

# States and human rights

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**A** number of recent events involving old actors on the world stage highlight the inability of states, communities, religious groups and individuals, to agree on enforceable and humane standards where human rights are concerned. Official spokesmen generally laugh at the concepts espoused by international human rights activists. It is convenient to say that in a world where universal human rights, such as the right to sufficient nutrition, basic education, shelter, security and opportunity are not guaranteed, freedom in its various forms is irrelevant to the human situation and the concepts of oppression must be defined in the existing socio-political scenario. Since international organisations deal with states, their activities are generally restricted to those compatible with the exercise of sovereign power. This power is used to obtain and control resources and put them to the use of individual states and power groups within states. Morality is not the issue.

One level at which some progress has been made during the past few decades is management of decolonisation of the enclaves previously controlled by Western governments in various parts of the world, including Africa. This, however, has not yielded peace and prosperity in the areas in which the UN has been active. Rival factions fighting for control are supported by both private parties and countries interested in the resources of regions. Representatives of influential industrialised countries are nominated to senior positions in international human rights organisations and dominate activities there. They are expected to remain pragmatic and generally toe the line of their country of origin. Concepts of human rights are circumscribed by internationally accepted norms of state jurisdiction over such rights.

Pragmatism and potential nuisance value rules the choice of crisis areas which receive international attention and economic assistance at any given point in time. The intransigence of Israel has contributed substantially to the pledging of economic assistance for the Palestinians amounting to US \$3 billion. However, it can never compensate for the encroachments of Israel such as the construction of homes in Jewish settlements of Kochav Yaacov, almost tripling the size of the West Bank enclave. Such moves are not conducive to harmony between the two communities that are expected to live together in the area. Moderate Israelis, seeking reconciliation with Palestinians, know this. In such areas survival becomes the issue, not human rights.

Individual states dealing with each other, such as Britain and China in the case of Hong Kong, have managed better. Although the former British Governor of

Hong Kong wept as his country's flag was lowered, the enclave has passed relatively smoothly into the People's Republic of China. There have been no major complaints of human rights violations or retrogressive economic change in Hong Kong. China is not only keen to maintain Hong Kong's international links but to extend them to the Mainland.

The bias against indigenous freedom movements and their leaders, at least until they succeed, is on record. For example, not so long ago, Mrs. Thatcher, as Britain's Prime Minister, condemned Nelson Mandela as a terrorist. Under laws enacted during 1998 in Britain, ostensibly to coun-

not allowed to be documented until the turn of this century. This is not very different in nature from the kind of atrocities committed against Bosnian women by the Serbs in this decade in order to break the spirit of the people and makes it easy to understand why such atrocities were tolerated by the international community for years before NATO intervened in Bosnia-Herzegovina. English overlords allowed an entire generation to die miserably in the potato famine of Ireland and the people of that country still weep when they read and speak of those times. Atrocities committed are never forgotten but pass into the national psyche of the victims as well as

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teract random acts of violence by elements in Ireland and in order to control political dissidents of various nationalities resident in Britain, Mr. Mandela would have been prosecuted and condemned in that country. He has, however, survived, to be called a statesman.

In order to understand accepted human rights concepts at the national rather than individual level, it becomes necessary to examine the true nature, the greed and underlying ruthlessness of a nation that cooperated in the perpetuation of apartheid on a territory several thousand miles from its shores. It is also necessary to review its civilisation and its history of human rights violations closer to home: the Scottish revolution, against the English monarch and practices of the Crown meant to destroy the spirit of the Scottish nation (such as the *droit de seigneur* which was meant to create a nation of bastards in Scotland). This un-Christian practice was

the perpetrators. They influence attitudes not just for decades, but over centuries.

Despite national legislation and ratification, with or without reservations, of international human rights conventions, individual nations guard their own interest zealously – often at the expense of human rights. Today the United States has a sincere and powerful lobby of concerned, private individuals who work to secure human rights within their own country and worldwide. They do not always succeed. Great progress has been made in securing civil rights for blacks in the United States since the 1950s. Nevertheless, pockets of bigotry and exploitation exist, particularly in low income areas. It is only recently that the US government apologised to those low income black farm labourers and their families, who were made a part of so-called medical experiments in which treatment for venereal diseases was withheld from some, without their knowledge, to

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observe the progress of diseases. Other ethnic minorities and blacks, including white soldiers, were the subject of mind bending experiments. In many such experiments, psychotropic drugs were used without the knowledge of those in control groups. Fortunately the Press and rule of law in that country often secures some relief for the victims of such experiments once evidence comes to light.

It is the lack of implementation, or selective implementation of law and the yardstick by which human rights abuse is measured which creates the kind of confusion caused by the arrest and possible extradition of former Chilean President Pinochet from Britain to Spain, at the request of the latter. Accused of terrorism, torture and genocide during his 17-year régime, the General is said to be under treatment in Britain for stress-related disorders. Mrs Thatcher, an old friend, has called his detention disgraceful and called for his release. The government of Chile, on the other hand, considers it a question impinging on sovereignty, since the General was made a Senator for life to forestall just such an eventuality. It has been observed that the US government is sympathising with all those who have to deal with the matter, rather than taking a principled stand.

On the first state visit to Japan by a Chinese President after World War II during the last week of November 1998, Mr. Jiang Zemin made a very wise observation. He told Japanese legislators that history plays an important role in determining bilateral relations. Hoping to receive a written declaration, Mr. Jiang Zemin only received a spoken apology for Japan's brutal invasion of China during World War II, when widespread massacres and biological experiments took place. In October 1998, a full apology was extended to South Korea for the 1910-1945 rule of Japan over the Korean Peninsula. An entire generation of Koreans was subjected to similar brutalities at that time.

So much for the past.

History is being created today in the Middle East and Eastern and Central Europe, not to mention Kashmir and other territories where human rights violations are taking place. Fifty years after the 1948 Declaration of Universal Human Rights by the United Nations, it is clear that relatively small groups of concerned individuals lead the struggle while states continue to dodge their duty at every level. Nation states need to review their record on human rights at this time and consider the reasons for large scale human rights abuse worldwide, whether this abuse takes place at the community level, within states or across national boundaries. Those charged with the task must persuade them that it is in their long-term interest to do so.

*(to be continued)*