

How Universal Are Human Rights?

B.G. RAMCHARAN:

A Debate About Power Rather Than Rights

The history of human rights, the experience of the League of Nations, the philosophy and practice of the United Nations bear out the universality of rights. All Member States of the United Nations, by the very act of joining the Organisation, commit themselves to the principle of universality in the Charter and in the Universal Declaration of Human Rights. The commitment to universality is, itself, universal.

The concept of human rights is part of the intellectual patrimony of human-kind. As civilizations interacted and learnt from one another, concepts of dignity, law, freedom, equality, liberty and rights developed over time. The Universal Declaration of Human Rights drew upon the intellectual well-springs of Africa, the Americas, Asia, and Europe fifty years ago, on 10 December 1948. The Universal Declaration of Human Rights has subsequently been re-endorsed in international and regional treaties, and in authoritative policy pronouncements by governments and peoples of Africa, the Americas, Asia and Europe. The universality of the Declaration is thus unassailable.

The idea that all human beings, at the end of the twentieth century, possess as part of their birthright a core of inalienable rights is not disputed. What is sometimes debated is the content of particular rights and the need for change. This is a legitimate debate. The universality of core human rights is quite compatible with cultural diversity. The argument of cultural diversity should not challenge the core universal human rights but, rather, might influence the mode and manner of their application in the contexts of particular societies.

The existence of duties does not negate the universality of human rights. Rather, as is explicitly recognized in Article 29 of the Universal Declaration of Human Rights, »Everyone has duties to

the community, in which alone the free and full development of his personality is possible.« In the self-same article of the Universal Declaration, it is further provided, however, that in the exercise of rights and freedoms, one may be subject only to such limitations as are determined by law, solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

There is an irrefutable democratic test that confirms the concept of the universality of rights. It is a simple matter. Just ask any human being: Would you like to live or be killed? Would you like to be tortured or enslaved? Would you like to live freely or in bondage? Would you like to have a say in how you are governed? If there is any critic of universality who would argue that an individual would choose execution to life, and bondage or serfdom to freedom, let him or her come forth. The democratic test of universality is, in our view, the basis for its strongest affirmation.

Third World representatives played a key role in drafting the Universal Declaration of Human Rights

It is a misunderstanding of history to say that the Universal Declaration of Human Rights was a western product. In the Commission on Human Rights, the drafting of the Universal Declaration took place between its first and third sessions, from 27 January 1947 to 18 June 1948. The membership of the Commission in 1946 consisted of Australia, Byelorussian Soviet Socialist Republic, Chile, China, Egypt, France, India, Iran, Lebanon, Philippines, USSR, United Kingdom, USA, Uruguay, and Yugoslavia. The overwhelming majority of the Commission, 11 to 4, was thus from Africa, Asia, Latin America and Eastern Europe. The developing and

East European countries were also in the majority, 4 to 2, in the Commission's drafting group on the declaration. The drafters from the developing countries included General Romulo from the Philippines, Dr. P.C. Chang from China, Mr. Omman Obeid from Egypt, Mrs. Hansa Mehta from India, Dr. Ghasseme Ghani from Iran, Dr. Charles Malik from Lebanon (Rapporteur), Dr. Jose Mora from Uruguay, and Mr. Hernan Santa Cruz from Chile.

In the drafting process, detailed draft declarations were submitted by Chile, Cuba and Panama. Furthermore, in compiling materials from all over the globe for submission to the Commission as the basis of its work in drafting the declaration, the Secretariat drew upon the constitutions and legislations of 55 countries, among them Afghanistan, Argentina, Bolivia, Brazil, Byelorussia, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Turkey, Ukrainian SSR, USSR, Union of South Africa, Uruguay, Venezuela, Yugoslavia. Only 14 were from Western countries.

Dr. Malik of Lebanon is recorded as urging at the fourteenth meeting of the first session of the Commission on Human Rights, on 4 February 1947, that the Commission should base itself on the following four principles:

»1. The human person is more important than the racial, national or other group to which he may belong.

2. The human person's most sacred and inviolable possessions are his mind and his conscience, enabling him to perceive the truth, to choose freely, and to exist.

3. Any social pressure on the part of the State, religion, or race, involving the automatic consent of the human person is reprehensible.

4. The social group to which the individual belongs, may, like the human person himself, be wrong or right: the person alone is the judge.«¹

At the same meeting of the Commission, Mr. Obeid of Egypt is recorded as observing that in the course of the debate until then »no mention had been made of the duties of the individual, which were a corollary to his rights.«² A few days earlier, Mr. Obeid made the following plea for justice for the peoples of the world: »Mr. Obeid

(Egypt) recalled the disillusionments and conflicts which had followed the proclamation of President Wilson's fourteen points, after the First World War. The principles of human rights should be set forth in clear terms. The peoples of the world greet with enthusiasm the first action taken by the United Nations to enforce redressment of wrongs.«³

The opening article of the Universal Declaration was significantly influenced by Asia. During the second session of the Drafting Committee, on 5 December 1947, General Romulo of the Philippines proposed a redraft of Article 1 as discussed at the first session of the Drafting Committee, in June 1947. The Chairman then invited the representatives of France and the Philippines to submit a new text of the article.⁴ At the ninth meeting of the Drafting Committee, on 10 December 1947, General Romulo proposed the following text: »All men are brothers. Being endowed by nature with reason and conscience, they are born and possess equal dignity and rights.«⁵ Article 1 of the Universal Declaration, as adopted exactly a year later, on 10 December 1948, read: »All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.« General Romulo was particularly active in the Drafting Committee. The record of its meeting on 9 December 1947 shows him proposing the following wording: »Everyone has the right to take an effective part in his Government directly or indirectly through elections which should be periodic, free and by secret ballot.«⁶

The day after General Romulo made this proposal in the Drafting Committee, Mr. Amando of Panama is recorded as proposing the following text to be included in the declaration: »The State has a duty to maintain, or to ensure, that there are maintained comprehensive arrangements for the promotion of health, for the prevention of sickness and accident and for the provision of medical care and of compensation for loss of livelihood.«⁷ Two days earlier, Dr. Malik, of Lebanon, in a parallel

1. E/CN. 4/SR. 14, pp. 3-4.

2. Ibid, p. 2.

3. E/CN. 4/SR. 8, p. 3.

4. E/CN. 4/AC. 2/SR.2, pp. 4-7.

5. E/CN. 4/AC. 2/SR/9, p. 21.

6. E/CN. 4/AC. 2/SR.7.

7. E/CN. 4/AC. 2/SR.8, p. 11.

working group, had argued »that the social and economic rights and the problem of discrimination were very important and should form the subject of a Convention.«⁸ Earlier, in the plenary Commission on 5 Februar 1997, the Chinese representative, Mr. Chang, had »warned« against the danger of producing a document which would not accord with the times owing to its being out of touch with the spirit and atmosphere of the post-war era. He would like to see the expression »freedom from want« appear.⁹

In the Commission on Human Rights on 31 January 1947, as the Commission set about the elaboration of a Universal Declaration of Human Rights, the representative of India submitted one of the pathfinding proposals that would subsequently influence the Commission (E/CN. 4/II). The document took the form of a draft resolution for adoption by the General Assembly as a declaration of rights. In its preambular part it recognized »the fact that the United Nations has been established for the specific purpose of enthroning the natural rights of man to freedom and equality before the law, and for upholding the worth and dignity of human personality«. It went on to propose that the following be incorporated into a »General Act« of the United Nations General Assembly: »(a) Every human being is entitled to the right of liberty, including the right to personal freedom; freedom of worship; freedom of opinion; freedom of assembly and association; and the right to access to the United Nations, without risk of reprisal, wherever there is an actual or threatened infringement of human rights. (b) Every human being has the right of equality, without distinction of race, sex, language, religion, nationality or political belief. (c) Every human being has the right of security, including the right to work, the right to education, the right to health, the right to participation in government, and the right to property, subject only to the overriding considerations of public weal when the State or its appropriate organs acquire it after paying equitable compensation.«

The draft added that: »Nothing mentioned in this Act shall be construed as not obligating the individual to his corresponding duties to his own State and to the international community under the United Nations.« The document foresaw subsequent developments in the United Nations when it proposed that: »The Security Council of

the United Nations shall be seized of all alleged violations of human rights, investigate them and enforce redress within the framework of the United Nations.«

This is a mere sampling of the defining contributions of the representatives of Africa, Asia, and Latin America in the drafting of the Universal Declaration of Human Rights. The same pattern is to be found in the deliberations of the General Assembly. It is true that at this time large parts of the developing world were under colonial tutelage. But they had their champions and spokespersons among the drafters of the Universal Declaration, who did them proud. The Universal Declaration, beyond a doubt, drew on the intellectual patrimony of the peoples of the world.

Regional affirmations of universality

The Universal Declaration of Human Rights has inspired regional instruments for the protection of human rights throughout the globe, all of which have reaffirmed its precepts.

In the African Charter on Human and Peoples' Rights (1981), members of the OAU reaffirmed the pledge they had solemnly made in the OAU Charter to coordinate and intensify their cooperation and efforts to »achieve a better life for the peoples of Africa and to promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights«. In adopting the African Charter, they took into »consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights.« They recognized that »fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand, that the reality of peoples' rights should necessarily guarantee human rights«.

The Arab Charter on Human Rights (1994) »reaffirmed the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, as well as the provisions of the

8. E/CN. 4/AC. 3/SR. 5, p. 3.

9. E/CN. 4/SR. 4, p. 6.

United Nations International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and the Cairo Declaration on Human Rights in Islam«.

In adopting the *Cairo Declaration on Human Rights in Islam (1990)*, the Member States of the Organization of the Islamic Conference wished »to contribute to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari’ah. They declared their belief »that fundamental rights and universal freedom in Islam are an integral part of the Islamic religion and that no one as a matter of principle has the right to suspend them in whole or in part or violate or ignore them in as much as they are binding divine commandments, which are contained in the Revealed Books of God and were sent through the last of His Prophets to complete the preceding divine messages thereby making their observance an act of worship and their neglect or violation an abominable sin, and accordingly every person is individually responsible – and the Ummah collectively responsible – for their safeguard«.

The Lawasia Statement of Basic Principles of Human Rights (circa 1980) noted that all Governments in the region are committed to the Universal Declaration of Human Rights. It encouraged all governments in the region to ratify the International Covenant on Economic, Social and Cultural Rights and on Civil and Political Rights and the Optional Protocol thereto. While recognising that there were differences of culture, religion, historical progress, educational standards and economic development amongst the countries of the Lawasia region, it affirmed the common humanity of all people and proceeded to set out basic human rights as the minimum standard that all governments in the region should abide by.

The American Convention of Human Rights (1969) recognised that essential human rights are not derived from one’s being a national of a certain state, but are based upon attributes of the human personality and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American States. It noted that these principles had been set forth in the Charter of the Organisation of Ameri-

can States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they had been reaffirmed and re-fined in other international instruments worldwide as well as regional in scope.

Universality is consistent with cultural diversity

Far from negating the existence of universal rights, cultural diversity reinforces and is protected by those very rights. Article 27 of the International Covenant on Human Rights is evidence of this. It provides that »in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language«.

The international body with the longest experience in the application of international standards is the International Labour Organization’s Committee of Experts on the Application of Conventions and Recommendations. In a review of the first 50 years of its experience, the Committee laid down the best doctrine to date on the application of international standards in the light of national conditions: »The Committee discussed the approach to be adopted to evaluating national law and practice against the requirements of international labour conventions. It reaffirms that its function is to determine whether the requirements of a given Convention are being met, whatever the economic and social conditions existing in a given country. Subject only to any derogations which are expressly permitted by the Convention itself, these requirements remain constant and uniform for all countries. In carrying out this work the Committee is guided by the standards laid down in the Convention alone, mindful, however of the fact that the modes of their implementation may be different in different States. These are international standards, and the manner in which their implementation is evaluated must be uniform and must not be affected by concepts derived from any particular social or economic system.«¹⁰

10. Report of the Committee of Experts on the Application of Conventions and Recommendations; International Labour conference, 63rd Session, 1977, para. 31.

The late Senator Jose Diokno of the Philippines summarily dispatched spurious arguments about cultural diversity affecting universality as follows: »Two justifications for authoritarianism in Asian developing countries are currently fashionable ... One is that Asian societies are authoritarian and paternalistic and so need governments that are also authoritarian and paternalistic; that Asia's hungry masses are too concerned with filling their stomachs to concern themselves with civil liberties and political freedoms; that the Asian conception of freedom differs from that of the West; that, in short, Asians are not fit for human rights. Another is that developing countries must sacrifice freedom temporarily to achieve the rapid economic development that their exploding populations and rising expectation demand; in short, that governments must be authoritarian to promote development. Well, the first justification is racist nonsense – and I will say no more than that. The second is a lie: authoritarianism is not needed for development; what it is needed for is to maintain the status quo.«¹¹

This issue was also addressed by the highest judges from South Asian countries on the eve of the Vienna World Conference on Human Rights. Chief Justices from Bangladesh, India and Pakistan adopted a statement on human rights stressing that »human rights is not a western concept. Human rights have been invoked by the peoples in this region both historically and contemporaneously. Human rights formed the basis of the Non-cooperation Movement against the British in colonial India. Human rights in this region have also formed the basis of struggles against authoritarian regimes and military rule. Mass movements (e.g., for gender justice, for environmental protection) have gained strength and sustenance from human rights. Such movements have in turn empowered the peoples of the SAARC region and they will not tolerate any attempts at turning the clock back on human rights«. They insisted: »Human rights are already universal for the peoples of Asia. It is they who press for more effective human rights mechanisms even while their governments demur and desist. So far as human rights are concerned, the peoples of South Asia are running – their governments are crawling. South Asian are asserting and exercising their human rights. This is evident, to give just one example, in the electoral turnouts.«¹²

An eminent group of Commonwealth human rights judges and lawyers meeting in Georgetown, Guyana, in September 1996, building upon previous declarations in Africa, Asia and Europe, authoritatively affirmed that: »Fundamental human rights and freedoms are universal and are inherent in all human kind. They find expression in constitutions and legal systems throughout the world; they are anchored in the international human rights instruments by which all genuinely democratic States are bound ... The universality of human rights and freedoms derives from the moral principle of each individual's personal and equal autonomy and human dignity. That principle transcends national political systems and is in the keeping of the independent judiciary.«

Rights and duties go hand in hand

It is a common-place proposition of the law that rights entail duties. It has never been asserted in any legal system that the existence of duties negates the existence of rights. When the Universal Declaration of Human Rights was being drafted, towering figures such as Mahatma Gandhi, when asked for their views, pointed out that in some societies the value-system had a starting-point of one's duties to the community. The drafters of the Universal Declaration took this into account in elaborating the document. What the declaration offers are guiding precepts to be fleshed out in all societies, regardless of their political, legal, economic or social systems, or their philosophies or values. As Gandhi noted, Hinduism emphasises duties. But that has not precluded the inclusion of fundamental rights in the Indian Constitution, or their enforcement by the Indian Courts. The African Charter on Human and Peoples Rights places

11. Text of the Amnesty International 1978 Sean MacBride Human Rights Lecture delivered by Jose Diokno, former Senator of the Republic of the Philippines, AI Index: ICM 01/11/78.

12. South Asian Judiciary Task Force Appeal signed by Justice P.N. Bhagwati (Former Chief Justice of the Supreme Court of India), Chairperson of the Task Force, Justice Dorab Patel (Former Justice of the Supreme Court of Pakistan) and Justice K.M. Subhan (Former Justice, Appellate Division of the Supreme Court of Bangladesh), in Bangkok on 29 March 1993.

due emphasis on one's duties to the community while, at the same time, vigorously asserting the rights of Africans.

The duties correlating to rights are to be determined in the interpretation and application of each particular right stated in the treaties to which governments have subscribed. It is a task of the implementation bodies and of the courts. It surely cannot be upheld as a proposition that because some societies place emphasis on the individual's duties to the community there can be no universal human rights.

Concluding Observations: A Debate about Power rather than about Rights.

The foregoing discussion has demonstrated, we hope, the existence of a global consensus that human rights are universal and should be promoted and protected globally. Evidence of this comes from no less a personality than the Prime Minister of Malaysia, an ardent critic of the assertiveness of the West. In a speech delivered at the 29th International General Meeting of the Pacific Basin Economic Council at Washington D.C. on 21 May 1996, Dr. Mahathir bin Mohamad addressed the »Asian Values Debate« and advanced, among others, the following propositions:

- ▶ There is a large common ground of values which we all share, arising out of the fact that we are human, that we are parents, and that we, being gregarious, must live in society, and so on. ...
- ▶ Any atrocity anywhere cannot be tolerated. It should be punished. No one should be allowed behind the cloak of cultural relativism...¹³

This is the very essence of the universality of human rights. What Dr. Mahathir takes umbrage about is the unlevel playing field in the allocation of world power: He pleads: »If it is preposterous and mad for Asian leaders to threaten sanctions when Europeans fail to measure up to their standards and norms, could it not be a little preposterous for Europeans to threaten sanctions when decent Asian societies prefer their own standards and norms, and not Europe's?« It is not so much that the standards are different, but rather that the North holds the power and can wield sanctions whereas the South cannot reciprocate. In the philosophy of human rights, there would be nothing

wrong with Asians using sanctions against Western violations of human rights, and lecturing the West. ◀

JACOB SELEBI Towards the End of the Universality Debate

Despite the many achievements of the international community in the field of human rights, the question of the universality of human rights versus relativism is again being revisited in various fora against the background of the 50th anniversary of the Universal Declaration of Human Rights. Nineteen ninety-eight should be both a year of celebration and a year of commitment: to look back on what has been done and to look ahead to what remains outstanding, especially for those who are threatened or vulnerable and for those for whom human rights can mean the difference between life and death.

In 1948, after the agony of the World War, the world appeared to be a dark and desperate place to the survivors. Victor and vanquished alike were in the grip of the pessimism and nihilism which inevitably follows on epic conflicts. At this crucial point in the history of mankind, the Universal Declaration came as a balm and a tonic, offering battered and bloody humanity a vision of a free and fraternal future.

When reading the records of the debate on the Declaration in 1948, one is struck by the leading role, as active proponents of the Declaration, of representatives of Third World countries, such as Mrs Meron, Sir Zafrullah Khan, Charles Malik of Lebanon, to name only a few. In the final vote on the adoption, twelve Western states supported the text, but nearly three times that number, thirty four, supportive governments were from states which would now be listed in the Non Aligned Movement. From the moment of its adoption, the Universal Declaration has belonged to all of us,

13. Dato Seri Dr. Mahathir bin Mohamad, »The Asian Values Debate«, The Perdana Papers, published by the Institute of Strategic and International Studies, Kuala Lumpur, Malaysia. ISIS, Malaysia, 1997. See also, Anwar Ibrahim, The Asian Renaissance, Times Books International, Singapore/Kuala Lumpur, 1996. Anwar Ibrahim is Deputy Prime Minister of Malaysia.

and it is simply not true that it has ever been the creation or creature of any select club of countries.

This said, it is easy to comprehend the pain and frustration of peoples which were excluded from the 1948 gathering because they were then still under colonial domination. They are fully entitled to feel resentment that their great and ancient empires voted for the Declaration, and then applied it imperfectly or not at all in their dependencies. However, from the moment that they supported the Universal Declaration with its unequivocal call for freedom, racial equality and free elections, the colonial empires were living a lie. They were eventually brought down by the contradictions between what they had publically professed and what they practised in their colonies. And it is indeed difficult to find a single speech by the great leaders of the anti-colonial struggle in the years that followed in which they do not frequently refer to the values contained in the Universal Declaration as an inspiration and banner for their own struggle.

The Universal Declaration is not, of course, a perfect or even complete compilation. It must be seen as the beginning of a process, not its end. The Declaration does not include many rights which have become enormously significant since then, such as the right to self-determination and the right to development. These rights have been subsequently embodied in declarations of their own, the formular and format modelled on their precursor, the Universal Declaration.

In its early days, the Commission on Human Rights concentrated on standard-setting, using the Universal Declaration as the standard. These efforts culminated in the adoption, in 1966, of the two human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which, together with the Universal Declaration, form the International Bill of Human Rights. Today, over 140 countries are parties to the former and over 135 to the latter.

Some have been tempted to argue that international human rights standards are not binding on everyone because the standards were conceived and formulated largely by Westerners, and they reflect cultural values that are foreign to non-Western traditions. At worst, this group rejects the place of human rights in non-Western societies or cultures; at best, it contends that non-Western

notions of human rights are inherently different from the Western concept and that a blanket application of Western principles to non-Western conditions is unjustifiable. As I have tried to show above, a healthy majority of UN members are parties to the two human rights covenants, while the Conventions of Women's and Children's Rights are approaching almost universal ratification (161 and 191 respectively). Another barometer of measuring universality is the high incidence of consensus with the premier human rights body of the international community, the Commission on Human Rights. Over 80 percent of its resolutions were adopted by consensus.

Human rights, by definition, are based on the universality of the dignity of all human beings by virtue of their humanity. The quest for human dignity is translatable into a demand for recognition and respect for human beings, both as individuals and as members of identifiable groups, for freedom from domination, equitable participation in political, economic, social, spiritual and cultural life, and for a fair share in the distribution of national wealth, services, employment opportunities, and resources for development. Human dignity demands, in other words, equal treatment with full rights and duties of citizenship.

Human rights are not abstract ideas or unreachable objectives for people far from us. Human rights are to be found in the hearts and minds of all human beings, indeed, they are the essence of human life. Human nature itself spurns fundamental human rights. Advocates of relativism argue that human rights are peculiar to the West and therefore inherently alien to the non-Western traditions of countries. I reject completely this view, not only because it denies the universality of the concept, but also because it deprives it of the potential benefit of the diversity of cultural values around the world.

Certainly, universality can be viewed in specific cultural contexts, but the argument against universality is often a tactic used to justify deviation from the universal standards. It is also important to bear in mind that it is never the victims, but the violators of human rights principles and their advocates who invoke the relativist argument against the principle of universality.

Relativity should not be a pretext for violating international humanitarian and human rights stan-

dards. On the contrary, diverse cultures and histories are unique opportunities for reinforcing human rights. The same applies to the principles of democracy for which different cultures and traditions too have much to offer that would reinforce the struggle against dictators and authoritarian rulers.

Values, mores, norms and principles of human dignity are at the core of each society or culture. These obviously differ from one society or culture to another, and success in promoting and protecting human rights may also vary greatly. Universal standards reflect the collective conscience and political will of the international community, and represents a higher order of human aspirations, with a more effective mechanism for promotion and enforcement.

Ultimately, the responsibility for the global order must fall on the international community as represented by the United Nations. This sharing of responsibility is inherent in the quest for a global system of international peace and security, but especially because of humanitarian imperatives that often accompany national and regional crises and call for urgent international response.

The past fifty years have, rightly, been devoted to standard-setting. In my view, we have almost reached the end of this phase. As we stand at the edge of the next century, we should turn our efforts to preventing violations and conflict. As the gap between those committed to democracy, respect for human rights, the rule of law, and responsible international partnership and those bent on committing or to tolerating human rights violations closes, I believe that we shall no longer need to pose questions such as »How universal are human rights?«.

WU XINGTANG:

The Universality of the Principle and the Importance of Different Contexts

This year's December marks the 50th anniversary of the issue of the »Universal Declaration of Human Rights«. As the first document of the international society on human rights, the Declaration has a significant historic position and role. Proceeding from its own national conditions,

China has actively made efforts to implement the principles of the Declaration. However, 50 years have passed already since the issue of the Declaration. Some people have pointed out that the Declaration has limitations of its times and therefore revisions should be made according to the practices of human society in the past half century. I fully agree with this opinion.

We should respect the principle of universality concerning human rights laid down by the international community. The correct principle concerning human rights generally recognized by the international community has a positive bearing on the progress of human society. Being a member of the Human Rights Commission of the United Nations, China supports all the efforts made by the UN to promote and protect human rights and basic liberty in line with the aim and principles of the UN Charter, and has actively participated in the UN's various activities in the field of human rights. China participated in the drafting of the UN papers on human rights, acceded to the »Universal Declaration of Human Rights«, the »Tehran Declaration«, and the »Declaration of the Right of Development«. It participated in the drafting, discussion and finalization of the »Vienna Declaration and Action Programme« adopted at the International Conference on Human Rights held in 1993. So far, China has acceded to 17 international conventions on human rights. Recently, China has acceded to the »International Covenant on Economic, Social and Cultural Rights« and is going to accede to the »Covenant on Civil and Political Rights«.

However, the principle of the universality of human rights must be combined with concrete situations in different countries. Due to different historic backgrounds, cultural traditions and social and economic levels of development, countries are different in implementing the principle in terms of content and forms, approaches and steps. For many developing countries, the focus is the right of subsistence, the right of development and various economic, social and cultural rights. According to UN statistics, the world's total population is about 5.7 billion, with 4.9 billion living in developing countries and about 1.3 billion living in hunger. If unprejudiced, one can easily understand a simple argument: one can enjoy human rights only after one manages to live on.

Promoting human rights is a historic process.

No country can be an exception. If one country or several countries act as permanent »guard of human rights«, supervise and attack other countries which can only be watched and have no right to speech, this in itself violates the principle and spirit of human rights.

It is a normal phenomenon that there are different opinions over human rights in international society. We can have dialogue, for dialogue is better than confrontation. Facts have shown that through dialogue, we can promote mutual understanding.

China has always attached importance to the protection of human rights. It has stipulated in the Constitution that Chinese citizens enjoy extensive, equal and practical rights, and made a series of laws to safeguard various basic rights. In recent years, China has strengthened the protection of human rights in judicial activities, and promulgated rules and regulations to ensure that administrative organs operate normally. These measures can be seen by all. ◀

CLARE SHORT:

Without Social Justice No Progress in Human Rights

The Universal Declaration of Human Rights, fifty years old this year, still makes inspiring reading. Drafted as part of the post World War II settlement, the Universal Declaration (UDHR) reflects the world's determination to say »never again« to the horrors of world war, fascism and genocide. Its opening preamble proclaims that: »recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world«, and that: »disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.«

The world's leaders recognised that it was no longer adequate to leave protection of people's rights to their national governments. Rather, where these »equal and inalienable rights« were threatened within a country, the international community would be justified in seeking to protect them.

Without this provision, it was recognised, »freedom, justice and peace in the world« would also be under threat.

The Universal Declaration also unites traditions of political thought from different eras. The extract quoted above reflects this, referring as it does both to the political liberties developed in the seventeenth and eighteenth centuries, of »freedom of speech and belief« and also to the need for »freedom from fear and want«, which were the focus of later political movements. Elsewhere the UDHR also reflects the concept of duty: article 29 points out that »everyone has duties to the community in which alone the free and full development of his personality is possible.« It marked a major step, therefore, in the development of a set of global values to which all peoples and nations could aspire.

It is important for those of us from the social democratic tradition to recall the origins of universal human rights. Earlier European natural rights and liberties thinking had been seen as inadequate by socialists precisely because it did not deal with economic issues of poverty and equality of access to resources. The Universal Declaration, however, explicitly linked all rights – civil and political, economic, social and cultural – as indivisible and interdependent. As the United Nations would promote political freedom and stability, so the Bretton Woods institutions, the World Bank and International Monetary Fund, would ensure there was no return to the 1930s poverty and economic depression which had contributed to the rise of fascism in Europe. Thus would all rights be protected for all people, regardless of »race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status« (Article 2).

However, even before the UDHR had been agreed by the UN General Assembly, Berlin had been divided and the Iron Curtain drawn across Europe. These indivisible rights were immediately divided into what became known as »red rights« and »blue rights«, as the Cold War split the world into two competing ideologies. Human rights became a political football. The West criticised the suppression of dissidents and lack of political freedom in Soviet Bloc countries, while they pointed to the unemployment and inequality in the capitalist world. And both sides turned an equally blind

eye to human rights abuses (of either colour) in their client states.

One of the immediate victims of this division was the proposed International Covenant of Human Rights which was intended to give legal force to the Declaration. Originally proposed as one document, it had to be split into two on the insistence of the United States, who did not want to see the same force given to implementing economic and social rights. Thus in 1966, after nearly two decades of wrangling, two International Covenants were signed, one on Civil and Political Rights (the ICCPR), the other on Economic, Social and Cultural rights (the ICESCR). More stringent monitoring and implementation procedures were agreed for the civil and political covenant, including an Optional Protocol which provides international machinery for individuals to use in making a complaint about the violation of any of the rights covered in the ICCPR.

The long-term effect of this division means that today, many people in the industrialised countries understand human rights to mean the civil and political rights of freedom of conscience, assembly and expression, a fair trial and no discrimination under the law. The battles of the Cold War years have written social and economic rights out of the concept of enforceable human rights current in most West European countries.

We now live in a greatly changing world and there are both new opportunities and new imperatives for a return to the original conception of universal and indivisible human rights, including social and economic as well as civil and political rights. This new world faces both old and new challenges. Genocide reappeared on the continent of Europe during the Bosnian war, and also in Rwanda in 1994, where nearly a million people were murdered. In both these horrific conflicts, the systematic rape of women was used as a weapon of war. Since the end of the Cold War, most wars take place in the poorest countries and eighty per cent of casualties are now civilians. Conflicts are increasingly within, not between, states, and the major causes of conflict – poverty and inequality – continue to damage the stability of many regions of the world.

The experience of Africa teaches us that the old socialist solutions do not succeed in bringing a rising standard of living for all. Bloated and corrupt governments hid their economies behind

high protective barriers and imposed punitive levels of taxation on business. This, combined with their continuing dependence on primary commodities and the immense burden placed on many African nations by high levels of external debt, means that in sub-Saharan Africa, three out of every four households are living below the World Bank's measure of absolute poverty.

By contrast, the experience of East Asia up until last year shows that progress in radically reducing poverty is possible. In the 1960s six out of every ten East Asians lived in absolute poverty. Now poverty affects just two in every ten. The numbers of people living in poverty are still large but major progress has been made. Investment in human development was the key to the East Asian countries' success. South Korea, for example, before the recent financial crisis, spent around \$ 400 per head on health care, compared with just \$ 3 in Uganda. Governments committed to universal primary education and investment in technical skills training pulled their economies up at astonishing rates of growth, from starting points comparable with the poorest in Africa. (Economic Growth with Equity: Lessons from East Asia, Oxfam 1998)

However, the »Asian miracle« is under threat and in its old form not sustainable. The recent financial crises have exposed the weaknesses of regulatory systems and of democratic structures which might have reined in the unaccountable corporations and halted the extent of patronage, cronyism and corruption. Some countries had earlier shown signs of falling back from the commitment to human development and growth with equity on which much of their success was based. Indonesia and Thailand, for example, have not made the progression from near universal primary education to secondary provision, leading to skills shortages and weakening their ability to attract high quality investment. Many countries have increasingly engaged in rising currency speculation and unsustainable lending, resulting in bankruptcies and rising unemployment, making necessary the major IMF and World Bank rescue packages in place today.

In many ways, the crisis in the Far East raises similar questions to those which led the world's powers in 1945 to draw up the post-war settlement of the United Nations, the Bretton Woods institu-

tions and the Universal Declaration of Human Rights. How are the newly-industrialised countries of East Asia to ensure that the proceeds of economic growth are fairly distributed and thus secure political and social stability? Equally, how are they to avoid seeing capital move from their economies to those of Vietnam or China, where labour costs are lower? The question of how to uphold global standards – whether in the political, economic or social spheres – is becoming more pressing as the world's economy becomes more integrated and capital moves more rapidly around the world.

The attitude of many East Asian governments towards human rights has proved to be at the root of the current crisis. Lack of respect for human rights led to authoritarian and patriarchal societies, in which vested interests have colluded with government and failed to secure the national interest. As one observer has noted, »the root cause of South Korea's economic plight was the business-government alliance. Major investment decisions were made not necessarily on economic principles but on which sector and conglomerates the government favored (sic)«. (Tong Whan Park, South Korea in 1997, in *Asian Survey* 38, Jan. 1998)

Before the crisis, some governments in the region argued that the phenomenal economic success of their approach showed that it was the one most appropriate to the region's culture and traditions. The Malaysian Prime Minister Mahathir Mohamad has long claimed that human rights were a Western import, inconsistent with Asian values and giving too much emphasis to the rights of the individual. Last year he called for a review of the UDHR to reflect the needs of developing countries, saying of human rights advocates that, »these people would rather see people starve than allow for a stable government«, and adding, »in a country like ours where stability is important to provide a good life to our people, we consider the good life of people as the right of the people«. (quoted in the *Star* daily paper, 31 August 1997)

However, this as much as Western countries' unwillingness to recognise and give proper weight to economic and social rights is a distortion of universal human rights. What is needed is a renewed and wider recognition of the interdependence of all human rights – civil and political as well as social, economic and cultural. There are in fact

optimistic signs that the inter-relationships between political freedoms and economic and social development are being increasingly recognised. In South Korea, for example, the setting up of a new tripartite commission between government, business and trade unions was required by the IMF as a condition of the rescue package. And in Indonesia, the successor government to Suharto's regime has released political prisoners and has even begun to pull troops out of East Timor.

However, if human rights are to be seen truly as a framework of global standards by which all countries' policies and governments are to be judged, in the industrialised world we need to tackle rights issues too. While what we experience is relative rather than absolute poverty, tackling discrimination and inequality of access to education, work and a high standard of living is a key challenge. Equally, we can also be called to account for deficiencies in our protection of political and civil rights. One of the most obvious is the persistence of the death penalty in many countries. In Britain, the outlawing of independent trade unions at the security monitoring centre, GCHQ, was a breach of the right of labour to organise.

In Britain, we are now beginning to make progress. Passing through our parliament at present is a Bill to incorporate the European Convention on Human Rights into British law. This will require all legislation to include a human rights assessment, British judges will be able to send a law back to parliament for a declaration of incompatibility if they feel it infringes any of the rights in the European Convention, and a new parliamentary committee will scrutinise Westminster legislation. There will also be an independent Human Rights Commission for Northern Ireland, as part of the Good Friday Agreement.

In the field of international development, my Department, the newly established Department for International Development, has adopted a human rights based approach to all our work. A White Paper in November 1997 set out the new framework, stating that: »sustainable development, as the 1995 World Summit for Social Development in Copenhagen agreed, is not possible unless human rights are protected for all, including the poorest and most disadvantaged. States have a responsibility to ensure that these rights are

respected.« (Eliminating World Poverty: a challenge for the 21st century, DFID, 1997, para 1.19)

Our new development strategy is based around meeting internationally agreed targets for halving the proportion of the world's people living in absolute poverty (defined as less than a dollar a day) by 2015. The targets in turn are based on rights affirmed at the great UN Conferences of recent years – Jom Tien (education), Rio (sustainable development and the environment), Vienna (human rights), Cairo (population), Beijing (women), and Copenhagen (social development). They are ambitious, but achievable. But the international community as a whole needs to be united in working for the same framework of protecting and promoting »all human rights for all« – the slogan designated by the UN High Commissioner for Human Rights to mark the fiftieth anniversary of the Universal Declaration.

In my capacity as Chair of the Human Rights Committee of the Socialist International (SI), I am also focusing on economic and social rights as the forgotten rights of the UDHR. The Committee has agreed that it is appropriate on the occasion of the 50th anniversary of the Universal Declaration for the SI to seek to highlight better ways forward for the next fifty years and beyond. A delegation of the SI made a presentation to the Human Rights Commission in Geneva earlier this year, calling for greater consideration to be given to the interdependence of all human rights.

My conclusion is firstly that we have a great opportunity now to make progress in protecting and fully realising the human rights that the architects of the post war settlement so eloquently laid down. The end of the cold war has been accompanied by a growing recognition that successful sustainable development is impossible where rights are divided and social and economic rights downgraded. We cannot care for our planet and neglect its people. Sustainable development requires a massive reduction of poverty for the 1.3 billion people living in absolute poverty and 2 billion only slightly above that level. And thus we must mobilise a much higher level of international commitment to meeting the international poverty eradication targets to which we are all in theory committed.

The second part of my conclusion is that it is imperative that we do make progress. Poverty and

inequality remain the two great barriers to the realisation of all human rights for all. If we do not tackle these challenges, conflict, violence and environmental degradation threaten the future security of everyone in the world – rich or poor. Fifty years after the signing of the Universal Declaration of Human Rights, it is more than ever necessary to reaffirm, as the Preamble declares, our »faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and [determine] to promote social progress and better standards of life in larger freedom«.

NASR ABU-ZAYD:

The Concept of Human Rights, the Process of Modernization and the Politics of Western Domination

After suffering the destruction of human life and the waste of human energy and natural resources, caused by two international and several civil, ethnic and religious wars, Europe and the Western world in general learned the lesson: Life in all its forms is precious, and, therefore, should be protected. But protection of life could be only accommodated if the basic rights of every human individual living on earth are protected against any violation covered under any claim. The Human Rights Declaration of 1948 was an expression of such concern. This awareness has its philosophical, social and political roots in Enlightenment, rationality, individuality, democracy, and freedom in the widest sense.

Though the Human Rights declaration is basically intended to be universally implemented, it has been politically manipulated by the powers of the North as a means of exercising domination over the Third World countries. After the dismemberment of the Soviet Union, the United States of America became the sole political power. Liberalism and Capitalism became, consequently, the global principles of the »New« world order marking the »end of history« according to Fukuyama. According to Samuel Huntington's theory »The Clash of Civilizations«, the principal conflict of global politics would occur between nations that belong to different civilizations. Huntington identified seven of these nation-civilizations, among

which is Islam, alongside the Western civilization. The question is not whether this view is valid or not; more important is the reference made to global conflict, a reference that points to the dilemma Third World countries have with regard to Human Rights. For the majority of the people in these countries, who suffered and still suffer the consequences of the imperial and colonial exploitation of their resources, the Human Rights Declaration is understood as a Western product aiming at protecting the welfare of the Western citizens at the expense of the welfare of the non-Western nations. This understanding is supported by the socio-cultural level maintained in these societies, a cultural level which has not yet reached the cultural standard of modernity and modern values. Moreover, cultural diversity which is used by military or semi-military governments of the Third World to justify their totalitarian political systems, is also used to justify the difficulties of the implementation of Human Rights.

The question is not, accordingly, whether or not Human Rights are universal, it should rather be why these universal Human Rights are not universally accepted, nor universally implemented. Trying to answer this question one must raise another essential question: Are modernity, enlightenment, equality and freedom, or rather are Human Rights a mere Western invention? The fact that human civilization has reached its modern and recent development in the Western part of the world does not mean that human civilization is totally Western. Modernity, as we all know, has been identified as »the modern industrial and urban way of life« which stands for a specifically Western set of notions that took root in the eighteenth century. It entails a new periodisation of history (ancient, medieval, modern) in which the modern denotes the period when reason and science triumphed over scripture, tradition, and custom. At the heart of modernity is the notion of the freely acting, freely knowing individual »whose experiments can penetrate the secrets of nature and whose work with other individuals can make a new and better world«. (Joyce Appleby, Lynn Hunt and Margaret Jacob, »Postmodernism and the Crisis of Modernity« in *Telling the Truth About History*, W.W. Norton, New York 1994, p. 201.)

This definition of modernity, which is basically appropriate, should include a historical analysis of

the components of this modernity. Such analysis would reveal that it contains so many elements whose roots are related to some sorts of modernity that existed before modern history. Modernity is, therefore, a process of development and continuation. It started when humans gathered around water resources, settled, produced for their needs by cultivation, and formed social order called »community«. Before modern time, modernity was not a universal concept as it has always been related to and shaped by time and space. What was considered to be »modern« in a specific time and place turned in the course of history to be »classical« or even »old fashioned«. This is true in literature, art, music, philosophy and ideas etc. Therefore one can indeed speak about »modernities« that existed and contributed their universal human elements in the formation of the modernity which is wrongly called »Western«.

Human Rights are similarly the product of the history of human struggle – since Spartacus in Rome till Nelson Mandela in South Africa – against all kinds of human injustice. If every culture on earth has historically contributed to modernity, and accordingly to the formation of the Human Rights Declaration, in one way or another, why are the benefits of modernity and Human Rights not equally shared?! Again the ball is in the Western side of the play yard; political Europe and the United States are still living in the age of the white man's superiority, which means that they are very aware of Human Rights only when the white man's rights are touched. But when violation of Human Rights is related to non-white people, political Europe and the United States react, if they react at all, very softly. Exploitation, injustice and humiliation are three obvious factors that determine the basic relationship between the West and the rest of the world in the eyes of the non-Western public. The issue of Human Rights is always used to serve the political and the economic interest of the West. If these interests are secured there is no need to invoke it.

When it comes to »Islam« and the Muslim world, the public feeling of injustice and humiliation is even stronger. The rejection, or the acceptance, of »modernity«, »democracy« and »Human Rights« is always questioned, analyzed and discussed in reference to Islam as a »static« religious concept. The social and the political situation in

Muslim countries and societies is almost absent from such a discussion. Surely Islam is for Muslims more than a personal or spiritual matter, while Christianity has been driven back to the rear in Western societies. But this does not justify turning the above mentioned issues into a mere theological discussion that leads nowhere. If Christianity is to be questioned in the same manner as Islam is questioned, every one knows how the Church stood strongly against any secular explanation. It was only under the pressure of social and political changes that Christianity adjusted itself to »modernity« and to its total social, intellectual and political implications. The question is: is it religion that always determines and shapes social life, or is it also shaped by and interpreted in a certain socio-historical context?

In order to approach answering such a question, a clear distinction has to be made between the original socio-historical context of a given religion and its development(s) through its socio-historical journey up to present time. Through such long a journey, layers of interpretation and re-interpretation, or rather interpretation and counter-interpretation, are accumulated around the original texts to the extent that the original socio-historical context is veiled. If the basic texts of Islamic revelation are analyzed against their historical context it is very appropriate to speak about the kind of »modernity« Islam brought to the world in the seventh century and to explain how this modernity was carried out and developed by Muslims till the twelfth century. Muslims nowadays, however, are very reluctant to accept contemporary »modernity« on the grounds that most of its values contradict Islamic values, or that they rather stem from human legislation while Islamic values are originated in divine revelation. The problem is not, therefore, a religious or theological one, it is rather a socio-cultural and political problem.

Because modernity was introduced to Muslims mainly through colonisation, the image of the West, and accordingly of modernity, was always, and still is, perplexed: It is that of the coloniser and the master, the enemy and the teacher. Modern Muslim thinkers are, unlike their ancestors, torn off between hate and admiration, enmity and love. In this context, modernity is desired because it is practical, but rejected because it represents threat to traditional identity. The image of the West as

projected in literature and perceived by the elite constitutes an essential element in studying the problems that keep the distance and maintain the difference. All the political regimes in the Muslim world, on the other hand, seem to enjoy a mutilated modernity, i.e. a modernity without rationality (I borrow the phrase from Fatima Mernissi: *Islam and Democracy*, translation by Mary Jo Lakeland, 1992). Even with the case of Turkey, the only Muslim country ever to claim to be a secular state, Modernity is under military censorship. The absence of the civic society institutions, which is the only insurance for its continuity, is a very remarkable symptom of the mutilated modernity. In this copy of modernity, individualism is always considered as threat to the community's solidarity, although it is emphasized in the original essential texts of Islam.

Because modernity was enforced, not chosen, it has been associated with the fear of losing self identity. Therefore, individualism held an ambiguous place among the reformers of the nineteenth century religious and nationalist movements. »Facing the militaristic imperialistic West, Muslim nationalists were forced to take their shelter in their past and erect it as rampart-cultural *bud'ud*, boundaries, to exorcise colonial violence. The Muslim past they reactivated did not anchor modern identity in the rationalistic tradition. In fact, the nationalists were prisoners of a historical situation that inevitably made modernity a no-win choice«. There were two options: first, to claim »the humanistic heritage of the Western colonizer at the risk of losing unity«, second, to »carefully safeguard a sense of unity in the face of the colonizer by clinging to the past, favoring the tradition of *ta'a* »obedience« and foreclosing all Western innovation except for importing technology. Rationalism means *ra'y*, individual opinion, and *'aql*, reason, and, therefore, the possibility of divergence of opinion which presents threat to the unity of society.« (ibid. p. 42/43)

How much change could be noticed now in the relationship between the West and the Muslim world? How much pressure is still practiced against the Muslim world to protect the economic and political interest of the West? How many unjust political regimes are supported by the political West against the will of the people? How much political manipulation is played against Muslims by presenting Islam as the substitute enemy of the

West after the demise of the Soviet Union? It is true that the world has become a small village, but in this small village the poor living in the South are getting poorer and poorer, while the rich of the North are getting richer and richer. Modernity, Human Rights, democracy are only for the privileged, for the underprivileged there is nothing but to cry for justice. In this cry, sometimes violent, – not in Islam – resides the question of Human Rights and all its relevance.

In conclusion, Human Rights are absolutely universal as model, principle, ideal. In reality things are different; the world political situation has not reached yet that level of universality. Islam as a religion is also ideal, universal, and also very human, but the socio-cultural and political situation of most Muslim countries does not allow the original message of Islam to be decoded. The world needs to change in order to reach the high level of the model principles of humanity. A cultural network of intellectuals, writers, artists, sincere journalists and academics, from all the corners of the world, should carry the responsibility of creating equality, justice and freedom between nations and cultures. I hope it is not another utopia. ◀

MASOUMEH EBTEKAR:

Why Human Rights Are Not Enough

In the Name of God, the Compassionate, the Merciful

Human Rights have been the crucial element of philosophical, social and political debates in the second portion of the twentieth century. They will probably also constitute a major discourse of the twenty first century. Even though the Declaration of Human Rights stresses the universality of human rights, history indicates that a selective approach has usually overshadowed these discourses. In the academic and cultural spheres, human rights have been discussed and considered with various perspectives. Each ideology or religion professes its particular version of human rights, depending on the standing of the human being in this world, with the interplay of time and nature. The status ascribed to him/her in facing nature determines the status of rights in that perspective.

In political and international spheres, human rights instruments have served as a powerful coercive force in various circumstances (i. e., during the Cold War, or against various independent states such as the Islamic Republic of Iran) used by power centers to impose their particular policies. The duplicity and selective nature of their policies has led most academic and cultural circles to question the efficacy and legitimacy of human rights instruments and has weakened the rationale behind these debates. While widespread abrogation of human rights has occurred in various parts of the world during the past decades, the negligence of human rights instruments and their incompetence in confronting or even condemning these events has left serious doubts about the nature of these rights and their application.

The consequences of a materialistic approach to existence and therefore human rights are apparent in terms of the massive destruction of natural resources and grave environmental issues which have surfaced as a consequence of unsustainable and directionless development armed by scientific and technological advancement. Once the spiritual and ethical dimension of humans is undermined and human rights focus on freedom and individuality regardless of the direction and objectives and heedless of social rights and social consequences the result is the serious moral degradation and the social affliction the West and many parts of the westernised world are facing today.

As long as human dignity is undermined, and humans are subjected to the cultural, economic and political domination of other wealthy humans, human rights are negated at their very origin. Slavery has taken new forms, human beings are exploited and subjugated to degrading circumstances under the guise of democracy, development and advancement. The Declaration of Human Rights is now well appreciated and discussed in academic and cultural circles but it is not taken so seriously and less applied instrumentally by governments.

In this perspective, the Human Rights Declaration fails to undertake ethics, sacrifice and love. Ethics and moral development are the key to change in attitudes and behaviour. According to education research findings, awareness and knowledge alone are not sufficient to change an individual's lifestyle or behaviour. Individuals, groups and governments should be sensitized to honour and appre-

ciate the rights of other individuals and groups and even governments. This human capacity stems from the determination to define a system of values, discerning what is right from what is wrong. Part of this is at the individual level, being able to control one's behaviour and surpassing one's egoistic desires and carnality to achieve what is morally correct, even though it may seem to contradict one's immediate desires and pleasures. Therefore, morality and ethics are inseparable from human rights in any society.

The realisation of human right principles requires, in addition to ethics, a social appreciation of love and sacrifice in the true and human sense. The history of human civilisation indicates that oppression, tyranny, crime, injustice and war have dominated and still continue to dominate societies as we enter the third Christian millennium. Human rights have been advocated as the solution. However, the declaration has been rarely applied other than as a political instrument. Love, sacrifice and spiritual experiences have a dynamic and inspirational role for the society, human rights cannot be defined without them.

This system may be best defined in the religious perspective, particularly that provided by Islam. In the current interpretation of religion by Western scholars, human rights and religion are conflicting concepts which can find little, if any, common ground. This specific approach to religion cannot be applied to all schools and religions nor can it comply with the modern versions and applications of religion in contemporary times. Scholars working with Islamic texts attest to the fact that the basic concepts and principles of human rights are found in the discourses of the various fields of Islamic theology. Social justice, the dignity of the human being, the campaign against oppression, the restoration of social and individual freedoms and responsibilities are all discourses covered by Islamic jurisprudence.

Islam, however has a perspective different from that of humanism. The human being is perceived as a creation of God, appointed as God's representative on earth. Humans are free to choose their direction in life, yet their freedom is relative to the natural laws that God has established. The ultimate objective of creation is to worship God and to strive to attain the most sublime attributes that God has.

The legal backing and practical guarantee for human rights in Islam is the religious obligation, that enjoins believers to follow these principles, in order that they may realise a better life on earth and in the hereafter. Certain aspects of human right principles, which are not specifically mentioned in Islamic texts, are also accepted by Muslim scholars, because they have no contradiction with Islamic concepts and since they comply with reason and logic which are the basic pillars of Islamic philosophy and rulings. Therefore, while the foundation of one is based on humanism and the other on the Divine system of creation, there are several commonalities and points of convergence.

The Human Rights Declaration still lacks its authentic spirit and the necessary commitment by implementers to guide and direct human societies to relieve themselves from oppression and bloodshed. The United Nations and international bodies need to modify their decision-making processes to make sure that international instruments are not abused and taken as means to undermine the dignity and integrity of independent nations. The increasing gaps between the North and South, the incompetence of governments in facing environmental, social, and economic crises of their societies indicate that the world is entering a biased phase of globalization which lacks the necessary direction to respond to these challenges. In addition, an ominous dominating culture of materialistic consumerism, moral degradation and carelessness has emerged under the guise of global information highways.

At the brink of the third Christian millennium and on the verge of the third decade of the Islamic Revolution, we are yet searching for the truth, for the breeze that would restore the dignity of mankind, for the vitalising light, for peace of mind and heart on earth. ◀