



## Nordic Experiences in the UN Human Rights Council: A *Tour d'Horizon* of 2019 with Iceland and Denmark

Katja Creutz

To cite this article: Katja Creutz (2021) Nordic Experiences in the UN Human Rights Council: A *Tour d'Horizon* of 2019 with Iceland and Denmark, Nordic Journal of Human Rights, 39:1, 18-32, DOI: [10.1080/18918131.2021.1942607](https://doi.org/10.1080/18918131.2021.1942607)

To link to this article: <https://doi.org/10.1080/18918131.2021.1942607>



© 2021 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 30 Jul 2021.



Submit your article to this journal [↗](#)



Article views: 996



View related articles [↗](#)



View Crossmark data [↗](#)

# Nordic Experiences in the UN Human Rights Council: *A Tour d'Horizon* of 2019 with Iceland and Denmark

Katja Creutz 

Finnish Institute of International Affairs, Global Security research programme, Helsinki, Finland

## ABSTRACT

The importance of the United Nations Human Rights Council (HRC) is growing for the Nordic states. Despite the existence of a rotation principle for Nordic representation, in 2019 two Nordic states, Iceland and Denmark, exceptionally both had a seat in the HRC. This article seeks to evaluate that unique situation by taking stock of their respective experiences in the Council, their human rights priorities, as well as Nordic cooperation in general. The aim is to explore similarities and differences between the Nordics, and to inform policymakers about developments within the Council. During a time in which human rights are being challenged worldwide by autocratic states and developments such as COVID-19, it is essential to improve our understanding of what the Nordic countries, as principled supporters of human rights, can bring to the table.

## KEYWORDS

UN Human Rights Council;  
human rights; Iceland;  
Denmark; Nordic  
cooperation; resolutions

## 1. Introduction: Unprecedented Double Nordic Representation

The Nordic countries share similar values and a strong belief in the rules-based international system. These common convictions do not automatically translate into organised strategic Nordic cooperation,<sup>1</sup> for example, within international organisations such as the United Nations (UN). However, one particular field in which Nordic inter-governmental cooperation is tangible relates to election to international bodies.<sup>2</sup> All Nordic states belong to the same Western European and Others Group (WEOG), a regional UN group of member states that, among other things, elects its representatives to UN organs and bodies.<sup>3</sup> A relatively strict rotation principle applies among the Nordic countries, according to which only one of them runs as a candidate at one time. As a result, the UN Human Rights Council (HRC, or the Council) can at best feature only one Nordic state at any given time; the same is true for other UN entities for which

**CONTACT** Katja Creutz  [katja.creutz@fia.fi](mailto:katja.creutz@fia.fi)

<sup>1</sup>Kristin Haugevik and Ole Jacob Sending, 'The Nordic Balance Revisited: Differentiation and the Foreign Policy Repertoires of the Nordic States' (2020) 8 Politics and Governance 441.

<sup>2</sup>Ulkoministeriö, Vuosikertomus pohjoismaisesta yhteistyöstä 2017, Pohjoismaiden neuvoston Suomen valtuuskunnalle, 31 <[https://um.fi/documents/35732/48132/vuosikertomus\\_pohjoismaisesta\\_yhteisty%C3%B6st%C3%A4\\_2017](https://um.fi/documents/35732/48132/vuosikertomus_pohjoismaisesta_yhteisty%C3%B6st%C3%A4_2017)> accessed 30 June 2020.

<sup>3</sup>With respect to the HRC, see 'Human Rights Council', UN Doc A/RES/60/251 (15 March 2006), para 7.

there are elections. While the candidacy and possible membership of a Nordic country is agreed upon and backed by the other Nordics,<sup>4</sup> the rotation principle does not formally imply a joint 'Nordic seat' at the Council.

In June 2018, the 47-member HRC<sup>5</sup> faced a new situation as the United States announced its departure from the body. This move did not come as a complete surprise because the country's then UN Ambassador Nikki Haley had already threatened US withdrawal due to the Council's alleged 'chronic anti-Israel bias'.<sup>6</sup> Still, the policy decision itself opened the door for an unprecedented situation. As very few states were in a position to replace the US, Iceland was elected to substitute the major power in the Council for the remaining period – until the end of 2019. A few months later, in the ordinary HRC election, Denmark was voted to serve for 2019–2021, which meant that two Nordic countries came to have a seat simultaneously in the Council in 2019. While at the time of writing Denmark's membership has passed its halfway point, Iceland no longer has a seat in the HRC.

This article is a case study exploring Iceland and Denmark on the UN Human Rights Council, as well as Nordic cooperation therein, largely concentrating on the three regular sessions of 2019.<sup>7</sup> It studies each country by analysing official documents and records from the three annual Council sessions in conjunction with national foreign policy and human rights policy papers. It also benefits from background discussions, interviews, and scholarly literature.<sup>8</sup> It will mainly look into resolutions – the 'bread and butter' of Council actions.<sup>9</sup> It will identify resolutions for which one of the two countries acted as main sponsor, as that indicates leadership in drafting resolution texts as well as starting negotiations on resolutions.<sup>10</sup> Declarations or statements that these countries have led will also be considered. Co-sponsorship of resolutions will not be investigated here, however, as that indicates political backing of the text without being an 'owner' of the resolution.<sup>11</sup>

The overview of Icelandic and Danish work will be followed by a section exploring differences between the countries in terms of voting and policy context. Finally, the article will move beyond the concrete Icelandic and Danish actions of 2019 to reflect upon and discuss lessons learnt from the Council's work in a broader Nordic context,

<sup>4</sup>For example, Finland noted in its recent campaign launch for HRC candidacy in 2022–2024 that it is '... the Nordic representative': Ministry for Foreign Affairs of Finland, 'MFA: Finland Seeks Membership of UN Human Rights Council', 15 February 2021 <<https://sttinfo.fi/tiedote/mfa-finland-seeks-membership-of-un-human-rights-council?publisherId=1797&releaseId=69900935>> accessed 19 February 2021.

<sup>5</sup>Human Rights Council', UN Doc A/RES/60/251 (15 March 2006), para 7.

<sup>6</sup>Carol Morello, 'US Withdraws from UN Human Rights Council over Perceived Bias against Israel' *Washington Post*, 20 June 2018 <[https://washingtonpost.com/world/national-security/us-expected-to-back-away-from-un-human-rights-council/2018/06/19/a49c2d0c-733c-11e8-b4b7-308400242c2e\\_story.html](https://washingtonpost.com/world/national-security/us-expected-to-back-away-from-un-human-rights-council/2018/06/19/a49c2d0c-733c-11e8-b4b7-308400242c2e_story.html)> accessed 12 May 2021.

<sup>7</sup>The sessions are: 40th regular session (February–March 2019), 41st regular session (June–July 2019), and 42nd regular session (September 2019). Earlier or later HRC sessions will only be referred to if they somehow shed light on substantive issues or dynamics explored in the paper.

<sup>8</sup>All interviews were conducted in confidentiality, and interviewees' names withheld by mutual agreement.

<sup>9</sup>Ted Piccone and Naomi McMillen (2016) 'Country-Specific Scrutiny at the United Nations Human Rights Council. More than Meets the Eye', Brookings Institution Working Paper 2016, 2.

<sup>10</sup>Anna-Luise Chané and Arjun Sharma, 'Social Network Analysis in Human Rights Research' in Bård A Andreassen, Hans-Otto Sano and Siobhán McInerney-Lankford (eds), *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing 2017) 354–78, 362.

<sup>11</sup>Schweizerische Eidgenossenschaft, 'The Human Rights Council. A Practical Guide', Geneva 2015, 20.

with Finland having announced its candidacy for 2022–2024, for instance. The HRC is facing testing times due to COVID-19,<sup>12</sup> autocracy in certain states, the perceived China challenge,<sup>13</sup> and the emergence of new human rights problems such as data and privacy, and climate change. It is important to benefit from the insights of like-minded countries, especially as several Nordic countries have participated in their first round of membership in the HRC.<sup>14</sup> The discussion in this article may contribute to the scholarly literature on the special characteristics of Nordics as actors in the international political and legal arenas.<sup>15</sup> The article does not, however, strive to make any broader representation on theoretical approaches to the Nordics.

## 2. Iceland in the HRC: A Bold and Visible Actor

When Iceland was approached as a potential replacement for the United States in the HRC, it seized the opportunity despite the short notice. It was presented with a unique opportunity to enter the most important international human rights body for the first time, without several years of campaigning. Out of respect for Denmark's then ongoing campaign for Council membership, Iceland discussed this sudden opportunity with Denmark and the other Nordic countries.<sup>16</sup> Iceland's government then quickly approved pursuing membership in the Council, a pursuit which gained momentum after a straw poll conducted within the WEOG turned out to favour Iceland.<sup>17</sup> On 13 July 2018, Iceland was elected to the Council with 172 out of 178 votes. Its HRC membership overlapped with its holding other notable international positions,<sup>18</sup> stretching its human resources, but it showed immediate preparedness to make its mark in the HRC.

Iceland entered the HRC with a human rights scorecard which showed certain shortcomings – mainly the failure to have set up a national human rights institution along the Paris Principles,<sup>19</sup> and neglecting to protect the right to health of people with variations in sex characteristics.<sup>20</sup> As its membership in the Council materialised with short notice, no formal programmes or objectives were established beforehand. Its voluntary pledge of 29 June 2018 to the President of the General Assembly nonetheless opened up its

<sup>12</sup>See e.g. Morten Kjaerum, Martha F Davis and Amanda Lyons (eds), *Covid-19 and Human Rights* (Routledge forthcoming 2021); Martin Scheinin and Helga Molbaek-Steensig (2021) 'Pandemics and Human Rights: Three Perspectives on Human Rights Assessment of Strategies against COVID-19' European University Institute Working Papers, Law 2021/01.

<sup>13</sup>Yu-Jie Chen, 'China's Challenge to the International Human Rights Regime' (2019) 51 *New York University Journal of International Law and Politics* 1179; Katja Creutz, 'China's Challenge to Human Rights: Increased Proactivity May Weaken the UN Human Rights System' FIIA Briefing Paper 261, July 2019.

<sup>14</sup>Nordic memberships in the HRC: Finland 2006–2007, Norway 2010–2012, Iceland July 2018–2019, Denmark 2019–2021. Sweden was a candidate for 2013–2015, but lost the bid.

<sup>15</sup>See e.g. Astrid Kjeldgaard-Pedersen (ed), *Nordic Approaches to International Law* (Brill Nijhoff 2018); Malcolm Langford and Johan Karlsson Schaffer, 'The Nordic Human Rights Paradox: Moving Beyond Exceptionalism' University of Oslo, Faculty of Law Research Paper No 2013-25.

<sup>16</sup>Interview, Reykjavik, 2 November 2018.

<sup>17</sup>Stjórnarráð Íslands, 'Ísland í mannréttindaráði. Sameinuðu þjóðanna', February 2020, 20.

<sup>18</sup>Iceland assumed chair of the Arctic Council in May 2019. Iceland was also chair of the Nordic Council of Ministers in 2019, and presided over both the Nordic N5 and Nordic-Baltic NB8 cooperation between foreign ministers. In 2019, it additionally represented the NB8 at the World Bank Group's Board of Directors. See Government of Iceland, Ministry for Foreign Affairs, 'Foreign Affairs. Excerpt from the Report of the Minister for Foreign Affairs of Iceland to the Parliament 2019, May 2019, p 4.

<sup>19</sup>UNGA, Note Verbale dated 29 June 2018 from the Permanent Mission of Iceland to the United Nations addressed to the President of the General Assembly' UN Doc A/72/923 (2 July 2018), para 36; 'Human Rights Council Elections/ 2018 Candidate' <[https://ishr.ch/sites/default/files/files/Iceland\\_Scorecard\\_final.pdf](https://ishr.ch/sites/default/files/files/Iceland_Scorecard_final.pdf)> accessed 30 June 2020.

<sup>20</sup>Amnesty International, 'No Shame in Diversity: The Right to Health for People with Variations of Sex Characteristics in Iceland' 2019 <<https://amnesty.org/download/Documents/EUR2894982019ENGLISH.PDF>> accessed 20 February 2021.

thematic agenda, which included gender equality and women's empowerment, LGBTI rights, children's rights, the impact of climate change, and work towards a more efficient HRC.<sup>21</sup> Although Iceland did not formally take on any of the priorities of the United States,<sup>22</sup> whose seat it took over, the goal of reforming HRC work did overlap with the US agenda.<sup>23</sup>

Various sources, including the Icelandic government itself,<sup>24</sup> have held three outcomes of the HRC over which Iceland took leadership as significant: (1) the resolution on the Philippines; (2) the statement on Saudi Arabia; and (3) the resolution on equal pay. Iceland chose to work on country situations that had raised much debate among Western human rights organisations such as Amnesty International and Human Rights Watch. Iceland was the main sponsor of the resolution approved by the 41st session on the Philippines and the brutal violence associated with President Duterte's war on drugs.<sup>25</sup> Despite heated reactions from the Philippine government, the resolution was passed and it mandated, *inter alia*, the UN High Commissioner for Human Rights to report on the human rights situation in the Philippines by June 2020.<sup>26</sup> The resolution, which was supported by votes from Argentina, Bahamas, Fiji, Mexico, Peru, and others, urged '... the Philippines to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable'.<sup>27</sup> It has been seen as a 'critical step towards accountability' for the Philippine government and its war on drugs.<sup>28</sup> Iceland's actions were described as bold and principled.<sup>29</sup>

The second notable achievement came during the 40th session of March 2019, when Iceland led joint efforts calling on Saudi Arabia to improve its human rights situation in a statement delivered during interactive dialogue with the High Commissioner for Human Rights.<sup>30</sup> This was the first time Saudi Arabia was collectively subject to criticism before the HRC – a turning point that was partly brought about by the outrage at the murder of journalist Khashoggi as well as the kingdom's treatment of Saudi women.<sup>31</sup> The statement was supported by 36 countries<sup>32</sup> and was described as '... an unusually strong rebuke of Saudi Arabia'.<sup>33</sup> Iceland's Foreign Minister Guðlaugur Þór Þórðarson said that Iceland was in the HRC '... to make a difference – and even speak out when

<sup>21</sup>UNGA (n 19) paras 7, 18.

<sup>22</sup>UN News, 'Iceland to Take Vacated US Seat on Human Rights Council' <<https://news.un.org/en/story/2018/07/1014672>> accessed 16 February 2021.

<sup>23</sup>Stjórnarráð Íslands (n 17) 21.

<sup>24</sup>Government of Iceland, Ministry for Foreign Affairs, 'Iceland in the Human Rights Council: Executive Summary', February 2020.

<sup>25</sup>The resolution was approved with 18 votes in favour, 14 against, 15 abstained.

<sup>26</sup>'Promotion and Protection of Human Rights in the Philippines', UN Doc A/HRC/41/2 (11 July 2019), para 3.

<sup>27</sup>*Ibid.*, para 1.

<sup>28</sup>'Philippines: UN Takes Critical Step Toward Accountability' *Human Rights Watch*, 11 July 2019 <<https://hrw.org/news/2019/07/11/philippines-un-takes-critical-step-toward-accountability>> accessed 30 June 2020.

<sup>29</sup>Laila Matar, 'Countries at the UN Should be Bold, Principled on Philippines' *Human Rights Watch*, 14 September 2020 <<https://hrw.org/news/2020/09/14/countries-un-should-be-bold-principled-philippines>> accessed 16 February 2021.

<sup>30</sup>'Statement under Agenda Item 2: Interactive Dialogue with the High Commissioner, 40th session of the UN Human Rights Council', delivered by HE Harald Aspelund (Iceland) 7 March 2019 <<https://government.is/diplomatic-missions/embassy-article/2019/03/07/Joint-statement-on-the-human-rights-situation-in-Saudi-Arabia/>> accessed 20 August 2020.

<sup>31</sup>Government of Iceland, 'Iceland Leads a Joint Initiative Calling on Saudi Arabia to Improve Its Human Rights Situation', 7 March 2019 <<https://government.is/diplomatic-missions/embassy-article/2019/03/07/Iceland-leads-a-joint-initiative-calling-on-Saudi-Arabia-to-improve-its-human-rights-situation/>> accessed 30 June 2020.

<sup>32</sup>*Ibid.*

others stay silent’.<sup>34</sup> Human rights organisations praised the statement as finally making a crack in the Saudi shield against criticism.<sup>35</sup> Iceland thus received praise for its actions toward two states with bad human rights records.

The third accomplishment was thematic. Iceland was one of the main sponsors together with, among others, Australia, Panama, and South Africa, on a resolution on equal pay adopted in the 41st session, 11 July 2019, without a vote. The resolution urged, *inter alia*, states to ‘... promote the implementation of equal pay policies’ and to ‘... take all appropriate measures to address the wage disparity’.<sup>36</sup> This fit with Iceland’s commitment to equal pay domestically, as it passed a law in 2019 requiring companies with over 25 employees to have equal pay certificates.<sup>37</sup> Leading by example, the Council resolution on equal pay sought to raise awareness of the need to fight wage disparity; along the same lines, Iceland also suggested an International Equal Pay Day at the UNGA Third Committee.<sup>38</sup>

Iceland’s 18 months in the HRC have been labelled as successful. It received praise from the other Nordic countries for its notable actions,<sup>39</sup> and the Icelandic government itself seemed content with its achievements.<sup>40</sup> Its focus on visible country-specific work along thematic priorities showed that it was not scared to march to the beat of a drum different to that of the other Nordic countries. The visibility of Iceland’s work was also highlighted by its election to the Council’s vice-presidency on behalf of the WEOG in 2019, a position filled by Permanent Representative Harald Aspelund.

### 3. Denmark in the HRC: Working Hard on Traditional Foci

Human rights promotion and protection is formally an integral part of Danish foreign and development policy.<sup>41</sup> According to the government, ‘Denmark is at the forefront

<sup>33</sup>Deutsche Welle, ‘EU Joins in First Scolding of Saudi Arabia at UN Human Rights Council’, 7 March 2019 <<https://dw.com/en/eu-joins-in-first-scolding-of-saudi-arabia-at-un-human-rights-council/a-47811023>> accessed 3 September 2020.

<sup>34</sup>Government of Iceland, ‘Iceland Leads a Joint Initiative Calling on Saudi Arabia to Improve Its Human Rights Situation’, 7 March 2019 <<https://government.is/diplomatic-missions/embassy-article/2019/03/07/Iceland-leads-a-joint-initiative-calling-on-saudi-arabia-to-improve-its-human-rights-situation/>> accessed 30 June 2020.

<sup>35</sup>Nick Cummin-Bruce, ‘Saudi Arabia Rebuked for the First Time by Fellow Members of UN Rights Council’ *New York Times*, 7 March 2019 <<https://nytimes.com/2019/03/07/world/middleeast/saudi-arabia-human-rights-abuses.html>> accessed 3 September 2020.

<sup>36</sup>‘Equal Pay’, UN Doc A/HRC/RES/41/14 (11 July 2019), para 2(b) and (f).

<sup>37</sup>Act on Equal Status and Equal Rights of Women and Men, No 10/2008, as amended by Act No 56/2017, passed 1 June 2017, in force 1 January 2018.

<sup>38</sup>Government of Iceland, ‘UN Adopts Iceland’s Proposal to Declare International Equal Pay Day’, 15 November 2019 <[https://government.is/diplomatic-missions/embassy-article/2019/11/15/UN-adopts-Iceland's-proposal-for-an-International-Equal-Pay-Day/#:~:text=UN%20adopts%20Iceland's%20proposal%20to%20declare%20International%20Equal%20Pay%20Day,-Helen%20S.&text=A%20resolution%20on%20International%20Equal,Rights\)%20of%20the%20General%20Assembly.&text=The%20resolution%20is%20new%20and,to%20be%20observed%20each%20year](https://government.is/diplomatic-missions/embassy-article/2019/11/15/UN-adopts-Iceland's-proposal-for-an-International-Equal-Pay-Day/#:~:text=UN%20adopts%20Iceland's%20proposal%20to%20declare%20International%20Equal%20Pay%20Day,-Helen%20S.&text=A%20resolution%20on%20International%20Equal,Rights)%20of%20the%20General%20Assembly.&text=The%20resolution%20is%20new%20and,to%20be%20observed%20each%20year)> accessed 3 September 2020.

<sup>39</sup>Online interview, Copenhagen, 18 June 2020; Telephone interview, Helsinki, 18 June 2020. Also, Danish parliamentarians sitting in the Foreign Affairs Committee acknowledged that Iceland, as a much smaller country with less ‘international voice’ than Denmark was able to stand up against Saudi Arabia. See Martin Lidegaard and Michael Aastrup Jensen, ‘Vi bør gøre en forskel for Saudi-Arabien’ *Politiken*, 3 June 2020.

<sup>40</sup>See ‘Speech at the 75th United Nations General Assembly by HE Mr Gudlaugur Thor Thordarson, Minister for Foreign Affairs and Development Cooperation’ <<https://stjornarradid.is/efst-a-baugi/frettir/stok-frett/2020/09/29/Speech-at-the-75th-United-Nations-General-Assembly-by-H.E.-Mr.-Gudlaugur-Thor-Thordarson-Minister-for-Foreign-Affairs-and-Development-Cooperation/>> accessed 16 February 2021; Stjórnarráð Íslands (n 17) 9.

<sup>41</sup>Ministry of Foreign Affairs of Denmark, ‘Human Rights’ <<https://fngeneve.um.dk/en/human-rights/#:~:text=The%20Human%20Rights%20Council&text=Furthermore%2C%20freedom%20of%20religion%20and,accountability%20are%20also%20Danish%20priorities>> accessed 31 August 2020.



of the fight for ... universal human rights'.<sup>42</sup> The country thus seems to consider it almost a national duty to run for HRC membership. Domestically, protecting human rights has been up for discussion in recent years, however. For example, immigration issues have spurred criticism against and attempts to reform regional human rights institutions in Danish domestic politics.<sup>43</sup> At the time of its entry into the Council, there was also criticism of Denmark's treatment of people belonging to sexual minorities, survivors of rape, refugees, and stateless persons.<sup>44</sup>

Denmark was elected to the HRC on 12 October 2018, on its second attempt.<sup>45</sup> It will serve in the HRC from 2019 to 2021. Its campaign launched early in 2016 and emphasised three D's: 'Dignity, Dialogue and Development'.<sup>46</sup> 'Dignity' was used to denote, among other things, a '... life free from torture and ill treatment' and 'all kinds of discrimination'.<sup>47</sup> It thus prioritises women's and girls' rights, Indigenous Peoples' rights, and prevention of torture.<sup>48</sup> Thus, Denmark focuses on well-established and familiar topics,<sup>49</sup> some of which it may be considered a leader in.<sup>50</sup> Newer human rights challenges can also be found on the Danish agenda; inspired by its 'Techplomacy' initiative, Denmark has chosen to work for human rights online.<sup>51</sup>

'Dialogue' was used to emphasise Denmark's efforts to '... build[ing] bridges and seek[ing] compromise within the Council'.<sup>52</sup> It seeks to enhance common positions and understandings within the Council through a dialogue that is constructive.<sup>53</sup> Hence, it has been alleged that Denmark portrays itself as the voice of reason in international contexts.<sup>54</sup> As for 'Development', Denmark focuses on the Sustainable Development Goals (SDGs), a priority grounded in the country's strong overall profile in development issues.<sup>55</sup> Over the last 40 years, Denmark has reached its target of giving 0.7% of its gross national income in development assistance – a

<sup>42</sup>Ministry of Foreign Affairs of Denmark, 'Foreign Policy' <<https://um.dk/en/foreign-policy/>> accessed 31 August 2020.

<sup>43</sup>Jacques Hartmann, 'A Danish Crusade for the Reform of the European Court of Human Rights' *EJIL: Talk*, 14 November 2017 <<https://ejiltalk.org/a-danish-crusade-for-the-reform-of-the-european-court-of-human-rights/>> accessed 20 February 2021.

<sup>44</sup>CJPME Foundation, 'Human Rights Reports Series: Denmark' February 2019 <[https://d3n8a8pro7vhm.cloudfront.net/cjpmefoundation/pages/101/attachments/original/1562339706/Denmark\\_HRR\\_Final\\_Version.pdf?1562339706](https://d3n8a8pro7vhm.cloudfront.net/cjpmefoundation/pages/101/attachments/original/1562339706/Denmark_HRR_Final_Version.pdf?1562339706)> accessed 31 August 2020; Amnesty International, 'Denmark 2019' <<https://amnesty.org/en/countries/europe-and-central-asia/denmark/report-denmark/>> accessed 20 February 2021.

<sup>45</sup>UN, 'General Assembly Elects 18 Member States to Human Rights Council, Allowing Vote by 3 Member States in Article 19 Exemption over Financial Dues' <<https://un.org/press/en/2018/ga12077.doc.htm>> accessed 12 May 2021. Denmark failed to be elected to the HRC in 2007, when it was a candidate for the first time.

<sup>46</sup>Ministry of Foreign Affairs of Denmark, 'Denmark in the UN Human Rights Council' <<https://fnnewyork.um.dk/en/denmark/human-rights/denmark-for-the-un-human-rights-council/>> accessed 31 August 2020.

<sup>47</sup>Ibid.

<sup>48</sup>Ministry of Foreign Affairs of Denmark, 'Human Rights' (n 41).

<sup>49</sup>Udenrigsministeriet, 'Danmark som medlem af FN's Menneskerettighedsråd 2019–2021' <<https://um.dk/da/Udenrigspolitik/danmark-som-medlem-af-hrc-2019-2021/>> accessed 31 August 2020.

<sup>50</sup>Ministry of Foreign Affairs of Denmark, 'Evaluation of Danish Support to Promotion and Protection of Human Rights 2006–2016', May 2018, p 14, which notes: 'Internationally, Denmark is perceived as the leading state in the fight against torture.'

<sup>51</sup>'Danmark som medlem af FN's Menneskerettighedsråd 2019–2021', *Udenrigsministeriet* <<https://um.dk/da/Udenrigspolitik/danmark-som-medlem-af-hrc-2019-2021/>> accessed 31 August 2020.

<sup>52</sup>Ministry of Foreign Affairs of Denmark, 'Denmark in the UN Human Rights Council' (n 46).

<sup>53</sup>Ibid.

<sup>54</sup>Louise Riis Andersen, 'Det nødvendige og det mulige. Aktuelle spaendinger i dansk udenrigspolitik' (2018) 76 *Internasjonal Politikk* 316, 326.

<sup>55</sup>Ministry of Foreign Affairs of Denmark, 'Denmark in the UN Human Rights Council' (n 46).

level met by very few states<sup>56</sup> – making Denmark an active investor in development issues.

Denmark's work during its first year in the HRC appears to have been slower-paced and less visible than Iceland's. During the three 2019 sessions, Denmark was one of the main sponsors of two resolutions: (1) on new and emerging technologies; and (2) on commemorating the Beijing Declaration and Platform of Action on women's rights. The resolution on 'New and Emerging Digital Technologies and Human Rights', adopted without a vote at the 41st session of the HRC,<sup>57</sup> was spearheaded by Denmark together with the Republic of Korea, Austria, Brazil, Singapore, and Morocco. It recognised that new technologies are both a possibility for and a challenge to the enjoyment of human rights. It called for the Advisory Committee of the HRC to issue a report on the matter and decided to convene a similarly themed panel discussion.<sup>58</sup> The resolution on women's rights was adopted without a vote at the 42nd session to commemorate the 25th anniversary of the World Conference on Women and the Beijing Declaration as well as the Platform for Action.<sup>59</sup> Submitted by Denmark, China, France, Kenya, and Mexico, it resolved to organise a high-level panel discussion on implementing these documents.

The Danish focus during the first year of its HRC membership thus came to be on thematic rather than country-specific resolutions. Work on country situations was conducted through giving statements on specific countries during, for example, the general debate under Items 2 and 4, interactive dialogues, or in the form of interventions under the Universal Periodic Review (UPR) process.<sup>60</sup> This tallies with Denmark's tendency to seek compromise within the Council. Perhaps its last experience of serving on the UN's main human rights body – the then UN Commission on Human Rights – when it got into serious trouble with China after tabling a critical resolution in 1997, had made Denmark cautious. Indeed, Denmark seems to have abandoned its so-called 'megaphone diplomacy' of the 1990s for a more pragmatic course of action.<sup>61</sup> Since 2019, however, Danish work in the HRC gives the impression of having accelerated, and the country has taken the lead on more visible country-specific work. During the 45th HRC session in September 2020, Denmark delivered a joint statement on the human rights situation in Saudi Arabia on behalf of 33 countries during the interactive dialogue on Agenda Item 2.<sup>62</sup> This was an effective continuation of the work started by Iceland,

<sup>56</sup>Ministry of Foreign Affairs of Denmark, 'Denmark and the World' <<https://denmark.dk/society-and-business/denmark-in-the-world>> accessed 31 August 2020.

<sup>57</sup>UN Doc A/HRC/RES/41/11 (11 July 2019).

<sup>58</sup>*Ibid.*, paras 1, 3–4. For more on the functions of the Advisory Committee, see 'Institution-Building of the Human Rights Council', UN Doc A/HRC/RES/5/1 (18 June 2007), Section III.

<sup>59</sup>'Marking the Twenty-Fifth Anniversary of the Beijing Declaration and Platform for Action', UN Doc A/HRC/42/14 (26 September 2019).

<sup>60</sup>See, 'Institution-Building of the Human Rights Council', UN Doc A/HRC/RES/5/1 (18 June 2007), Section V.

<sup>61</sup>Andreas Bøje Forsby, 'Norden og Kina: Førsteviolinst i det nordiske ensemble? Danmarks forhold till Kina' (2016) 74 *Internasjonal politikk* 1, 6.

<sup>62</sup>Permanent Mission of Denmark to UN Geneva, Ministry of Foreign Affairs of Denmark, 'HRC45: Denmark Delivers Cross Regional Joint Statement on the Situation of Human Rights in the Kingdom of Saudi Arabia' <<https://fngeneve.um.dk/en/news/newsdisplaypage/?newsID=F80A37C6-260F-46F9-B4A6-30D07198D2F8>> accessed 15 September 2020.



and responds to demands for more action on Saudi Arabia within domestic Danish political debate.<sup>63</sup>

The start of Denmark's three-year tenure in the HRC may have been affected by the country's general elections in June 2019, which led to a change of foreign ministers.<sup>64</sup> In addition, it seems that instead of stressing milestones attracting media attention during the three-year Council membership, the country has chosen to focus on long-term goals in its human rights policy. One example of how the HRC offers a platform enabling Denmark to pursue its established human rights priorities is Denmark's work on linking the Sustainable Development Goals (SDGs) and human rights. In 2017, Denmark, Chile, and a number of human rights organisations jointly issued a report stating that '[h]uman rights and sustainable development are interdependent and mutually reinforcing',<sup>65</sup> even though the SDGs do not explicitly mention human rights because they are politically sensitive. The Danish Institute for Human Rights has also created a 'Human Rights Guide to the SDGs', a database showing which human rights commitments exist for each sustainable development goal.<sup>66</sup> Denmark consistently brought work on this topic to the HRC both before and during its HRC membership. In 2018, together with several states, it sponsored a resolution on the 'Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development',<sup>67</sup> deciding to organise two intersessional meetings on the matter. In March 2020, at the 43rd session of the HRC, Denmark was again among the main sponsors for a namesake resolution adopted by consensus.<sup>68</sup> The Danish work seeking to connect sustainable development with human rights has crossed regional boundaries and brought together European, Latin American, Asian, and African countries.

#### 4. Differences in Voting and Policy Context Between the Two Nordics

The WEOG has acted the most uniformly of all regional groups in the HRC.<sup>69</sup> The same can be said about its two members Denmark and Iceland, whose voting patterns in the Council during 2019 largely concurred. The voting in 2019 reveals that both countries usually support resolutions on country situations. Both voted in favour of resolutions addressing the human rights situations in Iran,<sup>70</sup> the Syrian Arab Republic,<sup>71</sup>

<sup>63</sup>See e.g. Kristian Mouritzen, 'Venstre og Radikale Venstre vil tvinge regeringen til at sætte en stopper for saudiarabisk medlemskab af FNs Menneskerettighedsråd' *Berlingske*, 28 May 2020; Line Rønn Tofte, Mark Steffensens and Joshua Ursin Hollingdale, 'Menneskerets-organisation: Udenrigsministeren skal rejse kritik af Saudi Arabien' *Danish Broadcasting Company*, 28 May 2020 <<https://www.dr.dk/nyheder/politik/menneskerets-organisation-udenrigsministeren-skal-rejse-kritik-af-saudi-arabien>> accessed 27 June 2021.

<sup>64</sup>Samuelson was replaced by Jeppe Kofod on 27 June 2019.

<sup>65</sup>'Human Rights and the SDGs: Pursuing Synergies' <[https://universal-rights.org/wp-content/uploads/2017/12/RAPPORT\\_2017\\_HUMAN-RIGHTS-SDGS-PURSUING-SYNERGIES\\_03\\_12\\_2017\\_digital\\_use.pdf](https://universal-rights.org/wp-content/uploads/2017/12/RAPPORT_2017_HUMAN-RIGHTS-SDGS-PURSUING-SYNERGIES_03_12_2017_digital_use.pdf)> accessed 31 August 2020.

<sup>66</sup>Danish Institute for Human Rights, 'SDG – Human Rights Data Explorer' <<https://sdgdata.humanrights.dk/en/>> accessed 31 August 2020.

<sup>67</sup>UN Doc A/HRC/RES/37/24 (23 March 2018).

<sup>68</sup>'Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development', UN Doc A/HRC/43/19 (22 June 2020).

<sup>69</sup>Elvira Domínguez-Redondo, *In Defence of Politicization of Human Rights: The UN Special Procedures* (Oxford University Press 2020) 194.

<sup>70</sup>'Situation of Human Rights in the Islamic Republic of Iran', UN Doc A/HRC/RES/40/18 (22 March 2019).

<sup>71</sup>'Human Rights Situation in the Syrian Arab Republic, UN Doc A/HRC/RES/40/17 (22 March 2019); 'The Human Rights Situation in the Syrian Arab Republic', UN Doc A/HRC/RES/41/23 (12 July 2019); 'The Human Rights Situation in the Syrian Arab Republic', UN Doc A/HRC/RES/42/27 (27 September 2019).

Nicaragua,<sup>72</sup> Belarus,<sup>73</sup> the Philippines,<sup>74</sup> Eritrea,<sup>75</sup> Burundi,<sup>76</sup> Venezuela,<sup>77</sup> Myanmar,<sup>78</sup> and Yemen.<sup>79</sup> They also tended to abstain from or reject initiatives by socialist countries, such as China, Cuba, and Venezuela, to introduce the ‘right to development’ and ‘the right to peace’.<sup>80</sup> The same applies to resolutions seeking to enhance cooperation or international solidarity to the detriment of the normativity of human rights.<sup>81</sup>

Despite the overall similarity in voting during the 2019 regular sessions, the issue of Israel/Palestine reveals a small policy distinction between Denmark and Iceland. In 2019, Denmark acted for the removal of Agenda Item 7, which is a separate item reserved for addressing the human rights situation in Palestine and other occupied Arab territories (in other words, Israel’s possible human rights violations).<sup>82</sup> According to the then Danish Foreign Minister Anders Samuelsen, the HRC should treat all states on an equal footing under Agenda Item 4, the usual item for dealing with country situations.<sup>83</sup> At the 40th HRC session in March 2019, Samuelsen urged all members to refrain from speaking under Item 7.<sup>84</sup> At the same session, Denmark also voted against the resolutions relating to Palestinians and the occupied territories. Its explanation was that Denmark wanted to ‘... stand against the discrimination of Israel in the UN Human Rights Council’.<sup>85</sup> While Iceland has also rejected Agenda Item 7 on discriminatory grounds,<sup>86</sup> it voted in favour of the resolution on the self-determination of the Palestinian people<sup>87</sup> – a balancing act that can be seen as logically following on from the country’s recognition of Palestine.<sup>88</sup> Iceland also voted in favour of the resolution on the human rights situation in the Occupied Palestinian Territory and East Jerusalem,<sup>89</sup> as well as the resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.<sup>90</sup> When it came to the resolution on human rights in the occupied Syrian Golan, however, it voted against.<sup>91</sup> The Icelandic

<sup>72</sup> ‘Promotion and Protection of Human Rights in Nicaragua’, UN Doc A/HRC/RES/40/2 (21 March 2019).

<sup>73</sup> ‘Situation of Human Rights in Belarus’, UN Doc A/HRC/RES/41/22 (12 July 2019).

<sup>74</sup> ‘Promotion and Protection of Human Rights in the Philippines’, UN Doc A/HRC/RES/41/2 (11 July 2019).

<sup>75</sup> ‘Situation of Human Rights in Eritrea’, UN Doc A/HRC/RES/41/1 (11 July 2019).

<sup>76</sup> ‘Situation of Human Rights in Burundi’, UN Doc A/HRC/RES/42/26 (27 September 2019).

<sup>77</sup> ‘Situation of Human Rights in the Bolivarian Republic of Venezuela’, UN Doc A/HRC/RES/42/25 (27 September 2019).

<sup>78</sup> ‘Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar’, UN Doc A/HRC/RES/42/3 (26 September 2019).

<sup>79</sup> ‘Human Rights Situation in Yemen’, UN Doc A/HRC/RES/42/2 (26 September 2019).

<sup>80</sup> See, e.g. ‘The Right to Development’, UN Doc A/HRC/RES/42/23 (27 September 2019) and ‘Promotion of the Right to Peace’, UN Doc A/HRC/RES/41/4 (11 July 2019).

<sup>81</sup> See e.g. ‘Enhancement of International Cooperation in the Field of Human Rights’, UN Doc A/HRC/RES/41/3 (11 July 2019).

<sup>82</sup> ‘Institution-Building of the Human Rights Council’, UN Doc A/HRC/RES/5/1 (18 June 2007), Section V.

<sup>83</sup> *Ibid.*

<sup>84</sup> Tovah Lazaroff, ‘Denmark, Australia: UNHRC Must Stop Biased Treatment of Israel’ *Jerusalem Post*, 26 February 2019 <<https://jpost.com/israel-news/denmark-australia-unhrc-must-stop-biased-treatment-of-israel-581758>> accessed 31 August 2020.

<sup>85</sup> Ministry of Foreign Affairs of Denmark, ‘Samuelsen: Denmark Will Vote No to All UN Resolutions Under Special Agenda Item Against Israel’ <<https://fngeneve.um.dk/en/news/newsdisplaypage/?newsID=E8DB8439-F77D-4BCD-807D-B866DB0C1CF1>> (accessed 2 September 2020).

<sup>86</sup> Stjórnarráð Íslands (n 17) 35.

<sup>87</sup> ‘Right of the Palestinian People to Self-Determination’, UN Doc A/HRC/RES/40/22 (22 March 2019).

<sup>88</sup> Iceland recognised Palestine on 15 December 2011.

<sup>89</sup> ‘Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem’, UN Doc A/HRC/RES/40/23 (22 March 2019).

<sup>90</sup> ‘Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan’, UN Doc A/HRC/RES/40/24 (22 March 2019).

<sup>91</sup> ‘Human Rights in the Occupied Syrian Golan’, UN Doc A/HRC/RES/40/21 (22 March 2019).

government has explained that it will not hesitate to criticize Israeli conduct if need be despite the fact that it finds Item 7 unnecessary and inappropriate.<sup>92</sup>

Denmark and Iceland also differ somewhat when it comes to the alliances and reference groups through which they act in the Council. While both countries cooperate with the other Nordics and increasingly within the Nordic-Baltic framework, Denmark's European Union (EU) membership separates it from Iceland. Because the EU has special competencies in the field of foreign and security policy,<sup>93</sup> Denmark is expected to follow the annual EU priorities in UN human rights fora. However, it retains a national capacity to act and can individually sponsor resolutions in the HRC. While EU membership indisputably gives small states increased leverage, and according to the Danish government it constitutes '... the best way to ensure that Denmark and Europe have a voice when challenges to ... human rights arise',<sup>94</sup> weaknesses do exist in the EU framework. For example, the need to coordinate positions within the union may lower standards when it comes to human rights promotion and protection – at least from a Nordic perspective. In addition, internal coordination between EU member states may leave less time to focus on the actual policy agenda.<sup>95</sup> Iceland, a non-EU member, benefits from cooperation with the so-called Mountains Group,<sup>96</sup> which includes Australia, Canada, Liechtenstein, New Zealand, Norway, and Switzerland. In 2019, the Mountains Group delivered a joint statement on the funding of the OHCHR.<sup>97</sup> Even in relation to typically 'Nordic' topics, such as gender equality, Iceland has acted within the Mountain Group to deliver statements.<sup>98</sup>

## 5. Experiences and Observations from the Council Work in the Nordic Context

### 5.1 An important forum for the Nordics

The Nordic engagement with international efforts to protect human rights has varied over time.<sup>99</sup> Today, all five Nordic countries nonetheless formally include human rights in their foreign policy priorities or even as a foundation for their foreign and security policy.<sup>100</sup> The HRC has turned out to be an important forum for the Nordic states,

<sup>92</sup>Stjórnarráð Íslands (n 17) 35.

<sup>93</sup>Treaty on the European Union [2007] OJ C 115/01, art 34(1).

<sup>94</sup>The Danish Government, 'Foreign and Security Policy Strategy 2019–2020', November 2020, 15, <[https://dsn.gob.es/sites/dsn/files/2018\\_Denmark%20Foreign%20and%20security%20policy%20strategy%202019-2020.pdf](https://dsn.gob.es/sites/dsn/files/2018_Denmark%20Foreign%20and%20security%20policy%20strategy%202019-2020.pdf)> accessed 2 September 2020.

<sup>95</sup>European Parliament, Directorate-General for External Policies, Policy Department, 'The European Union and the Review of the Human Rights Council', February 2011, 6.

<sup>96</sup>Government of Iceland, 'Statements at the 43rd Session of Human Rights Council' <<https://stjornarradid.is/efst-a-baugi/frettir/stok-frett/2020/06/19/Statements-at-the-43rd-session-of-the-Human-Rights-Council/>> accessed 18 February 2021.

<sup>97</sup>Australian Mission to the United Nations, 'Joint Statement on Behalf of Mountain Group – Funding for the OHCHR' <<https://dfat.gov.au/sites/default/files/41st-hrc-joint-statement-mountains-group-item-3-general-debate-funding-ohchr.pdf>> accessed 18 February 2021.

<sup>98</sup>Norway in Geneva, 'Mountains Group Statement on Integration of a Gender Perspective', 4 October 2017 <<https://norway.no/en/missions/wto-un/nig/statements/hr/hrc/hrc36/mountains-group-innlegg/>> accessed 3 September 2020.

<sup>99</sup>Hanne Hagtvedt Vik and others, 'Histories of Human Rights in the Nordic Countries' (2018) 36 Nordic Journal of Human Rights 189, 200.

<sup>100</sup>The Danish Government, 'Foreign and Security Policy Strategy 2019–2020' (n 94) 8; Finnish Government, 'Government Report on Finnish Foreign and Security Policy' (2020) 41; Government of Iceland, 'Human Rights in Foreign Policy' <<https://government.is/topics/foreign-affairs/human-rights-in-foreign-policy/>> accessed 21 February 2021; Norwegian

with all five having bid for membership; Iceland has already announced its candidacy for 2025–2027.<sup>101</sup> The Council's mandate and work seem suitable for states that prioritise human rights in their foreign policy but have limited resources to invest. The countries also recognise that its importance may be further accentuated in times when the UN Security Council is constrained by vetoes in specific human rights situations.<sup>102</sup> In fact, when considering candidacy for UN organs and bodies, small states may even come to prioritise seeking membership in the HRC instead of the UN Security Council, due to the latter's high campaign costs and uncertain prospects of election. Some Nordic governments have also stated that there is an internal dimension to a candidature and possible membership in the HRC: it offers countries an opportunity to review their human rights policies, as well as to reaffirm the importance of human rights as a cornerstone of their foreign policy.<sup>103</sup> This evaluation may be of increasing significance in times when populist parties stir domestic politics questioning established foreign policy objectives and institutions.<sup>104</sup>

## 5.2 The capacity to counterbalance

One stated reason for the Nordic countries seeking membership in the HRC consists of balancing out its membership and acting on behalf of liberal values.<sup>105</sup> The idea of human rights can no longer be taken for granted when it is being challenged by several autocratic states as well as developments such as the ongoing COVID-19 pandemic souring international human rights protection. There must be states within the HRC that can counterweight this negative trajectory.<sup>106</sup> Human rights organisations increasingly place faith in the Nordics as having the capacity to act as 'a principled voice for human rights'.<sup>107</sup> These states do not generally suffer from bad human rights records and can thus contribute to the normative work of the Council,<sup>108</sup> not to mention its legitimacy. Such states are also needed to enable the exposure of serious human rights abusers sitting on the Council.<sup>109</sup> This is exemplified by the work of first Iceland and later Denmark with respect to Saudi

---

Ministry of Foreign Affairs, 'Setting the Course for Norwegian Foreign and Security Policy' (2017) 6; Minister for Foreign Affairs Ann Linde, 'Statement of Government Policy' (2020) 1.

<sup>101</sup>See 'Speech at the 75th United Nations General Assembly' (n 40).

<sup>102</sup>Danmark som medlem af FN's Menneskerettighedsråd 2019–2021' *Udenrigsministeriet* <<https://um.dk/da/udenrigspolitik/danmark-som-medlem-af-hrc-2019-2021/>> accessed 31 August 2020.

<sup>103</sup>Stjórnarráð Íslands (n 17) 57; Ministry for Foreign Affairs of Finland, 'Finland Seeks Membership of UN Human Rights Council' <<https://valtioneuvosto.fi/en/-/finland-seeks-membership-of-un-human-rights-council>> accessed 18 February 2021.

<sup>104</sup>See e.g. Gerald L Neuman, 'Populist Threats to the International Human Rights System' in Gerald L Neuman (ed), *Human Rights in a Time of Populism: Challenges and Responses* (Cambridge University Press 2020) 1–19.

<sup>105</sup>The Danish Government, 'Foreign and Security Policy Strategy 2019–2020' (n 94) 9.

<sup>106</sup>See e.g. the statement by the Finnish Ministry for Foreign Affairs Pekka Haavisto in which he holds: 'The importance of defending human rights will grow in global contexts': Ministry for Foreign Affairs of Finland, 'Finland Seeks Membership' (n 103).

<sup>107</sup>Bruno Stagno Ugarte, 'A Nordic Comeback on Human Rights. Encouraging Signs They Are Set to Take More Leading Role' <<https://hrw.org/news/2020/07/10/nordic-comeback-human-rights>> accessed 31 August 2020.

<sup>108</sup>See e.g. Rosa Freedman, *Failing to Protect: The UN and the Politicization of Human Rights* (Oxford University Press 2015) 53.

<sup>109</sup>UN: Violators Undermine Human Rights Council' *Human Rights Watch*, 24 October 2016 <<https://hrw.org/news/2016/10/25/un-violators-undermine-human-rights-council>> accessed 20 February 2021.

Arabia. For instance, domestic actors in Denmark explicitly urged their government to follow the example set by Iceland.<sup>110</sup>

### 5.3 Transparency and inclusiveness

The Nordic countries are known for advancing public participation and openness in their decision-making procedures.<sup>111</sup> Finland, for example, has explicitly listed openness and interaction with the civil society as prerequisites for a successful human rights policy.<sup>112</sup> Transparency and inclusiveness should also apply domestically during HRC membership in order to gain backing on the home front and attention to the member's work in the Council. Both Iceland and Denmark have involved national human rights organisations and stakeholders in their HRC work. Their governments have met with relevant partners for briefings on national priorities and work before each session. Stakeholders have also participated in the work through comments and recommendations. International human rights organisations have also been consulted and met with in terms of the pursued agenda and action.<sup>113</sup> With transparency and dissemination in mind, Iceland decided that all speeches made by its government at the HRC would be made available on the government's website.<sup>114</sup> The Icelandic government also arranged polls about the visibility and success of Iceland's Council membership, which showed great public awareness of and pride in the work that was being done.<sup>115</sup> Bigger Nordic countries should also make efforts to keep the public informed about its actions in the HRC as well as to chart how the work has been received.

### 5.4 Preparedness to work on country-specific resolutions

In its first operational years following its establishment in 2006, the HRC's work was clearly geared towards thematic issues instead of country-specific situations.<sup>116</sup> While an imbalance still exists between thematic and country-specific resolutions, that trend seems to have reversed. The number of country-specific resolutions is overall in the ascendant, and Council member states devote more and more time and resources to inspecting country-specific human rights matters.<sup>117</sup> This means that an active member state must be able to address these situations too, and possibly be prepared to

<sup>110</sup>Martin Lidegaard and Michael Aastrup Jensen, members of the Foreign Affairs Committee of the Danish Parliament, noted: 'Men når vores søsterland Island – trods sin beskedne størrelse og internationale stemme – har været i stand til at stille sig op imod Saudi-Arabien og samle en international koalition, hvor også Danmark deltog, ja, så må Danmark selvsagt også kunne tage stafetten op': Lidegaard and Aastrup Jensen (n 39).

<sup>111</sup>Stephen Cory Robinson, 'Trust, Transparency, and Openness: How Inclusion of Cultural Values Shapes Nordic National Public Policy Strategies for Artificial Intelligence (AI)' (2020) 63 *Technology in Society* 1, 2; Ainur Elmgren, 'Open Government in the Nordics' 27 February 2019, article on *Nordics Info*, Aarhus University.

<sup>112</sup>Utrikesministeriet i Finland, 'Nätverket för mänskliga rättigheter i utrikespolitiken inleder sin verksamhet', Pressmeddelande 56/2016, 23 March 2016 <[https://finlandabroad.fi/web/jor/utrikesministeriets-pressmeddelanden/-/asset\\_publisher/kyak4Ry9kbQ0/content/ihmisoikeudet-ulkopolitiikassa-verkosto-aloittaa-toimintansa/35732](https://finlandabroad.fi/web/jor/utrikesministeriets-pressmeddelanden/-/asset_publisher/kyak4Ry9kbQ0/content/ihmisoikeudet-ulkopolitiikassa-verkosto-aloittaa-toimintansa/35732)> accessed 20 February 2021.

<sup>113</sup>Stjórnarráð Íslands (n 17) 26; Mouritzen (n 63); Rønn Tofte and others (n 63).

<sup>114</sup>Stjórnarráð Íslands (n 17) 25.

<sup>115</sup>Ibid. 45.

<sup>116</sup>Subhas Gujadar and Toby Lamarque, 'Ensuring Relevance, Driving Impact: The Evolution and Future Direction of the UN Human Rights Council's Resolution System' Universal Rights Group, Policy Report (January 2015) 2.

<sup>117</sup>Piccone and McMillen (n 9) 21.

take the lead on country-specific situations.<sup>118</sup> Iceland demonstrated such preparedness with its resolution on the Philippines and the Saudi Arabia statement in 2019, and Denmark with its statement on Saudi Arabia during its second year in the Council. According to Danish parliamentarians, country-specific resolutions concretise and give meaning to thematic focuses.<sup>119</sup> Controversial issues must come to the fore, which is also suggested by the trend of putting a growing number of resolutions, including country-specific ones, to vote rather than adopting them by consensus.<sup>120</sup> This means that member states of the Council increasingly face challenging issues, which may be difficult for countries traditionally following a non-confrontational foreign policy, such as Finland.<sup>121</sup> In these situations, the necessity of broad domestic political support is highlighted.<sup>122</sup> The significant role played by domestic politics in pursuing country-specific resolutions is also highlighted by calls from leftist parties and national human rights organisations urging the Danish government in 2020 to bring the issue of Saudi Arabia before the Council.<sup>123</sup>

### 5.5 Flexibility in forming alliances

The extraordinary incidence of double Nordic representation does not seem to have resulted in exceptional common initiatives before the Council. This finding is unsurprising, for it has been argued that the Nordic countries see Nordic cooperation as part of ‘... their individual foreign policy repertoire’ rather than as truly collective endeavour.<sup>124</sup> What is more, Denmark’s activism in Nordic cooperation is said to generally concentrate more on everyday diplomacy than on larger political issues,<sup>125</sup> and background discussions suggest Iceland is not usually the country to draft common Nordic statements in the HRC – a fact that that may be explained by the size of its resources. The unique situation of double representation in 2019 could thus have been better utilised. However, Nordic cooperation in general receives praise not only for its well-functioning information sharing, but also for the trust and loyalty that exists between the countries<sup>126</sup> despite slight differences in their human rights priorities.

Nordic cooperation has also developed into a broader format, with Nordic-Baltic NB8 countries forming an additional alliance in foreign and security policy, including human rights. This format encompasses cooperation at multiple levels of government between the Nordics and the three Baltic states of Estonia, Latvia, and Lithuania. In 2019, joint

<sup>118</sup>Ugarte (n 107).

<sup>119</sup>Lidegaard and Aastrup Jensen (n 39).

<sup>120</sup>Piccone and McMillen (n 9) 3.

<sup>121</sup>Katja Creutz, ‘Finlands pragmatiska kurs i de globala omvälvningarnas svallvågor’ (2018) 74 Internasjonal Politikk 331, 337. However, Finland has recently demonstrated preparedness to act on country-specific situations by, for example, leading a group of 32 states in the delivery of a statement under Agenda Item 4 expressing concern for the human rights situation in Egypt: see Permanent Mission of Finland, Geneva, ‘Finland Together with a Group of Countries Express Their Concern over the Trajectory of Human Rights in Egypt during the Item 4 General Debate at the Human Rights Council 46th Session’ <[https://finlandabroad.fi/web/geneve/current-affairs/-/asset\\_publisher/h5w4iUJhNne/content/finland-together-with-a-group-of-countries-express-their-concern-over-the-trajectory-of-human-rights-in-egypt-during-the-item-4-general-debate-at-the-/384951](https://finlandabroad.fi/web/geneve/current-affairs/-/asset_publisher/h5w4iUJhNne/content/finland-together-with-a-group-of-countries-express-their-concern-over-the-trajectory-of-human-rights-in-egypt-during-the-item-4-general-debate-at-the-/384951)> accessed 19 May 2021.

<sup>122</sup>Interview, Reykjavik, Iceland, 15 October 2019.

<sup>123</sup>Mouritzen (n 63); Rønn Tofte and others (n 63).

<sup>124</sup>Haugevik and Sending (n 1) 448.

<sup>125</sup>Andersen (n 54) 318–19.

<sup>126</sup>Online interview, Copenhagen, 18 June 2020.



NB8 statements were made, for example, on women's rights and the right to freedom of opinion and expression.<sup>127</sup> Yet, what could be made use of more is cross-regional cooperation. Denmark has successfully cooperated with Chile, for example, on linking the SDGs with human rights, and Iceland successfully promoted equal pay together with Panama and South Africa. Research on voting at the HRC also shows that national preferences affect voting more than bloc membership.<sup>128</sup> Next to traditional allies, new partnerships should therefore be actively sought, for example, among G77 or Latin American nations. Indeed, 'building alliances/networks with a broad and diverse group of member states' in UN entities has been understood as a significant tool with which small states can exert influence.<sup>129</sup>

## 6. Conclusion: Small and Principled States Matter

Both Iceland and Denmark have influenced the work of the UN's most important human rights body despite being small in size. During its 18 months on the Council, Iceland managed to be highly effective and produce visible country-specific deliverables on states that have committed systematic and egregious human rights violations. Its work thus responded to the criticism that state violators are allowed to sit on the Council while being shielded against scrutiny and condemnation. Its agenda thus largely converged with that pursued by international human rights organisations, but also partly with US efforts to reform the Council.

The start of Denmark's membership may have been slower, but it has a full three-year period to set its definitive mark on the Council and its work. One major contribution, after half the mandate period, lies in its pursuit of the linkage between sustainable development and human rights. The country has also shown that cross-regional cooperation can be fruitful and open new alliances. Overall, its approach has so far been somewhat different from Iceland's. Rather than pursuing noticeable country-specific outcomes, Denmark invests in long-term work that will pay off in due time. This shows how the different mindsets of countries may also affect their chosen policy approaches. Domestic pressure to step up actions before the Council with regard to Saudi Arabia, in particular before the October 2020 HRC elections, came to change the Danish course with the delivery of the joint statement on Saudi Arabia in September 2020.

When it comes to Nordic cooperation, the unique double representation in the Council during 2019 did not bring about any extra common initiatives or results beyond normalcy. Neither did it affect most Nordic states' perception of the usefulness of the rotation principle for the HRC; it is unlikely that any future changes will be made in this regard. The countries stand united through similar stances on many thematic and country-specific issues. Statements delivered on the human rights situation

<sup>127</sup>See e.g. Norway in Geneva, Permanent Mission to the UN and WTO/EFTA, NB8 Statement SR on Freedom of Expression and Peaceful Assembly and Association, 26 June 2019 <<https://norway.no/en/missions/wto-un/nig/statements/hr/hrc/HRC41/nb8-statement-sr-on-freedom-of-expression-and-peaceful-assembly-and-association/>>; <<https://urm.lt/mission-geneva/en/news/lithuania-delivers-nordic-baltic-statement-at-human-right-council>> accessed 31 August 2020.

<sup>128</sup>Simon Hug and Richard Lukács, 'Preferences or Blocs? Voting in the UN Human Rights Council' (2014) 9 *Review of International Organizations* 83, 102–3.

<sup>129</sup>Maria Nilas Tarp and Jens Ole Bach Hansen (2013) 'Size and Influence. How Small States Influence Policy Making in Multilateral Arenas' DIIS Working Paper 2013:11, 21.

of Saudi Arabia, first by Iceland in 2019 and later by Denmark in 2020, also show that the Nordic countries can build on each other's engagement.

The Nordic countries have actively sought candidature in the HRC, and they should continue to do so. They contribute to the concrete work of the Council, but also to its credibility and legitimacy by forming a counterbalance to states known for their human rights violations. The recent Nordic memberships have demonstrated that they can contribute to filling the void left by the departure of bigger advocates in the field of human rights protection. Yet an effective membership in the Council, one that achieves the set national objectives and simultaneously plays a constructive global role, requires political backing, substantial resources, liaison skills, and determination to concretise the protection of thematic human rights issues in real situations. These attributes constitute essential elements towards maximising the Nordic contribution to human rights promotion and protection in the HRC.

## Acknowledgements

The author wishes to thank the interviewees and the Icelandic Institute of International Affairs, and also Ms Marie-Louise Hindsberg for research assistance. She also wishes to acknowledge the engagement of the anonymous reviewers with her article.

## Funding

This work was supported by Nordisk Ministerråd [project no. 18406].

## ORCID

Katja Creutz  <http://orcid.org/0000-0002-7368-6440>