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WORLD CONFERENCE ON HUMAN RIGHTS, VIENNA, 16 JUNE 1993**

THE REAL WORLD OF HUMAN RIGHTS

How a state treats its citizens is no longer a matter for its exclusive determination. Other countries now claim a concern. No country has rejected the Universal Declaration of Human Rights. A body of international law on human rights is evolving. These developments will eventually make for a more civilised world. We should work towards it.

But the international consensus on human rights is still fragile. Although everyone professes support for the ideal of human rights, conflicts still abound. The preparatory process for the World Conference on Human Rights has been mired in fundamental disagreements. Even now, we cannot assume that a consensus will be reached. This is not simply due to bad faith or hypocrisy.

Human rights do not exist in an abstract and morally pristine universe. The ideal of human rights is compelling because this is an imperfect world and we must strive to make it better. There is no need for human rights in heaven. But precisely because this is an imperfect world, making progress on human rights will be marked by ambiguity, compromise and contradiction.

Differences of opinion over human rights are inevitable in the real world of competing states and contending interests.

The promotion of human rights by all countries has always been selective. Concern for human rights has always been balanced against other national interests. Those who deny this protest too much.

Universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity. The gap between different points of view will not be bridged if this is ignored. We deceive only ourselves if we pretend this is not so.

Forty-five years after the Universal Declaration was adopted as a "common standard of achievement", debates over the meaning of many of its thirty articles continue. The debate is not just between the West and the Third World. Not every country in the West will agree on the specific meaning of every one of the Universal Declaration's thirty articles. Not everyone in the West will even agree that all of them are really rights.

Let us take the United States of America (USA) as an example. Not every state of the USA interprets such matters as, for example, capital punishment or the right to education in the same way. Despite USA Supreme Court rulings, abortion is still a hotly contested issue. But this multiplicity of state and local laws is not decried as a retreat from universalism. On the contrary, the clash and clamour of contending interests is held up as a shining model of democratic freedom in the USA.

For that matter, the right to trial by jury so precious in Britain and the United States, has never prevailed in France. Are we therefore to conclude that human rights are repressed by the French? This would be absurd. Sweden, to give another example, has more comprehensive and communal social arrangements than some other Western countries may find comfortable. Is Sweden therefore a tyranny? Naturally not. Order and justice are obtained in diverse ways in different countries at different times.

Therefore, are the common interests of humanity really advanced by seeking to impose an artificial and stifling unanimity? The extent and exercise of rights, in particular civil rights, vary greatly from one culture or political community to another. This is because they are the products of the historical experiences of particular peoples.

When the Universal Declaration was being formulated in 1947, no less an authority than the American Anthropological Association cautioned that "what is held to be a human right in one society may be regarded as anti-social by another people" and that "respect for differences between cultures is validated by the scientific fact that no technique of qualitatively evaluating cultures has been discovered".[1]

Time has not refuted, but unfortunately has dimmed the memory of this sensible advice. The point is now subject to fierce disputes with a pronounced theological flavour. Moralising in the abstract is seldom productive. I believe that a more pragmatic approach is in order, if we want to be effective rather than just feel virtuous.

The momentum of international cooperation on human rights will not be sustained by mere zealotry. Only if we all recognise the rich diversity of the human community and accept the free interaction of all ideas can the international consensus be deepened and expanded. No one has a monopoly of truth. Claiming an unwarranted authenticity for any single point of view may prove futile and unproductive. We must all humbly acknowledge this fact before we can help each other grope towards a practical application of the ideals we all share.

Of course, there is a risk that tolerance for diversity will be used as a shield for dictators. This is unacceptable. But pragmatism and realism do not mean abdication. We need not,

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[1] "Statement on Human Rights", American Anthropologist 49(1947):pp 539-543.

indeed we should not, cease to speak out against wanton cruelty or injustice. We can strike a realistic balance between the ideal of universality and the reality of diversity if we adopt a clinical approach.

Our aim should be to promote humane standards of behaviour without at the same time claiming special truths or seeking to impose any particular political pattern or societal arrangement.

Diversity cannot justify gross violations of human rights. Murder is murder whether perpetrated in America, Asia or Africa. No one claims torture as part of their cultural heritage. Everyone has a right to be recognized as a person before the law. There are other such rights that must be enjoyed by all human beings everywhere in a civilized world. All cultures aspire to promote human dignity in their own ways. But the hard core of rights that are truly universal is perhaps smaller than we sometimes like to pretend.

Most rights are still essentially contested concepts. There may be a general consensus. But this is coupled with continuing and, at least for the present, no less important conflicts of interpretation. Singaporeans, and people in many other parts of the world do not agree, for instance, that pornography is an acceptable manifestation of free expression or that homosexual relationships is just a matter of lifestyle choice. Most of us will also maintain that the right to marry is confined to those of the opposite gender.

Naturally, we do not expect everyone to agree with us. We should be surprised if everything were really settled once and for all. This is impossible. The very idea of human rights is historically specific. We cannot ignore the differences in history, culture and background of different societies. They have developed separately for thousands of years, in different ways and with different experiences. Their ideals and norms

differ. Even for the same society, such norms and ideals also differ over time. For example, how rights were defined in Europe or America a hundred years ago is certainly not how they are defined today. And they will be defined differently a hundred years hence.

Take Britain for illustration. Its Parliament was established in 1215 with the signing of the Magna Carta. But women only had the right to vote in 1928. Up till 1948, Oxbridge university graduates and businessmen had extra votes.

The United States of America gained independence in 1776. Only those who paid poll tax or property tax had the right to vote from 1788. There were barriers of age, colour, sex and income. In 1860, income and property qualifications were abolished but other barriers like literacy tests and poll tax still discriminated against African-American and other disadvantaged groups. Women only had the vote in 1920. It was not until 1965 that the African-Americans can vote freely after the Voting Rights Act suspended literacy tests and other voter qualification devices which kept them out.

So full democracy was only established in Britain in 1948, 733 years after Magna Carta, and in the US in 1965, 189 years after Independence. In France, liberte, fraternite and egalite in 1788 did not succeed as a democracy until this century.

The USA, Britain and France took 200 years or more to evolve into full democracies. Can we therefore expect the citizens of the many newly independent countries of this century to acquire the same rights as those enjoyed by the developed nations when they lack the economic, educational and social pre-conditions to exercise such rights fully? If all the countries in the world are merged into one, and everyone has the same right, will this be acceptable to all?

We should therefore approach this conference with humility. We are not the prophets of a secular god whose verities are valid for all time. We should act more pragmatically, and I hope modestly, as diplomats dealing with a difficult international issue. Our work, while important, will in due course be displaced by the shifting tides of history.

How, for example, we interpret and apply Article Fourteen of the Universal Declaration on the right to asylum today is different from when it was first drafted at the beginning of the Cold War. With the dismantling of communist regimes and with modern communications, massive population shifts are now underway. Desperate peoples, or just those newly free to travel, are on the move, searching for better security or a better life. This has forced contiguous countries to adopt more restrictive standards for admission. This is happening right here in Europe. No country has been consistent in its application of the rights of refugees. The very manner in which we conceive of refugees has changed.

All international norms reflect a specific historical configuration of interests and power. History moves on continually. Every international norm must therefore evolve. If this dynamics is not to be driven by the clash of steel and blood, then it must entail a process of debate, interpretation and re-interpretation, in which most agreements are contingent. This is how an international consensus is built and sustained.

A pragmatic approach to human rights is one that tries to consolidate what common ground we can agree on, while agreeing to disagree if we must. More effort should be devoted to clinically identifying the specific rights that we can all agree on now, and which others must await further discussion before we reach consensus. This will be a more productive approach than one grounded in self-righteousness.

But identifying the core rights which are truly universal

will not always be easy. Many will argue that the "non-derogable" rights in the International Covenant on Civil and Political Rights must be among them. I agree. But some fervent advocates of these civil and political liberties will dispute that development is also, as I and many others hold, an inalienable right. This has a direct impact on the important and contentious question of human rights conditionality for development assistance.

Clearly, the purpose of aid is to enable the people to which it is given to live with dignity. It should not be misused. No one has a 'right' to squander aid. The question is how to ensure that aid will be used effectively. Here the human rights debate merges into broader questions of political theory and public administration. "Human rights", "democracy" and "good government" are sometimes used as if they were synonyms. There is certainly a degree of overlap. But they are not the same thing.

Repression is wrong. It is unhealthy and will stifle development. Growth both promotes and is promoted by the ability of the individual to live with dignity.

But poverty makes a mockery of all civil liberties. Poverty is an obscene violation of the most basic of individual rights. Only those who have forgotten the pangs of hunger will think of consoling the hungry by telling them that they should be free before they can eat. Our experience is that economic growth is the necessary foundation of any system that claims to advance human dignity, and that order and stability are essential for development.

Good government is necessary for the realisation of all rights. No one can enjoy any rights in anarchy. And the first duty of all governments is to ensure that it has the power to govern effectively. And they must govern fairly.

If political institutions fail to deliver a better life to their people, they will not endure over the long term. Human rights will not be accepted if they are perceived as an obstacle to progress. This is a fact that some zealots would do well to ponder. There is already evidence that at some stage an excessive emphasis on individual rights becomes counter-productive.

Life in any society necessarily entails constraints. The exercise of rights must be balanced with the shouldering of responsibility. To claim absolute freedom for the individual is to become less a human being with rights than an animal, subject only to the law of the jungle.

Development and good government require a balance between the rights of the individual and those of the community to which every individual must belong, and through which individuals must realise their rights. Where this balance will be struck will vary for different countries at different points of their history. Every country must find its own way. Human rights questions do not lend themselves to neat general formulas.

In the early phase of a country's development, too much stress on individual rights over the rights of the community will retard progress. But as it develops, new interests emerge and a way to accommodate them must be found. The result may well be a looser, more complex and more differentiated political system. But the assumption that it will necessarily lead to a 'democracy', as some define the term, is not warranted by the facts.

Singapore's political and social arrangements have irked some foreign critics because they are not in accordance with their theories of how societies should properly organize themselves. We have intervened to change individual social behaviour in ways other countries consider intrusive. We maintain and have deployed laws that others may find harsh. For

example, the police, narcotics or immigration officers are empowered by the Misuse of Drugs Act to test the urine for drugs of any person who behaves in a suspicious manner. If the result is positive, rehabilitation treatment is compulsory. Such a law will be considered unconstitutional in some countries and such urine tests will lead to suits for damages for battery and assault and an invasion of privacy. As a result, the community's interests are sacrificed because of the human rights of drug consumers and traffickers. So drug-related crimes flourish.

The Singapore Government is accountable to its people through periodic secret and free elections. But we do not feel guilty because the opposition parties have consistently failed to win more than a handful of seats. We have made alternative arrangements to ensure a wide spectrum of views is represented in our Parliament through non-elected Members of Parliament and put in place other channels for good communication between the Government and the people.

We make no apology for doing what we believe is correct rather than what our critics advise. Singaporeans are responsible for Singapore's future. We justify ourselves to our people, not by abstract theories or the approbation of foreigners, but by the more rigorous test of practical success.

Our citizens live in freedom and with dignity in an environment that is safe, healthy, clean and incorrupt. They have easy access to cultural, recreational and social amenities, good standards of education for our children and prospects for a better life for future generations. I can say without false modesty that many of our well-meaning critics cannot claim as much. We do not think that our arrangements will suit everybody. But they suit ourselves. This is the ultimate test of any political system.

We need to remind ourselves that the purpose of this conference is not to score debating points or just to produce a

Declaration. We ought to try and expand consensus on very difficult issues. Without a genuine political commitment any Declaration is just another piece of paper. We can force states to pay lip service to a Declaration. But we cannot force states to genuinely respect human rights. In the real world of sovereign states, respect and political commitment can only be forged through the accommodation of different interests.

Unless we all remember this, I fear that we will only fracture the international consensus on human rights. If this happens, the responsibility must lie with those who are so blinded by their own arrogance and certainty as to lose the capacity for imagination and empathy. I venture to suggest that a more modest approach not only behooves our common humanity, but is more likely to lead to a successful outcome for this conference. There is too much at stake for us to fail.

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