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Perpetrators in Their Midst

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Perpetrators in Their Midst

Abstract

The two articles, "Another Human-Rights Irony at the U.N." by Anne Applebaum and "UN Elects Rights Violators to Human Rights Council" by Edith Lederer, both set forth the problems encountered by the UN Human Rights Council and its predecessor, the Human Rights Commission. Namely, that member states with notorious human rights records will exploit the Council to their political advantage. As Applebaum points out in her article, "authoritarian regimes have long battled to join the council...the better to prevent any outsiders from investigating their own governments."

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Human rights, United Nations, United Nations Human Rights Council, Membership, Process, Review

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Perpetrators in Their Midst

by David Akerson

The two articles, “Another Human-Rights Irony at the U.N.” by Anne Applebaum and “UN Elects Rights Violators to Human Rights Council” by Edith Lederer, both set forth the problems encountered by the UN Human Rights Council and its predecessor, the Human Rights Commission. Namely, that member states with notorious human rights records will exploit the Council to their political advantage. As Applebaum points out in her article, “authoritarian regimes have long battled to join the council...the better to prevent any outsiders from investigating their own governments.”

Of course, this is not a problem unique to the Human Rights Council within the United Nations regime. It is emblematic of the United Nations as a whole. Recall that Rwanda sat as a non-permanent member of the United Nations Security Council during the Rwandan genocide. As the Security Council deliberated on what actions it should or should not take in response to the unfolding genocide, Rwanda sat at the table cordially participating in the debate. No Security Council members demanded that Rwanda be removed, nor did any even object to its presence. And Rwanda was delighted to take advantage of the situation to gather direct intelligence on the Security Council machinations.

But perhaps the tension surrounding the membership of human rights institutions is constructive. Egregious violators like Iran are excluded through appropriate political pressure. Other violations run a gauntlet of criticism that may have long term effects, much like that directed against the apartheid regime in South Africa. The fact that violators seek admission to human rights bodies in order to thwart investigations directed at them is itself significant. First, seeking to preclude a human rights investigation is at least a tacit acknowledgment that human rights are legitimate. This is a tangible concession in that many of these same rogue states are not signatories of the principal human rights treaties. Secondly, it is also an acknowledgment of the growing influence of human rights investigations and reports, historically dismissed as soft law I am not advocating that Libya be admitted to the Human Rights Council, but Switzerland and Sweden can't fill every slot on the Council every term. When the occasional Libya candidacy occurs, I can hope that at least it will ultimately have some subliminal effect on Libya.

It was Martin Luther King who said that the arc of the universe is long, but it bends toward justice. Perhaps these machinations around the human rights bodies are only the slightest bend of the universal arc. But I do believe they bend toward justice.

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