Human rights, of a kind, have been around for a long time. A citizen of ancient Rome, if condemned to die, could choose to be beheaded. A non-citizen would be tortured to death, or crucified.

In more recent times, England’s Bill of Rights in 1689, the American Declaration of Independence in 1776 and the French Declaration of the Rights of Man in 1789 have been seminal influences on modern institutions. Lord Acton believed that the “Declaration of the Rights of Man made by the revolutionary movement in France had a more powerful impact on European history than all Napoleon’s armies”. (Yet we must not overlook that the French Revolution’s ideals were played out in the Reign of Terror to the roll of tumbrils carrying ever more victims to the guillotine.)

In post-war history two watersheds stand out in contemporary political events. The first was the United Nations’ Universal Declaration of Human Rights, codified in 1948 under the influence of its presiding genius Eleanor Roosevelt. The second, perhaps more controversial, was the determination of a US president – Jimmy Carter in the late 1970s – to make the issue one of the central points of his presidency.

I have no reason to quibble with what Mr. Carter told me in Vienna in 1993: “There is no way that Amnesty International, for all its wonderful work, can play the same role as the president of the United States can play.” What was missing, however, from the end of that sentence were the words “if he wants to”. That certainly applied to Carter himself, who was, to say the least, inconsistent in the application of his human rights norms. Even in his final speech as president before the Democratic party congress he almost exclusively lambasted the Soviet Union for its falling short, ignoring the many parts of the world where the US gave tacit support to unsavory regimes for geopolitical reasons. But he did lay down, particularly within the Democratic party, precepts by which the actions of future presidents could be judged and which could be used by organisations like Amnesty International to hold the politicians to account.
Nothing perhaps illustrates more sharply the gap in thinking between those who try to integrate human rights into everyday geopolitical thinking and those such as Amnesty who stand apart from day-to-day political compromise and insist on an untarnished standard, than the debate over the bombing of Yugoslavia in 1999. NATO claimed it was a crusade to forestall the ethnic cleansing of the Albanian people of the province of Kosovo. But in fact the bombing turned out to be nothing less than the precipitating event in the ethnic cleansing, which, contrary to NATO propaganda, did not occur on a massive scale until after the bombs began to drop.

Amnesty, although critical of the bombing at the time, did not issue its blockbusting press release until thirteen months after the event. It had taken that long for its thorough checking processes to be completed. But once its then Secretary-General, Pierre Sané, had taken the final decision to go public in May 2000, it became quickly apparent this was the essence of Amnesty’s long tradition: to stand apart from governments, even democratic ones, and to question means as well as ends. On 7 June the Amnesty press release went out, with a copy sent simultaneously to the US State Department, the foreign ministries of Britain, Germany and France and NATO headquarters in Brussels. The New York Times’ Steven Erlanger began his despatch: “In an extensive report that has infuriated NATO leaders Amnesty International said that NATO violated international law in its bombing over Yugoslavia by hitting targets where civilians were sure to be killed. Amnesty accused NATO of war crimes, of ‘breaking the rules of war’, said that those responsible ‘must be brought to justice’ and asked the UN criminal tribunal on the former Yugoslavia to investigate these allegations.”

Ironically, this perhaps showed that the Pentagon generals who had waged a bureaucratic war against President Clinton to water down and, in the end, oppose the creation (which initially he had strongly favored) of a permanent International Criminal Court for trying war crimes had focused their attention in the right direction. Their intuitive alarmism, which many at the time thought was overdone, turned out to be essentially correct. The human rights lobby has the wind in its sails and is going about its business in a way that is pushing its ship forward at a fast rate of knots. Over the last decade, it has won world-wide ratification of the Genocide and Torture Conventions, the creation of a UN High Commissioner for Human Rights, the establishment of ad hoc War Crimes Tribunals for ex-Yugoslavia, Rwanda and Sierra Leone, the arrest and detention in Britain of General Pinochet of Chile and, most important, a permanent International Criminal Court for the prosecution of crimes against humanity.

The reasons the Pentagon gave to President Clinton for opposing an International Criminal Court – that other nations would not allow the US to write into the treaty language that would in effect give cast-iron guarantees that US troops could never be arraigned before it – now can be seen as prescient. Guantánamo and Abu Ghraib prisons and the use of rendition and torture suggest that a case could be made for a prosecution of the US