



House of Commons
Foreign Affairs Committee

**In the room: the UK's
role in multilateral
diplomacy**

First Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

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The Foreign Affairs Committee

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Summary

Multilateral organisations represent the collective resolve of nations to establish a system based on shared values of peace, prosperity and freedom, where ideological difference can be navigated for mutual benefit. Replacing an international system of colonial enterprise and shifting blocs of military alliances, the UK helped to build a new order and forums for international dialogue. This system, and the organisations that serve it, has brought huge benefits to the people of the UK and to humanity at large. It is now in jeopardy.

Disengagement over contentious issues reduces the effectiveness of multilateral organisations, but far more serious are attempts to bend the purpose of, or even break the organisations themselves. We have seen attempts by countries such as China to seize control of strategically important organisations and fundamentally redefine the once universally agreed principles on which they are based. This allows multilateral organisations to be weaponised against the founding principles upon which they were built. Even more serious are attempts by states to disrupt the work of multilateral organisations in order to maintain their power bases at home and abroad.

Although the UK Government has at times successfully countered malign interference in multilateral organisations we believe that it has failed to adequately respond to the creeping capture of organisations by China. With the United States re-engaging in the multilateral sphere, this is an important time for the UK and its allies to reassert their commitment to multilateral organisations through actions as well as words.

The UK is well placed to mobilise like-minded states to respond to these challenges. It has a world class diplomatic network, significant soft power, and is a major financial contributor to multilateral organisations.

In order to break the cycle of decline in multilateral organisations, we have identified three areas in which the UK Government should act:

- (1) The Government should, wherever possible, seek to use multilateral organisations to pursue its foreign policy objectives. Engagement with these bodies moderates the influence of those who would manipulate and undermine them. We recommend that this engagement should include publicly calling out states who are abusing or undermining the system, publicly voting against attempts by such states to secure key leadership positions for their nationals.
- (2) Better coordination is needed to proactively identify and respond to countries that undermine these organisations. We recommend that the Foreign, Commonwealth and Development Office (FCDO) leads within government on a tactical element of multilateral strategy, tracking the activities of authoritarian states within both higher and lower profile multilateral organisations, reporting on any moves to exert influence, and adjusting interventions accordingly. On an international level, we believe there is more the FCDO can do to enhance coordination across its diplomatic network, particularly between Geneva and New York, to address this undermining behaviour.

- (3) The influence of state actors with alternative understandings of individual rights is increasing and coordination amongst them is more effective and pronounced. To counter such influence, we recommend that the FCDO mobilises its soft power and convening resources to work with broad groups of like-minded states within multilateral organisations. The UK's departure from the European Union provides increased incentives and opportunity for investment in such relationships.

1 Introduction

Background to the inquiry

1. Cooperation has served us well. Since the Second World War we have structured our global partnerships through agreements, organisations and norms forming what academics call the Rules-based international system. It is a web of values, rules and norms underpinned by the principle of inalienable individual human rights. Together they have provided the core framework for international relations and supported global cooperation. A network of multilateral organisations has helped to embed this framework in international law making the world a more stable place. As the UK redefined its place in the international order in the wake of the war, it became a driving force in founding these organisations and has since invested heavily in supporting them in terms of policy, finances and people. This investment has paid off for the British population, through economic growth, the absence of a third global conflict, and respect of individual rights. The interests of the British people are inseparably linked to those of people around the world, and multilateral organisations facilitate cooperation to advance our shared interests.¹

2. Our previous inquiries, and those of predecessor committees, have established that autocracies see multilateral organisations as a strategic sphere of influence² and are prepared to use multiple and varied means to ensure they serve their foreign policy objectives.³ Moreover, autocracies seek to identify inconsistencies in the approaches of liberal democracies to international issues and exploit these to their advantage.⁴ In our report on the Integrated Review we observed that these organisations face the danger of a toxic cycle of decline, becoming increasingly outdated, discredited, irrelevant or subverted to serve the agendas of individual member states. We recommended that “the UK convene and catalyse negotiations to reform multilateral organisations: seeking to maintain their relevance and their benefit for all rather than a few.”⁵ We also recommended that the Integrated Review should provide “greater coherence and alignment among UK levers of influence, and therefore greater impact abroad”.⁶ While the final Integrated Review shared our view that the UK should lead in the reform and strengthening of multilateral organisations,⁷ and on the importance of cross departmental working in this effort,⁸ it lacked analysis of the role of malign influence in undermining these organisations. The Review referred to the importance of working together with like-minded states but did not set out specific options for applying within multilaterals in areas such as the election of key officials. This built on the work of our predecessor Committee which investigated China and the Rules-based international system (RBIS), including China’s approach to multilaterals. It found that China saw engagement with multilateral organisations as an important part of projecting its influence and values, and that it was prepared to use

1 Oral evidence taken on 19 May 2020, HC 380, [Q6](#) [Samantha Power]

2 Oral evidence taken on 23 October 2018, HC 612, [Q25](#) [Nigel Inkster]

3 Foreign Affairs Committee, Fourth Report of Session 2019–21, A brave new Britain? The future of the UK’s international policy, [HC 380](#) Para 6

4 Oral evidence taken on 21 July 2018, HC 380, [Q98](#) [Juan Manuel Santos]; Oral evidence taken on 9 June 2020, HC 380, [Q53](#) [Marietje Schaake], Foreign Policy Centre [IR0019 p1](#)

5 Para 19 [HC 380](#)

6 Para 12 v [HC 380](#)

7 In para 24 ([p16](#)) the Government commits to reform in the WHO and WTO, paragraph 4 ([p44](#)) commits to strengthening them

8 See [p19](#)

multiple tools to achieve this.⁹

Our inquiry

3. Our focus in this inquiry has been to look at the ways in which the governance and work of multilateral organisations are being undermined. We chose six organisations, within and without UN structures, that address a wide range of issues and face a wide set of distinct threats.¹⁰ We also consider the influence of the UK Government and how the FCDO might use this to strengthen organisations against undermining behaviour.

4. We received 28 submissions of written evidence for this inquiry. We held an initial evidence session with a high-ranking diplomat, former minister and prominent human rights lawyer.¹¹ We held a further six oral evidence sessions relating to the six organisations we looked at in depth, and the funding for multilateral organisations (details can be found in the respective annexes). We concluded the inquiry by hearing evidence from Lord Ahmad of Wimbledon, Prime Minister's Special Representative on Preventing Sexual Violence in Conflict and Minister of State for the Commonwealth and the United Nations.¹² We are most grateful to all our witnesses, and to all those who submitted written evidence, for their contributions to this inquiry.

5. This report begins by considering the ways that some states exert influence over multilaterals, seeking to re-shape them to prioritise state sovereignty over individual rights, or to undermine the effectiveness of the organisations themselves. It goes on to consider how the UK Government, and the FCDO in particular, interacts with multilateral organisations and where it exerts influence. Then, it considers opportunities for the UK to work both independently and together with coalitions of like-minded states to strengthen multilateral organisations against abuse and corrosive influence. Finally, it draws conclusions on the areas of vulnerability of the six organisations and makes specific recommendations for strengthening them against malign activity. **Detailed analysis of evidence that underpins our conclusions and recommendations is included in the annexes to this report, as well as analysis of evidence regarding multilateral funding and the UN external audit system.**

9 Foreign Affairs Committee, Sixteenth Report of Session 2017–19, China and the Rules-Based International System, [HC 612](#)

10 These were the Organisation for Security and Cooperation in Europe, the UN Office for the High Commission for Human Rights and the UN Human Rights Council, the International Criminal Police Organisation, the World Health Organisation, the World Trade Organisation, and the International Criminal Court

11 HE Sylvie Bermann, former French Ambassador to the UK and director of multilateral organisations for the French Ministry of Foreign Affairs; Ben Emmerson QC, international lawyer and Judge of the Appeal Chambers of the International Criminal Tribunals for Rwanda and the Former Yugoslavia; and Rt Hon Alistair Burt, former Minister of State for the Middle East at the Foreign and Commonwealth Office. We held an additional session with the former Australian Prime Minister Tony Abbott AC, and now an advisor to the UK Government's board of trade.

12 At this session the Minister was accompanied the following officials: Mr (James) Kariuki, Multilateral Policy Director (outgoing); Mr (Neil) Briscoe, Head of UN and Multilateral Department; Ms (Beth) Arthy, Head of Global Funds Department; Mr (Chris) Jones, Home Office Director for International Co-operation on Criminal Matters; Mr (Julian) Braithwaite, Ambassador and Permanent Representative to the UN and other International Organisations, Geneva; HE (Neil) Bush, Head of the OSCE delegation

2 State based threats facing multilateral organisations

The Nature and extent of undermining activities

6. Activities of states within multilateral organisations can sit in a spectrum from legitimate influencing to unacceptable interference, including overtly interfering behaviour and exploitation of the rules.

7. We wanted to establish the nature and seriousness of the threat facing multilateral organisations by states sometimes unprepared to relinquish a small amount of sovereignty for the sake of the collective to allow organisations to work as intended. Witnesses agreed that the accepted framework for international cooperation set by the Rules-based international system (RBIS) is under threat as never before by those who would manipulate or redefine it to an understanding that will primarily benefit them at the expense of long-established shared values.¹³ Failure to check the corrosive influence of these states on the international system will serve to legitimise the behaviour of these states domestically and internationally.¹⁴

8. The nature of the threat varies. We heard of attempts to undermine the international system through a combination of influence, interference and sabotage. Whereas the Russian Government works to undermine multilateral organisations, the Chinese Government seeks to control and redefine them.¹⁵ Julian Braithwaite, ambassador and permanent representative to the UK mission in Geneva, described China as “much more of a serious threat” (than Russia) due to its approach of actively engaging with multilaterals and gaining international support.¹⁶

Obstruction in multilateral organisations

9. Many multilateral organisations operate under consensus-based decision making, where opposition from one member-state can frustrate decisive action. Their processes for agreeing budgets and the election of officials are particularly vulnerable to obstruction and disruptive influence. This has been obvious at the Organisation for Security and Cooperation in Europe (OSCE) and World Trade Organisation (WTO) where states have used the consensus rules against the organisation by blocking the majority opinion.¹⁷¹⁸

10. The actions of the Russian Government often fall into the category of obstruction as they try to avoid being constrained by multilateral organisations.¹⁹ Their approach has been described as one that prioritises defence and security issues, as well as protecting its

13 [Q25](#) [Ben Emmerson]. We heard that the agendas of authoritarian states see human rights through the lens of state sovereignty rather than being inalienable rights of the individual. (See for example [Q2](#) [Samantha Power]; Professor Eva Pils ([CIR0029](#)) para 1 and 2, Human Rights Watch ([MUO0020](#)) p1, Summary [HC 612](#), [Q125](#) [Fred Carver]

14 Human Rights Watch ([MUO0020](#)) p1

15 [Q22](#) [HE Sylvie Bermann]; [Q25](#) [Nigel Inkster]; [Q296](#) [Julian Braithwaite]

16 [Q296](#) [Julian Braithwaite]

17 Rt Hon Dr Liam Fox MP told us that: “...at a conceptual level, the term ‘consensus’, which most people would take to mean majority opinion, has come to mean unanimity...” [Q255](#)

18 Tajikistan, Turkey and Azerbaijan in the case of the OSCE (see Annex 1) and the US in the case of the WTO (see Annex 5)

19 See Annex 1

interests in its perceived sphere of influence.²⁰ Witnesses supported the view that control over the former Soviet sphere is a key foreign policy goal for the Russian Government and many of these former Soviet states have been disruptive at the OSCE.²¹ Their attempts at preventing the election of key officials is a stark example of this type of malign interference which consequently stalls decision making and programme operations.

11. The US has re-asserted itself as the foremost protector of the multilateral system and the UK's greatest ally. Yet, though often in response to legitimate concerns, the approach to multilateral organisations of the former US Administration has precipitated their capture by those who would undermine them and demonstrates the danger of a key player stepping away from the table.²²²³

12. We also heard examples of active attempts by states to undermine the functioning of multilateral organisations through obstructing their operations in order to protect their citizens or those of their allies. For example, the US has been clear since the foundation of the International Criminal Court (ICC), that it is not an organisation it is prepared to cede sovereignty to. To protect its citizens, primarily service personnel accused of war crimes, the previous US Administration introduced sanctions against Court officials and operations—a policy that has now been reversed.²⁴²⁵ Disruptive behaviour has been documented on a different scale when Russia and China voted down a resolution referring Syria to the ICC in May 2014.²⁶

Misuse and rule breaking

13. The ignoring of rules and the misuse of pre-agreed functions of organisations by member states is common behaviour that undermines the authority and effectiveness of those organisations. This behaviour is particularly prevalent at the ICC, OSCE, INTERPOL and Office for the High Commissioner for Human Rights. China, for example, has refused to cooperate with the OHCHR: it has blocked visits by the High Commissioner since 2005, refuses to allow unrestricted access to Special Procedures, and has had significant concerns raised against it by other member states with regards to human rights violations.²⁷²⁸

14. 'Reform' is often proposed as a solution to strengthening multilateral organisations,²⁹ and is an important step, but on its own is not enough. The growing strength of states, and groups of states, with an alternative understanding of human rights,³⁰ and those who have differing levels of tolerance for respecting the authority of multilateral organisations,³¹ makes large scale reform difficult and a potentially dangerous process. Whilst member states are seeking to protect their sovereignty in certain areas, they call for greater powers

20 [Q298](#) [James Kariuki]

21 For examples and explanations of Russian undermining influence see Annex 1 and Foreign and Commonwealth Office ([MUO0030](#)) p13–14, [Q48](#) [Dr Neil Melvin]; [Q43](#) [Dr Neil Melvin]; Philip Remler ([MUO0007](#)) p4–5

22 See for example [Q33](#) [Alistair Burt]; Julian Braithwaite [Q295](#)

23 See specific examples in Annex 2 and Annex 5

24 For more in-depth background and analysis see Annex 6.

25 See, for example: [Q279](#) [Peter Lewis]; [Q275](#) [Anthony Dworkin]; Anthony Dworkin ([MUO0028](#)) para 15–19

26 See, for comment and explanation: United Nations Association – UK ([MUO0017](#)) para 24–29; [Q2](#) [HE Sylvie Bermann]

27 See, for example, comments by: [Q126](#) and [Q131](#) [Benjamin Ward], and Human Rights Watch ([MUO0020](#)) p2

28 This will be covered in more detail in our report on Xinjiang Detention Camps

29 A crude survey of the evidence noted more than 16 separate instances in the evidence where reforms were suggested for addressing weaknesses in multilateral organisations.

30 See Annex 2 for examples.

31 See, for example, Annex 3; Anthony Dworkin ([MUO0028](#)) p1

to be given to secretariats in others. Reform processes also carry risks to the integrity of the organisations as these processes are subject to capture by those with very different agendas, leading to very different outcomes than those originally sought.³²³³

15. If the UK and its allies do not respond to the corrosive influence of states, including China and Russia and other enabling states,³⁴ there is a very real risk that democratic states will lose multilateral organisations to authoritarian states who have done little to demonstrate that they wish to uphold the values these organisations represent. In responding, we caution against initiating processes for large scale reform that could be used to further dilute the mandates and underlying principles of these organisations. The real test for reshaping these institutions back to their original purpose is effort. The question is whether the UK Government is willing to put in the effort and commitment to make the changes we need.

Areas of tactical influence

16. We recognise that threats to multilateral organisations can come in more subtle forms. Contributors pointed toward the steady acquisition of key official positions in multiple multilateral organisations by the Chinese Government as a prime example of this (see figure 1).³⁵ We learnt of examples where China increasingly uses aggressive means, including bilateral economic leverage,³⁶ to coerce states to back their position or their candidates and then uses the organisations to shift policies away from the cooperation the organisations were created to promote.

32 [Q55](#) [Dr Neil Melvin]; The Foreign Policy Centre ([MUO0026](#)) p3; Foreign and Commonwealth Office ([MUO0030](#)) p1

33 At the OSCE, for example, inability to reach consensus on relatively minor issues (such as minutia in the annual budget) would suggest that large scale reform would be problematic, if not impossible, and run the risk of being undermined by states in the former Soviet sphere (see Annex 1).

34 Enabling states listed in evidence include Tajikistan, Azerbaijan, Turkey, Cuba, Venezuela

35 See for example, [Q245](#) [Harpinder Collacott]

36 For example, prior to the election of the 9th Director-General of the FAO in 2019, China cut the \$78 million debt owed by the Cameroonian Government whose nominated candidate then withdrew his bid afterward. ("[Outfoxed and Outgunned: How China Routed the U.S. in a U.N. Agency](#)", by Colum Lynch and Robbie Gramer in Foreign Policy, 23rd October 2019)

Nationality of Director General (or equivalent) in Multilateral Organisations in 2021.



Nationality of Director General (or equivalent) in Multilateral Organisations in 2011.



(Source: Various, compiled by the House of Commons Scrutiny Unit)

Figure 1 Nationalities of CEO (or equivalent) offices in secretariats of multilateral organisations³⁷

17. States have capitalised on the withdrawal of the US under the Trump Administration from certain multilateral organisations.³⁸ Julian Braithwaite described a discernible shift in the Chinese approach in 2017.³⁹ A significant moment of realisation for Western states

37 NB The director general of the WHO in 2011 had dual citizenship (Chinese and Canadian) but was born in Hong Kong

38 We make a distinction between long-term positions of the US on particular issues (such as the WTO Appellate Body and the ICC) and the actions taken on these and other issues by the Trump Administration (see paragraphs 30 and 38)

39 See also, [Q33 \[Alistair Burt\]](#); Anthony Dworkin ([MUO0028](#)) para 2; [Q295](#) [Julian Braithwaite]

occurred when France lost its bid for leadership of the Food and Agriculture Organisation to China, despite EU backing.⁴⁰ President Biden has taken important steps in reversing these positions; however it may take longer to regain the influence lost.

18. There are examples of China using its economic leverage, through the Belt and Road initiative for example,⁴¹ to achieve support in multilaterals. Use of aggressive diplomacy by China, which we heard termed as ‘bullying’, can be seen in operation at the OHCHR and HRC as well as the WHO.⁴² This has helped China to set an agenda that states such as Russia would be more likely to favour, thus consolidating supportive groups in multilateral organisations.

19. **The failure to anticipate and address growing influence of powers seeking to undermine the interests of cooperation in multilateral organisations is a failure of statecraft. The Chinese Government has used the disengagement of the previous US Administration, and its own increasing economic leverage, to grow and consolidate a leadership role in several multilateral organisations. If unchecked, this trend puts China in an increasingly strong position which it is likely to use to undermine the underlying principles and mandates of multilaterals, supplanting universal values with concepts that are in the self-interest of the autocratic regime.**

Threats of capture through funding

20. We wanted to explore the extent to which funding can be used as unacceptable leverage in multilateral organisations. All six of the focus organisations suffer from a lack of core funding and there was evidence at INTERPOL, OHCHR and WHO specifically about the impact of increased reliance on voluntary earmarked donations,⁴³ and the potential for this being used as leverage.^{44,45} There were also questions raised by witnesses about the accountability of non-state donors under current reporting requirements,⁴⁶ such as FIFA in the case of INTERPOL.⁴⁷ Should donors come forward with more malign agendas, or if they come from states with a record of misusing the organisation,⁴⁸ voluntary earmarked

40 Julian Braithwaite explained that China “absolutely exploited” the withdrawal of the US with the following effects: “The rest of the world was looking at what was going to happen, and China was stepping up, very much talking about how it was going to defend the multilateral system... against the Trump Administration. Particularly across the developing world, countries were looking at that, thinking, ‘Maybe, actually, we need to work more closely with the Chinese. Maybe they will be the people who win the votes in this system, with the Americans now withdrawing from it.’” [Q297]

41 Oral evidence taken on 15 December 2020, HC 800, [Q7](#) and [Q20](#) [Schona Jolly] and [Q8](#) [Dolkun Isa]; Stefan Wolff ([MUO0003](#)) para 9; [Q297](#) [Julian Braithwaite]

42 See, for example: [Q86](#) [Tony Abbott]; [Q126 and Q131](#) [Benjamin Ward]

43 Also referred to as ‘voluntary specified’

44 For more information on funding see Annex 7.

45 Witnesses have identified funding as an emerging area of vulnerability that would facilitate the capture of programmes of multilateral organisations by states and leave their secretariats poorly positioned to fulfil their mandates. As the levels of assessed (or statutory) contributions are insufficient to meet the expanding mandates of multilateral organisations, secretariats are obliged to seek voluntary donations, and this gives donors considerable influence over which programmes are funded and frequently come with stringent terms and conditions. This ‘earmarked’ funding is provided by both state and private donors. For example, we heard that the Bill and Melinda Gates Foundation is the second largest donor to the WHO giving fractionally more than the UK in 2018 (Source: [WHO](#))—See Annex 7 for more information

46 See for example Oral evidence taken by the House of Lords’ Select Committee on International Relations and Defence 17 July 2020, [Q6](#)

47 [Q167](#) [Bruno Min]

48 “[Key Goals for the United States at the 2018 Meeting of the Interpol General Assembly](#)”, by Ted Bromund, online at The Heritage Foundation, 2nd November 2018

funding represents a significant vulnerability.⁴⁹ As far as funding is concerned, we note that the agendas of multilateral organisations can be significantly influenced by their donors, even those who give comparatively little support. Whilst many state donors' intentions in this respect may currently be predominantly benign, there are significant risks that states will use this mechanism to exert influence and control over the agendas of multilateral organisations. It also leaves organisations less able to respond quickly to emerging situations and deprived of core costs for covering key aspects of their mandate. In some cases, organisations have exercised poor judgement in their choice of funding partners, choices that have damaged their reputation.

The UK's engagement with multilateral organisations

21. There are some good examples of the FCDO engaging constructively with organisations and leading coordination across Whitehall in specific situations. There is also strong potential for the merger of the Department for International Development (DFID) and the Foreign and Commonwealth Office (FCO) to provide a more coherent approach to government engagement (see Annex 2, for example) as both were lead departments for multiple organisations. There is a continuing need for the FCDO and Home Office to work together over INTERPOL (see Annex 4), and for the FCDO to play a leading role in the Global Health Oversight Group on the WHO (see Annex 3). Contributors expressed the importance of strong FCDO engagement even in organisations where it is not the lead department.⁵⁰

22. The ability of the Government to counter malign influence depends, in part, on the UK's level of influence within the multilateral organisations concerned. Whilst we recognise that it is not possible or necessary to win every position for which the UK puts forward a candidate, nor to win every vote within multilateral organisations, there is evidence of waning influence in certain organisations:

- a) In 2017 the UK failed to secure the election of a UK judge to the International Court of Justice (ICJ) for the first time in its history. In 2020 the UK national group failed to put forward a candidate with no explanation given.⁵¹
- b) The UK has been losing votes at the General Assembly it would previously have been expected to win:⁵²
 - i) In 2017 (June) the UN General Assembly adopted resolution 77/292 to refer the question of UK sovereignty of the British Indian Ocean Territory (BIOT) to the International Court of Justice (94 votes for, 15 against).
 - ii) In May 2019 the United Nations General Assembly passed resolution 73/295 stating that the UK must end its administration of the BIOT within 6 months. (116 votes for, 6 against).

49 See for example oral evidence taken by the House of Lord's Select Committee on International Relations and Defence 17 July 2020, [Q17](#); [Q239](#) [Harpinder Collacott]

50 See Annex 3, 4 and 5

51 'National Groups' are units of four experts appointed by Contracting Parties as arbitrators. It is their role to nominate candidates to the role of judge on the ICJ without political influence from their host states.

52 Universal Rights Group ([MUO0033](#)) p2

- c) In 2020 the Rt Hon Dr Liam Fox MP failed to be elected WTO director general. In his oral evidence Dr Fox described variable levels of support by diplomatic missions for his candidature. He also attributed his measure of success to the tardiness of the application.⁵³
- d) The UK has two nationals in the Special Procedures of the OHCHR (out of around 85 mandate holders in total)—this is an all-time low.^{54,55}
- e) The UK currently does not have a single national on any of the 9 UN human rights Treaty Bodies. UK nationals historically have been highly represented and highly influential.⁵⁶
- f) The UK was elected to the UN HRC this year; however, this was on a “blank slate”, meaning there was effectively no contest.⁵⁷

23. We put concerns over the UK's level of influence to the Government. Lord Ahmad, Minister of State for the Commonwealth and United Nations, told us that it was “vital” that the UK counter China's influence.⁵⁸ He suggested that the UK-led initiative to support the Singaporean candidate's election to the World Intellectual Property Organisation was an example of a successful attempt at this but admitted that there was “still a lot more to be done”.⁵⁹ The Integrated Review recognised the need for the UK to “maximise its convening power to do more to win elections for senior leadership positions within multilateral institutions”.⁶⁰ It is not clear whether these are positions for UK nationals, or positions for its allies.⁶¹

24. We support the Government's intended approach of seeking to elect candidates committed to upholding the values and standards of multilaterals, even if candidates are not British. The support of a Singaporean candidate to the World Intellectual Property Organisation is an example of this,⁶² as is the UK-led effort to prevent the Russian

53 [Q232](#) [Dr Liam Fox]

54 [Universal Rights Group \(MUO0033\)](#) p2

55 The [special procedures](#) of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They are non-paid and elected for 3-year mandates that can be reconducted for another three years.

56 [Universal Rights Group \(MUO0033\)](#) p2

57 In the case of the Western Europe regional block, there is a requirement to put forward a minimum of two candidates states for election. If only two candidates are put forward, they are automatically elected—a clean/blank slate. As the UK was one of only two candidates, their election was guaranteed.

58 [Q303](#) [Lord Ahmad]

59 Some of the areas requiring attention raised by the Minister and his officials included:

a) More investment needed in building support for the UK's position on human rights issues at the United Nations in New York. ([Q325](#))

b) The need to do more to counter Chinese influence in institutions and work with key partners to achieve this. ([Q303](#))

c) More thinking around how the UK mobilises international support now it has left the EU. ([Q318](#))

60 See para i. ([p21](#))

61 Notable successes in senior appointments for UK nationals include: Michael Lodge remaining the Secretary General of the International Seabed Authority and Guy Ryder the Director General of the International Labour Organisation. The UK has very senior secretariat management roles in a number of multilaterals, including INTERPOL, WHO, ICC (including having nationals at the senior prosecutor, appeal judge and Registrar level), and the International Telecommunications Union.

62 [Q347](#) [Lord Ahmad]

delegate becoming president of INTERPOL in 2018 (see Annex 4). Like-minded states must cooperate to further shared interests in the face of increasingly well-organised blocs. We are not convinced that the FCDO always delivers on this approach, identifying where working with our allies to ensure a like-minded candidate succeeds might be preferable to supporting a British candidate. For example, given the strength of the authoritarian groupings and the limited resources available to the UK and some of its allies, we question the wisdom of both the UK and France putting up candidates for the World Health Organisation director role in 2017, only for both to lose to a candidate from Ethiopia.

25. We recognise and approve of the emphasis the Government has put on a minilateral approach to combat attempts by member states to undermine organisations.⁶³ We heard of multiple examples from ministers and officials of successful minilateral approaches being taken.⁶⁴ We also support the Government's investment in Commonwealth relationships as a key support base for protecting the modern international system.⁶⁵

26. The US is rightly seen as the guardian of the multilateral system and the most influential partner of the UK. During the Trump Administration the US disengaged from a number of multilateral organisations. The view of other states was that the US was "trashing the system".⁶⁶ Rather than distancing themselves from the Administration, as others did, the UK Government chose to engage and had variable success in using its relationship with the US to encourage resolution of complaints rather than withdrawal.^{67,68}

27. We welcome the strong leadership demonstrated by the FCDO in collaboratively working across government departments to secure effective engagement with multilateral organisations. We also recognise the significant successes the UK has achieved in exerting positive influence in the secretariats of multilateral organisations. These actions have a strengthening effect on the respective organisations in the face of states that may interfere or misuse them. We nonetheless believe that there are opportunities for the FCDO to take a still greater role in coordinating engagement looking to build ad hoc alliances that promote the standards and values we share with other democracies and rule-of-law states.

The UK's approaches to funding multilateral organisations

28. As one of the largest state funders of multilateral organisations we sought to understand the approaches the UK Government takes to the allocation of this money. The current uncertainty over the Government's Official Development Assistance spending allocations is likely to have an impact on multilateral organisations which depend on

63 Minilateralism, in this case, refers to diplomacy amongst smaller groups of states in pursuit of common objectives within the framework of multilateral organisations.

64 For example, the collaborative effort to call out abuses by the Chinese Government in Xinjiang (see Annex 2); efforts to prevent Russia's candidate being elected INTERPOL's president in 2018 (see Annex 4), the UK's lead on calling for the Independent Expert Review at the ICC and subsequent reforms to the election processes (see Annex 6)

65 [Q303](#) [Lord Ahmad]

66 [Q348](#) [Julian Braithwaite]

67 [Q348](#) [Julian Braithwaite]

68 For example, the Government was unsuccessful in its attempt to keep the US engaged in efforts to seek a resolution to its reservations over the "Agenda Item 7" issue relating to focussing discussion on Israel at the UNHRC. However, work with the former US Administration and other allies, to secure the election of the Singaporean candidate to the World Intellectual Property Organisation was hailed as a success. (Julian Braithwaite [Q348](#); see, for more information, "[US departure from the Human Rights Council: what really happened and what will happen next?](#)" By Marc Limon, 27th June 2018, Universal Rights Group, Blog)

UK funding for core and programme budgets.⁶⁹ We heard that the amount of money available to support the UK's engagement with multilaterals,⁷⁰ both through ODA and other sources, is likely to reduce in 2021 as a result of the reduction of ODA spending from 0.7% to 0.5% of GNI.⁷¹ The Minister sought to reassure us that there have been early engagements with multilateral organisations to assess need and set expectations.⁷²⁷³ In considering the impact of a move to bilateral funding models, we heard that any resulting neglect of core funding of multilateral organisations would leave their agendas vulnerable to capture by donors (state and private) and have their core capacities eroded.⁷⁴ However, at this stage there is not enough detail on funding breakdown to determine the Government's intentions with regards to prioritising multilateral funding beyond what the UK is legally obliged to contribute.⁷⁵

29. Despite the pressures of the Covid-19 pandemic, of the 29 Development Assistance Committee countries named in the OECD figures,⁷⁶ 16 saw an increase in Official Development Assistance (ODA) contributions between 2019 and 2020; there was a decrease from 13 countries. Many of the UK's close partners, such as Sweden, saw significant overall increases for various reasons.⁷⁷ It is too early to tell whether this is a long-term trend. Despite a 10% drop in ODA spend, the UK is still the third largest donor in monetary terms, and as such the UK's reduction is felt hard by those who depend on it (see conclusion in Paragraph 34).

30. We welcome the innovative approaches to funding certain multilateral organisations that the Government has taken. The voluntary core funding model the FCDO uses to support the WHO,⁷⁸ for example, allows the WHO to decide what aspects of performance-related core secretariat costs the money is spent on, but it allows the FCDO to maintain high levels of accountability through a pre-agreed performance measurement system. It also brings together various funding streams across Whitehall in a more rational approach

69 The UK's statutory contributions, and money pledged with corresponding statutory instruments, make up a significant proportion of Official Development Assistance (ODA) spend and this is further increased with additional voluntary contributions. Whilst the Government complete their business planning process, there is uncertainty over the exact breakdown in allocations over the forthcoming financial year for the Government's ODA spend, including clarity on the split of spending between bilateral and multilateral channels. Despite the preference voiced by the Government toward bilateral funding, in 2020 the share of ODA allocated to multilateral funding increased by 0.8% against bilateral, with core multilateral funding making up 34.4% of the total ODA spend (see: Foreign Commonwealth and Development Office, [Statistics on International Development: Provisional UK Aid Spend 2020, April 2021](#)).

70 Above and beyond statutory contributions

71 [Q327](#) [Lord Ahmad]

72 [Q327](#) [Lord Ahmad]

73 The Foreign Secretary, the Rt Hon Dominic Raab MP, provided additional information in a letter to the International Development Committee on changes to the ODA budget dated [2 December 2020](#): "Bilateral programmes, with their advantages of effectiveness, local ownership and strategic impact will be the default. Except for obvious exceptions such as global research, policy influencing, partnership with UK centres or excellence or core multilateral activity."

74 For comment on the importance of adequate core funding on independence of organisations see [Q4](#) [HE Sylvie Bermann]; [Q239](#) [Harpinder Collacott]

75 In a Written Statement on 21 April 2021 the Foreign Secretary outlined ODA commitments in thematic areas and committed £3,159m for multilateral partners. However, this statement fails to clarify the amount of funding available over and above the statutory contributions and does not provide detail on which multilateral organisations will face a drop in funding. (see Foreign, Commonwealth and Development Office, [UK Official Development Assistance \(ODA\) allocations 2021 to 2022: written ministerial statement, 21 April 2021](#))

76 Organisation for Economic Cooperation and Development

77 [COVID-19 spending helped to lift foreign aid to an all-time high in 2020: Detailed Note](#), by OECD, 13th April 2021

78 See, for example, [Q131](#) [Dr David Nabarro]; [Q6](#) [Prof Sophie Harman]

(see Annex 3 and 7).⁷⁹ Whilst we have identified organisations to which the Government should consider extending this approach to funding, the varying financial circumstances in which multilateral organisations find themselves make specific recommendations with regards to funding problematic.⁸⁰ **Urgent clarity is needed with respect to the priority the UK Government will give to multilateral funding above and beyond its statutory obligations. With the prospect of less Government funding available for voluntary contributions to some multilateral organisations, the FCDO needs to ensure that this funding is delivered in a way that maximises effectiveness. The voluntary core funding model (as applied at the WHO) represents an innovative solution to strengthening multilateral organisations against subversion of their mandate through exploitation of their funding mechanisms.**

79 For example, see Foreign and Commonwealth Office ([MUO0030](#)) para 2

80 For specific recommendations regarding funding of focus organisations see Chapter 4

3 Strengthening multilateral organisations—How the FCDO can lead the way

31. Multilaterals do not exist as entities in their own rights, but as collections of sovereign states. As such, responsibility for their functioning lies with their member states. Secretariats serve their masters, the state parties, yet frequently get the blame for perceived shortcomings. While we received evidence of significant failures by secretariats of some organisations (see [Annex 4](#) for INTERPOL and [Annex 6](#) for the ICC particularly)⁸¹ we heard that, by and large, secretariats act within the mandate given to them by those state parties and must manage their way through any constraints or conflicts of interests.

Multilaterals: use them or lose them

32. We assessed two possible ways the UK could respond to interference in multilateral organisations: engagement and withdrawal. Rt Hon Alistair Burt, former Minister for the Middle East and North Africa, told us:

One of my favourite expressions in foreign affairs is that there is no vacuum in foreign affairs. If you are not there, somebody else is. By and large, if it is not us and friends of ours, it will be somebody worse. The UN has to recognise that it is absolutely at this cusp point, with norms and everything else.^{82 83}

We support the Government's approach of engagement to uphold the multilateral system, despite the sometimes patchy support from allies, there are opportunities to go further in both calling out abuse of the system and using its influence to strengthen organisations against future capture.

33. The UK is a network enabler⁸⁴ and is uniquely placed to facilitate the engagement of smaller like-minded states in the cause of protecting multilateral organisations. Many states look to the UK for leadership in upholding the RBIS through multilateral organisations,⁸⁵ and the UK has a responsibility for acting as a representative for many smaller states whose voices might otherwise go unheard.⁸⁶ A self-confident 'Global Britain', actively engaging in coherent and proportionate issue-based reform, and publicly highlighting matters that represent a threat to the integrity of these organisations, is vital both to assert UK values and restore faith in multilateralism. **While we can understand the attraction of bypassing multilaterals, and even withdrawing altogether, the UK not only has a responsibility to engage, but absence ensures that its interests will suffer more. It is near-impossible to advance national interest by proxy and presence is the**

81 Fred Carver suggested that: "The glass is often blamed for the liquid within it." In other words the secretariat is blamed for the failures of the collective body of member states [Q124](#)

82 [Q33 \[Alistair Burt\]](#)

83 See also, [Q6 \[Samantha Power\]](#)

84 A 'network enabler' describes a state able to bring together interested parties with different methods of operation and scales of engagement, to facilitate dialogue and collaboration.

85 See, for example, [Q273 \[Anthony Dworkin\]](#); [Q284 \[Peter Lewis\]](#); Chief Charles Taku ([MUO0006](#)) p15; The Foreign Policy Centre ([MUO0026](#)) p1

86 For example: Through the Commonwealth, as a member of the P5, as a pen-holder for various countries and situations, as significant world economy and military power, as a major donor in multilaterals, etc.

only guarantee of the UK being heard. Engagement blunts the influence of those who would manipulate and undermine these organisations. This engagement requires the Government to match its rhetorical support with financial support above and beyond its statutory contributions.

34. *In pursuance of this more confident, assertive role in multilateral organisations, we recommend that the Government:*

- a) *Publicly calls out states who are abusing or undermining the system and publicly votes against attempts by such states to secure key leadership positions for their nationals.*
- b) *Continues prioritising candidates for key positions in multilateral organisations who are likely to uphold the modern international system and are qualified for the role, rather than entering into political horse trading.*
- c) *Continues to engage with organisations with energy and effort, even if it may consider their credibility and effectiveness to be limited.*

35. We welcome the US's re-engagement with multilateral organisations. There are many opportunities for the UK and US to work together in the shared endeavour of strengthening these organisations. **Whilst the prospect of wholesale US disengagement from the multilateral system has receded, Washington's issues with some multilateral organisations remain. Within a partnership determined to bolster multilaterals and defend their missions', the UK Government is well placed to facilitate broader discussion whether or not it shares the US position on specific issues.**

A coordinated approach to strengthening multilateral organisations

36. Multilateral organisations are networked—meaning, activity in one has an impact on others. To counter the influence of malign actors, consistency in action and approach is needed.⁸⁷ Good coordination between diplomatic posts in Geneva (where most of the human rights activity takes place) and New York (where much of the security and financing debate takes place) is critical for tracking and addressing abusive behaviour.⁸⁸ Speaking as part of our inquiry into Xinjiang detention camps, Professor Fionnuala Ní Aoláin described the importance of consistency:

I say this to the UK: you have to be consistent in New York and Geneva, because when you are not, states like China spot the gap and understand that what you say in the human rights space is different from what you say in the security space...⁸⁹

Officials underlined the importance of this coordination and told us that it was an area the UK was comparatively better at than other states.⁹⁰ However Julian Braithwaite admitted that the UK was “not as good as China” in terms of coordination.⁹¹ ***We recommend that the UK harness the full potential of its diplomatic network to counter the threat posed***

87 See for example [Q47](#) [Nury Turkel]; [Q124](#) [Fred Carver]; Oral evidence taken on 21 July 2018, HC 380, [Q75](#) [Zeid Raad Al Hussein]; [Q55](#) [Dr Neil Melvin]

88 For example see Fred Carver [Q124](#); [Q74](#) [Zeid Raad Al Hussein]

89 Oral evidence taken on 15 December 2020, HC 800, [Q46](#) [Professor Fionnuala Ní Aoláin]

90 [Q323](#) [James Kariuki]

91 [Q232](#) [Julian Braithwaite]

by undermining actors. This should include greater coordination between delegations to organisations in Geneva and those in New York.

37. There is also a need for greater coherence across government departments to address interference with multilateral bodies. The merger of DFID and the FCO gives rise to opportunities that help bring together financing and implementation work with political engagement.⁹² In the Integrated Review, the Prime Minister stated that:

Our cooperation will be highly prized around the world and we will be a model for an integrated approach to tackling global challenges, integrating our resources for maximum effect.⁹³

To achieve this more must be done to improve coordination.⁹⁴ **There is a risk that the relationship between the UK Government and multilateral organisations can become siloed in departments. This, in turn, risks limiting its impact across the full spectrum of international activity. It also limits the potential to use the full range of tools at the Government's disposal in addressing malign activities. The FCDO is best placed to take a lead in ensuring that the Government's approach to addressing interference in multilateral organisations is coherent and robust.**

38. We explored the implications of the greater involvement of China in multilateral organisations. Ambassador Bermann described China's growing influence in the multilateral system as legitimate.⁹⁵ She argued that there is a need to defend open markets against China's activities but asserted the importance of cooperation and the need to "convince" China over issues such as climate change and trade policy.⁹⁶

James Kariuki described diplomacy with China as follows:

It is not a zero-sum battle of wills between the West and the rest. It is about trying to manage them, trying to contain where they threaten our interests, but also to collaborate where there is a prospect of working together.⁹⁷

China poses one of the biggest threats to the understanding of individual rights upon which the modern international system is based, yet we recognise that engagement with China through multilateral forums is important for progress on many issues of international concern, including the environment and global health.

92 [Q322](#) [Julian Braithwaite]

93 Cabinet Office, [Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy](#), 16 March 2021, [P7](#); The Integrated Review shared our view (Para 12 v [HC 380](#)) that deeper integration across government is required and that this would allow for faster decision making and produce a combined planned strategy to tackling global issues ([p19](#))

94 For example, witnesses criticised the level of detail shared between the NCA, Home Office, and FCDO with regards to attempted Red Notices against British citizens through INTERPOL (See Annex 4); also in terms of the UK's engagement with the WTO the importance of greater coordination across multiple departments, including the FCDO, was stressed—the success of efforts here will be heavily dependent on the effectiveness of the UK's diplomacy see Annex 5.

95 Whilst the UN Security Council was not a focus in this inquiry, witnesses emphasised that the effectiveness and resilience of multilateral organisations both inside and outside the UN family are dependent on it functioning effectively. ([Q280](#) [Sir Howard Morrison]; United Nations Association - UK ([MUO0017](#)); Anthony Dworkin ([MUO0028](#)) para 19)

96 [Q2](#) [HE Sylvie Bermann]

97 [Q10](#) [HE Sylvie Bermann]

98 [Q298](#) [James Kariuki]

39. *We recommend that the Government's engagement with multilaterals includes a tactical element of multilateral strategy such that it tracks the activities of authoritarian states within both higher and lower profile multilateral organisations, reports on implications of any moves to exert influence; and adjusts its interventions accordingly. We recommend that the FCDO should coordinate this unified approach across Whitehall, covering all multilateral organisations.*

Coalitions of like-minded states

40. We heard evidence of states forming coalitions to support an agenda of undermining multilateral organisations, and that these coalitions can have a corrosive effect on the work of the organisations. We also heard of the impact that counter groupings can have in deterring such behaviour.⁹⁹ Departure from the EU will see the UK engage with multilateral organisations in new ways and witnesses have emphasised the increasing importance of broad coalitions of like-minded states.¹⁰⁰ These included the formation of new coalitions to address specific issues and vulnerabilities within multilateral organisations.¹⁰¹

41. Not all states are choosing to work within multilateral organisations to resolve issues. Many states chose to carry out bilateral work in multilateral forums whilst there are comparatively few states committed to multilateral ways of working.¹⁰² Contributors cautioned against investing in values-based alliances to the detriment of multilateral efforts as this could further weaken the legitimacy of multilateral bodies.¹⁰³ **When states build structures outside the established multilateral bodies, it is essential that they coordinate carefully to ensure the established body becomes a force multiplier not an obstacle.**

42. The UK has significant resources to call on to strengthen multilateral organisations against those who would undermine them. Combining DFID and the FCO has brought together the UK's development expertise with its diplomatic network providing new opportunities.¹⁰⁴ Ambassador Sylvie Bermann told us that, in order to get the most out of the UK's first-class diplomatic service in multilateral organisations the Government needs to be prepared to take risks.¹⁰⁵ **The nature of the UK's engagement with multilateral organisations has changed with its departure from the EU. We recommend that the FCDO maintains an active stance in the face of states that seek to undermine multilateral**

99 We heard examples of this over the efforts led by the UK to prevent the Russian candidate being made president of INTERPOL in 2018 (see Annex 4); and in calling-out Chinese human rights abuses at the HRC (see Annex 2)

100 See for example Professor Stefan Wolff ([MUO0003](#)) para 16; Global Britain Ltd. ([MUO0025](#)) p1; [Q47](#) [Dr Neil Melvin]; [Q98](#) [Juan Manuel Santos]; [Q211](#) [Prof James Bacchus]; [Q304](#) and [Q305](#) [Neil Bush]; [Q318](#) [Julian Braithwaite]

101 Ambassador Power told us: "In some ways even within the rubric of the UN, when you are working in those traditional organisations, it is often a mini coalition of the willing that makes those international institutions work." [Q6](#)

102 Zeid Ra'ad Al Hussein told us: "...out of 193 ambassadors and their Ministers, only about 30 worked for the whole, chaired meetings, put forward initiatives and basically kept the machinery running; 160 were just doing bilateral work in a multilateral forum, exacting what they could out of it and paying little in." [Q89](#)

103 United Nations Association - UK ([MUO0017](#)) para 7

104 For example, some witnesses saw opportunities to strengthen the UK's support of Human Rights work (see The Foreign Policy Centre ([MUO0026](#)) and Zeid Ra'ad Al Hussein [Q75](#); during our inquiry on the Integrated Review, Koji Tsuruoka, the former Japanese Ambassador to the UK, described an unparalleled level of quality that the UK diplomatic service brings to multilateral organisations. He specifically referenced the UK's convening power and ability to draft resolutions that articulate a shared vision of the future ([Q118](#)).

105 [Q9](#) [HE Sylvie Bermann]

bodies. The FCDO should mobilise its soft power and convening resources to work with broad groups of like-minded states within multilateral organisations to counter the influence of member states that seek to undermine the effectiveness and legitimacy of these organisations.

43. *We recommend the FCDO should take strategic decisions with key allies as to which organisations the UK should prioritise exerting influence over rather than expending diplomatic capital challenging like-minded states for influence.*

4 Organisation-specific conclusions and recommendations

44. This chapter presents our conclusions flowing from the analysis of the evidence (as detailed in the Annexes) pertaining to the six focus organisations. We also consider the external audit system of the United Nations. In addition, the chapter details our specific recommendations for each organisation.

The Organisation for Security and Cooperation in Europe (OSCE)

45. The OSCE¹⁰⁶ is an essential forum where the complex relationships of Europe and Central Asia are negotiated and where a battle for influence in the young democracies of the former Soviet Union is underway. Russia, and those in its sphere of influence,¹⁰⁷ are both passively and actively undermining the structures of the organisation which promote democracy and open societies by vetoing key leadership positions in the secretariat and delaying budgets.¹⁰⁸ Russia is also applying tactical influence, in terms of mobilising states within its sphere of influence to consolidate support for its positions. This influence would exploit any lack of engagement by liberal democracies, in order to undermine democracy in certain states as well as other founding principles of the organisation.¹⁰⁹ With regards to China, there was no mention in the Government's Integrated Review of the deleterious impact of China's growing influence in OSCE states that make up the Belt and Road Initiative (particularly in Central Asia).¹¹⁰ This influence and the consequential impact on UK interests should not be underestimated. In order to strengthen the OSCE successfully in line with the Government's intentions detailed in the Integrated Review:

- a) *We recommend the UK's approaches to strengthening the OSCE be fully integrated into a wider strategy of moderating Russia's damaging influence on the modern international system and on the democratic mandate of governments of OSCE member states. We recommend it also consider the growing influence of China in Central Asia and other OSCE regions. Steps should be taken to ensure that the OSCE is adequately funded both at headquarter level and field mission level to enable it to function effectively whilst retaining independence from malign agendas.*
- b) *The FCDO's approach to supporting OSCE Office for Democratic Institutions and Human Rights (ODIHR) monitoring missions, which appears fragmented and inconsistent, requires improvement. Greater clarity on the "new capability" for election monitoring, as outlined in the Integrated Review, should be provided as soon as possible. We recommend strategic support of*

106 The Organisation for Security and Cooperation in Europe (initially CSCE) was the product of a diplomatic process started in 1972 by leaders Nixon and Brezhnev in Helsinki. 34 states signed the Helsinki final act in 1975. The 'Charter of Paris for a New Europe' in 1990 marked the end of the Cold War and saw agreement to move toward an era of democracy, peace and unity in Europe. The secretariat consists of three autonomous institutions (media freedom, national minorities, and democratic institutions/human rights). It has 16 field operations, including in Ukraine, Central Asia and Western Balkans.

107 I.e. the countries of the former Soviet Union

108 See, for example, comments [Q38](#), [Q43](#), [Q48](#), Foreign and Commonwealth Office ([MUO0030](#)) Annex D, Philip Remler ([MUO0007](#)) p4

109 Joseph Worrall ([MUO0019](#)) p1; [Q42](#) [Dr Neil Melvin]

110 As described by Professor Stefan Wolff ([MUO0003](#)) para 9

democracies and open societies through a clear election monitoring strategy put forward by the FCDO that includes:

- i) *Publishing an annual list of which ODIHR election monitoring missions it will support, with strategic considerations of which countries are chosen based on wider foreign policy objectives and streamlining the appointment of Long-Term Observers.*
- ii) *Working with ODIHR to introduce a methodology for observation of online and media aspects of elections, and to support the resilience of democratic institutions against cyber-attacks.*
- iii) *Strategic support to allies in Europe play their own role in the OSCE by lending expertise or capability to another country's lead envoy.*

The United Nations Office for the High Commissioner for Human Rights (OHCHR) and the United Nations Human Rights Council (HRC)

46. Whilst the OHCHR is, overall, a professional and competent body,¹¹¹ it is underfunded and suffers from obstruction in certain situations.¹¹²¹¹³ The HRC has a flawed system of electing members that allows states with a negative direction of travel with regards to their human rights record to gain a seat on the council. Many of these states hold an alternative view of human rights to those they initially ratified in the UN charters and seek to control the agenda to reflect this. This trend has gone largely unchallenged despite clear criteria for selection of membership.¹¹⁴ The failure of the Council to take substantive action on issues such as the ongoing atrocities in Xinjiang, China, exemplify the scale of the problems the Council faces (we are considering this topic in more detail in our inquiry into Xinjiang Detention Camps). The withdrawal of the US from the HRC in 2018 left a vacuum which was filled by others such as Cuba and China to the detriment of the RBIS.¹¹⁵ There is an unwillingness by European partners to oppose the election of states with poor human rights records. *The Government has taken important steps in addressing some of the issues identified in these bodies but should go further if these bodies are to defend human rights in line with the Government's intentions as outlined in the Integrated Review:*

- a) *In terms of strengthening the OHCHR to uphold and further the cause of rights-based development, we recommend the FCDO lead the way by using the expertise (now incorporated from DFID) to provide voluntary core funding for the organisation and should use the information to raise awareness of the need to engage with the organisation. This should focus on promoting OHCHR secretariat independence and strengthening core operations against unacceptable interference.*

111 More detail for OHCHR and HRC in Annex 2. For comments on competence of OHCHR see: [Q118 \[Fred Carver\]](#); [Q139 and Q142 \[Peggy Hicks\]](#)

112 See, for example of obstruction: Human Rights Watch ([MUO0020](#)) p3

113 See, for example of underfunding: United Nations Association - UK ([MUO0017](#)) para 20; [MOPAN 2017-18 ASSESSMENTS: Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#), MOPAN, April 2019, ch12

114 See, for example: United Nations Watch ([MUO0029](#)) p1; [Q124 \[Fred Carver\]](#); [Q132 \[Hillel Neuer\]](#)

115 [Q33 \[Alistair Burt\]](#)

- b) *Renewed focus on building coalitions of like-minded states, which aim to uphold democratic and individual human rights values will be key to defending the RBIS through the Human Rights Council. We recommend that the Government:*
- i) *speaks out against the election of states with a negative direction of travel with respect to their human rights record and gives a complete picture of activity at the Human Rights Council in its reporting to Parliament.*
 - ii) *uses minilateral arrangements, to advance the case for a 'competitive slate' system for elections, initially amongst European and Commonwealth partners.*
 - iii) *seeks the support of states who share UK values to call for more Special Sessions and motions using the Irish Principles as criteria for proposing them.*

The World Health Organisation (WHO)

47. Global health is an area where there is considerable vying for influence and China's sway is disproportionate to their funding and representation in the secretariat.¹¹⁶ China employs aggressive diplomacy against members who are critical of their position. The onus for improvement lies with the member states rather than the secretariat as does the role of holding to account those who are not acting in the spirit of the IHRs.¹¹⁷ Whilst we recognise the UK's leadership in providing core funding for the WHO, the organisation's reliance on voluntary earmarked funding leaves programme work vulnerable and its core costs underfunded.¹¹⁸ The FCDO's role in liaising with the Department for Health and Social Care (DHSC) is key to the UK's effective engagement with the WHO. Our inquiry into Global Health Security will look at some the issues relating to the WHO in more detail. Our specific conclusions and recommendations for the UK's relationship with the WHO are outlined below:

- i) *Where there is reliable intelligence to do so, the UK Government should continue to use its voice to call out states that are not complying with, or acting in the spirit of, the International Health Regulations.*
- ii) *The UK can be a rule setter in the WHO by leading on the revision of the International Health Regulations (IHR) in the light of lessons learnt from the Covid-19 pandemic. We recommend the Government work with groups of like-minded states, both net financial contributors and recipients, to bring forward proposals on how the IHR can be strengthened. These improvements should ensure the group has an investigatory mandate and ensure individual states cannot block the much-needed inquiries to help prevent future pandemics.*
- iii) *We welcome the steps outlined by the DHSC and FCDO regarding the continued support of the WHO through voluntary earmarked funding*

116 See Annex 3 for more details on the WHO. For comments on China's influence see: [Q245](#), [Q244](#) [Dr Yanzhong Huang]; Anthony Dworkin ([MUO0028](#)) para 8; [Q324](#) [Lord Ahmad]

117 See, for example: [Q101](#) [Dr David Nabarro]; Anthony Dworkin ([MUO0028](#)) para 6

118 [Q114](#) [Dr David Nabarro]

arrangements and the 30% increase in core costs as outlined in the Integrated Review. As the second largest donor to the WHO we recommend the UK, under the leadership of the FCDO, convene a meeting of like-minded donors (including Germany and Sweden) to align priorities and release more funding for core costs.

The International Criminal Police Organisation (INTERPOL)

48. INTERPOL is an important multilateral organisation in the fight against international crime.¹¹⁹ Despite extensive efforts at reform, there are still significant structural and governance issues within INTERPOL that allow states, including Turkey, Russia, and China, to repeatedly attempt to use Red Notice and Diffusion functions in an abusive way with no remedial action taken against them.¹²⁰¹²¹ Governance and funding structures allow for unacceptable interference by both state and non-state actors.¹²² Refusal by the UK Government and the INTERPOL secretariat to acknowledge that there is a problem sends a message to would-be-abusers that this behaviour is acceptable, and it has the potential to constrict reform as well as supporting victims in the UK. The resulting failure of the international community and the secretariat to bring remedial action against those who repeatedly attempt to misuse the system allows this corrosive behaviour to go unchecked.¹²³ Our conclusions and recommendations on INTERPOL are as follows:

- a) *If the Government's renewed engagement with INTERPOL is going to be successful in strengthening it against malign activity, it needs to be prepared to publicly recognise the extent to which states still attempt to abuse the system.*
- b) *Whilst we appreciate the operational need to keep information regarding legitimate Red Notices and Diffusions from those to whom they pertain, we see a need for greater support for those whose lives are impacted by failed attempts to use this system maliciously. We therefore recommend greater coordination between the FCDO and the Home Office on the approach to dealing with individual cases of Red Notices and Diffusions. This should include a designated team responsible for supporting those who may face consequences of attempts by states to issue abusive notices.*
- c) *We recommend that the Government consider a Global Crime Coordination Group involving the Home Office and FCDO, as well as other relevant Whitehall departments, to harmonise the approach toward INTERPOL reform and misuse. This should be focussed on facilitating a unified approach to the treatment of Red Notices and Diffusions by UK authorities, countering malign uses of these against UK interests, and ensuring that engagement with*

119 For more information on INTERPOL see Annex 4. See also, for examples of benefits of INTERPOL: [Q150](#) [Bruno Min]; [Q181](#) [David Armond]

120 See, for example: [Transcript of INTERPOL oral evidence session](#); Fair Trials ([MUO0023](#)) para 24; Peters and Peters LLP ([MUO0024](#)) para 3; William Browder ([MUO0011](#)) p8

121 A Red Notice is a request to law enforcement bodies worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action. Diffusions are a less formal mechanism that is circulated directly by an individual National Crime Bureau (NCB) to other INTERPOL members but must also comply with INTERPOL's Constitution and the Rules on the Processing of Data. Article 3 of Interpol's Constitution explicitly states that "the Organisation is strictly forbidden to undertake any intervention or activities of political, military or racial character".

122 Specific recommendations to be found in Chapter 4

123 See responses by [Q160](#) [Bruno Min]; [Q190](#) [David Armond]

Russia and China at INTERPOL is consistent with wider policies toward their actions.

- d) *Significant and rapid steps are needed to ensure the independence of the Commission on the Control of INTERPOL's Files. The FCDO and Home Office should carry out a review of the existing structures, particularly concerning the selection criteria for candidates of the Executive Committee and make recommendations for actions required to achieve changes that would facilitate greater independence and transparency.*
- e) *We recommend the FCDO coordinate with the Home Office to work with other democratic funders of INTERPOL tabling a resolution to the General Assembly affirming the secretariat's power (under Article 131) to suspend abusive states.*
- f) *We recommend the UK Government work with other democratic funders to harmonise donor practices and enable a situation where voluntary core funding reduces the reliance on the INTERPOL Safer World Foundation. This would have the goal of promoting the financial independence of the secretariat and integrity of the organisation. Requirements for greater transparency in INTERPOL's finances should be built into these arrangements.*
- g) *We recommend the Government works with 'Five Eyes' partners to actively lobby against any attempt by any other state with a poor record of use of INTERPOL's systems, to have a candidate elected to the presidency role at the next general assembly meeting.*
- h) *We recommend the Government works with 'Five Eyes' partners to track and expose malicious, vexatious, and politically motivated use of Red Notices by member states.*

The World Trade Organisation (WTO)

49. The WTO faces an existential crisis, with two of its core functions unable to operate.¹²⁴ The WTO, we believe, has the potential to be a powerful vehicle for managing relationships between free market economies and the Chinese economy. Low friction trade with China is important for the prosperity of the British people and for global prosperity. There is contention over the level and nature of Chinese compliance. Some commentators detail how, to date, China has responded positively to the requirements for reform made upon its joining and has shown apparent willingness to abide by decisions in disputes that it has lost. However, China is accused of deliberately mis-interpreting rulings against it and the extent to which it has complied in practice has been questioned. There is still a significant gap between China's economic model and that of the rest of the world, and therefore a requirement to reconcile these systems in a way that promotes free and fair trade. There is also significant criticism that China, which has a Purchasing Power Parity of 4.2 to \$1 in contrast to India's 21.3 to \$1, should no longer be classified as a developing country in terms of its WTO membership. The concerns raised by the US Government which have led to the stalemate in the Appellate body are of critical importance to how successful the organisation will be at resolving disputes in global trade. We make the following

¹²⁴ For more analysis of the WTO see Annex 5. For explanations and descriptions of current failures see: [Q227](#) [Dr Liam Fox]; Anthony Dworkin ([MUO0028](#)) ; [Q210](#) [Prof James Bacchus]

recommendations for the FCDO in terms of the UK's relationship with the WTO:

- a) **The best way to strengthen the WTO is to use it. The most viable way of using the WTO at the current time is through issue-based plurilateral trade agreements, which have the potential for scaling up and setting new rules and norms; minilateral discussions about new rules to address challenges posed by harmful Chinese trade practices; and engaging with the US Administration over their reservations about the Appellate Body:**
 - i) *We recommend the UK Government leads engagement with the US Administration in discussions aimed at resolving US issues with the Appellate Body, ultimately concluding with an appointment of a US judge.*
 - ii) *We recommend the FCDO plays a key role, in conjunction with other relevant departments, to apply its diplomatic resources in promoting issue-based plurilateral agreements within the WTO framework amongst willing states.*
 - iii) *The UK should work to build within the WTO a grouping of states that apply the rule of law and principles of fair competition to support each other as issues are raised. This group would work toward addressing the challenges posed by the Chinese economic model within the WTO rules. We recommend that the Government's approach to this considers how to formulate and introduce new trading rules that uphold minimum standards and behaviours that will require evolution of economic practices in China through dispute rulings. It should be an objective of this group to remove China's classification as a developing country.*

The International Criminal Court (ICC)

50. The ICC performs an important function despite the lack of universality and limited jurisdiction. There are significant challenges facing the ICC both from within and outside its ranks, chiefly non-compliance with Court rulings, a root cause of which is the lack of universality, particularly amongst P5 members. Whilst there have been significant improvements to the process of voting for judges, it is still vulnerable to overt political influence, to the detriment of the Court's effectiveness. Yet there is every indication the ICC is committed to change. The UK Government has taken significant steps to strengthen the ICC by supporting highly experienced and competent personnel to senior positions in the Court, reinforcing the Fund for Victims, and leading initiatives for internal changes within the ICC's operations. We make the following recommendations for the UK's engagement with the ICC:

- a) *The Government should use the UK's voice at the UN and Assembly of State Parties to call out states who are non-compliant with Court orders; and to push for greater financial support of the ICC by the UN when investigating cases mandated by the UNSC.*
- b) *The UK's financial approach to the ICC should be based on the assessed need of the Court. There should also be a scholarship programme for candidates from Commonwealth countries to undertake internships at the ICC.*

- c) *In the process of aligning aid with strategic priorities, we recommend the FCDO work with groups of like-minded Development Assistance Committee states to provide incentives for ratifying states parties (who are recipients of development assistance) to comply with ICC rulings and orders.*

The External Audit System of the United Nations

51. In addition, the process of selecting Supreme Audit Institutions (SAI) to the external audit system of the UN is vulnerable to political manipulation and represents another area of influence that could be used by authoritarian regimes with deleterious motives. There are varying levels of competence across governing bodies of UN organisations and in SAIs themselves. *We recommend the Government calls for a technical competency led external audit selection process in UN bodies, and a combined assurance process to streamline financial and performance audits.*¹²⁵

125 For more information on, and analysis of, the UN External Audit system see Annex 7

5 Conclusion

52. The UK has played a leading role in the foundation and development of the multilateral organisations that help manage our modern international system. This multilateral system remains on a slow drift toward capture by autocratic states who seek to undermine them or subvert their original aims for malign purposes. Yet the inclusion of these states in multilateral organisations and processes is essential for making progress on global and interconnected challenges relating to trade, public health, the environment and counterterrorism that affect us all. Whilst multilateral organisations can be frustrating to work through and of varying effectiveness, the position is rarely improved by disengagement.

53. The UK, through its diplomatic service, has long been an effective player, supporting the rule of law and being a force for good in the international community. It retains considerable convening and soft power leverage that, we believe, should be better used to lead groups of like-minded states to strengthen multilaterals against malign interference.

54. A self-confident 'Global Britain', actively engaging in coherent and proportionate reform, and publicly highlighting examples of abuse, is central to the assertion of shared democratic values and restoration of faith in multilateralism. In our view, Government engagement with multilaterals should be centred around some core values: upholding individual human rights as laid out in the UN charter; the championing of open and democratic societies; leading by example in supporting compliance with international rules and rulings; and ensuring that less developed and less influential states are not excluded from the governance of multilateral organisations and their benefits.

55. This inquiry looked in detail at six major multilateral organisations, both inside and outside of the UN family. Our recommendations for specific actions all serve to further the above aims and to counter the influence of member states that would seek to undermine organisations' effectiveness and legitimacy. Our detailed recommendations serve to support what we think should be the Government's approach, namely:

- (1) **The need to play an active and leading role internationally, in setting high standards and holding others to account;**
- (2) **The need for a coordinated UK Government approach.** This includes better coordination between government departments, between delegations in Geneva and New York, and the use of funding as a means for strengthening multilateral organisations; and
- (3) **The desirability of developing and enabling broad groups of like-minded states,** wherever possible within multilateral organisations, to address specific challenges or policy issues.

Annex 1: Organisation for Security and Cooperation in Europe (OSCE)

Background

1) We received 11 pieces of written evidence relating to the OSCE. We held one oral evidence session where we heard from Dr Neil Melvin of the Royal United Services Institute, Lord Bowness of the UK Parliamentary Delegation to the OSCE, and Alex T. Johnson of the US Helsinki Commission.

2) The OSCE is a unique organisation as it is the only security-focussed multilateral organisation to include Western democracies and the Russian Federation. Evidence to the Committee was unanimous in stating that if the OSCE did not exist, something similar would need to be created,¹²⁶ and it was suggested that the process of doing so would be likely to water down the existing mandate established by the Helsinki Act of 1975 upon which the organisation is based.¹²⁷

Attempts to undermine the organisation

3) We sought to understand the role and approach of the Russian Federation in the OSCE. Dr Melvin, of the Royal United Services Institute, described the OSCE as a ‘buffer’:

...the risk of excluding a state—particularly a state such as Russia—is what they would do if they were outside. It is quite likely that we would then continue to see Russia act as it has and perhaps in worse ways and beginning to act in a style of politics that is a return to the 19th century, with big powers pushing their neighbours round.¹²⁸

He argued that Russia's actions in reaching a consensus, as well as the quality of diplomats they send to the OSCE, suggest that the OSCE is valuable for Russia. This was supported by the FCDO Head of Delegation, Neil Bush.¹²⁹

4) The OSCE can challenge the disruptive ambitions of the Russian Federation through ‘soft’ approaches such as continuing to ensure that member countries with a strong record as legitimate democracies remain involved in election monitoring. In a ‘hard’ way, the OSCE provides a forum to challenge the Russian Government to stand by their commitments under the Helsinki Act and the Alma-Ata declaration of 1991 in which former Soviet states agreed to respect each other's sovereignty and right to determination.¹³⁰

5) The OSCE is facing a number of existential challenges. Its influence in theatres of conflict is being put to the test in Ukraine and Nagorno-Karabakh, as well as in disputed elections in Belarus and Kyrgyzstan. 2020 saw an impasse over senior appointments including the Secretary General, Representative for Minorities, and Representative on Media Freedom that demonstrated the geopolitics at play and attempt to disrupt the work

126 See for example Lord Bowness [Q45](#); Alex T. Johnson [Q54](#)

127 Lord Bowness in oral evidence session [Q54](#); Lord Bowness in written evidence ([MUO0014](#)) p4

128 [Q42](#) [Dr Neil Melvin]

129 [Q305](#) [Neil Bush]

130 For more information see Alma-Ata Declaration 21st December 1999, and [The return of global Russia: Moscow's approach to multilateral institutions](#), online from Finnish Institute of Foreign Affairs, 3 December 2019

of the organisation.¹³¹¹³² Philip Remler, non-resident scholar at the Carnegie Endowment for International Peace, told us that this demonstrated an attempt to change the agenda:

It is clear that participating States that are rethinking the commitments they took when they joined the OSCE will continue to try to erode the OSCE's institutions and capacity to promote those commitments.¹³³

These challenges can be attributed to the rise in authoritarian regimes in countries such as Azerbaijan, Turkey and Tajikistan and there is a lack of consensus on values across the membership in a way there has not been in the past.¹³⁴

6) There is evidence of obstruction or malign action by the Russian Government to thwart progress in resolving many issues, such as those regarding election and the agreement of budgets.¹³⁵ Moreover, the disengagement from European powers has allowed political capture by Moscow.¹³⁶ The Foreign Policy Centre described these efforts as follows:

Moscow and others, whose values are not aligned with the UK, are taking advantage of the vacuum and crisis of confidence (of the West) in multilateral institutions like the OSCE—leaving these institutions open to political capture.¹³⁷

In situations where consensus is withheld it is not always clear which countries have withheld it. We believe that whilst inclusion of Russia is important for the OSCE's convening function to remain relevant, Russia should nonetheless be viewed as a disruptive actor at the moment.

7) Another example of the Russian Government using the OSCE as a tool to exert influence is their efforts to be well represented on ODIHR election missions. The Russian Government see this as a tactical move to “weaken by dilution” the positive impact of election monitoring on democracy.¹³⁸

8) In terms of the extent to which the OSCE can resolve the aforementioned issues, it is important to remember three things:

- i) As Dr Melvin explained, the organisation “hovers between a conference and an international organisation”. To think of it as purely one or the other distorts one's expectation of what it can achieve.¹³⁹
- ii) That the ability of the OSCE to mediate is only as good as the relationships between member states.¹⁴⁰

131 Philip Remler ([MUO0007](#)) p5

132 Azerbaijan and Tajikistan had opposed renewing the appointment of the current Representative on media freedom (Harlem Désir); Tajikistan and Turkey had opposed renewing the Head of ODIHR ; and negotiations to find a solution ended in stalemate. France, Canada, Norway and Iceland refused to back Mr Zannier (minorities) and Mr Greminger (secretary general) on the grounds that all four officials had originally been appointed together.

133 Philip Remler ([MUO0007](#)) p5

134 [Q38](#) [Dr Neil Melvin]

135 Foreign and Commonwealth Office ([MUO0030](#)) Annex D, [Q43 and Q48](#) [Dr Neil Melvin]

136 [Q43](#) [Dr Neil Melvin]

137 The Foreign Policy Centre ([MUO0026](#)) p3

138 Joseph Worrall ([MUO0019](#)) p2

139 [Q55](#) [Dr Neil Melvin]

140 [Q39](#) [Dr Neil Melvin]

- iii) What it [the OSCE] can do is help to mediate and facilitate avoidance of worse scenarios. The OSCE struggles to build trust on its own. It can contribute to a trust-building process reflecting its values around transparency and predictability in security relations but the trust itself will probably have to come from relations between participating states.¹⁴¹

Philip Remler explained, “the OSCE has always been geopolitical but not morally neutral”. There is an expectation of an ‘aspiration’ to the principles of the Helsinki Act by all members, whereas what we witness in the behaviour of certain states is a blatant disregard of these values.¹⁴² Without adequate funding the OSCE cannot act as a counterbalance to Russia’s heavy diplomacy in the former Soviet sphere.¹⁴³

Current FCDO engagement with the OSCE

9) There are considerable advantages to the UK of being involved in both long-term and short-term election monitoring missions through ODIHR. These extend beyond the multilateral benefits listed above and include a strengthening of ‘soft power’ resources. Lord Cromwell, of the British East-West Centre, stated:

In 20 years of running such missions I have repeatedly and consistently learned that the UK input is not just respected but seen as vital to the success of the election observation missions.

And:

How does the ODIHR election monitoring process benefit various stakeholders?

United Kingdom	Recipient state	OSCE
Monitoring provides intelligence on political situation to inform foreign policy decisions.	Leads to genuine improvements in electoral process (e.g. Uzbekistan and Ukraine).	Strengthens democracy thus strengthening founding principles in the Vienna document.
Opportunity to grow and consolidate Soft Power.	Gives confidence to voters and candidates.	
Allows UK to project values.	Undermines unsubstantiated claims of popular legitimacy.	
	Strengthens would-be vassal states against interference.	

141 [Q39](#) [Dr Neil Melvin]

142 Philip Remler ([MUO0007](#)) p4

143 Philip Remler ([MUO0007](#)) p4–5; Stefan Wolff ([MUO0003](#)) para 22

Figure 2

(Source: Alex Folkes ([MUO0009](#)); Paul Wesson ([MUO0010](#)); Joseph Worrall ([MUO0019](#)); Human Rights Watch ([MUO0020](#)))

This is thus a powerful means by which the UK projects itself as a force for good internationally and achieves influence and respect for its activities and engagement.¹⁴⁴

10) There is considerable criticism of the approach the FCDO takes to long-term election monitoring missions. Paul Wesson of Daterna Ltd. explained:

There is no clarity as to who at FCO selects which countries should have observation and the decision can fall to Embassies who might not have staff who are familiar with the roles of observers. Some Ambassadors are welcoming whilst others are stand offish to observers. In the last 3 years or more the UK commitment to EOMs is 'scattergun' at best with some countries meriting large numbers of observers and others being ignored completely.¹⁴⁵

He went on to give examples of key elections that have been missed including elections in the US since 2012, and the election in Montenegro in 2020. Alex Folkes clarified that the UK is the only country he is aware of with multiple focal points for recruiting and appointing monitors.¹⁴⁶

HE Neil Bush, head of the OSCE delegation, sought to reassure us that:

...supporting elections is an important part of the UK commitment to open societies and to safeguarding and enhancing democracy.¹⁴⁷

11) He also explained that the decision whether or not the UK will be involved in ODIHR election missions is taken at geographical directorate level on a case-by-case basis that takes into account "country specifics and advice with regard to wellbeing and safety".¹⁴⁸ There appears to be a lack of a coherent approach both to the selection of elections the UK decides to monitor, and the process for recruiting and supporting monitors.

12) In data compiled by the House of Common's Scrutiny Unit, and presented in Figure 3, the UK is a significant financial contributor to the OSCE. It was responsible for 10.4% of the budget in 2018, giving over €14 million. This contribution, as well as voluntary donations above and beyond the statutory contribution, can be a source of influence in this organisation.¹⁴⁹

144 British East West Centre ([MUO0021](#)) p2

145 Paul Wesson ([MUO0010](#)) p5

146 Alex Folkes ([MUO0009](#)) p2

147 [Q311](#) [Neil Bush]

148 [Q311](#) [Neil Bush]

149 Alex T. Johnson, of the US Helsinki Commission, told us: "That investment gives you a voice to ensure that you counter the malign influence of states such as Russia and others." [Q41](#)

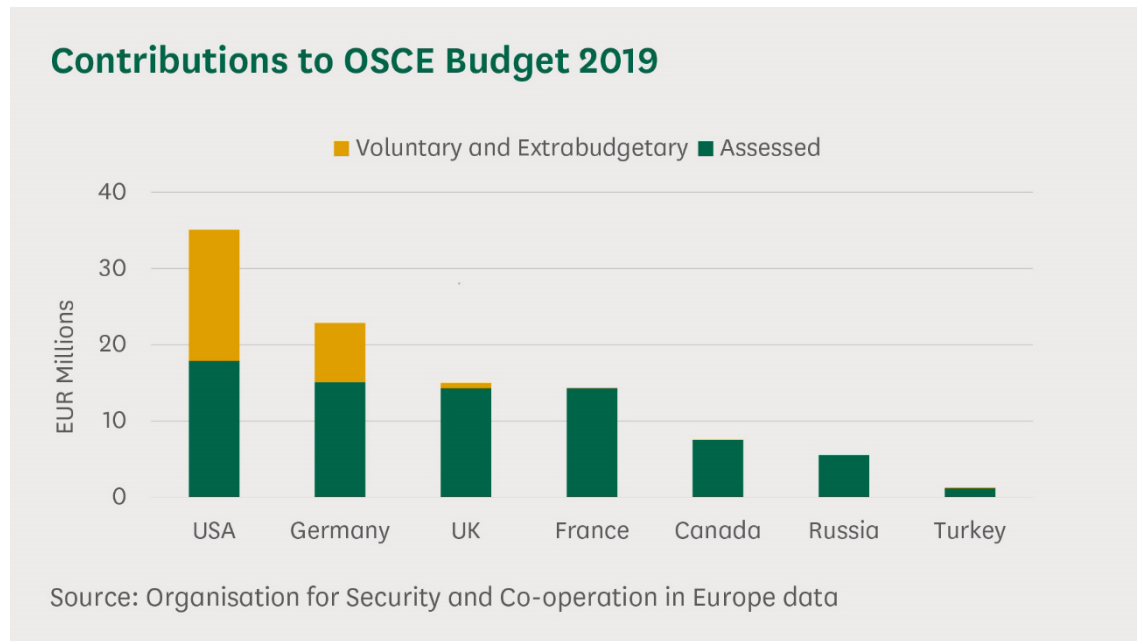


Figure 3

The UK's response

13) The Government outlined a number of roles they see the OSCE playing in the furthering of the UK's foreign policy objectives in their document *Global Britain in a Competitive Age*:

- a) Intention to support the OSCE as an organisation that upholds international norms on security including support of the OSCE Monitoring Mission to Ukraine (p75).
- b) Refers to a “new capability” to support election observation (p48).¹⁵⁰

14) We set out to establish the significance of the UK's involvement in the organisation and whether there were changes the Government could make to allow its influence to strengthen the OSCE against malign states. In light of Russia's multi-pronged attack on values upheld by the Vienna Document, we support the Government's approach of considering the OSCE in the context of the wider efforts to moderating Russia's influence.¹⁵¹ In the context of Ukraine and Belarus, the UK and the US need to continue to support mediation processes through the OSCE to prevent other alternatives emerging from Russia and its allies.¹⁵² Dr Melvin explained that:

The OSCE has to be seen in the context of a wider Russia strategy from the UK point of view.¹⁵³

In addition, contributors drew attention to the vigilance required within the OSCE toward the increasing influence of the Chinese Government in Central Asian states particularly,

150 Cabinet Office, [Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy](#), 16th March 2021, p48

151 As described [Q304](#) [Neil Bush]

152 [Q39](#) [Dr Neil Melvin]

153 [Q55](#) [Dr Neil Melvin]

and the implications on this for upholding the Vienna Document.¹⁵⁴

15) Connected to the last point, we see a need for the UK to act to ensure that competent and professional candidates for key positions in the secretariat, who will uphold the principles of the Vienna document, are proposed for official roles within the organisation. We heard that the UK has been a reliable provider of such individuals and should continue to be.¹⁵⁵ Failure to do so might see officials from 'east of Vienna' take up these offices who might mobilise parts of the organisation against democratic regimes.¹⁵⁶

16) There has been a strong indication given by the FCDO that the strengthening of democracies is a key part of the UK's goal of promoting open societies,¹⁵⁷ and we believe that the UK has a significant opportunity to further this aim through supporting the ODHIR monitoring programme. The consensus from the contributors was that the UK should be increasingly involved in election monitoring,¹⁵⁸ and that this is an area that requires investment in terms of capacity building for future monitoring. It requires a clear policy in how and where the UK will engage that considers the costs and benefits to all stakeholders and the role in countering interference.¹⁵⁹ For example, the UK has an opportunity to apply its experience in the cyber sphere to strengthening the defences of other states associated with protecting elections from cyber-attack or interference.¹⁶⁰

17) **A summary of our conclusions on the evidence and detailed recommendations in Chapter 4.**

154 Professor Stefan Wolff ([MUO0003](#)) para 9

155 The Foreign Policy Centre ([MUO0026](#)) p2, [Q47](#) and [Q48](#) [Dr Neil Melvin]; [Q51](#) [Alex T. Johnson]

156 [Q47](#) [Dr Neil Melvin]

157 See letter from the Foreign Secretary, Rt Hon Dominic Raab, to the Chair of the International Development Committee changes to the ODA budget, dated [2nd December 2020](#)

158 The Foreign Policy Centre ([MUO0026](#)); Joseph Worrall ([MUO0019](#)); Paul Wesson ([MUO0010](#)); Alex Folkes ([MUO0009](#)) p2; [Q56](#) [Lord Bowness]

159 Alex Folkes ([MUO0009](#)) p5

160 Alex Folkes ([MUO0009](#)) p5

Annex 2: The Human Rights Council (HRC) and the Office for the High Commissioner for Human Rights (OHCHR)

Background

18) We received five submissions of written evidence on these bodies. We included the HRC in the scope of this inquiry due to the close relationship between it and the OHCHR. We held one oral evidence session on these bodies with two panels. In the first we heard from Benjamin Ward of Human Rights Watch, Hillel Neuer of United Nations Watch, and Fred Carver of the United Nations Association UK. In the second we heard from Peggy Hicks¹⁶¹ and Mahamane Cissé-Gouro,¹⁶² both of the OHCHR.

Strengths and vulnerabilities of the OHCHR

19) The OHCHR has significant distinctive features in terms of its ability and willingness to hold states to account for their human rights records.¹⁶³ We heard evidence that the OHCHR has a high profile on-the-ground in states where UN is operating development programmes and that their programmes are having a positive influence on the human rights of individuals and communities across the world.¹⁶⁴ Moreover, the OHCHR appears relatively resilient to states attempting to influence its agenda through earmarked (also referred to as specified) funding,¹⁶⁵ although we heard contentions that its special advisors and procedures are not always as independent as civil society groups may want.¹⁶⁶

20) In contrast to some of the other organisations we considered, the OHCHR is prepared to publicise who is cooperating and who is not.¹⁶⁷ This situation, in terms of states cooperating, is improving with 126 countries holding standing invitations for special procedures with seven having been added to that list in 2019.¹⁶⁸

21) The OHCHR is facing a challenge with regard to funding.¹⁶⁹ We heard that two-thirds of its budget comes from private donors, which is unusually high for a UN agency. Harpinder Collacott of Development Initiatives argued that its uncompromising stance and outspoken criticism of governments has led to this outcome.¹⁷⁰ The Multilateral Organisation Performance Assessment Network (MOPAN) were quoted in written evidence:

161 Director of Thematic Engagement, Special Procedures, and Right to Development Division

162 Director of the Human Rights Council and Treaty Mechanisms Division

163 Fred Carver explained: "The High Commissioner for Human Rights has a completely unmatched platform to take states to task, and it is the only part of the UN system that has either the willingness or the ability to take on the major powers and offer criticism of some of those great powers. Success there looks like speaking truth to power and talking about the things that no one else within the UN system will talk about." [Q118](#) [Fred Carver]

164 [Q139](#) [Peggy Hicks]

165 [Q146](#) [Peggy Hicks]

166 [Q132](#) [Hillel Neuer], United Nations Watch ([MUO0029](#)) section 6

167 [Q118](#) [Fred Carver]

168 [Q142](#) [Peggy Hicks]

169 As explored in more detail in Annex 7, a shortfall in core funding can leave multilateral organisations vulnerable to the whims of donors who will give using voluntary earmarked donations.

170 [Q242](#) [Harpinder Collacott]

There is a chronic mismatch between OHCHR's growing mandate and scope of operations on the one hand, and its human and financial resources on the other.¹⁷¹

The MOPAN report concluded that the mandate of the OHCHR was expanding without a corresponding increase in income. As is explored elsewhere in the report, this increasing reliance on voluntary earmarked contributions, including those from private donors, represents a threat to the neutrality of the organisation (see Annex 7). Figure 4 uses data compiled by the House of Commons Scrutiny Unit and shows UK and US voluntary contributions in comparison to those of China and Russia, demonstrating that the UK is still more significant in terms of sums donated. It also gives the second highest amount of unspecified funding which can be used to support core costs.¹⁷² However, it also demonstrates the extent to which public funding is earmarked (specified) to particular areas of work within the OHCHR.

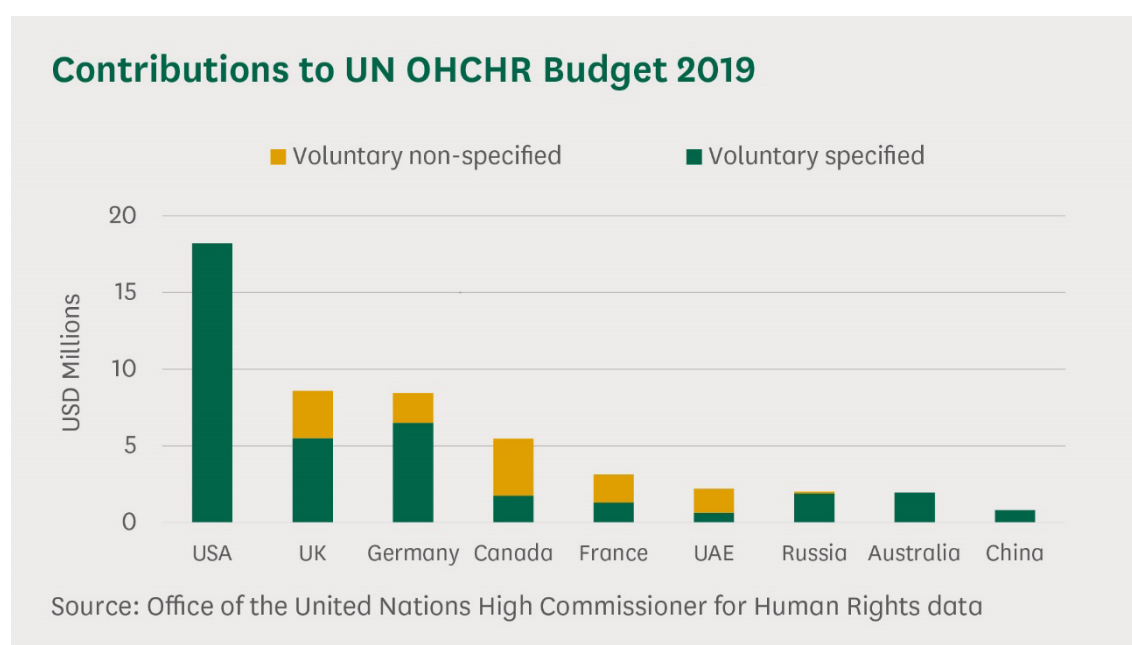


Figure 4

22) Peggy Hicks of OHCHR described the potential impact of a heavy reliance on voluntary earmarked donations on its effectiveness:

...too much project-based funding is actually ineffective and inefficient. What we see is that some of those earmarked projects are short-term projects that don't give us the ability to have the sort of sustained impact that is necessary to really pursue human rights objectives most effectively.¹⁷³

171 [MOPAN 2017–18 ASSESSMENTS: Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#), MOPAN, April 2019, p8

172 For examples of the benefits of voluntary un-specified donations see Annex 3.

173 [Q146](#) [Peggy Hicks]

Attempts to undermine the Human Rights Council

Membership of the HRC

23) The HRC has the advantage of universality and provides a forum for human rights to be discussed. However, the challenges facing the HRC are considerable. The electoral process appears to be ineffective as it fails to enforce UN resolution 60/251 which lays out the criteria for selection of candidates for the HRC. This resolution clearly directs members to consider candidates based on their contribution to the promotion and protection of human rights.¹⁷⁴ Hillel Neuer, of UN Watch, detailed the extent to which countries with poor human rights records are represented:

Among those whose human rights records rank lowest on the Freedom House survey, rated as “Not Free,” Afghanistan, Angola, Cameroon, Qatar, Bahrain and Mauritania—which has slavery—have never once been the object of a single resolution. Moreover, the human rights records of Cuba, China, Russia and Saudi Arabia, now seeking to rejoin the Council, have never once been the object of a single resolution, special session, special rapporteur mandate, or commission of inquiry. The same is true for abuser states such as Saudi Arabia, Turkey and Zimbabwe.¹⁷⁵

24) States tend to diverge on their view of human rights between a position of absolutist state sovereignty and one emphasising the primacy of individual human rights. We are aware of an informal collection of states, known as the ‘Like-Minded Group’ or ‘Non-Aligned Movement’, that exists to undermine the notion of individual human rights as understood within these organisations.¹⁷⁶ As the ‘Like-minded Group’ or ‘Non-Aligned Movement’ form a critical mass on the HRC, they are in a position to set the agenda, diverting attention away from their own poor records’ on human rights toward criticism of the approaches taken by Western democracies.¹⁷⁷ We heard that similar groupings of democracies that uphold the principles of inalienable individual rights do not exist to counter the influence of malign groupings in the same way.¹⁷⁸

25) Part of the explanation of the presence of these states on the HRC is the process of election. Blank slates—where there are the same number of candidates as there are places to fill—allows states to get elected unchallenged.¹⁷⁹ Contributors varied in the strength of their criticism, from highlighting a lack of transparency,¹⁸⁰ to describing the election process as a “total failure”.¹⁸¹ We heard that very few promises on voting are made, that European countries rarely (if ever) speak out about candidates that do not meet standards set under resolution 60/251, and that abusers are not removed (under article 8).¹⁸²

174 OHCHR, [Welcome to the Human Rights Council](#), Web page

175 United Nations Watch ([MUO0029](#)) p3

176 [Q124](#) [Fred Carver]; [Q132](#) [Hillel Neuer]

177 By way of an example, Hillel Neuer drew our attention to the behaviour of Cuba: “Cuba is hyperactive at the Human Rights Council. It may, in a given session, sponsor anywhere from 30% to 50% of the resolutions and those resolutions are counterproductive—either designed to blur the very language and idea of human rights or to promote a narrative that the west is seeking to exploit the rest.” [Q132](#)

178 [Q126](#) [Benjamin Ward]

179 Fred Carver clarified: “...we have seen that where there is competition, you get better outcomes. When Russia was challenged for its seat, it did not win.” [Q122](#)

180 [Q123](#) [Benjamin Ward]

181 [Q124](#) [Hillel Neuer]

182 [Q124](#) [Hillel Neuer]

Analysis of the position and actions of the Chinese Government

26) The Chinese Government is taking steps to undermine the human rights dimensions of multilateral organisations on multiple fronts. Their efforts at the HRC are particularly significant. Benjamin Ward explained:

... we are not talking just about, “If you help me to mute criticism of my human rights record, I’ll help you to mute criticism of your human rights record.” What China is seeking to do is something much more profound and pernicious, which is ... effectively to render the Human Rights Council and the Office of the High Commissioner unable to function and perform their mandate at all.¹⁸³

27) We heard evidence from HRW that gave multiple examples of Chinese interference including:

- a) making it difficult for human rights organisations that do work in China to be accredited;¹⁸⁴
- b) putting significant political pressure on UN experts and national delegations who are critical of it, with the approach to Geneva based staff being described as “bullying”;¹⁸⁵
- c) The Chinese Government has not allowed a High Commissioner of Human Rights to visit since 2005 and are yet to allow unrestricted access to investigators as requested by the current incumbent in 2018;
- d) Obstruction of Special Procedures has reached the point that 50 current and former Special Procedures have called for a special session on China at the HRC and for a special mechanism to monitor and report on China;¹⁸⁶¹⁸⁷
- e) China mostly responds to communications from UN independent human rights experts only to reject criticism;¹⁸⁸
- f) obstruction of civil society and NGO activity at HRC hearings relating to the UPR;¹⁸⁹¹⁹⁰
- g) using budget discussions to cut human rights posts across a number of UN peacekeeping and political missions;¹⁹¹ and
- h) emerging evidence that the Chinese Government signs other governments up to its statements without consulting them.¹⁹²

183 Q126 [Benjamin Ward]

184 Q126 [Benjamin Ward]

185 Q131 [Benjamin Ward]; Human Rights Watch (MUO0020) p2

186 Human Rights Watch (MUO0020) p2

187 The [special procedures](#) of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They are non-paid and elected for 3-year mandates that can be reconducted for another three years.

188 Human Rights Watch (MUO0020) p2

189 Universal Periodic Review: The mechanism by which the OHCHR carried out reviews of UN member states progress toward human rights goals

190 Human Rights Watch (MUO0020) p2; United Nations Watch (MUO0029) p7

191 Human Rights Watch (MUO0020) p2

192 Human Rights Watch (MUO0020) p2

Expectations of Change at the HRC

28) The history of the foundation of the HRC, and the failure to enforce its regulations, illustrate the difficulties in bringing about reform. One example of this relates to the attempts to resolve the controversies around Agenda Item 7 which requires that the human rights situation in “Palestine and other occupied territories” is discussed at every meeting. Whilst we recognise that this is a contentious issue, evidence we received concurs with the UK Government’s position that Item 7 represents an unacceptable bias against the Israeli state.¹⁹³ There were significant attempts to resolve this issue in 2017/2018 that were ultimately blocked by the EU.¹⁹⁴ Failure to resolve this issue significantly damaged the faith of the US in the HRC.¹⁹⁵

29) **There are legitimate expectations that the HRC should be able to act on human rights issues. Whilst the HRC was established to provide a forum to discuss human rights and potential human rights abuses, the agenda has been skewed by states that would undermine human rights to the point that these discussions are becoming divorced from the founding purposes of the organisation. We heard that whilst wholesale reform of the HRC may be unrealistic and undesirable,¹⁹⁶ steps to strengthen the HRC are within reach and these are discussed in more detail in the recommendations (see Chapter 4).**

Current FCDO engagement with the OHCHR and HRC

30) The Government has acknowledged and shares many of the concerns around the HRC. On 22 February, the Foreign Secretary, Rt Hon Dominic Raab MP, addressed the HRC:

But, like any institution, we know the Council is not perfect. Some members do not meet the human rights standards we vow to uphold. And the Council’s agenda does not consistently reflect where the most pressing human rights issues are.¹⁹⁷

The Integrated Review did not mention any particular organisations, however it acknowledged that the “the international order is only as robust, resilient and legitimate as the states that comprise it”.¹⁹⁸

31) We heard mixed reflections on the UK Government’s engagement with these UN bodies. The Universal Rights Group (URG) made a number of observations around the UK’s level of influence in the human rights structures of the UN:

a) the UK only succeeded on getting re-elected to the HRC in 2020 because it was a

193 United Nations Watch (MUO0029) p5; Jewish Leadership Council (MUO0008); Foreign and Commonwealth Office, [Speech by the Foreign Secretary to the Human Rights Council](#), 18th June 2018

194 See, for example, Q348 [Julian Braithwaite]; [“US departure from the Human Rights Council: what really happened and what will happen next?”](#) By Marc Limon, 27th June 2018, Universal Rights Group, Blog

195 [“US departure from the Human Rights Council: what really happened and what will happen next?”](#) By Marc Limon, 27th June 2018, Universal Rights Group, Blog

196 Q7 [HE Sylvie Bermann]

197 Foreign, Commonwealth and Development Office, [United Nations Human Rights Council, 46th session: Foreign Secretary’s statement](#), 22nd February 2021

198 Cabinet Office, [Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy](#), 16th March 2021, Para 5 (p44)

blank slate for the Western Group following the withdrawal of Germany;¹⁹⁹

b) the UK currently does not have a single national on any of the 9 UN human rights treaties bodies;

c) the UK nationals operating as Special Procedures is at an all-time low of two.²⁰⁰

32) The UK Government could do more to publicly oppose the election of states with an undesirable direction of travel with regards to human rights. United Nations Watch (UNW) cited a number of examples of the UK Government failing to oppose election of states with outstanding allegations of human rights abuses.²⁰¹

33) We also heard criticism of the statements Lord Ahmad releases on sessions of the HRC.²⁰² Multiple examples were given of where perceived achievements were reported but harmful resolutions that were opposed by the UK were ignored. This, UNW argued, gives an inaccurate impression to Parliament and other democracies of the situation at the HRC.

34) In reference to ODA spending on human rights related issues, of the £15.2 billion spent in 2019, 0.3% was spent on human rights and 9 million of that went to the OHCHR. This puts it in third place behind Sweden and the EU.²⁰³ Speaking about the approach of Scandinavian countries, Fred Carver explained that success of their model relies on their diplomacy and financial contribution:

...I think the Scandinavians are the states to emulate. What they do is essentially to speak softly and carry a big wallet... What the Scandinavians do very well, and why their reform agendas are so much more successful [than the UK's], is that they make sure that they have earned their right to speak and their right to reform.²⁰⁴

35) There is a high degree of respect for the UK on the HRC and its voice carries weight. Lord Ahmad used the example of the UK's success in gaining support for its statements around Xinjiang at the HRC as an example of the success of its diplomatic efforts. Support for the UK statement has increased from 27 to 38 signatories and China's has declined from 54 to 47.²⁰⁵ We were encouraged by the Foreign Secretary's address to the HRC on 23 February 2021 in which he called out Chinese and Russian human rights abuses and encouraged other members to consider whether the actions of those states were in line with their obligations.²⁰⁶ We heard that multilateral pressure is particularly powerful in these cases.²⁰⁷ However, greater coordination between various mechanisms of the HRC and OHCHR is needed in addressing gross human rights violations, particularly with regards to China.²⁰⁸ UNW praised the UK for leading 23 countries to speak out about

199 In the case of the Western Europe regional block, there is a requirement to put forward a minimum of two candidate states for election. If only two candidates are put forward, they are automatically elected—a clean slate. As the UK was one of only two candidates, their election was guaranteed.

200 Universal Rights Group ([MUO0033](#)) p2

201 United Nations Watch ([MUO0029](#)) section 1

202 United Nations Watch ([MUO0029](#)) section 4

203 United Nations Association - UK ([MUO0017](#)) para 22

204 [Q219](#) [Fred Carver]

205 [Q296](#) [Lord Ahmad]

206 Foreign, Commonwealth and Development Office, [United Nations Human Rights Council, 46th session: Foreign Secretary's statement](#), 22nd February 2021

207 [Q141](#) [Peggy Hicks], [Q124](#) [Benjamin Ward]

208 [Q127](#) [Benjamin Ward]

abuses in Xinjiang, but insisted that the introduction of resolutions is what is needed and statements do not go far enough. They also made the case that even if such resolutions are rejected, they draw attention to abuses and allow for further discussion.²⁰⁹ Julian Braithwaite, from the FCDO, disagreed with this approach:

We're not there yet, but if we ever got to the issue of thinking of a resolution, we would want to win it. That's one of the reasons that we haven't yet offered to run one: because we're not there yet.²¹⁰

36) We will follow-up with greater analysis of the UK Government's engagement over abuses by the Chinese Government in our inquiry into the Xinjiang detention camps.

37) The FCDO listed the following as examples of where the UK has worked to strengthen the OHCHR: work to establish OHCHR's evaluation unit; support for the establishment of a team focussed on Preventing Sexual Violence in Conflict (PSVI); and work on improving OHCHR's information management so that it is better able to analyse human rights data and present human rights information in a compelling way across the UN.²¹¹

The UK's response

38) Whilst the Government's report, *Global Britain in a Competitive Age*, made multiple commitments to support human rights through multilateral organisations,²¹² it made very little reference to the Human Rights Council directly.²¹³

39) We suggest that the Irish Principles are used as criterion for determining how the HRC should act (see chapter 4).²¹⁴ The Irish Principles were developed at the 32nd session of the Council in Ireland in 2016. They are objective criteria that might guide Council decision-making on which situations might necessitate and benefit from early Council preventive action and include:

- Whether there has been a call for action by the UN Secretary General, the High Commissioner for Human Rights or the relevant UN organ, body or agency.
- Whether a group of Special Procedures, or Commissions of Inquiry, Fact-finding missions and Investigations have recommended that the Council consider action.
- Whether the State concerned has a national human rights institution with A-status (and whether that institution has drawn the attention of the international community to an emerging situation and called for action).
- Whether the State concerned has been willing to recognise that it faces particular human rights challenges and has laid down a set of credible actions, including table and benchmarks to measure progress, to respond to the situation.

209 United Nations Watch ([MUO0029](#)) section 3

210 [Q330](#) [Julian Braithwaite]

211 Foreign and Commonwealth Office ([MUO0030](#)) annex c

212 The report focussed on unilateral means to sanction human rights abuses (para iv, [p20](#)), as a cross-cutting theme (see for example para 5, [p44](#); [p54](#)).

213 It included the 'UN' in broad terms as one of the avenues to pursue the human rights agenda (para 10, [p47](#)).

214 [Q124](#) [Fred Carver]

- Whether the State concerned is engaging with OHCHR, including in the field of technical assistance and effective engagement with UN Human Rights Treaty Bodies.²¹⁵

40) Coalitions of like-minded states could also be mobilised to encourage the use of competitive slates in regional blocks for the HRC. The UK should engage with allied states, and others it would like to see on the council, through capacity building and diplomacy in order to inspire them to stand as candidates.²¹⁶ This has a dual benefit of enriching the diversity of the council and squeezing out countries with particularly bad human rights records.²¹⁷ The UK could lead on the promotion of transparent voting as well as being prepared to make public pledges of how it will vote.²¹⁸

41) Carefully directed funding toward the secretariat would strengthen the organisation. Mahamane Cissé-Gouro, of OHCHR, suggested that this could be an area where the UK could support the OHCHR.²¹⁹ Adoption of a voluntary core funding approach would allow the FCDO to strengthen the secretariat to outside interference and ensure that performance indicators could be closely monitored.

42) There is a need for ever greater coordination across the UK's diplomatic network. Fred Carver told us:

If the UK had a joined-up strategy for ensuring that its missions and embassies around the world were keyed into what is going on in Geneva, and were ready to offer support, protection and safeguarding against reprisals, that would be hugely powerful.²²⁰

43) Finally, ongoing engagement with the US is important to strengthen support for UK interests at the HRC.²²¹

44) **As detailed above, there is increasing opportunity for the UK to speak out against the election of council member states that are violating human rights.**²²² **This approach will be more effective if the UK is able to work in broad coalitions of like-minded states.** Contributors advocated the use of Special Sessions of the HRC to draw attention to particular situations.²²³

45) Similarly, with its election to the HRC and freedom from agendas of the EU, the UK is in an increasingly strong position to introduce resolutions and call for Special Sessions on situations where human rights are being violated. This is most pressing with regard to the persecution of Muslim minorities in Xinjiang, China.²²⁴ We are paying further attention to this specific case in our inquiry into Xinjiang detention camps.

46) **For our conclusions and recommendations see Chapter 4.**

215 ["Eliminating 'selectivity' at the Council as a contribution to effective prevention: the practical application of the 'Irish Principles'"](#) by Marc Limon, Olivia Bebe AND Isabella Mosselmans, 25 January 2017, Universal Rights Group, blog

216 [Q122](#) [Fred Carver]

217 [Q123](#) [Benjamin Ward]

218 [Q123](#) [Benjamin Ward]

219 [Q146](#) [Mahamane Cissé-Gouro]

220 [Q124](#) [Fred Carver]

221 Julian Braithwaite told us that "we will be in much stronger position" if the US re-joins and re-engages with the HRC, a presence that has been "missed" during much of the Trump Administration. [Q328](#)

222 [Q214](#) [Fred Carver]

223 United Nations Watch ([MUO0029](#)) section 3

224 United Nations Watch ([MUO0029](#)) section 3, [Q127](#) [Benjamin Ward]

Annex 3: The World Health Organisation (WHO)

Background

47) We received seven pieces of written evidence with reference to the WHO. We held an oral evidence session with Dr David Nabarro of Imperial College, and Dr Ilona Kickbusch, an independent health consultant. We also heard from Dr Yanzhong Huang of the Centre for Foreign Relations, an expert in China's public health policy.

48) For the purposes of this inquiry, we focussed on the role of the secretariat in calling out states who may be breaking the rules or not acting in the spirit of them, allegations that the Chinese Government has disproportionate influence in the WHO, the challenges of the funding structure of the WHO, and the UK's role in strengthening the organisation.

Strengths and vulnerabilities of the WHO

49) When examining the effectiveness and vulnerability of the WHO it is helpful to draw distinctions between the World Health Assembly (WHA),²²⁵ International Health Regulations (IHR), and the secretariat of the WHO. Much of the focus, praise and criticism of the WHO's effectiveness and integrity is targeted at its secretariat, yet we heard that the work of the secretariat is tightly constrained by the former two.²²⁶ The WHA directs the work of the secretariat and the IHR provides the framework within which it operates.

50) The work of the secretariat plays a vital role in the international coordination of both preventative and reactive public health responses.²²⁷

51) Considering the effectiveness of the WHO, we heard evidence that the IHR might lack comprehensive coverage, particularly in the case of international public health emergencies.²²⁸ However, the broad consensus was that the secretariat responds to criticism, learns lessons,²²⁹ remains transparent,²³⁰ and implements its role within its mandate.²³¹ It sees any adjustment to its mandate or the IHR to be the responsibility of the WHA.

52) The secretariat is required to play a very political game. Unlike the OHCHR, which sees outspoken criticism as part of its remit, the WHO is very wary of appearing partisan. As it is ultimately accountable to the WHA, it refrains from casting judgement on the actions, or lack thereof, of any member state. Anthony Dworkin, of the European Council on Foreign Relations, described the tension thus:

However, the Regulations do not impose sanctions on states for non-compliance, and they leave the DG²³² dependent on state cooperation to

225 Comprises of delegations from all member states and is the main decision-making body for the organisation.

226 Anthony Dworkin ([MU00028](#)) para 6

227 The submission from Action for Global Health described the contribution of the WHO as "an invaluable resource for countries in their efforts to protect the most vulnerable and marginalised groups to cope with public health threats" and gives the examples of campaigns combatting smallpox, HIV/AIDS and Ebola. ([MU00022](#)) section 1

228 [Q101](#) [Dr Ilona Kickbusch]

229 [Q28](#) [Ben Emmerson]

230 [Q5](#) [Dr Brian McCloskey and Prof Sophie Harman]

231 [Q100](#) [Dr David Nabarro]

232 Director General

allow investigations of outbreaks on their territory. This means that any statements by the DG that are critical of a state's response are likely to forfeit its cooperation, reducing the incentive to speak out.²³³

53) This background is important for understanding the context behind the WHO's response to the Chinese Government in respect of the Covid-19 investigation.

54) We believe that the WHO, both at WHA and secretariat level, remains vulnerable to unacceptable interference. We heard of risks of political influence in elections, and efforts to constrain the secretariat, although we did not receive evidence relating to particular member states. Dr Kickbusch described a concerning trend in the case of the WHO:

We used to think that health would be less likely to be subject to restrictions imposed by member states than some other issues, such as peace and security, but we are now seeing that health is also an area where member states have very strong views about the room the secretariat can have for its work.²³⁴

She went on to assert that the ability of the Director General to manage these relationships and resist these political pressures was important for checking the power of individual states—both witnesses indicated that the DG role was a tough one.²³⁵

55) Another area in which the WHO is vulnerable to interference and manipulation is funding. In data compiled by the House of Common's Scrutiny Unit, Figure 5 illustrates the reliance of the organisation on voluntary specified (earmarked) funding. There is an increasing tendency for the organisation to rely on voluntary earmarked donations over statutory contributions.

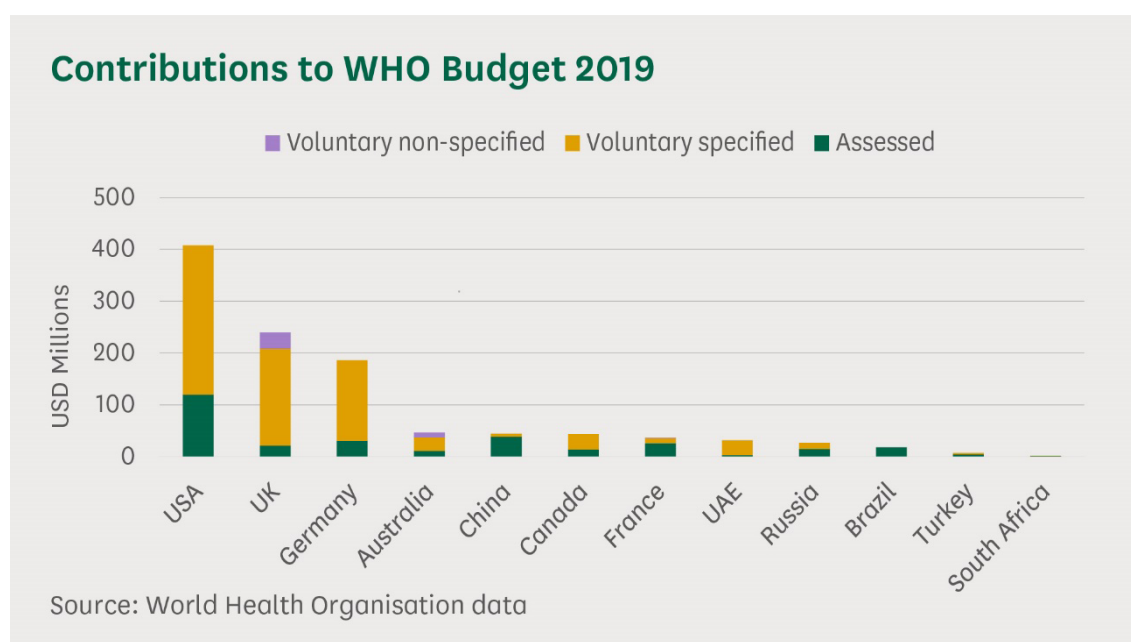


Figure 5

Much of this funding comes from private donors such as the Bill and Melinda Gates Foundation. Dr Nabarro insisted that the current financial base of the organisation is

233 Anthony Dworkin ([MUO0028](#)) para 6

234 [Q97](#) [Dr David Nabarro]

235 [Q98](#) [Dr Ilona Kickbusch]; [Q112](#) [Dr David Nabarro]

“unsustainable” and therefore both voluntary and assessed contributions need to be considered.²³⁶ The trend toward voluntary earmarked funding presents a number of challenges to the organisation including:

- a) Reducing the ability to respond quickly to international health emergencies unless voluntary funding is earmarked for this purpose. The organisation is therefore required to fundraise before serious action is possible.²³⁷
- b) The opportunity for donors (whether private, private state-proxy or public) to set or heavily influence the agenda can impact the ability of the secretariat to maintain autonomy over implementation of programmes it sees as key to achieving its mandate.²³⁸
- c) It raises questions over accountability if private donors do not have rigorous requirements they are obliged to meet.²³⁹
- d) It makes it difficult for the secretariat to design a coherent workplan.²⁴⁰

Analysis of the position and actions of the Chinese Government

56) It is clear to us that the Chinese Government sees influence at the WHO as a significant strategic goal. The Chinese Government is considered to exert disproportionate influence in the WHO (secretariat and WHA) given its relatively small funding contribution and the limited number of key positions in the secretariat that it holds.²⁴¹ Dr Yanzhong Huang, of the Council on Foreign Relations explained that China is increasing voluntary donations to multilateral organisations such as the WHO.²⁴² There is evidence the Chinese Government has used the lack of leadership by the US to “pursue a very bilateral agenda.”²⁴³ However, as Figure 6 shows, China’s contributions still fall far behind those of the UK:

236 [Q114](#) [Dr David Nabarro]

237 [Q329](#) [Dr Yanzhong Huang]

238 See for example [Q17](#) [OB Sissay and Prof David Heymann]

239 See for example [Q6](#) [Prof Sophie Harman and Dr Brian McCloskey]

240 Anthony Dworkin ([MUO0028](#)) para 7

241 [Q245](#) [Dr Yanzhong Huang]

242 [Q244](#) [Dr Yanzhong Huang]

243 [Q20](#) [Prof Devi Sridhar]

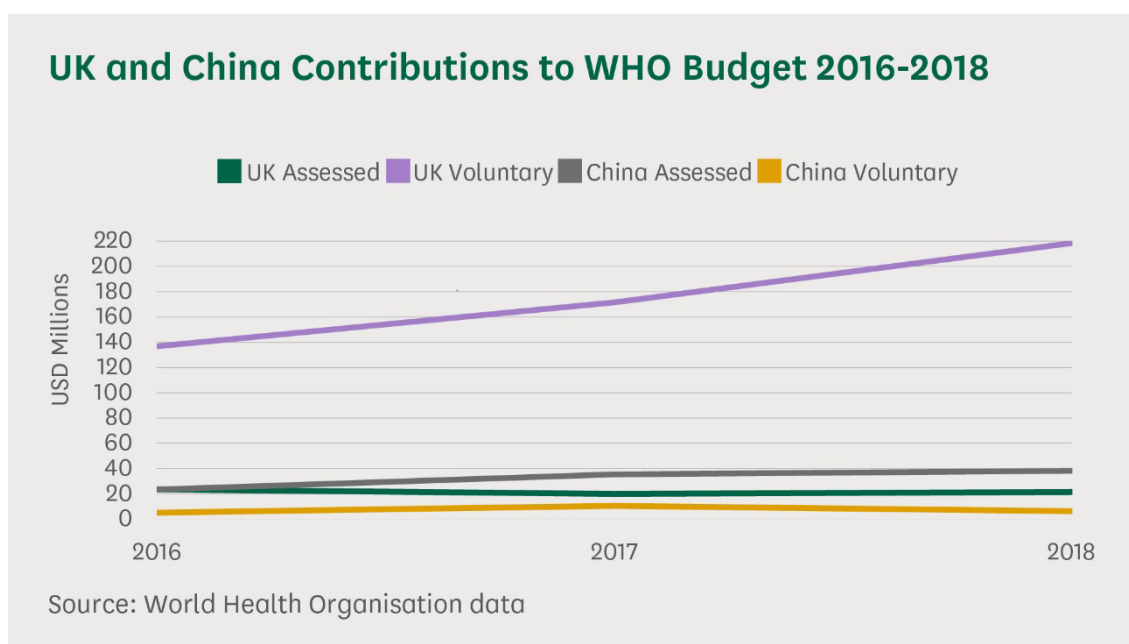


Figure 6

57) We have heard a number of possible explanations for this disproportionate influence of China:

- a) There has, until recently, been a lack of challenge to the Chinese Government's influence;²⁴⁴
- b) The Chinese Government is able to exert more influence in the WHA through its increasing geopolitical importance;²⁴⁵
- c) China represents 18.47% of the world's population and a number of recent new diseases have emerged from the country, making China an important stakeholder in efforts to promote public health security;²⁴⁶
- d) The Chinese Government has been a 'staunch' supporter of the WHO's efforts to promote public health.²⁴⁷
- e) The disengagement by the US Trump Administration has contributed to allowing Chinese influence to extend.²⁴⁸

58) If the WHO secretariat has criticism of China's response to the Covid-19 outbreak in Wuhan and the speed of dissemination of information regarding it, they are unlikely to publicly voice that without instruction from the WHA to do so. Dr Nabarro explained that states are at liberty to decide what information they share with the WHO and when²⁴⁹ and that failure of the WHO to criticise the Chinese Government by the secretariat is not necessarily a sign of undue Chinese influence or favouritism, rather it is an example of the secretariat acting within its mandate. It is required to act in this way in order to function effectively.

244 Anthony Dworkin ([MUO0028](#)) para 8

245 [Q245](#) [Dr Yanzhong Huang]

246 [Q245](#) [Dr Yanzhong Huang]

247 [Q245](#) [Dr Yanzhong Huang]

248 [Q324](#) [Lord Ahmad]

249 [Q101](#) [Dr David Nabarro]

Current UK Government engagement with the WHO

59) An important objective of our inquiry was to establish the current level of influence the UK exerts in the WHO.²⁵⁰ There are 60 collaborating sites the UK hosts, including universities, research institutes and at Public Health England.^{251,252}

60) We scrutinised how UK funding is allocated. The UK is the second largest state funder after the US, giving £339.2m²⁵³ in 2019. US\$64.7m of this was given as voluntary unearmarked core funding.²⁵⁴ This mechanism agrees aspects of performance related core secretariat costs with WHO, giving them agency yet allowing the FCDO to maintain high levels of accountability. It also brings together various funding streams across Whitehall in a more rationalised approach. Dr Nabarro described this approach as a “very precious thing to do” which is a “sign of extraordinary confidence in the organisation”.²⁵⁵

61) In terms of UK influence in the secretariat, Jane Ellisson is a UK national and Executive Director for External Relations and Governance at the WHO. Dr David Nabarro, having failed to be elected as the chairman in 2017, is now the Special Envoy of the WHO Director General on COVID-19.

62) The Global Health Oversight group provides an important forum for coordinating the Government's response to global health issues. This group was convened in 2016 chaired by DFID and DHSC until September 2020 and has representatives from all relevant government departments. The UK's engagement with WHO is officially managed by DHSC; the UK's representative on the Executive Board of the WHO is the Chief Medical Officer, Professor Chris Whitty (who was recently re-elected for the 2020–2023 period).²⁵⁶ Contributors to the inquiry articulated that global health security, and the integrity of the WHO which supports it, requires an international diplomacy element.²⁵⁷ Lord Ahmad would not be drawn on whether he agreed that the GHOG should be chaired by the FCDO; however, he did concede that balance had changed with the merger and that chairmanship should be issues based.²⁵⁸ Julian Braithwaite, who sits on the group, observed that the group operated well and that the “FCDO's collective weight [on the body] has increased”.²⁵⁹

250 Action for Global Health described the relationship between the UK and the WHO as “close and fruitful”. [\(MUO0022\)](#) section 1

251 Action for Global Health [\(MUO0022\)](#) section 1

252 Speaking to the House of Lords Select Committee on International Relations and Defence, Professor David Heymann of London School of Hygiene and Tropical Medicine described the position of the UK as follows: “The United Kingdom has much to offer. Countries prefer collaboration with the United Kingdom to collaboration with the country I come from—the US—because it is a much different type of collaboration. It is a collaboration which in many ways listens to what is going on and provides support where it is asked to provide support.” [Q20](#)

253 Foreign and Commonwealth Office [\(MUO0030\)](#) annex E

254 Sightsavers [\(MUO0013\)](#) para 7

255 [Q113](#) [Dr David Nabarro]

256 Action for Global Health [\(MUO0022\)](#) section 3

257 Action for Global Health recommended that the: “...FCDO embeds a cross-government approach to global health through retaining and strengthening the Global Health Oversight Group, with the FCDO chairing this group and overseeing the UK's work in global” [\(MUO0022\)](#) section 3

258 [Q321](#) [Lord Ahmad]

259 [Q320](#) [Julian Braithwaite]

The UK's response

63) As detailed above, we understand the current constraints on the ability of the secretariat to 'name and shame' states that are not acting in the spirit of global health cooperation and the IHR. However, the UK Government does not have those same constraints. Moreover, as a major funder and a state with considerable convening power in the WHA, the UK can call out those who inhibit cooperation.

- 1) In the Integrated Review there was considerable attention paid to the planned UK support of the WHO going forward:
 - a) Plan to increase core funding by 30% over the next four years.²⁶⁰²⁶¹
 - b) It was given as an example of an organisation "vital for the future functioning of the international order".²⁶²
 - c) Support of health systems worldwide to be able to improve capacity to comply with the IHR.²⁶³
 - d) Continues to see the WHO as primary lead on global public health issues.²⁶⁴

64) Understanding both the causes and the effectiveness of the WHO response to Covid-19 is pivotal for identifying improvements to the IHR and WHO.²⁶⁵ We welcome the lead the Government proposes to take (as outlined in the Integrated Review). The FCDO and DHSC should be prepared to lead on the revision of the International Health Regulations (IHR) in light of lessons learnt from the Covid-19 pandemic where needed. This will be covered in more detail in our inquiry into Global Health Security.

260 Cabinet Office, [Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy](#), 16 March 2021, Para ix, [p22](#)

261 For further comment on UK's commitment see letter to the House of Lords International Relations and Defence Committee from Lord Bethell (DHSC) and Wendy Morton MP (FCDO) dated [29th October 2020](#)

262 Para 4, [p44](#)

263 [P94](#)

264 [P94](#)

265 Action for Global Health ([MUO0022](#)) section 2, [Q109](#) [Dr Ilona Kickbusch]

Annex 4: International Criminal Police Organisation (INTERPOL)

Background

65) We received five submissions of written evidence relating to INTERPOL and conducted an oral evidence session where we heard from William Browder of Hermitage Capital Management and an INTERPOL reform campaigner, Bruno Min of Fair Trials, and David Armond of Armond Consultancy Ltd. The INTERPOL secretariat was invited to send an official but chose to submit written evidence instead. Despite the protection afforded by Parliamentary Privilege, INTERPOL declined to give oral evidence on the grounds that INTERPOL would not be protected by the *International Organisations Act 1968* which gives immunity from suit and legal process to named international organisations (not including INTERPOL).

66) For the purposes of this inquiry, we have focussed on the issue of serial attempted abuse of Red Notices and Diffusions²⁶⁶ by INTERPOL member states, questions around financial relationships INTERPOL enters into, and the integrity of election processes and the independence of complaints mechanisms. We also considered the role of the UK Government both in terms of addressing the above problems and the support offered to British citizens who are impacted by attempts by other states to place abusive Red Notices on them.

Strengths and vulnerabilities of the organisation

67) Much of the controversy around the organisation stems from the abuse, or attempted misuse, of Red Notices and Diffusions by state actors.²⁶⁷ The Commissions for the Control on INTERPOL's files (CCF),²⁶⁸ in their 2019 annual report, detailed that only 200 of the 346 cases of Red Notices that constituted admissible complaints processed by the CCF in 2018 complied with legal requirements for Red Notices.²⁶⁹ Yet Bruno Min of Fair Trials told us:

...these are very important tools: they help countries to identify and stop fugitives, and to ensure they face justice. Some of those people are very dangerous, and we have little reason to doubt that a majority of the people included on the Red Notice list are there for a good reason, so INTERPOL does play a very important role in promoting global security.²⁷⁰

266 A Red Notice is a request to law enforcement bodies worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action. Diffusions are a less formal mechanism that is circulated directly by an individual National Crime Bureau (NCB) to other INTERPOL members but must also comply with INTERPOL's Constitution and the Rules on the Processing of Data. Article 3 of Interpol's Constitution explicitly states that "the Organisation is strictly forbidden to undertake any intervention or activities of political, military or racial character".

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268 The body set up to rule on appeals against notices.

269 Commission for the Control of INTERPOL's Files, [Activity Report of the Commission for the Control of INTERPOL's Files for 2018](#)

270 [Q150](#) [Bruno Min]

David Armond, Managing Director at Armond Consultancy Ltd and former Deputy Director General at the UK National Crime Agency (NCA), agreed with this assessment and emphasised the increasingly important role INTERPOL would play for the UK as it exits the European Union.²⁷¹

68) Whilst important reforms have been made to the checks and procedures of the INTERPOL secretariat,²⁷² there are still serious concerns over a number of key issues. Perhaps the most significant of these is the failure to prevent or deter attempted misuse of the Red Notice and Diffusion systems. Other concern include:

- a) Transparency of decision making and checking processes;
- b) Transparency over sources of finance;
- c) Transparency around elections of key officials;²⁷³ and
- d) INTERPOL's tendency to enter relationships with third parties with controversial business practices.

Each of these challenges represent an area of vulnerability to member states who might misuse INTERPOL's mechanisms or attempt to exert malign influence over the organisation.²⁷⁴

69) Abusers of particular note include China, Russia, and Turkey. We learnt that subjects of Red Notices from China, or their families, would be at risk of torture and ill treatment.²⁷⁵ We heard first-hand accounts from William Browder of the impact of Russian abuses against him and that the Russian Government is a serial abuser.²⁷⁶ In May 2018, the Turkish Justice and Interior Ministries banned the passports of 60,000 people for their purported membership of the Gulenist Terror Group and requested Red Notices be issued against them. INTERPOL deleted these Red Notices from their systems; however, there is no statement of reprimand against Turkey for this use of the mechanism.²⁷⁷ It also remains to be seen whether there will be repercussions for those 60,000 people from states who enforce the notices.

Tackling attempted Red Notice abuse

70) Contributors to the inquiry detailed steps that have been taken to strengthen the resilience of INTERPOL's systems against abuse.²⁷⁸ Despite confidence by the organisation that these measures work,²⁷⁹ attempted Red Notice abuse is a cause for concern within INTERPOL and that the reputational damage caused by abuse and *attempted* abuse is significant.²⁸⁰ Mr Armond told us that:

271 [Q181](#) [David Armond]

272 Fair Trials ([MUO0023](#)) p7–8; [Q335](#) [Chris Jones]; INTERPOL ([MUO0032](#)) paras 16–20

273 Dr Theodore Bromund ([AFP0028](#)); [Q28](#) [Ben Emmerson]

274 Fair Trials summarised the criticism of the mechanisms as follows: “Red Notices and Diffusions are sometimes misused as a way of exporting persecution and human rights abuses. In particular, they have been used to harass and intimidate political activists, journalists, and human rights defenders, and to put them in serious danger.” ([MUO0023](#)) p1

275 Human Rights Watch ([MUO0020](#)) p3

276 [Q27](#) [Ben Emmerson]

277 “Do You Want Your Voice In Interpol’s Database?” By Ted Bromund, In Forbes 13th June 2018

278 Fair Trials ([MUO0023](#)) p7–8; Peters and Peters LLP ([MUO0024](#)) para 25; INTERPOL ([MUO0032](#)) paras 16–20

279 See, for example, INTERPOL ([MUO0032](#)) paras 11–15

280 [Q191](#) [David Armond]

There is acceptance [at INTERPOL] that there need to be improvements to give the international community confidence that it has operated properly and correctly.²⁸¹

71) We share doubts of contributors over the capacity of the Red Notice and Diffusions Task Force, the body responsible for *ex-ante* checking of notices. Mr Min highlighted that there may be around 13,000 new Red Notices a year in addition to the 50,000 Diffusion requests and the staff only number 2–3 dozen.²⁸² Chris Jones, representing the Home Office, told us that the department has “confidence” in INTERPOL’s measures.²⁸³

72) States can continue to use Red Notices and Diffusions as political weapons despite them being rejected by INTERPOL. There is no mechanism to enforce the removal of a Red Notice, which INTERPOL has ruled as abusive, from the multiple police databases to which it was initially issued. We heard the significant ongoing impact this has on the lives of the subjects. William Browder spoke of his experience:

Now, whenever I cross an international border, I have to be prepared that I could be arrested at any time on an abusive Russian request sent via Interpol channels. I have to restrict my travel and avoid going to countries that have warm political relations with Russia because if I was arrested and sent to Russia, I would almost certainly suffer the same fate as Sergei Magnitsky.²⁸⁴²⁸⁵

Mr Jones clearly detailed to us the situation whereby a citizen has a legitimate Red Notice issued against them. He explained that as this was an operational matter. The National Crime Agency (NCA) would not inform the Home Office, or the individuals concerned, in this instance.²⁸⁶ However, we have not heard any details of a coordinated approach to inform subjects of abusive *attempts* and the implications these may have on their safety—particularly when travelling.

73) INTERPOL holds sensitive police data. Some contributors expressed that the lack of transparency around the data held by INTERPOL on individual notices, and the decision making process, prevents subjects from mounting a fair defence.²⁸⁷ Evidence from Peters and Peters LLP outlined, in detail, the lack of fairness of the appeals process and the level of vulnerability it left complainants open to.²⁸⁸ Whilst maintaining the importance of keeping sensitive data secure, others drew our attention to the unwillingness of INTERPOL to share statistics.²⁸⁹

74) The inability of INTERPOL to apply its own rules on remedial action represents a significant flaw in governance. We were told of at least two occasions where INTERPOL decided to take action against countries who were repeatedly abusing the system²⁹⁰ and

281 [Q191](#) [David Armond]

282 [Q155](#) [Bruno Min]

283 [Q235](#) [Chris Jones]

284 i.e. death

285 William Browder ([MUO0011](#)) p7

286 [Q337](#) [Chris Jones]

287 Peters and Peters LLP ([MUO0024](#)) para 4(vi), para 15; [Q157](#) [Bruno Min]

288 Peters and Peters LLP ([MUO0024](#)) para 18

289 David Armond: “I think it would be very helpful if there could be more done around publishing in a more transparent fashion the results, in generalised terms—the detail can be pseudonymised, but what are the volumes of applications, what are the volumes published, and what are the volumes of those removed from the system because of CCF appeals?” [Q194](#)

290 [Q160](#) [Bruno Min]

several occasions where an NCB's access was withdrawn.²⁹¹ However, there is no information as to what these situations were. Mr Min put the failure to publicise these cases down to the risk that this would undermine confidence in the organisation.²⁹² In the latter examples, the majority of instances related to failing states or war zones; only one to genuine abuse.²⁹³ However, none of these instances involved Russia or China.²⁹⁴

75) The blame for allowing serial abuse to go unaddressed lies, at least in part, with the INTERPOL secretariat. Mr Armond found it surprising that no action had been taken in response to attempted abuses by Russia and China.²⁹⁵ Ben Emmerson QC agreed that the exercising of part 3 of Article 123 and Article 131 of INTERPOL's Rules on the Processing of Data ought to be considered in the case of Russia.²⁹⁶ Mr Browder laid blame on Russia for abusing the system but blamed the secretariat for not creating consequences.²⁹⁷ He summarised the situation thus:

As far as I am aware, never in the history of INTERPOL has it used those articles. That is a very damning statistic, because it says in effect that this international policing organisation cannot even police itself. That has to change.²⁹⁸

Mr Jones failed to address this issue in his answer to our questions and INTERPOL did not address it in their submission.

Finance relationships

76) We heard specific comments suggesting that the levels of support given by the United Arab Emirates to the INTERPOL Foundation for a Safer World (INTERPOL Foundation) would give them undue influence in the organisation—a serious matter given their record of attempted misuse.²⁹⁹

77) Scrutiny of INTERPOL's 'product-based' relationships is also a vulnerability. Bruno Min explained:

It has been involved in fairly disastrous funding partnerships with the likes of tobacco companies, with FIFA on something to do with corruption—which is fairly laughable—and, after the FIFA relationship had to be cancelled on the basis of the controversies, it decided to get into a relationship with the IOC, another organisation that is world-renowned for corruption allegations.³⁰⁰

Mr Min commented on the lack of rigour of the vetting service, or the lack of existence of one, prior to entering these relationships.

291 [Q188](#) [David Armond]

292 [Q160](#) [Bruno Min]

293 [Q188](#) [David Armond]

294 [Q189](#) [David Armond]

295 [Q190](#) [David Armond]

296 [Q27](#) [Ben Emmerson]

297 [Q152](#) [William Browder]

298 [Q159](#) [William Browder]

299 [Q167](#) [Bruno Min]; Peters and Peters LLP ([MUO0024](#)) para 23

300 [Q167](#) [Bruno Min]

78) Funding of INTERPOL is a complicated picture. From data compiled by the House of Common's Scrutiny Unit, Figure 7 demonstrates that levels of contributions from China and Russia are still relatively low in comparison to Western democracies. However, this does not account for gifts through the INTERPOL Foundation. Dr Bromund calculates that €50m may have been donated via the foundation from the UAE³⁰¹ between 2016 and 2020.³⁰²

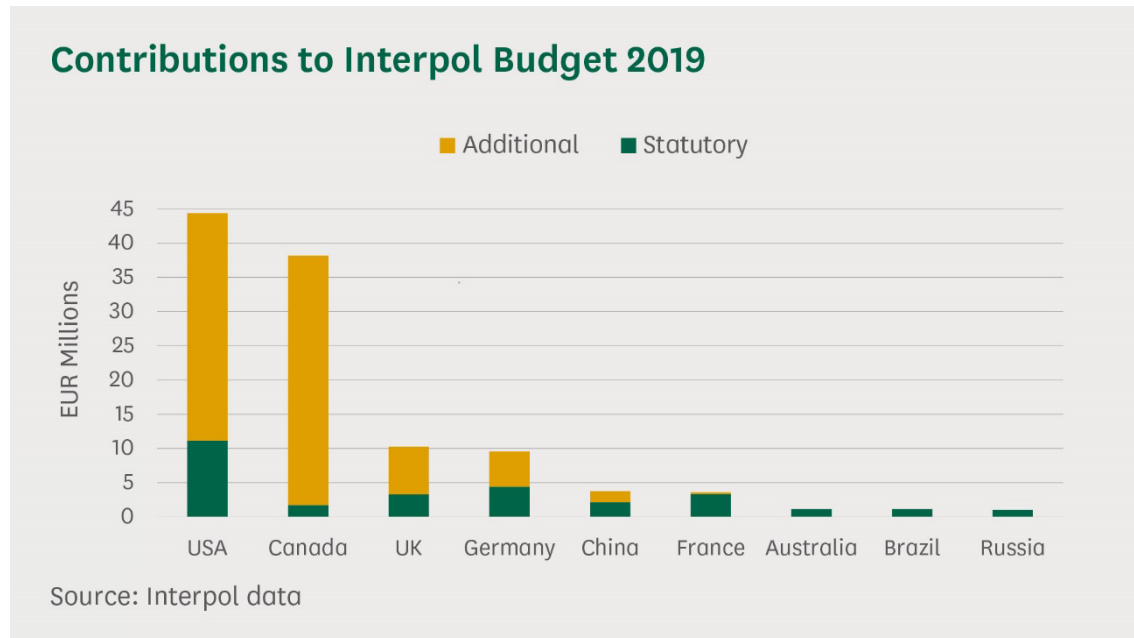


Figure 7

Presidency, elections and 'independent' bodies

79) The election of a new INTERPOL president has been delayed due to the Covid-19 pandemic. However, a candidate from the UAE is believed to be favourite to win. The candidates are only announced during the meeting giving limited opportunity for counter campaigning. Contributors questioned the whole process of election to this position, including the lack of a vetting process. The Russian candidate was prevented from succeeding in October 2018 only as a result of last-minute lobbying by the UK and others amongst the 'Five Eyes' group of intelligence sharing nations.³⁰³

80) We note the lack of independence of the Commission for the Control of INTERPOL's Files, which is supposed to be an independent body. Mr Armond drew our attention to the fact that members of the two assemblies of the CCF are voted for by the General Assembly,³⁰⁴ making it a political process and thus open to abuse. There are concerns over appointments to the 'Requests Chamber'—the chamber within the CCF responsible for individual cases and decisions regarding modification of the data. The selection of the five members of this body takes place through a secret ballot of the General Assembly from a slate of candidates decided on by the Executive Committee. There appear to be no rules as

301 United Arab Emirates

302 "[Key Goals for the United States at the 2018 Meeting of the Interpol General Assembly](#)", by Ted Bromund, online at The Heritage Foundation, 2nd November 2018

303 [Q171](#) and [Q174](#) [Bruno Min], [Q27](#) [Ben Emmerson],

304 [Q185](#) [David Armond]

to how many candidates can be put forward, and there are limited criteria for selection.³⁰⁵ Mr Armond advocated for greater independence of the CCF,³⁰⁶ but Peters and Peters LLP advocated for a replacement of the CCF with a new, totally independent body.³⁰⁷ Both INTERPOL³⁰⁸ and the Home Office view the CCF as “independent”.³⁰⁹

Current UK Government engagement with INTERPOL

81) The UK engages heavily with the INTERPOL secretariat. Whilst the UK's approach may have been apathetic in the past, there has been a marked step-change in their involvement in recent years. Some examples include:

- a) A retired British chief constable now occupying the No. 2 executive position in INTERPOL.
- b) The UK has lobbied, and had a bid accepted, to host the General Assembly in 2024, which is going to cost the best part of £10 million.
- c) There has been funding allocated to two specific *ad hoc* projects, costing another £9 million, and there are more British officials being seconded to the organisation as in-kind payments than ever before.
- d) The UK is still one of the biggest contributors in pure cash terms.³¹⁰

82) There are examples of strong coordination between the FCDO and the Home Office on INTERPOL matters. The UK's intervention to block the election of controversial persons to the role of INTERPOL President was testament to the lobbying ability of UK diplomats amongst key allies.³¹¹ Whilst Chris Jones was unable to tell the us whether or not the UK would support an attempt by the UAE to field a candidate at the upcoming elections, he did clarify that the UK worked with like-minded states to prevent the Russian candidate succeeding and is already working with partners to ensure a suitable candidate succeeds in the next election.³¹²

83) We heard that the Home Office and FCDO work closely together in terms of ‘lobbying and relationship efforts’.³¹³ However, we were unable to establish in any detail how coordination is conducted on INTERPOL related issues and were disappointed that no details could be given on how individuals whose data may remain on police databases due to abusive Red Notices, and who thus remain at risk, might be supported by the Government.

305 [“The report: The reform of Interpol: Don’t let it be stopped halfway”](#), by Igor Savchenko, Kateryna Savchenko, Andriy Osavoliuk, online at Open Dialogue, 9th June 2017

306 [Q199](#) [David Armond]

307 Peters and Peters LLP ([MU00024](#)) para 25

308 INTERPOL ([MU00032](#)) para 27

309 [Q235](#) [Chris Jones]

310 [Q193](#) [David Armond]

311 [Q195](#) [David Armond]

312 [Q333](#) [Chris Jones]

313 [Q195](#) [David Armond]

The UK's response

Supporting UK nationals

84) We considered whether support given to victims of attempted abusive notices by the Government were sufficient. Mr Browder argued that the Government:

...should either support me by contacting governments when I am travelling to countries where I might be at risk or they should warn me if another Red Notice has come across the system, but they refuse to do that.³¹⁴

He went further stating that the Government should 'openly advocate' for those in his situation to be able to travel safely to other countries.³¹⁵ We believe that the Government, whether through the FCDO or NCA, could and should do more to support those who have been the subject of a misuse of INTERPOL's systems that may pose a risk or challenge to them.

Collaborative working to address the issue of attempted misuse

85) The UK is one of the five largest donors to INTERPOL, all of whom are democratic states. Working together with these states to bring about improvements should be the primary *modus operandum* of the Government. Independent contributors were convinced that working together with like-minded states was an effective way of leveraging change.³¹⁶³¹⁷

86) The coalitions can be used to tackle a variety of issues. As already observed, there is considerable strain being put on the review mechanisms of INTERPOL through attempts to issue abusive notices by member states. Whilst it may be the case that most of these are rejected by INTERPOL, the sheer volume of attempts needs addressing. Dr Bromund recommended that a coalition of like-minded states affirm the secretariat's power under article 131 to suspend member states who repeatedly abuse the system and that a review should be carried out to uncover the worst abusers.³¹⁸

Funding of INTERPOL

87) There is an apparent propensity for INTERPOL and the INTERPOL Foundation to enter into controversial funding arrangements.³¹⁹ INTERPOL needs to be fully funded in such a way that there should be no need to seek donations from other sources.³²⁰

Independence of complaints mechanisms

88) Independent contributors were unanimous that steps should be taken to ensure that the CCF is made completely independent (paragraph 82) although there were differing

314 [Q162](#) [William Browder]

315 William Browder ([MUO0011](#)) p9

316 [Q158](#) [Bruno Min]; Dr Theodore Bromund in written evidence to the Autocracies and Foreign Policy inquiry ([AFP0028](#)) para 33

317 Mr Browder summarised the position as follows: "This [change] requires the governments recognising the same problems, working together and putting together a list of demands, saying, "We pay for you. You should fix this."" [Q159](#)

318 Dr Theodore Bromund ([AFP0028](#)) para 33

319 [Q167](#) [Bruno Min]

320 [Q199](#) [David Armond]

opinions on how this should or could be done. A review by the Home Office and FCDO should take place as soon as possible to allow for changes to be proposed at the next General Assembly meeting. This should particularly look at the selection and election process for the CCF Requests Chamber.

89) **For our conclusions and specific recommendations see Chapter 4.**

Annex 5: The World Trade Organisation

Background

90) We received three submissions of written evidence relating to the WTO and conducted an oral evidence session at which we heard from Professor James Bacchus from the University of Central Florida and the CATO Institute, and Rt Hon Dr Liam Fox, Member of Parliament for North Somerset and former candidate for Director Generalship of the WTO.

91) The WTO is a unique organisation that gives the most comprehensive range of possibilities to liberalise and regulate world trade. In essence, the organisation achieves this by setting rules to govern trade and providing a forum for resolving disputes. Should the ability to achieve either of these core functions be inhibited, the organisation's effectiveness will be greatly diminished, and it will steadily lose relevance.³²¹ Currently, both of these functions are failing to work, thereby presenting an existential crisis to the WTO.³²² For the purposes of this inquiry, we focussed on the issues of the Appellate Body, the prospects for minilateral cooperation³²³ over issue-based plurilateral trade arrangements through the WTO, China's record at the WTO and the place of its economic system. We also considered opportunities for the UK to engage with the organisation as the country emerges as an independent voice having left the European Union.

Strengths and vulnerabilities of the organisation

92) Witnesses agreed that the WTO is facing an existential crisis. The behaviour of the previous US Administration was held up as an example of obstruction of the WTO processes and was particularly damaging. Critics point to the failure to conclude one liberalising trade agreement since 1995, and that the organisation has struggled from 8 June 2020 until February 2021 to appoint a replacement Director General or Deputy Director General.³²⁴ The FCDO blamed current global tensions for exacerbating the challenges in reaching consensus.³²⁵ One consequence of this loss of relevance is the move away from WTO based solutions toward regional preferential ones.³²⁶

93) An issue raised by the more developed countries in the WTO is the special and differential treatment afforded to countries who self-designate as 'developing'. Particularly controversial examples include China which has an economy larger than many *developed* countries. This is damaging to less developed countries as it allows delays in implementing economic reforms that would benefit them in the long run.³²⁷ Moreover, as other less developed countries have made those painful changes in line with their obligations to do so, it is only fair to expect others to and to make them in the timely manner required. Dr

321 [Q227](#) [Dr Liam Fox]

322 Anthony Dworkin ([MUO0028](#)) paras 10–14; [Q210](#) [Prof James Bacchus]

323 Minilateral refers to groups of states working together within the framework, or on behalf of, multilateral organisations.

324 [Q225](#) [Dr Liam Fox]

325 Foreign and Commonwealth Office ([MUO0030](#)) annex F

326 Professor Bacchus argued that this undermines the WTO and could have the following result: "Although it creates freer trade in some parts of the world, it also creates more trade discrimination and encourages the development of trading blocs that could eventually be not building blocks towards free trade but barriers to free trade on a global basis." [Q210](#); see also: TheCityUK ([MUO0018](#)) para 4

327 [Q215](#) [Prof James Bacchus]

Fox summarised thus:

What is unacceptable is the concept that this should be a perpetual state of affairs where there should be permanent exemption. Members who join the WTO have to accept that sooner or later they will have to fulfil all the expectations if they want to get all the benefits of membership.³²⁸

94) We did not hear the same issues around voluntary programmatic funding, or assessed levels of funding, as with other organisations. In fact, the WTO is one of the few organisations where assessed funding still makes up the vast majority of the organisation's funding and where China out-funds the UK, as the data compiled by the House of Commons Scrutiny Unit in Figure 8 demonstrates:

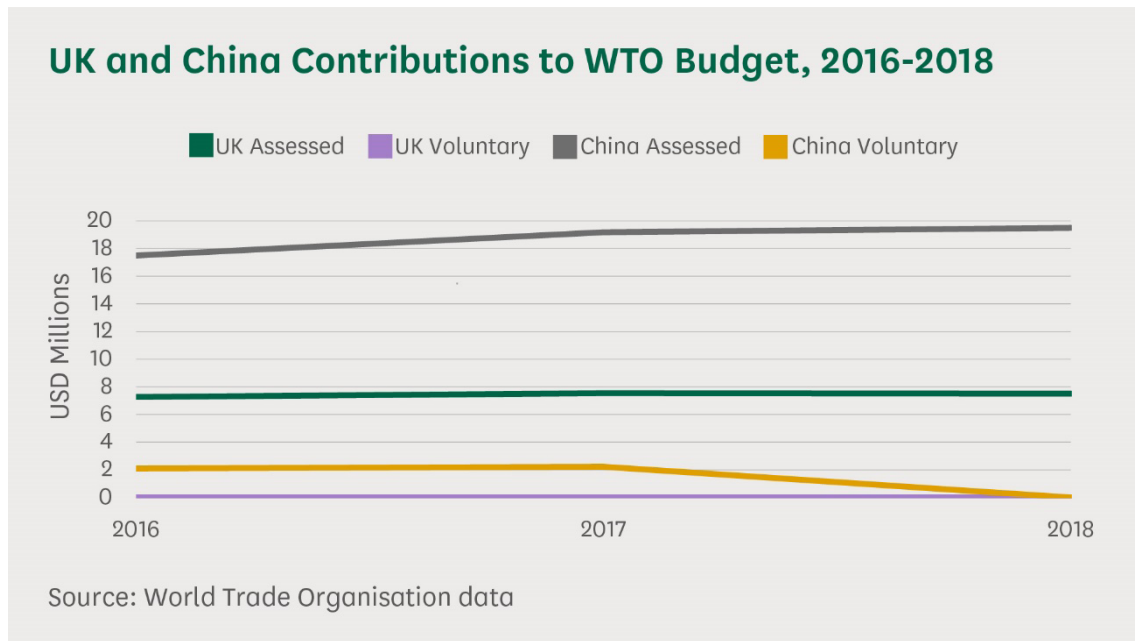


Figure 8

The US position

95) Whilst the US Government has a legitimate right to contest the interpretation of the rules of dispute as applied by the secretariat and other states, the obstruction of the Appellate Body we have identified as a vulnerability to the organisation. Maritje Schaake stated with direct reference to the WTO:

...to undermine actively these organisations is really shooting oneself in the foot.³²⁹

We heard that it is damaging the organisation more than any other issue. Dr Fox described how the dispute resolution function was the “key benefit” to smaller states, one that brought a “levelling effect”.³³⁰

96) We are encouraged that the Biden Administration has a more multilateral focus

328 [Q230](#) [Dr Liam Fox]

329 [Q53](#) [Maritje Schaake]

330 [Q225](#) [Dr Liam Fox]

and contributors saw the change in president as a reason for optimism going forward.³³¹ However, the US dissatisfaction with the Appellate Body pre-dates the Trump Administration and will need to be resolved.³³²

The behaviour of the Chinese Government at the WTO

97) Contributors were unanimous that the WTO is an organisation of high importance to the Chinese Government and that it has a strong desire to work within and through it.

98) Contributors did not agree on the level of compliance China had undertaken with regards to the reforms required of it upon accession nor the extent to which it has complied with rulings against it in the dispute bodies. Some commentators believed China has made significant progress in restructuring parts of its economy to meet WTO requirements. Witnesses speaking during the *China and the RBIS* inquiry pointed toward reforms in competition law and monopoly law which were not there before,³³³ but also highlighted areas where they have not implemented commitments. Dr Knoerich described a “sort of tweaking” on the part of China that lacks full commitment.³³⁴ In this inquiry we heard that China’s version of state capitalism, including the use of state-owned enterprises, industrial subsidies, and forced technology transfers constitutes exploitation of the system.³³⁵ In terms of responding to dispute rulings against it, we also heard contrary views. Professor Bacchus described China as “having a good record” when complying with such rulings.³³⁶ Experts blamed any non-compliance on these not being brought to the WTO for resolution on the lack of rules to address un-fair practices.³³⁷ We conclude that China wants to work through the organisation but question whether its actions are ‘in the spirit’ of world trade rules—it certainly has further to come to align with existing norms and values.

99) Contributors pointed toward the response of the previous US administration in dealing with disputes unilaterally.³³⁸ However, Dr Fox confirmed that market distortions caused by Chinese trading practices mattered to US politicians and considered it unlikely there would be a significant change in attitude from the new Administration. He also highlighted that there are many other countries who have reservations about Chinese practices.³³⁹ Clearly the US has ongoing concerns about aspects of the WTO which need to be resolved.

100) Anthony Dworkin, of the European Council on Foreign Relations, summarised the ongoing challenge of China’s place at the WTO thus:

The fundamental question is whether the liberal democratic world believes that it can coexist with China within a rules-based trade system, and how far that system can extend. There is currently no clear answer to that

331 [Q235](#) [Dr Liam Fox]; [Q216](#) [Prof James Bacchus]

332 Dr Liam Fox: “...very quickly the same frustrations will become apparent about what the practical difficulties are. It is in dealing with those practical issues rather than the conceptual ones where the work needs to get done.” [Q235](#)

333 [Q5](#) [Dr Yuka Kobayashi]

334 [Q8](#) [Dr Jan Knoerich]

335 Anthony Dworkin ([MUO0028](#)) para 13

336 [Q218](#) [Prof James Bacchus]

337 [Q219](#) [Prof James Bacchus]; [Q228](#) [Dr Liam Fox]

338 [Q218](#) [Prof James Bacchus]

339 [Q228](#) [Dr Liam Fox]

question, and no consensus between the UK and its European, US and other democratic allies.³⁴⁰

Current UK Government engagement with the WTO

101) We heard that it is not necessarily the case that the UK will struggle to shape the agenda at the WTO after departure from the European Union. Uruguay and New Zealand are examples of countries who punch above their weight due to “extraordinary [diplomatic] representation”.³⁴¹ The UK could be more forthright on its traditional positions of advocating for “freer trade” as a result of leaving the EU.³⁴²

102) Notwithstanding an investigation Dr Fox told us the Government are carrying out into the election campaign, we note the varying levels of support Dr Fox received in his bid for the Director General-ship. Roughly one third of the diplomatic posts asked to engage in supporting him did less than might have been expected of them.³⁴³ Dr Fox’s primary criticism was that the UK entered the contest too late. He commented that:

We did remarkably well considering that we joined with 42 minutes to the deadline to go...³⁴⁴

Dr Fox explained that the decision to enter a candidate was based on the EU’s decision not to field one. Nevertheless, the failure to adequately prepare for this eventuality raises questions about the ability of the UK to anticipate these opportunities and prepare accordingly.

The UK’s response

103) Issue-based plurilateral³⁴⁵ trade agreements are a potential way round the apparent inability of the membership to decide new multilateral agreements.³⁴⁶ Should multilateral agreements not be a realistic option, plurilateral agreements in the form of Joint Statement Initiatives provided a second best alternative that have the opportunity to become multilateral in due course.³⁴⁷

104) Working with coalitions of like-minded states within the WTO was again held up as the key to the UK’s success in attempts to strengthen the organisation.³⁴⁸ Smaller states with a large influence maintain this through the quality of their diplomatic representation.³⁴⁹

105) One pressing application of this approach would be that it would allow discussions around new rules to address damaging or protectionist Chinese trading practices that do not conform to minimum standards and behaviours the international community would expect.³⁵⁰

340 Anthony Dworkin ([MUO0028](#)) para 13

341 [Q211](#) [Prof James Bacchus]

342 [Q211](#) [Prof James Bacchus]

343 [Q232](#) [Dr Liam Fox]

344 [Q232](#) [Dr Liam Fox]

345 ‘Plurilateral’ refers to agreements amongst a number of states but not covering all WTO members, ‘multilateral’.

346 [Q212](#) [Prof James Bacchus]; TheCityUK ([MUO0018](#)) para 9

347 [Q212](#) [Prof James Bacchus]; [Q266](#) [Dr Liam Fox]

348 TheCityUK ([MUO0018](#)) para 9

349 In addition, Prof James Bacchus advised the UK Government to “send the best possible person to Geneva to represent the United Kingdom.” [Q211](#)

350 Anthony Dworkin ([MUO0028](#)) para 13

106) A “cross-departmental approach”, particularly in the areas of environmental protection and of gender, are areas where progress without simultaneous engagement from several parts of government will be impossible.³⁵¹

107) Successful deployment of coalitions at the WTO would require foundations to be laid through a network of strong relationships. This will require investment through the diplomatic network of Embassies and High Commissions which would also allow policy coherency to be maintained.³⁵²

108) **Our conclusions and specific recommendations can be found in Chapter 4.**

351 TheCityUK ([MUO0018](#)) para 12

352 TheCityUK ([MUO0018](#)) para 11

Annex 6: International Criminal Court

Background

109) We received three submissions of written evidence relating to the ICC and conducted an oral evidence session at which we heard from Angela Mudukuti, an international justice lawyer, Anthony Dworkin, from the European Council on Foreign Relations, Sir Howard Morrison, an outgoing ICC Appeal Judge, and Peter Lewis, the ICC Registrar.

110) The ICC investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity, and the crime of aggression.³⁵³ For the purposes of this inquiry, we have focussed on the impact of non-ratifying states' attempts to protect citizens from court investigation, the allegations of bias and political influencing particularly relating to the African continent, the implications of the Independent Expert Review into Court culture and operations, and opportunities for the UK to further strengthen the ICC.

Strengths and vulnerabilities of the organisation

111) The ICC performs a necessary and unique function in terms of providing a permanent court for the trial of the most serious war crimes and crimes against humanity.³⁵⁴ There is evidence of cases being brought for political reasons, situations where member states have not abided by Court rulings, and obstruction of Court activity at the UNSC.

112) The three distinct merits of the ICC that emerged included the justice achieved for victims of atrocities,³⁵⁵ the deterrent effect of prosecutions,³⁵⁶ and the support available through the Court for victims.³⁵⁷ Anthony Dworkin highlighted the conviction of Bosco Ntaganda (a warlord from the Democratic Republic of Congo) in 2019 as an example of the ability of the Court to secure justice. We also heard that the example set by the Court can encourage state parties to initiate their own proceedings to bear on those who have committed atrocities.³⁵⁸ The threat of nationals being prosecuted at the ICC may have encouraged states to take a more active and rigorous approach to prosecuting domestically.³⁵⁹

113) A joined-up approach to tackling the causes of obstruction or non-compliance by member states could produce positive results. It is often a difficult decision for a state party to assist the ICC given the wider political or security prices,³⁶⁰ often exacted by non-state parties such as the US and China, to be paid. Mr Lewis explained that feedback from ambassadors raises questions of what can be done to make it easier for states to comply.

353 There have thus far been 28 cases before the Court, with some cases having more than one suspect. ICC judges have also issued 9 summonses to appear. The judges have issued 8 convictions and 4 acquittals. The Court may investigate crimes that are committed within State Parties or by citizens of State Parties, pursuant to a referral by the State Party, or by the prosecutor. The Security Council of the United Nations has the power under article 13(b) of the statute to make referrals and deferrals on situations irrespective of a state's membership of the statute.

354 [Q254](#) [Angela Mudukuti]; [Q27](#) [Alistair Burt]

355 [Q254](#) [Angela Mudukuti]

356 [Q253](#) [Anthony Dworkin]

357 [Q253](#) [Angela Mudukuti]

358 [Q252](#) [Anthony Dworkin]

359 [Q253](#) [Anthony Dworkin]

360 [Q277](#) [Peter Lewis]

There are opportunities presented for a number of international aid donors to provide incentives for compliance for their fellow state parties.³⁶¹

114) In December 2019, the ICC President advocated a comprehensive review of the ICC by independent experts. This came after a concerted effort by the UK and others for such a review. On the 30 September 2020, the report (IER) was published with 384 recommendations.³⁶² We identified the concerns raised by the IER as both a threat to the reputation of the organisation and an opportunity for strengthening it. Whilst the accusations are very serious and risk damaging the ICC's reputation, the fact that they held such a review and are in the process of implementing the recommendations shows an encouraging willingness to change.³⁶³ However, Mr Lewis did recognise that the governance processes in the secretariat required to effect change and respond to abuse were very slow and this needed to improve.³⁶⁴

115) The UN Security Council is an important stakeholder in the work of the ICC, specifically in relation to non-state parties. The fact that the only members of the P5 who are party to the Rome Statute are France and the UK means that decisions over whether and how to support the Court at the UNSC are often subject to politics rather than the merits of the action proposed.³⁶⁵ Expectations of what the Court can achieve should be moderated in light of the limits of its jurisdiction.³⁶⁶ Sir Howard suggested the following as ways in which the UNSC could support the Court:

- a) Not restrict or bar UN funding for investigations and prosecutions;
- b) Not seek to limit the jurisdiction of the ICC over persons relevant to the situation;
- c) Establish a process to consider whether to impose targeted sanctions on individuals wanted by the ICC; and
- d) Provide explicit mandates to peacebuilding missions in territories that are also ICC situations to cooperate with the ICC.³⁶⁷

116) A criticism that has been made, primarily by African countries, is that a significant number of cases concerning situations on the African continent represents a bias against African states.³⁶⁸³⁶⁹ Most contributors agreed that not only is this an issue that appears to have receded,³⁷⁰ but that the picture is more complex than often presented.³⁷¹ We heard from Ms Mudukuti that a different account will be given by different groups depending on their agenda:

361 [Q277](#) [Peter Lewis]

362 These covered areas a varied as governance, human resources, ethics and prevention of conflicts of interest, internal grievance procedures, the budget process, performance indicators and strategic planning, and external relations

363 [Q270](#) [Anthony Dworkin]; [Q252](#) [Angela Mudukuti]; [Q282](#) [Peter Lewis]

364 [Q283](#) [Peter Lewis]

365 [Q27](#) [Ben Emmerson], Anthony Dworkin ([MUO0028](#)) para 19

366 [Q26](#) [Ben Emmerson]

367 [Q277](#) [Sir Howard Morrison]

368 Examples include Burundi withdrawing from the Rome Statute in 2017 and a number of attempts of the South African government to withdraw. In 2017 the African Union passed a non-binding resolution calling for a mass withdrawal of states from the ICC and pushed states to call for further reforms to the court.

369 Chief Charles Taku ([MUO0006](#)) p4-5

370 [Q626](#) [Anthony Dworkin]

371 [Q626](#) [Anthony Dworkin]

We see it a lot with political leaders who accuse the International Criminal Court of bias... and that is because there is ultimately a political agenda. When you speak to the victims of these crimes, it is a completely different story. They had no justice domestically, no justice regionally, and the ICC was the only option for them.³⁷²

Chief Charles Taku, an international lawyer and former defence council at the ICC and other international tribunals, highlighted the politicisation of the focus on Africa. He claimed that referrals were used:

...as means of attaining political objectives, vendetta or removing their political opponents from the political scene. This may explain the opposition to the ICC by the very governments that made the referrals...³⁷³

We understand that governments and perpetrators are taking advantage of African Union dissatisfaction with the Court to avoid being held accountable for their actions.³⁷⁴

117) There is a perceived prestige for member states in having a national judge on the ICC.³⁷⁵ The process of electing and selecting prosecution judges is steadily being improved, partly due to the positive influence of the UK,³⁷⁶ yet there are still allegations of vote trading and horse-trading in elections.³⁷⁷ Having said that, contributors were satisfied that there had been no unacceptable interference in elections³⁷⁸ and that the scrutiny from civil society organisations and the organisation prevents the election of officials for nefarious means.³⁷⁹

The impact of the actions of non-ratifying states

118) US opposition to the ICC is not a new phenomenon. The Biden Administration has reversed many of the obstructionist policies of the Trump Administration³⁸⁰ with Secretary of State Blinken describing them as “inappropriate and ineffective”.³⁸¹ Still in place are US attempts to protect its citizens from prosecution by the Court through the signing bilateral agreements (Article 98 agreement) with individual states, many of which are state parties to the ICC.³⁸² Under this arrangement, states agree not to give up US citizens to the jurisdiction of the ICC. The US has completed at least 100 of these agreements.³⁸³

119) At the UNSC, the Russian Government (which has never ratified the Rome Statute and has recently removed its signature) and China (which has never ratified the Statute) have both vetoed investigations into other non-ratifying state parties by the ICC.³⁸⁴

372 [Q266](#) [Angela Mudukuti]

373 Chief Charles Taku ([MUO0006](#)) p5

374 Chief Charles Taku ([MUO0006](#)) p4

375 [Q286](#) [Sir Howard Morrison]

376 [Q285](#) [Peter Lewis]; [Q274](#) [Angela Mudukuti]

377 [Q275](#) [Angela Mudukuti]; [Q284](#) [Sir Howard Morrison]

378 [Q286](#) [Sir Howard Morrison]

379 [Q286](#) [Peter Lewis]

380 More details on the nature of these actions can be found in the following transcripts: [Q26](#) [Ben Emmerson]; [Q275](#) [Anthony Dworkin]; [Q279](#) [Peter Lewis]

381 [Reversing Trump, Biden Repeals Sanctions on Human Rights Prosecutor](#); By Pranshu Verma and Marlise Simons; NY Times; 2 April 2021

382 Chief Charles Taku ([MUO0006](#)) p9

383 [International Criminal Court - Article 98 Agreements Research Guide: Introduction](#), Georgetown Law Library, Online, December 2009

384 Such as the voting down the resolution referring Syria to the ICC in May 2014 (see for comment and explanation: United Nations Association - UK ([MUO0017](#)) para 25; [Q2](#) [HE Sylvie Bermann])

Current UK engagement with the ICC

120) The UK has occupied a pivotal position at the ICC.³⁸⁵ This has been particularly visible in showing support in the face of aggression and sanctions from non-party states.³⁸⁶

121) The UK has been praised by a number of commentators for its support of the Trust Fund of Victims. Ms Mudukuti told us how the UK had released more than €4m since its inception and allowed the trust to support over 400,000 individuals in Uganda and DRC alone.³⁸⁷ Without the Rome Statute, she argued, there would be no trust fund for victims.³⁸⁸

122) The UK was also instrumental in convening state parties to call for the Independent Expert Review of 2019/2020 and is a thought leader in setting an agenda for reform.³⁸⁹ Sir Howard described the position in which the UK is held as follows:

It has a huge reputation already for promoting and supporting the rule of law—not only in the UK, but worldwide. So that reputational value means that whatever the UK does or says will be taken seriously by a great number of people. We must not underestimate that.³⁹⁰

Mr Lewis agreed:

The UK hosted a conference in London before the independent expert review was started, to begin thinking about that. That sort of thought leadership is really important, and it needs to continue. I think the underlying message is: more of the same.³⁹¹

123) Sir Howard made specific recommendations to the UK to encourage the Assembly of State Parties to call out and respond to findings of non-cooperation by asking the UNSC and General Assembly to take appropriate measures. Specifically, open letters reminding states of their obligations were considered helpful.³⁹²

124) The UK is a significant provider of leadership in the form of senior officials. Since the oral evidence session, Sir Howard has been succeeded by another UK appeals judge, Mr Lewis is the Registrar, and a UK citizen holds a senior post on the Trust Fund for victims, the UK also provides experts on various aspects of international law.³⁹³ Sir Adrian Fulford led the panel that considered how consideration of judicial candidates could be considered on a suitability rather than political basis.³⁹⁴ Karim Khan, another UK national, was made chief prosecutor on the 12th February 2021 on a nine-year term. Witnesses were approving of the approach the UK takes with regards to selection of candidates and in terms of putting forward well qualified candidates.³⁹⁵ They also indicated that a UK education received by many of the (non-British) judges made them favourably disposed toward the UK—a common indication of soft power.

385 [Q272](#) [Angela Mudukuti]; [Q273](#) [Anthony Dworkin]; Chief Charles Taku ([MUO0006](#)) p10–11

386 [Q272](#) [Angela Mudukuti]

387 Democratic Republic of Congo

388 [Q254](#) [Angela Mudukuti]

389 [Q284](#) [Peter Lewis]; Foreign and Commonwealth Office ([MUO0030](#)) Annex A; [Q273](#) [Anthony Dworkin]

390 [Q280](#) [Peter Lewis]

391 [Q284](#) [Peter Lewis]

392 [Q280](#) [Sir Howard Morrison]

393 [Q284](#) [Peter Lewis]

394 [Q285](#) [Peter Lewis]

395 [Q284](#) [Peter Lewis]

125) The UK's technocratic, rather than political, approach helps ensure qualified personnel fill key positions and extends to reform of the election process for judges at the Court. The UK with New Zealand tabled a stand-alone resolution to improve the nomination and selection of judges.³⁹⁶

126) In terms of support of UK candidates and officials by the FCDO, Sir Howard Morrison has received “huge help” from legal advisors. He described the support from the FCDO during his election as “diplomatic excellence” and confirmed that this has continued throughout his posting.³⁹⁷ As can be seen in Figure 9, the ICC relies very heavily on the assessed contributions of member states, so being prepared to revise calculations of donations with respect to both inflation and needs relating to mandate is important:

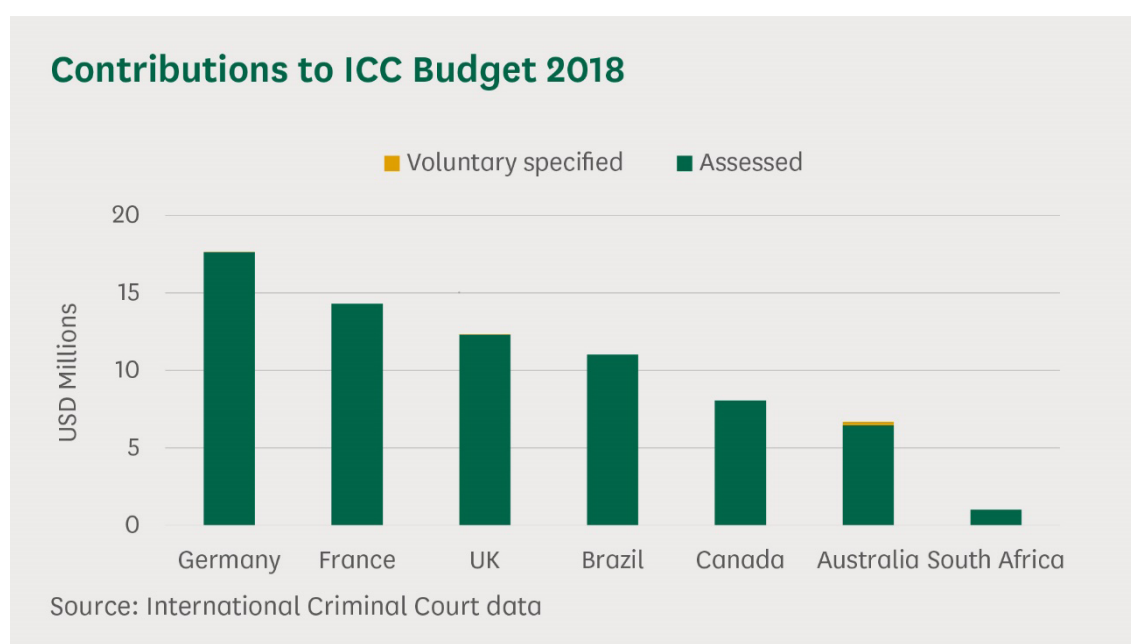


Figure 9

127) The UK, despite being a key funder of the ICC, has aligned itself with states calling for a zero-nominal growth in the budget of the ICC, which does not take into account inflation in its host state.³⁹⁸

128) Speaking to the International Development Committee in January, the Foreign Secretary, Rt Honourable Dominic Raab MP, reasserted the Government's view that the ICC is an important tool in achieving multilateral objectives and one that the UK is committed to improving:

The ICC is not a perfect institution. We want to reform it, but the answer is to send them your best people who will do the job with the judicial discipline and rigour that you want. That is our view of multilateralism.³⁹⁹

396 Foreign and Commonwealth Office ([MUO0030](#)) Annex A; [Q272](#) [Angela Mudukuti]

397 [Q284](#) [Sir Howard Morrison]

398 [Q272](#) [Angela Mudukuti]

399 Oral evidence taken by the International Development Committee on 26 January 2021, HC 1141, [Q36](#) [Rt Hon Dominic Raab MP]

The UK's response

129) As a member of the P5, and as an influential member of the ICC,⁴⁰⁰ the UK has the opportunity to call out states that are obstructing the Court's activities or who are failing to comply with them.⁴⁰¹ We heard calls for it to use its influence to ensure that investigations sanctioned by the UN are financed by the UN.⁴⁰²

130) We believe that the UK should take a more active role in supporting Commonwealth countries at the ICC.⁴⁰³ Specifically, the provision of scholarships, we heard, would allow members of less developed Commonwealth countries to complete internships and exchanges at the Court. This benefits the Court in terms of identifying future officials and judges, but also benefits multilateralism by creating a community of people who understand how the Court works and what it means to work internationally.⁴⁰⁴

131) The UK has demonstrated significant commitment to supporting the work of the ICC. However, any gains this achieves are likely to be undone should core activities be inadequately financed.⁴⁰⁵

132) **Our conclusions and specific recommendations can be found in Chapter 4.**

400 [Q272](#) [Angel Mudukuti]; [Q273](#) [Anthony Dworkin]

401 [Q280](#) [Sir Howard Morrison]; Chief Charles Taku ([MUO0006](#)) p9–10

402 [Q277](#) [Sir Howard Morrison]

403 [Q276](#) [Peter Lewis]; Chief Charles Taku ([MUO0006](#)) p11

404 [Q276](#) [Peter Lewis]

405 [Q272](#) [Angela Mudukuti]

Annex 7: Other means of capture and areas of concern

133) In addition to looking at the six focus organisations, we also considered the potential weaknesses in the process of selecting external auditors for UN bodies, and the funding patterns in multilateral organisations.

Solutions to the concerns around external audits

134) The external audit function at the UN aims to ensure:

- The activities of the organisations are fully in accordance with legislative mandates.
- The funds provided to the organizations are fully accounted for.
- The activities of the organisations are conducted in the most efficient and effective manner.
- The staff and other officials of the organisations adhere to the highest standards of professionalism, integrity and ethics.⁴⁰⁶

External auditing is performed by selected Supreme Audit Institutions (SAI) of member states. The UN Board of Auditors is a panel of three SAIs who are voted through a secret ballot by the members of the Fifth Committee. The board is responsible for the auditing of the UN's core functions and overseeing the Panel of External Auditors. The present incumbents are SAIs of China, Chile, and Germany.⁴⁰⁷

135) The UN Panel of External Auditors is the collective body of SAIs which audit specialised agencies of the UN. Organisations tender for bids from SAIs of member states, and a decision is based on value for money and other pre-determined criteria set by the individual organisation. Analysis of the external audit system is not extensive; however, a review by the UN Joint Inspection Unit in 2010 identified the following areas of criticism:

- The selection process of external auditors lacks the necessary degree of competitiveness, thus resulting in issues related to competency and diversification of candidates.
- A select few and often the same SAIs are recurrently chosen and engaged simultaneously at several organisations, which could weaken the effectiveness of this function.
- At four organisations, SAIs from the host country are selected, which may create a potential conflict of interest.
- At three organisations, SAIs do not have limited terms of office and have been providing services for many years.⁴⁰⁸

406 [The Audit Function of the United Nations System](#), by the Joint Inspection Unit, Geneva, 2010

407 [United Nations Board of Auditors: Current Membership, January 2021](#)

408 [The Audit Function of the United Nations System](#), by the Joint Inspection Unit, Geneva, 2010

136) The selection process has inherent flaws. Hilary Wild, member of the CGIAR system board, outlined the possible reasons for failure to appoint the best qualified candidate:

- ... political reasons, such as XYZ has too many/not enough appointments in the UN System—a very subjective criterion which may be based on a desire for influence and/or access to information.
- The views of Member States may not be based on a technically qualified view from within their own administration—it is rare to have members of governing bodies technically qualified in audit.
- This can be further complicated if a member's SAI is applying. For example, if the NAO is not a bidder the FCDO could ask the National Audit Office (NAO) to advise on the relative strengths and weaknesses of bidders. However, if the NAO is a bidder, this would not be ethical.⁴⁰⁹

137) There appears to be little attention paid to the quality of audits and there is an assumption that, because a SAI conforms to INTOSAI⁴¹⁰ standards and/or International Standards on Auditing, those standards will be upheld. Hilary Wild explained that mandate, governance, and expertise of INTOSAI members can vary, leading to different quality in practice.⁴¹¹

138) Holding the role of external auditor for a UN body provides a number of potential opportunities for the holder state:

- Allows the state the opportunity to strengthen an organisation they may have a vested interest in seeing succeed.
- Allows access to information on the workings of that organisation it might not otherwise have had. These could include information on criteria for contracts, information on ongoing investigations and so forth.⁴¹²
- Prestige is both a means and an end to external audits. Hilary Wild told us that: "Prestige can be considered as a necessary pre-requisite to re-election, or gaining further appointments within the UN system."⁴¹³

139) **For conclusions and specific recommendations see Chapter 4.**

409 Hilary Wild (MUO0034) para 12

410 International Organization of Supreme Audit Institutions

411 Hilary Wild (MUO0034) para 12

412 An example of an emerging situation is Russia's Supreme Audit Institution bid to carry out the audit of the Organisation for Prevention of Chemical Weapons despite significant controversies surrounding allegations that the Russian Government have used such weapons on national and foreign soil as well as obstructing investigations into their use by the Syrian Government. The OPCW was due to make the final decision between Turkey, India and Russia in November or December 2020 but the final decision does not appear to have been announced publicly. (see [Note by the Director General: Summary of Nominations for External Auditor of the OPCW](#), 15th June 2020; [Confrontation at the OPCW: How will the International Community Handle Syria and Skripal?](#) By John Hart, online at War on the Rocks, 18th June 2018)

413 Hilary Wild (MUO0034) para 6

Potential vulnerabilities in funding structures for multilateral organisations

140) As explored in specific detail for some of the focus organisations, the increasing reliance on voluntary funding is now a well-known characteristic of multilateral organisations as the scale of operations has progressed beyond what is covered in assessed contributions. When this voluntary funding is earmarked to particular programmes or is supplied by non-state actors who are not subject to the same level of accountability, they represent a vulnerability to the organisation. We held an additional oral evidence session on the issue of funding at which we questioned Harpinder Collacott of Development Initiatives and Dr Yanzhong Huang of the Council on Foreign Relations.

141) Ms Collacott explained the risks and challenges:

Their [UN organisations primarily] funding is already annual by the nature of humanitarian relief, and now it is being further earmarked by geography, project, programmes and thematic areas, which really restricts what the organisation can do and where they must deliver as a result of this earmarking.⁴¹⁴

She elaborated:

...the agencies that are being compromised more are those that are losing their core funding—fundamentally that has the ability to dilute their core mission. It increases bureaucracy and creates quite a lot of perverse incentives within an organisation.⁴¹⁵

She also explained that reliance on this funding paradigm results in organisations being less able to respond quickly to crises as fundraising needs to take place.⁴¹⁶

142) This form of funding could fundamentally change the nature of multilateralism. The Organisation for Economic Cooperation and Development (OECD) talk of a 'Trojan Multilateralism' where earmarked funding is used to steer multilateral programmes towards donors' geopolitical interests.⁴¹⁷ They observe a movement to 'à la carte' multilateralism where donors join forces, in narrower sets, on an ad hoc basis to address specific development issues. This, they argue:

...risk[s] of seeing the emergence of a hollow and less inclusive multilateral development system, where decision making and accountability are transferred from the wider collective (e.g. governing boards) to contracting relationships between bilateral donors and multilateral agencies.

Certain organisations are more vulnerable to the influence of their funders than others, in particular organisations with a "highly concentrated donor bases" and those with "a large share of funding from earmarked contributions".⁴¹⁸ The WHO and OHCHR would appear particularly vulnerable given this view (see Annex 2 and 3).

414 [Q238](#) [Harpinder Collacott]

415 [Q239](#) [Harpinder Collacott]

416 [Q239](#) [Harpinder Collacott]

417 [Multilateral Development Finance: Towards a New Pact on Multilateralism to Achieve the 2030 Agenda Together](#), by OECD, 29th November 2018

418 [Multilateral Development Finance: Towards a New Pact on Multilateralism to Achieve the 2030 Agenda Together](#), by OECD, 29th November 2018

143) As explored in more detail in each of the focus organisations, part of the solution is to ensure that the core costs for multilateral organisations are covered. This reduces the need for multilateral organisations to enter into earmarked funding relationships that could prove problematic and increases their influence when they do. An example of one such approach is the voluntary core funding approach taken by the FCDO with regards to the WHO (see paragraph 59). Not explored in detail in this report is the reform of statutory contributions. This is the system whereby member states are means-tested and charged accordingly. Not only is that amount of funding from assessed contributions too low but it is out of date and does not reflect the economic growth of member states. It is a problem across multiple organisations but is particularly acute at the WHO,⁴¹⁹ and the OHCHR.⁴²⁰⁴²¹

144) Our conclusions are detailed in Chapter 2 and organisation specific recommendations can be found in Chapter 4.

419 [Q122](#); Foreign and Commonwealth Office ([MUO0030](#)) Annex E,

420 [Q146](#) [Peggy Hicks]

421 For a comparison of countries' assessed contribution in 2017: [The US isn't choosing to give less to the UN but these countries are](#), by Amanda Shendruk, Quartz, 26 September 2019

Formal minutes

Tuesday 8 June 2021

Members present:

Tom Tugendhat, in the Chair

Chris Bryant	Henry Smith
Alicia Kearns	Royston Smith
Andrew Rosindell	Graham Stringer
Bob Seely	Claudia Webbe

The Chair declared an interest relating to the employment of his father-in-law as an employee of the Organization for Security and Co-operation in Europe.

Draft Report (*In the room: the UK's role in multilateral diplomacy*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 55 read and agreed to.

Summary agreed to.

Annexes agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 15 June at 1.45pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 23 June 2020

Her Excellency Sylvie-Agnès Bermann, former French Ambassador, China, the UK and Russia;

[Q1–23](#)

Rt Hon Alistair Burt, Foreign Affairs & Middle East Consultant, Former Minister of State, FCO and DfID; **Ben Emmerson QC**, Judge on the International Criminal Tribunals for Rwanda and the Former Yugoslavia, Former UN Special Rapporteur on Counterterrorism and Human Rights

[Q24–36](#)

Tuesday 1 September 2020

The Lord Bowness CBE DL, Vice-president of the OSCE Parliamentary Assembly, Chair of the Sub-Committee on Rules of Procedure and Working Practices, Member of Delegation, Conservative member of the House of Lords; **Dr Neil Melvin**, Director International Security Studies, Royal United Services Institute (RUSI); **Mr. Alex T. Johnson**, Chief of Staff of the U.S. Helsinki Commission for the 116th Congress

[Q27–57](#)

Hon Tony Abbott AC, 28th Prime Minister of Australia

[Q58–93](#)

Tuesday 15 September 2020

Dr David Nabarro, Co-Director and Chair of Global Health, Institute of Global Health Innovation, Imperial College London; **Professor Ilona Kickbusch**, Independent Global Health Consultant

[Q94–116](#)

Tuesday 29 September 2020

Benjamin Ward, UK Director, Human Rights Watch; **Fred Carver**, United Nations Association UK Adviser; **Hillel Neuer**, Executive Director, United Nations Watch

[Q117–137](#)

Peggy Hicks, Director, Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights; **Mahamane Cissé-Gouro**, Director, Human Rights Council and Treaty Mechanisms Division, Office of the High Commissioner for Human Rights

[Q138–148](#)

Tuesday 20 October 2020

William Browder, Chief Executive Officer, Hermitage Capital Management; **Bruno Min**, Senior Policy Adviser, Fair Trials

[Q149–179](#)

David Armond, Director, Armond Consultancy Ltd

[Q180–208](#)

Tuesday 17 November 2020

Professor James Bacchus, Distinguished Professor of Global Affairs and Director of the Centre for Global Economic and Environmental Opportunity, University of Central Florida

[Q209–236](#)

Dr Yanzhong Huang, Professor at Seton Hall University School of Diplomacy and International Relations, Senior Fellow for Global Health, Council on Foreign Relations; **Harpinder Collacott**, Executive Director, Development Initiatives

[Q237–223](#)

Rt Hon Dr Liam Fox MP

[Q224–251](#)

Tuesday 8 December 2020

Angela Mudukuti, International Criminal Law and Human Rights Lawyer; **Anthony Dworkin**, Senior Policy Fellow, European Council on Foreign Relations

[Q252–275](#)

Sir Howard Morrison KCMG CBE QC, Appeals Judge, International Criminal Court; **Peter Lewis**, Registrar, International Criminal Court

[Q276–292](#)

Tuesday 2 February 2021

The Lord Ahmad of Wimbledon; **James Kariuki**, Multilateral Policy Director (outgoing), Foreign, Commonwealth and Development Office; **Neil Briscoe**, Head of UN and Multilateral Department, Foreign, Commonwealth and Development Office; **Beth Arthy**, Head of Global Funds Department, Foreign, Commonwealth and Development Office; **HE Julian Braithwaite**, Ambassador and Permanent Representative to the UN and other International Organisations (Geneva), Foreign, Commonwealth and Development Office; **HE Neil Bush**, Head of the OSCE Delegation, Foreign, Commonwealth and Development Office; **Chris Jones**, Director for International Co-operation on Criminal Matters, Home Office

[Q293–349](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

MUO numbers are generated by the evidence processing system and so may not be complete.

- 1 Action for Global Health Network; and More than 50 UK-based global health organisations ([MUO0022](#))
- 2 Anonymous ([MUO0031](#))
- 3 Bowness, Lord ([MUO0014](#))
- 4 Browder, William (CEO, Hermitage Capital Management) ([MUO0011](#))
- 5 Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) ([MUO0027](#))
- 6 Dworkin, Anthony (Senior Policy Fellow, European Council on Foreign Relations) ([MUO0028](#))
- 7 Fair Trials ([MUO0023](#))
- 8 Folkes, Alex ([MUO0009](#))
- 9 Foreign, (Foreign & Commonwealth Office) ([MUO0030](#))
- 10 Foreign and Commonwealth Office ([MUO0001](#))
- 11 Gilder, Dr Alexander (Lecturer in Law, Royal Holloway, University of London) ([MUO0004](#))
- 12 Global Britain Limited ([MUO0025](#))
- 13 Human Rights Watch ([MUO0020](#))
- 14 Interpol ([MUO0032](#))
- 15 Jewish Leadership Council ([MUO0008](#))
- 16 Kidger, Mr David (Managing Director, David Kidger Associates Limited) ([MUO0016](#))
- 17 Peters & Peters Solicitors LLP ([MUO0024](#))
- 18 Remler, Philip (Non-resident Fellow, Carnegie Endowment for International Peace) ([MUO0007](#))
- 19 Sightsavers ([MUO0013](#))
- 20 Taku, Charles (Lead Counsel at the ICC, ICC) ([MUO0006](#))
- 21 The British East-West Centre (www.bewc.org) ([MUO0021](#))
- 22 The Foreign Policy Centre ([MUO0026](#))
- 23 TheCityUK ([MUO0018](#))
- 24 United Nations Association - UK ([MUO0017](#))
- 25 United Nations Watch ([MUO0029](#))
- 26 Universal Rights Group ([MUO0033](#))
- 27 Wesson, Mr Paul (International Political Observer, Daterna Ltd) ([MUO0010](#))
- 28 Wild, Hilary ([MUO0034](#))
- 29 Wolff, Professor Stefan (Professor of International Security, University of Birmingham) ([MUO0003](#))
- 30 Worrall, Mr Joseph (International Election Observer, OSCE ODIHR) ([MUO0019](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2021–22

First Report	The UK's role in strengthening multilateral organisations	HC 199 (HC 513)
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