Out of the ruins of World War II came the Universal Declaration of Human Rights. The Declaration was endorsed in an effort to protect the rights of all people and their fundamental freedoms. Fifty years later, the nations of the world are overwhelmed by images of mass executions, destruction and displacement of communities. Europe - the birthplace of the Declaration - is engaged in another conflict. What has happened to human rights?

The Universal Declaration of Human Rights was adopted and proclaimed by a UN General Assembly resolution, the 10th of December 1948, in New York. The Declaration would become the Magna Carta of all nations.

In 1941 President Roosevelt sent a message to Congress. He wanted a world founded on freedoms: freedom of speech, freedom of worship, freedom from want, freedom from fear and freedom from hunger. He wanted a world with equitable distribution of resources. It is said that the Declaration itself was shaped by modern America, inspired by some notion of universality and by the principles promoted in the French revolution.

The Human Rights Declaration states that rights are not only universal but indivisible, interdependent and most importantly inherent. Human rights are not a concession from the state. This is emphasised in Article 1: “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.” A revolutionary idea, the notion of being equal just because we are human beings.

During the 50th celebration of the Declaration, it has been repeatedly said that human rights constitute a universal achievement, the most important ideological construct of this century. But if this is the case, what impact have they really had over the last five decades? Have human rights really made much of a difference to state practices?

The fact is, the Declaration itself provided no mechanism for the enforcement of human rights. It was entirely left up to the states to make a commitment to it. However, it did provide moral values, vague guidelines, basic standards, a framework and some parameters for negotiation.

In many cases the Declaration became a source of inspiration and hope. As Nelson Mandela once stated: “For all the opponents of this pernicious system, the simple and noble words of the Universal Declaration were a sudden ray of hope at one of our darkest moments. During the many years that followed, this document served as a shining beacon and an inspiration to many millions of South Africans. It was proof that they were not alone, but rather part of a global movement against racism and colonialism, for human rights, peace and justice.”

Human rights have been used as a tool to criticise...
governments, as a benchmark to measure democracy and as a justification to intervene in the domestic affairs of countries. Human Rights have also been used to justify invasions and to start wars. Unfortunately many states tend to forget about human rights. They seem more interested in balancing their national and international interests and pressures. In fact in the last decade governments seem to have become more and more obsessed with economics, with increasing trade and development, with protecting the rights of foreign investors to the detriment of human rights, indigenous rights, workers rights, and rights as basic and important as health and education.

Lately a debate has started about the effect of globalisation on human rights. Mr T. Ramaithoorthy, a Human Rights lawyer from the Regional Council on Human Rights in Asia, defines globalisation as the process of integration into the world economy and also as a method of development. At a conference on Human Rights at the University of NSW, he said: “The strategy of globalisation has two powerful forces pushing it: transnational corporations and financial firms. Transnational corporations, who gained power in the Reagan years, have been pushing for the liberation of trade and services for some time. They attempt to push through the process of multilateral treaties, have access to all sectors of the economy and are a driving force behind multilateral agreements on investment. One human right constantly violated is the right to work,” he pointed out. “Because of globalisation, one third of the world’s population is unemployed as a result of industrial restructuring, massive retrenchments, the casualisation of labour, outsourcing etc. The right to organise is also becoming increasingly difficult.” Globalisation, he indicated “is a castle built on sand.”

Questions have been asked about why the Australian government has taken 14 months to appoint a new Aboriginal Social Justice Commissioner. Australians for Native Title and Reconciliation (ANTAR) has told the committee that the Wik 12 Point Plan breached four articles of an international treaty against race discrimination which Australia has signed. The UN committee has also indicated that the situation in Australia has deteriorated since 1994. This suggests that in the general field of human rights there is no guarantee of continuity. Governments inevitably change and so does their level of responsibility and commitment.

**HUMAN RIGHTS IN TIMES OF PEACE**

Political change does not always bring an end to human rights abuses. Democratic transitions and processes reached through pacts, referendums, cease fires or peace agreements are not without contradictions. Democratic transitions, in theory should bring hope, social reform, basic freedoms, respect and a guarantee of civil, political and economic rights. Most importantly they should bring justice.

However, it has been demonstrated in many instances that injustice prevails. Injustice found at the root of serious conflicts and political violence is not always redressed in the new democracies, only disguised in different shapes and forms.

The adoption of liberal economic systems does not always help either. Developing countries with weak economies that adopt liberal economic systems, excluding large numbers of people from the mainstream economic process, create social conflict, inequality, marginalisation and widespread poverty. Human rights and poverty do not go well together. Economic injustice produces internal displacements and migrations. Individuals and groups, victims of different degrees of social and economic exclusion, become displaced as a consequence of...
dispossession or in search of better opportunities. They cannot even call themselves refugees anymore since they live in so-called democratic regimes. In the best of cases they become immigrants, or illegal immigrants. Deprived of rights and status, they become invisible.

Those who remain make demands, claims in an effort to build up a social and political order that will guarantee some degree of democracy and social justice. Social unrest, demonstrations and discontent are soon savagely repressed by the state. In the worst cases human rights are systematically violated and total impunity is granted to the perpetrators.

In many countries armed conflict has become a reality which governments do not recognise as legitimate political movements for obvious reasons. States also tend to remain silent about human rights violations to avoid jeopardising their economic interests and the unwanted attention of the international community. Democracy, in such social and political environment, cannot possibly develop.

It is true to say that democratic transitions have often brought a certain degree of civic and political freedoms.

However access to basic rights such as health, education and housing are still being denied to large numbers of people in many countries.

THE POWERS OF THE UN

The UN's relevant activities could be classified into three distinct categories: Standard setting (conventions and declarations); promotion (advisory services, broad studies, reporting systems) and protection (procedures for assessing information received about violations of human rights and reporting them to the general membership).

The Human Rights Commission within the UN is empowered under resolution 1503 to respond in a variety of ways to reports of human rights violations. It may dismiss the case, either by deciding that a consistent pattern of gross violations has not been established or for any other reason. It may keep the case on its agenda for further consideration, or it may decide to initiate a thorough study with or without consent from the government concerned. The Human Rights Commission can draw on its authority under resolution 1235 and can appoint an ad hoc working group or a special rapporteur to study the situation, they prepare a report and draft recommendations which the Commission can then debate in public, adopt and forward to the Economic and Social Council (ECOSOC).

Article 2(7) says: “Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.” Such prohibition does not apply in cases in which the Security Council decides a situation is a threat to international peace and security and takes action under Article 41 of the Charter.

However such decisions seem to be selective and inconsistent. Cases are dealt with in an ad hoc way. Somalia and Bosnia's interventions are good examples. Normally, steps are taken after the main disaster has occurred, when the situation has become uncontrollable. Interventions in the form of diplomatic missions or peacekeeping rarely manage to break the cycle of violence. They can have the potential to contribute to the destabilisation of the region and consequently to an increase in human rights abuses. As a rule governments object to the international community placing political and economic pressure on their states regarding their domestic actions.

We cannot overlook the achievements made by the UN in the field of human rights, particularly in consolidating peace, as in the case of El Salvador or settling disputes. However the distance travelled throughout these five decades does not particularly offer grounds for optimism.

The latest political developments indicate that the UN may be marginalised as a force in world politics. At present it is divided over the NATO bombing of Yugoslavia. In fact, the US and its European NATO allies failed to seek UN Security Council approval for the strikes because they believed the Security Council is divided over the question of Kosovo, simply because Russia and China will never support military action against Yugoslavia. This is not the first time the US strikes without UN authorisation.

As the former UN secretary general Boutros Boutros-Ghali told the New York Times “the marginalisation of the UN has increased with America's discovery of its role as the sole remaining superpower. Weaker states depend heavily on diplomacy. When you're powerful, you don’t need it.”

Human rights will remain a field strewn with political landmines. As Stanley Hoffman, a foreign policy advisor to the Carter government, once noted: “The issue of human rights, by definition breeds confrontation. Raising the issues touches on the very foundations of a regime, on its sources and exercise of power, on its links to its citizens and subjects.” It is a dangerous issue indeed and history suggests it will remain an unavoidable one.