

reluctant states – by, for instance, pressure from NGOs, citizens' campaigns or international bodies – rather, they have been the creation of states themselves, or, more precisely, of particular states. The USA and other western states took a leading role in the establishment of the post-1945 human rights regime, supported from the 1990s onwards by many post-communist states and a growing number of developing world states. The main reason why human rights protection is more effective in Europe than elsewhere is simply because of the high degree of consensus among European states about the importance of human rights.

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Why, then, have states accepted, and sometimes championed, the cause of human rights? Virtually all states, for example, have signed the UN Declaration, with a large majority of them also having signed the two optional international covenants. From a liberal perspective, support for international human rights is merely an external expression of values and commitments that are basic to liberal-democratic states. In this view, foreign affairs can, and should, have a moral purpose; the pursuit of national interests should operate in tandem with the global promotion of freedom and democracy. A further reason for states to sign human rights conventions and at least support the rhetoric of human rights is that, since 1948, this has been seen as one of the preconditions for membership of the international community, bringing diplomatic and possibly trade and security benefits. Support for human rights is therefore one of the common norms that has transformed the international system into an international society (see 10). This, nevertheless, allows for, at times, a significant gulf between the international standards that a state supposedly supports and how it actually behaves towards its own citizens and towards other states. In other circumstances, states may make cynical use of the human rights agenda. Realists, for instance, argue that, behind the cloak of humanitarianism and moral purpose, human rights are often entangled with considerations about the national interest (see p. 130). This is reflected in the selective application of human rights, in which human rights failings on the part of one's enemies receive prominent attention but are conveniently ignored in the case of one's friends. The USA was therefore criticized in the 1970s for condemning human rights violations in Soviet bloc countries, while at the same time maintaining close diplomatic, economic and political ties with repressive regimes in Latin America and elsewhere. For radical theorists, such as Chomsky (see p. 228), the USA has used human rights as a moral cloak for its hegemonic ambitions.

If the success of international human rights is judged in terms of whether they have served to improve the behaviour of states and other bodies and, in particular, helped to prevent acts of barbarism and systematic repression, the record is often unimpressive. When they conflict, as they often do, state sovereignty usually trumps human rights. This is particularly true in the case of powerful states, which may either simply be immune to human rights criticism, whether expressed internally or externally, or their transgressions are not forcefully exposed by other governments, for fear of damaging diplomatic relations and economic interests. There is little evidence that the Soviet Union was affected by condemnation of its human rights record, and a fear of criticism on such grounds certainly did not prevent the Warsaw Pact invasion of Hungary in 1956, the Soviet invasions of Czechoslovakia in 1968 and Afghanistan in 1979,

or Russia's brutal suppression of the Chechen uprising in the 1990s. On the other hand, human rights activism both inside and outside the Soviet bloc may have contributed more subtly to the eventual collapse of the East European communist regimes. It did this by fostering a growing appetite for political freedom, thereby helping to undermine the legitimacy of these regimes, and contributing to the wave of popular protest that spread across eastern Europe in 1989. It is also notable that Mikhail Gorbachev, the General Secretary of the Soviet Communist Party, 1985–91, used human rights rhetoric to justify his economic and political reforms as well as the realignment of the Soviet Union's relations with the rest of the world, arguing that human rights are principles that transcended the divide between capitalism and communism.

Since the Tiananmen Square protests of 1989, China has been a frequent target of human rights criticism, from the USA and from groups such as Amnesty International and Human Rights Watch. Human rights controversies in China have focused on its suppression of political dissent, its widespread use of capital punishment, its treatment of religious minorities such as supporters of Falun Gong, political repression in the predominantly Muslim provinces of north-western China, such as Xinjiang, and, most particularly, its occupation of Tibet and the systematic subjugation of Tibetan culture, religion and national identity. It is notable that China's emergence as an economic superpower has not been matched by an appetite for political reform. If anything, China has become more uncompromising on human rights issues, both as an expression of growing national assertiveness and in order to contain the pressures that have been unleashed by economic reform. Condemnation by other governments has also become increasingly muted as China's economic resurgence has become more evident.

As far as the USA is concerned, its commitment to human rights and humanitarian law was called seriously into question by its conduct of the 'war on terror' (see *Does the need to counter terrorism justify restricting human rights and basic freedoms?*, p. 299). For many, September 11 marked the culmination of the period initiated by the end of the Cold War in which the growing acceptance of human rights norms appeared to be irresistible. If the state that had been largely responsible for constructing the post-1948 international human rights regime appeared to violate human rights so clearly, what hope was there that other states would be recruited to the cause?

Human rights have been particularly difficult to uphold in conflict situations. In part, this reflects the fact that power politics amongst the permanent members of the Security Council usually prevents the UN from taking a clear line on such matters. The world has therefore often appeared to stand by as gross violations of human rights have taken place. This happened particularly tragically in the 1994 Rwandan genocide, in which about 800,000 mainly ethnic Tutsis and some moderate Hutus were killed, and in the 1995 Srebrenica massacre in which an estimated 8,000 Bosnian men and boys were killed. However, from the 1990s onwards, greater emphasis has been placed on extending international law to ensure that those responsible for the gross breaches of rights involving genocide (see p. 326), crimes against humanity and war crimes are brought to account. The role and effectiveness of international criminal tribunals and, since 2002, of the International Criminal Court (ICC) in dealing with human rights violations is discussed in Chapter 14.