

ODUMUNC 2009 Issue Brief
Third Committee (SOCHUM)
Promotion of Human Rights



“A Screaming Start”
The Economist (April 24th, 2008)

Two years ago, the 60-year-old UN Commission on Human Rights was dumped. Kofi Annan, who was then the UN's secretary-general, gave the reason: the world's worst abusers had used the agency “to protect themselves against criticism or to criticize others”. When its successor, the Human Rights Council, started up a couple of months later, he urged it not to “squander” the new opportunity.

Many feel the council has done just that. Dominated by the Organization of the Islamic Conference and the Non-Aligned Movement, the new body stands accused of being just as politicized, and just as intent on one-sided Israel-bashing, as its predecessor. Most human-rights organizations say privately that they are bitterly disappointed.

Among the complaints: its inclusion as members of some serial human-rights abusers; its decision to stand down “special rapporteurs” for Cuba, Belarus and Congo; and its failure to protect the integrity of the Office of the High Commissioner on Human Rights. Press-freedom groups were appalled last month when the council's Islamic members, backed by Russia and China, pushed through a resolution saying free speech could be limited out of “respect for religions and beliefs”.

Its defenders say the council should be given a chance to improve. Yes, they say, it replicates many of the former body's failures: with so many of the same states, often represented by the same people, sitting (literally) in the same seats, instant change could not be expected. “It's not yet what I want, and is still far from what we should aim for,” says Luis Alfonso de Alba, a Mexican who was the first holder of the council's annually rotating presidency.

He thinks the council may stand or fall by a new process, known as universal periodic review. This marks the main difference between the council and its predecessor. The commission often focused on just a dozen states, which complained they were singled out because they lacked enough big friends to keep critics at bay. In a way they were right: abuses by weak or friendless countries (Cambodia, Somalia, North Korea, Sudan) were denounced, but similar sins by, say, China, Russia, Saudi Arabia or Pakistan were passed over.

Now, everyone—including the Security Council's permanent five—must submit to a peer review every four years, with hearings held in public and webcast live. Critics fear a charade; defenders say the process should be given a chance to work.

Under the review system, three reports are made: one by the country itself in collaboration with local NGOs; another by the Office of the High Commissioner with input from other UN bodies; and a third by international human-rights groups. After studying these reports, council members get three hours to quiz the country under review. An assessment by three council members, with recommendations, is then presented to the council.

Hearings for the first 16 countries were completed last week. Most states prepared carefully; many fielded big delegations headed by a minister. Next month's second lot of hearings,

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including Pakistan, may be a tougher test. Some abusers could try to wreck the process by filibustering, but that will be caught on camera. Serial offenders may tell their critics to get lost, but that does not mean that the process isn't being taken seriously—by the accused or by the accusers. The review could sway decisions on multilateral aid, and embolden local activists.

If the council's workings sound arcane, that is because its birth pangs were long. When a panel on UN reform first suggested replacing the “discredited” 53-member commission, it mooted a council of leading human-rights experts from all the UN's 192 member states. This was rejected by Mr. Annan, who adopted the American idea of a smaller, more focused body of 20 to 30 members, committed to upholding the “highest standards” of human rights.

After much haggling there emerged a 47-member group, barely smaller than its predecessor. Elected by a simple majority of the General Assembly (instead of the proposed two-thirds majority), its members faced no prior test other than a “voluntary pledge” on human rights. Many of the worst rights offenders have avoided standing for election. But China, Cuba, Russia and Saudi Arabia are back on.

A claimed strength of the new council is the fact that it is at work most of the time. The old commission met for a single six-week session once a year; this council sits for at least ten weeks a year in three regular sessions, plus “special” sessions, called by at least one-third of members, as the need arises. No longer are emergencies ignored if they occur at the wrong time.

What few foresaw was the extent to which Islamic states would use this procedure to single out Israel. Four of the six special sessions called so far, and almost all the single-country resolutions, have been devoted to Israel. Two special sessions have been held on Myanmar and Darfur, but nothing has been said about human-rights issues in China, Zimbabwe, Colombia, Iran, Pakistan, Turkmenistan, Saudi Arabia, Egypt, Cuba or Belarus.

Sponsors of the anti-Israel resolutions insist that there is no other forum where they can denounce acts that are widely agreed to violate international law: the use of cluster bombs, the blockade of Gaza, ill-treatment of detainees, “targeted killings” and so on. When they try to raise such matters at the Security Council, they say, they face an American veto. Arguably, however, Israel-bashing simply masks the council's reluctance to tackle other issues.

The Muslim and non-aligned states often blame the West for focusing on abuses in poor countries while ignoring its own faults. But they rarely take any action in the council over alleged rich-world misdeeds such as the mistreatment of terror suspects. That may be because poor, angry countries hesitate to threaten their relationship with powerful partners and aid donors by taunting them over human rights. Easier to home in on Israel.

Of the council's 47 current members, 23—just one shy of an absolute majority—are ranked by Freedom House, an American think-tank, as “free”, compared with only ten described as “not free”. Why don't the “free” states form a counterweight to the Islamic and non-aligned blocks? Perhaps because they don't want to tie their hands in the broader trade-offs that are going on all over the UN system, including some 17 bodies in Geneva alone. Deals over “more important” issues, like trade, are constantly being done in Geneva's corridors; civil liberties can easily lose

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out.

Human rights are one of the three pillars on which the UN is supposed to rest. The Universal Declaration of Human Rights, signed 60 years ago, is seen as a great achievement. But there is huge disagreement about which rights matter most. The rich world says priority should be given to civil and political rights; poorer countries say economic, social and cultural rights matter more. The new council has emerged at a time when such debates are especially sharp. But after barely two years, hopes of a real dialogue are fading in the face of the obsession with Israel.

In January America denounced a session at which the council condemned Israel's actions in Gaza but refused to criticize Palestinian rocket attacks on Israel. It was right, said Ban Ki-moon, the UN secretary-general, to keep following conditions in Gaza. But "I would also appreciate it," he added, "if the council will be looking with the same level of attention and urgency at all other matters around the world."

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