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Human Rights And World Policy

By Winston E. Langley

One of the more heatedly discussed issues of American foreign policy since the time of the Carter Administration has been that of human rights. Indeed, once Carter made it known that he intended to make human rights a fundamental element of his foreign policy, it was felt across the U.S. and abroad that Washington was about to act in a manner consistent with certain principles with which the U.S. claims to define itself.

In the words of one Brazilian journalist: "From the moment Latin Americans, Africans, and Asians started looking at President Carter as a politician interested in human rights, the United States Embassy ceased being seen by thousands of third-world liberals as a headquarters for conservative maneuvers; it became identified with the nation it represents."¹

Today, clamors are heard that the Reagan Administration is de-emphasizing human rights in order to avoid embarrassing certain states, to assure adequate protection of national security, to inject realism in American foreign policy. One also hears that human rights are being selectively used to isolate certain "pro-African elements" at home, to modify the focus of human rights policy to an "ideological bias" so that it can be made into "an anti-Soviet and antiradical crusade," compelling aid to our friends and urging condemnation of our enemies.²

Washington's policy on human rights has now reached a critical point, and it is unclear whether the American public—even the so-called informed public—understands the scope and nature of what is involved.

With perhaps few exceptions in the United States, one who speaks of human rights is usually alluding to protection for individuals from arbitrary interference with or curtailment of life, liberty, freedom of religious expression and peaceful assemblage, prohibitions against torture and arbitrary arrest. While the preceding, specific examples of human rights are correct, they are very limited and misleading, in that they focus only on civil and political

rights and, thus, effectively exclude economic, social and cultural ones.

When, as an expression of the United Nations' commitment to human rights, the U.N. General Assembly on December 10, 1948 approved the Universal Declaration of Human Rights, it was understood that the civil, political, economic and social rights contained in that declaration would be a "common standard of achievement for all peoples and all nations."

The ideals recited in this declaration were but a recommendation, however, having no legally obligatory character. So its drafters agreed that it was to be but the first step in the implementation of the U.N. Charter provisions on the promotion of universal respect for and observance of human rights and fundamental freedoms.

The new stage would be the drafting and adoption of instruments which would offer international *legal* protection to these rights. Thus, in 1966, the U.N. General Assembly adopted two separate covenants which have since come into legal force. The first is on civil and political rights and the second on economic, social and cultural rights.³

While the first covenant emphasized rights of the type mentioned earlier, the second—among other things—focuses on the "right of everyone to an adequate standard of living . . . including food, clothing and housing"; and "fundamental right of everyone to be free from hunger"; and the right "of everyone to the enjoyment of the highest standard of physical and mental health."

Any definition of or genuine regard for human rights, therefore, must include not merely concern for torture, fair trial, and freedom of speech but also the right to food, clothing, housing and medical care.

Indeed, those who drafted the Universal Declaration of Human Rights agreed that civil and political rights should be organically linked with the economic, social and cultural ones.

Concerns of the Third World

The states which are collectively characterized as the Third World are defined by

social and economic conditions which, by their very nature, compel certain concerns and foci. They are the states which currently house more than 70 percent of the world's population and which will experience about 90 percent of the world's population increase by the year 2000. They are the ones which, between 1975 and 2000, will have had to absorb in their urban communities an estimated *additional* one billion persons. And they are the ones within whose cities *more than half* the population "lives in slums and squatter settlements."⁴

In addition, in 1974, more than 900 million (about 34.1 percent) persons in the Third World had been affected by malnutrition. The "Brandt Report" of 1980 suggests, and former president of the World Bank Robert McNamara confirms, that 40 percent of the population of Third World states was surviving on material support "insufficient to secure the basic necessities of life." In the case of Africa, more than 150 million persons are said to be facing famine.⁵

Allied to the above social conditions are some dire economic and commercial ones. Third World states in 1975 had but 7 percent of the world's industrial power as measured by the volume of industrial production.⁶ And while their trade deficit amounted to \$5 billion in 1972, it has been estimated to have been about \$65 billion in 1980 and could rise to \$90 billion in 1985.

Given the above social and economic conditions, it should not be surprising that leaders of the Third World states are burdened with problems of food, clothing, housing and education.⁷ It should not be startling when they suggest that priority be given to economic, social and cultural rights.

America's Human Rights Policy

The United States played a leading role in the drafting of the U.N. Charter, to which member nations pledge to observe, respect and promote human rights and fundamental freedoms. Washington also played a prominent role in drafting the Declaration of Human Rights as well as the

26 covenants which have given legal character to those rights. However, the U.S. had never made human rights a policy objective until the Carter Administration.⁸

In a speech before the General Assembly on March 17, 1977, Carter reminded U.N. member nations that they are obligated to advance human rights; that the basic thrust of human affairs points toward a more universal demand "for these rights; and that the U.S. is prepared to work with friend and foe to advance the cause of human rights."⁹

What Carter meant by human rights was not clearly stated. He did mention that no member of the U.N. "can avoid its responsibilities to review and speak when torture or unwarranted deprivation occurs in any part of the world."

Almost a year later, in India's Parliament, he noted that human needs are inseparable from human rights; that while civil and political liberties are good in themselves, they are much more meaningful in the lives of people "to whom physical survival is not a matter of daily anxiety"; and that "to have sufficient food, to live and work, to be adequately sheltered and clothed, to be healed when sick, to learn and be taught—these rights, too, must be the concerns of Governments."¹⁰

Were one to take the above statements as reflective of policy, one would be correct in inferring that America's policy on human rights linked those of the civil and political type to the economic, social and cultural ones. And one would be apt to be confirmed in that inference if one were aware that Carter's Secretary of State had defined human rights as including freedom from cruel, inhuman, or degrading treatment as well as the fulfillment of such vital needs as food, shelter, health care and education. The actual behavior of the U.S., however, contradicts the inference.¹¹

From its efforts to bolster the independence of the State Department Bureau of Human Rights, encourage the release of prisoners in states such as Indonesia, the Philippines, Poland and the Dominican Republic, to the public condemnation of

such regimes as those of Brazil and Uganda, the thrust of Carter's human rights policy was in the direction of civil and political rights. True, the Carter Administration spoke of its commitment to the use of economic assistance "as a means to foster human rights," but that commitment was more rhetorical than material.

Increases in foreign economic assistance in fiscal 1978, for example, had little or nothing to do with the promotion of human rights, and the claimed expansion of programs under the Agency for International Development—far from constituting "new initiatives in human rights"—was in fact a continuation of traditional aid programs. And in the area of Official Development Assistance (ODA), a U.N. program to help Third World states in their economic and social development, the U.S., in 1979, ranked 15th, after Finland.¹²

Today, we have the Reagan Administration, and its policy, as stated by Secretary of State Alexander Haig before the Trilateral Commission on March 31, 1981, is that human rights are a part of America's ideals—ideals of life and liberty, for example; and that it is the policy of the United States to promote these ideals as well as to resist all those who threaten or violate them.

Since, Haig claims, the greatest threat to these ideals (human rights) are the totalitarian (communist) regimes, the latter must be distinguished from authoritarian ones which (though violators of human rights also) are lesser evils. Washington can cooperate with the lesser evil, not the greater one. Against the latter, the U.S. must increase its military strength and that of its allies.¹³

The Reagan Administration's policy on human rights has been criticized by several groups. Some of that criticism has been motivated by fear of a return to the "cold war" crusade against communism, by repulsion at the Administration's willingness to seek accommodation with such repressive regimes as those of South Africa, Argentina, and South Korea, and by the apparent lack of standards.

All the criticisms, however, have one thing in common: they focus on torture,

imprisonment without trial, terrorism, cruel and unusual punishment, violations of free speech. In short, there seems to be an underlying consensus that the content or substance of human rights is defined by the civil and political rights, and that the only issue to be debated is the approach to their implementation.

The latter development is regrettable. It distorts the content of human rights, overlooks—perhaps disregards—some of the major needs of the Third World, and places the human rights emphasis of the U.S. and the less developed states at cross-purposes.

True, one cannot but experience revulsion when others are tortured, arbitrarily arrested, or otherwise subjected to degrading treatment, but to emphasize only the category of human rights of which the preceding are examples of violations is to detract from the equally important economic, social and cultural rights.

From what has been said above, American human rights policy has been one which has emphasized civil and political rights. And the press as well as other opinion leaders have reinforced that focus. There should be a change in emphasis, and that change will only take place when the public is educated about the true content of human rights. Intellectuals should lead in an attempt to influence that change.

New Direction

The following proposal may be considered:

To avoid the differing emphasis between Third World states (which think social and economic rights should be given priority focus) and the U.S. (which thinks civil and political ones should), the organic link between both groups of rights should be reaffirmed. Those rights which are based on dire human needs should take precedence, legally as well as morally. All members of the international community, individually and collectively, have an obligation to promote these rights.

To put the above into operation, a minimum "core" of rights should be recognized as taking precedence, on the understanding that they represent basic needs. In so doing, both civil and political rights as well as economic, social and cultural ones will have been operationally integrated. The core may be as follows:

Every person has a *right to life* and a right not to be arbitrarily deprived of it; a *right to life-supporting goods and services* such as food, shelter, clothing, medical care; *a right to be a member of and a participant in one's community*. (The latter would carry with it equality before the law as well as the cultural right to an education, since one cannot exercise the political right of participation in the life of the community, freedom of speech, press and assemblage, without a minimum level of education); a right to be *free from degrading treatment* — from the violation of the expression of one's conscience such as the right to one's religion to the right to be free from torture and arbitrary arrest.

To the extent that the new direction is followed, the public will have a new conception of human rights. The U. S. will then have to focus on the wider areas of human rights, and the entire international community will benefit. □

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2. See *The New York Times* December 7, 1980, p. 16, December 31, 1980, p. 15.
3. Ian Brownlie (ed) *Basic Documents in International Law* (Oxford: Oxford University Press, 1972) pp. 150-186. There are other instruments embodying other areas of human rights such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Covenant on the Prevention and Punishment of the Crime of Genocide. The above two covenants, however, are the major UN legal instruments in the area of human rights.
4. See *World Development Report*, 1979 (World Bank, August, 1979) p. 81-112.
5. Willy Brandt, *North-South: A Program for Survival* (Cambridge: The MIT Press, 1980) p. 50; Robert McNamara, "Full Text of Address at the University of Chicago May 22, 1979," p. 5; *The New York Times* March 26, 1981, p. 2.
6. The other 93 percent is controlled by industrial states.
7. These are part of what is called "basic needs."
8. See *Department of State Bulletin [DOSB]* (April 11, 1977) pp. 329-333.
9. *Ibid.*
10. *The New York Times*, January 3, 1978, p. 16.
11. *DOSB*, April 11, 1977, pp. 505-508.
12. Brooke Unger "U.S. at the U.N.: What Price Clout?" *The Inter-Dependent* Vol. 7 #2 (March, 1981) p. 5. See "Excerpts from Haig's Speech on Human Rights and Foreign Policy" *The New York Times* April 25, 1981, p. A6.
13. Documents in the possession of the writer indicate plans for considerable cooperation between the U.S. and South Africa.