

UNITED NATIONS PEACEKEEPING REFORM

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND TERRORISM

OF THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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UNITED NATIONS PEACEKEEPING REFORM

WEDNESDAY, JULY 27, 2005

U.S. SENATE,
SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND TERRORISM,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:32 p.m., in room SD-419, Dirksen Senate Office Building, Hon. John E. Sununu (chairman) presiding.

Present: Senator Sununu.

OPENING STATEMENT OF HON. JOHN E. SUNUNU, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SUNUNU. This afternoon it is my pleasure as chairman of the International Operations and Terrorism Subcommittee to be hosting a combined briefing and hearing on U.N. peacekeeping reform. In doing so I wish to acknowledge, with thanks, the support of Chairman Lugar, who has been a great champion of comprehensive U.N. reform and who hosted a complementary hearing on U.N. reform, including peacekeeping reform, on July 21.

This session is intended to follow up on that hearing and, in particular, we are pleased that we have three very distinguished officials that have agreed to brief or testify, respectively, before the subcommittee. I look forward to hearing their views on how we can make U.N. peacekeeping more efficient, more effective, and more faithful to the U.N.'s founding ideals and the challenges in the modern world.

The expectations that are placed on U.N. peacekeepers have grown tremendously over the past 6 decades and the United Nations, as well its member states, have sometimes had a difficult time adapting to these new and challenging times. Perhaps the biggest changes have come in the last decade and a half since the end of the cold war. As the recently released report on the congressionally mandated task force on U.N. reform notes, between 1948 and 1990 the United Nations initiated some 18 peacekeeping operations, but between 1990 and today, the Security Council, with the support of the United States, has initiated more than 40 peacekeeping operations. That alone is an indication of the challenges that are faced by those that have supported peacekeeping operations through the United Nations.

The task force report, which former House Speaker Newt Gingrich and Senate Majority Leader George Mitchell chaired, goes on to state: "As of late March 2005, there were nearly 70,000 inter-

national military and policy forces serving in 17 different U.N. peacekeeping missions.”

It is not just a matter of the number of operations; it is their complexity. In many cases we are asking peacekeepers to intervene in the wake of devastating civil wars or to take part and support the rebuilding of significant portions of society.

Peacekeeping is the U.N. system’s biggest single budget item. The approved budget for the period ending June 30, 2005, stood at nearly \$4 billion and is likely to rise significantly for 2005 and 2006. The total assessment on U.N. members for peacekeeping is well in excess of the separate assessment for the U.N. regular budget.

Not surprisingly, peacekeeping reform is not a new topic. One of the most important milestones in peacekeeping reform was the 2000 report of the panel on U.N. peace operations which Secretary General Kofi Annan commissioned. The so-called Brahimi Report offered several dozen recommendations to strengthen management of peacekeeping operations. It went a long way, as the Secretary General notes in his own U.N. reform report on March 2005, “In Larger Freedom,” working toward restoring member-state confidence in peacekeeping. Nevertheless, it did not address all of the problems, as persistent reports of sexual exploitation and abuse by U.N. peacekeeping personnel have made clear.

In July 2004 Secretary General Annan asked the respected Permanent Representative of Jordan, His Royal Highness Prince Zeid, a former civilian peacekeeper himself, and the Ambassador of one of the major U.N. troop-contributing countries, to act as his adviser in assessing this scandal. The Secretary General subsequently asked Prince Zeid to prepare a comprehensive report for the U.N. Special Committee on Peacekeeping Operations. Issued March 2005, the report sets forth findings and recommendations under four broad categories: Rules and standards of conduct; the investigative process; organizational, managerial, and command responsibility; and finally, individual disciplinary, financial, and criminal accountability.

The U.N. General Assembly endorsed the Zeid report last month and I am delighted that his Highness has been permitted to brief the subcommittee on his report and look forward to hearing his views on the key challenges facing the implementation of these recommendations.

As the Gingrich-Mitchell report also noted, the Secretary General’s “In Larger Freedom” report and the December 2004 report of the High-Level Panel on Threats, Challenges, and Change make clear the misconduct of certain peacekeepers is only one of the impediments U.N. peacekeeping needs to overcome. The Gingrich and Mitchell report identify five additional areas.

First on their list is doctrine, planning, and strategic guidance for mission deployment. They cite, as an example, the lack of guidance provided to U.N. peacekeepers in Haiti.

Second, they list rapid deployment, by which they refer to enhancement of standby forces and prepositioned stocks able to respond quickly in the event of a crisis.

Third, they note the absence of developed country involvement, to include the United States, in blue-helmeted operations.

Fourth, information analysis and early warning. U.N. peacekeepers need real-time information if they are to be successful in the modern field.

Fifth, Gingrich and Mitchell enumerate headquarters staffing and funding for peacekeeping operations.

The High Level Panel also highlighted the issue of resources. One of the solutions it proposed was to create a small standing corps of senior police of 50 to 100 personnel to organize the startup of peace operations.

I have invited U.N. Assistant Secretary General for Peacekeeping, Jane Holl Lute, who has a distinguished record and prior career with the U.S. Army, on the National Security Council, and in the nonprofit sector, to be our second briefer. Again, I express my appreciation to her superiors in New York for permitting her to address the subcommittee and I am eager to hear her views as one of the leaders of the U.N.'s peacekeeping operations and on the many challenges that lie ahead.

Acting Assistant Secretary of State for International Organization Affairs, Philo Dibble, will appear on the second panel as a witness. He is a member of the senior foreign service and brings considerable expertise, in particular in the Middle East, which has seen a large share of U.N. peacekeeping operations over the year, and he will offer a useful U.S. Government perspective on our discussion today on the issue of sexual exploitation and abuse by U.N. peacekeepers, but also on a range of other peacekeeping issues. In addition, I would welcome comments on the specific provisions regarding peacekeeping and the pending U.N. reform legislation, including the Coleman-Lugar bill and the Hyde bill, which Senator Smith has introduced on the Senate side.

Before I close, I would like to stress the crucial contributions that U.N. peacekeeping operations have made to U.S. national interests. The plain truth is that we cannot and do not want to be the world's policeman, but we have a great interest in preventing the collapse of states, which would then provide sanctuaries to our enemies. U.N. peacekeepers have been successful in the past in helping states to make the transition to peace and security. None of these operations are ever authorized without our concurrence as a member of the—as a permanent member of the U.N. Security Council, and my hope is that the reforms we are discussing today will help strengthen the U.N.'s role as a force multiplier and pave the way for a more secure world.

Again, I want to thank our briefers and our witness today, and with that turn over the microphone, first, to His Royal Highness Prince Zeid. Thank you very much for being here. You are welcome to summarize or provide any written testimony you have and introduce anything you might like for the record. Thank you and welcome.

**STATEMENT OF HIS ROYAL HIGHNESS PRINCE ZEID RA'AD
ZEID AL-HUSSEIN, PERMANENT REPRESENTATIVE OF THE
HASHEMITE KINGDOM OF JORDAN, UNITED NATIONS, NEW
YORK, NY**

Mr. ZEID. Thank you, Mr. Chairman. Mr. Chairman, with your permission of course, I would like to express my gratitude to you

for your words of welcome and for the kind remarks you addressed to me. It is, of course, a pleasure for us to be here, to be able to brief the subcommittee on the developments on this particular issue and the issue of sexual exploitation and abuse in U.N. peace-keeping operations because, quite simply, without the attention and the concern of the United States, there is only so much that we can accomplish in the context of the United Nations. So it is something that we very much would welcome.

I think it is worthwhile starting off by making the rather obvious remark that where we deal with abuses or misconduct by U.N. personnel it is obvious that the United Nations, as an international organization, cannot exercise sovereign jurisdiction or has no sovereign power. Any abuse committed, or alleged to have been committed, can only, ultimately, be treated by the member states, and if abuses are not investigated in a judicial sense and then subsequent judicial proceedings are not forthcoming, this is not the fault of the United Nations, but it is, of course, the fault of the member states.

By and large, our record in this area has not been a record worthy of admiration. We, in many cases, have fallen short of fulfilling our sense of responsibility, accountability to the victims of those personnel that we send to the field to work and serve with the United Nations. We need, urgently, to address this issue.

The two broad areas where we felt—we felt are deficient and required treatment, are in the first instances the investigations that are carried out by the United Nations and, subsequently, then by the member states themselves; and in the second area, the treatment of a category of personnel, that is civilian personnel, who may not fall under the jurisdiction of any country that is capable of exercising that jurisdiction, and I will get to those two points shortly.

In the area of investigations, it was quite clear that the United Nations was, and still is, responsible for examining the initial evidence as a means of discerning whether there have been breaches, breaches of U.N. rules and regulations. And it was clear that in handing over the evidence that was collected in the initial stages to member states there was a problem. The problem resided in two areas.

One is that the boards of inquiry that, in the past were put together to examine evidence, were not staffed by professionals. These were people who were not quite aware of how rules of procedure and evidence would work in a national context and were not people who knew what was admissible evidence in the national context from what evidence was not admissible. So it was clear we needed to make adjustments here.

The second area was in the field of forensics. We realized that the United Nations, for many years, did not employ modern methods of identifying perpetrators of various crimes, amongst which are, of course, the sexual offenses, and here we needed to change the manner by which things were being done.

Now, the report was put together at the beginning of the year and when the discussions first began on the report, which we entitled a comprehensive strategy for the treatment of this particular issue, the General Assembly took the decision or reaffirmed its de-

cision that the Office of Internal Oversight Service would be primarily responsible for the conduct of investigations.

It was clear to us that we, then, had to triangulate a relationship between the Office of Internal Oversight, which hitherto had no real presence in the field—no real fixed presence—with the Department of Peacekeeping Operations, which, of course, does have a presence in the field, and then also tie that in with the responsibilities of member states in following up what initial investigations were conducted by the United Nations.

It was also very apparent to us that where military personnel are concerned, any investigation had to involve the member states. I think most militaries across the globe are averse to having other entities investigate their personnel in an exclusive manner and what we had to strive for was some sort of joint investigation, whereby the United Nations, and the member state concerned, would look at the material and then decide whether there was material sufficient for subsequent legal or judicial steps to be taken.

Of course I will allow Jane to speak on this because I think we have achieved a considerable amount in this area, and discussions between the Department of Peacekeeping Operations and the Office of Internal Oversight Services are continuing, and at the same time the memorandum of understanding, which governs the relationship between the troop-contributing countries and the United Nations, is also now being amended and will subsequently, I think next week, be made available to all member states for comments.

So, on the military side, I think we see some very good developments. On the civilian side, this is much more of a vexing problem, as I alluded to earlier, simply because you could have a situation where there is a civilian staff member working for the United Nations who is alleged to have committed a serious crime, let us say, in the case of sexual abuse, let us say a rape. Of course, what normally would happen is that the host country, the country where the operation is taking place, would exercise jurisdiction. Well, it goes without saying that in many of these countries there is no judiciary worth speaking of.

So what then can you do? Well then, you can turn to the country whose national is being accused and you see whether that country can exercise jurisdiction over this particular criminal act alleged to have been committed. And if that country, itself, cannot exercise jurisdiction, because not all countries can exercise jurisdiction extraterritorially, then you have a problem, because what you have is a U.N. official who, in effect, has impunity. No one is able to prosecute that individual.

These are very complex legal issues and for that reason we suggested the setting up of a group of experts—a legal group of experts—and that now is being done. The experts themselves will be contacted any day now. We hope they will meet quite soon. We are looking at financing for that group and in due course the General Assembly will, of course, have time to review what proposals are being presented by this expert group and then take a decision.

So, in overall terms, I am quite confident that we are on the right track. This is a very difficult problem. We will encounter more allegations in the field as we improve the mechanisms for eliciting complaints. That is without any doubt. And after 60 years

of relative neglect—and this is not just speaking about sexual exploitation and abuse, but the wide range of misconduct—and I have to be clear here that we are speaking about misconduct being committed by personnel from every corner of the globe. There is no single country or groups of countries who are particularly culpable where these issues are concerned.

Returning to my original point, it is incumbent upon us, the member states, to ultimately ensure that we see that justice is done and also not to interfere, in the manner by which the United Nations also goes about doing its work, in a way that will complicate the justice that ought to be done to the victims of this sort of abuse.

I thank you for giving me this opportunity, Mr. Chairman, and I would be willing to answer any questions that you may have. Thank you.

Senator SUNUNU. Thank you very much.

Ms. Lute.

**STATEMENT OF JANE HOLL LUTE, ASSISTANT SECRETARY
GENERAL FOR PEACEKEEPING OPERATIONS, UNITED NATIONS,
NEW YORK, NY**

Ms. LUTE. Mr. Chairman, thank you very much, on behalf of the Secretary General and the Under Secretary for Peacekeeping, for giving us the opportunity to meet with you. We value very much an open dialog on the full scope and range of peacekeeping issues as we reach what we believe to be a major pivot point in understanding and applying U.N. peacekeeping in the world today.

With your permission, Mr. Chairman, I would also like to express the very deep gratitude of the Department of Peacekeeping Operations to Prince Zeid for the work that he did on behalf of the Secretary General and his personal commitment to following through on an agenda that is necessary and complex, but very essential for us as we move toward a more effective and powerful instrument on behalf of the member states.

I would like to elaborate, Mr. Chairman, if you agree, on some of the measures that we have undertaken in the Department to respond to the findings of Prince Zeid in his report and to put these in the context of how the Department approaches its work as we look at some new concepts, such as the concept of peacebuilding and applying all of the energies of the international community to address conflict-ridden circumstances.

First, let me give you, Mr. Chairman, a brief picture of where we are. In the past 18 months there have been a total of 186 substantiated allegations of sexual exploitation and abuse. This has resulted in 7 civilians being dismissed, 2 reprimanded, and 10 referred for additional disciplinary action. Two police have been repatriated and two additional cases of policemen are under review; 78 military, including 6 commanders, have been repatriated. Nepal, South Africa, Morocco, Pakistan, and others have taken decisive action against their contingent members who have been validated to have committed acts of sexual exploitation and abuse, and we, in the Department of Peacekeeping Operations, welcome this conviction by the member states of their commitment to upholding the highest standards of performance.

We have undertaken a number of initiatives, Mr. Chairman, in the area of prevention, in the area of enforcement, and in the area of remediation to address this. We want to be able to assure the member states of the United Nations that they can move from a position of, perhaps, constant surprise at what has happened in the field to constant vigilance, that we have a handle on this problem and we will maintain that vigilance to deal with this problem in its fullest sense.

In the first instance, in the area of prevention, we are promulgating common standards that will apply to all civilians and military serving in peacekeeping missions. We have had separate sets of standards before. We have moved to, and the General Assembly has approved, the applicability of a common set of standards applicable to all peacekeeping personnel.

We have redoubled our efforts in education and training through the standard training modules that member states and troop contributors and civilians receive prior to their deployment to a peacekeeping mission and refreshed—what will be refreshed on an annual basis while they are in missions. This education and training addresses the specific issues of sexual exploitation and abuse, but also addresses broader cultural issues and broader gender awareness issues, the special vulnerabilities of children in conflict, et cetera, to be a total framed presentation of the issues in an education and training format.

We have a focus on individual and leadership responsibility. So while we have promulgated these standards, we are emphasizing the responsibility that individuals have in upholding these standards and we are also emphasizing the special responsibilities expected of leaders and managers as well. We will promulgate an extensive set of policy directives on minimum measures that missions will take regarding this issue. We have focused on senior leadership with training, with briefings, and with follow-on—follow-on programs to ensure that they understand their responsibilities in this regard.

We have asked the Office of Internal Oversight for a comprehensive audit of discipline in all of our peacekeeping missions in order to understand fully the context within which these acts can occur. They have concluded their audit. We have had an ongoing dialog with them about the findings and about the remedial measures we will take to address the issues that they have raised.

We have a communications strategy, Mr. Chairman. One that explains more clearly to the populations we serve the role of peacekeepers, but also one that speaks to us, ourselves, to remind us why we serve, to remind us of the duty of care that we owe the populations that we serve, and to remind us of the special privilege that it is to serve as a U.N. peacekeeper.

There are also other measures as well, Mr. Chairman, that missions are taking on an individual basis, for example, requiring soldiers in contingents to wear uniforms at all times within the mission area and other measures as well.

With the TCCs, the troop-contributing countries, as Prince Zeid has outlined, we have been in dialog with them on the training and education emphasis and also on refining our memoranda of understanding with them regarding what can be expected with respect

to their units deploying to peacekeepers in the field. We have also been in active dialog with them in following up when soldiers have been repatriated for sexual exploitation and abuse activity to know what has happened to these soldiers, to be able to use that for the deterrent value that it has, and also to address this issue of zero tolerance and to give meaning to the phrase “zero tolerance.” It is a phrase that for many has lost its meaning, but we are invigorating that phrase with a very concrete—with very concrete dimensions. “Zero tolerance” in effect, Mr. Chairman, to us means zero complacency, zero impunity. We will not be complacent in the face of clearly validated allegations of sexual exploitation and abuse and we will not let individuals commit these kinds of acts with impunity. I am pleased to say, Mr. Chairman, that we are getting the cooperation of the troop-contributing countries in following up when this has occurred.

On the enforcement side, as Prince Zeid mentioned, we are doing a lot of work in improving and strengthening our investigative capacity. This responsibility has primarily been given to the Office of Internal Oversight, but it is a large job. They do not have enough resources to do all that needs doing. So we are working with them to ensure that crimes or acts of this type do not slip away or fall under the weight of other work and other priorities.

We are compiling a database to represent a comprehensive understanding of individuals that have been again demonstrated to have committed these acts, so that we can ensure that they are not rehired in some other part of the U.N. system. We are creating, in eight of our missions, personal conduct and discipline units to assist the mission leadership in monitoring the good order and discipline in the mission area and to take action in the area of advocacy, education, training, and to receive complaints, to help facilitate the leadership’s control in the mission area.

We are working with the member states to strengthen criminal accountability, as Prince Zeid mentioned, Mr. Chairman. This is particularly in the area of extraterritorial jurisdiction for civilians who have committed crimes in host nations where the judicial system cannot be relied on to prosecute that crime itself.

We are increasing our patrols. We have off-limit areas. We have curfews. We have a number of other mission-specific measures that they can take.

In the area of remediation, the area of victims’ assistance, Prince Zeid mentioned this as an important concern of ours. We have had a task force looking at all aspects of victims’ assistance to ensure that the organization meets its responsibilities with respect to victims without losing sight of the individual culpability when and as it is established.

We want to be a catalyst for best practice in this area. At the moment our missions are partnering with our UNICEF and other colleagues with NGO partners on the ground to bring first and essential services. It is not nearly enough, Mr. Chairman, for what victims need, but it is a start.

Why is this important? Again it is important because U.N. peacekeeping needs to be a much more effective, much more powerful tool in the hands of the member states as we look at the very com-

plex agenda, which you rightly pointed out in your opening remarks.

Peacebuilding is one of the major initiatives—a peacebuilding commission, I should say, is a major initiative that is under contemplation for adoption by the member states. What the peacebuilding commission will do, what a peacebuilding orientation will do, is give us all a new way of looking at the post-conflict environment. Peacebuilding is essentially an agenda of definitive recovery from conflict.

It differs from peacekeeping in important ways. It differs from development assistance or from humanitarian assistance in important ways. Humanitarianism can best be thought of, perhaps, as emergency well-being, bringing those essential services of food, water, shelter, protection to people under stress. Development is probably best thought of as an agenda for sustainable self-governance, to build those capacities and those institutions in states so that people can govern themselves in relative peace.

Peacekeeping is best thought of as creating an environment of transitional security. It is a temporary phenomenon in any individual place. But as we have seen, it is a permanent need of the international community, and it is a permanent capacity we, in the Department of Peacekeeping Operations, intend to get very good and expert at, more so than we have in the past.

All of these pieces comprise the agenda of peacebuilding, which is a 10- to 25-year agenda in the aftermath of a conflict so that people can definitively recover from that conflict. We need to weave all of these strands together.

As you rightly point out, Mr. Chairman, for peacekeeping this means, specifically, better ability to write doctrine, to do planning, to provide strategic guidance. In the area of rapid deployment, we do believe we need a standing reserve capacity in those circumstances when the rapid introduction of a decisive military force can turn the difference between spoilers prevailing or not. We do believe we need a standing police capacity to bring that expertise and technical assistance to bear in a public order environment where it is so necessary and important. We do believe that we need an intelligence capacity to give peacekeepers on the ground the near-real-time battle space awareness that any commander on the ground would want to have. And we do believe, Mr. Chairman, that we have in place the vision, the plan, the organization, the people, and the mindset of the leadership that would validate the investment of resources to strengthen peacekeeping in these ways.

I thank you again, Mr. Chairman, for the opportunity to appear before you and I am prepared to answer any questions you may have. Thank you.

Senator SUNUNU. Thank you very much.

Prince Zeid, of the recommendations that you made to the Secretary General, which do you think will be the most difficult to implement and take the greatest amount of time or resources to successfully implement?

Mr. ZEID. Thank you, Mr. Chairman, for that question. It is difficult to single out any one particular issue. I think ultimately, though, if there was one that does stand slightly above the rest in terms of the need to ensure that justice is done—and again particu-

larly for the victims concerned—that in my opinion would be need for professional investigation. I think that is where we would need resources, given the number of allegations that you have in the field and the need to establish early on whether there are grounds for culpability.

We need to have resources. We need to have access to forensics capabilities. You need to have the right personnel. You need to be on the scene as quickly as is possible. You need to have arrangements with the host country and with the country supplying troops or personnel. So, ultimately, I think that is, if you were to single out one issue, that would probably be it.

But that is not to say in any way that we can diminish the other recommendations that we also need to work on. It is, as I said, a problem born out of many years of neglect by the member states, the Security Council, the Secretariat to some extent, and it is high time that we deal with this. That is not to say that we can reverse 60 years worth of culture overnight, but I am quite confident that we will be able to do it in 1 to 2 years, in other words implement the entire battery of recommendations in the report.

Senator SUNUNU. Did you estimate the total amount of resources necessary to achieve those improvements in the investigative process and forensics and did you identify a source of funding for those improvements?

Mr. ZEID. Mr. Chairman, to the extent that we only had really a few weeks to put the report together, we could not attack this problem comprehensively. We did informally, let us say, we contacted informally a number of laboratories that conduct forensic work to just arrive at some sort of figure for how expensive all of this would be.

To our surprise, it was not as expensive as we initially thought. It is rather astonishing that we have not thought of all of this before. I think seldom has there been, for instance, fingerprints—fingerprinting—conducted by the United Nations or fiber analysis; it could be analysis of all sorts. This is something, obviously, that has to change.

I do not know whether Jane Holl Lute would have a more precise figure on this. I know that OIOS is looking at it as we speak now and I am sure that in due course we will be able to arrive at some sort of figure concerning this. Of course, it is contingent on the number of allegations and number of cases that we also must pursue in the field.

Thank you.

Senator SUNUNU. You also mentioned the establishment of a group of experts to help with some of the evaluation of the legal issues associated with civilian personnel, and that that is under way right now. What is the source of funding and financing for that group?

Mr. ZEID. That is another good question, Mr. Chairman. It does not surprise me that it comes from an engineer as well.

The sources that we are looking at at the moment are extra-budgetary. We are approaching, or the United Nations is approaching, a number of member states, in particular one of the Scandinavian countries, and we are looking at private sources as well to fund this arrangement.

Senator SUNUNU. Ms. Lute, you mentioned—touched on the issue of command and strategic guidance in the field. Could you elaborate on that just a little bit more? To what extent has breakdown in command, or weak command structures within the peacekeeping missions, been identified as a contributor to some of the problems that we are seeing and what recommendations have been made for strengthening that guidance and the chain of command among the missions?

Ms. LUTE. Thank you, Mr. Chairman. It speaks actually to the heart of the matter. This kind of behavior does not occur chronically, or on a widespread basis, in an environment of tight command and control. This is why we asked OIOS, the Office of Investigative Oversight, to look into the state of discipline in our missions.

We have drawn the conclusions that our leadership environment needs strengthening both on the civilian and the military side, that commanders and senior leaders and managers in the mission are responsible for the state of discipline and for the actions that do occur. Where we have found widespread activity, we can point directly to weak commanders. But as Prince Zeid said, Mr. Chairman, it is not the case that this is attributable to any particular nationality or contingent. It is attributable to a weak command and control environment, bad habits, bad supervision, bad behavior—again, not exclusive to the military at all. We can observe this on the civilian side.

We have also heard offerings of mitigating circumstances which might forgive such behavior: These are difficult and dangerous environments; staff members are under enormous stress; they are far away from home; they are vulnerable to solicitations for prostitution and it is a very short step from those kinds of behaviors to other more serious acts. Frankly, Mr. Chairman, none of those excuses wash. None of them are things we understand. None of them are things that condone this kind of behavior.

So we have begun to emphasize to leaders and supervisors and commanders on the ground that we will hold them accountable to their command responsibilities in this dimension. We have also had a very productive dialog with troop-contributing countries at a military level as well as a civilian level, in New York and in capitals, frankly, Mr. Chairman, at every opportunity, to solicit their support and commitment to ensuring that this command standard is maintained.

Senator SUNUNU. Has any disciplinary action been taken with respect to any of the field commanders under whom these problems occurred?

Ms. LUTE. Yes, Mr. Chairman. I mentioned some—

Senator SUNUNU. And are your powers sufficient in that regard?

Ms. LUTE. We have no power with respect to that, Mr. Chairman. The troop-contributing countries, as you would expect, retain the disciplinary authority over their troops and their commanders.

We have seen disciplinary action taken. As I mentioned earlier, six commanders have been subject to disciplinary action in their home countries. Pakistan for example, among others, has disciplined commanders in addition to individuals who have been held responsible for these acts.

Senator SUNUNU. You mentioned in addition to those, I think two police that have been repatriated, a number of others that have been disciplined. In the cases where there is a repatriation, has it uniformly been the case that there has been what you would view as effective and reasonable followthrough with regard to prosecution and discipline?

Ms. LUTE. Not in all cases, Mr. Chairman. There has been no single standard. As you might imagine, each nationality reserves the right to act under its particular set of laws in the jurisdictional context within which their military members serve in our peacekeeping missions. So there is no uniformity.

What we have been asking the member states—and Prince Zeid’s particular efforts have been extremely helpful to us in this regard—is that they take action once an individual has been repatriated on proven grounds for these actions, for these acts, and that they communicate to us the action that has been taken, which is appropriate within their national guidelines.

Senator SUNUNU. Is there anything that restricts or inhibits either of you from providing clear and effective feedback to the member states regarding whether or not their disciplinary action is appropriate in the eyes of the United Nations?

Ms. LUTE. That is a good question, Mr. Chairman. We would not presume to appoint ourselves the court of appeals in reviewing the disciplinary action that has been taken by the member states. But we do—we have and we do and we will continue to ask the member states what disciplinary action has been taken, how is this consistent with your laws governing the kinds of transgressions that we are dealing with here, and we accept it as appropriate under the circumstances.

Senator SUNUNU. Is that an effective process? Is that effective for you in your role and, while I understand you cannot speak for the Secretary General, is there any process under way to try to strengthen the way that this kind of feedback is provided to member states insofar as whether or not the disciplinary action is appropriate and is helping to make the peacekeeping operations work more effectively, your Highness?

Mr. ZEID. Thank you, Mr. Chairman. What is absolutely clear is that for certain cases and for technical reasons, countries that have, on occasion in the past, been willing to follow through with prosecutions have been unable to do so because the evidence did not quite fit what is admissible under the national legal system.

But there is something else and I think you allude to it in your question, and that is that for many years many of us, the governments, have also for political reasons or for other reasons not followed through. One of the problems that we do encounter with any international organization or any international conference, for that matter, is that we are all too willing to point a finger at others and not willing to confess to our own shortcomings.

The United Nations is a reflection of all the defects that exist within our own national systems. It is almost the aggregate of that. So we have to be careful before requesting of the United Nations to maintain a high standard of conduct that we ourselves are willing to do likewise.

Now, of course, we need to change this culture. When I spoke before the Security Council about a month and a half ago, I made it very clear that I had no credibility going before the Council unless I was clear about what violations have been committed by Jordanian troops in peacekeeping operations, that their conduct on occasions has been appalling, that we are very proud of their overall conduct, but we are now alive to the fact that we are not all saints, there are some sinners between us, and we must deal with this.

I think if we can inspire a culture, whereby all of us, all the member states, are willing to do likewise, are willing to say this is not something that we should be ashamed of—of course we should be ashamed of the conduct, but if we were not to speak up this is even, perhaps, more shameful. So we should not be ashamed in speaking out on this, and make reference to our own actions and inactions.

Hopefully, in time we will be able to see a change in this culture. Indeed, in the case of, at least, one country that initially took a position whereby it stated that the conduct of its troops was impeccable, under subsequent scrutiny then had to revise its position and, to its credit, sort of confessed or spoke out and said, no, we do have a problem and we are going to take action on it, and they subsequently did so. So, it is an issue that requires sort of some careful handling, I believe.

Thank you, Mr. Chairman.

Senator SUNUNU. Ms. Lute, you mentioned the zero tolerance policy. You may have answered this in some of the numbers you provided, but how many peacekeepers have violated that policy this year and what types of action have been taken for those that have violated the zero-tolerance policy?

Ms. LUTE. Thank you, Mr. Chairman. These were the statistics I reviewed earlier, where we had 186—

Senator SUNUNU. 186.

Ms. LUTE. Yes.

Senator SUNUNU. Basically that comprises all of the violations of the policy, or allegations?

Ms. LUTE. Mr. Chairman, these are the serious allegations that have warranted further action. Of these were the 7 civilians I mentioned being dismissed, 2 reprimanded, 10 referred for additional action, 2 police repatriated, 2 cases under review, 78 military repatriated, including in that case, Mr. Chairman, 6 commanders, et cetera.

Senator SUNUNU. Which raises the question of tracking these various allegations and violations of the policy. Is there a database to identify and track violation of these policies and who is in charge of the database and the information-gathering and to what extent is it available to member states?

Ms. LUTE. Thank you very much, Mr. Chairman. It is an important tool in our arsenal for addressing this problem, and to date—to this point, I should say, our data collection has been rather ad hoc and unsystematic. We have done it in an off-line way, mission by mission and category of personnel by category of personnel, military, experts on mission, civilian police, civilian personnel serving.

In the Department headquarters, we have similarly taken an off-line—that is to say nonfully automated—approach to data collec-

tion. I chair a task force, Mr. Chairman, in the Department of Peacekeeping Operations on dealing with the problem of sexual exploitation and abuse. That has been a major initiative of the task force. We have taken out of beta testing a comprehensive database that will allow us to have a much more sophisticated and streamlined system.

Senator SUNUNU. When do you expect that to be operational?

Ms. LUTE. This fall, Mr. Chairman.

Just to follow through on the point, if I can supplement what Prince Zeid said on following up with member states, we used to follow up at the 90-day mark, the 3-month mark: What has happened to this individual that has been repatriated? We now follow up beginning at the 30-day mark and follow up monthly thereafter with regularized intervals for elevating the level at which we engage the member states for a response.

Senator SUNUNU. What is the current ratio of peacekeepers in the field to headquarters staff in New York, and based on your experience in the U.S. Army is that ratio what it should be?

Ms. LUTE. I started out as a music major, Mr. Chairman. Math is not my long suit. We will have over 90,000 people in the field and in the Department of Peacekeeping Operations we have a staff of 604. There are about 190 other staff members spread throughout various departments in New York, in the Department of Management, in the area of procurement, in the comptroller's office, in human resource management, in legal services. But the Department of Peacekeeping has about 600 for 90,000 in the field. These ratios are unlike anything I have ever seen in my military career. No national government runs a force deployed, forward deployed, with that kind of headquarters ratio.

Senator SUNUNU. Can you speak a little bit about the readiness level of the troops that are being deployed now, particularly with regard to the technology and the equipment they have access to?

Ms. LUTE. Thank you very much for that question, Mr. Chairman, because we have—we do an extraordinary amount with what are relatively small sized operations in the field. Troop-contributing countries now conduct, on a regular basis, with us predeployment visits. We go to those countries to inspect the units that will be deployed on peacekeeping missions to evaluate their state of readiness of the soldiers, of the vehicles, of the other equipment that is brought under the heading of COE or contingent-owned equipment that they bring with them into the mission area. These are fairly recognizable standard infantry battalion kinds of equipment, medical units which would be recognizable to any professional military at a level one or level two standard.

The equipment and the readiness and the performance of the units is quite extraordinary in many if not all cases. So the readiness of the troops has been enhanced over the course of time, because some of our regular troop-contributing countries now have developed what might be called a battle rhythm for deploying to peacekeeping missions.

They also, Mr. Chairman, now conduct on a much more regularized basis reconnaissance visits to the areas in which they will serve in peacekeeping missions. This is brand new, believe it or not. Again, in my own military experience it is extraordinary that

a military contingent would ever deploy without having performed, to the greatest extent possible, the reconnaissance in the area of responsibility it will be given. It is a relatively new innovation for us in peacekeeping, but one that we are working very closely with the TCCs.

So, through dint of their own experience, through dint of the elevation of the performance of professional soldiers across the board, and through measures like predeployment visits, predeployment training, reci or reconnaissance visits to the areas of responsibility they will be given, we are quite pleased with the level of performance.

Senator SUNUNU. What about access to real-time information and early warning? This is one of the areas addressed by Gingrich and Mitchell. What kinds of goals, what kind of standards exist today, but what kind of goals and objectives do you have for addressing that recommendation and improving access to information and real-time data in the field?

Ms. LUTE. Thank you for that question, Mr. Chairman. It is operationally very relevant for us because many of our missions are in a highly charged environment where the operational tempo is intense. Eastern Congo is an example. We do not have a tactical intelligence capacity at all, except for what our military observers are able to glean from their observations, from what normal reconnaissance patrols conducted by the various units who are forward deployed might reveal. We have no electronic measures. We have no imagery measures. We have no human intelligence measures other than the engagement of the contingent with the local population to establish for themselves the IPB or the intelligence preparation of the battlefield.

Ours are not battlefields, Mr. Chairman, but they are operating spaces that are increasingly complex and dangerous. So this is a capacity that we believe we sorely need.

Senator SUNUNU. I want to thank you both for your testimony and your time. You are very gracious. We will almost certainly have a couple of additional questions that we might follow up with in writing, and if you are able to provide additional information to the subcommittee as an expansion on this briefing I would appreciate it. Thank you both very much.

At this time I would like to call forward our witness, Philo Dibble, the Acting Assistant Secretary for International Organization Affairs at the State Department.

[Pause.]

Senator SUNUNU. Welcome, Mr. Dibble. Thank you very much for being here. We are pleased that you could make the time and I would ask you to go right ahead with your testimony.

STATEMENT OF PHILO L. DIBBLE, ACTING ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. DIBBLE. Mr. Chairman, thank you for the opportunity to testify before this committee on this very important issue. With your permission, I will offer a brief oral summary of my testimony, but I ask that the full text be included in the record.

Senator SUNUNU. Without objection.

Mr. DIBBLE. Mr. Chairman, in many ways peacekeeping is the core of the mission of the United Nations. Indeed, Article 1 of the U.N. Charter identifies the maintenance of international peace and security as one of the organization's fundamental purposes. During the past 15 years the Security Council has mandated an increasing number of peacekeeping missions to help deal with threats to international peace and security. And, as those missions have increased in number, they have also increased in complexity, as the previous panel has made clear.

More and more peacekeeping operations have been called upon to deal with conflicts within states rather than between states, and to operate in circumstances where political, economic, social, and humanitarian concerns play roles, at least as important as short-term stability, in determining the success of a mission.

There are at present, 16 active U.N. peacekeeping missions worldwide, with nearly 85,000 troops and 9,500 police authorized. Since September 2003 alone, the United States has supported new U.N. peacekeeping missions with current troop levels of over 33,000 for Liberia, Burundi, Haiti, Côte d'Ivoire, and Sudan.

We ask a great deal of U.N. peacekeepers. In few cases are they mere monitors of an agreed cease-fire line. There are often calls for them to be aggressive against rebels and against irregular units, and, unfortunately, U.N. peacekeepers themselves are increasingly the targets of hostile fire. Over 1,900 personnel in U.N. peacekeeping operations have been killed in the course of their duty since 1948.

Clearly, however, serious problems have arisen and emerged as peacekeeping has expanded and become more complicated. In particular, we have received substantiated reports of sexual abuse and exploitation by peacekeeping troops and others associated with the missions. Such contemptible acts are intolerable in themselves. They must be prevented and, where prevention fails, those who commit them must be punished.

Sexual abuse by peacekeepers is also unacceptable because of the damage it does to the reputation of the United Nations, to that of the troop contributors, and to the basic objectives of peacekeeping missions, even if the vast majority of participants in those missions have conducted themselves honorably.

We continue to press the United Nations to enforce the policy of zero tolerance of sexual abuse and exploitation by U.N. peacekeeping and civilian staff. We have insisted that military contingent commanders be held accountable, along with their subordinates, and that troop-contributing countries take action against their peacekeepers who perpetrate acts of sexual exploitation and abuse.

To its credit, the United Nations has responded with commendable energy. We commend, specifically, the work of the Secretary General's special adviser, Prince Zeid Ra'ad Al-Hussein, Permanent Representative of Jordan, in crafting a comprehensive strategy and his recommendations to eliminate future sexual exploitation and abuse in U.N. peacekeeping operations.

The General Assembly recently adopted resolutions endorsing many of those recommendations, to strengthen enforcement of a uniform U.N. Code of Conduct for peacekeepers, improve the capac-

ity of the United Nations to investigate allegations of sexual exploitation and abuse, broaden assistance to victims, and enhance predeployment training for U.N. peacekeepers.

We welcome the creation of personal conduct units within the U.N. missions in Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Sudan, and Haiti to address allegations and to assist victims. We have encouraged the United Nations to establish similar units in each of its peacekeeping missions.

We will continue to address the issue forcefully with troop contributors and advocate at the United Nations for systemwide reforms. Since we became aware of the problems, U.S. officials, including the Secretary of State, have raised our concerns with the Secretary General within the Security Council, and with troop-contributing countries. There is, I am happy to say, broad support for a strong response.

Looking again at the broader issues of peacekeeping, the State Department takes its responsibilities with respect to U.N. peacekeeping and to the Congress and to the taxpayers very seriously. We examine and critique the recommendations of the Secretary General on peacekeeping. We also report to, and consult with, interested congressional committees, both formally and informally, on a regular basis and in detail on significant developments relating to peacekeeping. We keep U.N. peacekeeping operations under constant review, in particular to ensure an effective exit strategy.

I would note that circumstances sometimes require forces to be built up in order to achieve that strategy. Once mission goals are achieved, we seek to have missions reduced or closed. In May the Security Council approved the termination of the peacekeeping mission in East Timor, and in June approved closure of the mission in Sierra Leone next December. At the urging of the United States, the Council requested that the Secretary General review the level of staffing in the U.N. mission in Western Sahara, where a political stalemate has prevented progress toward a final status resolution. After elections scheduled for August in Burundi, it will be time to discuss a drawdown there.

We also support the creation of a peacebuilding commission, as the previous panel had mentioned, as an advisory body to the Security Council, to improve policy coordination within the U.N. system and the donor community, and to respond to the increasingly complex, difficult nature of peacekeeping as such.

We are convinced that the United Nations can conduct peacekeeping more efficiently and we are pursuing the details of the structure, manning, and equipping of peacekeeping units in the context of discussions as debated in the General Assembly, which decides on budgetary matters.

Mr. Chairman, with that I thank you and am happy to take your questions.

[The prepared statement of Mr. Dibble follows:]

PREPARED STATEMENT OF PHILO L. DIBBLE, ACTING ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. Chairman, Senators, I welcome the interest of the Congress and the opportunity to appear before you to discuss our efforts to strengthen U.N. peacekeeping and put an end to the outrage of sexual exploitation and abuse by certain members

of U.N. missions. In May, I testified before the House International Relations Subcommittee on Africa, Global Human Rights and International Operations on this most serious matter.

During the past year, the establishment of U.N. peacekeeping missions to address failed states in Liberia and Haiti, two countries where the United States and the international community had previously intervened to restore order, illustrated the need for broader-based, longer-term approaches to post-conflict reconstruction and recovery. At the same time, the recent rapid growth in the demand for U.N. peacekeeping missions, especially in Africa, has made right-sizing and clear-exit strategies for U.N. peacekeeping missions more crucial than ever. Also during the past year, widespread and serious sexual abuse and exploitation by U.N. peacekeepers of civilian populations on post-conflict societies came to light, making clear the need for stronger oversight, investigative and disciplinary procedures, and training to prevent such abuse.

PEACEBUILDING COMMISSION

In order to prevent the recurrence of instability and conflict, the United Nations has increasingly focused on designing “multidimensional” or “integrated” peacekeeping missions. In essence, such designs include both security activities, funded under the U.N.-assessed peacekeeping budget, and reconstruction and recovery programs funded under voluntary contributions by member states and regional organizations. The need for improved coordination between assessed “peacekeeping” activities and voluntary “peacebuilding” activities has become increasingly apparent.

To address this problem, the United States supports the creation of a Peacebuilding Commission to improve coordination of the U.N. system and the donor community on policy and country-specific operations in the transition from conflict to post-conflict peacebuilding. We believe all contributions for peacebuilding activities should be voluntary rather than assessed.

RIGHT-SIZING OF PEACEKEEPING MISSIONS

Through our participation in Security Council consideration of mandate authorizations for peacekeeping missions, we keep those mandates and the force levels under constant scrutiny. We have led efforts in the Security Council in recent months to ensure timely termination of peacekeeping missions where exit strategies have been fulfilled, and to scrutinize the staffing levels of longstanding peacekeeping missions. In May, the Council approved the termination of the peacekeeping mission in East Timor, and in June approved the termination in December of the mission in Sierra Leone. Last year, the Council approved significant reductions in troop levels in Cyprus, where accession to the European Union reduced the potential for renewed conflict, and in Ethiopia/Eritrea, where a political stalemate made the implementation of the U.N. mission’s border demarcation mandate impossible. At the urging of the United States, the Council requested that the Secretary General review the level of staffing in MINURSO, the mission in the Western Sahara, where political stalemate has prevented any progress toward a final status referendum since the creation of the mission.

In considering requests for force increases, we have carefully weighed the justification for such requests against the costs. In June, the Security Council approved a U.S. proposal to authorize the temporary transfer of peacekeeping troops among three neighboring missions in West Africa to respond to requirements for a surge capacity when needed. This new authority is intended to afford the Secretary General an opportunity to take into account overall force levels on a regional basis and deploy peacekeeping capacity more efficiently.

SEXUAL EXPLOITATION AND ABUSE

In 2004, in response to media reports of cases of sexual abuse by U.N. peacekeepers in the Democratic Republic of the Congo (DRC), our mission to the United Nations pressed the Department of Peacekeeping Operations (DPKO) to investigate these allegations and report to member states. To address the issue, the DPKO created an ad hoc “rapid response” investigation team and a task force at the headquarters of the U.N. mission in the DRC (MONUC) in Kinshasa. This was the start of a process that has since brought to light shocking and abhorrent sexual exploitation practices on a significant and widespread scale in MONUC by both civilian and military members of the peacekeeping mission.

In the eastern DRC, the sexual exploitation and abuse of women, especially young girls, by armed militia was a horrific part of the civil war that raged in that region prior to MONUC’s arrival. Many girls were raped and some were pregnant and without families or financial means of support due to the stigma attached to rape.

The subsequent involvement of some U.N. peacekeepers in sexual exploitation of some of these same victims aggravated a very sad situation.

These cases highlight the dangers young people face in post-conflict situations. When impoverished young village children are displaced, separated from family and friends, homeless, or unable to provide for basic necessities they become all the more vulnerable to force, fraud, coercion, exploitation, and abuse. Illiteracy, food insecurity, and unemployment add to the vulnerability of these civilians to sexual exploitation. There is a special evil in the sexual exploitation and abuse of children, who are the most innocent victims. President George W. Bush said, "Those who created these victims . . . must be severely punished."

Mr. Chairman, MONUC has contributed greatly to stability and to democratic transition following a civil war that produced millions of civilian casualties. With that context in mind, it is doubly abhorrent that those the United Nations entrusted to protect civilians have committed appalling human rights violations and abuse there, with serious social, health, and security consequences. Since September 2003, U.N. peacekeeping missions, with combined troop levels approaching 35,000, have been created in Liberia, Burundi, Haiti, Côte d'Ivoire and Sudan. We have seen that vulnerability for abuse exists in these areas of conflict.

U.N. REACTION AND FOLLOWUP MEASURES

U.N. officials at the highest level have repeatedly condemned this intolerable conduct by peacekeepers and have taken responsibility to ensure accountability and effective prevention in the future. The Secretary General has expressed shame and outrage. Last February 9, he wrote to the Security Council that "the unconscionable conduct of those peacekeepers who are culpable now clouds a distinguished record of collective achievement and individual sacrifice." Jan Egeland, the Under Secretary General for Humanitarian Affairs said, "What we have seen in the Congo and elsewhere should never have happened. If we, as peacekeepers and aid workers, abuse the civilian population, then we have really failed to protect and help." As Under Secretary General Egeland mentioned, these allegations are not unique to the DRC. Other allegations involved U.N. peacekeepers in Burundi, Liberia, and Haiti. In the past, other U.N. agencies have been the locus of allegations in Kosovo and Sierra Leone. Some cases date back to 2001, where U.N. peacekeepers in Bosnia were involved in sex trafficking rings.

The Secretary General dispatched a special investigative team to the DRC in November from U.N. headquarters headed by Assistant Secretary General Angela Kane. Last month, she briefed the Security Council Working Group on Peacekeeping Operations about her mission to investigate the serious cases of sexual exploitation by both military and civilian peacekeepers. As part of the U.N.'s followup, Deputy Secretary General, Louise Frechette, visited major U.N. peacekeeping missions within the last few months to underscore the U.N. zero-tolerance policy for sexual exploitation and abuse and to stress enforcement of the U.N. Code of Conduct. Several troop-contributing countries have reported on action taken against their military members. Virtually all U.N. peacekeeping missions now undertake some form of briefing or training on sexual exploitation and abuse.

Mr. Chairman, the United Nations has begun responding to pressure from the United States, Japan, and other concerned member states. The U.N. Office of Internal Oversight Services (OIOS) sent a team last summer to investigate these deeply disturbing cases in the DRC, and the OIOS has made recommendations to alleviate the problem. MONUC has implemented strict nonfraternization regulations, off-limits areas, and curfew for its military contingent. A Code of Conduct and Behavior has long existed and is now the subject of special training sessions for all U.N. peacekeepers. MONUC has also reached out to women parliamentarians in the DRC, and conducted interviews with the media and launched an awareness campaign, particularly with regard to victim assistance and paternity claims.

I want to acknowledge that we are particularly grateful for the work of the Secretary General's special adviser, Prince Zeid Ra'ad Al-Husein. For the past year, he has worked with troop-contributing countries to develop a comprehensive strategy with recommendations for more effective action to ensure accountability for breaches of the U.N. Code of Conduct and actual compliance in the field. On June 22, the General Assembly adopted resolutions enabling the United Nations to implement many of the recommendations contained in Prince Zeid's comprehensive strategy.

From December 2004 to May 2005, the United Nations has completed investigations into allegations of sexual exploitation and abuse involving 186 peacekeeping personnel. These investigations have resulted in the repatriation on disciplinary grounds of 78 military personnel, including 6 commanders, as well as 2 civilian po-

lice from formed police units. So far, seven U.N. civilian staff members have been summarily dismissed. Others have disciplinary processes pending. A centralized database of misconduct cases is designed to prevent those who have committed abuse from serving with the United Nations in any capacity in the future.

The U.N. Office of Internal Oversight Services has taken the lead to develop its capacity to investigate independently these allegations of sexual exploitation and abuse in U.N. missions. In response to recommendations of the U.N. Special Committee on Peacekeeping, the Secretary General has requested funding for new OIOS investigative posts at the U.N. missions in Haiti, DRC, Burundi, Liberia, Côte d'Ivoire, and Sudan. He also requested new posts for the conduct and discipline units at the same U.N. missions as well as in Sierra Leone. He has proposed revision to the OIOS mandate to ensure compliance with recommendations for a permanent, professional, and independent investigative function that the General Assembly endorsed.

Looking beyond the U.N.'s current efforts to respond to the situation, U.N. DPKO prepared draft recommendations on longer term changes in U.N. rules and procedures needed to equip the U.N. system with the legal tools to ensure accountability and compliance with the Code of Conduct in the future. Greater inclusion of women in U.N. peacekeeping is intended to promote an environment that is less conducive to exploitation and abuse.

Some troop-contributing countries have also publicly acknowledged the problem and taken corrective action. It is a positive sign that Morocco removed two unit commanders in its contingent in Congo and announced the prosecution of six military members of MONUC who were repatriated at MONUC's request after allegations of sexual abuse were substantiated. France has opened judicial proceedings against a civilian staffer of MONUC, accused of running a pedophile ring. The U.N. Department of Peacekeeping Operations distributed to all its missions in June, mandatory training programs for all peacekeeping personnel to make clear that the Code of Personal Conduct for Blue Helmets, the observance of international humanitarian law, and the U.N. zero-tolerance policy for exploitation and abuse will be enforced in practice. This is particularly important in newer U.N. peacekeeping missions. The United Nations is developing a model memorandum of understanding for troop-contributing countries that will address many of these issues. This draft model MOU is to be presented to the U.N. General Assembly Special Committee on Peacekeeping Operations for approval in 2006.

U.S. ACTIONS

Mr. Chairman, we have raised the problem of sexual exploitation with senior U.N. officials at U.N. missions abroad, in New York and Washington, and with civilian and military officials in the capitals of major troop-contributing countries. The Department, via diplomatic channels, urged all troop-contributing countries to take appropriate disciplinary action according to their military judicial procedures in cases of repatriation of military members as a result of sexual exploitation charges.

The Department has reported to Congress on this problem, including in its most recent annual report on U.N. peacekeeping in June 2005. As part of the Department's broader efforts to combat trafficking in persons, the Department last year committed funding for the Department of Peacekeeping Operations to prepare antitrafficking materials to be used in training U.N. peacekeepers worldwide on the U.N. policy of zero tolerance for sexual exploitation and abuse.

The United States has consistently and strongly supported the U.N. policy of zero tolerance of sexual abuse among peacekeepers, and insisted that it be implemented in practice. Then-Secretary Powell conveyed these concerns personally to Secretary General Kofi Annan. At the insistence of the United States, U.N. Security Council Resolution 1592 of March 30, 2005, which renewed MONUC's mandate, also called on the Secretary General to ensure compliance with the U.N. zero-tolerance policy and to take appropriate action against perpetrators of abuse. Recent Security Council resolutions renewing the mandates of the U.N. missions in Côte d'Ivoire, Burundi, Cyprus, and Haiti had similar language. It is U.S. practice to include such language in all Security Council Resolutions related to peacekeeping. Former Secretary Powell, together with the Japanese Foreign Minister, wrote to the Secretary General early this year urging the United Nations to take action quickly to stop sexual exploitation and abuse by peacekeepers. On May 31, the Security Council adopted a Presidential statement, proposed by the United States, condemning sexual exploitation and abuse by U.N. peacekeeping personnel. The statement underscored that U.N. managers and commanders have primary responsibility to create an environment in which misconduct is not tolerated.

We strongly supported the proposal to increase the investigative capacity of OIOS as a critical step toward enhancing accountability and transparency. OIOS will clearly need more investigators to ensure enforcement of U.N. policy. OIOS may wish to recruit professional investigators for peacekeeping missions who have experience in work with military inspectors general offices.

MORE NEEDS TO BE DONE

Mr. Chairman, more remains to be done. There appears to be disparities between formal U.N. policies and peacekeeper behavior. For example, violations of the Code of Conduct continued after the OIOS investigation in the DRC. Some military commanders did not cooperate with U.N. investigators.

It is imperative that U.N. officials suspected of criminal activity or misconduct be investigated and that guilty individuals be punished. The Secretary General has the right, and the duty, to waive the immunity of any official in any case where, in his opinion, immunity would impede the course of justice. The United States wants to ensure that the Secretary General invokes this privilege whenever warranted. More importantly, military commanders of national contingents must be held accountable for actions by perpetrators under their supervision. If discipline is not enforced, the United Nations must repatriate commanders and recommend that their national commands take disciplinary action.

Likewise, DPKO must insist that troop-contributing countries take appropriate disciplinary action when warranted. It is imperative that the results of troop-contributing-country actions against perpetrators of exploitation and abuse be reported to the United Nations transparently. We urge DPKO to continue working with troop-contributing countries and mission force commanders with their subordinates, to underscore the importance of enforcement and deterrence, and to bolster the highest standards of discipline and conduct fitting for all U.N. peacekeeping operations.

Standards are necessary, but not sufficient to deal with the problem. In order to implement the existing standards, the United Nations must create a culture that rejects and penalizes such abhorrent behavior at every level, from the senior civilian and military leadership down to the level of the individual blue-hatted trooper.

In our view, it is most important that this be achieved at the level of individual national units. If the carefully selected peacekeepers in a U.N. battalion understand clearly, both from their training and from the standards and behavior of their unit commander, that sexual abuse and exploitation will not be tolerated, and that such behavior will have an immediate negative impact on their own careers, then the risk of sexual abuse and exploitation by members of that unit will fall. The converse is true, and we note that unit commanders from certain other countries have been recalled, and some dismissed, for failure to meet this standard. Specifically, we have sought the following from the United Nations and from troop-contributing countries:

- Individuals who would be in a position to commit abuse must be made to know that sexual abuse and exploitation will be swiftly investigated and swiftly dealt with, and this information must also be reinforced by advance training.
- The United Nations must require would-be troop-contributing countries to commit, in writing, to provide U.N.-specific training on sexual abuse and exploitation before their troops deploy.
- The United Nations must require would-be troop-contributing countries to commit, in writing, to swiftly deal with allegations of sexual abuse or exploitation by their own national disciplinary and administrative means, and to report to the United Nations the final disposition of each case.
- The United Nations must require individual unit commanders to be held accountable for the behavior of the troops under their commands.
- The United Nations must maintain a roster of persons who have committed sexual abuse or exploitation while serving with the United Nations. Those persons must be permanently barred from service with the United Nations in any capacity.
- We will ask the United Nations to provide regular updates on the status of sexual exploitation and abuse cases.

Mr. Chairman, the United States takes responsibilities, with respect to U.N. peacekeeping, very seriously. I assure you that we will continue to work with the United Nations and troop contributors to put in place measures aimed to end sexual exploitation and abuse by U.N. peacekeepers.

Thank you, Mr. Chairman.

Senator SUNUNU. Thank you very much.

Could you begin by describing how the administration is evaluating, how the administration, how the United States, evaluates support for creating a U.N. peacekeeping operations? What criteria are used and evaluated in deciding whether or not to lend support in an operation? And, if appropriate, maybe you can speak to a couple of examples of past missions.

Mr. DIBBLE. The fundamental question is whether there is a threat to international peace and security, and that could obviously stem from different kinds of situations. The most obvious one, and the traditional one, is where there is a conflict between states that threatens to go beyond the immediate neighborhood.

The more difficult assessment and the one where we have had the most trouble, to be quite frank, is where the conflict is within a state. The most recent example is in Sudan, where questions of sovereignty, questions of foreign interference in internal affairs, have come into play in the debate within the Security Council and have delayed, quite frankly, responses that were adequate to the situation at hand. I am happy to say that we were successful in Sudan, up to a point, in establishing a peacekeeping operation to enforce the Comprehensive Peace Agreement in the south.

We have also managed to address, though not quite as directly, the issue of Darfur by providing assistance outside the U.N. context to the African Union force, without ruling out, indefinitely, the possibility that that force, itself, could turn into a U.N. peacekeeping operation.

Senator SUNUNU. As you review the work of the United Nations and the reform of the peacekeeping capacities, what do you see over the last 6 to 9 months as the most significant successes and positive developments?

Mr. DIBBLE. I think the most important have been the responses of the international community to the crises that have emerged, mainly in Africa, the willingness on the part of the United Nations, its member states, and the troop contributors in particular, to undertake complex missions, the willingness to adjust rules of engagement to allow peacekeepers to act aggressively against threats, not only to themselves but also to the mission, broadly defined, and to civilian populations.

That is particularly the case, as Jane Lute mentioned, in eastern Congo. We are looking for something more along those lines in Haiti.

Senator SUNUNU. What do you see as the greatest current weaknesses? What are the greatest concerns within the U.S. State Department right now with regard to the process of reforming and improving peacekeeping operations?

Mr. DIBBLE. Many of the weaknesses were identified in the Gingrich-Mitchell report, but the most important strategic weakness, I think, is that we have not yet come to a common understanding among member states about how to deal with the full range of issues that are in play in a complex peacekeeping operation and in post-conflict situations, generally. What we would like to see, obviously, is a peacekeeping operation established and then ended without the need, then to return in however many months or years because the followup has failed.

That is the purpose of the peacebuilding commission as we see it, to complement the stability and security element of peacekeeping with a broader range of capabilities that exist, either within the U.N. system or among member states, that can be brought to bear to keep things—to move a country onto a stable path.

Senator SUNUNU. One of the issues that came up in the presentations by the briefers is the issue of information gathering. This was raised by the Gingrich-Mitchell task force as well. They recommended that member states should generate resources required to ensure that all peacekeeping missions have information-gathering capacity to ensure operational success.

How can the United States do this and to what extent should the United States share its intelligence and other information-gathering capacity to ensure the success of peacekeeping operations?

Mr. DIBBLE. I think there is no question that we share the view that troops in the field need an intelligence capacity, especially if they are deploying into areas where they are required not just to sit there and watch, but to act aggressively.

It is a very difficult issue, I think, for us and it is one that—I have found in my career that intelligence agencies tend to be jealous of their information and sharing is very difficult, even within the U.S. Government. But there is clearly a need and we clearly need to find a way to help address it.

Senator SUNUNU. Are there any specific avenues or specific approaches that you believe would be most effective or that the State Department is in a position to recommend?

Mr. DIBBLE. We have not given it the degree of thought, given that most of the information is not ours to share. I think it is fair to say that, given the impetus behind U.N. reform, generally, that this, too, may be something that we need to consider as we go forward.

Senator SUNUNU. Regarding the Gingrich-Mitchell task force, does the administration support increased funding to implement the various recommendations? We just spoke about one, in particular, regarding information-gathering. But what kind of funding mechanisms and what kind of commitments with regard to resources is the State Department prepared to endorse?

Mr. DIBBLE. We keep very much in mind, our duty to the taxpayer and we encourage the United Nations, wherever possible, to fund new operations, new commitments, from within existing resources. We think that until there is significant management and budget reform within the United Nations, there is bound to be a certain amount of fat within the United Nations that could be moved to more productive uses.

That said, we have already voted to approve the funding of the investigative positions within OIOS to undertake the investigations needed in connection with sexual exploitation and abuse and other misconduct. There are other instances, where the need is compelling and the ability is clear, where we would support increased funding, for example, just not particularly directly connected with peacekeeping, but the Office of the High Commissioner for Human Rights, for example.

Senator SUNUNU. Well, I want to thank you and again thank our briefers. As I said before, I think I would like to follow up with

some additional questions perhaps in writing, in particular with perhaps a request to expand a little bit on what opportunities there might be to improve information-gathering and information-sharing in the field. Your point about the difficulties of sharing information even within our own Government is a challenge. It is a challenge for policymakers and legislators and those that work within the bureaucracy. But I think it is something that we need to pursue and address.

Mr. DIBBLE. I agree.

Senator SUNUNU. Because more and more, given the nature of the mission, given our interest in redefining and improving this role as peacebuilding, having good information, real-time information, not just intelligence but just good real-time information as to the state of affairs in a particular region, is absolutely critical. So I think that is something that the subcommittee is very interested in pursuing.

Thank you very much for your time and your testimony. With that, the subcommittee is adjourned.

[Whereupon, at 3:40 p.m., the subcommittee was adjourned.]

AN ADDITIONAL QUESTION AND ANSWER SUBMITTED FOR THE
RECORD

RESPONSE OF ACTING ASSISTANT SECRETARY DIBBLE TO QUESTION FROM SENATOR
SUNUNU

Question. What steps is the administration prepared to take to provide U.N. peacekeeping operations with the real-time information that the Gingrich-Mitchell report called for and which the United Nations has requested?

Answer. Legal requirements to protect intelligence sources and methods restrict our ability to share U.S. intelligence gathered through such sources and methods with the United Nations. However, we have supported the U.N.'s creation of Joint Mission Analysis Cells and Joint Operations Cells in U.N. peacekeeping operations to gather and analyze information on U.N. peacekeeping missions and to provide relevant information and analysis to mission leadership, including to military commanders in support of current operations. For example, such cells are now operating in U.N. peacekeeping missions in Haiti and the Democratic Republic of the Congo.

In addition, we have also supported, as part of our facilitation of the Uganda-Rwanda-Congo Tripartite Commission, establishment of a joint fusion cell to pool information on regional security threats among those three countries and MONUC, the U.N. Mission in the Congo.