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# MARYLAND JOURNAL OF INTERNATIONAL LAW

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## Taking Stock of the Human Rights Agenda Sixty Years On

MARY ROBINSON\*

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### INTRODUCTION

First let me congratulate the University of Maryland School of Law for this most timely international law conference reflecting on the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights.

Before I begin, I want to pick up on one point about this little document, the Universal Declaration of Human Rights. When I was serving in the U.N. and had just begun my time as High Commissioner it was September of 1997, and my arrival in the Office of the High Commissioner was not an entirely happy one because I

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\* Mary Robinson is the former President of Ireland (1990–1997) and served as U.N. High Commissioner for Human Rights from 1997–2002. This speech was delivered as the Pearl, Lawrence I. & Lloyd M. Gerber Memorial Lecture and Keynote Address of the International Law Conference, *Reflecting on the 60<sup>th</sup> Anniversary of the UDHR*, at the University of Maryland School of Law on October 24, 2008.

I would like to thank in particular both Karen Rothenberg and Peter Danchin and their colleagues at the University of Maryland for the invitation to take part as a distinguished visitor together with my very good friend Arthur Chaskalson.

discovered there were lots of problems. As some of you here well know in remembering back to the office at that time, the first High Commissioner had suddenly resigned and gone back to Ecuador,<sup>1</sup> and the deputy high commissioner had been removed for various reasons. The office itself was small with a huge mandate. It was a little group working away and I had to ask them what they were doing. When they replied, “planning the 50<sup>th</sup> anniversary of the Universal Declaration,” I had to ask again, “tell me more, what are you doing *exactly*?” And they said “We are looking at what happened during the 40<sup>th</sup> anniversary. Peter Gabriel had concerts for Amnesty. Maybe we could have some concerts again. But actually there is this whole new tool that did not exist ten years ago.” Of course they were talking about the internet, the fact that we would be able to communicate with the world in a revolutionary way.

One of the first things we did was to commission (because the U.N. can do that) translations of the Universal Declaration. At that time, the 50<sup>th</sup> anniversary in 1998, I think we had about 359 language versions. The proof can be found in the Guinness Book of Records, which identified the Declaration as the most translated document in the world.<sup>2</sup> But the truth is, while the Declaration may be the most translated, it is not necessarily the most read. And that is the trouble.

#### THE RELEVANCE OF THE DECLARATION TODAY

Let me begin my remarks by going back to May of last year, when I came together with a small group called “the Elders.” First of all, I had to get over the trauma of being officially designated an “Elder.” If you have an Irish family, then you have a teasing family, and they never let me forget that I had been officially designated as elder. But as we “Elders” went to South Africa for the first meeting, a planning meeting before the public launch in July a year ago, I actually was full of doubts and questioning about the idea of presuming that any group could be elders in the world. I mean, in a way, how arrogant! But as we gathered under the chairmanship of Archbishop Tutu, ten of us in all, President Jimmy Carter of this country, Kofi Annan, Gro

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1. José Ayala-Lasso served as High Commissioner from 1994–1997, when he left the post and returned to Ecuador to serve as Foreign Minister.

2. For an alphabetical listing of all 359 translations, see Office of the High Commissioner for Human Rights UDHR: Alphabetical Listing of All Translations, <http://www.unhchr.ch/udhr/navigate/alpha.htm> (last visited Mar. 31, 2009).

Brundtland, and with an empty chair waiting for Aung San Suu Kyi, Nelson Mandela himself made a visit to us. I will never forget that visit. We sat at a round table. He spoke to us in very simple terms. He said, “Be humble, reach out to those who are most marginalized and who do not feel that their voice is heard. Reach out in particular to young people. Do not come with *your* ideas. Go and *listen*, and after you have listened you will know much better how to respond.” His words affected all of us in some way.

From that moment on we were charged with a certain responsibility. Archbishop Tutu, who has an irrepressible sense of humor, put it very well at our subsequent meeting. We were beginning to discuss and argue amongst ourselves about what our priorities should be, and he slowed us down and he said, “Look my friends, we have to learn to elder.” One of the things we realized, in learning to elder, was that traditionally, in a village, elders remind the young in the village of their values, of the values that are important. We reflected at that meeting on what values we as Elders thought were important and realized that we had an incredibly valuable document to help us: namely, the Universal Declaration of Human Rights.

In two important respects, the Universal Declaration distinguishes itself from other great constitutional documents.<sup>3</sup> First, it was the first international articulation of the rights and freedoms of all members of the human family. For the first time in the history of mankind, nations had come together to agree on the content of the human rights of all human beings. Second, these human rights were not only universal but also indivisible—that is, civil and political rights, on the one hand, and social, economic, and cultural rights, on the other. In either category, as rights they demand protection on the same plane and are interdependent and interrelated. With the emphasis throughout the Universal Declaration on the rights and freedoms applicable to every person everywhere, we Elders could look to it as representing the values of the global village. So when we next met in July, we formally adopted the Universal Declaration of Human Rights as part of the Constitution of the Elders.

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3. This is a topic that I spoke about at my Keynote Address to the Third Symposium on Human Rights in the Asia-Pacific Region. See Mary Robinson, U.N. High Commissioner for Human Rights, Keynote Address to the Third Symposium on Human Rights in the Asia-Pacific Region: The Universal Declaration of Human Rights: A Living Document (Jan. 27, 1998), in MARY ROBINSON, A VOICE FOR HUMAN RIGHTS 12 (Kevin Boyle ed., 2006).

On the 10th of December, 2007, we went a little further and decided to launch a campaign called “Every Human Has Rights.”<sup>4</sup> The idea was to speak to the opening preamble of the Declaration, which the General Assembly itself adopted in Paris on the 10th of December, 1948. It is worth looking at that preamble. It says:

Now, therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, *keeping this declaration constantly in mind*, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.<sup>5</sup>

What struck us was that the original intention back in 1948 had been for everyone to carry this around in their pockets—to take it out regularly and read it—and for individuals as much as governments to be completely affected forever afterwards in our lives, for example, by the provision in Article 1, that all human beings are born free and equal in dignity and rights, and that we would have a world that would reflect that. We Elders believe that the Universal Declaration has been much quoted and much translated, but somehow not read and internalized; the Universal Declaration has not become something that speaks to people as individuals in the way that was intended.

It was against this background that the Elders determined that we needed to have a wider conversation involving many more participants than the “traditional human rights community,” which may be defined as one community or several communities or movements. As I discussed at Oxford in 1997, there are many more participating governments than were present on the 10th of December, 1948 and many more voices from wider civil society that speak of current complex human rights issues such as the right to development, the recognition of the rights of indigenous peoples, the rights and empowerment of people with disabilities, gender mainstreaming, and the issues of benchmarks and accountability in

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4. *See generally* Every Human Has Rights, <http://www.everyhumanhasrights.org> (last visited Mar. 31, 2009).

5. Universal Declaration of Human Rights, G.A. Res. 217A (III), pmb1., U.N. Doc. A/810 (Dec. 10, 1948) (emphasis added).

furtherance of these and other rights.<sup>6</sup> We decided that we wanted to launch this “Every Human Has Rights” campaign as a global initiative to try and broaden the Universal Declaration’s constituency, to engender a similar commitment to a shared vision so that rights concerns will form part of a renewal in our time of the vision of 1948. But, obviously, the Elders were few, not to mention elderly, with no organization and no capacity. The only power we had, in fact, was the power to ask—the power to ask, and probably to have people say “yes.”

And that in fact is what happened. A significant number of organizations decided that they would work with the Elders during 2008 on a variety of themes: in April, it was “Save the Children,” with the theme of children’s rights; in May, it was “Freedom of Expression,” with International Pen and others; in June, Amnesty led “Freedom from Fear and No Torture;” in July we had a strongly active campaign by ActionAid on the right to food. (In fact, I caught up with Amnesty in Miami where they had a mock up of a Guantánamo cell. It wound up as quite a funny story. I went into the cell, as others did, and was photographed. I even sent a message from the cell about the need to close down the Guantánamo Bay prison. And then I came back to the hotel, where Amnesty had arranged for me to have a car to take me to the airport. It being Miami, inevitably, the car was a white stretch limo that was a little bigger than the Guantánamo cell I had been in earlier.)

So my task now is to reflect on, and take stock of, universal human rights and the agenda of universal human rights in the context of the Universal Declaration. As this is the 60<sup>th</sup> anniversary year of the Universal Declaration, what I would like to do is set out very briefly seven different contexts in the last year where I looked to the Universal Declaration. I want to persuade all of you that the Declaration is highly relevant even though these contexts, by and large, were not those envisioned by the authors of the Universal Declaration.

### *Poverty*

The first context I would like to mention is poverty, a huge

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6. Mary Robinson, U.N. High Commissioner for Human Rights, Oxford University Romanes Lecture 1997, *Realizing Human Rights: Take Hold of it boldly and duly* . . . (Nov. 11, 1997), in ROBINSON, *supra* note 3, at 3.

challenge to all of us who work in, or are learning about, or who care about, the area of human rights. The continued existence of desperate poverty is a woeful, global failure that we do not actually mention when we talk about international human rights.

I served for two years on the Commission on Legal Empowerment of the Poor. It was a commission established independently, with support in particular from Norway and some other governments. We worked out of the U.N. through UNDP, but we were independent, co-chaired by Hernando de Soto and Madeleine Albright. We looked at the informal sector in different countries and the extent to which it had access to justice and access to various basic rights. You can read the report—it is called “Making the Law Work for Everyone.”<sup>7</sup> The truth is, it was startling to appreciate that the law does not work for about four billion people in our world of 6.7 billion people. That is, almost sixty percent of the world’s inhabitants do not have access to justice, do not have property rights, and among them are millions of children without birth rights and whose labor rights are largely exploited.

Another proposed topic for us to examine was business rights. I resisted, saying that there is no concept of business rights. But one of my non-lawyer friends replied by saying: “if there is no concept of business rights, there should be—we should be thinking more about how to serve the needs of, and provide support to, those in the informal economy who are entrepreneurial, who often have several jobs, but who have so many barriers to being able to address poverty.” So, a humbling start if I may say so, sixty years after the Universal Declaration, with so many millions of people in our world who do not see law as being on their side and do not have access to justice.

Yet, just in the last week I saw an astonishing example of social mobilization against poverty. I was in Europe and had the honor of being part of a radio program announcing the results of this year’s “Stand up Against Poverty,” where the global call for action against poverty tried to energize people. In the first year, 26 million people stood up against poverty. Last year it was 43.6 million. This year it was 116.9 million in only a twenty-four hour period.

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7. Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone* (June 3, 2008), available at <http://www.undp.org/legalempowerment/reports/concept2action.html>.

This contrast, to me, speaks to one of the challenges we have. It *is* possible to mobilize people. It *is* possible to develop ideas for tackling hunger, for not accepting what is happening in Darfur, and for not accepting the terrible violence against women in places like the Democratic Republic of Congo. Each of the movements that we are talking about under the broad framework of the global call for action against poverty knows how to use effectively the tools of the international human rights movement to bring about the progressive realization, without discrimination, of rights to food, or safe water, or health, shelter, and education.

But the human rights movement is not as connected as it should be. Development organizations and women's organizations, to an extent, are reaching out but have not developed a coherence that I believe is important. The eradication of poverty and debt relief should not be isolated missions within the human rights movement. We should be establishing a common message. We have the capacity to link together and harness this social mobilization to address all issues that connect the human rights agenda. I was very glad that the Human Rights Council recently adopted an optional protocol to the International Covenant on Economic, Social and Cultural Rights. As you know, this brings the Covenant on Economic, Social and Cultural Rights into a similar position to the complaints mechanism of the International Covenant on Civil and Political Rights, which was adopted at the same time as the Covenant in 1966 and has been a very effective way of addressing complaints. I hope that with this further development of the optional protocol, more and more human rights groups will link, which is what the Elders want to see happen. Indeed, it already is happening with, for example, the International Network for Economic, Social and Cultural Rights, which is linking together social justice advocates from every continent in the world.<sup>8</sup>

#### *Women's Leadership Worldwide*

The second context is more hopeful, and I hope inspiring to many here. I noted, and I wanted to refer to this in particular, that this international law symposium is sponsored by the University of Maryland School of Law's International and Comparative Law Program

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8. See generally ESCR-Net Homepage, <http://www.escr-net.org> (last visited Apr. 1, 2009).



and also the Women, Leadership and Equality Program.<sup>9</sup> I just wanted to say that, in my view, there are very exciting things happening to women's leadership worldwide.

Again, I will just give you anecdotal references to some of the things I have been involved in personally that speak to these developments. I am flagged here as Chair of the Council of Women World leaders.<sup>10</sup> I was President of Ireland when the Council was first discussed at a conference in Stockholm in 1996. Some of us who were holding office as President or Prime Minister, and some women who were former Presidents and Prime Ministers, came together and said that we must make women's leadership more visible. Now the council has thirty-nine members, which is quite striking, and it is part of a wider linkage with women's groups in various ways.

Just in 2008, because I am focusing only on what has happened during this anniversary year, there have been a number of highly significant and consequential conferences. In April, in Washington, D.C., there was a *Breakthrough Summit* meeting of the Women, Faith, and Development Alliance at the Washington Cathedral that brought together about 150 organizations representing three streams that had not worked well together before that: women's organizations, faith communities, and development organizations.<sup>11</sup> The ensuing dialogue is leading to more coherence and marshalling of energies and resources, especially at the grassroots level. There was also an international summit on human security, where women's groups defined the priorities in human security and looked with particular scrutiny at U.N. Security Council Resolution 1325, which was adopted by the Security Council in 2000.<sup>12</sup>

Every country should have plans of action to ensure that women are involved in decision-making in situations of conflict and post-

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9. See generally University of Maryland School of Law, International and Comparative Law Program, <http://www.law.umaryland.edu/programs/international/index.html> (last visited Mar. 30, 2009); University of Maryland School of Law, Women, Leadership & Equality Program, <http://www.law.umaryland.edu/programs/wle/index.html> (last visited Mar. 30, 2009).

10. See generally The Council of Women World Leaders Homepage, <http://www.womenworldleaders.org> (last visited Mar. 30, 2009).

11. See Women, Faith, and Development Alliance *Breakthrough Summit Agenda* (Apr. 1, 2008), <http://www.wfd-alliance.org/EVagenda.htm> (last visited Mar. 30, 2009).

12. S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

conflict. While women are often recognized as peace builders at the local level, they rarely get recognition in broader national and international contexts. I recall discussing a few years ago at a dinner for African Women Leaders that women remain largely absent at all levels of policy formulation and decision-making.<sup>13</sup> Where women have managed to break through to the political stage, stereotyping, including that perpetrated by the media, often confines women in political life to issues such as the environment, children, and health, and excludes them from responsibility for finance, budgetary control, and conflict resolution.

*Rule of Law and Human Rights in Counter-terrorism Efforts*

The third context is the International Commission of Jurists' "Eminent Jurists Panel," of which Arthur Chaskalson is chair. We have spent the last couple of years holding hearings involving thirty-nine countries, in places like Washington, New York, Russia, parts of Africa, London, Belfast, and so on. Arthur spoke very eloquently this morning<sup>14</sup> about our group's concerns as we examine counter-terrorism measures and how they have cast a shadow over the rule of law and the protection of international human rights.<sup>15</sup> This shadow can be seen in official reactions that at times have seemed to subordinate the principles of human rights to other more "robust" action in the war against terrorism. There has been a tendency to run roughshod over—or at least to set on one side—established principles of international human rights and humanitarian law.<sup>16</sup>

In the face of this erosion and undermining of human rights, there also has been a healthy response to counter-terrorism tactics, both here in the United States and internationally, that is symbolized by

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13. Mary Robinson, U.N. High Commissioner for Human Rights, Speech at the Gala Dinner for African Women Leaders: Women, Human Rights and Sustainable Development in the 21st Century (Aug. 31, 2002), in ROBINSON, *supra* note 3, at 52.

14. Arthur Chaskalson, *Dignity and Justice for All*, 24 MD. J. INT'L L. 24 (2009).

15. The International Commission of Jurists has since released its report, entitled "Assessing Damage, Urging Action." For the full report, see International Commission of Jurists, *Assessing Damage, Urging Action: Report of the Eminent Jurists Panel of Terrorism, Counter-Terrorism and Human Rights* (Feb. 16, 2009), available at <http://ejp.icj.org/IMG/EJP-Report.pdf>.

16. For a more complete discussion of violations of human rights after September 11, see Mary Robinson, U.N. High Commissioner for Human Rights, Fifth Commonwealth Lecture: Human Rights in the Shadow of 11 September (June 6, 2002), in ROBINSON, *supra* note 3, at 330.

something called the World Justice Project.<sup>17</sup> The World Justice Project is a multinational, multidisciplinary project to strengthen the rule of law for the development of communities enjoying opportunity and equity. The Project was launched in Vienna in July 2008 and arose out of an acute concern shared by the American Bar Association and the International Bar Association about the lowering of standards on torture and the use of secret military tribunals to try prisoners at Guantánamo Bay. The Project calls for a *rule of law index*, which will index countries based on their adherence to the rule of law and protection of human rights—now that would be an interesting way of taking stock of the Universal Declaration of Human Rights sixty years on.

Recently, I was invited to serve by a number of governments, under the leadership of Switzerland, who wanted the 60<sup>th</sup> anniversary year not just to be a year of useful conferences like this, but to have a program for the future. So, I am co-chair with Paolo Sergio Pinheiro of a group of human rights experts, and we have been asked to make recommendations for the human rights agenda over the next ten years—to think quite big and to lay out all possible ideas. We are in the process of finalizing the report for a launch in late 2008 in Geneva by Swiss Foreign Minister Micheline Calmy-Ray. The title we have at the moment is a working title that might change, but it gives you some indication of the way we are thinking. The title is “Protecting Dignity: An Agenda for Human Rights.”<sup>18</sup> We emphasize protection of dignity because we think the connection to what is there in Article 1 of the Universal Declaration, between human rights and human dignity, has been lost. I think the more we get that connection back, the more the agenda will center, as it should, on the issues that we should really be concerned about.

### *Responsibility of the Private Sector*

I am also involved with my colleagues in Realizing Rights, linking the significant responsibility of the corporate sector, in the whole area of business, to human rights. We have been working with Professor John Ruggie, the special representative of the Secretary General on

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17. See generally World Justice Project Homepage, <http://www.worldjusticeproject.org> (last visited Mar. 28, 2009).

18. The report, *Protecting Dignity: An Agenda for Human Rights*, has since been released and can be accessed at <http://www.udhr60.ch/agenda.html>.

Business and Human Rights. I have agreed, together with a number of other people, to serve on an advisory council established by his mandate for the next three years. As you may know, he reported to the Human Rights Council last June and his report was unanimously accepted, which is rather startlingly given the politicizing of the Human Rights Council. He reported on three concepts: Protect, Respect, and Remedy.<sup>19</sup>

Under Protect, he said that states have a duty to protect their people from violations by non-state actors, in this context meaning business, meaning corporations. Under Respect, he said all corporations have a responsibility to respect all human rights. This is the first time the Human Rights Council has ever accepted that there is this responsibility of business to respect human rights. And in relation to Remedy, he said that there needs to be more effective grievance mechanisms that will provide greater access to remedies for harms caused by state and corporate conduct. Over the next three years, John Ruggie will be operationalizing that agenda and initializing study of the inadequacy of remedies.

The role business can play in shaping the future of human rights is not to be underestimated. This is not a new message of mine, but one that I began spreading during my first years as High Commissioner.<sup>20</sup> In addition to paying closer attention to the impact they have on local communities, businesses have the ability to innovate to ensure adequate distribution of food, energy, building materials, and health care—all of which would contribute to the realization of fundamental rights enshrined in the Universal Declaration and the International Covenants.

### *The Right to Decent Work*

In September, my organization, Realizing Rights,<sup>21</sup> said that we

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19. Hum. Rts. Council [HRC], *Protect, Respect, Remedy: a Framework for Business and Human Rights*, Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, Report of the Special Representative of the Sec'y-General on the Issue of Human Rights and Transnational Corporations and Other Bus. Enterprises, ¶¶ 52–53, U.N. Doc. A/HRC/8/5 (Apr. 7, 2008) (prepared by John Ruggie). See generally Shareen Hertel, *Human Rights and the Global Economy: Brining Labor Rights Back In*, 24 MD. J. INT'L L. 283 (2009).

20. See Mary Robinson, U.N. High Commissioner for Human Rights, *Business for Social Responsibility Conference: Profitable Partnerships: Building Relationships That Make a Difference* (Nov. 3, 1999), in ROBINSON, *supra* note 3, at 189.

21. See generally Realizing Rights Homepage, <http://www.realizingrights.org> (last

would focus on a right that is often neglected, and that is the right to decent work. It is contained very explicitly in Article 23 of the Universal Declaration of Human Rights. Yet, do we think about it as much as we should? During September, we managed to have a series of connected meetings on decent work that we call the “Road of Decent Work,” which stretches from Oslo to Monrovia to New York. In Oslo, on the 5th of September, the government of Norway, under Foreign Minister Støre, organized a meeting to have more coherence between the work of the World Trade Organization (WTO) and the work of the International Labor Organization (ILO), meaning that trade should work for further employment and decent work. Because now that is not the case; these two organizations are in different cul-de-sacs.

So Pascal Lamy of the WTO and Juan Somavía of the ILO and employers and unions and a number of Nordic countries came together and recognized that there is not an adequate coherence between those who argue and negotiate trade agreements and the ILO’s programs for decent work and fair globalization. Then, in mid-September, the ILO and Realizing Rights organized a workshop in Monrovia on decent work. The ILO had a program that we were able to go observe, on road building in a post-conflict country, and we brought the private sector along. We brought a number of corporations—Coca Cola and Cadburys and Newmont Mining—so that they would talk about their responsibility, look at their value chain, and in looking at their supply chain, examine the way in which they purchase or distribute goods or how they open up to those who are affected by their work. These are areas of sensitivity because corporations, particularly in the extractive industry, are notorious for violations of human rights. But we are beginning to have a dialogue on responsibility, to allow corporations to be part of the solution as well as to recognize their role in having been part of the problem.

### *Health*

A lot of the work we do at Realizing Rights is also in the area of health. When we talk about American exceptionalism, and the fact that the United States has not ratified the International Covenant on Economic, Social and Cultural Rights, or the Convention on the

Rights of a Child, or the Convention on the Elimination of Discrimination against Women, I would say particularly to the students here that the right to health is beginning to get real traction. And there are some very good academicians, one of whom is Steve Marks, who is here, working on this area. There is a lot of practical work going on and it is possible to show tangible results.

I will give one example in the area of health and the valuable lessons that have been learned from earlier efforts to address the scourge of HIV and AIDS as a human rights issue. One of these key insights is the importance, in practical terms, of recognizing that health is a human right, a right possessed in equal measure of the world's wealthiest and its poorest, by its most advantaged and by its most marginalized and dispossessed. A human rights analysis has informed and strengthened public health responses by highlighting the discrimination and inequalities that fuel the spread of HIV. The recognition of access to life-saving treatment as a right has played a key role in scaling up access to anti-retrovirals (ARVs), and about 2.5 million people are now accessing ARVs, up from 100,000 in 2001. The role of the Treatment Action Campaign in South Africa played a significant role in that increase.

So I think we are at a stage where there is a potential both to make the "true agendas" of human rights—the balance between civil and political rights and economic, social, and cultural rights—more respected and implemented in practice. Also we have to reach that huge constituency, that 4 billion people for whom law is not helpful and who go to their neighbors, to money lenders, and to faith groups in the community if they are in desperate need of help. This underserved constituency poses a significant challenge because human rights are ultimately about the birthright of being equal in dignity and rights. That, I think, is the enormous challenge facing human rights advocates in the coming years.

### *Responsibility to Protect*

In September of last year I led a group of women leaders to the border in eastern Chad, and we met women and their families who had been driven from their villages and fled to eastern Chad, as well as citizens of Chad who had been driven by the conflict to become internally displaced persons (IDPs), in their own countries. I use this context to bring to our attention the egregious human rights violations that we still have not learned to address effectively. We have the

conflict, for example, in the Democratic Republic of Congo that alone has claimed more lives than any conflict since World War II. An estimated 5 million people have died in the DRC since 1996—many by starvation or preventable diseases—and women in particular have suffered indescribable violence and indignity. Gender-based and sexual violence has become a routine weapon of war, and the statistics stagger the imagination. According to the U.N., in 2006 more than 27,000 cases of rape and sexual violence were registered in the province of South Kivu alone.<sup>22</sup> It is difficult to comprehend the impact of this horrific violence on the lives of women and girls affected and the destruction it wreaks on the social fabric of their communities.

We all are well aware of the situation in Darfur. Apart from these situations, and the failure to find a political will to implement what we call the “responsibility to protect” in an effective way, we also have the massive inequities of poverty. These are getting worse. We know of the deaths from unsafe water, inadequate health, and poor hygiene. As I think was mentioned in this morning’s panel, the financial crisis is already having an impact. We now have 967 million people suffering from famine and starvation, children not sleeping because they are hungry, parents facing the cries of their hungry children. All these problems are up significantly, even in this anniversary year.

But human rights are about collective responsibility. The message underlying these rights is that we belong to one global community and that we are responsible for what happens in this community. A key factor in the struggle to establish human rights in society is to take responsibility for the rights of others, and not just for our own rights.

#### CONCLUSION

So what could be done today given the background of the world of 1947–1948 and our world today? Both, I think, are similarly fearful and apprehensive times. In 1947 the world had seen two world wars, the Holocaust, the opening up of the Cold War, and the dropping of nuclear weapons. Our world today is a very divided, and in many

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22. See Jeffrey Gettleman, *Rape Epidemic Raises Trauma of Congo War*, N.Y. TIMES, Oct. 7, 2007, at A1.

ways a very fearful place—fears about security, about possible terrorist attacks, but also about nuclear proliferation again and the (perhaps real) worry of a dirty bomb and the opening up of other divides. I was in Tehran quite recently with some colleagues of the Club of Madrid talking about religion in the modern world. The perception from this part of the world, as you can imagine, is a very negative one. These are the divides about which we must be deeply concerned.

In this morning's panel discussion was a reference to the fact that in 1948 the world was very different and this fact was captured in the expression the "birth defect" of the Universal Declaration.<sup>23</sup> I would like to respond and say that I am actually very impressed with the group of people who came together and the world that they reflected in 1948. It is not the world of 2008, but I would like to spend just a few moments talking about the remarkable group of individuals from different backgrounds, traditions, and faiths—under the leadership of Eleanor Roosevelt—who forged a shared vision of the inherent dignity and rights of all people. Obviously I will not have time to mention all, so I am just going to touch on a few contributions.

Let me begin by pointing to the French Representative, and later a Nobel Prize winner, René Cassin, who lost over twenty members of his family in Nazi concentration camps. As you might recall, he was the key architect of the structure and content of the Declaration, along with the Canadian John Humphrey, who at the time headed the first U.N. Human Rights Secretariat. (I feel an identity with him, having headed up the Office of High Commissioner, because this was the early stages of the human rights secretariat.) John Humphrey played a key role in pulling together suggestions and inputs which came from legal experts, from philosophers, from faith-based groups, and from others around the world.

Cassin's emphasis on the underlying principles of dignity, liberty, equality, and brotherhood—of course now happily we would say sisterhood because, as we did reflect this morning, the Universal Declaration is not very gender sensitive (Eleanor what were you up to? She should have been watching for that carefully!)—these concepts that Cassin was emphasizing were of central importance in framing the document. Charles Malik of Lebanon, a philosopher and

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23. Balakrishnan Rajagopal, *The International Human Rights Movement Today*, 24 MD. J. INT'L L. 56, 57 (2009).



a chief spokesman at the time for the Arab League, stressed the fundamental importance of the human person throughout the negotiations, while Peng-chun Chang of China highlighted the central place of the family and reminded his colleagues that every right carried with it companion duties.

At one stage the duties were going to be placed before rights as the start to the Declaration, but then they ended up, as you know, being in Article 29: everyone has duties to the community in which alone the full expression of one's personality is possible. Hansa Mehta, the representative of India, strongly defended the rights of women. The Chilean representative, Hernan Santa Cruz, was one of the group's strongest advocates of social and economic rights, and Carlos Romulo of the Philippines, who had attended the Bretton Woods Economic Conference in 1944, stressed the perspectives of developing nations and the importance of national self-determination.

And then there is Eleanor herself. I am sure many of you have read Mary Ann Glendon's book *A World Made New*,<sup>24</sup> which focuses on Eleanor's role. She left an important mark on the Universal Declaration because she made it clear that the Declaration should not be addressed only to governments but to all peoples, and that every individual and every organ of society, as I have called it, had a responsibility. And you remember her famous remarks at the United Nations where she said that universal human rights must begin

[i]n small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they *are* the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.<sup>25</sup>

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24. MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* (2002).

25. Eleanor Roosevelt, Remarks at the Presentation of her booklet *IN YOUR HANDS: A GUIDE FOR COMMUNITY ACTION FOR THE TENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* (Mar. 27, 1958), available at <http://www.udhr.org/history/inyour.htm>.

I had the pleasure, about a week ago, of interviewing her grandson, Curtis Roosevelt, who at the age of eighteen had accompanied his grandmother Eleanor to the final discussions for the Universal Declaration. He has written about this experience. I was asking about the personality of Eleanor because I invoke her almost every day but obviously never had the privilege of meeting her. I said, “well, she was your grandmother. Late at night after a hard day, did she sort of kick off her shoes and say, ‘well, Curtis, this is what I think . . . ?’” And he said, “Absolutely not. She was not an informal person.” In fact, he said that most times when he left her at night, usually quite late, she had a pile of papers in front of her and was focused on reading them before the next session, arranging for separate meeting, tea breaks, and various other things, and all very serious. He did say that a number of delegates went to her for advice and that she seemed to be somebody who people felt they could talk to about other issues apart from the Universal Declaration. But it was interesting that she did not have that warmth and empathy one might expect a grandmother to show for her eighteen-year-old grandson.

Obviously in listing those who participated in the drafting of the Universal Declaration, I have not listed them all. It is a sad fact that the nations of Africa, who came into being after the adoption of the Universal Declaration, had no voice in its creation and, as we know, African voices are still not always at the table. But in my experience, and we work a lot in African countries, the Universal Declaration is incredibly important to grassroots activists of all kinds in African countries and also to the vast majority of governments. I think we all remember Nelson Mandela’s words reflecting on the experience of South Africa and of his long walk to freedom. He said:

[T]he simple and noble words of the Universal Declaration were a sudden ray of hope at one of our darkest moments. . . . [t]his document, solemnly adopted by the most representative international body in existence, served as a shining beacon and an inspiration to many millions of South Africans. It was proof that they were not alone, but rather part of a great global movement against racism and colonialism, for human rights, peace and justice.<sup>26</sup>

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26. Message from Nelson Mandela, President of the Republic of South Africa, to the Commemorative Workshop on the Universal Declaration of Human Rights (Jan. 30–31, 1997), available at <http://www.unhchr.ch/html/50th/50warsaw.htm>.

And I think that is part of the continuing impact of the Universal Declaration, that it can be inspiring and that there were visionary contributors, individual contributors, to its text.

It is also critical that we remember that the Universal Declaration, and the international human rights system that flowed from it, were never meant to impose a single model of right conduct on governments and society; rather it provides, as the wording says, a “common standard of achievement” that must be brought to life in a variety of ways in different countries.

As we look back on the past six decades, it is evident that implementation of human rights obligations has fallen far short of the commitments made. Tragically, the implementation gaps have arguably grown even wider in recent years, due in part to the emergence of a more security-driven global political environment, particularly since the terrible attacks against the United States in September, 2001, which has had such serious negative impacts on human rights around the world. Equally troubling, the divisions, the forms of polarization between North and South on key areas of policy, are currently affecting the Human Rights Council and diverting attempts to advance the Council’s human rights agenda. There are also divides on trade, on aid, and the environment, that are not conducive to effective national action and international cooperation on human rights issues.

So, we as Elders hope that 2008 can be the year that not just governments, but individuals and organs of society—and I suppose universities can be called organs of society, corporations can be called organs of society, all of the different ways in which we gather together—sign the declaration. My last urging to you, especially to the students, is to go to the website [www.everyhumanhasrights.org](http://www.everyhumanhasrights.org), read the Universal Declaration, and then consider the simple pledge: “I take responsibility” in my school, in my community, and in my work place. If we can have 116.9 million people standing up against poverty, why not try for a billion, which would be one sixth of humanity pledging to make the Universal Declaration personal, and then increasing the pressure on governments to deliver, because *we* say human rights belong to *us*.