

The “Arab Spring” at the United Nations: Between Hope and Despair

I. From “mutually ensured impunity” to selective accountability

No other year in recent history, if ever, has witnessed such a high degree of attention and action by the United Nations (UN) to promote and protect human rights and democracy within the Arab region. Paradoxically, at no other time in recent history has the political limitations and double-standards associated with the promotion and protection of human rights within the Arab region been so forcefully and clearly demonstrated by governments from around the world.

The protest movements and revolutions that have swept through the Arab region have altered the political paradigm that contextualizes international efforts to promote and protect human rights within the region. However, these movements have not fundamentally altered the deeply entrenched political considerations of the most influential actors. Unsurprisingly, countries and political bodies such as Saudi Arabia, the Gulf Cooperation Council (GCC), the United States (US), Russia, China, the League of Arab States (Arab League), member states of the European Union (EU), and other governments, have often proven unwilling or unable to adopt consistent and principled policies to support current democratic movements and protect the human rights of citizens within the Arab region.

The tacit or open approval of the Gulf Cooperation Council, led by Saudi Arabia, has clearly emerged as a prime fulcrum on which Western (US and EU) and wider international action to protect human rights and provide support for democratic movements within the region, hinges on. The support of the Arab League as a political body has also been critical to ensuring UN action. In the case of both Syria and Libya, the situations in the Arab region which the UN has reacted most strongly to, GCC member states have played a pivotal role ensuring Arab League support for international action – at times using procedurally questionable methods that have not always enjoyed majority support within the body to attain a desired “institutional” position.

Without GCC or Arab League approval, the international community has taken little or no action, virtually giving Saudi Arabia and the GCC veto power over almost any substantive international or multilateral response designed to promote and protect human rights and democratic movements within the Arab world, especially in the Arabian Peninsula. In turn, the government of Saudi Arabia and the GCC have used this decisive role in international human rights and humanitarian policy formation to pursue its regional ambitions to undermine the perceived influence of Iran, often conceived by Saudi Arabia and Gulf leaders in terms of religious sectarianism, while also attempting to insulate and shield the Arabian Peninsula from democratic transformation.¹

In this regard, the support and acceptance of Saudi Arabia and GCC countries for international action concerning the situations in Gaddafi’s Libya and Bashar al-Assad’s Syria, the former a traditional regional rival and the latter a close ally of Iran, resulted in Western countries taking decisive action to create UN initiatives designed to protect civilians against grave violations of human rights and humanitarian law, and/or hold these governments accountable for such violations. In contrast, the insistence of Saudi Arabia and the GCC for international impunity to be afforded to the leaders and governments of Yemen and Bahrain, despite similar widespread, violent repression of protest movements being carried out by these governments, has greatly contributed to the lack of political will among Western states to lead or help to formulate any similar initiatives concerning these countries. Instead, the situations in Yemen, and especially Bahrain, have met with a great deal of international silence, and a total lack of substantive protection for pro-democracy protestors and human rights activists by the UN.

¹ The importance that some Gulf countries have attached to ensuring influence over international human rights processes is demonstrated to some degree by the current membership of the HRC. Currently five Arab states are members of the Human Rights Council, and three of these are from the Gulf (Saudi Arabia, Qatar, Kuwait, Libya, Jordan).

Long standing political alliances and relationships forged within the years of the Cold-War and the perceived interests of outside states have also proven decisive, and explain to some degree the Western deference to Saudi Arabia and Gulf leaders on regional democracy promotion and human rights protection issues. It also largely explains why Russia, China, and even countries that have a history of struggle for democratic change, such as Brazil, India, and South Africa, have proven unwilling or hesitant to support action by the UN Security Council to ensure international accountability for attacks against civilians by the Syrian government. Russia, China, Algeria, and Egypt have also opposed efforts at the UN Human Rights Council (HRC) to investigate grave rights violations, including potential crimes against humanity, committed by the Syrian government in the context of ongoing protests in the country.

Throughout 2011, within United Nations human rights forums and international mechanisms, the model of in-group solidarity among members of the League of Arab States to collectively shield themselves from international human rights criticism and punitive action for human rights abuses has largely given way to division.² This “mutually ensured impunity” has instead been replaced by a selective and highly politicized willingness among some Arab League members to allow for, and even support, international efforts designed to protect civilians against human rights violations and to appear to promote democratic movements when deemed politically expedient. Moreover, the willingness of Arab governments to allow for and promote selective-accountability has to some degree been motivated by fear of provoking a large scale uprising within their own countries or further eroding their regional legitimacy among Arab citizens if they appear openly hostile to any and all democratic movements.

In this sense, citizens throughout the Arab region who have taken to the streets have succeeded in profoundly challenging and partially undermining the long maintained status quo of unconditional regional and international cooperation with, and impunity for, brutal Arab dictators, while also forcing non-democratic governments within the region to more strongly adopt the language and methods of democratic reform and human rights. The decision by the King of Saudi Arabia at the end of September to allow women to partake and vote in elections, even if such elections are largely symbolic, appears to be just such an example. The long-term effects of these changes

² For a more detailed analysis on how members of the League of Arab States have acted as a group to shield one another and themselves from international accountability for human rights abuses at the United Nations, see “Ensuring Mutual Impunity: The United Nations Human Rights System and Arab State Involvement,” Part 2, Chapter 1 in the 2010 Annual Report of the Cairo Institute for Human Rights Studies, at www.cihrs.org.

on regional and international political dynamics and concurrent possibilities for international and regional efforts to promote and protect human rights in the Arab region is still not clear, and will primarily depend on the ability of protest movements within the region to transform their demands into acceptance by their governments of human rights accountability mechanisms and standards. It will also depend, in part, on translating these demands into a new political approach to the region by governments around the world.

As has been demonstrated over the last year, national struggles for democratic and human rights reform within the Arab region are inextricably linked to and influenced by the response of the international community to governmental repression of such movements. To maintain their grip on power, most governments in the Arab region, including Bahrain, Egypt, Syria and Yemen, have often relied on a combination of domestic repression and international support (diplomatic, financial, military, etc.) more than the political will of the majority of their citizens. The ruling structures of these governments have been uniquely organized around, and are particularly dependent on, this combination of domestic repression and international support.

Over the last year, in relation to Bahrain, Egypt, Syria and Yemen, United Nations *political* institutions have largely failed to provide concrete protection for democratic and human rights movements, and various states within these institutions have actively blocked the creation of punitive consequences for the brutal repression of such movements. This, in turn, has greatly contributed to the ability of these governments to reject the democratic aspirations of large sections of their population and instead respond with brutality and repression. As a result, the largely peaceful struggles for democratic reform in these four countries have recently begun, or may soon lead to, internal conflict and instability. Despite these developments, widespread national movements for democratic reform continue.

In this context, the creation of an international political will to end impunity for human rights violations by governments within the Arab region, especially those undergoing large pro-democracy movements, has taken on added importance. Reliance on internal repression and international support as a formula to ensure stability and the maintenance of the status quo increasingly appears to no longer be a viable long-term strategy for Arab governments, or for governments around the world with deep interests in the region. As noted by the Ambassador of Pakistan, speaking on behalf of the Organization of Islamic Cooperation (OIC) during a special session on Libya convened at the UN Human Rights Council in February of this year: "A new

dawn has come. The rules of the game have changed. Those who do not embrace it will be swept away.”

Yet, despite this growing realization, in most instances the international community still remains unable or unwilling to adequately address human rights violations within the Arab region. In fact, the international political will to address repression of pro-democracy movements and rights violations in the Arab region appears to have reached a plateau and may be on the decline. A return to blanket international impunity for Arab dictators, as was the case in previous years, threatens once again to become the norm. In more concrete terms, positive and unprecedented action by the UN Human Rights Council and other UN bodies during the first part of 2011 to address human rights violations in a variety of countries, including Belarus, Cote d’Ivoire, Iran, Libya, Syria, Tunisia and Yemen,³ has begun to dissipate, resulting, for example, in the weakening of several country specific initiatives at the 18th Session of the HRC (September, 2011), including on Sudan and Yemen (see relevant sections below).

As Arab regional solidarity for international “impunity” has begun to fall away, it has revealed, in exceptionally stark terms, the refusal of major “power broker” states to allow for principled and consistent human rights promotion and protection in the region. These observations confirm what many have concluded over the past year: the protest movements in the Arab region not only have a national apparatus of repression and authoritarianism to overcome, but must grapple with global actors that too often favor tyrannical leaders over the popular will of the people they rule, and have demonstrated a willingness to provide international support and impunity to dictators they view as allies, even when these dictators choose to maintain their power through unimaginable brutality. One of the victories of the protest movements in the Arab region has been its success in laying bare this underlying and profound challenge facing regional human rights promotion and protection. It is now imperative for international human rights civil society actors to seize on the unprecedented clarity of these double-standards and prioritize efforts to combat them.

The following chapter gives an overview of the response by, and relationship between, the United Nations, its member states and various human rights mechanisms, to the on-going pro-democracy and protest

³ See *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*, Human Rights Watch, at <http://www.hrw.org/sites/default/files/reports/hrc0911ForWeb.pdf>. This report provides an overview and mapping of the behavior of most member states of the HRC from 2010-2011.

movements that have risen throughout the Arab region over the last year, and enumerates the main developments that the analysis above was born out of (Section II). Also, several ongoing threats to the international United Nations human rights system that Arab states (Arab Group) and members of the Organization of Islamic Cooperation (OIC) have either supported or initiated, and which have been discussed in chapters dealing with the United Nations in previous editions of this Annual Report, are examined (Section III). Moreover, the ongoing developments on the issue of Palestine and Israel are described, including the Palestinian bid for UN membership and the Goldstone process (Section IV). Finally, this chapter concludes with a brief summary of the challenges and opportunities facing the promotion and protection of human rights at the United Nations in relation to the Arab region.⁴

II. The United Nations and the “Arab Spring”: An Overview

1. Country Specific Developments and Behavior:

A. *Tunisia:*

The large scale pro-democracy protests that continue to occur throughout the Arab region began in Tunisia in December 2010. The UN and international community largely failed to respond in a timely and collective manner to the large-scale protests and subsequent government attacks against protestors. A variety of factors contributed to this failure, including the sudden and unexpected nature of the situation. However, a lack of political will among governments, and determined efforts by the Arab League in previous years to ensure international impunity for authoritarian governments throughout the region, were also significant factors.

Within the UN framework, only independent human rights experts, Special Rapporteurs in the Special Procedures branch of the Human Rights Council (HRC), and officials of the Office of the High Commissioner for Human Rights (OHCHR), provided a pro-active response and relatively timely condemnation of violent attacks against Tunisian protestors. On 12 January, after the deaths of 21 protestors the previous weekend, the High Commissioner for Human Rights (High Commissioner), Madam Navanethem Pillay, issued a press release addressing attacks against

⁴ For a more detailed overview of human rights issues within UN mechanisms during 2011 see, *Human Rights Monitor Quarterly*, Issue 1,2, 3, 4 (2011), International Service for Human Rights (ISHR), at <http://www.ishr.ch/publications>

protestors in the Arab region, the first of many to be released in 2011. In what would become a tragically common refrain of the OHCHR to governments in the Arab region throughout the year, the High Commissioner:

“...urged the government...to ensure that its security forces cease using excessive force against demonstrators and to launch transparent and credible investigations into the deaths that have taken place during recent protests... Pillay also expressed concern about reports of widespread arrests, including of human rights defenders and bloggers advocating fundamental human rights principles such as freedom of expression, as well as reports of torture and ill-treatment of detainees in Tunisia.”⁵

Two days later a joint press release by a group of Special Rapporteurs entitled “*Words must become reality, excessive use of force must end,*” made a similar demand of the government of Tunisia.⁶ *Numerous press releases, statements, and strong engagement by the OHCHR and Special Procedures, has played a critical role in focusing attention on, and strengthening the demands of protestors in the Arab region throughout 2011.* These responses by independent UN rights experts to government attacks and repression toward the pro-democracy movement in Tunisia, Egypt and elsewhere, greatly aided in ensuring that some UN member states approached these situations, at least to some degree, within a legalistic human rights paradigm, and not simply as political phenomena. In so doing, they demonstrated just how important a role that independent rights experts at the UN, free from strong governmental interference, can play to ensure the centrality of human rights within international affairs.

The member states of the HRC did take a positive step to ensure attention for the situation in Tunisia during its 16th Session (March, 2011), but only well after the transition in the country was underway, and after ensuring the acquiescence of the Tunisian interim government. On 24 March the HRC passed a resolution put forward by the EU on “*Cooperation between Tunisia and the Office of the United Nations High Commissioner for Human Rights.*” The resolution was congratulatory and shallow in substance. Nonetheless, *it was the first instance of an Arab government supporting a resolution specifically addressing the situation in their own country at the HRC, and the first time a resolution addressing a North African state had been passed by the HRC. As such, it set an important precedent, and*

⁵ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10628&LangID=E>

⁶ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10635&LangID=E>

*testified to the cooperative approach the Tunisia government was adopting toward the international human rights system.*⁷

On 19 January, five days after the departure of former President Ben Ali, the High Commissioner took the bold step of announcing a bi-lateral agreement with the “national unity” government of Tunisia to send a human rights assessment team to Tunisia to gather information and help formulate human rights recommendations for its transitional phase. This mission took place one week later from 26 January – 2 February, 2011. Its assessment confirmed “*Human rights were at the root of the Tunisian people’s calls for freedom, dignity and social justice and for an epoch marked by respect for human rights and freedom from fear and want.*”⁸ One of the assessment mission’s recommendations was for the Transitional Government of Tunisia to “*Enhance... cooperation with the UN human rights system, including collaboration with OHCHR; issue an open invitation to Special Rapporteurs; and ratify and review reservations of human rights treaties.*” This is a key indicator for judging the political will and commitment of a government to enact genuine human rights and democratic reforms.

It is a positive sign that the government of Tunisia has greatly increased its cooperation with international human rights mechanisms, and its legal commitment to human rights standards over the last year, in a manner that exceeds the original recommendations of the OHCHR. On 10 February, the Ministry of Foreign Affairs wrote to the High Commissioner with a request for the opening of an OHCHR office in Tunisia. In this letter, the Ministry conveyed the “*determination of the Transitional Government, whose essential task is to organize free, democratic and transparent elections, to place human rights at the centre of its daily action and its future programs.*” The office was opened in July 2011, becoming the first OHCHR office in North Africa. Throughout the year the OHCHR has provided expert assistance and advice in Tunisia for several reforms including on the National Human Rights Institution, transitional justice and security sector reform.⁹ Moreover, on 1 March, at the request of the interim Tunisian government, the United Nations deployed a high-level electoral needs assessment mission to Tunisia, and subsequently put in place a program within the country that assisted with “measures to support the electoral management body and to help to promote inclusive participation in the

⁷ At <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/122/62/PDF/G1112262.pdf?OpenElement>

⁸ At http://www.unic-eg.org/files/UN%20reports/OHCHR_Assessment_Mission_to_Tunisia.pdf

⁹ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11239&LangID=E>

electoral process on the part of women and civil society groups in particular.”¹⁰

The Tunisian government also ratified several international human rights treaties in June 2011, including the Optional Protocol to the Convention against Torture (which authorizes the UN Subcommittee on the Prevention of Torture to visit places of detention and examine the treatment of individuals held there); the First Optional Protocols to the International Covenant on Civil and Political Rights (which enables the examination of individual complaints); the Convention on Enforced Disappearances; and the Rome Statute of the International Criminal Court. The Tunisian government has recently issued a standing invitation to all Special Procedure mandate holders. However, despite the issuing of this open invitation, and potentially due to the recent elections and extensive internal reform occurring within the country, no Special Rapporteurs visited Tunisia during 2011. During 2012 it is hoped that visits to Tunisia by the Special Rapporteurs on *the Independence of Judges and Lawyers, Human Rights Defenders, Freedom of Expression, and Freedom of Association and Assembly* (many of which have longstanding requests to visit the country) will begin to be facilitated by the new government.

In contrast to the pro-active commitment of the interim government of Tunisia to strengthen its cooperation with and commitment to the international human rights system, the behavior and policies of Tunisia at the UN towards human rights violations in the context of pro-democracy protests in other Arab countries has been relatively weak. Concerning the situations in Bahrain, Egypt, Libya, Syria and Yemen, the Tunisian UN delegations in New York and Geneva have been passive for the most part. Tunisian diplomats appear to have adopted a “wait and see” approach to human rights violations in these countries, an approach that is neither obstructionist nor pro-active. Significantly, Tunisia did not co-sponsor the resolution or sign-on to support any of the three HRC Special Sessions on Syria that occurred in April, August, and December of 2011. While Tunisia is not a member state of the HRC, observer states have the ability to co-sponsor resolutions and sign onto requests for *Special Sessions* in order to build consensus and lend political support. Libya, Jordan, Saudi Arabia, Qatar and Kuwait have all co-sponsored and supported one or more Syrian HRC Special Sessions. It is important moving forward that Tunisian policies within the UN begin to more strongly reflect the aspirations and principles that the Tunisian revolution was inspired by, especially in relation to struggles for democracy within other Arab countries.

¹⁰ At http://www.un.org/ga/search/view_doc.asp?symbol=A/66/314

B. Egypt:

Egypt's behavior within the UN human rights system has traditionally been characterized by obstructionism of positive rights initiatives and the pursuance of policies that undermine this system.¹¹ In contrast to Tunisia, *the negative behavior of the government of Egypt towards the United Nations human rights system does not appear to have changed significantly over the last year, a reflection of an apparent lack of political will on the national level to enact substantial human rights reforms.*

Shortly after former President Mubarak was ousted on 11 February 2011 due to large pro-democracy protests, it briefly appeared that Egypt may follow the path of Tunisia and begin a more constructive and cooperative relationship with UN rights mechanisms. On multiple occasions, Egypt pledged to ratify several international instruments (including the Rome statute, the Convention against Enforced Disappearances and the Optional Protocols to the Convention against Torture, the Convention on the Elimination of Discrimination against Women, the International Covenant on Political and Civil Rights, and the International Covenant on Economic, Social and Cultural Rights), to consider issuing an open invitation to Special Procedures (Special Rapporteurs), and to allow for the opening of a regional OHCHR office for North Africa in Cairo. To date, none of these actions have been carried out. In addition to not issuing a standing invitation to the Special Procedure mandate holders (independent human rights experts) of the HRC, visits and the acceptance of visits by mandate holders to Egypt have stalled after witnessing an upswing in 2009-2010. Only the Special Rapporteur on the Occupied Palestinian Territories was allowed to visit Egypt in 2011. Moreover, in September, it was leaked that a decision had been made within Egypt's interim government not to allow the planned OHCHR regional office to open in Cairo. After a large amount of pressure on this issue began to be directed toward the Egyptian government, members of the Egyptian Foreign Ministry assured many that the office would indeed be allowed to open. However, no definitive affirmation of the willingness to allow the OHCHR to open an office has been expressed by the current ruling Supreme Council of Armed Forces (SCAF), further putting into question the government's intentions.

As on the national level, Egypt's behavior at the UN reflects a desire to co-opt the language of the protest movement that toppled Mubarak, but without taking sufficient concrete steps or changing its behavior in order to further the revolution's reformist goals. Thus, Ambassador Hisham Badr,

¹¹ See the chapters dealing with the United Nations in the 2008, 2009 and 2010 Annual Reports of the Cairo Institute for Human Rights Studies, at www.cihrs.org.

Representative of the Permanent Mission of Egypt to the United Nations Office at Geneva, has repeatedly used UN human rights forums to make grandiose statements of intent. For example, at Egypt's review before the UN Committee on the Rights of the Child in June 2011, Mr. Badr stated that "the Egyptian revolution had demanded dignity, human rights, freedom, social justice, and youth empowerment and that going forward the new Government would base its policies on these ideals." However, when the Egyptian delegation was repeatedly questioned by the Committee on the use of violence against children¹² by Egyptian security forces during protests, which had reportedly lead to the death of children, and what appears to be a policy of detaining and questioning children in military prisons for their participation in pro-democracy activities, the Egyptian delegation did not attempt to engage on the substance of the questions or make commitments for reform, simply stating that as of January 2011, there were no children detained in military prisons, and that they had no data on the number of children detained under martial law.¹³

Unfortunately, promises of cooperation with the UN and vague statements of positive intent concerning national human rights reform, combined with threats of retaliatory diplomatic consequences by the Egyptian government, succeeded in ensuring that UN member states, Special Procedure experts, and the OHCHR, largely ignored or marginalized the increasing, at times unprecedented, human rights violations perpetrated by the Egyptian military and interim military authorities throughout 2011. Due to Egypt's long-standing influential diplomatic engagement within the UN, attempts by non-governmental organizations (NGOs) to ensure proper consideration by the HRC and its member states of rights violations committed by the Egyptian government, including during the height of national protests in January and February, were unable to garner the required political will to ensure collective condemnation or action. The US and EU, and many states from other regions, have consistently demonstrated a refusal to confront Egypt concerning these violations within any UN rights mechanisms. At the September session of the HRC, the EU, after a long silence on these abuses, finally mentioned their concern on rights violations in Egypt within a statement, but did not attempt to lead any action on the issue at the HRC. As a result of this lack of political will, large scale rights violations against protestors and the pro-democracy movement in Egypt has not been dealt with by any UN political body, including the HRC; a glaring

¹² In general, under international law "a child means every human being below the age of eighteen years." At <http://www2.ohchr.org/english/law/crc.htm>

¹³ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11120&LangID=E>

failure that has likely contributed to the escalation of such violations in Egypt over the last year.

The OHCHR and Special Procedures also appear to have marginalized the worsening human rights situation in Egypt for most of 2011. After taking strong action to bring important attention to attacks against Egyptian protestors in January and February, these mechanisms fell largely silent on rights abuses occurring in the country. At the beginning of February, the Egyptian government, facing increasing calls for a Special Session on Egypt at the HRC, agreed to a human rights assessment mission to Egypt by the OHCHR. This mission took place from 27 March – 4 April. The mission’s general results were announced by the OHCHR on the 5 April. For more than six months after this date, neither the OHCHR nor Special Procedures addressed the worsening rights situation in Egypt. On 10 October, the OHCHR included a section on Egypt in a “briefing note” on several countries in response to what has become known as the “Maspero Massacre.” The killing of 27 protestors and injuring of hundreds, mostly Coptic Christians, by what appears to have been a coordinated use of deadly force by Egyptian security forces, including incitement to violence against protestors on national television stations, garnered only seven sentences at the end of the OHCHR briefing, and no condemnation or identification of the role the government played in carrying out these attacks.¹⁴ Unprecedented repression of human rights civil society and the use of military trials against civilians were belatedly addressed by the OHCHR in mid-November. Only after mass protests and widespread use of excessive force against protestors again occurred at the end of November did the OHCHR and Special Procedures begin to once again seriously address the situation in Egypt. *Given the severity of rights violations that threaten a genuine transition to democracy, and the lack of political will among UN member states to focus on Egypt, it is important that both the OHCHR and Special Procedures demonstrate a consistent commitment to monitor and forcefully bring attention to negative rights developments in the country.*

Throughout 2011, Egyptian government representatives within the UN human rights system demonstrated a continued hostility towards initiatives designed to strengthen UN rights mechanisms and address particular instances of serious rights violations. During the review of the HRC that concluded at the beginning 2011, Egypt played a leading role in defeating proposals designed to strengthen the ability of the HRC to more effectively carry out its mandate to respond to situations of human rights violations

¹⁴ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11481&LangID=E>

throughout the world, prompting NGOs on 7 February, at the 2nd Session of the Working Group on the HRC Review, to single out the destructive role of the Egyptian delegation in a joint statement.¹⁵ In March, at the 16th Session of the HRC, Egypt was the only member of the OIC that actively attempted to undermine a historic and important compromise on the annual resolution put forward by the OIC on “Defamation of Religions”— a compromise that ensured protection of religious minorities against discrimination while also safeguarding international standards of freedom of expression.¹⁶ During the past year, Egypt has supported initiatives that weaken international human rights standards¹⁷, has maintained its opposition to any country-specific focus on rights violations, has supported attacks against the independence of the OHCHR, and has opposed efforts at the UN Economic and Social Council (ECOSOC) in July to overturn decisions made at the UN NGO Committee that unfairly denied ECOSOC status to independent NGOs, undermining their ability to engage with the UN. More specifically, along with Algeria, Egypt has attempted to obstruct the UN General Assembly (GA) and HRC from dealing with wide-spread rights violations against protestors in Syria. In October, Egypt circulated a letter on behalf of the Non-aligned Movement (NAM) at the GA recalling their opposition to country-specific resolutions and calling on all NAM members to vote against a draft resolution condemning rights violations in Syria. However, during November, both at the UN General Assembly and HRC, Egypt began to support resolutions in both bodies to condemn attacks against civilians by the Syrian government. Egypt has also obstructed UN initiatives designed to ensure rights protections for “peaceful protestors.” *The behavior outlined above is a continuation of Egypt’s long-standing hostility towards the majority of strong rights initiatives, as well as independent human rights actors at the UN, and confirms previous analysis that the SCAF does not currently intend to pursue genuine human rights reforms within either the national or international policies of Egypt.*

¹⁵ “When the Egyptian Ambassador spoke this morning to reject all proposals put forward to improve the Councils’ actions in situations of violations, the only image that came to mind was the image of the Egyptian people rising up against the rhetoric of a State that’s disconnected from its people...We call on all States to reject a vision of the review that undermines any attempt to improve the Council’s response to real situations of human rights violations.” Available at www.cihrs.org

¹⁶ See Section III of this report for more on the *Defamation of Religions* and the importance of this compromise at the UN.

¹⁷ See Section III of this report.

C. Libya:

UN action to hold Muammar Gaddafi and his government accountable for violence against civilians, and protect Libyans against attacks by government forces was unprecedented in both its speed and decisiveness. While legitimate concerns persist concerning the intentions of some states in supporting military intervention, and the legality of particular methods used during military operations lead by NATO forces, there is little doubt that tens of thousands of Libyan citizens were spared from being bombed, killed, tortured, imprisoned and otherwise brutalized by the Gaddafi government for their participation in, or support of, protests in the country.

The UN response to events in Libya began at the HRC. On February 25, 2011 the HRC convened a Special Session on Libya, the first time a member state of the HRC had been the subject of such a session. During the session the Libyan delegation took the floor to declare that the Libyan delegation was on the side of the people. The resulting resolution condemned the widespread and systematic rights violations committed in the country, including potential crimes against humanity. Taking advantage of a clause within the HRC's institutional text that many thought would never be used; the resolution of the Special Session also requested the General Assembly to consider suspending Libya's membership at the HRC. The Council also established a Commission of Inquiry (COI) to investigate all alleged violations of international human rights law, to identify those responsible for such crimes and recommend accountability measures to be taken. This COI reported to the HRC at its 17th Session (June, 2011). Its report concluded that evidence suggested crimes against humanity had been carried out by Gaddafi's government. At the same session the HRC renewed the COI's mandate for another 6 months. The COI reported to the HRC again at its 18th Session (September, 2011), and will present its final report at the 19th Session of the HRC (March, 2012).

The day following the HRC Special Session on Libya, the Security Council, in a rare show of unity, unanimously passed a resolution referring the situation in Libya to the International Criminal Court (ICC) and enacting sanctions against Gaddafi's government, including an arms embargo. On 1 March, in an unprecedented move, the GA passed a resolution suspending Libya's membership at the HRC. The resolution was introduced by Lebanon and adopted by consensus. On 17 March, the Security Council, prompted by a decision by the Arab League in support of a no-fly zone in Libya and a text put forward at the Council by Lebanon on behalf of the Arab League, passed a resolution authorizing UN "Member States... acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures... to protect civilians and

civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory.”¹⁸ The resolution passed with 10 in favor and none against. However – foreshadowing political divisions that have hampered Security Council action to ensure accountability for similar crimes committed against Syrian protestors – Brazil, China, India, and Russia all abstained from the vote, as did Germany. Significantly, the resolution specifically used language invoking the “responsibility to protect,” the most explicit use to date of this nascent doctrine in international law by the Security Council to justify humanitarian intervention.

The call by the Arab League for a no fly zone to be imposed by the Security Council, announced on 12 March, and which proved critical to ensuring action, was presented as an organizational decision, yet the primary pressure and process behind this decision was lead by the Arab League member states of the Gulf Cooperation Council (GCC), including Oman and Qatar.¹⁹ As early as the 7 March, the GCC had called for the Security Council to “take all necessary measures to protect Libyan civilians.”²⁰ Moreover, Qatar and the United Arab Emirates (UAE) were the only Arab governments that contributed military hardware and personnel for active engagement in the military operation lead by NATO. *In this context, GCC support for forceful UN action at the Security Council and in other UN bodies appears to have been the decisive factor ensuring the required international consensus for the UN to act on the situation in Libya. Without the support of the GCC, and in turn the Arab League, such a consensus among key UN member states is likely never to have arisen.*

Also important in ensuring international support to hold Gaddafi’s government accountable, was the large amount of defections of Libyan UN representatives and diplomats who actively called for the ICC to be triggered and humanitarian intervention approved by the Security Council. Due to the fact that Libya has only recently emerged from internal armed conflict and begun the transitional process of establishing a new government, and its reinstatement as a member of the HRC activated in November, it is too early to judge whether or not the struggle for democracy and dignity on the national level will be reflected in a more cooperative and constructive engagement with the UN human rights system. It is hoped the transitional

¹⁸ At <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm#Resolution>

¹⁹ See *Arab states seek Libyan no fly-zone*, at <http://www.aljazeera.com/news/africa/2011/03/201131218852687848.html>

²⁰ See *GCC backs no-fly zone to protect civilians in Libya: Calls on UN to take all necessary measures to save lives*, at <http://gulfnnews.com/news/gulf/uae/government/gcc-backs-no-fly-zone-to-protect-civilians-in-libya-1.773448>

government of Libya will make clear commitments to cooperate with the OHCHR and other UN human rights mechanisms, ratify any human rights treaties and Optional Protocols that it is not a party to, including the Rome Statute, issue a standing invitation to the HRC Special Procedures, and allow for any pending visits by Special Rapporteurs to the country.

There are positive signs that Libya may adopt a more principled and proactive approach to human rights promotion within the UN. Libya was one of the first states to accept the holding of a Special Session on Syria at the beginning of December. The Libyan delegate, speaking before the HRC, made a passionate and moving speech during the Session:

“As the representative of a country that has recently gone through terrible events... we see before us the same scenes playing out today in Syria... the Council is called upon to take a courageous stand in accordance with its mandate... The Syrian people deserve respect and dignity... we urge you all to listen to your conscience – to put aside political and other interests ...the Syrian people look to us, the world looks to us today – waiting for a resolution that will be rise to the level of the situation and help stop the massacres perpetrated against the Syrian people.”

In the months and years to come, an important test for the government of Libya to upholding the principles that animated the Libyan revolution will depend on how consistently the government acts to uphold human rights, including in countries where its emerging political allies may object.

D. Syria:

The UN, in particular the HRC, OHCHR and Special Procedures, has taken strong action to address the grave and wide-spread human rights violations carried out by the Syrian government against the pro-democracy movement and protestors in the country. Yet, due to strong opposition by Russia and China, the UN Security Council has been incapable of taking action to hold Syria accountable for these human rights violations.

From January – May, despite the violent crack-down that began in the country against protestors in mid-March, the government of Syria continued its bid at the GA to be elected as a member state of the HRC. Syria had been nominated on a closed slate to be elected as a member of the HRC by the Asian Group in January of 2011. Not until 10 May, after a severe escalation of killings against protestors and a strong international campaign against its candidacy by states and civil society, did Syria finally withdraw from the elections. The withdrawal was prompted when Kuwait, reversing an earlier decision to only put its candidacy forward if Syria voluntarily withdrew from

the race, decided to run for a seat on the HRC in competition with Syria. The decision by Kuwait, and pressure by Arab states like Egypt and others on Syria for it to drop out of the race, was the first signs that Arab group solidarity for Syria had begun to diminish at the UN. Kuwait was elected as a member state of the HRC on 20 May.

The HRC has held three Special Sessions on Syria throughout 2011, an unprecedented amount to address a single country in one year. The first Syrian Special Session occurred on the 29 April. The United States was the primary initiator of this Special Session. A resolution adopted at the Session requested that the High Commissioner dispatch a fact-finding mission to Syria to investigate all alleged violations of human rights law and report on the situation of human rights in the country to the Council during its eighteenth session (September, 2011). The advance version of the report of the fact-finding mission was released on 18 August. The Fact Finding mission found a pattern of widespread and systematic human rights violations by Syrian security and military forces, including murder, enforced disappearances, torture, deprivation of liberty, and persecution, and determined that the scale and nature of these acts may amount to crimes against humanity.

The same day that the report was released, the High Commissioner briefed the members of the Security Council on the key findings of the report and encouraged them to consider referring the situation in Syria to the International Criminal Court (ICC). Due to opposition by Russia and China, both permanent members of the Security Council, and a lack of support by Brazil, India and Lebanon, non-permanent members of the Security Council, the body did not refer the situation to the ICC or take any measure to hold the Syrian government accountable. The Security Council had previously released a statement on the 3 August condemning the violence in Syria and calling on the government to ensure a halt to such violence. However, as a statement and not a resolution, it was non-binding and did not refer to the possibility of ICC referral or sanctions.

On the 22 August, four days after the release of the Fact Finding mission's report, the HRC held its second Special Session on Syria. This time the Session was initiated by Germany. The resolution of this session set up a Commission of Inquiry (COI) to investigate human rights violations, including potential crimes against humanity. The COI was asked to report its findings back to the HRC by the end of November. On 19 September, the Fact Finding mission formally reported to the HRC during its 18th Session.

On 4 October, the UN Security Council failed to adopt draft resolution S/2011/612 which would have required the Syrian authorities, *inter alia*, to cease all violations of human rights and the use of force against civilians. The Security Council failed to do so because of vetoes by the Russian Federation and China. Brazil, India, Lebanon and South Africa abstained from the vote. On the 22 November, the Third Committee of the General Assembly passed a resolution condemning human rights violations in Syria. The resolution passed overwhelmingly, 122 to 13, with 41 abstentions. Britain, France, and Germany drafted the resolution, and the majority of Arab nations voted in favor with none, except Syria, voting against.

The COI on Syria released its report on the 23 November. The COI confirmed the findings of the previous Fact Finding mission, concluding that crimes against humanity appear to have been carried out by Syrian security and military forces. The HRC convened a third Special Session on Syria 2 December, initiated by EU states. The resultant resolution established a Special Rapporteur on Syria within the Special Procedures of the HRC. The Special Rapporteur will be established after the COI's mandate expires, and is "to report to the Human Rights Council and the General Assembly within twelve months of the establishment of the mandate, and to present oral updates to the Council during the interim period under agenda item 4."²¹ The COI's last report will be presented to the HRC at its 19th Session (March, 2012). Despite the findings of both the Fact Finding Mission and COI, that crimes against humanity appear to have been committed in Syria, and a statement by the Committee Against Torture issued on the 25 November in which they express alarm that "massive human rights violations take place in a context of total and absolute impunity"²², the third Special Session on Syria failed to urge the Security Council to refer the situation to the ICC, and instead only stressed "the importance of ensuring accountability and the need to end impunity and to hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity." This timely reference to the ICC was impossible due not only to resistance by Russia and China, but because the United States appears to have adopted a policy of rejecting any reference to the ICC in HRC resolutions. This is likely due to fears within the US government of the HRC potentially making similar requests of the Security Council concerning war crimes or crimes against humanity committed by Israel or the United States in the future.

²¹ At http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/18/A-HRC-RES-S-18-1_en.pdf

²² At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11646&LangID=E>

Syria has refused to cooperate with or allow either the Fact Finding Mission or the COI to enter its territory. From the 20 to 25 August Syria did allow a UN humanitarian mission into the country. The delegation led by Director of OCHA Geneva, Rashid Khalikov, was comprised of representatives from key UN agencies within Syria and the objective was to independently assess the overall humanitarian situation. The mission concluded that there was no country-wide humanitarian crisis or any immediate need for large-scale provision of relief at the time, but noted that humanitarian needs are gradually increasing and there is an urgent need to protect civilians.

While UN action on Syria has been strong at the HRC, both the Security Council and UNESCO (UN Educational, Scientific and Cultural Organization) have greatly failed to fulfill their responsibilities to ensure the Syrian government is held to account for the grave rights violations committed in the country. In a surprising development, the Executive Board of UNESCO, on 11 November 2011, elected the Syrian Arab Republic to two committees dealing with human rights: the Committee on Conventions and Recommendations, which examines communications relating to the exercise of human rights, and the Committee on International Non-Governmental Organizations, which is charged with overseeing the work of civil society and human rights groups.

As mentioned above, the Security Council has been unable to pass any resolution on Syria due to opposition by Russia and China. These two countries have also opposed all three Special Sessions on Syria at the HRC. *Given the continued opposition of Russia and China to any condemnatory or punitive action against the Syrian government for its human rights violations, it is unlikely that the UN/Security Council will be able to refer the situation to the ICC or enact sanctions against the Syrian government in the foreseeable future. There is, however, a growing consensus among states within the UN that some form of action by the Security Council is required to ensure the violence ends, as evidenced by the vote on Syria at the GA, and the growing number of states who have proactively supported action at the UN on the situation in the country.*

The League of Arab States has radically changed its position toward Syria throughout the course of 2011. At the beginning of this year the Arab group backed Syria in its bid to become a member state of the HRC. By November of this year the Arab League was leading international efforts to ensure strong action to combat human rights violations in the country. In November, the Arab League enacted sanctions against Syria for the ongoing

crackdown in the country, the first international body to do so. *As in the case of Libya, GCC members (Qatar, UAE, Saudi Arabia, Kuwait, Bahrain) have been the prime actors within the Arab League ensuring strong action by the body concerning Syria, sometimes through procedurally questionable means. Also, as in the case of Libya, Arab League support of the various initiatives at the UN concerning Syria, including all Special Sessions and resolutions emanating from the HRC, has been pivotal to ensuring action has taken place.* In every case the states who have organized these Sessions, and the content of the resultant resolutions, have only moved forward after having received approval from the “Arab League,” and in particular the GCC group. However, it is obvious that support by the Arab League, GCC, and other powerful actors such as the US and EU is not sufficient in itself to ensure action by the Security Council. It is hoped that Security Council member states such as Russia and China, as well as non-permanent members like Brazil, India, Lebanon and South Africa, will soon begin to heed the warning of the High Commissioner on 14 October:

“The onus is on all members of the international community to take protective action in a collective and decisive manner, before the continual ruthless repression and killings drive the country into a full-blown civil war...At stake are the universal rights to life, liberty and security of person which must never be brushed aside in the interests of realpolitik. The international community must speak with one voice and act to protect the Syrian people.”²³

E. Yemen and Bahrain:

Throughout the last year, *the HRC, GA and Security Council have all failed to adequately address the grave and wide-spread human rights violations committed by the governments of Yemen and Bahrain in response to pro-democracy protests. The primary reasons for this failure have been (1) opposition by GCC member states to any UN initiative designed to address the situations in Bahrain and Yemen unless voluntarily agreed to by the governments in question, and (2) diplomatic support to uphold this GCC preference by the United States and, to a lesser degree, the EU.*

The wide-spread human rights violations in Bahrain during and after pro-democracy protests in the country have met with no formal or collective response by UN member states. The only response has been statements of concern at rights violations in the country by some member states of the

²³ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11493&LangID=E>

HRC during its regular sessions. Only the OHCHR and Special Procedures have strongly addressed rights violations in Bahrain throughout the year. The government of Bahrain, however, has been unwilling to cooperate with the OHCHR or Special Procedures system. An OHCHR request to visit the country and assess the situation has been agreed to by the government of Bahrain, but has not been allowed to occur.²⁴ Likewise, requests to visit the country by various Special Procedure mandate holders have been ignored by the government. The Special Rapporteur on Torture is currently attempting to ensure a visit to Bahrain in early 2012, and has attained the agreement of Bahrain for this visit “in principle.” It remains to be seen if the mission will be allowed to take place. The decision of the King of Bahrain on 29 June 2011 to establish a national commission of Inquiry, the Bahrain International Commission of Inquiry (BICI), to investigate human rights violations in the context of protests was prompted to some degree by growing calls by civil society for an international investigation into these violations by the UN, and an end to the impunity afforded Bahrain at the UN for such violations. While national investigations are a welcome development, the BICI, established by royal decree, has struggled for legitimacy because of the weaknesses inherent in its method of establishment.²⁵

In April of 2011, the government of Switzerland attempted to gather support for a HRC Special Session on the protection of human rights in the context of protests throughout the Arab region, which would have allowed for the Council to deal with the events in the Arab region in a non-selective manner, and which would have included discussion on Bahrain and Yemen. While Switzerland “did not show the resolve necessary to publicly test the will of Western, African, and Arab allies by moving forward with the initiative,”²⁶ the initiative was also greatly undermined by the US, which moved aggressively to ensure a Special Session to address Syria alone (the first Special Session on Syria of 2011) in place of a regional session. *While the precise motives of the US are not clear, the forceful efforts of the US to ensure a selective approach over a regional approach to repression of pro-democracy protests has opened it up to strong accusations, both by civil society organizations and government delegations at the UN, of actively*

²⁴ The UN High Commissioner for Human Rights was eventually allowed to visit Bahrain from 13-17 December, 2011, but was not permitted to perform investigations into reported human rights violations.

²⁵ See *Royal Fact Finding Commission: Five Fatal Breaches of the Standards of the UN High Commissioner for Human Rights*, at <http://bahrainmirror.net/ip.org/article.php?id=2286&cid=71>

²⁶ See *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*, Human Rights Watch, at <http://www.hrw.org/sites/default/files/reports/hrc0911ForWeb.pdf>, page 64.

attempting to undermine any action by the HRC to address situations in “allied” countries within the Arabian Peninsula. In turn, these perceived double-standards have weakened the ability of the US and EU to ensure strong action by the Security Council on Syria.

Accusations against the US of taking pro-active steps to shield GCC member states from any scrutiny for human rights violations at the UN have only grown stronger due to the manner in which the US has dealt with the situation in Yemen at the HRC. In close consultation with the US, Yemen agreed to allow for a “procedural decision” to be adopted at the 17th Session of the HRC (June, 2011) which allowed the OHCHR to report and hold an interactive dialogue at the 18th Session of the HRC (September) to discuss the findings of an assessment mission by the OHCHR that Yemen had agreed to accept. The OHCHR mission took place from 28 June to 6 July. The mission’s report, submitted to the 18th Session of the HRC, concluded that “given the lack of confidence in the judiciary to conduct impartial investigations into human rights abuses related to the peaceful protest movement [in Yemen] there is a need for international, independent and impartial investigations to take place.” As such the OHCHR recommended that the international community “ensure that international independent and impartial investigations are conducted into incidents which resulted in heavy loss of life and injuries.”²⁷

Despite this clear recommendation by the OHCHR, and a grave deterioration of the human rights situation in Yemen during the course of the 18th session itself, the resolution put forward by Yemen in response to the report in no way established an international investigation into violations. Instead it “Notes the announcement of the Government of Yemen that it will launch transparent and independent investigations,” and “Requests the Office of the High Commissioner to present a progress report on the situation of human rights in Yemen and the follow-up on the present resolution to the Human Rights Council at its nineteenth session.”²⁸ The resolution put forward by Yemen was drafted and submitted in close cooperation, and with the approval of, the US and the Arab group. Calls by civil society for the US to withdraw from the process and work with delegations to ensure an international investigation, as recommended by the OHCHR, were ignored.

²⁷ At <http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf>

²⁸ At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/163/67/PDF/G1116367.pdf?OpenElement>

II. Other relevant thematic and country specific developments:

A. Sudan:

UN action on Sudan was greatly weakened during 2011. Only weeks after a UN report found evidence that crimes against humanity had been committed in the South Kordofan area of Sudan, a long standing human rights mandate on the country was “downgraded” during the 18th session of the HRC. The resolution on Sudan, adopted without a vote on the 28 September, renewed the country mandate on Sudan for another year, but reclassified it from a “situation requiring the attention of the Human Rights Council,” to one involving “technical assistance and capacity building.” Instead of providing a strong condemnation of the ongoing human rights crises in the country it repeatedly “commends” Sudan for its “cooperation” and recognizes “the efforts of the Government of Sudan in the promotion and protection of human rights.”²⁹ The independent expert on Sudan will report back to the HRC at its 21st Session in September of 2012.

With the creation of the new state of South Sudan, the existing UN Independent Expert on Sudan no longer covers this area. A resolution at the 18th Session of HRC “welcoming the Republic of South Sudan as a new State” was adopted. Unfortunately, ignoring calls from human rights defenders from South Sudan on the need for continued engagement by the international community, the resolution failed to create a new mechanism to monitor the human rights situation in the newly created state.³⁰

B. Freedom of Expression and the Internet:

The prominent role that multi-media and the internet have played in the pro-democracy movements of the Arab region has given the issue of freedom of expression on the internet more prominence during 2011. There have been several positive initiatives on this issue at the HRC. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression submitted a report dealing with freedom of expression on the internet to the 17th session (June, 2011) of the HRC.³¹ The report is an important first step in defining the rights of citizens to use the

²⁹ At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/162/62/PDF/G1116262.pdf?OpenElement>

³⁰ At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/164/88/PDF/G1116488.pdf?OpenElement>

³¹ At http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

internet without undue censorship or restrictions, and on ways to address increasing attacks by governments on bloggers and others who use the internet as a means of political activism and organization; an especially relevant issue in the context of the “Arab Spring.”

This report was followed-up with a “decision” at the 18th Session of the HRC (September, 2011) that decides to “convene, within existing resources, at its nineteenth session [March, 2012], a panel discussion on the promotion and protection of freedom of expression on the Internet,” and requests the OHCHR to submit a summary report to the HRC on the panel.³² It is hoped by many human rights organizations that this process will lead to an annual resolution on this issue at the HRC or formal guidelines on the issue to be adopted by the HRC and GA.

However, major dangers have arisen. China, Russia and some Arab countries, including Egypt, have not only attempted to obstruct efforts on the promotion of freedom of expression on the internet, but have also threatened to attempt to take over the process at the UN and use any initiative on internet freedom to insert language that would allow states to restrict internet freedom for vaguely worded reasons of “security” and “sovereignty.” The panel on internet freedom at the 19th Session of the HRC will be a critical time for advocates of freedom of expression on the internet to confront the highly restrictive interpretation of internet freedom that China, Russia and others may attempt to impose on international discussions concerning this issue.

C. Human Rights in the Context of Protests:

Events in the Arab region during 2011, and elsewhere, have inspired some state actors to attempt to build international consensus among states on the need to create stronger mechanisms to protect human rights in the context of protests. Switzerland, after having failed to establish a Special Session on attacks against protestors in the Arab region during the first half of 2011, instead put forward a “decision” during the 17th Session (June, 2011) of the HRC in order to create a “Panel on the Promotion and Protection of Human Rights in the Context of Peaceful Protests.”³³

³² At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/163/74/PDF/G1116374.pdf?OpenElement>

³³ At <http://www2.ohchr.org/english/bodies/hrcouncil/17session/docs/A-HRC-DEC-17-120.pdf>

The “High Level Panel on the Promotion and Protection of Human Rights in the Context of Peaceful Protests” was held on 13 September at the 18th Session of the HRC. During the panel, experts offered recommendations to the international community on how to best protect human rights in the context of protests.

The newly created *UN Special Rapporteur on Freedom of Assembly and Association*, and other panellists, suggested the creation of formal guidelines on how best to promote and protect human rights during protests, especially in the context of large scale protests. Mr. Bahey eldin Hassan, General Director of CIHRS, speaking on the panel, called on the HRC to work towards the creation of an international “Declaration on the guidelines and principles for the promotion and protection of human rights in the context of peaceful protests,” and submitted “suggestions of guidelines and principles that have arisen out of lessons learned within the Arab region, and which...should be included in any such declaration.”³⁴ Mr. Hassan’s speech also represented the first time the situations in Bahrain and Yemen were addressed within a formal event organized by the HRC.

The OHCHR should report back to the HRC on the “outcomes” of the “protest panel” at its 19th Session (March, 2012). Switzerland, Norway, and other countries, have indicated a desire to ensure strong follow-up on this issue, while other countries, such as China, Russia, and Algeria, have all demonstrated a willingness to combat any strong follow-up. As with the issue of freedom of expression on the internet, the promotion and protection of rights in the context of protests is set to become a major battle-ground issue in 2012. Both initiatives have great potential to aid in the creation of stronger international mechanisms concerning the rights of citizens to exercise freedom of assembly, association, and expression. *In light of “global” protest movements that have arisen, and the increasing use of the internet as a means of political expression and organization, these thematic issues may prove historically important for the promotion of human rights if governments are able to ensure strong and positive follow-up action at the UN. Civil society will have an important role to play in the next year to ensure that this occurs.*

³⁴ Available at www.cihrs.org

III. Threats to the International Human Rights System

1. Undermining Human Rights Standards: Revisionism and Relativism at the UN

The Organization of Islamic Cooperation (OIC) and the Arab Group, both collectively and as individual member states, have worked within the UN human rights mechanisms to promote state-centric interpretations of Islamic doctrine³⁵, and to create an international legal regime around the concept of religious blasphemy (*Defamation of Religions*).³⁶ They have also forcefully attempted to condition the application of the principle of equality, underlying all human rights norms, on an individual's gender and sexual orientation. This has been attempted largely in order to exclude both women and non-heterosexual individuals (LGBT)³⁷ from gaining further protection under international law, and from being recipients of the rights to which they are already entitled.³⁸ OIC and Arab Group support for the concept of *Defamation of Religions* and "traditional values," in opposition to the equal application of all rights to all individuals at all times, greatly weakens certain fundamental human rights standards by conditioning them on relativistic arguments. In the long-term, these efforts threaten to fundamentally reinterpret the concept of *universal* human rights by ensuring they lack any

³⁵ *State-centric* is used here to indicate a brand of "Islam" that is narrowly and selectively defined by governmental authorities in a manner designed to further their own perceived interests.

³⁶ *Defamation of Religions* is a concept that has been exported by Arab governments and other members of the OIC into the international human rights system. "Defamation of Religion" and related vague blasphemy laws are commonly used by authoritarian and repressive governments within the Arab region to violate basic civil liberties and discriminate against religious minorities, including different branches of the Islamic faith. Independent human rights experts throughout the world, including Special Rapporteurs at the HRC, have repeatedly pointed out that the concept of *Defamation of Religions* is contradictory with international human rights standards and open to abuse by governments since it is individuals and groups, not systems of belief, which are protected by human rights. Arab governments and the OIC have used the concept of *Defamation of Religions* to disguise their attempts to undermine current international protections on the right to Freedom of Expression and other basic civil rights behind the façade of protecting minority Muslim communities in Europe and the United States from discrimination. The GA and HRC (previously the Commission on Human Rights) have adopted annual resolutions on *Defamation of Religions* since 1999. The cumulative effect of these resolutions serves to undermine established international human rights guarantees on the right to Freedom of Expression by reinterpreting this international standard to be conditional on a particular state's interpretation of religious "truth" and piety.

³⁷ Lesbian, Gay, Bisexual and Transgendered individuals

³⁸ For a more detailed account of this issue see the Section II (3) of the Chapter entitled, "Ensuring Mutual Impunity: The United Nations Human Rights System and Arab State Involvement," in the 2010 Annual Report of the Cairo Institute for Human Rights Studies, at www.cihrs.org

legally binding content, and instead become subordinate to, and dependent on, the political will or dominant ideology of state authorities in any given country.

A. The End of “Defamation of Religions” at the UN?

The last year (2011) has witnessed a historical shift in OIC policy at the UN towards the concept of “Defamation of Religions.” Throughout the previous year (2010), a significant and unprecedented weakening of political support for the concept of “Defamation of Religions” occurred among states within the United Nations, a result of persistent, long-term lobby efforts by some UN member states and human rights NGOs from around the world. As a result, during the latter half of 2010 the OIC began a process of reevaluating the text of the “Defamation of Religions” resolution to address concerns that the “defamation” concept undermines existing human rights standards.

On 24 March, 2011, at its 16th Session, after protracted negotiations between the OIC, lead by Pakistan, and other UN member states, including the EU and US, the UN Human Rights Council adopted a resolution on ‘Combating Discrimination and Violence’ against persons on the basis of religion and belief.³⁹ The resolution was put forward by the OIC to replace the traditional “defamation” resolution. This new resolution focuses on protecting an individual’s freedom of religion by employing and protecting the very right ‘defamation’ called into question – namely, freedom of expression. Instead of fighting religious intolerance by calling for criminalization of ‘offensive’ speech, a tactic that can, and has, been used to imprison religious minorities and those who speak out against their government, the resolution advocates for concrete measures and policies to be adopted, such as the development of collaborative networks, monitoring mechanisms, training of government officials, and speaking out against intolerance. Instead of undue censorship, it advocates for an action oriented approach that can be used to combat the roots of the real problems of discrimination and violence against individuals based on their religion or belief.

³⁹ A/HRC/16/L.38, *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief*, at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/121/55/PDF/G1112155.pdf?OpenElement>

Significantly, this new resolution was presented to the Human Rights Council by the OIC, and with almost unanimous support of its member states.⁴⁰ Almost seven months later, the 'Combating Discrimination and Violence' resolution was again adopted by consensus at the General Assembly, thus replacing the "defamation" resolution in both bodies. As such, its language and approach may become an important tool for civil society and political reformists within OIC countries to challenge and reform national blasphemy laws. *If maintained in future UN resolutions, the shift is a momentous one that will provide an important framework to combat discrimination, while upholding existing human rights norms. Nonetheless, the danger that the "defamation" resolution could be revived by the OIC is very real. As such, concerted efforts will have to be made to maintain this positive development in the months and years ahead.*

B. The Rise of "Traditional Values" at the UN?

In a statement issued⁴¹ after the initial adoption of a resolution on "traditional values"⁴² at the 12th Session (September, 2009) of the HRC, the Executive Director of the Cairo Institute for Human Rights Studies warned that *"the concept of "traditional values" and the politicized manner in which it is being used by some member states of the Council "constitutes an... attack on the universality of international human rights standards by the very UN mechanism that is supposed to uphold and strengthen these standards. Such a concept has been used in the Arab region to justify treating women as second class citizens, female genital mutilation, honor crimes, child marriage and other practices that clearly contradict with international human rights standards."* He went on to ask: "Does this resolution now mean that such practices are acceptable under international law?" It is a question that is of growing importance in the context of the current deliberations of Human Rights Council. *The resolution was put forward by the Russian Federation, and supported by the same states who had strongly advocated for the resolution on "defamation of religions."* This first resolution on "traditional values" mandated the OHCHR to convene an expert seminar "on how a better understanding of traditional values of humankind underpinning international human rights norms and

⁴⁰ Despite reported resistance to the new text by some members of the OIC within closed door negotiations, in particular Egypt and Saudi Arabia.

⁴¹ Press Release, *UN Takes One Step Forward and Two Big Leaps Back*, CIHRS, 02/10/2009, available at www.cihrs.org

⁴² A/HRC/12/L.13/Rev.1, *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, at <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G09/161/29/PDF/G0916129.pdf?OpenElement>

standards can contribute to the promotion and protection of human rights.” One of the main conclusions of this seminar (which took place in October, 2010) was that “there was a danger in making something as undefined and constantly evolving as ‘traditional values’ the standard for human rights.”⁴³

A second resolution on “traditional values” was put forward by Russia, and adopted by a split vote,⁴⁴ at the 16th Session of the HRC (March, 2011). This second resolution largely ignored the dangers raised by many governments and human rights defenders concerning the concept of traditional values and the manner in which it was being used. This “follow-up” resolution tasked the Advisory Committee of the HRC to prepare a study on “how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights.” Once again the vague terminology employed in the text was left undefined. The Advisory Committee met in August 2011 and began consultations on the report they were asked to prepare. During the proceedings a large amount of NGOs made interventions urging the experts of the Committee (which are appointed by states) to approach the concept of “traditional values” within the existing framework of international law; this framework protects traditional forms of expression, including freedom of religion, but anchors and circumscribes the observance of tradition within the larger context of rights protections for the individual.

*The report of the Advisory Committee should be completed and presented to the 21st Session of the HRC (September, 2012). The fact that a Russian appointee to the Advisory Committee appears to be leading on the drafting of this study has raised some concerns that the political preferences of the Russian government may color the Committee’s final report. In turn, *it is feared that Russia, along with other governments that strongly supported the previous “defamation” resolutions, may use subsequent resolutions on “traditional values” to attempt to once again insert vague, relativistic language into the UN human rights lexicon, thus undermining the entire framework of international human rights standards. As the threat posed by the concept of “defamation” appears to be subsiding, the concept of “traditional values” may be on the rise. In turn, the principles of universality and equality that underline and give force to all human rights standards may once again come under increasing attack.**

⁴³ See A/HRC/16/37, at <http://bit.ly/dU1F7D>

⁴⁴ A/HRC/16/L.6, at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/119/35/PDF/G1111935.pdf?OpenElement> HRC Vote: 24 in favor, 21 against, 7 abstentions

2. Undermining the Independence of UN Rights Experts, and Attacks Against NGOs:

Previous chapters of CIHRS' Annual Report dealing with the UN have highlighted the efforts of Arab governments and other states to undermine the independence of UN human rights experts within the UN system, including OHCHR experts and Special Rapporteurs, as well as attacks against NGOs and human rights defenders that engage or attempt to engage with the UN.⁴⁵ *The last year (2011) has witnessed unprecedented developments in these areas, both positive and negative.*

A. Attacks against NGOs and Human Rights Defenders:

*Reprisals against individuals and organizations that engage with the UN are increasingly used to penalize, intimidate, and/or prevent civil society from freely participating in, and cooperating with, the UN rights system.*⁴⁶ *A rise in these types of attacks has occurred over the last several years in the Arab region.* The most recent yearly report of the UN Secretary-General on reprisals, completed in July and submitted to the 18th Session of the HRC (September, 2011), underscores this dangerous regional trend.⁴⁷ Cases of reprisals carried out by the governments of Bahrain, Sudan, Saudi Arabia, and Yemen against human rights defenders were included in the report. *In a positive development, the issue of reprisals, after forceful lobbying on the part of NGOs, was given more prominence by states and UN agencies during 2011.* In response to a recommendation included in the report of the Secretary-General, the EU and other states put forward a "decision" on reprisals at the 18th Session of the HRC which was adopted without a vote. The "decision" decides to convene a panel discussion to address "the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations"⁴⁸, and also urges UN member

⁴⁵ See CIHRS' Annual Reports from 2008, 2009 and 2010, available at www.cihrs.org

⁴⁶ Reprisals are "acts of intimidation" and/or attacks "against those who...seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them." This includes those who have "provided assistance," "submitted communications," or "are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims." (Paragraph 1, UN Resolution A/HC/RES/12/2)

⁴⁷ A/HRC/18/19, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, at

http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-19_en.pdf

⁴⁸ A/HRC/18/L.19, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, at <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/163/60/PDF/G1116360.pdf?OpenElement>

states and observers to address this issue at HRC sessions under agenda Item 5 – a practice initiated by NGOs in previous sessions of the Council. The panel will be held at the 21st Session of the HRC (September, 2012).

*The use of the UN NGO Committee to penalize NGOs for independent human rights work can also be seen as a form of Reprisals.*⁴⁹ Governments hostile to independent NGOs use the NGO Committee both as a way to prevent the participation of a large number of human rights NGOs, and as a tool of intimidation. Often independent NGOs will not be granted UN ECOSOC status or the consideration of their application will be indefinitely postponed, while an increasing amount of GONGOs⁵⁰ are speedily granted status. Furthermore, the Committee is used by repressive governments to take away or suspend the ECOSOC status of NGOs who criticize the human rights record of their government, or of allied governments. *The practice of filtering out and sanctioning independent NGOs while freely and rapidly granting GONGOs ECOSOC status, is likely to have detrimental long term effects on the sustainability of independent civil society engagement at UN rights mechanisms.*

For example, in 2011, at a resumed session of the NGO Committee, the member states of the committee took a “no-action” vote on the application for UN ECOSOC status of the Syrian Center for Media and Freedom of Expression (SCM)⁵¹, effectively deferring the application to its next session in January 2012. Due to lobby efforts of the Syrian government, the SCM’s application had been deferred several times during the course of two years and five sessions of the NGO Committee. Member states of the committee had posed over forty questions, many of them repetitive, to the organization. Syria circulated a Note Verbale at the resumed session of the Committee accusing the SCM of being a biased organization with a hidden political

⁴⁹ *The Committee on Non-Governmental Organizations* (NGO Committee), located in New York, is a subsidiary organ of the UN Economic and Social Council (ECOSOC). The NGO Committee is responsible for deciding if UN accreditation is given to an applicant NGO, reviewing the activities of accredited NGOs, and deciding if an NGO should be suspended or lose its UN accreditation for any complaint made against it by a government. UN accreditation (or ECOSOC Status) allows an NGO to send representatives and directly participate in the processes of the UN. It therefore represents the main point of entry for NGOs to contribute in UN body deliberations and to hold States accountable at the international level.

⁵⁰ GONGOs are government established and/or supported NGOs that push a particular state(s) agenda while attempting to discredit or limit the voice of independent NGOs.

⁵¹ The SCM is a France-based human rights NGO that aims to promote freedom of opinion and expression in Syria and throughout the Arab world. The NGO conducts seminars and practical workshops, publishes studies related to freedom of expression and opinion, and provides legal support for journalists. The Director of SCM, Mazen Darwish, is a reputable Syrian human rights defender of high integrity.

agenda to “destabilize the Syrian people’s confidence in its government.” The points in Syria’s Note Verbale were reflected in the committee’s debate, with states such as Venezuela and China questioning the SCM’s ability to operate without legal status in Syria, and states such as India, Cuba, and Sudan calling for additional clarifications from the NGO. The no-action motion was passed by a roll call vote of ten in favor, six against, and three abstentions. In July 2011, France put a resolution before the UN Economic and Social Council (ECOSOC), which reviews the decisions of the NGO Committee, requesting the “no action” decision of the NGO Committee on SCM’s application be overturned and the NGO be granted ECOSOC status. After a strong lobby campaign in support of SCM’s application by several governments and many NGOs from around the world, the resolution put forward by France was approved by the member states of ECOSOC without a vote and SCM granted UN ECOSOC status.

The case of SCM demonstrates the destructive attempts by Arab governments and others to censor and exclude independent human rights organizations from participating in UN processes by means of the UN NGO Committee. However, it also highlights the potential for positive change if key states and civil society organizations work together and prioritize efforts to overcome negative decisions by the NGO Committee. The case of SCM is the only known case of an NGO focused exclusively on human rights in the Arab region being able to attain ECOSOC status despite the failure of the NGO Committee to grant such status..

B. Undermining the Independence of the Office of the High Commissioner for Human Rights:

As in past years, 2011 once again saw some states that have demonstrated a hostile attitude to the independence of the OHCHR attempt to subordinate the OHCHR to the HRC, a political body, by giving HRC member states administrative and budgetary oversight over the OHCHR’s work and initiatives. During the 18th Session of the HRC (September, 2011), a group of states lead by Cuba, Pakistan, and Sri Lanka, put forward a resolution to require the OHCHR to report to the HRC on the distribution of the nationalities of OHCHR staff, as well as detailed budgetary information on its programs and activities – information customarily required by an oversight body. The resolution appeared to pave the way for the development of oversight functions by the HRC over OHCHR, which the HRC was never intended to have. As in the past, many NGOs and states reacted strongly against the initiative, fearful that it constituted an attempt to undermine the independence of the OHCHR. As a compromise, the initiative was reflected

in a statement by the President of the HRC instead of being voted on as a resolution. The President's statement defused many of the dangerous elements of the proposed resolution but also contained some dangerous language that may be built on in similar initiatives in the year to come. *The independence of the OHCHR will likely remain under threat by similar initiatives in the future, a potential danger NGOs and UN member states who desire to preserve OHCHR independence will have to be prepared to confront in a diligent and forceful manner.*

IV. Palestine and Israel at the United Nations

1. Accountability and the Bid for Palestinian Statehood

In September 2011, the Palestinian Authority began its efforts to obtain state membership status at the United Nations. The Palestinians have taken a multi-dimensional approach towards this goal, seeking membership both through the UN Security Council, as well as through other UN bodies and agencies. The Palestinian Authority has also strengthened its bilateral efforts to gain recognition from individual states. On 23 September 2011, Palestinian President Mahmoud Abbas held a historical address before the General Assembly and submitted a formal request for full UN membership to UN Secretary-General Ban Ki-moon. The Secretary General transmitted the request to the UN Security Council. The bid has remained stalled at the Security Council, with members unable to come to a decision and a U.S. veto certain to block any vote on the matter. In the meantime, Palestine sought and gained membership of UNESCO in October of 2011 – its first full membership as a state in a UN body.

From a human rights perspective, Palestine's bid for statehood is derived from the "right to self-determination." The right to self-determination is guaranteed to all citizens by fundamental international legal instruments. The HRC has also adopted many resolutions upholding the right of Palestinians to self-determination. Many argue the last 13 years of negotiations have done little to improve the situation of Palestinians, and it has now become clear that recognizing the statehood of Palestine and accepting it as a full member of the UN is necessary in order to ensure Palestinian self-determination and achieve a comprehensive settlement of the Palestinian-Israeli conflict. *In addition to expressing this fundamental right and potentially improving the prospects of a settlement of the conflict, the recognition of Palestinian statehood by the UN would allow Palestine to sign and ratify several human rights treaties, such as the International Covenant on Civil and Political Rights and the international Covenant on*

Social, Cultural, and Economic Rights, as well as the Rome Statute. This would enable stronger monitoring and scrutiny of violations committed by the Palestinian governing authorities, and could increase access to international mechanisms of justice, such as the ICC, making it possible to seek accountability for human rights violations, including those committed during Israel's 23-day military assault in 2008/2009, known as "Operation Cast Lead."

Politically, Palestine's bid for statehood at the UN has served to make more blatant the long-existing double-standards of some international actors with regards to the Israel-Palestine conflict. The U.S. has actively lobbied member states of the Security Council to block a vote on Palestine's membership. In response to UNESCO's approval of full Palestinian membership⁵², the U.S. withdrew its funding from this UN body, portraying Palestinian membership as counter to international peace. Furthermore, despite the European Union's (EU) common position of promoting the ICC, there were reports that the EU offered to support the enhancement of Palestine's status at the UN, in exchange for the Palestinian Authority foregoing recourse to the ICC.⁵³

2. The "Goldstone process"

*While the statehood bid is of great symbolic importance and has potential human rights benefits, it has also had the unfortunate effect of marginalizing the process of accountability begun by the "Goldstone report."*⁵⁴ This is not the first time the Goldstone report has been marginalized for reasons of perceived political expediency. The so-called Goldstone process, which started with the release of the report of the International Fact Finding Mission on the Gaza conflict in September 2009, has a two-year history of being held hostage to political considerations. In September 2010, at the 15th session of the HRC, the Palestinian Authority itself ignored calls from national, regional, and international NGOs urging the HRC to recommend that the GA refer the Goldstone report to the Security Council for referral to the International Criminal Court (ICC). The Palestinian Authorities and their allies had caved under political pressure by the United States and effectively buried the Goldstone report in red tape in favor of the then ongoing peace talks.

⁵² United Nations Educational, Scientific and Cultural Organization

⁵³ Available at: <http://www.amnesty.eu/en/press-releases/all-0510/>

⁵⁴ For more details on the process surrounding the Goldstone report, see *Roots of Unrest: Human Rights in the Arab Region* – CIHRS Annual Report 2010, pp. 278 – 280, available at: www.cihrs.org

In March this year, after the evident failure of the peace talks with Israel, the Palestinian Authority briefly revived the Goldstone process at the 16th session of the HRC. This also came after the Committee of Independent Experts in International Humanitarian and Human Rights Law, tasked with monitoring the implementation of domestic investigations into crimes committed during the Gaza conflict, concluded for a second time that investigations by Israel and Hamas were not in conformity with international standards.⁵⁵ The HRC then belatedly adopted a resolution recommending that the General Assembly reconsider the report of the Fact-Finding Mission at its sixty-sixth session (September 2011), and urging the GA to submit that report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the Occupied Palestinian Territories (OPTs) to the prosecutor of the ICC, pursuant to article 13 (b) of the Rome Statute.⁵⁶ The resolution was adopted with 27 votes in favor, 3 against, and 16 abstentions, and is the strongest step towards accountability for crimes committed during the Gaza conflict taken to date by the HRC or the larger UN system.

The 66th session of the UN General Assembly, which started in September 2011, represented a unique opportunity to follow up on this unprecedented HRC resolution and ensure accountability for the victims of the Gaza conflict. However, the process of pushing for a strong follow-up to the Goldstone report was virtually abandoned in favor of the Palestinian bid for statehood. In this context, the abovementioned EU offer to the Palestinian Authority to forgo justice for potential statehood becomes particularly disturbing. *While marginalizing the Goldstone report, the Palestinian bid for statehood is itself stalled by the political dynamics of the UN Security Council, thereby further blocking possibilities for accountability that might arise from either process. Going forward, it will largely be up to the Palestinian Authority to ensure the revival of the Goldstone report and its recommendations. While its statehood bid deserves concerted efforts, waiting too long to pursue justice through the recommendations of the Goldstone report might mean killing this process entirely, and with it, the most significant UN initiative for international accountability for war crimes committed within the OPTs to date.*

⁵⁵ The first report of the Expert Committee is available at: <http://daccess-ods.un.org/TMP/8126330.97171783.html>

The second report is available at: <http://daccess-ods.un.org/TMP/5756955.742836.html>

⁵⁶ A/HRC/RES/16/32, at: <http://daccess-ods.un.org/TMP/3419530.39169312.html>

V. Conclusion:

The year 2011 witnessed numerous positive developments at the United Nations for the promotion and protection of human rights in the Arab world and beyond. Many of these positive developments were linked to, and fueled by, the large-scale movements for democratic reform that swept across the Arab region. However, in some instances, member states of the UN have been unable to overcome the short-sighted political interests of powerful governments and political groupings, resulting in either no response, or highly insufficient action in relation to particular country situations, most notably concerning Bahrain at the HRC and Syria at the Security Council. While the positive and often unprecedented UN human rights initiatives have given hope that stronger and more pro-active action by the international community to protect victims of human rights violations in the Arab region is possible, the challenge of overcoming the entrenched double-standards with which many UN member states have approached the “Arab Spring” constitutes the largest obstacle to sustaining both the viability and legitimacy of such initiatives.

The influential role that the UN has played over the last year in the ongoing struggle of Arab citizens for democratic and human rights reform, whether through action or the lack thereof, is clear to those who have observed the interplay between Arab governments and the international community. Perhaps not as obvious, but of great importance, has been the strong and sustained effort of national, regional, and international human rights civil society acting to pressure and inform international processes and outcomes. The challenge of creating a more principled and consistent international response to supporting democratic movements and protecting victims of human rights violations in the Arab region and elsewhere, will require a long-term commitment and strategic engagement by human rights civil society actors from around the world to influence and inform both UN processes and foreign policy decisions formed on a national level. While the last year has demonstrated that reaching such a goal will prove extremely challenging, it has also shown that progress is attainable.