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## What is Needed to Protect International Human Rights in the 21st Century

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## What is Needed to Protect International Human Rights in the 21st Century

Dr. Oscar Arias<sup>\*\*\*</sup>

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International human rights is a subject of special significance to me, as a citizen and former President of Costa Rica. My country has a long tradition of valuing and respecting human rights, while at the same time the region of Central America knows all too well the pain and suffering caused by brutal human rights violations.<sup>1</sup>

In Costa Rica, we believe that all people should be able to live and express themselves without fear of their government, that all people are entitled to educational and medical services, and that all people are entitled to lead productive, dignified lives. Costa Rica has often served as an

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Dr. Arias was born in Heredia, Costa Rica in 1940. He studied law and economics at the University of Costa Rica. In 1974, he received a doctoral degree in political science at the University of Essex, England. After serving as professor of political science at the University of Costa Rica, Dr. Arias was appointed Costa Rican Minister of Planning and Economic Policy. In 1986, Dr. Arias was elected President of Costa Rica and held that position until 1990.

In 1987, Dr. Arias drafted a peace plan to end a time of great regional discord in Central America. Widely recognized as the Arias Peace Plan, his initiative culminated in the signing of the Esquipulas II Accords, or the Procedure to Establish a Firm and Lasting Peace in Central America, by all the Central American presidents on August 7, 1987. In that same year, he was awarded the Nobel Peace Prize.

In 1988, Dr. Arias used the monetary award from the Nobel Peace Prize to establish the Arias Foundation for Peace and Human Progress. From these headquarters, Dr. Arias has continued his pursuit of global peace and human security.

Dr. Arias has received honorary doctorates from numerous universities and many honorary prizes, among them the Jackson Ralston Prize, the Prince of Asturias Award, the Martin Luther King, Jr. Peace Award, the Albert Schweitzer Humanitarian Award, the Liberty Medal of Philadelphia, and the Americas Award.

\*\* The *Nova Law Review* selected the materials included in the citations of this essay.

1. *Latin Am. Trek: Costa Rica*, at <http://www.worldtrek.org/odyssey/latinamerica/oscar/costarica.html> (last visited Jan. 25, 2001).

example and taken the lead in raising the subject of human rights in the international arena. The treaty establishing hemispheric institutions to protect human rights was signed in San José in 1969,<sup>2</sup> and the Inter-American Court of Human Rights<sup>3</sup> has its headquarters in Costa Rica.<sup>4</sup> A related agency, the Inter-American Commission on Human Rights,<sup>5</sup> has its headquarters in Washington D.C.<sup>6</sup>

My nation's concern with human rights arises at least in part because we have witnessed and learned from the painful experiences endured by our neighbors in recent decades.<sup>7</sup> In many Central American countries, the repressive actions of military dictatorships and government sponsored death squads created a climate of fear and disillusionment and has stifled the creativity of an entire generation. During the civil wars of the 1980s,<sup>8</sup> senseless violence claimed the lives of hundreds of thousands of our people; and millions more suffered hardship and deprivation as fighting and sabotage disrupted the process of economic growth.<sup>9</sup> In a poor region like ours, we cannot afford to squander opportunities for development by wasting our energy on violence and repression. Having seen the destruction wrought by internal conflicts in Guatemala,<sup>10</sup> El Salvador,<sup>11</sup> and Nicaragua,<sup>12</sup> Costa Ricans have come to understand the true importance of maintaining a culture that respects human rights. Fortunately, our neighbors are beginning to understand the importance of human rights as well; with democratic leaders

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2. Roy M. Mersky & Jonathan Pratter, *The Inter-Am. Human Rights System: Documents, Publ'ns & Internet Resources*, 25 INT'L J. LEGAL INFO. 112, 120 (1997).

3. *Id.* at 121. The Court renders decisions in contentious cases of human rights violations brought before it. *Id.* at 122.

4. *Id.* at 122; see also *Inter-Am. Comm'n on Human Rights*, available at <http://www.cidh.oas.org/WhatstheIACHR.htm>. (last visited Jan. 25, 2001).

5. See *Inter-Am. Comm'n on Human Rights*, *supra* note 4.

6. *Id.*

7. *Latin Am. Trek: Oscar Arias Sanchez*, at <http://www.worldtrek.org/odyssey/latinamerica/oscar/costarica.html> (last visited Jan. 25, 2001).

8. Mersky & Pratter, *supra* note 2, at 124.

9. Dr. Oscar Arias, Nobel Peace Prize Acceptance Speech (Dec. 10, 1987), <http://www.arias.or.cr/fundador/nobel-e.htm>.

10. See generally Susanne Jonas, *Electoral Problems in Guatemala*, in *ELECTIONS AND DEMOCRACY IN CENTRAL AMERICA, REVISITED* 32-37 (Mitchell A. Seligson & John A. Booth eds., 1995).

11. Mersky & Pratter, *supra* note 2, at 124.

12. See Leslie Anderson, *Elections and Public Opinion in the Development of Nicaraguan Democracy*, in *ELECTIONS AND DEMOCRACY IN CENTRAL AMERICA, REVISITED*, *supra* note 10, at 84-86.

now governing all of the countries on the isthmus,<sup>13</sup> we can reasonably hope for a brighter future for our region.

As the title indicates, the focus of this article is on human rights in the twenty-first century. However, I want to begin my analysis by assessing the progress that has been made in the fight for human rights and human dignity over the past hundred years. For those of us who are deeply concerned about the establishment and protection of the fundamental rights of all people, the twentieth century has been the best of times and the worst of times. On one hand, we have made many important advances. For example, as we look back upon the past hundred years, we can celebrate the adoption of the Universal Declaration of Human Rights,<sup>14</sup> through which all nations have pledged to uphold the basic liberties of all human beings.<sup>15</sup> In recent decades, additional treaties have been promulgated to protect the social, cultural, and economic rights of all people.<sup>16</sup> An impressive array of international bodies and nongovernmental organizations ("NGOs") have arisen to protect and defend human rights,<sup>17</sup> and the cause of human rights has advanced as democratically elected governments have replaced repressive regimes in South Africa,<sup>18</sup> Central America,<sup>19</sup> Eastern Europe,<sup>20</sup> Indonesia,<sup>21</sup> and Nigeria.<sup>22</sup>

13. See John A. Booth, *Conclusion. Elections and the Prospects for Democracy in Central America*, in ELECTIONS AND DEMOCRACY IN CENTRAL AMERICA, REVISITED, *supra* note 10, at 264.

14. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A COMMENTARY 13 (Asbjørn Eide et al. eds., 1992) [hereinafter UNIVERSAL DECLARATION].

15. *Id.* at 20.

16. *Id.* at 22–23.

17. See *id.* at 28.

18. See generally LINDSAY MICHIE EADES, *THE END OF APARTHEID IN SOUTH AFRICA* (1999). The first democratic election was held in 1994. *Id.*

19. BOOTH, *supra* note 13, at 264–65.

20. See WENDY HOLLIS, *DEMOCRATIC CONSOLIDATION IN EASTERN EUROPE: THE INFLUENCE OF THE COMMUNIST LEGACY IN HUNGARY, THE CZECH REPUBLIC, AND ROMANIA* 213, 443 (1999). The first democratic elections were held in 1990. *Id.*

21. See INDONESIA BEYOND SUHARTO: POLICY, ECONOMY, SOCIETY & TRANSITION 359–61 (Donald K. Emmerson ed., 1999). The first democratic election was held in the late 1990s. *Id.*

22. See ADEBAYO ADEDEJI, ET. AL., *NIGERIA: RENEWAL FROM THE ROOTS?: THE STRUGGLE FOR DEMOCRATIC DEVELOPMENT* 45–46 (1997). The first democratic election was held in 1960. *Id.* at 45.

We cannot forget, though, that the Universal Declaration of Human Rights was drafted only after six million people perished in the Holocaust.<sup>23</sup> It is sobering to think that the international community formally defined and codified human rights only after the most systematic and brutal violation of human rights the world had ever seen. It is even more sobering to note that human rights have been flagrantly violated throughout the half century since the adoption of the Universal Declaration. Despite the commitment of all nations to defend human rights, two million people lost their lives during the Khmer Rouge's reign of terror in Cambodia,<sup>24</sup> dissidents and activists "disappeared" during Latin American dictatorships,<sup>25</sup> and institutionalized racism prevailed for decades in South Africa.<sup>26</sup>

Even as the new millennium begins, human rights continue to be violated and abused around the world. Within the past few years, we have seen an attempt at genocide in Rwanda,<sup>27</sup> where nearly a million people lost their lives in government-sponsored violence.<sup>28</sup> We have seen so-called "ethnic cleansing" campaigns in the Balkans,<sup>29</sup> and we continue to receive reports of atrocities in Chechnya.<sup>30</sup> In China, more than a billion people live under an undemocratic regime that restricts religious freedom, persecutes its Tibetan and Muslim minorities, and holds political prisoners in labor camps.<sup>31</sup> Even in Western democracies like the United States, there are well-documented cases of police brutality and racism.<sup>32</sup>

Perhaps most distressing of all is the fact that leaders of some nations have begun to question openly the universality of human rights. Certain repressive regimes in the Far East have suggested "Asian values" are not fully compatible with the individual rights that are enshrined in the

23. See HOWARD BALL, PROSECUTING WAR CRIMES AND GENOCIDE: THE TWENTIETH-CENTURY EXPERIENCE 26 (1999) (discussing genocide in the 20th century).

24. *Id.*

25. *See id.* at 219.

26. *See* EADES, *supra* note 18, at 12–13.

27. BALL, *supra* note 23, at 155–56.

28. *Id.*

29. *Id.* at 128–29.

30. *The War in Chechnya: Russia's Conduct, the Humanitarian Crisis, and United States Policy: Hearing Before the Senate Comm. on Foreign Relations*, 106th Cong. (2000) (statement of Jesse Helms, Chairman, Senate Comm. on Foreign Relations), <http://www.access.gpo.gov/congress/senate> (last visited Mar. 24, 2001).

31. *See generally* Charlotte Wedin, *The Human Rights Solution in Tibet*, 25 INT'L J. LEGAL INFO. 145–48 (1997).

32. *See* Inter-Am. C.H.R., Rep. No. 19/92, OEA/ser. L./V/II.83, doc. 14 (Mar. 12, 1993), available at <http://www.oas.org/cidh/annualrep/92eng/ch3q.htm>.

Universal Declaration of Human Rights,<sup>33</sup> and the leaders of some African countries have remarked that the Universal Declaration should not apply fully to their continent because most African countries did not take part in drafting the document in 1948.<sup>34</sup> To be sure, we must avoid ethnocentrism when we formulate our concept of human rights, but we must strongly resist the efforts of those who would deny the universality of those rights. By their very nature, human rights extend to every man, woman, and child on the planet, regardless of their ethnic background or social standing.

In promoting worldwide respect for human rights in the next century, we must have the same courage and vision that the signers of the Universal Declaration had a half century ago. Through that important document the nations of the world promised that they would never again allow the violation of human rights.<sup>35</sup> The leaders who signed the Declaration in 1948 recognized that violations of human rights anywhere represented a threat to the basic liberties of people everywhere.<sup>36</sup> They made a collective pledge to respect fundamental human freedoms, and they called for collective action to punish those who abused them.<sup>37</sup> Sadly, however, the experience of the past fifty years has shown that solemn pledges and noble intentions are not enough to safeguard the rights of all people.<sup>38</sup> Therefore, in looking ahead to the twenty-first century, we must seek to create a new world order under which human rights will truly be secure. I believe that it will be possible to create such an order if we focus our energies on constructing stronger international institutions, reducing global military expenditures, providing debt relief to poor countries, controlling the proliferation of arms, and responding quickly and decisively to human rights crises.

It will not be only the government's role to accomplish these things. If we wait for national governments to take the lead in combating human rights violations in the new century, we may be waiting a very long time. Fortunately, NGOs are becoming increasingly visible and powerful in drafting, promoting, and winning official approval of multilateral initiatives

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33. See Anita Chan, *Labor Standards & Human Rights: The Case of Chinese Workers Under Market Socialism*, 20 HUMAN RIGHTS Q. 886, 899 (1998).

34. Prof. H. Gros Espiell, *The Evolving Concept of Human Rights: Western, Socialist and Third World Approaches in HUMAN RIGHTS: THIRTY YEARS AFTER THE UNIVERSAL DECLARATION* 61 (B.G. Ramcharan ed., 1979).

35. BALL, *supra* note 23, at 91.

36. *Id.*

37. See Espiell, *supra* note 34, at 15.

38. See *id.* at 62.

that contribute to peace, social justice, and human security.<sup>39</sup> While negotiations on such sensitive issues as disarmament and national sovereignty were once the exclusive province of governments, representatives of civil society are now having an impact on international policymaking in a broad range of areas.<sup>40</sup>

Indeed, NGOs have become such an integral part of the international system that we often fail to notice the many ways in which they affect policymaking. Groups such as Amnesty International and Human Rights Watch do more than any government to draw attention to human rights violations around the world.<sup>41</sup> Humanitarian NGOs like the Red Cross,<sup>42</sup> Doctors Without Borders,<sup>43</sup> and Oxfam<sup>44</sup>—to name just a few—save countless lives in conflict torn regions.<sup>45</sup> Organizations like Transparency International<sup>46</sup> seek to fight corruption wherever it is to be found, and a host of environmental groups argue forcefully for the protection of the world's ecosystems and natural resources.<sup>47</sup> Truly, NGOs are active in every imaginable policy area.

In recent years, NGOs have become more fully conscious of the influence they have on international policymaking, and they have begun to come together in undertaking ambitious projects.<sup>48</sup> By doing so, they have convinced many governments to adopt policies that protect human rights and promote human development. What is encouraging is that ordinary citizens, by banding together to fight for universal human dignity, have been able to—and continue to—have an impact beyond what was formerly deemed possible. The steps toward safeguarding human rights in the twenty-first century, which I shall outline below, reflect the ways in which NGOs and

39. See Jan Mårtenson, *The Preamble of the Universal Declaration of Human Rights and the UN Human Rights Programme in UNIVERSAL DECLARATION*, *supra* note 14, at 28; see also BALL, *supra* note 23, at 196.

40. BALL, *supra* note 23, at 196.

41. See *id.* at 196–97.

42. Mårtenson, *supra* note 39, at 28.

43. *Doctors Without Borders, Introduction*, at <http://www.doctorswithoutborders.org/about> (last visited Jan. 19, 2001).

44. OXFAM INT'L, *About Oxfam Int'l*, at <http://www.oxfam.org/about/default.htm> (last visited Feb. 13, 2001).

45. See *id.*; see also *Doctors Without Borders*, *supra* note 43.

46. *Transparency Int'l, Programmes and Activities*, at <http://www.transparency.de/activities/index.html> (last visited Feb. 13, 2001).

47. See GREENPEACE, *Greenpeace Global Annual Report 1999*, available at <http://www.greenpeace.org/report99/html/content/p11.html> (last visited Jan. 25, 2001).

48. See BALL, *supra* note 23, at 196–97.

governments can and must work together to rid the world of human rights abuses in the twenty-first century.

A first step toward the protection of human rights in the new century will be the creation of multilateral institutions capable of deterring abuses and empowered to punish violators of human rights. The international community has taken an important step in this direction by establishing tribunals to investigate war crimes and human rights violations that have taken place in Rwanda<sup>49</sup> and in the former Yugoslavia.<sup>50</sup> However, the deterrent value of these courts is limited by the fact that their work is purely retrospective.<sup>51</sup> A comprehensive international system for dealing with suspected human rights abusers is desperately needed, as the confusion and controversy that surrounded the arrest of former Chilean dictator Augusto Pinochet clearly demonstrated.<sup>52</sup>

The creation of an International Criminal Court ("ICC")<sup>53</sup> would do much to address the deficiencies of the current system. Because the ICC would be a permanent body responsible for trying suspected war criminals and human rights abusers, its existence alone would serve to deter would-be violators of human rights who might otherwise be able to act with impunity. Moreover, by ensuring that the perpetrators of heinous crimes are brought to justice quickly, the ICC would help conflict-torn nations on the road to reconciliation and recovery.

Proposals for the establishment of an ICC have been circulating since the days of the Nuremberg trials, but the movement to set up such an institution has only gained momentum since the end of the Cold War.<sup>54</sup> Outraged by scenes of bloodshed and suffering in places like Somalia<sup>55</sup> and the Caucasus region,<sup>56</sup> several NGOs and countless individuals have energetically called for the creation of a permanent international tribunal.<sup>57</sup>

Many governments have resisted this movement, citing the need to protect "national sovereignty."<sup>58</sup> Because the political will to create such an institution did not exist within the governments of most nations, NGOs have

49. *Id.* at 170–71.

50. *Id.* at 121.

51. *Id.* at 196–98.

52. *Id.* at 219.

53. BALL, *supra* note 23, at 196.

54. *Id.* at 194.

55. *Id.* at 188.

56. *U.S. Interests in the Caucasus Region: Hearing Before the House of Rep. Comm. on Int'l Relations*, 104th Cong. Sess. 2 (1996).

57. BALL, *supra* note 23, at 196–97.

58. *Id.* at 200–02.

led the way in fighting for the establishment of an ICC.<sup>59</sup> These efforts bore fruit in 1998, when an overwhelming majority of delegates at a diplomatic conference in Rome expressed their support for the foundation of an ICC.<sup>60</sup> Since then, ninety-eight nations have signed the so-called Rome Statute, and fourteen countries have ratified the accord.<sup>61</sup> The NGO coalition for an ICC continues to apply pressure on governments to sign and ratify the agreement, and it seeks to build a popular consensus in favor of an ICC in countries around the world.<sup>62</sup> To be sure, much work remains to be done: forty-six more ratifications will be necessary before the Rome Statute takes effect and an ICC is established.<sup>63</sup> Moreover, backers of the ICC face a difficult task as they seek to convince key United States leaders to support their project. Nonetheless, it is remarkable to note that a coalition of NGOs has achieved so much, in collaboration with governments who were either supportive from the beginning or who came to see the light because of the work of this coalition.

The duty remains with those of us who are dedicated to preventing and punishing human rights abuses to continue advocating for the ratification of the Rome Statute until it takes effect with the necessary sixty ratifications.<sup>64</sup> Since the Court will not be fully effective unless all nations recognize its jurisdiction and support its work, activists and concerned citizens must work to convince leaders of certain recalcitrant countries that the creation of an ICC is both morally necessary and politically desirable. Not long ago, the idea of an ICC would have been dismissed as an impossibly idealistic goal. Today, thanks largely to the efforts of a broad-based coalition of NGOs, the goal of creating a permanent international tribunal is within reach, even if much work remains to be done.

The existence of an ICC would certainly help to deter the most outrageous forms of human rights abuses such as genocide, war crimes, and crimes against humanity, but there are also many simpler human rights to defend. These basic rights include the right to education, health care, and other essential social services, not to mention adequate food and shelter. To

59. *Id.* at 196–97.

60. *Id.* at 196–205.

61. *Coalition for an Int'l Criminal Court*, <http://www.igc.org/icc/index.html> (last visited Feb. 13, 2001). Since Dr. Arias' address in April, 2000, the number of nations who have signed the Rome Statute is 139 and the number to ratify has increased to 28. *Id.*

62. *Id.*

63. *Id.* Currently, 32 additional signatures are needed for ratification. *See id.*

64. *See Rome Statute of the Int'l Criminal Court*, U.N. Doc. A/Conf. 183/9, pt. 13, art. 126 (1998), available at <http://www.un.org/icc/part1.htm>.

ensure that all people have the opportunity to exercise these rights, it will be necessary to challenge a world military-industrial complex removed from democratic controls and humanitarian standards. "Without a doubt, military spending represent[s] the single most significant perversion of worldwide priorities known today."<sup>65</sup> The 745 billion dollars spent on weapons and soldiers in 1998 constitute a global tragedy.<sup>66</sup>

In India, Pakistan, the Middle East, sub-Saharan Africa, Indonesia, and in many other nations, unnecessary investment in military hardware has helped to perpetuate poverty and create a global crisis.<sup>67</sup> It is an economic crisis when nearly a billion and a half people have no access to clean water, and a billion live in miserably substandard housing.<sup>68</sup> It is a leadership crisis when we allow wealth to be concentrated in fewer and fewer hands, so that the world's three richest people have assets that exceed the combined gross domestic product of the poorest forty-eight countries.<sup>69</sup> It is a spiritual crisis when—as Gandhi said—many people are so poor that they only see God in the form of bread, and when other individuals seem only to have faith in the "invisible hand" that guides the free market.<sup>70</sup> It is a moral crisis when 40,000 children die each day from malnutrition and disease.<sup>71</sup> And it is a democratic crisis when 1.3 billion people live on an income of less than one dollar per day and are effectively excluded from public decision making because of the wrenching poverty in which they live.<sup>72</sup>

All of these crises, in fact, constitute a crisis of human rights. For it is not only kidnapping, torture, and assassination that constitutes abuse of human rights. To quote from Article 25 of the Universal Declaration of Human Rights, "[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food,

65. Press Release, U.N., Secretary-General Opens Annual NGO Conference, Meeting Also Hears Queen Noor of Jordan and Nobel Laureate Oscar Arias (Sept. 15, 1999) [hereinafter Press Release].

66. See *Associated Press, Peace Institute Paints Gloomy Global Picture*, FLA. TIMES UNION, June 18, 1999, at A12.

67. Dorinda G. Dallmeyer, *Reexamining Export Controls from the Demand Side*, 88 AM. SOC'Y OF INT'L L. 552, 563–64 (1994).

68. Press Release, *supra* note 65.

69. *Id.*

70. *Id.*; MAHATMA GANDHI, ALL MEN ARE BROTHERS 123 (Krishna Kripalani ed., UNESCO 1972) (1958).

71. Press Release, *supra* note 65.

72. ERIC TOUSSAINT, YOUR MONEY OR YOUR LIFE! THE TYRANNY OF GLOBAL FINANCE 17 (Raghu Krishnan trans., Pluto Press 1999) (1998).

clothing, housing and medical care and necessary social services . . . .”<sup>73</sup> The Declaration goes on to state in Article 26 that “[e]veryone has the right to education. Education shall be free, at least in the elementary and fundamental stages. . . . Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”<sup>74</sup>

Is it not a trampling of these rights when excessive levels of military spending make it impossible for the poor to receive the basic services that are due to them as human beings? Tragically, half of the world’s governments spend more money on defense than they spend on health programs,<sup>75</sup> and military spending is rising quickly in poverty-stricken countries such as India, Sri Lanka, and China.<sup>76</sup> For its part, the United States is hardly providing moral leadership; United States legislators and presidential candidates seem intent on adding large amounts of money to an already bloated defense budget, even as millions of American children grow up poor and without health insurance.<sup>77</sup> Such distortions in national budgets contribute to poverty and retard human development. As President Dwight D. Eisenhower once said:

Every gun made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed.

This world in arms is not spending money alone.

It is spending the sweat of its laborers, the genius of its scientists . . . .<sup>78</sup>

War, and the preparation for war, are among the greatest obstacles to the creation of a world in which human rights are universally respected.

73. U.N. DIV. OF HUMAN RIGHTS: A COMPILATION OF INT’L INSTRUMENTS at 3, U.N. Doc. ST/HR/1/Rev.3, U.N. Sales No. E.83.XIV.1 (1983) [hereinafter COMPILATION].

74. *Id.*

75. *The Int’l Code of Conduct on Arms Transfers*, available at <http://www.arias.or.cr/fundarias/cpr/code1.shtml> (last visited Jan. 28, 2001) [hereinafter *Int’l Code of Conduct*].

76. *See generally Military Expenditure, Economic Dev. & Soc. Spending*, available at <http://www.arias.or.cr/documentos/cpr/guat2-i.htm> (last visited Apr. 9, 2001) (discussing military spending effects upon underdeveloped countries).

77. Oscar Arias et al., *Less Spending, More Security: A Practical Plan to Reduce World Military Spending*, available at <http://www.fas.org/pub/gen/mswg/year2000/oped.htm> (last visited Feb. 2, 2001).

78. Dwight D. Eisenhower, *Toward a Golden Age of Peace*, Address before the Am. Soc. of Newspaper Editors (Apr. 16, 1953), in *PEACE WITH JUSTICE* 34, 37 (1961).

Truly, unnecessary military spending fosters a vicious cycle of arms buildups, violence, human rights violations, and poverty.

In addition to military spending, the tremendous burden of debt under which many poor nations labor presents another colossal impediment to the protection of human dignity for their citizens. In sub-Saharan Africa, the world's poorest region and the current scene of a raging AIDS epidemic that has life expectancies falling and horrifying numbers of children becoming orphaned, debt payments exceed public spending on health care and education by a factor of four.<sup>79</sup> In Nicaragua, where thirty-four percent of the adult population is illiterate, the government spends approximately one million dollars every day in interest on its foreign debt.<sup>80</sup>

The scope of the problem is enormous. It is estimated that developing nations together owe more than two trillion dollars to the governments of rich countries, to foreign commercial banks, and to international financial institutions.<sup>81</sup> What is worse, we cannot even pretend that the money borrowed was put to its intended use. In many cases, loans were carelessly given to corrupt rulers and undemocratic regimes that either stole the money or wasted it on unnecessary military hardware and useless public works projects.<sup>82</sup> Now, the democratic governments that have replaced those dictators and that have not inherited any benefits from those loans are demanded to repay them.

The debt burden of poor countries is creating hopelessness and perpetuating poverty, public health epidemics, and widespread lack of access to education, all of which are in violation of the Universal Declaration of Human Rights.<sup>83</sup> If this document and the rights it was drafted to defend are to be taken seriously, then debt relief to poor nations must be taken seriously as well, and undertaken immediately. To this end, another coalition of NGOs has led the way in calling for a just and humane solution to the debt problem. The Jubilee 2000 Coalition is a global network of NGOs calling for debt forgiveness for the poorest, most heavily indebted nations of the world as the new millennium begins.<sup>84</sup> By drawing attention to the massive scale of the problem, and by applying pressure on governments in many

79. TOUSSAINT, *supra* note 72, at 195.

80. See CIA, *THE WORLD FACTBOOK* 1999, 355–56 (1999).

81. See *id.* at 531.

82. See RUTH LEGER SIVARD, *WORLD MILITARY & SOCIAL EXPENDITURES: 1983 22–26* (1983).

83. See generally COMPILATION, *supra* note 73.

84. *Jubilee 2000 Coalition: A Debt-Free Start for a Billion People*, at <http://www.jubilee2000uk.org/home.html> (last visited Jan. 19, 2001).

parts of the world, the groups that make up the Jubilee 2000 Coalition hope to prompt creditor nations to adopt far-reaching debt relief measures.<sup>85</sup> They also hope to convince debtor nations to invest in much needed anti-poverty programs in exchange for debt forgiveness.<sup>86</sup>

As debt servicing payments and military spending continue to rob the poor of basic health and education services, developed nations continue to profit from this tragic situation. Just as the Jubilee 2000 Coalition is calling on wealthy nations to cancel debt, the arms sales by these same first world powers must be put to an ethical test. For far too long it has been extremely easy for governments that violate human rights to obtain weapons from abroad. In the 1980s, Western governments and corporations played a significant part in arming Saddam Hussein's despotic regime in Iraq.<sup>87</sup> Earlier in this decade, France provided significant military aid to the genocidal government of Rwanda.<sup>88</sup> Until recently, the Indonesian military used British-made equipment against pro-independence groups in East Timor.<sup>89</sup> When arms sales to undemocratic or repressive regimes are proposed, humanitarian considerations are regularly subordinated to short-sighted strategic interests or to a desire for profit. It is unconscionable that undemocratic states and governments that abuse human rights can easily acquire sophisticated weaponry on the international market, and it is outrageous that leading democracies such as the United States, France, and Great Britain fuel bloody conflicts by supplying warring factions with armaments.

For these reasons, a group of NGOs and Nobel Peace Prize laureates are advocating an International Code of Conduct on Arms Transfers.<sup>90</sup> This agreement demands that any decision to export arms should take into account several characteristics pertaining to the country of final destination.<sup>91</sup> The recipient country must endorse democracy—defined in terms of free and fair elections, the rule of law, and civilian control over the

85. *Id.*

86. *Id.*

87. MARK PHYTHIAN, *ARMING IRAQ: HOW THE U.S. AND BRITAIN SECRETLY BUILT SADDAM'S WAR MACHINE* 28–35 (1997).

88. See ARTHUR JAY KLINGHOFFER, *THE INTERNATIONAL DIMENSION OF GENOCIDE IN RWANDA* 16–18 (1998).

89. Press Release, Amnesty Int'l—USA, UK and EU Arms Used in East Timor as Review of Arms Exports Code Begins in Secret (Sept. 17, 1999), available at <http://www.amnesty-usa.org/news/1999/44503199.htm>.

90. See generally *Int'l Code of Conduct*, *supra* note 75.

91. *Id.*

military and security forces.<sup>92</sup> Its government must not engage in gross violations of internationally recognized human rights.<sup>93</sup> And, the International Code of Conduct does not permit arms sales to any country engaged in armed aggression—against other nations or against its own people—in violation of international law.<sup>94</sup>

Many say that such a code is impractical, but I am not alone in denouncing the status quo and in supporting an International Code of Conduct on Arms Transfers. Nobel Peace Laureates Elie Wiesel, Betty Williams, and the Dalai Lama stood with me in presenting the Code in 1997.<sup>95</sup> As did Jose Ramos-Horta, Amnesty International, the American Friends Service Committee, and the International Physicians for the Prevention of Nuclear War.<sup>96</sup> Since then Archbishop Desmond Tutu and Rigoberta Menchú have joined this impractical group, as have Lech Walesa, Adolfo Pérez Esquivel, Mairead Maguire, Norman Borlaug, Joseph Rotblat, Jody Williams, and John Hume.<sup>97</sup> In all, nineteen winners of the Nobel Peace Prize have endorsed the Code.<sup>98</sup> But more importantly, thousands of individuals, groups, and community leaders have expressed their belief that a code of conduct is desperately needed to ensure that human rights will be secure in the next century.<sup>99</sup> These people, and the force of their convictions, turn possibility into progress and impractical ideas into reality.

Finally, if this century is to be less bloody than the last, the international community must show a greater willingness to intervene forcefully and decisively to protect human rights. To achieve this goal, leading nations such as the United States will have to take a more active role in world affairs. When human rights are under threat in any part of the world, they will need to have the political will to take action—not unilaterally but through legitimate multinational fora such as the United Nations. New international treaties or agreements are not necessary. As I said thirteen years ago when I received the Nobel Peace Prize, “[w]e already have an abundance of words, glorious words, inscribed in the declarations of

92. *Id.*

93. *Id.*

94. *Id.*

95. Congresswoman Cynthia McKinney, Speech at the Public Signing of the Nobel Peace Laureates' Int'l Code of Conduct on Arms Transfers (May 29, 1997), available at <http://www.arias.or.cr/fundarias/cpr/code14.shtml>.

96. *Id.*

97. See generally *Ctr. for Peace and Reconciliation*, available at <http://www.arias.or.cr/fundarias/cpr/english-cpr.htm>.

98. *See id.*

99. *Int'l Code of Conduct*, *supra* note 75.

the United Nations, the World Court, the Organization of American States and a network of international treaties and laws. We need deeds that respect these words, which honor the commitments avowed in these laws."<sup>100</sup>

Shamefully, the international community has repeatedly stood on the sidelines as innocent citizens have been imprisoned, tortured, and killed. The United States overlooked the human rights records of many military dictatorships in Latin America, because it considered those regimes to be strong bulwarks against communism.<sup>101</sup> The West turned its back on Rwanda when the Hutu-dominated government set out to eliminate the country's Tutsi minority.<sup>102</sup> The United States and other leading democracies ignored clear evidence and denied that genocide was taking place.<sup>103</sup> In the United Nations, Western governments actively obstructed initiatives that would have saved the lives of many innocent people.<sup>104</sup> More recently, bloody internal conflicts in West Africa have received little media attention, and therefore, the suffering of people in that region has been almost entirely ignored.<sup>105</sup>

When human rights are violated, foreign governments attempt to justify their failure to act by saying that they have no strategic interest in the county where the abuses are taking place, or they claim that the situation there is a purely internal matter.<sup>106</sup> But as the third millennium begins, we must move beyond these empty excuses. We must accept the moral responsibility that we all share as human beings, and we must take action to ensure that basic human rights are respected everywhere.

In calling for a fundamental shift in the way in which the international community responds to the violation of human rights, I am touching upon the one change that is most desperately needed in the world today: it will be vitally important for us to discard the destructive values that guided much of

100. Arias, *supra* note 9.

101. See EDMUND GASPARD, UNITED STATES-LATIN AMERICA: A SPECIAL RELATIONSHIP? 80-81 (1978).

102. *Frontline: The Triumph of Evil* (PBS television broadcast, Jan. 26, 1999) (transcript), available at <http://www.pbs.org/wgbh/pages/frontline/shows/evil/etc/script.html>.

103. *Id.*

104. *Id.*

105. But see *The Current Human Rights Situation in Africa: Hearing Before the Subcommittee on Africa of the Comm. on Int'l Relations House of Representatives* 104th Cong., 2d Sess. (1996) (statement of Hon. John Shattuck, Assistant Sec. for Democracy, Human Rights, and Labor, Dep't of State).

106. *Frontline: The Triumph of Evil, Interview of James Woods* (PBS television broadcast, 1999) (transcript of interview with James Woods), available at <http://www.pbs.org/wgbh/pages/frontline/shows/evil/interviews/woods.html>.

the twentieth century, and it will be absolutely essential for us to embrace a new set of values based on love, compassion, and mutual respect. The selfishness and the cynicism that have resulted in two world wars, countless internal conflicts, and centuries of economic exploitation must be set aside, and a new sense of altruism and mutual concern must take their place as guiding forces in our societies. Selflessness and solidarity must replace the greed and materialism that have led to inequality and environmental degradation. A more thoughtful approach, in which leaders take a global, long-term outlook must replace the shortsightedness that has frequently characterized the policymaking processes of our countries. In short, we will have to change the ways in which we live, the ways in which we think, and the ways in which we act. Such a transformation will not be easy, but it will be necessary to ensure the security of human rights in the twenty-first century.

Visionary leaders have long called for such a change in values in order to bring an end to strife and suffering. More than a hundred years ago, British Prime Minister William Gladstone made an appeal not unlike the one I have made here. He said, “[w]e look forward to the time when the power to love will replace the love of power. Then will our world know the blessings of peace.”

As the twenty-first century begins, we are still looking hopefully to that time. At this critical juncture in world history, it is more important than ever to develop a new global ethic focused on human need, human security, and human rights. Fortunately, the dawning of the year 2000 has prompted people around the world to reflect upon the direction in which the world is heading, and I am hopeful that these thoughtful individuals will come to the conclusion that a new spirit of humanism is desperately needed.

We face great challenges in our struggle for human rights. Violence rages in many parts of the world, and intolerance, hatred, and poverty seem to be omnipresent. Nonetheless, the dawn of a new century provides us with an opportunity to recommit ourselves to the principles enshrined in the Universal Declaration of Human Rights. In doing so, we must embrace initiatives that will allow the human spirit to flourish. We must have the courage to take innovative steps to create an international framework that will promote respect for human rights. The international community would take extremely positive and productive steps by creating an ICC, by reducing military expenditures and providing debt relief to poor nations, by implementing an International Code of Conduct on Arms Transfers, and by responding more energetically to human rights crises. These should be top priorities for the leadership of the nations of the world.

But the international community should not limit itself to the projects that I have outlined here. Each of us must do our part to expand the definition of human rights, and we must give of ourselves in an effort to put an end to poverty, despair, hopelessness, and all of the forces that prevent people from leading dignified lives. Readers of this scholarly publication, as trained professionals in the richest country in the world, have an important opportunity and responsibility to contribute to the well being of those who live without hope. Indeed, it is a solemn duty. Progress in the fight for peace and human rights will not come effortlessly or automatically, but if we work together, there is no limit to what we will be able to achieve.