

## Foreign Affairs Committee

### Oral evidence: [The Foreign and Commonwealth Office's human rights work, HC 874](#)

Tuesday 6 March 2018

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Members present: Tom Tugendhat (Chair); Chris Bryant; Mike Gapes; Ian Murray; Priti Patel; Andrew Rosindell; Mr Bob Seely; Royston Smith.

Questions 1-33

Witness

I: Natalie Samarasinghe, Executive Director, the United Nations Association UK (UNA-UK)

## Examination of witness

Witness: Natalie Samarasinghe.

**Chair:** Welcome to this afternoon's session of the Foreign Affairs Committee. We very much welcome our witness, Natalie Samarasinghe. Before we start, Mr Gapes wants to make a declaration.

**Mike Gapes:** Yes, I need to declare that I am the chair of the all-party parliamentary group on the United Nations.

**Chair:** If there are no other interests to declare, we will go straight on.

Q1 **Priti Patel:** I am very keen to unpack your thoughts around the human rights violations that are currently facing the world. We see a world that is quite fragile, with a range of conflicts taking place, whether in Yemen, Syria or even South Sudan. What is your view on the current mechanisms within the United Nations and the frameworks for trying to address some of those conflicts? In particular, what is your view on the functionality of the mechanisms and on whether the current ways of working are achieving anything constructive in this space?

**Natalie Samarasinghe:** First of all, thank you very much for this invitation and for accommodating me. UNA-UK is the only charity in the UK that is wholly focused on building support for an effective UN. Human rights is one of our priorities and, as you say, it is an area of deepening concern, so I am really grateful to the Committee for its time.

On human rights, it is generally fair to say that the UN has done better on the promotion of rights and the development of normative standards. We have an international human rights system in which every single UN member state is signed up to a core human rights treaty and 80% are signed up to four or more, with every member state participating in its universal periodic review by the Human Rights Council. On the side of promotion, and to some extent on the side of prevention, a lot of the work that the UN does on human rights and development is important.

The problem, of course, is enforcement. We have come a long way since the early days of the Commission on Human Rights—the Human Rights Council's predecessor, which for many years had an explicit mandate not to look at any specific cases. States now expect their records to be scrutinised regularly, and I think we have changed the ways in which states think about sovereignty. Sovereignty is now very much cast as a responsibility, and an element of that is responsibility towards one's citizens, but the enforcement mechanisms of the UN remain few and far between. The UN can encourage, support and advise states, and sometimes push, criticise and embarrass them, but when a state does not want to play ball, there is a limited amount of action that the UN—by which I really mean its officials—can take, unless they have cover from intergovernmental mechanisms. That is where the Human Rights Council and the Security Council really come into play. As far as those two bodies



are concerned, I think we have seen over the lifespan of the Human Rights Council a welcome change, from its early days when it was still very much focused on the normative work, to a Council that has really taken advantage and created new tools to become more flexible and able to respond promptly to situations. We have seen the development of commissions of inquiry used effectively in relation to North Korea. I think it is fair to say that the Human Rights Council probably did more than the Security Council on Syria, in terms of establishing what was going on on the ground, making statements and resolutions and so on. There is also the use of fact-finding missions and the growth of special procedures. I think those have all been very positive elements. The universal periodic review that I mentioned has been a key mechanism for the UN to counter the politicisation and selectivity of cases as well, but there is still a gap, I think, that remains in terms of what the Human Rights Council can do. It, too, lacks enforcement powers.

Something we really want to see is an improvement in the relationship between the Human Rights Council and other parts of the UN human rights system and the Security Council, which remains the prime enforcement body. The Security Council has itself been more open to talking about human rights. If you look at 10 years ago, you'll see that maybe 20% of resolutions mentioned human rights. That has changed dramatically. It is now over 70%. The Council is much more open to being briefed by special rapporteurs, by the High Commissioner for Human Rights and so on, but there is still a huge gap. A big example of that is the North Korea commission of inquiry that I mentioned. The Human Rights Council initiated the inquiry and produced a report, but it was really difficult to even get it on the Security Council's agenda. It took members of the Security Council to say, "We really want to be seized of it".

**Q2 Priti Patel:** May I just interrupt and ask a question at this particular point? I come back to the fundamental premise. The world looks pretty broken right now, with the level of conflict, the violence that is taking place and the human rights abuses and violations. Is there too much process? You articulated pretty clearly the role of the Human Rights Council and some of the leadership they have taken on in comparison with the Security Council, in terms of trying to drive activity. Do you think, taking process out of this—the UN is a very big organisation driven by a lot of process—that key measures and reforms could be brought into play in a relatively straightforward way that could put the people who are at the heart of conflict back almost at the core remit of the Human Rights Council and the Security Council, within the UN mechanisms? They are the very people the UN is there to serve.

**Natalie Samarasinghe:** If there is an easy answer to that question, it really comes down to states. That is the nub of the matter. You need the political will. The UK has a key role to play as a permanent member of the Security Council and states are the ones that need to take the lead. The UN is process-driven in part because that is within its mandate and its constraints. It cannot, without the cover of political support from states, particularly powerful ones, make headway. So you have a situation in



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which, when there is a serious case of abuse or atrocities, UN officials are usually sounding the alarm—they often do so long before it is on anyone's political agenda. I think that the Secretary-General is doing a lot to reform the system. He is very focused on prevention. He is not the first Secretary-General to want to put prevention at the heart of the UN, but he has made some very sensible, practical proposals in terms of reorganising the structure and making the system more attuned to human rights resolutions, making sure that, on the ground, UN country teams are headed by people who have a political and human rights background and not just a development background, which has caused issues in the past. That will take a long time to implement. The proposals have been around. Look at what is happening in Myanmar now. They are still to come to fruition. But ultimately nothing will happen without political leadership.

- Q3 **Priti Patel:** I have two other questions. One is really brief. Do you think that the United Kingdom has been stepping up in this space within the UN framework? What is your assessment? We know the conflicts. They are all pretty much on our TV screens every day. Do you think there is enough political will from the United Kingdom?

**Natalie Samarasinghe:** I think sometimes, yes. I think the UK has shown a lot of leadership in terms of backing the responsibility to protect as a norm. I think it has been instrumental in opening up the Security Council to the types of briefings it needs from civilians, human rights experts and so on. It has done a lot on the process side that you were talking about and, often, it does provide leadership of countries. I would cite the examples of the great work the UK has done on Syria in the Human Rights Council and its efforts at the Security Council—it is very difficult in terms of making progress on that front. I would also cite South Sudan as a positive example of that.

On the less positive side, I would draw attention to Yemen, where I think it is fair to say the UK has not been forthcoming in supporting motions at the Human Rights Council to have an independent investigation into what is going on in Yemen. I also should say that the UK, as penholder on Yemen, has not been fulfilling its job. We have seen only one substantive resolution on Yemen in the past year and a handful of statements. I do think there is a mismatch there.

- Q4 **Priti Patel:** What are your views on the politicisation of the Human Rights Council? How do you think that can be addressed in terms of practical measures?

**Natalie Samarasinghe:** Something that has been on our agenda and many people's agenda for a while is the structural bias towards Israel. There is a standing item on Israel—I think it is agenda item 3—in the Human Rights Council. From the outset, that sets a negative tone and devalues efforts to look at the human rights issues in Israel and Palestine that should be raised. I think everything is seen in that context. That is one problem.



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As a whole, the Council has done better in terms of broadening its approach. It has now had special sessions on a much wider range of countries. It has used a much wider range of tools. Tools such as the universal periodic review reduce the politicisation because every member state is called before the Council regularly. We are moving in the right direction in that sense. It is an intergovernmental body, and it will always be the case that member states will shield their allies.

In general, the UK is for the most part a very positive player. It is very active on a range of resolutions and it is very active in sponsoring and co-sponsoring them. The UK, too, has not been immune to shielding its allies. Again, Saudi Arabia is one I would mention in that sense, along with Bahrain, where the UK blocked resolutions on that situation a few years ago. As a positive player on the Council, the UK is not immune to politics.

**Q5 Mike Gapes:** It is good to see you before the Committee. Can I ask you about the relationships between the different bodies and individuals looking at human rights within the UN system? Some time ago, the UNA-UK described it as a "fraught institutional relationship". How would you characterise the relationship today between the Human Rights Council and the Commissioner and the special rapporteur system?

**Natalie Samarasinghe:** On the intergovernmental side, we have seen an improvement over the lifespan of the Human Rights Council in how it operates. There are still gaps, which I have alluded to, between how the Human Rights Council, the Security Council and the General Assembly operate together. There is quite a lot of overlap between the General Assembly's Third Committee on human rights and the Human Rights Council. I think about 40% of the resolutions that these bodies pass have some form of duplication.

There are also issues in terms of the Human Rights Council, which has a smaller membership, sometimes being able to take more progressive action and the General Assembly's Third Committee trying to pull it back. We have seen that in relation to the appointment of a special rapporteur on discrimination against people on the basis of sexual orientation and gender identity. The Human Rights Council created that mandate and the General Assembly's Third Committee said, "Hang on a second. This has not been established by the whole of the UN as a valid, legal human rights category." There is a tension between those two bodies and a lack of co-ordination between the Human Rights Council and the Security Council.

With regards to the other bits of the system, they are somewhat separate from the intergovernmental processes, but they support them. We have seen a massive increase in the workload of the Office of the UN High Commissioner for Human Rights because the Human Rights Council has been more active. There has been a proliferation in the mandates of special procedures as well. That is a particular problem, because the budget of the Office of the High Commissioner for Human Rights has not increased. It still gets about 3% of the UN's budget. There is a tension there.



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There inevitably are some tensions between the High Commissioner for Human Rights and the office of the Secretary-General. The Secretary-General tends to be more of a mediator or diplomat working behind the scenes. The High Commissioner for Human Rights has a brief to speak out. I am not sure that that relationship always functions as well as it could.

There is also an issue with regard to the universal periodic review. It is a great mechanism, but it has now taken centre stage. That has had a detrimental effect on the priority that countries give to their reviews by treaty bodies—the bodies that monitor obligations under human rights conventions. That is really important, detailed work done by human rights experts. The other is a peer review. There is still too much overlap and duplication in the system, but lots of positive developments.

- Q6 **Mike Gapes:** How much of that tension is institutional, and how much is based on the particular personalities who occupy particular posts in particular periods? If you have a particularly weak Secretary-General, presumably you might find that other parts of the structure can be more assertive, whereas if you have a very strong Secretary-General, that may be different. Would you accept that?

**Natalie Samarasinghe:** I think so. We are in a unique position at the moment, in that we have a very strong Secretary-General and we also have, although he is stepping down in August, a very strong High Commissioner for Human Rights. There is inherent tension between those mandates and the approaches. The Secretary-General serves member states; the High Commissioner for Human Rights is there to protect human rights. There is an inherent tension in that. We need to look at getting a strong, fearless High Commissioner for Human Rights for the next appointment—again, I would urge the UK to look at that. That is really crucial at this time.

- Q7 **Mike Gapes:** You referred earlier to the change from the old Commission to the Human Rights Council. How do you assess prospects of further reform or improvement in the institutional structure? I have been around long enough to remember when those changes came in. There was a lot of expectation and then quite a lot of disappointment that nothing fundamentally changed, given the nature of the institutions and the rivalries. You have already referred to the way in which there is an imbalance in looking at Israel all the time when certain other countries do not get looked at at all. What would you say to that?

**Natalie Samarasinghe:** I think the Human Rights Council is generally considered to be doing a lot better and to have exceeded expectations on many fronts. It seemed like a bit of a cosmetic change, but the creation of new mechanisms—the universal periodic review, the flexibility to do fact-finding and the fact that it meets more often—have all had a very positive effect. In a positive way, we have seen a much more high-profile Council, a much more active Council and a Council that has performed a particularly important function at a time when the Security Council has not been able to make headway in a number of situations. Broadly speaking, we have moved in the right direction over that 10-year period.



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In terms of future reform, I think there is only so much reform that the system can take at any given time. At the moment, we have huge reform proposals on the agenda from the Secretary-General to do with the development system, the peace and security architecture of the UN and management reform. A lot of the proposed changes will have a positive impact on how the UN can deal particularly with the sharpest end of human rights crises and its work in countries. I would be very wary of calling for more reform, specifically looking at the Geneva mechanism, partly because there is very little bandwidth, and partly because we are at a point where there is such a backlash that I would be concerned that if we opened up mechanisms to reform—

**Q8 Mike Gapes:** Where is that backlash coming from?

**Natalie Samarasinghe:** It is coming from a number of countries. It is easy to point the finger at the African group, which has done a lot of the damaging work that I referred to in the Third Committee to try to hold back the creation of new mandates at the Council.

**Q9 Mike Gapes:** Is that to do with LGBT?

**Natalie Samarasinghe:** To do with LGBT, but they also blocked a resolution that looked at protecting people who have reprisals against them because they have engaged with the UN system—a very basic human rights defenders-type mechanism, but there was push-back there.

Obviously, it comes from the traditional alliance against women's rights, but there is pressure from new quarters as well. The High Commissioner has been remarkable in beginning his addresses to the Human Rights Council and looking at the trajectory of human rights not just in the developing world but in much of Europe and America. From all corners of the globe, we are seeing a devaluation of human rights.

It is a very difficult time, and I would not recommend any formal reform process. We need to focus on embedding good practice instead and looking at some practical steps that do not require big reforms to make progress, such as improving communications between bodies and looking at the trigger mechanism. When we know something bad is happening in a country, at the moment it takes a certain threshold of countries on the Human Rights Council to hold a special session. Why not have the High Commissioner for Human Rights or an independent expert be able to do that? I have been looking at those types of mechanisms, which will have more of a practical impact than the big package reform, which, as you said, can lead to disappointing results.

**Q10 Andrew Rosindell:** In terms of reform of the UN, do you have any view about the effectiveness of the human rights aspect of the Committee of 24 on decolonisation? It seems to me that that is an ineffective part of the UN, which is not dealing with serious issues of human rights that need addressing, while at the same time focusing on areas that don't need addressing, because decolonisation has already taken place.



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**Natalie Samarasinghe:** I am not an expert on that committee, so I think I will restrict my remarks to saying that it is the sort of committee and the sort of issue that still has quite a lot of popularity and traction among the broader UN membership. I think trying to change or get rid of a mechanism will not be worth the political cost and the time for the gains that you might get. As I said, there is only ever so much bandwidth for reform, and I do think that the UN's member states tend to like creating new mechanisms rather than getting rid of older ones. That is why you still have the trusteeship council and the special committee that you referred to. That is all I would say on that.

- Q11 **Andrew Rosindell:** But where you have a part of the world where peoples have had their democracy removed from them, or their human rights have been diminished in some way, surely the Committee of 24 should be there to deal with that issue? If the bureaucracy and the process of referring an issue to the Committee of 24 is so difficult, surely it is not achieving the objective it was set up to achieve. I would give the example of Norfolk Island, where democracy has been abolished. Surely the Committee of 24, if the UN is going to be effective, should be there dealing with that issue and upholding the democratic rights of the people in that particular territory.

**Natalie Samarasinghe:** Again, I am afraid I am not an expert on that particular issue. I think there are other mechanisms in the UN. If there are serious violations, such as the removal of democratic rights, that is an entirely acceptable situation to bring to the Human Rights Council itself. That is a situation that would fall entirely within the remit of several special rapporteurs. It is something that the High Commissioner for Human Rights could talk about. So there are other mechanisms where those issues should and could be considered.

- Q12 **Mr Seely:** Hello—I'm sorry I was a bit late. Can I talk to you about human rights and journalists and the media? It seems to me that we are in a pretty desperate situation regarding journalism and human rights. Lots of journalists have died in Syria. They seem to be the enemy, certainly of the regime, and sometimes of all the other factions, including even the so-called moderates. In Iran, we have BBC journalists being persecuted by the regime. Is there anything that you can say about this that can shed light on how the UN is dealing with the problem or if it is dealing with the problem? Does it seem to be a human rights issue?

**Natalie Samarasinghe:** I think it is. It is one that is very close to my heart. My uncle was murdered in Sri Lanka—he was the editor of a newspaper, so it is something that I am very personally engaged with as well.

Again, on the plus side, the UN has a special rapporteur in place and conventions in place. It has International Press Freedom Day. It has all the tools to raise awareness to consider specific situations and to look at patterns of abuse in particular countries, but the limitations of the system come in terms of what you do beyond that. The UN's work is really important in establishing patterns of violation, in monitoring particular



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situations and in providing casework evidence and so on, in raising the alarm and raising profile, but if action needs to be taken, that has to have a lead from member states. The Human Rights Council can adopt resolutions and so on, but for something to really change on the ground, what needs to happen is member states need to be empowered by those resolutions to raise those issues when they engage bilaterally with those countries.

**Q13 Mr Seely:** Who do you think the worst offender is when it comes to human rights abuses of journalists at the moment?

**Natalie Samarasinghe:** That's a tough call. You mentioned Iran, and that is certainly one of them, but there are lots and lots of murders in places like Mexico. We have had some I think in Hungary and so on. It is a global problem. I wouldn't say it is confined to one region.

**Q14 Ian Murray:** May I turn to the UN Security Council? It would appear from the outside that the P5 are dominated by geopolitical self-interest in the way they operate. Is the Security Council effective enough on human rights issues?

**Natalie Samarasinghe:** The short answer is probably no. There has been a change in the Security Council's willingness to consider issues of human rights, to be briefed by human rights experts and to use human rights language in resolutions, but, as you said, it is still very much dominated by a lot of protection of the idea of sovereignty and not meddling in other states' domestic matters. Russia and China have been the most notable and obvious offenders in that regard, but I think that it is something all the permanent members have been guilty of on occasion.

In terms of it becoming more effective—and I have made this point a few times—the extent to which other bodies can interact with the Council becomes really important. The UK can do a lot of work, as it already has been doing, to open up the Council and to make sure there are more informal meetings where the Council can hear directly from people who have suffered human rights violations and people working on the ground. The UK is very good at doing that. Ultimately, it will come down to the political will of countries and countries being willing to take risks.

The UK is very good at doing a lot of the softer stuff on the Council, and that is important, but when you have these briefings and meetings, not all the Security Council members attend them and there is no formal outcome. What the UK could do that would be really brave is be willing to stick its neck out from the P5 consensus. It has done so several times on Syria, for example, but often the natural reaction of all the P5 is to caucus within themselves and to protect their own privilege. It would be wonderful to see the UK show more leadership and be willing to break ranks, for example by supporting the non-permanent members.

I know that the UK already reaches out a lot to the non-permanent members. We saw recently on the Syria resolution that was passed a few days ago how powerful it can be when all 10 non-permanent members come together and want to push an agenda forward. That seems such an



obvious thing to happen, but it hardly ever does. It takes non-permanent members with the capacity of Sweden and Kuwait to do that. The UK could do a lot to support that capacity and then really engage and be willing to go to a vote on things, even if it is not voting with the US, France or whoever.

- Q15 Ian Murray:** Would it be a fair characterisation to say that the UK does a lot, but could do an awful lot more, on the Security Council side?

**Natalie Samarasinghe:** Yes. I think the UK is often very active behind the scenes. I think it is very active on particular issues. I do think that there have been lapses—I mentioned Yemen, which is one of the most prominent ones. I think the UK could do a lot more to build engagement not just with the elected members but with the wider UN membership. There are huge tensions, and there always been have, between the P5 and the rest. I think those tensions are exacerbating.

Some of the developments that have been characterised as diplomatic setbacks for the UK, such as the ICJ election and the Chagos Islands vote, are actually also part of the bigger picture of P5 versus the rest. That is going to become more and more of a problem. If the Security Council is not seen as effective, it will be bypassed more and more. That will be to the detriment of the UK, because the UK's influence, particularly post-Brexit, will be very much wrapped up with its position on the Council within the UN. It is also bad for the UN as a whole if its prime body for the maintenance of peace and security is seen as ineffective over time. Other bodies can step into the breach—the Human Rights Council has done that—but they have limitations too.

For the functioning of the UN system—the rules-based international order as a whole—and for the UK's influence and position within it, it is really important that the UK prioritises ways to make the Security Council more effective. Again, I am not talking about big reform, because that is just not going to happen. I do not know anyone who thinks that there will be an expansion of the membership anytime soon. It is what the Security Council is doing, and those seemingly small changes to its working methods, that could actually have a big impact.

- Q16 Ian Murray:** Do you think the UK mission at the UN is resourced sufficiently to be able to deliver these kinds of priorities?

**Natalie Samarasinghe:** I think that the UK has been very fortunate in having very talented individuals at the mission. Matthew Rycroft, who has just stepped down, and Karen Pierce, who is going out there, are two good examples of that. I think that there is a sense that there could be more resourcing, possibly in terms of support from the FCO in London, but also the link-up between Geneva and New York. Whenever I meet colleagues at the UK mission, the size of their brief is incredible. The number of things that they have to cover, not just on the Security Council—they do ECOSOC and the GA, etc. The more resources the better. I do not think you will ever get the answer that there should not be more resources from UNA-UK.



- Q17 **Mr Seely:** I am very sympathetic to your argument, but is the problem not that if we resort to nice liberal platitudes, that makes us look increasingly sanctimonious and toothless? I do not mean that in a negative way—I know that sounds awful. We live in a world marked by a very aggressive realpolitik and a very aggressive form of realism in foreign policy. We live in an increasingly combative world, especially with the Chinese and the Russians.

On one hand, we should be siding with non-permanent members and we should be defending human rights more, but is there not a danger that we will just end up mouthing platitudes and making ourselves almost look weak, because we cannot actually project enough power to enforce those higher standards that we want to see?

**Natalie Samarasinghe:** That is a really interesting question. It goes back to what are the levers of the UK's power. I think that soft power is really important. The extent to which the UK is seen as a progressive, trusted and helpful partner to a broad range of member states is important, too. At the moment, the UNA is doing a lot of work on how the UK defines its role on the world stage. There has been a tendency to define itself either in relation to the past, in some version of punching above our weight or in the relation to the US or the EU, etc.

With all the changes internally and externally, there is a real case to be made for a vision to be based on principles, in terms of what the UK is doing. We have seen that a number of small states—Sweden, Canada, Netherlands and Liechtenstein—have an outsized influence at the UN, based on what they do. The most important lever at the moment that I see for the UK, funnily enough, is not even at Security Council position but the amount of money that it spends on aid. That is the big factor that so many member states will mention to us about what gives the UK power. There is a very realpolitik and pragmatic reason for the UK to be seen as a progressive player.

Whether or not it is right, questions are being asked about the UK's future influence in the world. There is a perception—perceptions can be self-fulfilling—and talk of waning influence. The UK needs to step up and show that it is still active—in the interests of the broader community, too. You talk about Russia flexing its muscles; it is seen as a state that is flexing its muscles to prevent its decline. It is the challenge of the UK to say that it is a state on the way up. Confident states are able to project principles, as well.

- Q18 **Mr Seely:** So we need an alliance of values and, as a P5 power, we need to be a champion of those values above all.

**Natalie Samarasinghe:** Absolutely. I was reading the evidence of Lord Hannay to the Committee recently; it is quite right that you can be a member of the Security Council that does not matter—that is the case with the Republic of China. It is what the UK does ultimately that will give it that action, so that it is not seen as a sort of state that is clinging on to its position because of its history, but rather as a state that is actively earning that position and deserves to be there.



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- Q19 Chair:** Can I draw you back to more grassroots incidents? We have heard a lot recently about sexual harassment by charities and peacekeepers. We have also seen the voluntary compact that some have signed—frankly, not that many. What is your response to the reports about sexual harassment and abuse by peacekeepers and operational staff?

**Natalie Samarasinghe:** It is an issue where, in the past, the UN has been very reactive. I think it is moving from being reactive to being proactive. The Secretary-General is very seized of this issue. I commend him for saying that this is not just a problem in peacekeeping missions, but in humanitarian development sectors, too. The UN is doing better through resolution 2272, through having some tools in place to repatriate troops and through making this much more of a clear priority for missions and staff members. In the DRC at the moment, we have information plastered all over the mission about how you report abuses. The appointment of a victims rights advocate is very important.

A lot of positive stuff is happening, but the proof will be in how incidents are handled. We need to see more repatriation of troops and more moves for criminal accountability when acts are found to be criminal. There needs to be another resolution at the Security Council and a step-up in terms of member states' willingness to prosecute their own troops. That is the ultimate deterrent.

- Q20 Chair:** What can the UK and other member states like us do? Very often, some countries are more culturally attuned than others. What can countries like the United Kingdom do to help?

**Natalie Samarasinghe:** The UK is doing a lot of great work. Most of the gender advisers on peacekeeping missions are Brits. The UK has been very supportive of the Secretary-General's agenda and of resolution 2272. There is some willingness for the UK now to push for a follow-up resolution to that, and I think that would be very important. The UK already does a lot on the training of troops, and that work needs to continue. More UK troop contributions would be a positive sign. We have seen some contributions in recent years. The more troops who are well trained and aware of these issues, the better it will be. Being an active participant as well as a major funder of peacekeeping also gives the UK more clout to call for reforms.

- Q21 Chair:** The UK has also been a major reporter on human rights around the world. The FCO's Human Rights Report is one of the seminal documents annually. The 2016 report no longer included detailed objectives for its UN work.

**Natalie Samarasinghe:** We were disappointed to go from a list of specific issues that the UK would have sustained engagement on to three very broad priorities. The protection and promotion of human rights could be anything. I get a sense now, looking at what the UK is doing at the Human Rights Council, that that has improved. There are certain issues, such as modern slavery, LGBT, violence against women, freedom of religion and belief, and the death penalty, on which the UK is consistently active. That is quite positive.

Overall, the report is an interesting read. The sections about what the UK is doing at the Human Rights Council are accurate, but you need to take them as read. You see the UK's work being described as leadership on some occasions, but on others it simply made a statement or supported what others have done. On Yemen, it simply says, "A resolution was adopted," and you can read into that what you will. It is an important and accurate tool in that sense.

**Q22 Royston Smith:** Can I bring you back to the UK's membership of the Human Rights Council? What would you say have been the UK's successes during its membership?

**Natalie Samarasinghe:** Compared with other states, it is incredibly active. It participates in all universal periodic reviews, it takes part in about half of the panel discussions and it drafts a lot of resolutions, so on the process side it is very active. In terms of specific successes, I would point to the special rapporteur on modern forms of slavery, the special rapporteur on Iran, and the work the Council did at the early stages on South Sudan and Syria.

Sri Lanka is an interesting one. I think the UK did fantastic work in 2013-14 on getting the issue on the agenda in a substantive way and in paving the way for the major accountability process that is now under way, which is routinely touted as a success by officials. I feel that there has been a more lax approach to that now. This will be a big success only if there is accountability in the round. The UK and the FCO are focused on outcomes, but in this situation we have had the process, we have had the resolution, but there aren't any outcomes. Communal violence and anti-Muslim writing are taking place right now in Sri Lanka. Again, there is the question of when success stops. Is it the resolution or is it the implementation? I would like to see some more sustained UK engagement on that side.

On the flipside, I have already mentioned that the UK has blocked a couple of situations. We were most disappointed with some of the instances when the UK blocked progress on thematic issues. There was a quite straightforward resolution on counter-terrorism and human rights in relation to drones, and the UK said, "This is not really a matter for the Human Rights Council to discuss," so it tried to stop the discussion on procedural grounds. That is the sort of thing states do when they are trying to limit the Council's remit. That is not the sort of thing you would like to see the UK doing. That is the sort of things you see human rights abusers doing. We have been disappointed, in that sense.

It is probably also worth mentioning the UK's own engagement with human rights mechanisms. It is broadly positive in how it does so, but there are some instances that are worrying. It has rejected many, many more of its universal periodic review recommendations than most states. It supports just 42% of the recommendations received. The average for western states is about 67%, and that is a downward trend, so that is a bit concerning.

More to the point, the poor responses to criticism that have come from special rapporteurs are worth mentioning. There have been criticisms and personal attacks on special rapporteurs on housing and violence against women, and on the Committee on the Rights of Persons with Disabilities. I think there was, quite frankly, racist abuse directed against the High Commissioner for Human Rights when he warned about plans to change HR protections in the UK. So, there are some worrying situations that I would like to draw to the Committee's attention.

**Q23 Royston Smith:** Who would be responsible for those attacks?

**Natalie Samarasinghe:** They came from politicians—in one case from a Government Minister—and of course the press as well. We have published a report that details each of these instances. Again, I do not want to overstate it. No state likes being criticised, but the way to deal with it is to rebut the criticism, as opposed to making personal attacks on the messenger. It has had a very bad knock-on effect in normalising that kind of behaviour, and lowering the currency of the UK when it calls on other states to comply. That is an important point. There is an upcoming visit by the special rapporteur on racism in April/May. I am sure that there will be some criticisms directed against the UK. It would be lovely to see very positive engagement with that criticism.

**Q24 Royston Smith:** There is another year or so of the UK's membership of the Human Rights Council. What would you want to see the UK do in that final year before it has to step down?

**Natalie Samarasinghe:** From my previous comments, I think some more action on Yemen would be good. Following through on the issues that it has championed—making headway on the protection of human rights defenders, following up on the special rapporteur on Iran, on the LGBT process—processes that are still delicate, that are being challenged. There is more to do with violence against women and modern slavery. Those are key issues where the UK has already demonstrated some work. They should be continued. Sri Lanka is the other example where it really needs to solidify and cement its successes.

On the process side, the UK has held some really positive sessions on—reform is not the right word, but embedding good practice in the Human Rights Council. It should really do a lot more on that front. One interesting idea put forward is that of not just naming and shaming, but naming and praising—making it a feature of the universal periodic review to demonstrate progress, as an incentive to states.

I think it would be excellent for the UK to also initiate a discussion—not stomp up the cash itself, necessarily, although it would be nice—on the funding for the office of the High Commissioner for Human Rights, which is critically under-resourced, calling for a strong High Commissioner for Human Rights, and also financial and political support for the special procedures. There are always moves from states who want to have member state oversight of these independent experts, to influence how they are elected and to give them even fewer resources than they already

have. They are already not remunerated by the UN, so it would be excellent to see the UK do what it can to strengthen their hand.

- Q25 Priti Patel:** If I may bring the discussion back to representatives, rapporteurs, and some of the experts that are in quite important positions, what is your view? How important do you think it is to have British experts in some of the UN positions, and in particular, do you think from a UK Government perspective—the Foreign Office and our UN mission—that we place enough importance and emphasis on getting British experts into these posts?

**Natalie Samarasinghe:** It is important to say that UNA-UK's view is that it should always be the best person for the job, and that there should always be a process. We strongly believe in the principle of the international civil service: the individuals serve the UN, not their countries, and so on. For the most part, I think all the high-level Brits in the UN system would agree with that, and be appalled that anyone would say otherwise, but if I were a representative of the UK Government I would say that these appointments are important, because they are seen as an indicator of influence.

I think that UNA-UK would say that there are some excellent candidates in the UK who would really make a big difference if appointed to either a senior UN position or a special rapporteur position. There is no shortage of talent, and it would be wonderful to see more support in gathering candidates, and encouraging people in the UK to apply. UNA-UK did a big report about this, and we found that within the UN system, in terms of UN staff the UK is generally quite well represented in senior terms, but it does not always support the pipeline. There is a sense that other countries do more in terms of lobbying. It really is the case that you need Ministers to go over there and people to mention appointments in bilateral meetings; that is just the way it is.

I think there is also a lack of support at the mid level. Looking at the pipeline, quite a big cohort of UN senior staff are going to retire in the next five to 10 years, which will be really bad in terms of continuity, knowledge and so on. Where are the people at mid level? Are there enough Brits at mid level who should be looking at those jobs? We get calls all the time from people who are interested but just do not know how to access them or what support there is. There are other countries—the Swiss are particularly good at this—who seem to take a cradle-to-grave approach: if anyone at any age wants to be involved or run for a UN position, they provide support.

- Q26 Priti Patel:** This is important: you have very clearly made the point that it is about the best person, but you have also mentioned lobbying. I have seen myself, from my time in government, the aggressive lobbying from member states to get their people in, sometimes irrespective of whether they are the best person. Do you think too much political interplay comes in, which can sometimes stop the real experts with the best qualities and the strongest CVs from getting some of these posts?



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**Natalie Samarasinghe:** Absolutely. As I said, we are not the UK Government; we are in favour of it always being the best possible person. We did a lot of very positive work with the UK Government on reforming the selection process for the Secretary-General, and we continue to monitor the process for senior appointments, but we are also pragmatic: we are not going to remove politics. I would rather have a good pool of candidates than not, which in my view would include many Brits.

I think we need to look at what is possible within the system. Let me give an example from the UK. The UK was pushing a candidate who was not ideal for the role of emergency relief co-ordinator, without presenting any candidates. There was a lot of pressure for the UK to find a good candidate, which it did, and there are plenty of them: Mark Lowcock, who is out there doing the job now, is one. It would also be really good to look beyond Ministers and diplomats to civil society, where there are some strong candidates.

There is lobbying; we are not going to get away from that. It is an interesting question how much the UK wants to lobby for its own candidates or for good candidates. One really interesting thing is that there were 15 British candidates in 2017 for special rapporteur positions, and none of them succeeded. It is interesting that the UK only has one special rapporteur. Given the wonderful experts we have had in these positions in the past, I find that surprising. Does that reflect the UK's saying, "There were better candidates," or does it reflect a deprioritisation? I am not in a position to answer that, but I think it is an interesting question to put to people in government.

**Q27 Priti Patel:** My next question is: what kind of support should the British Government be giving to candidates, whether for the Human Rights Council or for any other UN position? You have just said that there was a pool of British candidates a couple of years ago and none of them got through.

**Natalie Samarasinghe:** I think it needs to start at the junior level. A diplomatic academy is a good start, but I think it needs to do more to encourage young people to experience the UN. I think it is very positive that DFID reinstated the junior professional officers programme. More could be done in that regard—organising events, providing information to mid-level career professionals and trying to build up a database of people who might be interested or might be good candidates.

There is a lot of talent in the UK, so there should always be a good British candidate. If there is, how hard should the UK lobby? Well, I would say that the UK Government should lobby as hard as others. It should not be doing anything untoward or making promises, but if it has a candidate it should support them in the way other states support theirs. That means giving it priority, because if you do not do that, the candidate is seen as not really having the support even of their own Government.

**Chair:** Mike, you have about six minutes until 3 o'clock. I am conscious of your time, Ms Samarasinghe; you have been very generous.



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- Q28 Mike Gapes:** In an answer to Priti Patel, you touched on what I was going to ask about, so may I ask something else? You have given examples of what we have been doing on human rights, and you talked about areas that we could do differently or better. How does our effectiveness in the different UN forums compare with comparable countries—either Security Council members or countries with similar values, like Germany, Canada or Australia?

**Natalie Samarasinghe:** In general, I think the UK is still seen as effective when it gets behind something. The UK is still considered to be a very good drafter, very good at—

- Q29 Mike Gapes:** Is that because English is the language and therefore they come to us because they want an English-speaking country to draft?

**Natalie Samarasinghe:** I think it is more than that. It is also just about knowing when to build in ambiguity in language and knowing what might go through. It is a question of experience, of talented diplomats and so on, and the UK is involved across the board in so many UN areas that it has the experience that another country might not have.

- Q30 Mike Gapes:** It is very interesting that you said, “When to build in ambiguity in language.” In an international organisation where you have translation, there is often great difficulty. You might get two or three languages that think it is the same thing but there might not be a word in another language.

**Natalie Samarasinghe:** That can sometimes be helpful in getting things through. The difficulties come later.

- Q31 Mike Gapes:** I have been in that situation myself, so I understand. I once had to persuade someone that something meant something completely different from what they thought it meant, just to get agreement. Do we have people who are particularly skilled at that?

**Natalie Samarasinghe:** I think so, and I think that remains the case. In terms of how the UK compares, if you look at quantitative measures in the Human Rights Council—the number of resolutions supported and co-sponsored, attendance, participation in others’ reviews and all that—the UK is doing as well, if not better, than comparable states. The same goes to some extent for the Security Council. I do think there is a perception, which in part is accurate and in part is just a self-reinforcing perception, that there is now somewhat less activity and possibly somewhat less—I wouldn’t say leadership—initiative.

- Q32 Mike Gapes:** This is my final question. When I have spoken to our diplomats in the Security Council context, they have always said that we work extremely closely with France and that there is almost no difference between us. I think they quoted Western Sahara but said that on every other issue we had a common view. Do you think there is likely to be a divergence now, given the European Union situation?

**Natalie Samarasinghe:** I think—again, this is partly accurate and partly a perception—the UK is already a little bit less active and less inclined to



take the leadership. It has been silent on issues where we would in the past have expected the UK to do more. Vis-à-vis the relationship with France, I am assured by colleagues in New York that they are doing a lot to continue to reach out to France and other EU partners, but there is a perception, and I have heard from others that this is already no longer the case. One of the interesting things about the Chagos vote at the General Assembly, which, given the numbers in the General Assembly, was always going to be a struggle for the UK, is the fact that EU allies did not vote with the UK.

Informally—these are just perceptions and anecdotes—I have been told by states in the Africa group and states in the Asia group that they are now probably less inclined to caucus with the UK. Simply in practical terms, if you are looking at whether you want to influence a bloc or you want to influence a country, you are always going to influence the bloc, especially if the bloc has a representative on the Security Council. I have to say that the US comes into that as well. If you are looking at the UK's relationship with the US as a really positive element of its power, with the current US Administration that is a less useful lever at the moment.

**Q33 Chair:** Ms Samarasinghe, it is two minutes to 3, so I am going to ask one last question, if I may. Has the FCO continued to hold briefing events for NGOs and NHRIs prior to the Human Rights Council? A yes or a no would be fine.

**Natalie Samarasinghe:** Yes.

**Chair:** Excellent. Thank you very much for your time. We have got you out two minutes early, so there you go. Thank you very much for your generosity.