



*OccasionalPaper* 45

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Imprint:

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Production

COMDOK GmbH

Office Berlin

Reinhardtstraße 16

D-10117 Berlin

2008

# Human Rights in Danger? Myths and Realities in the UN

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Paper presented at the International Colloquium „Global Freedom?  
The Future of International Governance“ organised by the Liberal Institute of the  
Friedrich Naumann Foundation, Potsdam, Germany 9–11 November 2007



# Human Rights in Danger?

## Myths and Realities in the UN

Global governance has become a new form of political correctness, backed by internationalist elites around the globe. Unfortunately, attempts to create various forms of „world government“ present a serious challenge to human liberty. The tensions are ever-evident in the operation of the United Nations. The UN professes to represent the highest human rights ideals, beginning with the UN charter itself. Beyond that, the majority of UN members have assented to numerous agreements, covenants, protocols, conventions, and declarations affirming the importance of human rights, and the obligations of governments to respect those rights.

The Universal Declaration of Human Rights, approved by the UN General Assembly on December 10, 1948, comes close to counting as a founding document of the organization. The General Assembly affirmed that „recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world“ and that „disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.“ Thus, „human rights should be protected by the rule of law“ and the „Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.“<sup>1</sup>

The Declaration details people's specific rights. Most are traditional „negative“ rights, that is, protection from government, including to enjoy life and liberty, not to be enslaved or tortured, not to be subjected to arbitrary arrest or exile, to receive a fair public hearing of any charges, to move within a nation or emigrate, to marry, own property, worship, and express opinions, to enjoy the panoply of normal democratic freedoms, such as elections, to work and form unions, and even „to choose the kind of education that shall be given to their children.“ Also included were a handful of „positive“ rights, the more modern conception that citizens could force some unnamed person or institution to provide, in the case of the Declaration, employment, leisure, adequate standard of living, education, and „to participate in the cultural life of the community.“<sup>2</sup> Finally, the Declaration

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1 Universal Declaration of Human Rights, [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html).

2 Strictly speaking, these sort of „rights“ are not liberties. Rather than offering protection against action by government or other people, they empower the recipients to take action, usually through government, against others. Unfortunately, mixing the two concepts creates confusion, since there is a substantial difference between preventing government from jailing dissidents, a necessary result of „negative“ rights, and pushing government to jail tax resisters, the logical outcome of „positive“ rights. But this argument is best left for another conference.

explained, „Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.“

By and large, the Declaration offers a positive vision for humanity. And it has been supplemented by subsequent agreements over the years. For instance, the Covenant on Civil and Political Rights, ratified in 1976, details the standard liberties of press, association, privacy, and marriage, as well as details legal protections and bans torture and slavery.<sup>3</sup> The Covenant on Economic, Social, and Cultural Rights, issued in 1966 but never ratified, leans towards „positive“ rights, enunciating a right to „an adequate standard of living“ and even paid maternity leave, for instance.<sup>4</sup> There also are specific conventions on genocide, torture, and military operations (the so-called Geneva Convention). Finally, there are a panoply of documents of various forms, some ratified, some not, covering association, children, culture, death penalty, discrimination, employment, justice, marriage, refugees, self-determination, slavery, social welfare, and women.<sup>5</sup>

This veritable flood of words suggests that the United Nations rests much of its credibility, and its role as „the last best hope of mankind,“ in the hackneyed phrase employed by some, on its commitment to human rights. At the same time, it is difficult to read these documents without simultaneously laughing and crying. After all, they promise so much. Yet the institution which has generated them has failed so badly. At the time when the General Assembly adopted the Universal Declaration of Human Rights, much of the planet was enveloped by tyranny. There was the Soviet Union and the areas it had occupied after World War II. There was nationalist China, soon to fall under even greater repression and horror after the 1949 revolution. And there was much of the undeveloped world, ruled as colonies by leading Western states. This oppression was less odious than that imposed by Moscow, but it nevertheless was an affront to human dignity accompanied by much bloodshed over the years. In all these cases, nations which forcibly ruled over other peoples, whether or not allegedly in their name, looked more than a little hypocritical signing such human rights instruments.

Undoubtedly, many Declaration signers were pure cynics, with no intention of ever supporting its principles. Others probably never saw the conflict between those principles and their actions – just as many American advocates of humanitarian intervention see no contradiction in triggering a war in which tens or hundreds

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3 [www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

4 [www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm).

5 The UN's human rights agreements are listed at [www.hrweb.org/legal/undocs.html](http://www.hrweb.org/legal/undocs.html) and [www.unhchr.ch/html/intlinst.htm](http://www.unhchr.ch/html/intlinst.htm).

of thousands of people have died and continue to die. Nevertheless, the Declaration could be seen as aspirational, a goal towards which imperfect human beings would strive. If so, the UN has proved to be markedly impotent in promoting any such movement. The worst tyrannies have disappeared, but not as a result of any action taken by the UN. More developing states appear to be moving closer to democracy, but again, not in response to anything done by the UN. The international body remains too compromised for its lofty pronouncements to be taken seriously; the UN's incompetence is too pronounced for its actions to achieve the best of ends. The international organization doesn't even treat its staff well – an investigatory panel recently concluded that the UN is „in breach of its own human rights standards because of the unfair way it treats its own employees.“<sup>6</sup>

For years the primary vehicle for advancing human rights was the Commission on Human Rights, which was established by the Covenant on Civil and Political Rights. The Commission operated under the UN Economic and Social Council. Unfortunately, the Commission never was an effective advocate for human rights, though in its early years it drafted some of the more celebrated human rights declarations. Over time its members included Algeria, China, Cuba, Egypt, Eritrea, Ethiopia, Pakistan, Saudi Arabia, Sudan, Syria, Vietnam, and Zimbabwe, violators of human rights all. Libya was chosen Commission chairman in 2003. Before the Commission's merciful execution, less than half of the members were judged „free“ by the group Freedom House.<sup>7</sup>

The Commission was widely viewed as ineffective at best and an enabler of human rights violators at worst. Brett Schaefer of the Heritage Foundation charged that the body „devolved into a feckless organization, which human rights abusers used to block criticism, and a forum for attacks on Israel.“<sup>8</sup> Kenneth Roth, executive director of Human Rights Watch, complained: „The reason highly abusive governments flock to the Commission is to prevent condemnation of themselves and their kind, and most of the time they succeed.“<sup>9</sup> Even Kofi Annan admitted that the panel had a „credibility deficit“ and was casting „a shadow on the reputation of the United Nations system as a whole.“<sup>10</sup> That, of course, was not easy to do.

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6 Quoted in Benny Avni, „Report: U.N. Commits Human Rights Abuses Against Its Staff,“ *The New York Sun*, June 13, 2006, [www.nysun.com/article/34352](http://www.nysun.com/article/34352).

7 Brett D. Schaefer, „The United Nations Human Rights Council: A Disastrous First Year and Discouraging Signs for Reform,“ Heritage Lectures No. 1042, September 5, 2007, p. 3.

8 Schaefer, „The United Nations Human Rights Council,“ p. 1.

9 Quoted in Warren Hoge, „Officials at U.N. Seek Fast Action on Rights Panel,“ *New York Times*, January 1, 2006, [www.nytimes.com](http://www.nytimes.com).

10 Quoted in „Dawn of a New Era? Assessment of the UN Human Rights Council and its Year of Reform,“ UN Watch, May 7, 2007, p. 2.

So diplomats devoted much effort into turning the Commission into the Human Rights Council, which was established in 2006. The Council was launched with significant fanfare and exaggerated expressions of hope for future achievement. The Council, explained the UN, „will serve as the main United Nations forum for dialogue and cooperation on human rights.“<sup>11</sup> In voting for members, „states will take into consideration a candidates' contribution to the promotion and protection of human rights.“ Moreover, „upon election, new members will commit themselves to cooperating with the Council and to upholding the highest standards in the promotion and protection of human rights. Candidates to the Council also would submit to voluntary pledges and commitments with regard to the promotion and protection of human rights. These expectations did not exist for the Commission on Human Rights.“<sup>12</sup> The UN General Assembly was to „take into account the contribution of candidates to the promotion and protection of human rights“ in selecting Council members.<sup>13</sup> Membership is supposed to be periodically reviewed, with suspension a possible sanction for repressive nations.

Unfortunately, little has changed. America's UN ambassador, John Bolton, warned at the time: „We did not have sufficient confidence in this text to be able to say that the Human Rights Council will be better than its predecessor.“<sup>14</sup> He was all too correct. In its assessment of May 2007, UN Watch concluded:

Sadly, despite having some promise on paper, the new Council has not been an improvement over the much-derided Commission. In some ways, it has even been worse. Members are supposed to be elected based on their human rights records, yet the Council includes persistent violators, and after the upcoming elections is expected to include several more. It is supposed to objectively and non-selectively promote and protect human rights worldwide, yet it has ignored the world's worst abusers while repeatedly concerning only one country in the entire world – Israel. It is supposed to strengthen the UN's human rights mechanisms, yet threatens now to erode the system and eliminate many of the independent experts.<sup>15</sup>

The Council's membership is down from 53 to 47 and the mode of election has changed. Membership is parceled out by region: the most seats, 13 each, go to Africa and Asia, the areas of the world suffering the greatest problems with

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11 „Questions and Answers on the Human Rights Council,” [http://secint24.un.org/News/dh/infocus/hr\\_council/hr\\_q\\_and\\_a.htm](http://secint24.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm).

12 *Ibid.*

13 Quoted in Schaefer, „The United Nations Human Rights Council,” p. 2.

14 „UN Creates New Human Rights Body,” BBC, March 15, 2006, <http://newsvote.bbc.co.uk>.

15 „Dawn of a New Era?,” p. 1.



dictatorships and human rights violators. The U.S., Europeans, and other industrialized states actually have fewer seats than before, falling from ten to seven, leaving control of the Council more firmly in the hands of Third World states.<sup>16</sup> The Council includes numerous human rights violators as members. Serving today are Angola, Azerbaijan, China, Cuba, Egypt, Madagascar, Pakistan, Russia, Saudi Arabia, and Qatar. The mind boggles at the thought of these nations debating adherence to human rights.<sup>17</sup> Almost half, 47 percent, of the members were undemocratic. Yet the membership deteriorated this year – elections to replace the Council's one-year members resulted in the victory of more „not free“ countries by Freedom House's standards.<sup>18</sup> Perhaps the surprise is that Belarus, Iran, and Venezuela all were defeated, though not because of their atrocious human rights records.

During the Council's first year of operation, the group UN Watch figured that just 13 of the 47 members had positive voting scores. Several democracies, most notably India, Indonesia, Mali, Senegal, and South Africa, have voted more like dictatorships. Many other states, including several from Latin America, which prides itself on moving from autocracy to democracy, have exhibited dismaying group loyalty.<sup>19</sup> Since so much UN business is conducted through groups, human rights abusers have used this mechanism to manipulate the Council. Non-democracies dominate both the Africa and Asia regional groups, which together hold 26 of the panel's 47 seats. Another international cross-cut is the non-aligned movement, which also holds a Council majority and is currently led by Cuba.<sup>20</sup> The Organization of the Islamic Conference also has used its power to protect human rights abusers and attack religious freedom. The OIC held 17 seats over the last year, more than a third of the membership, allowing the Muslim coalition to call special sessions – a power denied to Western industrialized states.<sup>21</sup> Moreover, explains the Hudson Institute's Anne Bayefsky, members of the OIC „remain with a chokehold on the ‚reformed‘ human rights body by retaining a majority of each

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16 For a description about the transformation of the Commission into the Council, see Scott R. Lyons, „The New United Nations Human Rights Council,” *The American Society of International Law*, March 27, 2006, Vol. 10, Issue 7, [www.asil.org/insights/2006/03/insights060327.html](http://www.asil.org/insights/2006/03/insights060327.html); „The UN Human Rights Council FAQs, CBC News, March 15, 2006, [www.cbc.ca/news/background/un/human-rights-council.html](http://www.cbc.ca/news/background/un/human-rights-council.html).

17 It is particularly painful to contrast their pledges to the UN with their actions towards their peoples. See, e.g., Anne Bayefsky, „The First Year of the Human Rights Council: A Human Rights Catastrophe,” *Eye on the UN*, June 20, 2007, [www.eyeontheun.org](http://www.eyeontheun.org), pp. 2-5; Anne Bayefsky, „The Oppressors' Club,” *National Review* online, May 18, 2007, [www.nationalreview.com](http://www.nationalreview.com).

18 Schaefer, „The United Nations Human Rights Council,” p. 4.

19 „Dawn of a New Era?”, pp. 7-10.

20 „Dawn of a New Era?”, p. 9

21 „Dawn of a New Era?”, p. 9; Schaefer, „The United Nations Human Rights Council,” p. 4.

of the African and Asian regional groups, which in turn control the majority of the Council itself."<sup>22</sup>

During its short life the Council has taken several steps to prevent action against genuine human rights violators. For instance, every UN state is supposed to face a periodic review of its human rights record. Council members are to be assessed during their term of office. Yet no reviews were conducted last year, allowing one-year members to escape without any oversight. In the future the Council intends to hold 48 reviews a year, which will last all of three hours. The Council scheduled Israel to be among the first considered, while waiting on many of the world's worst human rights abusers.<sup>23</sup> Even the grossest behavior is to cause the Council to accelerate reviews scheduled to occur every four years. Human rights experts are barred from participating. The country being assessed is to be „fully involved in the outcome“ and the review is to take into account „the level of development and specificities of countries,“ providing ample excuses for even the worst abuses.<sup>24</sup>

Nor was the Council inclined to otherwise chastise anyone, other than Israel. As of May, the body had passed three mild resolutions on Sudan – “taking note“ of a critical human rights report, for instance.<sup>25</sup> The Africa Group, Asia Group, Arab League, and OIC, backed by Cuba and Russia, all insisted that Sudan receive at most a light rap on the knuckles.<sup>26</sup> Over the same period the panel approved nine measures critical of Israel – and created a permanent mandate to investigate the Jewish state. Nothing was said about any other country. The previous Commission created Special Rapporteurs for several countries to focus on several egregious abusers. The Council majority wanted to eliminate all SPs (including Cambodia, North Korea, and Sudan), and backed down only when the Western states threatened to walk out. But the Council refused to extend the mandate for SPs for Belarus and Cuba, reduced the independence of the experts employed in reviewing countries, and created a new Code of Conduct to help shield miscreant states.<sup>27</sup>

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22 Anne Bayefsky, „The Oppressors' Club,“ National Review online. May 18, 2007, [www.national-review.com](http://www.national-review.com).

23 Bayefsky, „The First Year of the Human Rights Council,“ pp. 5-6; Anne Bayefsky, „Our Dead Are Our Fault,“ National Review online, September 28, 2007, [www.nationalreview.com](http://www.nationalreview.com).

24 Quoted in Schaefer, „The United Nations Human Rights Council,“ p. 5.

25 In contrast, the report of a Council mission to Sudan earlier this year was highly critical. But the real fight turned on the Council's reception of the report. See, e.g., Warren Hoge, „U.N. Mission Says Sudan Took Part in Rights Crimes,“ *New York Times*, March 13, 2007, [www.nytimes.com](http://www.nytimes.com).

26 „Dawn of a New Era?“, pp. 11-15.

27 Schaefer, „The United Nations Human Rights Council,“ p. 6.

One of the few achievements of the old Commission was nurturing the development of a cadre of professionals dedicated to providing honest assessments of countries accused of abusing human rights. However, the African regional group, home of many of the worst human rights violators, led the push for a Code of Conduct which emphasizes „restraint, moderation, and discretion" in discussing states that kill and jail their citizens. The Council disallowed reliance upon „reports disseminated by the mass media" and from NGOs. Finally, the Council, so far ostentatiously dominated by undemocratic states and human rights abusers, took over responsibility from the bureaucracy for choosing investigators.<sup>28</sup>

At the behest of Muslim states, led by Pakistan, the Council adopted, by a bare majority, a resolution against the „defamation" of religion. This measure did not enshrine protection of the freedom of religious belief and practice. After all, most Islamic members of the Council actively persecute members of minority faiths. Rather, the resolution seeks to protect religion, namely Islam, from criticism. Egypt cited „offensive publication of portraits of the Prophet Mohamed" which „highlighted the damage that freedom of speech if left unchecked may lead to, not only hurting the religious feelings of more than a billion people, but also their freedom of religion and their right for respect of their religion."<sup>29</sup> Thus, the resolution justified restrictions on freedom of expression as necessary for „respect for religions and beliefs."<sup>30</sup>

(The human rights abusers do not take opposition lightly. In order to punish Canada for opposing several OIC-sponsored resolutions, including the defamation measure and attacks on Israel, the Council refused to approve Canadian-sponsored resolutions on freedom of opinion and expression and on treatment of human rights violators.<sup>31</sup>)

The Council also approved a resolution advanced by China criticizing as negative „globalization and its impact on the full engagement of all human rights." It is an astonishing allegation, especially coming from the country that may have gained the most in recent years from globalization. The phenomenon undoubtedly has good and bad impacts. But to say all human rights have suffered is simple nonsense. Finally, the Council has turned political correctness into an overarching theme. For instance, at the 2001 UN Durban Racism Conference, Israel was singled

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28 Schaefer, „The United Nations Human Rights Council," p. 6; Bayefsky, „First Year of the Human Rights Council," pp. 8-9.

29 Bayefsky, „Our Dead Are Our Fault."

30 „Dawn of a New Era?", p. 16.

31 „First Year of the Human Rights Council," p. 9.

out as a racist state – a logical outgrowth of the old UN resolution equating Zionism with racism. The Durban spectacle continues today, with preparations for the UN Durban Racism Review Conference.

In October the Council reported to the General Assembly „on the preparations for the Durban Review Conference," which involved the „Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action."<sup>32</sup> Forty-six pages devoted to committee processes and procedures. The African Group is pushing Libya for president of the Preparatory Committee. The Council, at Egypt's behest, also approved a resolution directing the Anti-Discrimination Unit of the Office of the United Nations Commissioner for Human Rights to deal with racism, xenophobia, and related issues, as defined by the Durban Declaration, which means „Islamophobia" will be the topic du jour.

More fundamentally, it is difficult to see the relevance of another conference on racism. Racism is horrid, of course, and has scarred human history. But it is primarily a sin of the human heart, well beyond the reach of the UN. Moreover, racism has thankfully receded as an issue. Wars have destroyed racist systems, such as Nazi Germany and imperial Japan. Domestic revolutions have overthrown racist regimes, such as South Africa and Zimbabwe. Transformations of hearts and politics have reformed racist societies, such as in America. Tyranny, brutality, murder, and oppression still exist, but are far more often linked to religion, ethnicity, and nationality. Even a successful UN campaign against racism – whatever that would look like – would have little measurable impact on the status of human rights worldwide. Indeed, the continent once most victimized by racism, Africa, remains the site of much repression, but the tyrants are the same color as the victims. For instance, as many as five million Congolese recently died during the multi-year conflict that enveloped their nation. Virtually all of those killed, as well as those doing the killing, were black. Racism was irrelevant. The money and resources devoted to the Durban review conference might more profitably be devoted to studying why African leaders continue to victimize African peoples, irrespective of race.

Another Council fixation is Israel. In June the panel held its first special session – on Israel.<sup>33</sup> One of its five initial agenda items was Israel. And, as noted earlier, the

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32 „Report of the Preparatory Committee on Its First Session," United Nations, General Assembly, October 2, 2007, A/62/375.

33 Anne Bayefsky, „Discrimination and Double Standards," National Review online, July 5, 2006, [www.nationalreview.com](http://www.nationalreview.com).

Council voted to make Israel a permanent agenda item, the only country subject to perpetual investigation; notably, the expert assigned to Israel has no authority to assess Palestinian human rights violations.<sup>34</sup> In its first 15 months of existence, the Council approved 14 anti-Israel resolutions. Figures Anne Bayefsky: „74 percent of the Council's moves against individual states have been directed at Israel, 21 percent at Sudan, 5 percent at Myanmar, and the rest of the world has been given a free pass.“<sup>35</sup> Ironically, the previous Commission, for all of its faults, was not nearly so preoccupied with Israel.<sup>36</sup>

This bizarre fixation is not limited to the Council. Bayefsky wrote: „Last Friday, March 9, 2007 the UN wrapped up its annual session of the UN Commission on the Status of Women. Guess where they found a violation of women's rights? (...) The UN's lead body charged with promoting and protecting women's rights identifies only one state as violating the rights of women in the world today – Israel. (Violating the rights of Palestinian women.)“<sup>37</sup> In this regard the UN, hosting misogynistic members such as Saudi Arabia, is a self-parody.

There is much to criticize Israel over its occupation of land containing millions of Palestinians. But to focus on Israel without considering misgovernment and violence in the Palestinian territories is ludicrous. And to focus on Israel when the governments of other countries – Burma, China, Cuba, Russia, Saudi Arabia, Sudan, Zimbabwe, and so many more – routinely violate human rights is obscene. Even UN Secretary-General Ban Ki-moon was moved to criticize the Council for „picking on Israel“ by deciding „to single out only one specific regional item given the range and scope of allegations of human rights violations throughout the world.“<sup>38</sup> Israel should be treated like other states, reviewed in accordance with the same standards applied to others. That is manifestly not the case today.

Of course, one cannot say that the Council never does anything to advance human rights. In October Vitit Muntarghorn, Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, reported to the General Assembly. The process took a while: he was appointed in 2004 by the old Commission. But he painted an ugly picture – “the human rights situation in the

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34 Schaefer, „The United Nations Human Rights Council,” p. 6; Bayefsky, „First Year of the Human Rights Council,” pp. 6, 7-8.

35 Bayefsky, „Our Dead Are Our Fault.”

36 Schaefer, „The United Nations Human Rights Council,” p. 4.

37 Anne Bayefsky, „Women's Rights at the UN: Israel as the Only Violator,” Eye on the UN, March 16, 2007, [www.eyeontheun.org/editor.asp?p=315&t=1](http://www.eyeontheun.org/editor.asp?p=315&t=1).

38 Ban Ki-moon Criticizes UN Human Rights Council for Singling Israel Out,” Reuters, June 21, 2007, [www.haaretz.com](http://www.haaretz.com).

DPRK remains grave in a number of key areas," he explained.<sup>39</sup> Still, Mr. Muntarghorn went to an extra effort to find good news on which to report. He wrote: „On the constructive side, it can first be recalled that the DPRK is a party to four human rights treaties – the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child."<sup>40</sup> Such sentiments, which open the report, seem other-worldly since North Korea is violating, and violating completely, every one of the human rights agreements which it has signed.

Indeed, this is typical of the UN approach. Agreements, conventions, and declarations are seen as progress. The Muntarghorn report encourages the DPRK to be nice to its people – good luck! – and „invites" the rest of „the international community" to continue to give humanitarian aid and utilize „dialogues and other interactions to engage the DPRK."<sup>41</sup> I have long advocated that the U.S. drop economic sanctions and extend diplomatic recognition to Pyongyang as the best of a set of poor options, but no one should believe this strategy will quickly transform the DPRK regime. Indeed, the North was unapologetic when confronted by the Muntarghorn report. The North Korean delegation responded:

The DPRK since its foundation has made every possible effort to promote and protect human rights of the people, even under the continued threat of aggression and unprecedented economic blockade forced upon by the U.S. and other hostile forces over the past 60-odd years.

Today our people exercise fundamental freedoms and rights to the full as dignified master of the state and society. They enjoy not so abundant but equal and fruitful life and press forward the building of a powerful state with optimism for the better future.

Our country is free from serious social problems such as rape, prostitution, discrimination and violence and all our people lead stable life while enjoying the benefit of social welfare system including education, medical care and dwelling houses free of cost.

The DPRK will safeguard more firmly our style socialist system, which guarantees enjoyment of human rights legally and in practice based on the people-centered

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39 „Statement by Mr. Viti Muntarhorn, Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea," 62nd session of the General Assembly, Third Committee, Item 70(c), October 26, 2007, p. 2.

40 *Ibid.*

41 *Ibid.*, pp. 7-8.

Juche idea and make active contributions to the promotion and protection of human rights worldwide.<sup>42</sup>

Such responses by gross human rights violators are respectfully received, not treated scornfully as warranted. It is no wonder, then, that Robert Hagen, a member of the U.S. delegation, told the General Assembly in early November: „Some appear more determined to use the Council to defend abusive governments than to protect the victims of human rights violations.“<sup>43</sup> The UN should have refused to accept the so-called „institution-building“ package which included the measures described earlier, approved by the Council in June. Canada complained that no consensus was reached on the measure, which violated the panel's own rules; numerous human rights NGOs criticized the proposal. But most UN members have little interest in advancing human rights. To the contrary, explained Iran's UN representative, Mahmud Jooyabad, reconsidering the Council's action would be counter-productive.<sup>44</sup>

Equally appalling is the UN's willingness to routinely reward human rights abusers with leadership positions in the UN and specialized agencies. One can start with the Security Council – China and Russia are permanent members, while a multitude of bad actors have routinely filled the rotating spots. But this is merely a start. Anne Bayefsky points out, in May „Zimbabwe was elected to chair the U.N. Commission on Sustainable Development. The government of Robert Mugabe vies for the title of the worst example of unsustainable development in modern times, having raped and pillaged the vast human and natural resources of the country for decades.“<sup>45</sup> She points to a lengthy list of similar instances<sup>46</sup>:

- UN General Assembly: Bhutan, Libya, and Zimbabwe as Vice-Presidents
- UN General Assembly: Belarus as Vice-Chairman of the Third Committee on Social, Humanitarian and Cultural Affairs

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42 „Statement by the Delegation of the Democratic People's Republic of Korea,“ Press Release, October 31, 2007, p. 3.

43 Quoted in Patrick Goodenough, „UN Members Urged to Pull Human Rights Council Into Line,“ Cybercast News Service, November 8, 2007, [www.cnsnews.com](http://www.cnsnews.com).

44 Quoted in Goodenough.

45 Bayefsky, „The Oppressors' Club.“ Sustainable development, in UN-speak, officially means „development that meets the needs of the present without compromising the ability of future generations to meet their own needs.“ Brett D. Schaefer and Marian L. Tupy, „Africa's Zimbabwe Problem,“ National Review online, May 24, 2007, [www.nationalreview.com](http://www.nationalreview.com). Most people, but obviously not those serving in the UN, would view consciously wrecking one's economy as inconsistent with this definition of sustainable development.

46 See also Claudia Rosett, „Call It the U.N. Commission on Sustainable Dictatorships,“ National Review online, May 13, 2007, [www.nationalreview.com](http://www.nationalreview.com).

- UN Development Program: Algeria and Kazakhstan as members of the Executive Board
- International Labor Organization: Saudi Arabia as member of the Governing Board
- Disarmament Commission: Iran as Vice-Chairman and Syria as Rapporteur
- Committee on Information: China and Kazakhstan as members
- Commission on Sustainable Development: Zimbabwe as Chairman and Sudan as member
- Commission on Crime Prevention and Criminal Justice: Libya and Russia as members
- Commission on Social Development: North Korea as member
- Commission on the Status of Women: Qatar, Togo, and United Arab Emirates as members
- World Food Program: Sudan and Zimbabwe as members of the Executive Board
- UN High Commissioner for Refugees: Lebanon, Somalia, and Sudan as members of the Executive Committee
- UN Children's Fund (UNICEF): Bhutan and China as members of the Board
- UN Human Settlements Program: Zimbabwe as member
- UN Program of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: Iran, Lebanon, and Sudan as members of the Advisory Committee

Many UN activities beyond the Council's deliberations affect human rights. But their impact too often is negative or ineffective at best. In November alone:

- Sudan expelled the head of the Office for the Coordination of Humanitarian Affairs in South Darfur. Wael al-Haj Ibrahim was told his activities were out of compliance „with the rules of humanitarian action.“ The government criticized him for discouraging fearful villagers from returning to his homes. That is, he objected to the forced relocation of refugees.<sup>47</sup>

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47 „UN Official Expelled From Darfur,“ BBC News, November 7, 2007, <http://news.bbc.co.uk>; „Sudan Defends Expulsion of UN Man,“ BBC News, November 9, 2007, <http://news.bbc.co.uk>.



- Pakistan, a Council member, placed under house arrest the UN Special Rapporteur on the Freedom of Religion and belief, who was acting under the Council's authority. Asma Jahangir was released after two weeks with no charges lodged against her. She apparently was detained to prevent her from witnessing, let alone investigating, the impact of the President Pervez Musharraf's state of emergency.
- Burma expelled the head of the United Nations Development Program in Burma after he criticized the government for its brutal response to recent protests. Yet Charles Petrie's statement represented UN-speak at its finest, never referring to the state-initiated violence, but rather, gently noting „the deteriorating humanitarian situation" and the importance of „all to listen."<sup>48</sup> His expulsion came on the eve of a visit by the Special UN envoy, Ibrahim Gambari. Protests by the U.S. and UN Secretary General Ban Ki-moon were to no avail. The Burmese government complained that Petrie had „jeopardized the good working relations" between the junta and the UN.<sup>49</sup> The Special Rapporteur on Human Rights, Paulo Sergio Pinheiro, was later allowed to visit Burma, with no impact on the government's behavior.

Where else can one see the UN at work in the field of human rights? UN peacekeeping should advance human rights, but in practice has an awful record. In Bosnia and Rwanda, for instance, UN involvement raised expectations but did little to prevent widespread fighting and mass murder. An ugly side to UN peacekeeping has been rampant sexual abuse. Over the last three years, some 200 UN peacekeepers have been fired or repatriated, but not prosecuted, for sexual misbehaviour.<sup>50</sup> The most vulnerable people are most at risk from their supposed protectors. In 2004 a 34-page report on Congo reported instances of rape, pedophilia, and prostitution involving UN forces.<sup>51</sup> Sudanese children recently testified that UN personnel forcibly abused them.<sup>52</sup> But none of this is new. A 1994 report

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48 Quoted in „Why the UN Cannot Stay Out of Domestic Politics," *Economist*, November 7, 2007, [www.economist.com](http://www.economist.com).

49 Quoted in Colum Lynch, „Burma Expels U.N. Envoy Who Backed Pro-Democracy Protests," *Washington Post*, November 3, 2007, p. A15. Just what this „good" relationship has achieved is unclear, since drug eradication, one area of cooperation, has had little impact. Bertil Lintner, „UN Fiddles While Myanmar Burns," *Asia Times*, October 23, 2007, [www.asiatimes.com](http://www.asiatimes.com).

50 Francis Elliott and Ruth Elkins, „UN Shame Over Sex Scandal," *Independent*, November 3, 2007, <http://news.independent.co.uk>.

51 Colum Lynch, „U.N. Sexual Abuse Alleged in Congo," *Washington Post*, December 16, 2004, p. A26.

52 „Corruption, Paedophilia and Silence in the UN," October 19, 2007, [www.javno.com](http://www.javno.com).

covered 68 similar cases involving UN peacekeepers from a variety of Third World states. Virtually every UN peacekeeping mission was affected.<sup>53</sup>

Corruption, all too routine at the UN, has enriched dictators and their cronies. For instance, the Oil for Food program exhibited massive UN malfeasance. Saddam Hussein manipulated the \$64 billion humanitarian program, with his regime siphoning off at least \$1.8 billion. There is evidence that top members of the UN staff were bribed.<sup>54</sup> U.N. auditors found that 43 percent of the procurement contracts they investigated were tainted by „significant fraud and corruption schemes.“ Corruption has bedeviled the UN Development Program and World Intellectual Property Organization, and even the UN-supported Khmer Rouge Tribunal in Cambodia.<sup>55</sup>

In short, despite soaring rhetoric, the UN does little to improve human rights around the world. Of course, it could be argued that we should expect no more from the UN. It is simply unrealistic to complain that the organization does not measurably improve the lot of mankind. After all, the UN includes all states, many of which are repressive. The body is funded by just a few countries, while nominally controlled by a large majority with little at stake. The UN bureaucracy and more distant specialized agencies are largely unaccountable. It is well beyond the capability of any national government, or collection of governments, to manage such an institution. That we should not be surprised by what we find does not mean that we should give up, however. We should look for alternative strategies to promote human rights.

One possibility would be to more directly engage democratic members of the Human Rights Council, like India, Indonesia, and South Africa, which now often side with the oppressors. The objective would be to move them from thinking like Third World states to democratic states. If such nations aspire to regional or global leadership, they should be more willing to take a positive leadership role. Another strategy would be to refuse to fund the Council and other UN organizations that lose their credibility and fail to fulfill their purpose. The industrialized states can exercise enormous power through their funding decisions. Obviously, using the power of the purse is a blunt instrument, and to be effective requires cooperation

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53 See generally Senator Tom Coburn, „United Nations Watch,“ October 24, 2007, Subcommittee on Federal Financial Management, Government Information Et International Security, Republican Office, <http://coburn.senate.gov>; Nile Gardiner, „Kofi Annan's Legacy of Failure,“ Heritage Foundation WebMemo No. 1283, December 11, 2006, p. 3; Toby Harnden, „United Nations: Failing to Deliver,“ Daily Telegraph, February 8, 2007, [www.telegraph.co.uk](http://www.telegraph.co.uk).

54 Gardiner, „Kofi Annan's Legacy of Failure.“

55 Coburn.

by the biggest funders. Moreover, human rights abusers might not be bothered by a Western attempt to defund the Council, since their principal goal is to render it ineffective. Still, such a step would end Western complicity with the Council, which today is little more than an instrument of international fraud.

Improved cooperation among democratic states in pressing human rights initiatives also would be helpful. Like-minded nations could establish a democratic caucus to promote initiatives to encourage the spread of liberal ideals. Such a movement would best avoid advocacy of democracy through invasion and occupation and instead emphasize protection of the individual liberties and social institutions which are necessary for democracy to take root. Nevertheless, democracy would be a useful organizing principle for such a group in an attempt to develop an effective strategy for different UN agencies and functions.<sup>56</sup> More controversial but still worthy of consideration would be challenging the membership qualifications of serial human rights abusers in the UN itself. For practical reasons the UN typically looks only to whether an entity is politically independent to determine its eligibility to join. However, new members promise to carry out their obligations under the UN charter. The UN could reprimand or even expel human rights offenders, as provided in chapter 2 of the Charter.<sup>57</sup>

Finally, Western states could create an entirely new organization, either as a substitute or supplement to the UN. There are practical uses to an organization with universal membership, but that need not be today's UN. Industrialized and democratic states should consider investing the bulk of their current UN contributions in a new organization, open only to liberal democratic nations. They could continue to fund the core functions of the „old UN,“ such as the General Assembly and Security Council. But they could drop the pretense that the existing body has anything to do with human rights, peace-keeping, and several other important tasks.

The United Nations might once have been seen as mankind's last best hope, a vehicle to prevent conflict, and a means to promote human rights. Unfortunately, more than a half century of experience has proved otherwise. The result is a lost opportunity. The failure of the UN to live up to its original billing is particularly tragic for those around the world who are oppressed by their governments. Governments which now sit as full members of the UN, and which hold leadership

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56 Another suggestion is establishment of an economic freedom caucus. Brett D. Schaefer and Steven Groves, „Preventing Repressive Regimes from Using the U.N. to Advance Their Interests,“ Heritage Foundation WebMemo No. 1445, May 4, 2007, p. 4.

57 Schaefer and Groves, pp. 3–4.

positions in the UN, enabling them to thwart international condemnation. How to respond is a challenge which faces all of us. But respond we must, for our responsibility is great as citizens in free and democratic states.





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