

BOOK REVIEW

HUMAN RIGHTS IN THE WORLD COMMUNITY: ISSUES AND ACTION. EDs. RICHARD PIERRE CLAUDE AND BURNS H. WESTON. PHILADELPHIA, PENNSYLVANIA: UNIVERSITY OF PENNSYLVANIA PRESS, 1989. Pp. 376.

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This compilation of essays would be excellent as supplementary reading material for an undergraduate university course in human rights. The book is aimed at political science, international law, and international relations students. The contributors are mainly academics: professors of law, sociology, political science, and economics from North America, Europe, the Middle East, and Asia. Their material is largely pre-published, but the authors have made some revisions. The aim of the editors is “. . . to facilitate effective human rights education in several ways. It relies on a broad distinction between issues associated with international human rights problems and action that seeks to implement human rights standards at the international, national and individual levels.”¹ The contributors discuss most of the major issues underlying the human rights debate: participatory rights, security rights, basic human needs, national and international approaches to implementation, and the work of non-governmental organizations.

The book has some particularly useful features: very well-written editorial introductions to each theme; sections of questions for reflection which could doubtless be utilized to induce lively class discussion; and bibliographies as well as filmographies for those who want to use audio-visual aids in their teaching. As a book geared to university courses and perhaps the general public, this collection of readings could serve a fundamental purpose in disseminating knowledge about human rights.

The Editors drive home their basic message that human rights are now a global concern; that scholars, politicians, lawyers, journalists,

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¹ R. CLAUDE & B. WESTON, HUMAN RIGHTS IN THE WORLD COMMUNITY: ISSUES AND ACTION xiii (1989).

volunteers, and innumerable people worldwide are involved in protesting, persuading, pressuring, and publishing in this cause; that regardless of ethnic, racial, and national differences, the issues concerning human dignity have awakened and stirred the conscience of people around the world. World public opinion has given to human rights a popular enthusiasm which has kept the momentum of the movement alive in the Free World and in the emerging democracies of Eastern Europe. Totalitarian countries like China, segregated societies like South Africa, and revolutionary dictatorships like Iran have all felt the impact of world condemnation and boycott, largely because of their human rights violations. While governments may be reluctant to bring idealism to bear on the exercise of foreign policy, at the popular level, the disapproval of the killing of university students in Tienanmen Square, Beijing, the police assault on black children in South Africa, and the massacre of dissenters in Iran have provoked anger and protest around the globe. Clearly, “. . . international human rights law has been greatly advanced by global popular support.”² On the level of human rights consciousness, there is a growing awareness of the need for an international rather than national outlook. Human rights issues have challenged the statist framework and revealed its inadequacies and shortcomings.

As Editor and contributor Burns Weston reminds readers, the term “human rights” has only become commonplace since the Second World War and the creation of the United Nations in 1945.³ The developments of less than half a century have been astounding, but the lack of implementation of human rights worldwide reminds us of the continuing challenge which faces proponents of this ideal.

Weston explains the problems created by the acknowledgment of three generations of rights: civil and political rights (first generation), economic, social and cultural rights (second generation), and solidarity rights (third generation). Weston concludes that “. . . there is sharp disagreement about the legitimate scope of human rights and about the priorities that are claimed among them.”⁴ This aspect of the human rights debate, particularly the compatibility of the third generation with its predecessors, has recently been analyzed by James Crawford and a number of contributors in *The Rights of Peoples*.⁵

² *Id.* at 10.

³ *Id.* at 13.

⁴ *Id.* at 19.

⁵ J. CRAWFORD, *THE RIGHTS OF PEOPLES* (1988).

With reference to the book being reviewed, in his contribution, "The Sovereign Territorial State: The Right to Genocide," Leo Kuper argues that "the United Nations provides no protection against genocide, and that the Commission on Human Rights, though vested with a primary responsibility, actually condones the crime by delay, evasion and subterfuge."⁶ Kuper develops his point by discussing the genocidal atrocities perpetrated in Uganda, Cambodia, Burundi, Paraguay, and Nigeria, to name a few. The apparent frequency with which genocide is being resorted to in a number of countries has raised another controversial debate among international lawyers concerned with human rights. Given the fact that genocide is on the increase and given the present inability of the United Nations to take effective action (largely because of the veto), some lawyers have argued in favor of the resort to unilateral humanitarian intervention by a foreign state to protect a population suffering gross violations like genocide committed by its own national government.

Contributor Jack Donnelly argues strongly against humanitarian intervention, asserting that "international law does not recognize humanitarian intervention, and considerations of policy strongly counsel against recognition in the future."⁷ Donnelly believes that as humanitarian intervention is not recognized by custom or by treaty, "there is . . . no basis for holding that unilateral enforcement of human rights standards through humanitarian intervention is permitted under international law . . ."⁸

On the other hand, Fernando Tesón, in his recent book *Humanitarian Intervention: An Inquiry into Law and Morality*,⁹ sets forth his belief that "humanitarian intervention is consistent with the present international legal order,"¹⁰ and he has analyzed four examples of intervention: the Indian intervention in East Pakistan (1971), the Tanzanian intervention in Uganda (1979), the French intervention in Central Africa (1979), and the U.S. intervention in Grenada (1983).

In a more recent publication, Gary Klintworth makes a persuasive case for designating Vietnam's invasion of Cambodia in 1978 as an act of humanitarian intervention in view of the horrors perpetrated

⁶ CLAUDE & WESTON, *supra* note 1, at 63.

⁷ *Id.* at 251-52.

⁸ *Id.* at 256.

⁹ F. TESÓN, *HUMANITARIAN INTERVENTION: AN INQUIRY INTO LAW AND MORALITY* (1988).

¹⁰ *Id.* at 5.

by Pol Pot against his own people in Cambodia.¹¹ In the book currently being reviewed, contributor Donnelly argues that the preferable alternative to humanitarian intervention is positive nonintervention as an obligation implying non-involvement with genocidal regimes.¹² Donnelly's own recent book, *Universal Human Rights in Theory and Practice* repeats this argument in favor of positive nonintervention.¹³ Clearly, the controversy on this aspect of human rights is far from over.

A related issue which has aroused considerable concern globally is the plight of fifteen million refugees, many of them fleeing genocide, repression, and economic deprivation. Contributors Animesh Ghosal and Thomas Crowley conclude that ". . . both external pressures from large refugee flows and internal pressures from public opinion and unfavorable economic conditions may place restrictions on the admittance of would-be refugees."¹⁴ Their conclusion, initially published in 1983, has been realized as countries like Canada and Germany have tightened up entry procedures at the very moment when the plea for sanctuary has become the cry of millions (largely women and children) for a safe, secure home.

The United Nations High Commissioner for Refugees has stated that in the past five years there has been a fifty per cent increase in the number of refugees. In 1985, the U.N.H.C.R. could spend \$46 per refugee. By 1989, the agency could only allot \$38 for each refugee.¹⁵ This vital issue of human rights deserves urgent attention particularly as the lives of children are involved. A 1989 U.N.H.C.R. Report stated that over 225,000 refugee children suffer from acute malnutrition.¹⁶

The reluctance of some governments to make human rights a priority in foreign policy leads to sporadic measures to deal with these global crises but no sustained long-term planning to eradicate the root cause of refugee flows. In a recent book, *Human Rights and Foreign Policy: Principles and Practice*,¹⁷ Dilys Hill and a group

¹¹ G. KLINTWORTH, VIETNAM'S INTERVENTION IN CAMBODIA IN INTERNATIONAL LAW (1989).

¹² CLAUDE & WESTON, *supra* note 1, at 260.

¹³ J. DONNELLY, UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE 245-46 (1989).

¹⁴ CLAUDE & WESTON, *supra* note 1, at 102.

¹⁵ Toronto Globe and Mail, March 31, 1990, at A8.

¹⁶ *Id.*

¹⁷ HUMAN RIGHTS AND FOREIGN POLICY: PRINCIPLES AND PRACTICE (D. Hill ed. 1989).

of contributors have analyzed this aspect of the human rights debate. A contributor to that volume, Julia Häusermann (Director, Rights and Humanity) has proposed the strengthening of the "activities of the UN with respect to the underlying causes of flight"¹⁸ and a greater effort by States to implement humanitarian law, particularly during wartime, thereby reducing the necessity for civilians to flee from their homeland.¹⁹

In the book currently being reviewed, Editors Claude and Weston have devoted an entire section to international approaches to the implementation of human rights. They explain the contribution of the United Nations to the formulation of international norms and the promotion and implementation of measures designed to protect international human rights.²⁰ Regional systems are also explained, as is the Helsinki Process. This part of the book has much to offer in the way of practical information about the scope and range of human rights activities internationally. In the accompanying section on national approaches, Evan Luard offers some useful guidance on action governments can take to improve the implementation of human rights in foreign nations. The suggestions range from confidential representations to trade sanctions.²¹

Finally, this book merits attention for presenting a complex, multi-faceted subject in a clear, lucid compilation of the work of some of the leading scholars in this field. The reference to other research and publications in this review is intended to persuade and encourage the student reader to immerse himself more in this exciting field of study after acquiring a fundamental, basic knowledge from *Human Rights in the World Community*.

¹⁸ *Id.* at 142.

¹⁹ *Id.* at 153.

²⁰ CLAUDE & WESTON, *supra* note 1, at 184-85.

²¹ *Id.* at 246.

