

THE POLITICS OF HUMAN RIGHTS AND THE UNITED NATIONS

10 August 2015

A Message from WILPF Secretary General Madeleine Rees:

There has not yet been a resolution to the scandal of the child sexual abuse by French soldiers in the Central African Republic, which was exposed by the UN Office of the High Commissioner for Human Rights (UNOHCHR) report. The French authorities are investigating with seeming vigour, the UN has made noise – but some would say not the right noise. The latter have focused on the fact that a senior official at the UNOHCHR, Anders Kompass, shared the report with the French Mission to the UN in Geneva, according to them, breaching protocol and putting victims at risk of retaliation. The UNOHCHR suspended Mr. Kompass who was subsequently reinstated by a UN Tribunal.

To be clear on this, primary jurisdiction for investigating the alleged crimes by French nationals serving in their military falls to the French government. The UN would have had to refer it to them.

The one simple yet unanswered question in the United Nations versus Anders Kompass affair is – why? Why have the UN decided to attack the person who did no more and no less than his function, as a human rights official, demanded and there are anomalies which need explanation, including why there was a gap of eight months after Kompass shared the report before the UN took action against him.

In reality, the French started an investigation within two days and there have been no known complaints from the victims of having been subject to retaliation. The then Deputy High Commissioner for Human Rights, Ms Pansieri, had been informed of the facts by Kompass and had transmitted the information upwards to the Deputy Secretary-General's office. She raised no alarm re the conduct of Kompass. In the interim, the UN Office of Legal Affairs (the body which, inter alia, advises on immunities), was unbelievably slow in responding to a request by the French Prosecutors to speak to the original investigators, thereby holding up the investigation. None of this makes sense.

In a recent article, Mr Colum Lynch of Foreign Policy provided his version of an answer by talking about a civil war within the United Nations and drawing a picture of the different personalities of Mr Zeid, the fairly recent appointment to the position of High Commissioner for Human Rights, and Mr Kompass, a “relatively unknown

diplomat...deeply committed to the values of human rights”, and putting them at the centre of the fight.

I beg to differ. It is not who they are but what they represent which is at the heart of this ‘fight’.

The UN has been slipping for many many years. Senior positions throughout the UN do not go to those who necessarily have the requisite expertise or experience, rather they are ‘allocated’ according to criteria which is not transparent but seems to have a lot to do with which state will provide support, which state wants their national in a particular position, and who is acceptable politically. Hence Mr Zeid and Mr Kompass are two very different kinds of United Nations employees. Mr Zeid, is a political appointee, part of what has been labelled by a former SRSG as the ‘old boys network’. Conversely, Mr Kompass is the anomaly, a human rights officer who rose through the ranks and arrived at headquarters after twenty years of working in human rights field missions. He is the only senior staff member at UNOHCHR to have done so.

But more importantly, they are the representatives of two very different models of how human rights are located in political discourse: Zeid represents the school which has allowed, or indeed promoted, the politicisation of human rights, Kompass – the priority of human rights within politics.

Mr Lynch may be right in thinking of Kompass as somewhat unknown, but where it matters he is anything but. If one were to go to any of the countries where Mr Kompass was heading up a human rights office, to this day, the “flaxen-haired” civil servant is recognised and indeed revered by many.

Why?

Because he made a difference, and not just to the those who were the victims of human rights violations which his offices investigated and acted upon, but also to the Governments with whom he worked to improve their approach to law and human rights and gaining their respect for so doing– evidenced by the fact that it is representatives of some of those governments who are publicly defending him vis-à-vis the United Nations.

The UNOHCHR has a vital role in bringing parties together to find solutions based in human rights. Not all OHCHR heads of field offices do so, partly through fear of stepping outside of the mandate or upsetting the host government or, indeed, the UN. Kompass was able to effect mediation and improve the human rights situation simply because there was no unseen political agenda to his actions, he was transparent and honest. He was coherent, consistent and predictable. If a Government operated in line

with human rights norms and standards – fine. If not, then something needed to change. Victims knew that if their rights were being violated, then he would act to protect them. He was a friend to all involved parties, because he was prepared to tell the truth to each one. His ‘operating manual’ is open for all to read – it is available in the 300 languages that the Universal Declaration of Human Rights is translated into.

This is what human rights can and should do when it is at the core of politics. Sadly, this is not the preferred modality in the current UN malaise. Which is why, for example, more than 75% of peace negotiations fail – the absence of human rights, the absence of women, the adherence to a narrative of opposites leading to political horse-trading with human rights at the periphery of consideration.

The Department of Peace Keeping Operations now has a core budget of some 9 billion US. More than the rest of the UN put together. What does this tell us about prevention and sustainable development? Peace-keeping operations have been in some countries for decades, they are increasingly being criticised as ineffective as well as extremely expensive. What peace are they keeping? Some may indeed, have a human rights component but such departments are subject to the political decisions made by the Special Representatives of the Secretary General– so human rights become yet again politicised.

Which leads back to the issue which brought this tension to the fore front: sexual exploitation by peace keepers, the fault line over which the primacy of human rights has been subordinated over and over again to the need for the UN to maintain its relations with member states, in particular the troop contributors. The UN has dissembled, subverted and downright lied in its attempts to pretend that the ‘problem’ is one of a few bad apples, is not so widespread, and is in any case falling. In real life, the opposite is true, and all because of a zero tolerance policy, which is not underpinned by effective legal accountability and the primacy of protecting human rights.

Refocus on Mr Kompass – who in spite of the pressure did not accept the politicisation of human rights but insisted on upholding principles. By so doing, he became a problem for the rest of the United Nations and to Mr Zeid – politician par excellence.

For those in the UN system who are prepared to compromise on human rights, and hence on legal obligation, the challenge of Kompass is his success in pursuing the alternative model – a model that is actually at the core of the United Nations Charter and subsequent instruments. Instead of attacking him, they should embrace his approach and actually apply it- imagine the difference it would make!