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Human Rights from Paper to Practice: How Far Have We Come?

Gerald Robert Pace
University of Denver

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Abstract

A review of The Power of Human Rights: International Norms and Domestic Change, edited by Thomas Risse, Steve C. Ropp, and Kathryn Sikkink. New York: Cambridge University Press (Cambridge Studies in International Relations, 66) 1999. 308pp.

The adoption of the Universal Declaration of Human Rights (UDHR) is now some fifty years behind us. Perhaps now is the time to focus less on which aspects of the political and private realms should fall under the domain of human rights, and more on the effect of the human rights discourse on the harmonization of state behavior. We presently live in a world replete with a wide range of human rights treaties that seem to clearly outline the appropriate norms of state behavior. However, the real impact of the human rights discourse on effectuating changes in state behavior has largely gone unstudied in a truly systematic fashion. In The Power of Human Rights, editors Thomas Risse, Stephen Ropp and Kathryn Sikkink attempt to fill this void by constructing a "spiral model" of the internalization of human rights norms and practices.

Keywords

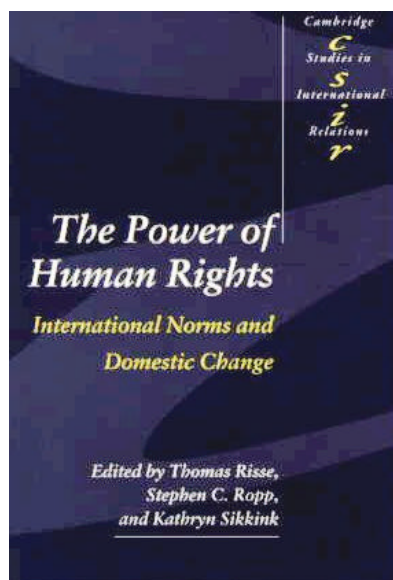Universality, Norms and practices, National implementation, Advocacy groups

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The adoption of the Universal Declaration of Human Rights (UDHR) is now some fifty years behind us. Perhaps now is the time to focus less on which aspects of the political and private realms should fall under the domain of human rights, and more on the effect of the human rights discourse on the harmonization of state behavior. We presently live in a world replete with a wide range of human rights treaties that seem to clearly outline the appropriate norms of state behavior. However, the real impact of the human rights discourse on effectuating changes in state behavior has largely gone unstudied in a truly systematic fashion. In The Power of Human Rights, editors Thomas Risse, Stephen Ropp and Kathryn Sikkink attempt to fill this void by constructing a "spiral model" of the internalization of human rights norms and practices. This model incorporates especially the influence of transnational human rights regimes on the normalization of state policy. The contributors apply this model to a wide range of comparative case studies in order to analyze the process by which the human rights discourse becomes internalized on a societal level, ultimately surfacing in both the language and the behavior of the state. The five-phase spiral model traces what the authors label as the "socialization process" of human rights norms, focusing on the causal mechanisms that facilitate the internalization of norms and practices into domestic political arenas.

Phase one of the model is the initial state of repression on behalf of the state. At this stage, norm-violating states enact policies of oppression while at the same time domestic human rights organizations attempt to document violations and bring them to the attention of the international community. Should these domestic advocacy networks succeed in bringing attention to their cause, there is a transition into the second phase of the spiral model—denial (22, 237).

The Philippines provides an interesting example of the phase-one process of the spiral model. After President Ferdinand Marcos had imposed martial law in September of 1972, he began a calculated campaign of human rights abuses, including the arrest of political dissidents and the arbitrary violation of civil and political rights of the citizens—members of the Moro National Liberation Front and the Communist Party of the Philippines in particular. Two primary human

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rights organizations emerged from these repressive activities: the Task Force Detainees of the Philippines and the Free Legal Assistance Group. Between these two groups the human rights abuses under Marcos' regime were monitored and documented to the international community and thus attention and focus was brought to their cause (139-140).

The second phase of the model is denial. Once human rights abuses are brought to the attention of the international community, the norm-violating state is placed in the position of having to respond to the accusations of repression. In most instances, this response is to deny the charges leveled against them, often in the form of questioning the legitimacy of human rights norms in general by arguing that state sovereignty should supersede concerns over human rights. Although most states go through this denial phase, it is not always necessary. In the case of Tunisia, Sieglinde Gränzer argues that Prime Minister Ben Ali skipped over this phase of denial and moved directly into phase three (tactical concessions). This case highlights two very important aspects about the spiral model: not every country will necessarily go through each phase, and the length of time in which states go through these phases will be dependent on the strength of the opposition, human rights networks and the state itself (120-121, 243).

According to the contributors, movement to the third phase of the spiral model is based primarily on the strength of the human rights networks and the vulnerability of the state to external pressure. The stage of tactical concessions is, according to the authors, the most important stage in achieving sustainable, long-term human rights improvements. Within this stage, governments begin to enact policies aimed at curbing human rights abuses, and some may even begin to incorporate the language of human rights into domestic political discourse. The importance of this particular phase is most noticeable in the case of South Africa which, as David Black shows, ultimately brought about the deconstruction of apartheid and the transition to a democratic system based on respect for human rights. The impetus for change in the South African case was the increasing isolation and "shaming" of the government by the international community (78-108, 243-246).

States then move to a fourth, prescriptive phase in their internalization of human rights norms and practices. At this point norm-violating states are confronted with fully mobilized human rights networks and an increasing internalization of human rights norms, which ultimately force the state to either liberalize their policies permanently or accept some form of substantive constitutional or governmental change. The impact of these networks can perhaps be most strongly felt when their continued efforts ultimately lead to a regime change. Of course, the South African example continues to apply here, but so also do the examples of the Philippines and most recently, Indonesia.

The final phase of the model is rule-consistent behavior. In this last stage, governments institutionalize international human rights norms into actual state practice. Within this study, seven of the ten country cases have reached this final stage: the Philippines, Poland, Czechoslovakia, South Africa, Chile, Guatemala, and Uganda. (247-248, 259).

Perhaps the greatest asset of the spiral model is its systematic demonstration of the process through which human rights norms become internalized into state practice by states with histories of human rights violations. Moreover, its social constructivist approach demonstrates the very real role of domestic opposition groups in mobilizing and effectuating change. This, coupled with domestic

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groups' relationship to transnational human rights networks helps clarify the underlying dynamics that pressure oppressive regimes to alter their behavior and curb their abuse.

Despite the usefulness of the spiral model, it does not provide a truly complete picture. While the authors claim that their model "is generalizable across cases irrespective of cultural, political, or economic differences among countries," (6) the model seems much more applicable to smaller powers rather than great ones. Returning to the example of South Africa, David Black discusses the role of the international community in "shaming" South Africa and ostracizing them within the international community. Ultimately, this shaming process (coupled with economic sanctions) aided in the eventual change of regime and the end of apartheid. However, the authors fail to discuss the over-arching influence of Great Powers in this process, and especially how the model changes when the Great Powers themselves are the norm-violating states.

Thomas Risse and Stephen C. Ropp argue, "our case studies confirm that Great Power pressure toward compliance with human rights norms was almost always the result of shaming and lobbying activities by the transnational advocacy networks" (268). In this respect, Risse and Ropp seem to insinuate that the causal mechanism that forces Great Power action was due to the influence of international advocacy networks. If we assume this to be correct, then why should we not also assume that during the Chechen conflicts in Russia (both in 1996 and presently), international advocacy networks should also have successfully mobilized the international community to move towards action against Russia? Similarly, we can ask the same of China after the Tiananmen Square incident, the United States with regard to the death penalty, or the United Kingdom with respect to Northern Ireland. All these cases demonstrate the ubiquity of "deaf ears," even in the face of strong international advocacy networks that garner international support against the norm violating states. If this is the case, then there must be a very real and salient role for Great Powers in the international effort to promote human rights norms.

The authors' spiral model provides a substantial contribution to the study of human rights norms and practices, while not perhaps providing a truly complete or "universal" explanation of the domestic internalization of human rights among all norm-violating states. Ultimately, the usefulness of the spiral model may be limited to cases of smaller, less powerful states rather than more dominant ones in the international system.

Gerald Pace is a doctoral student in international politics, political theory and human rights at the Graduate School of International Studies, University of Denver

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