

Reflections on Twenty Years in Human Rights

New Frontiers for the Human Rights Movement

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The global human rights movement faces challenges unforeseen just a few years ago. Fundamental individual rights are being eroded to startling degrees by policies advanced in the name of national security and survival in such broad strokes that new efforts must be made to reassert the line between legitimate state actions and those that undermine societies' most basic values.

The embrace of freedom and democracy has become a global movement built upon countless acts of courage, including those carried out by the brave soldiers who defeated tyranny in World War II. Franklin Delano Roosevelt and Winston Churchill understood the power of this ideal when appealing for human solidarity against Nazism. The adoption of the Atlantic Charter in 1941 raised a moral banner under which the United States could enter World War II. The Charter asserted "the right of all peoples to choose the form of government under which they will live . . ." and envisaged a world in which "all the men in all the lands may live out their lives in freedom from fear and want"¹

The Charter was high political rhetoric made imperative by state sanctioned mass brutality. It also represented a fundamental break from the paradigm of unconditional sovereignty of governments, and empires, over their subjects. A young lawyer named Nelson Mandela was inspired by the document and, along with other South African human rights advocates, helped create the African National Congress' "African Claims" of 1943. Mandela's vision took fifty years to realize, and millions of others joined the struggle within their own societies. Human rights heroes such as Mandela have made tremendous gains in advancing a set of rules that morally bind governments against arbitrary actions and repressive policies.

The moral authority that set this movement into motion is today being undermined by the catastrophic U.S. decision to wage war in Iraq under the

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1. Atlantic Charter, U.S.-U.K., Aug. 14, 1941, 55 Stat. 1603; for more on the Atlantic Charter's connection to the evolution of human rights, see ELIZABETH BORGWARDT, *A NEW DEAL FOR THE WORLD* (2005).

misappropriated banner hoisted by Roosevelt and Churchill in 1941. In this case, neither the nobility of the cause nor the unity of purpose existed.

Just as disastrous has been the adoption of policies that allow indefinite detention, denial of due process, and the use of torture, while claiming the entire planet as a battlefield for an endless war where the rules of civilization do not apply. Fortunately, the champions of human rights throughout the world are challenging this claim, despite resistance from the United States and other major powers too eager to protect military prerogatives of dubious legitimacy.

It will take great effort to repair what has been lost and to forge new unity around a common purpose. Concerted action is required to ensure the emergence of politically capable states in all regions—decent democracies that command the voluntary loyalty of their citizens and the cooperation of their neighbors—which together can forge more effective global norms, institutions, and the collective resolve to which all states, large and small, are held accountable.