# Preferences or blocks?
# Voting in the United Nations Human Rights Council[*]

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## Abstract

After four years in operation the United Nations Human Rights Council (UNHRC) is subject to criticism, and various reform proposals are discussed. In the present paper we study systematically the controversial resolutions voted upon in the UNHRC. We find that these controversial resolutions are introduced by countries with a blemished human rights record, and that in the votes on these resolutions the council members belonging to the European Union (EU) vote very distinctly from the remaining members. In addition, the member states of the EU are in these votes almost systematically in the minority. This seems to suggest that in these controversial votes the problems faced by the UNHRC's predecessor, namely the Commission for Human Rights, have reappeared.

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# 1 Introduction

From its very inception in 2006 the United Nations Human Rights Council (UNHRC) attracted its fair share of criticism. The assessment by former United States Ambassador to the United Nations (UN) John Bolton was clearly the most colorful: "We want a butterfly. We're not going to put lipstick on a caterpillar and call it a sucess."[1]

After operating for four years as the successor of the even more vigorously decried Commission for Human Rights (UNCHR) the United Nation considers reforming this new body of the UN.[2] Surprisingly, however, no systematic studies exist to our knowledge elucidating how the UNHCR operates during its regular sessions.

In the present paper we wish to provide such a systematic study focusing mostly on the controversial votes that have taken place in the first thirteen sessions between 2006 and 2010. While a large majority of all resolutions are passed without opposition or only abstentions, 71 resolutions voted on between 2006 and 2010, however, revealed clear divergences of opinion with some countries opposing the proposed resolution. Analyzing these votes we find that countries with rather limited respect of human rights are the most frequent authors of such resolutions. In addition, these resolutions often pass against the council members of the European Union (EU), who in these votes adopt very distinct voting patterns. Analyzing more in detail how the identity of the proposer affects voting behavior we find clear patterns that these divisive resolutions play a considerable role in polarizing the UNHRC.

The remainder of the paper is organized as follows. In the next section we briefly present the development of human rights in the context of the United Nations as it led up to the creation of the UNHRC in 2006. Section three discusses the insights scholars have gained by analyzing the voting behavior in other UN bodies, most notably the General Assembly (UNGA) and the Security Council (UNSC).[3] Based on this literature we present expectations what blocs should

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[1] "Apologise or we'll cut your funding, US envoy tells the UN" *The Times*, June 9, 2006 (see also Rajagopal, 2007).

[2] "Le Conseil des Droits de l'Homme sera revu" *Le Temps* Septembre 6, 2010 `http://emploi.letemps.ch/Facet/print/Uuid/9018569c-b9bf-11df-9ea7-6791aedb1a60/Le_Conseil_des_Droits_de_lHomme_sera_revu`

[3] Other studies focus on international bodies like the European parliament (e.g., Attina,

form, and how the proposer's identity should affect voting behavior. In section four we present our empirical strategy which relies on hierarchical item-response theory models that allow for a direct estimation of the relevant parameters of interest to us. In section five we present our empirical results before concluding in chapter six.

## 2 Human Rights and the Human Rights Council

Following World War II, human rights have become a field of focus in international relations. The devastation of the War with the atrocities committed by all sides and the continuous violations of international rules and norms called for a new governing body after the failure of the League of Nations. The creation of the United Nations (UN) in 1945 was the first step toward the increased value of human rights. Soon after, in 1946, the UN created a sub-body which would deal with the promotion of human rights, namely the Human Rights Commission. In 1948 the Universal Declaration of Human Rights (UDHR) was adopted with 48 yes and 6 abstentions in the UN General Assembly (UNGA). The UDHR applies to all peoples, but on its own is not a binding legal document in international law. To ensure that the provisions set forth in the UDHR would be applied, the UNGA worked out the two additional International Covenants on Human Rights (1966) and the Optional Protocol, which are legally binding documents, and as a consequence can be enforced in courts. Nonetheless, it is the UDHR that is widely cited when it comes to human rights, and it has become one of the foundations of our understanding of modern human rights. On the basis of these legal documents the international community set out countless conventions on various fields of human rights, sometimes in the framework of international conferences and initiatives, sometimes within the Human Rights Commission. Regardless of the UNCHR's success with introducing the Universal Declaration of Human Rights of 1948 the UNCHR became over the decades a forum that was too heavily exposed to political influence. It was also referred to as the "shame

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1990; Brzinski, 1995; Hix, Noury and Roland, 2006) or the assembly of the International Labor Organization (e.g., Boockmann and Dreher, 2006).

of the UN"[4] by outsiders as well as by insiders such as former Secretary General Kofi Annan. The latter stated in his special report "In Larger Freedom" that the Commission was "undermined by the politicization of its sessions and the selectivity of its work"[5] and that "the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism."[6] The report also indicates the possible reputational damage of the Commission to the UN as a whole since "the credibility of the Human Rights Commission has eroded to the point that it has become a blot on the reputation of the larger institution."[7] This report would later guide the reforms of the Commission. Others, such as the US ambassador to the Commission at the time, called the election of countries with a poor human rights record just "absurd,"[8] and the flaws of the system made it possible for "countries just criticized by the Commission [to become chair]."[9] Following up on the UN Special Report the General Assembly decided to reform the Council in March 2006 by Resolution UN/A/RES/60/251.[10] The newly created Council reports directly to the General Assembly and therefore has a higher status than the Commission.

Decisions in the Council are taken by the forty-seven UN member states that are elected by the UN General Assembly to the UNHRC for a term of three years. These member states are the only ones to have the right to vote, while all other UN members have the right to be present as observers. In order to have systematic rotation within the Council in the future, certain countries were elected in 2006 only for one or two year terms. This has had the effect that so far, as of April 2010, 64 UN member states have been elected to Council. The countries are elected depending on geographical distribution, the so-called UN regional groups.[11]

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[4]Editorial "The Shame of the UN" *The New York Times*, February 26, 2006. `http://www.nytimes.com/2006/02/26/opinion/26sun2.html`.

[5]UN Special Report 2005. In Larger Freedom Addendum `http://www.un.org/largerfreedom/add1.htm`.

[6]UN Special Report. 2005. In Larger Freedom `http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement`, 45

[7]UN Special Report 2005. In Larger Freedom Addendum, 5 `http://www.un.org/largerfreedom/add1.htm`.

[8]"Sudan's U.N. post provokes anger" *Seattle Times*, May 5, 2004 `http://seattletimes.nwsource.com/html/nationworld/2001920167_sudan05.html>`

[9]Press Release Democracy Coalition Project 2004. ¡`http://www.democracycaucus.net/pdf/undc_press_release_may04.pdf`.

[10]`http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf`.

[11] These groups are the following: (numbers of members to the Council) Group of African

# 3  Voting in International Organizations and Human Rights

While voting in the UNHRC has to our knowledge not been studied systematically, some scholars have looked under various perspectives at voting in its predecessor, i.e., the Human Rights Commission (e.g., Lebovic and Voeten, 2006, 2009). Much more detailed studies on voting of member states in an international body focused on the UNGA. Early studies relied heavily on the notion of

"blocs," which proved difficult to define. Some characterize it with the help of the geographical groups used in the Charter itself (Ball, 1951, cited in Lijphart 1963), others by "solidarity or definite purpose" (Furey, 1954, cited in Lijphart 1963), by "geographical propinquity" (Ogley, 1961, cited in Lijphart 1963), or depending on their caucusing practices (ad hoc or regular) (Riggs, 1958, cited in Lijphart 1963) or a mixture of several things, namely "a group of states united by geography, history, race, or ideology" (Nicholas, 1962, cited in Lijphart 1963).

These early definitions of the blocs share nonetheless some common groups, like the Soviet Union with its satellite states (also called the Soviet-bloc), the African (sometimes mixed with Arab), the Arabs, Latin American (Lijphart, 1963), and later also the Western countries. Newer studies covering longer time periods (e.g., Holloway, 1990), show the appearance of the developing countries or also the "Muslims"[12] as new blocs, but also the "imperialists" or the "neutrals" (Newcombe, Ross and Newcombe, 1970), depending on the factors analyzed. Holloway (1990) shows, however, that depending on the time period studied the blocs are not located constantly in the same place spatially speaking. Certain countries also moved around in this space, so the "bloc shapes" have been changing. Not only do we find studies focusing on the different bloc building, but also on the internal life of the blocs themselves. For example some authors study whether there are blocs within the blocs (for the African "bloc inside the bloc" see Meyers, 1966).[13]

With the end of the Cold War, the long established, and often seen as the most cohesive bloc, the Warsaw Pact group (Soviet-bloc), disappeared in the-

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States: 13; Group of Asian States: 13; Group of Eastern European States: 6; Group of Latin American and Caribbean States: 8; Group of Western European and other States: 7.

[12] One could maybe argue that in the 1950s and 1960s when referred to the Arabs, the Muslims were also included

[13]See also the study by Marin-Bosch (1987).

ory. An important new bloc which emerged since the 1990s is the European Union as one entity (analyzed by Young and Rees, 2005). A new divisional line which has emerged, even if only to a lesser extent, relies on the notions of "self-determination/disarmament" (Kim and Russett, 1996).

Other studies conclude that voting behavior in the UNGA can be measured by the closeness to several influential countries, such as for example, the United States. These voting tendencies depend also on internal change, namely on whether or not there has been recently a leadership change. Dreher and Jensen (2009) find that a leadership change affects the outcome of the voting, namely that new leaders are more likely to vote similarly to the United States than tenured leaders.[14]

This brief overview of the UNGA's voting blocs forms our starting ground for the analysis of voting patterns in the UNHRC. Before developing this it is useful, however, to briefly evoke the old Commission on Human Rights and to sketch the workings of its successor. The former's work was heavily criticized, even by Secretary General Kofi Annan, who stated that, "[s]tates have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others"[15] Further studies find that members could have had several reasons for joining the Commission, namely to "influence the agenda to blame other states . . . , in an act of self-defense, enabling them to insulate themselves from investigation . . . and to deflect attention from themselves" (Edwards, 2008, 394). In addition, developing countries tried to shift the focus from civil and political towards economic rights. As history has shown, this is not uncommon within the UN framework as the interpretation and focus on human rights can be very diverse. Edwards (2008) even finds that countries with a poor human rights record had higher chances of getting elected to the Commission than those with high human rights standards.

The Commission's successor, namely the Council defines itself as "an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe."[16] These 47 Member States are elected by the UNGA in accordance with the mem-

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[14]See also the related study by Carroll, Leeds and Mattes (2010).

[15]United Nations 2005. UN Special Report. In Larger Freedom Addendum http://www.un.org/largerfreedom/add1.htm, p. 45.

[16]http://www2.ohchr.org/english/bodies/hrcouncil.

bers' "contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto" and "shall uphold the highest standards in the promotion and protection of human rights"[17].

The Council's working mechanisms include the following:[18]

"1. The Universal Periodic Review, which "assesses the human rights situations in all 192 UN Member States,"

2. An Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the revised Complaints Procedure mechanism which allows individuals and organizations to bring complaints about human rights violations to the attention of the Council.

3.The Human Rights Council also continues to work closely with the UN Special Procedures established by the former Commission on Human Rights and assumed by the Council."

## 3.1 Voting in the UNHRC: expectations

In a recent study of the UNGA Voeten (2000, 191) argues that voting heavily clusters member states and classifies various clusters assumed to appear in UNGA voting. Partly based on his work we focus in our empirical analysis on five major elements that might affect voting in the UNHRC, namely the level of democracy, the human development index (HDI), and member status in the European Union (EU), the Organization of the Islamic Conference (OIC) and the G20.

Starting with the first element that may lead to influencing voting in the UNHRC and thus to the formation of blocs, namely democracy, it relies obviously on the fact that democracy in part presupposes some respect for human rights. For simplicity's sake we will employ the Freedom house classification of political regimes: "Freedom House measures freedom according to two broad categories: political rights and civil liberties. Political rights enable people to participate freely in the political process, including through the right to vote, compete for public office, and elect representatives who have a decisive impact on public policies and are accountable to the electorate. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule

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[17]United Nations 2006. A/Res/60/251 `http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf`

[18]`http://www2.ohchr.org/english/bodies/hrcouncil.`

of law, and personal autonomy without interference from the state."[19]

In the empirical analysis we will only assess whether the three broad classes of regimes of "free," "partly free," and "not free" display different voting patterns in the UNHRC. Hence our expectations can be formulated as follows:

H1: Democratic (free) countries will vote more heavily together in UNHRC votes.

A second element we consider is the Human Development of countries. One may argue that as the Human Development advances, respecting human rights becomes easier. We rely for this, more as a control variable (and thus refrain from presenting a hypothesis) the Human Development Index.[20]

The third set of elements consists of several country groups. First, the European Union has developed over time its status in human rights issues quite heavily. Given the close integration one might expect that member countries from the EU display similar voting patterns:

H2: EU member countries vote closely together in UNHRC votes.

Second, another group of countries may display a similar distinct voting pattern, namely the Islamic countries. The latter are largely member in the Organization of the Islamic Conference (OIC, founded in 1969). This organization serves as "collective voice of the Muslim world and ensuring to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world."[21] In this context it has also adopted guidelines related to human rights, hence we expect that the member countries of the OIC also have a distinct voting pattern:

H3: OIC member countries vote closely together in UNHRC votes.

Finally, the last group of countries, namely the G20 serve again more as control variable. Regrouping the largest economies of the world, these states might have a quite distinct voting pattern.

While our first focus of this paper is to assess what affects the voting patterns (and/or revealed ideal-points), we also wish to assess how the proposer of a resolution affects these patterns. As will become apparent below, the authorship of controversial resolutions is heavily concentrated among a small set of countries.

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[19]Freedom House 2009. Country Status & Ratings Overview 1973-2009 http://www.freedomhouse.org/uploads/fiw09/CompHistData/CountryStatus&RatingsOverview1973-2009.pdf.

[20]*Source:* http://hdr.undp.org/en/statistics/.

[21]OIC 2010 http://www.oic-oci.org/page_detail.asp?p_id=52.

Nevertheless we would expect that belonging to one of these groups discussed above does not only affect the voting patterns, but also that proposals coming from one of these groups affects these patterns. Hence we will, in the limits of the possibilities, also assess how resolutions stemming from these groups affect voting patterns.

# 4    Data and Model

In this section we briefly describe the data we employ before discussing in more detail what empirical model we will fit.

## 4.1    Data

The data employed for this study consists of the recorded votes of the UNHRC's first thirteen ordinary sessions as of April 2010.[22] There have been non-unanimous votes on 76 resolutions and decisions during the ordinary sessions.[23] All other decisions were taken unanimously and are therefore excluded from this analysis. Votes on amendments to draft resolutions are also included and treated the same way as votes on the resolution itself.

Voting in the UNHRC is ternary, and consequently abstention is also widely used as a means for expressing an opinion. This effect can be well observed on several resolutions or amendments, where after an amendment which was for example opposed by a country, it decided not to vote "no" on the amended resolution, but rather to abstain from voting. While this behavior is important to note, as decisions are reached by simple majority, we focus our analysis only on "yes" and "no" votes.

## 4.2    Model

Analyses of voting decisions in assemblies in order to understand what underlying conflict lines can be detected have made considerable advances, also when it

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[22]For all documents concerning the voting see the UNHRC website. The final report of the 13th ordinary session (1 to 26 March 2010) was not yet in its final version, but only adopted ad referendum. The finalization of the report was entrusted to the Rapporteur.

[23]UNHRC 2010. `http://www2.ohchr.org/english/bodies/hrcouncil/`. We will focus later only on those votes where opposition was voiced, limiting the number of cases to 71.

comes to analyzing these decisions in international bodies. Early work, for instance by Alker (1964) (see also Alker and Russett, 1965) largely employed factor analytic models to determine the underlying conflict lines. As scholars mostly dealing with the US congress noted, such factor analytic models lack, however, a solid theoretical underpinning to allow for generating information on the relevant conflict lines. Based on this critique Poole and Rosenthal (1985) developed a theoretically informed estimator based on a spatial model of decision making.[24] This estimation procedure, called NOMINATE, was used among others by Voeten (2000) in his study on voting in the UNGA. More recently scholars proposed estimating the underlying conflict lines by relying on the so-called item-response theory model stemming from the school test literature (e.g., Fox, 2010). Clinton, Jackman and Rivers (2004) propose this approach to estimate the ideal-points of legislators (see also Jackman, 2004; Gelman and Hill, 2006).[25] All these models rely on parametric models with quite constraining assumptions underlying the estimator. Poole (2000) thus proposes a nonparametric technique to estimate ideal-points of legislators.[26] In some recent critical articles Spirling and McLean (2006, 2007) alert the reader that under certain circumstances these estimators may fail, namely if the assumed spatial model of voting is not appropriate, for instance if government and opposition vote against each other and the latter are dispersed on opposite sides on the ideological scale.

This external information may, however, be taken into account when estimating models, especially those based on the item-response theory as estimated in a Bayesian framework. For instance, Høyland and Hansen (2010) employ additional information on preferences to assess whether in the Council of Ministers of the European Union a push toward more consensus exists. Similarly, Malecki (2008) proposes, based on work by Fox and Glas (2001) (see also Fox, 2007, 2010, 141-192), a hierarchical item-response theory model, where the ideal-points are "explained" in part by exogenous variables.[27] Gabel, Hix and Malecki (2008) use this approach to assess what elements affect voting behavior on the European

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[24]See, however, Heckman and Snyder's (1997) proposal how a simple linear probability model might be underlying a factor analytic estimation procedure (though see Poole, 2005).

[25]Carroll, Lewis, Lo, Poole and Rosenthal (2009) offer an empirical evaluation of these different estimators.

[26]These various techniques are discussed in detail in Poole (2005).

[27]See for a similar approach to address a different problem Lauderdale's (2010) hierarchical item-response theory model.

parliament.

In our study of the UNHRC we also rely on the classic "two-parameter" item-response theory (IRT) model. In this model the probability ($\pi_{ij}$) of a yes-vote ($y_{ij}$) by actor $i$ on issue $j$ is following Jackman (2009, 455)

$$
\begin{aligned}
\pi_{ij} &= Pr(y_{ij}|\theta_i, \beta_j, \alpha_j) \\
&= F(\theta_i \beta_j - \alpha_j) \tag{1}
\end{aligned}
$$

where $\theta_i$ is in our context the revealed ideal-point, $\beta_j$ the item discrimination of issue $j$ and $\alpha_j$ the item difficulty of issue $j$. $F$ being a cumulative density function either of a normal or logistic type. For identification purposes, $\theta_i$ is usually assumed to be normally distributed with $\mu_\theta = 0$ and $\sigma_\theta = 1$.

Fox and Glas (2001) (see also Fox, 2007, 2010, 141-192) present the basic ideas how an IRT model may accommodate a hierarchical data structure. Based on this Malecki (2008) models $\theta$ as being dependent on some person specific characteristics. When addressing the issue what countries member of the UNHRC vote together we adopt a hierarchical IRT model allowing the $\theta$s to vary systematically with characteristics of the member states. More precisely we assume that

$$
\theta_i = x_i \beta_\theta + \epsilon_\theta \tag{2}
$$

In a second step we assume that the item discrimination parameter $\alpha$ varies with characteristics of the resolution voted upon, more specifically its authorship. For this we assume that

$$
\alpha_j = x_j \beta_\alpha + \epsilon_\alpha \tag{3}
$$

IRT models are most frequently estimated in a Bayesian framework, given the numerous parameters to estimate and the distributional assumptions required for identification. We proceed similarly in this framework and implemented these models in JAGS (Plummer, 2010), but also relied for the first model on Malecki's (2008) implementation in MCMCpack (Martin and Quinn, 2004).

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# 5 Empirical results

The data we use comes from the first thirteen sessions of the United Nations Human Rights Council. In these thirteen sessions 75 votes on resolutions took place.[28] Four of these votes were unanimous, namely the votes on the "Role of good governance in the promotion and protection of Human Rights," "Torture and cruel treatment: the role of medical personnel," "Situation of human rights in the Democratic Republic of Congo," and "Right to development." These four votes are omitted from the analysis that follows.

This leaves us with 71 votes and 64 members who voted on parts of these votes. Each of the 64 member states voted on at least 9 of these topics. As much of the literature on voting in international bodies focuses on block building we start our empirical analysis in the same vein. Instead of proceeding in an ad-hoc fashion we rely, however, as discussed above, on a hierarchical IRT-model. This model estimates at the same time revealed "ideal-points" for the member states, but also how the latter are influenced by various independent variables. As discussed above we consider three groupings of member states of the council, namely whether they are part of the European Union, whether they belong to the G20, or if they are part of the OIC. In addition we consider two additional pieces of information, namely the Human Development Index[29] and the country's assessment by the Freedom House Foundation as "free," "partly free" or "not free."

Table 1 reports the second-level estimates of the IRT model.[30] The estimates (with their respective credible intervals) suggest strongly that the member states of the European Union distinguish themselves clearly in their voting patterns from the remaining set of countries. This supports our second hypothesis. As the parameters for the overlapping groupings of G20 and "free" by Freedom house are quite substantially smaller, this suggests that there is an EU-specific effect which is independent of their level of economic development or their democratic status.

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[28]See table 4 in the appendix for a list of all resolutions considered.

[29]*Source:* http://hdr.undp.org/en/statistics/

[30]In the appendix we depict some convergence diagnostics for all parameters estimated in the model. Most parameter distributions seem to have converged (except the $\theta$s of some member states that have voted only infrequently) after the 100000 burnin iterations. Hence the reported estimates characterize 10000 iterations thinned by 10.

Nevertheless we also find a significant difference between "free" countries compared to "partly free" countries, while the latter are hardly distinguishable in terms of their voting pattern from the "non free" countries. This supports our first hypothesis. We also find a marginal effect for the human development index but none whatsoever for the OIC-dummy, which is in contradiction with our third hypothesis.

Table 1: Hierarchical IRT Model: second-level estimates

|  | | credible interval | |
| --- | --- | --- | --- |
| variable | b | 2.5 % | 97.5 % |
| EU | 0.354 | 0.176 | 0.544 |
| G20 | -0.018 | -0.165 | 0.115 |
| OIC | -0.099 | -0.253 | 0.039 |
| HDI | -0.113 | -0.164 | -0.068 |
| Freedom House (partly free omitted) | | | |
| free | 0.163 | 0.011 | 0.319 |
| not free | -0.097 | -0.263 | 0.058 |
| $\sigma_\beta^2$ | 0.042 | 0.024 | 0.070 |
| n votes | 71 | | |
| n legislators | 64 | | |

Hence these results clearly show that voting in the Human rights council is quite strongly influenced by political concerns, and that quite a clear block around EU (and "free") countries is opposed in controversial votes to the remaining countries.

As these controversial votes do not fall from the sky, we also assess the propoer's identity.[31] A first thing to note is that these controversial resolutions are crafted and introduced by a very limited set of countries. At the top of the list we find Pakistan with 23 resolutions, Cuba with 20 and Egypt with seven. The remaining are proposed by thirteen different countries, but 7 of them stem from EU-member countries.[32] As our first analyses have shown that EU member

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[31]For simplicity sake we only use the information of the lead proposer and do not use the information on any co-sponsorships etc.

[32]The EU countries are the following (with the number of resolutions in parenthesis); Finland (1), Germany (2), Poland (1) Russia (1) Slovenia (1) Portugal (1), and Spain (1).

The remaining countries are the following (with the number of resolutions in parenthesis); Algeria (4), Burkina Faso (1), Canada (1), Japan (1),

Nicaragua (1) and South Africa (2).

countries vote quite distinctly in controversial votes, it is useful to assess how they fare in these 71 votes. As table 2 nicely shows, whenever Cuba and to a lesser degree Pakistan or Egypt propose a resolution, the chances that the EU-member countries will be on the winning side are small or even minute.[33]

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[33]We determined the EU's position as being the modal response among "yea" and "nay" votes. Only if all EU member countries did abstain did we consider the vote as characterized by EU's abstention.

Table 2: Proposer's identity and the EU's success

| outcome for EU | Pakistan | Cuba | proposer Egypt | EU country | remaining | total |
|---|---|---|---|---|---|---|
| loses | 78.3 % (18) | 90.0 % (18) | 57.1 % (4) | 28.6 % (2) | 46.2 % (6) | 67.6 % (48) |
| wins | 8.7 % (2) | 10.0 % (2) | 28.6 % (2) | 71.4 % (5) | 15.4 % (2) | 19.7 % (13) |
| abstains | 13.0 % (3) | 0.0 % (0) | 14.3 % (1) | 0.0 % (0) | 38.5 % (5) | 12.7 % (9) |
| total | 100.0 % (23) | 100.0 % (20) | 100.0 % (7) | 100.0 % (7) | 100.0 % (13) | 100.0 % (71) |

Quite clearly this simplistic analysis of the proposers of resolutions, and how they affect the results from the EU's perspective suggest that controversial resolutions have very different characteristics as a function of who proposes them. To assess this we estimate a second hierarchical IRT-model, this time with the parameter for the item discrimination ($\alpha$) varying as a function of the proposer's identity. For simplicity's sake we categorize the proposers into four groups, namely the ones used in table 2. As base category we employ the residual category of "remaining" proposers. Consequently the estimated parameters reported in table 3 indicate whether resolutions proposed for instance by EU member countries, discriminate more strongly among council members than resolutions by the remaining countries.[34] Similarly the sign indicates whether the yes and no votes are on the same sides as in votes on resolutions proposed by the remaining countries or not.[35]

Table 3: Hierarchical IRT Model: second-level estimates for proposers

|  | | credible interval | |
| proposer | b | 2.5 % | 97.5 % |
| --- | --- | --- | --- |
| EU | 22.405 | 11.081 | 193.436 |
| Pakistan | -1.995 | -11.205 | 6.133 |
| Cuba | -30.992 | -59.973 | -11.768 |
| Egypt | 0.473 | -8.199 | 10.736 |
| $\sigma^2_\alpha$ | 0.010 | 0.003 | 0.024 |
| n votes | 71 | | |
| n legislators | 64 | | |

The results reported in table 3 underline again the crucial role played by Cuba in controversial votes. Resolutions proposed by this country discriminate most strongly among council members. The distribution of yes and no votes related to the latent variable is reversed compared to the one for resolutions proposed by the remaining countries.

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[34]In the appendix we depict some convergence diagnostics for all parameters estimated in the model. Convergence for this model is more problematic even after 300000 burnin iterations. Nevertheless we report estimates that characterize the 10000 iterations thinned by 10.

[35]It is useful to note that in a simple IRT model the following parameters characterize the item discrimination ($\alpha$) and item difficulty distribution ($\beta$) with the respective credible intervals (CI): $\mu_\alpha$=10.969 (CI:6.163, 18.756), $\sigma_\alpha$=0.007 (CI: 0.002, 0.014), $\mu_\beta$=-6.626 (CI: -10.555, -4.245), $\sigma_\beta$=0.075 (CI: 0.021, 0175)

The second largest effect is to be found for resolutions proposed by EU member countries. Not surprisingly the negative coefficient suggests that countries voting "yes" on a resolution proposed by the remaining countries (and thus also Cuba) will tend to vote "no" on resolutions proposed by the EU (and vice versa). Interestingly enough the resolutions proposed by Pakistan and Egypt hardly differ in terms of their discrimination from those proposed by the remaining countries.

Consequently regarding the effects of the proposer we find again a EU-specific impact, but none related to the other two hypotheses. The highly divisive character of resolutions proposed by Cuba does not fit nicely in the categories proposed above.

# 6 Conclusion

Our systematic analysis of controversial votes in the UNHRC indicates that the criticisms leveled against its predecessor have not lost all their relevance. We found that controversial votes initiated by Pakistan and Cuba, and to a lesser extent Egypt lead to quite distinct voting patterns where EU member countries play a central role, but also almost systematically lose.

When assessing the effect of the resolution's sponsor we find that especially two groups of resolutions can be distinguished. First, those proposed by Cuba heavily discriminate among members of the UNHCR and reflect in terms of voting patterns very closely those sponsored by other member countries. Second, resolutions proposed by EU member countries also polarize, but not as heavily as those sponsored by Cuba. In addition one observes a reversal of voting. Those countries that have a tendency to vote yes on resolutions introduced by Cuba are more likely to vote no on a resolution introduced by EU member countries and vice-versa.

# Appendix

Table 4 lists the set of controversial resolutions employed in the empirical analysis. In the figures that follow we depict Geweke-diagnostics plots for all main parameters of the hierarchical model with the $\theta$s depending on some country characteristics (Figures 1-9) and the model where the identity of the proposer affects the item discrimination parameter (Figures 10-18).

Table 4: The resolutions voted upon in the UNHRC from session 1 to 13; categorized

| no | resolution | topic |
|---|---|---|
| 1.1 | Israel  Palestine | Israel |
| 1.2 | Against racial and religious hatred | Religion/racism |
| 2.1 | Working Group | Internal/staff |
| 2.2 | Syrian Golan ? Israel | Israel |
| 2.3 | Economics | Economy |
| 2.4 | Israel | Israel |
| 2.5 | Impunity | Impunity (law) |
| 2.6 | Situation on human rights in Darfur | Darfur |
| 2.61 | Amendment to Darfur | Darfur |
| 3.1 | Israel-Palestine | Israel |
| 3.2 | Durban Review Conference | Racism |
| 3.3 | Declaration against racism | Racism |
| 4.1 | Globalization and human rights | Economy |
| 4.2 | Strengthening the Office of the High Commissioner | Internal/staff |
| 4.3 | Combating defamation of religions | Religion |
| 4.4 | Human rights and unilateral coercive measures | Coercive measures |
| 6.1 | Human rights and international solidarity | Solidarity (eco) |
| 6.2 | Human rights and unilateral coercive measures | Coercive measures |
| 6.3 | Israel-Palestine | Israel |
| 6.4 | Elaboration of standards against racism | Racism |
| 6.5 | Global call against racism | Racism |
| 6.6 | Preparations for Durban Review Conference | Racism |
| 6.7 | Elimination of intolerance and discrimination based on religion or belief | Religion |
| 7.1 | Occupied Palestinian Territory | Israel |
| 7.2 | Composition of the staff for High Commissioner | Internal/staff |
| 7.3 | Mandate on independent expert on the effects of foreign debt on HR | Economy |

| | | |
|---|---|---|
| 7.4 | Mandate of expert on human rights and int. solidarity | Economy |
| 7.5 | Role of good governance in the promotion and protection of HR | Good governance |
| 7.51 | amendment to 7.5 by Cuba | |
| 7.6 | Situation in DPR | North Korea |
| 7.7 | Israeli settlements in Palestine | Israel |
| 7.8 | Combating defamation of religions | Religion |
| 7.9 | Working group on mercenaries | |
| 7.10 | Human Rights in the occupied Syrian Golan | Israel-Syria |
| 7.11 | Global call against racism | Racism |
| 7.12 | Mandate of special rapporteur on the promotion and protection of the rights of freedom and expression | freedom of ex ?? |
| 7.121 | Amendment by Pakistan | |
| 7.122 | oral amendment by Cuba | |
| 8.1 | Promotion of a democratic and equitable international order | Economy |
| 8.2 | Promotion of the right of peoples to peace | |
| 9.1 | Solidarity (eco) | |
| 9.2 | Human rights and unilateral coercive measures | Coercive measures |
| 9.3 | Follow up to S-3/1: Human rights violations in Palestine by Israel | Israel |
| 10.1 | Composition of staff | Internal/staff |
| 10.2 | Use of mercenaries as means to violate HR | Mercenaries |
| 10.3 | Situation on human rights in DPR Korea | HR in North-Korea |
| 10.4 | Human rights in occupied Syrian Golan | Israel-Syria |
| 10.5 | Israeli settlement in Palestine | Israel-Palestine |
| 10.6 | Human rights violations during Israeli attack on Palestine | Israel-Palestine |
| 10.7 | Follow up on S-9/1 HR violations occupied Palestine | Israel-Palestine |
| 10.8 | Combating defamation of religions | Religion |
| 10.9 | Torture and cruel treatment; the role of medical personnel | Torture |
| 10.91 | Amendment (Takes note of the report of the Special Rapporteur) | special rapporteur |
| 10.10 | Discrimination based on religion and impact of eco/soc/cult rights | religion |
| 10.11 | Elaboration of complementary standards to Elimination of Racial discr. | Racism |

| | | |
|---|---|---|
| 10.12 | Situation of human rights in DR Congo | HR in Congo |
| 10.121 | acting on draft res. A/HRC/L.3 before on L.1 (not to condemn Congo) | HR in Congo |
| 10.122 | amendment by Germany to L.3 | |
| 10.13 | Publication | |
| 11.1 | Promotion of the right of peoples to peace | Rights of people |
| 11.11 | amendment proposed by Cuba | |
| 11.2 | Effects of foreign debt on HR | Economy |
| 11.3 | Situation of human rights in Sudan | HR Sudan |
| 11.31 | amendment by Germany | HR Sudan |
| 12.1 | Promotion/protection of HR incl. right to development | Development |
| 12.2 | Right to development | Development |
| 12.3 | Promotion through understanding of trad. Values of humankind | Understanding (soc) |
| 12.4 | Human rights and unilateral coercive measures | Coercive measures |
| 12.5 | Effects of foreign debt on the enjoyment of HR | economy and HR |
| 13.1 | Composition of staff | Staff |
| 13.2 | HR situation in occupied Syrian Golan | Israel-Syria |
| 13.3 | Right of self-determination of the Palestinian people | Palestine |
| 13.4 | Israeli settlements in Palestine | Israel-Palestine |
| 13.5 | Grave HR violations by Israel in Palestine | Israel-Palestine |
| 13.6 | Follow up on UN fact-finding-mission on Gaza Conflict | Israel-Palestine |
| 13.7 | Situation of human rights in DPR Korea | HR DPR Korea |
| 13.8 | Combating defamation of religions | Religion |

Figure 1: Geweke-plots: general parameters of hierarchical IRT model with $\theta$s explained
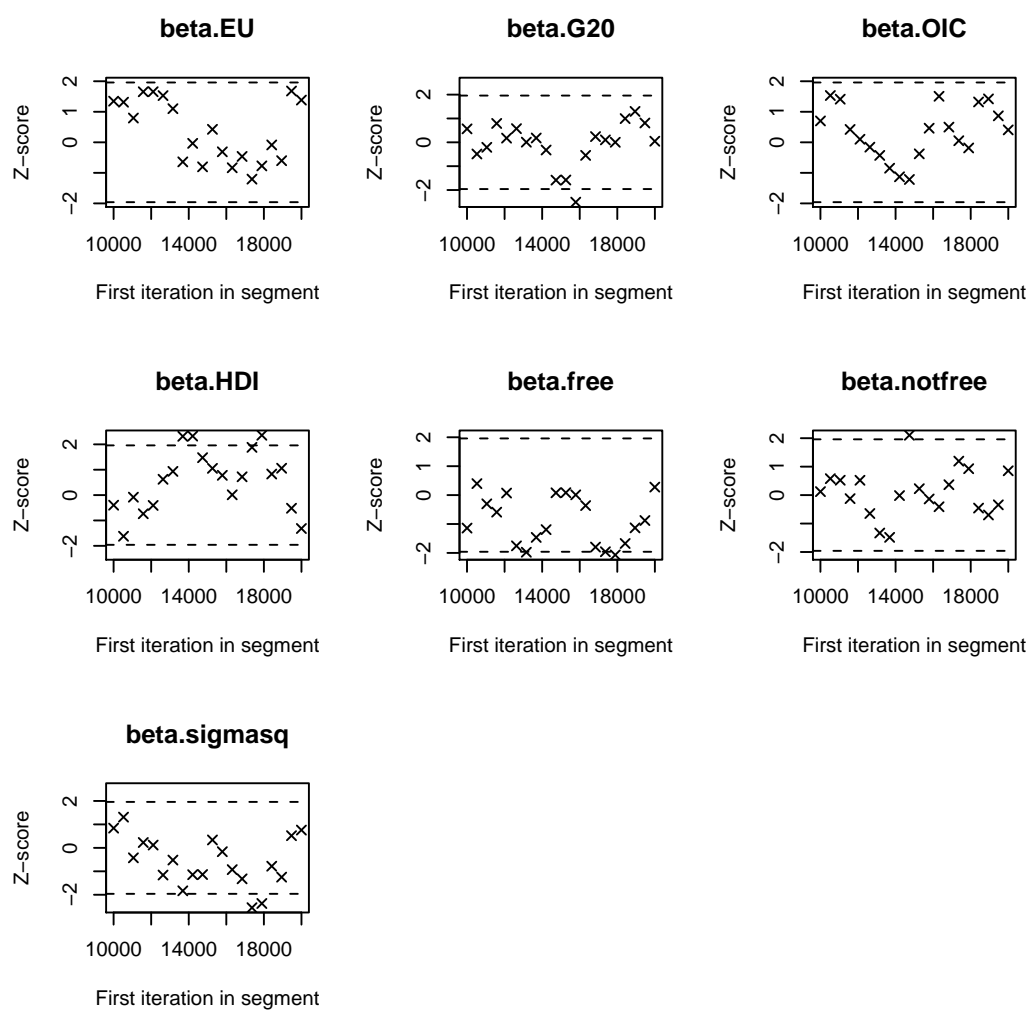
Figure 2: Geweke-plots: $\theta$s 1-8 of hierarchical IRT model with $\theta$s explained
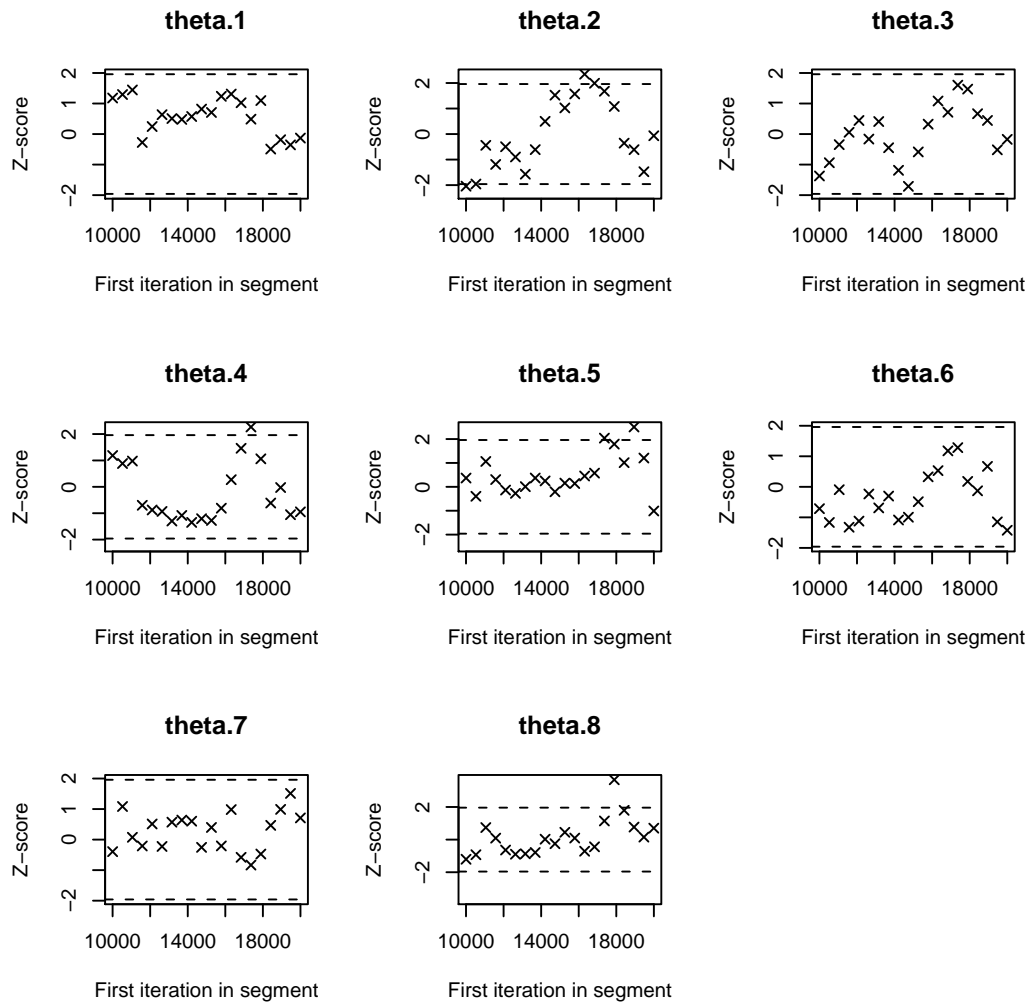
Figure 3: Geweke-plots: $\theta$s 9-16 of hierarchical IRT model with $\theta$s explained

theta.9

theta.10

theta.11

theta.12

theta.13

theta.14

theta.15

theta.16
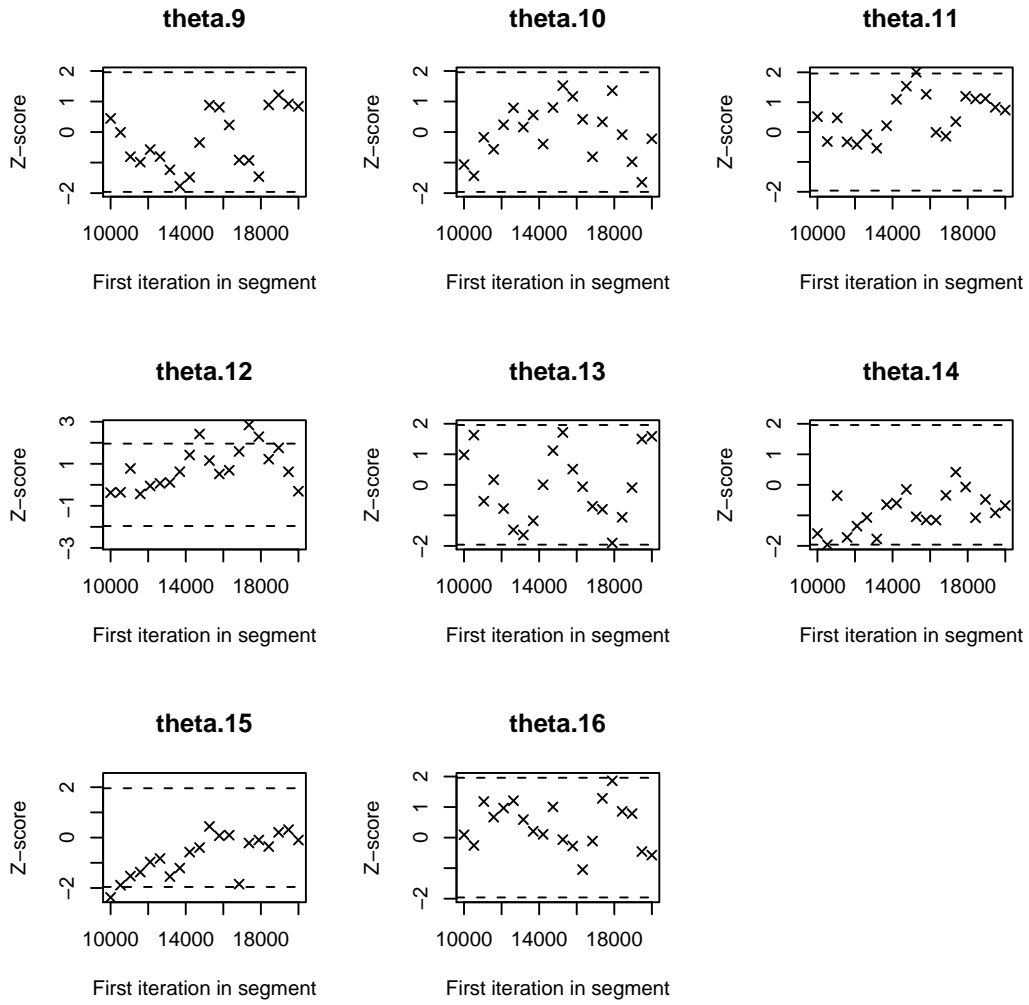
Figure 4: Geweke-plots: $\theta$s 17-24 of hierarchical IRT model with $\theta$s explained
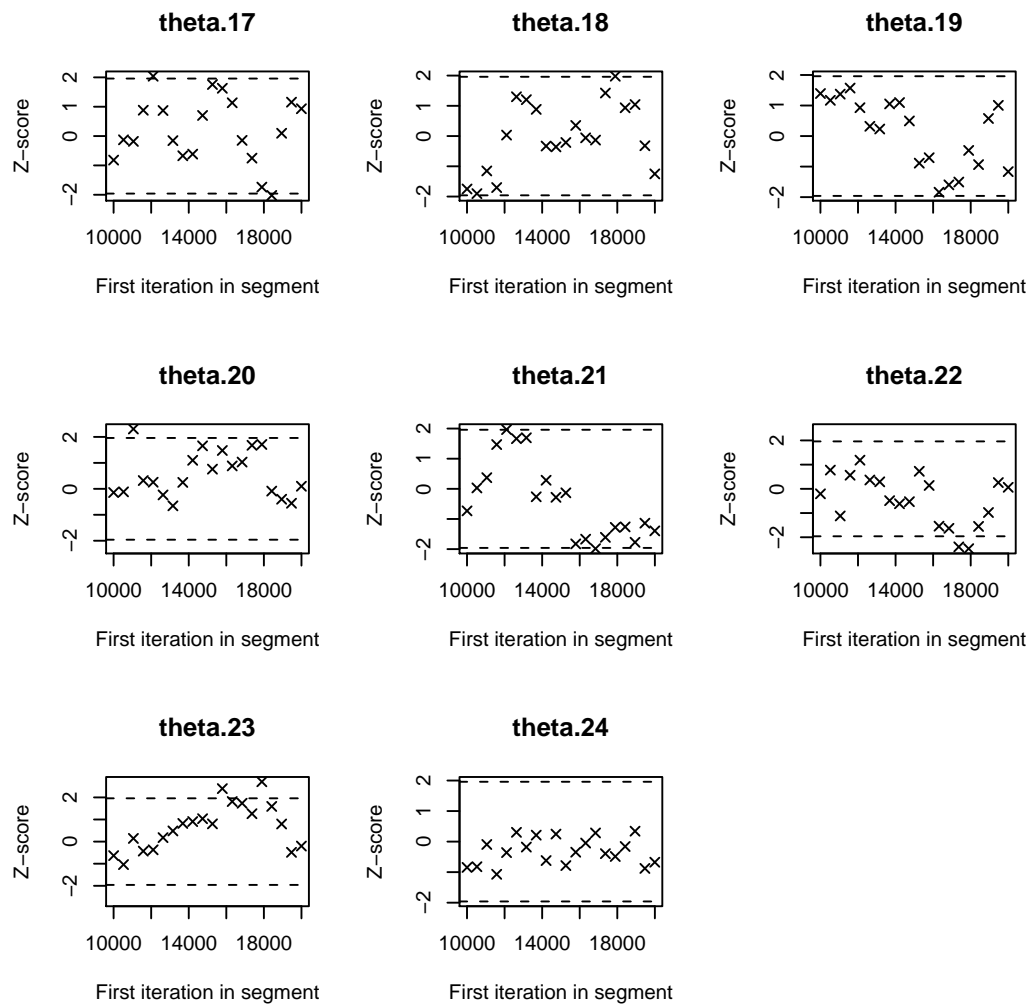
Figure 5: Geweke-plots: $\theta$s 25-32 of hierarchical IRT model with $\theta$s explained

**theta.25**

**theta.26**

**theta.27**

**theta.28**

**theta.29**

**theta.30**

**theta.31**

**theta.32**
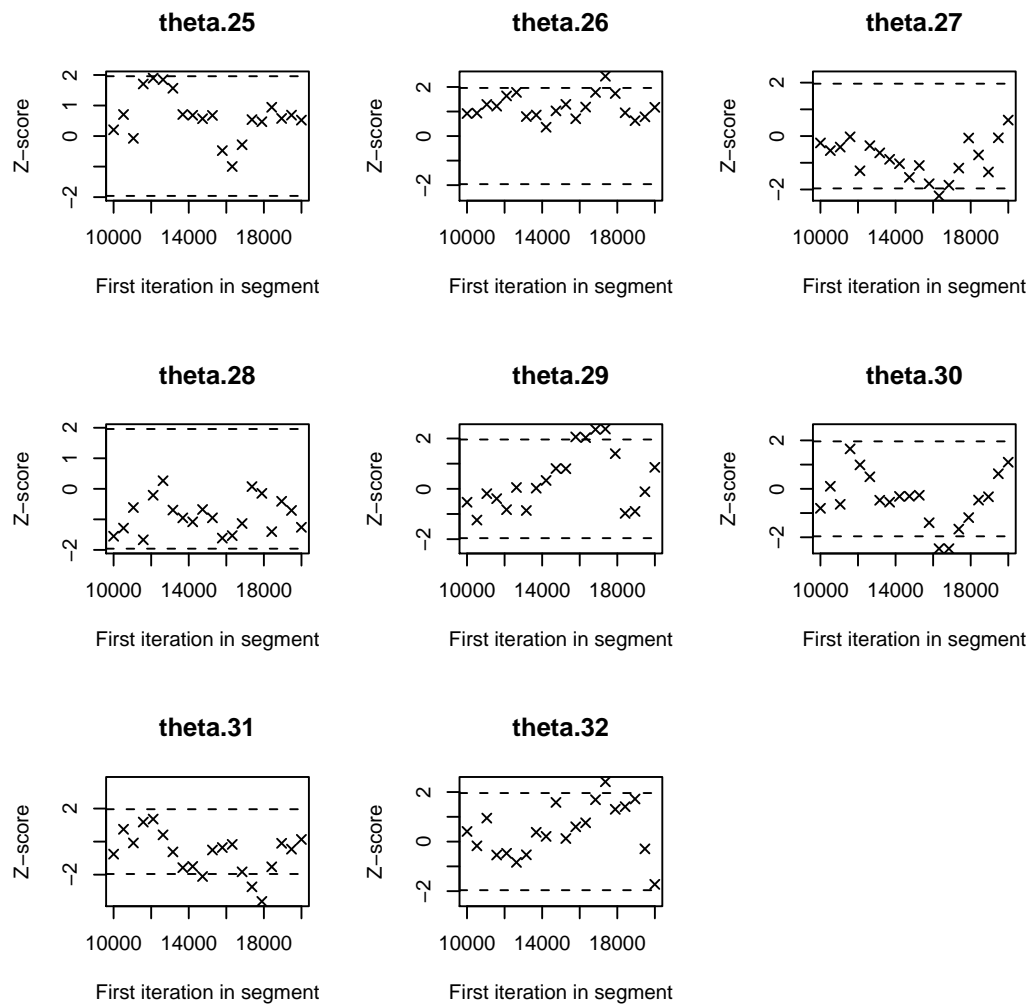
Figure 6: Geweke-plots: $\theta$s 33-40 of hierarchical IRT model with $\theta$s explained
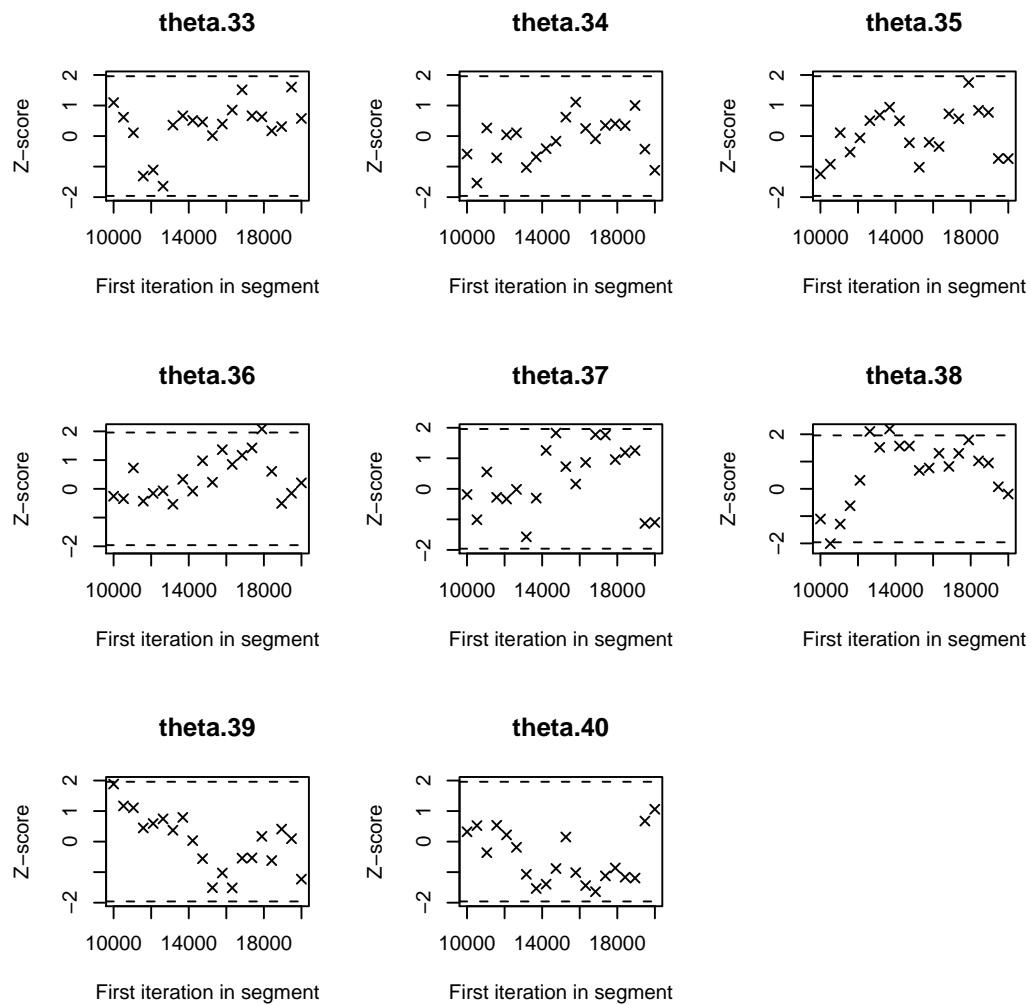
Figure 7: Geweke-plots: $\theta$s 41-48 of hierarchical IRT model with $\theta$s explained

**theta.41**

**theta.42**

**theta.43**

**theta.44**

**theta.45**

**theta.46**

**theta.47**

**theta.48**
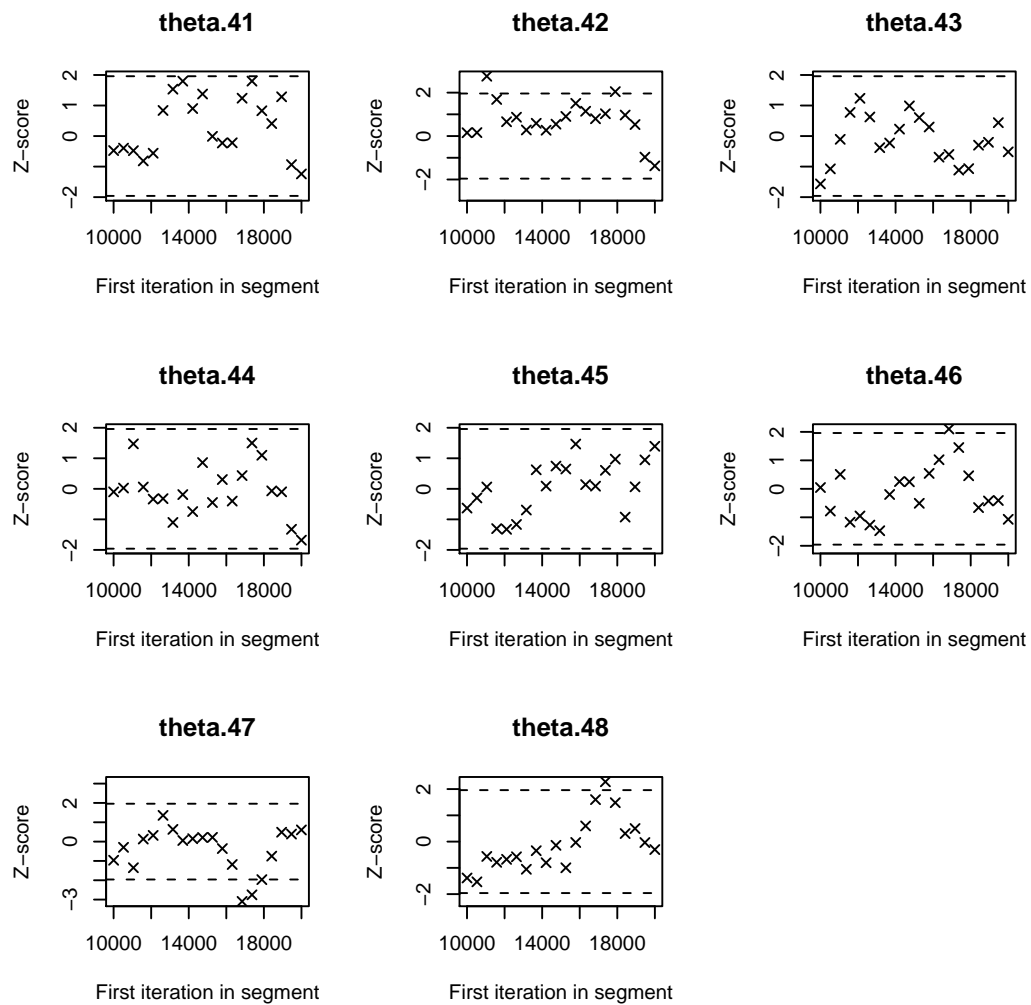
Figure 8: Geweke-plots: $\theta$s 49-56 of hierarchical IRT model with $\theta$s explained
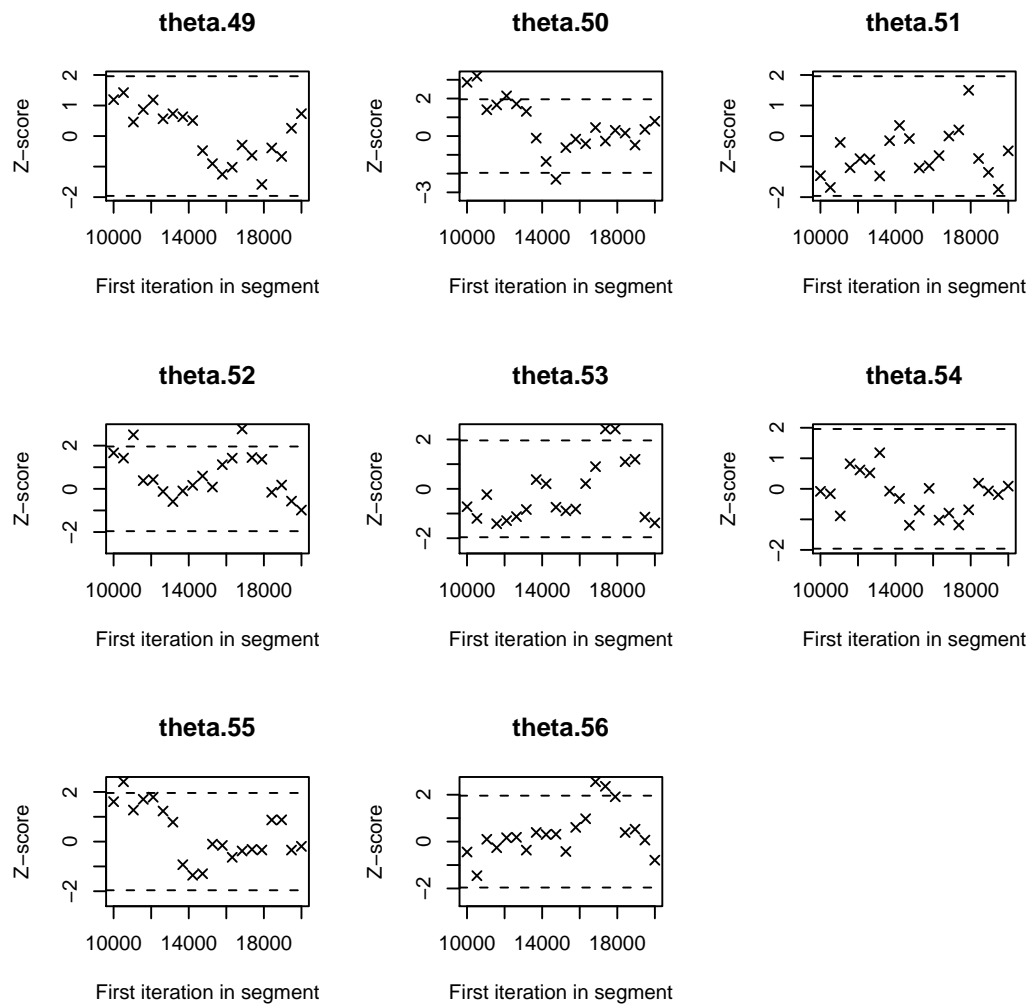
Figure 9: Geweke-plots: $\theta$s 57-64 of hierarchical IRT model with $\theta$s explained
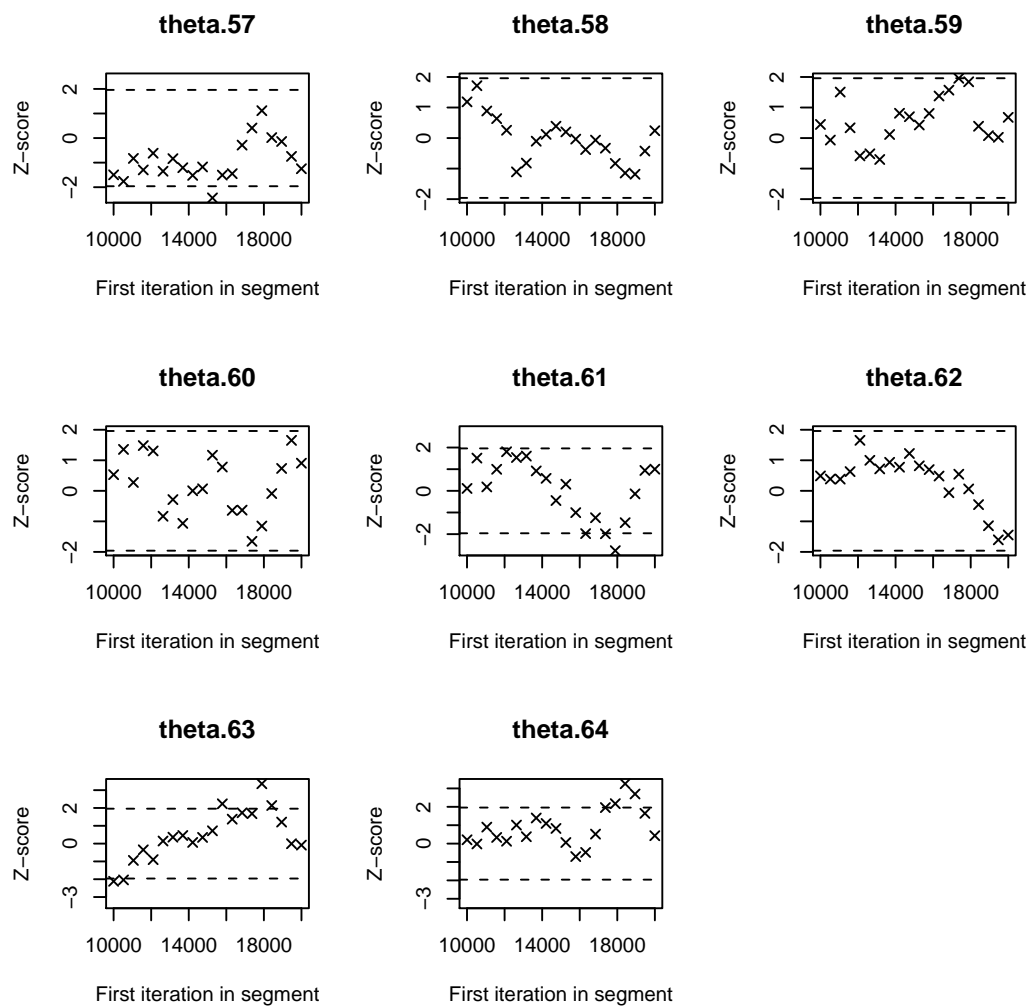
Figure 10: Geweke-plots: general parameters of hierarchical IRT model with proposers
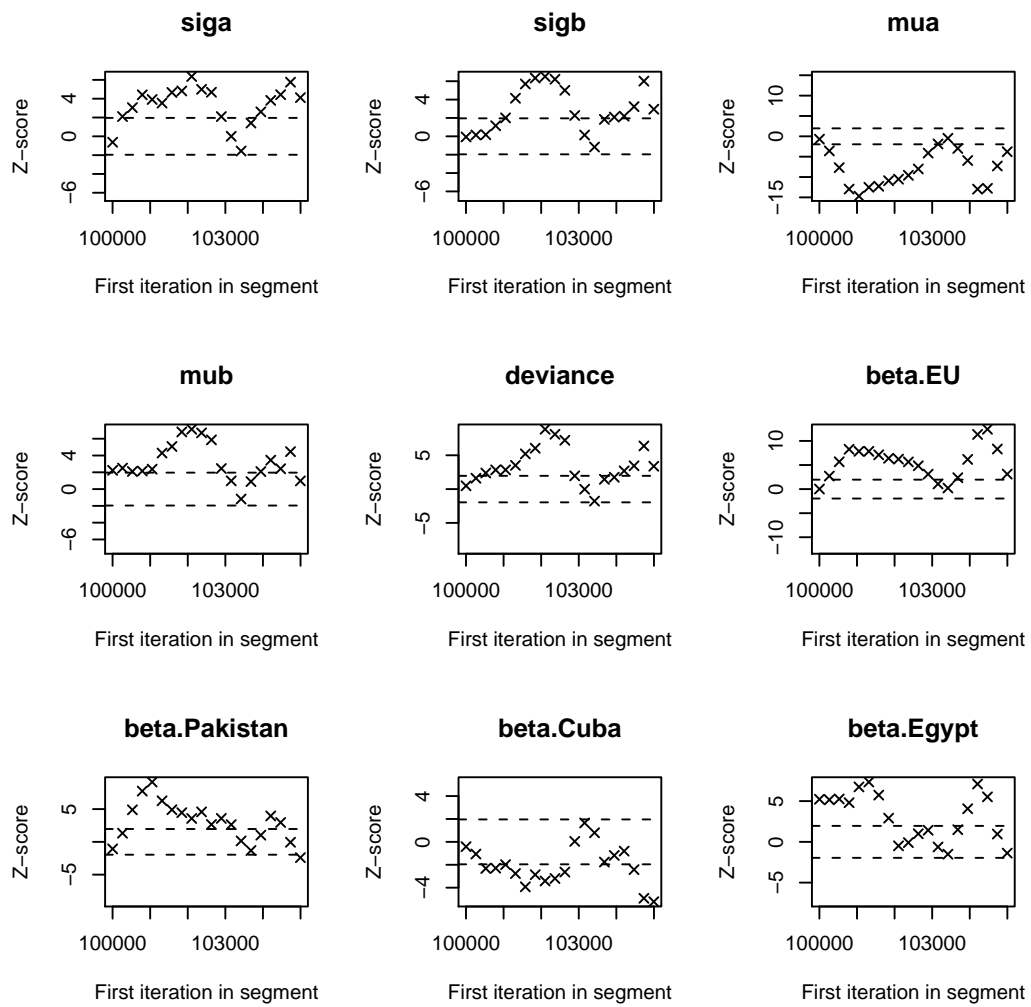
Figure 11: Geweke-plots: $\theta$s 1-8 of hierarchical IRT model with proposers
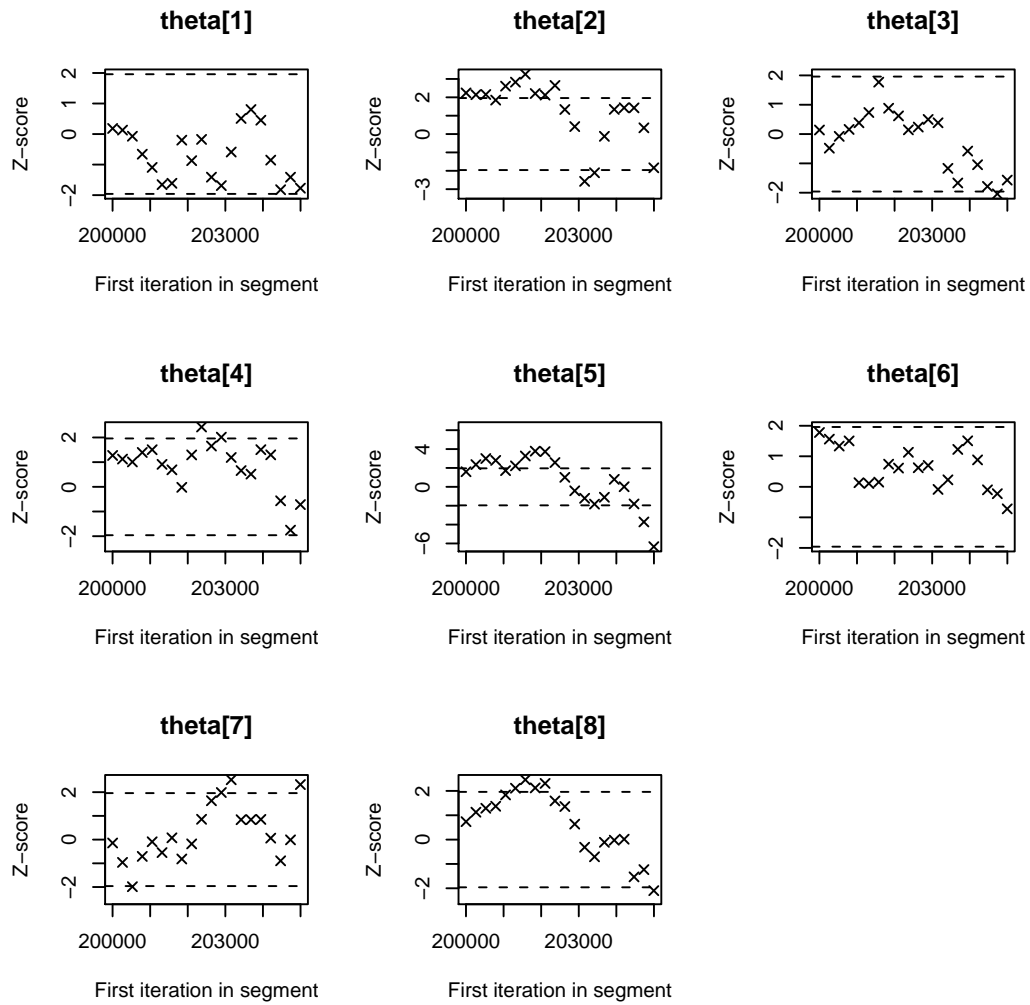
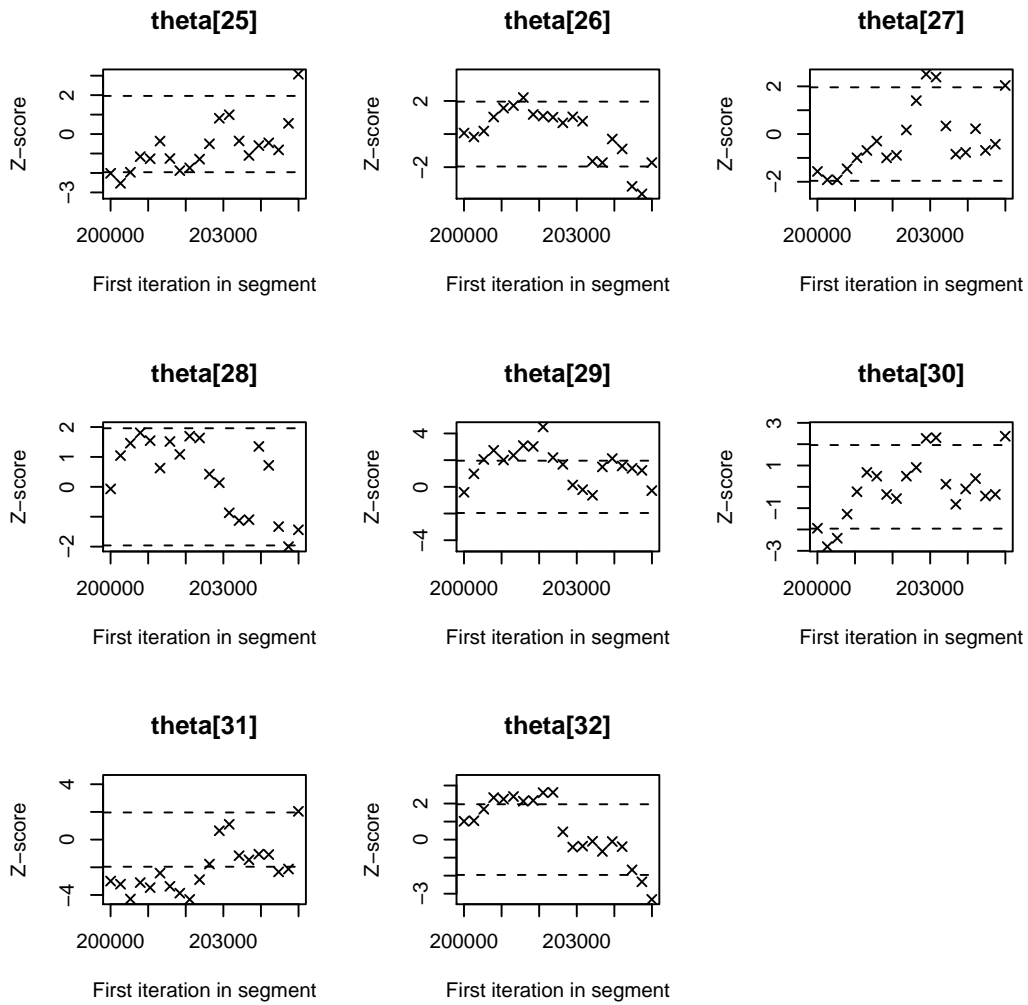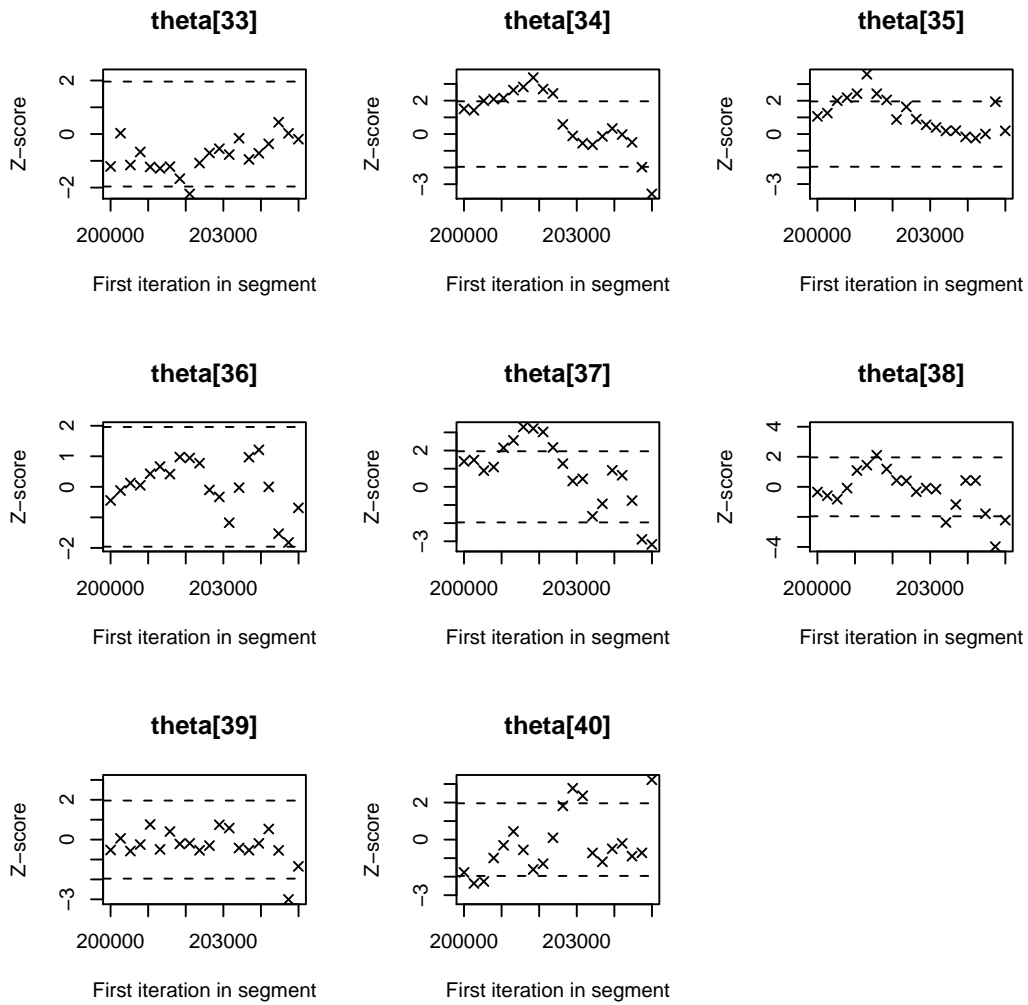Figure 12: Geweke-plots: $\theta$s 9-16 of hierarchical IRT model with proposers
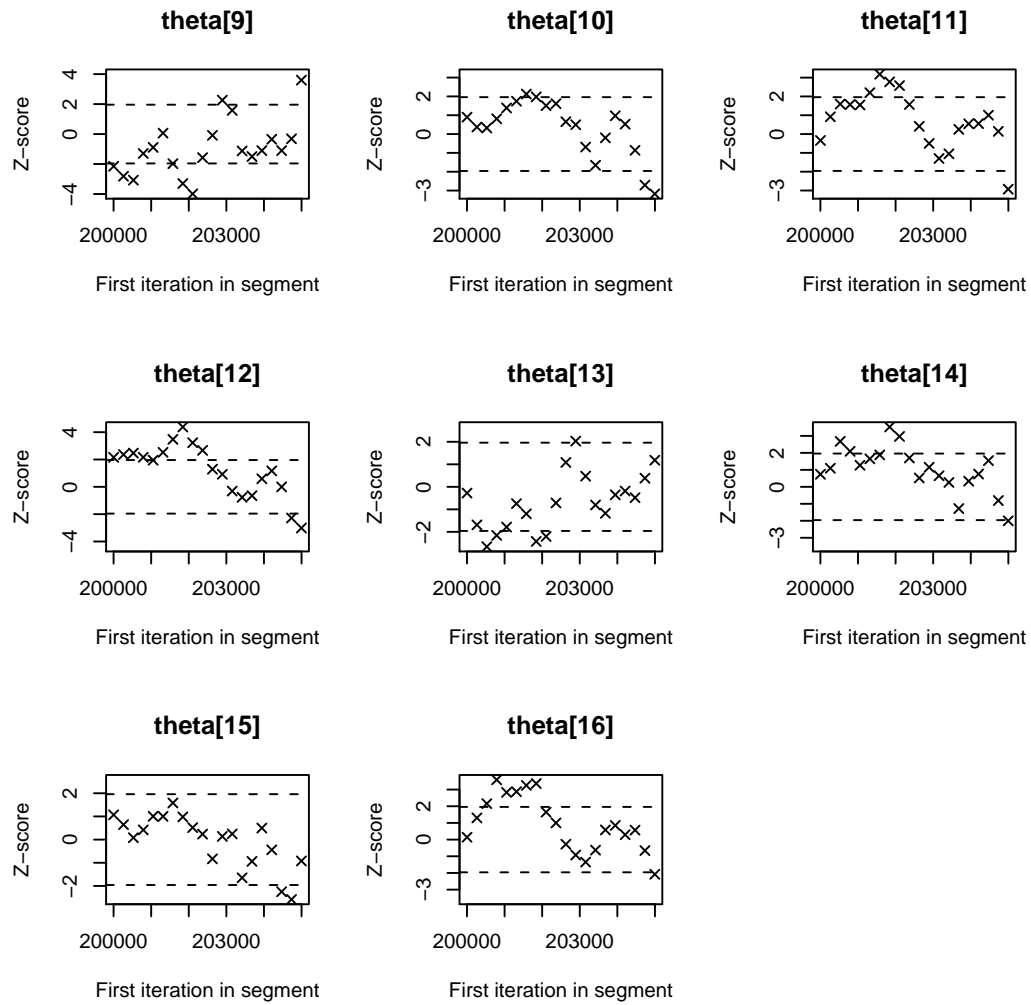
Figure 13: Geweke-plots: $\theta$s 17-24 of hierarchical IRT model with proposers
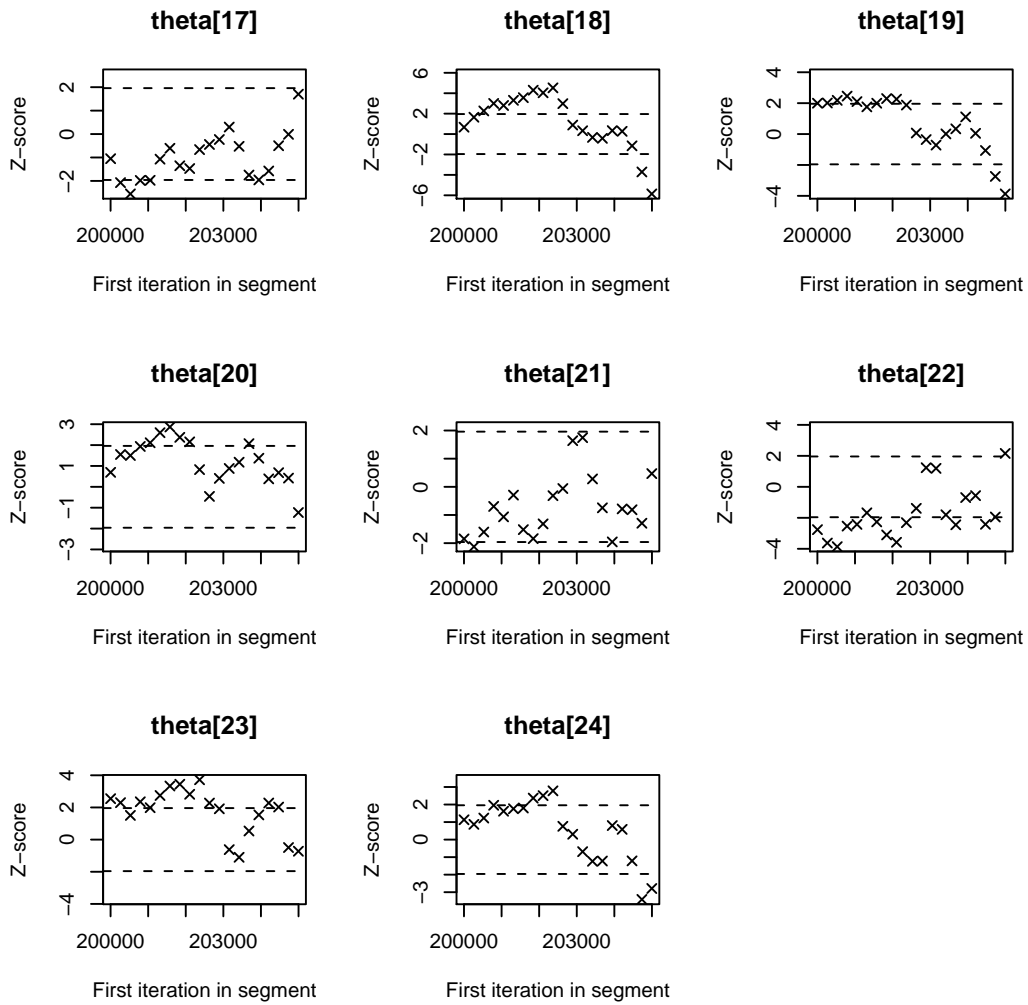
Figure 14: Geweke-plots: $\theta$s 25-32 of hierarchical IRT model with proposers

Figure 15: Geweke-plots: $\theta$s 33-40 of hierarchical IRT model with proposers

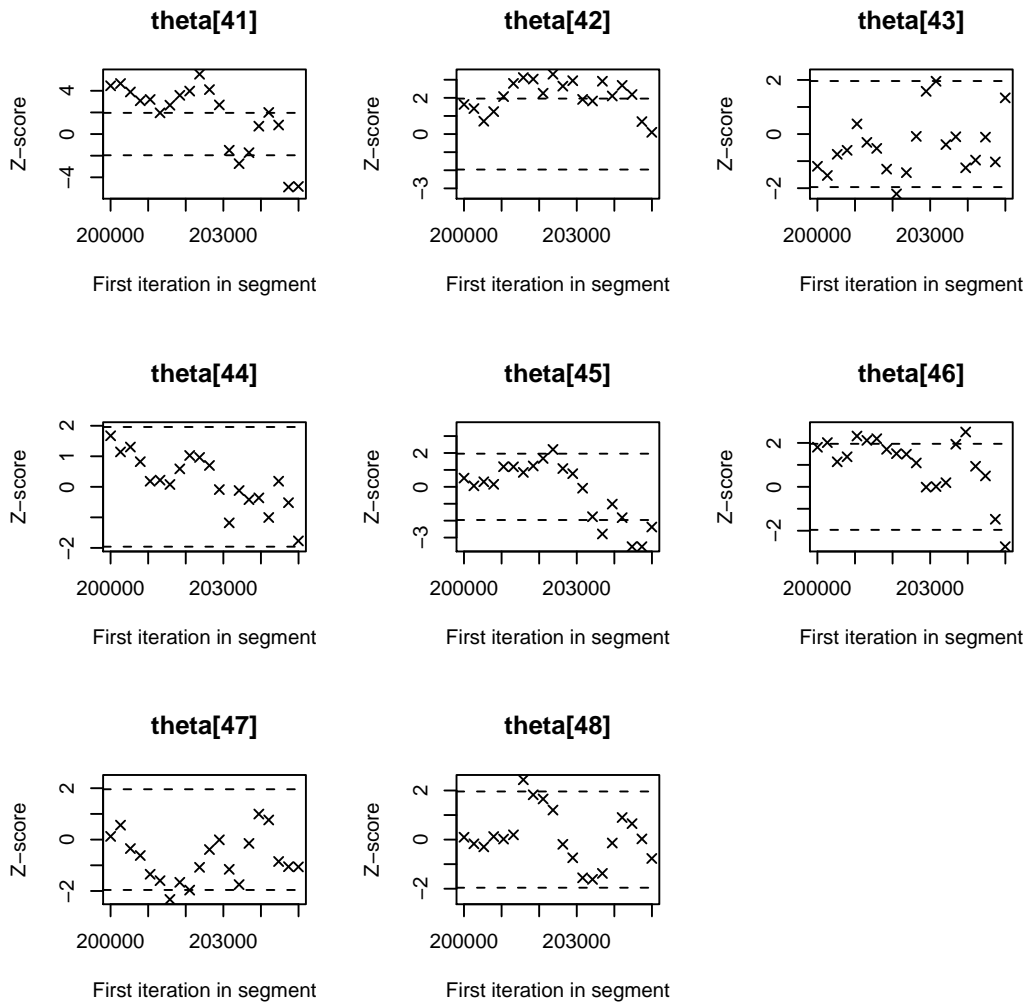Figure 16: Geweke-plots: $\theta$s 41-48 of hierarchical IRT model with proposers

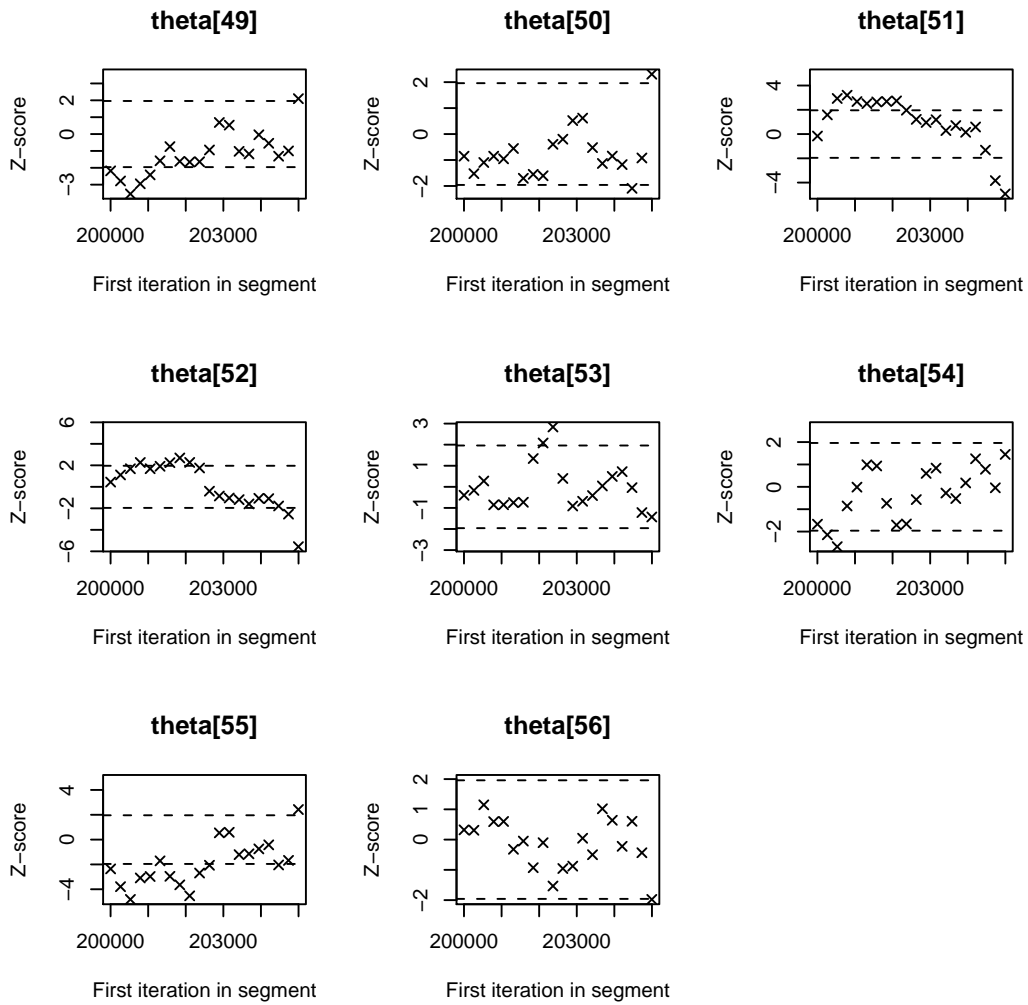Figure 17: Geweke-plots: $\theta$s 49-56 of hierarchical IRT model with proposers
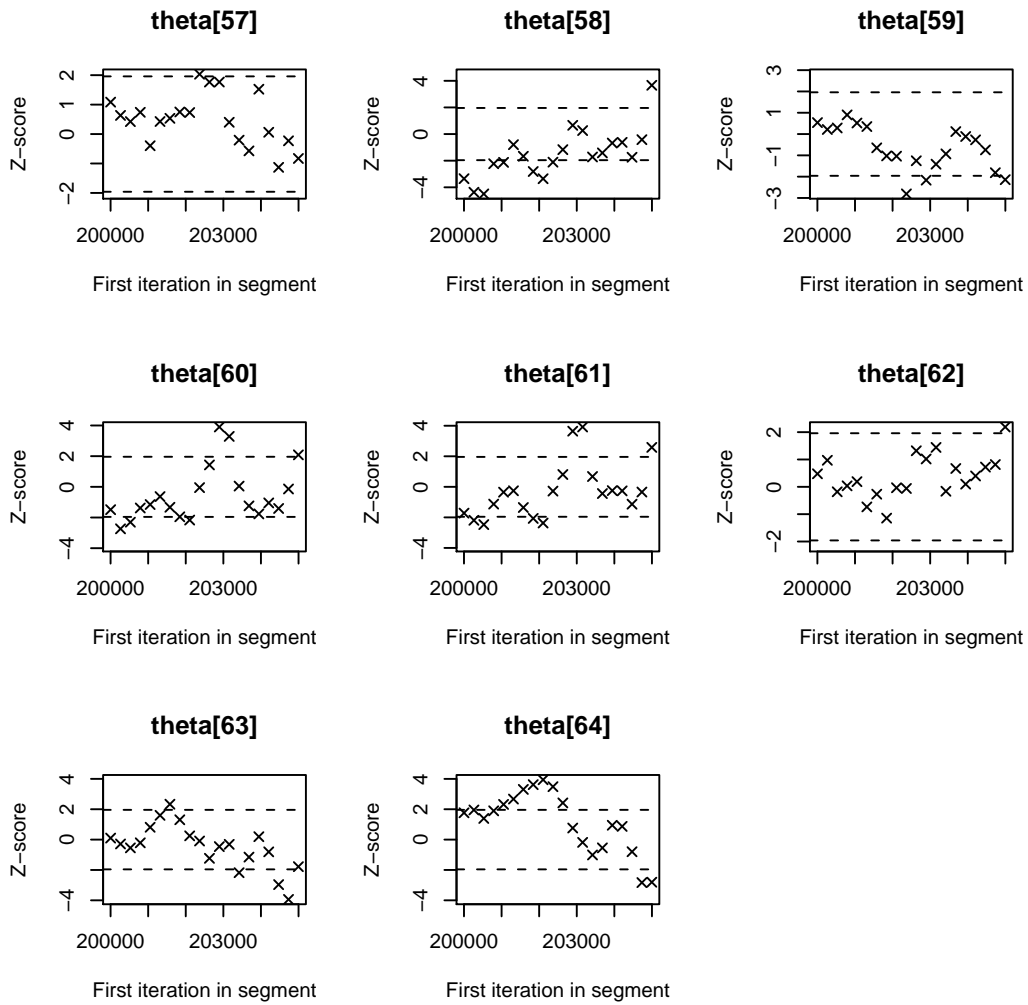
Figure 18: Geweke-plots: $\theta$s 57-64 of hierarchical IRT model with proposers

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