

A Bad Joke: Trump-Pence Administration Doubles Down on UNFPA Funding Cut on International Women's Day

Last Thursday—International Women's Day—the United Nations Population Fund (UNFPA) received a brief email from the U.S. Mission to the U.N. This email notified UNFPA that the State Department had determined the agency remains in violation of the [Kemp-Kasten amendment](#) because of its program in China, and is once again ineligible to receive financial support from the United States this year. This negative legal determination precludes both a voluntary contribution for UNFPA's core family planning and reproductive health activities and any financial assistance for the vital work that UNFPA is currently engaged in to provide reproductive health care in humanitarian crises in Syria, Iraq and Yemen. While the health and survival of women and their families should not be used as a punchline for a joke, the timing of the decision is so absurd as to be laughable.

On the evening of March 8, the U.S. Mission sent an email to UNFPA headquarters informing it that "The Secretary of the U.S. Department of State has decided to continue withholding funds from UNFPA based on a determination under a provision of U.S. domestic law known as the Kemp-Kasten Amendment." There was no additional explanation provided.

Earlier in the day, then-Secretary Tillerson had issued a statement commemorating International Women's Day ironically proclaiming: "The United States is committed to working with governments and partners around the globe to ensure that countries everywhere enable women to thrive and realize their rights." Vice President Mike Pence was mercilessly trolled for this afternoon tweet celebrating the occasion:



Vice President Mike Pence 
@VP



Today, on [#InternationalWomensDay](#) - and ALL days - we recognize the countless contributions women have made to our economy, our communities, & our Nation. The Trump Admin will continue to strive to empower women across America to keep making a profound impact.

2:10 PM - Mar 8, 2018

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Having enough self-awareness to recognize the terrible optics of the timing of the determination and its continuing and future harmful impact on the lives of women and girls, the State Department had the good sense not to release any public statement on its decision—and has clearly attempted to bury it. If not for a diplomatically-worded [UNFPA press release](#) issued four days later expressing disappointment in the actions of an important member state and urging a reconsideration of “this unfortunate decision,” we still might not know it had even happened.

As an old aphorism attributed to both Shakespeare and Chaucer goes, “Many a true word is spoken in jest.” In that spirit and in recognition of how ridiculous the timing, content and efficacy of the latest determination is, a few lame jokes are offered below for both your amusement and edification. Jokes that need to be explained are rarely funny. But in this instance, humor us.

The Timing of the Determination

What sexual dysfunction did State Department lawyers suffer from in issuing a FY 2018 determination last week?

Premature articulation.

No U.S. funds for UNFPA have been appropriated by Congress for FY 2018, so there are none to be withheld yet. The federal government is currently operating on a continuing resolution (CR) through March 23. Congress is seeking to pass an omnibus spending package that will combine all 12 appropriations bills, including the State Department-Foreign Operations bill that includes funding for bilateral and multilateral FP/RH programs, to meet next Friday’s deadline and avoid a government shutdown.

However, State Department lawyers are apparently interpreting a longstanding provision in the annual appropriations bill in a very strict manner, presumably to head off any possibility of a legal challenge that might allow funding to go toward UNFPA. It requires a Kemp-Kasten determination be made by the President (or his designee—in this case, the Secretary of State) within six months of enactment of the bill. Rightly or wrongly, the lawyers have chosen to start the clock based on the passage of the first FY 2018 CR on September 8, 2017.

The prospects for the inclusion of any funding for UNFPA in the final FY 2018 omnibus remain uncertain. A prohibition on making a UNFPA contribution is contained in the House version while the Senate bill earmarks \$37.5 million for UNFPA. We will know at the end of next week how appropriations negotiators have resolved the stark differences between the bills. But until then, it will be unknown whether any UNFPA funding will even exist to be withheld.

How can last's year Kemp-Kasten determination on UNFPA be best described?

A day late and 70 million dollars short.

March 30 is the one-year anniversary of the initial Kemp-Kasten determination by the Trump-Pence administration on UNFPA's FY 2017 funding. State Department lawyers used the same interpretation of the timing of the sixth-month deadline last year, but missed it—literally by one day. Roughly double the amount of funds were impacted last year as may be approved for UNFPA this year. The FY 2017 amount included not just the voluntary contribution from the International Organizations and Programs account, but roughly \$38 million in grants and contracts to UNFPA to provide reproductive health and safe delivery services in humanitarian crisis settings. Both were eliminated last year.

The Content of the Determination—or Lack Thereof



UNFPA reports that the State Department did not contact or visit its China country office in making this renewed determination. Unlike efforts in previous Republican administrations to conduct thorough, on-the-ground investigations of UNFPA's policies, programs and activities in China—even if they ultimately ignored the findings—the State Department has apparently [phoned it in](#) once again, presumably relying on desk research from the comfortable confines of their Foggy Bottom offices.

Where is the evidence of UNFPA complicity in Chinese human rights abuses?

Mao you see it, Mao you don't.

Reportedly, this year's determination is as superficial and shallow as last year's. But we may never know. The State Department has apparently chosen to classify the memorandum—albeit at a low level—“sensitive but unclassified.” Nevertheless, advocates, the press and the public are unlikely to see it any

time soon. Congressional staff who were notified of the determination late last week reportedly describe a skimpy, two or three page document that looks quite similar in appearance and content to [last year's unclassified version](#), published in a BuzzFeed article. Clearly, the State Department recognizes how weak the justifications are for the latest determination and are seeking to protect the document from being picked apart by critics of the decision.

The Efficacy of a U.S. Cut-off of UNFPA

Q: What birth control method is the administration's decision to pull out of UNFPA most like?

A: Withdrawal. And like withdrawal, least effective in achieving its objective.

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Supporters of UNFPA have long argued that the best way to persuade the Chinese government to abandon coercive practices and the “one-child,” now “two-child,” policy is through constructive engagement. As a result of UNFPA’s engagement with China, hundreds of counties have lifted their birth quotas in compliance with conditions of UNFPA assistance or in order to replicate UNFPA-supported projects, thus replacing compulsory birth control with counseling and a greater range of contraceptive choices. In 2004, the U.S. State Department [human rights report](#) remarked on the success of UNFPA’s efforts to emphasize “quality of care and informed choice of birth control methods.”

Today, UNFPA’s relatively modest assistance in China—only \$1.5 million in FY 2016, for example—focuses on increased access to integrated sexual and reproductive health services (including family planning, maternal health and HIV services). These services are gender-sensitive and meet human rights standards for quality of care, increased attention to the sexual and reproductive health needs of adolescents and youth, advancement of gender equality and women’s and girl’s empowerment, and strengthened evidence-based policymaking. UNFPA’s work in China is in no way connected to human rights abuses.

How does a Trump-Pence administration punish the Chinese government for its human rights abuses?

Eliminate funding for one small U.N. agency.

Across multiple administrations since the 1980s, UNFPA advocates have consistently asserted that if the U.S. government were truly serious about Chinese human rights abuses, such concerns should be elevated on the Sino-American bilateral agenda. To the best of our knowledge, it has never risen to a high-level in diplomatic dialogue with Chinese government officials.

If last year's rationale continues to prevail in the latest version, UNFPA's crime is that it "continues to partner with the [National Health and Family Planning Commission (NHFPC)] on family planning." In other words, guilt by association. The NHFPC, the product of a 2013 merger of the Ministry of Health and National Population and Family Planning Commission, is charged with implementation of government law and policy and furnishing health services besides family planning to the Chinese citizenry. It is akin to the U.S. Department of Health and Human Services or state health departments. Other U.N. agencies, who shall remain nameless, "partner" with NHFPC on family planning and other health programs but emerged unscathed in the determination. Wonder why UNFPA is singled out?

In late-breaking news, the South China Morning Post reported in an article titled "[China Puts an End to its Notorious One-Child Enforcer](#)" that a new National Health Commission is being formed, and "the phrase 'family planning' will disappear from the ministerial structure, as China grapples with a shrinking labor pool and rapidly aging population," under a proposal presented to National People's Congress on Tuesday. What might the implications of this dramatic move to reorganize the bureaucracy be for the just-made and future Kemp-Kasten determinations during the Trump-Pence administration?

And finally...

What was the reaction of the Chinese leader on learning of the U.S. cut-off of UNFPA over China?

Like Queen Victoria, Xi was not amused.

If you don't get this joke, don't be like the administration and its State Department, do a little research.