

Normand, Roger: *Human Rights at the UN: The Political History of Universal Justice*. Bloomington: Indiana University Press 2008. ISBN: 978-0-253-34935-4; 490 S.

Rezensioniert von: Klaas Dykmann, Global and European Studies Institute i.G., University of Leipzig

Human rights have developed into a common point of reference in international politics, although many aspects remain contested and challenges to their universal claim are numerous. Despite their long philosophical history, the legal embedding of human rights essentially did not start before 1945. Humanitarian law and petition rights in the League of Nation's Mandate system may be regarded as forerunners but in view of the war crimes, the Holocaust and other Nazi atrocities during the Second World War, it was the newly created United Nations (UN) that institutionally facilitated the lasting rise of human rights onto the international agenda. Surprisingly enough, there has been no specific study on the history of human rights at the UN – so the authors of this publication, from the series of the prestigious United Nations Intellectual History Project (UNIHP), have seized the opportunity to fill a gap.

The subtitle of this book at first seems not very promising, as it claims to address the „political history of universal justice“. Initially, this suggests the typical treatise of human rights especially from US scholars: portraying human rights as a (mostly western) missionary vision for the world to make it a better and safer place. In addition, the almost unavoidable cover picture, showing Eleanor Roosevelt with the Universal Human Rights Declaration, fuels this suspicion, although the photo beneath it portraying women and children behind bars immediately contradicts this idealistic image. This book differs from the first impression; it is a must-read, as for on the most part it also reflects the power struggles and cynicism, which for instance, prevented a strong and effective UN human rights system. Soberly, the authors demystify the great human rights defenders like the US, Great Britain or other traditional rights advocates among European countries. In most cases, hu-

man rights were second thoughts and served as an instrument for other ends. Notwithstanding this instrumentalisation and double standard, Zaidi and Normand still regard the advocacy of human rights as good and helpful. Zaidi is a Pakistani Muslim social scientist trained in international public health and development and Normand is a Jewish-American lawyer educated in international law and theology (p. xxii). In the preface the authors acknowledge to have become both believers and sceptics with regard to human rights due to their experience in the field (p. xxi). Zaidi and Normand, both human rights advocates for many years, have prepared a quite critical, readable and highly interesting book.

The book is divided into an introduction and three main sections, which contain nine chapters and a concluding chapter. Each of the main sections provides a helpful introductory summary of the chapters and topics. Part 1 deals with the foundations of human rights in the 20th century until the foundation of the UN, while the second part addresses the foundation of the UN framework in human rights terms. Part 3 tackles the impact of civil society and the topic of decolonisation and highlights the rights of special groups (minorities, women, children), the controversial right to development, and the human rights question after the end of the East-West conflict.

As part of the introductory remarks, the authors make clear that their aim is not to discuss the philosophical basis but the emergence of human rights in the 20th century within and through the United Nations (p. 6). Underlining their approach, they point to the Universal Declaration of Human Rights: „All references to an ultimate source were deleted from draft versions of the 1948 Universal Declaration of Human Rights“ (p. 8). In a short historical overview, the origins of human rights are portrayed (pp. 10-15) – although brief, it also includes doubts about the „true“ sources of these rights. In the book, human rights are referred to according to the UN definitions in the Universal Declaration¹ and the two Covenants on Civil and Political as well as on Economic, Social and Cultural

¹See: Schlesinger, Stephen C., Act of Creation. The Founding of the United Nations, Boulder 2003.

Rights. At the United Nations, no „monolithic“ entity is in charge of human rights but various institutions – this constitutes one of the origins for the weak implementation mechanisms (p. 17). However, the authors’ aim was not to analyse the complex human rights bureaucracy (p. 20), which may be considered as one of the book’s gaps as an investigation of the bureaucrats in charge and the corresponding organisation culture may help to elucidate the UN human rights performance. The book also abstains from discussing regional human rights systems, which is acceptable due to practical reasons (scope of the study), but might have provided some comparative findings, particularly with regard to the European and inter-American systems.

During the founding of the UN, Cold War concerns of the „superpowers“ not to be bound to strict human rights rules as well as other countries’ wishes to maintain „national sovereignty“ and thus avoid interference in internal affairs, led to „moral norms“ rather than „enforceable rights“ at the UN (p. 4): „It is no secret that the major powers that promoted these rights and eventually established the UN system, the United States and the British empire in particular, did so from within the framework of an explicitly imperialist and racist world order of which they were leaders and beneficiaries.“ (p. 28). Despite the usually attributed „international“ character of the UN, the authors succeed in deconstructing the myth of the UN as uniquely global effort and identify it as a mainly US-sponsored project.² This also holds true for the Human Rights Declaration: „The declaration’s focus on human rights was clearly subordinate to its purpose of establishing a united war front; human rights were mentioned in the conservative sense of a cause to be preserved rather than rights to be extended to new areas“ (p. 93). The book describes how the US converted the Universal Human Rights Declaration into a „paper tiger“, which should neither undermine the non-intervention principle nor push the colonial powers to rapidly dissolve their colonies (p. 105). The three victorious powers of the Second World War (the US, Great Britain, and the Soviet Union) showed no interest to

strengthen human rights (p. 106). As a result, human rights almost disappeared from the agenda at the UN preparation meeting at Dumbarton Oaks (US) (p. 107-109). The book further provides very interesting insights into the struggles, which accompanied the debates on the UN Charter, including the insistence of the US government that human rights should somehow be mentioned but with no real enforceable impact: „All the stirring and forceful Anglo-American rhetoric about a war fought to enthrone the rights of man, all the declarations aimed at rallying other nations and peoples to fight for freedom found expression at the very last moment in eight words relegated to the back of the bus: ‘promote respect for human rights and fundamental freedoms’ “ (pp. 113-115).

The primary task of the newly created Human Rights Commission was to draft a single, enforceable bill of human rights – but the outcome was three documents: the Universal Declaration and the two Covenants on political and civil as well as on economic, social, and cultural rights, reflecting the divisions between the „East“ and the „West“. This fragmentation nourished a weak human rights system in practice and went along with an absolute disregard for implementation (pp. 139/142). The origin of the human rights concept enshrined in the UN system appeared clear: „The source materials for the early drafts of the Universal Declaration were exclusively western, and the overall paradigm was based on the western model of individual rights“ (p. 140). The Soviets hardly achieved a stronger mention of the state role as guarantor and provider of rights. However, the Soviets and Latin American governments managed to get economic, social, and cultural rights included (p. 140). The authors argue that the specific situation after World War II explains why there were many „missed opportunities“ but that this can simultaneously be regarded as the „triumphant emergence of the modern human rights regime“ (p. 143). The book further impresses by offering an elucidating and detailed depiction of the struggles between the western powers, Soviet allies, and Third World governments on the two human

²See: Schlesinger, Stephen C., Act of Creation. The Founding of the United Nations, Boulder 2003.

rights covenants eventually signed in 1966 and the right of self-determination in particular. However, here it would have been interesting to inquire how the UN secretariat positioned itself and brokered deals.

The third part, focusing on the rights of special groups (including rights of minorities, race and non-discrimination, indigenous peoples, as well as the rights of women and children), decolonisation and the post-Cold War human rights situation, seems less cohesive than the previous sections. On the divisions between women of the „North“ and the „South“ for instance, the book detects „...contentious divisions between representatives of developing countries who wanted to focus on economic and political equality in the context of the New International Economic Order and western states who felt that sex-based discrimination was the issue in their countries“ (p. 279) It would have been highly interesting to delve deeper into these divisions and their impact also inside the UN secretariat and the Commission on the Status of Women, which mainly consisted of western women. Zaidi and Normand conclude that women’s rights at the UN brought progress, offering an „effective arena for airing views“, however, with little effect on real life (p. 282). The right to development is a product of the anti-colonial struggles and Third World calls for self-determination and equality. In the aftermath of the oil and debt crises and the failure of the New International Economic Order in the late seventies, a demand of the Third World countries to establish a fairer world economy led the Southern countries in the Human Rights Commission to focus on the right to development and to formalise it despite Northern opposition (pp. 298/299). The authors regard the main benefit of the right to development was that it surmounted the division between the political and economic interpretations, opened new spaces (p. 311) and finally also contributed to the establishment of the „sustainable human development“ concept (p. 313).

In the concluding chapter, Normand and Zaidi concentrate on human rights after the Cold War and emphasise two human rights challenges: „neoliberal globalization“ and the „war on terror“. A seemingly provocative

but highly relevant question is put forward: „... whether China should continue to be singled out as one of the world’s worst human rights violators when its economic and social policies have raised hundreds of millions of people out of poverty“ (p. 324). The book qualifies the Washington Consensus (enshrining free trade) and the rulings of the World Trade Organisation as partly contradictory to human rights and describes the UN human rights system and the „institutions of globalisation“ as „parallel universes“ (pp. 325, 339). The authors conclude that despite the shortcomings of the UN system, the spread of human rights as a concept, though lacking enforcement instruments, changed the debate in international relations and generated „a new consciousness and awareness throughout the world“ (p. 340).

In short, Normand and Zaidi have presented a quite readable account of the history of the UN human rights system, mostly providing a perspective on power relations, although the first two, more historical/analytical parts are stronger than the attempt in the third part to touch on several human rights issues. Many parts of this book will be highly helpful for seminars on the UN human rights system not just for legal scholars, historians or political scientists.

Notes:

[1] See: Morsink, Johannes, *The Universal Declaration of Human Rights. Origins, Drafting, and Intent*, Philadelphia 1999.

Klaas Dykmann über Normand, Roger: *Human Rights at the UN: The Political History of Universal Justice*. Bloomington 2008, in: H-Soz-Kult 16.01.2009.