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HUMAN RIGHTS AND PEACEFUL CO-EXISTENCE AMONG STATES
Universality - Diversity - Dialogue

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Peace is a supreme value of the international community. It is indispensable for the enjoyment of human rights at the collective as well as at the individual level. In the hierarchy of human rights norms, the right to life – the basic rationale of peace – is fundamental for the realization of all other rights, whether political, economic, social or cultural. In the community of nations, states can only flourish in the absence of violence against their sovereignty and independence. The ban on the use of force in relations between states, enshrined in the United Nations Charter, is an essential element of the international rule of law.

The general obligation of states to conduct their relations in a peaceful manner implies *mutual respect* and *non-interference* in their internal affairs. This also 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.

In view of these *universal norms*, 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). 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. 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 social aspects of human rights. Corresponding to the development of civilizations and cultures, there is indeed 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 national and civilizational traditions.

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,” and there can be no tolerance for an *intrusive human rights doctrine* that only serves the interests of the most powerful states.

The differences in perceptions and priorities, related to the social and historical peculiarities of states, are also 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 not ratified by the United States. China has signed the treaty in 1997 and ratified it in 2001. 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 disparity in terms of ratifications 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: West)centrism. 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, and other religious, but also in the secular traditions of Marxism or European Enlightenment (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. These practices 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. 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 weighing the dimensions of human rights. The latter is the case when states emphasize particular rights in one case while neglecting those same rights in another, depending on political convenience. Often, those states violate basic human rights on their own territory or 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

* Köchler, 现代强权政治背景下的人道主义干涉 | in: *Xiandai Guoji Guanxi / Contemporary International Relations*, Monthly Chinese Edition, Beijing, No. 9, serial no. 143 (2001), pp. 28-33.

of the United Nations Human Rights Council, Ambassador Nazhat Shameem Khan, in her inaugural speech identified as essential for credible human rights monitoring 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 it has ratified. This also is the challenge before member states of the United Nations Human Rights Council.

Under these circumstances, 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 a suppression of the diversity of human rights perceptions in the very name of human rights. Accordingly, international policies and initiatives must follow a *multilateral* approach, informed by the mindset of cooperation among equals. This will be in conformity with the solemn commitment, made by the founders of the United Nations, “to practice tolerance and live together in peace with one another as good neighbours.”**

* United Nations, Human Rights Council, Geneva, 8 February 2021, www.ohchr.org.

** Preamble to the Charter of the United Nations, fifth paragraph.