

Track six

COLLIDING FUTURES

ONLY TRUE HUMAN RIGHTS SHOULD BE UNIVERSAL

During the past week, three potential human rights futures have been on show. Each is not impossible, and must be fought against with all the energies human rights activists can muster.

THE BUSH DOCTRINE

According to the former president of the United States [George W Bush](#), there was nothing wrong with water-boarding suspected terrorists, in other words with simulating in them the imminence of drowning so as to secure information. To the former President this was either not torture, or if it was the lawyers had told him it was okay, or even if it wasn't okay then 'so what, it saved many lives'.

Three of [Stan Cohen's states of denial](#) wrapped into one package of self-justification!

The fact that at the same time the then President was pushing a strong line on human rights around the world – a line that at least in part underpinned military action in Iraq – was neither here nor there.

This is one of our potential futures: human rights as the servant of an imperial-style power, the term used as past generations of powerful leaders have used 'Christian values' or 'crusades' or 'civilising mission' – a way of sweetening self-interested aggression for the more squeamish folks back home.

LOCAL TRUMPS GLOBAL

China signed up to the International Covenant on Civil and Political Rights in 1998. It accepts the UN's system of universal periodic review. Even its constitution now declares (in [article 33](#)) that 'the State respects and guarantees human rights'.

But China's acceptance of human rights is so minimally a la carte as to be ethically anorexic.

Open (as opposed to staged) elections are nowhere to be seen, with the countries leaders landed on the people without prior debate or discussion. Ethnic unrest (as in Tibet in 2008 or Xinjiang in 2009) is ruthlessly put down. The rule of law fades away whenever it threatens the commercial interests of the powerful. Freedom of expression is savagely punished: Nobel prize-winner Liu Xiaobo is only the most famous (and perhaps also the most scandalous) of those jailed for speaking out for citizens' rights. Over all efforts to secure human rights hangs the spectre of [Tiananmen Square](#), with the unspoken threat 'yes, we would do this again'.

My [Common Track Five](#) on Asian Values, China and Human Rights, released today, looks at these issues in greater depth.

China is not opposed to human rights: it merely wants them on its terms. A dedication to 'Asian values' commits to a belief in human rights that puts harmonious living above individual liberty and looks to the collective welfare over the rights of this or that person.

Insofar as China is concerned, this local certainty about what human rights entails effectively flows from the Communist Party, unmediated by input from civil society (if there were any) or rival visionaries (if these were permitted) or opposition parties (if any were countenanced).

As China grows stronger in the world, expect human rights as an idea not to disappear but rather to be subject to increasing efforts to force it into a shape agreeable to the local elites whose harmonious life and family welfare are massively advantaged by this highly particularised brand of human rights.

BANDITS IN BURMA

Even the Junta that runs Burma (or Myanmar as they call it) think they can now risk playing this human rights game. [Aung San Suu Kyi](#) has been released. The generals have committed themselves to 'disciplined democracy' – but this is much as an arrogant school teacher would host a discussion in which only complaint pupils are let into the class room and any

student who disagrees gets beaten up. According to the UK's annual [human rights report](#) the place remains among the most repressive on earth

But this does not stop the country's [new constitution](#)

- speaking of striving for the 'further burgeoning' of 'the **eternal principles** namely justice, liberty, equality and perpetuation of peace and prosperity of the National people'.
- Promising to 'uphold racial equality' and to administer justice 'independently according to law'
- guaranteeing every citizen 'the right of equality, the right of liberty and the right of justice.'
- Devoting a whole chapter (chapter eight) to 'Citizen, Fundamental Rights and Duties of the Citizen.'

Burma is also a member of the regional Association of South East Asian Nations (ASEAN) and theoretically committed to human rights as a result, though [pressure from that body](#) has hardly impacted on the Junta.

'Hey, this human rights thing is easy once you get the hang of it,' you can imagine these generals saying to themselves – and being supported by China when they do so.

AND THEN THERE IS A FOURTH MODEL...

Russia stands ready to demonstrate how cynically human rights can be worked and abused within even the sophisticated (or supposedly sophisticated) European system. A member of the Council of Europe, Russia subscribes to the European Convention on Human Rights and submits to the judgments of that treaty's oversight court, the European Court of Human Rights in Strasbourg.

Yet Russia appears able to engage in violent action against a Council of Europe neighbour (Georgia), while being incapable of protecting the series of investigative reporters whose deaths have made the country one of the most dangerous in the world for independent journalists. Cases that reach the European Court of Human Rights show a police system

which is recklessly disregarding of the rights of those drawn (for whatever reason) within its orbit, [Sokolov v Russia](#) for example, a case decided just a couple of weeks ago.

If you are a country that is too big too fail in human rights terms, then it seems you never need to even try to succeed.

WHICH OF THESE FUTURES WOULD YOU CHOOSE?

It is important that we regard none of these as inevitable or right. To a greater or lesser extent they all represent flawed versions of the human rights ideal.

The work we have done in earlier [tracks](#) in this project equips us to spot bad faith in action.

None of these versions of human rights is driven by an empathetic engagement with the plight of individuals or their communities. There is precious little genuine 'giving', rather the pursuit of (to use Favio Farinella's idea from [track five](#)) 'bad givers'. The goal is to preserve inequality and to safeguard selfishness. President Bush's approach comes closest to a true human rights perspective but even here his pursuit of moral ends (democracy; the rule of law; human rights) has lost sight of the individual and in the process become either a crude kind of utilitarianism or a cover for the exercise of conventionally self-interested state power.

And what happens if you try to be a brave 'taker', an asserter of your human rights, in China, in Burma, in Russia?

The question needs only to be posed for it to be immediately seen how difficult, indeed dangerous this is. None of these political cultures allows the kind of struggle for human rights that should be part and parcel of a human rights culture. The British prime minister visits China while mass demonstrations occur at home over his challenge to [the right to education](#). Far from showing weakness, this reveals a great strength of the democratic system: the confidence inherent in it that the system can survive the pressures put on it by the divisive application of policies, and that those policies must always be capable of being tested in open discussion, not only within the legislature but on the streets as well.

ASSERTING UNIVERSAL HUMAN RIGHTS

With the work of earlier [tracks](#) behind us, we can say with a degree of confidence that for various reasons explored in [track one](#) in particular, the world has stumbled upon a form of government which produces the best outcomes for its peoples: it combines a respect for the dignity of all with a commitment to representative government and a guarantee that that government shall be conducted in accordance with the law.

Of course no system is perfect, and nor is any country seeking to exemplify any such system (defective or otherwise) in action.

We live in a flawed world, where we do the best we can with the tools we have got.

And that means rooting for representative government (democracy) with proper respect both for the dignity of the individual (human rights) and for the independence of those charged with administration of the law (the rule of law).

This is a true human rights approach to governance and it is universal, being evidenced through history at many different places in the world. Sparks of it exist everywhere across the world today.

If China wishes to criticise Britain's system of government it is welcome to do so: which bits would it like us to have: the one-party state, the death penalty, the controls on expression, the jailing of dissidents? If dialogue is meant to be a two-way conversation, then democratic Europe is not afraid of any criticism that the Chinese might muster.

And Russia? Is the country at a crossroads or is human rights a mere smokescreen for growing state tyranny? The answer may well be a bit of both. The Council of Europe needs to be a partisan for the better bits of Russian governance in the hope that the good gradually expels the bad, making it a distant memory of the post Communist turmoil rather than the overwhelming truth of today.

Once we know what true human rights entail, we can avoid the various bad faith visions that are offered to us, and assert the importance of human rights without fear of being knocked off our stride by accusations of colonialism or double standards or an addiction to partisan 'western' values: see [common track five](#)