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HUMAN RIGHTS AND THE IMPERATIVES OF GLOBAL DIALOGUE

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I

Universality of principles, not uniformity of application

The general obligation of states to conduct their relations in a peaceful manner implies *mutual respect* and *non-interference* in their internal affairs. This follows from the principle of sovereign equality of states, which includes the right of every state to conduct its affairs according to its own traditions and on the basis of its specific conditions and priorities. Recognition of equality in the normative sense is the basis for any meaningful dialogue in the international sphere.

In view of the *universal norms* of international law, proclaimed by the United Nations as its guiding purposes and principles, the enjoyment of human rights cannot, and must not, be subordinated to the conduct of power politics. Human rights reflect the *inalienable dignity* of the human being – in terms of the individual (as citizen) as well as of the collective organization of individuals (the sovereign state). The principle of sovereign equality is the reflection of this dignity at the level of states. This implies that no state – whether small or large, weak or powerful – seeks to dominate other states, or undertakes to impose its domestic system, socio-cultural tradition and worldview upon the rest of the world.

In the above-described sense, human rights – as expression of human dignity (individual as well as collective) – are universal. However, *universality* of human rights does not mean *uniformity* of their application. There is a rich *diversity* of civilizations and socio-cultural traditions at the global level.¹ The multitude and variety of traditions is also reflected in the perception and implementation of human rights under different historical circumstances. Thus, if one is committed to an order of peace, diversity has to be acknowledged not only in terms of culture, ethnicity, religion, etc., but also in regard to the hermeneutics of human rights. Corresponding to the development of civilizations and cultures, there exists a complex variety of perceptions and paradigms concerning notions such as “citizen,” “state,” “individual”, “family,” or “collective,” and their structural connection in different contexts. Internationally, this has resulted in a diversity of interpretations of social standards, conventions of social decency, protocol, etc., according to particular ethnic, national and civilizational traditions.

¹ Köchler, *The Saint Petersburg Lectures: Civilization and World Order*. Studies in International Relations, Vol. XXXIV. Vienna: International Progress Organization, 2019.

Accordingly, in terms of human rights, no state has the right to impose its peculiar socio-cultural tradition or system of values – in general, its worldview (*Weltanschauung*) – upon other peoples and states. While, in certain traditions, the focus may be more on the assertion of the individual versus the state, other traditions follow an essentially community-oriented approach that defines the role of the citizen in a more integrated sense where the state is not juxtaposed in opposition to society. Accordingly, the only adequate approach to diversity of human rights perceptions is *dialogue*, based on mutual respect. In an international order of peace, there simply is no “paradigmatic state” – or “paradigmatic civilization” –, and there can be no tolerance for an *intrusive human rights doctrine* that only serves the interests of states that are more powerful than their competitors at a given point in time.

The differences in perceptions and priorities, related to the social and historical peculiarities of states, have also been obvious in the ratification status of international human rights instruments. To give just one example: The International Covenant on Economic, Social and Cultural Rights, one of the core treaties of the global human rights system, is ratified by a large majority of UN member states, not including the United States. It goes without saying that a country that is not party to a treaty cannot act as authoritative interpreter or judge – not to speak of the role of self-appointed enforcer – of the rights enshrined in that treaty. Even among the group of state parties of a treaty, no state has the right to impose its unique socio-cultural traditions and life-style, insofar as they may impact on the national implementation of the treaty’s provisions, on fellow member states. The particular norms of human rights treaties must be interpreted in the context of the respective socio-cultural environment.

The disparity in terms of ratifications of human rights instruments corresponds to the fact that there is no uniformity of cultures and civilizations in today’s globalized world. Denying diversity would be tantamount to an essentially *totalitarian approach* that is not only intrinsically antithetic to human rights, but also incompatible with the above-mentioned sovereign equality of states. *False human rights universalism* – a position that declares as “universal” (and legally

binding) the particularities of a national tradition – is indeed based on the legacy of colonialism, and in particular Euro-(or, more generally: West-)centrism.² What is universal is the *principle* of human dignity, but not the *implementation* of the principle in a specific (socio-cultural) context. The notion of dignity can indeed be found e.g. in the Confucian, Christian, Jewish, Muslim and other religious, but also in the secular traditions of Marxism or European Enlightenment (as represented e. g. in the transcendental idealism of Immanuel Kant).

False universalism has often served hidden geopolitical purposes. It has provided the ideological framework to justify interference into the internal affairs of states. The history of so-called “humanitarian” interventions, since the 19th century in particular, testifies to this instrumentalization of human rights. More recently, political and economic sanctions have become a tool of human rights “enforcement” in the service of ulterior motives.³ These practices not only lack moral credibility, but also legal validity. They are essentially *self-contradictory*, as the comprehensive economic sanctions against Iraq (1990-2003) have demonstrated. Instead of protecting human rights, the states that insisted on the continued enforcement of those punitive measures (over more than a decade) systematically violated the basic human rights of the entire population of the targeted country.

A policy of *double standards* is a frequent corollary of this form of ideological imperialism in the context of today’s global power struggle.⁴ States that, in the name of humanitarian principles, undertake to impose their standards on other states have often been proven to be *selective* (a) in regard to the countries targeted (the choice depending on considerations of geopolitics, not of human rights), and (b) in the priorities of interpretation, or of weighing the dimensions of human rights. The latter is the case when states emphasize particular rights in one

² Cf. also Richard Falk, “False Universalism and the Geopolitics of Exclusion: The Case of Islam,” in: *Third World Quarterly*, Vol. 18, No. 1 (March, 1997), pp. 7-23.

³ Cf. Köchler, “Sanctions and International Law,” in: *International Organisations Research Journal*, Vol. 14, No. 3 (2019) (“Economic Sanctions, Global Governance and the Future of World Order”), pp. 27-47.

⁴ Cf. also the author’s analysis, *Culture and Empire: The Imperial Claim to Cultural Supremacy versus the Dialectics of Cultural Identity*. Lecture delivered at the Second People’s Forum “Without Fear of Empire: Global People’s Resistance,” Bogotá, Colombia, 22 March 2009. *I.P.O. Online Papers*, 2009, at http://i-po.org/Koehler-Culture_and_Empire-IPO-OP-2009.htm

case while neglecting those same rights in another, depending on political convenience. Often, those states acting as self-appointed “enforcers” violate basic human rights on their own territory or – as in the case of the United States – have not even ratified human rights treaties the implementation of which they demand from other states.

Human rights activism tainted by power politics risks to undermine, and ultimately discredit, the efforts of the United Nations in the promotion of human rights on the basis of *impartiality* and *inclusivity* – two criteria which the President of the United Nations Human Rights Council, Ambassador Nazhat Shameem Khan, in her inaugural speech (8 February 2021) identified as essential for credible human rights advocacy at the global level. Only if impartiality and inclusivity are observed, can human rights monitoring, based on the respect for national sovereignty, contribute to the strengthening of the international rule of law, and subsequently to a stable order of peace. This includes the right of every state, as legally constituted collective of citizens, to self-preservation, as it evokes, at the same time, the duty of every state to abide by the international treaties the state has ratified. This also is a major challenge before member states of the United Nations Human Rights Council under the conditions of today’s multipolar world order.

II

Global health emergency: test case of human rights policies

The ongoing global health crisis highlights another important issue of human rights in terms of the *order of norms*. Human rights must not be construed in opposition to the *bonum commune* (common good). According to the hierarchy of human rights norms, the right to life – as *conditio sine qua non* for the enjoyment of all other rights – must be upheld also, and particularly so, under conditions of national emergency such as the current coronavirus pandemic. To safeguard the individuals' right to life and, related to it, their right to health, the state – as organization of the collective will of its citizens – may be under an obligation to take measures that temporarily impact on individual freedoms. This is the specific human rights aspect of emergency regulations in times of national crisis. For instance: for the greater good of the community of citizens, freedom of movement may need to be restricted – on a temporary basis – to curb the spread of the virus. Measures of quarantine, dictated by medical necessity, will save the lives not only of the citizens in the affected state, but – under conditions of today's global interconnectedness – will also be in the interest of all other states. Such measures of *suspension* do not logically mean *abrogation* (or negation) of those norms.

Many countries, including those in the Western industrialized world, failed to introduce, and consistently enforce, effective protective measures as would be required under established standards of pandemic control. This resulted in thousands of tragic deaths, particularly of older, weaker and less privileged people, that could otherwise have been avoided. A supposedly “liberal” policy, rejecting effective measures of pandemic containment in the name of human rights, demonstrates an erroneous understanding of freedom in an individualistic, egotistic sense – because it ignores the primacy of the *human right to life*, precondition for the enjoyment of all other human rights. In actual fact, in the industrialized world lives were lost under the aegis of the “fun society,” and under the dictates of economic pressure groups that exerted undue influence on governments to prevent effective measures of health control.

Protecting the human right *par excellence*, the right to life, is the *raison d'être* of every polity, the foundation of its legitimacy. A policy that, in a national health emergency, accommodates individual and group egotism at the cost of peoples' lives is not compatible with human rights.

To stress it yet again, commitment to the *common good*, which includes the well-being of every citizen, is the most important criterion of a state's credibility in its human rights policy. This is the reason why the handling of a global health emergency – that potentially not only threatens the physical integrity of individuals, but also the economic wealth and stability of states and of the international system – is of utmost significance. A consistent commitment to human rights requires a *comprehensive* and *integral* approach that deals with political, economic, social and cultural rights in the overall context of safeguarding human life, and of securing an effective organization of the state that alone can tackle such an emergency.

Conclusion

Under the circumstances of today's global health crisis (which has made us painfully aware of our interconnectedness), and in view of the imperatives of peaceful co-existence, there is no room for ideological arrogance in the implementation of human rights. No state has the right to lecture others about their worldview, value system or socio-cultural tradition. Human rights must not become a tool of geopolitics. On the basis of a joint commitment of nations to cooperate for the common good of mankind, human rights discourse should instead become part of a *global dialogue between civilizations and cultures*, informed by mutual respect. The United Nations should facilitate an exchange of experiences in the implementation of those rights. Debates must not be used as a tool of indoctrination or an instrument of global confrontation. In today's multicultural – and increasingly multipolar – environment, there is no room anymore for arrogant suppression of the diversity of human rights perceptions in the very name of human rights, or for a false universalism of values self-servingly defined by powerful global actors. Accordingly, international policies and

initiatives must follow a *multilateral* approach, informed by the mindset of cooperation among equals. Only this will be in conformity with the solemn commitment made by the founders of the United Nations in the Preamble to the UN Charter, namely, “to practice tolerance and live together in peace with one another as good neighbors.” Peace can only be sustained if the sovereign equality of **states** is complemented by the sovereign equality of **civilizations**. The global discourse on human rights – whether within or outside the UN system – will be a test case for the credibility and viability of this maxim.

Elements of this presentation were discussed by the author in statements and commentaries in the context of the ongoing project of the International Progress Organization on “Responsibility in International Relations” (2020-2022).