

Review - Failing to Protect: The UN and the Politicisation of Human Rights

Written by Shazalina Z. Abidin

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SHAZELINA Z. ABIDIN, AUG 21 2014

Failing to Protect: The UN and the Politicisation of Human Rights

By: Rosa Freedman,

London: Hurst & Co, 2014

Rosa Freedman's latest book, about the failure of the UN machinery in the area of the protection of human rights, is an amazingly easy read, given that it is presented in a creative non-fiction tone, but with enough references to raise it to the level of the academic. Her accounts of the victims of human rights violations, told in vivid detail from their own words, tugs at the heartstring of the reader and give the book an emotional depth that many other books on the subject lack.

Ms. Freedman sets out the aims of her book in her 'Author's Note', saying that the "aim of this work is to explain why the UN fails to protect human rights". She certainly does this in methodical detail in the subsequent chapters, unfurling the many charges against the UN human rights machinery, and interspersing those with the few success stories the UN has enjoyed. The first three chapters of the book introduce the lay reader to the United Nations and international human rights law; the ensuing nine chapters deal with the problems faced by activists within the international machinery, as well as how some of these problems are handled – but not necessarily overcome. If there is a major shortcoming of this book, it is that it is entirely too short, for Ms. Freedman's easy journalistic style of writing would have made reading even a more lengthy volume a pleasure.

It is heart-wrenching to imagine the victims who flock to the UNOG (UN Office in Geneva) to have their stories heard, with their outstretched hands begging for "attention, for someone to care, to do something to change the world", only to have "people simply walk – or drive – on by" (p.12). And as the reader continues on the journey of the written word with Ms. Freedman, one cannot help but wonder why the world puts up with such a defunct system as that of the United Nations, or why states oblige their representatives, in the form of diplomats, to attend those meetings if they are simply going to ignore the clamour of a people in need.

Those of us who have spent weeks on end at the UN, and particularly at its office in Geneva, know that it is not indifference that prompts diplomats to stare stonily ahead as protestors shout their demands; not callousness in the way no tears are shed as individual stories of violation after violation unfold; not heartlessness that the diplomat displays when he concentrates only on the official reports and nothing else. They have a term for it, and it is called self-preservation.

Like the lawyer who must keep his own emotions in check so that he may be level-headed enough to think through the best way to obtain justice, so too does the human rights diplomat have to 'shut down' in order to negotiate and achieve the best results. In the world of multilateral reality, sentiment and outrage have no place at the drafting table. That is a luxury afforded to the human rights activists, who can afford to let their feelings rule.

Sentiment aside, Rosa Freedman has offered the world a book which "will provide a spark that will ignite" (author's note). Chapter Four, for example, is a well-argued piece about those who uphold cultural relativity, and those who

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promote universalism in human rights. The allusion to states who use capacity-building and the need for technical assistance in order to wriggle their way out of culpability is further developed in Chapter Seven, where Ms. Freedman singles out a few countries for mention. What is not mentioned, however, is the opportunity cost for states in deciding whether to pursue a rigorous human rights enforcement agenda, or a developmental agenda to ensure that those same individuals may have a life to live.

And lest we are under the impression that the naming-and-shaming game is confined only to developing countries, in Chapter Eight, the developed countries of the West are also given the same treatment, when the rights of migrants are discussed. Chapter Nine discusses the Great Powers (in this case, Russia, China, and the United States), and in particular how they use their power and influence to block criticisms and resolutions of their shortcomings. In the three years that I attended the Commission on Human Rights, my reports were littered with references to *Animal Farm*. So it was with no small amount of satisfaction to see Ms. Freedman also make the Orwellian connection (in that all states are equal, but some are more equal than others) in referring to the Human Rights, and the UN Security Council in particular.

In Chapter Five, Ms. Freedman tackles two contentious human rights subjects – the Lesbian, Gay, Bisexual, and Transgender (LGBT) issue, as well as female genital mutilation (FGM). It is perhaps consternating to have a whole bloc walk out in protest of a subject, as the Organisation of Islamic Cooperation (OIC) did when the LGBT panel was convened on March 7, 2012. But it is far from uncommon, given the UN's mandate to respect the freedom of expression and opinion. The European Union did the same, and on a regular basis, whenever President Ahmadinejad of Iran addressed the UN General Assembly.

The sympathy expressed for Israel being the subject of intense and disproportionate human rights scrutiny is a right which no one would deny the author, though I would point out that the issue is on the UN agenda precisely because there is broad-based support for keeping it as an international focus. It would be difficult to escape the conclusion that the UN is a highly politicised entity, however, particularly when one considers that it is an “international organisation that is state-led and state-run” (p.13). Even the death of the Commission on Human Rights – though it is not covered in detail in this book – was in part because of the political tussle between a great power and a ‘rogue’ state. In 2001, the United States lost its seat on the Commission that its former first lady helped found, while Libya not only won a seat but became Chair of the Commission in 2003, thereby sealing the fate of the Commission for disbandment only two years later.

It is perhaps a tribute to the meticulousness and powers of observation of the author that the book contains little by way of factual mistakes. Only in page 61, where China is referred to as a leader of the Non-Aligned Movement (NAM), that there is a discernible oversight in the research. China is not part of the NAM, much less *de facto* or *de jure* leader. Page 21 should be updated since, from 2012, the Asia Group in the UN has been renamed the ‘Asia and Pacific Group’, thanks to a tireless campaign led by the small island state of Fiji. Legal experts would point out that the author’s description of ‘state sovereignty’ in page 5, as a “grandiose term” to mean that “all states are equal”, is actually a mistaken reference to the UN Charter. Article 2 of the Charter emphasises the principle of ‘sovereign equality’, not ‘state sovereignty’, and it is principle of sovereign equality that places all states equal to each other.

The various cases of mass human rights violations cited in this book show the breadth and depth of the author’s knowledge. The fact that she has taken the time to emphasise each case with a single accounting brings the reader that much closer to humanising the case, as opposed to seeing it in a detached way. The book has certainly fulfilled its aim of starting “a conversation amongst the wider public” (p. xi) by allowing the layperson to question many aspects of the international human rights machinery. Unfortunately, it falls short of providing options of “how the UN can be reformed to ensure that it is able effectively to undertake its duties” (p. xi), which was a secondary aim of this book. Those who seek to do a crash course in human rights activism 101, or to understand why the UN human rights machinery is the darling of every liberal institutionalist naysayer, would do well to pick up this book.

Every international relations practitioner knows full well how politicised the United Nations is, or can be, but this does nothing to detract the UN from being a beacon of hope for the many millions of people around the world. As for the delegations that are scathingly referred to in this book, sometimes it is good for diplomats to be reminded of their own

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humanity. But if they, too, take to the rafters to vent their anger and passion at the injustice of it all, then what would the activists be for?

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