



DATE: July 26, 2017

SUBJECT: The United Nations Human Rights Council: What Is It Good For? | Forum on International Affairs

MAIN POINTS

- The UN Human Rights Council (OHCHR) is a political body which has demonstrated its utility in applying pressure to promote human rights.
- The OHCHR has shortcomings, but rather than disengage, the US should stay and promote reforms.
- US withdrawal from the OHCHR would create a power vacuum that could be filled by a country without a commitment to promoting human rights.
- The findings of the 2014 UN Commission of Inquiry were instrumental in laying the groundwork for applying international pressure on the regime.
- North Korea uses its constitution, which ostensibly ensures basic human rights, as a smokescreen in the international community while the regime conducts systematic human rights violations.

EVENT OVERVIEW

Date: Tuesday, July 25, 2017

Time: 6:30 p.m. - 8:00 p.m.

Location: DC Mayor's Office on Asian and Pacific Islander Affairs, 441 4th Street, NW, Room 1117, Washington, D.C 20001

Attendees

- **Colin Lawrence**, Executive Director, Forum on International Affairs
- **Michael Larkin**, Director of Program Development, Forum on International Affairs
- **Ted Piccone**, Senior Fellow, Project on International Order and Strategy and the Latin American Initiative at the Brookings Institution
- **Rosa Park**, Director of Programs, Committee for Human Rights in North Korea

SUMMARY

Colin Lawrence, Executive Director of the recently formed Forum on International Affairs (FIA), began by welcoming the audience, which was comprised of about thirty people. Seeing as the topic of the meeting was the efficacy of the United Nations Human Rights Council in general, many of those in attendance presumably had little exposure to North Korean issues. We distributed copies of *Lives for Sale* and *Taken: North Korea's Criminal Abductions of Citizens of Other Countries*. After a brief introduction, Lawrence turned the time over to Mike Larkin, who moderated the discussion.

Larkin prefaced the presentations by talking about the history of US involvement with the Human Rights Council. In 2006, the Human Rights Council was formed, replacing the UN Commission on Human Rights. At the time, the Bush administration did not want to participate, but in 2009, the Obama administration announced that the US would join. The nascent Trump administration has made it clear that it is considering withdrawing from the council, citing two common criticisms: too many Human Rights Council seats are filled by representatives from countries with deplorable human rights records and an anti-Israel bias. That said, when compared with the Commission on Human Rights, the Human Rights Council is more transparent and open to participation by civil society.

Following his introduction by Larkin, Ted Piccone began his presentation. He first noted that he is definitely in favor of US participation in the Human Rights Council. Piccone felt that the Human Rights Council effectively shines light and catalogues human rights abuses by appointing independent experts and commissions to conduct research on the ground. The Human Rights Council is a political body, not a court, and so while it can apply pressure on states to change, it cannot enforce implementation in belligerent states.

The Human Rights Council typically focuses on thematic human rights abuses, and has the flexibility to investigate niche, country-specific issues. Piccone is confident that the Human Rights Council has led to changes, and provided redress to victims of human rights abuses. He pointed out that although the Human Rights Council is only one part of the international human rights infrastructure, it is the highest body. He endorsed the current UN High Commissioner for Human Rights, Prince Zeid bin Ra'ad of Jordan, saying that he is not afraid to be upfront about human rights issues.

Piccone noted that even though human rights is one of the main pillars of the UN (the others being peace, security, and development), the Human Rights Council only receives 3% of the UN's budget. On top of that funding, which is provided by the regular payments of member states, the council receives donor support. The US is the Human Rights Council's biggest financier in both of these categories.

Piccone went on to discuss what he feels to be the Human Rights Council's four greatest strengths. The first is the process of universal periodic review, where every state's adherence to international law is scrutinized. States seem to feel that their reputation matters, and are consequently willing to participate in these reviews. The council is now beginning its third cycle of reviews, meaning that each member state has been evaluated twice since 2006. The second strength Piccone listed was its ability to focus on

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country-specific situations. As opposed to the UNCHR, the Human Rights Council employs more independent researchers, who focus on specific things in any given country. The third strength is the Commissions of Inquiry (COI). Comprised of a handful of experts, these fact finding bodies help in applying pressure and holding countries accountable. There have been 17 COIs since 2011. Lastly, Piccone listed the Human Rights Council's accessibility to civil society as a strong point.

Piccone also mentioned a couple of the Human Rights Council's shortcomings. The first is the problem of membership. If the council were to strictly vet members and only allow those who met a certain standard, membership could be quite small, but it would also become more difficult to engage with countries who need to improve their human rights situation. As it stands, regional blocks nominate candidates to a given number of seats, but when there are only four candidates and four open seats, there is no need to be competitive or selective. To illustrate how competitive appointments are beneficial, Piccone cited a recent case where the Eastern Europe regional bloc saw candidates competing for seats, and decided against Russia's appointment to a seat. Also, some vibrant democracies with good human rights records simply lack the funding necessary to get a representative on the council. Piccone said that there is no question that there is an anti-Israel bias at the UNHRC, but such is the result of decisions made before the US joined the council. The US has helped moderate the council and mitigate anti-Israel recommendations, but Piccone says that the US can do more to negotiate with Arab states and eliminate the bias.

Piccone ended his presentation by explaining why US leadership in the Human Rights Council matters. His first point is that a US withdrawal from leadership will create a void that will be filled by Russia, China, or Egypt, all countries with questionable human rights records. He does not believe that the Trump administration really intends to withdraw, on the grounds that it would hurt Israel, a US ally. The administration has a reform agenda, but no real timetable gets those reforms through. However, Piccone believes Ambassador Nikki Haley has been busy pushing for pragmatic reforms.

Rosa Park expressed her admiration for Piccone's work. She agreed that the Human Rights Council needs US participation, pointing to the role of the US in orchestrating the 2014 COI in North Korea. Park claimed that the COI was monumental in that it created a framework with which the international community could hold North Korea more accountable. It helped established key agenda items, and provided the groundwork for US sanctions. She reminded the audience that the COI found evidence of widespread systematic crimes against humanity, including nine of the ten crimes against humanity specifically enumerated in the Rome Statute of the International Criminal Court (e.g. murder, enslavement, torture— everything except apartheid). Promoting human rights requires forming coalitions of like-minded countries, and cannot be accomplished by any single state.

Park agreed that the Human Rights Council has problems, specifically mentioning China as a state with a poor human rights record who sits at the council. Another shortcoming is that the council does not reprimand North Korea for hiding behind the rights ostensibly guaranteed in its constitution when it undergoes periodic review. She said that these rights are technically provided in the constitution, but the people of North Korea are unaware that they are even nominally entitled to these rights. Rather, they are

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taught the Ten Guiding Principles, which demand complete loyalty to the Kim regime. North Korea refuses to acknowledge the existence of political prison camps within their borders, despite satellite imagery and witness testimony to the contrary.

Park added that the international community needs to depoliticize human rights issues. With the help of the UN COI, the UNHRC made many recommendations to North Korea, which had to respond because Kim Jong-un had been directly implicated. She holds that the US needs to stay in and “fight the good fight” to hold human rights violators accountable, keep civil society groups at the table, and prevent the creation of a power vacuum. It is definitely worth the time and effort.

Report by: Seth Warnick, Research Intern