The Universality of Human Rights and their Relevance to Developing Countries

By Dr Shashi Tharoor*

When I was first offered this opportunity to address you today on the universality of human rights and their relevance to developing countries, I was struck both by the importance of the subject and by the signal honour you have done me in inviting me to examine it before so eminent and highly qualified an audience. I stand before you with no pretensions to being either an expert or a practitioner in the human rights field. But I have spent a little over ten years in the service of those whose human rights have often been grossly abused — the world’s refugees — and I now live in the city that is perhaps the fulcrum of the global human rights cause, Geneva. At the same time, the views I offer to you today emerge from no institutional brief; I speak here in my private capacity, as the citizen of a developing country whose recent historical experience has profoundly shaped my own conscience and convictions.

For me, as for many of you, the theme before us today raises many interesting questions. Is anything in our pluri-cultural, multipolar world truly universal? Does the very concept of universality not presuppose a rather unitary view of the world, or at least of how it should be? Specifically, isn’t human rights an essentially Western concept, whose imposition on the developing world would involve — at the very least — ignoring the very different cultural, economic and political realities of the Third World? Can the values of the consumer society be applied to societies that have nothing to consume? Wouldn’t a starving, sick and ragged man gladly trade his right to oppose the government or move the courts for a full bowl of rice and a roof over his head? Isn’t talking about universal rights rather like saying that the rich and the poor both have the same right to fly first-class and to sleep under bridges? Can developing countries afford to contend with the assertion of individual rights when they are coping with the overwhelming priority of mass uplift? Don’t human rights as laid out in the international covenants ignore the traditions, the religions and the socio-cultural patterns of the Third World? When you stop a man in traditional dress beating his wife, are you upholding her human rights or violating his?

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Taking Universality for Granted

There are, of course, no easy answers to any of these questions. But that does not mean they are not worth asking, for they underpin much of the problem with the human rights debate today. When I talk to human rights professionals in the UN system and out of it, I am struck by how much they take for granted. For most of them, and I dare say for most of you, the universality of human rights in principle and in law is beyond argument; the attitude is, that’s really a non-issue, let’s get on with the real problems. Yet, as a perusal of the scholarly and theoretical writings on human rights today would confirm, the universality of human rights is in fact questioned on philosophical, ideological, religious, cultural, moral and practical grounds. The danger of assuming that there is nothing to prove, and that any opposition to human rights must be tendentious and cynical, is that the real progress being made in the arena of human rights can be undetermined by motivated attacks on the validity of its basic assumptions.

On the face of it, the case for universality is clear. In all human societies, people who are in a position of power or influence over other people treat them in certain ways — well or badly, decently or cruelly, fairly or arbitrarily. At one time, perhaps even up to the Second World War, how societies treated their own people was largely considered to be their own business; but such an attitude did not survive the horrors of Nazism. The rapid development of international human rights law thereafter assumes, in the language of the Universal Declaration adopted forty years ago, that “all human beings are born free and equal in dignity and rights” and that the violation of human rights anywhere is properly and legitimately the concern of the whole world; further, that such violations can be examined and judged against the standards laid down by the international community. While some did argue that the Universal Declaration was an expression of values and ideals rather than legally binding norms, the fact that it was adopted without a negative vote (despite eight abstentions), and that most of its provisions have later been included in formal international agreements and national constitutions, is seen as having largely nullified this argument. This, coupled with subsequent reaffirmations of the Universal Declaration by larger numbers of countries (as at Teheran in 1968), confirm that the Declaration is widely accepted as establishing “a common standard of achievement for all peoples and nations” and its contents regarding as binding norms of state behaviour.

That is not all. Human rights, the case for their universality goes on, are not just the assertion of inalienable rights that spell out the areas where the state cannot intervene at the expense of individual freedom; they include rights to the redress of injustice or inequality that can only be realized through active state intervention. Human rights in this larger sense have taken in the rights of individuals and groups — including peoples and minorities — and the rights to peace, to development, to disarmament, to self-determination. How, then, could their universality be in question? No wonder that the Secretary-General of the United Nations, no great controversialist, declared unequivocally in 1985 that “the international standards of conduct which are contained in the Universal Declaration of Human Rights and