

Human Rights in a New Era

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Next year marks the fiftieth anniversary of the Universal Declaration of Human Rights. As with most anniversaries, it will be a time of celebration of advancements in the promotion and protection of human rights over the last half-century as well as a time to reassess the state of affairs and to renew commitments. It is proper that we both celebrate and reassess.

The New Era

Eight years ago, with the close of the Cold War, the weaknesses of centrally planned economies had become apparent and many nations moved to adopt market economies. One by one, states considered the most repressive embraced democratization, and the United States no longer felt compelled to support repressive regimes in an attempt to stem the spread of communism. The global political environment suddenly appeared conducive—perhaps more than at any period this century—to promoting and protecting human rights. The human rights movement found itself relatively freed of the constraints of national security concerns, and events created the political space within which human rights could play a more prominent role in international relations.

The last eight years have indeed been a period of new dynamism in the field. Perhaps

most significantly, the popular conception of what constitutes human rights is evolving and broadening, creating new challenges as well as opportunities.

During the Cold War, a static hierarchy existed between civil and political rights (or "first-generation rights") and social, economic, and cultural rights (the so-called "second-generation rights"). The international human rights movement primarily addressed abuses of civil and political rights by state authorities. Social, economic, and cultural rights were subsumed by the geopolitics of the Cold War.

That distinction can now be seen as artificial. The demise of the Cold War and an emerging global economic justice movement have blurred the lines between first-generation and second-generation rights and sparked debate over categories and priorities. Social, economic, and cultural issues are increasingly understood to be root causes of conflict. In our conference work, we hear increasingly that the real need is to eliminate the causes of war, not just try to manage conflict once it is imminent or has erupted. The survival issues of the next century are significantly interrelated with economic, social, and cultural issues. In this post-Cold War era, developments that include economic globalization, rising population and environmental concerns, structural adjustment policies, understanding of women's rights as human rights, and expanding grassroots activism in the Southern world on issues related to economic development, labor, and the environment have elevated the importance of second-generation rights. The historic focus on protection of civil and political rights is now broadening in response to new trends. What is emerging is a more thor-

ough understanding and appreciation of the need to promote and protect the full spectrum of individual human rights—civil, political, social, economic, and cultural—which have been embodied in the Universal Declaration of Human Rights all along.

New Challenge

But this blurring of the lines between first- and second-generation human rights is a source of difficulty and challenge, both to those of us who promote human rights and to the governments, enterprises, and other institutions whose participation and action is needed for their full realization. First-generation rights are more absolute, more tied to specific and definable actions and, hence, more measurable. In contrast, second-generation rights are more relative, involve large economic and social systems, and are more complex both in measurement and attainment. This expanded conception of what constitutes human rights is reflected in the broader, more diverse set of organizations and institutions interested in and increasingly active in rights issues. There is no longer a readily definable group of human rights organizations.

In order to progress, we must sharpen thinking, refine language, and better articulate second-generation human rights and the methodology to achieve them. This will require sophistication and nuanced thinking. We will also need to appreciate that the tactics and strategies used to advocate first-generation rights may not be effective in promoting and protecting rights issues embedded in complex economic, social, and cultural systems.

As we advocate for second-generation rights, we must be specific. There are real problems that require attention. However, we must distinguish rights from goals and objectives. We need to recognize that equality of opportunity is not the same as equality of outcome. We need to understand the workings of market systems and the role of economic incentives in allocating resources and improving productivity. We must rationalize the interaction between market economies and the achievement of second-generation rights. Market forces are not antithetical to the achievement of human rights. Optimally channeled, they are a necessary ingredient. The challenge is to understand and adjust or regulate our economic systems so as to both reap their benefits and curb their excesses. Our goal must be an economic system that yields (1) high productivity and wise resource allocation; (2) fairness and equity in distribution of economic benefits; and (3) economic, environmental, and social sustainability. Neither "robber baron" unregulated capitalism nor "command and control" centrally managed economies are consistent with social, economic, and cultural rights, and I know few advocates of either of these economic extremes. The challenge is to find *where* we should be along the spectrum between laissez-faire and rigid control to produce the optimal economic and social results.

Sovereignty Issues

As the popular conception of what constitutes human rights has changed, so too have the power and prerogatives of the sovereign state. Over the last fifty years, the role of the nation-state in global affairs has become more circumscribed. The information and

communications revolution has heightened public awareness and transparency. Economic globalization, recognition that human survival issues are beyond the competence of the nation-state, and the worldwide emergence of robust and increasingly influential nongovernmental organizations (NGOs) and a vibrant civil society sector have complemented the sovereignty of the nation-state, and with it the notion that the international community should never interfere in the "internal affairs" of states.

Of course, tension persists between two principles—on one hand, that the international community lacks the authority to intervene in the domestic affairs of sovereign states and, on the other, that the international community should act to compel nation-state compliance with international law. But today there is growing acceptance of the right of the international community to intervene on behalf of victims of egregious human rights violations, including war crimes, genocide, and crimes against humanity. While nations continue to invoke "nonintervention in domestic affairs" to avoid scrutiny, their pleas fall increasingly on deaf ears. Indeed, at the World Conference on Human Rights in Vienna in 1993, nations agreed that "the promotion and protection of all human rights is a legitimate concern of the international community." The active presence of NGOs is indispensable in the battle to breach the wall of nonintervention policies and to protect human rights worldwide. They keep the pressure on lest governments forget their commitments. The end result is a gradual redefinition of what constitutes a purely domestic matter, a growing consensus that egregious violations of first-

generation human rights are now a legitimate concern of the world community. National sovereignty is no longer an acceptable defense. Iraq, Bosnia, South Africa, and Rwanda are but a few countries where the international community has taken an active role in pressuring national governments to respect human rights.

Worldwide, there is a growing perception that we human beings are part of a global community. Increasingly, people see themselves as "global citizens," empowered to effect change at the national and international level. Civil society, including the vast array of energetic NGOs, is providing the means for individuals to influence national and world affairs. In fact, NGOs were a moving force behind convening the World Conference on Human Rights and the series of other UN conferences in the 1990s, each having significant human rights concerns. These include: the World Summit for Children in New York, the Rio Conference on Environment and Development, the International Conference on Population and Development in Cairo, the World Summit for Social Development in Copenhagen, the Fourth World Conference on Women in Beijing, the second Conference on Human Settlements in Istanbul and, most recently, the World Food Summit in Rome.

Obstacles

Despite this new dynamism in human rights, enduring obstacles remain. Progress on acceptance and ratification of human rights conventions has been slow. US performance has not been exemplary. Our nation has yet to ratify the International Covenant on Economic, Social, and Cultural Rights,

which entered into force over twenty years ago; the Convention on the Elimination of All Forms of Discrimination Against Women, which entered into force in 1981; and the Convention on the Rights of the Child, in force for the last seven years. And although the United States has ratified the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture, we have attached many reservations to those conventions, sometimes undermining their spirit.

In addition to the slow process of ratification, there are disagreements regarding the best strategy to foster the preservation and protection of human rights. How can the United States most effectively encourage needed political reform of repressive regimes that routinely violate human rights? Should human rights figure more prominently in an expanded NATO mandate? Can improvements in human rights conditions be accomplished better through commercial engagement or through economic sanctions? In South Africa sanctions proved enormously effective, in large part because the international community was speaking with one voice. In other countries, such as Cuba and Iran, the US policy of economic isolation is not shared by other developed countries and allies. There are questions as to whether the United States is achieving its objectives or exerting any real influence on the policies of these nations, or whether we are merely handing over markets to our competitors. The continuing debate over human rights concerns and US policy toward China is another illustration of the difficulties and

complexity of developing effective strategies that balance the sometimes conflicting interests and goals of US foreign policy including promoting human rights, engagement, trade expansion, and economic development.

Moving Forward

However, despite these concerns, I believe that we are moving in the right direction. Building consistent understanding and universal support of human rights and establishing international norms, as well as living by them, are gradual processes. This evolution must continue. All peoples, nations, and the international community need and seek the greater predictability in human relations that results from the rule of law. They need the stability and safety that would accompany universal respect for human rights.

The United States can and should act to move this process along by:

- Providing more political and financial resources to the nuts and bolts of human rights: monitoring and documenting abuses, bringing to light those who violate human rights, strengthening international norms and clarifying nations' legal obligations, and alleviating the political and economic conditions that give rise to human rights abuses.
- Enhancing US commitment to multilateralism. This will strengthen our credibility in the promotion and protection of human rights and minimize perceptions that US human rights initiatives are a cover for imperial objectives.
- Encouraging development and adoption

of international codes of conduct for labor, environmental, and business practices, and incorporating these into bilateral and regional trade agreements.

- Giving human rights considerations a central place when the United States and the international community are involved in post-conflict situations. Protecting human rights contributes directly to maintaining international peace and security. Peace-builders recognize and attach much importance to strengthening the judiciary, professionalizing and demilitarizing civilian police, empowering local human rights NGOs, and conducting human rights education to prevent the recurrence of violence.
- Ratifying human rights conventions, pressing for their ratification by others, and applying these international instruments domestically. Although the symbolism of signing is important, conventions, treaties, and covenants really matter only when implemented.
- Bringing war criminals and violators of fundamental human rights to justice. To this end, the United States should make a firm and consistent commitment to establishing an effective and independent international criminal court. Such a court is needed to hold perpetrators of war crimes and crimes against humanity individually accountable in those cases where war-torn nations cannot or will not prosecute.

At the same time, those of us who are interested in human rights must do our home-

work. Too often we seem stuck in the thinking and language of first-generation human rights. Although the elevation of social, economic, and cultural rights has enriched the movement, it has complicated its message. Given this complexity, is there even a common idea of what second-generation human rights encompass? Is there a sufficient understanding of how economic, social, and cultural systems work so that we can move beyond anecdotal alarms toward constructive interaction that improves system performance? Do we appreciate the nuances and interrelationships between second-generation human rights and education and training, social "safety nets," incentives, initiatives, social structures, sustainable economic development, environmental protection, business regulation, tax structures, opening of the global marketplace, and the inherent inertia of large systems? Can we lift our sophistication to be effective at this new level of complexity?

The challenge now is to coherently promote and effectively advance this expanded mandate of political, civil, social, economic, and cultural rights. Human rights must play a more prominent role in the formulation and application of US foreign policy. The full human rights agenda is an essential part of the development and consolidation of democracies worldwide. Without political, civil, social, economic, and cultural integration of all members of society, democracy will be in name only. There is plenty of work for all of us—for the United States, for other governments, for human rights interests and organizations, for business, and for the world community.

The Universal Declaration of Human Rights was visionary when it was created in 1948. It is now closer to being the norm of international behavior. We need to fully embrace it, clarify our understanding of it, and confirm our intent to fulfill it if our diverse humanity is to survive and live together in the twenty-first century. Let us make the fiftieth anniversary year a springboard for realizing that promise.

These remarks were delivered at the opening of the Stanley Foundation's Thirty-eighth Strategy for Peace Conference. Discussion groups at the conference were:

- **Accountability and Judicial Response:
Building Mechanisms for Post-Conflict
Justice**
- **Building Multilateral Cooperation in the
Americas: A New Direction for US Policy**
- **The Pros and Cons of NATO Expansion:
Defining US Goals and Options**
- **US Sanctions Policy: Balancing Principles
and Interests**

Reports summarizing these discussions are available from the foundation.

The Stanley Foundation

The Stanley Foundation is a private operating foundation that conducts varied programs and activities designed to provoke thought and encourage dialogue on world affairs and directed toward achieving a secure peace with freedom and justice.

Programs engage policymakers, opinion leaders, and citizens interested in solving problems and finding opportunities that present themselves in an increasingly interdependent world. Areas of particular interest are: global peace and security, US international relations, sustainable development, human rights, the United Nations, global education, and the expansion of policy deliberations to include wider public representation.

Activities include:

- Round-table, off-the-record conferences and meetings for policymakers and other experts.
- Congressional programs.
- Citizen programs for educators, young people, churches, professional associations, civic groups, and educational institutions. These activities are often held in collaboration with other nonprofit organizations.
- Production of *Common Ground*, a weekly public radio program on world affairs.
- Publication of the monthly magazine *World Press Review*.
- Publication of conference reports.

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