

May 31, 2005

Be Careful What You Wish for at the UN

By Douglas A. Sylva

It is easy to point fingers at some of the less than savory characters sitting on the UN Human Rights Commission and call for their ouster. But some of those nations are the only thing preventing the world-wide implementation of a document that declares that, among other things, "adequate supplies of condoms available free to workers at the workplace" to be among the fundamental human rights.

For a conservative with a stick in his hands, the United Nations is an orchard full of low-hanging fruit and among its ripest targets has always been the UN Human Rights Commission. Year in and year out, all that one must do to prove the absurdity of the commission is to recite a list of its members, which this term includes such human rights stalwarts as China and Cuba.

Reform would appear to be just as simple: Remove the regimes that routinely violate human rights and that use the commission to legitimate their crimes. This is the suggestion made by Michael Soussan in *Commentary* magazine, a generally UN-skeptical publication, who writes that, "For years, the commission has been paralyzed by the obstructionism of its own members, many of whom are representatives of the very states responsible for the world's most outrageous violations of human rights."

But UN reform is a much more complicated business; perhaps the first hint that this apparently commonsense approach is far from commonsensical is that it is shared by Kofi Annan, himself, the long-time wizard of this particular Oz. Echoing Soussan, Annan says that, "The Commission on Human Rights has been discredited in the eyes of many. Too often states seek membership to insulate themselves from criticism or to criticize others, rather than to assist in the body's true task, which is to monitor and encourage the compliance of all states with their human rights obligations." Annan, too, would like to limit membership to those nations that "abide by the highest human rights standards."

This proposal would work if the world were divided neatly between nations that recognize human rights and nations that do not; get rid of the genocidal maniacs and the commission would probably make a real contribution. But there is another division, a division amongst the human rights-recognizing nations, themselves, and this division is becoming deeper and more significant over time.

The first human rights tradition sees rights as freedoms from specific forms of governmental interference (think freedom of speech, freedom of religion); it is represented, mainly, by the United States during Republican administrations. The second tradition sees rights as guarantees from states to individuals (think the right to health care, the right to housing); it is represented by the vast majority of developed nations and animates the European Union's activities at the Human Rights Commission.

As this second conception of rights expands and grows more radical, it spills beyond old-fashioned wealth redistribution into evermore-ambitious social engineering. In March and April, Canada and Poland attempted to establish a veritable sexual rights revolution by getting the commission to recognize a document called the International Guidelines on HIV/AIDS and Human Rights.

Some nuggets from this document (direct quotation is necessary to avoid the charge of hyperbole): "Workplace rights" include "adequate supplies of condoms available free to workers at the workplace." States should pass legislation "giving legal regulation to same-sex marriages and/or relationships and governing such relationships with consistent property, divorce and inheritance provisions." "With regard to adult sex work that involves no victimization, criminal

law should be reviewed with the aim of decriminalizing." "Laws should be enacted to ensure women's reproductive and sexual rights . . . including safe and legal abortion." "Criminal law prohibiting sexual acts (including adultery, sodomy, fornication and commercial sexual encounters) between consenting adults in private should be reviewed, with the aim of repeal."

Perhaps most importantly, new sexual rights, especially the right to nondiscrimination based upon sexual orientation, are considered so fundamental that freedom of speech can be limited in order to protect them. In fact, according to the Guidelines, "These measures should include providing penalties for vilification of people who engage in same-sex relationships."

The attempt to introduce such rights has become an annual affair at the Human Rights Commission. In a rare moment of undiplomatic pique regarding the Guidelines, the US delegation to the commission stated that it would "resist at every turn any surreptitious efforts to incorporate dubious references to documents that lack wide recognition and acceptance."

Countries like Egypt and Pakistan have been instrumental allies of the US in beating back the Guidelines; it is only such countries that do not wilt as the first charges of homophobia and insensitivity fill the air. But according to the plan of Annan and Soussan, Egypt and Pakistan would likely be eliminated from the commission because they lack the democratic credentials to participate.

The moral of this tale is that conservatives should be careful of what they wish for. Until there is some agreement among the rights-recognizing countries concerning the proper limits of the commission, conservatives should resist democratic reforms that will remove their perhaps less-than-savory but none-the-less essential allies.