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HUMAN RIGHTS AND THE ARAB AWAKENING: ASSESSING THE UNITED NATIONS RESPONSE

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P R O C E E D I N G S

MR. PICCONE: Hi, good morning. I'm Ted Piccone. I'm a senior fellow and deputy director for Foreign Policy here at the Brookings Institution, and we're delighted to have you hear to talk about what's going on in the Arab World but in particular with the focus on the role of the United Nations, and specifically, the role of the UN Human Rights Council. This has been an incredible kind of watershed moment, I think, and a testing period for the viability of these mechanisms, and their ability to have impact on the ground for human rights victims and for governments that are undergoing major transitions. And I think so far, I would say, as an observer of the Council and previously the Commission, that the actors involved are winning the battle and proving themselves capable of stepping up. And I think there were a lot of doubts about that going into this process. It's only been less than a year since this tumult has unfolded, and yet, we've seen incredible and extraordinary action that I don't think anyone would have predicted a year ago, let alone a few years ago when we were operating under the Commission.

So, there's a new story to be told, I think, here in Washington and around the world about the role of the Human Rights Council. It is not your father's or grandfather's Commission on Human Rights. There are new dynamics underway, and to help us tell that story, we have two top experts who are, kind of, in the fight day after day using and working through the UN mechanisms to advance U.S. interests and human rights around the world.

We're going to start with Kyung-wha Kang -- you have their bios -- Ms. Kang is the deputy high commissioner for human rights in the Office of the High Commissioner in Geneva, and she's been there almost four years, and she came from the Republic of Korea, where she was ambassador for multi-lateral affairs and director general of international organizations at the Ministry of Foreign Affairs and Trade. So, she has diplomatic experience working on these issues, but also worked in the National Parliament of the Republic of Korea, assisting the speaker of the national assembly, so I

think has a keen sense of the political and legislative process behind a lot of these issues.

We will then turn to Ambassador Eileen Chamberlain Donahoe. Ambassador Donahoe is the first U.S. permanent representative to the UN Human Rights Council. This is a position that was created around the time of the U.S. -- particularly, the Obama Administration -- recognized that there was some value to engaging with the new Human Rights Council and understood that it needed a top-level diplomat who was going to be working full time on the issues around the Human Rights Council, and I think, that was the right decision to make as we've seen, given the amount of activity going on at the Council. Ambassador Donahoe has a very distinguished academic record, as you'll see in her bio, and most recently, before joining the State Department, she was an affiliated scholar at the Center for International Security and Cooperation at the Stanford University and has done a lot of work on issues of use of force, UN reform, and international rule of law.

So, with no further ado, we will turn to Deputy High Commissioner then Ambassador Donahoe, and then we'll have a discussion and end promptly at 10:30. Please.

MS. KANG: Thank you very much, Ted, and, thank you for that introduction and for having me here today. I'm really honored to speak here at this very renowned institute, and particularly more so, that I do this together with my colleague and friend and partner, Ambassador Donahoe.

It's truly a rare sight to see a UN official working so closely together with the ambassador of a member state. But I think this has really been the case in our response to the Arab Spring. So, I can't say enough how privileged and delighted we are to have Eileen in Geneva working with us. Her role and certainly that of Ted and other knowledgeable and experienced advocates and thinkers have been instrumental in moving the human rights agenda forward in the UN arena during this Arab Spring and before and beyond this very challenging period.

The topic chosen for the discussion today couldn't be more timely and needed and relevant. Human rights in the Arab Spring and the roles of the Office of the High Commissioner for Human Rights and the Council in responding to the calls for change. Indeed, the Arab Spring was triggered. I would say it has been driven and sustained by the human rights aspirations of people of the Arab World, and in some cases, certainly met with brutal repression by authoritarian rulers in the denial. And thus, it is only right that the response of the international community should be, in the first instance, a human rights response. And as the lead UN entity for human rights, the Office of the High Commissioner for Human Rights has endeavored to rise to the occasion and to meet the calls coming from the ground on our own initiative, but also, certainly, initiative led by the High Commissioner, but also, certainly, in support of a very responsive Human Rights Council.

Let me just say, very broadly speaking, the Office's response to the Arab Spring has consisted of three lines of action. First, advocating on behalf of the people who have peacefully taken to the streets to claim their rights and putting on notice governments that have responded with violence and abuse to the demonstrators. Two, making in-situation assessments of these human rights situations and violations, coming out with recommendations for improvement, and then, trying to work with the country's concern to implement the recommendations. And third, supporting the Human Rights Council in its deliberations about the crises situations and undertaking the urgent mandates that have come out of those deliberations.

Let me elaborate a little further on each line. First, on advocacy, the unique strength of the Office of UN Human Rights Machinery is the independence of the high commissioner to speak out in defense of the universal declaration of human rights, and all the norms that have ensued from that declaration, and certainly, on behalf of the victims of the violations. And she has used this elevated platform to ensure that human rights' concerns remain center stage in the international community's response to the Arab Spring. Just as an indication, so far this year, she has devoted 60 press releases

and briefings, two events unfolding in Tunisia, Egypt, Bahrain, Libya, Yemen, and Syria. And certainly in this her voice has, in many instances, been reinforced and complemented by those of the special procedures mandate holders. They have urged governments to seize using excessive force against demonstrators and to launch independent and impartial investigations into violations that took place during the protest. For example, when authorities in Egypt blocked Internet access and interrupted mobile services in a desperate attempt to curtail protests, the High Commissioner expressly called on the government to guarantee the rights to freedom of peaceful assembly and expression, including by restoring free use of mobile phones and social networks.

These statements have been a powerful signal to governments that human rights violations will not be tolerated by the international community, and also a powerful signal to the peaceful demonstrators that their claim for human rights is legitimate, and that the abuses they suffer while making that claim must not go unpunished.

Second, in-situation assessments of human rights violations. These assessments, on the ground, is a vital tool in ascertaining the facts and the truths and beginning in the endeavors to restore justice and accountability. They take many forms from assessment missions to more in-depth investigations. They produce insightful reports containing recommendations for action by the concerned government, by the United Nations, and the international community. For example, the Office dispatched assessment missions to Tunisia in January; Egypt in late March; in Yemen in June. The Tunisia mission led to the transitional government inviting our Office to establish a country presence. For Egypt, the ensuing reports set the priorities for our continued engagement with the country on such issues as detention, torture, and ill-treatment, transitional justice, security sector reform, participatory mechanisms, and cooperation with UN human rights mechanisms.

The Yemen mission served to highlight, among other issues, that innocent civilians have become the main victims of a power struggle between the

government and its opponent and armed groups. These initiatives of the Office have been reinforced in a parallel track by the intergovernmental body that is the Human Rights Council, which gets me to the third point.

So far, this year, the Human Rights Council has established three commissions of inquiry, for Libya, Cote D'Ivoire and Syria, as well as an OHCHR fact-finding mission to Syria. These commissions and missions are tasked with investigating alleged violations of international and human rights law, to establish the facts and the circumstances of such violations, and to identify those responsible, and make recommendations. The Libya and Cote D'Ivoire commissions were able to go to the ground of the unfolding crises, but the fact-finding mission to Syria and, currently, the Commission of Inquiry, have not been granted to access to the country. But, despite the obstacle, the mission was able to gather information from victims and witnesses in the neighboring countries. The mission report, which was released on 18th August, just in time, found a pattern of wide-spread or systematic human rights violations by the Syrian security and the literary forces, which may amount to crimes against humanity. And on the same day, the High Commissioner informally briefed the Security Council on the findings of the report, recommending that the Security Council consider referring the situation in Syria to the International Criminal Court. Unfortunately, the Security Council has not been able to take action thus far.

A special session of the Human Rights Council, in late August, appointed an international commission of inquiry to -- building upon the fact-finding mission, to further investigate all alleged violations of international and human rights law in Syria since March. The work of this commission is currently underway, with the commissioners currently on the ground in the neighboring countries, but, as I said, like the fact-finding mission, they have not been granted access inside to Syria itself.

These high-profile engagements by the UN Human Rights Machinery to the demands coming from the Arab streets, would have limited impact if they are not followed up with sustained, longer-term engagement on the ground. Therefore, we have

also endeavored to expand our presence in many of these countries. Just a year ago, we had no offices anywhere in North Africa, with the exception of a very small presence in Mauritania. But, in less than six months after President Ben Ali was ousted, we were able to open a country office in Tunisia, and the office is already very active in analyzing the human rights challenges, advising the way forward, and training police and security forces.

Another presence is foreseen in Egypt in the form of a regional office for North Africa. The government of Egypt offered to host such an office in May, but later on, at the request of the government, the final agreement has been put on hold until after the elections and the new government is formed. This regional office will cover Algeria, Egypt, Libya, Mauritania, Morocco, and Tunisia, and will focus on supporting the processes for transitional justice in countries such as Egypt, Libya, and Tunisia, as well as the question of accountability and inclusive participation in public affairs.

Libya is a country where the office had never been allowed to set foot, but since March, we have had missions inside the country several times. We participated in the pre-assessment process led by the secretary general's special advisor, Ian Martin, now his special representative in Libya, on post-conflict Libya planning. And our staff members are already very much a part of the newly established UN support mission in Libya -- UNSMIL, -- in Tripoli, and Benghazi. Core issues dealt with by the Human Rights Officers in UNSMIL will include transitional justice, detention-related concerns, women's rights, and alleged discrimination against minorities and migrants.

So, we now have a total of eight field presences in the Middle East and North Africa, and I would also like to highlight, in this regard, some of the ongoing activities of -- on the ground in the region to give you a sense of the broad stretch of our work, beside the Arab Spring. As I said, we have a small country in Mauritania, which we opened just about a year ago, and in this country, slavery and child exploitation are amongst the biggest human rights challenges. In cooperation with the national (inaudible) civil society, and other UN agencies, just an emblematic case of the kinds of

work we are doing, we were able to help bring to trial the first-ever case specifically related to slavery practices. The result was acquittal, but the principle will -- but the example will remain as a landmark. And in another cooperative effort, we were able to help negotiate the release of 9 out of 13 women who had been detained, after being raped, on charges of homicide and infanticide, and we are continuing to monitor and advocate on behalf of the remaining four women.

In Iraq, we have a human rights component in the UN assistance mission -- UNAMI -- which has been instrumental in supporting the country through its UPR cycle. I'm sure you know all about the UPR, and I will be happy to answer any questions on the UPR, as well. As part of Iraq's commitment to implement the UPR recommendations, a national action plan for human rights is currently being developed with assistance from our people within UNAMI. And this process has involved a first-ever national conference held under the auspices of the prime minister, bringing together government officials, the judiciary, civil society, and victims to discuss key human rights issues the government should address.

And finally, through our regional office in Beirut, we have cooperated with ILO and the ministry of labor to complete a unified contract for all migrant, domestic workers employed in Lebanon. And this is a huge step forward in a region where their migrant, domestic workers are widespread and where they often suffer human rights abuses without any protection under any laws.

And in all of our work everywhere -- at headquarters and in the field -- whether in maintaining and reporting or it's technical assistance, whether it's response to a crisis situation, or sustained engagement on the ground, we take a principled, norm based, and constructive engagement with the right holders, the duty bearers, and the civil society and the wider international community.

We have our constraints as a UN department in the UN secretariat, like any large office or organizations operating in a very politically-charged context. There are bureaucratic and security restrictions, and there are decreasing financial resources

available for an increasing workload. These are ongoing challenges that we need to find a way to overcome.

On a final note, I would like to zoom out a little bit, away from the Arab Spring, and into the larger Global context on the work of human rights. Prior to the uprising from a surely economic development perspective, Tunisia was a model. Tunisia was seemingly on the right track. They had made progress on fighting poverty, equitable growth, and effective rule of law, so it seemed. It was on track to meet the MDGs by 2015. But, the voices we were hearing coming from the civil society were very different. They told a different story through the human rights perspective about inequality; discrimination; political repression; and the absence of participation; the absence of fundamental freedoms, such as free assembly, association, and speech. This is not to say that the development analysis was wrong; it just didn't provide the full picture. What this shows is a vital need going forward -- the vital need to integrate human rights into all approaches to development.

Within the system, much progress has already been made in the last 10 years to integrate human rights into all areas of the UN's work. In the area of peacekeeping, all Security Council-mandated peacekeeping, peace-building, and political missions, now include significant human rights components to provide, not only technical assistance to very challenged governments, but also to report, to monitor, and report on patrons of human rights violations.

There are policies being developed to further integrate human rights into peace work and political work, as well. Also, in the development sector, the concepts of a human rights-based approach to development has taken firm root in the UN-wide mechanisms, such as the UN development group, chaired by the UNDP. But, certainly, more work needs to be done to ensure a cohesive response and collective buy-in, not only for the benefits of integrating our work, but also the ramifications if we do not, which is the development is unsustainable and really touches on the surface level of the needs if human rights aspirations of the people are not taken on board.

So, drawing on the lessons from Tunisia and the Arab Spring has shown us, we are raising this issue at every opportunity and at the highest levels within the system. And I'm pleased to say, as part of this effort, just last month, the High Commissioner, together with the UNDP Administrator, Helen Clark, launched a multi-donor trust fund directly support this human rights integration efforts on development activities on the ground. But, we would also need the support of the international community and civil society, and we would also urge the bilateral donors -- the international financing institutions -- bilateral friends of these countries to embrace this concept of integrating human rights into any assistance and help you provide to these countries.

In conclusion, I think after Mr. Bouazizi who triggered this with a singular act of defiance, thousands more have died, and at the risk of their lives and those of loved ones, people across the region are still standing up for their rights. This demonstrates a heightened level of consciousness of human rights and this is growing into a new level of confidence in self-worth and respect for others. This, I think, will be the indispensible legacy for the future generations of these countries who will then be charged with upholding the momentum created and going forward from the Arab Spring to the Arab democratization. They will need encouragement and support from both the bilateral friends, regional organizations, the UN, and from the larger international community. They will need time and patience, and there will be setbacks. They will need sustained political, moral, and financial backing to continue their path toward open democratic and rights-based societies.

Thank you very much.

MR. PICCONE: Thank you, Ms. Kang. Before I introduce, or pass the microphone over to Ambassador Donahoe, there are some additional seats for anyone in the back who wants to grab a seat up front here.

So, you get a sense of the incredible increase in workload and OPTEMPO and the burden that's been put on the Office of the High Commissioner, and

maybe in the Q&A we can get more into how do you address those challenges and sustain the support from the other member states. But, let's hear a little bit about the politics of the Human Rights Council because this doesn't happen easily. There is a very intense debate around everything that happens in Geneva, and Ambassador Donahoe's been in the middle of it. So, please.

AMBASSADOR CHAMBERLAIN DONAHOE: Thank you. Let me start by thanking the Brookings Institute for gathering everyone here today. We are always appreciative of opportunities to spread the word about the work we're doing, and the constructive role that the Human Rights Council is actually playing. And, I have to say particular thank you to Ted because he is probably not fully aware of how much we rely on his own intellectual contribution in this area --

MR. PICCONE: Thank you.

AMBASSADOR CHAMBERLAIN DONAHOE: And, it's an understatement to say that we really need people like you doing the hard intellectual work and sharing your work product with us, and we really do rely on it. So, I really mean that. And, also have to say I am really honored to be here with Deputy Kang, who, as she used the words I intended to use, which is collaborator, colleague, partner, and friend, and that is really what our relationship has become. So, it's a wonderful part of the job.

So, this is a really good opportunity because we've just come to the end of the first two years of U.S. membership at the Human Rights Council, and I think it's fair to say that when we started, some of us -- I, in particular, and I think some of the people in this room -- were hopeful that U.S. engagement at the Human Rights Council could make a constructive difference. I don't think any of us, even the most optimistic of us, could have anticipated the actual potential -- I mean, the full potential -- of what the U.S. could have done, and not only the U.S., but what -- the full potential of the Council, itself. And, I have to say that the Arab Spring is a big part of that.

So, we're here to talk about what has the Council done for the countries in transition in the Arab region during this period of tumult, and I will get to the specifics of

that. However, the flipside of that, you know, the other important dimension is what has the Arab Spring brought to the Council? And I have to say that everybody here is familiar with the formulation that, you know, every crisis also should be seen as an opportunity. I think, without a doubt, the Arab Spring has brought that sense of opportunity to the membership of the Human Rights Council. And it has provided us a testing ground to see if we would step up and live up to the expectations and fulfill our responsibilities.

When I first got to Geneva, one of my top priorities was to try to change the agenda -- change the subject matter on which the Council members put their energy. And one of the aspects of that was to make a difference in the real world by addressing crisis situations as they emerged, which sounds great in the abstract, but it's hard to do unless you have real material to work with, and we did have that. So, that's what the Arab Spring really meant to the institution of the Council. It was a vehicle for us to try to show our ability to fulfill our responsibilities, and it was a testing ground for our -- for whether we could come up with tools and mechanisms to address these crisis situations. It also was a vehicle for many countries -- many, many countries -- to show new leadership, particularly, the Arab countries.

As many of you may know, at the Human Rights Council and in many aspects of the UN, countries often, in the past, have felt very comfortable operating from a block mentality, from a regional mentality, from an ideological mentality, whether that means north, south, developed, undeveloped, you know, there's many different formulations of it. There's the OIC versus the West, you know, there's lots of different ways you can slice it, and before all this crisis came up, a lot of countries just unconsciously sat in that kind of ideological position; it's very comfortable.

The Arab Spring shook everybody up and made countries re-think what their values were, and who they wanted to align with, and which side of history they wanted to be on. And so, that's been a marvelous aspect of this Arab Spring -- to watch as countries really deal with the merits of these things and show their real values.

Another part of the opportunity for the Council, that has been provided by

the Arab Spring, is bringing new energy to what we, the United States, have always said are our real core values of freedom of expression, freedom of assembly, Internet freedom, the right to choose your own leaders. That's the essence of what this Arab Spring has been about.

You know, I have a quote here that -- from President Obama -- let me find it -- from last May, and he said, "The United States supports a set of universal rights. These rights include free speech, freedom of peaceful assembly, freedom of religion, equality for men and women under the rule of law, and the right to choose your own leaders, whether you live in Baghdad or Damascus or Sana'a or Tehran."

And I feel like the Arab Spring legitimated the U.S. desire to put an emphasis on core, civil, and political rights, rather than feeling a little embarrassed, you know, so that we're always emphasizing those things. I don't like to be embarrassed about those things. Those are the rights that facilitate all other human rights, and I appreciate the fact that the Arab Spring has made us all proud -- all of the membership of the Human Rights Council -- stepping up and saying, this is not about West versus Non-West, as though one part of the globe emphasizes civil, political, and the other part cares about economic, social culture rights. That's false. That is just plain false, and I think that's a really positive aspect of this Arab Spring to have players or, you know, activists, human rights defenders, and just regular people around the world saying, no, we are claiming these rights for ourselves and putting ourselves at risk -- not because of the United States, but because these are our rights. So, that's been really a very positive thing for the Council, as well, I would say, and really shifted the dynamic there. And those challenges will continue.

So, now let me turn to the specifics -- what has the Council done for the countries experiencing these crises? Deputy Kang has already touched on the situation, you know, what the Office of the High Commissioner and the Council has done related to Tunisia. You know, there's an important new office there building and working with the transitional government as they move toward democracy and rule of law; accountability.

Similarly, in the case of Yemen, it's been a fairly fluid situation, but the Council did act in June, and then again in September, we passed a resolution. The gist of which is really to try to keep a dialogue with the authorities in Yemen and keep them open.

It's still a little bit of a dance in terms of which way they're going to go, and so far, we've been trying to keep them on the positive side, and we took some signals from the Office of the High Commissioner saying, you know, certain aspects of the government have shown a real desire to come out on the right side; let's try to encourage them and work with them. None of us know exactly where that's going, but that's what we've tried, and then, depending on how the facts develop, we will have to deal with those facts, however they come out.

So, obviously, the part I want to spend the most time on is the two cases of Libya and Syria, and -- let me find -- so, Libya, as many of you will recall -- this was the first real test case for us in the Arab Spring. So, as of Friday, February 25th, within days of Gaddafi declaring that he intended to track down -- hunt down the remnant opposition fighters in Benghazi like rats, the Human Rights Council called an emergency session in Geneva, and it was a really remarkable day for us. There was a sense of, you know, new possibility and a new sense that this was a very present responsibility for all of us. It wasn't as though the political dynamics were going to be that we were going to be stuck in the typical ways we might have dealt with Libya in the past; something new was going on. And in a very emotional moment, we listened as the Libyan envoy stated publicly, to the Council, that he no longer represented the Gaddafi regime, but, instead, he was now speaking for the people of Libya.

It's very interesting. I had spoken to him earlier in the week -- the ambassador there -- and, you know, he was having health problems. He was so worried about -- you know, he actually had a heart attack -- a minor heart attack -- that week leading up to the special session. He was worried about family members who were back in Tripoli. Incredible -- I mean, that's one of the things that keeps it real for us as ambassadors and delegates, is that some of these folks are -- have real things on the

line, and so, we don't forget that.

So, we knew we had entered some kind of profound moment of historic change, and I guess the sense is that that Friday, for the first time, the Council sent a powerful signal that the international community was unified -- because that was actually a consensus outcome, which was remarkable. I mean, it was just unimaginable -- just a matter of months before -- that that could be a consensus outcome, and that the international community could send such a constructive message and an important message.

The following day, the UN Security Council unanimously adopted a resolution imposing an arms embargo on Libya, freezing the assets of key human rights violators and members of the Gaddafi family and referring the case -- the Libya case -- to the International Criminal Court. That Monday -- the following Monday -- Secretary of State Clinton joined foreign ministers from around the world at the Human Rights Council to urge Gaddafi to step down and to end the bloodshed. And then, on Tuesday, the General Assembly stripped Libya's membership rights in the Council, and this was the first time that a member had lost its rights at the Council because of human rights violations. So, that was a significant moment for the institution itself.

I want to turn now to Syria because, chronologically, that came right on the heels of the Council action on Libya. So, you may remember, there were multiple episodes of violence by government forces against peaceful protestors in Syria. But, there was a particular moment in late-April, you know, where tanks were rolling in the streets, and then snipers were out, and a certain, you know, threshold number of protestors were mowed down. And then, the next day, at the funeral of some of these peaceful protestors, family members were assassinated. And that was the moment. You know, I remember inside the U.S. government, in our conversations, that was the moment where we said that that's the breaking point. That's where, you know, there will be public and political energy because of this moment, and we said, okay, we think we can go. And we set the wheels in motion to try to encourage other members of the

Council to do the same with Syria, as happened with Libya.

There wasn't unanimity. We did not get consensus, but we had a very strong majority, and we had Arab support, which was essential. And that comes down to politics to some extent. You know, certain countries chose to support the Syrian regime in that moment, for their own reasons. For whatever their past relationships had been, and whatever they anticipated the fact -- however the facts would go, they made that decision. But, the vast majority of countries chose to use that moment and to speak in condemnation of the Assad regime.

At that moment, we were able not to get a COI, but we got a fact-finding mission for the High Commissioner's Office, which was an important step and a very valuable mechanism. That mechanism was prohibited from entering Syria, which, you know, sounds like it's, you know, an effective block, and then they can't do their work, but, in fact, no. The fact that they were prohibited from entering actually further motivates the international community. When the government won't cooperate, then we use that politically to take it up a notch. And, in August, because of, again, more developing facts -- you know, more deaths of peaceful protestors, civilians; more violence by government forces, we held a second special session, where we actually referenced credible allegations of crimes against humanity, and a need for a even more serious investigation of these atrocities. And, at that juncture, we were able to establish a commission of inquiry -- an international independent commission of inquiry, with a really high-respected, high-powered membership. And, we also were able to send them a message at that appoint, to the Assad regime, and say, you know, you may think your propaganda's working, but, in fact, it isn't, and the international community is not going to be fooled, despite your words. We know enough about what's going on, and you are losing support; you need to step down.

So, let me -- I want to wrap it up --

MR. PICCONE: Yeah.

AMBASSADOR CHAMBERLAIN DONAHOE: -- so we can --

MR. PICCONE: Yeah.

AMBASSADOR CHAMBERLAIN DONAHOE: -- get to questions. You know, the Libya case has been much more positive than any of us could have possibly anticipated. It's, sort of, come full circle, where they went from being a pariah to a rejected member of the Council, to an investigated entity, and now, they are on the cusp of having their membership rights in the Council restored. And then, we will be right there to work with them. And, how ironic is that, that the United States may have a really valuable partner in Libya, as a member of the Human Rights Council when they come back?

So, I guess I'll just stop right there.

MR. PICCONE: Okay.

AMBASSADOR CHAMBERLAIN DONAHOE: And, it's been an absolute privilege to be in this work at this time. So --

MR. PICCONE: Well, I think you've gotten a sense of the historic moments that have been unfolding in Geneva and around the world, and the way they've intersected. And, I think there really has been something new going on, in terms of the interplay between real events on the ground, action of the Council, and then, kind of teeing up further action in New York, at the General Assembly, like in the case of the Libya suspension -- at the Security Council -- with mixed results --certainly very robust response to Libya; lack of action so far on Syria, other than his presidential statement.

And I'm wondering if you have any reflections on the consequences of such a strong response to Libya on the Syria situation, and particularly, as it relates to your coalition-building, your cross-regional blocks that you've been so successful in breaking down, or creating cross-regional blocks, to make some of this happen. Are you sensing that the moment has now passed, and that it's going to be -- really, the Libya case is a high water mark -- it's going to be too difficult in the future to get that kind of action in other cases? And I would mention Bahrain is another case that has not been addressed but deserves some attention.

AMBASSADOR CHAMBERLAIN DONAHOE: Absolutely not. I will talk about Bahrain, but on the Syria point, the moment has not passed, not even close. So, the commission of inquiry will have a report out on November 30th. Everybody should look for it. And, there is a fair-to-high likelihood that we will have another special session to address them -- what's in that report. Then we'll also have the evolving facts on the ground, which are extremely fluid, as you all know.

Then, in addition, we already have on the calendar for March, the final report of this commission of inquiry, and that's another juncture where we will take up the role of the international community. I can't really speak to the dynamics at the Security Council, or the GA, but I can tell you that the Human Rights Council will -- I mean, at this moment, we do not feel like we've lost our momentum or the moment is over, with respect to Syria, and we will do everything we can to shine a spotlight on the continuing violations and put pressure on to the maximum effect we can. Hopefully, that will translate into pressure in New York, but together we will be putting pressure on in Geneva, no matter what happens in New York.

MR. PICCONE: Deputy Kang, before we turn to Q&A, if you could comment just briefly on the whole question of sustainability. I mean, there is an extraordinary increase in the number of mandates that have been put on the Office of the High Commissioner. We've talked about a number of them, but there are others.

For example, there's a new special rapporteur in Iran, which, by the way, we should give credit to the United States and a number of other countries which this took quite a bit of effort. Civil society had a big role to play, as well. But, this was the first time the Human Rights Council, since it was reformed, appointed a country-specific mandate holder. But, you have others. You have the new special rapporteur on freedom of assembly. You have a working group on discrimination against women, and I could go on and on, so big increase in your workload. How are you managing it, and how are you going to sustain it?

MS. KANG: Well, this all boils down to resources, and -- but I think, as

an office, we have the experience, the knowledge, the methodologies to undertake these work. Commissions of inquiry, for example, and fact-finding mission, we've been doing this as long as the Office has been in existence, beginning with Aranda, and more recently with the Darfur commission of inquiry that was mandated by the Security Council and that led to the Security Council referring the case to the ICC.

So, we certainly have the expertise, but the quantity of the work that's been given to us really has been overwhelming. But the provision of the resources to enable us to do these -- the budget machinery in the UN system is a very slow one. It's not a very responsive one. So, we are trying to find a way to get some standing mechanism whereby we would immediately be able to access and get these urgent mandates requiring immediate upstart as fast as we can. This is an issue now being discussed in the fifth committee.

Special rapporteurs also -- we greatly welcome these new mechanisms that then address the gaps. There's also a new special rapporteur on truth, justice, and reparations, which is a very important area of human rights work. Again, this goes back to the General Assembly fifth committee, in terms of the support needed to -- for these mandate holders to undertake their work.

Special rapporteurs also, individually, get support outside the UN system from universities, from host governments, so there's an unevenness of support that the mandate holders get, which is a challenge in itself because some get very much, some get very little, and there's an in-balance. There's some resource support that is not even registered with us that are given directly to the mandate holders. So we're trying to bring a better balance and a greater transparency to the resource issues.

I think the longer-term sustainability of all of this work -- supporting the mechanisms, the urgent actions of the commission of inquiry, and our own work, whether it's country offices or regional offices -- is certainly an ongoing challenge, given especially the limited space for donors to support this work, beyond the regular budget process in the General Assembly.

I think a key -- this will require many, many concerted outreach in many directions, but a key is this -- the multi-donor trust fund that we've established with the UNDP to do human rights integration because what one of the troubles for the Office, in terms of tapping donor funds has been -- it's a little varied depending upon the donor governments. But they have development assistance pockets, and then they have humanitarian assist pocket. They don't have a separate pocket for human rights work, and so, we sort of fall in between the cracks.

I remember an experience in Kyrgyzstan, where immediately after the outbreak of violence in the southern part in Osh, there was a donor conference put together by the government, where the president herself came, and I represented some of the UN entities there. And so, I made a pitch for how there has to be human rights monitoring. We need to go to the ground, and blah, blah, blah. And one government immediately came to us and said, "We'll give you $7 million." I said, "Wow, this is unheard of for human rights work." So, we were very excited, and then we said, "Maybe they've missed, and added one circle there," but very excited. Okay, in the afternoon, they come to us and say, "But, sorry, we thought you were the refugee agency and not human rights." So, I think there's a -- we don't -- in that we don't get our fair share, so far. So, we need to switch the mindset of donors that human rights is development work. It also is humanitarian assistance, immediate response.

So, there are some creative thinking that's required, and I think that could lead us to getting a fairer share of what human rights should be getting. I mean, there's this rhetorical commitment to human rights being the third pillar of the United Nations' work. We get less than 3 percent of the regular budget. The whole human rights program of the UN gets less than 3 percent. So, I think there's a lot of -- a lot to be said, and I think a lot of rethinking on the part of donors, in terms of how you might -- you know, maybe not 30 percent of the budget, but certainly, there has to be some matching between the rhetorical commitment and the money commitment.

MR. PICCONE: Very good. Okay. So, why don't we turn to the group,

and I'm going to ask Ambassador Portales to start us off. There's a microphone -- come down here. Ambassador Portales was Chile's ambassador in Geneva for several years. Please.

AMBASSADOR PORTALES: Thank you very much, Ted. I think was an excellent presentation. I would like to ask Deputy Kahn about the question of this change of attitude because I see very positive changes from one year and a half ago to today that's clear on this idea for multidimensional class trend would be very important, in term of supporting his work. But, still, I see that some countries keep their views on human rights as a sort of threat to national sovereignty -- and this manifested in two things: one, in the question of the (inaudible) conditionality and if we integrate human rights with development, is that seen as conditionality by the same countries that we're advocating against conditionality; on the other hand, if we turn to the Security Council, we notice that in the Libya situation there was already strong common position of emerging powers abstaining of that. So, I think there has been very important step forward, but still, could we predict that these changes will be sustained in the future? That this idea of a very important human right component, which is always difficult for a state because human rights, international affairs, is a sort of revolution because it's the voice of the people against states. And, that's very important, or at least the limitation of the states, and I think that's very positive. But, it's difficult.

And, do you see that this tendency of several countries from different quarters to limit their activity, the powers, and the mandates are still there, or do you think that these Arab Spring make definite change in term of the Human Rights Council being able to address this crisis situation? Would remember almost two years ago, the situation in Sri Lanka, and how the Council was not able to deal the situation or dealt in the (inaudible) that we (inaudible). So, I'm trying to inquire about the strengths of these changes within the Council. Thank you.

MR. PICCONE: It's an excellent question. And for those who are not familiar with it, about two years ago -- I'm not -- I --

AMBASSADOR CHAMBERLAIN DONAHOE: Summer of 2009.

MS. PICCONE: Right. There -- the Council passed a resolution on Sri Lanka that really was a step back for many of us who felt like the Council should be more proactive on these issues, and it was very strong resurgent of national sovereignty, non-interference principles. So, please, can you comment on these questions -- both of you?

MS. KANG: Well, I'll let Eileen answer the Council aspect.

MR. PICCONE: Yeah.

MS. KANG: Generally speaking, are the gains sustainable? Yes. Certainly, there are still member states, governments, that see this change with a great deal of weariness, see human rights integration and the development activities as conditionalities. But, I have to say, many governments have also taken lessons from the Arab Spring and come to realize before similar things happen in their own country they themselves have to rethink. And, we are getting many more requests for assistance from many countries in the region.

We are also getting requests for joint work -- human rights advice -- from UN partners on the ground. Partners who had felt, in the past, human rights was difficult, uncomfortable, we don't want to deal with it because it raises blocks with governments. But I think fundamentally they are recognizing the work has to really link to the people and not just to governments. And I think many in the past -- UN entities -- because we work for, basically, an intergovernmental body -- in the first instance we work with the governments -- but the governments that do not represent the aspirations of the people can take the work only so far. And I think the lesson of the Arab Spring is that you really need to reach out to civil society and the people. And this is exactly what we found when we went in, I think, days after the president was ousted. We sent the assessment mission. And they were all saying, "Where was the UN?" You know, UN was there, but totally inclusion with just the government and out of touch with NGOs and the people.

And so, this is a real, you know, a lesson for the UN entities on the ground. And so, therefore, we are now getting more requests from within the system for

human rights integration but also from governments. So, I think the overall trend is certainly a much more openness and willingness and even eagerness to work integrating human rights whether it's development, humanitarian assistance, and peace and security operations.

And, in the end, as I think I've already mentioned, the awareness of human rights that has been unleashed by the Arab Spring cannot be put back in the box, and, it will be the people. And we've seen it being played out in many other cities now, whether -- and it's hard to get what the grasp, what the core issue is, but at the core of this, is discontent that governments that drove policies based on sheer economic models of growth and development have neglected the human face of development, and you need to bring that human face back in if policies are to be sustainable. And I think that lies at the core of all these discontent that is now being played out and intent communities in D.C. and in front of Wall Street and so on and so forth.

So, I think, unfortunately some of them then turn to violence, as in Chile, with a student protest, but there is a core legitimacy to the cause of the people, all over the world. And I think it's then incumbent upon governments, not to repress that voice, but to really hear to what that voice is, and to rethink the democratic governance -- the practice of it -- the theory of it -- to see how better to bring in that element with a greater sense of accountability and participation.

MR. PICCONE: All right. Can you imagine another Sri Lanka episode?

AMBASSADOR CHAMBERLAIN DONAHOE: You mean at the Council --

MR. PICCONE: At the Council.

AMBASSADOR CHAMBERLAIN DONAHOE: -- you don't mean in the facts on the ground?

MR. PICCONE: Yeah, at the Council.

AMBASSADOR CHAMBERLAIN DONAHOE: At the Council? No, not right now. We have to protect the membership. I actually want to respond to this other

question because I think it's a really excellent one, and I think this is something that is not adequately understood. So, we talk about human rights being one of the three pillars of the UN. Well, one of the other dominant pillars is this notion -- as you said earlier -- is sovereignty and non-interference. And there is actually a pretty significant tension between those two things. And I think that's part of what we're seeing here, and that's what the Arab Spring is challenging. They're not irreconcilable if you understand that sovereignty must rest on respect for human rights. The basis of sovereignty and on-interference is that a government respects the human rights of their people. And I think that's going to be one of the lessons of the Arab Spring, and it'll make that clearer.

And to the question of -- you know, you've raised a question about whether Libya -- so what's the takeaway lesson for other countries, whether Syria or others -- and Deputy Kang touched on this, as well? I think some countries will step up to the real question, which is, "Do we want to embrace human rights values or not?" Some will do that. Others will take the wrong message and maybe follow the Syria mode and say, "No, we're going to go with the sovereignty idea and how dare you and we're going to bring out the tanks." And I think that fewer and fewer countries will choose that route, you know, perhaps because of the Libya example, and that doesn't end very well for the people who choose that route. And I think that's actually the third category. Some may not embrace the human rights. They may not follow Syria, but it's because it's sort of the instrumental value of they don't want to end up like Gaddafi, that they say, "Okay, we better get with the program and do the right thing for our own people." So, it's interesting.

MR. PICCONE: Great. I have a bunch of hands, so let's take a few comments. Right here, this gentlemen, and then the middle, and then one in the back.

SPEAKER: Yes, ma'am, Dr. --

MR. PICCONE: Could you please -- yeah, introduce yourself.

SPEAKER: Yes, I'm Dr. Dusard with the Parks and American League. We subscribe in the area of U.S. Parks and Relations. My question is, does this Commission and Council have a mechanism also to implement their recommendations?

How do they implement their recommendations, number one? And, number two is, what are the differences between the struggle of people of Syria, and the struggle of people of Libya? If you can draw some parallel between them? And then, you mentioned that people will not like to follow the example of Libya; somehow people will learn lessons.

But in the case of Syria, when Arabs are supporting the resolution, when the overwhelming majorities, Ambassador Eileen must be knowing what is the hitch or the glitch in front of the Security Council to ensure that even in Syria the change comes. And, I will request that -- you had mentioned that you try to figure out that when there is a disconnect, or when a government is not following the aspirations of people, how do you figure out that thing, is there any criterion? And how much time does it take to figure it out because Gaddafi a ruthless dictator was there for 41 years? It took 41 years for the Security Council to resort to this. And (inaudible) was there since decades, and Assad's family's there since many decades, and Human Rights Council, Human Rights Watch, Human Rights Commission, had they taken any practical steps to educate the leaders that they should have abide this kind of situation that had developed right now?

MR. PICCONE: Thank you.

SPEAKER: Thank you very much.

MR. PICCONE: Thank you. In the middle here, Paula?

MS. SCHRIEFER: Thanks so much. Paula Schriefer with Freedom House. You credited one of the important aspects of the Arab uprisings in, sort of, both raising the prominence of political rights and civil liberties, but also in breaking down some of the traditional block voting that we've seen at the Council. And I just wanted to add, as a group who goes to Geneva frequently and talks with a lot of the governments, including some of the governments who don't typically vote together with U.S. or WEOG, that there's an additional aspect to it that maybe you're too modest to talk about, which is -- and Ted alluded to it -- the approach that the U.S. has taken to working with countries across the different regional groups. And that was taking place well before the Arab Spring. And I think if those two things hadn't taken place together, we might not have

seen some of the progress that we saw in the strong resolutions on Libya, Iran, et cetera. But, I wonder if Ambassador Donahoe might just talk a little bit about, not only the breaks that you've seen in voting among the OIC, but also in some of the other regional groups. Any particular surprises within the Latin America group, with the Africa group, Asia, et cetera? And do you think this pattern -- this follows up on Ambassador Portales' question -- will this pattern continue to force countries to vote on the human rights issue rather than --

AMBASSADOR CHAMBERLAIN DONAHOE: Yeah.

MS. SCHRIEFER: -- on an ideological issue.

MR. PICCONE: Great. Great question. Can we take one more in the back on the aisle there? Right there. Yeah.

SPEAKER: Hi, I'm Cindy Ragaba, recent graduate of the Josef Korbel School, and I had a couple questions, really quickly. In Libya --

MR. PICCONE: Just briefly. Yeah.

SPEAKER: Yes, very quick. In Libya it seems that that seems to be the great success story of what you're -- the stories in the Arab league -- in the Arab Spring -- and to what extent is that due to an armed response by the activists because what we're seeing in Syria is that the unarmed activists are really being pummeled and they're not able to further the struggle? And to what extent, with things that are happening in Tunisia and particularly Egypt, is it necessary for an escalation of violence before the international community responds because in Egypt, we're really looking at an armed response possibly in the near future, but in -- an escalation between the activists and the military. So, is there any hope of the international community responding before the situation gets to that, or do we have to see a great loss of lives before the international community can rally around? And we know, at that point, it's much more difficult to get people on the ground and to stop the escalation. Thank you.

MR. PICCONE: Thank you. So, we're going to come back to the panel, and then, maybe, there'll be time for one more round. Do either one of you like to go

first? Lots of questions about comparing the Syria and Libya case, issues of implementation, speed of response --

MS. KANG: Let me respond to the question, does the Council have the ability to implement the recommendations? The Council is a deliberative body. It's where government representatives come together to discuss the issue and come out with resolutions. Whatever comes out of that deliberation, in terms of the recommendation, is addressed to the country concerned. And the whole international human rights machinery is clearly the responsibility of the government to undertake action. The governments have the primary responsibility to protect and promote the human rights of its people. The international community can assist, but the primary responsibility squarely lies with the governments.

So, if you look at the recommendations, they're predominately targeted toward the government -- please revise this law. Please release the political prisoners. Please stop the killings. Right? And that was the recommendation coming from the Syria. And, at the end, if the government doesn't have the will, the implantation doesn't go anywhere. Right?

Our office -- we have a very general mandate from the General Assembly resolution, dating back to 1994, which is, to take the lead in protecting and promoting the human rights of all people. So, it's a very broad mandate, and therefore, we have to prioritize and select. We, obviously, don't have the capacity to deal with every human rights violation, but because we are the Office we do get a lot of information from victims, from civil society, on a constant stream of communications coming from us. Even during the Syria fact-finding mission, although we were not able to go to the ground, we were getting information, and, you know, the modern technology enables us to get information through email, through SMSes, and we were even Skyping with demonstrators who were, you know, doggedly there, fighting the battle on the streets every day. So, with the modern-day technology, we're not faced with any short of information. It's then the ability to sort through and see where the High Commissioner

voice needs to be made. Sometimes we make it publicly, in terms of press statements, but we also use many confidential letters, communication, which is also -- the special rapporteurs also -- because sometimes we find out, with certain governments, it's more effective to do it quietly and discretely, rather than making public statements. So, there's many different kinds of tools that we use, basically, to urge, push, encourage, nudge governments to take action.

Can we do something before the crisis breaks out? This is the whole notion of preventions, atrocity prevention in particular. But I think we also have to remember that when prevention succeeded, we don't know about it because it doesn't make the headlines. But I think we have many stories from our own engagement, from the engagement of the special procedures, where a crisis was averted, where atrocities were aborted because there was presence on the ground; because the government was alerted; and because we were able to mobilize the voice of countries with influence.

For example, we have an office in Nepal, accompanying the peace process there after the Civil War. One of our jobs is to go to rallies wherever they occur, and to show that we are there, monitoring, with the OHCHR jacket on. And that has, by all accounts, has been a very important factor in making sure that these rally, which are very volatile and could turn violent any moment -- but just the sheer presences of UN human rights officers were able to prevent that from happening, and we get credit from all sides, even the prime minister at one point said, you know, the Office's presence, alone has been a very stabilizing and element as -- in a very volatile period of the country.

So, and there are special rapporteurs. The success of them is a story that needs a lot more telling. I'm just coming back from Uruguay, for example, where Manfred Nowak's mission in 2009 -- I don't think he even knows the change that it has stirred -- but the amount of change that that one mission with a report that came out, you know, basically critical of how Uruguy, who is very committed, and you look at the whole evolution of the country -- very committed to human rights. But, they have this blind spot about their detention facilities, and the whole country was in denial about that. And you

needed that outside view to go in and point out the problems. And it has just led to a change of how the country is dealing with prison reforms. Had we not had that report, and had the situation continued with the overcrowding, the torture, and the ill-treatment, it could have led to riots and killings in these prisons.

So, prevention is really difficult to see where the successes are, but it's being done. Obviously, there are cases where prevention was not done, and that led to the crisis, for example, of Rwanda -- you know, before the genocide took place -- the special rapporteurs and extrajudicial killing had documented the warning signs urging the international community to do something about it. That just wasn't done. So, there's a lot more to be said about harnessing the potential of the special rapporteur system, which is the human rights early warning mechanism to do to crisis prevention, and atrocity prevention.

MR. PICCONE: Just to underscore this last point, we did do some research here on the effectiveness of the special procedures as a mechanism and found that there are hundreds of examples where the catalytic effect of the special rapporteur, wearing the blue colors -- the blue flag -- can make a difference, on the ground, to human rights victims. And, there are many different factors involved, and it's all on our Website as to -- kind of explaining it all, but there's a good record there. Of course, it's up to member states, but there's also the question of just follow-up -- you know, making sure that the reports of the special rapporteurs stay on the agenda of the Human Rights Council. And there is no institutionalized system for that, other than, most recently, the universal periodic review, which we haven't talked about today, but is a whole another of area of new action happening at the Human Rights Council that is covering every, single member state of the UN, in a way that it's never happened before -- 100 percent participation in reporting peer review process, resulting in a set of recommendations that will then be reviewed again, as to implementation in the future. But, it has also brought a lot more work for the Office of the High Commissioner, but, also, much more engagement with governments and with civil society that are now being brought into the process,

brought into dialogues with governments in a way -- on human rights issues in a way that hasn't happened before. Please.

AMBASSADOR CHAMBERLAIN DONAHOE: Let me try to touch on the second and third question that were raised. On Paula's question, I can give you some really good examples -- actually, very interesting. I'll start with the Sri Lanka point that Ted brought up as a negative example of where the membership at the Council was still stuck in that, you know, let's support our friends and neighbors mentality. The United States wasn't there yet, but that's absolutely the dynamic that was going on, and they all fell into that ideological regional pattern. And that's what happened, and I don't think that will happen again for this because this has what's been awakened in people, you know, a sense that they better address things on the merits.

But, I have two positive examples and then an interesting comment about a particular group. Very recently -- I just told Ted before that I was told by the Indonesian ambassador after the vote on the COI -- I mean, Indonesia, you know, isn't necessarily out there on the leading edge when it comes to condemning specific situations in countries -- and they were really proud that they took that decision and wanted to make sure we were aware of it. At the same time, the Indians took the other route, you know, and they're a little embarrassed about it, and I hope they feel a little pressure, and they will be hearing from us on that subject. So, there's one example of a country choosing to take the high road, and the -- deal with the situation on the merits and vote in a way that they might not have before.

Another great example is freedom of peaceful association and assembly, where the success of that initiative was because we went to every single region and found at least one core sponsor from the region. So, we had Nigeria, Indonesia again, Mexico, Czechoslovakia, and Lithuania, and then the U.S. And what we did is instead of allowing it to be framed as, oh this is what the U.S. cares about, this is what Western countries care about, we talked about -- in fact, this was right at a time when the president gave a speech on this, and he talked about the antiapartheid movement in

South Africa, depending on freedom of association and assembly, the solidarity movement in Poland depending on it, and the, you know, the mothers of the disappeared being able to organize because of freedom of association and assembly, and we played on that idea of, no, this isn't our right. This is how you ended up here. This is how you are all here representing your governments -- or many of you -- because there's some kind of transformation, revolution, whatever happened in your country -- democratic movement -- rested on the exercise of free assembly and association. And it generated the sense of identification. These are our rights, and that really worked.

Last comment on that is that I've had conversations with some of the bricks -- Brazil, India, South Africa -- and their desire to try to stick together, and be the coalition that leads in new ways, and yet they've been challenged with that identification because they've found that maybe they have shared interests when it comes to economic issues. But when it comes to human rights, Brazil and India and South Africa should really be with the United States and others on human rights. And how they're going to figure out how to form an alliance with Russia and China is -- it will take them a while to figure that one out. And it's very interesting that they want to be the lead with that regional group, and yet, they're recognizing that's almost a non-starter.

The last point, that's a really difficult question, and I think I heard in the question of whether the international community will only really go to the mat and solve the problem, such as happened in Libya, if there's armed resistance. And -- so I hear in that a question, really, to New York -- the Security Council, you know, if you're going to go to the level of military invention. But, for us, I will say, in Geneva, we don't need armed resistance to speak up, and we will. But, I have a parallel worry, which is -- it's not so much about armed resistance -- it's the more effective a government is in shutting down opposition, whether it's armed or not armed, it's that becomes a real problem for us in our ability to act because we need some sort of emotional moment, like we had in Syria. When the Syrian forces were shooting family members of peaceful protestors at a funeral, we took that moment, and we used it. In Iran, you know, the green movement is

very strong and organized, but the Iranian regime is so effective at intimidating people and -- you know, there's -- 70 percent of the human rights defenders in Iran are either in prison or in exile or some number like that. So, when a government is that effective at shutting down opposition, whether it's peaceful or not, that's when you have to worry. And that's where freedom of speech, freedom of assembly and all that comes in, as well. So --

MR. PICCONE: Perfect. I'm afraid that we've pretty much run out of time here. I want to thank you all for coming. I particularly want to thank our two guests for their comments. I think you can see that we have here, two of the leading lights of thinking and action on these issues, not just in Geneva or in Washington, but around the world. I mean, I think you got a sense of the voice of moral clarity and political acumen, and what a powerful combination that can be in getting real results on the ground. So, thank you all for coming, and we look forward to seeing you again.

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