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Overcoming History and Human Rights at the UN

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Overcoming History and Human Rights at the UN

Abstract

Criticism is most useful when it imagines viable alternatives. This is why the most recent wave of outrage over the elections to the UN Human Rights Council seems counter-productive. Yes, egregious human rights violators have been elected to the Council. Yes, Iran was kept off the Council in exchange for a seat on the women's rights commission . And, yes, the elections were uncontested, with regional blocs putting forth the same number of candidates as vacancies. These facts have led observers to describe the body as a farce, as all pretense, and to decry US participation in the Council.

Keywords

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

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Overcoming History and Human Rights at the UN

by Sonia Cardenas

Criticism is most useful when it imagines viable alternatives. This is why the most recent wave of outrage over the elections to the UN Human Rights Council seems counter-productive. Yes, egregious human rights violators have been elected to the Council. Yes, Iran was kept off the Council in exchange for a seat on the [women's rights commission](#). And, yes, the elections were uncontested, with regional blocs putting forth the same number of candidates as vacancies. These facts have led observers to describe the body as a farce, as all pretense, and to decry US participation in the Council.

For many critics, the bane of all Council problems is the election of so many non-democratic, rights-abusive members of the [Organization of the Islamic Conference](#), which skews attention to human rights violations by Israel. I have already addressed in a related piece (“The Myth of Membership”) why changing the Council’s composition is only likely to trade one set of problems for another. But pinning all of the Council’s challenges on its membership also overlooks a more fundamental point: membership on the Council is premised on regional representation, itself the product of history and cross-cultural contestation.

[Representation in international organizations](#) is always a reflection of power, and regionalism has been a preferred mode of representation in international human rights governance—thus the extensive role played by regional regimes. Regionalism, while imperfect, affords two key advantages: it gives post-colonial states of the global South more meaningful representation relative to their economic and military power, and it provides states suspicious of Western motives with an opportunity to engage in dialogue and participate in human rights governance.

To disregard these historical fault lines, without offering a more radical reformulation, is entirely unproductive. Would it be better to transform the Council into a club of democratic rights-protective states, as some critics envisage? Where would member states draw the line between “acceptable” and “unacceptable” human rights practices? Would slaughtering a few dozen people in the midst of a political conflict, remote from Western capitals, be labeled unacceptable, while the mundane degradation of millions of people living in poverty or on the margins of Western democratic societies be deemed tolerable? History and theory tell us that exclusionary policies are always risky and rarely sustainable.

An exclusionary Human Rights Council would almost certainly be counter-productive in the long term. It would propagate a Western-centric view of human rights governance as arrogant and politically biased, as an extension of empire. It would also perpetuate a misguidedly essentialist view of political regimes and their human rights practices. If the study of international institutions teaches us anything, it is that participation in multilateral organizations can create mutual gains, changing the calculus and sometimes even interests of states. The Obama administration recognized these possibilities when it joined the Human Rights Council despite the organization’s weaknesses. Indeed, all states could benefit from Council membership, as long as pressure to protect human rights is ongoing—just as all human rights reforms depend partly on the political will to sustain moral and material pressures for change.

The current debate about the Human Rights Council is bogged down in a futile cycle of accusation and defensiveness. Pressuring states to elect Council members on the basis of human rights performance is surely sensible (it worked in [Iran's recent bid](#) for membership), as is encouraging competitive and transparent Council elections. But these challenges do not justify critics' overwhelming focus on the question of membership. Any serious debate about reforming the Human Rights Council must be grounded in the historical realities of political representation. Procedural questions—not membership issues—should be the new locus of reform.

Sonia Cardenas is Associate Professor of Political Science and Director of the Human Rights Program at Trinity College in Hartford, Connecticut. She is the author of numerous publications, including Conflict and Compliance: State Responses to International Human Rights Pressure (2007), Human Rights in Latin America: A Politics of Terror and Hope (2009), and Chains of Justice: The Global Rise of National Human Rights Institutions (forthcoming), all from the University of Pennsylvania Press.