

Senator SARBANES. In May the administration's request did not provide for full funding for the peacekeeping arrears, regrettably.

Ambassador BOLTON. Well, that is the consequence of difficult budget decisions. But I think the arrears as such—I do not want to play word games with you, but technically in the U.N. system you are deemed to be in arrears if you have not paid your bill 30 days after the assessment is billed to you, whereas, in fact generally speaking, we pay during the same calendar year the assessment comes due, although often toward the end of the year. So that by the time you get to December 31, the arrearages level will actually be much smaller. So I do not know what calculation you are looking at.

Senator SARBANES. Well, I think the calculation I am looking at is pretty conservative in estimating what the arrears are. In other words, it is allowing for the lapse of a substantial period of time, as you pointed out.

Ambassador BOLTON. I think I agree with you on that.

Senator SARBANES. Pardon?

Ambassador BOLTON. I think I agree with you on that.

Senator SARBANES. As you pointed out in your previous answer, actually by the U.N. accounting, the figure is probably much larger. But that includes payments 30 days overdue, and these figures do not. These figures assume a much larger lapse of time before we call them arrears.

I want to ask you about this disarmament commission, of which Iran became vice president; is that right?

Ambassador BOLTON. Yes; that is correct.

Senator SARBANES. Israel also, I think, became a vice president of that commission?

Ambassador BOLTON. That is correct.

Senator SARBANES. Of course we have been trying over the years to enable Israel to play a greater role at the United Nations. Did we object to the Iranian inclusion, call for a vote or do anything to try to block it? Because I understand these decisions and made by acclamation, so if a country does not object, it just happens.

What was the case in this instance?

Ambassador BOLTON. Well, that was a situation that took place in Geneva, so I hate to sound like a bureaucrat, but not exactly in my jurisdiction. My understanding of the nature of that decision was that the Asian group selected Iran as its regional group candidate for one of the vice chairmanships of the CD and that that was, in fact, accepted unanimously, which is the practice that has developed at the United Nations over time; that the regional group picks its representative and that particular country is elected.

Senator SARBANES. Well, Mr. Bravacco, who was our representative at that meeting of the Commission, is he one of your people or one of the State Department's?

Ambassador BOLTON. I do not think I have ever met him. I think he is probably part of the mission in Geneva.

Senator SARBANES. Now, one of the changes that was negotiated with respect to the Human Rights Council, as I understand it, was that the regional groups no longer automatically get to choose a candidate who is automatically accepted as a member of the Council. Candidates must be voted on by the entire membership. Is that correct?

Ambassador BOLTON. Well, that is true, except in this election. For example, Africa, which is allocated 13 seats on the Human Rights Council, only presented 13 candidates. Now, it is true they had to get—each of them had to get over 96 votes. But as it turned out, all 13 were elected. It is not the same as the regional group slate, to be sure. But in this case it had the look of it.

Senator SARBANES. Well, any one of them could have been voted down, though?

Ambassador BOLTON. That is correct.

Senator SARBANES. And then, presumably, the region would then have had to bring someone else forward; is that right?

Ambassador BOLTON. We do not know the answer to that question. I am not trying to duck it. Because we have never had this kind of election before, it was uncertain what would happen.

Senator SARBANES. But would you agree that the election is more open and leaves greater opportunity now for judgment than the previous way that the membership of the Human Rights Commission was being selected?

Ambassador BOLTON. I do not think we fully know the answer to that question because I do not think you can judge on the basis of one election. I think we are going to have to look at this over probably a 2- or 3-year period. In the case, for example, of the Western group there were more candidates than there were seats and, for reasons that surprised a lot of people, Portugal and Greece were two countries that did not get elected. It is very hard to understand why that worked or how it would work in other contexts as well. So I think it is hard to draw conclusions, it is hard to draw definitive conclusions, on the basis of just one election.

Senator SARBANES. Yes; I do not quarrel with that. But I just think that the process is more open to judgment than the process that the Commission had, where as I understand it the selection at the regional level was the end of the selection process.

Ambassador BOLTON. That is correct, and the selection at the regional level still has to be put to a vote; that is correct.

Senator SARBANES. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Sarbanes.  
Senator Feingold.

**STATEMENT OF HON. RUSSELL D. FEINGOLD, U.S. SENATOR  
FROM WISCONSIN**

Senator FEINGOLD. Thank you, Mr. Chairman.

Ambassador Bolton, thank you for coming and talking to us today about an issue that many of us here in the Senate believe is of great importance, and I know that it is at the top of your agenda. I will just make brief remarks because I do have a few questions, but I would like to say a word about how the United Na-

tions, for all its flaws, is important to our own long-term interests. The United States simply cannot go it alone on the array of threats and challenges that confront us in the world today—terrorism, nuclear proliferation, the spread of infectious diseases, armed conflict, genocide, natural disasters on the scale of the Asian tsunami and the earthquake in Pakistan.

Today we are looking to the United Nations to respond to some of the biggest threats to international peace and security, including the nuclear crisis in Iran and the ongoing genocide in Darfur. Far from being irrelevant, the United Nations plays an important part in our national security.

I agree that the United Nations must become more effective and more accountable. We absolutely must ensure that our taxpayer dollars are being spent wisely. We need real reform at the United Nations because we need the United Nations to be an effective institution. So while there are still challenges ahead, there have been successes on this front. Further success will require U.S. leadership and a genuine willingness to work and engage with other nations.

Ambassador, when you were here last October you said that “In addition to management reform, the question of reform of the fundamentally broken U.N. machinery on human rights remains a very high priority for us.” With respect to the new Human Rights Council, I agree that the body was and is a top priority. I also agree with the administration that the new Council is an improvement, as I just indicated, but it still falls short of the mark. What happened? If it was such a priority for us, why were we not more successful in our negotiations?

Ambassador BOLTON. I think it is very regrettable that we did not get as much reform as we were seeking. That was the fundamental reason why we took the very hard decision we did to vote against the resolution creating the new Human Rights Council. I am certainly aware of the criticism we got for that, that we had made the perfect the enemy of the good. But we thought it was important to make it clear that the changes that had been proposed were not as substantial as we wanted and that the real risk, therefore, was that the new council would be different in name only, not that that was going to diminish the intensity of our effort to make it work or diminish our commitment to human rights. But the fact was that in instance after instance after instance changes to the existing Commission had been proposed that in the aggregate we think would have contributed to a fundamentally different outcome from the new Council, were stripped down, cut back, or eliminated.

Senator FEINGOLD. Ambassador, that is the result and I understand that. I am asking you, why did it happen, and at what level were the negotiations conducted, for example? I understand that most member states and, in particular, the so-called spoilers had their ambassadors in the room for basically all of the meetings. Is that accurate?

Ambassador BOLTON. If I could address that question—

Senator FEINGOLD. Please, go ahead.

Ambassador BOLTON [continuing]. The reason I started off on the substance is because I think it is important to understand what happened in the negotiations. Many of the changes that we supported had also been supported at the outset by the Secretary Gen-



eral and by almost all of the European countries. What happened during the course of the negotiations was that the opponents of real change, in our view, the opponents of real change wore down the Europeans and others to the point where in case after case after case positions that we had started out and advocated together, we were left basically alone as others gave in on one issue or another.

The question of how this was negotiated, I think, has been reported by some people who, perhaps, were not familiar with the real substance of it in an accurate way. There were a lot of meetings of the working group of the General Assembly on human rights, where basically people come and read statements. There is not real negotiation going on in the room. People come and read statements.

At the time that most of the negotiations were going on, instead of having its complement of five ambassadors in New York, the United States had two, which made it difficult for us to cover at the ambassadorial level all of the various meetings we needed to cover.

Senator FEINGOLD. So this wearing down occurred some times when we were sort of undermanned?

Ambassador BOLTON. Well, in part, but it occurred. The point I was trying to make was that the real negotiations take place behind the scenes and who is sitting in a room at any given time while people are reading prepared statements is not really a measure of the level of effort that we were undertaking, even though we were undermanned.

Senator FEINGOLD. Were you personally present in negotiating meetings from the time when they began?

Ambassador BOLTON. Absolutely.

Senator FEINGOLD. So were you in these meetings where these efforts were being made by the so-called spoilers?

Ambassador BOLTON. Where the real negotiations were taking place, I was frequently there; that is right. I was often not there at meetings where people were sitting around and reading statements, where no negotiations were taking place.

Senator FEINGOLD. But in these meetings where the real concessions were made that we did not like, you were present? It sounds like we sort of got taken to the cleaners.

Ambassador BOLTON. Sad to say, many of the concessions were not made in negotiating sessions. They were made within decision-making mechanisms in the European Union and other places where the decision was made not to stick with the going-in position.

Senator FEINGOLD. And in the end how many countries voted with our position?

Ambassador BOLTON. A total of four voted with us.

Senator FEINGOLD. You discussed the recent vote by the G-77 rejecting much of the Secretary General's reform proposals. You noted that it is very unusual for budget matters to be voted on. Typically, I understand that they are done by consensus. Can you comment on how we got to this confrontational situation? Was this the first time that this consensus rule was broken?

Ambassador BOLTON. No, and I think it is important to understand where the consensus practice came from. In the early and mid-1980s and before that, decisions in the Fifth Committee were typically taken by majority vote, by vote of one kind or another. In the course of the early 1980s and the mid-1980s the voting against the United States position became a routine kind of event and the United States lost votes on budget matters by overwhelming majorities.

One reaction to that took place in Congress when Congress decided to begin withholding the U.S. assessed contributions. So, recognizing the effect that had on the organization, the Fifth Committee of the General Assembly instituted consensus-based budget decisions, so that the views of all of the members could be taken into account. That position, that practice of consensus-based budgeting, took place basically during most of the next 20-year period.

The circumstances dealing with this resolution were that the Fifth Committee was considering a variety of statements that had been made in their deliberation over the Secretary General's report "Investing in the United Nations," which was the report the Secretary General made on management reform, when very unexpectedly, I think not just to us but to most other non-G-77 countries, the G-77 put forward the text of a resolution that essentially eliminated the prospects for some of the Secretary General's recommendations and dramatically diminished the prospects for most of the rest, and they pressed for this resolution to be adopted, and they said it was a kind of theater in the Fifth Committee.

They would say: We ask that the motion be adopted by consensus. So the presidency of the European Union would raise his hand and say: There is not a consensus on it. Japan would say: There is not a consensus. We would say: There is not a consensus. It was clear there was not consensus.

Now, in a typical——

Senator FEINGOLD. When did these events occur, do you remember?

Ambassador BOLTON. This was a couple weeks ago. I would have to get you the exact dates.

Senator FEINGOLD. So the consensus was broken in this situation?

Ambassador BOLTON. There was no question there was no consensus.

Senator FEINGOLD. This was not the first time that the consensus situation had been broken in the past. Is it not true that the United States first broke this pattern back in December? Did we not do it first?

Ambassador BOLTON. No. Let me go back to the mid-1980s. At that time there was the Kassebaum-Solomon legislation that provided—I am testing my memory here, but basically said that if budget decisions were not adopted by consensus that there would be consequent withholdings. I do not recall the specifics of it.

But the effort to achieve a consensus-based formula was one that was basically motivated by a desire to keep the United States involved. There have been various instances where consensus was not obtained, but this was the, I think, listening to the statements of representatives of the EU countries and many others, including

some in the G-77, the biggest breach of that precedent in the 20-year history of the practice.

Senator FEINGOLD. Did we not breach it in December, though?

Ambassador BOLTON. On what matter?

Senator FEINGOLD. I understand there was a matter in December where we objected and there was not a consensus.

Ambassador BOLTON. Well, there are often not consensus decisions on a range of issues. This is the Fifth Committee. If you give me the specifics I would be delighted to try and respond.

Senator FEINGOLD. I will submit you something, if we could, to try and get a more specific response on that.

Obviously, I think we should all be doing all we can to avoid the scenario of the U.N. shutting its doors in June. What diplomatic activities are you engaged in personally in New York with others at the United Nations to convince agencies to follow through on these reforms? Is Secretary Rice pressing the issue in bilateral negotiations with her counterparts abroad, and how do you plan to reach out to the G-77 members?

Ambassador BOLTON. Well, Secretary Rice is certainly personally involved in discussing this with many of her counterparts, and I laid out before you came in a series of things we are doing, including the offer that we have made, the suggestion that we have made, to defer the coming into effect of the budget cap for 90 days.

We would have to say at this point on management review and on the mandate review that we have not achieved any measurable progress on reform. So to avoid having the expenditure cap kick in at a point where an honest answer to the question, how much management reform have you got, would be pretty close to zero. We have suggested just moving it back 90 days, moving it 90 days to the right, to allow more discussions to continue.

But I can tell you that within the mission, within the State Department, at our embassies around the world, there is a huge amount of activity going on to try and make these reforms successful. That is the mandate that the President and the Secretary have given us and that is what we would like to try and see have happen.

Senator FEINGOLD. Thank you, Ambassador.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Feingold.

We are going to have a vote very shortly. I will go and vote. I will put the chair in the hands of Senator Voinovich, who will have an opportunity to raise a question and recognize Senator Sarbanes, who may have a question. Then I will be back, in the event that others have questions, to conclude the hearing.

Senator VOINOVICH. In other words, if no one is here I will just adjourn the meeting?

The CHAIRMAN. Correct.

Senator VOINOVICH [presiding]. OK. Thank you, Mr. Chairman.

I mentioned to you in my first round of questionings the issue of Christian Burnham, Under Secretary for Management. On page 12 of your testimony you go into the arrangements, with quotes from David Walker, "U.N. funding arrangements constrain OIOS's ability to operate independently, as mandated by the General As-

sembly and required by international auditing standards OIOS has adopted.”

How much of the reform—how much do the reforms have to do with what Burnham’s doing? In other words, is he able to do anything? Or does this vote by the Fifth Committee and then by the General Assembly, has that stopped him from doing things that he talked to me about when I was there?

Ambassador BOLTON. He is continuing on a variety of the things he is trying to do, and he has run into enormous criticism, I have to say. My job is not easy; his job is even harder. He has undertaken very substantial work to reform the procurement practices of the United Nations, including suspending without pay, I think it is now 8, 10 employees of the procurement operation, while investigation continues both internally in the United Nations and in law enforcement channels as well.

There are a range of activities that we think the Secretary General currently has authority to do and we have encouraged the Secretary General to proceed to make the changes that he can make. One of the consequences of the G-77 resolution we have been talking about, what we think was to brush back the Secretary General, to make him more hesitant to proceed, and we have certainly urged that he not be deterred by that, because there are significant steps that the Secretary General can take within the existing authorities and I think moving in a variety of fields in the accounting and auditing field, for example, in strengthening the whistleblower protection operation and the ethics office.

Many people in the U.N. system are not familiar, for example, with whistleblower protection and they are uncertain what it means. If you come forward are you really protected, because it is new to that culture. So there are a lot of things that Burnham is doing in particular to try and follow through on the implementation of these steps, but also steps the Secretary General, himself, can take, which we hope he will.

Senator VOINOVICH. I would like to know what steps he can be taking and what Burnham is doing, just to get an idea of the fact that we are moving the ball down the field in this regard and how the vote on the reforms is hurting us. You mentioned, in terms of the mandates—and we have got this JUSKCANZ group working with you—the deal-breaker with that one is how far do they go back? If we lose that one then we have lost the mandates thing, so that is the big one, right?

Ambassador BOLTON. That is correct, and that has not been addressed in the General Assembly review yet.

Senator VOINOVICH. I would like to comment, too, that somebody talked about the Human Rights Council. I contacted several embassies, EU embassies. I think what happened was Eliason worked with the European Union and they compromised and we were out, we lost, as distinguished from the fact that JUSKCANZ is moving on helping you with the mandates, correct?

Ambassador BOLTON. That is correct.

Senator VOINOVICH. On the reforms, have you identified deal-breakers on the reforms? In other words, what are the key things in the reform area where you really think we need to have it if we

are going to go forward? Do you know what those are? Can you share with us?

Ambassador BOLTON. I will provide to the committee the list of 20-some specific clusters of mandates that the JUSKCANZ group has agreed to as their priorities. But as I said earlier, we have tried to avoid saying we have to have X or Y or Z and if we do not have that the expenditure cap will come into play, in an effort to show flexibility, that these are the areas where we want to proceed.

I think the one thing—

Senator VOINOVICH. Is the JUSKCANZ group helping you on the reforms, too?

Ambassador BOLTON. Yes. Absolutely.

Senator VOINOVICH. So you guys are together on both the reforms and the mandate?

Ambassador BOLTON. Yes. We have got this list of, I think, it is 22 mandates that we are all in agreement on. We have additional ones we would like to see and different other members have different ones. But these are the ones all of us have agreed on.

I think the one area where I do not see room for compromise is we have to have a road ahead after June 30. In other words, we have to have some agreed-upon process by which we are going to address the mandates that we are clearly not going to have time to address by June 30.

As I said earlier, nobody ever believed we would finish everything by June 30 and we do not expect that. But what we do expect is that we will say we will get done as much as we are going to get done and then we have got a concrete agreement on how we are going to review what else is out there. If we do not have that agreement, I am worried that we go back to business as usual and that the reform process is over. So that way ahead is important, specifically this year, but it is also important to establish what Secretary Rice wanted, the lasting revolution of reform. That kind of mechanism has to be put in place.

Senator VOINOVICH. So what you are saying is that you have identified areas that are key and the team is communicating to them, but there is a point where, first of all, you want a procedure in place to show that they are going to be getting together and that they are not going to take a vacation and that you will not see them again until September. So that is one thing that you think is fundamental?

Ambassador BOLTON. That is correct.

Senator VOINOVICH. And we will find that out pretty quick, right?

Ambassador BOLTON. I think that is right.

Senator VOINOVICH. No. 2, there is a pretty clear consensus about three or four things among the group that you need to be really talking about that should be resolved, and you have a pretty good idea about where you stand in terms of that by the 30th of September?

Ambassador BOLTON. Well, if we get the extension, as I said, if we move that to the right by 90 days, that would give us more time.

Senator VOINOVICH. What I am pointing out is, in terms of things like how far do you go back in the mandates, you are going to have

a pretty good idea on the three or four things, top things that you have agreed upon, by September as to where these folks stand.

Ambassador BOLTON. We are going to need to have that, right.

Senator VOINOVICH. The question is, How much help are you going to be getting? Are there any odd men out in the G-77? Do you have any people that you are talking to that have said, gee, we think these reforms should go forward? I don't know, like somebody said, hiring and firing, that the guy will not have the authority to fire people like that, but that they will put a procedure in place that if somebody is going to be fired they have to go through a certain committee or some darn thing. But there are areas you think that some compromise can be made in the areas where they seem to be giving us the biggest problem?

Ambassador BOLTON. What we are trying to do there is in discussions within the G-77 to try to find countries that are willing to agree with the argument that these reforms are basically in the interest of the whole organization, and there is resistance within the G-77 to breaking up into pieces. As I said earlier, their whip organization is very strong. Even though many of the moderate G-77 countries tell us that they fully support the reform idea, they say: We cannot stand up in the G-77 meetings and make it look like we are opposing the leadership.

This is a sociological, political problem in New York that has been around for years and years and years. But finding a way through that I think is going to be critical to getting a successful outcome on reform. It is a major subject for us.

Senator VOINOVICH. Is there anything that we can do to help you?

Ambassador BOLTON. Well, I continue to believe that if I could coax more Senators and Representatives to New York to sit down with not only the G-77, but with other countries, because I do think—I think this came up in my confirmation hearings last year—there is bipartisan support for reform. And I think when they hear it—they can hear it from me day in and day out. When they hear it from people who are actually elected by real American citizens, it does have an influence. So I would welcome the help.

I know what you and other Senators did in terms of talking to ambassadors here in Washington to impress on them the seriousness with which Congress takes this effort is another positive contribution.

Senator VOINOVICH. Senator Coleman and I are going to be at the NATO meeting this weekend and we have talked about drafting up something where we can start talking to some of our colleagues there that are on this list of the top dues-payers, to see if they might do something simultaneously with us and their respective Parliaments.

Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

To what extent do you feel you are undercut in advancing positions at the United Nations because of the U.S. arrearages in making various payments to the United Nations? In other words, do they say, well, that is fine for you to say, but you are not paying up your membership requirements?

Ambassador BOLTON. Well, I think it is an issue that is raised frequently, particularly by G-77 countries. There is a little mantra they have about countries paying in full and on time. So at the rhetorical level I think there is no question but that it is a factor.

But if you are asking for a concrete political judgment, I do not think it has any impact.

Senator SARBANES. In percentage terms, I looked at a table that said we were 60 to 70 percent of the arrearages—are U.S. arrearages at the United Nations. Is that correct? Is it that predominant?

Ambassador BOLTON. Again, Senator, if I could see the table I would respond to it, because it depends on how you are defining the arrearages, as we discussed earlier.

Senator SARBANES. Well, no matter how you define them, that is probably a fairly accurate situation, is it not?

Ambassador BOLTON. In dollar terms, there is no doubt we have the largest arrearages. Where it stands in percentage terms, as I say, it depends at what moment in the year you are talking about.

Senator SARBANES. Now, I am concerned that I understand as a bargaining tactic you sort of hang tough, but I am also concerned about what it does if you do not recognize the things that have been accomplished as you move forward. Now, your perception I gather is that the Human Rights Council is a change that did not amount to much. I differ with that perception. I thought they amounted to something and they opened up some very real possibilities, as I indicated earlier in our discussion.

This JUSKCANZ group that you now have pushing for reforms, how many of them were with you on the position on the Human Rights Council?

Ambassador BOLTON. All of the other members of the JUSKCANZ, which is a pretty loose group, all of them voted in favor.

Senator SARBANES. Voted in favor.

Ambassador BOLTON. We did not discuss that with the JUSKCANZ.

Senator SARBANES. But none of us were with us—none of them? The group you are now in pushing reform, none of them were with us on that issue, is that right?

Ambassador BOLTON. Well, they were at the beginning on many of the points. In the end they voted in favor of the resolution.

Senator SARBANES. I know, but you do not get everything you want in any negotiation, I do not think.

Let me ask you, because I am interested in the sort of view that nothing has been achieved. Sometimes it helps if you provide some encouragement as well as some condemnation as you are trying to move forward on a reform agenda if things get done that amount to something. Now, Burnham apparently has said that the whistleblower protection policy is the strongest of any international organization. Would you agree with that?

Ambassador BOLTON. I think that is probably right.

Senator SARBANES. You think it is right?

Ambassador BOLTON. Probably right.

Senator SARBANES. Well, that is an accomplishment, would you not say?

Ambassador BOLTON. Sure.

Senator SARBANES. Now you need to implement it, obviously.

Ambassador BOLTON. Absolutely.

Senator SARBANES. But as a policy it is a substantial step, is it not?

Ambassador BOLTON. It is a very important step for the organization.

Senator SARBANES. Now, have they created an ethics office and sought to improve ethics training?

Ambassador BOLTON. They have.

Senator SARBANES. Do you regard that as amounting to something?

Ambassador BOLTON. I think that is a good first step.

Senator SARBANES. What about the financial disclosure policy in an effort to get more transparency and improved oversight? Has that been strengthened?

Ambassador BOLTON. I think the policy is an excellent idea.

Senator SARBANES. I understand that they have set up an independent oversight advisory committee.

Ambassador BOLTON. They have, but that is a pale version of what Paul Volcker recommended.

Senator SARBANES. And when you say that then, are you just sort of dismissing it?

Ambassador BOLTON. No. It is a first step, but Chairman Volcker was very disappointed, I can tell you.

Senator SARBANES. Was it the Chinese who said the journey of a thousand miles begins with a single step?

Ambassador BOLTON. They may have.

Senator SARBANES. I think when we went to the Moon we said something like that, or our astronauts: One small step for mankind.

Is the United Nations undertaking an independent external review of its oversight system?

Ambassador BOLTON. It was directed to do so by the outcome document, but I am not aware of specific steps that have been taken to implement that. I would have to check on that further. I am not aware of that.

Senator SARBANES. If specific steps had been taken, would you regard that as amounting to something?

Ambassador BOLTON. It would amount to something.

Senator SARBANES. Has a peace-building commission been created?

Ambassador BOLTON. Yes; it has.

Senator SARBANES. Approved by the General Assembly?

Ambassador BOLTON. Yes; it has.

Senator SARBANES. Was that one of our major reform objectives prior to the world leaders summit?

Ambassador BOLTON. It was an objective. The real question is how it performs in operation and whether it comes into conflict with the Security Council.

Senator SARBANES. How far do you think it gets us if these things are done—and some of them, they are being implemented fairly well, apparently; on others there is a question of the implementation. Now, if you sort of denigrate or downplay the policy



change do you think that is going to help further effective implementation or hinder effective implementation of the policy?

Ambassador BOLTON. I do not think I have denigrated them. I think the testimony makes that clear.

Senator SARBANES. Well, here today. But I think generally speaking, these things—earlier you made some comment to the effect that you did not think any of this really amounted to anything.

Ambassador BOLTON. No, what I think I said was in the area of management reform and mandate review stemming from the Secretary General's recommendations in "Investing in the United Nations," his March report, and in the mandate review ordered by the outcome document of the September summit, we have not achieved any management reform and we have not accomplished any change in the mandates.

Senator SARBANES. Well, I would suggest to you that sometimes a carrot as well as a stick are helpful in bringing about change. If the United States, which after all is a significant actor, says nothing is good enough, nothing has been done, we are not really getting anywhere, it seems to be—it is in your opening statement: "To be frank, the overall results have not been particularly encouraging."

Ambassador BOLTON. I think that is a fair statement.

Senator SARBANES. "And there has been some movement, but no real notable success so far." Well, some of these items represent a notable success, don't they?

Ambassador BOLTON. I think much remains to be seen. I think when you change the policy that is a step forward. Whether the policy gets implemented or not, I do not know. Let me give you a specific example—

Senator SARBANES. Do you not think you should in some way encourage that?

Ambassador BOLTON. I think we have.

Senator SARBANES. I would hate for you to be the coach of an athletic team, because it seems to me you would be berating the players all the time, even when one or another of them may have really done a pretty good job or turned in a pretty good play.

I understand you sort of mix these things, and trying to bring about change is not easy to do, as has been pointed out, particularly with an organization that has been sort of set in its ways for a very long period of time. This role of the constant scold I am not sure is the best way toward change.

Ambassador BOLTON. Well, I do not think that is the role we are fulfilling. But Joseph Schumpeter, the economist, once said that one of the advantages of capitalism was that it brought a gale of creative destruction because of the impact of competition and market forces. In terms of the revolution of reform in New York, it would be nice to have a little bit more of a stiff breeze.

Senator SARBANES. We deal here in an environment which in some ways I think is not altogether different from the environment you have to deal with up there, and I think I can safely say to you that if we went at it from the point of view of creative destructionism I do not think we would get very far.

With that, I thank the chairman.

Senator VOINOVICH. Thank you, Senator Sarbanes.

I will just conclude by saying that I was impressed with your testimony this morning, Mr. Bolton. I think that the multilateral approach that you are taking in working with other countries is one that is well taken. I know you tried with the European Union and you were not successful. The President of the General Assembly was pretty effective with some of his friends.

But the fact that you have got the team together on these other two areas I think is very, very important, and I suggest you stay with that. Let us do it together. Let us not be unilateral. I think that is what Secretary Rice has done with her coming on as Secretary of State. The word is getting out that we are working with other people.

I was at the German Marshall meeting in Brussels that was held on trans-Atlantic relationships and I was impressed with the receptivity that the European Union had toward the United States and the very positive words that Mr. Solana had to say. In fact, some thought he was a little bit too positive.

We will be in NATO—the NATO meeting in France coming up—and we will have a chance to see the relationship there. Several years ago it was not very good.

So I just say keep going, working with other people, particularly I think with the Japanese, because next to us they are the ones that are putting more money in than any other country. Also, following up on Senator Sarbanes' comments, give us the best information you can about the progress that has been made. I am particularly concerned about Mr. Burnham and where he is going, and Kofi Annan. Maybe we could encourage him to stay in there and get it done. This is his last hurrah and what a wonderful legacy if he could just do administratively whatever he can, understanding that some of the other stuff may take some time.

Thank you very much for coming today.

Ambassador BOLTON. Thank you. Could I just say one word before you adjourn? On the European Union, we certainly are not going to give up on them at all, particularly because if you look at Germany, Britain, France, Italy, these are some of the contributors ranking right behind the United States and Japan in terms of the size of their contribution. So I think continuing the efforts with them is an important priority.

Senator VOINOVICH. Well, I understand that. What I am saying is that we lost them on the Human Rights Council because they agreed to do something else. The positive thing is that they are with you on these other two areas, and that is great.

Ambassador BOLTON. Yes, and it is going to require work to keep that together. We are engaged in that. I think this NATO meeting is a good chance to talk to a number of key contributors that would be quite helpful.

Senator VOINOVICH. Thanks very much.

Ambassador BOLTON. Thank you.

Senator VOINOVICH. The meeting is adjourned.

[Whereupon, at 11:57 a.m., the committee was adjourned.]

ADDITIONAL STATEMENT AND QUESTIONS AND ANSWERS SUBMITTED  
FOR THE RECORD

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

Mr. Chairman, thank you for calling this hearing on United Nations reform. This is the committee's third hearing on the topic since last July, when we heard from Speaker Gingrich and Senator Mitchell. A lot has happened since then, and I appreciate your leadership in continuing to focus on this issue.

We have a lot on the agenda at the United Nations. Darfur is at the top on the list. Ambassador Bolton, I'd like to commend you for helping secure a vote in the Security Council to send U.N. peacekeepers to Darfur. That was an important step, but we have a long way to go. Reports are that it could take a year or longer to get the United Nations to take over the African Union mission. The people of Darfur don't have a year; they are dying every day, every hour. I'll be interested to hear what can be done, and what you are doing, to accelerate this process.

We all agree that the United Nations needs reform—lots of it—particularly in the areas of management, budget, and personnel. The changes that resulted from the Helms-Biden legislation in the late 1990s were significant, but more needs to be done so that the United Nations can be more effective at the critical work it does.

And more has been done. I am encouraged by the progress that has been made since U.N. members endorsed a long list of reforms at last fall's High Level Summit. The Secretary General and member states have followed through by creating an ethics office, implementing a whistleblower policy, issuing a new financial disclosure policy, and forming an Independent Oversight Advisory Committee.

Secretary General Annan also released a report in March which outlined recommendations for a more efficient and cost-effective Secretariat and made recommendations on a staff buyout and on reviewing outdated mandates. The United Nations needs to clean house on underperforming and duplicative positions and programs.

So far, so good. But I am confused about the U.S. approach to two major reform efforts, and the results of them.

First, I am disappointed that the creation of the Human Rights Council to replace the Human Rights Commission fell short of the mark. It is an improvement over the old Commission, but is not what it should be. What I don't understand is how we got there.

It was a heavy lift, but not beyond our ability. Why did we fail to achieve our objectives? Did we make it a top priority? Did we allocate the diplomatic resources necessary to make it happen? For example, did the Ambassador or his top deputy attend the negotiating sessions on the Council? My understanding is that they were a no-show at most of them, and that we were represented by a lower level official.

Then, having failed to get the Council we wanted, we chose not to run for a seat—a serious mistake, in my view, because we will be absent at the formation of the Council during the important first year of its existence.

Second, I am concerned about negotiations surrounding the U.N. budget, and what I understand to be a potential train wreck.

In the middle of June, the United Nations will run out of money due to the approval last January of a 6-month cap on the Secretary General's spending authority—rather than the adoption of the regular 2-year budget. This interim budget was agreed to after the United States threatened to veto a 2-year budget unless it was linked to U.N. reforms.

I understand the tactic of linking budgets to reform. We have done it here, and we did it in the Helms-Biden legislation. What I don't understand is this—what is our strategy for the coming weeks? Have we made our objectives clear to the other member states? Have we set forth our redlines? In other words, having linked the budget to reform, have we made clear what reforms we expect?

At a recent hearing in the House, Mr. Ambassador, you said that one reason the G-77 members were opposed to the reform agenda is that they are concerned "because the exact dimensions of our reform efforts are not entirely clear." How can that be? Do we not have a specific list of reform objectives—and have we not communicated these objectives to the other member states during the last 6 months?

Our handling of these two issues thus far does not appear to have improved our position in New York. I certainly hope that we are not approaching an impasse on reform efforts. But I do wonder why we haven't been more successful in creating cohesion among member states, particularly among our longstanding allies.

Reform is tough, even when things are going well for the United States in the diplomatic arena. In order to succeed, we need a full-court diplomatic press. I don't

see much evidence of that, and I am not convinced that we are surrounded by much goodwill as negotiations go forward.

So I look forward to hearing from the Ambassador about his plan for success.

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RESPONSES OF AMBASSADOR JOHN BOLTON TO QUESTIONS FROM SENATOR JOSEPH R. BIDEN, JR.

*Question.* In your testimony before the Foreign Relations Committee in October 2005, you said that “In addition to management reform, the question of reform of the fundamentally broken U.N. machinery on human rights remains a very high priority for us.” I am concerned about press reports that the United States sent confusing messages during the negotiations to establish the Human Rights Council, and was not fully engaged in the process (for example, “U.S. Seen as Failing To Engage in U.N. Process,” Los Angeles Times, March 18, 2006).

- (a) When did negotiating meetings begin? How many were held?
- (b) At what level were negotiations for the Human Rights Council conducted? What proportion of member states had Permanent Representatives negotiating in the meetings?
- (c) Were you present in negotiating meetings from the time that they began? If not, when did you enter the negotiations? In how many negotiating meetings did you participate?
- (d) In your final meeting with General Assembly President Eliasson before the draft text of the Human Rights Council resolution was presented, what did you outline as the U.S. top priorities? Did you indicate that the two-thirds voting criteria for membership was a redline?

*Answer.*

(a) The negotiations began on October 11.

(b) We were represented at the more than 1,000 hours of negotiations by various senior-level officials, including senior-level experts from USUN, a Deputy Assistant Secretary from State Department, IO Assistant Secretary, Kristen Silverberg, and USUN’s Deputy Permanent Representative, Ambassador Alejandro Wolff.

(c) I was always involved closely in the negotiating process, starting with a hard fought initiative to include in the World Summit Outcome Document a commitment to strengthen the U.N. human rights machinery and create a Human Rights Council (paragraphs 157–160), which I negotiated. From that point forward, we faced significant obstacles from a strong contingent of states that lack a genuine commitment to the protection and promotion of human rights. The United States played an active role in overcoming hardcore obstructions and keeping negotiations alive and on track. Throughout this process and up until the day of adoption, we continued to particularly press for basic measures to try to ensure a credible membership.

(d) Our suggestion that candidates for the HRC present an open letter to the General Assembly President outlining their interest, qualifications, and commitments/pledges to improve human rights was accepted and proved to be a useful mechanism in the first HRC elections. Throughout the negotiating process and in final meetings, including the last meeting with President Eliasson, we stressed the need for sufficient tangible measures to improve the quality of membership. This core position had been explained to President Eliasson many times in New York, as well as in meetings with Secretary Rice and other high-level officials in Washington. We asserted that gross abusers of human rights, including countries which are under Security Council sanction for human rights abuses or terrorism, pursuant to articles 41 and 42 of the U.N. Charter, be ineligible to serve on the Council. That fundamental proposal was intended to urge the international community to draw a line beyond which certain human rights practices would fall so short of minimal standards that that country should not be a member of the Council. It stands to reason that any government deemed to pose a threat to peace and security for human rights abuses should be disqualified. The other core U.S. position—a requirement HRC members be elected by a majority of two-thirds of those voting and present in the General Assembly—was also intended to ensure that the new body included adequate safeguards to keep repressive states off the Council. We advocated consistently for both these measures in order to ensure that the HRC would be truly effective. These negotiations were a unique opportunity to do better than before and to achieve new levels of credibility and efficiency to protect and institutionalize the rights of the world’s vulnerable populations. The United States will continue to engage with the Council to try to safeguard and expand human rights around the world.

*Question.* The United Nations biannual budget contains a \$950 million limitation on the Secretariat's spending authority—which means that the United Nations will not have the authority to spend money after June 30 unless the U.N. Budget Committee acts. The United States pushed for spending to be capped, contingent on progress being made in implementing management and budget reforms.

In recent testimony before the House Committee on Government Reform, you said that “the exact dimensions of our reform efforts are not entirely clear.”

- Can you explain this statement?
- Does the administration have a list of specific reform objectives to be met in order to support lifting the spending cap in June? (Or in September, if the cap is extended by 90 days?)
- Did we put forth a list in January, including redlines, as a basis for negotiations when we pushed for the budget cap? If not, why?

*Answer.* At the time of this testimony, the General Assembly had voted to reject many of the reforms proposed by the Secretary General, as outlined in A/60/692, “Investing in the United Nations: for a Stronger Organization Worldwide.” Because it was unclear how the Secretary General would respond to this resolution, the exact dimensions of the proposed reforms at that point were also unclear. As I stated in this testimony, member states were awaiting the Secretariat's further reports on the reform proposals that were to outline the exact dimensions of the reforms contemplated by the Secretariat. The G-77 did state that one of the reasons for their refusal to agree to the terms of the Secretary General's reform proposals was that they could not make an informed judgment until the exact dimensions of the reform proposals were clarified by the Secretariat.

The General Assembly agreed, by consensus, to lift the spending cap on June 30, 2006. The United States, Japan, Australia, and Canada disassociated from the consensus because no additional reforms had yet been adopted to justify this action. In the weeks and months leading up to the lifting of the cap, the United States sought to identify particular reforms that it believed could be enacted before the time came to lift the cap. The United States identified reforms in three key areas, or buckets, where we believed it was possible to reach consensus: Modernizing the Secretariat; improving oversight, accountability and governance, and mandate review. The United States circulated a nonpaper to all member states outlining these areas of reform. In order to show flexibility and compromise the United States indicated that it considered it important to obtain progress in each of the key areas, but did not define any one particular item that had to be achieved prior to lifting the cap. The United States emphasized that it would look to the overall results across the three areas in judging progress sufficient to lift the cap. The General Assembly failed to reach consensus on any of these reforms before the cap was lifted. One week after lifting the cap, the General Assembly reached consensus on a resolution adopting certain reforms, including among others, agreement to replace the current information technology system with an improved information and communication technology infrastructure, approval of international public sector accounting standards, and expanded discretionary authority for the Secretary General with regard to the budget. The United States joined in consensus on a resolution adopting these limited reforms.

The United States specifically referred to the reforms outlined in the Outcome Document adopted by world leaders in the October summit as the basis for its negotiations pending more specific follow-on reform proposals that were then being prepared by the Secretariat (pursuant to the Outcome Document). The first installment of the Secretary General's follow-on reform proposals came in A/60/692, “Investing in the United Nations: for a Stronger Organization Worldwide” and was not made public until March.

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RESPONSE OF AMBASSADOR JOHN BOLTON TO A QUESTION BY SENATOR GEORGE ALLEN

*Question.* In July, I understand the United Nations will, once again, meet to discuss the illicit trafficking in small arms and light weapons. I would hope you will, once again, play a leading role in rejecting any measures that would restrict or impede the ability of U.S. firearm manufacturers, who are already subject to stringent export regulations, to produce and market their products. Does the U.S. position remain the same as it was in 2001 when you addressed this U.N. conference?

*Answer.* The U.S. position on key issues remains the same as at the 2001 U.N. conference. That is, at the June 26–July 7 U.N. Review Conference on Small Arms and Light Weapons, the United States will oppose: (1) Any efforts that call for re-

restrictions on the legal trade and possession of firearms; (2) inclusion of ammunition in any outcome document; or (3) any effort to impose a blanket ban on transfers to nonstate actors. I will work closely with the U.S. delegation, led by Under Secretary, Robert Joseph, to advance and protect U.S. interests.

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RESPONSES OF AMBASSADOR JOHN BOLTON TO QUESTIONS BY SENATOR MEL MARTINEZ

*Question.* How can the new U.N. Human Rights Council avoid the same problems that plagued the previous U.N. Commission on Human Rights?

*Answer.* The Council could avoid the problems of its predecessor by focusing its time and resources on civil and political rights rather than so-called economic rights, in-country technical assistance and advisory services wherever needed, implementation of existing human rights instruments rather than creation of new ones, and situations involving mass, flagrant, and systematic human rights violations perpetrated by governments.

We've been concerned by early actions of the Council including anti-Israel measures, and the adoption of two new international instruments that the United States considers flawed (on enforced disappearances and on enforcing economic rights).

Nonetheless, we will continue to work hard as a nonmember of the Council with democratic allies to urge effective action at the Council.

*Question.* What are the ideal membership requirements for States seeking inclusion on the Human Rights Council? Can these requirements be enacted under the current Human Rights Council framework?

*Answer.* Ideally, every member of the Council would have a firm and demonstrated commitment to the protection and promotion of human rights. Regrettably, U.S. calls for more stringent standards for elections were not adopted. We had called for a class of rank abusers to be disqualified from running such as states under U.N. Security Council sanctions for human rights abuses or sponsorship of terrorism, and a two-thirds voting requirement in elections for the Council in the UNGA.

In recent years, U.S. representatives have consistently made clear our view that the U.N.'s principal human rights body could only improve if its composition improved, since the now-defunct Commission on Human Rights was comprised of roughly 35 percent serious human rights violators. Consequently, the United States voted against the U.N. General Assembly resolution establishing the Council on March 15, 2006, because there was little or no chance of a substantial improvement in membership.

Perhaps, as a result of the requirement that Council members be individually elected in a secret ballot, a slight improvement in composition (compared to the Commission) has been achieved in the Council, with Iran and Venezuela defeated and some recent Commission members such as Sudan and Zimbabwe not running. However, the repressive Government of Cuba was easily elected.

*Question.* With an increase in its budget and a mandate to meet more often and be more proactive, do you think there is potential for positive results from the new Human Rights Council?

*Answer.* We have been concerned and discouraged by the Council's early decisions. However, crucial upcoming tests are whether the Council will adopt country-specific resolutions on critical cases like Sudan, Cuba, North Korea, and Burma; maintain the civil and political rights mandates along with the economic rights mandates favored by developing countries; eliminate the wasteful Human Rights Subcommission; concentrate on practical technical assistance and advisory services; and establish a useful approach to "Universal Periodic Review" of U.N. members concerning human rights performance. We will assess the situation over the next few months.

*Question.* Can you provide some insight into the dynamics that led to the election of some of the countries that much of the world considers poor examples of governments that respect human rights? Should it be seen as a protest of some kind? Will the composition of the Council adversely affect the decisions that it will have to make? Since the new rules allow suspension of member states that commit ". . . gross, systemic human rights violations," is it likely that some of these nations now on the Council with poor human rights records could be looked at for suspension?

*Answer.* Countries with poor human rights records frequently engage in hard-nosed campaigning involving vote trading, reciprocal promises of support, and threats of withheld aid and favors.

Nations on the Council such as Cuba should be looked at for suspension, although the rules for suspension make such a decision unlikely.

*Question.* What does the developing world stand to gain by blocking U.N. reform? What is the outlook on passing these reforms in the near term (3–6 months)?

Answer. We believe that the developing nations have much to lose by opposing U.N. reform. The G–77 is resisting several efforts that would overhaul or streamline basic managerial structures and practices and improve the Secretariat's overall effectiveness. These reforms are critical to ensuring that the United Nations is fully equipped to carry out its important work in the areas of peace and security, human rights and democracy, and development.

One reason why the G–77 is resisting these efforts is due to their concern that reforms such as empowering the Secretary General in his capacity as Chief Administrative Officer of the United Nations would cede authority from the General Assembly. They also may be concerned that proposals to outsource some administrative functions would cut U.N. jobs currently held by their nationals.

Nevertheless, the United States will continue to press for significant management reforms, even though we acknowledge it will be an uphill battle. We have engaged the G–77 directly on the details of our reform proposals and gained agreement in several areas, including a fully operational ethics office, improved financial management practices, and greater public access to U.N. records. In the short term, we are also trying to reach an initial agreement on the review of program mandates. And in September, we will push for oversight reforms, which are critical to restoring the U.N.'s credibility and reputation.

*Question.* I commend your efforts to reach out to the G–77 nations. How successful do you think the United States can be in persuading moderate members of the G–77 to support further reform efforts?

Answer. We have continued to see sharply divided positions emerging on some key issues. Many members of the Group of 77 (G–77) are resisting efforts by the Secretariat to reform and streamline basic managerial structures and practices. This is especially the case where the G–77 feels the Secretariat would be given flexibility at the expense of UNGA micromanagement. We have engaged the G–77 directly on the details of our reform proposals and gained agreement in several areas, including a fully operational ethics office, improved financial management practices, and greater public access to U.N. records. In private we are finding that many G–77 members agree with our efforts, but feel that more is gained in terms of influence, if they vote as a bloc with the G–77. This is why our efforts are being directed not only at moderate members but also those G–77 leaders encouraging a bloc solidarity which undermines achievement of a reformed United Nations, which would actually deliver better for G–77 nations.

*Question.* Can you provide your assessment of the current OIOS oversight arrangement; what has been done so far to correct some of its defects; and what might also be done to make the OIOS more autonomous, effective, and credible?

Answer. OIOS has made significant progress in promoting accountability at the United Nations, and we are strongly committed to its success. Since 1995, OIOS recommendations have improved management and helped save or recover over \$175 million. Nevertheless, OIOS has weaknesses that need to be addressed.

Recent efforts by the administration have focused on strengthening OIOS transparency and independence. Beginning in 2005, all OIOS reports were made available to U.N. members upon request. However, OIOS still lacks an independent budget and is beholden to those it is responsible for investigating. The conclusions in the recent report by the U.S. Government Accountability Office support our view that OIOS funding arrangements create a potential conflict of interest. Therefore, the administration is pressing for the establishment of the Independent Audit Advisory Committee to ensure OIOS operational independence of the U.N. Secretariat and validate its working methods.

*Question.* Do you think withholding U.S. funding from the regular U.N.-assessed budget would be an effective means of promoting U.N.-reform efforts at this time?

Answer. We do not believe that this is the appropriate time to withhold dues from the United Nations. Although much work remains to be done, we have made some progress on reform. The United States is still actively negotiating many additional reforms proposed by the Secretary General, though we must acknowledge it will be an uphill battle.

Although far more progress is needed, the General Assembly has now enacted some important steps: Establishment of an Ethics Office; strengthened financial disclosure requirements; increased protection from retaliation for reporting misconduct;

increased resources for oversight; a commitment to modernize the information technology infrastructure; some limited authority for the Secretary General to redeploy staff and resources; improved financial management practices; and adoption of International Public Sector Accounting Standards.

We hope to see additional progress in the fall, when the General Assembly resumes its consideration of U.N. reform proposals. At that time, we will be in a better position to determine whether additional leverage, such as withholding, is necessary to enable us to advance our reform agenda.

*Question.* Can the reform agenda survive the Secretary General transition? Are there any indications on how the next Secretary General might be chosen and what a good candidate might look like from a U.S. perspective?

*Answer.* We are consulting closely with members of the Security Council to reach agreement on a candidate to succeed U.N. Secretary General, Kofi Annan, whose term ends December 31. The members of the Security Council held a straw poll on Monday, June 24, to get a sense of the degree of support for each of the four currently declared candidates and will continue to work closely together.

While it is unclear what impact the straw poll will have on the race, we are continuing our review of candidates for this position. Candidates must be nominated by a member state. The only individuals thus far who have been nominated are South Korean FM, Ban Ki-Moon; Sri Lankan diplomat, Jayantha Dhanapala; Thai Deputy Prime Minister, Surakiart Sathirathai; and U.N. Under Secretary General for Communications and Public Information, Shashi Tharoor, who is a citizen of India. Other candidates might emerge later in the process.

The United States believes the selection of the Secretary General is not bound by regional considerations and should be based on individual qualifications. It is also essential that the next Secretary General continue with the reform agenda and our evaluation of candidates will be based on their commitment to U.N. reform and to responsible budgeting specifically.

We believe it is particularly important for the next Secretary General to have the broad vision, high ethical standards, and exceptional leadership and management skills needed to run an organization as complex as the United Nations.

We have not made any decisions regarding candidates, and will continue to consult closely with other Security Council members. We hope the selection process can be completed by September or October so that the new Secretary General will have a sufficient transition period in which to prepare for his or her new responsibilities.

