

PANEL
“Towards a Culture of Human Rights: Taking Ownership”
18 September 2008
Conference Room C, UN Headquarters, NY



The president of International Vision Collective (IVC), Alisa Clarke, opened the session and thanked the UNU for its support in convening the panel. Jean-Marc Coicaud, Head of the UNU in New York, joined her in welcoming the group. Ms. Clarke provided a background to the IVC and its activities. She noted the observance of the 60th anniversary of the Universal Declaration of Human Rights (UDHR) in 2008 and stressed that all members of the international community – diplomats, UN staff, NGO representatives and others, were guardians of human rights principles. She further invited participants to explore what possibilities there could be for evolving the system towards a culture of human rights, when the actors took responsibility for their own roles and for the concrete implementation of the values of the system.

- The Chairperson, Ambassador Anwarul Chowdhury, asked panelists to respond to the question

“What does an international system fully reflective of human rights look like?”

Jean-Marc Coicaud emphasized that normative legitimacy should match political legitimacy since human rights standards could only be realized in a context where there was political will for implementing and enforcing them.

Craig Mokhiber, Deputy Director of OHCHR in New York, noted that there was already a blueprint for such an international system in the UDHR, notably article 28, as well as in the UN Charter. This has implications for all of us personally, since the UN is not, as widely thought, a neutral arena seeking the lowest common denominator, but one that stands for something very specific. The UN is furthermore not about pandering to power, but, while recognizing the powerful, has constituencies of the marginalized, and it was important to realize that human rights also has adversaries. He said that there was a need to break down the walls between security, development and human rights and see them as inter-related. Mr. Mokhiber noted that people were working towards this vision, and that it was a very personal mission as well as individual responsibility.

William Pace, Executive Director of the World Federalist Movement and Institute for Global Policy, noted that the 2005 summit formally recognized human rights as one of the three main pillars or “legs” of the international system if the system could be viewed as a “stool”. Using this metaphor, he hoped to see the stool supported by a solid foundation rather than three separate legs. Human rights education was also critical, as was the availability of human rights courts, notably at the regional and eventually international levels. In his vision trade respected human rights, and human rights was seen as an opportunity not a threat.

Stella Orina, Legal Officer in the Mission of Kenya, envisaged full implementation of the international legal framework, notably the ICESCR and ICCPR, and for them to be given equal importance. While she acknowledged that individual and collective rights were treated differently in reality, she vouched for the value of diplomacy and the application of human rights in her own country. She also stressed that all actors have a role, beginning with families and also including our roles at work and those of civil society.

Yvonne Terlingen, UN representative of Amnesty International, proposed a “wish list”, involving a global system that was truly universal rather than selective based on e.g. the economic or political ties between countries, notably moving away from a regional block approach in addressing human rights; with respect to the Security Council, the full implementation of human rights and the 3-pillar approach e.g. on questions relating to terrorism, as well as extension of participation on the Council to all Member States; an international system providing justice and accountability; and a system where NGOs and rights holders can express themselves in full freedom both in their own country and at the UN; and a system protecting the rights of the most vulnerable e.g. the poor – adoption of the Optional Protocol on the ICESCR would be a real advance in this regard.

The Chairperson summarized the responses and further emphasized that everyone has to be aware of human rights, including persons working in the international system, who should fully read and absorb the UN Charter and UDHR.

- Ambassador Chowdhury went on to invite each of the panelists to respond to the question **“What trends support and challenge such a system emerging?”**

Ms. Orina noted supportive trends with respect to instrument ratification, adoption of legislation, human rights reporting and evaluation, but pointed to difficulties in terms of weak institutions and different cultural approaches regarding e.g. gender, as well as the selective implementation of human rights, particularly disturbing when conditions such as poverty effectively meant no access to justice.

Mr. Coicaud identified several positive tendencies including existing international instruments, making individuals the subject of international law, the strong role of civil society, the increasing use of democratic values as benchmarks of political legitimacy, and the growing difficulty for Member states to ignore human rights. He included among the challenges the lack of obligation attached to international law; the huge gap between normative and international legitimacy; the

fact that human rights violations are still largely experienced nationally and not addressed globally; that national interest is still the prevailing factor; that human rights are not viewed strategically but rather as “icing on the cake”; and that the three core western Member States of the Security Council, while being the greatest underwriters of human rights, have also been its greatest underminers through lack of consistency and self-interest.

Ms. Terlingen stressed that we shouldn't underestimate the huge strides made in the last five to ten years in terms of new international conventions on disappearances and disabilities and the declaration on indigenous persons. She also lamented that while some countries in the EU have lost credibility and their corresponding role on human rights, others such as Costa Rica and Croatia are taking on a stronger role. Challenges include the impact of 9/11 which has provided a “fig leaf” for many governments to do things in the name of security; regional block negotiations; and the fact that there is only a soft system which is not justiciable.

Mr. Pace saw positive elements in the creation of the position of High Commissioner for Human Rights, the decision that Srebrenica be held responsible for not preventing genocide and its implication for the Security Council, the growing application of the rule of law at regional and sub-regional levels, and the enactment of national laws which make it easier to promote legislation at regional and international levels. Among the negative dimensions were that the most powerful promoter of human rights are now its biggest denigrators; renewal of the North/South divide; the loss of the NGOs' consultative role; and the privatization of public goods such as water.

Mr. Mokhiber lauded the historic contributions to human rights including the Human Rights Commission and Council, the system of independent experts and technical cooperation, the ICC, and the recent rhetoric on the responsibility to protect, and noted that the trajectory of progress has not been a straight line but one of overall progress. Nevertheless, unprecedented threats were identified in an assault on the idea of human rights itself such as torture, on institutions such as the Human Rights Council, on the primacy of human rights vis-à-vis new “trumps” in markets, borders and state security, as well as the rise of “chauvinistic, partisan” approaches which accord human rights to some groups and not others. Also concerning was the naïve notion of “good countries” and “bad countries”, and the need to recognize economic, social and political rights.



- The Chair summarized the responses and posed the question “What are some real options for creating a human rights based culture - what measures, processes, mechanisms, policies, as well as ways of thinking, behaving or being?”

Mr. Coicaud proposed the following options: clarity in the relationship between power and principles to ensure that humanism prevails over predation; promoting solidarity over strategy; a greater sense of public policy at the global level e.g. through the UN; and changing our mindset to acknowledge that what we project as external distinctions are in fact distinctions that are made internally

Mr. Pace underlined that promotion of universality was critical, that it was important to think more of what we can do rather than what others can do, making human rights education mandatory at all levels, having independent judiciaries and courts that enforce the law; and making peace with each other, with the rest of the planet, and with the planet itself.

The Chair summarized the responses and opened up the discussion to the floor. Among the points raised were:

- The need for UN agencies to be held accountable
- Further support for NGOs, perhaps through a UN Center
- Endorsement of a proposed international year for human rights learning
- The need to develop a transcendental spirit of political relations
- The need to reconcile the sovereignty argument with human rights