

A question of principle

Thomas Hammarberg

Secretary General, Rädna Barnen, Swedish Save the Children, from 1986 to 1992;
member of the UN Committee on the Rights of the Child

Why did not the end of the Cold War bring consensus on human rights? Why were the World Conference on Human Rights and its preparatory meetings such frustrating exercises of discord?

The answer is simple. The politics of human rights was not limited to East-West or communism versus capitalism. Other political and ideological differences had been hidden behind the rhetoric ever since the Universal Declaration of Human Rights was adopted in 1948.

In that sense the World Conference was useful. Governments which earlier had mastered the art of double play – nice speeches on the international platform, violations at home – came out in the open

more than before. And they were challenged by others, partly voicing the concerns of non-governmental organizations (NGOs).

Therefore, the Vienna Declaration is probably the most true reflection so far of the opinions of governments on international human rights. Its compromises do not cover up the opposing opinions, the differences are bare and naked.

The attitude towards NGOs is an example. On the one hand their important role 'was recognized', but on the other hand the Conference implicitly accepted serious restrictions on their freedom.

The differences have a political dimension but seem, at the same time, to be largely affected by self-interest. Some governments, being criticized for detaining political

Father and child refugees from the war in Afghanistan – return home. But the end of the Cold War has failed to fulfil hopes for international human rights



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Down through the years, even after the Universal Declaration of Human Rights was adopted in 1948, unspeakable violations have continued all over the world. Human rights have been violated in the backyard of nearly every one of the UN's 188 members. We must continue to be our brother's keeper. We in the Commonwealth of The Bahamas support unreservedly the precepts of the World Conference on Human Rights. We trust that the UN will urge the nations of the world to unite and to rekindle the flame of freedom in those communities where that flame is flickering on the edge of extinction.

The Rt. Hon. Hubert A. Ingraham

Bahamas

opponents, question the principle that the international norms should be applicable to all countries. Other governments, challenged on economic and social rights, have questioned whether these rights were indeed rights.

In fact, those two positions exemplify much of the present politics around human rights.

The recognition of the 'universality' of standards is key to the international work. The same goes for the 'indivisibility' of rights – that civil and political rights and economic, social and cultural rights are interrelated, and that they are all important.

If any of these principles were undermined, it would be difficult to maintain that human rights implementation is an international concern. That would, in practice, hamper international monitoring.

The argument against universality has been that countries, and cultures, are different.

Of course they are. But does that mean that the individual human beings in various countries do not have the same rights to freedom or measures of protection?

The whole idea behind the Universal Declaration was that the rights spelled out therein would indeed be universal, that they would apply to all people irrespective of who they were and where they lived.

This fundamental principle has come under open assault recently. So much so that UN Secretary-General Boutros Boutros-Ghali felt that he had to answer in an article just before the World Conference (*International Herald Tribune*, 10 June):

'We must remember that forces of repression often cloak their wrongdoing in claims of exceptionalism. But the people themselves time and again make it clear that they seek and need universality. Human dignity within one's culture requires fundamental standards of universality across the lines of culture, faith and state.'

The same discussion came up at a regional preparatory meeting in Bangkok in March-April 1993. When the Asian governments seemed to put state sovereignty above universality they were criticized in a joint statement by NGOs in the region:

'As human rights are of universal concern and are universal in value, the advocacy of human rights cannot be considered to be an encroachment upon national sovereignty.'

That point is logical, but this very discussion has been confused by repeated references to human rights as 'Western'. The implications intended are that the rights standards are based on Christian or capitalistic values, that they are 'colonial' and imposed on other countries.

This, of course, is partly a reaction against US foreign policy and its use (or misuse) of

'human rights' as a political tool. The resistance against 'conditionality' stems to a large extent from frustration about heavy-handed conditions for aid or trade relations by the US administration. Careless quests for 'humanitarian interventions' have further dramatized the issue.

The discussion on this has not been rational on any side. The criticism against aspects of the US policy has, in my view, been justified. At the same time, certain conditions for development cooperation are inevitable. While unfair conditions should not be put, a closer link between development assistance and human rights promotion ought to be established.

Polemical exchanges have overshadowed an important point: that universality does not mean uniformity; that ways of implementing, promoting and developing the rights could, and should, vary with local circumstances.

This has been obvious for us working with the UN Convention on the Rights of the Child. It is not enough to prescribe a number of absolute norms. Human rights are something more than a set of do's and do-nots. They imply ethical values and attitudes to human relationships. They come to life – and grow – only if they relate to the local culture, traditions and philosophy.

The fear that governments would use arguments about 'diversity' or 'specificity' as an excuse for depriving people of their rights has prevented an open-minded discussion about human rights and local cultures (including religions). That, unfortunately, has contributed to making human rights an elitist concept in many countries.

In his article Boutros Ghali managed to formulate the notion of human rights as being both rooted in various cultures and at the same time a dynamic, continuing process:

'Our contemporary human rights system is heir to demands for human dignity throughout history and across cultures. It expresses the enduring elements of the world's great philosophies, religions and cultures. Today it builds upon modern science and advanced technologies, while enabling all peoples to participate in the shaping and sharing of the world in which they live.'

A clear recognition of the 'indivisibility' of human rights would enhance their universality. The problem has been the resistance against the idea that the two sets of rights – economic, social and cultural rights, and civil and political rights – are of equal importance.

The divide was from the beginning a Cold War phenomenon. Later, governments of the 'South' also began to argue that economic and social rights were paramount. Governments in

the 'West' – and most of the UN human rights machinery – acted as if civil and political rights were the only rights.

There probably was an ideological aspect to this divide. However, self-interest clearly influenced the way governments argued. This also goes for States which have taken an activist approach on the international scene. With rising unemployment and growing poverty in their own backyards, economic and social rights became more sensitive.

However, these very countries made important concessions in Vienna. The Declaration makes clear that no set of rights could be afforded priority over the other. To make reality of that position, the UN Human Rights Centre must now begin to take the economic-social rights seriously.

It is telling that the campaigns for equality of women and the rights of children had such good results at the Vienna Conference. Not that their demands were uncontroversial – their implementation will require a lot of painful reform – but they were helped by two political factors. First, the requests were popular and it was obviously opportune to listen to them. Second, they were 'innocent' in the sense that they were not seen to affect the immediate power struggle in the country.

In this regard, the attitude towards both NGOs and the media are clearly different,

they are seen as more threatening. A conclusion seems to be that the protection of those in power for some governments still – and not surprisingly – is an overriding concern. Another similar aspect in the discussion is the prestige of governments.

The last aspect is probably rather important, not only in democratic countries, partly as a consequence of the moralizing tendency in the human rights discussion. Both the NGOs and the media have played a crucial role in this. To be subjected to an entry in the Amnesty International Annual Report is 'shaming'. Some institutions have even tried to rank governments according to their human rights performance. All this has made governments extremely sensitive to discussions about their record.

The results have by and large been positive. Still, the time has now come to move into more sophisticated discussions. That is necessary if human rights are to be made meaningful for ordinary people, so that they themselves can participate in their defence. This requires a serious approach to the local situation and the real problems – which is not possible with a discussion focused on 'ranking' countries.

The challenge now is to turn the fundamental principles of universality and indivisibility into reality.

While arguments about human rights continue it is individual people's lives that are wrecked by human rights violations a Bosnian woman weeps

