
Geneva, human rights and the level playing field

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By Kalana Senaratne It is not wholly wrong or inaccurate to claim that current developments emanating especially from Geneva suggest that the 'West', to a large extent, has been 'colonized' by the 'Rest' in the field of human rights, and that the West finds itself unable to gallantly trot around preaching human rights to the rest of the world. But more importantly, these developments denote the emergence of a certain level playing field, where the West and the Rest could meet and discuss and debate, more openly, matters relating to human rights concerning their respective countries. It's a development which needs to be welcomed. Yet, the Rest cannot be complacent; certainly not Sri Lanka.

Sri Lanka; the Special Session The outcome of the recently concluded 11th Special Session on Sri Lanka at the UN Human Rights Council (UNHRC) in Geneva is described by many as a 'victory'. Why this description is a most suitable one is largely due to the way in which the West went about preparing for the Special Session, given especially the context (i.e. the comprehensive defeat of the LTTE) within which the Session was called for; which only showed that this was a game they so wanted to play, 'human rights' being the name of the game. And it was a game we, along with our friends, were ready to play, however much we wanted to avoid it. Even if the numbers would have been on our side, and in our favour, the way in which the whole episode unfolded and the final outcome of the vote, was a damning and bitter blow to the West; a disaster which they could have well avoided if they had been guided more by reason, wisdom and a little bit of common sense. Also, the outcome proved more poignantly the stark contrast that exists in the general attitude of the majority of States - on Sri Lanka and Israel. If one studies the outcome of the 9th Special Session on Israel, this would be evident. I bring out this example not only due to recent developments concerning relations between Sri Lanka and Israel, but also due to the unreasonable and unfair comparisons certain elements were trying to make between Israel's war in Gaza, and Sri Lanka's fight against terrorism.

Shattering; Western myth, monopoly and dominance These developments, however, signify signs of a larger transformation, the effects of which would be felt not only in Sri Lanka but in other countries as well. The UNHRC, this popular but rather feeble arm of the UN, has been transformed, quite suddenly, into a level playing field, that provides opportunity for a more open and constructive debate and discussion on human rights issues of States. These developments mark, more seriously, another landmark in the process of that gradual and necessary end of a certain Western domination of the human rights discourse; the end of the 'monopoly of wisdom or virtue' of the West. The attitude that is often created - that the West protects human rights while the Rest violates them - has obtained a mythical status; perhaps understood as such by many for a long time, but which was not pointed out so forcefully, so piercingly, so penetratingly and more collectively to the West, by the rest of the Member States of the UN at international fora, and especially by Sri Lanka as was done in Geneva. This shattering of the Western myth, this establishment of a certain level playing field, marks also in some measure the cracks that are opening up concerning Western domination of global institutions. This domination is reflected, most forcefully, in world bodies such as the UN Security Council, as well as in the major financial institutions of the world, such as the World Bank and the IMF, where it is the unwritten rule that the head of the World Bank would be an American while the head of the IMF would be a Western European, thereby disregarding and disqualifying the legitimate claim over 85 per cent of the world's population could lay on the greater share of control of these institutions. While reformation of the above remains almost a dream, and the UNHRC looks rather toothless when compared with the power and influence wielded by the above bodies, to have allowed such untrammelled dominance trickle down to lesser bodies such as the UNHRC would certainly not have been favourable to the greater global discussion on matters relating to the protection of human rights around the world. The rising Rest, the exposed West What this seems to have done, and what could easily be seen today through the debates that take place especially at the UNHRC, is the creation of a platform for the Rest to expose the West, justifiably, whenever an unfair and unwarranted intrusion, or criticism, concerning the domestic affairs of the State takes place, in the guise of 'human rights'. This exposé will take place, mainly due to the fact that countries such as the US and the UK, which played a yeomen role soon after World War II, in the promotion of the international rule of law and global institutions, are seen to be flouting those very principles and norms that they promoted and wanted the Rest to embrace and support. Hence, it provides a State with an ideal opportunity, a legitimate one, to remind the world of the horrors that these Western powers once committed, or even continue to commit, in some form or the other. It could be a reminder of the old days of colonialism and the salami-slicing of colonial territories; of the horrific Hiroshima/Nagasaki episode; of illegal invasions and indiscriminate bombings, in Iraq or Afghanistan; of the willful violation of the most basic principles of humanitarian and human rights laws. It wouldn't stop there. On torture, the world will be reminded over and over again about Guantanamo Bay or Abu Ghraib. Some would insist that a more detailed explanation is necessary as to why US considers ratification of the Rights of the Child Convention is a threat to their sovereignty and national security. Accusations will galore on questions relating to international environmental law issues, on issues relating to the provision of foreign aid and development. On matters relating to international investment law, some might question as to why the West tends to assume that the protection of property rights should trump all other rights such as the adoption or enforcement of health and labour standards or environmental and human rights norms. There will be a question asked about why notions of democracy and human rights are promoted on a selective basis, or whether or not it's still the Western habit to abandon allies no longer serving their narrow interests under the convenient pretext of 'human rights'. Significantly, this Western exposé happens in a global context within which the West finds a rising Asia which has already begun its 'march to modernity' (as noted by Kishore Mahbubani), and which even could boast of having eliminated a most ruthless terrorist organization in the world. Through all this, the West would also find that once backward nations such as China opening up to the international community;

for instance, a China which is going a long way in redefining itself in 'world affairs, in the family of nations, and in the world public order', a China where there is today a 'revolutionary evolution' seen in many fields relating to international law and human rights (as pointed out by senior Chinese Diplomat Hanqin Xue in 'China's Open Policy and International Law', Chinese Journal of International Law/June 2005). In sum, the West is faced with a more assertive and confident Asia (of which we are a part) which forms a significant component of the 'Rest'. Sri Lanka and its human rights record While this could lead to polarization, a further schism, there is much the West needs to do to narrow this schism, by putting its own house in order, by practicing what it preaches to the masses. However, the Rest should play its part too; and Sri Lanka in particular. While all effort needs to go in to stop attempts made at prosecuting our political and military leadership that defeated terrorism, much needs to be done to improve the country's human rights record. We can win any number of debates, and we have our men who would do a splendid job - in Geneva, in Brussels, or in New York. We can give the most striking and coruscating account of the illegalities so brazenly perpetrated and promoted by the West. But questions will be posed - is our human rights record improving, are we being progressive and pro-active on the protection of human rights, what's happening for instance with that Commission of Inquiry, etc.? We certainly need credible, convincing evidence to substantiate more fully our assertion of moral superiority over the West concerning the protection of human rights; not only rebuttals and counter-arguments that certainly stump the West. Courtesy: Island.lk