

# WebMemo



Published by The Heritage Foundation

No. 1833  
March 4, 2008

## The United Nations: Adieu Arbour, But Will Her Successor Be Worse?

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It is rumored that Louise Arbour will not seek a second four-year term as United Nations High Commissioner for Human Rights. This is the very definition of “mixed blessing.” Arbour has repeatedly demonstrated poor judgment and an alarming willingness to cater to the world’s more repressive regimes, but there is no guarantee that her successor will be any better.

Human rights abusers in the U.N. will surely work to ensure that the next High Commissioner is even less dedicated to human rights and more susceptible to pernicious influence. The U.S. should move quickly to identify strong candidates that would make the office an ally in the fight to advance political and civil rights.

**Arbour’s Missteps.** Louise Arbour was nominated to be High Commissioner for Human Rights by former U.N. Secretary-General Kofi Annan in February 2004, and the U.N. General Assembly approved the nomination that same month. Arbour replaced Sergio Vieira de Mello, who was killed in the 2003 bombing of the U.N. headquarters in Baghdad.

There is no question that Arbour was qualified. She had served on the Supreme Court of Canada since 1999; had been Chief Prosecutor for the International Criminal Tribunals for the Former Yugoslavia and for Rwanda; and had published papers on human rights, civil liberties, and gender issues.

During her tenure as High Commissioner, Arbour oversaw a number of positive actions, such as criticizing the government of Zimbabwe for

attacking and oppressing its political opposition. However, Arbour has also demonstrated a troubling willingness to provide cover for authoritarian regimes. The following examples are from the past year alone:

- During a February 2008 trip to Cuba, Arbour praised the Communist nation for taking “significant” actions in the field of human rights and demonstrating “unprecedented positive engagement with the UN human rights system.”<sup>1</sup> She cited the visit to Cuba by the U.N.’s Special Rapporteur on the Right to Food, Jean Ziegler, and the country’s announcement that it intends to sign international agreements on civil and political rights and on economic, social, and cultural rights. As the human rights group UN Watch pointed out, Arbour should not have praised Cuba but instead should have criticized the government’s widespread oppression of its citizens and rejection of human rights standards.<sup>2</sup>
- Arbour traveled to Iran in September 2007 to attend a human rights conference sponsored by the Non-Aligned Movement. As reported by the Islamic Republic News Agency, Arbour “expressed pleasure with being at the NAM meeting and described Iran’s representation office in the U.N.

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/InternationalOrganizations/wm1833.cfm](http://www.heritage.org/Research/InternationalOrganizations/wm1833.cfm)

Produced by The Margaret Thatcher Center for Freedom

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002-4999  
(202) 546-4400 • [heritage.org](http://heritage.org)

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in Geneva as ‘very good.’”<sup>3</sup> Although the Office of the U.N. High Commissioner for Human Rights has not posted her remarks, she apparently failed to mention Iran’s extensive human rights abuses<sup>4</sup> and Iranian President Mahmoud Ahmadinejad’s infamous statements that Israel “must be wiped off the map” and that “Zionists are the true manifestation of Satan.”<sup>5</sup>

Arbour has also displayed a troubling lack of clear thinking on the primacy of rights, including on the following occasions:

- In early 2008, Arbour praised the Arab Charter on Human Rights as “an important step forward” to help “strengthen the enjoyment of human rights”<sup>6</sup> and welcomed its entry into force despite the fact that the Charter explicitly calls for the elimination of “Zionism.”<sup>7</sup> This phrasing is commonly known among Islamic nations to mean the elimination of Israel. Only after being challenged did Arbour retreat and clarify that she did not endorse that part of the Charter.<sup>8</sup>
- In January 2008, Arbour encouraged the U.N. to push for “economic and social rights, including

the human rights responsibilities of companies, to be given greater attention in the run-up to the 60th anniversary of the Universal Declaration of Human Rights.”<sup>9</sup> Arbour criticized Western countries’ “overemphasis” on political and civil liberties at the expense of economic and social rights. It is doubtful that the victims of political repression in Belarus, Cuba, China, Sudan, or Zimbabwe would agree. Arbour specifically faulted anti-terrorism laws for making human rights activists shift their attention from economic and social issues to the supposed erosion of civil liberties caused by anti-terrorism efforts. Arbour went further to dismiss economic freedom: “[The] assumption was that prosperity will look after the right to health and education, which I think is a completely misguided view of what human rights are about. There’s no reason to assume that prosperity will transform itself naturally into any form of social justice.”<sup>10</sup>

- Arbour refused to stand up for free speech after cartoons published in the Danish newspaper *Jyllands-Posten* elicited riots and protests in

1. America World News, “Arbour Sees ‘Unprecedented’ Commitment from Cuba on Human Rights,” *Earth Times*, February 8, 2008, at [www.earthtimes.org/articles/show/184623,arbour-sees-unprecedented-commitment-from-cuba-on-human-rights.html](http://www.earthtimes.org/articles/show/184623,arbour-sees-unprecedented-commitment-from-cuba-on-human-rights.html).
2. UN Watch, “UN Rights Chief Praises Cuba for Hosting pro-Castro U.N. Investigator,” February 14, 2008, at <http://blog.unwatch.org/?p=104>.
3. Anne Bayefsky, “U.N. Human Rights Chief Takes Front Row Seat to Hear Ahmadinejad in Tehran,” *EyeontheUN.org*, September 8, 2007, at [www.eyeontheun.org/editor.asp?p=383&b=1](http://www.eyeontheun.org/editor.asp?p=383&b=1).
4. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “Iran,” *Country Reports on Human Rights Practices—2006*, March 6, 2007, at [www.state.gov/g/drl/rls/hrrpt/2006/78852.htm](http://www.state.gov/g/drl/rls/hrrpt/2006/78852.htm).
5. Mahmoud Ahmadinejad, speech at “The World Without Zionism” conference, Tehran, October 26, 2005, at [www.nytimes.com/2005/10/30/weekinreview/30iran.html](http://www.nytimes.com/2005/10/30/weekinreview/30iran.html), and “Ahmadinejad in Sudan: ‘Zionists Are the True Manifestation of Satan,’” *Haaretz*, March 1, 2007, at [www.haaretz.com/hasen/spages/832229.html](http://www.haaretz.com/hasen/spages/832229.html).
6. United Nations Office at Geneva, “High Commissioner for Human Rights Welcomes Ratification Bringing into Force Arab Charter on Human Rights,” January 24, 2008, at [www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/385A138D2DCAA53FC12573DA00563DEB](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/385A138D2DCAA53FC12573DA00563DEB).
7. Article 2 of the Charter states, “All forms of racism, Zionism and foreign occupation and domination constitute an impediment to human dignity and a major barrier to the exercise of the fundamental rights of peoples; all such practices must be condemned and efforts must be deployed for their elimination.” See League of Arab States, “Revised Arab Charter on Human Rights,” May 22, 2004, at [www1.umn.edu/humanrts/instrree/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655](http://www1.umn.edu/humanrts/instrree/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655).
8. U.N. High Commissioner for Human Rights Louise Arbour, “Statement by UN High Commissioner for Human Rights on the Entry into Force of the Arab Charter on Human Rights,” United Nations press release, January 30, 2008, at [www.unhcr.ch/hurricane/hurricane.nsf/view01/6C211162E43235FAC12573E00056E19D?opendocument&tr=y&auid=3358871](http://www.unhcr.ch/hurricane/hurricane.nsf/view01/6C211162E43235FAC12573E00056E19D?opendocument&tr=y&auid=3358871).
9. Interview with Louise Arbour, “UN Drive for Economic and Social Rights,” *Financial Times*, January 8, 2008, at [www.universalrights.net/news/display.php3?id=3782](http://www.universalrights.net/news/display.php3?id=3782).
10. *Ibid.*

Islamic countries. The newspaper requested the submissions after hearing that artists were refusing to illustrate works about Islam due to their fear of retribution. Arbour wrote the Organization of the Islamic Conference (OIC, an international organization of 56 Muslim states), emphasizing that she understood Muslims' concerns and deplored "any statement or act showing a lack of respect towards other people's religion," and charged U.N. experts in religious freedom and racism to investigate the matter.<sup>11</sup>

This gave justification to efforts by the OIC to constrain freedom of speech in the U.N. Human Rights Council.

These positions turn the concept of human rights on its head: Respect for religion cannot be imposed through constraints on free speech; measures to counter terrorist acts pale in comparison to genocide, religious repression, and totalitarianism; and ratifying a document expressing commitment to human rights lacks credibility when it calls for the elimination of Zionism and, by extension, the nation of Israel.

The rights to life, freedom of expression, and self-government are the very bedrock of a free society. Sadly, Louise Arbour's confusion on this matter is endemic in the United Nations.

**Dragging Down Human Rights.** Many repressive governments are using their membership in the U.N. to undermine and blunt the organization's ability to promote fundamental human rights. The key battleground for these efforts has been the U.N. Human Rights Council, which was created in 2006 as a replacement for the discredited U.N. Commission on Human Rights.

Arbour again demonstrated poor judgment when the new council was created. She declared that the new body represented the "dawn of a new era"<sup>12</sup> in promoting human rights in the United Nations even

though repressive regimes had gutted membership requirements and other standards that would have made the council more credible than its predecessor.

Predictably, the Human Rights Council has been a grave disappointment and has failed to address ongoing repression around the world. Numerous repressive governments were elected to the council, including Algeria, China, Cuba, Saudi Arabia, and Russia. These countries have successfully eliminated scrutiny of human rights in Belarus, Cuba, Iran, and Uzbekistan; have made it harder to adopt country-specific resolutions against human rights abusers like Burma and Sudan; have singled out Israel as the only country subject to a permanent council mandate; and have adopted a restrictive "code of conduct" to impede the autonomy of the council's independent experts.<sup>13</sup>

Another issue looming on the horizon is the 2009 Durban Review Conference, also known as Durban II. This conference is the follow-up to the disastrous 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was so counterproductive that Israel and the U.S. walked out.<sup>14</sup> Arbour was named as Secretary-General of Durban II in February, and her successor will have an important leadership role in its agenda and proceedings. Many countries will seek to make Durban II a repeat of 2001. The High Commissioner will play an important role in impeding or facilitating their efforts.

Despite her many misjudgments, Arbour has overseen some positive actions by the Office of the High Commissioner for Human Rights. Algeria, China, Cuba, Iran, North Korea, Saudi Arabia, Venezuela, Zimbabwe, and other repressive states are not interested in having an independent voice for fundamental human rights in the Office of High Commissioner looking into and commenting on sit-

11. "Prophet Cartoons Worry UN Commissioner," *The Copenhagen Post*, July 12, 2005, at [www.cphpost.dk/get/92663.html](http://www.cphpost.dk/get/92663.html).

12. UN Watch, "Dawn of a New Era? Assessment of the United Nations Human Rights Council and Its Year of Reform," May 7, 2007, at [www.unwatch.org/atf/cf/%7b6deb65da-be5b-4cae-8056-8bf0bedf4d17%7d/dawn\\_of\\_a\\_new\\_era\\_hrc%20report\\_final.pdf](http://www.unwatch.org/atf/cf/%7b6deb65da-be5b-4cae-8056-8bf0bedf4d17%7d/dawn_of_a_new_era_hrc%20report_final.pdf).

13. Brett D. Schaefer, "U.N. Further Weakens Human Rights Council," Heritage Foundation *WebMemo* No. 1707, November 20, 2007, at [www.heritage.org/Research/InternationalOrganizations/wm1707.cfm](http://www.heritage.org/Research/InternationalOrganizations/wm1707.cfm).

14. Secretary of State Colin L. Powell, "World Conference Against Racism," U.S. Department of State, September 3, 2001, at [www.state.gov/secretary/former/powell/remarks/2001/4789.htm](http://www.state.gov/secretary/former/powell/remarks/2001/4789.htm).

uations that they would prefer be ignored. As a result, these countries and their allies on the Human Rights Council have sought to increase the council's influence over the office and its agenda.

These states have aggressively pressured the High Commissioner in recent months, according to Hillel Neuer of UN Watch:

At a meeting last month between government representatives and Ms. Arbour, Western diplomats were taken aback by the unrestrained demands of non-democratic governments to undermine the independence of the High Commissioner's office.

Ms. Arbour's reported intention to depart only underscores the tightening climate of intimidation within the UN human rights system, part of an overall campaign by repressive regimes at the Human Rights Council to eliminate scrutiny of their abuses.<sup>15</sup>

These repressive states will fight to make sure that Arbour's successor will be someone they can influence. Considering that the Office of the High Commissioner for Human Rights is part of the United Nations and that the High Commissioner is nominated by the Secretary-General and confirmed by the General Assembly, it is easy to see how repressive states can influence the selection of Arbour's successor.

Free democracies comprise a minority of the General Assembly, while key regional blocs and other groups like the Non-Aligned Movement and the Organization of the Islamic Conference remain strongly influenced by repressive regimes that are opposed to human rights.<sup>16</sup> Unless strong action is taken, they are assured an easy victory.

**The U.S. Must Act.** To prevent repressive regimes from further co-opting U.N. human rights mechanisms, like-minded nations must rally behind a strong candidate dedicated to protecting and advancing fundamental human rights. Such a person should possess several key qualities:

- **A demonstrable record of respecting fundamental human rights and fighting to advance them.** This is, and should be, a basic qualification for being nominated as High Commissioner and is also necessary to gain the support of influential human rights NGOs.
- **An understanding of the primacy of civil and political rights over social, economic, or cultural rights.** The most fundamental rights are the right of a people to choose their government; the right to personal and religious liberty; the right to due process under an impartial and fair legal system; the right not to be deprived of life arbitrarily; and the right to freedom of expression, which includes criticism of government. Such rights enable a people to choose additional rights as they deem appropriate.
- **The strength to resist pressure from member states.** To be an effective and impartial advocate for human rights, the High Commissioner must be able resist the enormous pressures that member states can bring to bear to influence decisions or actions on human rights issues.
- **Sound judgment.** The focus of the office must be on fundamental human rights. The High Commissioner should not be subject to the vagaries of the international press and should focus on issues like political repression in places like Cuba or Zimbabwe rather than wasting time and resources on political red herrings like the impact of climate change on human rights.

**Conclusion.** It might be difficult to find the perfect candidate, particularly in the politically charged U.N. arena, but the U.S. should seek to promote several individuals that meet most of the above criteria. Of particular importance is the proven ability to recognize the primacy of civil and political rights.

Individuals that have experienced repression firsthand and have spoken up against despotism, such as Vaclav Havel, Natan Sharansky, or Aung

15. Steven Edwards, "Arbour Will Not Seek Second U.N. Human Rights Term," Canwest News Service, February 27, 2008, at [www.canada.com/ottawacitizen/news/story.html?id=c9ec3f54-b7da-4196-9a61-7ceba673348f&k=1752](http://www.canada.com/ottawacitizen/news/story.html?id=c9ec3f54-b7da-4196-9a61-7ceba673348f&k=1752).

16. Brett D. Schaefer, "Who Leads the United Nations?" Heritage Foundation *Lecture* No. 1054, December 4, 2007, at [www.heritage.org/Research/InternationalOrganizations/hl1054.cfm](http://www.heritage.org/Research/InternationalOrganizations/hl1054.cfm). See also Ambassador Terry Miller, "Understanding the Democracy Deficit at the U.N.: The G-77, Non-Aligned Movement, and Organization of the Islamic Conference," Heritage Foundation *Lecture* No. 1061, February 5, 2008, at [www.heritage.org/Research/InternationalOrganizations/hl1061.cfm](http://www.heritage.org/Research/InternationalOrganizations/hl1061.cfm).

San Suu Kyi, should receive strong attention for the position of High Commissioner. These individuals are well-equipped to resist pressure and grasp the vital importance of civil and political freedoms.

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