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Ved P. Nanda

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Book Review: The Politics and Dynamics of Human Rights

THE POLITICS AND DYNAMICS OF HUMAN RIGHTS

BY MOSES MOSKOWITZ

New York: Oceana Publications, Inc., 1968. Pp. xii, 283. \$7.50

The United Nations designated 1968 as the International Year for Human Rights¹ to commemorate the 20th anniversary of the adoption of the Universal Declaration of Human Rights.² During this year, which, coincidentally, is the centennial of the adoption of the fourteenth amendment to the United States Constitution, René Cassin, one of the principal authors of the Universal Declaration of Human Rights and, since 1965, the President of the European Court of Human Rights, was the recipient of the Nobel Peace Prize.

In observance of the International Year, the United Nations invited its member states, the specialized agencies, the regional intergovernmental organizations, and concerned national and international organizations to intensify their efforts in the field of human rights.³ In addition, it convened an International Conference on Human Rights in Teheran, Iran, from April 22 to May 13, 1968, "to promote further the principles contained in the Universal Declaration of Human Rights, to develop and guarantee political, civil, economic, social and cultural rights and to end all discrimination and denial of human rights and fundamental freedoms on grounds of race, colour, sex, language or religion"⁴ More specifically, the Conference was called upon to review progress made during the last two decades, to evaluate "the effectiveness of the methods used by the United Nations," and to "[f]ormulate and prepare a programme of further measures"⁵

While member states undertook numerous measures and activities in connection with the celebration of the International Year⁶ which encouraged a great deal of public discussion on human rights, it is gratifying to note that scholarly concern and inquiry into this

¹ Designated by the General Assembly of the United Nations per G.A. Res. 1961, 18 U.N. GAOR, Supp. 15, at 43, U.N. Doc. A/5515 (1963).

² G.A. Res. 217, U.N. Doc. A/810, at 71-77 (1948).

³ See 23 U.N. GAOR, Agenda Item No. 62, *International Year for Human Rights: Report of the Third Committee*, U.N. Doc. A/7433, at 2-3 (1968).

⁴ *Id.* at 3.

⁵ *Id.*

⁶ 23 U.N. GAOR, Agenda Item No. 62, *Measures and Activities Undertaken in Connection with the International Year for Human Rights: Report of the Secretary-General*, U.N. Doc. A/7195 & Add., at 1-9 (1968).

field has kept apace.⁷ A timely and welcome addition to the growing volume of literature in the field of human rights is *The Politics and Dynamics of Human Rights* by Moses Moskowitz.

Mr. Moskowitz is eminently qualified to comment on the achievements and failings of the United Nations in promoting the concept of human rights. As Secretary-General of the Consultative Council of Jewish Organizations since 1946 (the CCJO is a nongovernmental organization in consultative status with the Economic and Social Council of the United Nations and with several of the specialized agencies), Mr. Moskowitz has been a participant-observer in various activities—debates, informal discussions, and negotiations—and decisions at the United Nations that eventually led to the adoption of the Universal Declaration of Human Rights in 1948 and the international covenants on human rights 18 years later.⁸ On the 10th anniversary of the Universal Declaration of Human Rights, he had already contributed a discerning study on the close relationship between human rights and world order.⁹

Mr. Moskowitz indicates his approach to the subject in the preface: "This book had its beginnings in the intellectual atmosphere which has prevailed in the CCJO and in its striving to transcend the historical and juridical arena of discourse for a more philosophic and universal expression of international concern with human rights."¹⁰ Only through the universal acceptance of this concern, the author believes, can we reorder national and international relations to ensure an enduring world order.

For only when the individual becomes a primary subject and object of international law and relations and is vested with substantive and procedural rights immune from the power of the state will the world arrive at the point of convergence of the interests

⁷ For selected recent writing see THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS (Luard ed. 1967); EIGHTEENTH REPORT OF THE COMMISSION TO STUDY THE ORGANIZATION OF PEACE, THE UNITED NATIONS AND HUMAN RIGHTS (1968); H. GOLSONG, IMPLEMENTATION OF INTERNATIONAL PROTECTION OF HUMAN RIGHTS, 110 RECUEIL DES COURS 17 (1966); A. ROBERTSON, HUMAN RIGHTS IN EUROPE (1963); E. SCHWELB, HUMAN RIGHTS IN EUROPE (1964); Korey, *The Key to Human Rights—Implementation*, 570 INT'L CONC. 5 (1968); Panel: *The United Nations Human Rights Covenants—Problems of Ratification and Implementation*, 62 PROC. AM. SOC'Y INT'L L. 83 (1968). See also H. LAUTERPACHT, INTERNATIONAL LAW AND HUMAN RIGHTS (1950); McDougal & Bebr, *Human Rights in the United Nations*, 58 AM. J. INT'L L. 603 (1964). For recent symposia on human rights see, e.g., 62 AM. J. INT'L L. 826 (1968); 15 REV. CONTEMP. L. 9 (1968); 8 J. INT'L COMM. JURISTS 1 (Dec. 1967); 53 IOWA L. REV. 268 (1967); 116 U. PA. L. REV. 967 (1968); 11 HOW. L.J. 257 (1965).

⁸ The General Assembly adopted these covenants by a unanimous vote on December 16, 1966. See 23 U.N. GAOR, Agenda Item No. 61, *Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: Report of the Secretary-General*, U.N. Doc. A/7276 (1968).

⁹ M. MOSKOWITZ, HUMAN RIGHTS AND WORLD ORDER (1958).

¹⁰ M. MOSKOWITZ, THE POLITICS AND DYNAMICS OF HUMAN RIGHTS *viii* (1968).

of the individual, the community, the nation and the community of nations to herald a new dawn in the affairs of man.¹¹

The first step in this transformation is "the emancipation of the human individual from the shackles of nationality,"¹² since the problems of

war and peace, population pressure and environmental change, racial, national, religious, linguistic and cultural diversity and mutual accomodation, economic development and social progress, and the myriad other problems which involve the destiny of man can never be understood, let alone resolved, when torn from their human context and thrown into the ambit of national interest and ambition.¹³

"In a very true sense," the author tells us, "the dignity of the human person and his rights and freedoms provide a background of certainties for international cooperation which transcend all national considerations."¹⁴

This then is the main thesis of the author — he calls for the creation of a world order based upon the universality of the concept of human rights. He acknowledges that with "almost half the world in the grip of Communism, with one-third in the throes of social and economic convulsion, and with the erosion of human individuality everywhere, international concern with human rights cannot be said to be in the mainstream of contemporary thought and action."¹⁵ He is skeptical about the value of the United Nations debates on human rights: "All the drama of words, all the moving eloquence, and all attempts to give these debates a sense of higher purpose have proved a poor substitute for clarity of policy, for decency of motives, and for strength of commitment."¹⁶ He adds, "Never the focus of United Nations vision, the fundamental questions of human rights and fundamental freedoms have been increasingly removed from the mainstream of United Nations and world interests."¹⁷

Mr. Moskowitz attributes the "hollowness of much of the United Nations human rights programs" to four causes: (1) The programs are detached "from practically everything that is real, vital and relevant"; (2) "[T]here is no singular aim or purpose toward which the disparate activities ascend"; (3) A great need exists for "technical resources and ability to channel the facts to greater effect. Human rights as a matter of international concern

¹¹ *Id.* at 213.

¹² *Id.* at 71.

¹³ *Id.* at 74.

¹⁴ *Id.* at 77.

¹⁵ *Id.* at 81.

¹⁶ *Id.* at 88.

¹⁷ *Id.* at 91.

is an untrodden area of systematic research"; (4) Even though the General Assembly has adopted two human rights covenants and an optional protocol,¹⁸ the United Nations programs have been "oriented toward education and persuasion, rather than toward effective change in all realms of life and society."¹⁹ He warns, "Unless the United Nations preserves an exquisite course of direction and strives to invest the idea of international protection of human rights with political power, it will neither seize the minds of men nor command their first allegiance."²⁰

Notwithstanding this harsh indictment of the United Nations' action, he harbors no doubts about the final outcome, "for what the Covenants and the Optional Protocol stand for is coming in on a tide that cannot be stopped from reaching the shore."²¹ International concern with human rights "not only responds profoundly to the needs of the times, but defines a program for delivering on the abundant promises of science and technology of a radical improvement in the material and moral conditions of peoples everywhere."²² While this pervasive concern could alone work to resolve such major issues of the day as the population explosion,²³ pluralism and diversity,²⁴ the fate of minorities,²⁵ apartheid,²⁶ and the widening gap between the rich and the poor,²⁷ Mr. Moskowitz finds the contemporary international system utterly incapable of implementing universal human rights. This inability, he says, stems from conflicting national interests,²⁸ which also taint and limit the success of any international and regional cooperative ventures.²⁹

He concludes: "The change that would set in motion all the other changes necessary to create a society of the human race is the change in the traditional structure of international relations and its emancipation from the limitations of class doctrines, political expediences and the pressure of national interests."³⁰ For, after all, "the human individual is the only arch that can hold up the bridge to span the great divide between the nation and the world."³¹

¹⁸ See note 8 *supra*.

¹⁹ M. MOSKOWITZ, *THE POLITICS AND DYNAMICS OF HUMAN RIGHTS* 98-99 (1968).

²⁰ *Id.* at 217-18.

²¹ *Id.* at 104.

²² *Id.*

²³ *Id.* at 113-22.

²⁴ *Id.* at 123-53.

²⁵ *Id.* at 155-73.

²⁶ *Id.* at 175-90.

²⁷ *Id.* at 191-209.

²⁸ *Id.* at 1-9.

²⁹ *Id.* at 11-59.

³⁰ *Id.* at 212.

³¹ *Id.* at 211.

Thus, the "inescapable law of the future is international protection of human rights."³²

It is a salutary idea to advocate the concurrence of interests of the individual, the nation, and the world community to act as an operational basis to regulate international relations. Granted that internationalism is a desirable goal and international concern with human rights is a *sine qua non* for lasting peace, the major problem with the attainment of this goal is not primarily philosophical, as asserted by Mr. Moskowitz, but a practical one of devising ways and means to encourage and strengthen international cooperative measures for protecting the rights of individuals the world over. Thus, notwithstanding the continuing primacy of the nation state in international affairs, and notwithstanding conflicting ideological identifications, the essential need is to focus upon the implementing machinery. Professor McDougal's observation is apt: "The most difficult problem still confronting the framers of the United Nations' Human Rights Program is that of devising effective procedures for enforcement."³³

Ved P. Nanda*

³² *Id.* at 209.

³³ McDougal & Bebr, *Human Rights in the United Nations*, 58 AM. J. INT'L L. 603, 629 (1964).

* Associate Professor of Law, University of Denver College of Law.