



A Challenging First Anniversary for the UN's Human Rights Council

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This month sees the first anniversary of the establishment of the United Nations' new Human Rights Council, which last year replaced its heavily discredited and ineffectual predecessor, the Commission on Human Rights. The most recent meeting in Geneva will be as much a test as a celebration. The first phase on the Council's work has been sharply criticised in some quarters. The Council is due to set in hand what is called, in the UN's impenetrable jargon, its Universal Periodic Review, as well as look at the Special Procedures for dealing with such matters as torture. As usual, the Council's deliberations will be sensitive and contentious, and much about the future direction of the Council's work and its effectiveness will ride on the outcome.

The Council's critics, the most vocal of whom come from the neo-conservative fringes of US politics, argue that the body is still too large and thus continues to offer opportunities for membership to countries with a bad human rights record; that the early sessions of the Council have been excessively dominated by Israel's record in Lebanon and in the Palestinian Occupied Territories; and that little has been done to address other serious human rights situations, for example in Darfur, Zimbabwe and Cuba. There is something in these criticisms, but not much. There are indeed still some countries with poor human rights records on the Council, but far fewer than used to make it regularly onto the former Commission; there is evidence that the new procedures for election are deterring the worst case countries from putting themselves forward. The emphasis on Israel's human rights record may have been disproportionate but no one, surely, would argue that it does not require scrutiny or is above reproach. And the Council, despite being refused access to Darfur by the government of Sudan, produced a hard-hitting report on that tragic region, which has contributed to the international pressure for a strengthened UN presence there. The honest answer to questions on the Council's record so far is Zhou Enlai's comment on the French Revolution: "it is too early to say".

Clearly one cannot completely decouple the membership of the Council from its performance. But an obsession with these membership issues is obscuring the need for perseverance on issues of substance. In any case, would a Council solely composed of squeaky-clean and predominantly westernised countries trying to lay down the law on human rights to the rest of the world be the best way to advance the UN's human rights agenda? It is high time for the United States, which voted against the Council's establishment and has not yet presented itself as a candidate, to stop sniping from the sidelines and to come back onto the field. Major institutional issues such as membership criteria and methods of election could be left to the five-year review of the Council, which the General Assembly is undertaking in 2011.

What then, does need to be done if human rights are to cease to be the poor relation at the UN's table? First, it will be necessary to make an effective reality of the Universal Periodic Review, which will result in the human rights record of just under fifty member states being reviewed each year. The process needs to be professionalised. Will the Council be able to avoid flinching when it comes to large member states like Russia, China and, yes, of course, the United States? Can the review procedure be turned into the gold standard of international human rights? Then, secondly, it would surely be good to match criticism of transgression and proposals for remedial action with praise and rewards for those countries that comply with human rights standards. Developing countries which

fall into that second category should see real benefits in developmental aid terms. Thirdly, the work of regional human rights bodies as complements to the Council's activity should be strengthened. As Europe has shown– and the African Union–through its peer review mechanism–is just beginning to show–regional human rights machinery has considerable potential for influence. And fourthly, the UN High Commissioner for Human Rights, who works alongside the Council, but is not part of it, is still under-resourced in both financial and political terms. The present impressive incumbent, Louise Arbour, needs closer links with the Security Council on the human rights aspects of the UN's numerous peace operations and more backing when she has to handle human rights in potential conflict situations.

The UN's human rights agenda is not something that can be resolved in a few months or even a few years; it is the work of many decades. Indeed, if one is being honest, it will need to continue virtually in perpetuity. That is why it is important not to be dissuaded by temporary setbacks or discouraging developments; and why it is important to make the new Council work as it was intended to do.