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Congress Is Right to Withhold Funds from the U.N. Human Rights Council

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The House and Senate passed legislation this past summer to withhold U.S. funding to the U.N. Human Rights Council. Congress deserves praise for taking this action. In its first year, the Council has proven to be no improvement over the Commission on Human Rights that it replaced. Member states with poor human rights records have used the Council to obsessively criticize Israel while blocking scrutiny of many serious human rights crises around the world. These same states have led an effort to adopt rules and procedures that undermine and weaken the Council's ability to advance and promote human rights.

The legislation is largely symbolic because the U.S. cannot directly withhold money from the Council, only an equivalent amount from its total U.N. assessment. But its passage does send a clear and powerful signal to other countries that Congress, not just the Administration, is displeased with the activities of the "reformed" Council and will act to hold it to account. To further reform and enable Congress to more effectively direct U.S. taxpayer dollars away from counterproductive bodies like the Council and toward more productive U.N. activities, Congress should take steps to encourage the U.N. to shift funding for U.N. technical and specialized agencies, bodies, and commissions supported by the U.N. regular budget to voluntary contributions.

Lack of Accountability on Human Rights at the U.N. Since the birth of the United Nations, protecting and advancing fundamental human rights has been one of the organization's primary objec-

tives. Yet the U.N.'s recent record in promoting human rights is riddled with failure and inaction. For nearly six decades, the U.N. Commission on Human Rights (CHR) epitomized this failure as the premier U.N. human rights body. For decades, the Commission was used by human rights abusers to block criticism of themselves and their actions and as a forum for attacks on Israel. It took years of missteps by the Commission, including electing Libya chairman in 2003, before former U.N. Secretary-General Kofi Annan finally acknowledged, "We have reached a point at which the Commission's declining credibility has cast a shadow on the reputation of the United Nations system as a whole, and where piecemeal reforms will not be enough."¹ The U.N. General Assembly passed a resolution in March 2006 replacing the Commission with a new Human Rights Council.

The May 2006 election for Council membership, however, showed that simply creating a new body had not convinced the General Assembly to spurn the candidacies of human rights abusers. A number of states with dismal human rights records currently sit on the Council, including Algeria, Azerbaijan, Cameroon, Cuba, China, Egypt, Pakistan, Saudi Arabia, and Russia.

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The United States was one of only four countries to vote against the resolution creating the Council. The U.S. cast its vote out of concern that the new Council would lack safeguards against the problems that afflicted the Commission. The deplorable performance of the Council in its first year demonstrates this concern to have been well-founded. In its first year, the Council, just like the discredited Commission, has exhibited an obsessive, discriminatory focus on Israel while ignoring serious human rights abuses around the world.

During that year, the Council failed to address ongoing repression in Belarus, China, Cuba, North Korea, and Zimbabwe and many other dire human rights situations around the world. Nor did the HRC censure the government of Sudan for its role in the genocide in Darfur. Instead, it held one special session on Darfur and adopted one mild resolution and four mild decisions expressing “concern” regarding the human rights and humanitarian situation in Darfur, dispatching a “High-Level Mission to assess the human rights situation in Darfur and the needs of the Sudan in this regard.” Meanwhile, the Council held three special sessions on Israel and passed ten resolutions condemning Israel and another four decisions on Israel’s human rights record. More than 70 percent of the Council’s country-specific resolutions and decisions have focused on Israel. Israel is the focus of the Council’s only permanent mandate.²

The Council has done worse than ignore human rights abuses; it has ended procedures inherited from the Commission scrutinizing human rights

practices in Belarus, Cuba, Iran, and Uzbekistan—countries widely known to deny basic rights to their citizens. The Council has also adopted new rules and procedures, including a new “Code of Conduct,” to intimidate independent experts.³ According to the U.S. Department of State, many of the institution-building procedures adopted by the Council are “seriously flawed” and will make the many problems of the Council “even worse.”⁴

The Council’s actions in its inaugural year are not worthy of an organization claiming to be the world’s premier human rights body. It has continued the worst aspects of the old Commission, quickly becoming a platform for human rights abusers to deflect criticism rather than be held to account.⁵

Congress Acts. The Bush Administration wisely decided not to lend this seriously flawed body the legitimacy and credibility it would gain from U.S. membership. Although this policy has been criticized by some Members of Congress who believe that U.S. participation could improve the body, the majority of the House and Senate have acknowledged the sad reality that the human rights abusers are running the Council’s agenda just as they did the Commission’s. This past June, the House of Representatives passed legislation that would withhold U.S. contributions to the Human Rights Council. In September, the Senate passed legislation to withhold U.S. funding to the Council.

Unfortunately, these actions are mostly symbolic because of the way that the Council is funded. The HRC is funded through the U.N. regular budget. The U.S. is assessed 22 percent of

1. Kofi Annan, “Secretary-General’s Address to the Commission on Human Rights,” Office of the Spokesman for the U.N. Secretary-General, April 7, 2005, at www.un.org/apps/sg/sgstats.asp?nid=1388. See also Mark P. Lagon, Deputy Assistant Secretary for International Organization Affairs, U.S. Department of State, “The U.N. Commission on Human Rights: Protector or Accomplice?” testimony before the Subcommittee on Africa, Global Human Rights and International Operations, Committee on International Relations, U.S. House of Representatives, April 19, 2005, at www.state.gov/p/io/rls/rm/44983.htm.
2. For more information, see Brett D. Schaefer, “The United Nations Human Rights Council: A Disastrous First Year and Discouraging Signs for Reform,” Heritage Foundation *Lecture* No. 1042, September 5, 2007, at www.heritage.org/Research/InternationalOrganizations/hl1042.cfm.
3. *Ibid.*
4. See Sean McCormack, “Conclusion of the U.N. Human Rights Council’s Fifth Session and First Year,” U.S. Department of State, June 19, 2007, at www.state.gov/r/pa/prs/ps/2007/jun/86802.htm.
5. For more information, see Brett D. Schaefer, “The United Nations Human Rights Council: A Disastrous First Year and Discouraging Signs for Reform.”

that budget (about \$439 million in 2006).⁶ The U.S. payment to the regular budget is taken by the U.N. and disbursed to fund its activities, including the Council. Thus, the U.S. cannot directly withhold money from the Council and can only withhold an amount equal to the U.S. portion of the Council's budget (22 percent of the HRC budget, or about \$3 million) from the U.N. regular budget. This withholding would have little direct effect on the Council's budget because the withholding would be spread across all U.N. activities funded through the regular budget.

Despite that the withholding will have little practical effect, Congress should be commended for its action. Congress's action sends a clear and powerful signal of U.S. displeasure with the Council. Congress's inability to directly reduce funding for a clearly malfunctioning U.N. body like the Council illustrates the need for the U.N. regular budget to be overhauled to shift funding for many U.N. bodies and activities away from the regular budget and toward voluntary contributions. The current process prevents accountability. Activities that fail to deliver results do not deserve long-term, inviolate funding streams. Assured funding through assessed contributions is one of the reasons why some U.N. mandates and activities continue past the point of relevance or after they no longer function as intended. The U.N. system should move toward increased voluntary funding to impose a stronger market incentive for programs to meet their goals and justify continued funding. In addition to withholding funding for inept or malfunctioning U.N.

bodies, Congress should consider taking additional action to encourage the U.N. to do this.

Conclusion. The Human Rights Council desperately needs improvement, and Congress and the Bush Administration should continue their efforts to fix the HRC's membership criteria, procedures, mechanisms, and institutions. Perhaps one day the Council will merit U.S. financial support and participation as a member. Given the Council's current state, however, the U.S. should refuse to lend it the credibility of U.S. membership or the symbolic support of U.S. contributions until it takes its responsibilities seriously by censuring major human rights abusers, exposing their reprehensible actions to public scrutiny, and eschewing its disproportionate focus on Israel.

The U.S. should not be satisfied with a flawed, biased, and ineffective Council. Members of the House and Senate who supported withholding funds to the Council should be commended for holding the Council accountable for its failure to advance and advocate human rights in a serious, unbiased fashion. Any final conference report on the 2008 Department of State, Foreign Operations, and Related Programs Appropriations Act should retain the language withholding funding for the Council.

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6. The U.N. budget is adopted every two years. However, the budget is adjusted annually, generally resulting in an increase. The 2006–2007 regular budget was set at \$3.83 billion in December 2005 but increased to \$4.174 billion in the revised budget. See “Programme Budget for the Biennium 2006–2007: Revised Budget Appropriations for the Biennium 2006–2007,” U.N. General Assembly Resolution A/RES/61/253 A-C, 61st Sess., March 14, 2007. The U.S. appropriated \$439 million for the regular budget in 2006, which was more than 22 percent of the original U.N. regular budget but less than 22 percent of the revised budget. See U.S. Department of State, “International Affairs Function 150, Fiscal Year 2008 Budget Request: Summary and Highlights,” p. 87, at www.state.gov/documents/organization/80151.pdf.