Chapter 10

The Human Rights Council and the Challenges of the United Nations System on Human Rights: Towards a Cultural Revolution?

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Among her manifold fields of interest (including the collective security system, the International Court of Justice and international refugee law), Professor Vera Gowlland-Debbas has made an important contribution to the role played by the political organs of the United Nations in the development of international law.¹ Her in-depth analysis of the influence and limits of UN sanctions has shed a particularly interesting light on the disjuncture between the development of the fundamental values and interests of the international community and the lack of a correlative centralised and institutionalised mechanism to ensure their respect and enforcement.² Human rights law represents another way to

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approach this dichotomy between norms and institutions in the contemporary international legal system. On the one hand, fundamental rights and freedoms have played a key role in the development of *jus cogens* norms that protect certain overriding universal values. On the other hand, they reveal the existential dilemma of realizing fundamental values in a heterogeneous world through an essentially decentralized international legal system. One of the most recent and telling illustrations has been given by the creation of the Human Rights Council.

The establishment of this new UN body constitutes one of the few tangible results of the vast UN reform programme initiated by the World Summit of September 2005. After a period of thorny negotiations, the General Assembly finally abolished the much criticized Commission on Human Rights and replaced it on 15 March 2006 with the new Human Rights Council.

Like many observers, Louise Arbour – the former UN High Commissioner for Human Rights – praised what she saw as a “quiet revolution”, which constituted “a historic opportunity to improve the protection and promotion of fundamental freedoms of people around the world.” The creation of the Human Rights Council “has served to return human rights to their rightful place firmly at the centre – indeed, at the very foundations – of the United Nations.”

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7 Above mentioned statement of 27 March 2006.