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A Positive View of the Trajectory of the Human Rights Movement

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A Positive View of the Trajectory of the Human Rights Movement

Abstract

In 1988, during the waning days of apartheid in South Africa, I was a young American lawyer working for South African Lawyers for Human Rights in Pretoria. On one occasion, I accompanied some of my African colleagues to a conference, the purpose of which was to begin visualizing post-apartheid South Africa. While the apartheid regime was still in power, it was clearly in hasty retreat, and it was equally clear that its days were numbered. The African majority would soon be taking over the reigns of power, and they were excited to begin visualizing what freedom and human rights might and should look like in post-apartheid South Africa.

Keywords

Human rights, United States, Western world, Human rights advocacy

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A Positive View of the Trajectory of the Human Rights Movement

by **David Akerson**

In 1988, during the waning days of apartheid in South Africa, I was a young American lawyer working for South African Lawyers for Human Rights in Pretoria. On one occasion, I accompanied some of my African colleagues to a conference, the purpose of which was to begin visualizing post-apartheid South Africa. While the apartheid regime was still in power, it was clearly in hasty retreat, and it was equally clear that its days were numbered. The African majority would soon be taking over the reigns of power, and they were excited to begin visualizing what freedom and human rights might and should look like in post-apartheid South Africa. This conference, and many others like it around the country, provided forums for an aggrieved population to dream about how they would institutionalize human rights protections that had been so long denied them. It was a treat for me to tag along with Africans as they giddily went window shopping for human rights. At this meeting, the atmosphere was euphoric. There were passionate discussions about just about every human rights issue imaginable—free speech, political participation, racial equality in all aspects of society. I recall one particular debate that centered on whether the franchise, after it was extended to persons of all races, should be extended down to 13-year-olds. After all, it was argued, youth had played a significant role in the anti-apartheid struggle and had sacrificed greatly.

The debates were sophisticated and thoughtful. But after many hours of discussion, one issue that hadn't been brought up was that of gender equality despite the fact that there were plenty of women participating in this conference. Gender discrimination was rife in South Africa, including African society. Women of color had been staring down the twin barrels of racial and gender-based enmity for generations. I raised my hand at one point and ventured into the debate. “How might gender discrimination be addressed in post-apartheid South Africa?” I queried. An unsettling quiet overtook the room. One of the women cleared her throat and responded to my question, asserting herself on behalf of women in South Africa. In a measured voice, she assured me that there will be a time to address gender issues. But, she added, racial equality had to be addressed first. The conference participants considered that for a moment, and then promptly returned to the previous debates with full vigor.

My point with this story is that the progressive implementation of human rights requires constant strategy and calculated trade-offs. The South African woman in my story wasn't abandoning gender equality, but she was taking a sophisticated, diplomatic approach that maximized the chance of gender being included at the end of the day.

Joshua Kurlantzick, in his article “The Downfall of Human Rights,” laments that Obama's failure to address human rights in speeches in China may be emblematic of a retreat by the United States in regards to human rights advocacy. I would take the view that this phenomenon is merely tactical. The human rights movement relies on many weapons. That includes advocacy, of course, but also diplomacy, policy, foreign aid and assistance, and so on. Obama isn't abandoning human rights; he is making a tactical decision on timing and methodology. His administration is, at its heart, more committed to human rights than any other administration since Roosevelt. This can be demonstrated on many grounds, but I list three: the unequivocal rejection of the practice of torture, Obama's appointment of Michael Posner, founder and former

president of Human Rights First, to a prominent role in the State Department, and the US commitment to re-joining the United Nations Human Rights Council, which reverses a devastating policy of the Bush administration.

Kurlantzick expressed similar concerns about Western democracies abandoning human rights. His worries in this regard are particularly unfounded. There are many reasons to be optimistic. The influence and prestige of the European Court of Human Rights continue to grow. The International Criminal Court is established and is finally beyond the inevitable start-up difficulties. Human rights are codified in twenty-six of twenty-nine European constitutions and central to their policy-making. An international rule of law is undeniably crystallizing and gaining ground. Kurlantzick raises legitimate points in his article about public advocacy, and it is not a bad idea to keep reminding state violators and their victims of our objections. However, we should also remind ourselves that public advocacy is only one arrow in the quiver.

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