

Human Rights Norms and International Relations

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Introduction

In contrast to views of many, in international relations arena such as human rights are not "taken for granted"¹ by actors. Behaviors don't occur in vacuum. Actors' behaviors are effected by different psychological and material factors. The most dominant elements are related to characteristics of internal conditions, international situations and the structure of power at the world scene. Because of not absolute nature of these factors, the "three basic foundations"² of human rights which are dignity, equality and worth of human being are not universally applied or accepted. It means that the human rights culture in international relations as "a vehicle through which a particular set of shared beliefs and understanding take root in and influence

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ISJ, Vol. 4, Nos. 2 &3, Fall & Winter 2007-8, pp. 215-230

a population"³ is not internalized. Therefore, for evaluating human rights norms at international scene, there is a need for contextual analysis.

There must be an avoidance to view human rights norms in abstract in international interactions. There should not be an adherence to a universal concept in international relation in order to enable to advance the notion of human rights across the world. As long as the organizing principle of international system is based on anarchy the actors would look at human rights in instrumental terms. Actors generally believe that interests are conflictual and also understand that there are cultural differences between countries and among countries. It means that it would be natural to see western countries with American leadership to continue the situational use of human rights norms in order to strengthen their international position and non western countries to stick to their negative view of these norms.

Norms as instrument

International stage looks complex and with characteristics which are not subject to control and also don't yield themselves to prediction. This happen because countries have different normative and analytical frame of references. Many express the view that Bush Doctrine "war on terrorism" has brought about most damage to the concept of human rights. The imprisonment of more than six hundred

people near Cuban mainland is viewed as obvious breach of natural rights of individuals. At the Same time they see American involvement in Kosovo and Bosnia as the symbol of idealism and defense of natural rights in foreign policy arena. The reason to intervene in Yugoslavia's crisis looked upon as a positive and rightful action.⁴

The American operation was viewed as preference of human values to strategic arrangements and power politics. Human communities are not supposed to be visualized as billiard balls which are separated from each other,⁵ but they must be seen as integrated units. Universal understanding of human rights get chance to materialized as long as political, cultural and social differences are widespread don't around the globe. International community are formed whenever common laws and common interests are recognized by independent states who are obliged in the operation of common institutions.⁶ Of course some stress that the existence of only common interests, laws and institution are not sufficient elements to shape international community and there has to be ground for common procedures.⁷ Because the actors need to embark upon establishing dialogue.

Following the positive reaction of the world to the way crisis in Kosovo and Bosnia ended, respect for human rights became the benchmark for joining the international community.⁸ Human rights norms show constitutive and behavioral effects. Constitutive effects

form the identity of the international actors and behavioral effects shape the functional framework of these actors. The identity of the actor determine the range of his interests and what is suitable and possible. Human rights norms prescribe how and based on what criterion actors make judgment and shape their evaluation. Western interventions in internal affairs of Yugoslavia earn legitimacy because this country's government constantly breached the rights of people. Human rights norms also determine the behavioral standards of the actors.

Some say the United States of America having less national interest in comparison with France, Germany and England nonetheless because of respect to human rights norms directed its policies toward Yugoslavia. People who promote this line of argument express the idea that human rights norms have two functions: it helps to define the identity of the actors and also prescribe the necessary laws regarding the proper and rightful actions. Presentation of human rights as indispensable part of international arrangement shows that human rights and related norms have become the moral and dominant vocabulary in foreign affairs. The era of human rights has begun in international scenes.

The reality is totally against the picture which was presented above. The non-materialistic consideration which caused the reaction of Western countries toward the policies of Yugoslavia during the early 1990s should not be viewed as the rising of a new age. The same

way, the war on terrorism should not be consider the path toward the diminishing regard for the human rights norms.

The period between Yugoslavia crisis and Afghanistan, the undeniable reality has been the fact that regardless of all governmental and nongovernmental efforts the extensive violation of human rights has been the hallmark of international scene.⁹ In contrast to the view of many of theorists, forty eight countries who signed the charter of the United Nations at the beginning and one hundred forty three nations which during the latter years joned it, never voted to the erosion of their sovereignty.¹⁰ New era has not come to life. What has happened is the broader compatibility between the interests of Western countries especially the U.S. and the idea of human rights. This has caused a larger and more positive understanding of the norms of human rights. This means that traditional notion of power versus norms and norms versus interest has lost its dominance. Knowledge regarding the profound effects of power of principle in internal and external arena has brought about deeper understanding about the importance of human rights norms in shaping the identity and behavior of actors. Human rights norms as international norms play a significant part in collapse of the racist regimes in Africa.¹¹

American effort in persuading the Soviet Union and its European allies in accepting the Helsinki Accord in 1975 which one of its most important baskets had to do with human rights issue showed that

Western national interest has found compatibility with human rights norm at international scene. The principled ideas such as human rights during decades have been used as instrument to reach foreign policy goals. The actors according to situations and interest in order to reach their goal, whenever there is a chance embark upon the instrumental utilization of human rights norms. But in long run the norms which at first viewed instrumentally become belief and idea and gain organic character.

Ideas and norms influence international politics. But the effects are not contextual but they are situational.¹² West with American leadership could not endure the tragic condition of human rights in Bosnia and Kosovo and humanitarian intervention came to the picture. But exactly at the same period of time western government ignored genocide in Rwanda. Strategic consideration forced the west to view violation of human rights in a different light. The genocide in Rwanda didn't become an important issue for the west because this country lacked any economic or military significance and its plight didn't endanger the world order.

The actors do not interact in battleground of ideas and do not shape their behaviors in abstract, but pay attention to their interests.¹³ In final analysis, the interest determine the actions of all countries around the world. Of course moral and ethical concepts are elements which influence the nature of international interactions but at end of

the day, interests are the essential factors which shape the behaviors.¹⁴

There are two points of views in relation to the effects of human rights norms in international arena. One view promotes the Maximalist approach toward human rights norms viability in actors' interaction. The other view brings to the front the idea that minimalist approach is the most realistic avenue in international relation field. Each one fortifies its analysis based on certain facts. One of the major characteristic of diplomacy in modern age is the institutionalization of idea of human rights as international norm. Universal character of human rights of 1948, European convention of human rights and fundamental freedom of 1950, African charter regarding human rights in 1981 are some of the major efforts at the world level to institutionalize the concept of human rights.¹⁵

Expansion of gaining importance by human rights norm doesn't obscure the fact that the nature of dominant international system imposes limitation on the range of human rights' norms. International system operates based on the legitimacy of state system. The most important preference in the system is preserving the security in such a framework. Two principles have outmost and universal respect and prestige. States have the rights of sovereignty which means that in its domain it has the right to impose its power. This is the so called "king's peace". Therefore it must be accepted that human rights and its norm are not the operative ideas of present age.¹⁶ At the same time states

always refer to the principle of non-interference in defense of their behavior and policy toward their own citizens. Based on this principle countries reject outsiders' view about the situation of human rights. Enforcement of human rights as an international norm is in total conflict with the principle of non-interference.¹⁷

The observance of human rights norms cause the international necessity for accountability of political units. But because of institutionalization of the two principles of sovereignty and accountability in shaping the international interactions the actors have the chance and opportunities to ignore them. With respect to two maximalist and minimalist approaches and paying attention to the dominant international realities it is clear that least respect has been endown upon human rights principle around the world. State-center nature of the international system plays a very critical role in bringing about the lack of respect to the human rights norms. Western countries double standard regarding the enforcement of human rights principles has created the proper environment for disrespectful leaders to human rights norms, to call the efforts for promotion of human rights as cultural imperialism.¹⁸

As long as the idea of moral relativism and the notion of the necessity compatibility of human rights and specific history are used by political leaders in order to justify their behavior and policy the possibility of talking about universal culture of human rights norms

is impossible. As long as the western countries continue to utilize the selection policy of respecting human right in their foreign policy behavior, disregard for human rights norms will persist. Dichotomy between the perception of national interest and human rights norms in shaping the foreign policy activities means there is no room for optimism about the institutionalization of human rights norms.

Conception of Human Rights

There is this universal belief that human beings have certain rights. But this notion of universality loses its oneness in realm of definition. Historical differences and cultural incompatibilities create a situation where there is no chance to use a common and general vocabulary in terms of human rights. The definition of human rights has essentially a western character and is based on moral beliefs which have their roots in liberal notion of the extent of rights. Human rights is the normative property of the western societies. Human rights norms, the way they are portrayed and defined in international treaties and conventions are the reflections of objective and subjective way of life in the west. Human rights are principled norms which are the consequences¹⁹ of historical events and facts of the western communities. The constant breach of human rights norms in non western societies in large extent has to do with the fact that they are the symbols of western culture and heritage. International norms such as human rights norms are more

than anything else are the representatives of western dominance in universalizing the liberal procedures values and norms.

Norms are the reference points for the actors in their interactions in the world scene. Norms are the behavioral standards which are formed based on the concepts of rights and wrongs.²⁰ Human rights norms are not yet accepted as formal international norms because they have not become to beliefs and identities of the international actors. When the change become solidified the results would be changes in perception of the national interest with the international players. There are three options in front of the actors in the world scene on how to accept the human rights norms. The most common and superficial one has to do by "instrumental adaptability". In this way there is no moral responsibility and obligation to human rights norm by the signatories. The pretension to human rights norms is an effective way to gain the most advantages in international interactions. The strategic concerns are the key factors in shaping the actions in this process. The human rights demands which have come out of the bargaining process and the presentations of norms are not the determinant elements in organizing the international behaviors. In this context the idea of human rights for western countries in the international arena function as a very potent tool. This is one of the main reasons why promotion of human rights norms as an ideology has coincided exactly with the enhancement of the power and authority of the status in the modern international system.²¹

Another option which is available to the actors at domestic and international levels regarding the necessity of taking careful notice of human rights, norms and promotion of international dialogue regarding human rights, demands consciousness rising and persuasion. This option is built on the logic that the right is the weapon of weak against the strong²² and because of destructive characteristic of state as a political unite the confidence should not be bestow upon it.²³ In such a framework two principles of non-interference and the legitimacy of rights of sovereignty are not the prevailing issues. Such an understanding creates Kant's notion of "public law of mankind". This means that the breach of rights in one place would be felt in all places.²⁴ Enforcement of this option because of the nature of the international system is not possible. Countries interact in the context of anarchy which is the organizing principle of the international system.

Many of the non governmental organizations express their desire for the third option. This is the process institutionalization of human rights norms through the writing of an international constitution. The existence of a formal constitution compel the political units to respect the human rights norms and bring a sense of predictability about their functions in the world scene. Because the frame of the international system is based on the norms that configuration of power determine its nature,²⁵ it seems impossible to expect institutionalization of human rights norms in a document called international constitution out of

these three options, two of them are optimistic and Idealist which limit their applicability. The only option which enjoy the possibility of execution is the instrumental one. There is no moral integrity regarding the human rights so there is not much chance to make policy only according to the human rights norms. Because of this reason realistic approach toward the issue or human rights has greater utility in analysis and elevation of international politics.

In the context of a realist framework human rights norms necessarily gain importance according to the state's moral.²⁶ Even though conservative approach in relation with the quality of involvement of human rights norms in interaction between state actors has large credit but change is gradually occurring about paying more attention to the issue of human rights in the international scene. A lot of efforts are coming to life to turn human rights idea to interest and action. The process of socialization of human rights norms has gained a lot of devotion among western countries. The western societies in managing their affairs with the non western societies have realized the benefit and potency of the issue of human rights as a weapon to use against their enemies and competitors. The western societies use the lack of respect for human rights norms by many non western countries to weaken their legitimacy internally and weaken their bargaining position externally.

Human rights norms have earned more legitimacy in shaping the

international interactions. But it is not expected that in the near future human rights norms function in guiding the foreign policy actions. As long as there is no common values and philosophical agreement about the content of human rights, there is no way to talk of universal culture of human rights. Countries based on their understanding of their national interest define the content and form of human rights norms. Therefore they give a peripheral role to the issue in shaping their foreign policy activities. Lack of consensus regarding definitional understanding of human rights prevents the emergence of universal culture of rights. In the context of this reality, countries shape their foreign policy. They see their interest in instrumental approach toward the issue which is an inevitable fact of international relations.

Conclusion

The anarchical nature of international system prevents the formation of a universal interpretation of human rights norms. Because of the predominance of plural conception of human rights norms there is no possibility for a common path in handling issue of human rights in foreign policy arena. Many of western countries have an instrumental approach toward the issue. At the same times many of non western countries pay least attention to the concept as a viable issue. As long as the dominant force in shaping the essential norms of the system is the configuration of power the notion of human rights in its strong sense

or even in its weak sense don't gain universal acceptance. The human rights norms are not the fundamental factors in determining the behaviors or the actions of the actors in the international arena because of the absence of the universal culture of human rights. □



Footnotes:

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