

**PEACEKEEPERS: ALLEGATIONS OF ABUSE AND
ABSENCE OF ACCOUNTABILITY AT THE
UNITED NATIONS**

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS

OF THE

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PEACEKEEPERS: ALLEGATIONS OF ABUSE AND ABSENCE OF ACCOUNTABILITY AT THE UNITED NATIONS

WEDNESDAY, APRIL 13, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order, and good afternoon to everybody.

First of all, let me apologize for being late. We had a series of four votes and it has disrupted everyone's schedule, but especially yours. So, I do apologize to you for that.

Today's hearing, examining the consequences of sexual exploitation by the United Nations peacekeepers, marks the second in the series we are holding this year on the critical issue of lack of accountability at the United Nations and its subsidiary institutions. It follows our February hearing which exposed illicit technology transfers to rogue regimes, corruption at the World Intellectual Property Organization, and the harassment of whistleblowers who sought to redress these wrongs.

It also follows on the series of hearings that this subcommittee held about a decade ago when we examined allegations of sexual exploitation and abuse of minors by U.N. peacekeepers in the Democratic Republic of the Congo and the need for true reform that would end the victimizing of the vulnerable by those who are supposed to be the protectors. I would note, parenthetically, that as a result of that, we did have Jane Holl Lute, who was then working at the United Nations, who I think was equally disappointed and frustrated, despite her Herculean efforts, to get the U.N. system to recognize that the peacekeepers, to a person, have to be protectors and never predators.

Sadly, what was happening in the DRC more than 10 years ago today is repeated in places such as Central African Republic and in Haiti. At the time of our hearing on the DRC, I noted that we were there to examine credible evidence of gross sexual misconduct and exploitation of refugees and vulnerable people by U.N. peace-

keepers and civilian personnel assigned to the U.N. peacekeeping mission in the Democratic Republic of the Congo.

These allegations typically involved peacekeepers' sexual conduct with Congolese women and girls, usually in exchange for food or small sums of money. According to the United Nations, these contacts occurred with sickening frequencies and may involve girls under the age of 18, with some as young as 11 to 14 years of age. Even more troubling were the allegations of rape, forced prostitution, and demands of sex for jobs by U.N. civilian personnel.

We will hear from witnesses today who will tell us how little things have changed and how a culture of turning a blind eye and covering pervades the U.N. bureaucracy, not just in the Department of Peacekeeping Operations, but in the very U.N. entities that are supposed to investigate wrongdoing and ensure accountability.

Perhaps even worse still, we will hear from a witness who will tell how in Darfur U.N. peacekeepers stood idly by while civilians were killed by Sudanese militias aligned with the government and how the U.N. sought to cover up accurate reports of what was happening. This is so horrifying that it brings to mind the atrocities that were committed in Srebrenica in 1995, when Dutch peacekeepers shut their eyes and ears to the killing of unarmed citizens, as a matter of fact, facilitated their getting on buses in order to go to their horrific deaths.

I will never forget, soon after that happened we had the chief translator who was there with Koratich and the Dutch peacekeeping commander. He lost pretty much the entirety of his family and couldn't believe the enabling that happened in that so-called U.N. safe haven, again, which cost the lives of well over 8,000 Muslims. And I have been back to Srebrenica and it is a black mark, if ever there was one, on the U.N. efforts.

What compounds the tragedy today is that peacekeeping is essential to healing a broken world. The protectors can never be the predators.

During our February hearing on WIPO I noted that a culture of corruption has beset the U.N. and other international organizations, and how the sexual exploitation of minors occurring in U.N. peacekeeping missions transformed ostensible emissaries of mercy into envoys of exploitation. I also stated my belief that by shining a light we could help victims, help end corruption, bring healing, and, hopefully, true systemic reform.

That is my hope and desire for today's hearing, which will be a further catalyst to action on the part of this subcommittee, which is why we want to experts to convey your best insights and wisdom to us, that by calling attention to what is happening will spur reform.

It is said that the Secretary-General Ban Ki Moon has finally awakened to the true extent of the corruption and is taking steps to end the culture of impunity and dysfunctionality that has characterized U.N. peacekeeping and U.N. oversight. I certainly—and I am sure it is shared by our distinguished witnesses—hope that that is true, and that it is not merely cosmetic.

The U.N. has laudable and, to be fair, very difficult goals, but we must be steadfast in holding the U.N. accountable for its action

and the way the results, good and bad, of the U.N. work. American taxpayers provide more support for the U.N. peacekeepers than those of any other country and, with that, we in Congress bear a fiduciary onus not only to the taxpayers, but also to those innocents in countries who have been harmed by the actions more than a few rotten apples.

I hope that today's revelations and testimony will ensure that the spotlight continues to shine on the U.N. and that, as a result, what is broken will be fixed and people in need of healing will be given respite from their afflictions.

I would like to now introduce our distinguished witnesses.

I do believe we should be joined shortly by Ranking Member Karen Bass. When she does come, if you don't mind, our witnesses, I will turn to her for comments that she might have.

Let me begin, first, with Mr. Brett Schaefer who is Jay Kingham Fellow in International Regulatory Affairs at The Heritage Foundation's Margaret Thatcher Center for Freedom. The United Nations is one of his areas of expertise. He speaks frequently and publishes on issues related to the world body and its activities. He regularly addresses business leaders, congressional staff, and academics, has testified before Congress before, and has appeared on a variety of radio and TV programs speaking on these issues. Mr. Schaefer joined Heritage in 1995 and worked at the Pentagon as an assistant for international criminal court, a policy from March 2003 to March 2004.

Then, we would like to go to Dr. Aicha Elbasri, who was the spokeswoman for UNAMID, the United Nations-African Union Mission in Darfur between 2012 and April 2013. She is the winner of the 2015 Ridenhour Prize for Truth-Telling for blowing the whistle on the U.N. coverup of atrocities mainly committed by Sudan's Government forces, sometimes under U.N. watch. Between 2000 and 2013, she held a number of reporting, media, and communication positions within the U.N. system in New York, the Middle East, and Africa. Dr. Elbasri is a published author and has contributed articles to various newspapers and magazines in the United States, the UK, France, and the Arab Region.

We will, then, hear from Mr. Peter Gallo, formerly with the Office of Internal Oversight Services, the United Nations. Mr. Gallo joined the U.N. in March 2011, where he was an investigator in the Investigations Division of the Office of Internal Oversight Services. Prior to joining the U.N., he spent 18 years as an investigator in the private sector in Asia, where he was recognized as an authority on money laundering. Mr. Gallo was admitted to the practice of law in his home country of Scotland, Hong Kong, and in New York. He has had a number of articles published on money laundering and investigations management, spoken at numerous conferences, and taught courses in these subjects as an adjunct lecturer in Hong Kong.

We will, then, hear from Mr. Jordie Hannum who has almost 20 years of legislative, analytical, and advocacy experience, including roles on Capitol Hill, political campaigns, and within NGOs. As a senior director of the Better World Campaign, he guides its legislative and advocacy efforts around the support for United Nations. During his tenure, he has testified in front of Congress on the

U.N.'s value, traveled to South Sudan, researched civilian protection, and written on the importance of U.S. engagement in peacekeeping. Previously, he worked on a senatorial campaign, a Presidential campaign, and here in the House.

So, welcome to all four of our distinguished witnesses.

Mr. Schaefer, the floor is yours.

STATEMENT OF MR. BRETT SCHAEFER, JAY KINGHAM FELLOW IN INTERNATIONAL REGULATORY AFFAIRS, MARGARET THATCHER CENTER FOR FREEDOM, THE HERITAGE FOUNDATION

Mr. SCHAEFER. Mr. Chairman and other members of the subcommittee, thank you very much for the opportunity to come here today to discuss the problems and concerns with U.N. peacekeeping, including recent allegations of abuse and the absence of accountability.

In my opinion, it is in the interest of the U.S. to have an effective United Nations. For this to happen, the U.N. must carry out its responsibilities competently and effectively and efficiently. It must operate in a transparent and accountable fashion. It must hold itself and its employees and representatives to the highest standards of conduct. This is particularly critical for U.N. peacekeeping where the organization sends civilian and uniformed personnel to protect and assist the most vulnerable. Unfortunately, the current organization falls gravely short.

First, U.N. peacekeeping is being conducted with unprecedented pace, scope, and ambition. These increasing demands have revealed ongoing serious concerns and problems, including poor transparency, mismanagement and corruption that have led to waste, fraud, and abuse in procurement and contracting; negligence and disregard that can lead to unintended tragedy such as the introduction of cholera into Haiti by U.N. peacekeepers; engaging in partnerships with governments that are non-democratic, corrupt, or hostile to human rights; and depending on peacekeepers to defend civilians despite a documented widespread reluctance to respond when civilians under their protection are threatened.

All these problems and others should lead to a stronger oversight by an independent inspector general equivalent in the U.N., which is currently lacking, and fundamental reevaluation of longstanding operations and those with robust mandates in situations of conflict to ensure that the missions are effective within the capabilities and willingness of the troops provided, and achieving their mandates.

Second, because the U.N. and its employees enjoy broad protections and immunities, the organization has an extremely heavy responsibility to self-scrutinize, self-police, self-correct, and punish wrongdoing. Unfortunately, accountability in the organization has been lacking.

Focusing specifically on peacekeeping, the most troubling problem is the frequency with which civilian and military personnel prey on the very people that they are supposed to protect. Last year it was revealed that senior U.N. officials tried to bury detailed knowledge of abuses by non-U.N. peacekeepers in the Central African Republic. Worst, they then tried to fire whistleblower Anders

Kompass for sending those details outside the U.N., so they might be addressed.

A U.N.-appointed independent review panel released a report in December condemning the U.N. for “a gross institutional failure to respond to the allegations in a meaningful way.”

Unfortunately, the trends for sexual exploitation and abuse by U.N. personnel are going the wrong way. In 2014, there were 80 allegations. In 2015, the U.N. reported 99 allegations. Sixteen of those allegations occurred in 10 peacekeeping operations and involved individuals from 25 different nations. Thirty allegations involved U.N. personnel in organizations, funds, and programs not related to U.N. peacekeeping.

Last month, however, the Code Blue Campaign announced that they had learned of 108 new cases of sexual exploitation abuse in the Central African Republic. The problem appears to be getting worse, not better.

The U.N. has responded to this problem through some much overdue transparency in identifying the nationalities of those accused and announcing a series of changes in how such incidents should be reported, investigated, and addressed. The Security Council has endorsed the plan, and we have seen repatriation of troops and units with patterns of misconduct for, I believe, the first time.

However, the problem has never been the stated intent of the organization to address these problems. The problem has always been a failure to follow through on those stated plans. Specifically, the U.N. effort hinges on a number of suggested changes that have been “requested” of the troop-contributing countries. However, it is far from clear that there is a commitment by the troop-contributing countries to implement and adhere to those changes.

Making problems worse, the U.N. also seems to have an embedded hostility toward whistleblowers who can serve as a critical safety valve for reporting mismanagement and misconduct. The fear of reporting wrongdoing undermines the effectiveness and integrity of the U.N., and it must be shored up.

Finally, the methodology for assigning the cost of peacekeeping disproportionately shifts the costs away from the bulk of the membership and onto a relative handful of high-income countries like the U.S. Specifically, the U.S. is assessed over 28.5 percent of U.N. peacekeeping. The least-assessed countries pay 0.0001 percent of that cost. For the peacekeeping budget, the U.S. is assessed more than 185 member states combined. The U.S. will be assessed over \$2.3 billion under this peacekeeping budget. The least-assessed countries will be assessed about \$8,300. Nearly 80 countries will be assessed a total of less than \$100,000, and over half the membership will be assessed less than \$1 million.

This helps explain why member states are not necessarily all that enthusiastic or encouraged to actually conclude peacekeeping missions or constrain their costs. They don’t pay very much for them, and that leads to a lack of incentive for them to fulfill their oversight role or to pursue budgetary restraint. A long-term solution requires a more equitable distribution of the cost of U.N. activities, so that all member states have this kind of incentive.

In conclusion, I want to emphasize the critical role played by Congress in U.N. reform issues in the past through the use of financial carrots and sticks. In my opinion, Congress can be a very effective ally of the executive branch in pursuing U.N. reform and pressure the organization to adopt the reforms and changes that are necessary and have been illustrated to be far overdue with the incidents that we have seen over the past year.

Thank you very much, and I look forward to your questions.

[The prepared statement of Mr. Schaefer follows:]



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CONGRESSIONAL TESTIMONY

Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations

Testimony before the
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Committee on Foreign Affairs
United States House of Representatives

April 13, 2016

Brett D. Schaefer
Jay Kingham Fellow in International Regulatory Affairs
The Heritage Foundation

My name is Brett Schaefer. I am the Jay Kingham Research Fellow in International Regulatory Affairs at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

I want to thank you for the opportunity to discuss key concerns about United Nations peacekeeping.

Within the U.N. system, the 1945 U.N. Charter places the principal responsibility for maintaining international peace and security on the Security Council. The charter gives the Security Council extensive powers to investigate disputes to determine whether they endanger international peace and security; to call on participants in a dispute to settle the conflict through peaceful negotiation; to impose economic, travel, and diplomatic sanctions; and, ultimately, to authorize the use of military force.

For better or worse, this robust vision of the U.N. as a key vehicle for maintaining international peace and security did not materialize after the U.N. was established. On the contrary, opposing interests among the member states, particularly during the Cold War, largely prevented the U.N. from taking decisive action except when the interests of the major powers were minimally involved.

As a result, the United Nations established only 18 peace operations between 1945 and 1990 despite a multitude of conflicts that threatened international peace and security to varying degrees. The bulk of these peace operations were fact-finding missions, observer missions, and other roles in assisting peace processes in which the parties had agreed to cease hostilities. Traditionally, U.N. peace operations were rarely authorized with the expectation that they would involve the use of force.¹

Since the end of the Cold War, the U.N. Security Council has been far more active in establishing peace operations, with over 50 being established since 1990.²

In the early 1990s, crises such as those in the Balkans, Somalia, and Cambodia led to a dramatic increase in the number and size of U.N. peace operations missions. However, the debacle in Somalia and the failure of U.N. peacekeepers to intervene and prevent the 1994 genocide in Rwanda and to stop the 1995 massacre in Srebrenica, Bosnia, led to a renewed skepticism about U.N. peacekeeping and a decline in the breadth and frequency of U.N. peacekeeping in the mid and late 1990s.

This lull was short-lived. With a number of troubling situations, many of them in Africa, receiving increasing attention from the media in recent years, the Security Council has found itself under pressure to respond and “do something.” The Security Council has often responded by establishing additional peacekeeping operations with unprecedented pace, scope, and ambition.

At the end of February 2016, 122,778 personnel (including 104,503 uniformed personnel, 16,471 civilian personnel, and 1,804 volunteers) were involved in 16 U.N. peacekeeping operations overseen by the U.N.

¹Notable exceptions are the United Nations Emergency Force (UNEF I) established in 1956 to monitor the cease-fire between Israel and Egypt and the United Nations Operation in the Congo (ONUC) established in 1960 to oversee the withdrawal of Belgian forces and maintain order and to preserve the territorial integrity and independence of the Congo. Political tensions over funding led many member states, including permanent Security Council members France and the Soviet Union, to withhold their share of the expenses of these missions, precipitating the U.N.’s first major financial crisis. See Brett D. Schaefer, “The Window of Opportunity to Overhaul the U.N. Scale of Assessments Is Closing,” Heritage Foundation *Backgrounder* No. 2701, June 18, 2012, p. 13, http://thf_media.s3.amazonaws.com/2012/pdf/bg2701.pdf.

²United Nations, “History of Peacekeeping,” <http://www.un.org/en/peacekeeping/operations/history.shtml>.

Department of Peacekeeping Operations.³ These activities have grown increasingly expensive over the past 30 years, with the current annual peacekeeping budget estimated at \$8.28 billion.⁴

MAP 1

U.N. Spending on Peacekeeping Operations Since 1948



Area	Total Spending	Area	Total Spending
1. Sudan	\$19,335,848,700	24. Egypt	\$660,700,000
2. Dem. Rep. Congo	\$16,856,972,200	25. Iraq/Kuwait border	\$600,000,000
3. Southern Lebanon	\$9,262,524,350	26. Mozambique	\$492,600,000
4. Liberia	\$7,403,144,430	27. Rwanda	\$453,900,000
5. Haiti	\$7,045,498,750	28. Croatia	\$450,662,000
6. Côte d'Ivoire	\$5,723,582,950	29. Georgia	\$396,860,000
7. Yugoslavia	\$4,616,725,556	30. Namibia and Angola	\$368,600,000
8. South Sudan	\$4,126,258,800	31. India/Pakistan border	\$275,641,575
9. Kosovo	\$3,407,160,500	32. Macedonia	\$185,000,000
10. Sierra Leone	\$2,853,600,000	33. Iran and Iraq	\$177,900,000
11. Central African Republic	\$2,527,057,800	34. El Salvador	\$107,700,000
12. East Timor	\$2,382,297,900	35. Central America	\$92,400,000
13. Mali	\$1,894,354,600	36. Tajikistan	\$63,000,000
14. Cyprus	\$1,796,672,507	37. Syria	\$16,800,000
15. Somalia	\$1,642,900,000	38. Afghanistan and Pakistan	\$14,000,000
16. Cambodia	\$1,600,000,000	39. Western New Guinea	\$5,505,833
17. Golan	\$1,483,580,514	40. Guatemala	\$3,900,000
18. Angola	\$1,373,103,500	41. Beirut	\$3,700,000
19. Ethiopia and Eritrea	\$1,320,000,000	42. Uganda	\$2,300,000
20. Western Sahara	\$1,229,320,013	43. Yemen	\$1,800,000
21. Middle East	\$1,102,170,975	44. Dominican Republic	\$275,831
22. Bosnia and Herzegovina	\$1,094,056,917	45. Chad	\$54,471
23. Burundi	\$678,300,000	Total	\$105,128,440,672

NOTE: Financial data are presented in current dollars because U.N. data for annual costs of older operations was not available.

SOURCES: United Nations, Peacekeeping Operations, <http://www.un.org/en/peacekeeping/operations/pos.shtml> (accessed April 8, 2016); and other U.N. documents.

³United Nations, "Peacekeeping Fact Sheet," as of February 29, 2015, <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>.

⁴United Nations General Assembly, "Approved resources for peacekeeping operations for the period from 1 July 2015 to 30 June 2016," A/C.5/69/24, http://www.un.org/ga/search/view_doc.asp?symbol=A/C.5/69/24.

A look back over the past seven decades provides interesting insight into where peacekeeping efforts have been focused and how resources have been allocated. As illustrated in Map 1, the U.N. has spent over \$105 billion on 70 past and current peacekeeping operations dating back to 1948. The U.S. taxpayer has paid between a quarter and a third of these costs expenses. These peacekeeping operations and costs have focused overwhelmingly on situations in Africa. Of the 70 past and current operations, 33 were located in Africa, and their total cost represents over 65 percent of the \$105 billion spent on U.N. peacekeeping since 1948. Currently, nine of the 16 active peacekeeping operations are located in Africa. Those missions also tend to be the largest and most expensive of the current operations, with African missions comprising 85 percent of the amounts directly budgeted for peacekeeping operations for 2015-2016.

High Costs for the U.S.

According to U.N. data, the U.N. system nearly tripled its revenues from 2003 and 2013, from \$17.527 billion to \$44.632 billion.⁵ About a fifth of this expense goes to U.N. peacekeeping. The U.N. peacekeeping budget funds most of the peacekeeping missions established by the Security Council.⁶

Unlike the regular budget, which is a biennial or two-year budget, the peacekeeping budget is an annual budget that goes from July to June. The approved peacekeeping budget from July 2015 to June 2016 was \$8.28 billion, although this may be adjusted during the period as missions are reduced, expanded, adjusted, closed, or newly established.⁷

There are 193 member states in the United Nations. Article 17 of the U.N. Charter states that the “expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.” Since the U.N.’s establishment, these expenses have been apportioned “broadly according to capacity to pay” and allocated among the U.N. member states in a “scale of assessment” that assigns each U.N. member state a certain percentage of the expenses that it is expected to provide.⁸

Under the formula used by the U.N. to determine the scale of assessments, wealthier nations, based principally on their share of global gross national income, are asked to pay larger shares of the budget than are poorer nations. This was done in recognition of fiscal reality. The founders of the U.N. did not wish U.N. membership to cause severe financial hardship. However, as evidenced from their actions in establishing a minimum assessment of 0.04 percent in 1946, they did not believe that membership should be costless or insignificant either, even though the original member states included very poor countries such as Haiti.

Over the past 70 years, however, the capacity to pay principle has been used to incrementally reduce the share of the expenses of the U.N. borne by poor and developing countries through various discounts for

⁵United Nations General Assembly, “Budgetary and financial situation of the organizations of the United Nations system,” Table 1: Approved regular budgets, and Table 2: Extrabudgetary resources, A/61/203, July 28, 2006, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/449/43/img/N0644943.pdf>; United Nations General Assembly, “Budgetary and financial situation of the organizations of the United Nations system,” Table 2: Total Revenue by organization, A/69/305, August 12, 2014, <http://www.unsceb.org/CEBPublicFiles/A-69-305.pdf>.

⁶The earliest operations—the U.N. Truce Supervision Organization (UNTSO) established in 1948 and the U.N. Military Observer Group in India and Pakistan (UNMOGIP) established in 1949—were originally funded and continue to be funded through the regular budget under the normal scale of assessments.

⁷United Nations General Assembly, “Approved resources for peacekeeping operations for the period from 1 July 2015 to 30 June 2016,” A/C.5/69/24, http://www.un.org/ga/search/view_doc.asp?symbol=A/C.5/69/24.

⁸For a detailed history of this practice, see Schaefer, “The Window of Opportunity to Overhaul the U.N. Scale of Assessments Is Closing.”

debt, low per capita income, and other modifications. The primary result of these adjustments is to shift the costs of the organization away from the bulk of the membership onto a relative handful of high-income nations, including the U.S.

The United States has been the U.N.'s largest financial supporter ever since the organization's founding in 1945. The U.S. is currently assessed 22 percent of the U.N. regular budget and 28.5738 percent of the U.N. peacekeeping budget. The lowest assessment for the regular budget currently sits at 0.001 percent. Under the current scale of assessments, 32 countries pay this assessment, which equates to an annual payment of approximately \$27,000 for the regular budget. America's regular budget assessment is 22 percent, which equates to an annual payment of about \$594 million.

The peacekeeping assessment is based on a country's regular budget assessment, but the vast majority of the U.N. membership receives discounts ranging from 7.5 percent to 90.0 percent, which are then added proportionately to the assessments of the permanent members of the Security Council.⁹ For the peacekeeping budget, the minimum is 0.0001 percent.

As presented in Table 1, for the peacekeeping budget, the U.S. is assessed more than 185 other U.N. member states combined and 280,000 times more than the least-assessed countries. These differences are even starker in dollar terms:

- Under the current peacekeeping scale of assessment for 2016–2018, the 18 countries paying the minimum peacekeeping assessment of 0.0001 percent in 2016 each will be assessed approximately \$8,276 based on the approved peacekeeping budget for 2015–2016.¹⁰
- Nearly 80 countries will be assessed less than \$100,000 this year for peacekeeping.
- By contrast, the U.S. is assessed 28.5738 percent of the peacekeeping budget, which works out to \$2.365 billion based on the approved peacekeeping budget for 2015–2016.

Unfortunately, the discrepancy between the financial burden shouldered by the U.S. versus most member states has been growing. Fifteen years ago, Ambassador Richard Holbrooke testified to the Senate that he had secured a deal to lower the U.S. peacekeeping assessment to 25 percent as required under U.S. law and as a condition for payment of U.S. arrears under the Helms–Biden agreement.¹¹ By 2009, the U.S. share had fallen to 25.9624 percent.¹²

⁹United Nations General Assembly, "Scale of Assessments for the Apportionment of the Expenses of United Nations Peacekeeping Operations," A/RES/55/235, January 30, 2001, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/55/235 (accessed May 4, 2015).

¹⁰United Nations General Assembly, "Approved resources for peacekeeping operations for the period from 1 July 2015 to 30 June 2016," A/C.5/69/24, http://www.un.org/ga/search/view_doc.asp?symbol=A/C.5/69/24.

¹¹Richard C. Holbrooke, U.S. Permanent Representative to the United Nations, testimony before the Committee on Foreign Relations, U.S. Senate, January 9, 2001.

¹²For a fuller discussion, see Brett D. Schaefer, "U.S. Must Enforce Peacekeeping Cap to Lower America's U.N. Assessment," Heritage Foundation *Backgrounders* No. 2762, January 25, 2013, <http://www.heritage.org/research/reports/2013/01/us-must-enforce-peacekeeping-cap-to-lower-americas-un-assessment>.

TABLE 1

United Nations Scale of Assessments for 2016

	REGULAR BUDGET		PEACEKEEPING BUDGET	
	Percent	Dollars	Percent	Dollars
Total		\$2,700,897,200		\$8,275,565,500
Permanent Members of the U.N. Security Council				
United States	22.000	\$594,197,384	28.5738	\$2,364,643,535
France	4.859	\$131,236,595	6.3109	\$522,262,663
United Kingdom	4.463	\$120,541,042	5.7966	\$479,701,430
China	7.921	\$213,938,067	10.2879	\$851,381,903
Russian Federation	3.088	\$83,403,706	4.0107	\$331,908,106
Other Notable Contributors				
Japan	9.680	\$261,446,849	9.6800	\$801,074,740
Germany	6.389	\$172,560,322	6.3890	\$528,725,880
Brazil	3.823	\$103,255,300	0.7646	\$63,274,974
Italy	3.748	\$101,229,627	3.7480	\$310,168,195
Canada	2.921	\$78,893,207	2.9210	\$241,729,268
Australia	2.337	\$63,119,968	2.3370	\$193,399,966
Saudi Arabia	1.146	\$30,952,282	0.8404	\$69,547,852
India	0.737	\$19,905,612	0.1474	\$12,198,184
Iran	0.471	\$12,721,226	0.0942	\$7,795,583
Israel	0.430	\$11,613,858	0.4300	\$35,584,932
South Africa	0.364	\$9,831,266	0.0728	\$6,024,612
Nigeria	0.209	\$5,644,875	0.0418	\$3,459,186
Pakistan	0.093	\$2,511,834	0.0186	\$1,539,255
Cuba	0.065	\$1,755,583	0.0130	\$1,075,824
North Korea	0.005	\$135,045	0.0010	\$82,756
Lowest Assessment (32 Countries—Regular Budget, 18 Countries—Peacekeeping Budget)	0.001	\$27,009	0.0001	\$8.276
Notable Groupings				
Least-assessed 178 countries	21.372	\$577,235,750	11.8850	\$983,567,511
Least-assessed 185 countries	37.117	\$1,002,492,014	25.2030	\$2,085,707,324
Geneva Group (16 countries)	72.865	\$1,968,008,745	78.1262	\$6,465,384,854
G-77 (133 countries)	21.856	\$590,308,092	15.0856	\$1,248,418,709
G-77 without China	13.935	\$376,370,025	4.7977	\$397,036,806
NAM (113 countries)	9.108	\$245,997,717	3.7842	\$313,163,950
OIC (56 countries)	6.288	\$169,832,416	2.8474	\$235,638,452

NOTES: The regular budget amount is based on half of the adjusted biennial budget for 2016 and 2017. The peacekeeping budget amount is the approved resources for July 1, 2015 through June 30, 2016.

SOURCES: United Nations General Assembly, "Approved Resources for Peacekeeping Operations for the Period from 1 July 2015 to 30 June 2016," A/C.5/69/24, https://www.un.org/ga/search/view_doc.asp?symbol=A/C.5/69/24 (accessed March 16, 2016); United Nations General Assembly, "Programme Budget for the Biennium 2016–2017," A/C.5/70/L.20, December 28, 2015, [http://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/454/52/pdf/N1545452.pdf](http://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/454/52/pdf/N1545452.pdf?OpenDocument) (accessed March 16, 2016); and United Nations General Assembly, "Scale of Assessments for the Apportionment of the Expenses of United Nations Peacekeeping Operations: Implementation of General Assembly Resolutions 55/235 and 55/236," United Nations Document A/70/331/Add.1, December 28, 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/331/Add.1 (accessed March 16, 2016).

Under the three scales of assessment approved under the Obama Administration—the U.N. adopts a new scale of assessments every three years—the U.S. share of the peacekeeping budget has increased each time.¹³ The U.S. share of the peacekeeping budget has risen to 28.5738 percent under the current scale for 2016–2018.¹⁴

This increase may seem small, but it costs American taxpayers hundreds of millions of dollars each year. Specifically, if the U.S. were assessed at 25 percent, American taxpayers would be assessed nearly \$300 million less for U.N. peacekeeping this year.

Serious Flaws, Concerns and Problems

As noted above, the more recent operations have often involved mandates that go beyond traditional peacekeeping in scope, purpose, and responsibilities. These missions have often focused on quelling civil wars, reflecting a change in the nature of conflict from interstate conflict between nations to intrastate conflict within nations. Increasing demands have revealed ongoing, serious flaws and problems.

Fraud and Corruption. Over the years, numerous reports, audits, and investigations have revealed mismanagement, fraud, and procurement corruption in U.N. peacekeeping. For instance, in a 2007 U.N. Office of Internal Oversight Services (OIOS) report, an examination of \$1.4 billion of peacekeeping contracts turned up “significant” corruption schemes that tainted \$619 million (over 40 percent) of the contracts.¹⁵ An audit of the U.N. mission in Sudan revealed tens of millions of dollars lost to mismanagement and waste and exposed substantial indications of fraud and corruption.¹⁶ According to then-head of OIOS Inga-Britt Ahlenius in 2008, “We can say that we found mismanagement and fraud and corruption to an extent we didn’t really expect.”¹⁷

More recent reports are scarce, most likely due to OIOS disinterest in pursuing investigations as detailed above, but relatively recent news stories on possible corruption in U.N. air charters to favor Russian contractors,¹⁸ allegations of selling U.N. peacekeeping jobs in Haiti and the Democratic Republic of the

¹³For a fuller discussion, see *ibid.*

¹⁴Report of the Secretary-General, “Scale of assessments for the apportionment of the expenses of United Nations peacekeeping operations: Implementation of General Assembly resolutions 55/235 and 55/236,” United Nations Document A/70/331/Add.1, December 28, 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/331/add.1.

¹⁵United Nations Office of Internal Oversight Services, “Report of the Office of Internal Oversight Services on the Activities of the Procurement Task Force for the 18-Month Period Ended 30 June 2007,” A/62/272, October 5, 2007, http://www.eveontheun.org/assets/attachments/documents/5522_report_OIOS_activities_procurement_task_force_30_june_2007.doc (accessed May 4, 2015).

¹⁶Colum Lynch, “Audit of UN’s Sudan Mission Finds Tens of Millions in Waste,” *The Washington Post*, February 10, 2008, p. A16, <http://www.washingtonpost.com/wp-dyn/content/article/2008/02/09/AR2008020902427.html> (accessed May 4, 2015).

¹⁷Louis Charbonneau, “UN Probes Allegations of Corruption, Fraud,” Reuters, January 10, 2008, <http://www.polity.org.za/article/un-probes-allegations-of-corruption-fraud-2008-01-11> (accessed May 4, 2015).

¹⁸George Russell, “UN Paid Russian Air Charters Hundreds of Millions While Putin Invaded Ukraine,” Fox News, April 9, 2015, <http://www.foxnews.com/world/2015/04/09/un-paid-russian-air-charters-hundreds-millions-while-putin-invaded-ukraine/> (accessed May 4, 2015).

Congo,¹⁹ and assertions by independent watchdogs like Transparency International that the U.N. has failed to prioritize fighting corruption in peacekeeping operations²⁰ indicate that the issue should remain a focus of concern for Congress.

Unintended Consequences. Ten months after the 2010 earthquake, Haiti was ravaged by cholera for the first time in over a century. Over 9,000 Haitians have died, and more than 800,000 more have been sickened from cholera. Infections first occurred in the vicinity of an outpost of U.N. peacekeepers from Nepal, where cholera was widespread, and quickly spread across Haiti. A U.N. investigation concluded that the cholera cases involved a single strain of the disease, indicating a single source, and that the strain was closely related to strains contemporaneously circulating in South Asia. Subsequent studies and reports, including one by the scientists that originally conducted the U.N. investigation, confirmed these conclusions and identified the Nepalese peacekeepers as almost certainly the source of the cholera outbreak.²¹ Because of the broad immunities and privileges enjoyed by the U.N., efforts to sue the organization have been unsuccessful to date.

The U.N. has repeatedly refused to admit responsibility.²² However, a leaked internal U.N. report indicates that negligence and sanitation problems continued well after the initial cholera outbreak. According to a summary of the report, “a month after the cholera outbreak, more than one in 10 of the UN camps were still disposing of sewage—known as ‘black water’—directly into local environment’. In addition, more than seven in 10 of the camps disposed of their ‘grey water’—that is water from showers and kitchens—into the ‘local environment’.”²³

According to the leaked report, these sanitation issues could have been dealt with for \$3.15 million. The current estimate of the cost to eradicate cholera from Haiti is over \$2 billion. There is no evidence that any U.N. official has faced any consequences for the failures in Haiti. As noted by former U.N. Assistant

¹⁹Matthew Russell Lee, “On Selling of UN Jobs in DRC & Haiti UN Says It’s Up to Cote d’Ivoire: Cover Up?” Beacon Reader, February 11, 2015, https://www.beaconreader.com/matthew-russell-lee/on-selling-of-un-jobs-in-drc-haiti-un-says-its-up-to-cote-divoire-cover-up?utm_source=publish&utm_medium=email&utm_campaign=on-selling-of-un-jobs-in-drc-haiti-un-says-its-up-to-cote-divoire-cover-up&utm_content=bottomlink.

²⁰Transparency International, “Corruption & Peacekeeping: Strengthening Peacekeeping and the United Nations,” October 2013, https://www.dropbox.com/s/4ceip3taz7o9upv/2013-10_%20Corruption-PK-report.pdf.

²¹For a fuller discussion, see Brett D. Schaefer, “Haiti Cholera Lawsuit Against the U.N.: Recommendations for U.S. Policy,” Heritage Foundation *Backgrounder* No. 2859, November 12, 2013, <http://www.heritage.org/research/reports/2013/11/haiti-cholera-lawsuit-against-the-un-recommendations-for-us-policy>.

²²As documented by the Institute for Justice and Democracy in Haiti, “[T]he former head of MINUSTAH repeatedly denied any link between peacekeeping troops and the cholera outbreak, accusing Haitians who pointed the finger at the UN of ‘wasting time and costing lives.’ As recently as 2014, Mr. Mulet told an interviewer that the peacekeepers did not bring cholera to Haiti, that ‘all those precautions had been taken and had been taken all along’ to prevent cholera, and that all the peacekeepers at the base had been tested for cholera.” Institute for Justice and Democracy in Haiti, “Leaked Report Highlights UN Recklessness and Cover up on Haiti Cholera,” April 6, 2016, <http://www.ijdh.org/2016/04/topics/health/leaked-report-highlights-un-recklessness-and-cover-up-on-haiti-cholera/>.

²³Joe Sandler Clarke and Ed Pilkington, “Leaked UN report faults sanitation at Haiti bases at time of cholera outbreak,” *The Guardian*, April 5, 2016, <http://www.theguardian.com/world/2016/apr/05/leaked-un-report-sanitation-haiti-bases-cholera-outbreak>.

Secretary General for Field Support Anthony Banbury, “In the past six years, I am not aware of a single international field staff member’s being fired, or even sanctioned, for poor performance.”²⁴

Stasis and Ineffectiveness. The unfortunate reality is that after billions of dollars in international assistance and decades of U.N. peacekeeping efforts, many long-standing peacekeeping operations have not demonstrably facilitated the resolution of the conflicts or situations that they were originally deployed to address. Specifically:

- The United Nations Truce Supervision Organization (UNTSO) has been operational since 1948.
- The United Nations Military Observer Group in India and Pakistan (UNMOGIP) has been operational since 1949.
- The United Nations Peacekeeping Force in Cyprus (UNFICYP) has been operational since 1964.
- The United Nations Disengagement Observer Force (UNDOF) has been operational since 1974.
- The United Nations Interim Force in Lebanon (UNIFIL) has been operational since 1978.
- The United Nations Mission for the Referendum in Western Sahara (MINURSO) has been operational since 1991.

The circumstances surrounding these situations remain virtually identical to what they were when these peacekeeping operations were established. There is an argument to be made that stasis is a positive outcome: After all the situations are not deteriorating.²⁵ But after two, three, four, five, or six decades of stasis, it is beyond time to reexamine these missions to determine what can be done to make them spur resolution of their respective situations. Peacekeeping should not be a permanent presence, but rather a temporary endeavor focused on addressing critical problems, bolstering domestic capacity rather than substituting for it, and exiting as soon as practical to allow finite resources to be shifted to more urgent or emerging crises.

Quagmire. The nature of the largest peacekeeping operations, such as those in the Democratic Republic of the Congo and Sudan, arguably goes against the strengths of U.N. peacekeeping. As summarized by one academic:

UN peacekeeping operations are ill-suited to operations requiring the use of offensive force: they lack the personnel, the equipment, and the effective leadership required. Moreover, the tradition that peacekeeping operations may only operate with the consent and cooperation of the government of the host state means that it is extremely difficult for a militarized peacekeeping force to be even-handed in its resort to force: if it were to use force against the host state—even if the government of the host state was acting contrary

²⁴Anthony Banbury, “I Love the U.N., but It Is Failing,” *The New York Times*, March 18, 2016, http://mobile.nytimes.com/2016/03/20/opinion/sunday/i-love-the-un-but-it-is-failing.html?emc=eta1&referrer=&_r=0.

²⁵Although the 2006 and 2008 conflicts between Israel and Lebanon were in part a result of the UNIFIL’s failure to enforce its mandate: “establishment between the Blue Line and the Litani river of an free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL deployed in this area.”

to the interests of its civilian population—it would lose that government’s good will and its continued operation in the state would be extremely difficult.²⁶

Nonetheless, the U.N. Security Council often overrides experience and caution and approves missions under these circumstances anyway out of concern that it remain relevant and/or not appear indifferent to situations even though it may violate the central lesson learned in the 1990s: “the United Nations does not wage war.”²⁷ But the mere presence of a U.N. operation does not guarantee success. On the contrary, it can lead to quagmire. As noted by Banbury:

Peacekeeping forces often lumber along for years without clear goals or exit plans, crowding out governments, diverting attention from deeper socioeconomic problems and costing billions of dollars. My first peacekeeping mission was in Cambodia in 1992. We left after less than two years. Now it’s a rare exception when a mission lasts fewer than 10.

Look at Haiti: There has been no armed conflict for more than a decade, and yet a United Nations force of more than 4,500 remains. Meanwhile, we are failing at what should be our most important task: assisting in the creation of stable, democratic institutions. Elections have been postponed amid allegations of fraud, and the interim prime minister has said that “the country is facing serious social and economic difficulties.” The military deployment makes no contribution at all to solving these problems.

Our most grievous blunder is in Mali. In early 2013, the United Nations decided to send 10,000 soldiers and police officers to Mali in response to a terrorist takeover of parts of the north. Inexplicably, we sent a force that was unprepared for counterterrorism and explicitly told not to engage in it. More than 80 percent of the force’s resources are spent on logistics and self-protection. Already 56 people in the United Nations contingent have been killed, and more are certain to die. The United Nations in Mali is day by day marching deeper into its first quagmire.²⁸

Worse than quagmire, it can link the U.N. to the fortunes of abusive regimes. As noted by Richard Gowan:

Some of the largest and highest-profile UN missions, including those in South Sudan and Darfur, are trapped in quagmires of endemic violence and dysfunctional politics. UN contingents are often under-equipped and under-motivated, reducing their tactical impact. Yet the UN’s greatest strategic weakness in these cases is that it has become entangled in fractious and arguably unethical relationships with national leaders who, driven by greed or fear, have little real interest in stable, open and inclusive political systems....

At what point do efforts to maintain relations with abusive leaders and regimes become morally and politically unsustainable? Does such collaboration contribute to protecting

²⁶James Sloan, “UN Peacekeeping in Darfur: A ‘Quagmire’ That We Cannot Accept,” June 3, 2014, <http://www.c-ir.info/2014/06/03/un-peacekeeping-in-darfur-a-quagmire-that-we-cannot-accept/>.

²⁷Commonly known as the Brahimi Report after Lakhdar Brahimi, Chairman of the Panel on United Nations Peace Operations. United Nations, “Comprehensive Review of the Whole Question of Peacekeeping Operations in All Their Aspects,” A/55/305–S/2000/809, August 21, 2000, p. 10. http://www.un.org/cu/ga/search/view_doc.asp?symbol=A/55/305 (accessed May 4, 2015).

²⁸Banbury, “I Love the U.N., but It Is Failing.”

civilians over the long term, or does it simply allow abusive rulers to fortify their positions?

...While it may be hard to imagine pulling peacekeepers out of countries where civilians remain at risk, there have to be moral limits to the sort of regimes that peacekeepers are asked to fight and die for. The longer the UN continues to prop up leaders and governments that treat the organization with contempt, the more that contempt will be deserved.²⁹

Failing to Protect Civilians. U.N. peacekeeping debacles in the 1990s led to a reevaluation of U.N. peacekeeping. However, as troubling situations have arisen in recent years, many of them in Africa, the Security Council has found itself under pressure to respond. This does not mean, however, that U.N. peacekeepers are necessarily more capable of acting with force to prevent violence or more willing to do so. A 2014 study of eight of the nine U.N. peacekeeping operations with a mandate to protect civilians found that of 570 reported instances, peacekeepers “did not report responding to 406 (80 per cent) of incidents where civilians were attacked.”³⁰

This also assumes that those reports are accurate or complete. Whistleblower Aicha Elbasri, who served as spokesperson for the African Union–United Nations Mission in Darfur (UNAMID) between August 2012 and April 2013, provided leaked documentation to *Foreign Policy* that showed in a series of articles that the mission was deliberately underreporting and concealing attacks by Sudanese forces on civilians and U.N. peacekeepers.³¹

Sexual Exploitation and Abuse. By far the most horrible of the problems facing U.N. peacekeeping is the disturbing frequency of sexual exploitation and abuse committed by troops and civilian personnel participating in those operations. This is not a new problem. There have been numerous reports of U.N. personnel committing serious crimes and sexual misconduct, from rape to the forced prostitution of women and young girls. In recent years, U.N. personnel have been accused of sexual exploitation and abuse in Bosnia, Burundi, Cambodia, Congo, the Democratic Republic of Congo, Guinea, Haiti, Kosovo, Liberia, Sierra Leone, and Sudan. The U.S. and other member states successfully pressured the U.N. to adopt stricter requirements for peacekeeping troops and their contributing countries, and Secretaries-General Kofi Annan and Ban Ki-moon have repeatedly announced their commitment to a “zero-tolerance policy” on sexual exploitation and abuse and have commissioned and conducted numerous reports on the matter.³²

Conduct and discipline teams charged with strengthening accountability and upholding the highest standards of conduct in peacekeeping missions are now present in nearly all U.N. peacekeeping and

²⁹Richard Gowan, “The Peacekeeping Quagmire,” *Georgetown Journal of International Affairs*, Summer/Fall 2015, http://journal.georgetown.edu/wp-content/uploads/2015/08/Gowan_Online.pdf.

³⁰Report of the Office of Internal Oversight Services, “Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations,” A/68/787, March 7, 2014, http://www.un.org/oa/search/view_doc.asp?symbol=A/68/787.

³¹Colum Lynch, “They Just Stood Watching,” *Foreign Policy*, April 7, 2014, <http://foreignpolicy.com/2014/04/07/they-just-stood-watching-2/>.

³²For instance, the 2002 Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, the 2003 Special Measures for Protection from Sexual Exploitation and Sexual Abuse Bulletin, the 2005 Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations, and the annual report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse.

political missions, and troops are required to undergo briefing and training on behavior and conduct.³³ Statistics on the United Nations Conduct and Discipline Unit website have chronicled a decline in allegations of sexual exploitation and abuse over the past decade.³⁴

Recent leaked reports, however, belie these statistics and indicate that the problem is as bad as, if not worse than, it has ever been. A U.N.-commissioned experts' report from November 2013, which was never released, was leaked last year.³⁵ The report directly challenges U.N. claims on sexual exploitation and abuse:

- "The UN does not know how serious the problem of SEA [sexual exploitation and abuse] is because the official numbers mask what appears to be significant amounts of underreporting of SEA" due to poor record keeping, fear of retribution, a culture of silence, and a sense of futility due to "the rarity of remedial outcomes including rarity of victim assistance."
- "Overall, there was noted a culture of enforcement avoidance, with managers feeling powerless to enforce anti-SEA rules, a culture of silence around reporting and discussing cases, and a culture of extreme caution with respect to the rights of the accused, and little accorded to the rights of the victim."
- "This impunity has been debilitating for the many UN personnel who believe in, adhere to, and try to promote the zero tolerance policy, and creates unremediated harm to its victims."

Last year, another report, based on an investigation by UNICEF and the U.N. Office of the High Commissioner on Human Rights into allegations of sexual abuse and misconduct involving young boys in the Central African Republic between December 2013 and June 2014, was leaked. The confidential investigation reportedly provided strong evidence of repeated rape and sexual abuse by French, Chadian, and Equatorial Guinean peacekeepers present in the country before the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) was stood up.³⁶ The reluctance of the U.N. to pursue the matter is deeply troubling. As stated by Paula Donovan, co-director of the advocacy group AIDS-Free World, who received the leaked report:

³³United Nations Conduct and Discipline Unit, <https://cdu.unlb.org/AboutCDU.aspx>.

³⁴United Nations Conduct and Discipline Unit, "Statistics Allegations for All Categories of Personnel Per Year (Sexual Exploitation and Abuse)," <https://cdu.unlb.org/Statistics/AllegationsbyCategoryofPersonnelSexualExploitationandAbuse/AllegationsforAllCategoriesofPersonnelPerYearSexualExploitationandAbuse.aspx>.

³⁵Dr. Thelma Awori, Dr. Catherine Lutz, and General Paban J. Thapa, "Expert Mission to Evaluate Risks to SEA Prevention Efforts in MINUSTAH, UNMIL, MONUSCO, and UNMISS," November 3, 2013, <http://www.aidsfreeworld.org/Newsroom/Press-Releases/2015/-/media/Files/Peacekeeping/2013%20Expert%20Team%20Report%20FINAL.pdf>.

³⁶Sandra Laville, "UN Aid Worker Suspended for Leaking Report on Child Abuse by French Troops," *The Guardian*, April 29, 2015, <http://www.theguardian.com/world/2015/apr/29/un-aid-worker-suspended-leaking-report-child-abuse-french-troops-car> (accessed May 4, 2015); Sandra Laville and Angelique Chrisafis, "UN Accused of 'Reckless Disregard' for Allegations of Peacekeeper Child Abuse," *The Guardian*, April 30, 2015, <http://www.theguardian.com/world/2015/apr/30/un-accused-of-reckless-disregard-for-allegations-of-peacekeeper-child-abuse> (accessed May 4, 2015); and George Russell, "African Troops Involved with French in UN Rape Report Scandal," Fox News, May 1, 2015, <http://www.foxnews.com/world/2015/05/01/african-troops-involved-with-french-in-un-rape-report-scandal/> (accessed May 4, 2015).

The regular sex abuse by peacekeeping personnel uncovered here and the United Nations' appalling disregard for victims are stomach-turning, but the awful truth is that this isn't uncommon. The UN's instinctive response to sexual violence in its ranks—ignore, deny, cover up, dissemble—must be subjected to a truly independent commission of inquiry with total access, top to bottom, and full subpoena power.³⁷

This conclusion was echoed by a U.N.-established independent review that concluded:

These repeated failures [by the U.N. and its senior officials] to respond to the Allegations are, in the Panel's view, indicative of a broader problem of fragmentation of responsibility within the Organization, in which UN staff too often assumed that some other UN agency would take responsibility to address the violations. The end result was a gross institutional failure to respond to the Allegations in a meaningful way.³⁸

The review proposed a number of reforms in training, procedures for reporting and investigating sexual exploitation and abuse, and securing commitments by troop-contributing countries to try to minimize repetition of this problem.

The Secretary-General endorsed the measures recommended by the review in a February report that also for the first time provided details on sexual exploitation and abuse by peacekeeping missions, specifically named the nationality of those accused, and provided the current status of investigations. This transparency is a vast improvement. Similarly, the steps announced in the report should help in preventing sexual exploitation and abuse and addressing them in a timely manner if they occur.

As illustrated by the numerous announcements of reforms and zero tolerance in the past, however, the U.N.'s problem has never been an inability to announce its commitment to stopping sexual exploitation and abuse; it has been a deplorable inability to follow through. With this in mind, it is worth noting that a great many of the reforms involve *requesting* member states, particularly troop-contributing countries, to commit to and implement various measures like stronger investigatory procedures.³⁹ Whether these reforms will be implemented or delayed indefinitely in bureaucratic deliberations and efforts to achieve consensus support in the General Assembly is yet to be determined.

There have been some positive signs, including the decision to send home troop contingents from the Democratic Republic of Congo and Burundi and the confining of troops from Burundi and Gabon to barracks after they were found to be involved in sexual exploitation and abuse.⁴⁰ But new allegations of

³⁷Laville, "UN Aid Worker Suspended for Leaking Report on Child Abuse by French Troops."

³⁸Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, "Taking Action on Sexual Exploitation and Abuse by Peacekeepers," December 17, 2015, <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>.

³⁹United Nations, "Report of the Secretary-General: Special measures for protection from sexual exploitation and sexual abuse," A/70/729, February 16, 2016, http://www.securitycouncilreport.org/at/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_70_729.pdf.

⁴⁰George Russell, "UN sexual abuse: more allegations, more bureaucratic process in Ban's latest report," Fox News, March 4, 2016, <http://www.foxnews.com/world/2016/03/04/un-sexual-abuse-more-allegations-more-bureaucratic-process-in-bans-latest-report.html>; Reuters, "U.N. mission sends Burundi officers home over unrest," February 12, 2016, <http://af.reuters.com/article/topNews/idAFKCN0V10QF>; and Reuters, "United Nations widens sex abuse inquiry into peacekeepers in CAR," March 31, 2016, <http://www.theguardian.com/world/2016/mar/31/united-nations-widens-sex-abuse-inquiry-peacekeepers-central-african-republic-car>.

serious sexual exploitation and abuse by U.N. peacekeepers clearly indicate that much remains to be done.⁴¹

Many Changes Necessary

The high and sustained pace, scope, and ambition of U.N. peacekeeping operations have revealed numerous serious flaws, concerns, and problems that need to be addressed. Even longtime employees and strong supporters of the U.N. have realized that the current organization falls short. As noted by former U.N. Assistant Secretary General for Field Support Anthony Banbury:

If you locked a team of evil geniuses in a laboratory, they could not design a bureaucracy so maddeningly complex, requiring so much effort but in the end incapable of delivering the intended result. The system is a black hole into which disappear countless tax dollars and human aspirations, never to be seen again.⁴²

To address the myriad problems identified above, the U.S. should:

- **Carefully reevaluate long-running U.N. peacekeeping missions.** The U.S. should reevaluate long-standing U.N. operations to determine whether each U.N. mission is contributing to resolving the situation or retarding that process. If an operation is not demonstrably facilitating resolution of the situation, the U.S. should use its power in the Security Council to wind it down or refocus it on discrete, manageable goals designed to bolster domestic capacity to assume responsibility for peace and security. Alternatively, if some concerned countries wish to continue U.N. peacekeeping operations that have not resolved the conflicts despite being in place for extended periods, they should be asked to assume all or part of the financial burden of the continued operations. This is already the case to a limited extent with UNFYCYP, where the governments of Cyprus and Greece provide voluntary contributions to cover nearly 45 percent of the total net costs.⁴³ Other historical examples include Kuwait paying for two-thirds of the costs of the United Nations Iraq–Kuwait Observation Mission (UNIKOM); the governments of Indonesia and the Netherlands paying the full costs of the United Nations Security Force in West New Guinea (UNSF); and the governments of Saudi Arabia and Egypt paying the full costs of the United Nations Yemen Observation Mission (UNYOM).⁴⁴ Long-standing missions are generally relatively small and among the least costly, but such a reevaluation would help to reduce the enormous peacekeeping budget and send a welcome message of accountability and assessment.⁴⁵

⁴¹George Russell, “UN sex-abuse scandal: officials scramble amid claims of many more sordid incidents,” Fox News, March 31, 2016, <http://www.foxnews.com/world/2016/03/31/un-sex-abuse-scandal-officials-scramble-amid-claims-many-more-sordid-incidents.html>.

⁴²Banbury, “I Love the U.N., but It Is Failing.”

⁴³Specifically, the government of Cyprus provided one-third of the net cost and the Government of Greece provided \$6.5 million toward the net cost of UNFYCYP for the period from July 1, 2014, to June 30, 2015. See United Nations Security Council, “Report of the Secretary-General on the United Nations operation in Cyprus,” S/2015/17, p. 6, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2197\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2197(2015)).

⁴⁴See United Nations, “Yemen—UNYOM,” <http://www.un.org/en/peacekeeping/missions/past/unyombackgr.html>; United Nations, “West New Guinea—UNSF,” <http://www.un.org/en/peacekeeping/missions/past/unsfbackgr.html>; and United Nations, “United Nations Iraq–Kuwait Observation Mission—UNIKOM,” <http://www.un.org/en/peacekeeping/missions/past/unikom/>.

⁴⁵For instance, together, five of the older U.N. missions (MINURSO, UNFYCYP, UNDOF, UNMOGIP, and UNTSO) cost approximately \$204 million this year. If the U.S. could shift these missions to voluntary funding, it

- **Be more judicious in authorizing U.N. peacekeeping operations.** A U.N. peacekeeping operation may not be the best option for addressing every situation, particularly where there is no peace to keep. The pressure to “do something” must not trump sensible consideration of whether a U.N. presence will improve or destabilize the situation or partner the U.N. with a morally repugnant government. Such consideration includes clearly establishing and sticking to the objectives of the operations, ensuring that they are achievable, carefully planning the requirements for achieving them, securing pledges for providing what is needed to achieve them before authorizing the operation, and being willing to acknowledge when the U.N. operation is failing and adjust or pull out as appropriate.
- **Press the U.N. to clarify the steps and circumstances required for the organization to waive immunities for employees in order to facilitate claims and efforts to punish serious misconduct.** The U.N. and its affiliated organizations are engaged in a multitude of activities that could result in casualties, property damage, or other negative consequences. Elimination of U.N. immunities would likely lead to a reduction in U.N. field activities, which could lead to even broader suffering. Although the U.N. has a mixed record, the U.S. has an interest in preserving the organization’s ability to respond to crises where it is unwilling or unable to respond directly. But this interest must not supersede the need of victims of sexual abuse, criminality, or neglect to hold those responsible for their suffering to account. U.N. privileges and immunities are important, but they must not create an unreasonable barrier to accountability.
- **Take steps to hold troop-contributing countries accountable.** The standard memorandum of understanding between the U.N. and troop contributors appropriately grants troop-contributing countries jurisdiction over military members who participate in U.N. peace operations. Until recently, little was done if these countries failed to investigate or punish those who are guilty of such crimes. In fact, the U.N. would generally decline to identify the nationality of those who were accused of crimes or sent home. The most recent actions by the U.N. have improved matters by identifying the nationalities of the accused, repatriating units with patterns of misbehavior, and indicating that compensation can be withheld.⁴⁶ However, more must be done to prevent rather than merely react to these problems. As noted by Banbury:

When we took over peacekeeping responsibilities from the African Union [in the Central African Republic] in 2014, we had the choice of which troops to accept. Without appropriate debate, and for cynical political reasons, a decision was made to include soldiers from the Democratic Republic of Congo and from the Republic of Congo, despite reports of serious human rights violations by these soldiers. Since then, troops from these countries have engaged in a persistent pattern of rape and abuse of the people—often young girls—the United Nations was sent there to protect.

Last year, peacekeepers from the Republic of Congo arrested a group of civilians, with no legal basis whatsoever, and beat them so badly that one died in custody and the other shortly after in a hospital. In response there was hardly a murmur, and certainly no outrage, from the responsible officials in New York.

As the abuse cases piled up, impassioned pleas were made to send the troops home. These were ignored, and more cases of child rape came to light. Last month, we finally

could save tens of millions of dollars per year and perhaps focus the most affected parties on resolving these outstanding disputes.

⁴⁶For a summary, see United Nations Conduct and Discipline Unit, “Combatting Sexual Exploitation and Abuse,” March 18, 2016, <https://cdu.unlb.org/LinkClick.aspx?fileticket=ec4H6lunAitU%63d&tabid=54>.

kicked out the Democratic Republic of Congo soldiers, but the ones from the Republic of Congo remain.⁴⁷

The Secretary-General has requested troop-contributing countries to implement measures to track the processes by which they investigate, try, and punish their personnel in cases of misconduct. Instead, these measures should be a prerequisite for participating in U.N. peacekeeping. States that fail to fulfill their commitments to discipline their troops should be barred from providing troops for peace operations or receive substantially reduced peacekeeper reimbursements—not the negligible withholding of the monthly compensation of the peacekeepers who are directly accused. Likewise, if compensation is deemed appropriate for damages resulting from negligence by the troop-contributing government, extracting penalties from peacekeeping payments to the troop-contributing country should be the first option.⁴⁸

- **Press the U.N. to automatically establish standing claims commissions in peacekeeping missions.** The U.N. currently gives the appearance of avenues of redress for damages caused by U.N. action or inaction via claims in a standing claims commission, which are included as an option for redress in U.N. peacekeeping status of forces agreements with host nations. However, the failure of the U.N. to establish such commissions indicates that the system is not operating as it should. A key reason for this is likely that a government in a country where the U.N. has a peacekeeping operation is almost always highly dependent on the U.N. for security, resources, and political support. As a result, the government will be reluctant to anger the U.N. by requesting the establishment of a standing claims commission. To avoid this complication, a standing claims commission should automatically be established when a mission stands up, although it would be prudent to tightly define the claims eligible for consideration to avoid frivolous petitions.
- **Seek to review and adjust the U.N. scale of assessment to distribute the costs of the peacekeeping budget more equitably.** To address the even greater disparity in the peacekeeping assessment, the U.S. should seek to increase the peacekeeping floor to 0.001 percent, which was the case prior to 1998. This would have the effect of increasing the minimum assessment from roughly \$8,276 per year to about \$82,755 per year. In addition, considering that the peacekeeping assessment is based on the regular budget, where many countries already receive significant discounts, the extent of additional peacekeeping discounts should be trimmed as should the number of eligible countries, which currently include nations like Brunei, Poland, Saudi Arabia, Singapore, and the United Arab Emirates. Finally, the U.S. should also seek a change in the methodology to reflect the prestige of membership on the Security Council by proposing (1) a new minimum peacekeeping assessment of 0.5 percent for non-permanent members of the Security Council; (2) a new minimum peacekeeping assessment of 5 percent for permanent members of the Security Council; and (3) barring the permanent members from using the debt adjustment, low-income adjustment, or other regular budget scale of assessment discounts for the purposes of calculating their peacekeeping assessment.
- **Enforce the 25 percent cap on America's peacekeeping assessment.** The U.S. should resume pressure on the U.N. to fulfill its commitment to lower the U.S. peacekeeping assessment to 25 percent by withholding the difference between our peacekeeping assessment and the 25 percent cap until the U.N. implements a maximum peacekeeping assessment of 25 percent.

⁴⁷Banbury, "I Love the U.N., but It Is Failing."

⁴⁸This policy is consistent with the position laid out in the 1997 Report of the Secretary-General, endorsed in Resolution 52/247, which states, "If such claims [arising as a result of gross negligence or willful misconduct] are established, the Organization would assume liability to compensate a third party, retaining the right to seek recovery from the individual or the troop-contributing State concerned."

- **Establish a dedicated unit for international organizations in the Office of Inspector General for the Department of State.** The U.S. remains dependent on the internal U.N. oversight mechanisms, many of which lack independence, have inadequate resources, or face problems with competence, corruption, or bias. The value of having a separate U.S. inspector general unit that can investigate the activities funded in substantial part by U.S. taxpayers is illustrated by reports of the U.S. Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR), which has identified numerous management and oversight failings of U.N. Development Programme projects in Afghanistan.⁴⁹
- **Make the Office of Internal Oversight Services (OIOS) truly independent or establish an independent unit like the defunct Procurement Task Force (PTF).** The OIOS is not a truly independent inspector general like the inspectors general that we have in the U.S. government, and it has been subject to politicization. According to a 2014 Associated Press report on a senior OIOS official impeding an investigation and retaliating against two OIOS whistleblowers, it was revealed that a “review of the reports submitted by OIOS to the General Assembly through mid-2013 shows that the U.N.’s oversight functions still have not completed any major corruption cases since the [Procurement Task Force] was disbanded.”⁵⁰ The PTF was established after the Oil-for-Food scandal and was very successful in unearthing numerous instances of fraud and mismanagement. In the end, however, the PTF did its job too well. As punishment for its pursuit of cases against Singaporean and Russian nationals, those countries led a successful effort to eliminate the PTF in December 2008.⁵¹ The U.N. needs independent oversight, and Congress should work with the Administration to address this problem.

Conclusion

U.N. peacekeeping operations can be useful and successful if entered into with an awareness of their limitations and weaknesses, and the United States should not hesitate to encourage and demand reforms. The cost of failing to reform the U.N. is high not just for the U.N., which risks being sidelined if it cannot be relied upon to address key issues, but also for America, which would be forced to expend greater resources and effort to resolve problems.

An Administration focused on advancing its policy priorities in the United Nations can block many counterproductive initiatives put forth in the U.N. Rallying support for positive change is much more difficult. Such efforts require the assistance of other member states or the use of leverage to impose reforms on an unwilling organization.

⁴⁹See, for instance, Special Inspector General for Afghanistan Reconstruction, “2011 SIGAR Review of the Law and Order Trust Fund for Afghanistan,” Fox News, April 25, 2011, <http://www.foxnews.com/world/interactive/2014/10/16/2011-review-law-and-order-trust-fund-for-afghanistan/> and Special Inspector General for Afghanistan Reconstruction, “Afghan National Police: More than \$300 Million in Annual, U.S.-Funded Salary Payments Is Based on Partially Verified or Reconciled Data,” SIGAR 15-26 Audit Report, January 2015, <https://www.sigar.mil/pdf/audits/SIGAR-15-26-AR.pdf>.

⁵⁰John Heilprin, “UN Whistle-blower Case Shows Accountability Limits,” Associated Press, January 10, 2014, <http://www.bigstory.ap.org/article/un-whistle-blower-case-shows-accountability-limits>.

⁵¹For a fuller account, see Brett D. Schaefer, “The Demise of the U.N. Procurement Task Force Threatens Oversight at the U.N.,” Heritage Foundation *WebMemo* No. 2272, February 5, 2009, <http://www.heritage.org/research/reports/2009/02/the-demise-of-the-un-procurement-task-force-threatens-oversight-at-the-un>.

Congress has a critical role to play in U.N. reform. Congress has played an active role in U.N. reform since the very beginning of the organization and can be a very effective ally in executive branch efforts to pressure the organization to adopt targeted reforms.⁵² Financial carrots and sticks have been effective in the past in spurring reform, including the establishment of the OIOS in 1994 and the adoption of a maximum assessment for the regular budget.⁵³ Congress and reform-minded member states should not be reluctant to use such tactics to spur reform.

Mr. Chairman and other Members of the Subcommittee, thank you for the opportunity to testify today. I look forward to your questions.

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⁵²Only two years after the U.N. was created, Congress issued a report calling for sweeping reform of the U.N. system. A September 1947 study by the Senate Committee on Expenditures in the Executive Departments found "serious problems of overlap, duplication of effort, weak coordination, proliferating mandates and programs, and overly generous compensation of staff within the infant, but rapidly growing, UN system." Edward C. Luck, "Reforming the United Nations: Lessons from a History in Progress," Academic Council on the United Nations System *Occasional Paper* No. 1, 2003, http://www.acuns.org/_PDF/publications/UN_Reform/Luck_UN_Reform.pdf (accessed May 4, 2015).

⁵³Brett D. Schaefer, "A Progress Report on U.N. Reform," Heritage Foundation *Backgrounders* No. 1937, May 19, 2006, <http://www.heritage.org/research/reports/2006/05/a-progress-report-on-un-reform>.

Mr. SMITH. Mr. Schaefer, thank you very much. I know you had a much longer version. Without objection, that longer version and those of our other distinguished witnesses, and any other materials you would like to introduce into the record, will be made a part of the record.

Mr. SCHAEFER. Thank you.

Mr. SMITH. Doctor?

STATEMENT OF AICHA ELBASRI, PH.D., AUTHOR (FORMER SPOKESPERSON, UNITED NATIONS-AFRICAN UNION MISSION IN DARFUR, UNITED NATIONS)

Ms. ELBASRI. Good afternoon, Chairman Smith, Ranking Member Bass, and members of this subcommittee. Thank you for inviting me to address you today.

My testimony will focus on the U.N. coverup of serious crimes committed mostly by the Sudanese Government in Darfur between August 2012 and April 2013. I would also testify on the failure of the U.N. to investigate these charges which led to the absence of accountability and the perpetuation of the Darfur tragedy.

Soon after I joined the United Nations-African Union Mission in Darfur, known as UNAMID, in August 2012, I received a call from a journalist who inquired about reports of violence in an area called Tawila in North Darfur. When I checked with UNAMID, I was told that the situation was calm. I conveyed this line to the journalist, and it turned out to be a lie.

In fact, 3 days later, I received reports on the displacements of hundreds of families in the same area due to violent attacks. I immediately alerted my supervisor, Ms. Aichatou Mindaoudou, who was the acting chief of UNAMID. Ms. Mindaoudou ordered a verification mission which confirmed that, between August 24-26, 2012, government soldiers raided three villages. For 3 consecutive days they assaulted men and children, raped women and girls, destroyed their farms and looted their properties. This forced up to 5,000 villagers to flee for their lives.

The government forces attacked these people because they suspected them of supporting the rebels, and they systematically called them, asked them to identify their tribes, and reserved the harshest treatment to the Zaghawa tribesmen.

But UNAMID didn't authorize me to convey any of this information to the journalist who asked for it. It did provide the Chief of DPKO, Mr. Herve Ladsous, with the confirmation of the Tawila attack, but there was no mention of it in the Secretary-General's report to the Security Council covering this period.

Although UNAMID leadership expected me to do as I was told and ask no questions, I continued to raise concerns about the mission reports. Consequently, I faced censorship and hostility, especially from Mr. Karen Tchalian, the Russian chief of staff of UNAMID who controlled the flow of information within the mission as well as the communication with the U.N. Headquarters in New York. But Mr. Tchalian wasn't acting alone. He enjoyed the support of other senior staff, especially the Somali Deputy Joint Special Representative for Operations, Mr. Mohamed Yonis, who is now the Foreign Minister of Somaliland.

One example of how information control played out occurred after the Sudanese Government committed a massacre in an area called Hashaba from September 25-27, 2012. The Sudanese Air Force first dropped bombs on the area, and when the bombing stopped, a large group of soldiers and militiamen stormed the area. They killed and injured people who were trying to escape.

Soon after the journalists began inquiring about the attack, I recommended that the mission issue a public statement, but Tchalian imposed an information blackout, even after the mission saw the evidence of the massacre for themselves. UNAMID established that at least 39 men, 20 women, and 11 children were killed in this attack which was carried out by the government forces.

In addition, Tchalian drafted and compiled a code cable that Yonis signed off on October 7 which distorted the facts documented by internal reports. They described the attack as part of intertribal conflicts over land and resources. They attributed the attack to some Arab groups acting in total independence from the government and insisted that the Sudanese forces were not involved in the attack. By doing so, they cleared the government from responsibility for mass murder.

When I had a conversation with Mr. Tchalian about the Hashaba attack on civilians, his response shocked me, and I quote, "So what?" he told me. "The Americans flattened Fallujah. Why can't the Sudanese Government bomb its own people?," he told me.

It was then that I first considered resigning, but my supervisor, Ms. Mindaoudou, convinced me to stay and help her change things and tell the truth. But, within a few months, I realized that there was no place for the truth in UNAMID. The instructions given by Tchalian and Yonis to peacekeepers in the field didn't change. They told them not to report the government bombing unless they had seen the craters themselves.

As a result, when peacekeepers saw the Sudanese military planes hovering over villages, dropping bombs, and when they heard loud explosions and saw smoke, they still couldn't confirm that the bombing took place. Consequently, the deliberate bombardment of civilians would be characterized as alleged bombing.

What made the coverup by Tchalian and Yonis so effective was the fact that they were assisted by others in U.N. Headquarters in New York. Even when UNAMID troops witnessed and took photos of civilians being shot about 2 meters away from their own base, by the time the attack was mentioned in the Secretary-General's report the civilian deaths were attributed to being caught in the crossfire.

And if you allow me, I can show you just four photos. In this photo, on the morning of September 5, 2012 at 7:45, some 100 armed government militiamen known as the Janjaweed gathered around 2 meters away from UNAMID base near Kutum in North Darfur.

Next. Yes, in this one, this photo shows how UNAMID closely monitored the militias from its base near Kutum throughout the morning of September 5. And you can see how quite close the militia and the UNAMID forces were.

Next. At 11:25 a.m., the militia stopped a group of civilians in a truck. They shot dead one man, injured eight others, while

UNAMID forces were monitoring and taking these photos. A few days later, two more victims succumbed to their injuries.

Next, please. Here is the response of the UNAMID. They took care of the dead and the injured.

Next, please. And here is the real problem. This is how both the Secretary-General reported on the incidents and the press release. The reports of Mr. Ban Ki Moon said about these incidents that “the following day one civilian was killed and eight others were injured in the crossfire of a firefight between armed militia and government regular forces on the outskirts of the town”; whereas, the UNAMID press release described this incident on the red line: “On 5 September armed men alleged fired at the local civilians, resulting in additional casualties.”

While it is true that UNAMID concealed many attacks, it kept the Chief of DPKO, Mr. Herve Ladsous, informed of the most alarming shifts in the war in Darfur. This is some of what Mr. Ladsous and others in his department knew and concealed from Ban Ki Moon’s report to the Security Council: First, the government violated the Security Council Resolution 1556 by integrating the Janjaweed militias in its own auxiliary forces instead of disarming and neutralizing them.

Second, the Sudanese Air Force deployed attack helicopters and Antonov aircraft in Darfur, in violation of the U.N. arms embargo.

Third, the government embarked on the second phase of its ethnic-cleansing campaign which targeted the non-Arab ethnic Zaghawa population.

Fourth, crimes committed by the rebels included physical assault, abduction, looting, and the possible use of the local population as human shields.

And fifth, the government forces deliberately attacked and killed U.N. peacekeepers.

By hiding these facts, DPKO kept the Security Council in the dark, resulting in that body making misinformed decisions.

After 8 months in UNAMID, the vast and systematic nature of the coverup was clear to me. By then, I had reasons to fear for my own safety because of threats made by Mr. Tchalian. I resigned, left Sudan, and wrote my end-of-mission report in May. In this report, I asked DPKO to look into the serious violations and concerns I had raised. I received no response. So, in August 2013, I formally requested that the U.N. Office of Internal Oversight Services, OIOS, investigate the coverup, but OIOS also failed to investigate.

By then, I was working for the U.N. Population Fund known as UNFPA, but I knew that I couldn’t keep my post if I were to expose publicly what I had witnessed. The U.N.’s awful record of retaliation against whistleblowers compelled me to resign again.

By April 2014, Foreign Policy Magazine exposed the affair based on the documents I had shared with them. This prompted the International Criminal Court to call on Mr. Ban Ki Moon to carry out a thorough public, independent inquiry. But Mr. Ban Ki Moon chose to order a dubious review panel that concealed its terms of reference, didn’t include a single investigator, never set foot in Darfur, and ended up denying the coverup.

The Secretary-General commissioned a review that became a whitewash, and no one was held accountable for misleading the

international community and the Security Council. And when the United States, Britain, and France requested the firing of Mr. Tchalian, Russia opposed it. Assured of Russia's and China's protection, the Sudanese Government extended its genocide campaign to the Nuba Mountains and beyond.

This is today's U.N., an organization that is increasingly failing to bring or keep peace, a rotten system that covers up atrocities, attacks whistleblowers, lacks accountability, and promotes impunity. Since the organization seems under no obligation to be accountable, it is the member states' duty to act. Therefore, I respectfully request that this committee consider the following reforms: First, establish a truly independent investigative entity that is not part of the U.N. Secretariat, but reports directly and separately to the member states.

Second, reconsider the leadership of DPKO which has been headed by France since 1997. The best way for the U.S. to address endless scandals in a failing and broken DPKO and ensure the efficient use of U.S. taxpayers' money is to take the lead of this critical department.

Third, look into the State Department's certification process. It continues to certify that the U.N. is implementing best practice whistleblower protections, despite evidence to the contrary, preventing a 15-percent reduction in U.S. funding, according to the law.

And fourth, extend whistleblowers' protection to the U.N. peacekeepers police officers, contractors, and victims.

Thank you again for the opportunity to testify today, and I look forward to your questions.

[The prepared statement of Ms. Elbasri follows:]

Testimony of Aicha Elbasri

“Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations”

U.S. House of Representatives Committee on Foreign Affairs

April 13, 2016

Good afternoon Chairman Smith, Ranking Member Bass, and Members of the subcommittee. Thank you for inviting me to address you today. My name is Aicha Elbasri. I am a dual Moroccan and American national. I am an author and I hold a PhD in French Literature. Between 2000 and 2013 I occupied a number of reporting, media and communication positions in the UN Department of General Assembly Affairs (New York), UN Department of Public Information (New York), UN Assistance Mission for Iraq (Iraq), UN Development Programme (Sudan), UN Population Fund/ Arab States Regional Office (Egypt) and the African Union-United Nations Hybrid Operation in Darfur (Sudan).

My testimony will focus on providing information to the Committee on what I strongly believe is the UN cover-up of crimes that may well amount to genocide, crimes against humanity and war crimes committed by the Sudanese government as well as war crimes committed by Sudanese rebels in Darfur between August 2012 and April 2013. I will also testify on the failure of the UN Secretary General and the chiefs of the Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS), the Office of Internal Oversight Services (OIOS) to investigate the cover-up charges, which led to the absence of accountability and the perpetuation of the Darfur tragedy.

Soon after I joined DPKO, I traveled to Darfur on 16 August 2012 to assume my position as the Spokesperson for UNAMID. On 25 August 2012, I received a call from Salah Shu'aib, a Sudanese reporter from Radio Sawa who enquired about reports of violence in the Tawila area, in North Darfur State. I relayed this query to relevant UNAMID colleagues and received this response: “According to team sites commanders (military and police), the situation in Tawila locality is calm. Yesterday they observed SAF [Sudanese Armed Forces] and Arab militias moving toward the south.” I went back to the journalist with the “situation is calm” line; which would prove to be a lie I unwittingly conveyed. In fact, three days later, I received reports on the displacement of hundreds of families in the same area due to violent attacks. I immediately alerted my supervisor, Ms. Aichatou Mindaoudou, who was the acting chief of the UNAMID. I questioned the line I was given and the silence of the police reports about the attacks despite their claim to conduct daily patrols in the area.

Ms. Mindaoudou ordered a verification mission which confirmed that between 24 and 26 August 2012, hundreds of Sudanese soldiers on board of up to 150 military vehicles, raided 3 villages, mainly inhabited by non-Arab populations. For three consecutive days, the government forces terrorized the population, assaulted men and children, raped women and girls, destroyed their farms and looted their properties, forcing up to 5,000 villagers to flee for their safety. The

chilling report also noted that UNAMID failed to patrol the villages the government had attacked because it suspected them of supporting the rebels. The Sudanese soldiers were systematically asking the villagers to identify their tribes and reserved harsh treatment for a Zaghawa tribesman, noted the verification report.

Later that week, I asked the deputy force commander of UNAMID, General Kisamba Wynjones, why the peacekeepers did not report what they saw: the government forces' joint movement with the "Arab militias." He answered by saying: "sometimes we have to behave like diplomats. We can't say all [of] what we see in Darfur." A few days later, Ms. Mindaoudou convened a meeting, attended by General Kisamba and other senior managers to discuss the Tawila incident and the need to improve the Mission's reporting. I repeated Kisamba's position and asked Ms. Mindaoudou how the Mission could improve its reporting when one of its high-ranking generals isn't convinced the peacekeepers should report the truth, all the truth about what they observe in Darfur. I didn't receive any answer, just silence and the early signs of distrust and hostility.

While UNAMID didn't authorize me to convey the information about the Tawila attack to the journalist who enquired about it, the Mission's Human Rights Section provided the chief of DPKO, Mr. Herve Ladsous, as well as other UN and AU officials, with the confirmation of the Tawila attack in paragraph 17 of the Mission's code cable of 3 October 2012. But there was no mention of this government attack on civilians in the Secretary-General's report to the Security Council covering this period.

Early in this assignment, I understood that as the Mission's spokesperson, UNAMID senior management expected me to do as I was told and ask no questions. But since I resisted and questioned the Mission's reports, I faced censorship, hostility that amounted to intimidation and open threats from Mr. Karen Tchalian, the Russian Mission Chief of Staff. Mr. Tchalian was not only in charge of all internal reports and the flow of information and communication within the Mission, but also between UNAMID and New York Headquarters (DPKO and DFS) and the Office of the High Commissioner for Human Rights (OHCHR) in Geneva, as well as the Peace and Security Council of the African Union. In reality, he was the gatekeeper for the flow of internal information and the main censor of external information.

I came across the Mission silence and censorship toward the end of September 2012, when Mr. Tchalian, supported by the Deputy Joint Special Representative for Operations (DJSR O), Mr. Mohamed Yonis, imposed a total news blackout on the massacre of civilians in Hashaba in North Darfur by the government forces. The government had economic and tactical reasons for attacking Hashabs. As Sudan plunged into economic crisis since South Sudan's independence in 2011, the regime turned to gold as a lucrative resource. But some gold mines were either under the control of the rebels, such as in Hashaba, or custodian tribes such as in Jebel Amer. To take over these artisanal mines and cut off rebels' funding, the Sudanese government launched a large-scale attack on the Hashaba area, mainly inhabited by civilian gold miners. As later reported by the UN Panel of Experts of Sudan, from 25 to 27 September 2012, the Sudanese Air Force, using Antonov and probably MiG aircrafts, opened the attack by dropping bombs in an area inhabited by civilians. People started running for their lives, but there was hardly anywhere to hide. Soon after the bombing stopped, a horde of uniformed soldiers aboard military vehicles,

followed by fighters on camels and horseback stormed in just as they had during the genocide years before.¹ They shot, killed and injured indiscriminately while people were trying to escape.

Soon after journalists began enquiring about the attack, I recommended that the Mission issue a public statement. But Mr. Tchalian, supported by Mr. Yonis, imposed a total news blackout. They did so even after a UNAMID military team was dispatched to the site of the attack on 3 October and saw a bomb crater, three decomposed bodies and 16 freshly dug graves. UNAMID established that at least 39 men, 20 women and 11 children died in this attack carried out by the Government Air Force and the government forces (mostly Border Guards) operating along with Arab militias (Janjaweed).

Since the government had flatly denied the attack, Mr. Tchalian and Mr. Yonis managed to cover it up by issuing a code cable on 7 October to New York. That cable contradicts the facts documented in the internal reports by the Mission's own police, military, the UN Department of Safety and Security and the testimony of 13 survivors collected by the Mission's human rights office. Drafted and compiled by Mr. Tchalian and signed off by Mr. Yonis, the cable described the attack as part of inter-tribal conflicts over land and resources. It blamed it on "well equipped armed Arab groups," who "maintain a significant degree of independence from the government." While admitting that the government Air Force had bombed the civilian area, the cable maintained that the "SAF [Sudanese Armed Forces] ground forces were not involved," in the attack.

Stunned by the way the cable distorted the verified facts, I decided to see Mr. Tchalian for a direct conversation. At one point, our discussion became so heated that Mr. Tchalian made a shocking statement in support of Khartoum's crimes: "So what? The Americans flattened Falluja. Why can't the Sudanese government bomb its own people?" I waited for the return of Ms. Mindaoudou, who was absent from Darfur, to announce my intention to resign in October 2012. She opposed the idea and asked me to stay and join her fight instead of quitting after a few weeks. She told me she was fighting Mr. Tchalian, Mr. Yonis and others and needed me on her side to "tell the truth." Referring to our conversation, Ms. Mindaoudou wrote to me on 28 December 2012 saying that the mission had been "hijacked by 2 or 3 people.... A lot of games are being played and people have different agenda[s]" that were "not every time in line neither with the mission's mandate nor for the sake of the Darfuris."

I initially believed Ms. Mindaoudou was serious about exposing the whole truth. She supported the press releases I initiated to alert the public about the upsurge in violence, the escalation of the government bombing and attacks on civilians, including the rape of women. I believe it was the first time the Mission mentioned rape by name, in defiance of President Omar al-Bashir who claimed there was no rape in Darfur. In a few months, the Mission statements managed to reverse the rosy picture painted by earlier reports under Ms. Mindaoudou's predecessor, Ibrahim Gambari. But the attacks on civilians were raging, Darfur was in flames and the process of clearing press statements was too slow and painful. In addition, the internal reports were extremely confusing. There was often conflicting information about what the police, military and

1 Report of the Panel of experts on the Sudan, 12 February 2013, S/2013/79, pp.24-25

civilians reports said and what the Mission leadership was telling the headquarters and the public. Even the code cables signed by Ms. Mindaoudou herself weren't telling the whole truth.

This probably had to do with the fact that Mr. Tchalian had direct control over the two main reporting tools: the code cables – most of which he personally authored and compiled – and the Joint Operations Center (JOC). Based on military, police and civilian reports, this Center produces daily reports for the Head of Mission, DPKO, DFS and the African Union. Mr. Tchalian made sure the JOC was headed by one of his close collaborators, a Russian-speaking staff person. He kept tight control of what went into these reports, and Ms. Mindaoudou didn't seem to be able or willing to challenge him, although she was his direct supervisor and the interim chief of the Mission.

Ms. Mindaoudou privately complained about Mr. Tchalian instructing the staff not to report the government bombings unless they had seen the craters formed by the bomb themselves. This was a tactic of not reporting on the bombing since the government was systematically blocking the Mission from entering its "areas of operations." As a result, from their UNAMID bases, the peacekeepers would sometimes see the Sudanese military aircraft hovering above nearby villages, drop bombs and hear loud explosions and plumes of smoke, but couldn't confirm the bombing took place. Under Mr. Tchalian's reporting guidelines, these attacks were characterized as "alleged bombings."

Worse still, even when defenseless civilians peacefully travelling in a truck were stopped and shot in cold blood on 5 September 2012 in front of UNAMID peacekeepers by the government Border Guards, the peacekeepers looked on and took photos of the assault. The Mission press release described the incident in these misleading terms: "On 5 September, armed men allegedly fired at local civilians, resulting in additional casualties." Even more disturbing is the Secretary General's report attributing this attack on civilians to "the crossfire of a firefight between armed Arab militia and Government regular forces."²

This takes us to the role of DPKO in the cover-up. As a matter of fact, DPKO knew much more than what Mr. Tchalian, Mr. Yonis and others had hidden. While it is true that UNAMID concealed information and lied to New York and Addis about a number of government attacks, the Mission leadership kept the chief of DPKO Herve Ladsous, the chief of DFS Ameerah Haq and Ramtan Lamamra, the African Union's Commissioner for Peace and Security, informed of the major and alarming shifts of the open war on civilians that were never reflected in the reports of the Secretary General to the Security Council.

The following is a brief summary of some of the information withheld by DPKO-drafted reports, which kept the Security Council in the dark, taking misinformed decisions:

- **Institutionalization of the Janjaweed:** Through its Resolution 1556 (2004), the Security Council demanded that Khartoum disarm within 30 days the Janjaweed militias accused

² S/2012/771

of committing atrocities. The Sudanese regime violated the resolution and defied the Security Council by institutionalizing these death squads. The government absorbed a number of the Janjaweed into its state auxiliary forces as the Border Guards and Central Reserve Police. These uniformed Janjaweed operated in concert with Sudanese Armed Forces during ground attacks on civilians, along with Arab fighters on camels and horses.

- **Ethnic targeting of Zaghawa tribes:** the Popular Defense Forces (PDF) are paramilitary forces established around 1989. They used to be recruited from Arab and non-Arab Darfuris. But since late 2010, the Sudanese government changed the ethnic make-up of the PDF by limiting the recruitment to non Arab tribes, mostly Berti and Birgit, who held feuds and grievances against the Zaghawa tribes. UNAMID code cables spoke in length about the government political calculations behind the militarization of these two tribes and how they launched them against the Zaghawa, in a clear ethnic targeting campaign.
- **Deliberate and indiscriminate bombing of civilians:** The Sudanese Air Force continued to deploy attack helicopters and Antonov aircraft in violation of the UN arms embargo.
- **Rebels war crimes:** various rebel factions committed what may amount to war crimes against civilians, including physical assaults, abduction, looting and possible use of the local population as human shields; and,
- **Attacks against peacekeepers:** frequent attacks by government forces against UNAMID peacekeepers, especially the deadly double attack on the Mission troops on 18-19 April 2013 in Muhajeria. So far, over 60 peacekeepers were killed in hostile action in Darfur.

These are some of the serious crimes that DPKO and others knew and concealed from the Security Council. It took me months of reading through conflicting reports to figure out the scope and depth of what UNAMID and DPKO were hiding. On 3 April 2013, I received a copy of the Mission military report that concluded that the UNAMID troops — contrary to their claims — did not make any effort to stop hostile rebels from abducting a group of 31 displaced persons in Central Darfur who were travelling to a refugee conference under UNAMID escort on 24 March 2013. The following day, 4 April, the new UNAMID chief, Mohamed Ibn Chambas, held his first Senior Advisor Meeting. In this meeting I requested an investigation and accountability for the lie I was made to tell the media during this incident — that UNAMID peacekeepers opposed the abduction. Not only did Chambas disregarded my request, but he didn't object to Mr. Tchalian, Mr. Yonis and the Director of Political Department, Ahmed Abubakar Rufai, who told me that I shouldn't worry much about what the media says about UNAMID as stories die out in a few days and the Mission had better things to do than dealing with media queries, and that "transparency" had its limits. The well-articulated anti-media awareness policy as clearly expressed by UNAMID senior managers and the silence of Mr. Chambas left no doubt in my mind about my decision to leave the Mission.

I handed in my resignation the same day, 4 April, also out of fear. By early January 2013, Mr. Tchalian had already threatened me in an email after he learned that I had doubt about JOC reports sent to New York: "It looks to me as if you are trying to disprove information provided to Mission HQ and UNHQ by official UNAMID sources that exist for the purpose of providing

such. If you are on some kind of personal crusade to communicate to your separate audience information that is at variance with what we officially provide to New York so be it but I have to warn you that you may be on a very dangerous path,” he wrote to me in an email.

Given the support Mr. Tchalian was enjoying in DPKO and with the Sudanese government, I had to take seriously his threat. I left Sudan after I resigned and waited for my return to Casablanca to write and sign my end-of-mission report on 11 May, asking DPKO to look into the Mission’s serious violations of the UN public information policy. While waiting to hear from DPKO, I joined the UN Population Fund (UNFPA) in July 2013 as the Regional Communications Adviser in Cairo. Since I didn’t receive a response from DPKO, by the end of August 2013 I approached the UN Office of Internal Oversight Services (OIOS) and formally requested an investigation into the cover-up. But OIOS also failed to investigate. The Office informed me in December 2013 that it had referred the matter to DFS. This left no doubt in my mind about the unwillingness of the UN to unearth the truth about serious misconduct by senior UN officials in UNAMID and DPKO.

By December 2013, I knew I had exhausted all internal channels, but silence and complicity were never an option for me. I certainly wanted to report what I witnessed to the media – my last resort – while continuing to work for UNFPA. But this didn’t seem to me a safe option. I knew that I could only keep my post if the UN were willing and capable to protect me from possible retaliation. But judging by the long UN history of systematic retaliation by UN officials against whistleblowers who expose serious wrongdoing, I couldn’t take a chance. I feared to be ostracized, smeared, fired or even arrested, as happened to James Wasserstrom. The awful record of the UN’s systematic abuse against whistleblowers compelled me to resign in December 2013. It was my second resignation in eight months. This time, I could expose the affair to the public without the additional fear of UN retaliation. I knew that by blowing the whistle publicly I was putting an end to my 10 year UN career. I wished I didn’t have to do so, but losing my job when Darfur people were losing their lives was certainly the smaller sacrifice.

After three months of communication with Foreign Policy investigative reporter Colum Lynch, his magazine exposed the affair through a three-part series, based on hundreds of reports, code cables and emails I made available to him. This prompted the Chief Prosecutor of the International Criminal Court, Fatou Bensouda, to call on the UN Secretary-General Ban Ki-moon to carry out a “thorough, public and independent inquiry” into the allegations of manipulation of UNAMID reporting.” I first felt encouraged by the Court’s unprecedented move, which was echoed by Human Rights Watch and other organizations. However, much to my surprise and disappointment, the UN chief refused to conduct an independent inquiry and ordered instead a dubious review panel.

When ordering the review, Ban concealed its terms of reference and composition. While cooperating with the panel, I realized that none of its four members (Philip Cooper, Ola Almgren, Tomoko Iwata, and Tilo Stolz) was an investigator. Nor was any one of those selected even remotely qualified to look into a scandal of this nature. By October 2014, the team completed its task without setting foot in Darfur, clearing both UNAMID and DPKO officials of any misconduct. Ban shared with the Security Council members a five-page summary of the

final report, which he continues to withhold (I managed to obtain a copy of the suppressed report though my own contact).

Despite its embarrassing mediocrity, the report quoted Ms. Mindaoudou as admitting that "at times she felt important information was missing from draft reports and/or code cables, amended or watered down. She referred to several instances, including senior management meetings and emails, that showed how the DJSR-O, Chief of Staff and/or the Officer-in-Charge of the Humanitarian, Protection Strategy Coordination Division (HPS) would advocate for the requalification of factual information on incidents that had been reported by UNAMID staff and/or the Panel of Experts on the Sudan or for the downplaying of the scale of attacks on civilians." Ms. Mindaoudou also acknowledged "the pressure the DJSR-O [Mohamed Yonis] and the Chief of Staff [Karen Tchalian] put on staff not to report GoS [Government of Sudan] bombing unless UNAMID personnel had seen the craters [formed by the bombs] themselves."

Had the objective of the Cooper review been to unearth the truth and seek accountability, they would have dug through the code cables, reports and the emails Ms. Mindaoudou was referring to, in addition to the deluge of evidence I shared with them earlier. But the entire review exercise was lacking any credibility. For the findings of this review to be credible, the Cooper team should have granted me the right to review their draft report and comment on it, and my comments should have been released with the final report. This was my request and that of my representative, the Government Accountability Project. But the UN ignored this request. At the very least, they should have provided me with a copy of the final report, but they failed to even do that. The UN thus denied me the right to receive the outcome of a review I fully cooperated with. Clearly, seeking the truth was never the objective of this review.

And yet, as flawed as this review exercise was, the panel acknowledged that on at least five occasions, UNAMID concealed from UN headquarters in New York evidence indicating the responsibility of Sudanese government forces, or their proxies, in deadly attacks against civilians and peacekeepers, including the government massacre of civilians in Hashaba and deadly attack against the UN peacekeepers in Muhajeria. It also stated that "frank reporting by UNAMID has been discouraged," and noted, "the Mission's practice of censoring itself in its reporting to Headquarters." The reporting patterns described by the review were nothing short of careful manipulation of facts that assured impunity to government perpetrators and absence of accountability for their protectors: senior UN officials in UNAMID and DPKO.

In a statement to the press, the UN stated that the UN Secretary-General was "deeply troubled by these findings." However, Ban and his Cooper-led review team fell short of characterizing UNAMID's behavior as misconduct, let alone emphasizing its serious nature. The review concluded instead that it "found no evidence to support the proposition that UNAMID or DPKO would have intentionally reported in such a way as to cover up crimes against civilians and peacekeepers." In reality, the review team was set up to reach this conclusion, which distances DPKO from the cover-up.

And yet, the overwhelming evidence I shared with Cooper and his team proved beyond reasonable doubt that DPKO, including its chief, Hervé Ladsous, was fully informed about Khartoum's escalation of its ethnic targeting of civilians and chose not to alert the Security Council and the general public. The truth is DPKO had been actively contributing to UNAMID's

efforts to bury the evidence of the Sudanese government's calculated atrocities that may well amount to genocide.

The even harsher truth is that the UN Secretary-General avoided a truly independent inquiry because he had a vested interest in protecting himself, above all, and his associates. To be clear, the disclosures I made about the UN involved Ban's reports as drafted by DPKO and cleared by his own office. As a matter of fact, the Secretary General should have never been requested to set up an inquiry that questions the credibility of his own reports, given the obvious **conflict of interest**.

What made the absence of accountability more puzzling is when the United States, Britain and France requested the firing of Mr. Tchalian, but Russia opposed it³. Mr. Tchalian is still fully employed, while waiting for his retirement and generous pension. Mr. Yonis is now the Foreign Minister of Somaliland. Ms. Mindaoudou was promoted by the Secretary-General to be head of the UN Mission in the Ivory Coast (ONUCI). Similarly, Mr. Chambas was appointed by the UN chief as Special Representative and Head of the United Nations Office for West Africa (UNOWA).

Almost everyone who should have been investigated and prosecuted for the cover-up of and complicity in serious crimes has been cleared and promoted. As for myself, the whistleblower, I am still unemployed and devastated by the fact that nothing has changed. In fact, it has gotten worse. According to the latest Human Rights Watch report⁴ on Darfur, the Sudanese government's Rapid Support Forces (a new brand of the paramilitary group known as Janjaweed) continue to rape, massacre and burn civilians alive with impunity, while UNAMID continues to fail to "release any detailed documentation about abuses against civilians." Even Ban's own reports to the Security Council continue to conceal "the magnitude of the other serious abuses, such as sexual violence, extrajudicial killings, and burning of villages," the report noted.

Darfur is now forgotten, hidden, betrayed by its protectors. The world heard about the atrocities in Darfur mostly through whistleblowers. But how many whistleblowers will it take to stop the genocide in Darfur? The way in which a peacekeeping mission instead came to abet a genocidal operation makes a mockery of the UN's professed commitment to peace and the protection of civilians in times of war. This is complicity in mass murder that needs to be fully and independently investigated. The Darfur cover-up further undermines the credibility of the United Nations and raises serious questions regarding the UN's leadership, especially that of Ban Ki-moon and Hervé Ladsous.

This is today's UN: an organization that attacks whistleblowers and whitewashes real internal misconduct, promotes impunity and grants itself extensive immunity. This is the Organization

³ <http://www.reuters.com/article/us-sudan-darfur-un-ic/USKBN0JS0SA20141214>

⁴ <https://www.hrw.org/report/2015/09/09/men-no-mercy/rapid-support-forces-attacks-against-civilians-darfur-sudan>

that Member States have failed to question. This is not the UN I was excited to join in the summer of 2000. That UN is expected to end wars, bring peace, protect human rights, promote justice, and build a world that honors the dignity of all. While this is not today's UN, it is one that I will continue to fight for. Blowing the whistle, sounding the alarm about wrongdoing at the United Nations, is an act of ultimate loyalty to the Organization; it is an act of supreme adherence to the very principles of professionalism and integrity enshrined in the UN Charter.

Since various entities of the UN seem under no obligation to be accountable, it is the Member States' obligation and duty to seek truth and punish wrongdoers, not the truth-tellers. The best place to start is here, in the Congress of the United States – the country that invested taxpayers' hard-earned money in this organization's reputation more than any other nation.

I respectfully request that this Committee consider the following reforms:

First: Misconduct, corruption and criminal behaviors will continue at the UN until there is a real accountability mechanism in the organization: a **truly independent entity** that is not part of the UN Secretariat, but reports directly—and separately—to the Member States. This independent entity would launch and oversee investigations into allegations of misconduct by peacekeepers and other UN personnel, and ensure that it is beyond the power of the Secretary-General and the chiefs of DPKO, DFS or anyone else to influence its composition. If such a mechanism is ever created, I would hope that an inquiry into the UN cover-up of serious crimes in Darfur would take place within such an independent framework.

Second: In 2014 and 2015 the Congress passed a law requiring the State Department to certify that UN agencies are implementing best practice whistleblower protections. Those agencies not certified are to have 15% of their US funding withheld. Despite years of UN abuses documented by organizations like the Government Accountability Project, only one of the UN agencies involved in whistleblower retaliation has had its US contribution withheld, and even that agency lost only a token amount. The failure to enforce this law encourages UN abuse and retaliation against whistleblowers.

Third: Extend whistleblower protections to UN peacekeepers, police officers, contractors, and victims. Often, it is these people who are closest to the crimes and their reports are consequently fundamental in any reform.

Third: Whistleblowers claiming retaliation must have access to an independent judicial body. The UN needs to establish an external independent mechanism for claims of retaliation against UN whistleblowers and provide an external arbitration option for all whistleblowers.

Fourth: Countless reforms have been implemented without touching on the leadership problem at DPKO. Since 1997, France was granted the monopoly over this critical department with four French nationals in a row : Bernard Miyet (1997-2000), Jean Marie Guéhenno (2000-2008), Alain Le Roy (2008-2011), and Hervé Ladsous (2011-present). But the record of French leadership is one of staggering failures to keep peace, while waging wars instead. Under the current DPKO leadership, genocide and crimes against humanity continue unabated, even as

obscene sex scandals are exposed. The best way for the U.S. to fix this much-needed department is to consider taking the lead of DPKO to ensure peacekeeping with accountability, and that peacekeeping with real peace is the true objective of the Department.

Thank you again for the opportunity to testify today and I look forward to your questions.

Mr. SMITH. Dr. Elbasri, thank you very much for your testimony and for risking so much, as you have as a whistleblower yourself, and for your recommendations. So, thank you.

Mr. Gallo?

**STATEMENT OF MR. PETER GALLO (FORMER INVESTIGATOR,
OFFICE OF INTERNAL OVERSIGHT SERVICES, UNITED NA-
TIONS)**

Mr. GALLO. Thank you, Chairman Smith, Ranking Member Bass, for this invitation to testify. I am very well aware it is an honor and a privilege to be here.

I worked as an investigator in the U.N. Office of Internal Oversight Services, OIOS, for 4 years from 2011 to 2015. I have provided you the written statement which summarizes my personal experience and which I hope illustrates how accountability within the U.N. is inconsistent to the point of being nonexistent.

OIOS was established to be independent and to investigate internal misconduct, including sexual exploitation and abuse. And the member states expect OIOS to do that. But, unfortunately, by a combination of assessments of misconduct complaints by other departments and referrals of cases by OIOS to other departments, the reporting of misconduct in the organization is manipulated.

Most of what is reported to OIOS is filtered through an entirely separate office within the Department of Field Support and Conduct and Discipline, who have no mandate to investigate anything, but will assess complaints of misconduct they receive from field missions.

That process often results in those complaints being dismissed as lacking in credibility. In practice, these assessments also identify witnesses who can then be discredited, bribed, or intimidated. If the matter must be investigated by OIOS, by the time the investigators arrive, which will be 3 weeks later, material witnesses have often been paid off, retracted their complaints, or disappeared.

Also, rather than investigating many complaints themselves, OIOS often refers them to other departments, and often to the very department that has the most to lose if the information turns out to be proven true. And I have given you several examples of that in my statement.

It is also no accident that the head of Conduct and Discipline, Mrs. Mercedes Gervilla, is married to Michael Dudley, the Deputy Director of the OIOS Investigation Division. Now the U.N. and the Ethics Office see no conflict in this, but the concern is that OIOS will never challenge any assessment by Conduct and Discipline that is a complaint is not credible. And if a complaint about something potentially embarrassing is received, instead of investigating it themselves, OIOS will refer it back to the Department of Field Support or somewhere where it can be made to disappear.

What we are seeing with reports of more and more cases of sexual abuse by peacekeepers, particularly in the Central African Republic, I attribute to one thing, and that is attention by the press, particularly as a consequence of the Code Blue Campaign. Because of that, reports are being brought to the attention of OIOS directly.

This press attention began last year with the U.N.'s attempt to retaliate against Mr. Anders Kompass for having had the initiative and the integrity to do something about the sexual abuse of children. But the Kompass case also demonstrates something else, and that was that Susanna Malcorra, who was Ban Ki Moon's chief of staff at the time, was taking the decisions and was driving the investigation and that shows that OIOS is not independent. It is actually a resource used by senior management for political ends. The term I have used in the past is that it was a private gestapo, and I will stand by that comment.

OIOS's credibility has been damaged by that and, also, by the Nguyen-Kropp and Postica case where Deputy Director Dudley was found to have tampered with evidence and then retaliated against investigators who reported that. The U.N. only took action against one person following that case, and I am pleased to say that was me. That was not for evidence tampering. That was for making a satirical reference to the evidence tampering from a whiteboard that nobody saw.

A couple of weeks earlier, I had reported another OIOS investigator for what I believe was perjury. That was overlooked. The Investigations Director, Mike Stefanovic, was subject to an investigation for a comment he had made 18 months earlier about rats in the New York subway. When he tried to bring a countercomplaint against the OIOS unit chief for reporting that in bad faith and for misleading the tribunal, the U.N. was not interested.

The concern is that a U.N. staff member who reports serious misconduct is committing career suicide, and the Ethics Office simply fails to protect them. Now my own experience is detailed in the written statement, and I would also draw your attention to the Nartey case, when the Ethics Director failed to obey a court order to protect a staff member. Now that case was doubly ironic because the official responsible for the retaliation, a Mr. Barabanov, had earlier been found by OIOS to have illegally obtained a U.N. firearm, and the U.N. Director General in Nairobi had tried to have him disciplined for that at the time, but, instead, it was she who ended up being dismissed.

That is the reality of accountability in the U.N. It is dependent on who you are and who you know, and maybe a third one, what you know about who you know. The dysfunction in the U.N. cannot be dismissed as a few isolated problems or attributed to be a few bad apples. These problems are deeply ingrained in the culture of the organization.

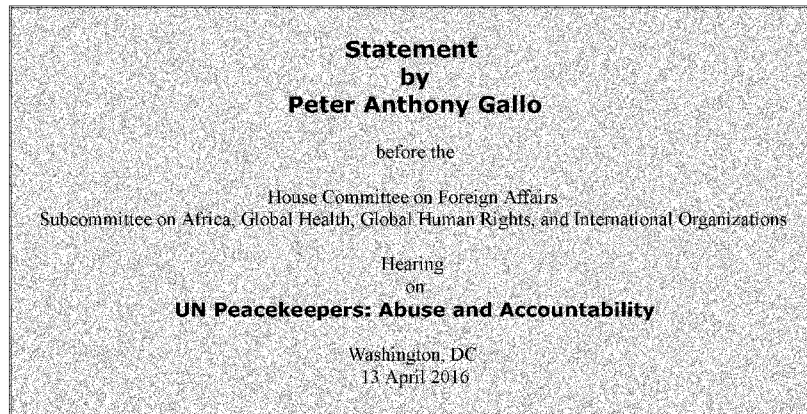
Now I can, and I frequently do, laugh about it, but I am not here today because this is funny. It is not a joke for the women working in the U.N. who are afraid to report sexual harassment. It is not a joke for the member states whose tax dollars are embezzled and squandered paying for this charade. And it is most certainly not a joke for the women and children raped and sexually exploited with near impunity by the organization that they must rely on for their very survival.

It is for their sake, and certainly not mine, that I urge you to act and to take control of the investigation of wrongdoing by the U.N., because the organization itself has proved incapable of policing itself.

In closing, I would like to thank the committee again for inviting me. And I also have to thank you on behalf of the many current U.N. staff members. They appreciate your addressing this issue, but they cannot say so.

And I will be happy to take your questions afterwards.

[The prepared statement of Mr. Gallo follows:]



Thank you for inviting me to speak today. My name is Peter Anthony Gallo, I was employed as an investigator in the Investigations Division of the Office of Internal Oversight Services (“OIOS”) from 2011 until last year. OIOS is the office set up specifically to investigate¹ reports of possible violations of UN rules or regulations, mismanagement, misconduct, waste of resources and abuses of authority.

Sexual Exploitation and Abuse in the UN

Sexual Exploitation and Abuse by UN staff has been a problem for a number of years. When I joined OIOS it was generally accepted that it was largely a thing of the past. I do not subscribe to that view.

OIOS does continue to receive reports of sexual exploitation but the number of complaints is small.

Part of the problem is due to the UN’s deployment of poorly trained and ill-disciplined troops. The UN has often complained of being unable to take action against military personnel, but the agreements with Troop Contributing Countries does contain provisions to exert jurisdiction over peacekeeping troops.²

In late 2013, I carried out an analysis of the reported Sexual Exploitation and Abuse cases for the then Under-Secretary-General of Oversight, Ms. Carman Lapointe.

I do not have a copy of that report but the finding was that there were more or less equal numbers of sexual misconduct complaints against military personnel as against UN civilian staff. However, a typical large UN peacekeeping missions might comprise 20,000 military personnel and less than 2,000 civilian staff, UN Volunteers and Police Officers.

¹ ST/SGB/273

² See Revised draft model Memorandum of Understanding with Troop Contributing Countries attached to the Report of the Special Committee on Peacekeeping Operations dated 11 June 2007, Document A/61/19 (Part III).

With these numbers, and complaints being split equally, the problem can be seen to be proportionately worse among the civilian staff.

The statistics in that report cannot be considered indicative of the scale of the problem, it was only an analysis of the matters reported to OIOS, but it did indicate that the UN was being disingenuous in always blaming the Troop Contributing Countries.

Central African Republic

It was only much later that I learned how, in May 2014 two UN staff members, from the UN Human Rights and Justice Section and the childrens charity UNICEF in the UN mission in the Central African Republic ("MINUSCA") had discovered that children - boys as young as 9 years old - were being sexually abused by French peacekeeping troops in the country.³

Those French peacekeepers were not even under UN command. All that anyone had to do was to inform the French commander, whose troops included military police of the Gendarmerie Nationale, and action could have been taken immediately.

Instead, the UN did nothing, but staff kept returning, day after day, to record how more and more children were being raped. The head of the Human Rights and Justice Section showed no concern for their welfare. He did not consider he had any responsibility to protect the children or to do anything to ensure that the perpetrators were held accountable. He even obscured the information within broader thematic reports to his superiors and encouraged the Head of the MINUSCA mission to keep it confidential rather than request that the French authorities act to stop the ongoing abuse.⁴

The information came to the attention of Mr. Anders Kompass, who worked in Office of the High Commissioner for Human Rights in Geneva, where he was Director of the Field Operations and Technical Cooperation Division.⁵ He wrote to the French ambassador and passed him the information.

French investigators were very soon despatched to the Central African Republic, but the UN Office of Legal Affairs in New York would not permit MINUSCA staff to co-operate with them.

The UN insisted the French to present any questions in writing through the Office of Legal Affairs, and they would convey written answers. This prevented the French investigators from making any headway with their investigation.

What then happened was that the UN turned on Mr. Kompass, and the whole cover-up was exposed in the media.

Since then, the UN has been plagued by more and more allegations of sexual abuse by peacekeepers, mostly involving the Central African Republic. This can be attributed to one factor and that is attention from the media, prompted by the Code Blue Campaign.⁶ I do not believe the sexual exploitation

³ See <http://www.codebluecampaign.com/carstatement/>

⁴ Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic dated 17 December 2015. ("The Deschamps Enquiry Report.")

⁵ UNDT Order 139 (GVA/2015)

⁶ See www.codebluecampaign.com

problem is getting any worse; the difference is primarily that more cases are now being reported.

Investigation of Sexual Exploitation and Abuse

There are two aspects to consideration of the sexual exploitation and abuse in the UN.

The first is the sexual harassment suffered by women working in the system; here the regulations⁷ require a fact finding panel to be formed. The matter is not handled by professional investigators, allowing superiors in the department where the complaint arises to control the investigation.

The second are the sexual assaults, rapes and other sexual offences. When committed by UN staff these should be investigated by OIOS as serious misconduct, but this is not always done.

In its most recent Annual Report in respect of peacekeeping operations⁸ for the year ending 31 December 2015, OIOS reported the completion of the investigations into fifteen (15) sexual exploitation and abuse cases, in which they actually made a finding against the subject in only *four*.

In the same period, they received 27 such reports, of which 11 were from the Central African Republic alone. In 2014, they had received a total of only 16.

Very recently, the 'Code Blue Campaign' revealed⁹ that in a single province of the Central African Republic alone, 98 girls were found who claimed to have been sexually abused by UN peacekeepers.

I do not believe this is an indication of an increase in the sexual exploitation of women and children; rather it is an indication of the UN's historical unwillingness to recognise that this happens.

Personal Experience

I joined OIOS in March 2011, and was employed as an investigator in the Investigations Division

Prior to joining the UN I had spent 18 years as an investigator in the private sector in Asia, where I was recognised as an authority on money laundering. I am admitted to practice law in my home country of Scotland, in Hong Kong and in New York. I have an MBA and a Masters degree in International Criminal Law. I have had a number of articles published on money laundering and investigation management, have spoken at numerous conferences and taught courses in these subject as an adjunct lecturer in Hong Kong. At no time prior to joining the UN was my professional ability, my integrity or my conduct ever challenged, and no client ever complained about my work.

My dispute with the UN arose out of an attempt by my then Unit Chief in OIOS Ms. Roberta Baldini to portray me as incompetent, pressuring me to sign a 'Performance Improvement Plan' (PIP) urgently.

The document was insulting and unwarranted. It is significant, however, in that it is an insight into how OIOS management wish investigations to be conducted; which is simply to go through a check-list of pre-prepared questions. The purpose of an investigation is to be only to determine whether or not the

⁷ ST/SGB/2008/5

⁸ A/70/318 (Part II) Para 11.

⁹ Code Blue Campaign Press Release. 30 March 2016

staff member was guilty of the misconduct *for which he was being investigated* - and nothing else. To that end, OIOS considered it appropriate that as an investigator, I should be directed never to ask questions “*just to satisfy my curiosity*.”

I asked questions about what I was alleged to have done wrong. No one would answer me. No one could even point out a question that I *had* ever asked “*just to satisfy my curiosity*.”

What then followed was an Annual Appraisal that denounced me as universally incompetent, and a series of petty complaints against me ; all by the same managers as I had complained were trying to impose an unjustified PIP. This litany of complaints included my former First Reporting Officer complaining that I had asked him how he was doing “*in a rather challenging voice*” and accusing me of trying to provoke him.¹⁰ My former Unit Chief, accused me of “sabotaging cases” by writing a Note to File critical of the pettiness of something that was not an investigation.¹¹ There was a complaint about how I had forwarded an e-mail, alleging it was “*unprofessional*” and in violation of a Protocol on Electronic Communications which contained nothing about forwarding emails.¹²

This reached a climax in January 2014, after the publication of the judgement in Nguyen-Kropp & Postica¹³ and the Associated Press wire service story about the judgement.¹⁴ The UN Dispute Tribunal (“UNDT”) found that OIOS Deputy Director Michael Dudley had tampered with evidence in an investigation, and that the investigators who had complained about it were subjected to a retaliatory investigation by Michael Dudley’s own staff.

I was investigated for ‘harassment’ for the trivial act of making a satirical change to an existing comment on a whiteboard, referring to that judgement.

Ms. Lapointe, who had herself been named in the judgement, also tried to have me suspended *immediately*.¹⁵ I worked in OIOS for four years, and recall no other occasion of *any* subject being suspended prior to being investigated.

At the same time, Ms. Roberta Baldini, my former Unit Chief accused me of “*a possible assault*” - apparently because I was alleged to have walked in the corridor in such a way that I *could* have bumped into her, had this potential ‘bumping incident’ *not been avoided* by her (or possibly *my*) stepping slightly to the side. I later learned from a leaked document that I was alleged to have pushed her, and that she was going to apply to the courts for an Order of Protection. What was most disconcerting however, was that I was falsely accused of illegal possession of a firearm.

The UN failed to recognise that any of this might be retaliation.

At no time was anyone ever able to point to an investigation I had mishandled, but throughout all of this the UN has insisted that I was 100% wrong 100% of the time, and nobody else was at fault. At the

¹⁰ Email Dzuro to Wilson. 25 July 2013 at 5:43pm

¹¹ Email Baldini to Wilson. 15 August 2013 at 11:17am

¹² Email Dudley to Wilson 3 October 2013 at 8:52am

¹³ Nguyen-Kropp & Postica UNDT/2013/176

¹⁴ John Heilprin, ‘UN whistle-blower case shows accountability limits’. Associated Press, 10 January 2014. Online at: bigstory.ap.org/article/un-whistle-blower-case-shows-accountability-limits

¹⁵ Email Lapointe-Pollard 17 January 2014, at 18:54Hrs

same time, the UN repeatedly insisted that I had no right to demand answers to my questions about what I was alleged to have done that was wrong and that justified the attempt to impose the PIP.

The UN is now outraged that I speak publicly about this and that I portray the Organization as farcical, but all I ever asked was answers to those questions. This simple request went as high as Susanna Malcorra, who was Ban Ki Moon's Chief of Staff; she insisted that I had no right to have those questions answered.

Culture of the Organisation

Two factors in particular can largely explain the culture in the UN. One is the 'Noblemaire Principle' which sets the UN salary levels, tying staff salaries to the highest government salaries paid in any Member State. The other is the practice of two year employment contracts, which gives managers enormous power to exert control over their staff. Retaliation is also commonplace in the UN, so these factors contribute to a workforce disinclined to report a senior official for misconduct.

My experience of the UN's attitude towards accountability is that it is inconsistent and the attitude of senior officials towards the risk of misconduct is one of denial.

There is also a willingness to close cases - including sexual exploitation and abuse cases - rather than investigate them fully.

Senior staff *have* been investigated for misconduct from time to time, but this is often because a finding of misconduct is required as justification for a pre-determined outcome.

This can be seen in the investigation of Mr. Anders Kompass; he had been investigated by OIOS once already for something else and Ms. Malcorra knew the investigation was going to clear him. That in itself is concerning; Ms. Malcorra should never have known the result of the OIOS investigation before it was completed.

In any event, unsatisfied that he should be exonerated, in order to ensure that Mr. Kompass was investigated for something; the UN settled on his having taken action to stop the sexual abuse of children in the Central African Republic, misrepresenting this as "*leaking confidential information*."

A clear *political* motive can be seen in the investigation of Mr. Michael von der Schulenberg,¹⁶ who was formerly the Head of the mission in Sierra Leone. He was investigated because he was carrying out his mandate and promoting democracy in that country. This irritated the sitting President who believed he was too close to the opposition party and demanded that the Secretary-General remove him. Contrived misconduct investigations provided an excuse and he was summarily dismissed.

The selective investigation of misconduct

The UN has an incentive to misrepresent the number of misconduct cases - particularly Sexual Exploitation and Abuse cases that are reported. To do otherwise would be to discredit their own peacekeeping activities and to admit to the ineffectiveness of their own prevention activities.

¹⁶ von der Schulenberg -v- Secretary-General UNDT/2013/176 & UNDT/2013/178.

Following the whiteboard incident, when I was being investigated for commenting on evidence tampering by Michael Dudley, I learned that an audio recording of a witness interview had been withheld from the decision-maker. Incredibly, this was *more* evidence tampering. I complained about it, but nothing was done.

A few weeks prior to that incident, I had reported a case of what I believe to be perjury by an OIOS investigator. That was not pursued either.¹⁷

Mr. Stefanovic, the Director of the Investigations Division was investigated following a complaint by Ms. Baldini over a comment he had made some 18 months earlier about rats in the New York subway. After being cleared of any wrongdoing, when he tried to have Ms. Baldini investigated for reporting misconduct in bad faith, *and for misleading the Tribunal*, the UN was not prepared to do so.

Ms. Baldini also reported me for the “*possible assault*.” When my legal counsel tried to complain that she had made a report against me in bad faith, the UN failed to even acknowledge receipt of the letter.

Incompetent investigations by OIOS and misconduct by OIOS staff has also resulted in a number of UNDT decisions in favour of the Applicant or such cases being settled out of court, all at considerable expense to the Organisation. These include the cases of Wasserstrom,¹⁸ Hashimi,¹⁹ von der Schulenberg,²⁰ Nguyen-Kropp & Postica,²¹ Lubbad,²² Sirohi²³ and most recently Stefanovic²⁴ and there may be others. All of these can be attributed to the same group of OIOS investigators, none of whom has ever suffered any consequences or been held accountable for any of these failures.

Assessments of Complaints

One of the methods by which the number of Sexual Exploitation & Abuse cases in the missions has been kept artificially low involves these reports being filtered by the local Conduct & Discipline Team.

The Conduct & Discipline function in the UN has no investigative authority. Their role is basically to act as a postbox and pass these reports on to OIOS for investigation. Their function is prevention; raising awareness of such ‘soft’ issues as codes of conduct. As such, Conduct & Discipline Teams have an incentive to minimise the number of misconduct reports that are deemed ‘credible’.

What often happens in practice is that these ‘assessment’ simply identify witnesses, who can then be discredited, bribed or intimidated. If the matter is subsequently investigated, by the time investigators arrive, material witnesses have often been paid off, retracted their allegations or otherwise disappeared.

I recall one report of report of a statutory rape in Haiti. In the period between this report being assessed by the Conduct & Discipline Team and the arrival of my colleagues from OIOS, a family living in a

¹⁷ Peter A Gallo Confidential memo to Stefanovic dated 7 November, delivered 23 December 2013.

¹⁸ UNDT/2013/153

¹⁹ UNDT Order No.93 (NY/2011), Case No. UNDT/NY/2011/020

²⁰ UNDT Order No.48 (NBI/2015), Case No. UNDT/NBI/2014/032

²¹ UNDT/2013/176

²² Lubbad -v- Secretary-General UNDT/2013/132 and UNDT Order No. 159 (NBI/2014)

²³ The hearing in the Sirohi case was held in November 2014 and was settled out of court before the last witnesses were called. No judgement has ever been published.

²⁴ UNDT Order No.276 (NY/2015)

refugee camp appears to have found the money to retain legal counsel to withdraw their complaint.

In August last year, as part of an 'assessment' of another statutory rape complaint in the Central African Republic, UN staff cross-examined the 16 year old victim, humiliating the girl by taking photographs of her naked and demanding to know if she was a prostitute.²⁵

There was a case from Haiti when a UN Woman Police Officer, who happened to be an American, passed on information she received from a Catholic Missionary about a soldier from a peacekeeping unit indecently assaulting a local woman. This was reported to the Conduct & Discipline Team in MINUSTAH²⁶ in the month of January, the Police Officer heard nothing more but later learned that something had been done about it in the April of that year, and that the report was deemed to lack credibility.

I could find no trace of that assault ever being reported to OIOS. I believe this is typical and that many are made to disappear.

Referrals of Investigations

Many of the misconduct reports received by OIOS are not investigated. They are 'referred' to another department on the basis that it is "more appropriate" that another Department deal with the matter.

OIOS once received an abuse of authority complaint about a senior official in the MINUSTAH mission in Haiti who had borrowed large sums of money from his subordinates. This was referred the matter back to the Mission, and just as predicted – the subject received only a reprimand. That did not delay his promotion to a larger Mission. The UN did not appear to have been concerned that someone reported to have a gambling problem should have control of an even larger budget.

Another case from MINUSTAH was reported by the same American woman Police Officer I mentioned above. She was told by community leaders in one of the Refugee Camps that a number of UNPOL officers were having sex with under-age girls in the camp. The extent of her involvement was receiving this information, writing it down and passing it on to be dealt with.

The Conduct and Discipline Unit had passed the information to OIOS, but instead of investigating it, OIOS then *referred* it to the Police Division in the Department of Peacekeeping Operations, i.e. the department that had the greatest interest in clearing the accused officers of any wrongdoing.

This particular lady had over ten years experience with the Police Department of a major US city, and she described how she had been subjected to 3½ hours of "interrogation" into her motives for passing on that report.

The Police Division - unsurprisingly - found no credible evidence against the UNPOL officers, cleared them, and made adverse findings against the community leaders who first reported the information.

²⁵ <http://www.foxnews.com/world/2015/08/21/un-investigators-said-to-take-nude-photo-ask-about-prostitution-in-under-age/>

²⁶ MINUSTAH is the current UN mission in Haiti.

OIOS Independence and Conflicts of Interest

It is possible to explain this by reference to the inherent conflict in that the Head of Conduct and Discipline Unit, Ms. Mercedes Gervilla is married to the Deputy Director of the OIOS Investigations Division, Mr. Michael Dudley. A married couple occupying these strategically important positions undermines the independence of OIOS and discredits the investigation of misconduct reports from Field Missions.

Applying a strict interpretation of the rules, the couple were not ineligible for those positions because neither reports to the other, but OIOS must frequently interact with Conduct & Discipline.

The concern, since Ms. Gervilla was appointed to that post, has always been that OIOS would never raise any objection to a matter that Conduct & Discipline had assessed as lacking credibility - and where either the Department of Field Support in general or the Conduct & Discipline Unit had a particular interest for any given matter to be covered up; the wife could arrange with the husband that OIOS would not investigate it, but would instead 'refer' the cases back to the Department of Field Support or somewhere where they would disappear, never to be heard of again.

It has been reported in the press²⁷ that the Ethics Office were consulted about this conflict, but would not concede that there was one. Ms. Dubinsky, the Ethics Director is reported to have acknowledged that it could, however, *potentially be perceived* as a conflict of interests *in the future*. In order to avoid such accusations from arising, she recommended that the husband and wife receive "counselling" to assist them "avoiding particular actions".

This makes no sense; if a Third Party perceives there to be a conflict, that cannot be prevented or mitigated by the subjects having received counselling in how they should act.

The UN appears to have an unusual understanding of the concept of a conflict of interests.

The issue of the Nguyen-Kropp & Postica case involved Michael Dudley being investigated – and cleared of any wrongdoing – by two OIOS staff members, both of whom reported to him, and neither of whom considered they might have a conflict of interests investigating their own boss.

In my own case, the decision to consider my satirical reference on the whiteboard as 'harassment' was made by Ms. Lapointe, who had herself been implicated in the retaliation suffered by Ms. Nguyen-Kropp and Mr. Postica and who was named in the judgement. I was then investigated by a panel, both members of which had had a working relationship with the "aggrieved party" Michael Dudley for a number of years. Neither of them knew me.

The UN's Administrative Law Section denied there was anything irregular in any of this.

Lack of oversight of 'Oversight'

OIOS was established by the General Assembly, specifically to be independent. The UN is manifestly unable to police itself, because it is clear that the independence that OIOS once had has been

²⁷ Colum Lynch. 'The UN's Investigation Wars' Foreign Policy, 26 August 2015. Online at: <http://foreignpolicy.com/2015/08/26/the-u-n-s-investigation-wars/>

compromised. OIOS has repeatedly been found to be factional, it is riddled with corruption and self interest and is effectively controlled by the same senior management that it is supposed to investigate for wrongdoing.

Beholden to senior management for political patronage and other favours, OIOS management has been able to select which reports should be investigated and which should be referred to another department (and conveniently lost or buried). Potentially embarrassing cases have been closed in the face of evidence of fraud, sexual abuse or other misconduct.²⁸ There is a toxic working environment; some investigators have been harassed, experienced retaliation and encouraged to resign²⁹ while serious misconduct complaints against some others have been ignored.³⁰

OIOS also lacks some sort of Oversight Committee to assume a function similar to that of a Police Commissioner, and to perform an acutely needed role in dealing with complaints against OIOS investigators in a manner that is both independent and consistent.

I consider it scandalous that despite the findings of fact in *Nguyen-Kropp & Postica*³¹ that he tampered with evidence in an investigation, Michael Dudley remains in post as a Deputy Director in OIOS. Similarly, despite having been found to have had an obvious conflict of interests and having carried out an internal investigation for what was clearly a retaliatory purpose; Suzette Schultz also remains in post as a Unit Chief and is still carrying out a “quality control” function.

The UNDT judgement in *Nguyen-Kropp & Postica* was vacated on a technicality on appeal.³² The UN considers that this has the effect of making the facts disappear, and does not consider it possible to hold them accountable for their actions.

Ethics Office Reluctance to identify Retaliation

While OIOS may be selective in recognising misconduct, the Ethics Office appears to be more consistent in their wilful blindness.

When I first applied for ‘whistleblower protection,’ the Ethics Office rejected the application on the basis that the misconduct complaint I had made did not contain ‘evidence’ and therefore did not qualify as a “*protected act*” within the meaning of the rules.³³ The actual wording of that provision however reads “*information or evidence*.” [Emphasis added] The complaint was 2,000 words in length, it referred to a specific e-mail alleged to be coercion, which was identified by sender, date and exact time. The Ethics Office simply did not consider this to be evidence.

Then, unconcerned with the logic of the statement, they attributed my Annual Appraisal to “*prior, documented performance shortcomings*” - the very absence of which had been the basis for the complaint in the first place.

²⁸ Examples of this include the closure of a total of 84 medical insurance fraud cases, and at least the one statutory rape.

²⁹ See *Nguyen-Kropp & Postica* (Further examples include (1) a former IRS-CI investigator, (2) a former New Zealand police officer, (3) Mr. Michael Stefanovic, Director OIOS/ID, and (4) myself, all of us having left OIOS/ID).

³⁰ As at January 2014, out of the 26 staff of the New York office of OIOS/ID there were something like 20 misconduct complaints pending. Most of these were complaints generated internally - by other OIOS staff.

³¹ UNDT/2013/176

³² 2015-UNAT-509

³³ ST/SGB/2005/21

The Ethics Office practice is simple; they need only decide that a misconduct complaint lacked credibility or that it fails to meet some other test and this allows them to reject any application for protection when the staff member suffers retaliation. The UN Appeals Tribunal decision in the Wasserstrom³⁴ case means there is nothing the staff member can then do about it; whistleblower protection is not an enforceable right in the UN.

The second time I applied for whistleblower protection, the Ethics Director, Ms. Joan Dubinsky was faced with the prospect of having to make an adverse finding against Ms. Lapointe, the Under-Secretary-General of Oversight as well as against Roberta Baldini who was an OIOS Unit Chief and Michael Dudley who was an OIOS Deputy Director.

Ms. Dubinsky took two months to recall a pre-existing conflict of interests and recused her office from making a decision on the matter.³⁵ She passed it to Ms. Malcorra, the Chief of Staff, who did nothing.

In the Nartey³⁶ case, Ms. Dubinsky failed to protect the staff member from retaliation after being ordered by the UN Dispute Tribunal to do so. She was therefore referred to the Secretary-General to take action against her for failing to obey a Court Order.³⁷

The Tribunal made a similar referral for the Director of Administrative Services in Nairobi, Mr. Alexander Barabanov, who they found to have abused of authority, intimidated and retaliated against the applicant in the case.

The Nartey judgement was overturned on Appeal and the provision referring Ms. Dubinsky and Mr. Barabanov to the Secretary-General for accountability was vacated.³⁸

Ms. Dubinsky retired from the UN, but not before Ms. Malcorra extended her contract just long enough to give her a significantly increased pension.³⁹

Mr. Barabanov still works for the UN in Nairobi. Curiously, this is the same Mr. Barabanov as was found to have unlawfully obtained a UN firearm in 2008.⁴⁰ The then UN Director-General in Nairobi, Ms. Anna Tibaijuka, tried to have action taken against him at that time, but it was *she* who was removed from her post, to be replaced by someone less senior.⁴¹

The Prospects for Staff Members reporting misconduct

The investigation of fraud, waste and abuse in the United Nations depends on these first being reported to OIOS. This will not happen if staff not only have reason to fear retaliation, but also know that they will be protected against that retaliation should they report something.

³⁴ Wasserstrom -v- Secretary-General. 2014-UNAT-457

³⁵ Memo. Dubinsky to PAG, 12 March 2014

³⁶ Nartey -v- Secretary-General. UNDT/2014/051

³⁷ Nartey. *ibid.* para 219.

³⁸ UNAT Judgement 2015-UNAT-544

³⁹ <http://www.foxnews.com/world/2015/07/30/un-benefit-boost-to-outgoing-ethics-watchdog-questioned-in-light-sex-abuse.html>

⁴⁰ Letter to OLA re Barabanov 20 June 2008

⁴¹ <http://www.foxnews.com/story/2009/04/21/un-official-investigated-for-wrongdoing-still-at-post.html>

This concern is more than just hypothetical. The experiences of Ms. Nguyen-Kropp and Mr. Postica⁴² and of Mr. von der Schulenberg⁴³ and others indicate that one of the possible consequences for staff members who report misconduct is that they could find themselves the subject of a retaliatory OIOS investigation. This is an unenviable prospect. OIOS retains the managers who were responsible for the retaliation in those cases, so no one under investigation can be expected to have any confidence that they will be investigated fairly.

I warned Ms. Lapointe very openly on 6 February 2013 that the Nguyen-Kropp & Postica judgement had destroyed the credibility that OIOS once had, and that her continued protection of Dudley and Schultz was such that I was “concerned that *InnerCityPress* and *Fox News* would become the grievance portals of choice for UN staff members wishing to report misconduct.”⁴⁴ It appears I was only wrong only in that it has been the ‘Code Blue Campaign’ who appear to be filling that role.

The UN Justice System

The UN Dispute Tribunal is an unusual legal entity quite unlike other administrative tribunals. As a result of a number of appellate decisions favourable to the Organization, the jurisdiction of the Tribunal has been so tightly restricted as to contribute next to nothing towards accountability in the UN system.

Procedure and the Absence of ‘Unreasonableness’

It is one of the basic tenets of administrative law that courts are understandably reluctant to interfere in decision making by government departments or public bodies, and will therefore not do so unless the decision is so thoroughly unreasonable as to be patently ridiculous. The ‘justiciability’ bar is deliberately set very high.⁴⁵

The UN tribunals, however, do not recognise any concept of ‘unreasonableness’ or even of ‘proportionality’ – so a UN official can make a decision verging on the absurd, but as long as it is possible to argue that the procedure was followed, it will be upheld.

In my own case, when I tried to challenge my Annual Appraisal, the Panel formed to consider my rebuttal decided that because the procedures relating to the PIP “*were generally complied with*” they would not actually consider the appraisal on its merits.⁴⁶

This is an example of the perversion of logic that is not uncommon in the UN; rather than make a finding that would not reflect well on OIOS management, they relied on the notion that procedures (for something that was never concluded) were “*generally being complied with*.” They conveniently overlooked the material part about *identifying* alleged ‘performance shortcomings’ because if they simply assumed that these shortcomings *did* exist, they could avoid having to consider the substance of the rebuttal which proved that they did not.

⁴² UNDT/2013/176

⁴³ Von der Schulenberg -v- Secretary-General UNDT/2013/176 & UNDT/2013/178.

⁴⁴ PAG Open Reply re 2008-5 Panel. 6 February 2014.

⁴⁵ In English Common Law this is the *Wednesbury Principle*, per *Associated Provincial Picture Houses Ltd -v- Wednesbury Corporation* (1948) 1 KB 223. <http://www.bailii.org/ew/cases/EWCA/Civ/1947/1.html> Civil law jurisdictions generally achieve a similar result with the principle of ‘proportionality.’

⁴⁶ Rebuttal Panel Report. 23 September 2013.

The extent to which the UN focuses on ‘procedure’ - to the point of being blind to serious crime, can be seen by the number of senior officials - and staff of the Office of Legal Affairs - who were aware of the ongoing sexual abuse of children in the Central African Republic and did nothing about it.⁴⁷

The ‘final decision’ limitation

Another principle of administrative law that a challenge to a government decision must be made *early*. This minimises expense and any miscarriage of justice or abuse of authority. The UN does the opposite; a staff member cannot challenge anything except a *final* decision. Everything else is merely ‘preparatory’ and is not receivable by the UN Dispute Tribunal.⁴⁸

This ruling allows unethical UN managers to make quite ridiculous decisions and the staff member then has no legal recourse but to wait while the Organization wastes a huge amount of time and effort going through a slow and cumbersome procedure for no reason other than harassment.

In the end, when the staff member is finally cleared, they are unlikely to waste time and effort challenging the decision that exonerated them. This was done in the Schulenberg case⁴⁹ and is also illustrated by the actions against me after the whiteboard harassment complaint.

Attitude towards Human Rights

The harassment complaint against me for the whiteboard comment arose because OIOS reputation had been harmed by having a Deputy Director found to have tampered with evidence. It was a comment on a finding of fact in a UN Dispute Tribunal judgement, and had been reported in the press.

Tampering with evidence is not a trivial matter. In federal investigations in the United States, it is punishable by up to 20 years imprisonment.⁵⁰ For this to be condoned by the UN reflected badly on me as it does on everyone in OIOS. If it was a legitimate matter of public interest - and the fact it had been reported by Associated Press would suggest that it was - one would expect it should be protected as freedom of speech and opinion under the Universal Declaration of Human Rights.

As the United Nations High Commissioner for Human Rights, Ms. Navi Pillay, expressed the view that the US Government should not prosecute Edward Snowden because his revelation of confidential information was “*in the public interest*”.⁵¹

In my case however, which involved a matter in the news as opposed to any classified information, the Secretary-General did not consider the Universal Declaration of Human Rights to be applicable because: “*this freedom is subject to reasonable restrictions, including the requirement to act in accordance with the United Nations Staff Regulations and Staff Rules.*”⁵²

⁴⁷ See <http://www.codebluecampaign.com/casstatement/>

⁴⁸ The Organization relies on such precedents as: *Ngokeng v. Secretary-General* (2014-UNAT-460); *Wasserstrom v. Secretary-General* (2014-UNAT-457); *Hashimi v. Secretary-General* Order No. 93(NY/2011); *Balakrishnan v. Secretary-General* (2012/UNDT/041) and *Nguyen-Kropp & Postica v. Secretary-General* (2015-UNAT-509)

⁴⁹ von der Schulenberg v. Secretary-General UNDT/2013/176 & UNDT/2013/178.

⁵⁰ 18 U.S.C. § 1519.

⁵¹ <http://www.reuters.com/article/us-usa-security-un-idUSKBN0FL1PB20140716>

⁵² UN Deputy-Secretary-General Jan Eliasson, letter to Peter A Gallo dated 1 April 2015

Conclusion

When newly appointed, Ban Ki Moon announced: *"we must hold all UN employees to the highest standards of integrity and ethical behaviour."*⁵³ He told his senior officials: *"I have been loud and clear about honesty: our UN will not tolerate corruption or abuse of power."*⁵⁴

The Member States have had ten years of empty rhetoric, with frequent and eloquent assurances of zero-tolerance for corruption, misconduct and especially sexual abuse, but the reality is very different.

The image that was successfully presented is now collapsing around us on almost a daily basis. There is no real accountability in the UN, and the Organization is both incapable and unwilling to seriously investigate misconduct of any sort within its own ranks.

As a consequence, it is failing the women and children around the world who are forced to rely on it for food, shelter and protection. I am also concerned about financial irregularities that are not investigated.

The dysfunction in the UN cannot be attributed to a few rogue officials, nor can it be blamed on those who have retired; it is very deeply ingrained in the culture of the organisation. It cannot be remedied by another consultants report, another Working Group, new policies, any reorganisation or by appointing another 'Special Coordinator'.

This situation is one of moral and ethical bankruptcy. The Organization itself has proved unable to do so, so the Member States must assume direct responsibility for the investigation of crime and misconduct by UN staff. The solution involves recognising the need for what is essentially *receivership*.

The poorest, the most needy and the most desperate people in this world are being exploited and the only people trying to excuse that are the staff of the United Nations who consider themselves above the law that governs everyone else. This is unconscionable. Privileges and Immunities must be stripped as soon as there is cause to believe that a criminal offence has been committed.

UN Staff must be held accountable for their misdeeds, and that has to be done by an external body, completely independent of the UN Secretariat, and reporting directly to the General Assembly.

Peter A Gallo

⁵³ UN Secretary-General Ban Ki-moon, speaking at the Center for Strategic and International Studies, Washington DC, 16 January 2007. Available online at: http://www.un.org/apps/news/infocus/speeches/statments_full.asp?statID=62#_VwP5gT-nRs

⁵⁴ UN Secretary-General Ban Ki-moon, speaking to senior UN officials at Turin Retreat, Italy, 31 August 2007. Quoted online at: <http://www.un.org/sg/PublicDisclosure.shtml>

Mr. SMITH. Mr. Gallo, thank you very much for your testimony and for your courage because you have suffered retaliation. And thank you for being here.

Mr. Hannum?

**STATEMENT OF MR. JORDIE HANNUM, SENIOR DIRECTOR,
BETTER WORLD CAMPAIGN**

Mr. HANNUM. Thank you, Mr. Chairman and Ranking Member Bass, for inviting me to appear before the committee today. I used to work on the staff of Congresswoman Connie Morella, and it is a pleasure to be back on the House side.

I now work at the Better World Campaign, which aims to highlight the value of a strong U.S.-U.N. relationship. But, as your subcommittee knows and as some of the witnesses have outlined, there is a cancer within the United Nations; namely, sexual abuse by peacekeepers.

The victims of this abuse are real, as are the consequences. Just 2 weeks ago, a 16-year-old girl was alleged raped by a Congolese peacekeeper in a hotel room. Hearing horrendous reports like these from the Central African Republic, it would be natural to demand the withdrawal of all U.N. peacekeepers, but this basic instinct to protect needs to be balanced against the good that peacekeepers continue to do there. The U.N. mission in CAR has played a critical role in reducing ethnic violence, facilitating democratic elections, and fostering the highest economic growth in 15 years. So, the question is, how do we support the vital work being done by U.N. peacekeepers in CAR and elsewhere and at the same time implement meaningful steps to stop sexual exploitation and abuse by peacekeepers? We believe if the U.N. is to root out the bad actors, whether they hail from the developed or developing world, they must show that their newly-announced policies endorsed by the Security Council will be implementable with unshakeable resolve.

This month the Secretary-General took dramatic steps to improve transparency, naming and shaming the nations whose troops are accused of abuses. He has also kicked out an entire military contingent over evidence of widespread and systematic abuse, again, a first. Though overdue, these actions are the right course.

Even so, these measures will mean nothing unless they are actively and consistently enforced. Further, we argue that for those countries where there is evidence of widespread abuse they also should be blocked from joining new missions.

At the same time, this does not mean that the international community should accept a weak response to conflict and mass atrocities. Rather, we must demand that more countries shoulder the load. As it stands, there is a shortage of well-trained troops for a growing number of increasingly-complex, dangerous missions.

The significant increase in the size and scope of peacekeeping missions, together with the near withdrawal from peacekeeping by European and American forces, has taxed the ability of the U.N. to recruit the best-trained and equipped troops. If peacekeeping is to ultimately address sexual abuse, the responsibility must not sit with the U.N. alone. Other member states need to answer the bell.

The United States, in particular, can play an important role in the areas of training, accountability, investigations, and vetting, as

outlined in my written testimony. But I must also say that, as we rightly call out the U.N. for its anemic response on abuse, we must not lose sight of the overall importance of its missions. The U.N. currently oversees 16 operations with over 100,000 personnel, the largest deployed military force in the world. Over the past several decades, both Republican and Democratic administrations have strongly supported peacekeeping. This is because it can mean the difference between life and death in the places it deploys.

A 2013 study found that deploying large numbers of U.N. peacekeepers “dramatically reduces civilian killings.” In South Sudan, where I know you just were, Congresswoman Bass, U.N. forces are currently working to protect nearly 200,000 civilians. In CAR, Amnesty International just released a report saying U.N. peacekeepers have “saved many lives and prevented much bloodshed.”

In addition, these missions are much less expensive than U.S. forces and have the strong support of our military. Admiral Mullen, former Chairman of the Joint Chiefs under Presidents Bush and Obama, said, “U.N. peacekeepers help promote stability and are very much in our national interest.”

Now it is true that the U.S. pays the largest portion of the U.N.’s peacekeeping budget, but we also wield veto power over the size of that budget due to our presence on the U.N. Security Council. That special status also puts the U.S. in a unique position to push for peacekeeping reform.

I would further argue that we are best able to pressure the U.N. for changes when we are fully engaged and paying our dues. As a result, we have been able to move forward many important reforms at the U.N. Of most relevance, in March the U.S. championed and the U.N. endorsed several of the stringent new abuse measures I have just discussed.

In addition, U.S. engagement at the U.N. has led to vital cost-cutting reforms, including reducing the cost per peacekeeper by 18 percent and the number of support staff by 3,000. Thus, if we are to eradicate the cancer within the U.N. right now, it is more important than ever that we remain fully and dutifully engaged. Only then can we ensure that the scourge of sexual abuse and exploitation can be eliminated.

Thank you.

[The prepared statement of Mr. Hannum follows:]

Jordie Hannum
Senior Director, Better World Campaign
House Committee on Foreign Affairs - Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations
Apr 13, 2016

Thank you, Mr. Chairman and Ranking Member Bass for inviting me to appear before the Committee today.

As your Subcommittee knows and as some of the witnesses have outlined, there is a “cancer” within the United Nations, namely sexual exploitation and abuse by peacekeepers.

The victims of this abuse are real as are the consequences. Just two weeks ago, a 16-year old girl was allegedly raped by a Congolese peacekeeper in a hotel room.

What a sickening violation, not only of an innocent girl, but also of the trust placed in that peacekeeper by the UN and the military that sent him to help the people of the Central African Republic.

Hearing the horrendous reports emanating from CAR, it would be natural to demand withdrawal of all UN peacekeepers before more damage can be done. But this basic instinct to protect needs to be balanced against the good that peacekeepers continue to do there.

The UN mission in CAR has played a critical role in reducing ethnic violence, facilitating democratic elections, and fostering the highest economic growth in fifteen years.

So the question is: how do we support the vital work being done by UN peacekeepers in CAR and elsewhere, and at the same time, implement meaningful steps to stop sexual exploitation and abuse by peacekeepers?

If the UN is to root out the bad actors – whether they hail from the developed or developing world – it must show that the newly announced policies, endorsed by the Security Council, will be implemented with unshakable resolve.

This month, the Secretary-General took dramatic steps around greater transparency, “naming and shaming” the nations whose troops are accused of abuses. He has also kicked out an entire military contingent over evidence of widespread and systematic abuse – again, a first. Though long overdue, these actions are the right course.

Even so, these measures will mean nothing unless they are actively and consistently enforced -- a posture which will anger some troop contributing countries. That is in part because sexual exploitation and abuse plagues militaries around the globe, with countries like the U.S. and multilateral organizations like NATO experiencing their own decades-long struggles. Yet, more notably, it is because sending home offending contingents is not only a black eye on the global stage, but a loss in important revenue to that contributing nation.

Further, we argue that for those countries where there is evidence of widespread abuse, they should also be blocked from joining new missions. The UN must say NO on deployment until demonstrable

progress is made. The Secretary-General has the power to do that – he must wield it, and the Security Council must back him.

At the same time, this does not mean that the international community should accept a weak response to conflict and mass atrocities. Rather, we must demand that more countries shoulder the load.

As it stands, there is a shortage of well-trained troops for a growing number of increasingly complex, dangerous missions. The dramatic increase in the size and scope of peacekeeping missions approved by the UN Security Council, together with the near-withdrawal from peacekeeping by European and American forces, has taxed the ability of the UN to recruit the best trained and equipped troops. If peacekeeping is to ultimately address sexual abuse, the responsibility must not sit with UN alone; other member states need to answer the bell. The United States, in particular, can play an important role in the areas of discipline, training, investigative support and vetting personnel.

The United States should use both bilateral and multilateral diplomacy to push troop contributing countries to take greater disciplinary action against soldiers proven to engage in sexual exploitation and abuse. As was noted in the Secretary-General's March report, out of 69 allegations in 2015, in only 22 instances were investigations completed by January 31, 2016. And in only one of those cases did a country report to the UN that it had punished a perpetrator in response to a substantiated allegation.

With respect to training - while in of itself, it's not a magic bullet, as we saw with the well trained French forces in CAR - it is an important element to professionalization, and the United States is well-suited to assist. For years, the Global Peace Operations Initiative (GPOI), a State Department-run security assistance program, has provided training for over 200,000 peacekeeping troops from a variety of countries. Specifically, the U.S. should enhance the sexual abuse related component of GPOI across all of its peacekeeper training centers. The U.S. could also consider bilateral incentives and pressure i.e. either augmenting or suspending GPOI assistance to countries that either showed marked improvement and those that do not.

In terms of aiding investigations, member states understandably feel strongly about investigating their own citizens. That being said, we should work with the UN to consider the feasibility of having an outside body accompany and monitor all national investigative teams. At the very least, the U.S. should work with the UN to ensure that every peacekeeping mission has a team, either nationally based or from the UN, who can deploy immediately after a substantiated allegation, and that the team has a certain level of training, based on internationally recognized standards. Specifically, these teams should understand the risks involved in investigating SEA cases and ensure that survivors and witnesses are willingly involved in the investigation process and have been properly informed of their rights. To help fill potential gaps, the U.S. should consider deploying its own personnel to help support investigations when allegations of SEA arise, or consider using bilateral rule of law/governance training initiatives already in place to help prepare troop and police-contributing countries to properly investigate.

In terms of improved vetting, the UN currently has a rudimentary database for vetting personnel to make sure that those who have been kicked out of missions, cannot return. Given that there are now more than 100,000 personnel serving on UN peacekeeping missions—and these personnel rotate out on an annual basis—this is a massive task, compounded by the fact that the technology underpinning the system itself, and the number of UN personnel dedicated to maintaining it, is not robust at the moment.

The U.S. could help advance progress and improve the technology by contributing technological equipment and expertise to the UN to help build out the capacity of the Misconduct Tracking System. The U.S. could also consider seconding U.S. personnel to the UN to support these efforts.

For some though, the steps outlined above are insufficient, as they believe UN peacekeeping is irreparably broken and the United States should either end or drastically reduce its funding and support. To that, I say that while the U.S. must demand reforms on abuse and exploitation, we must not lose sight of the overall importance of peacekeeping missions.

The UN currently oversees 16 peacekeeping operations with over 100,000 personnel, constituting the largest deployed military force in the world. Over the past several decades, both Republican and Democratic Administrations have used U.S. influence at the Council to support peacekeeping.

Peacekeeping has generated support because it can mean the difference between life and death in the places it deploys. A 2013 study by American and Swedish researchers found that deploying large numbers of UN peacekeepers “dramatically reduces civilian killings.” In South Sudan, UN forces are currently working to protect nearly 200,000 civilians who have fled a devastating two-year civil war. In the Central African Republic, Amnesty International released a report in February saying that with respect to the UN mission, the peacekeepers presence “has saved many lives and prevented much bloodshed.”

These missions are also cost-effective: According to a study by the GAO, UN peacekeeping operations are eight times less expensive than a comparable U.S. force. They are also manifestly in our interest. As Admiral Mike Mullen, former Chairman of the Joint Chiefs of Staff under Presidents Bush and Obama, said: “[United Nations] peacekeepers help promote stability and help reduce the risks that major U.S. military interventions may be required. Therefore the success of these operations is very much in our national interest.”

Now it is true that the U.S. pays the largest portion of the UN’s peacekeeping budget, but the U.S. also has veto power over the size of that budget due to our presence on the UN Security Council. That special status also puts the U.S. in a unique position to push for peacekeeping reform.

I would further argue that we’re best able to pressure the UN for changes when we are fully engaged. Over the last seven years, Congress has admirably paid our dues without drama or delay. As a result, we have been able to move forward many important reforms at the UN. Of most relevance, in March, the United States championed and the UN endorsed Security Council Resolution 2272, which put in place the stringent new measures I’ve discussed to prevent and combat sexual exploitation and abuse by peacekeepers. In addition, U.S. engagement at the UN has led to vital cost-cutting reforms, including reducing the cost per peacekeeper by 18% and the number of peacekeeping support staff by 3,000, along with major changes in how UN staff salaries are calculated.

Thus, if we are to eradicate the cancer within the UN right now, it is more important than ever that we remain fully and dutifully engaged. Only then can we ensure that this scourge of sexual abuse and exploitation can be eliminated.

Mr. SMITH. Thank you very much for your testimony and insights.

Let me begin with some questions, beginning, first, if I would, with Dr. Elbasri. The whistleblower protections that you have outlined, Congress, in 2014 and 2015 did pass into law. And WIPO is pretty much the one, and they don't derive their money from us in terms of percentage of our giving. It is from other sources. And that was brought out very, very clearly in our hearing just a few months ago.

Why do you think the administration has not tried, or has it applied the 15-percent withholding to some of the other agencies? And others might want to jump in on this. Because it seems to me, when you have a penalty and you fail to use it, it is the victims that are the ones who are hurt. That includes victims within the U.N. system itself who would like, as Mr. Gallo said, to speak out, but, obviously can't because there is a fear of retaliation. Is there an enforcement problem on the part of the U.S. in terms of applying that law?

Secondly, when we heard of the allegations, and they turned out to be true, of rape and horrific sexual abuse of young children in DR Congo, not only did I go there, I went to Goma, met with the peacekeepers, met with the government officials there, but I also held a series of hearings. We got ironclad promises from the United Nations. Kofi Annan issued his zero-tolerance policy, which looked fabulous on paper. By the time we got to the third hearing in the hearing series, we dubbed that hearing "zero-tolerance, zero-compliance" because it was just not being implemented at the tactical and the operational level.

So, I am hopeful that Ban Ki Moon is serious, but you are only as good as your chain in command. It would seem—and your recommendations, all of you, on this would be very helpful—if OIOS is not independent, as you have said, Mr. Gallo, that is a huge chink in the armor of protection.

It seems to me that there ought to be prosecutions of those who commit these terrible crimes, and naming and shaming, that lasts for a day and, then, the country moves on. There is a whole lot of naming and shaming going on at the U.N. all the time, but it doesn't have any impact.

I think disqualification might be a more apt way of countries or brigades, or whatever, certainly individuals, and the maintenance of a list of people, so others don't get on the list again and end up 5 years later being deployed to recommit their abuse.

So, if you could speak to that? How do we get the OIOS to be independent again? The enforcement of the U.S. law, how do we make that better? Again, a sanction that is not implemented is a paper promise that becomes very weak and, then, nonexistent in reality.

The cholera issue, Mr. Schaefer, thank you for bringing attention to that. Some of you might want to speak to how well peacekeepers are vetted in terms of health to ensure that communicable diseases are not brought with them to extraordinarily vulnerable populations whose immune systems are next to nil who could pick up those diseases, like what happened in Haiti.

I have other questions, but that is an opening. Yes?

Ms. ELBASRI. Thank you. Thank you for these questions.

Regarding the first one, which is the reduction of 15 percent of the U.S. contribution and the law that passed regarding this issue, it hasn't been implemented widely because there is a problem with the U.S. Department of State certification process. What happens is that, so far, since the law has been adopted 2 years ago, the only case that we have is the WIPO case. But many organizations, including the Government Accountability Project, documented ample evidence that shows that the U.N. is not abiding, is not complying with the implementation of best practice whistleblower protections.

There are many cases that can be communicated to you, drawn on this issue. So, we are wondering why the lack of implementation of best practice whistleblower protections is not documented in this certification process. So, I think it is the mechanism, that there is something wrong with the mechanism here that needs to be looked at. So, this is the first question.

Regarding the issue of rape and the zero-tolerance policy, I think what we hear about right now is the tip of the iceberg. Most of the attention is directed toward the troops, the countries that are contributing the troops, but the problem is much wider than that. We are talking about civilians. Local populations, being raped and sexually abused by the international peacekeeper police forces, by also the civilians within the missions. And we are not hearing the U.N. talking about this.

There is a very important report that came out in 2013 which clearly said that the information we have, really it is a drop in the ocean. Why? Because of this huge reporting mechanism, there are problems with the reporting at the U.N. and this is across the board, absolutely. And this is across the board.

This is not limited to the DPKO. This is a problem within every agency I have worked with. I noticed the same problem. The U.N. is not telling the truth about the reality. It is not telling the truth about the misconduct of its own troops. It is seeing things, but not saying it. And the whole problem starts there. If you are not telling the truth, there is nothing you can address later on. You will be basically just addressing the surface.

Mr. SMITH. Since you were so much involved with it, why the coverup of, as you pointed out, the hundreds of Sudanese soldiers, up to 150 military vehicles raided three villages, and then, you went on to describe the terrible consequences of that? Why cover that up?

Ms. ELBASRI. Well, that is exactly what I wanted, a truly independent inquiry. I wanted to see why. I mean, there are speculations. I can only guess that there are some people at the level of the leadership of the mission who have some agendas other than the U.N. agendas and the mission. I hope that there will be an inquiry about this.

But there is also a culture at the U.N. to cover up. People cover up for different reasons, for saving the image of the U.N., for not embarrassing themselves, for keeping their jobs; also, for the partnership with dictatorship regimes. There are so many reasons for the coverup that need to be addressed.

So, talking about certain problems and referring to the very few bad apples, I think we are not helping the U.N. by advancing such

a diagnosis. The problem is systematic. It is a system problem, not a person problem. It is the U.N. is broken today, and addressing an issue has to start with the truth instead of assaulting truth and going hand in hand with the coverup. The U.N. should be the first to promote truth and truth-telling and promoting the truth-tellers instead of assaulting whistleblowers.

Mr. SMITH. Can I just ask—and all of you might want to respond to this, in addition to the original questions—are there instances of individuals, once repatriated, that were prosecuted and got significant jail time for their crimes against children and women and other vulnerable people?

Ms. ELBASRI. I think there were a few cases in troop contributing countries. I believe it was India. But it is insignificant if you compare that, of course, with the number of the allegations.

And I just want to touch on the independence of the U.N. Honestly, we don't have time, actually, to hold ourselves with some illusions. OIOS will never be independent because it reports to the Secretary-General; it reports to the U.N. Any organization that doesn't report directly and separately to the member states will never be independent.

Thank you.

Mr. GALLO. Thank you, Mr. Chairman.

On the subject of the 15-percent budget withholding, I think it is important to realize that in the 12 months after that was passed the United Nations Appeal Tribunal decided the case of Wasserstrom. Mr. Wasserstrom was seriously retaliated against over a number of years. The significance of that appeal court decision was that, because of the way that the regulations were written, which is ST/SGB/2005/21, what should happen is that, when the staff member applies for whistleblower protection, the Ethics Office makes a recommendation to the Secretary-General that he be protected accordingly.

The Appeals Tribunal decided that, because it was only a recommendation that the staff member did not have a legal right to challenge the decision of the Ethics Office. That basically means that whistleblower protection is a privilege and not a right, and it is a privilege which is dependent on, if you like, the grace and favor of the Secretary-General, which essentially means the 38th floor, which is essentially the people you are requiring the protection from. From memory, I think that came out halfway through 2014, and I have certainly not heard of, I have not seen any documentation, I have not heard any rumors of revisions to the legislation.

The example I have given you in the written statement, in order to get whistleblower protection in the U.N., you require something called a protected act, which is essentially making a report of misconduct or cooperating with an audit or investigation. Now, in my case, I applied for whistleblower protection, and it was rejected on the grounds that the complaint which I had made did not contain evidence.

With respect, the wording of the regulation says "information or evidence." My complaint was 2,000 words long, referred to a specific email on a specific date by a specific person, which I claimed was coercion.

But the point is that all the Ethics Office has to do is dismiss that on grounds of credibility and that it does not appear to support a reasonable belief that misconduct has occurred, in which case that disables it. It can, then, deem to be not a protected act and, consequently, no whistleblower protection applies.

The authority on the statistics for whistleblower protection lies with the Government Accountability Project who I believe worked out the statistics at the time that it was something of the order of like 1 percent of applications for whistleblower protection were granted. Okay?

Mr. SMITH. Anybody else? Yes?

Mr. HANNUM. Thank you.

So, just a couple—on the whistleblower point, we will just say that we, the witnesses here have made some excellent points that certainly our organization has supported, and I know some U.N. officials have said there are key whistleblower reforms that need to be made. One, lessening the onus on the whistleblower themselves, one providing more confidentiality, and, three, also increasing the personal liability toward someone who retaliates. We absolutely support those.

I just want to make a general point, though, on withholding just in general, the concept, because it was mentioned in testimony, and it has certainly been mentioned before that this is the way that we are going to get things done—that we should withhold funds to the U.N.

In general, Democratic and Republican administrations have been opposed to withholding as a way to advance reform. In 2005, the Hyde bill, a centerpiece of that was withholding dues. The Bush administration was opposed to it “because it would detract and undermine our efforts to change the U.N.”

In 2011, the House Committee on Foreign Affairs held a hearing where George W. Bush’s Ambassador Mark Wallace, who was the Representative for U.N. Management and Reform, said that it would not be “wise or beneficial to use withholding funds to implement change.”

Certainly, we believe that the best way to advance change is to pay our dues, but, then, to be at the table and pressure the U.N. and use our diplomatic leverage. And we have seen the benefits of that over the past few years. If you look at the Security Council Resolution on sexual exploitation and abuse, 2272, that was written by the United States, it called for things and endorsed the Secretary-General. And many member states were opposed to it. But because of our good standing and our leverage, we were able to advance it.

As I mentioned in my testimony, there have been a number of important cost-cutting reforms. There were major changes pushed by the U.S. Mission this December to changes in how staff salaries are calculated. This could lead to hundreds of millions in savings. And again, that doesn’t happen if we are not there at the table in good standing and, then, to say, look, we are here, but now we are asking for these changes. I think that is why it is important.

I think in terms of sexual exploitation and abuse, what the Secretary-General has called for, the naming and shaming, kicking out

countries, that is absolutely critical and it is something the U.S. has supported. I think it is extremely important.

I also want to address the question on jail time. So, that has been a major problem with the U.N., but I would also say other armies in terms of just the overall investigations, I think, of the investigations which have been found to be substantiated. Only in 55 percent has there been any type of disciplinary action. That is something in our testimony that would call that the U.S. really needs to use its bilateral pressure on countries.

But I would say, sadly, this is a problem for major armies and countries. In terms of the French troops and in CAR there has been no accountability for what the French troops have done, no punishments yet.

And I saw just a few days ago a report in terms of the U.S. military. It was actually looking at Japan, but these were DOD documents showing that hundreds of cases of U.S. personnel, almost no personnel went to prison, and in 30 cases all they got was a letter of reprimand. And this was for rape and sexual abuse. So, this is a major problem, but not just for the U.N.

Mr. SMITH. Thank you.

Mr. SCHAEFER. Thank you.

I think you were asking why the administration doesn't hold organizations to account for failure to fully implement whistleblower protections or to enforce the standards that they do have. Mr. Hannum laid out quite well the mindset, which is we don't want to upset the apple cart; we don't want to ruffle feathers in the organization.

Oftentimes, what happens is the U.S. administration, Republican or Democrat, will have very specific, often controversial policy objectives that they want to achieve through the organization. In that calculus reform of the organization frequently comes second. That is the way it works. They have a policy agenda. They want to achieve that. Pursuing reform of the organization, whistleblower protections, and other changes will perhaps upset other member states and lessen the ability for us to get the policy objectives done.

And that is actually why Congress has a role here. Congress can provide perspective and instructions on reform through legislation that would require and assist the administration to focus—and it doesn't matter whether it is Democrat or Republican—on achieving some of these fundamental institutional reforms.

I will point out that OIOS actually was established because Congress was threatening to withhold money in 1994. There was no inspector general equivalent at all in the U.N. organization until the U.S. withheld money, and we withheld it because of instances of waste, fraud, and abuse that the Congress at that time thought were unacceptable. That threat of withholding resulted in fundamental change. And the OIOS, although remains inadequate, wouldn't have existed at all without Congress.

Second, on the sexual exploitation and abuse and the Security Council Resolution, if you take a look at that resolution, it urges member states to do things. It calls on member states to do things. It requests member states to do things. It does not instruct the member states to do anything, the troop-contributing countries. It

is not a binding document that forces troop-contributing countries to do anything. It asks them to.

As we have seen in the past, what happens in these instances is that the U.N. does just enough to deflect attention away from the scandal and the press attention long enough for the eyes to go somewhere else, and then, we don't see the follow-through.

The U.N. has had a zero-tolerance policy on sexual exploitation and abuse for over a decade now. And yet, here we are having this hearing, talking about the exact same problems that led to that zero-tolerance policy back then. It is a lack of follow-through.

When you have requests from member states—the Secretary-General's report is like this, too—it has lots of ambitious plans, lots of agendas in there that are in development that have yet to be concluded, that are projected to be implemented, that request the member states to do X, Y, and Z, but it doesn't actually require them to do that.

I am sorry, there was another question. Oh, OIOS independence, that is a fundamental problem. The Office of Independent Oversight Services, the lack of independence, everything has to go through the bureaucracy. When you are reporting on the actions of the bureaucracy, yet you have to report through the bureaucracy, that is not an independent system. You can't expect it to operate in an independent fashion under that scenario. It doesn't have an independent budget. Therefore, it has to go through the regular system for resources, which is very problematic. That needs to be fixed.

I would also suggest—and I make this suggestion in my testimony, I believe—that the U.S. State Department should set up a separate IG unit in the State Department's IG Office to look specifically at international organizations like the United Nations. We are the largest contributor to those organizations. We have a very strong interest in making sure that taxpayer funds are used well there. I think that we should set up a dedicated unit to look into not just peacekeeping, but the U.N. system as a whole and have a series of experts set up there to do that.

Thank you very much.

Mr. SMITH. Thank you.

Ms. Bass?

Ms. BASS. Thank you very much for your testimony and, also, for your courage, all of the panelists.

I wanted to ask some questions and really kind of focusing on what are the solutions. I always have difficulty with the idea of the U.S. withholding money, though, because to me it seems like that just increases the resentment of the U.S. So, I am not really sure how that produces reforms.

But my colleague here, Mr. Chair, was just mentioning how in hearings that have been held before, then all of these promises were made and never really enforced. I was wondering if the U.S. has continued to raise that within the U.N., and are there promises that the U.S. could participate in a hearing, too? So, kind of where do we fall in those lists of promises?

And when you mentioned more countries sharing the load, and I looked at the numbers for the European countries, how they have

gone down dramatically, have we, the U.S., raised this with the EU?

So, those are a couple of questions that I would like to start with. Then, I have some other questions. I guess I am directing it to Schaefer and Hannum.

Mr. SCHAEFER. Thank you.

Yes, the U.S. raises these issues a lot of times. It raises them in the Security Council. It raises them in statements when the missions come up. It raised them when these press incidents happen that bring issues and problems to light. The U.S. makes statements and says we need to address this; we recommend that we do X, Y, and Z.

Again, the lack of institutional follow-through and embrace of those recommendations or the failure of the organization itself to implement what we are calling for is habitual.

Ms. BASS. Within the—

Mr. SCHAEFER. And I will give you a specific example of that.

Ms. BASS. Hold on a second. Within the U.N.'s governance structure, because I am not familiar with it, is it possible for there to be a resolution—

Mr. SCHAEFER. Sure, sure.

Ms. BASS [continuing]. Demands, that requires that?

Mr. SCHAEFER. Yes. There are two different ways to do that. One, in terms of U.N. peacekeeping, the Security Council can issue a binding resolution instructing all the peacekeeping operations how they should conduct themselves and how they should conduct their treatment of troop-contributing countries.

The General Assembly is the legislative body that, in essence, instructs the Secretariat on its rules, and the General Assembly can pass a resolution telling the Secretary-General and the Secretariat how to address various matters in a very direct way.

Ms. BASS. So, has the U.S. attempted to do that and it has been vetoed by the Security Council or have we not attempted to?

Mr. SCHAEFER. Generally, to get something through it will be watered down, as Mr. Hannum mentioned the resolution that the U.S. offered on sexual exploitation and abuse earlier this month. Egypt voted against it. They didn't want even the weak standards that were included in that resolution to go forward.

And it is generally a negotiating process. You do have to get a certain number of countries to support it, and you also have to avoid a veto by the five permanent members to get that resolution through in the Security Council.

In the General Assembly it is even worse. I mean, you have to get a majority of the General Assembly to support it, and a lot of those countries either aren't interested in whistleblower protection policies, for example, or in terms of the sense of troop-contributing countries, many of them are major troop contributors. And so, they don't want to have the standards put into place by the General Assembly that they, themselves, may oppose domestically.

Ms. BASS. Okay. Thank you.

Mr. Hannum?

Mr. HANNUM. Thank you.

Yes, a couple of things just in terms of demands. Our Director Peter Yeo just put out an op-ed the other day in The LA Times

talking about—it is called “No More Rapists in Peacekeeping.” It was quite blunt.

But the importance of certainly what the Secretary-General did in naming and shaming, kicking out countries. But what will be critical going forward is to hold firm there, that countries with widespread and systematic abuse are not allowed back in, that this is absolutely essential and the Security Council needs to back it.

Now, in order for this to be successful, part of the problem is peacekeeping operations have been a lot larger, a lot more complex, and a lot more dangerous. In places like CAR and Mali, when there are demands, the international community is saying there is a crisis happening right now, there are not that many countries that raise their hands. And so, the U.N. can sometimes be in a difficult situation.

So, a year from now, when there is a crisis, where there will be—Burundi or you name it—the U.N. needs to hold firm and say countries with a bad record cannot come in, but there also needs to be other member states who can fit the bill, who are well-trained and well-equipped.

You are exactly right, the EU 20 years ago we were at 40 percent of peacekeeping troops. Now that is 6 percent. The U.S. 20 years ago was about 700 troops. They are now at 70.

And so, I think the U.S. can help here. It made very important strides with the leadership summit last September at the U.N. General Assembly. That was important. There were 40,000 pledges for that. So, I think it will be critical for the U.S. to push countries to make that those pledges materialize; also, to make sure that countries are actually raising their hands for CAR and Mali. So, these things are necessary.

But I would make one other point, just in terms of, well, we should just demand this and we should demand that. And we can talk about how much the U.S. pays. That is true, but the U.S. does not provide that many troops. They are for the most part provided by the developing world. And as I said, these peacekeeping operations, this is not what it was 20 years ago. This is not observing a ceasefire. This is going into a place like Mali, which is the front-line on the war on terror, South Sudan, where the government is actively targeting you, and asking people to go to someone else's civil war and potentially die. In Mali, 60 peacekeepers have died in the past 18 months; three more died today. These are very dangerous places.

To just go in and say, “I need you to do this, this, and this,” that is not going to play particularly well. That doesn't mean we take a soft touch and do nothing. We should absolutely use our leverage. But, at the same time, to get buy-in, we need troop-contributing countries to actually want to do this. And if we are simply demanding things and, then, saying, “Oh, well, the U.S. is doing this,” you create a north/south divide.

So, we need to also be able to work with countries because these peacekeeping missions are increasingly dangerous and difficult, and we need well-trained, well-equipped troops to go there. If we are making all sorts of demands without particular support and working with countries, then we are going to find even fewer troops

and it is going to be even more difficult to address atrocities when they arise.

Ms. BASS. Well, I was in South Sudan just a couple of months ago in November. I went there to see the peacekeeping because I had not seen that before. I was extremely impressed with the people that were there, the people that I met. And it was very clear it was dangerous. As a matter of fact, I think the month before I was there several of the peacekeepers had been taken hostage. They were released eventually, but it wasn't like they were just sitting back and watching.

One of the things I worry about is some of the countries like Burundi, for example, that contribute troops to peacekeeping, it seems like it is a way to deal with the employment issue in these countries. And so, I worry about that.

I wanted to know what the role is with the AU. So, we talked about the EU. What is the role with the AU in terms of the accountability and, also, increasing the number of troops that are contributed by AU countries?

Mr. HANNUM. Yes. Thank you.

In terms of the AU, there are a couple of hybrid missions. UNAMID is one. The mission in Somalia is another; the UNAMID mission supported by the U.N.

And there is potential, there is promise in some cases to say you have got troops who are closer to the action who should be there. I think Dr. Elbasri could say that there are certainly issues with the AU troops, and there was a paper just the other day by Paul Williams talking about some of the problems with AU troops, the accountability, training. So, it is certainly worthy of consideration, but it is not a magic bullet by any stretch.

Ms. ELBASRI. Thank you. Thank you for this question, a very important one.

Regarding the AU, I can just share with you what I saw. What I saw there is a huge discrepancy between African countries. Between 2012 and 2013, the nations that were contributing the largest troops were Rwanda followed by Nigeria. If you compare the troops between these two countries, you end up really asking questions whether they were both Africans. The Rwandan troops were known for being well-trained, well-equipped, disciplined; whereas, the Nigerian troops had all kinds of problems.

I saw with my own eyes peacekeepers with holes in their shoes, peacekeepers who actually didn't know how to hold the weapons, peacekeepers who were not trained at all. And there were jokes in the senior management meetings about cooks being recruited as peacekeepers.

So, there are all kinds of problems with the African Union countries. As you said, there is an employment issue because, as you know, each country that contributes a soldier makes \$1,000 a month, and you just have to multiply those by the 1,000 troops they send.

So, there isn't a commitment from every single country. Every single nation is sending troops for a reason, political or an economic reason. But one thing is certain. In general, there is a huge problem of performance, lack of equipment, lack of training, and lack of command.

The main problem that was faced by UNAMID is the fact that the battalions in the field were not responding to the command of UNAMID. They were requesting the command of their own countries, and there were a couple of countries that were not abiding by the command of the force commander in UNAMID. And that is something that is not unique to UNAMID. It is a problem that has been witnessed in almost every single mission.

So, it is extremely difficult to work within a unified command. But, as far as the African Union troops, there are huge problems, capacity problems, political problems, and also performance problems. And probably UNAMID is one of the best examples one can give.

Mr. SCHAEFER. If I could just follow up on that one last point, which is the compensation for the peacekeepers, it is about \$1,400 per month right now. And there are strong economic and, also, just practical reasons for troop-contributing countries to contribute there.

First, they often make more money through the compensation per troop from the U.N., which is \$1,400 a month, roughly, than they do for the cost of the peacekeeper themselves. And so, that can actually be a plus-up for their own defense budget.

Sending them on peacekeeping operations is a training exercise. It can help professionalize them. It can help assist their efforts to bolster the capabilities of their troops. It can also serve as a way to get practical experience and deployment abroad for their troops. So, there are a lot of incentives for troop-contributing countries to engage in U.N. peacekeeping.

And I think it is naive to think that if you just expect them and demand that they increase standards for training, if you increase standards for enforcement and investigation on sexual exploitation and abuse and other problems, that they would be completely disincentivized from engaging in this process. There are a lot of benefits to this for the troop-contributing countries, and asking them to increase their own standards I think is a very reasonable ask, and you would not see a lot of troop-contributing countries decide not to participate in the future if you did that.

Mr. HANNUM. If I could just follow up one thing. I mean, to be clear, though, it is true they do it for a number of different reasons. The total amount works to about \$16,000 a year. But, yes, there are benefits, but in terms of the reality of peacekeeping right now, not a lot of countries are raising their hands to go to CAR and Mali. So, they may do it, but they also may die there. So, the notion that this is just something that they can do because there's trainings—I mean, these missions are increasingly dangerous. The highest number of missions in history right now, two-thirds are in active places of conflict.

So, absolutely, they do it for all sorts of different reasons, but you get what you pay for, too. If we cut this down significantly, you are going to have more poorly-trained troops. And studies have shown that the worse-trained troops there are, the more problems you have.

So, absolutely, by no means are we saying that we shouldn't push for reforms. In the testimony I lay out a number of different things that we need to do on training. We have an existing frame-

work right now with the GPOI program through the State Department. That should be much stronger. That should be augmented with more focus on sexual exploitation and abuse.

Thank you.

Mr. SMITH. Mr. Cicilline?

Mr. CICILLINE. Thank you, Chairman Smith. I, first, want to thank you and Ranking Member Bass for calling this hearing today and to thank all the witnesses for the work that you are doing, for being here today.

I am very proud to be the co-chair of the Congressional Peacekeeping Caucus, which I formed with my colleague Adam Kinzinger. And we formed this because we recognize the important role that peacekeepers play in maintaining international peace and stability and the impact peacekeeping missions have on the United States and our own national security.

But we also formed the Caucus with the intention of taking a closer look at the areas that are in need of reform. I think, like everyone else who has learned about these repeated allegations of sexual abuse and exploitation against U.N. peacekeeping forces around the world, we are all, I think, very concerned about that and really alarmed at the inability of the U.N. to effectively prevent this kind of abuse and to hold perpetrators accountable when it happens.

I do think I want to really thank you, Mr. Hannum, for your comments because I do think the notion of sort of disengaging from the U.N. as an effective way to bring about real reform and accountability would be a tragic mistake. In fact, I think this is a moment when we have to deepen our involvement and really engage in an even more serious way. If we are going to hope to see any real progress, it is going to require U.S. leadership. And so, I think the notion of not paying our dues or not playing an active role will make success in terms of reforming less likely. And I appreciate your comments on that.

My first question really is, it strikes me that, as you analyze where U.N. peacekeepers are and who contributes to them, without oversimplifying it, my sense is that it is the poor countries that provide the troops and the affluent countries that supply the money. And it may be that that is part of the challenge because it is not surprising that some of the poorer countries don't have the same resources for the kind of training and professional development of soldiers that more affluent countries might have.

And so, I wonder whether any of you see that question about really training, because we can get to the question about whistleblowers and accountability in a moment, but preventing it from happening I think has to be our first focus.

My first question really is, is there some role that Congress can play that we should be advocating for at the U.N. that will really enhance the professionalization and the training that is made available to the soldiers who actually participate in peacekeeping to supplement what poor countries may either not be doing because they can't or not be doing because they won't? But we will start with that.

Mr. HANNUM. Yes. Thank you.

So, there are a couple of things. One, I will say that an important first step, you are exactly right, the dynamic over the past 20 years is mostly countries from the developing world who are providing troops and wealthier nations who are financing it.

A key step that happened this September was the leadership summit at the U.N. General Assembly. With U.S. leadership, it led to pledges of 40,000 more troops, and China said it would provide a standby force of 8,000. Also, importantly, a number of enabling assets like helicopters. So, that was key, and there just needed to be a greater supply. This was a greater supply from a much larger universe of troops. So, that was important. Making sure those pledges materialize will be key.

On the training front, you are exactly right, Congressman. This is an opportunity I think for the U.S. We have an existing structure, as I said, through the GPOI program, the State Department that has trained over 200,000 peacekeepers over the last decade. But that training is basic. It is a basic level of training, how to hold a gun. And so, certainly, in terms of sexual exploitation and abuse, that should be augmented.

But I think one of the other issues is, again, these peacekeeping missions are so much different than they were 20 years ago, where they were for the most part kind of observing ceasefires. Now the challenges in Mali are different than what they are in CAR, different than what they are in South Sudan. That training really needs to be tailored.

Again, the U.S. is not going to be providing troops anytime soon, but we have such expertise here. I was in South Sudan in August and just talking with some U.S. troops there. They said just what a difference in influx of just a few troops would make just in terms of professionalization.

But, on the training side, we should really use these existing structures—this is not a significant amount of resources—but use our existing structures to make sure the training is tailored to where they are going and, then, also, it addresses certainly the sexual exploitation and abuse.

Ms. ELBASRI. Well, you are right about the general trend. It is the poor countries that are contributing troops and richer countries that are paying for the peacekeeping budgets, although there is a shift I must mention, which is China. China is now part of the top 10 contributing countries. It is a major change. They are sending more troops to other countries, and we have seen it now with South Sudan. Basically, they are sending the troops where they have some vested interest to look after.

But the question that the European and U.S. contribution of troops has changed has to do with the change in the makeup of the peacekeeping. As you mentioned, quite clearly, the peacekeepers are operating in a danger zone, I mean combat zones. This is not what peacekeeping is about.

We have departed from the three core principles of peacekeeping, which is impartiality or neutrality, the non-use of force unless necessary, and also the consent of all parties of conflicts. We have put that aside since 1999 at least, and we have been sending peacekeepers without doing anything about peace. This is a major problem with peacekeeping today.

Today, if you look at Mali, we are not talking about peacekeepers. These are troops, U.N. troops, that are fighting terrorism. Most of the countries that know the region, they think that the U.N. has nothing to do with this fight because, in doing so, first of all, it doesn't have the capacity; it doesn't have the ability. And we are talking about peacekeepers who are sent to keep peace, not to fight war and let alone terrorism.

You have a country like DRC, Congo, where the mission has been mandated to fight rebels. This has never been part of the U.N. mandates. You have other areas where you have the peacekeepers running after gangs. This is a huge change for peacekeeping. It is alarming.

And I can tell you that, as far as I am concerned, when I left UNAMID, I didn't think of myself as a former peacekeeper. I thought of myself as a former warkeeper. In Darfur we didn't keep peace. We kept genocide. It is really sad to say that, but most of the peacekeeping missions today, they are keeping wars; they are keeping conflicts running since 1948.

If you look at Kashmir, what the U.N. is doing, what is called generally frozen conflicts. Whether it is Kashmir, Cyprus, or Western Sahara, these are timebombs. We have seen recently a major crisis in Western Sahara when Mr. Ban Ki Moon walked into the region and, without consulting, without visiting Morocco, and completely it has formed into a major crisis with the polisario, threatening to go back to holding arms.

These are considered frozen conflicts that the U.N. has been keeping for so many decades, but these are timebombs. I think what I want to say here is that we should go back to the U.N. keeping peace, but bringing in peace first in order to keep it, instead of waging wars and keeping wars ongoing.

Thank you.

Mr. SCHAEFER. I just want to echo what she said about the type of missions that the U.N. traditionally engaged in versus what we are engaged in today, very different operations, very different circumstances. And there should be an underlying question about whether the U.N. is actually the most suitable vehicle for engaging in those types of operations.

If you take a look at Mali, when did the U.N. get involved? It got involved after the French intervention. So, the French got in there, they intervened, and, then, they handed it as quickly as they possibly could off to the U.N. Well, there should be an expectation that, if the French considered it enough in their interest to intervene in the first place, that maybe they should have a responsibility and an interest in seeing it through to the point where a U.N. operation actually could responsibly assume those tasks.

On longstanding operations, I agree. A lot of these operations involve situations that are potentially fractious and could reignite, but you also have to question yourself, what have we been doing? You have a U.N. operation in Kashmir since 1949. You have had Cyprus since the 1960s. You have got Lebanon since the 1970s; the Syria operation, UNDOF, since the 1970s; MINURSO since 1991.

After two, three, four, five, six decades, you have to ask yourself, when are we going to see progress being made toward resolution rather than just keeping the parties from open warfare? We need

to be focused on that part of the equation. If you could do that, you would have more resources for current operations because the troops that are tied up there could be moved someplace else, and the resources that are tied up there could be moved and applied to more current crises.

And the final question or the final point I want to make is on U.S. training of peacekeepers. I think the U.S. has a very important role in training. I think it is very important that we do that. I think it is very important that the U.S., in particular, do that because our standards and our expectations are well laid out and it is what we expect. We want to make sure that others hear that message and they implement it in terms of their own operations.

But a key problem, Mr. Hannum mentioned that there are 200,000 that have been trained under this program. Where are they? There is insufficient retention of the people that we train. They go in; they go out, or the training lapses and they don't adhere to those standards. Retention is a critical point of this.

If we are actually trying to make sure that we have peacekeepers available that are trained to the standards that we expect, we need to make sure that those peacekeepers are actually there, retained and available for deployment. So, that is a key element of this that I think needs to be emphasized.

Mr. CICILLINE. If I may, Mr. Chairman, one more question? Okay.

So, there have been a number of suggestions made about things we could advocate for at the U.N., maybe a different resolution that makes some of this compulsory rather than advisory. And I think recognizing it is an international organization, that may be difficult, but it is certainly something we should consider, and a number of other reforms that have been suggested and a number of things that I think that we could suggest or press the Secretary-General to do.

But my final question is, are there any actions that you think Congress could take to accelerate the reforms that you have all testified today or any other action you would take that would help respond to this very serious problem that we see with respect to the conduct of the peacekeepers?

If you had one thing you would recommend Congress to do?

Mr. SCHAEFER. Well, we have addressed a number of issues here today. OIOS independence is something that we know a great deal about, how to do an inspector general unit and make it independent. OIOS was established because of congressional withholding. I think that we should say exactly what we mean by an independent inspector general equivalent there and how that needs to be implemented. I would endorse using financial withholding if the U.N. proves reluctant on that. It is obviously necessary.

In terms of sexual exploitation and abuse, I think that the U.S. should go to the Security Council and demand a compulsory resolution saying that troop-contributing countries have to do A, B, and C, which they have endorsed and which the Secretary-General has endorsed. And if they don't follow through with that, then, again, I think congressional action is merited because the U.N. is 193 member states, but one thing they do listen to is financial incentives. And we have seen that repeatedly in the past, not just with

the OIOS, but with the budgetary process in the 1980s, the Helms-Biden changes and reforms, and over and over and again.

I have spoken with Ambassador Wallace. I know he testified differently when he was the Bush administration, but privately he thinks that financial withholding has a very significant impact on the receptiveness of various reforms in terms of U.N. bureaucratic procedures and changes.

Ms. ELBASRI. I think for the U.N. to address all these issues, the truth has to come out, which we have seen in my case and almost every case, the OIOS is incapable of carrying out independent investigations. So, we would definitely press for a truly independent investigative entity that doesn't report actually to the Secretary-General/Secretariat, but, rather, to the member states. I think that is a core recommendation.

But, also, I agree with Mr. Schaefer on the financial incentive. It is very important to help implement that law because at some point we have to show that we are serious about the laws that are passed and we are serious about, you know, holding the U.N. accountable for mistreating whistleblowers, which have become the main channel of knowledge/information about what really goes on in the U.N. So, we can't afford these retaliations, these continued retaliations against them. It is very important to take action there.

And it is also very important to look at the State Department certification process to see what is going wrong.

Mr. GALLO. Thank you.

And I would also add my voice to the withholding side of the argument, reluctantly as though it may be, and, also, that OIOS has to be replaced with a truly independent body. We have been focusing on the peacekeeping troops, which present a peculiar problem because they are subject to their own national disciplines.

I would draw your attention to a report which I actually worked on, I believe it was the later half of 2013, which was an analysis of what was reported to OIOS in terms of sexual exploitation and abuse cases. What I found was that the numbers of reports were coming in equally, such that they were split, more or less, 50/50 between the civilian staff and the peacekeepers.

Now, in a typical large peacekeeping mission, you may have 20,000 relatively-disciplined peacekeeping troops and less than 2,000 civilian staff and police personnel. So, if you are getting equal numbers of reports from there, the problem is, in fact, much, much more acute amongst the civilian staff.

And there is something which can be changed and I believe should be changed as a policy decision. That is the waiver of privileges and immunities. The system in place at the moment relies on the privilege and immunities being waived at the end of the process.

When OIOS carries out an investigation into a rape, for example, what are they actually investigating? They are not investigating the rape as a criminal offense. They are investigating whether that constituted a breach of the staff rules for which that staff member may be fired. That can take, at the speed at which the U.N. likes to move investigations, that could take 5 years. At that point, and only at that point, will the organization consider waiving privileges

and immunities, so that that staff member can be referred to the national authorities for criminal prosecution.

By that time, the witnesses have relocated, can't be found. There is no DNA evidence. And where, in fact, is the subject himself? He has separated from the U.N. and has returned to his home country. So, you are giving a problem to a country like South Sudan; "Go and apply to the Government of Poland for extradition to this guy who no longer lives there and has probably retired to Spain or somewhere else."

One of the things I believe that should be done under a reformed investigation agency is that the privileges and immunities should be waived at the point in the investigation when reasonable grounds to establish that a criminal offense has taken place. At that point, the matter becomes a criminal matter and it can be referred for criminal prosecution.

There is still an ongoing role for monitoring for human rights abuses and legal defense and everything else that the U.N. can do, but, under normal circumstances everywhere else in the world, if you have a conflict between a civil action and a criminal action, it is the criminal which takes priority, and the U.N. is doing it the other way around. If there is a rape case, it should be investigated as a criminal case first.

Mr. SMITH. Thank you.

Mr. HANNUM. Thank you very much.

Sorry. Just one other point on withholding, since there are several recommendations. Withholding is not new; it has been around. And again, this is something that Democratic and Republican administrations have been opposed to. The Bush administration was very clear when there was a bill. Its central premise was withholding, and they were against it.

In terms of Mr. Wallace and what he said privately, publicly I mean he could have said anything he wanted, and publicly he said it would not be wise or beneficial to use withholding funds to implement change. So, it is not something that has worked well before. We are best placed if we are paying our dues and, then, at the table and pressuring.

In terms of your question, Congressman, on what Congress can do, I think the big thing, again, is the U.S. has no appetite for the U.S. to provide troops. The U.S. can provide technical expertise. It can also provide enabling assets. And I think that is key.

A good example, I was in South Sudan in August and talking with U.S.-U.N. folks, and they were talking about medevac and casualty evacuation. And due to a lack of assets, one of the problems is the U.N. does not have a capability to medevac many of its soldiers, meaning someone could go out, be shot in the leg, and not be picked up for 4 days. You can imagine in the U.S. that would be laughed at, if you couldn't provide medevac for soldiers.

So, what this means in practice is, then, there are fewer missions that go out and deploy. And so, you do have this hunkering down, which is a major problem with the U.N.

And I asked them, "Well, what are we talking about?" And the U.S. person said four helicopters. Four helicopters would make a huge difference in our ability to go out there and forward-deploy. That means protect civilians and not just kind of hunker down.

So, that is something absolutely this is not a huge ticket item, but this is something, I think when the U.S. talks about its assistance, it should really look at whether it is helicopters. And there are partnerships with the National Guard that exist where it can be done and vehicles. These are ways that the U.S. could make a big difference.

Mr. CICILLINE. Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Just a few followup questions and final questions. And thank you again for your time, your expertise. It really is helpful.

We are thinking of drafting a bill, and would invite your maximum input as to what it might look like, to try to encourage significant whistleblower reform at the United Nations. Simultaneous with today, the Foreign Relations Committee on the Senate side, of course, is holding a hearing. We are very, very concerned about this. So, again, any particular thoughts you might have over and above what you have included in your testimonies and your responses would be greatly appreciated.

Let me just ask a few final questions. Without objection, testimony, written testimony, by Beatrice Edwards from the Government Accountability Project will be included in the record.

She points out, very rightly, that whistleblowers are both important and vulnerable agents of accountability. And on the sexual exploitation and abuse in the missions, she points out that allegations are underreported for many reasons, cites some of those reasons. She says the official data grossly underestimates the problem and, at worst, they actively misrepresent the entire issue, which is a very, very significant indictment of the validity of what is happening on the ground.

And then, she points out that cronyism and nepotism is especially pronounced in its oversight offices. These personnel constitute networks through which managers protect each other and themselves from accountability. Relatives and friends occupy high-level positions where they also avail themselves of the exemptions joined by U.N. officials from external scrutiny. Your thoughts on that?

Secondly, I do believe sanctions should be prudently and judiciously applied in our civil rights law certainly and any other time we mean business. I am the prime author of the Trafficking Victims Protection Act, which was opposed, most of it, by the Clinton administration, although Bill Clinton signed it at the end. But I held the hearings and we heard from Secretary Koh, Harold Koh, who didn't even want the TIP Report. He just wanted the human rights reports to have enhanced reporting on trafficking, no TIP office, and no sanctions.

My belief is—and, thankfully, it was a bipartisan belief—was that you have got to have a penalty phase, particularly in human rights law, or else everybody will be onboard, but implementation will be less than stellar, if not outright disappointing. Thankfully, we do have a broad consensus now as to why the Trafficking Victims Protection Act should be fully embraced, including its sanctions regime.

But, again, I think—and I take your point—withholding should be used. You would disagree with this, but I think it did get us to the OIOS, I believe.

I remember when Dick Thornburgh testified in the 1980s, the former Attorney General. I was at those hearings. And he could not have been clearer of the need for inspector generals that are robust and independent, which still we are striving in some way to achieve, which has not happened.

So, you might want to speak to this statement, again, by Beatrice Edwards.

Dr. Elbasri, your third point, what would an independent judicial body look like? Maybe any or all of you might want to touch on that as well, because I think that should be a policy goal for these whistleblowers, and just to bring accountability to the U.N.

Your fourth point about the U.N. DPKO being run by French leaders and the need for reform there, if you could elaborate on that as well? Obviously, Kofi Annan had that job once, and we have Rwanda. As a matter of fact, I even chaired hearings when we had the famous fax and Lieutenant-General Dallaire as well, who talked about what could have been, had they only been responsive to what was set before them in terms of an impending genocide in Rwanda.

But why that would make a difference? I think you are suggesting in your testimony it ought to be us; it should be the United States perhaps to take that. If you could elaborate on that?

And then, on military training, in 2003 and 2005, I did the reauthorizations of the Trafficking Victims Protection Act. We put in provisions to provide minimum standards for peacekeeper, how is a country doing or not doing relevant to its military? Are they adhering to a code of conduct that does not become predatory or facilitating trafficking?

We also had language in there dealing with peacekeeping and what is happening in all of the potential peacekeeping deploying bodies, from NATO to the U.N., to African Union, to others.

I was in Brazil after our law went into effect. I met with a number of Brazilian leaders on TIP in Brasilia. I kept saying to them, “What are you teaching your troops before they are deployed?” So, I finally got the packet, and it was an hour-long “this is what trafficking is.” And it was informative; it was interesting. But it didn’t have the sense of these are what the victims look like; this is what happens.

And I would say, parenthetically, George Bush did an Executive order. And it actually came about because of a Fox News reporter who literally walked into my office and said, “Take a look at this tape.” And he had pictures of American service personnel in Seoul, South Korea, outside of the so-called “juicy bars” with protection forces outside and inside were indigenous South Koreans, women from the Philippines, and even Russia, who told him on camera, “We can’t leave here. They have taken our passports,” if they were foreigners, “and we are slaves.”

Thankfully, Joseph Schmitz, the IG for the Department of Defense, at our request, did a global assessment focused first on Kosovo and South Korea and came back with a scathing indictment

of our own military. And then, Bush did a zero-tolerance and changed the Uniform Code of Military Justice.

Now I say all that because our military gets it. Whether or not they always implement it, I think it is a good record. But anything can stand improvement.

But we need to share those best practices much more robustly than we do. I think the TIP office is made up of an extraordinarily dedicated group of Foreign Service Officers and leaders who can share that expertise with countries.

And I am not sure, because I have asked—maybe you have better insights—does the U.N., does our U.S. Mission in New York really utilize TIP for training, especially of these peacekeepers, before, maybe even during, and then, after action with deployment?

Mr. HANNUM. Just a quick point there. Mr. Chairman, under your leadership on the trafficking bill, I think you are exactly right that this is an opportunity. We should be, in terms of the pressure and from what we outlined a little bit in the op-ed, it is that it is troops with widespread and systematic abuse, but we should also be looking at other areas and, then, putting pressure on those countries. There are watchlists. There are watchlists that use rape as a weapon of war, children soldiers. We should be using these and making sure that countries with terrible track records are not being pulled into peacekeeping.

In terms of the whistleblowing, I will turn it over to these folks who obviously know it better than I.

Mr. SMITH. Thank you.

Ms. ELBASRI. On the independence of judiciary, the reason it was called for by the governments that come to these projects, by other organizations, by many whistleblowers, is that the fact that the judiciary at the U.N. is not working, just like other institutions. I think that GAP had documented that over 400 cases, only 4 percent of the cases were recognized by the U.N. as retaliation cases. Even then, nothing had happened. There was no recourse for these whistleblowers.

So, it is exactly like the investigation. Whistleblowers need an independent body to look at their case and, also, to have access to independent justice in order to address the wrongdoing suffered by the U.N. It is a very important cause.

The second issue—and I am glad that you raised this question, this followup question—about the reason why I strongly believe that the United States should take care of the DPKO and take over the French leadership which has started in 1997. The reason why I am saying this is that I have observed and studied the military doctrine under which the peacekeeping is operating since then, since 1997. It is not a U.N. peacekeeping doctrine. It is a French military doctrine.

And what is the doctrine about? It is about, first, renouncing to the impartiality, which is a very important principle for the U.N. It is also about reversing the use of force, which used to be limited to self-defense. But, under the French military doctrine, it is the use of force beyond self-defense. In many cases it is actually an aggressive action.

The other principle is sending peacekeepers in areas where there is no peace to keep. This is called, in terms of peacekeeping, the

gray areas between peace and war. Frankly, these are combat zones.

So, what we have witnessed since 1997, when the French took over DPKO, is a militarization of peacekeeping. You look at every single peacekeeping mission that was deployed since then, since 1997, and you have two things.

First of all, it is super-militarized. We are no longer talking about blue helmets bringing peace to these areas and comforting the population, observing the ceasefire, et cetera. We are talking about peacekeepers who are going after gangs, rebels, siding with governments, and giving up on every single principle of the peacekeeping.

We are also seeing something else. Most of the peacekeeping operations that were deployed recently, they were deployed in what is usually called as "sphere of influence." Well, if you are a Moroccan-American national like myself, we look at it as post-colonial deployment.

Most of the people are extremely upset about the fact that France continues to act like the gendarme of Africa. What we have witnessed since 1997 is a country that is not looking after the interest of the member states of the U.N., but, rather, after the interest of France, at the expense of peacekeeping in general.

So, we ended up, of course, with DRC, the Congo, with the regime change, and the U.N. mandates in the Ivory Coast. We ended up in fighting war that the U.N. has nothing to do with, which is terrorism in Mali. I think we are actually moving into a much more dangerous situation if we don't put an end to this trend. People in Africa, countries that are plagued with these wars, they don't want to see a former colonial power imposing a will on the population, siding with dictatorships. And what is of most interest is that this affects the image of the U.N. and peacekeeping.

So, it is time for me to see the U.S. really reflect about 18 years of a French leadership of peacekeeping. It is time to draw a line and say, "Is this what we want?" Right now, as you already said, we are sending peacekeepers to combat zones, and this is not what the U.N. peacekeeping is about.

Thank you.

Mr. SMITH. Go ahead.

Mr. GALLO. Mr. Chairman, you asked about cronyism. The word is absolutely. You cannot have senior people in the department who are supposed to be investigating fraud and misconduct who have been found to have retaliated, and been found to tamper with evidence and investigations. You cannot seriously expect members to report anything to them. It is simply not going to happen.

The question of cronyism and everything I believe can be addressed by the imposition of an independent body which reports. So, you have the investigation agency reporting to the General Assembly. That has to be done essentially on a weekly basis.

You asked what would such a body look like. The monitoring that it requires to be done is essentially in three areas. One of them is in the intake of investigations and the intake of complaints. Now at the moment we have a very highly-fragmented system. The previous director, Mr. Stefanovic, made enormous efforts himself to try to impose a single portal for receiving complaints.

That is not done. There is no reason why it shouldn't be possible in this day and age for all complaints to come into one single point. The system was actually purchased and is in place. It is just there is a reluctance to use it. The reason there is a reluctance to use it is because it makes it very difficult to make cases disappear. So, the intake of the investigations is something. Of course, the approval as to what is going to be investigated and what can be bid has to be subject to oversight.

Mr. SMITH. Is confidentiality assured or is it compromised in cases, if somebody does make a complaint? How sure are they that it is not being shared by email or any other way with other people in the building?

Mr. GALLO. I am not sure that is a major problem. I mean, it can be, but it is very difficult to answer on a general basis. The reality is in most cases it is fairly simple to identify who the complainant was who is really the aggrieved party. So, there isn't a major investigative activity to find out who to retaliate against.

As I say, the second issue is the approval of reports as to what is going forward and disciplined decisions, the decision to actually charge someone with misconduct. Now at the moment that is vested in the Assistant Secretary-General of Human Resources. And, I have seen cases where staff members have been investigated and found to have received bribes and actually just been admonished for it and given a letter and told not to do it again. Well, that is not actually a disincentive for anything.

But these things can be done, and there is, I believe, a compromise which would, I think, satisfy everyone that the investigation function can be replaced in such a way that it does not require grievous withholding of the budget. If you can give me a week or 10 days, I would like to get back to you on that one.

Thank you, Mr. Chairman. Thank you.

Mr. SCHAEFER. And the issue of confidentiality, I believe with the Anders Kompass case, the Ethics Office was complicit in an effort to try to identify him and retaliate against him. So, the independence and the confidentiality was certainly a problem in that case.

On the broader issue of resourcing and protection of civilians, the U.N. did a study in 2014 which looked into U.N. peacekeeping operations with a mandate to protect civilians. And they found that, of 570 reported incidences, the peacekeepers did not respond in 406, or 80 percent of those incidents where civilians were attacked.

I don't believe helicopters are going to respond or fix that problem. That is a lack of will and a lack of dedication or a lack of willingness to put themselves in harm's way to protect civilians on the part of the peacekeepers and the troop-contributing countries.

Mr. SMITH. Is that because the mandate is not robust enough?

Mr. SCHAEFER. No, the mandate specifically instructs them to protect civilians. So, the instruction is there. The troops themselves do not meet that mandate. Because this was only on those missions where there is a specific instruction from the Security Council within the mandate to protect civilians. So, this is not a situation where, if only we had better equipment, we would have been able to protect civilians. That is not the case here. This is a case where there is a distinct lack of willingness on the part of the troops to fulfill that part of the mandate, and that is the core of the problem.

The troop-contributing countries got together and they said in the Kigali Principles, "We are going to fix this problem." I haven't seen any real evidence that they have fixed it, and I would be really interested to get a detailed report on exactly what has been done and what the real-world impact of those principles has been on the missions where this problem was reported on the part of the U.N.

Ms. ELBASRI. Very briefly, the other reason why these peacekeepers who were deployed under what are called the "robust peacekeeping missions," whether it is in Mali, in DRC, or in Liberia, is that they were just not able to be everywhere. Most of the attacks took place in places where the peacekeepers didn't have a presence.

And this takes us to the other problem. We are giving people the illusion that the peacekeepers can protect civilians, but, in reality, they just cannot. They cannot protect all civilians everywhere and every how. It is impossible. Only a state can.

Peacekeepers, even if they have the best helicopters in there, they have the best-trained peacekeepers, if they have the best willingness to do so, they cannot be everywhere. If you deploy them in a place like Darfur, they just can't operate. Why? Because in order to shoot at the government forces, they need to have the authorization from the government. So, this is just a surreal situation.

Look at every peacekeeping operation. In Darfur, it is probably the best example. We are sending peacekeepers to protect civilians from the government which is protecting the peacekeepers. It just doesn't make any sense. It is impossible for the peacekeepers to protect all civilians from a government that protects them.

So, I think the whole framework of peacekeeping is completely flawed. It is time to be honest about it. It is time to define what is peacekeeping, what the peacekeeping can do, what it cannot do. They cannot protect all civilians. All the history that we have witnessed in Rwanda, in Srebrenica, and also in Somalia showed that. Whether the peacekeepers are best equipped, the most robust, or if they are weak, you know, not prepared, they just cannot protect all civilians. That is why I go back to what I said. What we need is peace before peacekeepers.

Thank you.

Mr. HANNUM. If I could just make one other point, Dr. Elbasri and Brett made some very excellent points and fundamental points about peacekeeping. And there is a host of challenges, and there was a major report just done by the U.N., the high-level report calling out some of these.

And there are challenges with protection of civilians. But I do want to point out that there have been studies looking at peacekeepers and protection of civilians. There was a 2013 study by American researchers and Swedish researchers that looked at this, and looked at what is the difference between a force not there, a small force, and a sufficiently-large force. And it found that if there is either a small force or no force, that it works out to about 100 civilians a month who are killed. If there is a U.N. force of 8,000, that number goes to two a month.

U.N. peacekeepers are not perfect by any stretch, but they do often serve an incredibly important role on protection of civilians. And there have been a number of other studies about reducing inci-

dents of civil war. So, while it is not perfect, I do want to say that many peacekeepers do serve honorably and make a huge difference in the places where they are deployed.

Mr. SMITH. When you talked about reporting to member states as opposed to the 38th floor, in our WIPO hearing it was made abundantly clear that the WIPO General Assembly Chairman, Ambassador Duque of Colombia, has a report. The United States, our Mission, as well as that of Switzerland have asked that it be released, and we are still waiting.

It gets into the area of the theater of the absurd because it only brings, I think, dishonor on those who cover these things up, as well as it hurts real victims, whistleblowers who are trying to do the right thing for the right reasons.

So, how do we get the U.N. to change that kind of modus operandi? Why hasn't Ambassador Duque released that report? I mean, does it implicate people, do you think? That would be speculation.

But it is a systemic problem, and how do you compel? Getting back again to the idea of withholding, there were a number of bipartisan initiatives that led to a huge so-called arrearage back in the 1990s that we allegedly owed. And one of those was for UNPROFOR, which had a miserable, miserable—let me say it again—a miserable record, a very bad mandate. It led to Srebrenica and other safe haven debacles. And yet, contributing countries were demanding that we get that money, including the UK, to them for the UNPROFOR deployment. And yet, we withheld it, I think out of very valid reasons.

Yes, Mr. Schaefer?

Mr. SCHAEFER. Let me just say that reporting to the General Assembly is not going to be a panacea on this at all. If you take a look back at a very concrete example, after Oil for Food, the U.S. was able to use that scandal to establish something called the Procurement Task Force, which was an independent unit to go after procurement fraud in the United Nations.

They were very successful. Their efforts resulted in the conviction of several prominent U.N. senior officials. But because those officials were of certain nationalities, in the case of the Procurement Task, Russian and Singaporean, those two countries led an effort in the General Assembly to prevent the reauthorization of the Procurement Task Force. They eliminated it because there was resentment by the governments whose nationals were found to be criminally complicit in corrupt schemes at the United Nations.

So, just reporting to the General Assembly doesn't remove the politics from this, which is one of the reasons why I think the State Department needs to have its own dedicated unit for international organizations in its Inspector General office. At least then we can know that you will have some sort of external effort to inspect, and the cooperation with that unit needs to be made—

Mr. SMITH. How do they overcome, if you don't mind me interrupting, the U.N.'s assertion that we have no right to any of those documents, which they will assert?

Mr. SCHAEFER. They do that with the GAO now.

Mr. SMITH. I know they do it with the GAO, right.

Mr. SCHAEFER. Again, this goes back to financial levers. How do you force the U.N. to comply with a lot of this? And that is, if you don't do it, then we will actually withhold money.

This is one of the reasons why the U.S. Government won't follow through on the whistleblower protections, is because they know that the organizations want the money. They don't want to create discomfort or distrust or ruffle feathers in the organization. So, they give the waivers.

But, if you make financial contributions complicit on cooperation in this area, then I think that you will see cooperation. They very much want the resources. The U.S. is the largest contributor. It is the biggest lever that we have. And if we want to see external oversight of the U.N.'s operations, then that is the way to go. Otherwise, you will very much see resistance.

Thank you.

Ms. ELBASRI. I just want to echo what Mr. Schaefer just said. It is very important to stick to the law and also show that, if the U.N. doesn't conduct itself as it should, there should be a penalty. This has worked everywhere. I don't see why it wouldn't work for the U.N. We haven't tried it. So, let's first try it and see. And I am pretty convinced that they will take the law, but also whatever recommendation and obligations they are under, they will take it much more seriously.

In general, I think the problem with the U.N. right now, it is acting like the emperor. They feel, I mean senior managers at the U.N. Have you seen any senior U.N. official, whether the Secretary-General or other ever resign or pushed to resign? No. Why? Because we treat them like the Catholic Church before everyone knew what was going on. I think this is a problem.

I mean, this is one of my colleagues and a U.N. whistleblower who made this amazing comparison. You know, if you compare the U.N. to the Catholic Church, I think we are exactly in the same situation. We are just starting to see, we are just starting to talk about what is wrong. For quite a long time, we held it as something sacred, as something taboo that no one wanted to talk about, because we all love the U.N. As a whistleblower, I did what I did because I believe in a better U.N., because I believe in a better world. A better world will not start until we fix the U.N.

I know that to fix it we have to be truthful. We have to say the painful truth that very few people are ready today to hear. I believe that penalty, discipline, taking a firm stand is the way to go.

Thank you.

Mr. SMITH. Again, getting back to the WIPO, one of the speculative conclusions that we drew as to why this report has not been, it is to protect the Director General of the WIPO. Well, if that is not the case, just release it.

But let me just get my final question, and you have been very gracious with your time, and I am very grateful for that. What happens to the victims? You, Mr. Gallo, mentioned that a number of the sexual exploitation and abuse cases are kept low, but they filter through the local conduct and discipline teams, which obviously if that is happening, that hurts the victims.

When I was in the DR Congo, I kept saying, "What happened to those little girls? Where are they? Are they getting any kind of as-

sistance, help, compassion, empathy? Or are they just left to fend for themselves somewhere?" Do you know? Does anybody know what is happening?

Mr. GALLO. I believe the ultimate condemnation on that, Mr. Chairman, is if you look at the number of officials of the U.N., particularly the Office of Legal Affairs, that knew that there were children being sexually abused in the Central African Republic and did nothing—not only did they do nothing, but they obstructed the French in the attempt to investigate it. That, to me, is just shocking and intolerable.

From the point of view of this question, if a complainant can actually get the complaint as far as the OIOS, I think that is probably half the battle. What you are seeing now with the increase in attention focused on the Central African Republic, I do not believe that that is a function of decrease of discipline. I believe this situation is just coming to public attention because the press are interested in it, and the press are getting it, raising the attention, such that OIOS cannot ignore it.

But the numbers are still tiny when you look at the total number. I think there were 27 complaints from the entire world last year. And the only reason that there were 108 found in one province of the Central African Republic alone is because somebody went out and looked.

There has been no willingness, there has been no proactive enforcement. Nobody actually goes out. Neither the conduct and discipline teams or anyone else, OIOS does not have the staff to actually go out trying to police these issues.

And that is why I said, if the staff don't trust the investigation service, the whole thing is falling apart at that point. One of the questions that I don't like to be asked is when staff members ask me, "Should I report this?" What am I supposed to say? Then they ask me, "Will I be retaliated against for this?"

The likelihood of you being retaliated against is in direct proportion to the importance of what you are reporting. Someone who is going to report the fuel pump attendant who takes a gallon of kerosene home to sell for beer money or to fuel his stove at home, he is going to get prosecuted. They are going to throw him to the wolves, but nobody is interested in looking at senior officials who are probably bleeding the system dry for millions and millions of dollars.

And what concerns me, and has always concerned me, is not so much what OIOS is investigating, but what they are not investigating. This comes back to this question of the intake function. All right? The number of financial cases that are rejected on the grounds that that is not misconduct, it is a management issue. ST/SGB/273, which is the mandate which covers the mandate for the Investigation Division, includes an investigation of mismanagement and abuse of resources. Nobody can remember the last time there was an investigation into mismanagement of the abuse of resources.

If you can at least get that far, if people will copy reports to their permanent missions, or whatever, I believe you are going to see a difference. I believe that is why the centralized reporting system is different, because I think you are going to see very significant dif-

ferences in the statistics of what is reported if everything is monitored and everything is controlled because there is an online tracking system for it.

Mr. HANNUM. Yes, I can just echo Mr. Gallo's comments on the just outrageous delays and inaction by the U.N. I can't speak to everything he said.

To your specific question, though, can you find out the victims, is there support, yes. In the Secretary-General's report, in terms of the last report which doesn't include the most recent allegations, but it had the number of victims, the number who are receiving assistance. I think it was at 13. I would be happy to provide it to you.

So, there are currently victim services provided. That is money from the mission that goes to local providers who, then, provide the care.

One of the things the Secretary-General called for was a Victim Trust Fund, which could basically bolster that, provide more resources. That is currently set up. And actually, for those peacekeepers that are kicked out and their payments are withheld, that money is, then, used for the Trust Fund.

There are a number of just important questions on kind of the breadth of services that will be required. The General Assembly will be having that debate in the next couple of weeks. I know this is something that Jane Holl Lute is looking very closely at.

And it is something where, in order for that Trust Fund to be robust, it is something where member states would need to look at kind of strengthening it. But there are certainly some services provided. There needs to be more. But I would be happy to provide it to you.

Mr. SCHAEFER. Just a few concluding points. One is that there is a provision in most U.N. peacekeeping operations. They sign the SOFA, which provides for a Standing Claims Commission to be set up. These aren't set up. And so, there is really no recourse for a lot of people to go and actually lodge complaints for damages that are done to them by the peacekeeping presence or by the peacekeeping forces themselves.

This should be mandatory. It should be an automatic step. As soon as a mission is set up, those Standing Claims Commissions should be set up as well. The U.N. has provisions inside of it that sort of allow monetary damages and they cap them at a certain level. But in terms of instances of criminality where someone is raped and they are seeking compensation for the criminal act, I think it is important to tie the compensation to the perpetrator.

If you go to a U.N. Trust Fund, what message are you sending to the units themselves? You are saying that the member states, or whoever decides to contribute to the Trust Fund, are going to be paying the damages that you potentially commit. The troop-contributing country or the troops themselves, the person that committed the crime needs to be held responsible for the compensation for their actions. And that I think is an important thing. It would increase incentives for discipline, self-discipline, but also discipline by the troop-contributing country to make sure that their own troops don't misbehave in the way that we have been seeing.

Thank you.

Mr. HANNUM. Just to follow up, I wasn't saying that the Victim Trust Fund should be the end-all. Absolutely, they should be punished. I am saying, at the very least, they should provide some services because in some places the justice is quite slow.

Mr. SMITH. Yes. Thank you.

Ms. ELBASRI. Just about the question what happened to the victims, I think this question should be asked of the French. Unfortunately, it has been now almost 2 years since they learned about the allegations. We were told that they started an investigation immediately, which was in July 2014. And so far, no French peacekeeper has been held to account. So, what kind of an example is France giving the organization when it comes to such serious crimes? So, it goes back to the leadership of France today that needs to be questioned.

Thank you.

Mr. SMITH. Again, thank you so much for yours very, very wise counsel and insights, and insightful commentary. Your thoughts on what a bill, if we can craft such a thing, would look like would be very much welcomed. And thank you again for your extraordinary service. The hearing is adjourned.

[Whereupon, at 4:31 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-N.J.), Chairman

April 13, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Wednesday, April 13, 2016

TIME: 2:00 p.m.

SUBJECT: Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations

WITNESSES: Mr. Brett Schaefer
Jay Kingham Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom
The Heritage Foundation

Aicha Elbasri, Ph.D.
Author
(Former Spokesperson, United Nations African Union Mission in Darfur, United Nations)

Mr. Peter Gallo
(Former Investigator, Office of Internal Oversight Services, United Nations)

Mr. Jordie Hannum
Senior Director
Better World Campaign

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5621 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Wednesday Date April 13, 2016 Room 2209 Rayburn HOB

Starting Time 2:17 p.m. Ending Time 4:31 p.m.

Recesses 0 (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

TITLE OF HEARING:

Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Karen Bass, Rep. David Cicilline

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Photographs referenced by Dr. Aicha Elbasri, submitted by Rep. Chris Smith
Statement from Ms. Beatrice Edwards of the Government Accountability Project, submitted by Rep. Chris Smith
Proposal for Reform by Mr. Peter Gallo, submitted by Rep. Chris Smith
Statement from AIDS-Free World's Code Blue campaign, submitted by Rep. Chris Smith

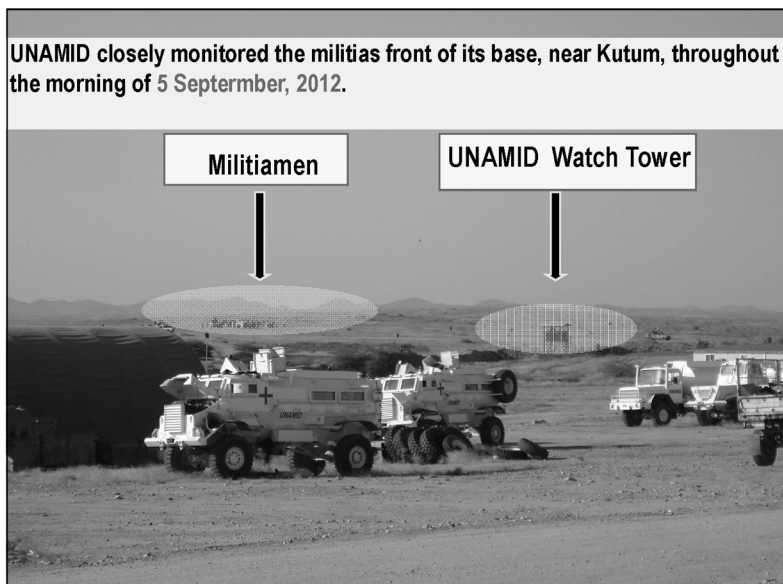
TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 4:31 p.m.

Gregory B. Siskier
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS



At 11:25 a.m. the militiamen stopped a group of civilians in a truck. They shot dead one man and injured eight others while UNAMID forces were monitoring and taking these photos. A few days later, two more men succumbed to their injuries.



**BOTH UNAMID & BAN KI-MOON PUBLIC REPORTS
DISTORTED FACTS ABOUT KUTUM ATTACK ON CIVILIANS
WITNESSED BY PEACEKEEPERS**

1) REPORT OF UN SECRETARY-GENERAL BAN KI-MOON ON DARFUR

"26. Security in Kutum again deteriorated on 4 September, when unidentified armed assailants attacked a convoy carrying the Kutum Locality Commissioner ... The following day, one civilian was killed and eight others were injured in the crossfire of a firefight between armed Arab militia and Government regular forces on the outskirts of the town." 16 October 2012. (S/2012/771)

2) EXCERPTS FROM UNAMID PRESS RELEASE, 9 SEPT. 2012

"The Mission's team site near the town, located approximately 100 kilometers northwest of El Fasher, reported that the security situation deteriorated beginning on 4 September with a rash of shootings, including an assassination attempt on a local official. The incidents resulted reportedly in several dead and wounded. UNAMID evacuated by helicopter wounded civilians to E I-Fasher for emergency treatment. On 5 September, armed men allegedly fired at local civilians, resulting in additional casualties."

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS

TESTIMONY

HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS OF THE FOREIGN AFFAIRS COMMITTEE

Beatrice Edwards

April 13th, 2016

BACKGROUND

I have worked for the past eleven years to protect whistleblowers at the United Nations. My organization, the Government Accountability Project (GAP), has acquired experience with UN peacekeeping operations and military operations under UN Security Council mandate during the past five years through whistleblowers who have come to us. They sought GAP's counsel in avoiding retaliation after they made disclosures of misconduct in the countries where they were either deployed or assigned. Their experiences have shown us that whistleblowers are both important and vulnerable agents of accountability in police and peacekeeping missions.

CRONYISM AND NEPOTISM IN UN OVERSIGHT OFFICES

Whistleblowers are especially significant sources of information about sexual exploitation and abuse (SEA) in the missions because more established institutional accountability mechanisms have failed. The official numbers of SEA allegations released by the Secretariat do not show this clearly, as the statistics reported can be misleading. The Secretary General now reports the numbers of allegations of SEA annually, but his report does not include all UN system agencies. Moreover, a single allegation may involve multiple perpetrators and victims. Comparing the numbers of allegations made year over year is thus unreliable because the number of allegations may decrease while the number of crimes committed and victims may increase. In addition, SEA allegations are under-reported for many reasons. An Expert Team commissioned by the UN Secretary-General in 2012 found that "UN personnel in all the missions we visited could point to numerous suspected or quite visible cases of SEA that are not being counted or investigated."¹

The NGO AIDS-Free World describes the data produced by the UN concerning SEA allegations as "confusing, inaccurate, incomplete and misleading."² At best, the official data grossly understate the problems, and at worst, they actively misrepresent the entire issue.

Further, the failures of institutional mechanisms to even reduce SEA allegations are not a consequence of a lack of understanding of the problems. Continuing – and now increasing – allegations are a result of hobbled UN accountability mechanisms at both the individual and systemic levels. In brief, at the level of individuals, the United Nations suffers from nepotism and cronyism that is especially pronounced in its oversight offices. These personnel constitute networks through which managers protect each other

¹ United Nations. Report of the Secretary-General to the United Nations General Assembly, Special Measures for Protection from Sexual Exploitation and Sexual Abuse (A/68/756 – 14 February 2014)

² <http://www.codebluecampaign.com/fact-sheets-materials/2015/5/13/sexual-exploitation-and-abuse?>

and themselves from accountability. Relatives and friends occupy high-level positions where they also avail themselves of the exemptions enjoyed by UN officials from external scrutiny.

For example, in the context of police and peacekeeping operations, the UN has allowed a serious conflict of interest to affect its conduct and discipline process. The Conduct and Discipline Unit (CDU) provides: “overall direction for conduct and discipline issues in peacekeeping operations and special political missions, including incidents of sexual exploitation and abuse. The scope of CDU’s work includes formulating policies, developing training and awareness raising activities and ensuring oversight of the handling of allegations of misconduct. CDU also advises the Under-Secretary-General for Field Support on all aspects of the implementation of the three-pronged strategy of prevention, enforcement and remedial action to address misconduct. Conduct and Discipline Teams (CDTs) in field missions advise heads of mission on conduct and discipline issues involving all categories of personnel and address all forms of misconduct by United Nations peacekeeping personnel, including acts of sexual exploitation and abuse.”³

The Chief of the CDU is therefore responsible inside the UN for the policy on behavior of troops and police officers in UN missions, as well as for addressing specific incidents of misconduct, including SEA.⁴ It is the Chief’s responsibility to ensure that peacekeeping troops conduct themselves in a manner consistent with the established standards of conduct. If she fails in her responsibilities, an allegation of misconduct could arise and an investigation could ensue. It would be conducted by the Investigations Division of the Office of Internal Oversight Services ID/OIOS. Since December 2007, however, the husband of the Chief of the CDU has been the Deputy Director of ID/OIOS. For some years, he was also the Officer in Charge of the Division. In short, one spouse conducts the exercise that could determine whether the other spouse’s Unit has failed to meet its responsibilities.

Moreover, the Deputy Director of ID/OIOS was appointed to OIOS although he lacked the requisite credentials and experience. In the chain of accountability, he holds a crucial position, but he himself is unaccountable. For example, a UN judge found that he (and others) retaliated against two OIOS investigators (and GAP whistleblower clients) who exposed his wrongdoing. Nevertheless, he continues to occupy this post of Deputy Director.⁵

GAP has documents that show the concrete impact of this marital conflict of interest on the investigation of two SEA allegations, both of which were closed without holding the offending troops accountable. In one case, the accused troops were simply repatriated, but there is no record of what occurred after that. That case involved an alleged rape and the other closed case involved allegations of child prostitution.

The Chief of the CDU was appointed by executive decision and without competition in an e-mailed announcement from Secretary General Ban Ki-Moon’s Chief of Staff. There was no standard recruitment process, which, while not improper, was irregular. When she was about to make the appointment, the Chief of Staff asked the Assistant Secretary General (ASG) for Human Resources if the appointment constituted a conflict, given the position of the proposed appointee’s husband. Without

³ <https://cdu.unlb.org/>

⁵ <http://www.un.org/en/oaif/files/undt/judgments/undt-2013-176.pdf>

explanation, the ASG told her that it did not. Before leaving the UN, the Chief of Staff helped promote the ASG to the level of Under Secretary, where she remains.

In 2012, the new Director of ID/OIOS, asked the then Director of the Ethics Office the same question: did the close relationship between the Chief of the CDU and the Deputy Director of Investigations constitute a conflict of interest? The Ethics Office Director replied that it might, but that the couple should be provided with counseling to prevent this.

GAP has extensive documentation concerning this conflict of interest, cases improperly investigated or closed as a result, and the involvement of senior officials in maintaining the conflict and protecting both parties to it.

With such nepotism in the oversight offices, whistleblowers assume more importance as sources of accountability. But they, too, of course, depend on the good offices of the Investigation Division, which examines their disclosures upon referral. Moreover, they depend upon the integrity of the Ethics Office for protection from retaliation. Over the course of the past eight years, however, the Ethics Office of the UN Secretariat has a record of protecting less than 3 percent of the staff members who have applied to it for help. GAP has represented four whistleblowers who reported allegations of SEA in peacekeeping missions. Not one received a modicum of support or protection from the Secretariat's Ethics Office.

On the contrary, in the recent episode involving allegations of child sex abuse in the Central African Republic (CAR), the then Director of the Ethics Office herself helped orchestrate the harassment of the reporting person, Anders Kompass, in the Office of the High Commissioner for Human Rights (OHCHR). She worked to silence Mr. Kompass in consultation with Ban Ki-Moon's Chief of Staff, the High Commissioner for Human Rights, and the then Under Secretary (USG) for OIOS. In this particular episode, an External independent Panel found that the USG/OIOS abused her authority. Nonetheless, she retired as anticipated with full benefits as the review of her actions proceeded.⁶

In the aftermath of the allegations of extensive child sexual abuse in the CAR, no senior official at the UN publicly acknowledged concern about the impact of the finding that an Under Secretary responsible for investigations had abused her authority according to the decision of an external expert review.

Other senior officials involved in the harassment of Mr. Kompass were not found to be abusive by the Panel, which decided that their actions were beyond the review mandate set out for it by the Secretary General.

While the UN Secretariat's Ethics Officer coordinated a meeting at the request of the Chief of Staff to determine jointly how to handle the Kompass disclosure, her own request for a five-month contract extension lay on Chief of Staff's desk. The five-month extension of the Ethics Office Director's contract would allow her UN pension to vest, thereby entitling her to an annual pension for the rest of her life. Within two weeks of complying with the Chief of Staff's request in the Kompass case, the Chief of Staff personally approved the extension and backdated it.

All of this information is public and has been reported in the press. This is not a problem of a lack of transparency. It is simply impunity now.

⁶ <http://www.un.org/News/dh/infocus/cenaficrepub/Independent-Review-Report.pdf>.

In isolation these relationships and obligations seem petty and personal. Every sizable organization has such networks. But at the UN, they are especially intense in the oversight offices, so that accountability system-wide can be virtually crippled in crucial cases. Because of the link between the spouses heading the CDU and in ID, independent investigations of serious criminal allegations in the peacekeeping missions may be (and have been) compromised. Because the Ethics Officer owed her pension to the Chief of Staff in 2015, it is possible that she was much less inclined to protect a whistleblower whose disclosure would embarrass senior officials. Further, there is no official external mechanism of scrutiny and/or accountability.

As an external independent panel reviewed the appalling lack of discipline in UN military operations in the CAR, the Ethics Office was compromised, and the Investigations Division was hobbled by nepotism affecting both it and the CDU. At the same time, the former Chief of Staff in the Secretary General's office, who herself had headed the Department of Field Support, where she directed support for 32 field operations comprising over 100,000 military, police and civilian personnel, appeared to coordinate the reprisal against Anders Kompass, whose disclosure cast a shadow over the credibility and competence of her former Department.

LEGAL IMMUNITIES AND AN UNETHICAL ETHICS OFFICE

At the system level, structural factors allow criminal conduct to continue in the UN military missions. Incidents of sexual exploitation and abuse occur at the hands of both military troops and non-military UN personnel. Although they constitute a smaller group in the missions worldwide, non-military UN personnel accounted for about 52 percent of the SEA allegations in 2014, according to the Code Blue Campaign of AIDS-Free World.⁷

Yet all UN staff members enjoy legal immunities in the countries where they work. The Secretary General's office must lift this immunity if a UN staff member is to be prosecuted for a crime. So the Secretary General's contention that discipline in the UN peacekeeping missions is largely the responsibility of the Troop Contributing Countries (TCCs) is disingenuous. In fact, it is his office that can shield UN staff members who are alleged to be involved in sexual exploitation.

Nevertheless, in the ranks of the troops, the UN leaves discipline to the TCCs. The Organization also depends on Member States to contribute troops, even as it relies on the good will of the host country to maintain a presence. This, too, means that political considerations enter the reporting system at numerous points in the accountability processes, establishing an inclination to under-report at best, and conceal at worst.⁸

Both the personnel networks motivated to conceal individual and systemic failures and the structural legal realities of peacekeeping operations result in a lack of accountability in these UN responsibilities. Further, these operations are not a sideline in UN activities. The United Nations now deploys the largest military in the world and the budget for peacekeeping is nearly double the regular budget for the Organization.

⁷ E-mail from Paula Donovan, Code Blue Campaign, April 14, 2016.

⁸ <http://foreignpolicy.com/2014/04/07/they-just-stood-watching-2/>

Consequently, the role of whistleblowers in keeping the system honest and the public informed is significant. As this Secretary General nears the end of his second term, however, it is clear that he lacks commitment to protecting UN whistleblowers.

GAP was instrumental in drafting the original whistleblower protection policy at the UN (SGB/2005/21), issued under Secretary General Kofi Annan. Our attorneys worked with the UN Department of Management and with USUN to ensure that the policy was comprehensive, strong and clear. GAP also helped the Secretariat to prepare SGB/2005/22, which established the parameters of authority for the new Ethics Office, empowered to enforce the whistleblower protection policy. The terms of reference for the Ethics Office and its Director specified in SGB/2005/22 were developed to guarantee that the Director had no conflicts of interest and that Ethics Office operations were independent of UN management.

Unfortunately, no policy is effective if senior management allows it to be undermined. In 2007, not long after he had assumed office, Secretary General Ban Ki-Moon shrank the jurisdiction of the whistleblower protection policy and the UN Ethics Office dramatically. A whistleblower came forward from the UN Development Program (UNDP) office in Pyongyang, North Korea with validated disclosures of counterfeit currency and ghost workers in the UN office there, as well as lack of unmonitored access for UNDP staff to funded projects. Senior management at UNDP immediately withdrew the whistleblower's appointment. When the UN Ethics Officer ruled that the whistleblower had been subjected to retaliation, UNDP's Executive Head declared that SGB/2005/21 did not apply to his agency. In 2007, SG Ban Ki-Moon ratified this interpretation of the Secretariat's Ethics Office's jurisdiction (SGB/2007/11). Since then, ad hoc policies and Ethics Offices at the UN Funds, Programs, and Specialized Agencies proliferated. Gone were the specifics precluding – even *de jure* – conflicts of interest in the management of Ethics Offices and the provisions ensuring the independence of their inquiries.

This decision by Ban Ki-Moon was an early sign that he would not enforce the anti-retaliation policy vigorously.

The data released by the UN Ethics Office annually show the weakness of policy implementation under this Secretary General. Over the course of the last decade, GAP has tracked the performance of the UN Secretariat's Ethics office, and the record is appalling. Since 2006, the UN Ethics Office substantiated retaliation in less than 4 percent of the cases that it has reviewed. The Office was contacted by more than 440 staff members, reviewed approximately 120 cases and substantiated retaliation in four of them. Last year (2014/2015), the Ethics Office received 15 requests for protection from retaliation, but did not validate a single appeal or protect a single whistleblower. This is the Ethics Office and policy that applies to the Department of Peacekeeping Operations (DPKO).

CERTIFICATION AND USUN

To address this deficiency, the US Congress enacted Section 7048 of the Consolidated Appropriations Act in 2014. This provision requires the US State Department to certify that each UN agency covered by the Act is implementing best-practice whistleblower protections, or the Congress must withhold 15 percent of that UN agency's appropriation. Despite the abysmal record of the UN Ethics Office and of OIOS, the State Department certified to the Congress last year that the UN Secretariat implements best

practices in protecting whistleblowers. The Congress did not challenge this finding and fully disbursed the US contribution.

Nevertheless, testifying before you on April 13th, 2016, are two whistleblowers, neither of whom is currently employed by the United Nations. Testifying at the same time in a Senate hearing is a third, who, after supporting Anders Kompass' disclosure, was abruptly transferred by the High Commissioner for Human Rights from Geneva to Fijj against medical orders and then terminated when she could not relocate.

WHAT WE KNOW ABOUT SEA

Because SEA is widespread and has an identifiable history in UN peacekeeping operations, we actually know a great deal about how it occurs. While some incidents are crimes of opportunity and are perpetrated spontaneously, we also know that networks of abusers operate, using a method and selecting victims that are passed from one troop contingent to the next as rotations occur. The same collusion happens among non-military personnel. Although evidence is anecdotal, the methods of contacting and abusing women and children appear to be remarkably similar from mission to mission. In short, these are not isolated incidents; there are systemic barriers to reporting and accountability. This is not a case of a 'few bad apples...'

In a number of documented cases of child sexual abuse, the children are displaced persons who live together in makeshift shelters and are without guardians or parents. They have no means of support. Occasionally, children such as these are also employed to find a woman available for transactional sex among the displaced in a camp.

In many cases, the children are contacted using disposable mobile phones, which the abusers supply. These phones have a number the children can call when they're nearby; typically, this is the phone number of the abuser or the network more generally. The communication is also two-way: the abuser may call the child or the child may call him.

Children are chosen as victims because many abusers fear contracting HIV/AIDS if they have sex with adults.

Often, the UN bases have semi-clandestine entry points for women and children summoned by mobile phone. These are holes in the camp walls that may have been made by the victims themselves. Often, these breaches in the camp perimeters are readily visible to anyone looking for them. Such breaches, of course, are serious security issues, especially in conflict zones, but they are left as is nonetheless.

Locations where the sexual encounters take place are also known or suspected within Missions, typically. Other UN personnel may stand guard during an encounter, ready to warn the abuser if someone unknown approaches.

Abusers compensate their victims with food or petty cash, usually less than the equivalent of \$3.

CONCLUSION

Altogether, then, UN non-military personnel in peacekeeping missions are protected by legal immunities that can only be lifted by this Secretary General, peacekeeping troops are subject only to the discipline

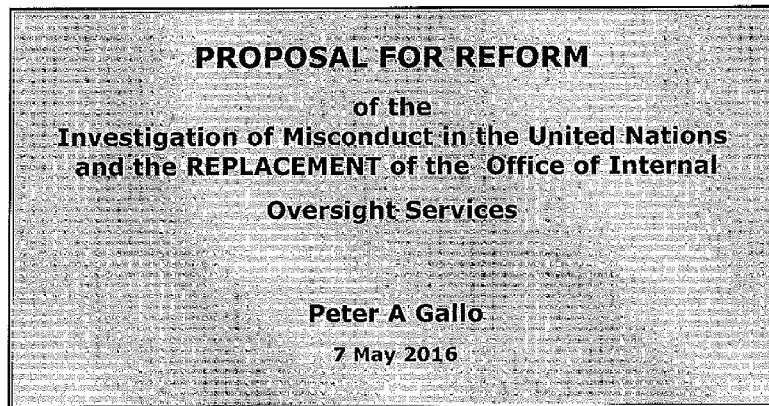
of their own distant governments, and self-interested oversight offices lacking in integrity control the investigation of misconduct in peacekeeping.

At the same time, Department of Peacekeeping Operations (DPKO) is dependent on TCCs to actually supply troops, and the United Nations depends on the good will of the host government to maintain its Mission in the country. As a result, geopolitical concerns enter the accountability process inappropriately.

RECOMMENDATIONS

- The record of the current USG for Peacekeeping is abysmal and he should be replaced. The expert Panel convened to review the response of the UN Secretariat to allegations of child sexual abuse in the CAR came very close to citing him for abuse of authority and only stopped short of that because of a narrow interpretation of its mandate;
- An external independent panel must review the performance, operations and personnel structure of OIOS and make actionable recommendations for restoring the reputation and credibility of the Office. Beginning with the End-of-Mission Report of a previous USG for OIOS, the Office has become a locus of notoriety for a lack of integrity. Among UN staff members this is widely known. The fact that the current Deputy Director of ID/OIOS has been identified by the UN Dispute Tribunal as a retaliator in a public ruling is devastating to the reputation of the office, and this issue must be resolved.
- The conflict of interest between managers in ID/OIOS and CDU must be addressed and eliminated. One spouse cannot – directly or indirectly – review the performance of the other's unit. No amount of counseling can mitigate such potential collusion. Even if it did, such close association creates a perception of a conflict interest that is harmful to the integrity and the reputation of the United Nations.
- The Ethics Office must review retaliation complaints objectively, and the Ethics Office Director should report to the General Assembly, not the Secretary General.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
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SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS



Follow-up
from

Hearing on 'Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations' before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on 13 April 2016

Executive Summary

This is a proposal for reform of the investigation of misconduct within the United Nations. It will require:

- creation of a new and totally independent body to replace OIOS;
- centralisation of all misconduct reporting; and
- direct supervision of that investigative body by a Commission made up of representatives of the Member States.

It does not address the specific requirements for comprehensive reform of the internal justice system, but takes control of the investigative process out of the hands of the Organisation, which will end many of the abuses currently encountered.

The key to deterrence from any criminal or unethical conduct is not the severity of the punishment but the likelihood of suffering some accountability. This requires consistency in dealing with reports of misconduct, and this can be addressed by centralised reporting.

For the last ten years or so, the UN has been pre-occupied with *managing the perception of misconduct* rather than actually investigating it. Of particular concern must be the practice whereby reports of misconduct, including reports of sexual exploitation and abuses, have not been investigated by OIOS because they have earlier been discredited by the Conduct & Discipline Unit of the Department of Field Support, referred to other departments or otherwise dealt with at a lower level.

Centralised reporting of misconduct reports will also give the member States an accurate indication of the level of wrongdoing within the UN system. This information has not been disclosed in the past.

OIOS was intended to be "independent" but was still an integral part of the UN Secretariat. As such, other departments were able to control material aspects of its existence until its independence was entirely compromised.

The creation of a new body, which is given the working title "NUNCIO"¹ here, will not be dependent on any other office or department of the UN, and will end the self-regulatory aspect of the United Nations altogether.

NUNCIO will be staffed by experienced investigators who are not former UN staff members and who will be ineligible for employment with the UN. In addition to full-time staff, NUNCIO will train both serving and former police and other investigators from law enforcement agencies of the Member States who can be retained to assist with investigations on a consultancy basis.

¹ An acronym for 'New United Nations Central Investigation Organisation'

This body will operate under the supervision of a Commission, which is essentially a sub-committee of the General Assembly.

The members of this Commission will act as a pool of members who will form panels to

- supervise the intake of reports, determining which should be investigated;
- monitor and supervise investigations by NUNCIO, and
- decide on the disciplinary measures to be implemented when culpability is established.

The Commission will also be responsible for the investigation of complaints against investigators, and for protecting whistleblowers from retaliation.

Sexual assaults by peacekeepers remains a matter of concern because under the Agreements with Troop Contributing Countries, they remain subject to the disciplinary regimes of their own Armed Forces. This should not, however, be an impediment to the investigation of allegations made against them. The UN has, however, often improperly used this as an excuse in the past.

Of equal concern is the failure of OIOS to investigate financial irregularities. Again, this is due to a very strict interpretation of the OIOS mandate, which has resulted in the reasonable suspicion that there are elements within the UN who have an interest in ensuring such allegations are not properly investigated. With NUNCIO, this criticism will not arise as the decision to investigate is vested in the Member States, who should have no interest in covering up wrongdoing by UN officials. One of the rules of the Commission must be that no individual member will ever sit on a panel making a decision affecting an individual who is a national of their own country or who is known to have strong connections to their country.

The UN Secretariat has expressed no interest in any significant reform of the internal justice system and has a vested interest in maintaining the status quo. The status quo, however, is what has resulted in large numbers of rapes and sexual assaults, and allegations of financial impropriety probably amounting to hundreds of millions of dollars simply not being investigated.

The complete version of this document can be accessed at:

<http://docs.house.gov/meetings/FA/FA16/20160413/104766/HHRG-114-FA16-20160413-SD001.pdf>

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Another 41 allegations of peacekeeper sex abuse undisclosed by the UN

— UN headquarters learned on April 7th about 41 new allegations of peacekeeper sexual abuse of women and girls —

April 13, 2016 — AIDS-Free World has received leaked information that **41 additional cases of sexual violence** by peacekeepers have been documented by MINUSCA, the United Nations peacekeeping mission in the Central African Republic (CAR), following interviews with victims in Dekoa, a remote town in the country's Kemo prefecture. In an April 7th code cable, MINUSCA informed UN headquarters that an "integrated team" sent to Dekoa from March 25th to April 4th interviewed 59 women and girls. While some were on a list of 98 victims who reported sexual abuse to UNICEF last month, the team documented 41 new cases never previously reported.

The code cable to UN headquarters was sent during the visit to CAR of UN Special Coordinator Jane Holl Lute. On April 8th, the mission issued [a video of Ms. Lute](#) discussing top priorities: "... Third, we have to publicly come forward and say what do we know about this behavior when it occurs."

When it occurs? Ms. Lute had the information of these 41 new cases when the video was made. Where is the transparency? It's quite a commentary on the way in which the UN works when the coordinator becomes the lead dissembler.

At the daily [press briefing on April 7th](#), the day New York headquarters received the cable, Deputy Spokesman Farhan Haq told journalists who requested further details regarding over 100 reports of sexual abuse in CAR [disclosed by Code Blue on March 30, 2016](#), "We've been providing updates on that in recent days, as you're aware. I don't have any update for you today, but as we get more information from our peacekeeping and field support counterparts, we'll certainly relay those on to you."

When media pressed the UN for details again this past Monday, April 11th, [Spokesman Stéphane Dujarric said](#), "... we hope to share more details with you as soon as we can. Obviously, you know, we've had preliminary work done. OIOS [the UN's Office of Internal Oversight Services] will be going there on the ground. The difficulties... the logistical difficulties in the area also cannot be understated. From what I'm told, there's electricity about two hours a day. It's... The only communications are sat[ellite] phones, so the communications with the teams on the ground are a little challenging as well. But we're trying to harvest as much... as many numbers as we can for you and to try to bring a little clarity as to where we are on the number of allegations. [...] As to the assessment, I don't have any more numbers to share with you. I think what I said... and I hope I said it clearly... is that OIOS would be sending an expanded team of about 10 people to the area."

These exercises in evasion, after the cable had been received, are deeply disappointing. It's clear that the culture of suppression of information is still alive and well at UN headquarters.

AIDS-Free World wants to emphasize that many critical details are not in our possession. Only the UN can provide them. How many times have the same women and girls been interviewed, knowing the trauma that is induced by repetitive interviewing? What legal basis does the UN have to conduct these interviews? Of what, exactly, does any psycho-social counselling and medical assistance consist? How many of the women and girls so far interviewed once, twice, or three times by UN staff have received what Ms. Lute describes as "emergency" assistance? Have the local police authorities been informed? To what extent are they involved in the investigation of these criminal acts?

MINUSCA's April 7, 2016 code cable to headquarters (which our sources quoted, but did not send to us in its original form) stated that the team was deployed "to carry out a preliminary investigation into allegation of sexual violence by UN and non-UN international military forces" and was composed of personnel from MINUSCA's human rights division, UNFPA (the Population Fund), UNICEF (the UN Children's Fund) and UNHCR (the UN Refugee Agency). The 'integrated team' did not include professional investigators from the UN's independent Office of Internal Oversight Services.

If the UN, which is not authorized to conduct criminal investigations, is sending "integrated teams" and OIOS investigators to interview victims and witnesses, gather information and preserve evidence, are they acting alone, or in conjunction with—and at the request of—authorized law enforcement personnel from France, Gabon, Burundi, and any other governments whose troops have been identified so far?

Details provided in the April 7th cable:

All of the alleged victims were women and girls.

...allegations show that food, including rations, and money was exchanged for sex, often with promises of marriage.

...numerous allegations of rapes when victims went to collect water or when they approached international forces to sell fruit (a pattern of raping closely reminiscent of Darfur)

...justice system in Dekoa is nonexistent.

The Code Blue campaign sees the UN's ad hoc responses to ever-growing reports of sexual violence as improvised and dangerously unprofessional. Drones of women and girls who've come forward in the past month are being subjected to a chaotic grab-bag of bits and pieces of UN activities, slapped together by the MINUSCA mission without adequate headquarters leadership or oversight, thought, planning, protocols, guidelines, or clear channels of communication.

Whatever the UN's intentions, the organization may well be compounding victims' trauma irreversibly through this round-robin of "preliminary" interviews, conducted over and over again, and with no real justice, protection, or support in sight.

With every new piece of sordid information it becomes clear that the UN itself is clearly unable to handle sexual exploitation and abuse in peacekeeping operations. There is no plan, and there is absolutely no leadership. We are persuaded that the only answer is to take management of sexual exploitation and abuse reports out of the hands of the United Nations Secretariat entirely, and place it in the hands of an external, expert oversight panel, chosen from and responsible to the Member States. When the panel, over the course of two to three years, working in real time, has cleaned up the morass of sexual exploitation and abuse, in every particular, then and only then can the responsibility be returned to the UN.

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