

HUMAN RIGHTS IN
THIRD WORLD PERSPECTIVE

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ABSTRACT

"Human Rights" is a fairly new name for what was formerly called "the rights of man". It should be remembered that it was Mrs. Eleanor Roosevelt in the 1940s who promoted the use of the expression "Human Rights" when she discovered, through her work in the United Nations, that the rights of men were not understood in some parts of the world to include the rights of women. In fact, the "rights of man" had, in turn, replaced the original term "natural rights" which was logically connected with natural law.

As the idea of natural rights returned to favour around the time of World War II, and people generally being convinced that they *do* have rights, there began to be no fixed limits to the rights that people claimed or were said to possess. No doubt, the UN is responsible for a great deal of this. At the time of its foundation, the UN was charged with what Winston Churchill called the "enthronement" of the rights of man. Henceforth, the UN has been producing a plethora of instruments pertaining to human rights and from them have emerged the new standards of human rights..



However, within just three decades, a different turn had to be adopted, inevitably due to the changes of political and social dimensions in the international forum. Henceforth, majority of the nations in the UN gradually began to realize that the concept of human rights in its applicability with regard to these countries contains no uniformity. Furthermore, due to the very existence of divisions among themselves, they started to suspect that this concept also had, to some extent, adverse impact on them. Ultimately, this fear led them to a legitimate formulation of a "new group". This group, crowned itself with the name of the "Third World", started to dominate the activities of the UN at least from 1974.

The core of this remarkable "development" is the shift from "rights oriented" ideology of human rights to "duties oriented". By demanding their economic, social and cultural rights, Third World countries try to establish within the UN, that a New International Economic Order is a must for the realization of the rights and freedoms set forth in the international instruments. In other words, an era of "enthroening" the duties of man has been initiated by these countries.

The concept of duty is well entrenched in the Eastern countries mainly due to their rich religious and cultural traditions. Despite the fact that it is not a novel concept for them, Eastern countries had to join the "battle" to promote the increasing importance of the economic, social and cultural rights.

Against this background, the major part of this study is allocated to the development of social welfare rights, emphasizing the New International Economic Order. The birth of "Third Generation of Rights" is also discussed in detail. Quite understandably, civil and political rights are given a low profile in this study. The primary issue that is addressed in the following pages is that the Third World perspective of human rights is duty concerned and having priority over civil and political rights while without diminishing the importance of these rights.

Chapter - I

This Chapter deals with the origin and the historical development of the concept of human rights. Special attention is accorded to the Eastern religions with the purpose of emphasizing the "duty" concept. These religious philosophies clearly show that every human

being is invested with certain duties and upon the proper performance of them depends the well-being not only of himself but of society. The effective realization of individual rights, to a great deal, depends again on these duties as solemnly stated in Article 29 (1) of the Universal Declaration of Human Rights. In order to show how the ground was prepared for the debut of social welfare rights, the modern law of human rights is briefly discussed. A critical analysis of the relevant international instruments is undertaken in the following Chapter.

Chapter - II

Starting with the definition of Third World, attempt is made to analyse the necessity for a distinct identity in the activities of the UN with particular reference to human rights. By critically analysing the jurisprudence of human rights in the light of modern normative instruments, this Chapter justifies the necessity for the grouping of Third World nations under a single banner. A completely new approach is undertaken in discussing the International Bill of Rights in order to stress the vitality of certain concepts of human rights. This approach, differing from the 'traditional' ones, includes the UN Charter as well as one of the International Bill



of Rights. The UN Charter, rather than any other instruments, is the very basic document for the Third World countries- specially - in the questions of human rights.

This Chapter further tries to establish that the binding nature of the UN Charter paves the way to go ahead with the new demands contemplated by the Third World to implement the provisions of the other four international documents on human rights. The basic ground must be prepared for the implementation within the valid frame set out by the Charter, hence the inclusion of it into the International Bill of Rights. Having emphasized the importance of the economic rights or welfare rights, it is shown how the transition in the traditional conception of human rights has been taken place in a positive manner by the numerical strength of the Third World. The birth of the new generation of rights has been attributed, to a great extent by this new look and approach and the "joined hands efforts" of the developing nations in the human rights activities of the UN.

Chapter - III

Being the core of this study, ^{it} attempts to discuss the birth and the development of the 'Third Generation'



of rights in detail. The phrase 'Third Generation' does not at any event mean that these rights belong to the Third World in their entirety. But, it has special references to the problems of the developing nations. Hence, it is attempted to emphasize the necessity of this group of rights in order to project the special interests of the Third World. It is intended to establish that the Third World perspective of human rights is economically based and its other side is politically based. As such, contention is, running throughout the Chapter stressing the undesirability of the unwanted colouration of politics with the immediate needs of the developing countries.

The priority choice of the developing nations is the right to development as the foremost human right. To enable these nations to ease themselves from the colonial burdens, this Chapter, ranks this new group of rights in a priority order and, accordingly it is endeavoured to analyse the vitality and the later development of these rights.

Chapter - IV

If what has been said in the previous Chapter is the sum of the plus points of the Third World countries, this



Chapter deals with the minus points of these countries. The difficulties faced by these nations in duly channelling the 'development' streams are focused in this Chapter. In fact, it is proposed in this Chapter that, these problems are basically internal and should also be dealt with at internal level. Otherwise, development could not take place as desired and the gaps also cannot be bridged unless these loop-holes are promptly shut-up.

By briefly analysing the grounds for the problems such as self-determination, minority rights and terrorism, the current opinion prevails at the international realm in this respect and the necessity to act according to it are also pointed out here enabling the Third World plea for development as more assertive and justifiable.

Chapter - V

In this Chapter it is attempted to emphasize the suitability of the regional mechanism over the universalism in the promotion and protection of human rights. Regionalism, it is suggested here, would certainly expedite the actions taken against complaints of violations of human rights. As such, what can be expected from this organizational set up is the different

approach and interpretation that can be attributed to the human rights principles which would be much realistic in the case of Third World countries.

Notably, by leaving out the European organizations, attention is circumscribed to the Third World regions which might in future march towards forming a Third World Region. As these regional organizations are required to concentrate on regional issues - complexed with human rights violations - details of the technicalities of the judicial set ups of these institutions are not given much emphasis. The origin, history, the present state and the future of them have briefly been discussed. The commendable features of the African Charter on Human and Peoples' Rights is dealt with in a different manner as to highlight its potential provisions which could be formed as the basis for future charters on human rights.

Chapter - VI

As a concluding Chapter, it attempts to summarize the Third World Perspective of Human Rights. The historical backgrounds, the novative interpretations, the demands for development rights and their evolutionary emergence, the need for the improvement of the ground

situation and the feasibility of effective protection through regional organization are summed up in this Chapter. What has been analysed throughout this study is not the competition between the demands of body and the demands of minds but the urgency of the Third World to give due recognition and equal treatment to certain demands of both groups.

