Tomorrow is Human Rights Day, a day when contentious issues are aired as accusers and accused face off with allegations and denials of terrible deeds.

But this year, one of the most inflammatory issues is an institution created to monitor human rights: the United Nations' new Human Rights Council. With a membership of 47 countries elected from the UN's 192-member General Assembly, the council was meant to be a beacon of UN reform.

But as 2006 comes to an end, the council's report card is dangerously close to a failing grade, as critics from all sides of the political spectrum attack its obvious faults. Some are already calling for its demise.

"Unless it can begin to address some of the most serious abuses occurring around the world, the (council) is headed into irrelevancy," pronounced Jennifer Windsor, executive director of the right-leaning Freedom House think-tank.

And, argued the liberal International Humanist and Ethical Union, "however selective and political the old human rights commission may have been, it rarely sank to the level of farce just witnessed at the human rights council."

Many of the complaints are well-founded.

The old 53-member commission had an undemanding election process in which states were chosen as members by regional groups with the backing of 28 countries or less. Critics complained that some of the most egregious violators of human rights manipulated regional blocs to gain seats in order to protect themselves from criticism.

The council had a more rigorous election process, requiring the endorsement of at least 98 countries in a secret ballot, which was meant to discourage some of the worst human rights abusers from running. Candidates also had to agree to a review of their own human rights records.

But once up and running, the council gave little cause for encouragement.

During its recent session, the majority of its 44 resolutions failed to come to grips with the most appalling abuses on the planet.

Three were condemnations of Israel - a throwback to the highly politicized days of the commission, when countries that routinely violated human rights pointed fingers at the Jewish state while evading criticism themselves.

Meanwhile, a tough Canadian-backed resolution on the slaughter in Darfur was defeated and a disappointingly weaker one passed. In addition, a group of African countries, backed by Russia, Cuba and some Asian and Muslim states, moved to bar independent UN human rights missions from investigating alleged violations - except in the case of Israel.
The group voted in favour of a new "code of conduct" that could muzzle envoys probing allegations of abuse in individual countries, or issues such as torture and human trafficking.

The council's combination of bias and censorship proved too much even for its original supporters.

"In its meetings to date, the council has adopted three resolutions on human rights abuses and violations of humanitarian law by Israel," charged the respected New York-based Human Rights Watch. "In taking a one-sided approach, the council failed in its duty to protect the rights of all citizens in the region."

The group's global advocacy director Peggy Hicks warned, "it's time ... to get down to work. Victims of human rights violations from Darfur to Sri Lanka are looking to the council to take immediate steps for their protection."

The council is not the only UN body focusing on human rights, nor does its poor record negate the painstaking work of others in the system.

High Commissioner for Human Rights Louise Arbour monitors and reports on violations worldwide, independent of governments. The 18-member UN committee on human rights is also made up of independent experts who monitor the upholding of the UN Covenant on civil and political rights.

The secretary-general sends special envoys to report on violations of human rights. And the UN's humanitarian officials, such as undersecretary-general for humanitarian affairs Jan Egeland, routinely speak out against abuses when working in strife-torn regions, as do officials of UN agencies such as UNICEF.

With a range of experts already monitoring human rights, some critics question whether a human rights council made up of governments, which have their own political axes to grind, can make any useful contribution to improving rights worldwide.

Even Secretary-General Kofi Annan, who had led the campaign for a new body to replace the old rights commission, was frustrated by the council's politically charged debut.

"When you focus on the Palestinian issue, without even discussing Darfur and other issues, some wonder what is this council doing? Do they not have a sense of fair play? Why should they ignore other situations and focus on one area?" he asked, calling on the council to patch up the "fault line" between its members.

"The rule of law cannot be left to the discretion of governments," he said in a message to the council last month.

But some experts believe that in spite of a performance the Chicago Tribune labelled "weak-kneed and washed up," it's too early to declare the council a failure. Some point out that the war between Israel and Hezbollah in Lebanon set the stage for a politically charged session.

"The expectations were very high," admits foreign policy specialist Stephen Schlesinger, author of Act of Creation: the Founding of the United Nations. "In its earliest months, it hasn't lived up to its billing. But it needs at least a full year to develop."

Schlesinger and others point to the composition of the membership, and the inaction of some democratically minded states, as factors in the council's downslide. But he says that could be remedied as new members are elected and as pro-democratic countries become more vocal in fighting for human rights.

"The dominant faction is made up of Asian, African and Islamic countries. On the other side are democratic states like Canada that have taken strong positions on abuses. But there are a number of others, such as the Latin American democracies, who have stayed out of critical vote-casting, and sided with states that don't want to deal with allegations of violations."

The United States's decision not to run for the council's first term, waiting to see if it proved its worth, was a serious mistake, Schlesinger says. "It was cutting off the nose to spite the face."

He adds: "Having the U.S. outside the council was a virtual signal that it can do as it likes, without worrying about the most influential country on the planet."

Council members are elected for varying terms on a regional basis. But the proportions of the regional seats have given more weight to Asia and Africa than to Western democracies that traditionally press hardest on rights issues.
Although the world's worst human rights abusers - such as Sudan, Zimbabwe and Syria - decided not to run, the membership included a disproportionate number of countries with dubious records that were intent only on opposing Israel while averting criticism of themselves and their allies.

However, says Ayca Ariyoruk, a senior associate of the United Nations Association of the U.S.A., "there is still time and hope. It's not perfect, but it is a forum to bring diverse countries together to exchange ideas, not bullets. If the U.S. was on the council, and the Europeans were more active in campaigning for important issues they believe in, things could improve."

The fact that all council members are subject to a "universal periodic review" process that scrutinizes their human rights records is also positive, experts say. Review could lead to special sessions of the council on a country's violations of human rights, and censure if the abuses are confirmed.

Some rights advocates suggest that the potential embarrassment of the review process is enough to discourage the most flagrant violations.

But if the council's failures continue, Schlesinger says, "the embarrassment could be colossal for the UN. This was supposed to be a breakaway move for reform. But giving up on the council would also be a big setback for human rights. This is the one body in which countries have a direct role in criticizing those who don't live up to the UN Charter. I believe the jury is still out."

GRAPHIC: Jason DeCrow AP United Nations Secretary-General Kofi Annan, seen participating in a panel discussion on human rights yesterday in New York, has not hidden his frustration at the uninspiring performance of his agency's new Human Rights Council. He has called on its members to patch up the "fault line."

LOAD-DATE: December 9, 2006
Just wait, the true believers said. Just wait. This new UN Human Rights Council will be far better than the old, discredited UN Human Rights Commission. It won't turn its back on the worst human rights abuses on the globe, coddling abusers the way the old council did. It won't be in thrall to notorious regimes like Sudan and Libya. The new rules, the streamlined council, will do the trick.

We were deeply skeptical. But we waited. And on Tuesday, the new council unfortunately lived down to our expectations.

Way down.

The council was challenged to speak up forcefully against the wanton slaughter of civilians in the Darfur region of Sudan, which the UN has called the world's worst humanitarian disaster. Would it dare pass a sharply worded resolution, from the European Union and Canada, demanding that the Sudanese government prosecute those responsible for killing and raping civilians in Darfur? Would it slap the blame where it belonged, on the government for unleashing the brutal militiamen known as the janjaweed?

Nope. The vote was 22-20 against. Then the council meekly passed a weak-kneed version favored by several African countries.

If you needed more evidence of the council's utter irrelevancy, its spinelessness, then ... well, then, you haven't been paying enough attention.

This new and allegedly improved council is turning out to be just as bad as its thoroughly disgraced predecessor, and for many of the same reasons. The council is dominated by countries that have so far sided with China, Cuba and other oppressive regimes. In its first six months, there has been no significant council criticism of any government but Israel.

Even UN Secretary General Kofi Annan sounded peeved on Wednesday. He warned the council not to play the same political games as its defunct predecessor. And he pointedly noted the council's obsessive focus on Israel so far. "There are surely other situations, besides the one in the Middle East, which would merit scrutiny by a special session.... I would suggest that Darfur is a glaring case in point," he said in a statement.

There is talk that the council will take up Darfur in a special session soon. But that's not official. The crisis deserves undivided attention, and that would be an opportunity for the council to redeem itself. But don't hold your breath.

If you'll recall, the U.S. and others backed a far more muscular reform of the human rights monitoring body at the UN, aimed at preventing thugocracies from joining the new council. The U.S. wanted to ensure that nations with horrible human-rights records didn't hijack the agenda and deflect scrutiny from where it's needed most. Those efforts failed.
Instead, the world got reform lite and pledges to improve the system once it was in place. As Tuesday's vote appallingly demonstrated, nothing has changed. How about starting over?

LOAD-DATE: November 30, 2006
LAST SPRING, at the urging of Secretary General Kofi Annan, the old, ineffectual UN Commission on Human Rights was abolished and replaced by a new Human Rights Council. This reformed body was designed to make it harder for notorious abusers of human rights to become members. In this regard, the new council does represent an advance; three-quarters of its members belong to what is called the Community of Democracies. Still, in a report card on the new council’s first six months, the independent monitoring group Freedom House decries the council’s “inability to address the world’s most egregious human rights abuses.”

If the new Human Rights Council replicates the old commission’s refusal to interfere in the internal affairs of UN member-states, victims of abusive regimes will be justified in viewing the United Nations as a club that protects member governments, not their populations.

One aspect of the council’s work Freedom House finds promising is the reporting from more than 40 special rapporteurs. Their reports were “hard hitting and did not shy from condemning specific countries.” But until last week they had produced no “country-specific resolutions.” The result is tantamount to a situation in which investigators uncover crimes but prosecutors refuse to indict, or even identify, the criminals.

Freedom House rightly deplores calls from some states on the council to bar adoption of any resolutions aimed at the human rights violations of specific states. Freedom House also notes, ominously, that the UN General Assembly’s Third Committee, whose domain is human rights, recently passed a resolution sponsored by two notoriously repressive states, Belarus and Uzbekistan, that would “discourage all UN human rights bodies from condemning any country on human rights.” There is an Alice-in-Wonderland inversion of logic in such efforts by dictatorial regimes to impose their own domestic practices on the rest of the world.

The new council will become as much a travesty as its predecessor if it fails to pass strong resolutions on the horrific human rights abuses in Darfur, Burma, and North Korea. Instead, the council mimicked the old commission Monday when it passed two resolutions condemning Israel and one that calls for a restricting code of conduct to be imposed on the independent special rapporteurs reporting about abuses to the council.

If there is a blind spot in the Freedom House report card, it is in the recommendation that the United States play a more active role and run for a seat on the council next year. The Bush administration’s record of indulging in torture, kidnapping, and defiance of the Geneva Conventions has left it unfit to act as a credible defender of human rights.

LOAD-DATE: December 7, 2006
The editorial Same Old UN Fixation (Nov. 24) is overly kind to the United Nations. It argues that the new UN Human Rights Council is the same as the old Commission on Human Rights with its fixation on Israel. Yet, it is much worse.

The old commission, from the inception of the UN in 1948 until it was abolished this year, had five special sessions, including two on Israel and one emergency debate on Israel. The new council, since it started in June, has had three special sessions, all on Israel, beating within the course of a few months the anti-Israel record the commission built up over decades.

The first session of the council in June had only one country-specific resolution, and it was on Israel. For the old commission, Israel was the world's worst human-rights violator. For the new council, Israel is the only human-rights violator. The United Nations, in establishing the council, has created a monster.
The United Nations Human Rights Council was crafted to replace the UN's thoroughly discredited Commission on Human Rights. Unfortunately, five months after its inaugural meeting, the reconstituted council looks and acts suspiciously like the old body, with a membership that includes such notorious rights abusers as Cuba, China and Saudi Arabia and a singular obsession with the alleged misdeeds of one small country, namely Israel.

This is not a new phenomenon. Israel has been a favourite whipping boy of the UN for years. Witness the outburst of Louise Arbour, the UN's high commissioner for human rights, who formed an instant opinion of Israeli policies upon her arrival this week in northern Gaza, declaring: "The violation of human rights I think in this territory is massive." It's important for the UN's top human-rights watchdog to see for herself what's happening on the ground, rather than rely on reports from officials, but it's equally important to gather all the facts before making pronouncements. It's one thing to express sympathy for families shattered by tragedies, and quite another to determine on the spot that grievous violations of human rights occurred.

At least the former Supreme Court of Canada judge also visited southern Israel and recognized the residents' "sense of vulnerability and despair." Not so the rights council. Since its formation, it has held three special sessions, all of them focused on Israel. Forget about the humanitarian disaster in Darfur, the calamities in places such as Chad and Uganda or the systematic trampling of individual rights in Iran, Myanmar, China, Uzbekistan, Belarus and a host of other countries. This council, like its predecessor, ignores the flagrant breaches of international law committed by Hamas, Hezbollah and other state-sponsored terrorist groups, serving instead as a tool for the criticism of Israel and its policies.

How does that happen? To call a special session requires approval by at least a third of the council's 47 members. The Organization of the Islamic Conference has 17 of the members, so they can turn the council toward Israel-bashing pretty much at will. When they combine with other Third World members, they can easily outmanoeuvre Canada, Britain, Japan and other countries on the council that would rather broaden the body's focus.

On Tuesday, an investigation triggered by the Islamic lobby condemned Israel for the attacks on Lebanese civilians that occurred during its war with Hezbollah this past summer. The report found a pattern of "excessive, indiscriminate and disproportionate use of force." And what of Hezbollah's egregious use of civilians as cover for its illegal rocket attacks against Israel, as well as other rights violations that triggered the war? Barely a word, because the inquiry had no instructions to look at the actions of Hezbollah or any other participant in the conflict, apart from the Israeli military.

Last week, the council ended a special session by expressing concern over "the continued violation by the occupying power, Israel, of the human rights of the Palestinian people in the occupied Palestinian territory." The council, displaying its obvious bias, was referring to northern Gaza. But it did not mention that Israel had withdrawn from all of Gaza and sent troops back over the border only in response to the rocket attacks on Israeli communities. In July, the council accused Israel of breaching international humanitarian law in the West Bank and Gaza through its efforts to stop
the indiscriminate attacks on its territory. In September, without waiting for the inquiry findings, it accused Israel of abusing rights during its fighting with Hezbollah.

UN Secretary-General Kofi Annan, who had lobbied hard to give the new council real teeth as an impartial rights arbiter, betrayed his frustration this week with its one-sided focus on the Middle East and its paralysis on human-rights catastrophes occurring elsewhere in the world. Members, he noted, "have tended to focus on the Palestinian issue. And of course if you focus on the Palestinian-Israeli issue without even discussing Darfur and other issues, some wonder: What is this council doing?" Indeed.

Israeli policies that imperil civilian lives are fair game for human-rights panels, provided they are examined impartially and within the context of the country's right under international law to defend itself. But they should not be the only game. Warren Tichenor, the U.S. ambassador to the UN in Geneva, rightly called the council's obsessive focus on Israel a waste of limited resources in pursuit of a subject that does not fall specifically under its UN mandate. Why, he asked, "is the council loath to address important human-rights situations elsewhere such as Sudan?"

When he opened the council's first session last June, a more hopeful Mr. Annan called for "a clean break from the past." Instead, the reformed council bears a remarkable similarity to the body it replaced, pandering to the anti-Israeli and anti-Western sentiments of a majority of members, coddling those with lousy human-rights records and deliberately avoiding cases of major rights violations that certain influential members find politically unpalatable to tackle.

LOAD-DATE: November 24, 2006
AMAJOR piece of the United Nations reform promised by Secretary General Kofi Annan was a new Human Rights Council. The idea was to replace the Commission on Human Rights, which had been hijacked by rogue states such as Libya and Sudan, with a body that could refocus attention on serious human rights violations around the world -- and in so doing remove what Mr. Annan said was "the shadow" cast by the old organization on "the United Nations system as a whole."

When the Human Rights Council was approved by the General Assembly in March, we were among the skeptics who doubted that it would be much of a change, mainly because the membership rules still allowed for the election of human rights violators. As it turned out, we were wrong: The council, which completed its second formal session last week in Geneva, has turned out to be far worse than its predecessor -- not just a "shadow" but a travesty that the United Nations can ill afford.

For all its faults, the previous U.N. commission occasionally discussed and condemned the regimes most responsible for human rights crimes, such as those in Belarus and Burma. China used to feel compelled to burnish its record before the annual meeting. The new council, in contrast, has so far taken action on only one country, which has dominated the debate at both of its regular meetings and been the sole subject of two extraordinary sessions: Israel.

Western human rights groups sought to focus the council's attention on Darfur, where genocide is occurring, and on Uzbekistan, where a dictator refuses to allow the investigation of a massacre by his security forces. Their efforts have been in vain. Instead, the council has treated itself to report after report on the alleged crimes of the Jewish state; in all, there were six official "rapporteurs" on that subject in the latest session alone. One, Jean Ziegler, is supposed to report on "the right to food." But he, too, delivered a diatribe on Israeli "crimes" in Lebanon.

This ludicrous diplomatic lynch mob has been directed by the Organization of the Islamic Conference, which accounts for 17 governments on the 47-member council and counts on the support of like-minded dictatorships such as Cuba and China. Council rules allow an extraordinary session to be called at the behest of just one-third of the membership, making it easy for the Islamic association to orchestrate anti-Israel spectacles. Several Muslim governments that boast of a new commitment to democracy and human rights -- including Jordan and Morocco -- have readily joined in this willful sabotage of those values.

Human rights groups that supported the creation of the council, such as Human Rights Watch and Amnesty International, admit to being appalled by the outcome; they nevertheless argue that the panel should be given time to right
Reform Run Amok; The U.N.'s new Human Rights Council makes the old XI Articles on the New UN Human Rights Council itself. That could happen, they say, if the democratic members of the council organize and work with the same cohesion as the "unfree" states. They also suggest that the United States, which refused to join the council, reconsider.

Perhaps that strategy would work -- though once again, we're skeptical. If there is no turnaround, the council's performance ought to invite consideration of the measure that was applied to the U.N. cultural organization, UNESCO, when it ran amok in the 1980s: a cutoff of U.S. funding. If this ill-formed body is to become an exclusive forum for anti-Zionist rants, the principal victim will be not Israel but the United Nations.

LOAD-DATE: October 12, 2006
The United Nations general assembly has seldom over the past half century faced so many crises in a single week. Leaders and foreign ministers from 192 countries are confronted with: the potential civil war in Iraq, policing the ceasefire in Lebanon, the Darfur catastrophe, Iran's alleged nuclear programme and, as with past years, the Israeli-Palestinian conflict.

At the end of the week it is unlikely if any of these or the many other conflicts and problems being discussed in the chambers, offices and corridors of the UN will be resolved, and renewed questions will be asked about the relevance of the world organisation.

The biggest critics remain the US neo-conservatives, reflecting American rightwing suspicion of the UN since its founding. They see the UN as anti-American, anti-Israel, defending totalitarian governments, squandering billions, bureaucratic, ineffective.

Debilitate

One of the critics, Joshua Muravchik, resident scholar at the neo-cons' favourite thinktank, the American Enterprise Institute, and author last year of The Future of the United Nations, said yesterday: "The UN has been an enormous failure. It is true it has done a small number of things usefully, including peacekeeping missions. My question to those who say that it is better to have it than not is that when peacekeeping missions have been organised under the auspices of other bodies (such as Nato), I am not sure if the UN brings any value."

Supporters of the UN respond that US ambivalence about the organisation, and often outright hostility, debilitate it. They point to the list of successes since its founding after the second world war and contrast these with the dismal record of its predecessor, the League of Nations, and the rapid rise over the past 10 years in peacekeeping missions.

They concede that it is an imperfect organisation, where resolutions are passed and ignored, money wasted and conflicts go unresolved, but argue, as Mr Muravchik anticipated, that the world is still a better place with it than without.

The UN has a polarising effect, with supporters and opponents dividing as true believers or sceptics. One of the UN supporters, Lord Hannay, the British ambassador to the organisation between 1990 and 1995, while acknowledging that this was how the debate is often conducted, said it was the wrong way to view the organisation. He argues that a more hard-headed approach should be taken, acknowledging the UN's strengths and weaknesses.

"Can the world get on without it? The answer is no," said Lord Hannay, who remains engaged with the UN as a member of the high panel set up by the secretary general, Kofi Annan, to look at the organisation's reform. "Is it doing all it can do? The answer is no. The question is how can we make it better and doing the things we want it to do."
"The lessons of the last few weeks are its indispensability and its ineffectiveness." He saw, as the example of its indispensability, the putting together of a ceasefire and peacekeeping force for Lebanon and, of its ineffectiveness, the failure of the UN so far to persuade the Khartoum government to allow a peacekeeping force into Darfur.

In the first 35 years of its history the UN was largely constrained by the cold war. Since 1991, when that ended, it has faced an increasing number of conflicts. Within the space of 18 months between 1993 and 1995 it had to deal with Somalia, Bosnia and Rwanda; its performance was abysmal. Its biggest test after that was Iraq in 2003, which demonstrated the inadequacy of the UN in the face of US determination to go to war. And now the many problems of this week.

Although few, if any, would predict significant progress on the Israel-Palestine conflict by Friday, the general assembly showed its value as a forum when the Palestinian president, Mahmoud Abbas, yesterday met the Israeli foreign minister, Tzipi Livni, for 90 minutes. There will be many such meetings on other issues in the UN building this week.

Mr Muravchik regards this as one of the UN's few strengths. "Some people criticise it for being a talking shop. I think it should be a talk shop. It is useful that all the governments should come together. This is a healthy and valuable function." The problems began, he said, when it came to voting and taking action. His preference for the UN would be as "a glorified Hyde Park Corner".

He described Mr Annan, whose 10 years in office end on December 31, as "having such a wonderful presence and (being) very seductive" but having failed. "I think ill of him. The last secretary general I think well of is Dag Hammarskjold (the Swede who was the second person to hold the post)."

The UN security council is in the process of selecting Mr Annan's successor but the list of candidates so far is unimpressive.

Protection

The general assembly last year agreed to some reforms - accepting a duty to protect people from their own abusive governments, the creation of a human rights council to replace the discredited human rights commission and the creation of a new peace-building commission - but rejected others.

Darfur shows the weakness of the UN, acknowledging a duty of protection but unable to implement it. Lord Hannay said: "The UN has not been able to stop what is happening (the slaughter in Darfur) but it may have been able to slow it down."

LOAD-DATE: September 21, 2006