

Notes for a presentation by Paul Heinbecker*

**Human Rights and social Justice;
Setting the Agenda for the Human Rights
Council**

University of Winnipeg

February 24, 2007

** Paul Heinbecker is Distinguished Fellow, International Relations, at the Centre for International Governance Innovation, Waterloo, and Director of the Centre for Global Relations at Wilfrid Laurier University. He served as Canada's Ambassador to the United Nations (2000-2003 and Germany (1992-1996). This paper does not necessarily reflect the views of the institutions above.*

Introduction and Summary

There has been much discussion over the past couple of days of what's wrong with the UN Human Rights Council

And, at least by extension, what's wrong with the UN proper.

There is, also, an encouraging desire on the part of many participants here to fix whatever's wrong so that the Council can do the job envisioned for it,

Or at least do the job we envisioned for it—

that is, getting after the real human rights abusers.

The indispensable first step in fixing any problem is to understand it.

And that's what I thought I would help people to do tonight.

Because I don't think the problem is what it is sometimes assumed to be, or at least not entirely what it is assumed to be.

So, to get to the point, why doesn't the UN work better?

It is not because some members are more enlightened, or civilized, than others, although that is assumed in many cases and is even arguably true in some.

That does have a colonialist air about it.

It is not even because some governments don't see human rights as a priority, although that is certainly true in some cases.

It is not because, in the case of the Human Rights Council, the procedures and structure needs tweaking, although that would help a bit.

It is mostly because of the profound lack of consensus within the international community on just about everything but gravity.

The UN is divided, even fragmented, perhaps to a greater degree than ever before.

Certainly more divided and fragmented than I remember it being at any time in my all too long career.

Reform of the UN proper, or of the Human Rights Council, will not come from our telling people to shape up, or to think straight.

It will not come from ratcheting up criticism of High Commissioner for Human Rights, Louise Arbour, or pressuring Secretary General Ban.

Or from proposing yet another structural reform initiative.

Because the problem is not the personalities or the structure.

It is the politics.

To put it in its vernacular, and to paraphrase Walt Kelly, in a venerable Lil Abner cartoon, the enemy is not the Council;

It is us--the membership.

Adjusting the Human Rights Council in any realistic way or even abandoning it will not fix the political problems.

But fixing the political problems will go a long way towards fixing the UN, including the Human Rights Council.

I am arguing tonight that in addressing reform of the Human Rights Council, we need to look through the other end of the telescope.

To see these institutions in the political context in which they exist.

Solve the major issues that divide the members and the structural problems will become much easier to resolve or, as a minimum, will matter less.

Mega Splits

There are At least five main problems—some of which Allan Rock alluded to earlier today.

- **Priorities**
- **The Hegemon**
- **Solidarity**
- **Sovereignty, and**
- **Distrust**

Priorities

Despite the UN's 60 plus years of existence, there is, at best, imperfect agreement on the part of the members about the institution's priorities.

For the great bulk of the membership,

which both gained independence from colonial rulers

and acceded to membership after the birth of the organization in 1945,

the priorities of the UN are, or should be, economic and social development.

In "Renewing the UN" in 1997, then Secretary-General Annan identified "alleviating global poverty" and "enhancing prospects of developing countries" as the highest priorities for the UN.

Nevertheless, for many and probably most of the founding member countries of the UN,

the world body exists first and foremost as an instrument to safeguard international peace and security,

and only secondarily to promote well-being.

And even in the latter case, they are distinctly less enthusiastic about investing in development through the agencies of the UN than through the World Bank and the IMF.

These dichotomies were painfully evident in the failure of the 2005 summit.

Former Secretary General Kofi Annan argued at that summit that there was no security without development,

no development without security, and

no security or development without human rights protection.

He, also, argued that multilateral cooperation was essential to the achievement of all three.

In adopting the Resolution creating the Council, member countries formally endorsed the idea of three pillars but in practice the degree of acceptance in practice is far from uniform.

Life with the Hegemon

Even among those countries that see the UN primarily in collective security terms, there is disagreement whether the UN is the transcendent authority for governing international relations

or just one body among several,

a foreign policy instrument to be used pragmatically when doing so suits national purposes.

Since the end of the Cold War and the demise of the Soviet Union, the imbalance between the United States and others has become vast.

The US seems undecided on the extent to which enlightened self-interest requires its adherence to international law

and its forbearance in the exercise of its unchallenged power.

In these circumstances especially, the weaker states see unity among themselves as a prerequisite to mitigating their power disadvantages vis-à-vis the US.

For some, unity has become the primordial interest, and solidarity with like-minded overrides both lesser interests and principles.

Including questions of human rights.

National Sovereignty

Beyond priorities and perceptions of centrality, there is, also, profound disagreement between North and South on the issue of national sovereignty.

Some, including some of the more recently de-colonized countries, insist on the immutability of the concept, the better, they hope, to withstand outside interference.

Others, particularly the older countries but also some members of the African Union, see the concept as qualified, in recognition of over-arching common interests and shared human rights and humanitarian values.

And, in fact, the Responsibility to Protect, a key element of Lloyd Axworthy's Human Security agenda, and its inherent normative protections, were endorsed by the 2005 Summit and subsequently by the Security Council.

And yet many of the wealthier states are not yet prepared in practice to underwrite its implementation with their troops and treasure.

and many of the poorer states remain unwilling to accept its applicability to themselves or their allies.

Darfur is the test case:

- Frechette
- The Iraq war

This dichotomy, also, adds to misunderstanding and distrust among many member states' publics around the world.

Distrust

Last but far from least are a handful of major persistent international disagreements, mostly in the Middle East, conflating the War on Terror--and its "with-us-or-with-the-terrorists" logic--

With the Iraq War, the Arab-Israeli conflict, Afghanistan, Darfur and laterally Iran.

The Iraq war has been described by US Republican congressman Chuck Hagel as the biggest foreign policy blunder in American history.

The damage it has done to the United States and to the United Nations, both, has been literally incalculable

Independent polling shows that respect for the United States, especially in the Islamic world, particularly in Turkey and Jordan, but pretty well everywhere, is at its lowest ebb.

It will take generations for Americans to recapture their standing in the world.

Regarding the UN, for all the UN bashing by Vice President Cheney, Senator Coleman and other conservative wing nuts in the US Congress and “think” tanks, the world body actually has a higher approval rating in the US than in most of the Islamic world.

- The PM Mahatir of Malaysia
- President Ahmadinejad

I want to stress that I am not endorsing anything either of these two is saying, especially the latter—I agree with Irwin Cottler that we should consider prosecution of Ahmedinajad for hate crimes--but my sense is that many in the Third World sympathize with their views on the UN.

The post invasion aftermath has disturbed many beyond the Arab and Muslim worlds.

FEMA’s response to Hurricane Katrina only cemented a growing view of the US Administration as incompetent and uncaring.

Appointing an Ambassador who saw it as his job to impart right-thinking to the UN also did enormous and lasting harm, ironically rendering a US conservative priority—management reform—all but impossible.

The animosity at the UN remains palpable

It threatens to impact deliberations in the world body even on otherwise unrelated issues for years, probably decades, to come.

Arguably, the attack on Iraq had a more transformative effect on world affairs than 9/11 did.

The on-going Israeli-Palestinian conflict is the focus of low intensity diplomacy at the UN and the subject of many votes and special Human Rights Council meetings

Both sides try to enlist the world body to their view, or to diminish its impact,

Why does the issue continue to have such traction among UN members?

Partly because the Arabs, particularly the Palestinians, have doggedly and skillfully kept it on the agenda, using their numbers to control the diplomacy.

They have been able to control the diplomacy by appeals to solidarity.

The great majority of UN states have been colonies in the lifetimes of the people who represent them at the UN in New York and Geneva, and actively sympathize with the Palestinians.

To them, the 40 year long occupation of the West Bank evokes memories of the colonialism they endured.

They see Israel as a rich, militarily powerful state, more Goliath than David, backed up by the most powerful state on earth.

Partly as a consequence, they tend to give Israel's security concerns short shrift.

They just see Israel as not in compliance with a whole series of UN resolutions,

- especially on the return or compensation of the refugees,
- on the control of East Jerusalem,
- on the continuing occupation, 40 years later, of the West Bank,
- on the continuing building of settlements—the most recent launched a month or so ago,

- on the construction of new housing units in existing settlements,
- on the building of a wall not on the pre-1967 border, despite the advice of the IJC

The fact that the United States, the hegemon, and many US allies turn a blind eye to this, does nothing to persuade third world countries to depart from their reflexive solidarity with the Palestinians or to diminish their truculence.

Once they saw the US as a paragon, if not to be emulated, at least to be respected.

No longer; not after the US

- defied the Council on Iraq
- tortured the Convention Against Torture
- created military Commission trials for non-Americans
- chiselled the Geneva Conventions
- created a gulag of prisons in Guantanamo, Abu Ghraib, Baghram
- engaged in extraordinary renditions, and
- supplied Israel with cluster munitions

While there are few human rights saints these days, it is not altogether surprising that the third world does not believe that the US is on the side of the angels—

In these circumstances, American appeals to the third world members of the UN Human Rights Council to do as they say is likely to be a waste of breath.