

LECTURE

DELIVERED JULY 18, 2018

No. 1290 | SEPTEMBER 7, 2018

U.S. Withdrawal from the U.N. Human Rights Council: Impact and Next Steps

The Honorable Michael G. Kozak

Abstract: *The mission of the U.S. Department of State’s Bureau of Democracy, Human Rights, and Labor in promoting human rights has never been dependent upon the United Nations. The Bureau does its part by using an array of diplomatic tools. These include bilateral, multinational, multi-stakeholder, multilateral diplomacy, programming, public diplomacy, visa restrictions, economic sanctions, and a whole panoply of activities that we and our colleagues in the Department of State and the Trump Administration engage in. Disengaging from one component of the U.N. does not mean we are disengaging from this whole array of tools that have proven effective in advancing our interests in human rights.*

Thank you, Kim [Holmes], for the nice introduction. What a great speech from Ambassador [Nikki] Haley.¹ I thought I would follow on that and explain a little bit. She made the very strong point that getting out of the Human Rights Council does not mean getting out of the human rights business. I thought I would talk a little bit about what the Trump Administration is doing on that front and what we have in mind to do, and then we can open it up to get some suggestions.

I think one of the interesting things about the Human Rights Council, to which Ambassador Haley alluded, is there is pretty much agreement amongst democratic countries that societies that respect human rights are stable, secure, and make better allies. When you strengthen democratic institutions and workers’ rights, this promotes economic development and trade, but it also levels the playing field for U.S. business if others start treating their workers correctly. The final thing that the promotion of democracy does, by giving people a peaceful way of redressing grievances, is that it takes away a recruiting tool that terrorists use.

This paper, in its entirety, can be found at <http://report.heritage.org/hl1290>

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

KEY POINTS

- Withdrawing from participation in the Human Rights Council does not mean we are to withdraw from promoting human rights. Getting out of the Human Rights Council does not mean getting out of the human rights business.
- To the contrary, our instructions are that we need to do all we can to bring about the reforms that will allow us to make the Human Rights Council a useful tool—and a legitimate tool—in our toolkit.
- The U.S. has aggressively used a variety of sanctions tools to bring about behavioral change. As of June 15, the U.S. has sanctioned 17 serious human rights abusers and corrupt actors and 56 entities under the Global Magnitsky Human Rights Accountability Act.
- Other tools include bilateral, multinational, multi-stakeholder, multilateral diplomacy, programming, public diplomacy, visa restrictions, economic sanctions, and a whole panoply of activities.

The National Security Strategy

It is for these reasons that President Trump's National Security Strategy is very clear on this topic. The National Security Strategy states that "[l]iberty, free enterprise, equal justice under the law, and the dignity of every human life are central to who we are as a people." It also makes clear that a commitment to human rights is essential to advance U.S. influence abroad. It asserts that respect for human rights produces peace, stability, and prosperity—making it integral to U.S. national security.

A commitment to human rights is essential to advance U.S. influence abroad.

The mission of our Bureau [of Democracy, Human Rights, and Labor, or DRL] in promoting human rights has never been dependent upon the United Nations. The Bureau does its part by using an array of diplomatic tools that are available to us. These include bilateral, multinational, multi-stakeholder, multilateral diplomacy, programming, public diplomacy, visa restrictions, economic sanctions, and a whole panoply of activities that we and our colleagues in the Department [of State] and the Administration engage in. Disengaging from one component of the U.N. does not mean we are disengaging from this whole array of tools that have proven effective in advancing our interests in human rights.

U.S. Policy

Our policy going forward will be to continue to call out governments that violate human rights. We do not depend on doing that only in the U.N. Human Rights Council (UNHRC). I think we have seen a great demonstration from Ambassador Haley that you can use other parts of the U.N. to do that. We can use public diplomacy.

Human Rights Report. One of the things that we do is produce the annual Human Rights Report, which tries to document, in a very precise way, the behavior of other countries. This last year, we

sharpened the report. We did some real surgery on it. It had gotten to be a little bit fuzzy in the executive summary, where every country sounded the same because we were trying to have the same number of problems for every country. We said, "No, let's stop that, and focus in one paragraph on the most egregious types of human rights violations." Now you can look and compare that paragraph across different countries and say, "Okay does this country engage in extrajudicial killings, torture, government censorship, coerced abortion, and involuntary sterilization? Does it encourage domestic violence or not?" You start to see real contrast between countries when you focus in on those core, most egregious forms of human rights violations. The other information that has always been there is still there when you go back in the bowels of that very long 7,000-plus-word report, but if you look at that one little paragraph in each country, you can get a pretty good idea of what and who you are dealing with.

Diplomacy and Sanctions. This Administration has also used diplomacy, sanctions, and other tools to isolate states and leaders who threaten our interests and whose actions run contrary to our values. In Syria, when the Assad regime committed mass murder, the President struck at the regime's ability to deliver chemical weapons. That is a very concrete way of dealing with a human rights problem—and an effective one.

This Administration has used diplomacy, sanctions, and other tools to isolate states and leaders who threaten our interests and whose actions run contrary to our values.

On Iran, the President stood strongly with brave protestors and expressed support for the fundamental freedoms they deserve.

In Burma, we have made clear that the military forces committed ethnic cleansing in Rakhine state, and that it was the *military forces* who did that. We have sanctioned the general who oversaw that

1 Ambassador Nikki Haley, "The U.S. Defends Human Rights, While the U.N. Human Rights Council Defends Human Rights Abusers," Heritage Foundation Lecture No. 1289, September 4, 2018, <http://report.heritage.org/hl1289>.

operation. We will soon be finalizing a very rigorous report documenting the inhuman treatment meted out by government forces there, and I think you will see some further action following on to that.

In Cambodia, we suspended and curtailed U.S. assistance in response to recent setbacks in democracy. We imposed visa and/or economic sanctions on those responsible for those setbacks.

We have aggressively used a variety of sanctions tools to bring about behavioral change. As of June 15, we have sanctioned 17 serious human right abusers and corrupt actors and 56 entities under the Global Magnitsky Human Rights Accountability Act. These included persons or entities from China, Burma, Russia, the Democratic Republic of Congo, South Sudan, Uzbekistan, and Nicaragua—Nicaragua being in response to very recent events. We have been able to move out smartly on that. We continue under other sanctions authorities to get at other human rights abusers in places like Iran, Syria, Russia, Venezuela, and the Democratic Republic of Congo. We even sanctioned the brutal head of the Chechen Republic, [Ramzan] Kadyrov, and one of his chief henchmen. These are concrete steps we have been taking to try to hold people accountable for—and deter—human rights violations.

We also continue to impose sanctions available under the International Religious Freedom Act against those countries designated as countries of particular concern because of gross abuses of human rights based on religious freedom grounds. For the first time, Pakistan was placed on a Special Watch List for religious freedom abuses. We have cut off or restricted assistance to six countries under the Child Soldiers Prevention Act of 2017. These are all the punitive measures.

On the other side of the equation, the DRL Bureau and our colleagues in USAID [U.S. Agency for International Development] support projects that partner with civil society and democracy activists around the world who are pressing for change in their own countries. Our bureau is primarily responsible for those places where there is no USAID mission, and often no U.S. embassy. We operate in places where we [the United States] are not even present, but we are able to do it—and I think we have done it pretty effectively.

On the other side, when we have a country that has a sudden breakthrough in democracy or an opportunity to advance democracy, we try to move

in quickly and help the people who are trying to do that. One of my colleagues is out, as we speak, in Ethiopia, where there is suddenly a total change in the attitude of the government. Now they have said they want to model their society going forward on our values, and they are looking for ways to do that, looking for assistance. I met with our Ambassador to Malaysia yesterday, and she was telling me of a similar opportunity there. We have got a real chance with Uzbekistan, too. These are places that had bad, bad human rights problems. They are not fixed yet, but at least you have got people now who want to make a change, and they are looking to us to help them—and that is our mission.

Our guidance from our leadership has been very clear, as Ambassador Haley said. Withdrawing from participation in the Human Rights Council does not mean we are to withdraw from promoting human rights. To the contrary, our instructions are that we need to do all we can to bring about the reforms that will allow us to make the Human Rights Council a useful tool—and a legitimate tool—in our toolkit.

We need to do all we can to bring about the reforms that will allow us to make the Human Rights Council a useful tool—and a legitimate tool—in our toolkit.

Supporting Civil Society. In the meantime, we are going forward with supporting civil society. We are working with, and in partnership with, civil society, with the private sector, and with faith-based organizations. We do these through a whole network and try to build that global networking and push for democracy.

Multilateral Institutions

In multilateral institutions, we are trying to use other multilateral institutions to emphasize human rights. We have done it for years, but I think we are going to turn up the volume a little bit.

Organization for Security and Cooperation in Europe. One of our favorites is the Organization for Security and Cooperation in Europe, which devotes a session every fall to human rights, the Human Dimension Meeting.

Organization of American States (OAS). The Organization of American States and other bodies—we are upping our game in those institutions. The OAS, for example, even though its charter says it is a voting organization, for years everybody decided that it should be based only on consensus, the dreaded “consensus virus” that Ambassador Haley mentioned. It never was able to do anything on human rights because the people who were violating human rights were members and would withhold themselves from consensus, and nothing would happen. That is changing. Under the leadership of our new Permanent Representative of the OAS, Carlos Trujillo, we are successfully pressing for decisive actions on Venezuelan and Nicaraguan human rights violations. We are calling votes, and we are telling people to choose upsides and votes—and they are doing so. We are also going to be seeing some more action on that front.

Community of Democracies. There are other institutions that we can and will use. The Community of Democracies is a good platform. It’s a bunch of like-minded persons, at least on the values of democracy. Sometimes not like-minded on what we should *do* about particular issues, but it is a forum where we can raise these issues and act.

Open Government Partnership. We also participate in the Open Government Partnership, which, on corruption issues, tend to go hand-in-hand with human rights violations. We are able to get people focused on that and try to get action. In Sri Lanka, for example, through bilateral assistance, we are supporting the government’s National Action Plan to combat corruption.

Freedom Online Coalition. Another piece that we use is leadership in the State Department, combatting threats to Internet freedom. We have a sort of diplomatic side that is called the Freedom Online Coalition, but we also have a programmatic side where we finance research and development on how you get around the blocking tools that some of these really bad governments use to keep their people from being able to access the Internet without censorship. As a consequence, we have literally tens of millions of people now successfully using those tools. It is a constant; it is a cat and mouse game. The bad guys come up with the countermeasures to what we have figured out, so we are always trying to think ahead of them and have new apps that we can put out there in the world.

Organization for Economic Co-operation and Development. We are also trying to harness the business sectors across the world. We have the Guiding Principles on Business and Human Rights, and there are OECD Guidelines, Voluntary Principles on Human Rights Initiatives. These are all coalitions of multinational enterprises, and they get together and try to set some standards for businesses and how they are going to behave on human rights. What we are trying to do is get other countries to bring their business conduct up to the level of ours. Our businesses are otherwise kind of disadvantaged, if they’re being good corporate citizens and somebody else is using forced labor or something like that, it is a disadvantage for them. It is both doing good, but it also helps our businesses do well.

Human rights abuse is a threat to peace and security. You need to deal with it before it becomes a kinetic threat.

Alternatives to the UNHRC

Finally, as Ambassador Haley mentioned, there are other parts of the U.N. The United Nations General Assembly Third Committee is a place where we have, for years, run strong human rights resolutions. Sometimes it has been a toss-up whether it was more productive to run it in the Third Committee or in the Human Rights Council. You look at voting patterns and everything else. Now that question is resolved: It will be Third Committee whenever that question arises.

The U.N. Security Council, as she mentioned, I think that is really an important initiative the Ambassador has taken because it has been this argument for years that the Security Council was about threats to peace and security. What we are saying is human rights abuse *is* a threat to peace and security—as we have seen over and over and over again. You need to deal with it before it becomes a kinetic threat.

We also remain active in the General Assembly and ECOSOC [Economic and Social Council] and other parts of the U.N. We will maintain our partnership with the Office of the High Commissioner of Human Rights. That is a body that pre-exists the Human Rights Council, and if we can work with them to make progress on some of these things we will do that.

Conclusion

That is where we are in terms of our global promotion of human rights. The stuff we do bilaterally. The stuff we do multilaterally. The stuff we can do through sanctions and other forms of concrete pressure. I would observe in this, just to close, we have tried being in or out of the Human Rights Council, and that has not *fixed* the Human Rights Council. As Kim [Holmes] mentioned, we have, all three of us, been involved in both directions on that. We need to do something. If we are going to bring about change, we need to think about something more that we can do to try to change attitudes in order to get the institutional changes we need.

From that standpoint, we would be very, very interested in hearing from all of you if you have got ideas and suggestions that we can take back and try to formulate into our policy. Thank you.

—*Ambassador Michael G. Kozak is a Senior Bureau Official in the Bureau of Democracy, Human Rights, and Labor of the U.S. Department of State. These remarks were delivered on July 18, 2018, at The Heritage Foundation in Washington, DC.*