

Significance of Global Human Rights Initiatives

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Abstract: *The concept of human rights began to evolve from the very notion of natural right, divine right or superior right as perceived by the different school of thoughts. As a matter of fact, global community evolved and developed the universally accepted standard norms of human rights through different stages of human civilizations. After the adoption of United Nations Charter, they were crystallized in the form of binding global legal norms. Relentless efforts of the League of Nations vis a vis the occurrence of World War I and II and their relative impact on mankind eventually had led to formulate the global system which could, eventually take care of human rights issues across the world. With such backgrounds and subsequent developments, the international bill of human rights was adopted for all people and for all nations.*

Keywords: *Mandate system, legal norm, gross violation, human rights jurisprudence, subsidiary human rights bodies*

Introduction

The very concept of human rights is as old as humanity itself, and it is also found to be the common heritage of mankind. Human rights are found to be absolutely essential for the survival, existence and personality development, among others without them human beings would obviously be reduced to the level of animals. Historical evolution of human rights basically began to roll out from the concept of natural rights, divine rights or other superior rights. As a matter of fact, human rights were, primarily in rudimentary forms in the ancient time, even in the middle age period, it was found to be in formative stage, however, it started evolving and shaping out of men made revolutions and declarations that took place elsewhere in the world. Fortunately, international community has witnessed that the actual crystallization of human rights has been taking its shapes consistently from the ancient times to the modern times covering a long human history. However, the global community gradually evolved and developed them as the universally accepted standards and norms of the mankind in the 20th century, especially with the establishment of the world organizations. It is worth mentioning that the concept of human rights has ultimately been transformed to binding legal norms for all the people and for all the nations. It is also true that human rights were neither the overnight creations of some rulers nor the gifts given by some people, but they were the the ultimate result of men's struggle against the tyrannical rulers and their systems. The human history also reveals the long journey of such gradual evolution of human rights laws at the international level.

League Nations initiatives

The League of Nations, as an international organization, was established in 1919 under the Covenant of the League of Nations. It was the first attempt in the history of mankind to set up a permanent global politico-legal institution. In fact, it was often termed as a child of wars and conflicts, simply because, it was established soon after the unprecedented devastating effects of the World War I. Besides, the outbreak of such World War, there were also certain other influential factors for adopting and establishing the League Covenant *vis a vis* League of Nations by the world community in 1919. Formation of the Concert of Europe, the adoption of the Hague Conferences of 1899 and 1907 and the movement of Universal Postal Union were some of the historical significance that had greatly influenced the international public opinion for installation of a world organization. Though the need of establishing such a global body was felt necessary even prior to the

outbreak of First World War, it had taken its shape only when the Treaty of Versailles, 1919 was adopted. It is evident that the world community had the desire to set up such an international body even in the past that could prevent and mitigate unprecedented men made war and conflict. Though the establishment of League Nations did not precisely mention the term human rights of individuals, the League system had its mandates to save the people of world from massive violations of individual's life and liberty. The League of Nations, as a part of the Treaty of Versailles, had its certain purposes and objectives as set forth in the Covenant of League of Nations, such as it had to maintain international peace and security, settle international disputes and to promote international understanding and cooperation among the national states, etc.

Another important unique feature of the League of Nations was that of its positive measures to eliminate slavery, forced labour and immoral trafficking of women and children. Though the term human rights as such was neither defined nor mentioned in any part of the League Covenant, the efforts of the League of Nations was very clear that the first global organization began to take its initiatives in promoting and protecting the basic fundamental human rights of certain groups of individuals around the world. Such kind of actions had, undoubtedly shown its international concern over certain issues of the basic rights and freedoms of individuals and persons. Even during the 19th Century, the measures for abolition of slave trade and slavery practices were adopted and enforced at different parts of the World. For instant, Great Britain started abolishing such inhumane practices leading to gross violations of human rights of individuals throughout its dependent colonies from 1807. Eventually, French and Great Britain also entered into an agreement under the banner of the Treaty of Paris, 1814, especially for abolition of the practice of slavery and slave trade. Later, the Anti-Slavery Act of 1890 was signed and ratified by as many as nearly two dozens of independent states at that point of time. Therefore, the initiatives in respect to abolition of such inhumane practices by the some western civilized nations had, virtually led to recognition of human rights o individuals, such as right to life, equality and dignity of all human beings among others. Further, the very adoption of Slavery Convention of 1926, which was amended by the Protocol to Slavery Convention of 1953 had also re-affirmed and re-endorsed the prohibition of slave trade and slavery at the global level.

Protection of disadvantaged people

The global community also started initiating another important aspect for protection of human rights of labours, workers and minority people during the era of the League of Nations. The International Labour Organization (ILO), which was set up in 1919, worked extensively for protection of those people who were belonging to disadvantaged sections of human society. The ILO also carried out its activities in collaboration with the League of Nations and its subsidiary bodies in this regard. Such global forums also opened a large scope for establishing efficient system and its mechanisms in order to develop and co-ordinate among those international, regional and national agencies which were working with the common objective basing on the principles of socio-economic justice. However, those forums did not precisely define the rights and freedoms of individuals. Article 23 of the Covenant of the League of Nations also dealt with the conditions of labour but this particular function of the League was, later taken over by the ILO under certain terms and conditions as per the agreement between the two international entities.

The League of Nations also had the mandate under the League Covenant to protect the rights and freedoms of minority people. Though the Covenant of the League neither defined the rights and freedoms of those minority people nor regulated any system for the protection of their rights and freedoms; however, the League eventually derived its authority from the various international multilateral treaties, which were adopted after the First World War, in dealing with them. It is apparent that the League of Nations had undertaken a vital role as a global guarantor and protector for those people living in different parts of world, and correspondingly the nation members had obligations to realize their responsibilities under the international agreements. Some of the significant measures, undertaken in this regard by the League of Nations were, e.i. i) providing right of petition in favour of minority people in case of violations of their rights and freedoms, and ii) creation of minority committee by the League Council as a competent international mechanism to deal with issues of minority people. Such institutional set up at the global level and its nature and scope for protection of rights and freedoms of minority people under the League Covenant indicated that the issue of human rights for minority people was also taken as an international concern but not as a mere state or local issue. Subsequently, the evolution and development of the League Nations, in this regard, also created an unprecedented limitation on the part of national government because of the newly emerged global rules and regulations.

Mandate System

The Mandate system, established under the League Covenant was also an important aspect of the League of Nations. This system was, basically empowered to monitor and supervise over the manner in which the native populations of those mandated territories were treated and governed by the metropolitan countries. The Mandate System also proclaimed the very basic principle that “the well being and development of the people in the mandated territories formed a sacred thrust of civilization”. Therefore, the mandated power was required to administer those dependent territories under certain universally accepted terms and conditions in order to recognize and guarantee freedom of conscience, religion, prohibition of abuses and denial of the basic human rights of those individuals living in the mandated territories. It is also quite apparent that both the ILO and the League of Nations gave serious emphasis on promotion and protection of socio-economic as well as civil and political rights of individuals with different perspectives. However, those initiatives and efforts made by the League of Nations in respect to promotion and protection of rights and freedom of individuals in certain perspectives were ultimately brought to the end due to dissolution of the League of Nations. Interestingly, the adoption of the Charter of UN in 1945 allowed to continue those measures, already initiated by the League of Nations in certain areas and under certain circumstances. For instance, the UN Trusteeship System, established under the Charter of UN, has been entrusted with the similar functions of the past Mandated System of the League. This reveals that the UN has also followed the same suit on the line of its predecessor, and the establishment of its relevant institutions and their subsidiary bodies with global mandates have not only facilitated the progress and also developed consistently in a systematic way even after the League of Nations. In a similar way, the ILO, as an autonomous international body, has certain underlining global objectives based on the principles of socio-economic justice. The function of the ILO was, primarily associated with the League of Nations. However, after the dissolution of the League, the ILO has become an affiliated international entity to the United Nations from 1946 onward under an agreement between the ILO and the UN (under article 63 of the Charter) Hence, it is, undoubtedly a clear testimony of having adopted by the League of Nations and the same has been found proceeded by the UN. Therefore, the actual process of global endeavors on the issue of protection of human rights began with the adoption and formation of world organizations, and the same processes have also been found continued by the UN and its agencies, especially on human rights front.

UN initiatives

Human history shows that the idea of making a universally accepted standard and norm of human rights has begun even before the outbreak of World War II. Global community has witnessed two devastating World Wars that had ultimately led to formulation of two international organizations, viz; (i) the League of Nations was established after the First World War in 1919 with the main objectives to maintain peace and security in the world, but it had miserably failed to realize its objectives due to certain profound reasons, (ii) the United Nations was set up in 1945 after the World War II with overwhelming consensus of the international community. It was felt and realized those relevant and responsible factors for failing the working of the League of Nations system by the world community. Henceforth, the framers of the Charter also realized that the UN could not fulfill its cherished objectives, set out in the UN Charter without promoting and protecting human rights and freedoms of individuals of the world.

The term of human rights are neither defined nor enumerated in the Charter but the very inclusion of human rights provisions in Charter is the clear evidence of the efforts of global organizations in the field of human rights. Hence there is nothing wrong to say that the contemporary human rights jurisprudence was, therefore, gained its importance largely due to active global involvement and concern over the gross violations of human rights during the World War I and II. The actual idea of creating a universally accepted bill of human rights initially took its shape at Dumbarton Oaks Preparatory Conference held in Washington in 1944. Eventually, the same has also been found reflected in the Charter of the UN, and as many as seven references of human rights have been found running like the golden thread to the world constitution. The peoples of the United Nations, through the preamble of the Charter, profoundly expressed their firm determination “to re-affirm faith in fundamental human rights in dignity and worth of the human person, in the equal rights of men and women”. The world constitution explicitly recognizes the promotion and respect of human rights as one of the major objectives of the UN. This has created an inviolable and indispensable obligation for both the UN and its members to initiate and improve the global measure on the human rights for all the people and for all the nations. Therefore, the Charter is itself the foundation and a unique international document as well which not only sets out for the legitimate basis of global human rights jurisprudence but also provides a large scope for further development in the field of promotion and protection of human rights. As a result, the United Nations, specially the General Assembly, the International

Court of Justice, the UN Human Rights Council, the Economic and Social Council and other UN specialized human rights agencies have been entrusted with such global responsibilities for monitoring human rights situations around the world.

Global human rights standard

The Charter of the UN was, primarily adopted as an international multilateral treaty but during the passage of time, it has turned to be a unique world document *inter alia* a general international law. The provisions of the Charter bear the binding force of international law, and all the member states of the UN have also assumed their binding obligations under the Charter including the obligation to promote and respect for human rights of individuals, to promote observance of human rights and to cooperate with the UN and other nations so as to attain the objectives set forth in the Charter. However, one of the practical limitations on the part of the UN and its agencies in realizing such objectives is the question of state domestic jurisdiction as laid down in Article 2(7) of the Charter which states that “nothing contained in the present Charter shall authorize the UN to intervene in the matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter, but this principle shall not prejudice the application of enforcement measures under the chapter VII”. It is true that on one hand the issue of human rights of individuals obviously falls on state jurisdiction as individual belongs to the state as its subject. Another profound rider for the global body is due to the politico-legal status of state sovereignty recognized and guaranteed by the existing international laws. In a way, question of state sovereignty has been remained intake even though strong international laws and organizations are put in place. On the other hand, the contemporary issue of human rights and fundamental freedoms of individuals has become the solemn subject matter of international law and system due to emergence of global human rights and humanitarian regimes. Even the term “essentially within the domestic jurisdiction,” as mentioned in Article 2(7) of the Charter, is nowhere defined in any provision of the Charter, and interestingly both the terms of domestic issue and global issue pertaining to human rights are always found to be closely interwoven. It may also be noted that the exception clause, incorporated in chapter VII of the Charter in respect of the application of enforcement measures, indicates the mandatory obligation of the UN while discharging its duty, especially in those cases of gross violations of human rights occurring elsewhere in the world. Hence, the human rights violation, either it may happen in a local area or within a nation state, has virtually crossed the territorial

boundaries of the state and it has become a global issue rather than a mere local issue. That is what, the probable obstacles for the UN, as set forth in article 2(7) of the Charter, have been found eroded to a large extent. Even there may be a direct or indirect threat to the international peace and security, the UN ought to take up its steps and measures positively by considering such issue as global human rights problem in one way or other. The traditional concept of individual as the only object of international law and organization is, eventually found to be diluted to a great extent, and during the passage of time, it is also proved that individual has also become the subject of international laws and bodies rather than a mere object of them. Therefore, the practical impediments of the UN have been gradually withered away, especially in the matter of human rights. This may be understood if one analyzes the activities of the UN and its agencies in the field of human rights, especially in the post 1945.

Conclusion

Despite the absence of clear definition of the term “human rights” in the Charter of the UN, the actual task for promoting, respecting and developing of human rights has been entrusted with the UN General Assembly, the Economic and Social Council, the Human Rights Council, the Commission on Human Rights and other UN human rights subsidiary bodies. Hence, the issue of human rights becomes a vital part of the global programmes as well as a major agenda sponsored by the UN and its organs since the United Nations has come into existence. International organizations marked a new beginning in the history of human rights by breaking through the traditional notion of sovereignty of state as the only sole authority to deal with the rights and freedoms of its subjects. The global human rights programmes, which have been so far undertaken within the legitimate framework of the Charter of UN, has also clearly paved the inroad for future development in the area of human rights jurisprudence.

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