



HUMAN WRECKS, HUMAN RIGHTS

Newton Bowles
Speaking at the Group of 78
Ottawa
March 25, 2008

Why do we go in for these lunch time affairs? People tend to get sleepy after they eat. I do. Years ago, I was presiding over a big lunch-time meeting at the U.N. I had made the mistake of actually eating my lunch. Presiding after lunch, in the chair I went to sleep. The next day, I encountered one of my friends at the U.N., a distinguished doctor who at the time was the World Health Advisor to UNICEF. Pier, I said, guess what – and I told him about my embarrassment, falling asleep in the chair. That’s nothing, he said. Last year, he said, at a WHO seminar in Tokyo, I was the keynote speaker. I went to sleep while reading my presentation. A bit late the night before and a bit too much saki, he said. So here am I, not in Tokyo but in Ottawa, no dancing girls and no saki: whatever else you get from me, at least I am awake.

Is the U.N. awake, you may ask. Are U.N. goals just poetry, a 1945 dream that has become a nightmare? Was peace simply a negative condition, the absence of war; or was there to be something more, a good life shared by all? The U.N. seemed to be launched on two parallel tracks, the Security Council to stop war and the General Assembly to promote world welfare. Or so it seemed

Early on, while the Cold War was warming up, in 1948 the General Assembly adopted the Universal Declaration of Human Rights which says that all people everywhere, whatever their culture, sex or colour, have the same inherent rights. This idea does not quite fit human behavior either in history or as we see it today. Where does this crazy idea come from?

The U.N. Declaration didn’t just happen. It was the culmination of millennial gestation: cultural, religious, political and judicial. If you pick and choose among the main religious and philosophical texts of recorded history, you will find affirmations of equality and justice for all, except for slaves and women. As you know, the core principles of modern human rights came out of the explosion we call the French Revolution. But as so often happens, that Revolution killed its own babies; and it took a full century to bring them back to life. Our gradual emancipation from poverty, the struggle for democracy, the social space for industrial unions, universal education and finally the entry of women into

political life through the right to vote; all these momentous happenings set the stage for the 1948 U.N. Declaration. The idea was not so crazy after all

As Canadians, we like to think that John Humphrey of McGill sat down and wrote the Declaration. He certainly had a hand in it, but that was the last word following serious negotiations. The three main players who put it together were an eminent Chinese intellectual Chang Pen-Chung, a Lebanese philosopher Charles Malik and a French legal scholar René Cassin. (Cassin was a Jew whose family had been exterminated by the Nazis. He later got the Nobel Peace Prize.) It was Eleanor Roosevelt who walked the Declaration through the U.N. General Assembly.

Approval of the Declaration in 1948 was relatively easy because the Declaration is not legally binding and because most developing countries had not yet arrived at the U.N. Also the Cold War had not yet frozen over. The truly great achievement that followed was the translation of the general principles of the Declaration into international law through a series of human rights treaties, a remarkable piece of work that began in the 1960's and continues today. The abuse of women and children has long been outlawed; and now, most recently, we have treaties to respect and protect the disabled and the indigenous, what we in Canada call the First Nations.

There are altogether eight major treaties on human rights. The treaties define what those rights are and what has to be done to put them into practice. Governments that sign up are committed to do that, in law and in the courts. For each treaty, there is a stand-alone expert committee that looks at what is being done. Committed governments must report on their performance every five years. Reporting like this is a first-step toward infiltrating human rights into the U.N. club of nations

This is politically hot stuff; not easily swallowed. You could say that the battle was won with the adoption of the Universal Declaration, but that first battle did not end the war. Repressive regimes continued to play upon cultural autonomy, national traditions; while rejecting the wholesale approach to human rights as a western export, a kind of neo-colonialism. The next big battle was at the rights review conference in Vienna in 1993. Enemies were outmaneuvered at Vienna, and the conference reaffirmed the Universal Declaration. The conference also decided that there should be a U.N. High Commissioner for Human Rights; and the next year, in 1994, the first High Commissioner was appointed. The first Commissioner, shall we say, did no harm; and it was the next two, Mary Robinson and Louise Arbour, who went to work, giving focus and direction to the U.N. community. Starting from scratch, the High Commissioner now has over 900 people spread world-wide.

The official doctrine at the U.N. is that human rights are basic to everything the U.N. does; so that besides political and civil freedoms, human rights must also extend to major concerns of developing countries, like poverty and "self-determination." Under the Human Rights umbrella, there are now experts on women, children and migrants; on religion, education and health; on the impact of terrorism, on torture, arbitrary executions and disappearances as well as the independence of the judiciary. Right now, Human

Rights inspectors are looking at Burundi, Cambodia , the Democratic Congo (as it is called), Burma (Myanmar), Haiti , Somalia , the Sudan and the Palestinian situation. This can be dangerous work for many; so above all, the Secretary-General has put in place his representative to look after human rights defenders. This looks real, doesn't it; politically something for everybody.

The creation of this network is an astonishing achievement, but its life and functioning is fragile. The bosses at the U.N. are governments as they coalesce pro and con around rights; and these days a cold wind is blowing. Will the international community retreat from 1946 when it created the Commission on Human Rights? At first, the Commission was hobbled by the Cold War, but it came to life with the installation of the High Commissioner in 1994. Although Mary Robinson and Louise Arbour got only a tiny allowance at the U.N., squeezed in the U.N. budget, additional special contributions put them on the road

But then came the cold wind. You know the story. At best, the U.N. has an uneasy hand-to-mouth existence. It can't survive without the political and financial support of the Americans. Incipient American paranoia was touched off by the 9/11 terrorists, with disastrous repercussions. How fragile are our democracies. Fear was everywhere, terrorists lurking under American beds. Torture and arbitrary detention were okay. Even in Canada, we had a whiff of that. Inevitably, at the U.N. this hysteria has played into the hands of enemies of human rights.

I have jumped a bit ahead of myself. Well ahead of the 9/11 terrorists, the Human Rights Commission had been stymied from within by its foes, repressive governments, members of the Commission. At length, friends rallied, the Commission was abolished; and in its place, in 2006 a Human Rights Council was set up. The 47 elected members of this new Council were to have clean hands, good track records on rights and be committed to advocacy. Whereas the former Commission could pick and choose among delinquent nations, the Council would look at everybody, all 192 members of the U.N. On the playing field, this would be an end-run by our team.

Did it work? Well, not quite. Not in the short run. The old opponents are still there, back on the Council, the OIC and others, skilled in sabotage. While the Council is struggling over how to deal with 192 nations, the saboteurs have been putting it on the Palestinian sidetrack. Time and energy have been wasted over hating Israel and all that. All is not lost, but our team has to wake up to this threat. The Council could be put through the motions while being castrated behind the scenes, death by protocol. On va voir.

Of course, the wounds of Palestine are real and will fester until healed. Dumping the Holocaust onto Palestine has been a disaster. What to do with over 4 million Palestinian refugees? Israel is no solution to anti-Semitism – and what a convenient shield for North African despotism. Playing the victim card gets you nowhere. All of us – Europe, North America and the Middle East – must make an enormous effort to put things right, human rights for all.

Nevertheless, on the world scene, we have in place, for the first time in human history, guidelines – a code of conduct for all nations; and, indeed, for you and me. To write the rules is good, but impunity for villains creates cynicism and despair. What can be done?

What is being done? Bad news and shenanigans from the Rights Council, from the treaties, the High Commissioner and the network, all are in the public domain; and eventually are filtered into the General Assembly. NGOs, especially Amnesty and Human Rights Watch, do their best to get the news into the headlines. Among governments, whatever violations are reported tend to get kicked around, obscured in political games. Louise Arbour is attacked for being too loud on the U.S. and too soft on China. Africans are mum on Mugabe in Zimbabwe, and Asians hardly say a word about Burma (Myanmar). And what does Ottawa say about Washington? It is NGOs like Amnesty and Human Rights Watch that hang out the dirty laundry.

Louise Arbour is leaving. It is too much

But surprise, parallel to the Rights Council and the General Assembly, the Security Council is getting into the act. The Security Council has moved on from peacekeeping through Blue Helmets, into peacemaking and nation building. Security is not military equilibrium, security is human security, the welfare of nations. Nation building begins with protecting the people; so now, protecting civilians, especially women and children, is on the Security Council's active agenda. The Security Council has a Special Committee on Children, child soldiers, backed up by an informal group of concerned governments led by Canada. All new U.N. peace operations include human rights experts.

Also bearing heavily on human rights is the Security Council's global attack on terrorism; but that is another big can of worms, too much for my little talk today.

What has direct bearing on rights is the creation of War Crimes Tribunals for Yugoslavia and Rwanda. These two Tribunals were charged with prosecuting individual persons, under objective international law. The war-time Allies, after World War II, had tried to do this in Nuremberg and Tokyo; but those were trials by victors of the vanquished. The Security Council Tribunals would be truly international, something entirely new. Considering the highly-charged political environment, the Tribunals have performed well, even catching one Head of State.

These are ad-hoc instruments, soon to be put to bed. Their experience has helped to launch the permanent International Criminal Court (the ICC), also charged with prosecuting individual villains. The ICC is a stand-alone body, with so far one-hundred member States. This Court is finally getting under way, beginning in Africa in the Democratic Congo, Uganda , Darfur and the Central African Republic . It took on Darfur at the behest of the Security Council. Washington first set about sabotaging the ICC, on the delusional grounds that the ICC might ensnare American troops; but with Darfur and all, Washington has backed off. (The U.N., even the ICC, may be useful.) Strangely, the Security Council and the ICC have become the strongest arms for enforcing human rights, even if only in a few countries.

I should mention that two regions, Europe and the Americas, have their own Human Rights Courts, both doing well.

Overall, human rights is work in progress.

Now that I am coming down the home stretch, I will indulge in a little soul-searching. Why are we so shocked by pervasive and recurrent violence? On my desk I have two U.N. reports, on violence against children and women; and a third report by the World Health Organization on violence and health. Maybe we are shocked because we know better, now that we have a global code of conduct. Since we know better, why don't we do better? Why can group behavior be so crazy?

The Protestant manicheism in which I grew up said, well, that's just the way we are; and you have to reach out for divine grace. Modern depth psychology told me the same thing without the divine. I am reading again "Civilization And Its Discontents," Freud's probing into the irrational source of our behavior. That's worth a read. If you haven't read it, read it. If you have read it, read it again, along with the letters exchanged between Freud and Albert Einstein. Another fascinating new probing comes from genetics and neurobiology. There is a spate of studies and books on our innate capacity to distinguish good from evil, to make moral judgments. I am working my way through Marc Hauser's book, *Moral Minds*, that extends the Chomsky linguistic grammar to our conscience.

And if all of this is too much, I can fall back on another genesis, the Garden of Eden, the snake and the apple. I think it was Will Rogers who said that Adam should have eaten the snake. So much for you vegetarians.