
The Development of International Human Rights: Progress and Consolidation

by Aryeh Neier

THE CONTEMPORARY HUMAN RIGHTS MOVEMENT—in which citizens in all parts of the world have joined together in organized efforts to protest against abuses, aid victims, and shame and punish perpetrators—emerged roughly three decades ago. There were older efforts, going back to the anti-slavery movement in the early part of the nineteenth century in Britain and, subsequently, in the United States. Yet it was not until the 1970s that a global movement emerged that sought to implement and give meaning to the commitments made by governments in the aftermath of World War II in adopting the United Nations Charter, the Universal Declaration of Human Rights, and the Genocide Convention. This essay provides a brief overview of the three decades in which the human rights movement has been a factor in international affairs.

At the outset, the movement devoted itself principally to campaigns on behalf of individual victims of politically motivated abuses such as torture, arbitrary imprisonment, disappearances, and extrajudicial executions; and to efforts to develop methods to document such practices. These were ways of promoting human rights that were particularly associated with Amnesty International, which was established in 1961 and which achieved a heightened capacity to make its voice heard on behalf of the victims of human rights abuses when it was awarded the Nobel Peace Prize in 1977. In the late 1970s and the early 1980s, a number of additional international groups, some organized along professional lines and a great many groups organized on a national basis, joined in such efforts. Some of these groups went beyond Amnesty International by documenting the ways in which the major powers, such as the United States and the Soviet Union, played a part in abuses committed by client states. A consequence was to make human rights a factor in Cold War struggles, which played a part in the momentous events that culminated in the collapse of communism.

The second decade of the human rights movement was characterized by a number of important innovations. The most important of these was the extension of human rights reporting to situations of armed conflict, where the number of victims was far larger than in other circumstances and the abuses they suffered were especially severe. Such efforts were pioneered in the early 1980s by Americas Watch, one of the regional Watch committees subsequently renamed Human Rights Watch, which led the way in monitoring the practices of armed combatants in accordance with the requirements of international humanitarian law. At first, other leading human rights groups resisted reliance on international humanitarian law, which was developed separately from the United Nations. Yet by the beginning of the 1990s, that debate had largely ended, and documenting war-related abuses and measuring them against the requirements of international humanitarian law became a central focus of efforts to promote human rights.

A related innovation was the application of human rights reporting to abuses committed by groups fighting governments. Human

rights law is based on a series of agreements that limit government practices, whereas international humanitarian law applies with equal force to all sides in an armed conflict. Hence it was natural for non-governmental groups that had made the one shift also to make the other.

Two other innovations of the movement's second decade were the development of scientific methods of conducting research on human rights abuses, most notably through forensic exhumations of the remains of victims, and the focus on mechanisms for holding the perpetrators of gross human rights abuses accountable for their crimes. Accountability first became an issue with the transition from military dictatorship to democratic government in Argentina in December 1983. Argentina led the way in establishing a "truth commission" that became the model for efforts to establish such bodies in many other

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countries, principally in Latin America and Africa. In addition, Argentina ordered the prosecution of military officials responsible for disappearances, the crimes that were the hallmark of the dictatorship in that country. In subsequent years, debates took place in many countries over which approach to take in dealing with crimes of the past, and these debates gave rise to a new intellectual discipline, known as transitional justice.

A further innovation of the human rights movement's second decade was the gradual extension of the work of both national and international groups to combat abuses not directly connected to political repression. Such matters as police practices in dealing with those accused of ordinary crimes, abuses in detention, and women's rights became part of the agenda of human rights groups. In some quarters, there was strenuous resistance to this broadened agenda; but by the mid-1990s, it was largely accepted.

Probably the most important innovation of the past decade has been the establishment of a number of international tribunals to hold accountable those responsible for the gravest abuses: war crimes committed on a large scale, crimes against humanity, and genocide. Though

Among the consequences of the establishment of these tribunals has been the rapid development of international law applicable to gross abuses of human rights. This has taken place in the statutes establishing these tribunals and in their growing body of case law. Also, with several scores of defendants in custody because they are on trial, awaiting trial, or serving sentences, and with a number of others who are fugitives from justice, the activities of these tribunals are reaching a point where high governmental officials have to take seriously the possibility that they will eventually be held accountable for human rights abuses they commit.

Another development in the past decade was the adoption and ratification of the Convention to Ban Landmines. This was a direct consequence of efforts by the human rights movement. Several groups launched an International Campaign to Ban Landmines in 1992 in response to their own experiences in dealing with conflicts where landmines had been used promiscuously and had caused many deaths and severe injuries among noncombatants. Amazingly, by 1996, just four years after the establishment of the campaign, its efforts paid off with the adoption of the convention.



UN/DPI Photo

The League of Nations at its opening session in Geneva on November 15, 1920.

the proceedings of these tribunals often appear agonizingly slow, it is astonishing how much has been accomplished in such a brief period.

The first such body in contemporary times, the International Criminal Tribunal for the Former Yugoslavia, was created by the United Nations in 1993. Subsequently, a similar body was created for Rwanda and variations were established for Sierra Leone, East Timor and, still in the process of organization, Cambodia. Also, a treaty for a permanent International Criminal Court (ICC) was agreed upon in Rome in July 1998. By April 2002, much more rapidly than anyone had expected, the treaty secured the requisite number of ratifications to bring the ICC into existence. At the time of this writing, the Office of the Prosecutor for the ICC is actively examining a number of cases, and prosecutions are expected to commence later this year.

Throughout the past three decades, the human rights movement has been engaged in efforts to upgrade the quality of its work. Today, the documentation of human rights abuses is far more rigorous than it was in the 1970s and the 1980s. The growing professionalization of the human rights movement is also evident in its increasing sophistication in dealing with legal issues. Academic programs in human rights, internships, and a variety of training programs play an essential part in ensuring that the movement is both credible and effective.

A lot has happened in a short period. Probably the most encouraging development of all is that it has become evident that the international human rights movement has great staying power, that its importance is recognized worldwide, that its influence is still growing, and that it is likely to become an ever more significant force in world affairs.

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