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THE PENINSULA

“Déjà vu All Over Again” as Trump Orders US Withdrawal from the UN Human Rights Council

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On February 4, President Donald Trump issued another in the blizzard of his now familiar executive orders. Among those signed that day was one entitled “Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to all United Nations Organizations.” The document specifies that the United States will immediately cease to participate in the UN Human Rights Council (UNHRC) and will not seek election to that body and that the Department of State will eliminate the office of the US representative to UNHRC as well as any other State Department personnel positions dedicated to supporting the US representative to the Human Rights Council.

The presidential order also directs an end to US participation in and funding for the UN Relief and Works Agency for Palestine (UNRWA). Furthermore, it directs that the secretary of state, in cooperation with the US ambassador to the UN, conduct a formal review of all international organizations in which the United States participates, determine which organizations and treaties are “contrary to the interests of the United States,” and report to the president which organizations and treaties can be reformed and recommend which ones the United States should withdraw from.

Following Trump's statement, Israel informed the United Nations that it would disengage from the UNHRC. Israel is not a member nor a full participant in the council, but it has maintained observer status in the organization. Recently, Israel has been harshly criticized by the UNHRC for allegations of human rights violations in Gaza, and the Human Rights Council set up an inquiry last year to determine whether the massive scale of civilian deaths in Gaza was a crime against humanity.

Key Role of UNHRC in Pressing North Korea on Human Rights

The UNHRC has played a critical role in pressing North Korea to improve its egregious violation of human rights against its long-suffering people. To the discomfort and protestations of North Korea, the UNHRC has adopted a resolution every year since 2003 voicing concern for human rights violations in North Korea, and a full meeting of the council each year has been devoted to discussing human rights conditions in North Korea. Every year since 2003, the Human Rights Council has adopted a strongly worded resolution calling for the improvement of human rights conditions in North Korea. On April 4, 2024, for example, the UNHRC adopted a resolution by consensus "reiterating deep concern about the systematic, widespread and gross human rights violations in North Korea that in many instances constitute crimes against humanity, as well as the pervasive culture of impunity and lack of accountability."

In addition, since 2003, the UNHRC has officially designated an expert on human rights as a *Special Rapporteur* to study and present annual reports on human rights conditions in North Korea to the Human Rights Council in Geneva and the UN General Assembly in New York City. These annual reports are provided to all UN member states and published by the UN General Assembly and the UN Human Rights Council. For more than two decades, these reports have provided a comprehensive critique of North Korean human rights based on international standards. The special rapporteurs, who are appointed by the Human Rights Council and examine North Korean human rights practices to report to UN agencies, are Thai law professor Vitit Muntarbhorn (2004-2010), former Indonesian Attorney General Marzuki Darusman (2010-2016), Argentine law professor Tomás Ojea Quintana (2016-2022), and Peruvian law professor Elizabeth Salmón, who has been serving since 2022.

The report of the special rapporteur to the General Assembly in the fall of 2024 focused on accountability measures that could be instituted for victims of torture and enforced disappearance in North Korea, including a special focus on guaranteeing reparations for victims. In April 2024, the special rapporteur reported to the UNHRC on initiatives to advance accountability for human rights violations, including crimes against humanity, over the previous ten years and how to strengthen such human rights efforts. The resolution endorsing the report and urging that its recommendations be implemented was adopted by voice vote. Non-governmental international human rights organizations, such as Human Rights Watch, have been particularly vocal in their praise of UN efforts to identify, document, and urge correction of the human rights abuses discussed at the United Nations.

In addition to these annual reports given by a special rapporteur, in March 2013, the UNHRC established a three-member Commission of Inquiry (COI) on North Korea Human Rights at the urging of then Special Rapporteur Marzuki Darusman. The COI was directed "to investigate systematic, widespread and grave violations of human rights" in North Korea and to report to the Human Rights Council in March 2014. The chair of the

commission was Michael Kirby, former justice of the High Court of Australia. Two other prominent human rights advocates served with him: Marzuki Darusman, the UN special rapporteur for North Korean human rights at that time, and Sonja Biserko, a former Yugoslav diplomat and founder and president of the Helsinki Committee for Human Rights in Serbia.

The commission's outstanding report was publicly released on February 7, 2014, and it has been a key roadmap in the effort to press for human rights progress in North Korea. With the high-level attention that the COI report has brought, North Korea's human rights record has been discussed repeatedly in the UN Security Council. The first Security Council discussion was held on December 22, 2014, just a few months after the COI report was initially issued. Similar public Security Council discussions were held in the following three years: 2015, 2016, and 2017.

The first three of these Security Council meetings on North Korean human rights took place during the Barack Obama administration, but the meeting in 2017 was during the first year of the Trump presidency. In December 2019, the United Nations did not muster the nine member countries needed to hold a session on human rights in North Korea because the United States under Trump's leadership refused to support holding the meeting. The UN Security Council held a session focused on human rights in North Korea in December 2020. The Trump administration supported holding the meeting on this occasion, but it was only after Trump had already been defeated in the 2020 presidential election by Joe Biden and prior to Biden being sworn into office.

Comparing the Trump Administration's Withdrawal from the UNHRC

Trump's recent withdrawal from the UNHRC is a repetition of the action taken during his first term in office. On June 19, 2018, then US Ambassador to the UN Nikki Haley, standing shoulder to shoulder with Secretary of State Mike Pompeo, announced the United States' withdrawal from participation in the UNHRC. Haley was particularly vehement in her criticism of the council, calling it a "cesspool of political bias" and saying it "makes a mockery of human rights."

Ironically, the Trump administration's decision to withdraw from the Human Rights Council in 2018 and Trump's courtship with North Korean leader Kim Jong Un took place at the same time. The UNHRC had been a leading critic of North Korea's human rights abuses. Trump's decision to withdraw US participation in the council was announced on June 19, and Trump's first meeting with Kim took place precisely one week earlier on June 12. It is worth noting that there is no smoking gun to connect the US withdrawal from participation in the UNHRC and the flourishing Trump-Kim relationship.

When Biden became president in January 2021, the United States again resumed participation in the UNHRC. Three weeks after Biden's inauguration, Secretary of State Tony Blinken announced that the United States would resume active cooperation with the council. Unlike other major UN organizations, which involve participation and membership of all UN member states, the Human Rights Council is a UN organization of 47 UN member states, which are elected by the UN General Assembly for staggered three-year terms. The first occasion for the addition of new members to the UNHRC after the United States again resumed participation under Biden was October 2021. At that time, the United States was elected to a three-year term on the council and resumed active participation in the council's activities.

When Trump was elected to his second non-consecutive term as president, he again led the United States out of the organization. Trump's withdrawal from the UNHRC in 2025 is different in a number of ways from its earlier parting. First, there was a significant difference in the timing of the action. During the first Trump term, the withdrawal decision took place in June 2018, which was 18 months after he assumed office. In fact, Rex Tillerson, Trump's first secretary of state, had already served in that position 14 months before being replaced by Mike Pompeo before the United States withdrew from participating in the UNHRC. Trump's second National Security Advisor, John Bolton, was already in place before the first Trump administration made the decision to withdraw from the council. In fact, the vehemence of Bolton's dislike of the UNHRC may well have been an important reason behind Trump's decision to withdraw in 2018.

Second, the announcement of withdrawal in 2025 was made personally by Trump with the formal signing of a presidential executive order in the Oval Office. The previous withdrawal was announced by the US ambassador to the UN and the secretary of state. This time, Trump wanted to make it clear that this was his decision. The withdrawal from the UNHRC via executive order was one of a cascade of photogenic signing of presidential directives with photographers and journalists present. Trump did this to make sure everyone knew that *he* was back in the Oval Office. This was not a decision to be announced by the secretary of state. The man in the White House was in charge.

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Note: The phrase "Déjà vu all over again" is from Yogi Berra. During the 1961 major league baseball season, he said, "It's déjà vu all over again" after Mickey Mantle and Roger Maris both hit back-to-back home runs during that major league season. It is one of Yogi's most frequently quoted "Yogi-ism."

Return to the Peninsula

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