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## Human Rights and Foreign Policy

Ranee Khooshie Lal Panjabi

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## Human Rights and Foreign Policy

### Keywords

Asylum, Human Rights Law, Refugees, Sovereignty

# BOOK REVIEW

## Human Rights and Foreign Policy

REVIEWED BY DR. R.K.L. PANJABI\*

HILL, DILYS M. (ED.), HUMAN RIGHTS AND FOREIGN POLICY: PRINCIPLES AND PRACTICE.\*\* MacMillan Press, London (1989), ISBN 0333436547, 208 pp.

This book consists of a series of very interesting articles in the field of human rights. Most of the contributors are lawyers and political scientists working in England, Wales and Thailand. Their work will undoubtedly be a significant addition to an ongoing debate which has generated international interest and concern. This book will be useful both for international lawyers and for students who wish to acquire a variety of perspectives on the issue of human rights.

The significant international concern over the violations of human rights around the world has generated a spate of academic and legal writing on this issue in recent years. The attempt to promote the cause of human rights awareness has already yielded results, if events in Eastern Europe are any indication. Any book, article or pamphlet on this subject serves a useful purpose either in exposing violations or in analyzing the nature and scope of human rights and the serious implementational problems involved.

James Crawford in his book, *The Rights of People*,<sup>1</sup> explored the compatibility of the so-called third generation of human rights (including the right to development, right to peace and right to a healthy environment) with the first two generations which comprise civil and political rights and economic, social and cultural rights.

Dilys Hill and her contributors concentrate on another facet of this fundamental issue, the interconnections between human rights and foreign policy. They explore the link existing between a government's need

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\* Associate Professor, Memorial University, Canada.

\*\* This book forms part of the series of *Southampton Studies in International Policy*. The University of Southampton hosted a Workshop Conference on Human Rights and Foreign Policy in 1986. Funding was provided by the Nuffield Foundation. The articles in the compilation were part of the proceedings of the Conference.

1. CRAWFORD, *THE RIGHTS OF PEOPLE* (1988).

to ensure the success of its foreign policy goals regardless of human rights considerations and growing world public opinion which demands that foreign policy makers recognize the significance of avowed commitments to human rights issues. The book emphasizes the international refugee crisis as a case study of the reluctance of governments in the developed world to come to terms with human rights issues within the context of long range planning. The existing system of largely ad hoc "bandaid" measures has failed to eradicate the fundamental causes of refugee flows and thousands of displaced persons have fallen victims to the restrictiveness of entry procedures into Europe and North America. These problems are inevitable when largely political solutions are proposed for a human dilemma, where the claims are also moral in nature.

In her introduction, Dilys Hill, drawing on the views of the participants in the Workshop Conference, examines the moral issues involved in human rights and explores the divide between universalism and particularism; between the idea of rights shared by all and the more precise concentration on specific matters relative to rights.

In a system based on nation states with sovereign authority, any implementation and action on human rights is largely in the hands of governments which have frequently shown considerable resistance to, and resentment of, external agencies and foreign states which seek to persuade or pressure them in the direction of improving their human rights record. Contributor Iain Elliot highlights this problem with reference to the U.S.S.R.'s record on human rights. While his article has a strong moral tone and is largely negative about the Soviet record, Elliot is careful to prove his conclusions with an analysis of the significance of the Conference on Security and Cooperation in Europe (C.S.C.E.) and the Final Act (1975). While the Government of U.S.S.R. averred its commitment to the Helsinki Final Act, Elliot points out that the same government has imprisoned sixty of the eighty Soviet citizens who joined unofficial human rights monitoring groups. Fifteen of the eighty were exiled, four died in prison and one was killed in a street accident.<sup>2</sup>

Examining the first years of Gorbachev's term in power, Elliot sees some improvement but feels that the human rights issue is not of primary concern in the minds of those who determine policy in the Soviet Union.<sup>3</sup> It would appear that attempts by the world's leading democracies to persuade the Soviet Union to improve its human rights record have had mixed results. Events in Europe since the writing of Elliot's article might encourage him. The loosening of Moscow's hold on Eastern Europe; the largely nonviolent democratic revolutions in Germany, Poland and Czechoslovakia, the tumultuous demands within U.S.S.R. for self-determination (specifically in Lithuania and Azerbaijan) all demonstrate a climate of greater freedom, even if it is accompanied by more political turmoil.

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2. D. HILL, HUMAN RIGHTS AND FOREIGN POLICY: PRINCIPLES AND PRACTICE 102 (1989).

3. *Id.* at 112.

Time will tell how far the Soviet political system will bend in implementing the human rights demands of its ethnic minorities.

To turn to the democratic states, Alex Cunliffe, in a lucid, very well-written article, discusses economic aid as an instrument for the promotion of human rights. Democracies like the United Kingdom and the United States have drawn criticism for neglecting the obvious connection between human rights and the grant or withdrawal of foreign aid. In the United States, the President most committed to human rights issues, Jimmy Carter, reduced aid to only three countries (Argentina, Uruguay and Ethiopia) out of fifty-seven serious violators of human rights.<sup>4</sup> Reasons of State obviously take precedence over human rights issues where American foreign policy is concerned. Cunliffe also believes that the British government's record is similar.

To encourage greater commitment by democratic governments to promoting human rights and increased receptivity by nations which are aid recipients to persuasion in this matter, Cunliffe supports the creation of reciprocal arrangements "whereby the donor's own political system may be subject to similar scrutiny."<sup>5</sup> The donor and recipient would then assess each other's human rights record on the basis of an equal footing. This might avoid the inevitable diplomatic crises generated by criticisms of a foreign government's domestic policies and actions by the donor country. Cunliffe also proposes that foreign aid be used to reward states with good human rights records, thereby lending encouragement to the continuation of such policies in the recipient state.<sup>6</sup>

The double standard whereby Western states do not practice as they preach is most evident in the international refugee crisis which is rapidly becoming a source of alarm for governments around the world. Estimates of refugee numbers vary. The United Nations believes that there are over thirteen million refugees.<sup>7</sup> These people have fled their homes because of political repression, economic deprivation and violations of their human rights. Most tragic are the cases of individuals kept indefinitely in "orbit,"<sup>8</sup> shuttled from country to country unable to find a home anywhere. The plight of the millions of international homeless has been seriously considered in this book and some extremely useful proposals have been suggested.

Recognizing the fact that states do not deal adequately with the causes of refugee flows and that the United Nations lacks the capacity to address this issue in any effective manner, the contributing authors have proposed that humanitarian institutions intervene before the commencement of refugee flows in order to avert a crisis.<sup>9</sup> Gil Loescher emphasizes

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4. *Id.* at 121.

5. *Id.* at 124.

6. *Id.* at 125.

7. *Id.* at 140.

8. *Id.* at 174.

9. *Id.* at 132.

the problems generated by the politicization of the refugee problem, an approach which might destabilize an enemy state but which can also reverberate on the receiving states which have to house, feed and clothe thousands of displaced persons. While the Western European and North American states were eager to accommodate European refugees from communist states, the reception given to Third World refugees has been quite different. Asian nations like Thailand have borne a heavy burden of refugee inflows and have grounds for feeling that there is indeed a double standard operating in this regard as far as Western states are concerned.

Recently, the National Film Board of Canada produced a film, "Who Gets In?," which explored the highly controversial nature of the Canadian Government's immigration and refugee policies. The film revealed that entry into Canada for those with wealth would be relatively simple on the basis of these policies. On the other hand, thousands of deserving candidates, many genuine refugees, were being denied entry. The film concluded by suggesting ironically that on the basis of such restrictive entry criteria, few of those who now enjoy Canadian citizenship would even qualify for entry into their country.

In his contribution to the book being reviewed, Johan Cels has explained the refugee policies of West European governments and he points out that "compassion-fatigue" has led to severe restrictions on acceptance of refugees and violation of the non-refoulement principles.<sup>10</sup> In Germany, courts have affirmed that fear of torture is not a sufficient ground for conferring refugee status unless the torture is "politically motivated."<sup>11</sup>

The proposals suggested by contributor Julia Häusermann (Director, Rights and Humanity) are practical and worthy of serious consideration. She suggests the strengthening of the "activities of the U.N. with respect to the underlying causes of flight"; a greater effort by states to implement humanitarian law, especially in wartime and thereby reduce the necessity for civilians to flee; consideration of problems of "potential displacement"; the further development of regional institutions to deal with the root causes of refugee flows and "the provision of relief assistance within the border of the victim's own country."<sup>12</sup> Häusermann also supports the recommendation by Prince Sadruddin Aga Khan (in his report on Human Rights and Massive Exodus prepared for the United Nations) for the creation of a "Corps of Humanitarian Observers" to monitor volatile situations. Prince Sadruddin also proposed the appointment of a Special Representative for Humanitarian Questions whose task would be to anticipate refugee flows and alert the international community.<sup>13</sup>

Vitit Muntarbhorn, a law professor in Thailand, adds to the concrete

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10. *Id.* at 168.

11. *Id.* at 173.

12. *Id.* at 142-57.

13. *Id.* at 159-60.

suggestions in this book and considers the problem of self-determination and the State's claim to disallow secession. His recognition of the phenomenon of "internal colonialism"<sup>14</sup> leads him to propose that if the level of oppression of a minority approaches a point that resembles colonialism, then a right of self-determination arises which justifies secession.<sup>15</sup> Just how this point is to be gauged is unclear. Contributor Sally Morphet asserts that Third World countries have a variety of approaches to the idea of internal self-determination<sup>16</sup> and states that while a right of secession is not likely to become an implicit part of self-determination, the future might generate interest in a "cosmopolitan conception of international community in which state boundaries have a merely derivative significance . . . ."<sup>17</sup>

Finally, a review of this length can at best only distill the essence of a remarkable collection of essays, a number of them incisive in analysis and useful in the practicality of their suggestions for concrete action. From Moorhead Wright's plea for codification and implementation of human rights as having a moral claim in international society,<sup>18</sup> to R.J. Vincent's eloquent proposal that:

A rational approach to human rights in foreign policy would recognize the reality of plural ideologies of the world of states, and seek a neutral language in which to express principles that ought to apply regardless of location in East or West, North or South.<sup>19</sup>

This book presents the reader not merely with a series of problems but also, with interesting solutions. As such, it forms a valuable contribution to the growing literature on this subject and one can only hope that those who formulate the policies of governments will read it.

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14. *Id.* at 190.

15. *Id.*

16. *Id.* at 83.

17. *Id.* at 86.

18. *Id.* at 52.

19. *Id.* at 63.

