

Foreword

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Successful institutional reforms are few and far between. The creation of the Human Rights Council in 2006 is one of them. Its success rests in part in that it happened at all: in contrast, repeated efforts to reform the Security Council have been unsuccessful. True, neither the stakes nor the obstacles were as high in the case of the call for reform of the preceding Commission on Human Rights as they were with regard to the Security Council. However, the political environment was similar as human rights touch on sensitive issues, and divisions run deep.

In fact, the successful reform of the UN human rights institution might be in part attributable to the failure of the concurrent attempts to reform the Security Council: this became the face-saving consolation prize. Indeed the impetus for reform came late, the timetable was short, and consensus, although hard won, came relatively rapidly.

Be that as it may, and in contrast to reforms that are purely cosmetic, the Human Rights Council responded head on to the main complaint raised against its predecessor: selectivity and double standards. In an environment where claims were increasingly made that the Human Rights Commission was instrumentalized to target some countries and turn a blind eye to the delinquencies of others, it was not obvious from the outset what re-structuring of the institution could address these claims. If they had any validity, was it not more as a result of a power play than of an institutional fault line?

A concept emerged that proved useful, although not clearly articulated at the outset. Thinking in purely institutional terms, the focus was, as it had always been in the case of Security Council reform, on the composition of the Commission. I, for one, explored the idea that selectiv-

ity could be overcome by universality, and that therefore universal membership might be the way forward.

This got very little traction. In contrast, others argued for a more restrictive membership, suggesting that the Commission should shrink from its then 53 members to something closer to the Security Council 15. The idea of course would be that the most deserving would serve.

Like others, I was weary of any move towards a human rights body composed of a club of the virtuous, particularly since virtue was in short supply in many quarters, and would be hard to recognise in others even by those who claim some in themselves.

And this was a farther step away from the fundamental concept of universality, central to many aspects of human rights doctrine. So settlement was reached on a slightly reduced size of the Council, to 47, and this I believe was largely cosmetic. However, the principle of universality inspired the idea of universal scrutiny of human rights compliance, and the Universal Periodic Review was born.

Institutionally, and at least theoretically, this was a most appropriate answer to the claims of selectivity and probably also to the complaint of double standards: all countries, beginning with the elected members of the Council themselves, would be subject to a regular examination of their performance as human rights duty bearers, in a transparent peer review-like mechanism.

Since then, the Council has sought to be responsive to challenges old and new, and has had to navigate often stormy political waters.

This book, which comprehensively accounts for the many and complex working parts of the Human Rights Council, helps us understand whether we are collectively well served, as rights-holders, by our international institutions. It is a reflection well worth having.