

Conservative Party Human Rights Commission

**Globalising Human Rights:
A Conservative Agenda for UN reform**

Submission to the Shadow Foreign Secretary



March 2008

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Acknowledgements

The Conservative Party's Commission on Human Rights is chaired by Stephen Crabb MP. This report was prepared by Richard Blakeway, together with Commission Deputy Chair Ben Rogers, Nicola Blackwood and Sarah Son.

Introduction



Promoting and defending human rights should be at the heart of Britain's foreign policy and at the heart of a process to reform the United Nations.

The United Nations has a critical role to play in protecting human rights and challenging oppression. No other multilateral institution enjoys the same legitimacy and potential authority as the UN and, while alternative forums for decision-making and action should be actively considered, Britain must never retreat from supporting this vital body.

But for too long the UN has symbolised weakness and division in the face of the world's most oppressive regimes and Britain, along with the world's other leading democracies, has too often failed to make the case for reform of the mechanisms that exist at the UN for investigating and punishing human rights abuses.

The UN should be bolder in challenging tyranny and promoting liberty. For the millions of people who are still denied the most basic freedoms, the words of the Universal Declaration of Human Rights passed by the UN General Assembly nearly sixty years ago have little meaning.

At the launch of its Annual Report 2007, Amnesty International declared that:

'Scarred by distrust and division, the international community has been too often impotent or weak-willed in the face of major human rights crises in 2006.'

The Conservative Party Human Rights Commission believes that a future Conservative Government should seek to use British influence to reverse what Amnesty describes as a “downward spiral of human rights abuse” that currently exists throughout the world. Crucial in this effort will be the approach that any British Government takes to UN reform.

On 22nd May 2007, our Commission held a public hearing at the House of Commons to take evidence on the effectiveness of the United Nations in defending human rights. The panel of expert witnesses comprised Lord Hannay of Chiswick, former UK Ambassador to the UN and Chairman of the United Nations Association of the UK; Geoffrey Robertson QC, Chief Prosecutor of the UN Special Court in Sierra Leone and author of *Crimes Against Humanity*; Tom Porteous, Director of Human Rights Watch; and Joseph Loconte, Senior Fellow, Ethics and Public Policy Centre and former member of the US Congressional Taskforce on the UN.

This report is informed by the contributions from panellists at the hearing in May and by other written submissions received. It makes a series of recommendations to help a future Conservative Government put human rights at the heart of UN reform.

The UK has a unique opportunity as a Permanent Member of the Security Council to help build momentum for UN reform. Yet Britain is not advocating human rights at the UN as strongly as it should. The new Prime Minister, Gordon Brown, did not use the phrase “human rights” once in his first speech to the UN in July this year.¹

The starting point for this submission by the Conservative Party Human Rights Commission is therefore an acceptance of the positive role that the United Nations can play in the 21st Century. We expect the next Conservative Government will be energetic in pursuing a reform agenda at the UN in order to help bring an end to the misery and suffering caused by dictators whose regimes are characterised by violence, torture and the denial of basic civil rights.

¹ Gordon Brown delivered his speech at the UN headquarters on 31 July 2007. See: www.number-10.gov.uk/output/page12755.asp. The Prime Minister also failed to mention human rights – except once in relation to President Musharraf of Pakistan in his foreign policy speech to the Lord Mayor’s Banquet on 12 November 2007.

Executive summary



Human rights and development

1. Human rights should be integral to meeting the Millennium Development Goals.

The new UN Secretary General has made the Millennium Development Goals (MDGs) a priority for the United Nations. Yet too often human rights are not even mentioned in UN reports on the MDGs. A culture change is required at the UN so that the defence of human rights is recognised as crucial to whether the MDGs can be achieved.

2. A Human Rights Index to be used to inform decisions about bilateral aid.

A future Conservative Government must undertake more rigorous assessments of the political and human rights situation in countries where Poverty Reduction Budget Support (or direct budgetary support) is being used or considered as a form of aid. We support the Conservative Party Globalisation and Global Poverty Group's recommendation that there should be a Human Rights Review Panel within DFID. In addition, an annual Human Rights Index, similar to the UNDP's Human Development Report, should be used to assist donors when deciding how aid should be allocated.

3. An arbitration process in cases where aid is misused.

In cases where there are suspicions or allegations of misuse of aid, there should be a clear arbitration process by donors to hold abusers to account.

4. **There should be a formal procedure within Whitehall to enable NGOs to report in confidence their concerns about human rights and for the UK Government to then present these to the UN.** In cases where donor countries have suspended aid to a government, NGOs and civil society organisations find themselves under considerable pressure and may be reluctant to raise human rights concerns for fear of being expelled from the country. We recommend that a future Conservative Government establish a clear system through which UK-registered NGOs and charities can raise human rights concerns in confidence. The UK Government should then ask the UN Office of the High Commission for Human Rights to investigate these concerns and, where appropriate, raise them with the relevant Government.

5. **The UK to lead the expansion of the UN Democracy Fund (UNDEF).** Dictatorships create poverty. In contrast, successful economic development is underpinned by high standards of governance which requires respect for human rights and the rule of law. The UN Democracy Fund was agreed at the 2005 UN Millennium Summit and exists to ‘promote democracy throughout the world by providing assistance to projects that consolidate and strengthen democratic institutions and facilitate democratic governance’. The UK has so far contributed just US\$609,350 to the Fund – less than Australia, France, Germany, Ireland or Sweden.² A future Conservative Government should encourage a significant expansion of UNDEF.

UN corruption

6. **Investigations into abuses by UN personnel should be re-doubled.** UN personnel, whether officials in New York or peacekeepers in the field, should be the embodiment of the principles that the organisation espouses. A future Conservative Government should act as a watchdog against corruption or abuses perpetrated by UN personnel and demand from the Secretary General immediate action to tackle such behaviour.

² UNDEF Financial Contributions, March 2008, www.un.org/democracyfund/XFinancialContributions.htm

Office of the High Commissioner for Human Rights (OHCHR)

7. **The OHCHR must be expanded to monitor and tackle human rights abuses.** A future Conservative Government should put pressure on member states to collectively match this expansion with resources.

Responsibility to Protect (R2P) and the Peacebuilding Commission (PBC)

8. **The remit of the Peacebuilding Commission must be extended.** Responsibility to Protect must be operationalised. R2P means more than conflict-resolution; it also means conflict prevention. This requires a future Conservative Government to advocate a return to the original purpose of the Peacebuilding Commission which was to seek to prevent crises before they happen, and not only assist in reconstruction.

Security Council veto

9. **No veto to be used in a humanitarian crisis.** A future Conservative Government, together with the UN Secretary General, should press other Permanent Members of the Security Council not to use their veto in situations where a genuine humanitarian disaster is occurring. This will require the Government to advocate a set of criteria which can determine what constitutes a humanitarian disaster.

Human Rights Council (HRC) membership

10. **Blocking majorities should be avoided.** As with the former UN Human Rights Commission, the regional weighting of votes is leading to a blocking majority amongst states with poor human rights records. Whilst the idea of regional voting should be supported, a future Conservative Government should lead the debate on redefining eligibility for membership of the Human Rights Council to prevent investigations being blocked by groups of countries.
11. **Members' human rights records to be scrutinised before election to the Human Rights Council.** The way the membership of the new UN Human Rights Council is constituted creates a serious barrier to its effective working. States with a poor track-record on human rights should be required to address their abuses before election to the Human Rights Council. A Conservative Government should encourage the Human Rights Council to agree a list of international human rights treaties which

member states must ratify before they seek election to the Council, as with the concept of *acquis communautaire* for EU accession.

12. **Universal Periodic Review must be completed during membership.** A future Conservative Government should propose that the Universal Periodic Review be completed during the first half of the term of office that a member state sits on the Council.
13. **Membership of the Council should be reduced.** A future Conservative Government should advocate a further reduction in the number of members who sit on the Human Rights Council to ensure faster and more effective action.

UK position on the HRC

14. **The UK should participate fully at the Human Rights Council.** The current UK Government claimed it would “play the fullest part in making the new Human Rights Council a success” but the Conservative Party Human Rights Commission is concerned by the fact that China has contributed to more debates on specific countries within the Council than the UK.

EU and proposed “Foreign Minister”

15. **The UK should resist proposals for an EU High Representative on the Security Council.** It is deeply concerning that the Government Minister now responsible for the United Nations has expressed the view that a common EU position would be advantageous. Given the failure of the common EU position on negotiations so far on the Human Rights Council, a future Conservative Government should oppose the proposal in the Treaty on Institutional Reform (“EU Reform Treaty”) for a High Representative on the UN Security Council.

Engaging the United States

16. **Greater efforts to encourage positive US engagement with UNHRC.** The US decision not to seek election to the Human Rights Council has undermined its commitment to human rights. Yet its concerns over the membership of the Council do appear to have been vindicated. The Council would be enhanced by the positive participation of the US, and a future Conservative Government should seek to encourage this.

Democracy Caucus

17. **Create a Democracy Caucus within the UN.** In order to counter-balance regional biases and the influence of other blocks such as the Organisation of the Islamic Conference, the UK should work with other democratic nations, particularly countries with an explicit commitment to the promotion of democracy and human rights, and establish a Democracy Caucus within the UN to co-ordinate the efforts of democratic nations.

Expulsion and Suspension

18. There are a worrying number of UN member states which continue to routinely and systematically violate the principles of the Charter. While we recognise that expulsion would and should only be used in the most extreme of cases, the threat of expulsion – or suspension – can be used as leverage more effectively than it is now.

Alternatives to the UN

19. **Strengthen the Community of Democracies.** While the Conservative Party Human Rights Commission would like to see reform of UN institutions and procedures, we also believe that alternatives to the UN should be developed so that, where the UN and its member states cannot or will not act, there are alternative means of addressing human rights at a multilateral level. This will also serve to encourage the UN to go further in promoting basic human rights and freedoms. A future Conservative Government should work with other countries to establish an independent group of politically and economically free nations. The Community of Democracies may be suitable for this purpose.

Part One: Human rights and development



Dictators and regimes which fail to respect basic human rights are major contributors to the causes of extreme poverty and humanitarian disaster.

Through conflict, violence, oppression, investment in weapons rather than in education and healthcare, corruption and economic mismanagement, the regimes of Kim Jong-il in North Korea, Robert Mugabe in Zimbabwe, Omar al-Bashir in Sudan and the military junta in Burma have created extreme humanitarian crises in those countries. The link between human rights violations and humanitarian and development challenges is rarely explicitly made. It is time for that to change

1. Human rights as a driver of development

Achieving the Millennium Development Goals (MDG) presents a formidable challenge for the international community. According to a report by the United Nations secretariat this year, the whole of sub-Saharan Africa - the poorest region of the world - will fail to meet the goals set seven years ago for halving global poverty by 2015. Only in Asia is the world on track to hit its target for the proportion of people living on less than a dollar a day in 2015.

The Conservative Party Human Rights Commission believes that the MDG agenda is fundamentally a human rights agenda. Yet the link between upholding human rights and achieving effective

development is too rarely made at the UN. Most notably, rights were largely omitted from the Millennium Project report by Professor Jeffrey Sachs, then Special Advisor to Kofi Annan, which formed the basis of the 2005 UN Millennium Review Summit.

We believe the UK is well-placed to promote human rights as a driver of development. A recent review of the integration of human rights in the work of the Department for International Development's (DFID), carried out by Laure-Hélène Piron and Francis Watkins,³ provides case studies of what is being done at country level, and illustrates an approach and a set of principles that takes the ideas of human rights right down to the level of country programming and individual projects.

A future Conservative Government must develop this approach further and seek to create far greater linkage between international development and international human rights.

The Conservative Party Globalisation and Global Poverty Group, chaired by Rt Hon Peter Lilley MP, sought to realise those sentiments by proposing a Human Rights Review Panel on aid within DFID.

Human rights should be integral to meeting the Millennium Development Goals. The new Secretary General has made the MDGs a priority for the United Nations. Yet too often human rights are not even mentioned in UN reports on the MDGs. A culture change is required at the UN so that the defence of human rights is recognised as crucial to whether the MDGs can be achieved.

2. The importance of good governance

Delivering more effective aid and increasing the prospect of meeting the Millennium Development Goals, especially in sub-Saharan Africa, requires a renewed focus on human rights within development.

In particular, successful development depends on good governance which itself requires a respect for basic human and civil rights throughout a country's institutions.

Dictators cause poverty. Tyrannical regimes spend money on arms rather than education, health, water and sanitation. Many deliberately restrict access to education, because they fear that an educated population could challenge their rule. Some restrict access to aid agencies to certain areas of the country, in order to keep

³ See further <http://www.odi.org.uk/rights/publications.html>

hidden the suffering of the people that the regime itself has caused. Dictators manipulate, mismanage and blatantly steal aid.

There is therefore a very clear correlation between countries with poor human rights records, and chronic poverty, such as the regimes of Robert Mugabe in Zimbabwe, Kim Jong-il in North Korea, the military junta in Burma, and Omar al-Bashir in Sudan.

In response, Governments have focused on providing aid through civil society organisations (CSOs) and NGOs. This leaves NGOs and CSOs vulnerable in difficult circumstances – the regime may restrict or deny access and movement; and while NGOs and CSOs can promote human rights awareness and education among the people, they are unable ultimately to offer much protection. The vulnerability of NGOs should not be underestimated. In a parliamentary answer on 24 January 2007, the former UK International Development Secretary Hilary Benn MP outlined how during the previous six months alone, 400 agency workers had been either withdrawn from or relocated in Darfur because of violence, and Save the Children had ceased all operations in the region at the end of 2004.⁴

Budget support can build the capacity of governments – but it can also support questionable regimes. Poverty Reduction Budget Support is projected to increase – indicative estimates at DFID for Asian countries show an increase in the modality for Asia by about one third up to 2009/10.⁵

In cases where donors have suspended aid to the Government, considerable pressure is placed on NGOs and CSOs. Agencies may be reluctant to raise human rights concerns for fear of being expelled from the country. We recommend a future Conservative Government establishes a clear system through which UK registered NGOs and charities can raise human rights concerns in confidence. The UK Government should then ask the UN Office of the High Commission for Human Rights to investigate these concerns.

Donors must also undertake a more rigorous assessment of the political and human rights situation in a country before moving to direct budget support. We support the Conservative Party Globalisation and Global Poverty Group's recommendation that there should be a Human Rights Review Panel within DFID. The UN could assist with this by producing a Human Rights Index of countries in receipt of aid. This could be modelled on UNDP's annual Human

⁴ Hansard, 24 January 2007, H.M. Stationary Office, London.

⁵ DFID Annual Report 2007: Development on Record, Department for International Development, London, 2007.

Development Report and would help inform donors when deciding how aid is allocated.

The UN Democracy Fund, agreed at the 2005 UN Millennium Summit, should be scaled-up to ensure that good governance, good development, and the protection of rights is at the heart of development. A future Conservative Government should lead the way with contributions to the Fund from existing FCO resources. As of September 2007, the fund had received more than US\$70 million in contributions and pledges from UN member states. The largest donors are: Australia, France, Germany, India, Qatar and the United States – but not the UK. The UK has so far contributed just US\$609, 350 – one of the smallest contributions from OECD donors.⁶

DFID is now moving towards having independent arbitration of partnership agreements with some of its largest aid recipients – for example Rwanda – where there is a commitment on both sides that is subject to independent verification. The European Union's Cotonou Agreement remains the strongest example of a legal partnership to be found in the aid world - and this shift to aid obligations is a welcome development. Human rights can add value to aid with its legal precision; its legal authority; its legitimacy, both at the level of governments and for the public; and its objectivity.

A future Conservative Government should investigate an arbitration process by which aid commitments and abuses can be subject to tougher independent verification within UN agencies. We believe that moving from an optional approach to an obligation approach is the best route to meeting the MDGs and delivering aid commitments.

⁶ See <http://www.un.org/democracyfund/XFinancialContributions.htm>

Part Two: Accelerating UN reform



Making human rights central to the poverty reduction agenda is only part of the challenge. Within the existing structures at the UN on human rights, reform is urgent.

1. Act on Darfur

The Conservative Party has led calls in Parliament for the Government to demand international action on Darfur. The new Secretary General has already made progress on Darfur. He has agreed a deployment of a 'hybrid' force of UN and African Union peacekeepers and there is the continuing Comprehensive Peace Agreement (CPA) under the auspices of the UN. Ban's stance over Darfur has been welcomed.

But the reality of Darfur is that the humanitarian situation is worsening, and prospects for change are still uncertain. A future Conservative Government, as a Permanent Member of the Security Council, should push the UN to illustrate how the crisis in Darfur could symbolise the need for wider change within the UN system. What does Darfur mean for our humanitarian response for protracted crises? What does Darfur say about the relations of the United Nations with regional bodies, such as the African Union? What does Darfur say about the role of UN peacekeepers when the reality is that there is no peace to keep?

Darfur also brings into sharp relief the activities of China in Africa. China's unquestioning relationship with the Government of Sudan has

been a depressing sight, though, as former UK Ambassador to the UN, Lord Hannay, together with Geoffrey Robinson QC made clear in evidence to the Conservative Party Human Rights Commission, it should be acknowledged that the Chinese administration has begun to cool its relations with Sudan since the Beijing summit with African leaders in 2006. China has also appointed two special envoys to Darfur, under pressure after the intervention of over one hundred US Senators who wrote to the Chinese President linking Darfur to the 2008 Beijing Olympics.

Having witnessed the response of China to the actions of the US Senate, this demonstrates the influence the new Secretary General could bring to bear on a Permanent Member of the Security Council if he were to highlight the situation in Darfur as part of his role as the “public conscience”. The fact that Ban Ki-Moon received the endorsement of China when seeking election to the position of Secretary General would suggest he could have some influence within the Government.

China is also the recipient of 90 per cent of Sudan’s exports. This reinforces the central role that China plays – and has played on the ‘hybrid’ force of peacekeepers – but also about the economic future of the Darfur region. Extreme poverty is a major cause, and predictor, of violence. The world’s poorest places, like Darfur, are much more likely to go to war than richer places. So too are dictatorships. As the United Nations environment programme (UNEP) recently observed,

“There is a very strong link between land degradation, desertification, and conflict in Darfur.”⁷

Over 2 million people cannot be forgotten in refugee camps. As Professor Jeffrey Sachs states:

“While international diplomacy [is] focused on peacekeeping and on humanitarian efforts to save the lives of displaced and desperate people, peace in Darfur can be neither achieved nor sustained until the underlying crises of poverty, environmental degradation, declining access to water, and chronic hunger are addressed. Stationing soldiers will not pacify hungry, impoverished, and desperate people.”⁸

So the further challenge for the UK and the UN is to get the international community focused on the economic future of Darfur, and the relationship between conflict and economic development within UN agencies.

⁷ See further Sudan Post-Conflict Environmental Assessment, United Nations Environment Programme, <http://www.unep.org/sudan/>

⁸ See <http://economistsview.typepad.com/economistsview/2007/07/jeffrey-sachs-p.html>

We believe that the human rights disaster in Darfur is a crucial and symbolic test for the UN. The Conservative Party Human Rights Commission welcome the deployment of the UN hybrid peacekeeping force, with the African Union. A future Conservative Government should press the UN to learn the lessons from Darfur and, if progress has not been made, secure collective support for the Comprehensive Peace Agreement and the economic future of the region.

2. Act on Burma

As the crisis in Burma continues, and while the tireless efforts of the UN Special Envoy Ibrahim Gambari and the UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro are important, it is in such situations that the UN Secretary-General should demonstrate a much greater, and more consistent, degree of personal engagement. Ban Ki-moon would be very well-placed to take a personal lead in the efforts to broker a meaningful dialogue between the regime in Burma, the democracy movement and the ethnic nationalities. By virtue of his office, and the fact that he is from Asia, he may have more opportunity to convince the regime to move towards meaningful tripartite dialogue. The Conservative Party Human Rights Commission believes he should attempt to do this, and should personally visit Burma to broker such an initiative.

3. Investigations into abuses by UN staff should be re-doubled

The last six months of Kofi Annan's leadership at the UN was overshadowed by allegations against UN staff, especially when the report on the "Oil For Food" programme was published. There are still problems with UN staff, and allegations are still surfacing on a reasonably regular basis.⁹ It is imperative that the UN takes disciplinary action against employees who fail to uphold the standards of expected of UN staff. A future Conservative Government, together with other Permanent members, should act as a watchdog in this area.

UN staff, whether in New York or peacekeepers on the ground, should be the embodiment of the principles the organisation espouses. This means more immediate and thorough procedures against UN employees who contravene their terms of office, and a future Conservative Government should act as a watchdog and press the Secretary General when such instances occur.

⁹ For example, see "UN staff accused of raping children", The Daily Telegraph, 4 January 2001 and "UN investigates allegations of abuse by staff in East Timor", ABC News, 7 May 2007.

4. Partner with NGOs

Human Rights NGOs should be a key partner of the UN in seeking to tackle human rights violations. The annual Human Rights Reports published by Amnesty International and Human Rights Watch rival that produced by the UK Foreign and Commonwealth Office, and the in-country monitoring by such international human rights NGOs, amongst others, is often exceptional.

To partner further with NGOs is not a new idea – an extensive programme for engagement was outlined by the 2004 Cardoso Report on the relationship between the UN agencies and civil society organisations. As the high level panel report put it,

“Civil society is so vital to the UN that engaging with it well is a necessity not an option.”¹⁰

We believe the analysis of human rights organisations should be cited in speeches and reports as a concrete indication that they are meaningful partners in policymaking and implementation. Future Conservative Ministers can play a role here by citing such organisations when addressing UN agencies themselves. We further believe the recommendations of the Cardoso report should be revisited and revived. Many present arrangements for consultations between the UN and NGOs are informal but should be institutionalised. If evaluation of the One UN pilot offices which were launched at the beginning of 2007 is positive, a future Conservative Government should press for this partnership to be pursued at a country level through the One UN offices.¹¹

5. Expand the Office of the High Commissioner for Human Rights.

This was agreed at the 2005 Millennium Summit. Given the larger demands on this body – due to both a surge in violations globally and increased institutional connections to other UN organs – the presence of the OHCHR should grow substantially. Before succeeding Kofi Annan, Ban Ki-Moon made a speech to Council on Foreign Relations in New York stating:

"Different times and circumstances call for a different style of leadership. At this point the [United Nations] secretariat I believe is in need of hands-on guidance from

¹⁰ See further UN Department of Public Information at www.un.org/dpi/ngosection/cardoso.html

¹¹ The creation of the "One UN" pilots was recommended by the Secretary-General's High-Level Panel on UN System-wide Coherence. Following the launch of the Panel's Report, the Governments of eight countries - Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, Uruguay and Viet Nam - volunteered to become "One UN" pilots.

the secretary-general, who leads by example, who demonstrates leadership by example."¹²

Hands on management is exactly what the new Secretary General has to date sought to do. His activity around human rights has sought to focus on improving the mechanics of the secretariat, making two key appointments – a full-time Special Advisor for the Prevention of Genocide and Mass Atrocities, and another to operationalise the concept of Responsibility to Protect. These structural changes are welcome.

We welcome the appointment of two special advisors by the new Secretary General on human rights. A future Conservative Government should challenge member states to match an enhanced role for OHCHR with additional resources.

6. Operationalise the Responsibility to Protect (R2P) and the Peacebuilding Commission

This is what Ban Ki-Moon has said most recently on the concept of R2P:

“We must build consensus among Member States about how we can make this concept operational, when a population is threatened with genocide, ethnic cleansing, or crimes against humanity, and national authorities fail to take appropriate action.”¹³

Although the Secretary General is constrained in organising and deploying military forces, Ban can help shape and flesh out the guidelines for R2P. This is a theme developed by Thomas G. Weiss and Peter J. Hoffman in their paper, A Priority Agenda for the Next UN Secretary General. They state:

“In the wake of the “Global War on Terror” and especially the US invasion of Iraq, serious concerns have once again surfaced about “ humanitarian intervention” – indeed, some participants commented that in the last few years the rhetoric of human rights and humanitarianism has been used more to disguise power politics than to inspire universal enforcement. Consequently, the moment appears ripe for Ban Ki-Moon to clarify triggers, indicators, and a range of responses. Indeed, the unlikelihood of military enforcement in most cases requires thinking through the

¹² Restoring the Vitality of the United Nations, Ban Ki-Moon, Minister of Foreign Affairs and Trade, Republic Of Korea, and Candidate for the position of United Nations Secretary-General, May 31, 2006, Council on Foreign Relations, New York.

¹³ Op cit, 11 July 2007, London.

operational implications of non-military steps to foster R2P. The SG can also promote an understanding of R2P as part of the broader continuum of actions by the UN – specifically, that the world organization takes enforcement measures only when other solutions fail and that beyond the immediate military and humanitarian components of intervention, long-term assistance will be rendered to rebuild war-torn states. There also is room to foster R2P through such mechanisms as the Human Rights Council and the Peacebuilding Commission (PBC).¹⁴

The Peacebuilding Commission established by Kofi Annan was the first major outcome of the 2005 Millennium Summit, and to that extent it was symbolic. The PBC was the product of the High Level Panel report, the Secretary General's amended response in his statement *In Larger Freedom*, and then contentious negotiations over whether to house the PBC under the Security Council or General Assembly – the US favouring the Security Council where it held a veto, and the developing countries favouring the General Assembly (and the Economic and Social Council) where they have more influence. The outcome was the Security Council, which concentrates a huge amount of power in the hands of the Permanent Five – something which was recognised at the time, and highlights the importance of the P-5 not exercising their veto in cases of genocidal or large-scale human rights abuses.

The PBC is still in its infancy. However, if the concept of R2P is to be realised in part through the PBC, its focus must change. The High Level Panel proposed that the PBC should

“... identify countries which are under stress and risk sliding towards State collapse; to organise, in partnership with the national Government, proactive assistance to prevent that process from developing further.”¹⁵

This was rejected by Kofi Annan in his response, *In Larger Freedom*, and instead the PBC was conceived without such an early warning system. As the 2005 Millennium Summit Outcome Document, 20 September 2005 stated:

“The Commission should focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and support the development of integrated strategies in order to lay the foundation for sustainable development.”¹⁶

¹⁴ Thomas G. Weiss and Peter J. Hoffman: *A Priority Agenda for the Next UN Secretary General*, Friedrich Ebert Stiftung, 2006, New York.

¹⁵ Cited in UN Peacebuilding Commission, House of Commons Library, 30 December 2005.

¹⁶ See 2005 World Summit Outcome Document, 20 September 2005, A/60/L/1, paras 98-105, <http://daccessdds.un.org/doc/UNDOC/LTD/N05/511/30/PDF/N0551130.pdf?OpenElement>.

That is an unwelcome shift. It is absolutely vital that the PBC is involved in prevention and monitoring. This will allow for situations to be dealt with before they develop into crises.¹⁷ Prevention not only saves lives – it is also a far more efficient use of resources. The cost of rebuilding post-conflict is huge. Not only does the infrastructure have to be rebuilt but the society restored. In purely financial terms, the Carnegie Commission estimated that a force of 5,000 peacekeepers would have prevented the genocide in Rwanda. This would have cost US\$1.3 billion. The cost of rebuilding has so far been estimated at US\$4.5 billion.¹⁸

We believe a future Conservative Government should challenge the Secretary General to return to the original purpose of the PBC, and develop the dual role of prevention as well as reconstruction. R2P means more than conflict-resolution; it must also mean conflict prevention. Given that the funding for the PBC remains voluntary, refocusing the body will also be a more effective use of its resources, whereas at the moment the PBC is restricted to protecting the few, chronic situations, and not the many.

There is another opportunity for R2P. The Shadow Secretary of State for International Development, Andrew Mitchell MP, recently published a paper entitled “UN Peacekeeping and the Failure to Protect”.¹⁹

It makes four central recommendations, as follows:

- (i) The UK must insist that the Security Council approve peacekeeping with rules of engagement designed to protect citizens from grave harm. Because of continued instability or the outbreak of fresh violence, some UN missions will demand a more robust approach – action that more closely resembles peacemaking and even military intervention. Yet, as a recent UN report admitted, “few peacekeepers today have the authority to use all means necessary to protect civilians.”²⁰ This requires a fundamental review of the United Nations Department of Peacekeeping (DOPK) – UN peacekeeping missions cannot be prevented from intervening to stop ethnic or genocidal violence.
- (ii) The UK should challenge the UN member states to increase their support for the rapid and effective deployment of peacekeeping missions in the world’s most troubled regions. This again requires the DOPK to develop

¹⁷ See further ‘The Creation and Functioning of the UN Peacebuilding Commission’, *Saferworld*, November 2005.

¹⁸ Cited in John Bercow MP and Victoria Roberts, *Promote Freedom or Protect Oppressors: The Choice at the UN Review Summit*, The Foreign Policy Centre, September 2005.

¹⁹ Andrew Mitchell MP, “UN Peacekeeping and the Failure to Protect: A Contribution to the Debate on UN reform”, Conservative International Development Publications, 2007.

²⁰ *Ibid*, page 13.

plans for the rapid deployment of boots on the ground, which member states must then support.

- (iii) The UK must assist the enhancement of peacekeeping capabilities in regional organisations, beginning with the African Union. Under Chapter 8, Article 53, of the UN Charter, the Security Council has the authority to support the efforts of regional organisations committed to promoting international peace and security. It should use it. The crisis in Darfur has driven home the need for such an arrangement, and the UN must seriously consider the option of funding a Chapter 8 deployment.
- (iv) The UK must intensify the debate about expanding the objectives of NATO to include peacemaking and humanitarian intervention. The idea is to support UN or regional peacekeepers through NATO in order to prevent more human rights atrocities. Andrew Mitchell MP acknowledges that “this is a controversial proposal. NATO remains a regional organisation, whose members regard activity beyond Europe as the exception. Humanitarian intervention has rarely been a NATO objective... But these objections can be overcome, and Britain can take the lead.” Darfur again underlines the need – with NATO so far playing a limited role in Sudan, mostly airlifting and training troops. In 2005 the UN Security Council adopted Resolution 1591 prohibiting the use of military against civilians in the airspace over Darfur, but such a “no-fly” zone has never been enforced. With NATO, it should.

We believe that R2P must be operationalised, and the immediate opportunity to do that is a revision of the objectives of the UN’s Department of Peacekeeping Operations – this is timely given Ban Ki-moon’s decision to divide the department in two.²¹ For R2P to be truly operationalised, it will require further resources and the support of regional organisations, such as the African Union and NATO. It will also require more financial support from member states. We recognise the challenges of working with other bodies, but the aim is to increase effectiveness, not undermine the UN, and indeed the UN Charter explicitly recognises the UN can not do it alone. We also have concerns that UN agencies, together with NGOs and bilateral donors, maintain primacy for humanitarian intervention, but strongly believe successful humanitarian intervention and conflict resolution will be aided by improved security.

²¹ “Ban’s month of muddle”, Financial Times, 1 February 2007.

7. Avert P-5 Veto Threats for Humanitarian Responses

The divisions on the Security Council have been on tragic display since at least the early 1990s – as witnessed by the UN's failure on Rwanda. In 1999 China vetoed the UN's intervention in Kosovo, which at the time NATO was calling a humanising disaster. The Government of France has also called for the veto to be avoided in humanitarian situations.

A future Conservative Government should call on the Security Council to agree a set of principles which constitute a humanitarian situation and press other Permanent members of the Security Council not use their veto in a genuine humanitarian disaster.

Part Three: Making the UN Human Rights Council work



1. From Commission to Council: the triumph of weak reform

The United Nations Commission for Human Rights, which had been intended to be the leading UN mechanism for promoting and defending human rights, was widely perceived as an embarrassing failure for the UN system.

Described as a “feckless organisation that human rights abusers use to block criticism or action to promote human rights”, it suffered from three key weaknesses: Firstly, member states with poor human rights records could create a blocking majority on the Commission; members could not be expelled from the Commission; and members could not be subject to scrutiny of their own human rights record.

In his report to the General Assembly in 2005, former Secretary General, Kofi Annan, said the 53-member Commission on Human Rights had been undermined by “declining credibility and professionalism” due to the practice of autocratic states banding together to block scrutiny of their records.²² China regularly defeated efforts to even discuss its record. Libya – widely criticised for its poor human rights record – at one point chaired the Commission. In the spring of 2004, the Commission declined to take tough action against Sudan despite reports of abuses by government-sponsored forces in Darfur. Sudan

²² Cited in The UN Human Rights Council: First Impressions, House of Commons Library, 20 July 2006.

was elected to the Commission soon after that session.

The size and composition of the membership was one of the major failings of the former UN body and remains a key test of reform for its successor, the UN Human Rights Council.

In trying to tackle the problems created by the structure of the Commission, Kofi Annan proposed that the membership of the new Human Rights Council should be reduced from 53 countries (the United States suggested no more than 30 member states although Annan gave no specific figure) and that members would be elected by two-thirds majority, in other words by at least 96 General Assembly members. It was also proposed that Council members should be subject to a Universal Periodic Review of their own human rights records.

The aim of these reforms was to improve the effectiveness of the UN machinery for tackling human rights abuses. As Kofi Annan said,

“A Council will not overcome all the tensions that accompany our handling of human rights. A degree of tension is inherent in the issues. But the Council would allow for a more comprehensive and objective approach. And ultimately it would produce more effective assistance and protections, and that is the yardstick by which we should be measured.”²³

Far from being a fresh start, the new UN Human Rights Council continues to be beset by problems relating to the size and structure of its membership and, evidence from its early sessions, suggest that it is already aping some of the worst characteristics of its predecessor.

Instead of the substantial cut in membership envisaged by many human rights champions, the membership of the new Council was only reduced by five countries to 48 members. Low income countries which have some of the worst human rights records continue to enjoy a structural majority.²⁴ These include countries such as Algeria, China, Cuba, Pakistan, Saudi Arabia, Tunisia and Russia, who won seats in 2006²⁵. Indeed, members of the Non-Aligned Movement (NAM) held a majority of seats in the first year, and the Organisation of Islamic Conference (OIC) won 17 states, more than a third.²⁶ Countries are not subject to scrutiny of their rights before taking their seats on the Council and it remains unclear whether the Universal

²³ Ibid.

²⁴ Ibid.

²⁵ Brett Schaefer, *The United Nations Human Rights Council: A Disastrous First Year and Discouraging Signs for Reform*, Heritage Lectures, September 5, 2007, No.1042.

²⁶ Ibid.

Periodic Review will be undertaken during a country's membership term or afterwards when it will have less effect. Indeed, according to the Heritage Foundation, "the review for every country, whether it is Sweden or Sudan, is limited to three hours", and input from NGOs is minimal.²⁷

Moreover, as Geoffrey Robertson QC stated in the evidence he gave to the Conservative Party Human Rights Commission, one of the greatest flaws in the current membership structure is that the 48 states are not obliged to sign any human rights treaty, as a condition of election. Such a reform could lead to better scrutiny of the human rights performance of the Council members and would certainly increase the credibility of the Human Rights Council.

Furthermore, as with the predecessor UN Commission on Human Rights, it remains extremely difficult for members to be removed from the Council.

The Conservative Party Human Rights Commission supported the creation of a new UN Human Rights Council, with an enhanced status as a subsidiary body of the General Assembly, rather than the Economic and Social Council. But we fear that the failure of the international community to achieve more radical reform of the size and structure of the Council's membership will chronically undermine its work.

2. A politicised and unbalanced agenda

The Council is applying its scrutiny systems to fewer countries than it should. If the Council is to do anything, it has to bring a spotlight on abuses which the world would otherwise ignore. To provide the UN with a credible voice on human rights matters, the Council must show that it has the will and the means to pursue gross violations of basic rights wherever they occur. So far, the Council has provided little evidence that it intends to do so.

Although several international issues were covered at the Council's Fifth Session²⁸, the Occupied Territories and Palestine remain the overriding preoccupation – as it was under the former Commission for Human Rights which enjoyed a reputation for overt anti-Israel/pro-Arab bias. The Occupied Territories was the only permanent agenda item at the Fifth Session and it formed the basis for a special session of the Council both in the Fourth and Fifth sessions.

²⁷ Ibid.

²⁸ For example, it renewed a Covenant on Economic, Social and Cultural Rights for a further two years; it adopted an International Convention for the Protection of all Persons from Enforced or Involuntary Disappearances and the Declaration on the Rights of Indigenous Peoples; it adopted a Resolution on "the seriousness of the ongoing violations of human rights and international humanitarian law in Darfur" after a special meeting during its 4th session in 2007, and agreed to send a high level mission to the region.

Moreover, only the UN Special Rapporteurs which cover Israel will have an indefinitely extended tenure and only one resolution condemning human rights violations by any state anywhere in the world has so far been adopted – on Israel.²⁹ It is telling that the countries which supported the resolution to make the Occupied Territories a permanent agenda item mostly comprised those with poor human rights records³⁰. John Dugard, the Special Rapporteur on the Situation of Human Rights in the Occupied Palestinian Territory, said that it was “understood” that his mandate was “limited to investigate human rights violations by Israelis and not by Palestinians.”³¹

As Lord Hannay observed in evidence to the Conservative Party Human Rights Commission,

“Divisions along bloc lines may have been exacerbated by the slight trimming of the membership and disadvantaging of WEOG³². The Organization of the Islamic Conference is highly coordinated and wields increasing influence in relation to other blocs.”³³

The lack of a balanced and wide-ranging freedom agenda on the new Council is disappointing and provides further evidence that more reform is needed if the UN is to have a truly effective human rights body. It is not a question of Palestine or Burma – it is a case of thoroughly, and persistently, investigating human rights concerns wherever they occur.

The Conservative Party Human Rights Commission believes that the Council has failed to bring to the attention of the international community the worst human rights abuses. Eighteen of the nineteen states dubbed “the worst of the worst” by the monitoring group Freedom House are being ignored by the Council.³⁴ Furthermore, we share the concerns voiced by several NGOs regarding the

²⁹ See further Council for Foreign Relations at <http://www.cfr.org/publication/11139/>

³⁰ This concern over the composition of the Council is reinforced if the comments of Cuba, for example, are considered during the debate on the failure of the UN high level mission to enter Darfur. On 30 March 2007, the Cuban spokesperson reflected that “efforts should now be focussed on strengthening the capacity of the Human Rights Council to effectively act to involve all parties in the implementation of the mandate. This was the key to success and the only way to banish the “naming and shaming” that discredited the old Commission.” In other words, the Council should not act as a watchdog to shine a spotlight on human rights violations when they occur. See <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/4826AF1691C43372C12572AE00583E0B?opendocument>

³¹ Brett Schaefer, *The United Nations Human Rights Council: A Disastrous First Year and Discouraging Signs for Reform*, Heritage Lectures, September 5 2007, No. 1042

³² Western European and Others Group

³³ Lord Hannay of Chiswick, Chair, UNA-UK, Written submission to the Conservative Party Human Rights Commission, 22 May 2007

³⁴ Op cit, Council for Foreign Relations.

removal of Iran from the list of countries being monitored for human rights abuses.

3. Reforming the membership of the Human Rights Council

The problems of the UN Human Rights Council are a consequence of the size and composition of its membership. The last time a UK Government Minister addressed the Council was 13th March 2007, when the then Minister of State at the Foreign and Commonwealth Office, Ian McCartney MP, observed:

“This Council is rightly seeking to build its actions on the bedrock of cooperation. This is the surest foundation of better implementation of human rights strategies. We have unfortunately already seen how quickly understanding and dialogue breaks down when cooperation is denied. The issue here is clear: cooperation can only work if all members voluntarily recognise and cooperate with the Council’s mechanisms, no matter how they are created.”³⁵

Cooperation is not just required between the Council and the countries which it is attempting to scrutinise, such as in the case of Darfur where an inspection team from the Council was denied access by the Government of Sudan. It is also about cooperation between members of the Council itself. We agree with Peggy Hicks of Human Rights Watch who observes:

“Any intergovernmental process reflects, almost by definition, the strengths and weaknesses of the governments that are part of it. The new UN Human Rights Council which replaced the much-maligned UN Commission on Human Rights is no exception.”³⁶

It would be unfair to deny that the new electoral system to determine membership of the Council has had some successes.³⁷ The notion that regional votes would put pressure on countries with notably poor human rights records seeking election did,

³⁵ Speech by Rt. Hon. Ian McCartney MP, then Foreign and Commonwealth Minister with responsibility for human rights issues, to the UN Human Rights Council, 13 March 2007, Geneva.

³⁶ Op cit. See also Peggy Hicks, “Don’t write it off yet: UN Human Rights Council”, International Herald Tribune, 22 June 2007.

³⁷ The elections to the Human Rights Council were the first by a UN political body by absolute majority of the General Assembly, with each candidate needed to obtain at least 96 seats to secure a seat. Supporters of the Council would argue that although their existing human rights records were not an obstacle to membership, candidate countries each made pledges and commitments against which their performance can be judged. Many countries announced their candidacies well in advance of the election date. Four out of the five regions put up more candidates than seats per region, the exception being Africa. Overall 64 candidates competed for the 47 seats. Two run-offs were needed to fill seats in the Eastern European Region, which had the largest number of candidates competing for seats. Civil society groups were generally positive about the fact that the electoral process “broke new ground in introducing competition, human rights pledges and a small window of transparency in what was traditionally a closed process of vote-trading controlled by the regional bloc system.” See op cit, House of Commons Library.

to some extent, work – Sudan, for example, did not seek election in the first round in 2006; and, in May 2007, Belarus, which has a poor record of human rights abuses³⁸, failed in its bid to take a seat on the Council. But it is only by comparing these modest steps to the appalling record of the previous Commission that the new electoral arrangements look effective.

On the same day that Belarus was defeated, Egypt was elected after running for membership unopposed. Belarus has, however, benefited from being removed from the list of countries subject to special investigation by the Council – because China objected to the criteria for monitoring. Elected Council members include China (which received only two fewer votes than the United Kingdom); Cuba, Russia, Tunisia and Saudi Arabia. Given the role which China took on the previous Commission on Human Rights to prevent proper scrutiny of its own human rights record, it is understandable that human rights NGOs have expressed some concerns about the role China will play on the Council.

Regional elections are attractive in theory. But it is clearly unacceptable when twenty-one of the forty-seven states elected to the Council fail to embody the minimum characteristics to be ranked "free" by Freedom House – and that nine of the world's worst human rights abusers, under Freedom House's criteria, are members. Under the current arrangements, the balance of power on the Council is held by the Asian and African groups, where sixteen of the twenty-six members are not considered "free."³⁹

As the co-chairs of the US Congressional Task Force on UN reform, former House Speaker Newt Gingrich and Senator George Mitchell found that it would be tougher to remove a human rights violator from the Council than to vote one on. So far, no removals have taken place. To enable this to happen, the two-thirds majority vote in the General Assembly would have to be reduced to a simple majority vote.

The UK, as a member of the Council, must take the lead in advocating the reform of the organisation's membership. So far, this Government has not made this a priority and it is our hope that a future Conservative Government would choose to do so.

One option for improving the Council, originally proposed by the United States, would be to refuse membership to any Government that is subject to UN Resolutions. But, whilst we agree that no Government subject to UN Resolutions or sanctions

³⁸ See, for instance, Freedom House assessment <http://www.freedomhouse.org/template.cfm?page=22&country=7134&year=2007>

³⁹ Op cit, Council for Foreign Relations.

should be able to seek election to the Council, this would not actually change the current membership of the Council. To date, eleven countries face current UN sanctions, none of which are members of the Council.

A second option, put forward by Human Rights Watch, would be that prospective member states only qualify for election if their Governments have ratified core international human rights treaties – although some have suggested this would exclude the United States itself from membership of the Council.⁴⁰

A future Conservative Government should advocate the following options for strengthening the criteria for membership of the UN Human Rights Council – similar to the *acquis communautaire* for accession states to the EU:

(i) That the UN agrees a core list of international human rights treaties to be ratified by potential member states before seeking election to the Council.

(ii) That those Governments seeking to join the Council have their human rights records reviewed before qualifying for election. This could be undertaken by Rapporteurs appointed by the Council and the report could be submitted to an appropriate regional body, such as the African Union, to enable regional bodies to take further responsibility for human rights before the regional elections.

(iii) That Universal Periodic Review is undertaken during the first half of the term of office that a member state sits on the Council. The President's Text for the Council established a four-year periodicity for the review despite Resolution 60/251 stating that members of the Council must be reviewed during their term of membership, which is three years. This should also require permanent Rapporteurs for each member state; and if serious abuses occur during their term of office, this should lead to a special session of the Council with a vote amongst member states as to whether that country remains on the Council.

(iv) That the membership of the Council is reduced further. This can be achieved at the next set of regional elections in 2008 which also provide an opportunity to reduce the blocking majority exercised by regional groups.

These reforms may well make China's membership of HRC untenable, in which case it should be given 'observer' status.

⁴⁰ Ibid.

4. Fulfilling the Council's potential

Despite concerns over the composition of the Human Rights Council, its powers offer real potential to protect human rights if exercised appropriately. The General Assembly introduced three key changes within the new Council. These are the Universal Periodic Review; the regionalised voting procedure which could serve to discourage countries with poor records seeking election; the Enhanced Special Procedures⁴¹.

The Conservative Party Human Rights Commission welcomes these changes and believes they can be improved further.

We agree with Amnesty International and Human Rights Watch that with an appointment system, it is imperative that efforts for transparency are re-doubled. It is also essential that the Council ensures a central role in its work for the Special Procedures, including by acting on their reports and recommendations, by encouraging states to implement their recommendations, and by establishing effective mechanisms for monitoring the implementation of such recommendations.⁴²

5. The Europeanization of UK human rights policy

The Conservative Party Human Rights Commission is very concerned about the increasing 'Europeanization' of the UK's approach on the Human Rights Council. During the Fifth Session of the Council this year the UK allowed itself to be part of a counter-productive collective EU negotiating position. Furthermore, under the proposed Treaty, the EU collective position would take a greater lead on the Security Council.

The former UK Foreign Secretary, Margaret Beckett MP, said on 9 May 2006 that the UK would be:

"..committed to striving for the highest standards of human rights both at home and around the world. We are committed to fulfilling the detailed pledges we made as part of our election campaign to promote and protect human rights in the UK and globally. We will play the fullest part in making the new Human Rights Council a success."⁴³

⁴¹ These are a continuation of the work of the previous Commission on Human Rights.

⁴² See further Amnesty International, Written evidence submitted to the Conservative Party Human Rights Commission, June 2007.

⁴³ Op cit, Introduction.

The UK has not acted as the representative for the European Union member states at Council meetings – this included at the 5th session when the abolition of observers in all countries (except Israel) took place and in discussion on country situations in Somalia, Cuba, Belarus and Haiti. Under the EU Common Foreign and Security Policy, whichever member state holds the EU Presidency takes the lead on the Council – even when that country is not ordinarily a member of the Council. As we shall see, this approach is failing.

But despite this, the UK has still not sought an active role at Council sessions. By contrast, China took an active part on two of those country assessments in the 5th session, including Belarus – when it was decided to abolish the special Rapporteurs.

At the meeting on 18 June 2007, Canada sought to stop the abolition of the Rapporteurs, including for Belarus, Cuba, North Korea, Burma, Somalia, Sudan and Uzbekistan. But Canada was let down by the European Union countries. The EU countries threatened to pull out of the Council altogether if the abolition of twelve of the thirteen human rights envoys proceeded.⁴⁴ It also put down a number of other so called “red lines”, including developing-country proposals to raise the voting threshold for country resolutions from a simple majority to two-thirds, imposing strict curbs on investigations by the remaining human rights envoys with thematic mandates, and requiring the envoys, who are supposed to be independent, to be elected by the council rather than appointed by the chair.

Speaking at the Geneva meeting, the vice-chair of the European Parliament’s human rights committee said:

“If these changes were adopted the council would be significantly worse than the old Human Rights Commission. The Europeans would rather see the whole institution collapse than agree to an institution where the perpetrators of human rights abuses can walk away scot-free.”⁴⁵

As the Financial Times described the EU negotiating position at the time:

“An EU walk-out would in effect kill the Council”⁴⁶

Yet the only walk-out was the EU walking away from that negotiating position. The EU has been fairly successful in terms of the election of envoys, but has hardly

⁴⁴ “EU in rift with developing nations over human rights”, Financial Times, 15 June 2007.

⁴⁵ Ibid.

⁴⁶ Ibid. See also “A shadow of a human rights movement”, Washington Post, 25 June 2007.

improved the overall situation, as only one envoy remained – for Israel. It may have seen a success on mandate for the Special Procedures, but it capitulated on the two-third majority which sees an already built-in majority for the Africa, Asian and Middle East countries reinforced – the reason why the “walk-out” was first raised by the European Union.

At no point in the process was EU’s negotiating position effective. It took an initial position which would have threatened the future of the Council, and then compromised to the extent that few, if any, of the “red lines” were satisfactorily met.

Our concern is that the negotiating position of the EU could be strengthened further by the proposed Treaty on Institutional Reform. Under Article 9e of the Treaty, a new High Representative of the Union for Foreign Affairs and Security Policy would be appointed. In other words, the EU would have a foreign minister, who would chair foreign ministers’ meetings, have their own diplomatic service and will even, under some circumstances, speak for the UK Government at the UN Security Council. This has the potential to reduce the voice of the UK Government.

This concern is heightened by the appointment of Lord Malloch Brown as UK Minister for Africa, Asia and the United Nations. In his previous position as Deputy Secretary General, Malloch Brown expressed the view that the UN would benefit from a common EU negotiating position.⁴⁷ If serious reform is to be undertaken of the Human Rights Council, including the membership of the Council, then the voice of the UK must remain strong within the whole UN system.

The negotiating position adopted by the European Union was unrealistic and led to a further loss of faith in the Human Rights Council by the United States. It also had the effect of hardening the opposing position taken by the majority of developing countries on the Council. The EU’s counter-productive approach has increased the power of a minority of Council members with the poorest human rights records, instead of putting pressure on the United States to seek election to the Council.

The Conservative Party Human Rights Commission does not believe the interest of human rights would have been served by the collapse of the Human Rights Council. The EU position served the interests of the UK even less by capitulating on those “red lines” on which it threatened to pull out of the Council. This frustration is exacerbated by the relative silence of the current UK

⁴⁷ See for example, <http://edition.cnn.com/2005/BUSINESS/03/10/guru.mallochbrown/index.html>

Government during negotiations. The UK Government could have done more to back the position of Canada, and advocated that the EU take a more realistic approach to the negotiations. The result is a missed opportunity for reform. Furthermore, it is disappointing that the UK has not taken a lead within the EU member states on the Council which is further restricted under the EU Common Foreign and Security Policy. It is welcome that the UK has said it will seek election for another term in 2008 – but it must use its membership fully. The UK could, as a Permanent member, improve the relationship between the Human Rights Council and the Security Council. We believe a future Conservative Government should demonstrate its commitment to human rights by undertaking a more active role as an individual member, and as part of the EU member states.

Whilst the UK has failed to make its voice effectively heard on the Human Rights Council, there would be no benefit in reducing the voice of the UK in favour of the collective position of the EU. It is disappointing therefore that the Government Minister now responsible for the United Nations has expressed the view that a common EU position would be advantageous. Given the failure of the common EU position on negotiations so far on the Human Rights Council, we can see no advantage in increasing the EU's voice under the proposed Treaty through a High Representative on the Security Council.

6. Engaging the United States

The engagement of the US is crucial. Firstly, the Council depends on the financial assistance of the US Senate. Despite increasing calls for the Senate to cease funding the Council, the US remains responsible for about a quarter of the Council's budget⁴⁸. Secondly, membership of the US would add to the weight of the workings of the Council.

Although the US has raised objections regarding the current composition and although by becoming a member of the Council, the US would be subject to Universal Periodic Review of its own human rights record, the US has never rejected joining the Council on these grounds.

A timely reform of the Council would enable the new US President, who will be elected in 2008, to consider making the US a candidate for election to the Council by at least 2009.

⁴⁸ The US provided US\$4.5 million in initial funding for the Council. "UN Rights Council gets US support", Washington Post, 15 March 2006.

We believe the decision of the United States not to seek election to the Human Rights Council so far has sent an unfortunate message, and has allowed critics to portray the administration as disengaged from the human rights agenda.

We believe the role of the Council would be enhanced by the inclusion of the US, and a future Conservative Government is uniquely placed to help broker the inclusion of the US in future elections.

7. Democracy Caucus

Democratic nations within the UN system should improve ways of co-operating and co-ordinating initiatives on human rights. An officially-sanctioned Democracy Caucus should be created at the UN, supported by the UK and other democratic nations. As the Heritage Foundation proposed, such a group would “bring together countries that share common values on human rights, freedom of religion, equal rights, representative government ...”⁴⁹ Such a caucus would overcome the current problem whereby democratic nations which agree with the UK on human rights are constrained by regional loyalties and other pressures.

8. Expulsion and Suspension

In Chapter 2 of the UN Charter, it states clearly that:

“A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organisation by the General Assembly upon the recommendation of the Security Council”.

Many UN member states routinely violate the principles of the Charter when they systematically commit violations of human rights. While we would not advocate expulsion except in the most extreme and unusual circumstances, the threat of expulsion – or suspension – should be used as leverage more often than it currently is used.⁵⁰

9. Alternatives to the UN

While the Conservative Party Human Rights Commission would like to see significant reform of the mechanisms within the UN, we believe that alternatives to the UN

⁴⁹ Brett Schaefer and Steven Groves, *Preventing Repressive Regimes from Using the UN to Advance Their Interests*, Heritage Foundation Web Memo, May 4, 2007, No 1445.

⁵⁰ *Ibid.*

should be developed so that where the UN and its member states cannot or will not act, there are alternative means of addressing human rights at a multilateral level. This would fulfil two purposes – it would mean that there is an alternative which has international moral and political credibility, and in turn it would increase pressure on the UN to reform and improve its ability to protect, defend and promote human rights.

Indeed, in his evidence to the Conservative Party Human Rights Commission, Joseph Loconte pleaded for the greater need for competitive alternatives to the UN. He specifically referred to the need to create a US human rights commission similar to that of the UK Conservative Party Human Rights Commission. According to Loconte, an effective alternative to the UNHRC could be the formation of a coalition of democratic states that would fight together to uphold human rights around the world, ‘a democratic coalition of the willing’.

The Conservative Party Human Rights Commission believes that the UK Government should take any opportunity available to promote a reform of the UN which would make the UNHRC more accountable and render its work more efficient. However, in those areas where the UN fails to act, the UK Government should seek to form alliances with national Human Rights Commissions in order to enhance its ability to promote freedom and human rights globally. We believe a future Conservative Government should consider strengthening the Community of Democracies for this purpose.

Conclusion



The UK has a special role in encouraging reform at the United Nations. It has been a cornerstone of support for the UN throughout the last sixty years. London is where the General Assembly met for the first time. Westminster is where the first Secretary General, Trygve Lie, was installed – and he in turn replaced the acting Secretary-General, a distinguished UK diplomat. But the UK must now play a far stronger role in pressing for reform at the UN.

The Conservative Party Human Rights Commission believes in the values and principles which underpin the United Nations ideal. But if these values and principles were the key drivers of UN action then the UN would have a stronger track-record in tackling international human rights abuses.

One of the key foreign policy goals of the next Conservative Government therefore must be to help build momentum within the international community, both among Member States and NGOs, for a set of reforms which will better equip the UN to investigate, challenge and punish the world's worst human rights violators.