

21/12 The state of human rights-2000

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human rights
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The United Nations Human Rights Day is observed each year in December. Its observance is an opportunity for the international community to review the record of various states. It is also an opportunity for activists to consider new lines of action in view of that record. A number of recent events highlight the inability of states, communities, religious groups and individuals, to agree on enforceable and humane standards where human rights are concerned. Fifty-two years after the Universal Declaration of Human Rights, it is still not clear what the UN thinks it does in this sector. Until the United Nations and its representative institutions are clear on this account the organisation will continue to deliver platitudes where action is needed.

In recent years the emphasis has been on securing universal, rather than community and individual human rights. This is convenient all around for states that are routine abusers of human rights: the industrialised West is more tolerant now that the Cold War is history. Concern for victims of political oppression was on the rise at the height of the Cold War. With the dissolution of the Soviet Union there has been a marked loss of interest in this aspect of human rights. International organisations as well as NGOs are now concentrating on violations of human rights as a result of economic and social inequality, deprivation and ethnic discrimination. These organisations need to consider the impact of this kind of vacillation on their credibility.

Human rights, including civil, political as well as economic, social and cultural rights, are not the invention of the United Nations or any particular country. Human rights are not the invention of a single religion, civilisation, culture or era, including the present. Similarly the abuse of human rights is not confined to a single country, religion, civilisation, culture or even point in time. In many cases the systematic abuse of human rights is a by-product of statecraft that concentrates on the acquisition and exercise of power and exploitation of resources rather than statesmanship that emphasises benevolent management and a judicious distribution of resources. It is questionable whether state authority will ever grant human rights, more often they have to be secured despite state authority. Representative institutions and legal systems merely provide channels through which this can be done, peacefully.

Since international organisations deal with states their HR activities are generally restricted to those compatible with the exercise of sovereign power. 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 in such circles. The international community accepts that exercise of sovereign power will take place within a legal framework and a socio-political environment that may be different in different states. International conventions seek to bridge the gap between national practice and international standards in key areas affecting the human condition.

Official spokesmen often laugh at the concepts espoused by national and 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. Under the circumstances it is not surprising that states tend to accommodate each other by ignoring the violation of accepted international standards on human rights, except where it is politically expedient to espouse a cause.

In the United States academics, activists and groups monitoring the state of human rights in other parts of the world have suggested making HR issues integral to the planning of foreign policy. The role of human rights and humanitarian issues in foreign policy, and how such issues are likely to be dealt with, is determined by the legal and political systems in force within states. It is the lack of implementation or selective implementation of law and the yardstick by which human rights abuse is measured in different cases which creates confusion, obscuring fundamental issues.

During the past year the people of Pakistan, singularly unfortunate in their leadership, have withdrawn the hallowed status they gave to their Armed Forces. Now they have lost another beacon: they are deeply depressed by the Saudi decision to bail out the present government by arranging the exit from prison of the erstwhile Prime Minister. Most people, when asked, do not know why they should care; in fact they express the desire to send a lot of other erstwhile and would-be leaders to Saudi Arabia. But they do care. They want to believe in the justice system. They also want to believe in the higher justice embodied in the Shariah which is in force in Saudi Arabia. They want accountability, they want the rule of law and they feel cheated. These are common folk who live marginal lives, were brought up on the idealistic and rousing poetry of Allama Iqbal and revere Saudi Arabia as the cradle of Islam. They have suddenly realised that Saudi Arabia is also an autocracy that is a friend of any government, any leadership, that may claw its way into power in Pakistan, that money befriends money, moves mountains and opens steel doors. The so-called Ummah is nothing. This is not what they were taught to expect. For those of us who learnt our lessons early in life these facts do not come as a surprise, but during Ramzan this year there are few children reciting Na'ats in Saudi headdress.

Such situations, however, are not unprecedented. The arrest and request for the extradition of former Chilean President Pinochet from Britain to Spain, at the request of the latter created an unusual situation in Britain in 1998. Accused of terrorism, torture and genocide during his 17-year rule the General was hospitalised for 'stress-related' disorders in Britain, while the extradition hearings were being held. Mrs. Thatcher, the Conservative iron lady, an old friend, called his detention disgraceful and asked for his release. The Government of Chile, on the other hand, said the hearings amounted to interference in its internal affairs and impinged on its sovereignty - the General had been made a Senator for life to forestall just such an eventuality. At the time it was observed that the US government sympathised with those who were dealing with the

matter, rather than taking a principled stand. It is not surprising that states tend to accommodate each other by ignoring the violation of accepted international standards on human rights. In the United States academics, activists and groups monitoring human rights in other parts of the world have suggested making human rights issues integral in the development of foreign policy. In 1994 there was a broad ranging debate in the United States on the trade status of China in relation to its policy on human rights. Economists were of the view that to deny China Most Favoured Nation status would hurt the United States more than it would hurt China in lost economic opportunities. When the United States demanded China to improve its human rights policy China said the United States was interfering in its domestic policy. China retained its Most Favoured Nation trading status. During his 1998 visit to China the U.S. President was under pressure to speak on human rights issues. When he did speak his hosts were understanding and said they knew he was doing so as a result of domestic political pressure.

Another aspect of the role of the international community and state entities in guaranteeing human rights relates to the imposition of economic sanctions from time to time, and the impact of such sanctions on the human condition in affected areas. In a paper on "The Use of Trade Sanctions as an Enforcement Mechanism for Basic Human Rights etc." published in 1996 in the American University Journal of International Law and Policy, the author says "...Basing the sanctions for violations (of Human Rights) on international trade, an economic activity practised by virtually all nations, will allow swift, effective enforcement within an already existing trade regime..." and further observes "...sanctions against a nation whose trade practices injure the economy of another nation appear to have greater (international) support than do sanctions for other misdeeds such as violations of human rights."

In the case of Iraq trade sanctions have become an internationally sanctioned violation of basic universal human rights due to the suffering caused to the weakest sections of society, the elderly, children and women. Recognising this a number of human rights groups in the United States ferried food and medical supplies to that country and urged a quick resolution of outstanding issues that would allow the lifting of sanctions. During the past year dozens of countries have sent humanitarian assistance as well as commercial and diplomatic representatives to Iraq ignoring the decade old embargo on air traffic.

The statement of policy of the recently nominated Secretary of State of the new President-elect of the United States is couched in language that does not augur well for the resolution of conflict and, therefore, for the protection of human rights: instead of a promise of new solutions for outstanding problems in a sensitive region the new team in the U.S. appears to be preparing for another Gulf War. At the same time no one has considered imposing economic sanctions on Israel for its intransigence in the Middle East peace process because its economy and people are so closely linked with the United States. The lesson to be learnt from this situation is obvious.