

TOM LANTOS, CALIFORNIA
CHAIRMAN

ILEANA ROS-LEHTINEN, FLORIDA
RANKING REPUBLICAN MEMBER

HOWARD L. BERMAN, CALIFORNIA
GARY L. ACKERMAN, NEW YORK
ENI F. H. FALEOMAVAEGA, AMERICAN SAMOA
DONALD M. PAYNE, NEW JERSEY
BRAD SHERMAN, CALIFORNIA
ROBERT WEXLER, FLORIDA
ELIOT L. ENGEL, NEW YORK
BILL DELAHUNT, MASSACHUSETTS
GREGORY W. MEEKS, NEW YORK
DIANE E. WATSON, CALIFORNIA
ADAM SMITH, WASHINGTON
RUSS CARNAHAN, MISSOURI
JOHN S. TANNER, TENNESSEE
GENE GREEN, TEXAS
LYNN C. WOOLSEY, CALIFORNIA
SHEILA JACKSON LEE, TEXAS
RUBÉN HINOJOSA, TEXAS
JOSEPH CROWLEY, NEW YORK
DAVID WU, OREGON
BRAD MILLER, NORTH CAROLINA
LINDA T. SÁNCHEZ, CALIFORNIA
DAVID SCOTT, GEORGIA
JIM COSTA, CALIFORNIA
ALBIO SIRE, NEW JERSEY
GABRIELLE GIFFORDS, ARIZONA
RON KLEIN, FLORIDA

ROBERT R. KING
STAFF DIRECTOR

PETER M. YEO
DEPUTY STAFF DIRECTOR

DAVID S. ABRAMOWITZ
CHIEF COUNSEL

ONE HUNDRED TENTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5021
[HTTP://WWW.FOREIGNAFFAIRS.HOUSE.GOV/](http://www.foreignaffairs.house.gov/)

CHRISTOPHER H. SMITH, NEW JERSEY
DAN BURTON, INDIANA
ELTON GALLEGLY, CALIFORNIA
DANA ROHRBACHER, CALIFORNIA
DONALD A. MANZULLO, ILLINOIS
EDWARD R. ROYCE, CALIFORNIA
STEVE CHABOT, OHIO
THOMAS G. TANCREDI, COLORADO
RON PAUL, TEXAS
JEFF FLAKE, ARIZONA
JO ANN DAVIS, VIRGINIA
MIKE PENCE, INDIANA
JOE WILSON, SOUTH CAROLINA
JOHN BOOZMANN, ARKANSAS
J. GRESHAM BARRETT, SOUTH CAROLINA
CONNIE MACK, FLORIDA
JEFF FORTENBERRY, NEBRASKA
MICHAEL T. MCCAUL, TEXAS
TED POE, TEXAS
BOB INGLIS, SOUTH CAROLINA
LUIS G. FORTUÑO, PUERTO RICO
GUS BILIRAKIS, FLORIDA

YLEEM D. S. POBLETE
REPUBLICAN STAFF DIRECTOR

MARK C. GAGE
REPUBLICAN SENIOR POLICY ADVISOR

KIRSTI T. GARLOCK
REPUBLICAN CHIEF COUNSEL

September 6, 2007

His Excellency Ban Ki-Moon
Secretary-General of the United Nations
United Nations Secretariat
One United Nations Plaza
New York, New York 10017

Dear Mr. Secretary-General:

Appreciating your past candor and your strongly stated commitments to transparency, I wanted to raise a grave issue that threatens the basic credibility of UN reform efforts.

As you will recall, both in a July 5, 2007 letter and in our personal meeting in Washington on July 17, I respectfully urged you to use all appropriate means to protect a former UN Development Program (UNDP) employee, Mr. Anton Shkuratj, against retaliation for his role in uncovering and attempting to report significant irregularities in UNDP operations in North Korea. We understand the sensitivity of this particular case, given that Mr. Shkuratj has alleged that millions of dollars from external sources were transferred to the North Korean government through UNDP, during a period when North Korea was consolidating its nuclear program in defiance of its international obligations. However, this case remains a fundamental test of the UN's whistleblower protection policy, which has been heralded by the UN as one of the hallmarks of UN reform in recent years.

Both at our July 17 meeting and in the July 16 written response sent on your behalf, you specifically assured us of your commitment "to addressing thoroughly and objectively" Mr. Shkuratj's allegations through the inquiry of "the Ethics Office, which is responsible for implementing the whistleblower policy, [and] is currently examining his case according to the procedures established in ST/SGB/2005/21." The further point was made that "[f]or the whistleblower policy to work as it was intended, the Ethics Office must be able to conduct its work free from any interference from the Secretary-General's office." (Letter from the Executive Office of the Secretary-General to Rep. Ros-Lehtinen, 7/16/07)

Similarly, in a document transmitted to Congress, UNDP itself acknowledged that "UNDP understands that this issue is now before the UN Ethics Office." (David Lockwood, "Update on the most recent U.S. allegations," 7/10/07)

Then, in mid-August, the Ethics Office determined that Mr. Shkurtaj had established a *prima facie* case of retaliation based on his actions as a whistleblower within UNDP – actions that constitute serious misconduct under the UN whistleblower policy, requiring “disciplinary action and/or transfer” of those responsible. (ST/SGB/2005/21 Section 7)

In light of that progress, I was shocked to learn that the Ethics Office investigation has been halted because “UNDP has decided that it does not wish to pursue this matter within the parameters of ST/SGB/2005/21,” and instead “wishes to conduct its own external review.” (Letters of Robert Benson to Kemal Dervis and Anton Shkurtaj, 8/17/07)

This development is unacceptable and indefensible. Allowing a UN system entity to claim immunity from the Ethics Office process, when faced with the prospect of an adverse ruling would represent the complete evisceration of that much-touted reform.

Furthermore, allowing an entity to define and instigate the sole inquiry into its own alleged wrongdoing is absurd and contrary to all international best practices. This is particularly the case where UNDP management has repeatedly and publicly derided the whistleblower’s claims as “without basis,” and where UNDP’s description of this matter has so far been at odds with the facts as described by the UN Board of Auditors, the United States Mission to the UN, the UN Ethics Office, and the UN Staff Council.

The UNDP Executive Board can, of course, decide to initiate whatever supplementary investigation it likes. But that should, in no way, supplant or impede the inquiry by the UN Ethics Office, which you had assured us was underway. Any deference to UNDP’s claimed Ethics veto will promote only impunity, not transparency.

In June, concern about UNDP’s early handling of this case prompted the U.S. House of Representatives to vote to cut \$20 million in U.S. funding for UNDP. These recent developments have unfortunately broadened what was originally a North Korea program-specific issue into a larger issue of UNDP management and accountability.

We sincerely hope that you will use your good offices as chief administrative officer of the UN Organization – the official responsible for selecting the head of UNDP – to ensure that the Ethics Office investigation matter proceeds to its appropriate conclusion, as previously described.

Sincerely,

A handwritten signature in black ink, appearing to read "Ileana Ros-Lehtinen". The signature is fluid and cursive, written over a white background.

ILEANA ROS-LEHTINEN
Ranking Member

CC: Mr. Kemal Dervis, Administrator, UN Development Program
Hon. Zalmay Khalilzad, U.S. Permanent Representative to the UN
Rep. Nita M. Lowey, Chair, Appropriations Subcommittee on State, Foreign Operations, and Related Programs
Rep. Frank R. Wolf, Ranking Member, Appropriations Subcommittee on State, Foreign Operations, and Related Programs