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United States Human Rights Policy in International Organizations

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UNITED STATES HUMAN RIGHTS POLICY IN INTERNATIONAL ORGANIZATIONS

DAVID WEISSBRODT*

I was privileged to serve as a public member of the United States delegation to the United Nations Commission on Human Rights which met February 1 to March 12, 1993. I can speak about my experience on that delegation, but it is very difficult to extrapolate from my six weeks of work in Geneva to a broad sense of the Clinton Administration policy.

I left for Geneva only ten days after President Clinton was inaugurated. At that time the Assistant Secretary for International Organizations and the Assistant Secretary for Democracy, Human Rights, and Labor had not been designated.

The Clinton Administration chose Richard Schifter and Kenneth Blackwell to lead its delegation to the Commission. Both had served as chief delegates to the Commission in the Reagan-Bush era. The choice of Schifter and Blackwell may reflect two important themes of the early Clinton policies: The first theme is continuity. There was no abrupt change of United States policy. That perception may well apply in regard to other aspects of this Administration's policy in regard to the work of intergovernmental organizations.

Second, the Clinton Administration's choices reflected a preference for proven expertise together with a commitment to diversity. The Schifter and Blackwell team had far more experience at the United Nations Commission than any previous delegation. Schifter is a European-American Democrat from Maryland. Blackwell is an African-American Republican from Ohio.

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The most important policy development at the United Nations Commission on Human Rights in 1993 was a new focus on the need for on-site protection of human rights.

In Cambodia, El Salvador, Haiti, Iraq, Somalia, South Africa, the former Yugoslavia, and elsewhere, United Nations personnel have been working to protect the rights of individuals and change the course of events so that institutions can be established to protect human rights. They are working under very adverse circumstances. There are difficult problems of government resistance, overt and covert; their roles are confused and ambiguous; coordination of many United Nations bodies is often lacking; logistical problems inhibit their work. The overall results of their work is not yet capable of assessment. Nonetheless, the Commission recognized the potential importance of on-site United Nations presence to deal with emergencies.

To what extent is the United States Government to be credited for this new development? The United States has a very great influence on what is done by Secretary-General Boutros-Ghali, the Security Council, and all United Nations organizations. The United States cannot get its way in all matters. It is sometimes out-voted, but its influence is always felt and if it has an intense desire for a particular objective, its objective usually succeeds. Indeed, if you hear an appeal for the United Nations to do something or a criticism of Boutros-Ghali for failing to do something, you might be wise to realize that the United Nations does what governments—particularly powerful governments—want it to do.

For example, in concrete terms, at the 1993 Commission the United States was the chief architect of initiatives for a United Nations presence in Iraq, Somalia, and former Yugoslavia. The United States has been the principal sponsor of the U.N./OAS presence in Haiti. Australia and Japan have had the most to say about the new United Nations human rights presence which will be established after the election in Cambodia.

There were many other developments at the 1993 Commission session. The Commission took some action on a larger number of country situations—thirty-three—than ever before. In 1992, the Commission criticized twenty-four countries for their human rights violations. For the first time the Commission was able to criticize violations by several African governments. The commission failed, however, to adopt a resolution on the continuing detention of many hundreds of political prisoners in China, but the resolution received

the support of all the industrial democracies and sent a message to the Chinese government.

The third major development at the 1993 Commission related to three new thematic procedures. Prior to this year the Commission had over a twelve-year period slowly developed eight thematic procedures to prevent arbitrary detention (1991), arbitrary executions (1982), sale of children (1990), disappearances (1980), the internal displacement of persons (1992), abuses by mercenaries (1987), religious intolerance (1986), and torture (1984). In regard to most of these eight themes, the Commission has authorized a Special Rapporteur or a Working Group to receive complaints from individuals, to make direct appeals to governments, to visit countries, and ultimately to seek an end to specific violations. Their prompt action and capacity to act in regard to all countries—regardless of whether the country has ratified a specific treaty—make the thematic procedures one of the most effective human rights techniques in the United Nations system—helping to save lives, to stop torture, to find disappeared people, and otherwise to protect individuals. The rapporteurs and working groups provide comprehensive reports each year to the Commission.

At a single session, that is, 1993, the Commission established three new thematic procedures and significantly extended the mandate of a fourth procedure. The Commission authorized a new special rapporteur on racism and xenophobia, which may well focus upon problems in the United States and Western Europe. The Commission also established a new working group of fifteen persons on the right to development and a new special rapporteur on freedom of opinion and expression. In March 1993 the Commission also broadened the mandate of the Commission's Special Representative on internally displaced persons and extended his term for two years—thus essentially converting his work from a study to a thematic procedure.

Let me turn briefly to two other aspects of United States policy in regard to intergovernmental organizations.

The United States ratified the International Covenant on Civil and Political Rights, effective September 8, 1992. The first United States report on its compliance with the Covenant will be due September 7, 1993. Unfortunately, the State Department has not allocated sufficient resources and personnel to preparing the report. The issuance of the United States report and its consideration by the Human Rights Committee should draw new attention to the important, painstaking work of the Committee in dealing primarily with structural and long-term problems. That experience may, in turn, demonstrate the

usefulness of United States ratification of other human rights treaties on torture; racial discrimination; discrimination against women; economic, social and cultural rights.

Much attention is being devoted at the moment to the World Conference on Human Rights which is scheduled later this month in Vienna. Among other issues, the United States will probably focus its energy on getting the United Nations to pay more attention to the human rights of women. I know several people here will be going to Vienna and they may have more to say about the World conference. Indeed, I could say more about United States participation in the United Nations Commission on the Status of Women, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNESCO, the ILO, and other issues. But I think it is more important to leave time for questions and discussion.

NOTES AND COMMENTS

