Sir Y K Pao Chair in Public Law
Inaugural Lecture

Turbans, Trade, and Terrorism: Are Human Rights the Answer?

by
Professor Hurst Hannum
24 March 2006

Mr Vice-Chancellor, Dean, Ladies and Gentlemen,

Let me begin by expressing my appreciation for the privilege of serving as the second holder of the Sir YK Pao Chair of Public Law. While I am grateful for the confidence the University has placed in me by appointing me to the position, I am even more appreciative of the subject matter to which the Chair is dedicated. In this bastion of business and capitalism, where most attention is devoted to the activities of the so-called private sector, it is reassuring to find the recognition that public law -- administrative law, constitutional law, and international law -- remains the context in which these other important activities take place. Concepts of fairness, participation, accountability, and the rule of law are as essential to the smooth working of business as they are to the more obviously "public" concerns of many of those in civil society. We should all be deeply grateful to the Sohmen family for their recognition of this fact through their generous endowment of the Sir YK Pao Chair.

Of course, of particular significance to me is that "public law" has been interpreted by the Faculty and University as not just local law but as international law, specifically as encompassing international human rights law. Hong Kong is unique not only with respect to its autonomous powers and special status within China but also because the rights of its inhabitants are guaranteed internationally, through the Covenant on Civil and Political Rights, unlike the rest of China. Just this week, the UN Human Rights Committee, meeting in New York, has been examining Hong Kong's compliance with its obligations under the Covenant, and the Committee's conclusions should be finalized within the next week or two. This international oversight can be a valuable tool in efforts to ensure that the human rights enjoyed in Hong Kong are both maintained and expanded in the years to come.

This evening, however, I would like to talk not about Hong Kong but rather about the larger issue of the role of international human rights law in today's world. Particularly since 2001, many governments have asserted that human rights concerns must now give way to national security concerns and the so-called war against terrorism. It seems impossible for trade talks -- including the meeting of the WTO here in Hong Kong in December -- to occur without demonstrators claiming that free trade and globalization are violating their rights. And the recent furor and violence following the publication of cartoons deemed by Muslims to be insulting has resurrected the debate over whether human rights norms can be truly universal in a world that is so diverse.

Is it appropriate to appeal in each of these cases to human rights norms as a way of resolving the apparent conflicts? Are norms that, in some cases, were adopted a half-century ago still relevant in today's global environment, where trade, terror, and small Danish newspapers frequently have transnational effects? While each of these issues on its own -- globalization and trade, transnational terrorism, and clashes of culture or religion -- is worthy of in-depth discussion, I would like this evening to draw some general conclusions about the role of human rights by examining each of them in turn. While the analysis will be of necessity somewhat superficial, I believe that a comparative approach may give us a better understanding of the proper role of human rights in the 21st century than would discussion of a single topic.

Trade and human rights

Let us begin with trade. A recent publication by the National Bureau of Asian Research states that "[g]lobalization and free trade are prime drivers of economic growth, prosperity, and job creation in better-paying sectors of the economy. The increasing globalization of the world economy during the second half of the twentieth century led to the most rapid worldwide reduction in poverty and rise in living standards in the history of mankind."[1]

A somewhat different picture is painted by Mobilization for Global Justice, one of the organisations that has organized protests against the IMF and WTO. It accuses these institutions of "systematically oppressing and impoverishing Africa, Latin America, the Caribbean, Asia, and the Pacific for decades." It states, "We are standing in solidarity with the people of the Global South, declaring that the rights of people in the North are wholly bound up with the rights of people in Nigeria, Brazil, the Philippines, Fiji, Haiti, Ecuador, India, and the rest of the world. We are identifying corporate globalization as one of the main factors in the widening divisions between rich and poor and continued attacks on the rights of the impoverished in the U.S. and other Northern societies."[2]
This does not sound like just an economic debate, at least from the perspective of the protesters. The claim is that people's **rights** are being violated, and that the violations must be stopped. Are there international human rights that are violated by free trade agreements and other aspects of economic globalization? Is this a useful approach to understanding the issues involved?

Over 150 governments have committed themselves to upholding a number of economic, social, and cultural rights, through their ratification of the other main UN human rights treaty, the Covenant on Economic, Social, and Cultural Rights. This treaty guarantees, inter alia, the right to work, social security, education, the "highest attainable standard of physical and mental health," and "an adequate standard of living... including adequate food, clothing and housing". While some of these rights are set forth in rather general terms, they are no more vague than terms such as "due process" or "fair trial," which courts have interpreted for centuries. Indeed, the South African Constitutional Court, for example, in interpreting provisions of the South African Constitution, has

---

1 George F. Russell, Jr., "The Power of Globalization," NBR Analysis, vol. 16, no. 2 (Nov. 2005), p. 7.

2 Economic Justice News Online (April 2000), http://www.50years.org/cms/ejn/story/176.

adopted a number of well-reasoned, path-breaking judgments with respect to the rights to health and housing.

For some time, international development activities have taken at least some human rights into account, and at least lip-service is regularly paid to the notion of a "rights-based" approach to development. In practice, this often means ensuring adequate participation in development planning by those who will be most affected and ensuring that the most vulnerable groups are not ignored. Even the World Bank, which for most of its history insisted that consideration of human rights was outside its mandate, now regularly considers the impact of projects it funds on vulnerable populations.

The International Labour Organisation, which was founded in 1919 in part as a response to the Marxist exhortation for "workers of the world" to unite, as long been concerned with matters closely related to trade, including freedom of association, the right of collective bargaining, and setting global health and safety standards for workers. It has well-developed mechanisms for considering complaints about violations of workers' rights, although much of its work is accomplished through dialogue and consultation rather than adversarial procedures.

However, the difficulty in using the language of "rights" to attack broad aspects of globalization is that it allows little or no room for nuance, balance, or long-term economic planning. It also may ignore the fact that the obligation of states under the Covenant is to implement most rights "progressively," rather than immediately. Nonetheless, States **do** have an obligation not to deliberately adopt policies that increase poverty or further marginalise disadvantaged groups in society, and the protesters are right to remind governments of their human rights commitments.

At the same time, it is often difficult to identify a clear linkage between macroeconomic policy or trade decisions and their impact on individuals in specific countries. Neither human rights law nor economic reality can prevent unemployment, changing job patterns, or the cyclical nature of markets. The norms of the Covenant on Economic, Social, and Cultural Rights only require states to work toward goals that all are likely to support (at least in theory), such as fuller employment, fair wages, and the ability to make a decent living. When states ignore these obligations, they should be called to account, but it is disingenuous to suggest that the mere invocation of broad human rights norms is sufficient to determine global trade policy.

While the WTO should operate within the constraints imposed by the Covenant and ILO norms, calls for the WTO to incorporate human rights norms more formally into its decision-making processes are more likely to result in bad human rights interpretation than in good trade policies. Further, it does not seem helpful to shift attention from the obligations of **states** to guarantee rights in favor of placing those obligations on an amorphous international institution.

The simplistic equation of globalisation with rights violations does little to address the much more difficult issues of how to ensure equitable economic progress for all countries of the world so that the beneficiaries are real people, not just stock market indexes and corrupt government officials. While human rights norms provide the context in which states must act, they cannot in and of themselves answer the most difficult questions, such as how much income disparity is acceptable in a given society,

how to combat widespread poverty, or how to identify the best economic development model for any particular country -- let alone for the entire world.

These are serious questions, and they deserve to be discussed in a manner that does not ignore the possibly negative short-term impact of policies that may eventually yield long-term benefits. Unfortunately, the sloganeering of some WTO opponents engenders a knee-jerk reaction from many governments and the private sector that rejects the relevance of human rights in any form. In such circumstances, loud appeals to human rights norms may achieve little more than making the protesters feel righteous, distracting from the much more difficult task of ensuring that governments live up to their actual human rights obligations while, at the same time, they seek to advance legitimate goals of increasing trade and levelling the market's playing field so that the international economic system is more fair and open.

Terrorism

Let us turn now from transnational trade to transnational terrorism. Terrorism is not new. Even in relatively recent times, the IRA, Red Brigades, and ETA in Europe; the Tamil Tigers in Sri Lanka, Sendero Luminiso in Peru, the Lord's Resistance Army in Uganda; and many other revolutionary or "liberation" movements around the world have used terror tactics to attack states in ways that are far removed from normal criminal activity. Varying degrees of terrorism have been practiced by governments, as well, by Latin American military dictatorships against leftists in the 1970s and 1980s, by Turks against Kurds, by Israelis against Palestinians, by Saddam Hussein's Iraq against any who threatened the regime. One of the many mistakes made by the Bush Administration has been to think that the "war on terror" began in 2001; as a result, they have ignored the lessons (both good and bad) learned in countries that have faced serious terrorist threats for decades.

Most international human rights law is based on the assumption that more-or-less "normal" conditions prevail in a state. It is obvious, for example, that providing social security or education or guaranteeing freedom of movement would be difficult, if not impossible, in a country at war. Since international human rights law is created by states, it should not be surprising that states were not willing to accept obligations that would unreasonably bind their hands in the face of warfare or terrorism. However, the drafters of human rights instruments were not willing to throw up their hands entirely and simply allow states *carte blanche* to respond to serious threats by any means they saw fit.

The resulting compromise is exemplified by provisions in several of the major human rights treaties that, under certain circumstances, permit acts by governments that would otherwise be impermissible. To use the formulation of the Covenant on Civil and Political Rights, states may suspend or derogate from rights "[i]n time of public emergency which threatens the life of the nation.... to the extent strictly required by the exigencies of the situation...."[3]

---

3 Covenant on Civil and Political Rights, art. 4.1.

There are several elements of this formulation that are worthy of note. First, the emergency must be serious; it must "threaten the life of the nation," not merely inconvenience governmental authorities or create some degree of civil disorder. Second, the state's response to such a threat may only suspend rights "to the extent strictly required". Some treaties add the requirement that derogations also must be "necessary in a democratic society," suggesting that the motive must be to protect democracy and human rights, not just to preserve whatever government happens to be in power at the time.

These important qualifications have been interpreted to imply that state actions must 1) be narrowly tailored to respond to the specific threat and 2) that they must be proportional. For example, responding to a natural disaster, such as a typhoon or tsunami, might require restrictions on freedom of movement or even temporary detention for reasons of public health; it would not justify the imposition of martial law throughout the entire territory of the state. The most common derogations in response to terrorism involve limits on normal fair trial guarantees and, often, some form of preventive or other detention. However, the essential element of these international formulations is that the ability of a government to respond to terrorist threats or other emergencies is not unlimited; it is constrained by international law and must take as its starting point the continued protection of human rights.

Recognizing that national governments are inherently better placed to determine what responses are "required" or "necessary," international human rights bodies often defer to a government's judgment, if the existence of the emergency seems to be clear and the response appears to be legitimate and proportional. This deference is not a sign of weakness on the part of international bodies (although it would be naive to believe that political considerations never play a role). Rather, it is consistent with one of the fundamental principles of human rights law, i.e., that international norms are designed to change state behavior, not to substitute a new supranational order governed by human rights experts.

In Europe, this practice is referred to as granting a certain "margin of appreciation" to governments, and to some extent it reflects a reticence by international bodies to substitute their judgment for that of national governments when the government appears to be acting in good faith. For example, the changing detention policies of the UK in Northern Ireland during the 1970s and 1980s were rarely found to violate the European Convention on Human Rights. In part, this reflected the general view at the time that the British government was democratic and had a legitimate right to respond to a serious campaign of bombing carried out by the IRA. It also reflected the fact that -- due to both international and domestic pressures -- the British gradually eased their detention policies to include more and more safeguards as time went on. Of course, the British were found to have violated the prohibition against "inhuman or degrading treatment" with respect to the use of certain interrogation techniques, since the prohibition against torture and other ill-treatment is absolute and cannot be suspended, even in an emergency that threatens the life of the state.

On the other hand, the Council of Europe's human rights institutions rejected arguments by the military government of Greece in the late 1960s and early 1970s and by Turkey in its campaign against the Kurds that their actions were justified as responses to terrorism. In the Greek case, European human rights bodies did not accept

that an emergency existed that would justify the broadly repressive measures taken by the government. In the Turkish case, while Europe did accept that the Kurdish insurgency justified some derogation, the human rights institutions in Strasbourg found that killing, torture, disappearances, and destruction of property went far beyond actions which could be deemed justifiable responses to the situation.

Turning to a more contemporary situation, the United States has been widely criticised for its actions post-9/11, and most of the world is familiar with abuses that have been widely publicized. However, what is most disturbing about the American approach to combatting terrorism is the apparent denial that **any** international law constrains their actions. The Bush Administration has asserted that it may hold terror suspects indefinitely, without trial or legal counsel; it has captured people and effectively "disappeared" them, by sending them to so-called "black sites" outside the country and denying the fact of their detention; it has used interrogation techniques that have already been rejected as illegal by international human rights bodies; and its excuse that the use of what even the administration concedes is "torture" has resulted solely from the acts of a few low-level soldiers becomes less credible daily. Finally, and perhaps most disturbingly, the US claims that everything done in the "war against terror" is wholly within the prerogative of the executive branch, with no legitimate role for judicial or legislative oversight -- and, of course, no role for the international community.

The US arguments may be troublesome, but they are hardly unique. Many states have taken advantage of the so-called "war against terror" to expand the police powers of the government and minimize accountability. In almost every case, they have failed to make a persuasive case that their actions are carefully tailored to interfere as little as possible with the normal exercise of human rights, and many starkly assert -- like the US -- that their actions are beyond questioning.

Because of the fact that they are written to encompass widely different situations (just like national constitutions), human rights norms do not offer a ready answer to every substantive question raised by the actions of the US and other states; even detention without trial (albeit with certain judicial or other safeguards) has been found to be justifiable by human rights bodies in a number of emergency situations in the past. On the other hand, the unfettered and unaccountable use of executive power is clearly impermissible, and the threat to human rights from such actions is only too clear when one recalls the history of authoritarian governments around the world.

The answer that human rights norms **do** provide is a context within which US actions -- and those of other governments -- can be judged, outside the obviously biased views of governments themselves. Requirements of proportionality and necessity are couched in general terms, but they do provide an essential floor of protection below which a state may not go, no matter the provocation. It is far too easy for governments to abuse so-called emergency powers in order to stifle dissent or suppress rebellious minorities, and international oversight based on principles rather than politics is essential. **Rather than unnecessarily restricting the range of government actions in fighting terrorism, human rights norms enable governments to conduct that fight without becoming terrorists themselves.**

Speech, religion, and conflict

I now turn to the third issue in this relatively rapid survey, which is the apparent disparity between safeguarding human rights norms of free expression and the desire to promote respect for different cultures and traditions, as exemplified by the cartoon controversy in recent months.

First, while it may be true that the full protection of human rights makes it less likely that internal tensions will lead to violence, we should understand that human rights law was **not** primarily designed as a tool to promote conflict resolution or communal harmony. Even if it were, mere enforcement of legal formulations is often a very ineffective means of promoting the desired respect either between individuals or across states or cultures. Thus, human rights **law** retains as its primary goal regulating the relationship between the government and individuals within its jurisdiction. Some may argue that restricting the scope of "human rights" to a such a legalistic framework is too narrow, but, in my view, such a restriction is vital in ensuring that human rights does not promise more than it can deliver.
Recognizing the reality of societal differences, as well as the need to restrict the exercise of rights so that they do not interfere with the rights of others, the drafters of the major international human rights instruments did not proclaim either freedom of expression or freedom of religion as absolute rights. The Covenant on Civil and Political Rights, for example, recognizes that the exercise of freedom of expression "carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals."[4] As was true in the context of fighting terrorism, however, the "default" position or starting point must be the protection of the right; limitations should be strictly construed and must be "necessary" for one of the stated purposes, not merely convenient or politically popular.

In addition, we should recall that it is not just freedom of religion that is protected under international law: it is the "freedom of **thought, conscience** and religion," which includes the right "to have or adopt a religion or belief of his choice."[5] This clearly includes the right to believe in secular humanism, atheism, or any other ideology, in addition to those particularly spiritual beliefs that we classify as religion. It most certainly prohibits a state from executing a person who renounces his or her religion, as Afghanistan is threatening to do at the moment. While religious authorities may adopt whatever non-violent sanctions they deem appropriate, such as condemnation or ostracism, state-sanctioned murder for one's religious beliefs should have disappeared centuries ago.

The final norm relevant to this discussion is found in Article 20 of the Covenant on Civil and Political Rights, which prohibits "[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". Most countries (the US is a notable exception) do not find this limitation problematic, and criminal sanctions against so-called "hate speech" are not uncommon.

---

4 Id., art. 19.3.

5 Id., art. 18.1.

There can be no doubt that publication of cartoons of the Prophet Mohammed in various newspapers offended most, perhaps all, Muslims, for whom even the depiction of Mohammed is unacceptable. The outrage was compounded by the fact that many of the cartoons were disrespectful or satirical; perhaps the most infamous is one that pictured Mohammed wearing a bomb as a turban.
Denmark (where the cartoons were first published) and many other countries apologised for the insult caused by the cartoons, but they also vigourously defended the right of journalists in a free society to publish them, no matter how upsetting. The reaction among Muslims varied greatly; Western embassies were attacked, violent protests killed dozens, and a rally of children reportedly organized by the largest Islamic group in Pakistan chanted, "Hang those who insulted the prophet!" and burned a coffin draped in American, Israeli, and Danish flags.[6] Just two days ago, the South China Morning Post reported that Malaysia's de facto law minister threatened criminal prosecution for any non-Muslim who insults Islam, although his suggestion was criticized by the daughter of former premier Mahathir, who complained that soon no one other than Muslim men with religious backgrounds would be allowed to speak about Islam.[7] Other individual Muslims and Muslim organisations called for restraint and non-violence, although condemnation of the cartoons' publication was universal.

What guidance does human rights law offer us in this situation? Should freedom of expression always trump religious sensibilities? Does respect for the principle of freedom of religion require that religions be protected from any criticism, even by non-believers? Does public criticism or rejection of the religious beliefs of a particular group automatically constitute "incitement to discrimination, hostility or violence," which is prohibited under international law? Should publication of an offensive article or cartoon be prohibited, solely on the grounds that those who are offended threaten violence?

Let us first separate two different aspects of the controversy. One argument against the cartoons is that, because depiction of Mohammed is prohibited under the tenets of Islam, such depiction should be illegal everywhere in the world. On its face, this proposition is ludicrous, just as extending the Jewish prohibition against eating pork to non-Jews or extending the Catholic prohibition on abortion to all people is unacceptable. If religious tolerance means anything, it surely means that it is wrong to impose one's own religious beliefs on others, no matter how strongly felt.

The second aspect of the controversy -- that publication of the cartoons constitutes an incitement to religious hatred and should therefore be punished -- deserves to be taken more seriously. As many Muslim commentators have noted, anti-Semitic speech is punishable in many European countries, and the United Kingdom retains laws against blasphemy against the Church of England. Earlier this month, a British historian was sentenced in Austria to three years' imprisonment for denying the existence of the Holocaust. In France, the Catholic church succeeded in obtaining an injunction against

---

6 Tanalee Smith, "U.N. conference tries to pacify furor created over Mohammed drawings," Miami Herald, 1 Mar. 2006.

7 South China Morning Post, "Minister threatens jail over Islam slurs," 22 Mar. 2006, p. A11.

a fashion ad campaign that parodied Christ's Last Supper. The European Court of Human Rights has upheld a ban on screening a film in Austria that was deemed offensive to Catholics, as a reasonable exercise of the state's power to limit rights in order to protect the rights and freedoms of others.[8]

Is this evidence of a double standard, in which Islam is treated with less respect in Europe than Christianity or Judaism? If so, cannot one also find a parallel double standard practised in Muslim countries, where anti-Semitic expressions are frequent, even in government-controlled publications? Does this entire controversy undermine the claim that human rights norms are universal?

To make sense of these and similar questions, we must realise that the universality of human rights does not mean that they must be interpreted in exactly the same way in every context. Despite the occasional ethnocentric rantings of governments and self-appointed defenders of culture, human rights does not seek to impose a single vision of society on the entire world. Its universalism is deliberately tempered by permitting states to limit rights based on competing rights and values, such as the rights of others and *ordre public*. Thus, the long-standing and fundamental commitment to secularism in France and Turkey is just as permissible as the avowedly religious orientation of Sri Lanka, Israel, Morocco, or (in earlier decades) Ireland and Italy. The necessary balancing between individual rights and fundamental values, combined with the "margin of appreciation" that I mentioned earlier, allows states -- within limits -- to adapt the precise contours of human rights to their own specific circumstances.

Of course, such discretion is open to abuse, and one of the primary tasks of human rights lawyers and institutions is to look behind the rhetoric of those governments that seek to mask intolerance and despotism behind a veil of cultural values or religious purity. While I personally would prefer an open climate in which criticism of all beliefs is permitted, we must recognize that what is acceptable free expression in one country may be unacceptable provocation in another. This should come as no surprise; even within the US, for example, standards of what constitutes obscenity are based on community values, not on a single national norm. Similarly, the European Court of Human Rights has consistently reiterated that it is impossible to discern "a uniform conception" of morality or the significance of religion within Europe.[9]

What cannot be defended is the suppression of all dissent and criticism on the vague grounds of promoting solidarity or communal peace -- history has shown us that blasphemy and sedition laws have been used much more often to suppress legitimate dissent than to prevent the outbreak of communal violence.

Democratic societies should reflect the values of their populations, but we also must bear in mind that human rights are most important not to the majority, but to the

---

8 Otto-Preminger-Institut v. Austria, Eur. Ct. H.R., series A no. 295A, App. No. 13470/87, Judgment of 20 Sept. 1994.

9 See, e.g., Handyside v. U.K., Eur. Ct. H.R., Ser. A No. 24, App. No. 5493/72, 7 Dec. 1976; Dudgeon v. U.K., Eur. Ct. H.R., Ser. A No. 45, App. No. 7525/76, 22 Oct. 1981; Otto-Preminger-Institut v. Austria, supra note 8.

minority. The cross-cultural tolerance that is loudly claimed to justify the suppression of offensive views from outside one's own society must be turned inward, so that different views and beliefs also are tolerated within societies. **Tolerance is a two-way street, and no government, society, or religion has a monopoly in claiming that the rest of the world respect its values.**

<u>The potential and limits of law</u>

The astute (and awake) among you may have noticed that in the last few minutes I have drifted from an analysis of international legal norms into a somewhat broader discussion of culture and tolerance -- and that slippage reflects one of the problems in many of today's debates over rights. I would like in this final section to return to the issue of the potential and limits of international human rights **law**.

First, despite the obvious difficulties in dealing with the edges or frontiers of human rights law, let me emphasize the consensus that exists in **all** regions of the world over the core content and legitimacy of most human rights. Fair trials and elections, respect for privacy, prohibitions against arbitrary killings and systematic racial discrimination, obligations on the state to promote basic socio-economic rights -- all of these norms are widely accepted in principle, even if practice leaves much to be desired. Bringing criminal charges against those who overstep society's boundaries is one thing; killing, torturing, and imprisoning one's political opponents or discriminating against minorities is quite another. Our debate over the precise scope of human rights law in **some** areas should not obscure our agreement on its content in many other areas.

Second, while I believe that it is no exaggeration to say that human rights were among the most important developments in international law in the 20th century, it would be a mistake to attempt to fit all socially desirable progress into the human rights framework. Similarly, not everything bad that happens in the world is a human rights violation. While there **is** a need to address the root causes of violations, social justice, mutual respect among communities, and global disparities, this does not necessarily mean squeezing everything into the category of "rights" -- **human rights are simply not designed to provide an answer to every social, political, or ethical question that arises in our increasingly complex world**. Insisting that they do so undermines their ability to achieve their more limited aims, and it may substitute the adversarial absolutism of rights language for the often more fruitful path of dialogue and open political debate.

Third, one must maintain the distinction between law and politics. Both are necessary to attain the goals of progress and increasing opportunity for all, but one should not distort the role or content of international human rights norms in order to promote narrow political purposes. Just yesterday, the Chinese minister of commerce, Bo Xilai, was quoted as saying that democracy should be viewed as a means, not an end in itself. Even allowing for a bit of self-serving justification for the Chinese political system, there is some truth in that statement. While human rights norms certainly include substantive values that must be respected, they are also a means to ensuring that societies are able to make decisions in a way that is fair, equitable, and consistent with human dignity. Just what those decisions will be depends on the moral, ethical, and political values of the particular society.

Fourth, I believe that human rights **are** truly universal, emanating not just from the West but rather as a reaction to the increasing power of the state -- for good or evil -- in the modern world. Since I have already indicated that the definition of human rights may not be identical in every country, it may be more accurate to think of human rights as "relatively universal". However, at the height of the debate over "Asian values" and human rights some years ago, the 1993 World Conference on Human Rights adopted the following statement by consensus, a consensus joined by states from all regions, including Asia. It may be worth reminding all governments of the commitment they made just over a decade ago:

> All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, **it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms**.[10]

Fifth, and finally, let us remember as we appeal to human rights law in our battles against injustice and inequality that the international human rights regime is still relatively new, relatively weak, and relatively confusing. The former UN High Commissioner for Human Rights, Mary Robinson, is fond of quoting a statement by Eleanor Roosevelt, who said that "human rights start in small places, close to home".[11] It is "close to home," working at the national level, that nongovernmental organizations and civil society groups must operate most assiduously. It is national governments, "close to home," that are ultimately responsible for ensuring human rights to their populations.

The role of being a human rights advocate demands perseverance and patience, and solutions to complex problems will not come from merely quoting international treaties and declarations. Appreciating both the limits and the potential of international human rights law, however, may make the task of establishing and maintaining peace and social justice just a little bit easier than it was a few short decades ago.

Thank you.

---

10 World Conference on Human Rights, Final Declaration and Programme of Action, UN Doc. A/CONF.157/23 (July 12, 1993), para. 5 (emphasis added).

11 See, e.g., Mary Robinson's speech to the 102d Inter-Parliamentary Conference in 1999, quoted in *A Voice for Human Rights* (Kevin Boyle ed. 2006), p. 285.