
Spring 1999

EDUCATION, HUMAN RIGHTS, AND THE POST-COLD WAR ERA

Philip C. Aka

Gloria J. Browne

Follow this and additional works at: https://digitalcommons.nyls.edu/journal_of_human_rights



Part of the [Law Commons](#)

Recommended Citation

Aka, Philip C. and Browne, Gloria J. (1999) "EDUCATION, HUMAN RIGHTS, AND THE POST-COLD WAR ERA," *NYLS Journal of Human Rights*: Vol. 15 : Iss. 3 , Article 2.

Available at: https://digitalcommons.nyls.edu/journal_of_human_rights/vol15/iss3/2

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Journal of Human Rights by an authorized editor of DigitalCommons@NYLS.

Education, Human Rights, and the Post-Cold War Era

Philip C. Aka*
(with Gloria J. Browne**)

INTRODUCTION

The post-Cold War era presents a benign atmosphere for the conduct and promotion of global human rights. The new era marks a soothing cessation to the ideological rivalry that constrained and hindered human rights during the Cold War; holds the promise of a broad consensus on global human rights, before now non-existent; and, partly due to the democratic resurgence which has characterized this new age¹ gives center stage to human rights. These are invaluable opportunities for growth that the world needs to corral into concrete human rights gains. An important tool for achieving such gains is increased education about these rights. Education was “the ultimate sanction” of human rights in the ideologically-charged era of the Cold War.² It still represents the most reliable means for the growth of global human rights in the post-

* Assistant Professor of Political Science and Pre-Law Advisor, University of Arkansas at Pine Bluff; B.A., 1985, Edinboro University of Pennsylvania, *magna cum laude*; M.A., 1987, University of North Texas; Ph.D., 1991, Howard University; J.D., 1994, Temple University School of Law, *Who's Who Among American Law Students*, 1994, and Recipient, American Jurisprudence in Comparative Law Award. This article originated as a paper presented at the 23rd Annual Third World Conference held March 19-22, 1997, in Chicago, IL.

** Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc.; B.A., 1983, University of Missouri; J.D., 1987, St. Louis University School of Law; M.A., 1992, Fels Center of Government, University of Pennsylvania.

¹See SAMUEL P. HUNTINGTON, *THE THIRD WAVE: DEMOCRATIZATION IN THE LATE TWENTIETH CENTURY* (1991); see also, e.g., *POLITICS IN DEVELOPING COUNTRIES: COMPARING EXPERIENCES WITH DEMOCRACY* (Larry Diamond et al. eds., 2nd ed. 1995). For Africa, see, e.g., MICHAEL BRATTON & NICHOLAS VAN DE WALLE, *DEMOCRATIC EXPERIMENTS IN AFRICA: REGIME TRANSITIONS IN A COMPARATIVE PERSPECTIVE* (1997); EARL CONTEH-MORGAN, *DEMOCRATIZATION IN AFRICA: THE THEORY AND DYNAMICS OF POLITICAL TRANSITIONS* (1997); *Democracy in Africa: The Hard Road Ahead*, (Marina Ottaway ed., 1997).

²John P. Humphrey, *Epilogue* to *HUMAN RIGHTS AND EDUCATION* 235, 236 (3 *Comparative and International Education Series*) (Norma Bernstein Tarrow ed., 1987).

Cold War period.

Scholars, to describe a process that has been ongoing in developing democracies, have used the term "democratic consolidation." Democratic "consolidation is the process by which democracy becomes so broadly and profoundly legitimate and so habitually practiced and observed that it is very unlikely to break down."³ Consolidating democracy, these scholars contend, is *not* "a one-time irreversible process." Rather, it involves widely shared beliefs needing to "be renewed in each generation," through various means, among them "practice and performance."⁴ Briefly, democratic consolidation is something national leaders must work on all the time; consolidation snaps and democracies "become deconsolidated"⁵ when leaders stop striving to improve their system.

Although the topic addressed here is different, the analogy holds equally true for global human rights promotion. Safeguarding or promoting these rights is not, and cannot be, a one-time, irreversible process. Rather, it is a thing needing to be renewed in each new era through affirmative practice and performance, something the world must strive relentlessly in each new era to make better until it becomes, like democratic consolidation, "so habitually practiced and observed that it is very unlikely to break down."⁶ The road to that thorough rooting is increased education relating to these rights. A less ideologically divided international order, like the present, facilitates that broader education. The benignity or auspiciousness of a new age, standing alone, should never be a substitute for the global struggle or campaign, through enhanced education, for human rights. One symposium commemorating the 50th anniversary of the Universal Declaration of Human Rights employed the tale of Sisyphus (a hapless character in ancient Greek mythology condemned to spend his days rolling a heavy stone up a

³POLITICS IN DEVELOPING COUNTRIES: COMPARING EXPERIENCES WITH DEMOCRACY 1, 53 (Diamond et al. eds., 2d ed. 1995).

⁴*Id.* at 56-57.

⁵*Id.* at 56.

⁶*See id.* at 53; *see also* JACK DONNELLY, INTERNATIONAL HUMAN RIGHTS, (2d ed. 1998) (tracing the evolution of human rights from the period of "systematic" violation before World War II to their emergence today as a legitimate topic of international relations and politics).

hillside only to have it roll down again on nearing the top) in describing the dynamics of modern-day struggle for human rights.⁷ It is an instructive metaphor that both underscores the virtually perpetual nature of the struggle for human rights and cautions against any undue complacency in the course of engagement in that struggle.

I. DEFINING HUMAN RIGHTS

Human rights are freedoms such as life, liberty, security, subsistence, and other guarantees to which people as humans have rights.⁸ They are generally understood as inalienable claims or entitlements against the state or society held equally by all persons simply by virtue of the fact that they are human beings.⁹ In this definition, two concepts scream out for some explanation. First is the reference to “inalienable.” The term calls to mind the Declaration of Independence in whose text the American founding fathers denominated freedoms like “life, liberty, and the pursuit of happiness” as “unalienable.” The significance conceivable from the denomination is that these rights were not handed down by government but rather came from nature. This is a fact that, for these founders, as for thinkers like the British philosopher John Locke, made these freedoms “natural rights.” Because government did not grant these rights, it does not have the power to alienate or estrange them. For no entity, logically speaking, may take away what it did not, in the first place, give or bestow. A government that ignores this principle and proceeds to detract from or tamper with these rights invites upon its own head, well-deserved overthrow — via revolution or rebellion — at the hands of the people

⁷Robert J-P. Hauck, *Gaining Ground?: The Declaration of Human Rights at Fifty*, 31 PS: POL. SCI. & POLITICS 505 (1998).

⁸See DONNELLY, *supra* note 6, at 1.

⁹See OSITA C. EZE, HUMAN RIGHTS IN AFRICA 5 (1984); see also B. Obinna Okere, *The Protection of Human Rights in Africa and the African Charter on Human and People's Rights: A Comparative Analysis with the European and American Systems*, 6 HUM. RTS. Q. 141 (1984) (supplying a definition tying human rights ineluctably to duties). Human rights “consist in the attribution of certain rights to, and imposition of certain duties on, the individual to enable him to lead a full and meaningful existence in, and to contribute as a useful member of, society.” *Id.*

whose rights it tramples.¹⁰

Another concept in the definition that begs explanation is the notion of human rights as claim against the state. “[H]uman rights may be denied by an extensive array of individuals and organizations,” but *human rights* in the distinctive sense the term is used here “are usually taken to have a special reference to the ways in which states treat their own citizens.”¹¹ Thus, muggings and private assaults are not typically considered human rights violations whereas police brutality and torture are. Yet, modern human rights are still an evolving idea and, as Jack Donnelly reminds us, the distinction between violence perpetrated by private individuals (not human rights violations) and violence perpetrated by the state (violations) sometimes breaks down.¹²

Partly because of this still evolving nature of modern human rights, controversy still attends the notion and practice of global human rights, even with conceptual clarifications of the kind engaged in here. First there is the argument concerning whether international human rights should involve universal standards or whether they should be relativist, meaning they should accord priority to national, regional, or cultural particularities as opposed to universal standards.¹³ Advocates of relativist human rights argue for exemption from universal mandates in global human rights application and practice.¹⁴ The universalist-relativist

¹⁰See THE DECLARATION OF INDEPENDENCE (U.S. 1776). Along with the *Declaration of Independence* and the *United States Constitution* (1789) that subsequently followed it, other landmark documents forming the historical basis of modern human rights include the *Magna Carta* (1215); the *Declaration of the Rights of Man* (1791) (notable for its notion that “men are born free”); and the *Covenant of the League of Nations*. See Douglas Ray & Norma Bernstein Tarrow *overview to HUMAN RIGHTS AND EDUCATION* 3, 8 (3 COMPARATIVE AND INTERNATIONAL EDUCATION SERIES) (Tarrow ed., Pergamon Press 1987); Susanne M. Shafer, *Human Rights Education in Schools* in HUMAN RIGHTS AND EDUCATION 191, 194 (3 PERGAMON COMPARATIVE AND INTERNATIONAL EDUCATION SERIES). But one important element separates these earlier declarations of rights from modern-day ones: “never before in history have so many governments, representing so many people, committed themselves to promoting so many kinds of human rights as has been the case since World War II.” Ray & Tarrow, *supra* at 8.

¹¹DONNELLY, *supra* note 6, at 1.

¹²See *id.*

¹³David P. Forsythe, *Human Rights Fifty Years after the Universal Declaration*, 31 PS: POL. SCI. & POL. 507, 508 (1998).

¹⁴See *id.* at 508.

controversy is evidenced in the dichotomies between Western and non-Western countries. Europe and the United States have a definition of human rights that, is in tune with “Western liberalism which extols the virtues of the autonomous individual[, and] portray[s] individuals as [the] sole holders of human rights. . . .” In contrast, non-Western countries view the matter a little differently. Without “denigrat[ing] individual rights,” Africans, for example, “emphasize collective [rights] over individual rights.”¹⁵

The controversy is also evident in the tripartite system some scholars employ in classifying human rights — i.e., first, second, and third generations of rights.¹⁶ The latest resurface of this controversy — and testimony to lingering opposition to common universal standards in global human rights — occurred at the 1993 Vienna Conference on Human Rights, sponsored by the United Nations (UN), where a number of Asian countries, joined by others, openly challenged universalism. These countries articulated a “Universal Declaration of Duties” (conceivably in place of the Universal Declaration of Human Rights).¹⁷ In the aftermath of the Vienna Conference, a Malaysian leader described the Universal Declaration as a Western imposition and called for the document to be revised.¹⁸

Finally for those who adopt a dismissive attitude toward the relativist position, the fact is, as David P. Forsythe points out, that there are considerable relativist strains in the United States’ supposedly universalist approach to human rights.¹⁹ For example, at the Vienna Conference the United States won through with its position endorsing

¹⁵See Josiah A. M. Cobbah, *African Values and the Human Rights Debate: An African Perspective*, 9 HUM. RTS. Q. 309 (1987).

¹⁶See Forsythe, *supra* note 13, at 509. For more on these three generations of rights, see *infra* note 35 and corresponding text.

¹⁷See *id.* at 508.

¹⁸*Id.* (citing Steven Erlanger, *Malaysia’s Conspiracy Theory Draws Criticism from Albright*, N.Y. TIMES, July 29, 1997, at A8).

¹⁹*Id.* at 508 (pointing out how America reserves “to itself the right not to accept the Covenant on Economic, Social, and Cultural Rights, not to accept the American Declaration on the Rights and Duties of Man as binding customary international law, and not to alter its stand on the use of the death penalty for common crime, including its application to those under the age of 18” while endorsing universal human rights for others. *Id.*).

universal human rights but was compelled to accommodate those championing Asian values (the lack of objectivity on this issue by even Western scholars whose supposed objective scholarship would have dictated that they take no side on the matter is betrayed by the fact that Forsythe put *Asian values* in quotes) with what Forsythe likened to “the equivalent of diplomatic footnotes”²⁰ But one gets the point: minimal or substantial, the necessity for accommodation suggests that the controversy still lingers.

Another dimension to the controversy relating to human rights revolves around sovereignty, a key norm of international relations precluding external intervention into the internal affairs of a state. Until recently, human rights were not considered “an accepted subject of international relations”²¹ Some of the reason for this occurrence can be blamed on sovereignty. The disagreement on this matter, squarely and specifically, has to do with the fact that “[h]uman rights . . . typically involve a state’s treatment of its own citizens in its own territory.” Therefore, nation-states have traditionally, considered human rights an internal affair or a matter within the domestic jurisdiction of the state.²² Some developing countries’ governments, especially regimes vulnerable to accusation of human rights abuses, cling to the traditional notion of sovereignty and view questions concerning human rights violations within their borders as unacceptable, meddling interference into their internal affairs. But, this is a controversy that is, by the day, becoming muted and beginning to hold little weight. Some of the leaders who cling to the traditional concept of sovereignty do so insincerely and for no more apparent reason than “to rationalize their authoritarianism and . . . departures from human rights standards.”²³

Second, in the aftermath of the Cold War, there is a growing need and necessity for some adjustment to the traditional concept of sovereignty. A revised concept that allows for some degree of intervention into the domestic affairs of a state when, for example, such intervention on humanitarian grounds is necessary to avert massive

²⁰*Id.*

²¹DONNELLY, *supra* note 6, at 4.

²²*Id.* at 3.

²³Forsythe, *supra* note 13, at 508.

human rights violation.²⁴ The conceptual aside, there is a very practical aspect to human rights: they are “minimum” freedoms.²⁵ In order to lead a “full and meaningful existence individuals need to have these “minimum freedoms” within their societies, thereby enabling the individual to contribute usefully in those societies.²⁶ It is for this practical reason, together with the conceptual imperative, that the constitutions of many countries embody many of these rights in the form of individual and collective guarantees. But there is still, in many societies, a gap between verbal profession of these rights and actual practice.

II. EVOLUTION OF THE MODERN IDEA OF HUMAN RIGHTS

While today there is in force at the world level an international law of human rights that confers human rights on individuals, before World War II that law hardly existed. Traditional *international* law was, as the “inter” prefix in “international” suggests, a law between states and governed state relations only. Only states had an international legal personality, meaning the capacity to possess rights and owe duties. Individuals could (no more than animals) be the object of international law, but not its subjects. Put simply, while in traditional international law, it is possible for individuals to be the ultimate beneficiaries of the law, the rights belonged to states (or governments) rather than to individuals.²⁷ Yet (and here comes the snag), individuals had no guarantee that their governments would act on their behalf.²⁸ In point of fact, before World War II governments did *not*. Rather, most states systematically violated human rights. These rights were not considered

²⁴See, e.g., FRANCIS M. DENG ET AL., SOVEREIGNTY AS RESPONSIBILITY: CONFLICT MANAGEMENT IN AFRICA, BROOKINGS INSTITUTION’S CONFLICT RESOLUTION IN AFRICA PROJECT NO. 7 (1996); see also David Scheffer, *Toward a Modern Doctrine of Human Intervention*, 23 U. TOL. L. REV. 253-93 (1992); Forsythe, *supra* note 13, at 509-510 (detailing changes that in the wake of the post-Cold War “suggest a diminishment of state sovereignty and an expansion of attention to human rights.”).

²⁵See GERHARD VON GLAHN, LAW AMONG NATIONS: AN INTRODUCTION TO PUBLIC INTERNATIONAL LAW 175 (7th ed. 1996).

²⁶Okere, *supra* note 9, at 141.

²⁷See Humphrey, *supra* note 2, at 235; GLAHN, *supra* note 25, at 175.

²⁸See Humphrey, *supra* note 2, at 235-6.

a legitimate subject for international action or even a topic of international diplomacy and were rarely, if ever, discussed in international politics. Human rights fell within the domestic and exclusive jurisdiction of states: what a state did to its citizens was considered its own business with which, under the norm of sovereignty, other states may not interfere.²⁹ The catalyst that made human rights an issue in world politics was the systematic murder of millions of innocent civilians by Germany during World War II, the Holocaust.³⁰ The Nuremberg War Crimes Trials (1945-1946) at which leading Nazis were prosecuted under the novel charge of crimes against humanity, were the first step in filling the void in global human rights protection. Even as such, it was not until the formation of the United Nations that human rights emerged as a standard subject of international relations.³¹

The document establishing human rights as the idea of our times is the Universal Declaration of Human Rights which was adopted and proclaimed by the United Nations on December 10, 1948.³² The Declaration's 30 articles recognized for humanity a multiplicity of fundamental freedoms, including right to life, liberty and security of person (Art 3); freedom from slavery or involuntary servitude (Art. 4); freedom from torture or cruel, inhuman or degrading treatment or punishment (Art. 5); equality before the law (Art. 7); freedom of movement and the right to leave any country and to return to one's

²⁹ *Id.* at 236; DONNELLY, *supra* note 6, at 3-4.

³⁰ DONNELLY, *supra* note 6, at 3-4.

³¹ *Id.* at 5. The Covenant of the League of Nations did not mention human rights. By contrast, the Preamble of the United Nations (UN) Charter includes a determination "to reaffirm faith in fundamental human rights." Article 1 lists "encouraging respect for human rights and for fundamental freedoms for all" as one of the UN's principal purposes. And the UN moved quickly to elaborate international human rights standards, including the Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature on December 9, 1948, as well as the Universal Declaration of Human Rights, adopted unanimously by the UN General Assembly the following day. *Id.*

³² Louis Henkin, *The Universal Declaration and the U.S. Constitution*, 31 PS: POL. SCI. & POL. 512 (1998). But it is instructive to note, as Professor Henkin reminds us, that the Declaration neither invented the idea of human rights nor filled that idea with rights of its own. One notable source for the catalog of rights in the Universal Declaration was the U.S. Constitution with its 200 years of interpretive jurisprudence. *Id.* For other documents, which, along with the U.S. Constitution form the historical basis for contemporary human rights, see *supra* note 10.

country (Art. 13); the right of nationality (Art. 15); right to marry and to found a family (Art. 16); right to property (Art. 17); right to take part in the government of one's country (Art. 21); right to social security (Art. 22); right to education and to choose an appropriate education for one's children (Art. 26); and the right to participate in the cultural life of one's community (Art. 27), to name just a few.

The Declaration is a widely acclaimed document that is often depicted in glowing terms. For example it has been said that it is: *the* most important international document of the 20th century; *the* most authoritative statement of human rights norms in our time; the birth certificate of the International Human Rights Movement; the basis for the contemporary international law of human rights; a critical source of inspiration and promotion for constitutionalism and respect for human rights in countries across the world; and an authoritative source for many modern international agreements on human rights. Among these modern agreements one can find the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).³³

Some of the reasons motivating the adoption and proclamation of the Declaration included: (a) that recognition of the inherent dignity, equality, and inalienable rights of all human beings is the basis for global freedom, justice, and peace; (b) contempt and disregard for human rights in the past resulted in barbarous acts which outraged the conscience of the world; (c) guarantees like freedom of speech, freedom of conscience, and freedom from fear are among the highest aspiration of "common people," and (d) if human rights are not protected by rule of law, people may be left with no other option than to resort to rebellion to shake off tyranny and oppression.³⁴ For the Declaration, as it states in article 29, "everyone has duties to the community in which alone the free and full development of his personality is possible." The distinct suggestion

³³*Id.*; see also DONNELLY, *supra* note 6, at 5. The three human rights documents collectively form what is known as the "International Bill of Human Rights." *Id.* The two subsequent instruments elaborated the human rights principles laid down in the Universal Declaration. *Id.*

³⁴See Preamble to *Universal Declaration of Human Rights*, 31 PS: POL. SCI. & POL. 522 (Sept. 1998).

being that an individual owes no duty to a political entity where conditions do not exist for such full and unimpaired development. The few limitations the document imposes on the rights or freedoms embodied in its 30 articles include that enjoyment of any freedom be consistent with the freedom of others in society (Art. 29).

Joseph Wronka categorized the Declaration's 30 articles into four crucial notions. First, human dignity; as exemplified by article one. Second, negative rights of the responsibility of government *not* to interfere with fundamental liberties, more particularly civil and political rights, like freedoms of speech, the press, and assembly. These rights are primarily the legacy of the Age of Enlightenment and the American Bill of Rights. They are sometimes referred to as first-generation rights. Third, positive rights or the responsibility of government to intervene and provide basic necessities such as health care, shelter, employment, education, special protections for children, and security in old age. These rights are primarily the legacy of the Age of Industrialization and the Soviet Constitution of 1917. These rights are sometimes called second-generation rights. The fourth category is solidarity rights or rights to a clean environment, development, and peace. These rights speak to the failure of domestic sovereignty in the latter part of the 20th century to solve global problems. They are sometimes denominated as third-generation rights.³⁵

III. GOVERNMENTS AND HUMAN RIGHTS PROMOTION

National governments play an important part in human rights promotion.³⁶ They provide the national stability and security that make the enjoyment of these rights possible, hence the relationship that is hypothesized to exist between liberty and security³⁷ but governments also

³⁵Joseph Wronka, *Creating a Human Rights Culture: A Strategy for a Socially Just Policy Toward Africa*, in *AFRICA IN THE CONTEMPORARY INTERNATIONAL DISORDER: CRISIS AND POSSIBILITIES* 129-30 (Mulugeta Agonafer ed., 1996); *see also* Forsythe, *supra* note 13, at 509.

³⁶*See* ELGIN F. HUNT & DAVID C. COLANDER, *SOCIAL SCIENCE: AN INTRODUCTION TO THE STUDY OF SOCIETY* 348, 420 (9th ed. 1996).

³⁷*Id.* at 420.

have a history of enmity toward freedom.³⁸ After World War II, Western governments founded the United Nations, yet, they showed great reluctance in crafting any legally binding human rights document. Conscious of the not insubstantial skeletons in their human rights cupboard,³⁹ the path of least resistance, as they saw it, was to shy away from any “legally binding document [that] would engender too close international scrutiny.”⁴⁰ It was thus, the pressure of non-governmental organizations (NGOs), especially those of religious and labor groups, that led to the establishment of the human rights principles embodied in the Declaration. For long, government attitude toward these principles remained one of studied indifference, if not opposition, toward these principles.⁴¹

Governments today remain enemies of rights in many countries⁴² including those where these rights have been written out in constitutional documents. Their half-hearted disposition toward human rights teaches that the world cannot rely solely on national governments for the protection and promotion of these rights in the post-Cold War era. Governments “prefer protecting their sovereignty to protecting human rights,” and, “when they have competing interests,” tend to forgo protection of human rights “for strategic or economic gain.”⁴³ Because promoting human rights “interfere with [their] other interests and set a precedent which can be used against them in the future, . . . states simply

³⁸*Id.* at 384, 420.

³⁹This is how DONNELLY, *supra* note 6, at 3, summarizes the global human rights picture as it existed at that time: “Racial discrimination pervaded the United States. The Soviet Union was a totalitarian secret-police state. Britain, France, the Netherlands, Portugal, Belgium, the United States, and Spain maintained colonial empires in Africa, Asia, and the Caribbean, and the political history of most Central and South American countries was largely a succession of military dictatorships and civilian oligarchies. *Id.* See also Wronka, *supra* note 35, at 130.

⁴⁰Wronka, *supra* note 35, at 130.

⁴¹*Id.*

⁴²*See id.* For example, at the Conference on Human Rights in Vienna in 1993, 1) NGOs were excluded from the drafting of the final document, the Vienna Declaration; and 2) measures of implementation and monitoring of government compliance with human rights were “sorely lacking” in that agreement. *Id.*

⁴³DAVID P. FORSYTHE, *HUMAN RIGHTS AND WORLD POLITICS* 66 (University of Nebraska Press 2d ed. 1989).

do not like to press human rights issues.”⁴⁴ Thus, regardless of how much states commit themselves to protecting human rights, “for that protection to transpire, paradoxically, states alone cannot be trusted to protect” these rights.⁴⁵ Given their half-hearted and/or equivocal disposition toward human rights, governments must continue to provide the stability and security necessary for the enjoyment of these rights. Regardless, individuals and groups must hold themselves on the alert to defend their rights against possible violation. Their job is made easier when these rights are embodied in national constitutions that governments have sworn to uphold, in which case all that is needed is the necessary readiness and willingness to “claim” the rights. Where these rights are not enshrined in a constitutional document, they should press their governments to guarantee those rights and respect them. Proper education about these rights facilitates these actions.

IV. EDUCATION AND GLOBAL HUMAN RIGHTS PROMOTION

Education “teach[es] people to know what they [did] not know” before.⁴⁶ It is “the process whereby the stock of knowledge is enlarged” and is therefore “intrinsically linked to” knowledge.⁴⁷ An instinctive intuitiveness speaking to the value of education for human rights promotion is that individuals become aware of a right only when they are informed that the right exists. Painstaking cataloguing of protections in a national constitution or in global human rights documents amount to little if people whom those guarantees are designed for are unaware that the protections exist. Education adds “to the public knowledge about

⁴⁴*Id.* at 65.

⁴⁵*Id.*

⁴⁶Liade Aromaye, *Education for Democracy*, THE GUARDIAN (Nigerian daily), Jan. 4, 1996, at 17 (citing the English author, critic, and philanthropist John Ruskin, 1819-1900).

⁴⁷Santo Dodaro et al., *The Relevance of the Human Factor and a Grassroots Approach to Economic Development: A Case Study of the Antigonish Movement in Canada* in INTERNATIONAL PERSPECTIVES ON THE HUMAN FACTOR IN ECONOMIC DEVELOPMENT 55, 63 (Senyo B-S.K. Adjibolosoo ed., 1998).

human rights.”⁴⁸ “The best guarantee of human rights is an educated public that is aware of its rights.”⁴⁹ Education in human rights should both give people “the right to know” and enhance their capacity to “act upon [their] rights.”⁵⁰ It should, as one important study on the topic phrases it, be designed to inform people of their rights and to build their “awareness that oppressive laws and inappropriate traditions may be reformed.”⁵¹

Education in human rights embodies the “dual perspective” of education *as* a human right (or the right to education), and education *about* human rights.⁵² Education as a human right encompasses elements like the right to literacy, the right of access and equality of opportunity without regard to race, gender, ethnic affiliation, religion, social class, and so on; and the right to technical and vocational education, among other freedoms.⁵³ The list is illustrative rather than exhaustive.⁵⁴ Education about human rights should include knowledge of and respect for human rights — a kind of civic education that may extend from the primary school level to the training of professionals like lawyers, law enforcement personnel, and teachers; and to aspects of curriculum and teacher preparation — in order to assure effective human rights education.⁵⁵

There are a few aspects to this education that need to be borne in mind. The first is that it need not only be curricular, but rather can also

⁴⁸FORSYTHE, *supra* note 43, at 221.

⁴⁹Ray and Tarrow, *supra* note 10, at 4.

⁵⁰DONNELLY, *supra* note 6, at 79 (citing the Helsinki Accord. For more on the Accord, see *infra* note 77).

⁵¹Ray and Tarrow, *supra* note 10, at 3.

⁵²*Id.*

⁵³*See id.* at 4.

⁵⁴For example, a checklist from an important 1987 study relating to the topic includes: rights of access and equal opportunity; the right to education free from discrimination; educational rights for handicapped and talented individuals; the right to literacy; the right to education for multicultural development; the right to education for employment and mobility; the right to life-long education; the rights of parent, students, and teachers; and the right to political education. HUMAN RIGHTS AND EDUCATION 1-188 (Tarrow ed., Pergamon Press 1987).

⁵⁵Ray and Tarrow, *supra* note 10, at 4.

involve extracurricular activities of potential benefit to human rights.⁵⁶ Second, education goes beyond merely imparting information. Rather, it should, for example, as Maitland Stobart elaborates:

Permeate the whole of school life, including the ethos and organization of the school; and the content of formal curriculum;

Lead to an understanding of, and sympathy for, the concepts of democracy, justice, equality, freedom, solidarity, peace, dignity, and rights and responsibilities; and

Lead to the acquisition of certain basic social skills. These skills include close familiarity with mechanisms for human rights protection at the local, national, regional, and global levels. In addition to skills associated with language development, *e.g.*, written and oral expression, the ability to discuss and listen; and skills involving judgments. For example, collection and analysis of material from various sources, the detection of prejudice and bias, the ability to arrive at fair and balanced conclusions, and the recognition and acceptance of differences.⁵⁷

The goal, as the Declaration puts it, is that education “be directed to the full development of the human personality and to the strengthening

⁵⁶Maitland Stobart, *Prologue to HUMAN RIGHTS AND EDUCATION* ix, x-xi (3 Pergamon Comparative and International Education Series) (Norma Bernstein Tarrow ed., 1987).

⁵⁷*Id.* at x; see also *United Nations Decade for Human Rights Education*, U.N. GAOR, 49th Sess., Agenda Item 100(b), at 2, U.N. Doc. A/RES/49/184 (1995). The resolution states that “human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people . . . learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.” *Id.*

of respect for human rights and fundamental freedoms.”⁵⁸ While the content of such human rights education may, given the diversity of national education systems, vary from country to country, and in some cases, even from school to school, there should be a common core. This “common core” should consist of familiarity with the main international documents on human rights; people, movements, and key events in the historical struggle for human rights; the main categories of human rights, along with duties or obligations; and attention to various forms of injustice, inequality, and incidents of discrimination such as racism and sexism.⁵⁹ The key, as the Commission on Human Rights puts it, is that “knowledge of human rights, both in its theoretical dimension and in its practical application, . . . be established as a priority in education policies.”⁶⁰ Third and finally, as Stobart points out, human rights education can be politically sensitive and at times even controversial. However, such sensitivity is not a good excuse for inaction; “the dangers of not preparing the next generation to assume their role in society are much greater than the risks involved in a balanced human rights education.”⁶¹

The United Nations envisaged a major role for education in global human rights protection and promotion. The Universal Declaration enjoined “all peoples and all nations . . . [to] strive by *teaching and education* to promote respect for . . . [the] rights and freedoms” it embodies, using the same document as a “common standard of achievement.”⁶² Following the adoption of this historical instrument, the UN’s General Assembly appealed to all member countries to publicize the text of the Declaration and to “cause it to be disseminated, displayed, read[,] and expounded principally in schools and other

⁵⁸*Universal Declaration of Human Rights*, Art. 26, *supra* note 34, at 523. The same language also appears in art. 13 of the *International Covenant on Economic, Social, and Cultural Rights* and Art. 28 of the *Convention of the Right of the Child*.

⁵⁹*Id.*

⁶⁰ See *United Nations Decade for Human Rights Education*, *supra* note 57 (citing Com. Hum. Rights Res. 1993/56, U.N. ESCOR, 47th Sess., Supp. No. 3, at chap. II, § A, U.N. Doc. E/1993/23 (1993)).

⁶¹Stobart, *supra* note 56, at xi.

⁶²*Universal Declaration of Human Rights*, *supra* note 34, at 522 (emphasis added).

educational institutions, without distinction based on the political status of countries or territories.”⁶³ The Declaration also enjoined countries “by progressive measures, national and international, to secure” the “universal and effective recognition and observance” of the human rights the document embodies.⁶⁴ Such progressive measures, one can only suppose, will include education.

Like the Universal Declaration, the Declaration on the Elimination of Discrimination Against Women assigned a distinct place to education in the dissemination of its protections aimed at reducing or eliminating discrimination against women. It mandated that all appropriate measures “be taken to *educate* public opinion and to direct national aspirations toward the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women.”⁶⁵ The UN views education on human rights, including education on the human rights of women, as “an important vehicle for the elimination of” discrimination against women.⁶⁶

In line with this belief in education as a tool for human rights promotion, the UN has made efforts, through agencies like the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the International Labor Organization, and the UN Children’s Fund, to promote human rights education. For example, UNESCO convened the International Congress on Education for Human Rights and Democracy held at Montreal, Canada, from March 8-11, 1993. The Congress adopted the World Plan of Action on Education for Human Rights and Democracy. According to the Plan, education for human rights and democracy is itself a human right and a prerequisite for the realization of human rights, democracy, and social justice.⁶⁷

One reason that makes education imperative in human rights promotion is that some international human rights instruments create no

⁶³See *id* at *Editor’s Note*, 522.

⁶⁴*Universal Declaration of Human Rights*, *supra* note 34, at 522.

⁶⁵*Declaration on the Elimination of Discrimination Against Women*, G.A. Res. 2263, U.N. GAOR, 22nd Sess., Sup. No. 16, at 35, art. 3, U.N. Doc A6716 (1967), reprinted in *BASIC DOCUMENTS ON HUMAN RIGHTS* 184 (Ian Brownlie ed., Clarendon Press 1971) (emphasis added).

⁶⁶See *United Nations Decade for Human Rights Education*, *supra* note 57.

⁶⁷*Id.*

legal obligations on states. The Universal Declaration is merely a resolution of the UN's General Assembly that is not *per se* legally binding.⁶⁸ Along with the ICCPR and the ICESCR, the Declaration represents only authoritative "standards of behavior to which all states should aspire."⁶⁹ All that the document did was call "on states to recognize the rights of their inhabitants under their national laws, and to take measures to realize human rights through national institutions within their own societies."⁷⁰ But, as previously indicated, it is an appeal states heed selectively: comply with it when it agrees with, or does not interfere with, their national interests but ignore it if it will work against their strategic or economic interests.⁷¹

States may choose not to ratify an international human rights agreement. It is not just authoritarian regimes that have made the decision not to ratify, but also democratic countries like the United States.⁷² Even where ratification occurs, the ratifying country may still not unflaggingly commit itself to promoting human rights on the issue of the agreement it has ratified. Countries ratifying international human rights agreements simply voluntarily subject themselves to appraisal by

⁶⁸DONNELLY, *supra* note 6, at 7.

⁶⁹*Id.* at 9.

⁷⁰*Id.*

⁷¹See *supra* notes 43-44 and corresponding text.

⁷²For example, the United States has yet to ratify the Convention on the Elimination of all Forms of Discrimination Against Women. The treaty was first submitted to the Senate in 1980 during the presidency of Jimmy Carter. Under President William J. Clinton, it was in 1994, resubmitted to the Senate. Yet, as of 1998, four years later, there has been no action. On September 10, 1998, 100 boxes made up of petitions and letters from 10,000 women across the United States were received in the Senate urging Senate members to ratify the agreement. According to Sara Eckel, one of the reasons why the Convention remains unratified by the Senate is because it is not the hot-button issue American politics are sometimes made of: "It 's no potboiler. It provides no fodder for late-night comedians, and it won't inspire any heated debates at the water cooler." In ratifying the treaty, Eckel says, the Senate would be stating publicly that women have rights, a thing, according to her, the Republican-controlled U.S. upper house does not want to do. The Convention guarantees for women liberties like the right to vote, to hold public office, own property, and choose a husband, guarantees that are now part of American law. Yet, Eckel contends, in failing to ratify the treaty, America sends a bad message to the rest of the world about women's rights. Sara Eckel, *U.S. Sends Bad Message About Women's Rights*, PINE BLUFF COMMERCIAL, Sept. 9, 1998, at 6A.

international organizations. They have done no more than noncommittally pledge themselves to abide by the terms of an agreement in question.⁷³ Under the Universal Declaration and the ICCPR and ICESCR, states agree "to follow international human rights standards[,] but do "not authorize the UN to investigate their compliance with these standards."⁷⁴ Reviewing the record of states' compliance with international human rights agreements, Forsythe contends that "[t]he dominant pattern is that states pay lip service to human rights. They sign human rights treaties even if they have no intention of shaping their policies and restricting their power according to the terms of the treaties."⁷⁵

Increased public knowledge about rights may have had a role in the heroic public resistance that led to the collapse of the communist order in the Soviet Union and Eastern Europe. In many former Soviet-bloc countries, human rights education was mandated at the highest school level. In Albania, for example, human rights education is mandated in the entire school system, including the elementary schools.⁷⁶ Also, as David Forsythe suggests, "publication and dissemination" of the Helsinki Accord, especially the part relating to movement of people and ideas, "led to widespread demands throughout the Soviet Union and Eastern Europe for serious attention to the human rights provisions accepted as humanitarian principles."⁷⁷ It could have been in recognition

⁷³*Id.* at 6A.

⁷⁴DONNELLY, *supra* note 6, at 9.

⁷⁵Forsythe, *supra* note 13, at 508.

⁷⁶Ron Lajoie, *Teaching Human Rights*, AMNESTY ACTION (a publication of Amnesty International, U.S.), Fall 1996, at 1, 2.

⁷⁷FORSYTHE, *supra* note 43, at 76. The Helsinki Accord (or Helsinki Final Act) was signed on August 15, 1975 by 35 Western and East European states (including the Soviet Union), along with Canada and the U.S. The agreement consists of four sections called "baskets." The first basket included general declarations on topics like European security and human rights. The second called for increased East-West cooperation in economics, science, technology, and the environment. The third set forth principles on the international movement of people and ideas, while the fourth basket arranged for follow-up meetings to discuss compliance with and possible modifications, to the agreements. The agreement gave something of value to both sides in the East-West ideological divide. The Soviets gained Western recognition of Europe's existing boundaries, the West a Soviet-bloc promise to respect the free movement of people and ideas across the East-West frontier and to permit greater cultural and educational exchanges between its bloc and the West. The

of benefits like these that the United Nations in 1994 declared January 1995 to January 2005 the UN Decade for Human Rights Education.⁷⁸

V. EDUCATION AS A TOOL FOR PROMOTING HUMAN RIGHTS IN THE POST-COLD WAR ERA

In this section, we seek to achieve two goals. First, we provide several justifications as to why education should remain the tool for promoting human rights in the post-Cold War era. Second, we outline possible contributions individuals and groups and governments could make, seizing the opportunity afforded by the post-Cold War era, to promote human rights, through increased education. The analysis in the latter will be illustrative rather than exhaustive.

A. Justifying Education as a Tool for Promoting Human Rights in the Post-Cold War Era

The Cold War sacrificed human rights on the altar of ideology.⁷⁹ During that period human rights constituted “just another arena of superpower struggle.”⁸⁰ To contain communism, America coddled and supported tyrants and dictators whose only credential for American support was (a sometimes orchestrated) steadfast opposition to

Accord was the “closest thing to a peace treaty ending World War II, as well as the Cold War in Europe, that was possible while Germany was still divided.” RONALD E. POWSKI, *THE COLD WAR: THE UNITED STATES AND THE SOVIET UNION, 1917-1991* at 198-99 (Oxford University Press 1998).

⁷⁸U.N. ESCOR, E/1994/24, 50th Sess., Supp. No. 4, at 156, U.N. Doc. E/CN.4/1994/132 (1994). See also *United Nations Decade for Human Rights Education*, *supra* note 57.

⁷⁹See RICHARD W. MANSBACH, *THE GLOBAL PUZZLE: ISSUES AND ACTORS IN WORLD POLITICS* 529 (Houghton Mifflin 2d ed. 1997).

⁸⁰DONNELLY, *supra* note 6, at 7. See also South African President Nelson Mandela’s address October 6, 1994, to a joint session of the U.S. Congress, *quoted in* Bamidele A. Ojo, *United States and Africa: Exporting Democracy in the New World*, in *AFRICA IN THE CONTEMPORARY INTERNATIONAL DISORDER: CRISIS AND POSSIBILITIES* 137 (Mulugeta Agonafer ed., 1996) (maintaining that during the Cold War, issues of human rights and democracy remained peripheral to U.S. national interest).

communism.⁸¹ Thus, in Africa, American policies became “often determined not by how they affected Africa, but by what advantage they brought to Washington or Moscow.”⁸² There is the suggestion that the advent of the new age changed all this. Again illustrating with U.S. policies toward Africa; Washington had pledged its resolve to pursue “a productive new relationship” with the continent.⁸³ But there is no guarantee the cessation of ideological rivalry between East and West will of necessity benefit global human rights. Human rights may no longer be sacrificeable on the altar of ideology, but does this immunize them from sacrifice on other altars? At any rate, as one scholar finds in analyzing recent U.S. policy toward Zaire (now Democratic Republic of Congo), although Soviet communist threat has disappeared, “American policy makers have yet to agree on what should be the nature of American commitment to fostering democracy, human rights, and economic progress around the world.”⁸⁴

During the Cold War, the Soviet Union “routinely violated human rights”⁸⁵ The suggestion is that, with the collapse of communism in much of the world and the advent of the post-Cold War period, these routine violations have ceased. The rebuttal again is that there is neither guarantee nor certainty that such cessation will occur. Russia has a known past legacy of authoritarian rule and human rights repression. What prevents its new government from impeding human rights, especially during the period of transition such as it is now undergoing? Exploring the roots of democratic failure in Africa, Diamond dwelt on the tremendous political and economic insecurity African leaders felt for their new countries, which insecurity in many places led to “concentration of power as a means of asserting control.”⁸⁶ Admittedly the contexts are different, but similar insecurity during a

⁸¹See, e.g., Ojo, *supra* note 80, at 138.

⁸²Warren Christopher, *U.S.-Africa: A New Relationship*, AFRICA REPORT, 36 (July/Aug. 1993).

⁸³*Id.*

⁸⁴Osita G. Afoaku, *The U.S. and Mobutu Sese Seko: Waiting on Disaster*, 14 J. THIRD WORLD STUD. 65, 66 (Spring 1997).

⁸⁵MANSBACH, *supra* note 79, at 529.

⁸⁶Larry Diamond, *Introduction: Roots of Failure, Seeds of Hope*, in 2 DEMOCRACY IN DEVELOPING COUNTRIES: AFRICA 1, 8 (Diamond et al. eds., 1988).

period of transition in systems with a legacy for authoritarianism could result in power concentration with negative consequences for human rights. Recent occurrences seem to support this assertion with respect to the former Soviet republics. Following a review recently of the human rights picture in these republics, Donnelly concludes that "the commitment to and understanding of both democracy and human rights of the countries' elected leaders . . . is hardly inspiring."⁸⁷

Finally, the resurgence of democracy that accompanied the end of the Cold War in the Third World and much of what used to be the Second (or socialist) world is seen as an occurrence that is bound to benefit the growth of human rights in the world. This is because, for example, some of these rights, particularly those relating to political-civil rights, are viewed as intrinsic to the character and definition of democracy.⁸⁸ There is considerable merit in this kind of thinking. For one thing, democracies provide a less repressive (or more conducive) environment for the enjoyment of basic rights. However, the transition toward democracy in these countries is still ongoing or incomplete, fraught with numerous difficult problems, and is anything but irreversible.⁸⁹ As Donnelly timely and appropriately cautions, "we must not overestimate [the] human rights significance" of the ongoing democratization in the world. "In particular, we must not confuse decreased tolerance for old forms of repressive rule with support for, let alone institutionalization of, rights-protective regimes."⁹⁰

But none of the above is meant to suggest that very little has changed in the post-Cold War era. To the contrary, the new age represents a qualitative departure from the Cold War years in international relations. First, the post-Cold War period affords a less ideologically divided atmosphere for the conduct of global human rights. "[I]n the post-Cold War era, Western governments no longer routinely try to justify Third World allies' human rights excesses as they once did

⁸⁷DONNELLY, *supra* note 6, at 13.

⁸⁸Diamond et al., *supra* note 3, at 6-7.

⁸⁹For Africa, *see, e.g.*, *DEMOCRACY IN AFRICA: THE HARD ROAD AHEAD* (Marina Ottaway ed., 1997).

⁹⁰DONNELLY, *supra* note 6, at 157.

in the name of fighting communism.”⁹¹ Second, there is also now in place in the world the previously unthought of promise of increased consensus on human rights. The Cold War record on global human rights was one in which the socialist and capitalist worlds argued over which — political-civil rights or socioeconomic rights — should take precedence. It was an ideologically colored debate in which the capitalist world favored political-civil rights while the socialist orbit preferred socioeconomic rights. The ICCPR and the ICESCR had in 1948 been envisioned as a single treaty but was broken into two “[i]n deference to the lingering cold war”⁹² Third, with the advent of the post-Cold War, many countries are defining their national securities broadly and anchoring those securities on bases that, besides military power, now encompass key values like economic security and indicators of political development, *e.g.*, meaningful citizen political participation. This was not the case during the Cold War years when many countries, especially the major powers, framed their national security in narrow military terms. One possible significance of this change in national security goals is that some of the money previously going to military defense can now be channeled into productive economic activities. Finally, in the aftermath of the Cold War, there are growing appeals for rethinking traditional notions of sovereignty which can accommodate, for example, humanitarian intervention.⁹³ These appeals, if headed, are bound to benefit global human rights.

But these changes only reinforce the already acknowledged general benignity and auspiciousness of the post-Cold War era for human rights promotion and growth. New eras can be uncertain and unpredictable periods in human history. The safeguard against such uncertainty is a healthy skepticism concerning the prospects of a new age in an affected issue-area. The same skeptical frame of mind is well advised concerning human rights in the post-Cold War period. For all its

⁹¹JEFF HAYNES, *THIRD WORLD POLITICS: A CONCISE INTRODUCTION* 121 (Blackwell 1996).

⁹²DONNELLY, *supra* note 6, at 8.

⁹³See DENG et al., *supra* note 24. See also Scheffer, *supra* note 24, at 259 (maintaining that “[a] modern doctrine of humanitarian intervention is emerging from the transforming events of the immediate post-Cold War era.”).

auspiciousness, the new era may still, like any other new age, be shrouded with uncertainty for global humanrights.⁹⁴ In the final analysis, the most important single contribution the new era makes to global human rights is in the *opportunities* it affords for fresh promotion and growth of these rights.

B. Contributions to Human Rights Promotion, Through Increased Education, by States, NGOs, and Individuals

Governments or states have, as previously indicated, responsibility for providing the stability and security necessary to facilitate enjoyment of humanrights.⁹⁵ This is just the minimal threshold beyond which there are a series of important *educational* steps governments can take to promote human rights. First, they can integrate human rights education into the regular school curriculum. Countries such as Albania have begun such programs.⁹⁶ Second, a state could adopt human rights education as part of its constitution. As of 1996, the Philippines was the only country where human rights education is mandated by the national constitution.⁹⁷ It is time other countries followed its lead. Third, a national human rights education program could accompany any state's decision to promote human rights reforms. Fourth, states ratifying the Universal Declaration could be made to implement a human rights education program as part of their obligation under the Declaration.

⁹⁴After a region-by-region survey of global human rights in the post-Cold War period Donnelly describes progress in the field as "mostly gradual, but generally positive, change." But he also finds that, although the crumbling of the Cold War "has certainly altered the context for international human rights," the new world order has "proved not entirely new and often rather disorderly." DONNELLY, *supra* note 6, at 13-17. *See also* STANLEY HOFFMAN, *WORLD DISORDERS: TROUBLED PEACE IN THE POST-COLD WAR ERA* (Rowman and Littlefield 1998) (recounting the "uncertainties" the demise of the Cold War has wrought).

⁹⁵*See supra* notes 36-37 and corresponding text.

⁹⁶*See supra* note 76 and corresponding text.

⁹⁷Lajoie, *supra* note 76, at 2; *see also* Romulo Magsino, *The Rights of Parents, Students, and Teachers in Canada and the Philippines*, in *HUMAN RIGHTS AND EDUCATION* 155, 159 (3 Comparative and International Education Series) (Norma Bernstein Tarrow ed., 1987).

Fifth, states need to do more to expand educational access and opportunities in their societies, particularly for women. Sixty-seven percent of the estimated one billion illiterates in the world are females. The vast majority of this number live in developing countries. Looking at the Third World as a whole, only 80 percent of girls, compared to boys, attend primary school. At the secondary level, the proportion drops to 70 percent; and for the tertiary (or college) stage, 50 percent.⁹⁸ The barriers to general education that still exist in many societies are serious obstacles to education *about* human rights. As indicated earlier in this article, education as a right (or the right to education) is integral to the definition of education in human rights.⁹⁹ Finally and related to the last point, states need, just like the United Nations did,¹⁰⁰ view education as a basic human right, as well as an essential tool for achieving the goals of equality, development, and peace.

Just like governments, NGOs can increase their role in global human rights promotion seizing the opportunity for human rights promotion afforded by the post-Cold War era. As the name suggests, NGOs are entities separate or independent from governments (political society) or what some scholars, stressing their distinction from political society, call civil society. During the long Cold War these groups acted as advocates for victims of human rights violations by publicizing violations and lobbying to alter the practices of states and international organizations.¹⁰¹ They have certain advantages that make them an asset in human rights promotion.¹⁰² Unfortunately, they are also subject to certain constraints, some, like inadequate financial resources, serious.¹⁰³

⁹⁸ HAYNES, *supra* note 91, at 150.

⁹⁹ See *supra* note 52 and corresponding text.

¹⁰⁰ See, e.g., *Universal Declaration on Human Rights*, art. 26, *supra* note 34, at 523.

¹⁰¹ DONNELLY, *supra* note 6, at 10.

¹⁰² An NGO's private status allows it to operate free of the political control of states. Further, unlike states, they do not have to take into account foreign policy objectives and are therefore often better able to press human rights concern. See *id.* at 11.

¹⁰³ Among these constraints is that NGOs cannot use coercion but rather must rely on the power of publicity and persuasion. But, as Donnelly aptly points out, "States remain free to be unpersuaded. And many states have used their powers of coercion against the members of human rights NGOs, turning them into new victims." *Id.*

Their good work for human rights goes back to the very formation of the UN. Besides being instrumental to the establishment of some of the human rights principles contained in the Declaration,¹⁰⁴ their lobbying helped assure the inclusion of human rights language in the UN Charter,¹⁰⁵ and they have helped incorporate concern for human rights into the foreign policies of certain countries.¹⁰⁶ In short, as Donnelly states, human rights NGOs played an important role in legitimizing international concern with human rights.¹⁰⁷ NGOs, like the Lawyer Committee for Human Rights, provide human rights education for local communities, but by far the best known of the human rights NGOs is Amnesty International (AI). The organization has an international membership of more than 1 million people. Founded in 1961, AI in 1977 won the Nobel Peace Prize for its efforts in human rights promotion. The organization has since the mid-1980s, made human rights education a top priority. As Jeff Haynes said, organizations like AI bring “the relationship between individual citizens and the state” to the fore of the international agenda.¹⁰⁸

In declaring 1995 to 2005 the Decade for Human Rights Education, the UN called upon NGOs, along with other organs of society, “to increase their involvement in formal and non-formal education in human rights and to cooperate with the Center for Human Rights in implementing the UN Decade for Human Rights Education.”¹⁰⁹ This is a call NGOs need to heed. In announcing the decade for human rights education, the UN hinted of “establishing a voluntary fund for human rights education . . . to be administered by the Center for Human Rights.”¹¹⁰ If this fund materializes, it might go a long way in easing some of the financial constraints NGOs now face in their educational campaign for human rights.

¹⁰⁴See *supra* note 41 and corresponding text.

¹⁰⁵DONNELLY, *supra* note 6, at 11.

¹⁰⁶See *id.* (citing the works of Amnesty International’s Dutch section in the Netherlands, Amnesty International with the U.S. Congress, Amnesty International with Parliament in Australia, and the American Civil Liberties Union in the U.S.).

¹⁰⁷*Id.*

¹⁰⁸HAYNES, *supra* note 91, at 121-22.

¹⁰⁹*United Nations Decade for Human Rights Education*, *supra* note 57.

¹¹⁰*Id.*

Last but not least, individuals have and should play a major role in the struggle for global human rights. The call for human rights promotion contained in the preamble of the Declaration included "every individual."¹¹¹ Also, both the ICCPR and the ICESCR placed individuals "under a responsibility to strive for the promotion and observation of the rights recognized" under the instruments.¹¹² The advent of the post-Cold War offers possibilities for individuals to live up to their responsibility in the promotion of global human rights. First, they can take more initiative designed to increase their access to education and to educate themselves about human rights. Education on human rights should no longer be an issue left to governments to attend to when they can finally manage to get around to it.

Second, individuals should increase their resolve to resist rights abuses by their governments. Such resistance would have been ill advised during the Cold War when it was customary for authoritarian regimes to use ruthless force to stamp out resistance to their authority. But there is little chance of that occurring today. Among the opportunities for human rights promotion the post-Cold War affords is that resistance to government abuses need not come at the cost of loss of limb or life. Low tolerance for abuses had a hand in the human rights revolution that swept the Soviet Union and Eastern Europe as well as in the movement toward democracy Africa has witnessed since 1990. For Africa, as one analyst puts it, a factor, above any other, leading to change was the determination of the "masses not to live any longer under economically bankrupt dictatorships, a determination expressed through protests, demonstrations, and relentless calls for multiparty democracy."¹¹³

¹¹¹ *Universal Declaration of Human Rights*, *supra* note 34, at 522.

¹¹² Preamble to *International Covenant on Civil and Political Rights, 1966*, in BASIC DOCUMENTS ON HUMAN RIGHTS 211 (Ian Brownlie ed., Clarendon Press 1971); Preamble to *International Covenant on Economic, Social, and Cultural Rights, 1966*, in BASIC DOCUMENTS ON HUMAN RIGHTS 199.

¹¹³ Philip C. Aka, *The Press and Democracy in Africa*, at 9, 16th Annual Meeting, Association of Third World Studies, October 8-10, 1998.

VI. CONCLUSION

Human rights are minimum freedoms people need to self-actualize themselves and contribute usefully to societal development. Governments play an important role in the promotion of these rights. But, as this article also shows, governments can pose impediments to the realization of these rights and there is need to look beyond them for enduring promotion and enjoyment of these rights. Increased education is a necessary tool in that endeavor. The Cold War hindered that education. Yet, ironically, some of the human rights gains made during that period, including the human rights revolution in the Soviet Union and Eastern Europe that the Helsinki Accord may have precipitated,¹¹⁴ could not have been possible without increased public knowledge about these rights. New eras are uncertain periods in human history that ought to be regarded with some skepticism. Therefore, although the post-Cold War period presents a benign atmosphere for the conduct and growth of global human rights, education still remains a reliable tool for promoting human rights in the new age. The benignity of the new age represents a wealth of invaluable opportunities that the world should seize to promote human rights — using increased education. The propitiousness of an age, standing alone, should never be a substitute for the global struggle for and/or campaign, through greater education, for human rights.

Education worked well for global human rights in the ideologically charged atmosphere of the Cold War. It should work better in an environment much less ideologically divided, like the present age. Education about human rights should not be the exclusive job of the United Nations and human rights NGOs. It is a responsibility everybody should share in — government, human rights and non-human rights NGOs, and individuals alike — until, like consolidated democracies, human rights become so habitually practiced and ingrained in global consciousness that they cannot break down. The Universal Declaration enjoined “every individual and every organ of society, keeping [its text] constantly in mind,” to “strive by teaching and education to promote respect” for human rights.¹¹⁵ It also called for “progressive” “national and

¹¹⁴See *supra* note 77 and corresponding text.

¹¹⁵Preamble to *Universal Declaration of Human Rights*, *supra* note 34, at 522.

international measures," education conceivably included, aimed at securing the "universal and effective observance" of the rights this much praised document embodies.¹¹⁶ There can be no better time than now to answer these calls. Cold War or no Cold War, regardless of the ideological coloration or color-blindness of an era,¹¹⁷ education, in the manner of a right to education and education about human rights, remains the most dependable tool for the growth of global human rights. It remains, in the new post-Cold War era, as in the Cold War period, the ultimate sanction on human rights.¹¹⁸ Human rights education is, as one Amnesty International newsletter poignantly puts it, indispensable "preventative medicine."¹¹⁹

¹¹⁶*Id.*

¹¹⁷Marxist-oriented scholars may find this or any suggestion of ideological color-blindness troubling. They are likely to argue that, as opposed to any ideological vacuousness, what exists now is a world where, thanks to the relative demise of global socialism, capitalism roams the world free, no longer inhibited, as was the case in the past, by socialism. In fairness to this position, Western scholars speak not so much of an ideologically free world as of a world in which capitalism is viewed to have prevailed in the ideological competition with socialism. See, e.g., Francis Fukuyama, *The End of History?*, THE NATIONAL INTEREST, Summer 1989, at 3-18.

¹¹⁸See generally HUMAN RIGHTS AND EDUCATION (3 Comparative and International Education Series) (Tarrow ed., Pergamon Press 1987).

¹¹⁹Lajoie, *supra* note 76, at 2.