

Center for Strategic and International Studies

TRANSCRIPT

Babel: Translating the Middle East  
**“Zeid Ra’ad Al Hussein: Human Rights in a Messy World”**

DATE

**Tuesday, April 2, 2024**

FEATURING

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Jon Alterman: Zeid Ra'ad Al Hussein is the president and CEO of the International Peace Institute and Perry World House professor of the practice of law and human rights at the University of Pennsylvania Law School. He is the former United Nations (UN) High Commissioner for Human Rights and had two stints as the Jordanian permanent representative to the UN, separated by service as Jordan's ambassador to Washington.

Zeid, welcome to Babel.

Zeid Ra'ad Al Hussein: Thank you. I'm delighted to be with you.

Jon Alterman: You were the UN High Commissioner for Human Rights from 2014 to 2018. Did respect for human rights rise or fall during that time and why?

Zeid Ra'ad Al Hussein: Well, it's never binary. You have contradictions, and they abound everywhere in our daily lives. You can look up trends which made you feel that we still were seeing progress on human rights across the world, and many vectors which were positive. Then you saw some very negative trends. The rise of populism, authoritarianism, the willingness to run roughshod over the rights of people seems to be spreading against the heroism of people on the ground who are fighting in the reverse direction.

Seldom do you find rights that are just being handed. They have to often be claimed through struggle, nonviolent, hopefully always, and it should never descend to the confrontation of violence. That's something that must be prescribed. But there ought to be a struggle for rights where they are denied, whether it be a deprivation of economic, social, or cultural rights, or a denial of civil and political rights that must occur if societies are to remain healthy around the world.

Jon Alterman: What is the UN's role in that? What's the UN's opportunity, especially in a world where you have increasing Great Power competition? Certainly, the UN was divided by the Cold War, now with increasing Great Power competition. It seems harder and harder to make the UN a place that can really have traction on some of those issues.

Zeid Ra'ad Al Hussein: The UN is the repository of many of the treaties that are negotiated, signed, adopted, and ratified by member states. Without the UN, you don't have a universal norm or a set of universal norms and laws that maintain the standard against which you measure conduct. So, if you were to remove the referee, so to speak, then it would just descend into anarchy. Everyone will have their own set of rules. There won't be a universal standard. You need to

have an anchor in place. The human rights machinery is very sophisticated. We have nine core human rights treaties: the Universal Declaration of Human Rights, two international covenants, and a series of critical treaties and associated instruments and protocols. All of this is underpinned by the UN. There are also quasi-judicial bodies, such as the Human Rights Council and the Universal Periodic Review. Every country has submitted to three cycles of this, including the United States under the Trump administration. The Trump administration, to much fanfare, withdrew from the Human Rights Council, but it did not withdraw from the Universal Periodical Review. This machinery is essential. It supports civil society at the grassroots level where civil society exists. Where it doesn't, it will be the mouthpiece on behalf of civil society. It's the one thing that sort of allows us to believe that we can be morally consistent.

Now here I have to distinguish between the independent bodies within the UN, my office, the High Commissioner for Human Rights, and the special rapporteurs. These are independent of the member states. Then there is the Human Rights Council, which is intergovernmental and very political. There you do have double standards abound, and everyone practices it by the way. Everyone points at the United States. Many countries in the Global South will point at the United States, and rightly so because they will claim that the United States champions human rights around the world but then has in their minds, and the minds of many Arabs, a blind spot when it comes to Israel's conduct.

The argument is basically that the United States can say, "Well, the rest of you are also practicing double standards." And that is true. The difference being that the United States tries to champion the international human rights agenda. For that reason, there's a sort of special attention given to that particular question.

- Jon Alterman: China, of course, argues that the United States is advancing its narrow interests and that what the United States and its partners put forward as universal values are really just ways to advance Western interests and Western understandings at the expense of countries in the Global South. Do you think that argument holds any water?
- Zeid Ra'ad Al Hussein: No. It's an old sort of story. This is first championed by Mahathir in Malaysia. They sort of hold the relativism argument. The Universal Declaration itself came out of a number of different streams. One of which was a body of philosophers that was put together by ECOSOC at the UN and that canvassed the views of many around the world, including those who were steeped in knowledge about Eastern religions and other religions, not just the

monotheistic ones. It gleaned from all of that that there was significant overlap, and the Universal Declaration reflects much of it.

There are certain things at the leading edge of the human rights normative framework, whether it's LGBTQ rights or the rights of women in certain contexts, that are considered by some countries to still be too unique of a nature that's not acceptable to them. It doesn't really vitiate everything else, and besides, we societies have to progress. If you're an indigenous community somewhere in South America and you're claiming your rights from a particular government, land rights, rights of indigenous persons, for example, you can't also be violating the rights of women in your community by causing them harm.

Now, one has to respect cultural tradition and cultural rights. Of course, that's important, but not at the expense and when it causes harm to others. So that has to be balanced out. The argument that there are certain things that are entirely Western could be held to be true, but it's a very narrow argument. Additionally, everyone is against torture. No one stands for torture, right? Who's going to stand for tyranny? Is there a legal or historical tradition that stands for tyranny or supports tyranny? That's what we're talking about, really, in the main.

There's another point: a friend of mine who was recently the EU ambassador in Washington, Stavros Lambrinidis, who used to be the high representative for human rights in the EU, once said to me, and I think he was absolutely correct, "When you travel around the world and you go to remand centers or prisons and you meet with prisoners of conscience or political prisoners, never do you hear the argument. 'Oh, well, it's acceptable to have me in prison because culturally we're different from the West.'"

The victims of human rights abuses know that rights are universal. You only hear this argument from those who support the oppression or the suppression of dissent or the rights of others. If you hear it from governments, you hear it from those who are enablers of that condition. But you never hear it from the victims.

Jon Alterman: In practical terms, how does the UN have to change to be more effective at advancing those kinds of interests in countries where they're not widely adhered to?

Zeid Ra'ad Al Hussein: This is a debate that we could also have at another time, but I always believe the UN has to have a strong voice. I tried to be as strong as I could. It didn't

earn me any friends with governments around the world. When I had my last speech, one of the ambassadors said to me, "We really hated you, but you were fair. You were tough on all of us, all the countries of the Global North, South, the P5, everyone." That was the way the job had to be done because you need a referee.

You need an independent body brave enough to say, "Look you're all committing violations and fouls against each other, you have to stop it." Of course, no one likes a referee. Take any of the professional leagues. You see them constantly being abused by the fans, right? But without them, the game wouldn't exist, or the sport wouldn't exist, or the professional league wouldn't exist. You have a set of rules, normative rules, and you must have a referee backing them up, otherwise, it becomes the United States accusing the Russians, the Russians accusing the United States, everyone's accusing each other of double standards, and you're not agreed on the basics. Everyone likes to have a weak referee because then you can get away with more, but it's not good for the health of the planet, and that's where we are now.

If we had a weak UN because the Security Council is divided, or it's believed that the senior leadership isn't as strong as it is or ought to be, then it's not of any service to the member states. And it should be.

The independent part of the UN has to be strong. The intergovernmental part has to give it power to be strong. Again, going back to a professional league. The power of any professional league, or sporting league, lies with the franchises, and the owners of the franchises. It lies with the star players, the huge followings that they have, and the money involved, right? Very infrequently do people know who the umpires are, or the officials, or the referees, right? But again, the power in the game is given to them to decide the points, to decide the infractions, and that's how the game functions. If we don't have a world where that happens, then we will have complete chaos and anarchy. I fear that's where we're heading slowly if we're not able to arrest the current development.

Jon Alterman:

In a conflict that I know you've thought a lot about, the Israelis and Palestinians, the Israeli claim is that the UN has proven time and time again that it can't be a proper referee in this conflict and in fact the UN has been trying to advance peace between Arabs and Israelis for eight decades, and the peace agreements have been made outside of UN auspices. Do you think the UN needs to play a different role in Arab-Israeli issues going forward, and how does it build the trust of the antagonists if it is to play a larger role?

Zeid Ra'ad Al Hussein: I'm not sure I'm one who agrees with the Israeli assessment because Israel was founded in part on a UN General Assembly resolution.

Jon Alterman: Which was rejected by the Arab states.

Zeid Ra'ad Al Hussein: Yes, but then you had Resolution 242, which basically established the basis of land for peace, essentially.

Jon Alterman: Right.

Zeid Ra'ad Al Hussein: That was the rubric that basically was there, and still is in the context of a piece of the Palestinians. It still is the determining rubric. So again Jon, you have to distinguish what you mean by the UN. Do you mean the Security Council or the General Assembly? They're entirely political bodies, right? They're not going to be morally consistent. It's not going to be like that. The UN Secretariat ought to be morally consistent and strong. Here, every High Commissioner for Human Rights has been attacked by the Israelis. We've been referred to as anti-Semites and so forth. And yet we were not and, in my case at least, I didn't single out Israel. I was hard on all countries that I felt needed to have the light and spotlight shone on them.

In the intergovernmental bodies, in the General Assembly and the Human Rights Council, and so forth, there was this claim, and one could hardly dispute it, that there seemed to be an extraordinary attention on Israel, Palestine, and occupation. And what about the other situations elsewhere that were seemingly beyond the remit of that? But there's a reason for that. Ask yourself the question, why wasn't Colombia, with 50 years of conflict, ever on the agenda of the Security Council, right? Or Myanmar, why isn't Myanmar on the agenda of the Security Council?

It's because the permanent members of the Security Council basically will defend their hemispheres, or their orbits, the countries within their orbits, or governments within. So, it's not a fault of the UN. The UN is largely a reflection of the world out there, right? As governments, we will either decide to make it effective or we will decide to make it weak, and when we make it weak, we blame it then for why it is that the system doesn't work.

It's like, again, appointing weak referees and then the game is a chaotic game, and we're blaming the referees. But we appointed the referees. The whole thing becomes almost laughable if it wasn't so serious. There is a logic for having a UN that's strong and for holding this world together.

Jon Alterman: As somebody who's done both bilateral diplomacy and multilateral diplomacy and then you've been involved, as you said, in different parts of the UN, how are the skill sets different, and how do you measure success in those very different realms?

Zeid Ra'ad Al Hussein: Bilateral work, essentially, is fairly straightforward. You are there as the envoy of your state and residing in the capital of the state to whom you are accredited, and you have to strengthen your job and strengthen the ties that connect the two states. Your job is very similar to your counterpart's job. So when I was Jordan's ambassador to the United States, my counterpart was the U.S. ambassador in Jordan.

We were essentially doing very similar jobs and often overlapping. That is different from a multilateral diplomat that has to often be in the position of negotiating the two sets: negotiating resolutions often in the General Assembly, which basically are recommendations that states can accept or otherwise, or you have the Security Council where it's binding law. The Security Council produces international law that's binding and enforceable, or treaties which also, once ratified and entered into force, become binding on those countries that have ratified them. It's those latter two categories where the art of diplomacy really shines through. When you see it practiced at a high level of skill, it's breathtaking. It's brilliant.

You ask yourself the question, how do you get agreement on any of these treaties, 193 countries? How can you possibly get them to agree? When you look at parliaments negotiating budgets, it's almost impossible in many countries to arrive at an agreement, right? So, it's a huge amount of technique and skill required to get that agreement. It doesn't just come because people agree. It comes through a series of actions by whoever's leading the negotiation to bring them to a consensus at the end. There's certain parts of the UN system where the UN is basically the nursery for these treaties. Certain parts of the UN system are really very well-developed and strong, and other parts are relatively weak by comparison. And that needs to be changed.

Jon Alterman: Just to close and bring it back to Gaza, where do you think the UN should be putting its emphasis on Gaza? What pieces of an overall settlement can the UN realistically and practically advance that would bring us closer to an end of violence in Gaza?

Zeid Ra'ad Al  
Hussein:

Well, the UN adopted in the Security Council a resolution authored by the UAE, which was in its few days on the UN Security Council, that calls for the opening of a humanitarian space and for the appointment of a senior humanitarian coordinator. The Secretary-General has appointed Sigrid Kaag, a former UN special envoy who is very well known to all of us in the UN and did a brilliant job in the removal of chemical weapons from Syria 10 years ago, in this role.

The whole sticking issue at the time of the adoption was, who would supervise the humanitarian materials going in? This is something that was going to be worked out in more detail once she took up her office. But clearly, there's an enormous demand across the world for a ceasefire because the alternative seems to be that the Palestinian people are squeezed into the strip along the southern coast or southwest coast of Gaza. Ultimately, from the Arab perspective, there's this view that all that Netanyahu has in mind is essentially to empty the Gaza Strip of its inhabitants and have them break conditions that are so adverse that they eventually move into the Sinai, which for the Egyptians is a non-starter.

I think the feeling most people have in the region, and I think some in the United States also believe this, is that President Biden is enormously popular inside of Israel, and he can change the dynamic. If you were to articulate before the Knesset, as some have suggested, the importance of now having a clear and determined effort to arrive at a final settlement and that you cannot have this enormous attack on Gaza conclude and then nothing. It has to conclude, however that is to be determined, and then lead into a peace process.

There are various ideas on the table being discussed as to how one does this, but it's Biden more than the UN that can do this. Clearly what's happening in Gaza is absolutely horrific. In the Arab world, I've never seen such hatred that is beginning to emerge and anger as I've seen in the last few months since October 7. On the Israeli side, a similar sort of trauma over what happened on October 7. It was savage in the extreme and deserving of condemnation. But the leveling, and the destruction, and the loss of life, and the killing of Palestinian civilians has been horrific in the extreme, as well. And really a pox on everyone's house.

For all of us who believe in peace, to see where we were 25 years ago, and now where we are, it's so sad and so awful. We must somehow find enough threads to stitch together something that will hold, a peace settlement that would vote, that would give Palestinians their rights on their territory, and a



capital in East Jerusalem, as well as security and complete security for Israel and Palestinians and all of us who come from that region.

Jon Alterman: It sounds like your sense of the UN has a sort of urgent role on the humanitarian side and there may be a broader political settlement role. But what I heard you saying is a lot of this is going to come down to national governments working with other national governments, not through the UN necessarily.

Zeid Ra'ad Al Hussein: Well, it often has to come both ways. You look on the ground at who emerges from conflicts with a reputation that is intact and that people will support. Then you see whether they can be embroidered into a sort of series of negotiations that will lead you to a settlement. So you need all of it. It's not mutually exclusive, but I think the feeling is that President Biden would have to play a major role if we were to ever see anything emerge from this that's good. The view that we're sort of cresting the crisis, and we will soon find a space. Well, it may not be like that.

We have negationist language on both sides. The Israeli ministers who basically want to wipe out the Palestinians of Gaza, and then on the Arab side, you have language, which basically seems to dismiss the whole notion of an existence of Israel.

It's very negationist, it's very almost primordial, and that has to be arrested. Surely, there's a better way in which we can work our issues. The sad thing is also over the years, the corrosive effect of settlement building and the occupation itself. I've been saying to my friends that the occupation is not enforced with rose water and ice cream. Occupation is enforced through military means.

Ultimately, we need peace, all of us, and we need to sort of shock ourselves, perhaps, and maybe this is the shock of what's happening to the people of Gaza, and the people who suffered on the Israeli side on the October 7. But we need to stop, and we need to take stock of what's happening now and begin to thread something together.

Jon Alterman: Then, of course, one of the challenges for both President Biden and for the Israelis is, you may have elections, political changes in both the United States and Israel, which could change the complexion dramatically, and leaders on each side are going to be trying to game the other's politics, to use time to their advantage, which makes all of this much more complicated in the months to come.

Zeid Ra'ad Al  
Husseini:

We're balancing on the head of a pin. I mean, it is as dangerous as that. If something happens in the holy site, something violent happens, we're in a different space altogether. However appalling and dreadful the situation in Gaza is, this still could be the opening chapter of something much bigger.

For whatever reason, you could see this spinning in a direction that's frightful. Again, we must check whatever emotions are likely to come our way and find the space where we can have a discussion with those who want peace on both sides, and with the support of the United States, and a peace based on the basic premise of land for peace, and end this conflict once and for all.

Jon Alterman:

Zeid Ra'ad Al Hussein, thank you for joining us on Babel.

Zeid Ra'ad Al  
Husseini:

Thank you. Thank you.

(END.)