

## *Introduction\**

Since September 11<sup>th</sup>, 2001, the world has experienced shock at the massive scale of the terrorist attacks in the U.S.A., fear and insecurity in its aftermath, mobilization for and actual conduct of war, emergency measures and restrictions on freedom intended to deal with the threat of terrorism, the expulsion of the Taliban from Afghanistan, the manhunt for the leaders of Al'Qaida, fear of flying, bankruptcy of some airlines, a marked downturn of economic activity globally, and great uncertainty about the future. In the midst of all of this, conditions for the poor are harsher and opportunities for the developing countries to survive in a globalizing world are even more precarious. What are the implications for human rights in the global situation unfolding before our eyes?

An evaluation of the global implications beyond September 11<sup>th</sup> should proceed from a solid political and security assessment of what the global situation is likely to be in a few months time rather than on a doomsday scenario. The reaction of the United States and its alliance partners to the terrorist attacks of September 11<sup>th</sup> has put an end to the Taliban regime and to the terrorist network in Afghanistan. There could well be a holdover international network of terrorists, but any government tempted to support them will have to weigh heavily the mobilization of the major global powers against terrorists and their backers.

One has no idea how the situation in the Middle East will evolve and whether frustration over the fate of the Palestinians could lead to continuing acts of self-sacrifice on the part of Arab or Islamic militants. In all probability the plight of the developing countries would have worsened with internal conflicts continuing to proliferate in different regions of the world. Minorities and population groups with

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\* The views expressed throughout this work are those of the author in his personal capacity.

grievances can be expected to continue to press their causes and the supply of arms will remain abundant in the world's arms markets. In the midst of all this, people can be expected to continue to try to move across borders in search of economic opportunities while controls on immigration are tightening and a clamp-down on some liberties is in place in the hope of warding off future terrorist attacks. It will be crucial to uphold the rule of law in the midst of this.

The fundamental policy issue that arises for reflection is whether one looks at the global implications beyond September 11<sup>th</sup> in the context of a doomsday scenario of continuing mobilization against terrorism, or in a scenario of an eventual return to normalcy. It is our respectful submission that, now that the U.S. and its partners have decisively defeated the Taliban, one must project on the basis of a return to regular international intercourse while remaining guarded against future terrorist activity – in ways that respect democratic principles and basic human rights.

If the projection of a return to normalcy while guarding against future terrorist attacks holds up, then it is submitted that the international agenda of the future must remain what it was prior to September 11<sup>th</sup> with two caveats: First, one must build in an agenda item on active international cooperation to combat terrorism; and second, there must be a move on the part of those concerned to genuine multilateralism in the spirit of the United Nations Charter.

The vision of the Charter of the United Nations remains valid in the world beyond September 11<sup>th</sup>. If anything else, events after September 11<sup>th</sup> have demonstrated the worth of the world body and the importance of nations, large and small, cooperating in good faith to achieve the mission of the Organization. September 11<sup>th</sup> has taught the world one fundamental lesson: the security of nations, even the mightiest, requires genuine partnership and cooperation at the United Nations. The world beyond September 11<sup>th</sup> must lead to a stronger United Nations. The multilateral response to September 11<sup>th</sup> gives us an opportunity that we must seize in order to reinvigorate belief in the United Nations and work to apply multilateral principles to so many other common, urgent problems.

Another fundamental lesson after September 11<sup>th</sup> is that the pursuit of peace in situations of conflict or unrest must be equitable and

that the United Nations has particular strengths as an instrument of peace-making. Until now, it has been assumed that great powers are in a more advantageous situation to undertake the peace-making task than the world Organization. Great powers will continue to have a major role in peace-making efforts. But the fact that the United Nations stands for, and represents, the international community has come to be appreciated as never before in the aftermath of September 11<sup>th</sup>. The United Nations is now seen as standing for something unique and special: those carrying the imprimatur of the United Nations speak with the voice and the respect of the international community.

What one has seen after September 11<sup>th</sup> is that tolerance and respect among peoples, which are foundation tenets of the Charter of the United Nations, must now become crucial components of future security strategies. A world in which one group feels that it is being looked down upon by another is a world that will remain insecure. The assault on poverty is an integral part of the quest for dignity, equality, respect, and decent life-chances in the world. The world beyond September 11<sup>th</sup> must pursue a determined assault on poverty. Global security would simply not be possible in a world of increasing poverty.

Whether it be the quest for security, the quest for respect and tolerance among peoples, or the quest for the reduction of poverty, the promotion and protection of universal human rights will be the decisive element. To be secure is to be safe, protected. Security is a secure condition or feeling.<sup>1</sup> It is respectfully submitted that international human rights norms define the meaning of human security. The Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of the Discrimination Against Women, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Rights of Migrant Workers and Their Families are all meant to make human

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1. The Oxford Modern English Dictionary, Oxford University Press, 1992.

beings secure in freedom, in dignity, with equality and the protection of human rights.

It was a major breakthrough of the Universal Declaration of Human Rights to provide basic guarantees regarding food, health, education, housing, protection of the family, democracy, participation, the rule of law, and protection against enslavement, torture, cruel or inhuman or degrading treatment or punishment. These seminal provisions were amplified in the subsequent conventions and they have a simple rationale: these human rights and fundamental freedoms must be respected, assured, and protected, if the individual human being is to be secure, to develop to the fullness of his or her personality, and to breathe the air of liberty.

In his important work, *Development as Freedom*<sup>2</sup>, Professor Amartya Sen has lucidly brought out the linkages between development and freedom. Paul Johnson, in *Modern Times*<sup>3</sup>, demonstrated how the lack of freedom has impoverished many countries. One can point to situation after situation in different parts of the world where the lack of freedom saps the creative capacity of the people and impoverishes them. Where people are free, they are inspired to create and to produce. They can be more efficient as they draw upon individual and corporate enterprise and explore new ways of doing things. Controlled economies are well-known to be inefficient economies. Where there is oppression and corruption, development can hardly take place. The centrality of human rights for development is therefore of the utmost importance. This brings us to our next proposition, namely, that respect for human rights is necessary for the prevention of conflicts.

A society that is striving in good faith for human rights, that is imbued with the spirit of respect for human rights, that is aspiring for a culture of human rights, is one that can lessen the risks of conflict. Strategies of conflict prevention must therefore be built integrally upon strategies of promoting and protecting human rights. The best conflict prevention strategy, at the end of the day, is a strategy of respecting human rights. Approaches to peace-making, peace-keeping

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2. Amartya Sen, *Development As Freedom*, Oxford University Press, 14 October 1999.

3. Paul Johnson, *Modern Times, The World from the Twenties to the Eighties*, Harper & Row, 1983.

and peace-building must also be anchored in the promotion and protection of human rights, a proposition to which we shall turn next.

While not underestimating the complexity of the peace-making task, it would be a fair proposition that a peace that is not accompanied by strategies for the promotion and protection of human rights is unlikely to be a lasting peace. The peace that is put together by a peacemaker, with an integral human rights component, must be taken forward and safeguarded by peace-keepers and by peace-builders. This is why peace-keeping operations nowadays have human rights sections as standard components. More and more, peace-building packages have human rights chapters.

The strategic importance of human rights to peace-keeping and peace-building was well brought out by Secretary-General Kofi Annan in his address to world leaders at the General Assembly on 10<sup>th</sup> November 2001. The Secretary-General stressed that the United Nations must always stand for the rule of law in international and domestic affairs. “The United Nations must place people at the centre of everything it does” – enabling them to meet their needs and realize their full potential. In presenting “four burning issues”, the Secretary-General cited the eradication of extreme poverty, the struggle against HIV/AIDS, the prevention of deadly conflict, and tackling the root causes of political violence. He declared: “The common thread connecting all these issues is the need to respect fundamental human rights”. And he added:

“I am determined to integrate human rights even more fully into every aspect of our work.”

It surely must be a sound proposition to say that the role of governments, nationally, regionally and internationally should be to help realize the rights and freedoms that are contained in the international human rights conventions. In those conventions, the international community has defined what it considers to be the elements of human security. The starting point of governments should therefore be to ask the question: How can one devise policies and methods of governance that can help realize the specific rights and freedoms in the main human rights conventions?

Three conceptual pillars must guide our future endeavours: first, maintaining the United Nations consensus on the universality of

human rights. This is important morally and politically. Second, emphasizing the elements of independent expertise in following up on the treaty obligations of governments to uphold human rights. Third, drawing on the well-spring of support for human rights at the grass-roots level and the world of NGOs. Whatever diplomatic battles are fought over human rights, individuals across the globe claim them as their birthrights. People at the grass roots aspire for democracy, the rule of law and respect for human rights. This is the essence of the democratic test and affirmation of the validity of human rights universally. The Office of United Nations High Commissioner for Human Rights is the flag-bearer of universality.

In his Nobel Lecture on 10 December 2001, Secretary-General Kofi Annan declared:

“In the 21<sup>st</sup> Century, I believe the mission of the United Nations will be defined by a new, more profound, awareness of the sanctity and dignity of every human life, regardless of race or religion. This will require us to look beyond the framework of States, and beneath the surface of nations or communities. We must focus, as never before, on improving the conditions of the individual men and women who give the state or nation its richness and character ... In this new century, we must start from the understanding that peace belongs not only to states or peoples, but to each and every member of those communities. The sovereignty of States must no longer be used as a shield for gross violations of human rights. Peace must be made real and tangible in the daily existence of every individual in need. Peace must be sought, above all, because it is the condition for every member of the human family to live a life of dignity and security.”