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Wise Council

By Kofi A. Annan

In just seven weeks time, on May 9, the U.N. will elect its first Human Rights Council. That moment can, and must, mark a new beginning for all the U.N.'s human-rights work. One hundred and seventy nations, including all of America's NATO allies, voted last Wednesday for the resolution creating this new Council. Belarus, Iran and Venezuela abstained. Sadly, the U.S. voted against, joined only by Israel, the Marshall Islands and Palau.

John Bolton, the U.S. ambassador, explained his vote in a constructive speech, pledging that, despite its disappointment with the text, his country "will work cooperatively with other member states to make the Council as strong and effective as it can be." That is very encouraging. Ever since Eleanor Roosevelt helped to draft the Universal Declaration of Human Rights in 1948, the U.S. has been a leading champion of human rights at the U.N. I hope and believe it will remain so.

Why were some Americans disappointed with the text? Essentially because they fear that in the new Council, as in the Commission that it replaces, some notorious human-rights abusers will win seats and shield themselves from scrutiny. That concern is shared by many other states, which -- like the U.S. -- would have preferred that Council members be elected by a two-thirds majority of the General Assembly. I had myself suggested this when I first proposed the Council a year ago. But in exchange for dropping it the president of the assembly, Sweden's Jan Eliasson, was able to persuade the assembly to include other provisions, which will make it more difficult for gross human-rights violators to sit on the Council.

First, Council members must be elected, "directly and individually by secret ballot by the majority of the members of the General Assembly." This means that nations will not get on the Council, as they did on the Commission, simply because there is no rival candidate from their own region. There will be a separate vote on each candidate, and any state that does not win an absolute majority of all U.N. members (not just those present and voting) will not get in. Its region will have to put up another candidate instead.

Second, Council members are required to "uphold the highest standards in the promotion and protection of human rights," and to submit their own human-rights record to the Council's scrutiny during their term of membership. Already some governments have produced manifestoes, pledging specific improvements in their human-rights performance, in the hope of winning election. This was unheard of under the old system. And third, the General Assembly will have the power to suspend Council members that

do commit gross and systematic violations during their term. It had no such power over the old Commission.

Taken together, these provisions should make it very hard for a notorious violator to win election, and should deter the worst offenders even from running. How effective they are depends, of course, on how seriously the U.N. membership takes them. Already a large number of states have pledged not to vote for candidates that are under Security Council sanctions for human rights-related reasons. If all governments that really care about human rights take a similar attitude, and use their powers of diplomacy to persuade others to do likewise, the membership of the new Council will be significantly different from that of the Commission.

And that will not be the only difference. Being chosen by the entire U.N. membership, the Council will have greater authority than the Commission, which was elected indirectly. It will also be faster on its feet. Unlike the Commission, the Council will meet regularly throughout the year, and can respond more promptly to human-rights crises by holding special sessions at short notice. (The Commission had only one six-week session each year, while its procedure for calling special sessions was much slower.)

Equally important, instead of singling out some countries for attack while ignoring human-rights violations in others, the Council will regularly review the human-rights record of all countries -- starting, as mentioned above, with its own members. It is required to "be guided by the principles of universality, impartiality, objectivity and non-selectivity," while eliminating "double standards and politicization." And whereas the Commission was entirely reactive, the Council is mandated to contribute to preventing human-rights violations.

Some had feared that the General Assembly would use the change to strip away some of the more valuable aspects of the U.N. human-rights system, such as the use of independent experts as special rapporteurs, or the important role of non-governmental organizations. But these are explicitly continued.

In short, there is every reason to hope that the new Council will combine the best features of the old system with some much-needed changes. All those who want it to fulfill this promise now have seven weeks to make it happen. Let no one who cares about human rights remain on the sidelines of this struggle.

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