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**Annual report of the United Nations High Commissioner
for Human Rights and Reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by United Nations Watch (UN Watch), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

How to enhance the work of the OHCHR

The dramatic increase in the budget of the Office of the High Commissioner for Human Rights in the past few years is an opportunity to reflect upon the requirements, responsibilities and priorities of an international position that stands on the front lines of the struggle for the idea of universally guaranteed individual rights¹

In 2008, UN Watch published the first review of the recently concluded tenure of former High Commissioner Louise Arbour. The report, entitled “The Right to Name and Shame,” draws lessons for the future and offers concrete recommendations for current High Commissioner Navanethem Pillay.²

The UN Watch examination of Ms. Arbour’s tenure focused as a case study on her record in issuing official statements that held countries accountable to their human rights obligations, a measure of performance recognized as significant by both critics and defenders of the former UN human rights chief. Examining all of Ms. Arbour’s UN statements published in 2007 and 2008, the report’s findings challenge inflated claims made by her critics as well as defenders.

As a broad and indicative sample of her overall tenure, the report (at Tables 1 and 3) documents every country criticism published by Ms. Arbour on her UN website during 2007 and 2008, in the form of press releases, remarks delivered to the Human Rights Council, public lectures, reports and amicus curiae legal briefs. After each statement, the most salient country criticism by Ms. Arbour is featured, followed by a rating of Strong, Moderate or Weak, with additional analysis where relevant. The report also lists the country situations that Ms. Arbour did not address during this period (Table 2).

On the one hand, the data disproves the claims of certain critics that Ms. Arbour devoted more time to condemning democracies instead of tyrants. In the period examined, Ms. Arbour criticized 39 different countries, many of them ruled by governments with widely-criticized records on human rights and democracy, including Sri Lanka, Myanmar, Pakistan, Sudan and Zimbabwe. Out of 79 official criticisms of countries that Ms. Arbour issued during this period, only 10 were dedicated to condemning free democracies. The record shows that she was a determined advocate for the adoption of international human rights standards and that she spoke out for many victims around the world.

At the same time, the evidence does not support the inflated claims made by many of her defenders. For example, there were claims made that Ms. Arbour “routinely singled out” China and Russia for “fierce criticism.”³ These have no empirical basis. On the contrary, a review of all her UN statements issued during 2007 and 2008 shows that Ms. Arbour held

¹ The 2010-2011 budget of US \$407.4 million for the OHCHR represents an increase of 30 percent over the budget presented in the High Commissioner’s 2008-2009 Strategic Management Plan, itself a significant increase over recent years.

² UN Watch, “The Right to Name and Shame,” 2008, at <http://www.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1330819&ct=5761309>.

³ “She’s been unflinching in challenging human rights violations in big and powerful countries as well as in countries not so big and not so powerful,” said a spokesman from one leading NGO. (“UN human rights chief Louise Arbour announces she is stepping at end of term in June,” Associated Press, March 7, 2008.) There were many such assertions about her record, some of which were more specific: “Arbour routinely singled out governments—including the U.S., Israel, China and Russia—for fierce criticism,” wrote UN Wire, the daily publication of the UN Foundation, in its summary of a Canadian news report. (UN Wire, July 1, 2008, summarizing “Arbour leaves UN rights post,” CBC.ca, June 30, 2008.)

back from criticizing many countries that wield power and influence at the UN. She was silent, or spoke out no more than once, on systematic human rights abuses committed by China and Russia, both permanent members of the Security Council, and on those committed by Egypt, a country that exercises great influence at the Human Rights Council through its leading position in various UN country groupings. Similarly, Ms. Arbour only issued one statement for human rights victims in Angola, Chad, and Kazakhstan, whose very systems deny basic civil and political freedom.

In a March 2008 interview with the *Washington Post*, Ms. Arbour herself acknowledged that she took a softer approach in places such as China and Russia, saying that she chose a strategy of private engagement “that is likely to yield some positive results” over one that “would make me and a lot of others feel good.” (Colum Lynch, “U.N. Human Rights Chief to Leave Post,” *Washington Post*, March 3, 2008.)

She was candid about acting according to political considerations: “As a U.N. official,” the *Post* interview reported, “[Ms. Arbour] was constrained by the reality of the organization’s power centers, including China, Russia and the Group of 77, a bloc of more than 130 developing countries. In that context, she said, ‘naming and shaming is a loser’s game.’” (Ibid.)

The report’s most disturbing findings, however, are that in the period examined, Ms. Arbour published no statements at all for billions of victims residing in 153 countries—many of whose human rights records range from poor to appalling, including Algeria, Bahrain, Bangladesh, Belarus, Burkina Faso, North Korea, Gabon, Jordan, Kuwait, Libya, Saudi Arabia, Syria, Viet Nam and Yemen. Arbour’s oft-repeated mantra was the fight against impunity. It is unfortunate, therefore, that so many serial abusers were granted effective impunity.

Going beyond the empirical study reflected in the report’s Table 3, the report also provides an in-depth examination of Ms. Arbour’s treatment of selected regions. On Sudan, Ms. Arbour spoke out strongly and consistently, defying the Khartoum government’s powerful supporters. She also was firm in denouncing major abuses by the Burmese government. On China and Russia, with the exception of certain efforts early in her tenure, Ms. Arbour largely held back from issuing public criticisms.

This was unjustified, and it is to be hoped that High Commissioner Pillay will be more outspoken. Ms. Arbour was right to hold the U.S. accountable for its record, but her methods, including intervention through *amicus curiae* legal briefs, may not have been effective.

In the Middle East, Ms. Arbour spoke out against certain violations by Iran. However, unlike other high UN officials, she failed to address President Ahmadinejad’s anti-Semitic campaign of Holocaust denial and incitement to genocide. By contrast, upon demands from certain UN alliances, Ms. Arbour did issue statements about perceived offenses to Islam, which may have encouraged the Islamic states’ campaign at the UN to curb freedom of speech.

On the Arab-Israel conflict, while Arbour’s approach could not be compared to that of the Human Rights Council, her statements were weighted against Israel. With few exceptions, Ms. Arbour chose not to scrutinize Egypt, Saudi Arabia, Syria or other countries in the Middle East with highly problematic records.

What lessons should be drawn for the future?

There is no magic formula for how to criticize countries. However, High Commissioner Pillay should adopt a methodology that will ensure that situations of gross human rights

violations around the world are not ignored. In particular, she should address compelling situations neglected by the Human Rights Council, which, despite attempts at reform, is now in a downward spiral.

High Commissioner Pillay must resist the renewed attempts by repressive governments on the Council to subject her office to their control. She should speak out for the threatened country mandates, and vigorously safeguard the vital role at the Council played by experts and NGOs.

With the Council marred by selectivity and politicization, it is vital for High Commissioner Pillay to use her independence to provide a universal approach based on objective human rights standards.
