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Book Review

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BOOK REVIEW

Enhancing Global Human Rights, 1980's Project Council on Foreign Relations, McGraw-Hill Book Company, 1979. Pp. 270.

ENHANCING GLOBAL HUMAN RIGHTS is one of a series of volumes compiled by the 1980's Project/Council on Foreign Relations. This book consists of four studies which attempt to assess the status of global human rights upon entering the 1980's.

The 1980's Project is the research arm of the Council on Foreign Relations. The Project stands on the basic premise that as the international scene changes in the new decade, international institutions and behavior will also have to adapt. The Project's objective is to articulate a series of goals which not only reflect the changed conditions but are also consistent with the goals of most states, notwithstanding ideological and economic differences. Since the 1980's Project disclaims responsibility for the authors' opinions and facts within the volumes, the major goal becomes not one based on firm policy ground but an effort to raise the reader's level of understanding of the problems of the 1980's.

The four studies focus on three primary areas regarding the status of human rights: 1) what indicators are best suited to accurately assess a government's behavior on human rights; 2) who will be the proper (and, hopefully, most effective) body to use the indicators in monitoring behavior; and 3) if violations of human rights are found, what pressures can other parties bring to bear on the guilty government to modify its behavior.

Richard Ullman, in his introduction to the four studies in *Enhancing Global Human Rights*, identifies two conflicting tendencies that result in the tension associated with human rights at the beginning of this new decade. The growing constituency of those concerned with human rights is in competition with governments which are burdened by the problems associated with explosive population growth and thus, react in a more repressive manner against dissidents. Mr. Ullman, the former director of the 1980's Project, forecasts an intensification of the problems associated with rapid population growth, such as food shortages and urban slum expansion. These problems will induce governments to become more repressive as they try to implement their policies in the face of growing opposition. Repression will increase with opposition and terrorism, resulting in severe human rights violations.

Mr. Ullman also notes that the traditional safety valve of widespread migration across national boundaries may disappear as repressive states bar departure and other governments, saddled with their own crises, bar entry. The much-publicized account of Vietnam's boat people supports

this trend; the Hanoi regime berated the United States for supposedly inducing migration while others, especially the lesser developed countries such as Malaysia, cast the floating refugees adrift at sea. The results of such growing repression and inhibition of migration pose a pessimistic backdrop to the ideas articulated in the subsequent four studies in this book.

Jorge Dominguez, in the initial study, *Assessing Human Rights Conditions*, develops his own human rights index in order to evaluate a government's performance. This index encompasses the United Nation's Universal Declaration of Human Rights and various characteristics valued by other researchers. The result is an unmanageable, amorphous matrix grouped around the eight basic values identified by Harold Lasswell and Abraham Kaplan in *Power and Society*. The basic values are aligned with the four characteristics of security, growth, equality, and liberty to form Dominguez's 32-cell operational matrix of human rights. A government's performance is analyzed by filling in these cells with conclusions drawn from available information as to how the state fared in regard to each factor of the matrix.

To his credit, Professor Dominguez, recognizes the inherent problems in applying his operational matrix. Valid and reasonable information is infrequently available, especially respecting the most blatant offenders. This scarcity of data cuts to the heart of the rationale behind the matrix since those offensive governments which need to be accurately analyzed often escape with unsubstantiated violations. Furthermore, the data that is available relates to what the authors of this book refer to as "human needs," such as food, education, wealth, etc. These elements are more quantitatively oriented than are the civil liberties traditionally associated with human rights. The operational matrix is not an effective index for assessing a government's performance with respect to civil liberties issues because of the need for raw data.

This problem is endemic to any similar index because of the value judgments associated with the determination of violations of civil liberties. Unfortunately, Mr. Dominguez exacerbates the problem by promoting a hierarchy of values emphasizing the human needs. This hierarchy may be an attempt to inflate the feasibility of the operational matrix. Unfortunately it skirts the issue of how to implement an index to effectively characterize human rights that are of a non-socio-economic nature and yet are violated by repressive regimes. Mr. Dominguez' valiant effort to streamline the characterization process is undercut by his deemphasis of non-quantitative civil liberties. It is arguable whether "human needs" should be included in a discussion of human rights, since woeful living conditions are not always a conscious policy of a regime. Furthermore, the subsequent studies in this book on monitoring and modifying behavior suffer since they depend on a sufficient index.

Nigel Rodley, in *Monitoring Human Rights Violations in the 1980's*, bases his study on the "unverifiable assumption that the public display of state behavior can inhibit such misbehavior." Mr. Rodley finds support for this assumption in the reluctance of states to permit international governmental bodies to monitor human rights performance. Therefore his premise is that nongovernmental organizations (NGOs) will continue to be the principal monitors of human rights violations.

Public display of human rights violations does not necessarily lessen the repressive policies of many states. In fact, conceivably, publicity will increase repression in order to prevent information about human rights violations from leaving the country. In those instances, NGOs will be as thwarted in their monitoring efforts as would be transgovernmental organizations.

The author details his ideal NGO monitoring institution to be: 1) completely independent of governments and economic power elites; 2) financially and legally secure; 3) accessible to accurate investigation and information; and 4) free of ideological and politically partisan prejudice. Mr. Rodley admits the impossibility of attaining this ideal by stressing that this model is merely meant to be a goal of NGOs. Unfortunately he does not address the subsequent issues of how an NGO can achieve these lofty goals and, more importantly, why a sovereign state would embrace an NGO which would investigate its domestic affairs. A repressive regime will do its utmost to prevent inquiry into severe human rights violations even if the inquiring body is an NGO instead of an intergovernmental body. In the area of human rights, we can all agree what should be an ideal NGO, but there needs to be an "ideal" based on the political realities of the period. Repressive regimes will not open their prison doors to anybody.

Mr. Rodley claims, for example, that it is inconceivable that a state's policies to enhance economic, social, and cultural conditions could result in infringements upon specific civil and political rights. Ideally, he is right in that one's liberties should be complete as a state develops, but political expediencies do not always permit this. If they did, there would be no need for an ideal monitoring group. The tradeoff between development and restricted liberties, if there is one, must be analyzed on a case-by-case basis by a monitoring system based on practicalities and not inflexible ideals. Repression by Tito in the early days of his Yugoslav regime, which benefitted the majority, is quite different from the cruelties of the pre-Khomeini Savak in Iran or the pre-Sandanistan Nicaraguan regime which benefitted only the now deposed tyrants.

The third study, *Human Rights Issues in Latin America*, by Wood does not fit into the structure of the volume. Instead of focusing on the three areas of indexing, monitoring, or modifying behavior, Mr. Wood analyzes the historical and contemporary issues affecting human rights

violations in one particular region. His product is the most interesting study of the book.

The author's analysis limits the discussion to basic human rights issues such as torture, habeus corpus, and unusual punishment and does not dilute his study by including economic or "human needs" under the auspices of human rights. This makes it easier for the reader to comprehend the elusiveness of determining what is a human rights violation and what is an effective response, without becoming bogged down in socio-economic criteria that only obfuscates the analysis. Housing, education, and improved living conditions are desirable in a society, but these factors are often irrelevant when determining the repressiveness of a particular state.

This repressiveness, regardless of economic conditions, is, according to Mr. Wood, especially true in Latin America where national military security is identified with economic growth and internal stability. The state's military is no longer politically neutral but must crush any active opposition within the country so that the "decent" people's rights to enjoy peace and order are not violated. The violations of human rights by the military are so embedded in the region as a matter of established policy that the traditional responses to such violations are ineffective. Unilateral aid to Latin America from the United States is not that extensive: thus, states may prefer to have their aid cut than to give in to the pressure to change their repressive policies viewed as essential for stability.

The result is what Mr. Wood characterizes as a conflict between "the morality of outrage and the morality of generosity." The former is characterized by absolute and publicized reactions to human rights violations. This was the position assumed by Mr. Rodley in the previous study but its fallacies are highlighted by Mr. Wood. Such an absolutist position would encourage the Latin American states to withdraw from the Organization of American States and induce more repression by those states which want to show that they cannot be bullied. The author favors a position dictated by the morality of generosity based on non-publicized reductions in aid for violations of human rights and corresponding increases for those states that respond by easing repressive policies. Even though this view contradicts the current United States policy emphasizing form over substance, a non-absolutist stand could ease the resentment of Latin American countries. They might feel less compelled to be harsh in implementing domestic policies and to use the military to insure internal "tranquility."

Intervention by another state or an international organization is doomed to futility according to Richard Falk in the final study, *Responding to Severe Violations*. State sovereignty is the primary element of the current international order. Weaker states, even those that are a product of rapid decolonization, do not desire intervention because they wish to

maintain the appearance of territorial sovereignty. The result is that relatively weak states, some of which may be the most flagrant violators, inhibit international and interventionist responses by stronger states. Furthermore, stronger states often do not wish to intervene out of deference to this attitude of strong sovereignty.

According to Mr. Falk, this "Hard State" view means that conflict is inherent in the international system and a sovereign must advance its own interest, even if human rights violations do occur. In the 1980's, this approach will become more firmly established as population growth is coupled with economic frustration. Governments will neglect people at the subsistence level, and states will become increasingly insulated and too preoccupied to alter their behavior or to respond to others.

Mr. Falk's response to this dismal forecast only causes one to be more pessimistic. His solution is a hoped-for drift towards an international welfare order. Unfortunately, if human rights behavior in the current system cannot be modified, it is less likely that the harder tasks of formulating a new international order will be successful. Mr. Falk's plea for a "Mild State" system, structured upon the attitudes of a global community, is not in concert with the goals of the 1980's Project. If the international system can ever be changed, it will not be as soon as the 1980's. His study does not really outline the different alternatives which are practical responses to human rights violations in this new decade. Perhaps Mr. Falk should have focused on other possible options such as economic boycotts, sanctions by international organizations, such as OAS or Nonaligned States, or the support of armed insurrections. It would be better to refine the existing alternatives, then to suggest an unlikely solution that skirts the issue.

The studies in this volume must not be dismissed even though they appear not to solve the problems they raise. The authors' efforts in grappling with the difficult issues of human rights reflect the conditions of human rights in the international system upon entering the 1980's. Human rights would not be in such a precarious state if there were complete indices, widespread monitoring, and practical responses to modify behavior. The problem of human rights, by definition, is that severe violations continue because of the inability and refusal of international actors to implement ideas such as those advanced by the authors. The authors clearly define the various aspects of human rights in order to induce constructive thought on the problems. At least they met the goal of raising the reader's consciousness upon entering the 1980's. And once we know more about the realities of the problem, perhaps we are a step further along towards recognizing its solution as a valid objective for the decade*

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