

Making Human Rights Matter: Eleanor Roosevelt's Time Has Come*

Mary Robinson**

The title for my address is “Making Human Rights Matter: Eleanor Roosevelt's Time Has Come.” “Making Human Rights Matter” sums up my conviction that human rights are the business of everyone. It also signals my concern that despite the progress that has been made in recent years in moving human rights to the center of the international agenda, the reality is that they are still viewed by many merely as rhetoric rather than legal realities which must be taken seriously.

Key to changing these views is education. If human rights are to be embraced and implemented at home and abroad, their study cannot be restricted to the fields of law, political philosophy or international relations. They must be explored and understood just as much by economists and entrepreneurs as by politicians, philosophers, and policy experts.

But education alone won't be enough. The human rights obligations of states must be understood and taken seriously as legal obligations. Governments must understand that there are negative consequences for non-compliance and positive ones for implementation.

The second half of my two-part title—“Eleanor Roosevelt's Time Has Come”—is intended as a reminder. A reminder that the world agreed, over fifty years ago, on a common set of international human rights standards that are as critically important today in achieving freedom, justice, and peace in the world as when they were first proclaimed.

Starting with the Universal Declaration and carried forward in the body of international law that has been painstakingly developed over half a century, the world has expressed through human rights its shared commitment to the values of dignity, equality, and human security for all people. Our challenge is to give those values meaning both in our own communities and in the global community of nations. We each have a responsibility to help realize the vision of the Universal Declaration. In Eleanor Roosevelt's words, to make human rights matter “in small places, close to home.”

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** UN High Commissioner for Human Rights, 1997–2000. At the UN, she oversaw the integration of human rights concerns into all UN activities.

I would only add that in today's world, when people and events on the next continent often feel as close as in the next state, we must also be willing to reconsider what "home" means and who our neighbor really is.

Thank you for offering me this opportunity to share some thoughts with you on where human rights have been and where I believe they should be going.

TAKING STOCK

My last visit to Harvard was in 1998, when the United Nations was marking the fiftieth anniversary of the Universal Declaration of Human Rights. At that time, I was still new in the job of High Commissioner and still searching for how best to use my mandate to advance the cause of human rights around the world.

On that occasion too, I referred to Eleanor Roosevelt's role in the early days of the UN's human rights work. Now, having read Mary Ann Glendon's excellent book, "A World Made New," which traces the drafting process which led to the adoption of the Universal Declaration, I am even more conscious of the enormous debt the world owes to Eleanor Roosevelt. I stressed in 1998 her conviction that if rights didn't have meaning locally, they would have little meaning elsewhere. As Mrs. Roosevelt put it: "Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Taking this statement as a point of departure is a useful way to reflect briefly on my five years as High Commissioner for Human Rights. For in many ways, I believe it is the phenomenon of an emerging global civil society movement for human rights, committed to translating universal principles into local realities, which best captures the developments of the past five years.

When I began my term as High Commissioner, there was already a sophisticated network of groups around the world who were active in promoting human rights and speaking out on behalf of victims. I cannot count the number of times over the past five years that these human rights activists provided me with valuable insights and information. Before each of my country missions, it was my practice to invite NGOs to meet with me for briefings. These encounters frequently shaped the agenda of my meetings in the countries concerned. I also benefited from and drew on the human rights research and analysis done within the NGO community.

Over the past year in particular, I noticed a transformation in how human rights activists, despite having different agendas, were increasingly linking their activities with groups addressing economic and social development, the environment and other issues of global concern.

I saw this most profoundly last month in Johannesburg at the World Summit on Sustainable Development. Global civil society has now recognized that the path to sustainable development requires explicit respect for

international human rights standards. Unfortunately, this affirmation was largely resisted by governments in Johannesburg.

Yet despite their unwillingness to embrace these connections in the formal documents of the Summit, the reality is that the debate has moved on ahead of governments. The broad human rights agenda, covering civil and political as well as economic, social, and cultural rights, which was initiated over half a century ago, was seen in Johannesburg as being of deep relevance across the broad range of issues on the Summit agenda. From rights relating to the environment such as access to clean water; to public health and HIV/AIDS; from corporate social responsibility to economic development; the environmental, development, and human rights communities have never been so joined in common mission and agenda as they are today.

I have witnessed the emergence of a powerful movement for change through NGOs engaging in a deeper democratic discourse, using the tools of the legal commitments governments have made under the six core international human rights instruments. Human rights NGOs in different regions of the world are working with governments in preparing the reports to the six treaty monitoring bodies, and, where necessary, preparing parallel or alternative reports. In the last few months, I have seen this for myself in Cameroon, South Africa, Mexico, Peru, Cambodia, East Timor, and even beginning in China.

In addition, development NGOs such as Oxfam are now adopting a rights-based approach to their work. They are aware of the human rights covenants and conventions the country in question has ratified, they know what reports have been submitted on steps taken by the government and the comments of the relevant committees, and they know if there have been visits and reports by any of the special rapporteurs of the UN Commission on Human Rights. They are linking this information to their own work and in particular how they seek to empower civil society groups in using this framework to push for results. It was NGOs, after all, that mounted the campaign for a great institutional development: the International Criminal Court.

It was natural for me as High Commissioner to look to women's groups and individual women to support human rights work, and also to encourage and support the fight for women's rights. I have a rich kaleidoscope of memories of how thousands of women in every region are engaged in practical projects, courageous activism and vital research. Whether they are combating poverty and discrimination, insisting on reproductive rights, working for peace in zones of conflict or giving leadership in political and economic spheres, the fascinating development is that the approach is increasingly rights-based.

Women are using the Convention on the Elimination of Discrimination against Women and its optional protocol, and are drawing on the Convention on the Rights of the Child to support the rights of the girl child and

the Covenant on Economic, Social and Cultural Rights to address issues such as the feminization of poverty.

A valuable dimension of this rights-based approach is that it applies equally to developed and developing countries, and to countries in transition. We are seeing emerge a sophisticated, literate women's movement world-wide which knows that women's rights are not just about words and advocacy, but about pinning governments to their legal commitments and making use of these tools both at the national level and internationally. Yes, we are on the verge of "A World Made New."

Another area I would wish to highlight in looking back over my term as High Commissioner is the change I have seen in the United Nations system. Under the leadership of Kofi Annan, the UN has made significant advances in the past five years, both in reaching out to civil society and the private sector and in integrating human rights more fully into the organization itself. When I began my term, the human rights work of the UN was largely isolated from the activities of the UN at headquarters or in countries around the world. Today, human rights play a central role in the UN's development activities. The presence of human rights specialists is also becoming a standard feature of peacekeeping and other UN post-conflict operations.

I am convinced that this process is firmly in place and will continue in the years ahead. A challenge for my successor, Sérgio Vieira de Mello, will be to further mainstream human rights into efforts to support countries rebuilding after conflict, such as Afghanistan and Sierra Leone, as well as assisting the larger number of countries striving towards sustainable development for their people. The new High Commissioner, as you know, has extensive experience in UN fieldwork and I believe the Office of the High Commissioner for Human Rights can make an enormous contribution in helping the UN to further operationalize the human rights dimensions of its activities in every part of the world.

Five years on, human rights are now firmly on the agenda of the international community. The arguments about whether human rights are universal, whether they could be made operational, and whether they have a serious place in the conduct of international relations are still heard in some circles, but in lower tones.

Today, most governments will at least acknowledge that human rights have a role to play. Unfortunately, that is not necessarily to say that they will all observe human rights standards. You will still hear governments arguing that they must place other factors first. The difference is that today, claims of that sort go against the tide of public opinion. There is a much greater recognition now of the centrality of democracy, rule of law, and respect for human rights to long-term peace, security, and economic and social development. And there is recognition of the importance of a United Nations that can claim universal legitimacy in addressing global challenges.

So I am confident in saying that progress has been made in recent years in strengthening human rights. But my assessment is tempered by events over

the past year which I believe create a climate of uncertainty for human rights. The horrific terrorist attacks on the U.S. and the response to these events in various countries is of course on all our minds. But I would also point to the Durban World Conference against Racism and the last session of the UN Commission on Human Rights as examples of where human rights progress has encountered significant challenges. Let me say a few words about each.

TERRORISM AND HUMAN RIGHTS

Some commentators have suggested that after the terrible attacks here in the United States on September 11, human rights are somehow to be curtailed, that the security imperative outweighs these considerations. I do not believe that.

I said immediately after September 11, and have repeated on numerous occasions since, that the scale and systematic nature of the attacks on New York and Washington qualified these acts as crimes against humanity under international jurisprudence. I stressed the duty on all states to find and punish those who planned and facilitated these crimes. I also echoed the words of Kofi Annan and other world leaders who stressed that there is no trade-off between effective action against terrorism and the protection of human rights.

Unfortunately, what I saw and heard in my final year as High Commissioner was undemocratic regimes using the tragedy of September 11 to pursue their own repressive policies, secure in the belief that their excesses would be ignored. Also troubling, democratic governments have taken measures which run counter to international law. These cases have been documented by respected organizations such as Amnesty International and the Lawyers' Committee for Human Rights.

As you know, the UN Security Council has established a Counter Terrorism Committee which in my view is an innovative and forward-looking approach. In many ways, it is similar to the way governments report under the human rights reporting system to a treaty body, in that it requires governments to report on the steps they are taking to combat terrorism.

Although protection of human rights is not primarily the responsibility of the Security Council, the Committee has acknowledged the need to take into account the expertise of other United Nations bodies, and to make sure that the measures adopted by governments do not unduly curtail human rights.

For example, the UN Human Rights Committee's General Comment No. 29, on States of Emergencies and derogations from provisions of the Covenant on Civil and Political Rights, provides important guidance in ensuring respect for the non-derogable provisions of the Covenant. These provisions remain binding and remain an essential consideration for all States Parties as they adopt measures to fight terrorism.

The challenge now is to maintain the integrity of international human rights and humanitarian law norms in light of heightened security tensions, while at the same time building a world of true human security. The UN Commission on Human Rights should take it upon itself to play a leading role in such efforts. If we are to succeed, combating terrorism must also become an effective war on disadvantage, discrimination and despair.

THE WORLD CONFERENCE AGAINST RACISM

An equally worrying trend over the past year has been a resurgence of anti-Semitism, notably in Europe, and a coarsening of the debate and language used in speaking about the Islamic world, immigrants and asylum seekers. Taken together, I fear that the forces of intolerance and discrimination are on the rise around the world.

In the days before the terrorist attacks of September 11, the world was addressing these issues in Durban at the World Conference against Racism. In looking back on my time as High Commissioner, I must say that that conference—decided on by the General Assembly before I became High Commissioner, and to which I was nominated as Secretary General—was one of the most frustrating and yet at the same time rewarding experiences.

The Conference was extraordinarily difficult—it was bound to be—for it addressed some of the most contentious issues faced by every country and by the international community. What I regret most is the hateful language that was used by some participants in bracketed draft text and at discussions in Durban itself. I, as well as the vast majority of other representatives from governments and civil society present, condemned these examples of intolerance but the damage was done and these voices of hate overshadowed the real progress that was made in Durban. That progress involved all the negative text being removed before a final document was adopted by consensus on September 8, 2001.

What is also disturbing is that as criticism of Durban continues, particularly here in the United States, it is clear that few critics have read the final documents of the conference. This is unfortunate, as the Declaration and the Program of Action are powerful tools for lobbying governments, educating people, empowering civil societies, and establishing frameworks for dialogue. Their specific calls and strategies for countering anti-Semitism, challenging rising xenophobia and protecting minorities, indigenous peoples, migrants, and other vulnerable groups should be used, and not disregarded out of hand.

THE COMMISSION ON HUMAN RIGHTS

The other event I wish to refer to as a cause for concern during my last year as High Commissioner is the session of the UN Commission on Human Rights which ended in late April. At its closing session, I encouraged the fifty-three member states of the Commission to reflect deeply on the divisive

debates and block votes that had taken place. I heard distress and concern voiced by the human rights movement that increased politicization of issues in the intergovernmental Commission was to the detriment of true human rights concerns. I urged the Commission to keep in mind its essential role in protecting human beings against gross violations through highlighting and publicizing those violations; providing a forum for victims to raise their grievances and to see their issues addressed; heeding the voice of conscience from different parts of the world; enabling NGOs to voice alternative views and perspectives from governments; developing norms and standards; and continuing the “building blocks” protection role of the Commission.

Developing countries argued that they face too much criticism. But is it not right that when there are situations of gross violations of human rights, the UN’s main human rights body would seek to protect the victims? And if it is felt that the existing methods are not adequate, is there not a responsibility on the membership of the Commission to consult and to find adequate ways of helping to protect the victims of such violations? A recent report of an international commission articulated the duty of the international community to come to the protection of those whose rights are being grievously violated. They highlighted the “responsibility to protect.”

The prevention of gross violations of human rights must be the starting point of the human rights agenda of the future. It is to the future I would now like to turn.

MOVING FORWARD

So how do we make human rights matter, as my title suggests? How can Eleanor Roosevelt’s vision of our shared responsibility for realizing human rights make a difference in an increasingly interconnected world?

There are two areas where I plan to concentrate my own future efforts in addressing these questions, and where I would welcome the involvement of this great university which is already doing so much to advance the study and implementation of human rights around the world.

My first objective is to bring the rights-based approach and experience of the human rights community into the wider debate on globalization, and work with others to shape a more ethical globalization. Many human rights advocates recognize the potential of this normative legal framework to be a vehicle for human development and democracy. Yet little has been done to date within the framework of international human rights norms to protect and promote the interests of those who are currently excluded from the perceived benefits of globalization.

Today’s globalization has left many people feeling, and rightly so, that they have been left behind. They feel powerless and see their governments as being unable to respond to local and national priorities. Many of the countries which made progress during the 1980s and 1990s in opening up their

markets and political systems have been met with increased social and economic tensions and some have fallen back into authoritarianism or conflict.

The reasons for this come down to failures of governance; a failure by the developed countries to open their markets, to reduce the protection of domestic industries where developing countries have the best chance of competing, as well as a failure to support developing countries committed to tackling poverty and join the technology revolution. Equally, many developing countries have failed to hold their leaders accountable, in combating corruption, and in enforcing the rule of law.

We need only consider some shocking statistics to know that globalization isn't making life better for all people. Every twenty-four hours, more than 30,000 children around the world die of preventable diseases. 6.3 million children die each year of hunger. Women are still the poorest of the world's poor—eight-hundred million of them—representing two-thirds of those living on less than a dollar a day. A thousand million people are still without access to clean water supplies, and 2.4 billion people lack access to basic sanitation.

It is clear that a human rights approach adds value by giving civil society the tools to hold governments accountable. The rights-based approach is being brought to new levels by initiatives such as the expert consultative work carried on developing guidelines for a human rights approach to poverty reduction strategies. The draft guidelines are now available and will be tested by UN programs as well as organizations such as the World Bank as they help states in formulating, implementing, and monitoring their national poverty reduction strategies. The challenge is to build on such initiatives and use them to influence other aspects of the globalization equation.

The second area I will be focusing on is helping—in a low-key way—to fill a gap which troubles me in human rights at the international level. We still do not put enough emphasis on helping developing countries to build their own national protection systems for human rights. While the importance of human rights and democracy to sustainable development is now widely recognized, far too little of the necessary intellectual and financial resources needed for human rights education, effective administration of justice, rule of law, and popular participation in local and national decision-making has been made available to developing countries.

I must emphasize that respect for human rights remains the primary responsibility of national governments. Independence of the judiciary, freedom of opinion and expression, open and fair elections—all provide the legal framework for democracy. They also contribute to a healthy environment for investment and economic growth.

Yet the reality is that in many countries we have seen the breakdown of national government institutions, weak legislative and judicial environments and the decline in the provision of basic services. Do we leave people in these countries to their own fate? Or do we accept that we have some obligation to help them build a sustainable future?

I plan to focus on addressing these questions initially through the framework of the New Partnership for Africa's Development ("NEPAD"). African government leaders have committed themselves through NEPAD to delivering pluralistic States with transparent administrations, effective institutions, and sound regulatory frameworks, all underpinned by the rule of law and respect for international human rights standards.

African leaders have made the commitments. But questions hang over how innovative approaches such as the peer review mechanism, whereby governments will hold each other accountable for good governance, will be implemented. Clearly, resources—both financial and intellectual—are desperately needed if we hope to see changes. Building a national protection system must be country-led, requiring both the political will of the government and the involvement of civil society. And help from the outside must be offered in support, so that the approach is truly sustainable.

My hope is that new and existing links among universities, research centers, and professional legal bodies in the North and other parts of the South with counterparts in individual African countries could be developed. In this way, increased resources could be marshaled for projects to support human rights capacity building in these countries.

I am pleased that I will be supported in my work on both of these objectives by a partnership of three distinguished organizations with a proven record and commitment to addressing challenges facing our unequal world: the Aspen Institute, the State of the World Forum, and the Geneva-based International Council on Human Rights Policy. We are calling this new project the Ethical Globalization Initiative. What is clear to all of us involved is that we will need to engage a broad range of partners in achieving the objectives I have outlined.

A ROLE FOR UNIVERSITIES

This is the point at which I turn to all of you for your ideas and engagement. How can Harvard expand the circle further by bringing the human rights message to an even wider student and faculty community? Equally important, what more can you do to "make human rights matter" here at home and around the world?

I know that President Summers has made it a priority for Harvard to think about the technology revolution, about globalization in broad terms, and about how Harvard can contribute to the wider world.

Important work is being done here at Harvard in a number of schools to make the links between human rights and other social and economic issues. I think, for example, of the work Steve Marks, Jennifer Leaning, and Sofia Gruskin are undertaking at the François-Xavier Bagnoud Center for Health and Human Rights. The Center's cooperation with UNAIDS and with the UN Committee on the Rights of the Child, to develop model approaches for including HIV/AIDS and health issues in reports, and substantive guide-

lines for questioning governments when they report to the Committee, is an invaluable form of cooperation.

Michael Ignatieff and his colleagues at the Carr Center for Human Rights Policy have brought their expertise to bear on projects both in the U.S. and in places such as Kosovo. The Law School has a long tradition of connecting human rights issues to the Harvard community and in supporting human rights activists in the field.

But I would challenge all of you to consider what more could be done. One academic area that comes to mind in particular is the business sector. My friend and former UN colleague John Ruggie and I devoted a good deal of our energies to developing the UN's capacity to engage with the business community on issues of human rights, labor rights, and environmental standards through the Secretary General's Global Compact initiative.

I would like to congratulate John on his appointment as the Director of the Kennedy School's Center for Business and Government. The Center's focus on corporate social responsibility and finding ways to address social problems through cooperation between public, private and nonprofit sectors is vitally important in making the global economy work for all people.

I was told that Harvard Law School is creating a new program to examine changes in labor and employment law and the prospects for enforcing international labor rights standards. There is a growing debate within the business community itself on how voluntary approaches of engagement and learning such as the Global Compact should be linked to the normative work currently being debated in the UN Sub-Commission around corporate responsibilities for human rights protection. Business groups such as Business for Social Responsibility here in the U.S. and the UK-based International Business Leaders Forum have spoken favorably about the Sub-Commission's work and the value that could come from an international benchmark on corporate duties in this area.

I would encourage the Kennedy School and the Law School to consider how they might enlist another key actor—Harvard's Business School—to engage actively with them on questions concerning the private sector's role in the promotion and protection of human rights. I hope there are some students and faculty from the business school here this evening who would help take such an initiative forward.

How could the human rights programs and centers here at Harvard work with business and other professional schools to give students the tools to think in a rights-based way and help them solve complex economic, social and environmental problems? A recent survey of business schools by the Aspen Institute and the World Resource Institute suggests that very little is being done to integrate social and environmental concerns into required MBA coursework or to undertake rigorous research around these areas.

CONCLUSION

I conclude by reiterating my belief that progress has been made throughout the world in promoting the idea of all human rights for all. But the question remains: what of the millions who suffer from deprivation of the basic means of life or who live under oppression and discrimination? When they stand up—as they will increasingly do—to claim those universal rights, what are we to say to them?

I believe their future can be different. As a start, think of what could happen if the business and academic communities were to join forces in making human rights matter.

I recall the message carved above Harvard's Dexter Gate: "Depart to serve better thy country and thy kind."

I truly believe the only way we can move forward is if human rights become part of our service and part of the rules of the road for a new principled globalization. A globalization which affirms that our common humanity doesn't stop at national borders. A globalization that embraces Eleanor Roosevelt's vision and that of her fellow drafters of the Universal Declaration of all human rights—civil and political, economic, social and cultural—as the foundation of freedom, justice, and peace in the world.