

# *A Human Rights Message*



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## CONSCIOUSNESS OF VULNERABILITY

by Abdullahi An-Na'im

I was born in *al-Maghaweer*, a village across the Nile from Shendi in northern Sudan, in 1946, two years before the adoption of the Universal Declaration of Human Rights by the United Nations in 1948. Fifty years later, there is little knowledge among the people of my village, and my country in general, about the possibilities of utilizing the Universal Declaration for their own liberation, dignity and well-being. Even educated young people who have some familiarity with international human rights standards tend to focus more on the manipulation of these standards by ruling elites and foreign governments, than on claiming the protection of human rights for themselves and their communities. Some educated elites also reject present international standards of human rights as contrary to local Islamic culture or context. This is what I will refer to below as cultural or contextual relativism. My own most serious concern, however, is that the vast majority of Sudanese in the southern and western parts of the country are desperately struggling for survival and subsistence among the carnage of civil war, devastation of famine and the collapse of local economies.

Although the present situation in the Sudan is particularly bad, most people around the world, especially in Africa, Asia and Latin America, are clearly far from realizing the promise of the Universal Declaration. Does this mean that the Declaration has little relevance or practical utility to most people around the world? Whether that is believed to be true or not, what are the implications of the harsh realities of daily life in developing countries for those who claim commitment to the ideals of liberation, dignity and well-being for all of humanity? Are there enough people who share this commitment, and how can they translate their conviction into concrete positive action?

The response I propose for these and related questions is as follows:

1. All human beings everywhere are *immediately and constantly* vulnerable to the violation of their human rights, whether they live in developed or developing countries. We should therefore all be *conscious of our individual and collective vulnerability*.

Actual or potential victims must not only protect their own human rights, but a systematic and collaborative response in this regard is more likely to succeed than isolated disconnected efforts. Accordingly, we must all adopt a *proactive approach* to our vulnerability to the violation of our human rights.

Improving the legitimacy and efficacy of the present international human rights system is our shared *individual and collective responsibility* because we are all benefiting from its effective implementation. That is to say, unless and until an alternative system is developed and implemented, each one of us should act individually and in collaboration with others in resolving whatever problems may exist with the system developed under the auspices of the Universal Declaration, instead of passively criticizing it.

To elaborate on these points, I would first emphasize that the modern concept of human rights is the product of a long history of struggle for social justice and resistance to oppression that is constantly adapting to changing conditions in order to better achieve its objectives. To the extent that the sources and processes of injustice and oppression are specific to each society, there is the pull of cultural and contextual relativism—the claim that a society should live by its own norms and values rather than those of other societies. Conversely, as the role of local cultural and contextual conditions is affected by growing globalization, the importance of universal human rights as a common response increases. That is to say, as global interdependence increases due to new technologies, the integration of markets, and so forth, there is more need for common responses to shared and inter-connected sources and processes of human rights violations.

But since the impact of globalization itself tends to provoke stronger assertions of self-determination, the tension between cultural and contextual relativism, on the one hand, and universality of human rights, on the other, will probably continue. To keep this unavoidable tension from repudiating the concept of human rights and frustrating its purpose in different societies, there must be a deliberate effort at building an overlapping consensus around the normative content and implementation mechanisms of human rights. That is, the project of the universality of human rights is to be realized through a confluence of societal responses to injustice and oppression, instead of attempting to trans-

plant a fully developed and conclusive concept and its implementation mechanisms from one society to another.

It is true that the immediate history of the modern concept of human rights (as rights due to all human beings by virtue of their humanity and without distinction on such grounds as race, sex, religion or belief) can be traced to certain philosophical and political developments in Western societies. But it should be emphasized that those Western developments were building on the totality of human intellectual heritage and practical experience in pursuit of justice and resistance to oppression, though that was not always acknowledged. Moreover, as Western models of the extensive and centralized powers of the state and capitalist economic systems have been "universalized" through colonialism and its aftermath, the modern idea of human rights that has emerged in Western societies to promote justice and effective resistance to oppression under those models is necessary for achieving similar goals wherever those models were adopted.

It should be noted that the Western models of political and economic organization that were universalized through colonial and post-colonial relations were not exclusively favorable to human rights ideals. Western theory and practice include ideological opposition and resistance among some ruling elites, business and the public at large to the full scope and implications of the modern concept of human rights, especially economic, social and cultural rights. Consequently, for example, trade union rights are necessary for the protection of the human dignity and well-being of workers under certain types of relations of production, whether in Western or non-Western countries. It would therefore be misleading, on the one hand, to claim exclusive Western "ownership" of the present international human rights standards. On the other hand, Western failures to consistently comply with these standards are the responsibility of the same hegemonic and imperialist forces against whom human rights protections are intended to operate within Western countries themselves as well as abroad.

Moreover, since the universalization of Western models of economic and political organization does not mean that they are replicated everywhere according to the same precise and static blueprint, the linkage of human rights to the global prevalence of those models does not mean taking a deterministic or rigid view of the normative content and implementation mechanisms of these rights. As those political and eco-

nomical models are constantly evolving and adapting to changing conditions everywhere, the precise nature of the human rights response is also likely to change over time and from one place to another.

However, since the modern human rights paradigm requires international cooperation in the formulation and implementation of its standards, claims of cultural or contextual relativism cannot be allowed to repudiate the universal validity and binding force of human rights. No society can expect cooperation from other societies in the implementation of international human rights standards if it is claiming the right to select which rights are binding on itself, and which are not, according to its own international criteria.

Finally, I wish to emphasize that violations of any of the rights and freedoms provided for by the Universal Declaration must be equally condemned and redressed, regardless of their source or cause. There is nothing in the language of the Declaration that limits human rights to individual civil and political rights, or restricts implication for the requirements of the identification of an individual victim, violator and judicial remedy. For example, Article 25 of the Declaration provides that everyone has a "right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services, ..." Article 28 adds: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." In other words, the Universal Declaration of Human Rights stipulates doing what I would call "whatever it takes" to fully realize the right of every person to food, clothing, housing, medical care and necessary social services, regardless of why or by whom these rights are violated.

In conclusion, there is more than enough cause for celebrating the 50th anniversary of the Universal Declaration everywhere in the world, because we are all vulnerable to the violation of our human rights. Whatever reason some of us may see for the failure to fully realize the rights and freedoms set forth in the Declaration, each one of us is responsible for that by not being sufficiently proactive about his or her own consciousness of vulnerability to the violation of our human rights.