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## Exile: Why the Human Rights Council Will Not Work

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## Exile: Why the Human Rights Council Will Not Work

### Abstract

*The Economist* writes in an April 24th edition that the U.N.'s Human Rights Council, the predecessor to the sixty-year-old U.N. Commission on Human Rights, is a "one-sided Israeli-bashing" organization. The Economist argues that the inclusion of second- and third-tier countries from the Organization of Islamic Conference (OIC) and the Non-Aligned Movement (NAM) makes it a forum for targeting offenses committed by the Israeli government against the Palestinian people.

### Keywords

Human rights, United Nations, United Nations Human Rights Council

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by Daniel J. Graeber

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The Human Rights Council was established in 2006 to replace the Human Rights Commission. Human rights groups heaped criticism on the Commission for including member states who failed to take the issue to heart and who themselves committed grave violations of human rights. The new body faces much the same criticism, as did its predecessor. Human rights groups called on the U.N. General Assembly to oppose Bahrain, Gabon, Pakistan, Sri Lanka, and Zambia, and on May 22, Sri Lanka lost its bid for a seat allocated to Asian partners due to deteriorating human rights conditions in the country.

The British Ambassador to the United Nations, John Sawers, told Voice of America that the point of the Council is to raise the benchmark of acceptable human rights behavior across the globe. Yet he also observed that the Human Rights Council “is not about those who do against those who don't. I think it is inevitable that every country will have its own issues on human rights.”

Considerations regarding historical and cultural context bear mentioning here. When we speak of any sort of system like a democratic government or a body such as the United Nations, we need to consider several factors. The Islamic states will converge as a bloc, the Eastern European states will converge as a bloc and so on. Each bloc will voice the concerns of their particular sphere of influence. From this constellation of influences come major decisions. And, as the United Nations is only as strong and only as effective as its member states, the concerns from this constellation of influences must be considered if the world body is to function as the pragmatic voice of the international community. *The Economist* argues that the Islamic and Non-Aligned members “hone in on Israel” because their status in the geopolitical hierarchy makes challenging the West a futile endeavor. But to sideline certain blocs is the diplomatic equivalent of cherry-picking.

One of the early resolutions from the Council, *The Economist* says, was a decision backed by Russia and the Islamic members that allows for certain degrees of “respect for religions and beliefs.” Hardly a measure embraced by Israel, one could argue. *The Economist* points to press-freedom groups who said they were appalled by such a resolution. Here again, we must weigh the considerations of other cultures when trying to reach a pragmatic benchmark of acceptable behavior—especially in an interconnected world forum. Too often, it seems, the West looks at the rest of the world with bewilderment and thinks it needs fixing because it does not match their

prescription of “How Things Work.” Nor can the West understand the criticism against Israel. However, it is tremendously narrow sighted to believe that Western ideals are the last word in modern, functioning society, especially at the United Nations.

In a group, the most influential and most successful members define the rules of the game, but those rules are not immune to the constellation of influences. Why isn't Israel subject to the concerns of all members, the “others” ask—and rightfully so. International players must either seek alternative means to success (honing in on Israel), play by the rules of those who have mastered the game, or fall by the way side. The same holds true with the United Nations. Through the various blocs represented, a unified voice should emerge reflecting what works, what's acceptable and what defines the rules. Excluding or condemning a member of the conglomeration inflects a certain degree of bias that makes the general purpose ineffective. If the “ritual abusers” are not performing well and not playing according to the rules, excluding them from the game will not help them win.

*The Economist* says “Human rights are one of the three pillars on which the U.N. is supposed to rest.” If the purpose of the Human Rights Council is to establish the benchmark of acceptable behavior across all member states, it should include a fair representation of all member states. Exclusion encourages dissent. “I reiterate our position again—we don't see a need for a foreign body to monitor us,” said Sri Lankan Foreign Minister Rohitha Bogollagama.

The veto-wielding members of the United Nations often look to the international forum as a way to arrange the world as it sees fit. But the United Nations is a body of engagement, not exile. To single out Sri Lankan human rights abuses while ignoring, for example, the rights of detainees in Guantanamo Bay, or the oppression of the Palestinian people, is duplicitous. International provisions require a certain level of guidance from all parties. Only through a level of communal consent can a human rights regime emerge that will encourage full cooperation. Interaction between states, not exclusion, is likely to alter the preferences and behavior of states operating at the margins of normative behavior. Convene a representative human rights forum, or don't convene one at all.

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*Daniel J. Graeber has been a contributor to the Foreign Policy Association's Great Decisions series since its inception, writing on war crimes and international law. He has focused considerably on the legal aspects concerning the U.S.-led "war on terror" and various war crimes tribunals. He has lectured on the history of war crimes in the international arena and served as a professor of ethics at Grand Valley State University. He has published works on the history of the U.S. relationship with Israel and the U.S. foreign policy regarding Hamas. He is currently a writer for United Press International covering Iraqi political developments, as well as the oil and energy sector. He lives in Grand Rapids, Michigan.*