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Universalism of Human Rights as an Ineffective Model to Prevent Human Rights Violations

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Estudio de Caso: Universalist Model of Human Rights as an Ineffective Model to Prevent Human Rights Violations

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Dedicatoria

Quisiera dedicar este trabajo a mis padres Marcos y Mónica, mi hermano Andrew y mi hermana Christine que me brindaron todo su apoyo incondicional durante mi carrera universitaria.

Resumen

El propósito de esta tesis es el de explicar el concepto de derechos humanos mediante diferentes perspectivas, y enfocarnos en las dos teorías principales ligados con derechos humanos, que son relativismo cultural y universalismo. Mediante esto, podemos descubrir cual método es el más eficiente y adecuado para que un Estado pueda proceder con la protección de derechos humanos de su población. La meta de esta tesis es mostrar si un modelo universal de derechos humanos es el más eficiente, y por ende pueda prevenir violaciones de derechos humanos a futuro. También se trata de discutir si existen otros métodos o modelos que puedan asegurar estos derechos como en el caso del relativismo cultural que consiste en la propia visión de una cultura con respecto a los derechos humanos. Este trabajo se dividirá en algunas secciones explicando el significado y propósito de los derechos humanos, empezando por sus orígenes, las funciones de las organizaciones internacionales con respecto a derechos humanos, las Naciones Unidas y los derechos humanos; luego, explorará las 2 teorías de derechos humanos, seguido por un análisis de estos modelos con respecto a su eficiencia en asuntos internacionales.

Abstract

The purpose of this thesis is to explain the concept of human rights through different perspectives and focus on the two primordial theories regarding human rights which are cultural relativism and universalism. Through this we can discover which method is the most efficient for a State to proceed with regarding the protection of human rights for their population. The main goal of this thesis is to show and acknowledge if a single universal adaptation of human rights is the most efficient and can prevent further human rights violations; it also tries to discuss if there are other models that can ensure these rights such as cultural relativism that encompasses a culture's own vision of human rights. This thesis will be divided into several sections explaining the meaning and purpose of human rights starting with its origins, the functions of international organizations pertaining human rights, the United Nations and human rights; then it will explore the 2 theories of human rights models, followed with an analysis of these models regarding their efficiency in international affairs.

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Introduction

This thesis first directs its attention to what human rights are, and how they function in societies and in international organizations. Human rights are understood differently varying from region to region; each state has its own views on this topic. Afterwards, the attention will be directed towards the origins of human rights, and how they have been evolving throughout time into the modern era. Additionally, there will be a section in regards to international organizations, and how certain organizations view human rights based on their cultural practices and needs. Organizations such as the United Nations will be analyzed to see how the function in international politics in regards to human rights. This body deals with as many world affairs as states allow them to, thus including human rights violations and actions to further monitor them. After that, I will analyze the two main theories and discussions based on human rights, which are universalism and cultural relativism which both have valid points in favor of the protection of human rights violations. Each vision of these theories again varies within different regions of the world, but they are the basis that states use in order to ensure their citizens any human rights safeguard or shelter. Then, both these theories' fortitudes and inefficiencies will be analyzed in international affairs and how they function according to their location and people.

To understand how human rights violations are done, we must first understand what human rights are. Human rights are defined as fundamental entitlements of persons, constituting means to the end of minimal human dignity or social justice.[1] When a person has human rights, they are entitled to a fundamental claim that others must do, or refrain from doing something.

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[1] Weiss, Thomas et. al. <u>The United Nations and Changing World Politics.</u> Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 140.

The common element within global politics regarding human rights is human dignity. Human dignity consists on the rights that human beings have towards having a shelter, food, water, sanitary system where they can live in dignity in respect to others. Ultimately though, States are primarily responsible for order and social justice in their jurisdiction, so hence they have the ability to enforce human rights and set the standards for them. For example, governments have the responsibility to ensure proper health care for their individuals; individuals have a right to adequate health care and thus governments are obligated to ensure that such health care is provided to them.

It is also important to differentiate between fundamental human rights and other legal rights that we have to notice. According to natural law theorists, human rights exist in accordance to natural law that has been provided by a supreme being.[2]These types of rights can be the ones determined of a part of human dignity that is essential for every human to possess. These fundamental rights have been taken by many societies and have put these laws in their legal instruments. In regards to certain legal rights, countries vary according to their needs, these being either cultural or political needs that are implanted in a constitution. For certain countries, social rights are more important than civil liberties and these rights are non-existent or very limited to certain populations.

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[2] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 141.

Origins of Human Rights

In the seventeenth century, human rights were treated as a national issue rather than an international one.[3] Later on, this term became adapted as the rights of man which were determined by certain societies such as the United States in 1776 and China that relied on enlightened leaders to ensure human dignity and social justice.[4] These leaders didn't try to limit the term human rights, but instead through their teachings tried to show tolerance towards others and guarantee certain behaviors that their societies should follow. Through the Confucian teachings in Chinese society, they were able to have respect for their elders and live a certain way that can build a peaceful and prosperous community.

Other movements, such as the International Red Cross started by Henry Dunant in 1859, had the consciousness to treat wounded soldiers that were just abandoned on the battlefield.[5] Seeing that armies had no real medical corps to treat their wounded or were preoccupied with other aspects of war, this movement was started in order to protect and help defenseless human beings in the midst of war. After this, there was a more international consciousness about the protection of wounded soldiers. In 1864, the first Geneva Convention for Victims of War was concluded, that provided legal protection to fighters that were disabled in international war and the medical personnel that cared for them.[6] The second Geneva Convention in 1949 was designed to protect and improve the humanitarian practices in World War II. This

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[3] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 141.

[4] Ibid. Pg. 141.

[5] Ibid. Pg. 142.

[6] Ibid. Pg. 142.

movement has grown nowadays, and gave way for over 180 national Red Cross societies or Red Crescent societies and the independent International Committee of the Red Cross of Switzerland.[7] Dunant's goal was to ensure that the local government of a State would provide the protection and guarantee the assistance of victims of war. This movement was later termed to international humanitarian law (IHL) that sought to protect human dignity in armed conflicts, just as human rights law sought to protect human dignity in general.[8]

Another fight that has led to modern day human rights is the anti-slavery movement which was a nineteenth century effort to identify and correct a problem of human dignity[9] on an international scale due to the conditions of these individuals and due to not having rights in society. In 1890, in Brussels, major western states signed a multilateral treaty prohibiting the African slave trade.[10]

In 1919, the League of Nations was created in order to prevent global wars and to ensure human safety. The Versailles conference of this year wrote the Covenant for the League of Nations rights to religious freedom and racial equality.[11]Even though the League of Nations directed its attention towards these issues, it failed as an organization due to the right of veto of every member that was part of the League. Another problem this organization had was the lack of a definition of an international aggression that prevented them to make any moves, and lastly because the two superpowers, the United States and the Soviet Union were not a part of it. All

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[7] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 142.

[8] Ibid. Pg. 157.

[9] Ibid. Pg. 142.

[10] Ibid. Pg. 143.

[11] Ibid. Pg. 143.

this made this organization weak and didn't let it establish all of the goals they had for protecting human lives. Because of this, the Covenant of the League of Nations failed to deal with human rights in general as well; this is present in article 23 that did indicate that the League should be concerned with social justice.[12] The failure of human rights in the Covenant of the League of Nations is its inability for its members to determine the aggressions and the actions to take against human rights violations. Article 23 called on member states to take action on such matters as native inhabitants, traffic in women and children, opium and other dangerous drugs, freedom of communications, and the prevention and control of disease.[13]Even though these specific issues were determined, the standards for action were lacking ability to control these matters for getting worse. In spite of this, the League of Nations tried to promote human values and was strongly concerned with human dignity; these and other worries were transferred to the United Nations Charter. This Charter was able to adopt a more effective agenda for the prevention of another catastrophic war, and it included some of the League of Nations Covenant's principles such as the right to self-determination and equality and fairness for all states that is seen in the present General Assembly. These characteristics have helped the United Nations Charter to be a more effective tool in defining the preservation of human rights, although it is debatable that their human rights agenda has become more of a universal model than a cultural relativist one due to the nature of the creation of this organization.

An example of this was the League of Nations Refugee Office that treated refugees with concern that was later sponsored by the United Nations and transformed into the United Nations

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[12] Weiss, Thomas et. al. <u>The United Nations and Changing World Politics.</u> Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 144.

[13] Ibid. Pg. 144.

High Commissioner for Refugees in 1951.[14]All this helped increase the interaction among people in the international community that started to become more concerned with topics of protecting human beings and causing a global solidarity for human dignity. War victims were all seen as entitled to humane treatment regardless of their nationality; slave trade was seen as morally wrong; labor was seen as needing protective regulation regardless of where the factory was located; minorities were started to be treated with more respect; and the major states were sought with some sort of respect from others to take leadership in regards to these aspects that affected all human beings.[15] This later transformed itself into the United Nations, a better equipped organization treating all international matters, and on December 10th 1948 after the draft of the Universal Declaration of Human Rights, internationally recognized human rights would have to be expanded and reaffirmed. This day has been recognized internationally as the International Human Rights Day. This document, not legally binding at the time of its creation, listed thirty human rights principles covering perhaps sixty rights.[16]Although nowadays, some authorities and publicists consider this document to be legally binding, there was a core definition of universal human rights in legally binding form with a monitoring process designed to specify what the treaties meant.

These rights fall into three broad clusters. The first generation of negative rights is the individual civil and political rights known in the West. They are called first generation because they were the ones first endorsed in national constitutions and called negative because civil rights

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[14] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 144.

[15] Ibid. Pg. 145.

[16] Ibid. Pg. 151.

in particular blocked public authority from interfering with the private person in society.[17] Some of these rights are the right to freedom of thought, speech, religion, privacy and public policy. The next type of rights is the second generation positive rights which are socioeconomic rights. These were associated with twentieth century revolutions emphasizing redistribution if the material benefits of economic growth and positive because they obligate public authority to take positive steps to ensure minimal food, shelter, and health care.[18]These rights have been labeled by President Ronald Reagan as dangerous to individual responsibility due to the dependency on the government. The next type of rights is the third generation solidarity rights that are rights emphasized by some contemporary actors. They are called third generation because they followed the other two clusters and are called solidarity rights because they pertain to collections of persons such as indigenous peoples rather than all individuals.[19] For example, some minorities are ensured a certain number of seats in parliament and have the same amount of rights as the rest of the population. During this time, the United Nations as being a newly branded organization would have the new responsibility of ensuring the protection of these rights and to guarantee its completion on a global scale. This organization will continue to be discussed, then, the discussion will be toward defining the models of human rights that have been used in this global debate of carrying out these rights; thus being Universalism vs. Cultural Relativism.

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[17] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 151.

[18] Ibid. Pg. 151.

[19] Ibid. Pg. 151.

The United Nations (UN) and Human Rights

In regards to the United Nations, different bodies and organs have been able to exercise human rights laws and foresee its respect. The UN Charter preamble states that a principal purpose of the United Nations is to affirm faith in fundamental human rights.[20] In Article 1 of the Charter, is says that one of the purposes of the organization is to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. Apart from this, in article 55, the Charter imposes legal obligations for all members to follow in this field. It states that stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international cultural and educational cooperation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.[21] Another point is article 56 follows and states that all members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the goals and purposes set forth in article 55. All this binds States to follow the orders of the Charter and to create an environment of respect for all individuals in their territory. The common thinking for democracies was that if states respected human rights, especially civil and political rights, other states would not make war. In contrast, authoritarian states that denied those rights were aggressive and sought to look for war whereas democratic republics were peace

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[20] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 147.

[21] Ibid. Pg. 147.

seeking states. Due to this, there was an importance and emphasis made on these liberties in the newly created United Nations organization; it also served as an international platform where states could lay their concerns in front of other nations to try to achieve a universal agreement or understanding of the world's problems and concerns for future generations. The importance in creating a human rights environment is that there is a link between security and peace and human rights which is inevitable for states to not pay attention to. To eliminate violence, it is important to tackle human rights issues responsibly. The goals of the United Nations are to attain international peace and security; with peace being defined as the absence of widespread violence between or within countries,[22]hence the importance that has been given to human rights. The linkage between human rights violations and national violence is difficult to verify as a pattern, but if rights aren't respected, revolutions can be justified. The United Nations has also tried to keep international security worldwide, in the sense to prevent armed conflict, because in these situations, there are always human rights violations to individuals who are victims of war and are collateral damage to the conflict. Some of these violations include torture, disappearances, arrest, mistreatment, starvation, and other forms of civil rights breached.

There was a Human Rights Committee that was made up of individual experts, not governmental representatives. It was a monitoring mechanism that could direct negative publicity toward an offending government.[23]The United Nations has seen advancements in human rights treaties and courts. In the 1990's, they were not willing to create specialized human rights courts, but there were establishments of ad hoc international tribunals of the former

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[22] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 148.

[23] Ibid. Pg. 154.

Yugoslavia and Rwanda and the International Criminal Court that prosecutes individuals that have committed crimes against humanity, genocide and war crimes. The United Nations has been able to create treaties and resolutions on racial discrimination, apartheid, political rights of women, discrimination, slavery, slave trade and practices, genocide, hostages, torture, refugees, prostitution, children, human trafficking and a number of other rights for individuals. Other elements and treaties include the Protocol I for international armed conflict that prohibited the starvation of civilians as a legal means of warfare, and Protocol II for internal armed conflict and represented the first separate treaty on victims of internal war.[24] Future challenges for this organization include transnational crime and terrorism, human trafficking and HIV/AIDS.

The United Nations have had individual leaders that have pursued these just causes such as the seventh UN Secretary General Kofi Annan that was serious in the quest for human rights protection. A Secretary General is the one that sets the tone on human rights for the Secretariat. Kofi Annan lobbied for the encouragement and advocacy of human rights, the rule of law, and the universal values of equality, tolerance, and human dignity stated in the UN Charter.[25] Under secretary general Kofi Anna, he launched the Global Compact at the World Economic Forum in Davos, Switzerland which was an effort to get powerful multinational corporations to pledge to respect human rights along with other standards regarding the protection of the environment and the reduction of corruption.[26]The efforts of Annan also reflect the realization that states are not the only entities that can violate internationally recognized human rights. Kofi Annan also stated

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[24] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 158.

[25] Ibid. Pg. 181.

[26] Ibid. Pg. 160.

that "countries which respect human rights respect the rules of international society. States that respect human rights are more likely to seek cooperation and not confrontation, tolerance and not violence, moderation and not might, peace and not war. States which treat their own people with fundamental respect are more likely to treat their neighbors with the same respect. It is clear that human rights, in practice and in principle, can have no walls and no boundaries."[27]

The United Nations and the Universalist Approach

When a universal approach has been made through the United Nations that bases itself in guaranteeing similar rights to all of humanity, there hasn't been an efficient mission or consensus in ensuring human safety. The Security Council has the authority to declare a situation as a threat of a breach of the peace; this is legitimate as stated in the UN Charter Chapter VII in which the Security Council can link human rights to a situation of disruption of the peace and can declare economic or military action to take control of the situation at hand. This council established special ad hoc International Criminal Tribunals for the former Yugoslavia in 1993 and Rwanda in 1994 and was seeking legal justice to be made against those responsible for war crimes, crimes against humanity and genocide in these countries. Other special courts have been in Sierra Leone in 2002, East Timor in 2003 and Cambodia in 2005 to try members from the former Khmer Rouge for their killing fields in the 1970's by killing at least one million people and was persuaded by UN personnel to sign the Geneva Convention protecting human rights in armed

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[27] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 182.

conflict.[28] Additionally, the council had also created a UN commission on the war crimes in the Balkans in the 90s. In 1966, the Security Council voted mandatory economic sanctions on the government in Rhodesia which remained sanctioned until 1979. Another example of the council's work was in 1977 they voted a mandatory arms embargo on the Republic of South Africa due to the apartheid that was a denial of people's right to self-determination and a majority rule.[29] This led to progressive change in this country by the 1990's. In 1991, after the Persian Gulf War, (Operation Desert Storm), the council declared that the international repercussions of the human rights situation in Iraq regarding the Iraqi Kurds, was a threat to international peace and security. The Kurds were escaping from repression and into Iran and Turkey. These situations show that this body could effectively link human rights violations to the breach of peace, but that didn't mean that they could be effective in taking these decisions due to the diversity of State cultures that exist in the United Nations.

In the situation of the Balkans, the Security Council authorized the use of all necessary means for the delivery of humanitarian assistance in Bosnia; this mission was labeled the United Nations Protection Force in the Balkans with the purpose to supervise the ceasefire and to deliver humanitarian relief. These peacekeeping troops were sent under Chapter VI of the UN Charter and humanitarian assistance was treated under Chapter VII of the Charter. The mission in this region wasn't as an effective due to the time constraint the UN had in deciding when and how to aid these people. The council became cautious about implementing what it had declared when the military costs were too high. In this region, the resolutions that were made were directed into treating these massive violations of human rights such as genocide, political murder, ethnic

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[28] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 167.

[29] Ibid. Pg. 168.

cleansing, the use of rape as a weapon, etc. There were certain safe areas that were created by the United Nations, but they did not provide this operation with the legal authority to protect these areas with their military. This also caused in Srebrenica, for 7,000 people to be massacred by Serbian soldiers.[30]

In Somalia, in 1992, the council authorized all necessary means to create a secure environment for the delivery of humanitarian relief for starving civilians. This meant that anyone that was blocking this delivery of assistance would be committing a war crime which they would be individually responsible for.[31]The United Nations took control of this resolution 814 with an operation of 28,000 blue helmets in 1993. This would be the first actual military operation under Chapter VII that was under the control of this organization. Military forces under UN command fired on both civilian demonstrators and combatants and launched military operations against one of the major warlords in the country. In these aspects, the United Nations has also linked human security to international peace and security, meaning that not only the security of member states was important, but the security of all of the individuals inside the territory of these member states as well. This was one of the first missions of humanitarian intervention due to the grim circumstances encountered inside the state of Somalia.

Likewise, in Haiti in 1994 the council labeled this situation as a threat to international peace because many Haitians were seeking asylum in the United States from their abusive national regime that wasn't able to promote a sustainable development for their peoples.[32] Seeing

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[30] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 169.

[31] Ibid. Pg. 170.

[32] Ibid. Pg. 171.

this action by the world organization, the rulers of Haiti had to yield and this stopped the migration to the United States. As we have seen, the Security Council can authorize member states to enforce human rights or it can manage to enforce them directly through the UN Charter when necessary.

In the case of Rwanda, the risk taking was greatly undermined. Around 800,000 people were murdered during the genocide committed by Hutu extremists manipulated by the Hutu government against the Tutsi minority and some moderate Hutus as well.[33] The Security Council was trying to make a decision to address this case in a more sensitive approach, and they abandoned Tutsi seeking sanctuary at UN sites from the genocidal mobs. During this period, Rwanda was a seat representing the African region on the Security Council during the genocide and no state called upon them to halt the killings or to explain itself. Even though peacekeepers were sent to try to control the outbreak, they were not allowed to fire upon either side and were just there as an inefficient grouping of soldiers.

In the case of Kosovo, in 1998-1999, there was an evolving humanitarian crisis and the council answered by condemning these acts and calling for an end of terrorism.[34] This caused NATO to act militarily and deal with the human security issue in March 1999, without the authorization of the United Nations.

In Darfur, Khartoum was committing genocide and European parliamentarians urged Sudan to end actions.[35] Meanwhile, the African Union sent 7,000 ill equipped troops to Sudan to

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[33] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 173.

[34] Ibid. Pg. 173.

[35] Ibid. Pg. 174.

protect its monitors instead of Sudanese citizens. During these periods, there were reportedly 300,000 to 400,000 dead and two million displaced. This situation and others caused the United Nations to look for a more viable solution to human rights issues, and to address them more accurately in all forums. An example of a successful resolution regarding these rights was that in 1999, the Security Council passed resolution 1261 regarding children in armed conflict.

Another body that works for human rights is the General Assembly that passes resolutions to condemn or otherwise draw attention to violations. The General Assembly is able to create and fund various agencies or meetings to deal with human rights. In the case of South Africa, the assembly repeated condemnations of the apartheid. The assembly has been directed to treat and talk about human rights issues more and more as time has passed and after all of these historical events that have violated human rights. The General Assembly manifested more democracies by 2006 than any other time throughout the history of the UN.

Also, the International Criminal Court has been another tool used to try to detain universal human rights violations because it tries people that have been involved in crimes against humanity, genocide and war crimes. Even though it has a double standard with certain states that have taken this lightly or have ignored the court's functions, it is the right move towards the direction of a world free of human rights violations. For example, the United States has been in opposition to the court has been more ideological than pragmatic. When the United States engaged in armed conflict in Iraq in 2003, neither U.S. nor Iraqi citizens were subject to the court's jurisdiction since neither state had exercised the necessary consent.[36]

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[36] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 179.

There was also a Commission on Human Rights (1946-2006) that was made up of 53 states elected by the Economic and Social Council and was meant to promote rights by setting standards rather than by trying to promote them. The commission also focused on providing states advisory services and technical assistance for such activities as reforming national laws to incorporate international human rights norms and promote democratization, training criminal justice personnel, and promoting other related objectives.[37] This commission mostly dealt with civil rights such as freedom from racial discrimination, torture, forced disappearances, summary execution, and arbitrary detention.[38]Other agencies that dealt with socioeconomic rights in the UN are the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) who try to pass resolutions on the topics important to their agencies such as children's well being and equal healthcare respectively. They also have made a publication of a blacklist of states that had a pattern of gross human rights violations and that lacked cooperation. They were trying to target any state that wasn't complying with the rights set forth in the Charter and in the Universal Declaration of Human Rights and then tried to ignore them or censor them. For example, Russia was censored by the commission for its brutal policies in dealing with seccionist elements in Checnya.[39] But, the downfall of this commission was its size and double standard and morale that had appointed Libya in 2002 as president of the commission given Libya's poor record on many civil and political rights.[40]Another problem of the commission was that agencies within the United Nations followed their own agendas and made their own reports without

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[37] Weiss, Thomas et. al. <u>The United Nations and Changing World Politics.</u> Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 189.

[38] Ibid. Pg. 188.

[39] Ibid. Pg. 186.

[40] Ibid. Pg. 187.

coordination of the commission.[41]Besides all of its problems, this commission did try to take steps in the right direction such as an emergency session planned for the violations in Rwanda and the former Yugoslavia.

Seeing these deficiencies, the Human Rights Council was created to supersede the commission. The Human Rights Council currently has 47 members with terms of three years through simple majority voting.[42] There are also ways of measuring the success or failure of human rights implementations and regulations; one of these ways is through the United Nations Development Programme that tries to create human freedom and human development as their main terms in a socioeconomic context. This department makes an annual repot called the Human Development Report that provokes a storm of controversy in developing countries mostly. The goal of this report is to measure the goal rate of states human freedom and development towards its citizens. If a country has a low grade report such as Iraq and Libya have traditionally have had, then its international image becomes tarnished and these states have to find ways to improve their human rights agenda. Some countries are reluctant for allowing this body to make these reports, because they do not want the world to know how their freedoms are held at an international level in comparison to other western states.

Just as a complement to these ideas, there are things that work regarding the protection of human rights such as in disaster situations. Emergency assistance can be given, thus being the case of climate change that evolves slowly such as drought, or unexpected such as an earthquake or a tsunami. The United Nations has increasingly become involved in responding to these needs

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[41] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 189.

[42] Ibid. Pg. 191.

as quickly as they can; these situations can arise as a result from war, public emergencies as well as post-conflict peacebuilding. In 1992, the Department of Humanitarian Affairs incorporated the UN Disaster Relief Office (UNDRO) to coordinate these programs.[43] In conjunction with UNHCR and UNICEF, this program has been able to carry out their mission globally in relief of natural disasters and other kinds of unforeseen events that are part of the human rights agenda. Due to the cooperation of national governments, these missions have been welcomed as help for natural disasters, although some governments have diverted some of this aid to the pockets of the elites, as in the case of the Somoza's in Nicaragua after the earthquake. Despite this, it has been the United Nations' responsibility to create a prompt response to any of these disasters that threaten human lives and keep them living in deprived conditions. Through this and other programs regarding human rights, the United Nations has always had the intention to make the organization tougher and more efficient in the protection of human dignity and human rights without any discrimination whatsoever.

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[43] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 206.

Universalism and Cultural Relativism

The Universalism of human rights is a topic that has been extensively and heavily treated throughout the main international organizations such as the United Nations primarily and many non-governmental organizations such as Human Rights Watch, Child Soldiers, etc. This model of universal human rights though has been viewed through a perspective heavily based on western values and has caused conflict in oriental states and in minority religious and ethnic groups. On the other hand, cultural relativism has been treated predominantly in the field of Anthropology as a theory based on the given practices and traditions of a culture, and has thus been more associated with smaller ethnic groups. The following section will be dedicated towards previous work regarding these two concepts and their effective utilization in international politics.

According to Jack Donnelly, human rights are given rights that human beings possess for the simple reason of being an individual member of the human family.[44] Individuals should be given equal rights no matter from what cultural or religious background they come from. The term "right" in the human rights dilemma clearly states the importance of what is correct (right) and what is a given undeniable right all human beings possess.[45] The purpose of having human rights is to ensure that human beings aren't treated as inferiors in society either this being through racial, gender, religious, ethnic or other forms of discrimination; and instead are given all of the necessary opportunities as everyone else in society. Human rights are meant to try not to undermine or single out individuals for being different and to treat everyone as equals.

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[44] Donnelly, Jack. Derechos Humanos Universales. Parte 1. Hacia una teoría de los Derechos Humanos Universales. Cornell University Press. Mexico. 1994. Pg. 23.

[45] Ibid. 24.

Universalism also suggests that there is one set of human rights that should be applied at all times and in all places.[46]

　　To understand cultural relativism on the other hand, one must first understand the concept of a culture. According to Edward Tylor, culture is that complex of contents that includes knowledge, beliefs, art, morale, rights, custom, and any other practice, habits or capabilities acquired by human beings as members of a society.[47] Other authors, such as Clifford Geertz defines culture as all the ideas based on learning and symbols that have been acquired; it is a group control mechanisms such as recopies, rules, constructions in order to regulate human behavior.[48] Based on these definitions, one can see culture as a behavioral pattern that has been acquired by human beings with its own standing and that defers from each other worldwide. Donnelly also points out that the theory of cultural relativism states that it is illegitimate to criticize from the outside the internal structure of a culture based solely on their practices that have been part of their personal formation no matter how extravagant or barbaric they may seem; these practices as different and barbaric as some may be in the eyes of the beholder, they cannot be considered as inferior or savage, but should have some sort of tolerant practice towards them.[49] Therefore, if all rights should be universal for human beings, this must take into consideration their cultural differences and practices that go along with obtaining and ensuring these rights.

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[46] Donnelly, Jack. International Human Rights: Dilemmas in World Politics. Apendix: Universal Declaration of Human Rights. Westview Press. United Kingdom. 1998. Pg. 33.

[47] Kottak, Phillip Conrad. Antropologia Cultural.Capitulo 4. "La Cultura." Mcgrawhill. Madrid. 2006. Pg. 60.

[48] Ibid. Pg. 60.

[49] Donnelly, Jack. Derechos Humanos Universales. Parte 1. Hacia una teoría de los Derechos Humanos Universales. Cornell University Press. Mexico. 1994. Pg. 25.

According to Conrad Kottak, cultural relativism is a term that is the opposite of ethnocentrism which bases one's own culture as superior to the rest, and therefore you apply your own values to judge other culture's practices and behaviors which are closely linked to universalism.[50]Cultural relativism states that a behavior in a particular culture shouldn't be judged with the cultural patterns of another culture; cultural relativism states that there is no superior international or universal moral in which ethic rules of all cultures deserve the same respect.[51]

The challenge is trying to mix these two perspectives into one goal where certain rights can be attained universally without undermining a culture or a practice. The main difference between cultural relativism and universalism is that cultural relativism focuses on culture being the only valid source to legitimize a right or a moral norm.[52] On the other hand, Donnelly points out that radical universalism affirms that cultures shouldn't be given the importance to legitimize human rights or moral norms because rights are universal and must be treated as such disregarding any other point of view.[53] Donnelly also states that even though these are two separate perspectives, they are also a necessary and tense debate in international politics that provide options for many international organizations to intervene in human rights issues worldwide.[54] Even though cultural relativism has culture as its primary value, it recognizes to a certain extent a group of rights that can appear universal at first sight from the Universalist

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[50] Kottak, Phillip Conrad. Antropologia Cultural.Capitulo 4. "La Cultura." Mcgrawhill. Madrid. 2006. Pg. 67.

[51] Ibid. Pg. 67.

[52] Ibid. Parte 3. Derechos Humanos y Relativismo Cultural. Pg. 165.

[53] Ibid. pg. 165.

[54] Donnelly, Jack. Derechos Humanos Universales. Parte 3. Derechos Humanos y Relativismo Cultural. Cornell University Press. Mexico. 1994. Pg. 166.

perspective, but that are altered and varied according to the needs of the culture. These rights focus on social norms that are given by a culture; these norms are what sustain the validity of cultural relativism. For example, these social constraints can include a rite of passage or a cultural practice that has been accepted throughout a generation in that society such as the mutilation of genitals in certain African tribes that is a ritual for them. This consists on several African tribes that have a tradition of modifying female genitalia; the mutilation of the clitoris consists on the extraction of this organ in little girls, then sewing the girl's vaginal labia to reduce the vaginal opening.[55] This practice can be seen for many groups from western values essentially that it violates human dignity because it is a mutilation of a person's organs, but the fact that it is a cultural practice isn't taken into consideration by the universalism of human rights. The cultural meaning of this is to prevent adultery in this tribe. Human rights defenders oppose this as it infringes the right to stipulate one's own body and sexuality. A practice such as this can be viewed by Universalists as barbaric or savage because it isn't in accordance with today's modern society, but the fact remains on who is to judge a cultural practice adequately without undermining or taking away the essence of a culture. This practice, not to mention has the will of the parties associated for the mutilation that agree to it and accept this as an essential part of their culture. Human rights are considered inalienable and defy cultural relativism invoking an atmosphere of justice and morality that goes beyond states, cultures and religions. Cultural integrity is also a part of human rights, and minorities have used this as a tool to preserve their culture by raising their kids in their ancestors' traditions; especially preserving any practice or ritual that can seem barbaric to human rights fighters.

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[55] Kottak, Phillip Conrad. Antropologia Cultural.Capitulo 4. "La Cultura." Mcgrawhill. Madrid. 2006. Pg. 67.

Anthropologist Marvin Harris has also defined cultural relativism as a cultural guideline that is as honorable and respectful as every other culture.[56] Anthropologists have also had their say in the ethical values of this debate stating that our ethnocentric views should be put to the side when dealing with certain practices we don't understand and can't comprehend through our own upbringing. It is one thing to look at a culture from an outsider's perspective, but an entirely different scenario appears when one has the opportunity of seeing it and experiencing it from the inside as a member or as an observer.

Another author, R.J. Vincent argues that the doctrine of cultural relativism asserts that rules about morality vary from place to place.[57] It asserts that the way to understand this variety is to place it in its cultural context; it asserts that moral claims derive from and are enmeshed in a cultural context which is itself the source of their validity.[58]This is mentioned because of the history of the world is the story of the plurality of cultures and the attempt to assert universality, or even Kant's procedural principle of "universalizability" as a criterion of all morality, is a more or less well-disguised version of the imperial routine of trying to make the values of the particular culture general.[59]There is a plurality of cultures in the world, and these cultures produce their own values. To the cultural relativist, this is a solution.

Going back to what Donnelly states, certain practices shouldn't solely be justified through ancestral traditions or through a new ritual; other factors have to be considered for the

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[56] Harris, Marvin. Antropología Cultural. Capitulo 1. "La Antropología y el estudio de la Cultura." Alianza Editorial. Spain. 1983. Pg. 22.

[57] Vincent, R.J. Human Rights and International Relations. Part 1 Theory. Chapter 3. "Human Rights and Cultural Relativism. Cambridge University Press. New York. 1986. Pg. 37.

[58] Ibid. Pg. 37.

[59] Ibid. Pg. 38.

acceptance of these practices.[60] Such is the example of torture that has been used by certain cultures to obtain information on victims that could be essential to government officials. According to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly in 1975, this convention states that physical or mental harm is illegal towards a human being even if that entails leading to a future confession or obtaining information essential to an investigation.[61] This is meant to protect the essence of a human being, but at the same time this doesn't ensure all governments to comply due to the fact that the Convention on Torture or any international treaty can be manipulated subtly by governments, because at the end of the day countries exercise their own laws at their own convenience. Certain manipulations can be that governments can use torturing of prisoners as an excuse as a practice from their culture to be given legitimation by using the victim as an evil to their society.

Another example is that states can find it justifiable to torture a rapist, serial killer or a terrorist who has put in danger the lives of several innocent people by hiding vital information, and therefore can seek torture as a legitimate form of helping other human beings. They tend to use the mentality that can be summed up in this phrase: "the needs of the many outweigh the needs of the few". Through this, they can try to legitimize torturing to the international community.

Another practice that has been legitimized is the eye for an eye law in Iran and other Middle Eastern states that enables people to commit a similar crime to a thief or murderer. Several cases have been documented where mistreatment of a human being enables the law to

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[60] Donnelly, Jack. Derechos Humanos Universales. Parte 3. Derechos Humanos y Relativismo Cultural. Cornell University Press. Mexico. 1994. Pg. 170.

[61] United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

retain that person to receive the exact same punishment as the victim. In acid burning cases in Iran, they have captured the suspect and have implanted the same method of acid burning to the suspect as a way of being equal with the victim. The reasoning behind this is that the victim shouldn't have to live with the same physical incapacity on their own, but require the suspect to live with the same burden for the rest of their days. Other cultures cut the hands off of their thieves in a village as a message to the rest of the community to learn from that person's mistake and enable a more secure environment for everyone free of stealing.

Another popular tool used in this debate is the Universal Declaration of Human Rights that enhances universal human rights through a western perspective, even though it tries to include all cultures. According to the Preamble of the Universal Declaration of Human Rights there is a universality of the recognition of human dignity and their equal and inalienable rights that are based on the foundation of freedom, justice and peace.[62] The basis of these rights established within the framework of the inception of the United Nations consist on the right all human beings have to be treated equally without any discrimination based on gender, race, religion, ethnicity or any other difference that could point out a status as a minority or as a persecuted group.[63] Even in the foundation laid out by the Universal Declaration of Human Rights, there are certain rights that guarantee the respect of culture and the exercise of culture which include the Economic, Social and Cultural Rights that guarantee the free participation of citizens to exercise these rights accordingly.[64] The Universal Declaration tries to protect the

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[62] United Nations. http://www.un.org/en/documents/charter/

[63] The Universal Declaration of Human Rights. http://www.un.org/en/documents/udhr/

[64] The Universal Declaration of Human Rights. http://www.un.org/en/documents/udhr/.

culture of individuals, and even though this declaration ensures universal freedoms for all of the members of the human race, it also permits them to exercise cultural practices without discrimination.

Other elements taken into account are two core human rights treaties. One is the Civil and Political Rights, and the other are the Social, Economic and Cultural Rights that were formally approved by states voting in the United Nations General Assembly in 1966.[65] This was due mainly to cultural differences amongst states. Certain states couldn't deliver all of these rights due to their cultural issues or due to their development. The general view was that civil-political rights could be implemented immediately, given sufficient political will, and were enforceable by the law.[66] The socio-economic rights on the other hand were seen as requiring certain policies over time, as greatly affected by economic and social factors, and hence as not subject to immediate enforcement through the law.[67]

The Economic, Social and Cultural Rights encompass the right to self-determination of human beings, and this includes that human beings can freely determine their political status and can determine their economic, social and cultural development freely.[68] The principle of self-determination is recognized as the first article in both the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.[69] The collective right to self-

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[65] Weiss, Thomas et. al. <u>The United Nations and Changing World Politics.</u> Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 153.

[66] Ibid. Pg. 153.

[67] Ibid. Pg. 153.

[68] International Covenant on Economic, Social and Cultural Rights

[69] Weiss, Thomas et. al. <u>The United Nations and Changing World Politics.</u> Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 152.

determination is cast in modern times as a human right, but the interpretation of this can vary through various forms of internal autonomy to full independence.[70] This right has been vague within states as a part of international law for several decades. In general, these rights mentioned are clearly denoted in this international convention, and ensure that human beings pursue their cultural interests and practices without any discrimination. The other covenant is called the International Covenant on Civil and Political Rights that guarantees these types of rights.[71] Its main purpose is to guarantee that all human beings have the access to the full participation in the civil and political aspects of their country without any discrimination and without any external threats that could mislead their preferences.

The establishment of these covenants and declarations, although their purpose is to create a universal method that will guarantee rights for all individuals equally; they also denote space to interpret them according to each culture's needs by enhancing the respect to freely pursuit cultural development as explained in the Universal Declaration of Human Rights and to enhance the respect of cultural practices.[72] Certain states can find one of these covenants more attainable than the other. There is a view that civil-political rights could be implemented through a steady political system with enforceable proceedings. The social, economic and cultural rights are seen

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[70] Weiss, Thomas et. al. <u>The United Nations and Changing World Politics.</u> Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 152.

[71] International Covenant on Civil and Political Rights

[72] The Universal Declaration of Human Rights. http://www.un.org/en/documents/udhr/

as requiring certain policies over time, as greatly affected by economic and social factors, and hence as not subject to immediate enforcement by a court.[73]

In contrast to these western documents, there is also the Arab Charter in which its declaration according to the Arab League that was established in 1945 and encompasses 22 members.[74] The Arab League is an international organization with the purpose of fortifying and uniting the Arab states. This Arab Charter establishes mutual cooperation indiscriminately respecting each state's independence and sovereignty; cultural affairs being included in these terms. The Arab League also includes an Arab Charter on Human Rights that states that all minorities shall enjoy their culture and follow their teachings without discrimination as well as their race and ethnicity is to be respected. This Charter on human rights sets humanitarian values and principles that make people the seekers of knowledge, culture and wisdom to be protected for their right of doing so. Besides this Charter, the oriental world also includes the Universal Islamic Declaration of Human Rights that establishes within several rights of Islam, the right of minorities which states that no religion shall govern the religious rights of non-Muslim minorities and the rights to cultural beliefs.[75]

Other authors such as Micheline Irsay (The Human Rights Reader, 1997) also include the right to self-determination as a principle taken into account in the dispute for the universality of human rights. Self-determination consists on human beings being capable of obtaining a personal decision to do something or to think in a certain way; this right helps people to undertake

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[73] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 153.

[74] The Arab League.

[75] Universal Islamic Declaration of Human Rights

decision-making without any external interference that would oppose their initial decision. The book the Human Rights Reader also acknowledges the teachings of Mahatma Gandhi as important in this debate because they consist on making sure that human beings are treated with respect within themselves and through their government. These values are based on non-violence and a pacifist movement that forces people to undertake the same connotation that all human beings are equal and therefore should be treated as such.

Culture Relativism as a Model for the Future

The discussion of these two theories is that States are ultimately responsible for promoting and therefore protecting human rights within their territorial jurisdiction. Because of this, cultural relativism is a more accurate theory and practice due to the fact that no one can physically force states to attain a foreign agenda of human rights if that's not in their future plans or interests. The only problem is that other states can use human rights as a deterrent and as a bargaining chip against a state that violates these rights in any commercial trade. Besides this, the state that has a bad reputation on human rights issues will have a stained international image towards the international community. Certain international organizations such as the United Nations and several non-governmental organizations tend to point out and embarrass states that do not fulfill their human rights agenda properly, and to make reports on these practices to later announce these violations in open forums in order to get these states to comply. States always tend to call out other states in issues regarding human rights violations, especially if the loss of human life is becoming uncontrollable; an example of this was the recent case of Muanmar Gaddhafi in Libya in the killing of innocent people.

Certain states had their own position regarding this issue and would press for or against these acts according to their relationship with Libya, and according with their international image regarding human rights. This situation would be a perfect scenario for states with previous human rights violations to act against Libya in order to clean their past slate. In the case of China, their international response was calling on this government to seek a peaceful resolution and to stop these killings; but their position wasn't of condemnation or of attack against the State of Libya, instead it was a position of ceasing the attack on human lives.[76]This would enable China to have an improved international image in the protection of human rights, and at the same time maintain their relationship with Libya as usual business. Under international law, governments are legally obligated to make national law and practice it consistently within the international agreements that they have accepted.[77]In essence, states have to follow any treaty or agreement they have made in an international platform, otherwise it shall be considered a breach in international law as was proven in the case of Gaddhafi in the Libyan Arab Jamahiriya. Even though Libya has the right to carry out their laws and policies within their territory, they have to respect any international agreement they have been a part of, especially if it's in regards to human rights violations. In this case, if Libya was a part of any human rights treaty such as the Universal Declaration of Human Rights, they would be held accountable of their current actions; this would also prove that although being a part of an universal international agreement that protects human rights, a State such as Libya will proceed as deemed necessary by their cultural

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[76] China calls for immediate end to Violence in Libya. February 26th 2011. www.china.org.cn/world/2011-02/27/content_22012020.htm. July 10th 2012.

[77] Weiss, Thomas et. al. The United Nations and Changing World Politics. Part Two. Human Rights and Humanitarian Affairs. Chapter 5. "The United Nations, Human Rights, and Humanitarian Affairs." 5th Edition. Westview Press. Boulder, Colorado. 2007. Pg. 165.

practices and by the needs and goals of their government despite any international retaliation on their scope.

As we have seen, even though the United Nations has tried to protect the rights of many individuals through a Universalist approach, it has failed in many missions and objectives due to the vast differences we have on earth, thus being cultural or religious. As was stated earlier, what can seem acceptable to practice for one culture can be totally erroneous or savage for another, making it hard to decide who is responsible to ensure human rights globally. This is what makes it so hard to control an entire world population to follow one set pattern of human rights rules, especially in an international organization such as the United Nations. Despite this, it is important to recognize the work the United Nations has done. Putting aside its failures on this issue, the United Nations has set out important milestones in achieving advancements of protecting individuals of the world who were previously mistreated or have been abused of their rights. This organization has been viewed more effectively as a relief response of disaster and of hunger throughout the globe.

This commitment of the United Nations to protecting human rights in a given territory has also led to more internal conflict by taking sides in a way; and this causes for people to resent the views of the West that are linked to this organization. The United Nations has always been associated with having an image of helping people who live in extreme poverty or ill conditions caused by to the ineffectiveness or inability of their government to deal and to protect its citizens. In this regards, they have been successful, and continue to take strides in the right direction by protecting the weak and trying to stop pain and suffering. But in the case of human rights, it becomes a much more complex issue, because you have to deal with peoples' ideologies and cultural practices. This includes having a tolerant perspective on 'barbaric'

practices or rites that civilizations go through in order for them to become one of their own. This is why cultural relativism should work with time, because even though universalism tries to solve the problem, it also is doing so by trying to control and enforce what people can do and can't do.

On the other hand, cultural relativism, even though it can sometimes be viewed as uncontrollable and hard to monitor in certain tribes and civilizations, has always worked for these groups even before we lived in a globalized world. Despite the fact that it is harder to understand and to monitor how cultural relativism is working, people that live in those closely monitored cultures have been able to lead fulfilling lives without the interference of a Universalist organization or a Universalist rulebook. In addition, cultures will always find a way to develop out of certain practices that don't work for them anymore and will evolve into different models of rites of passages or of practices that were once considered disturbing or barbaric. This is the essence of cultural relativism that will enable human beings to learn on their own and become tolerant with other each other's cultures as well as practices. By achieving this, the world will have less violence and will become more tolerant to understanding other peoples' practices by just letting everyone co-exist under their own human rights laws and practices. This works because the culture that has a certain practice knows why they continue to proceed in a certain way, and they will also know when it's time to move on from a certain practice, if it is ever necessary to do so. The best way for human beings to learn is on their own, and by trial and error; any other way or exterior influence that tries to condone these practices will only cause resentment and aggression towards that influence. Seldom is the case when this exterior influence is welcomed to alter another culture's practice fittingly to theirs.

Furthermore, according to the Anthropologist Marvin Harris, there is a universal pattern that all cultures tend to follow worldwide despite having ever interacted. [78]These steps start off with speech, knowledge, art, religion, the idea of a society, property government, war, and so forth. This means that all cultures can evolve to a same level with time by learning the same things and practicing similar rites with no contact. There will be a time when all cultures have reached a level of agreement greater than any of us could understand nowadays; something similar to what has already been achieved through certain Buddhist communities that promote peace and a fulfilling life without any of the material needs we westerners are accustomed to. Following this model by Marvin Harris and proposed by other anthropologists, we should all just let cultures evolve naturally, and with time hope for a certain consensus to be brought up depending on the needs of human beings.

Based on what we have seen in trying to implement a universal method of human rights, we cannot detain any human rights violations without the willingness or help of the state directly involved in these acts. For this model to function on such a rich global community would be asking for a miraculous decision by all cultures of the world to agree upon. Therefore, what works for one culture should be allowed in their terms and for their population to decide whether that's the path they want to continue to follow. Despite this, human beings when in need of assistance by an international organization or by any other body willing to cooperate, should still try to protect innocent lives, but with the consent of the parties involved and with the responsibility to respect the cultures involved. As culture is a practice that can be altered and evolved through time, it is possible to hope that cultures can learn the best from others and try to

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[78] Harris, Marvin. Antropología Cultural. Capitulo 1. "La Antropología y el estudio de la Cultura." Alianza Editorial. Spain. 1983. Pg. 30.

maintain a society free of human rights violations and full of a sustainable and durable environment for all people.

More to the point, states being in an anarchic system choose to fend for themselves and will make the proper moves regarding what they feel is necessary for their people and by following their cultural backgrounds and upbringings. As author Jack Snyder points out, behavior in anarchy might be shaped by the separate cultures of the politically autonomous units, by the shared culture of the anarchical society as a whole.[79] This meaning that in regards to human rights violations, states will seek their cultural practices before any external influence any other state might suggest or impose to detain their actions. Therefore, universalism of all rights for human beings is impossible to achieve due to all of the cultural differences and to all of the goals states have on their personal agendas.

Conclusion

To sum up, the two main theories of human rights discussed throughout the thesis, cultural relativism and universalism depend on many variables for them to function such as the agenda states have and the practices within the states as the main points. These two theories even though they work independently, can complement each other if in the right hands, meaning that one can exist with the other if not imposed. Organizations such as the United Nations, even though they want the best for the world population can sometimes linger too much on the universalist approach without taking certain cultures and practices into account. This can be

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[79] Snyder, Jack. Anarchy and Culture: Insights from the Anthropology of War. International Organization. 2002. Pg. 5.

dangerous because it can cause aggression to the culture being questioned for human rights violations, and it will further deteriorate a situation if any organization takes a hands on approach and tries to intervene personally to monitor these acts. Due to the vast diversity found in the world, it is hard to impossible to impose a single model of human rights to the world population that will prevent further violations of human rights. This global diversity causes international conflict and no consensus in international platforms of discussion; it only raises more questions on policies and on practices.

Human rights are the protection of human lives through the most basic needs such as shelter, food, water, and safety as the main points, but they vary from culture to culture when being more specific. What is viewed and found in one nation will not be the same in another. This is what makes it so complicated to discern what is correct for a certain culture to follow. Because if there is human suffering in a cultural practice, then that is breaking basic human rights, even if that person has consented to follow through that act. To avoid causing aggression or even a war to protect people from going through painful rites or acts, the international organizations or non-governmental organizations deemed fit to protect human rights globally have to allow these nations to follow their right to practice without any interference. If not, this will only tarnish more their image and cause conflict without an end.

The definite solution to preventing these acts can only be found within the culture itself. When a practice doesn't work anymore for a culture, they tend to stop doing it with time. If that doesn't work, a population will always rise against their oppressor (ruler or government) without the need of any external influence pushing them to do so. History has shown us this even before our world was globalized. The difference now is that there is easier access to get around the world, and this causes other cultures that might feel superior or just have the need to help, further

damage the situation instead of improve it. If a culture is left alone, they will eventually find their way and "evolve" out of a certain practice or situation that isn't beneficial to their people anymore. Every culture can find their own path to divert from acts of aggression or of suffering.

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