

**UNESCO CHAIRS IN HUMAN RIGHTS, DEMOCRACY,  
PEACE AND TOLERANCE**

**BULLETIN 6/7 - 2004/05**

**PART II**

**Collection of 100 Study Papers and Essays,  
2001 – 2005**

**Provided by Chairs' representatives and authors cooperating with Chairs  
on issues of Human Rights, Democracy, Peace and Tolerance**

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**UNESCO Chair on Peace, Human Rights and Democracy  
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Stadtschlaining / Austria**

## **Introduction**

I am very pleased that as Part II of the present Bulletin, a Collection of more than 100 Study Papers and Essays prepared by UNESCO Chairs and their partners during the last five years can be presented.

Initiated by the UNESCO Division of Human Rights and Fight against Discrimination, the participants of the First International Meeting of UNESCO Chairs in Human Rights, Democracy, Peace and Tolerance, 1998, Stadtschlaining, proposed *"to prepare an academic volume containing new scientific views and research results on major challenges and issues of our time related to the Chairs' aims."*

This proposal was taken up by the participants of the Second International Meeting, 2000, Stadtschlaining, who made the following provision laid down in the "Indicative Plan of Selective Action of UNESCO Chairs on Human Rights, Democracy, Peace and Tolerance":

*"Joint preparation of an academic volume containing scientific views and research results on major challenges and issues in the field of human rights, democracy, peace and tolerance, as agreed at the First International Meeting of the Representatives of UNESCO Chairs (1998)."*

The EPU and its UNESCO Chair followed up this provision and promoted its introduction into practice in 2001 and its implementation from 2001 to 2005.

In issue 3/2001, 20 contributions were provided by 12 representatives of UNESCO Chairs and 8 partners related to the Chairs' main concern and action. These contributions were continued in issues 4/2002 and 5/4003 by 34 Chairs and 16 partners. Altogether, 70 study papers/essays (46 by Chairs and 24 by partners) were collected and published in this period.

This is further continued in the present issue by 32 study papers/essays (from 21 Chairs and 10 partners) – the highest number ever - so that a volume of more than 100 contributions of this kind can be publicized:

- firstly, in Part II on CD-ROM, appended to the present Bulletin,
- secondly, at the homepage of the EPU Chair ([www.aspr.ac.at/unesco/main.htm](http://www.aspr.ac.at/unesco/main.htm)),
- thirdly, at the new UNESCO Chairs' web-page as part of the UNESCO Portal under [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=3525&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=3525&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- in addition, a limited printed edition of the full collection will be made available to UNESCO Chairs, authors of contributions to Bulletin 6/7 - 2004/05, EPU faculty members, students as well as participants in relevant public EPU activities and visitors to the 'Peace Library' of the EPU.

The full list of this rich collection presented below provides a comprehensive survey of contributions by years, main issues, topics and authors.

I can state that this project launched by the participants in the First and Second International Meeting of Representatives of UNESCO Chairs and followed-up by the EPU UNESCO Chair, has found great resonance and can be valued as a remarkable achievement gained in this field.

Therefore, it is with great pleasure that I extend my sincere thanks and appreciation to all authors, representatives of UNESCO Chairs and their numerous partners, who contributed to this valuable first collection of Study Papers and Essays on major challenges, topical issues and achievements in the field of human rights, democracy, peace and tolerance.

Gerald Mader  
President of the Peace Center Schlaining Castle  
and Chairholder

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- in alphabetical order -

Dr. Jean ALLAIN, Lecturer, UNESCO Chair in Human Rights, American University in Cairo;  
2002

Prof. Ardeshir AMIR-ARJOMAND, Chairholder, UNESCO Chair for Studies on Human Rights, Peace and Democracy, Shahid Beheshti University, Teheran, Iran;  
2001, **2004/05**

Prof. Khadija AMITI, Professeur de sociologie à l'Université Ibn Tofail, faculté des lettres et des Sciences Humaines de Kénitra; membre de pilotage de la Chaire UNESCO; présidente de l'association « Chaml » de recherche sur la femme et la Famille, Maroc;  
2003

Ass. Prof. Tamara BAKURADZE, Chairholder of the Chair of Political Science, Sulkhani-Saba Orbeliani Tbilisi State Pedagogical University, Tbilisi, Georgia  
2001

Prof. Abelardo BRENES, Professor of Peace Education, Programme Director, University for Peace, San José, Costa Rica; Professor of Psychology, University of Costa Rica; participant in International Meetings of UNESCO Chairs, 2000 and 2002, contributions to UNESCO Chairs' Bulletin since issue 2/2000;  
2001, 2002, 2003, **2004/05**

Isabelle BROUILLARD, Chaire UNESCO de l'Université d'Abomey-Calavi à Cotonou, Burundi ;  
**2004/05**

Rafi' DARAGHMEH, Public Relations Department, An-Najah National University Nablus, UNESCO Chair in Human Rights, Democracy and Peace; Nablus, Palestinian Authority;  
2001

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2003

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2001, 2002, 2003, **2004/05**

Instituto Luis Carlos GALAN para el Desarrollo de la Democracia, Cátedra UNESCO Derechos Humanos, Paz y Democracia, Colombia ;  
2002

Dr. Manfred HAINZL; former Director of the European Museum for Peace; Peace Center Schlaining Castle, Stadtschlaining / Austria;

2001

Prof. Sung-Joo HAN, Chairholder, UNESCO Chair on Peace, Democracy and Human Rights, Ilmin International Institute (IIRI), Korea University, Seoul, Korea;

2001

Prof. I.I. HANCHARONAK, Chairholder, Dr. I.I. Kalachova, Lecturer, UNESCO Chair in Culture of Peace and Democracy, National Institute of Higher Education of the Republic of Belarus, Minsk;

2002

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2002, 2003, **2004/05**

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2001, 2002, 2003

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2003, **2004/05**

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2003

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2002, 2003, **2004/05**

A. YOTOPOULOS – MARANGOPOULOS, President of the Marangopoulos Foundation for Human Rights (MFHR) and the Greek National Commission on Human Rights, Emeriti Professor and Former Rector, Pantheon University, Athens;

2003

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**2004/05**

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**2004/05**

Prof. Valerii Ivanovich MIKHAILENKO, Chairholder, UNESCO Chair in Human Rights, Peace, Democracy, Tolerance and International Understanding; in cooperation with Prof. Homyakov and Prof. Pobedash; Ural A.M. Maxim Gorky State University, Ekaterinburg, Russian Federation;

2003, **2004/05**

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2002, 2003

Prof. M. D. NALAPAT, Chairholder, UNESCO Chair for the Promotion of a Culture of Peace and Non- Violence; Director, School of Geopolitics, Manipal Academy of Higher Education, India;

2002, 2003, **2004/05**

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2002, 2003, **2004/05**

Prof. Antonio PAPISCA, Chairholder of the UNESCO Chair in Human Rights, Democracy and Peace at the University of Padua, Italy, and initiator of the European Master's Degree Programme in Human Rights and Democratization;

2001, 2002, 2003, **2004/05**

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2001, 2002, 2003, **2004/05**

Dr. Gloria RAMÍREZ, Chairholder, UNESCO Chair for Human Rights, Autonomous University of Mexico (UNAM), Mexico D.F.;

2001, 2002, 2003, **2004/05**

Prof. Nasila S REMBE, Chairholder of the UNESCO 'Oliver Tambo' Chair of Human Rights, University of Fort Hare, South Africa;

2002, 2003, **2004/05**

Prof. Fouzia RHISSASSI, Co-Chairholder, UNESCO Chair on Women and their Rights; Ibn Tofail University, Kénitra, Morocco;

2001, 2003

Robert I. ROTBERG, President, World Peace Foundation, Cambridge, USA;

2001

Prof. A. Saidov, Chairholder, UNESCO Chair on Human Rights, Peace, Democracy, Tolerance and International Understanding, University of World Economy and Diplomacy, Uzbekistan

2003

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2001, 2002, 2003, **2004/05**

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2002, 2003, **2004/05**

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2001

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2002, **2004/05**

Dr. Birgit SÜBDORF, Lecturer, Research Unit on Comparative Education, University of Heidelberg, Germany;

2001, 2002

Prof. Yuri SVATKO, Chairholder, UNESCO Chair in Human Rights, Peace, Democracy, Tolerance and International Understanding, The National University of 'Kyiv–Mohyla Academy', Kiev, Ukraine;

2001, 2002, 2003, **2004/05**

Prof. Victor K. TOPANOU, Secrétaire scientifique, Chaire UNESCO des Droits de l'homme et de la démocratie, Université d'Abomey-Calavi (UAC), Cotonou, Bénin;

2002

Robert TROCMÉ, Director, Summer University on Human Rights and the Right to Education (SUHR), Geneva; participant in the 3rd International Meeting of UNESCO Chairs, 2002, Stadtschlaining/Austria;

**2004/05**

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## HUMAN RIGHTS AND DEMOCRACY FOR THE PRIMACY OF POLITICS

Antonio Papisca

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Crisis of governance and crisis of democratic practice are interlinked within the larger crisis of Politics. The pervasive processes of structural change that are going on across the planet seem to have overwhelmed the capacity of active adaptability of the political leaderships including those of the most powerful countries. Economic globalization, in connection with the concentration of power at the top, is increasingly expropriating the institutional sites of governance at different levels. At the micro level, local government institutions are expropriated of their natural role of providing basic social services, at the macro world level the United Nations is expropriated of its mandatory role of major guarantor of peace and security. "De-regulation" is spilling-over, in fact it is forced to spill-over, from the field of economic transactions to that of the public institutions. This is even more true and ravaging since (world) terrorism and (world) war have joined economic globalization in destroying politics.

In order to recover the fabric of Politics on stronger premises of sustainability, it is necessary that a new political culture marked by moral, innovative and teleological tension, accompanies the refusal of "institutional de-regulation" and of a world economy detached from the rules of social justice. To be proportional to the magnitude of the challenges, the operational contents of this culture should be organised within a comprehensive vision of a (new) world order based on universal human values and with clear objectives of short and mid term. To this purpose, the creative potential of the ethic-legal paradigm of human

rights internationally recognised must be widely apprehended and used. Human rights are what they entail in terms of policies and positive actions.

If we want new leaderships that are sincerely motivated to construct "a social and international order in which all human rights and fundamental freedoms can be fully realised" (art. 28 of the Universal Declaration), we have to commit ourselves more than before, to help constructing "the defences of peace" in the minds of new political personnel. We have to acknowledge that the political leaderships of the last twenty years, in particular those of the last decade, failed in achieving this strategic goal. After 1989, they were given the unique opportunity to promote the United Nations in following the passionate advocacy of Boutros Boutros-Ghali, and to enhance the international machinery of human rights. They did not seize it. Instead of a virtuous commitment to this purpose we had, and still have, classical and non-classical wars. Those leaderships bear an enormous responsibility before history.

Now, crucial 'cibles' of education for peace, human rights, democracy and tolerance should become the milieu where a new, hopefully wiser, generation of young leaders is expected to grow up. To this purpose, if we assume, as we must do, that there cannot be any sustainable form of good governance if both the international dimension of problems and the human rights paradigm are ignored, we have to look primarily at the rich basin of human resourced provided by civil society organizations and groups, whose culture is at the same

time value oriented and trans-national and human rights are its code of conduct. Civil society is the womb of democracy and democracy is the natural and most powerful instrument to assert the primacy of Politics over economics and war. But in the age of planetary (asymmetric) interdependence and (unequal) globalization, democracy can no longer be interned within the national borders of the individual states.

Likewise it can no longer be limited only to the electoral-parliamentary dimension. If democracy has to be the liberator, in fact the redeemer of Politics at all levels of governance, then it should be re-considered in the light of "all human rights for all" and "all democracy" – political economic, social, representative, direct, participatory – Democratic practice should overcome the columns of Hercules of the nation state and extend to the sanctuaries of international politics, from the village and the city until the United Nations system. Keeping democratic practice inside the individual state is like trying to keep a patient alive at all costs. But international democracy, in fact the process of international democratization, is useful not only to those national systems that have a long tradition but also to those in which democratic practice is more recent or is totally absent.

It should be emphasised that the democratic method, to be implemented as said before, not only in its electoral and parliamentary dimension – that cannot be renounced, absolutely – but also through more direct and spontaneous expressions of popular will, including anomic non violent activities, is the natural instrument to ensure the primacy of Politics. Then extending the field of democracy to the international system is a requirement of governance at any levels. The loss of capacities of states as the result of the erosion of their

sovereignty cannot be countered by strategies of (re)nationalization, (re)building of border walls, war, 'states of emergency', etc. What we need are new forms of statehood, of sustainable statehood. This entails that political power should be organized on several levels within a space whose terminals are the local government and the United Nations. The guiding principle cannot but be 'subsidiarity' and the division of labour between several institutional levels should be filled by substantive contents: vital needs, that is individual human rights and community rights. In this perspective, we cannot give up to the international organisations because they are the transparent sites of multilateral co-operation, the forum in which small and big countries, rich and poor countries can actually interact and NGOs have voice. To pursue capable and legitimate governance at any levels, democratising the United Nations system is as much urgent as strengthening them. In other words, strengthening the United Nations is impossible without injecting the practice of more direct legitimacy and of popular political participation in its organisational and functional fabric. The 'diplomatic' will of governments will mature only upon strong pressure by civil society trans-national actors, the collective entities that are eligible to represent in a genuine way the universal human family. And we have to make clear that when governments speak of international democracy, they mean the implementation of the principle of equal sovereignty that is translated into voting procedure as "one country one vote". But this is "state power", not "people power".

The consultative status of NGOs at the UN and at other intergovernmental organizations is the formal acknowledgement of the public utility of those trans-national actors. That means that the international democracy dis-

course is no longer utopian nor abstract. We have appropriate actors and opportunities. In this context, local and regional government authorities can effectively co-operate with the democratising 'critical mass' in the international system. As regards in particular the UN, the most urgent objectives to achieve are: the reform of the Security Council, to make it more representative, the creation of a Parliamentary Assembly in addition to the present General Assembly (of states), the strengthening of the human rights machinery (Office of the High Commissioner, decentralized offices, Treaty bodies, etc.), the strengthening of the consultative status of NGOs, the speedy entering into function of the (permanent) International Criminal Court, the establishment of a permanent UN police task force (military and civil), the development of the present functions of the Economic and Social Council into those of a "council of economic and social security".

We assume that global civil society actors can usefully articulate their strategy of international democratization following two methods that are complementary and synergetic:

wedging in the interstices (*pénétration dans les interstices*) of the international system and the constituency of new democratic world order.

The first way consists in acting inside the international institutions wherever suitable openings and innovations exist, by taking advantage of the opportunities of structural-human-centric change they offer: for instance, the whole international law of human rights, consultative status, world conferences, counter-reports to the human rights treaty bodies, etc. Then, dialogue, complaints, proposals, participation, pressing inside the sanctuaries of world politics. The second way consists in carrying out activities outside the

system, in full autonomy, by the trans-national movements and organizations of global civil society. Within this creative constituency it urgently matters to make clear, coherent and shared the model of a world order based on human rights and to elucidate what it entails in terms of policies. Then, information, education, formation, networking, exercising political and institutional engineering.

In conclusion, the commitment to the democratization of international politics and institutions enlarges the political horizons. If the UN were permitted to actually function, it would be easier for governments to ensure at the same time social (internal) peace and international peace. It is proved that there are not political parties yet, including those running in the western democratic countries, that have metabolized in comprehensive programs the culture of "all human rights for all" and of "international democracy". It is difficult to envisage that new enlightened leaderships, with the "mind of human rights and positive peace", will spring directly from the present party milieu. This means that other milieu – civil society structures, human rights centres, UNESCO Chairs of course – must take over directly the huge task of educating and forming new leaderships that will not squander the universal heritage provided by the United Nations Charter and the connected estate of the human rights law and machinery.

## POVERTY AND HUMAN RIGHTS IN A GLOBALISED WORLD

R. SAMPATKUMAR

### « Eradicating poverty is an ethical, social, political and economic imperative of mankind »

*Copenhagen Declaration,  
World Summit for Social Development, 1995*

The concept of natural or human rights emerged in the seventeenth century as a response to social disruptions and transformation of modernity in Europe. But, in keeping with the times, only a small selected group within the community was entitled to these rights. Hence, John Locke's list of natural rights to life, liberty and estates (« *Second Treatise on Government* », 1688) were attributed only to European males. Women, 'savages', servants and wage-earners of either sex, were not recognised as right-holders. Refinement in the idea was already in the offing in the nineteenth and early twentieth centuries. Slave trade was being curbed, protection was offered to workers and ethnic minorities; equality of women in the workplace, civic and public life was recognized. However, for centuries human wrongs committed by governments went unnoticed and the domestic practices of governments were not a subject of international concern. A government's claim to be recognized as sovereign was not dependent upon how it behaved towards its own citizens. Atrocities such as those committed by the Russians against the Jews and the Turkish massacre of Armenians evoked but mild disapproval. Even the Convention of the League of Nations failed to mention human rights.

Human rights as we understand today was a reaction to untold misery and suffering perpetrated during World War II. It was a specific, historical response to the challenges of post-modernity. There was a need – a dire

need, to respond to threats to human dignity posed by repressive political and economic institutions. It was time to affirm the inviolability of individual rights and freedoms in order to ensure that the dignity of the individual would not be trampled over by uncouth, whimsical dictators in the future.

The preamble and Article 1 of the United Nations Charter included the promotion of human rights and fundamental freedoms among the primary goals of the newly-formed post-war organisation. In quick succession a number of important international human rights norms were formulated. The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly on 9 December 1948, was a direct response to the Holocaust. This was followed by the adoption of the Universal Declaration of Human Rights, an important milestone in reminding the states that the treatment meted out to their own citizens was not only a legitimate universal concern but subject to international standards.

Human rights regime developed at an uneven pace during the last fifty years. The 1960s saw a flurry of activity thanks to the newly independent states liberated from colonialism. The 1970s saw resistance to international scrutiny of human rights violations by a number of governments claiming national sovereignty. In response to violent political changes in Chile, the Commission on Human Rights created a UN working group on Chile to investigate all human rights violations. Building on this precedent, special representatives and rapporteurs were appointed to study human

rights situations in a number of countries. The award of Nobel Peace Prize in 1977 to Amnesty International encouraged non-governmental organisations (NGOs) to pursue changes in the bilateral and multilateral human rights policies. By the time the Soviet Union broke up and the Cold War ended in 1990 human rights had become a regular and well-established part of international relations.

It may be noted that each positive move in building a human right regime over the past several centuries was in response to a particular situation or context. Though these rights are basic and integral part of humanity effort to promote them was never spontaneous. Any action to recognise them had to wait until after the infliction of human wrongs over a period of time. Thus, attempts

at ameliorating the human rights situation, at national and international levels, have always been re-active than pro-active.

A legitimate question is whether there is a hierarchy among human rights. While all rights are important for realizing the full potentials of any individual, there are rights which can be termed as 'prerequisites' without which other rights will have little or no practical value and will be difficult to exercise. As Henry Shue mentions, without satisfaction of needs such as 'subsistence' and 'security' it is impossible to enjoy all other rights. In his 1942 'Four Freedoms' speech, Franklin Roosevelt linked the war effort to protecting freedoms of speech and of worship and freedoms from want and from fear.

Article 3 of the Universal Declaration of Human Rights states,

« Everyone has the right to life, liberty and security of person »

and Article 25 (1) states,

« Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control »

Unless basic human needs are met, can individuals exercise rights enshrined in the 1948 Declaration? To answer the question one has to examine how people below the poverty line are unable to enjoy a decent standard of living, adequate nutrition, health care, education and employment, in freedom and with dignity.

When people die in accidents or as a result of wanton acts of others there is a public outcry and politicians are outraged. But tens of thousands of children die each day because of malnutrition that go unnoticed. Many thousands of people in developing countries go hungry, lack clean drinking water, cannot avail of basic medical care and have no means to educate their children. These marginalized people rarely get a photo opportunity and brought to outside attention.

Poverty and deprivation have long been a tragic aspect of human society. In the past this was often accepted with a sense of

resignation, a sense of fatality that the poor will always be with us. Indeed poverty often served the interests of powerful social groups like the landed gentry by assuring cheap agricultural labour and work-force for non-farm activities as well as domestic services, not to mention a constant source of supply of manpower for waging wars.

Human poverty is a scourge that inhibits all human development. It limits human freedoms and deprives a person of dignity. The Universal Declaration of Human Rights, the Declaration on the Right to Development and a large body of other human

rights instruments make this clear. The Vienna Declaration adopted at the 1993 World Conference on Human Rights affirms that « extreme poverty and social exclusion constitute a violation of human dignity ». Poor people are deprived not only of economic, social and cultural rights but are also denied a wide range of rights in civil and political areas.

In a fast developing interdependent world poverty poses a grave danger to social stability and civil order and is a breeding ground for crime, strife and communicable diseases. Poverty-stricken population, marginalized and deprived of various rights, reflects the lack of participative governance and democracy. The poor have to be recognised as individuals with rights and with potentials for change in our society.

During the last fifty years much progress has been made in achieving freedom from want and in improving the standard of living in many developing countries. Malaysia, for instance, reduced income poverty from 60% in 1960 to 14% in 1993, China from 33% in 1978 to 7% in 1994 and India from 54% in 1974 to 39% in 1994. Between 1980 and 1999 the proportion of malnourished children fell from 37% to 27% and that of stunted children from 47% to 33%. During the last thirty years the percentage of people in the rural areas of developing countries with access to safe drinking water increased from 13% to 71%.

In spite of these spectacular developments, over 1.2 billion people are still below the poverty line, earning less than US\$ 1 a day; more than a billion people in developing countries do not have access to safe drinking water, and more than 2.4 billion have no proper sanitation. Free primary education for all children still remains a distant dream. More than 34 million people are infected with HIV, 23 million in Sub-Sahara Africa; and, life expectancy in developing countries which rose to 65 by 1998, is slipping. The list is by no means exhaustive.

How can people be helped to come out from the quagmire of poverty? It is important

that one should focus on the economic, social and cultural rights in order to eradicate poverty. At the same time, experience has shown that there is a linkage between these rights and civil and political rights. Very often freedom to participate and express has a positive effect on freedom from discrimination and poverty. When people are conscious of their rights and make loud popular demands, governments are obliged to act. With freedom and democracy it is possible to improve upon economic, social and cultural rights and avoid major social calamities. As Amartya Sen says, « Some of the worst famines of modern times, including those in Africa, occurred when there was no catastrophic decline in the aggregate supply of food. Instead, specific groups of people lost their entitlement to food for various reasons, while large segments of the population remained unscathed. A democratic polity – buttressed by free press and an active civil society in which vulnerable groups have a voice – and the prospects of a coming election make it almost impossible for government and others not to take quick action ».

In the eradication of poverty the government bears primary responsibility. This does not mean that the state should simply hand out food and other necessities to the needy but has to follow appropriate policies to reduce and eventually eliminate poverty. In formulating and implementing these policies the government should be transparent and accountable. Economic development policies should be pro-poor. Ambitious project such as building dams or clearing forests to bolster economic growth may oblige poor people to displace and affect their livelihoods adversely. Public policy must be open to dialogue, especially with poor people, to provide information and to give them the opportunity to express their views and concerns. Good governance, democratization, decentralization, stability in national economy, improved legal framework and fight against corruption are necessary to bring long-term benefits to the poor.

The media, information and entertainment industries can be powerful agents in promoting poverty eradication. They not only provide information and entertainment but also influence the values and cultures of people. Similarly, the non-governmental organisations (NGOs) have an important role to play in building trust between the state and the people, mobilising political opposition where required, and in providing certain services that the state is unable or unwilling to provide.

The phenomenon of globalization has been with us for centuries. Whether in search of grassland suitable for pasturage or to trade with distant countries or to subjugate other people, man has always been on the move. However, globalization in the last part of the twentieth century was characterised by shrinking time, shrinking space and gradual effacing of national borders. Countries have become interdependent and, happenings in one part of the world affect the rest of humanity, sooner or later.

Critics of economic globalization argue that the dynamics of international competitiveness tend to penalise societies that are socially responsible and reward those that are least responsive to the needs of victimised segments of their own citizenry. Global market forces operate as an impersonal agency for the infliction of human wrongs, with territorial means of redress eroded. Economic globalization has no doubt enabled a series of societies to make rapid economic progress, most spectacularly those in the Pacific Rim.

But, by reducing 'social dividends' and by imposing fiscal austerity on poor countries, economic globalization appears to inhibit efforts to allocate resources to alleviate poverty and other forms of social distress. It thus weakens the overall capacity and will of governments to address human wrongs either in their own society or else where. Economic globalisation is perceived to be concerned with the well-being of capital rather than of people and, therefore, marginalizes the vulnerable groups including the poor even further.

As global economic integration proceeds, the state's autonomy in policy-making gets restricted by the necessity to depend on external financing. States acting collectively in global institutions and other global actors have greater responsibility today to help achieve economic and social rights of poor people. At the same time, international financial institutions should promote pro-poor macroeconomic measures through their lending policies; negotiations on international trade and tariffs should include provisions to boost exports from poor countries; and, multi-national corporations should make investment decisions and implement human resources development programmes that would benefit the poorer sections of the society.

To conclude, poverty must be eradicated in order to achieve full human development which, in turn, is essential for realizing human rights. For the war on poverty to succeed, all actors – national and global – must play their respective roles.

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## **RACISM: A BARRIER TO HUMAN RIGHTS**

L. Eudora Pettigrew

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Racism, based upon skin color and body characteristics, is a concept devised by society to create the notion of superiority. Racism is often interrelated with poverty and results in subordination of individuals as well as groups of people. Racism has been, and continues to be a major barrier to the achievement of human rights for all people. Racism can be conducted by institutions of society, including governments, as well as by individuals.

Institutional racism involves the conduction of racist actions as well as attitudes that are acceptable and supported by organized society often through the promulgation of laws that result in apartheid and/or segregation.

Individual racism is, most often, a product of learning from institutionalized racism tenets, parents, significant others and from society in general. Racism results in stereotypical and prejudicial beliefs about members of a particular population group with the notion that one group is more valuable than another. In addition, those governments and individuals who actualize stereotypes and prejudices seek to hold power over population groups which they do not accept as equal to them. Yet biological findings assert that the concept of race, supposedly representative of a homogenous group of humans, is flawed.

Genetically, humans are more alike than different. Race has been used to create beliefs of a supposed „diversity“ among and between population groups. In addition, the concept of race has been defined in terms of the location of population groups such as „Africans“, „Ethnic Albanians“, „Japanese“, „Chinese“, etc., rather than through a scientific analysis of the genetic history of such groups. Molecular biologists and geneticists have demonstrated that such differences are less accurate than

previously postulated and that typology of population groups is not appropriate to describe the very minor genetic differences that may possibly exist between population groups.

Racism, which has existed as long as humans have populated the earth has fostered policies and practices, sometimes de facto, often de jure, that have promoted war, conflict and violence for centuries. Political leaders have used racist prejudices and attitudes as well as racial stereotypes to promote power and privilege within a society. Examples include the nineteenth century British cartoons that portrayed Irish people as resembling monkeys, the American propaganda of the nineteenth century that slavery was good for enslaved Africans because it exposed them to Christianity and civilization and the twentieth century Nazi propaganda of the supposed racial inferiority of Jews. One result of institutionalized racism is separate and unequal environments for differing population groups. In addition, wars, conflicts and violence have sometimes been the result of racism. The ultimate results of racism include the denial of human rights to the victims of racial prejudice, and possible extinction.

Racism has been evident in the conflict in Yugoslavia and it has been postulated as a significant factor in the conflict in Palestine/Israel. Other factors may be intertwined with racism in these areas of conflict. For example, in the present Macedonian/Ethnic Albanian conflict, it has been noted that the Ethnic Albanians are having more babies than the Macedonian Slavs. Both groups acknowledge that birthrates are the basic issues of political decisions; the major issue is that if the Ethnic Albanians birthrate continues to increase and possibly even exceeds the Macedonian Slav

birth rate, eventually the Macedonian Slavs will have to share more of the political power and the resources of the state (Fisher, I., New York Times, August 11, 2001).

The presumption of racism against Palestinians by the Israeli government has developed from the reported separate and unequal treatment of Palestinians on the West Bank. For example, the Palestinians are subject to military orders and restrictions that are not applied to Israelis, freedom of movement is restricted, encroachment upon Palestinian lands, homes and farms occurs regularly, they are denied permits to build homes, they must accept collective punishment, transportation is hampered by roads that are not well maintained and the availability of water, a necessary resource for human life, is controlled by the Israeli government to the extent that the difference in water availability and consumption is significantly less for the Palestinian population than for the Israeli population an average of 60 to 90 litres per day versus 280 litres per day (Hass, A., New York Times, September 2, 2001; Hashem, Y.D., Wilnington Journal, September 5, 2001).

The two examples above strongly suggest that racism is interconnected with the availability of resources as well as with political power and privilege. The combination of all these factors significantly reduces the probability that the human rights and respect that all population groups deserve will be achieved as long as racism and racial discrimination, individual and institutionalized, are allowed to continue to exist and impact the life styles of specific populations.

How can racism and its effects be countered? Justice is a major factor in the achievement of human rights for all populations; justice requires governments and individuals to clearly and openly concede that certain population groups are routinely denied rights and privileges that are not denied other population groups. The key to reducing racism through justice is education for all – kindergarten through adult. Organizations that are involved in the issues of human rights, peace and democratic principles should develop educational programs that expose human behaviours that promote racism, be they individual or institutionalized. Legal scholars should become involved in the issues of human rights so that de facto and de jure discrimination policies and practices are identified, overturned and new laws promoting human rights for all population groups are approved and enforced. This task will not be easily achieved because opposition based upon fear and hatred is fueled by misinformation and „us/them“ beliefs and attitudes. But if we, as adults, do not make every effort to change, through education, individual and government behaviour that results in racism, then the probability of the achievement of human rights and peace for us as well as for our descendants will be zero and the cost to the human race will eventually be extinction. The price of changing our behaviour and ensuring human rights for all is much less than the cost of war, conflict and violence.

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## Untenable Dualism: Tradition and Modernity. The Challenge of Human Rights in Islamic Countries

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Ardeshir Amir-Arjomand

### □ Cultural and Legal Dualism

Islamic countries suffer from a principal dualism in all economic, social, cultural, administrative, and legal fields. Two modes of life on theoretic and practical levels challenge one another: a modern model with a European facade, and a traditional model.

One of the most obvious facets of this dualism in the legal field is the challenge between human rights and the traditional and Islamic culture. It is more than a century that the problematic issue of fundamental rights has reached a dead end between the modern culture and traditional culture, especially in countries which have been accustomed with western culture before the others (e.g. Iran, Egypt, Morocco, Tunisia), and this has created social and political crises in these countries.

After the collapse of the Eastern Block, the topic of human rights has gained a new scope and extent and has transformed to one of the principal aspects of international relations as a dominant ideology. On the other hand, with the development of communications and information technologies and the acquaintance of Muslims, especially the youth, with other cultures, especially Western culture, nascent

and very powerful demands and pressures have come into existence within Muslim societies for an open political atmosphere and the observance of fundamental rights and freedoms therein. Pressure from international fora and national advocates of modernization have caused serious, and at times violent reactions from traditionalists. The governments of these countries adopt measures in bewilderment and usually without having a specific theory and strategy. These measures are at times adopted in response to, and with the aim of relief from, international and national pressure for the observance of human rights, and at times they are adopted for the benefit and consolation of traditionalists.

I do not intend to choose one of these models or offer a solution for a compromise between these two, but rather to point to the most important challenges of human rights in the Islamic world by stressing some of the legal aspects of this dualism and to note that in principle, no solution for the effective promotion and development of human rights in the Islamic world can reach the desired result without consideration for this dualism.

### □ The theory of human rights law and the position of traditional Islam

Every culture basically alleges to regulate three kinds of human relations: human-transcendent, human-nature, and human-human. The culture and theory of human rights law in its modern form, has its roots in the humanism of the renaissance epoch. Locke and Rousseau, who are generally considered to be the fathers of human

rights law, were in fact adherents to Grotius', Hobbes', and Pufendorf's line of thought, namely, the modern school of natural law.

According to this theory, humans are born with rights that are derived from their special nature, independent from God or humankind's will. This theory has led to the differentiation between religion and politics, the Church and

the State, the secularization of society and law, the prevalence of human reason, and the recognition of the global values stated in the Universal Declaration of Human Rights. On the other hand, it seems that it is antinomic with the traditional culture of Islamic countries, which with differing degrees, depend on, and adhere to religion regarding the status of humans, and the dominant interpretation of Islam, which is carried out by the voluntarist tendency (*Ahl Al-Hadith*) with a literal interpretation (*Hashwiyya*), according to which God's will is absolutely free and no *Lex aeterna*, and *a priori*, no *Lex naturalis* is imaginable. The integration of religion and politics, "religionization" of society, prevalence of Islamic law and complete dominance of divine values (uninterpretable and strictly unchangeable) according to the governing classes' interpretation of revelations, are the results of this theory. In such an Islam, humans are merely considered as servants (*abd*), in other words, servants of Gods' absolute free will. Such an interpretation of Islam is antinomic with human rights law, because a free human has no place in it. Thus by the comparison of Islamic law norms and human rights norms, we witness a principal contrast in three fields:

#### □ The Islamicization of human rights:

On this level, it has been attempted to present the cultural values of human rights in the form of traditional culture. For example, the principle of equality of men and women is explained within the framework of Quranic verses regarding the unitary origin of the creation of men and women. The obvious institution of this process in the positive law of Islamic countries is the inclusion of the fundamental rights and freedoms expounded in the Universal Declaration of Human Rights in Constitutions with the proviso that they do not contradict Islamic law, and also the accession to international human rights treaties with a simi-

Equality: international human rights instruments declare the equality of humans, especially men and women, whereas in traditional Islamic law and jurisprudence (*fiqh*), men and women, Muslim and non-Muslim, the free and the slaves do not have equal rights.

Freedom of opinion and religion: freedom of opinion and religion are considered to be fundamental rights of humans, whereas a Muslim is not permitted to change his/her religion; otherwise an apostate may be punished by death.

Islam authorizes corporal punishments (*hudud, tazir*), which human rights instruments consider to be contrary to physical integrity and human dignity.

A review of the United Nations' instruments regarding the violations of international human rights norms in Islamic countries, especially those with a religious government, confirms this contrast. Nevertheless, attempts have been made in Islamic countries to reach a compromise between Islam and human rights on two levels:

- The Islamicization of human rights
- The modernization of Islam.

lar reservation.

The Islamic Declaration of Human Rights, which was adopted unanimously in 1990 by the conference of foreign ministers of the member States of the Organization of the Islamic Conference in Cairo, and also a part of the Arab Charter on Human Rights of 1994, especially its preamble which emphasizes Islamic values and their observance, are worthy of note in this regard.

As experience and objective realities of Muslim countries have shown, this method has a limited effect in solving the existing dualism, due to the fact that it generally concerns itself

with creating a compromise between the facets of principles and values relative to two cultures and legal systems.

The process of the Islamicization of human rights began in the 19<sup>th</sup> century in Muslim countries, which had closer relations with the

west, and afterwards, most Islamic countries have more or less adopted this method. Unfortunately, the history of human rights law in most Islamic countries at the threshold of the third millennium has stopped at this first level.

#### □ The modernization of Islam:

In this stage, traditional values are expressed, interpreted, and remodeled in the function of modern human rights law. In other words, in this stage Islam is made compatible with modernity and the necessities of the times. But the main question is whether this is possible? This modernization of Islam is certainly incompatible with the traditional, static and monologized interpretation of Islam, because principally, in modern culture not only isn't there a unique interpretation of religion acceptable, but also one of human rights or democracy would likewise be unacceptable. Fortunately if revelations are divine and Godly, their interpretations are certainly pertinent to mankind, and therefore there exist different interpretations of Islam.

In the early tenth century A.D. (fourth century *hijri*), the rationalist tendency (*Ahl-al-ray*) defended the rationalism and justice of God and, accordingly, the freedom of humankind by a rational interpretive method (*Ta'wil*). According to this interpretation, God is necessarily rational and His acts are undoubtedly purposeful and this very ultimate guidance is the best and most prosperous aim for humankind. In other words, the universe is subject to a law: the law of divine rationality (which St. Thomas named *lex aeterna*). This law has released nature from subjection to any free will and, considering God's justice, humans are responsible for their deeds and they are free to choose between right and wrong. Divine commandments do not cause things to be good or evil, but rather, these are independent from revelations and depend on, and are derived

from, their own nature, and the human mind has the ability to understand them. In other words, according to this theory a *lex naturalis* exists which every human being, Muslim and non-Muslim alike, can discover, and every Muslim must act in accordance with it.

This interpretation of Islam is compatible with the theory of human rights law. By this rational and dynamic interpretive method of revelations, the modernization of Islam becomes possible. Today, discussions regarding the modernization of Islam (considering the functional limits of the Islamicization method) are seriously being followed in some Muslim countries, especially countries like Iran, which has a religious government and a specific social and political dynamism in which the youth constitute a major part of its population and in addition to this, the practical experience achieved by the implementation of Islamic laws and the problems related thereto.

After a strong reaction to the imposition of modernization (the Islamic revolution of 1979), this country is witness to a modernization that is brought about by a social dialectic within society and hence, may be tenable.

A slow and gradual, but consistent retreat of the traditionalists of static Islam regarding cultural-legal issues, including judgment of women, rights of women within the family, their ability to achieve important governmental posts, freedom of opinion and religion, rights of minorities, vicious physical punishments, the principle of the rule of law and democracy can be seen, notwithstanding the fact that once in a while serious and at times

violent reactions, which may no doubt cause the modernization process to slow down, but nevertheless lacks the power to stop it, are shown in relation thereto.

Finally, I would like to emphasize the role of the rule of law and democracy in the modernization of Islam.

Essentially it seems that any objective change in Islamic countries regarding the progress of human rights observance, requires the modernization of the government within these countries. The establishment of the rule of law is undoubtedly the *sine qua non* of human rights observance on a national level, and the promotion and escalation of human rights requires the escalation of the rule of law from the formal level to the material level. The archaic structure of some Islamic states under present conditions is a bar to the establishment of the rule of law even in its formal form. In those Islamic countries wherein the governmental structures have been modernized, the rule of law has not reached the material level due to the fact that in those countries democracy is not established.

The rule of law, which is a precondition for the realization of human rights, is a democratic one in which all citizens without distinction as to race, sex, language, or religion, participate in their political and social determination.

With the establishment of the rule of law and democracy in Muslim countries, the challenge of modernity and tradition will be resolved by a social dialectic within society. In this case Muslim countries can overcome the existing deadlock of human rights on the municipal level and take active part in the formation, development and evolution of human rights on the international level.

When the governments of Muslim countries become the real and rightful representatives of their people and the laws prevailing over these

countries reflect the true collective conscience of their societies, then these governments can, actively and legitimately, participate in the formation, development and evolution of universal human rights, namely the values that the collective conscience of the international society considers necessary for human dignity and states and people are obliged to respect, by emphasizing cultural diversity and the right to their identity in its public and collective aspect.

## Human rights: from the view of North Caucasus

Barasby S. Karamurzov

### Why a regional view of universal rights ?

The very nature of the human rights expresses itself in their universal character. One can find an exhaustive definition of this in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." And here lies the main issue of human rights if one should approach them "from the regional point of view".

First and foremost it is the problem of acquiring by the regional community of the adequate understanding of human rights as they are formulated in major international instruments. The Preamble to the Universal Declaration proclaims that for the promotion of universal respect for and observance of Human Rights and fundamental freedoms the common understanding of these rights and freedoms is of the greatest importance. So, the initial step in any investigation of the problems of universal respect for and observance of human rights is to relate them to the social and cultural matrix of the particular region in which human rights are regarded to be insecure.

It is beyond reasonable questions, that the profound analysis of the situation in the North Caucasus region of Russia would lead to the inevitable conclusion that the issues in the sphere of human rights protection are multiple, complex and interconnected. Meanwhile, the attention of international organizations and mass media is concentrated on the separate, though obviously the most glaring problems, which are predominantly caused by

the military actions in Chechnya. This means an assessment of human rights issues in North Caucasus mainly in their "vertical" correlation with major international instruments. It can not, by definition, make any meaningful difference between, say, Chechnya or Kabardino-Balkaria, because it is based on a strictly universalistic point of view.

The "regional point of view" allows having a "horizontal" vision of the issues in the sphere of human rights in North Caucasus. In this case, one can see those issues in their social and cultural correlation. It makes obvious the great internal differentiation on the "human rights map" of North Caucasus. And, finally, it makes it possible to differentiate between current or "situational" as well as long-term and "basic" issues in the promotion of human rights in North Caucasus.

In sum, the regional point of view displays the fact that the final guarantees for human rights are in the forming of a community of a "persons before human rights" The core element of any "regional" declaration of human rights is expressed in Article 28 of the Universal Declaration: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

If we may set aside for a while controversial problems of modern international order, we can surely affirm that the peoples of North Caucasus themselves should build and maintain a social order in which human rights can be fully realized. No one else can do it instead of them. And equally, this task cannot be solved by any single measure in legal or

political field. Desirable ends may be achieved only in the long process of social, political and cultural modernization of the region. In other words, the problems of development and inter-

cultural dialogue turn out to be genuinely fundamental problems of the promotion of human rights in North Caucasus.

### **Regional university and the forming of the cultural basis for a 'Human Rights society'**

The "regional point of view" entails some important consequences for practices in the human rights sphere. In particular, the regional universities appear as the most important social institutions for the promotion of human rights in North Caucasus. The reasons are two-fold.

On the one hand, the Universal Declaration proclaims in the Article 26 that everyone has the right to education. And more than that, we can say that in the modern world the right to education is indispensable for the full realization of other human rights, such as the right to work, the right to free choice of employment, the right to freely participate in the cultural life of the community, the right to equal access to public services etc. There is no need in lengthy argumentation for the importance of these rights in the present economic

condition of the North Caucasus region. One may consider in this respect the meaning of the fact that in the Kabardino–Balkarian State University more than 10 thousand students are educated in 15 professional fields and 24 specialities.

On the other hand, Article 26 sets forth an explicit demand: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace". So, human rights will be universally secured only if they have an adequate cultural basis in every society throughout the world.

### **Conceptual framework of education for human rights in North Caucasus**

This is not a matter of a mere wishful delusion about the realities of our times. Quite to the contrary: in times of growing violence, intolerance and violation of human rights there is no other choice left for mankind. Being conscious of the necessity to counteract these alarming trends, we established the UNESCO Chair in Education for a Culture of Peace and Human Rights at the Kabardino-Balkarian State University in April 1999. Ever since we have been bearing in mind that the Chair's activities should assist in initiating 'a new peace movement'. We are sharing with the other UNESCO Chairs the determination to meet the most decisive issues related to human rights, peace, democracy, tolerance and international understanding in the 21st century with a view to creating a Culture of Peace.

UNESCO's conception is based on the vision of education for human rights, democracy, peace and tolerance as the main vehicle for the promotion of a culture of peace. In accordance with this, our educational activities at the university are aimed at spreading and strengthening a modern outlook among the student youth based on the values and principles of the culture of peace and human rights.

We are quite conscious of the fact that the main trends in modern world culture are related to the growing diversity of 'world views' and life styles, to the spreading of individualism and multi-culturalism. One can question the possibility of the mere existence of a single 'modern outlook', and even more, the right of anybody to define and 'enforce' it to others. Such a vision, however, ignores the

simple fact that the individualization and diversification in the ways of life are taking place within one and the same world. The need for a rational and human 'ordering' of the life of people in a family, a community, a nation, and obviously, all over the world is ever growing.

So, a modern world outlook conjoins the understanding of the rights and interests of the individual with those of the community, the nation and humankind. Undoubtedly, it is always personal, but hardly particularistic. It may be based on rational or scientific premises and, together with it, it is guided by humanitarian values. It must not be something given once and forever, but always open for dialogue and innovation.

We cannot count on the automatically guaranteed forming of an outlook which implies the primacy of the principles and values of the culture of peace, unless we offer every youngster an access to it through the national system of educational institutions. In the North Caucasian region of Russia such activities acquire an additional, one would say, special significance. From the point of view of spreading and strengthening the principles of the culture of peace and human rights, this region is apparently in a troubling condition. Most cases of tension, conflicts and violence taking place

here are perceived by those involved in them and equally are interpreted by analysts as caused by cultural differences, predominantly ethnic and religious.

But these differences are objective outcomes of the whole historical course of the region's development. They are irremovable for the foreseeable future. More than that, any efforts directed to the artificial or forceful levelling of the cultural diversity, even when undertaken with most benevolent and humane intentions, would inevitably lead to the opposite results. Current tensions and conflicts should pose before us not the question of "What to do with ethnic diversity?" - but rather the question of "How to build the culture of peace in inter-ethnic relations?" This is one of the most reliable means capable to preclude ethnic conflicts and to foster the development of mutual tolerance and positive co-operation of the peoples in the multicultural environment of the North Caucasus. The movement towards a peaceful democratic order and securing human rights in this region are attainable only through the dialogue of cultures. That is why, the permanent and purposeful educational efforts in the above field are considered at the Kabardino-Balkarian State University to be our civic duty and cultural mission.

## **CHILDREN SHOULD HAVE THE RIGHT TO LIVE HAPPY AND INNOCENT LIVES**

Rafi‘ Daraghmeh

Children are one of the most vulnerable groups in any society, making them prospective victims in armed conflicts. They are the first to be victimized by war.

In fairly recent times, international efforts have been made to protect children. Much concern for the welfare of children was expressed by prominent people and the media, after the bloody events in South-East Asia in the 1970s.

One of the most impressive pictures was that of Vietnamese families sailing on the sea in very old ships, escaping from war, the ships vastly overcrowded, with many children and babies. Half of them sank into the sea and lost their lives.

The invasion of Cambodia forced millions of civilians to emigrate from their homes, to live on the borders of Thailand. Great numbers of them were children. Mass media showed images of children escaping in panic, as landmines tore their bodies...

At war's end, new wars come to continue the victimization of defenceless children, children who were born to endure their entire lives in refugee camps, not knowing any other reality.

In Palestine for example, in very recent times, 200 children have been killed, quite apart from the many who have suffered often permanently disabling injuries inflicted by the "Defence" Forces. This has happened just in the past year since the beginning of the latest uprising, the 'Al-Aqsa Intifada', provoked on September 28, 2000.

Something else alarms us when we think of children in the midst of armed confrontation. Children sometimes become utilized as part of armed forces, carrying the fatal guns, playing their role in conflicts in some regions of the world. Their sufferance extends the limits of their victim hood, preventing them from keeping their innocent lives.

It is the children, "by whom the future of this world will be shaped"! Why must the most vulnerable of humanity be subjected to psychological and physical dangers! They lose their innocence far too soon, and for what?

Parents and other adults have a responsibility to protect all children, not only their own, from avoidable suffering at all times. Children are a precious gift from God.

## The UNESCO CHAIR FOR HUMAN RIGHTS AND THE PROCESS OF CONSOLIDATING DEMOCRACY IN LATIN AMERICA

Gloria Ramírez

The twenty-first century began with plenty facets, contrasts, contradictions, hopes and a profound uncertainty for Latin America. These are all elements that mark the difficulties faced by the Americas in consolidating democracy, strengthening development, and ensuring each and every inhabitant “the right to life [that] includes within it existence in human dignity with the minimum necessities of life,” as recently stated by the Human Rights Commission in resolution 2000/12.<sup>1</sup>

Likewise, the civil society of the Americas enters the century with a new profile, stronger and determined to the search for new ways to organise and bond with the State and the market. Our societies not only aspire to their rights to be acknowledged, but want to exercise these rights from a holistic and integral point of view. Today, these societies hanker for active participation in the formulation of public policies, and they demand accountability.

However, “we must acknowledge that the crisis of authoritarianism, the defeat of military regimes, and the transition and consolidation of political democracy take place in the midst of a turmoil where the model of accumulation and international insertion is seriously dwindling and replacement models are being sought, in the context of a technological and financial revolution that seems to pervade and subordinate every country and social organisation form, dismantling the post-war world.”<sup>2</sup>

In such a context, we witness “incomplete” and “weak” transitions to democracy, the majority of which have not become solid processes throughout the Americas and, in any case, they have not been able to eradicate a most terrible social inequity. According to Garzón Valdez, “the Latin American countries have become fertile laboratories for the falsification of every single theory of democratic development.”<sup>3</sup> Garzón stresses the distance between the constitutional order and the reality of Latin American countries; he insists that the traditional authority inherited from the colonial times in relation to the Laws for the Indies still bears a strong influence; back then, the law was “acknowledged, but never observed.” Now, the Constitution is “acknowledged, but partially and intermittently observed.”<sup>4</sup>

An anomaly of Latin America, a region where dictatorships are crushed and the civil society emerges as a strong actor who demands that Pinochet undergo “a great trial.” Universal justice puts an end to impunity and becomes a response to an old wound in Latin American peoples. A dictator long-time seen as an invulnerable figure is now on trial.

In the opinion of Fernando Calderón, “towards the end of the twentieth century, two major socio-logical events mark the collective life in Latin American societies: an incomplete and exclusive modernisation process, but it nevertheless gave way to the societal recognition of cultural diversity

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<sup>1</sup> Human rights and extreme poverty. Economic and Social Council. E/CN.4/RES/2000/12, 17 April 2000. The United Nations.

<sup>2</sup> Garreton, Manuel Antonio. “Del autoritarismo a la democracia política,” *Revista Mexicana de Sociología*, January-March 1991, 283.

<sup>3</sup> Garzón Valdes, Ernesto. “Derecho y democracia en América Latina,” *ISONOMIA* 14, April 2000, 39.

<sup>4</sup> Ibid.

and the right to be different in the recent decades of democratic life.”<sup>5</sup> This recognition has been, and still is, the result of crucial movements organised in Mexico, Ecuador and Guatemala, as much as it is the cause of slow progress and changes in the everyday lives of indigenous peoples.

“...The new world scenario of the twenty-first century entails an enormous challenge for every country: to achieve unity within each nation, unity based on the recognition of its cultural and linguistic diversity, meaning, a nation where there is enough room for every voice, where tradition and modernity can be harmonised, a nation that contributes to the consolidation of global ethics and peaceful and democratic coexistence in diversity, a new project to build a national society able to overcome the western ethnocentric perspective, free of prejudice and racist and discriminatory practices.”<sup>6</sup>

Natalio Hernández, Head of Casa de Escritores Indígenas (House of Indigenous Writers), affirms that the numerous voices heard throughout Latin America prove that the notion of linguistically and culturally homogeneous nations that was dominant in the twentieth century has changed as a response to the new realities that result from globalisation and the progress made in science, technology and information. But this is also the result of a fight to raise different voices and break the silence, particularly those voices that have long been excluded from the project to build a nation.

Today, human rights are part of the social and political ethics of our time in Latin America, and in many occasions, they have become the momentum for the co-ordination and organisation of many social movements. On one hand, the struggle for the advocacy and observance of human rights has led the State and the civil society towards new meeting points and, at the same time, has contributed to legitimate this cause at the national and international levels. On the other hand, the need to foster human rights awareness and promotion campaigns has become self-evident in the process of consolidating the rule of law and democracy.

Regardless of the many official promises purportedly made at the Neoliberal political front and found in several discourses on the alleged positive aspects of this economic model and the substantial progress made with regard to human rights, it could be said that the Latin American and Caribbean tendencies show very limited structural achievements in economics, politics and social issues, and there is still a gradual “backwardness in comparison with other regions in the developed and developing world.”<sup>7</sup>

With regard to economics, it could be said that, according to the figures presented in UNDP’s Human Development Reports, the region could be under the “Average Human Development,”<sup>8</sup> where the economic progress is relatively low and tends to decline, and there is a greater gap between the concentration and the distribution of wealth, characterising Latin America as the most unequal region on Earth.

With reference to human development, the regional panorama is diverse as well. The human development index (HDI) presents figures that seem to account for an improvement in public health (there is an increase in life expectancy) and elementary school during the last few decades, although at a slower pace than that registered for other regions, and with a prevailing lack of quality

<sup>5</sup> Calderón, Fernando, “Los movimientos sociales en América Latina: Entre la modernización y la construcción de la identidad,” *Enciclopedia Iberoamericana de Filosofía*, Trotta, Spain, 1997, 189-202.

<sup>6</sup> Hernández, Natalio, “Educación para la diversidad. Un desafío del nuevo milenio,” paper presented at the Coloquio Regional sobre la Agenda de la Educación en Derechos Humanos para el siglo XXI, 25 April 2000.

<sup>7</sup> Lazaña, Marcelo, *Cómo llega América Latina al Siglo XXI*, ch. 1, Instituto Internacional de Gobernabilidad, Barcelona, 2000, 35 pp.

<sup>8</sup> However, some countries (Barbados, Argentina, Uruguay, Chile, Costa Rica and The Bahamas) are categorised under “High Human Development,” and Haiti under “Low Human Development.” See: Human Development Indicators 2001.

and social confidence, as we will later see. These numbers also reflect some positive efforts on adult literacy, but there are very negative figures for middle and high school.<sup>9</sup>

Concerning education, we have not as yet been able to evade successive economic, social and political crises that directly affect the education systems. Coombs<sup>10</sup> believes that some of the causes that explain our current education laggardness are related to the important complexity of popular aspirations, a severe lack of resources, apathy within the education system, apathy within the society itself, and the governmental concern to rapidly increase schooling statistics, blatantly affecting the quality and coherence of the education systems. The above had a two-fold very negative effect: first, the employment opportunities for the newly graduated dramatically decreased, and second, there was a harsh drop in the education budgets.

Another worrying tendency that pervades many of those responsible of formulating regional education policies, is that they fail to distinguish between education and schooling.

In Latin America, informal education has become one of many identity factors, and it helps us track the social processes for emancipation and social transformation. Thus, despite the public character of education, many organisations rather see themselves under the category of popular education within the context of “a preferential option for the poor” and advocates of human rights. CEAAL reminds us that, if we are to discuss popular education in Latin America, we must take into consideration the pedagogical dimension and the political dimension of this subject.<sup>11</sup>

The following reflections on the challenges and the milieu where human rights education is promoted in our region are contextualised in the above-mentioned brief regional overview. We cannot even estimate the number of education-oriented programmes, plans and actors that try to respond to this reality and contribute to the common ideal that lies behind the full observance of our rights on a daily basis. The purpose of human rights education is to respond to the civil society’s demand to take an active part in the formulation and implementation of public policies, and to politically participate when issues such as technology and development, the environment, community problems, intolerance, etc., are at stake.

The analysis of these concepts, the human rights underpinnings of education from a Latin American perspective, and the discussion over the most suitable approach on a holistic educational practice where these different dimensions of specialisation or knowledge are combined, are all pending issues, but nevertheless inspire deep cogitation. In the same respect, these concerns should be addressed through an interdisciplinary and inter-institutional analysis, and motivate important research.

We argue that human education today is closely linked to the education of the citizens, to the extent that they may be a single issue. The human rights perspective and their relation to democracy constitute one axis. Citizenship implies the effective exercise of all kinds of rights (civil, political, economic, social and cultural), i.e., it is a holistic and indivisible notion.

“Citizenship involves a coherent and articulated set of different kinds of rights whose unrestricted exercise embodies the proof of citizenship itself. In other words, the empirical criterion that underlies the definition of citizenship indeed is the implementation and exercise of those rights that nowadays are formally included in most political constitutions all over the world.”<sup>12</sup>

Therefore, we acknowledge the term *human rights education*, as the education practice based on the recognition, advocacy, observance and promotion of human rights, with the main purpose of

<sup>9</sup> UNDP, Human Development Report 2001, New York, United Nations, www.onu.com.

<sup>10</sup> Coombs, Philip H., “La Crisis Mundial en la Educación. Perspectivas Actuales,” Santillana/Aula XXI, Madrid, 1985, 446 pp.

<sup>11</sup> CEAAL, *Plan Global 1998-2000*, CEAAL, Mexico City, 1999.

<sup>12</sup> Olvera, Alberto J., “El estado actual de la ciudadanía en México,” *Revista Este país*, Mexico, July 2001, 32.

fostering the maximum development of the individual and collective capacities as people entitled to specific rights, as well as to provide them with the necessary tools to effectively exercise such rights. This kind of training acknowledges the historical, political and social dimension of education, and is founded on values, principles, mechanisms and institutions that approach human rights from a holistic perspective, taking into consideration their interdependent and indivisible relation with democracy, development and peace.

In Latin America, human rights education means the empowering of the people so they exercise their rights, and quite often this implies the drafting of non-traditional accounts of human rights history from the standpoint of those who were repressed, those who did not have access to literacy but nevertheless are “human rights literate” due to their own pain in seeing their human rights violated, thus they have learnt to combat impunity and to demand the rule of law.

If human rights education is to have any sense in Latin America, it should become the tool to improve the living conditions of the poverty-stricken and the vulnerable; it should become a means for the consolidation of a culture of democracy and to foster the full exercise of everyone’s rights.

Human rights education is part of the right to education; however, illiterate people can and should be educated and “human rights literate.” First, this is an extramural practice that spreads through civil organisations and NGOs.

To educate illiterate people must be assumed by Universities, but especially by UNESCO Chairs. More than the training of militants, we urgently need to educate and training in human rights in a rigorous way as well as the research, in order to promote and defend those rights.

Back in the 1980s, human rights education emerged as an evidence of social struggle and resistance, frequently entailing very high risks for those actively involved. Consequently, we believe that education should play a key role in the renewed democratisation processes, mainly in those societies where human rights were systematically violated through long periods of time. Human rights ought to be the ethical foundation of a new education paradigm that stems from a free and ever-changing society.<sup>13</sup>

In this sense, the knowledge about human rights is responsible in facing the challenge of contributing new approaches to discuss its own theoretical-conceptual and epistemological field, to analyse different ways to include these aspects in the syllabi and to propose modalities and methodologies to promote human rights education. This challenge is not limited to different ways to approach said knowledge, for it comprises an analysis on how to socially and historically generate it.

Lastly, we should also talk about those who came forward, paved the way and laid the foundations for human rights education from a Latin American perspective. The daily endeavours of the teachers and instructors in our region take back “*the utopia*” of the late teachers and advocates of human rights: Paulo Freire, Luis Pérez Aguirre, Abad Gómez, and many others whose contributions are registered under the *principles and philosophy of human rights education* in Latin America.

In terms of education, Paulo Freire’s work still embodies one of the most representative expressions of pedagogical and knowledge-oriented practices in Latin America.

An extremely interesting stage of Paulo Freire’s life and work was his service at the Ministry of Education in Sao Paulo (1989 – 1991). Back in those years he was already considered the main education theorist, and so took over a chief role in the formulation and implementation of public policy in one of the most important cities of Brazil. In his own words, his job was about “the

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<sup>13</sup> Magendzo, Abraham, “La educación en derechos humanos en América Latina,” *Experiencias de educación en derechos humanos en América Latina*, IIDH, 2000, 21.

drafting of educational public policy, the creation of a school with a more joyful, fraternal, and democratic character.”<sup>14</sup>

Freire, knowledgeable about our “*América Profunda*” (“Profound America”) and while in exile - a period he devoted to write his book, *Pedagogía del Oprimido* (Pedagogy of the Oppressed)-, shows us the path of a new pedagogy, committed to reality and to people in the sense that education has no predetermined principles, ends or political direction. This is one of the key underpinnings of Freire’s thought, where “the process of knowledge is neither neutral, nor indifferent... and full awareness can never be achieved through neutral teaching, when the contents have been ‘sterilised’.”<sup>15</sup>

Human rights were of course present in the works, the thought and the educational endeavours of Paulo Freire, who strongly believed that “we should move towards a more global perspective, as opposed to sectoral points of view, in order to address social rights and the causes of several social movements... we ought to encourage our societies to fight and bring so many rights out of the papers and into practice.”<sup>16</sup> From this standpoint, it is possible to point out at least one of the vital elements of human rights education in Latin America and the Caribbean: the universal right to education, to democratic and popular education, founded on human dignity.

So we can see how Paulo Freire highlighted the holistic and indivisible character of human rights even before its ratification in Vienna in 1993. Even though he did not use the notion of “human rights education,” which became broadly used in the 1980s and 1990s, he laid the foundation for practical education aimed at the promotion of human rights and democracy for hundreds of teachers and instructors to currently perform their dignified task in Latin America.

I would not want to finish without recalling the words of Luis Pérez Aguirre, who claimed, “There is still much to be said, because the moaning, the voices and the chanting have not as yet been heard.”

Luis Pérez Aguirre claimed our obligation to “put ourselves in the social shoes of the victim.” He would wonder, how can we properly foster human rights education? He performed his role as human rights teacher with rigour and empathy throughout Latin America. He became the role model of coherence between theory and social commitment to the oppressed. He unmasked the vested interests of those in power and alleged neutralities. He would not accept silence as an answer. He argued that life itself would not have any sense if we were to turn our backs on the injustice inflicted on other human beings. His approach on theory was equally rigorous, and so he advocated empathy, solidarity and love. His passion for human rights education was the leitmotif of his life. He passed away last 25 January. We inherited his lessons, his thought and his articulate discourse, as well as his endless hope. Pérez Aguirre used to say that “the new land will not be derived from Cartesian rationalism, but from the hope we feel tickling our guts.”

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<sup>14</sup> Freire, Paulo, *Manifiesto a la manera de quien, saliendo, se queda*, Farewell speech when leaving the Ministry of Education of Sao Paulo, May 1991.

<sup>15</sup> Freire, Paulo, *La Educación en la Ciudad*, Siglo XXI, first Spanish edition, Mexico, 10 December 1997, 170 pp.

<sup>16</sup> *Ibid.*, 77.

## Empowerment through Human Rights Education

K. Peter FRITZSCHE

As a main domain of the UNESCO Programme, human rights education has become a genuine area of human rights development over recent decades. But while, on the one hand, human rights education is already given a rather high structural significance, and, on the other hand, a steadily growing need for it is witnessed every day caused by the dynamics of human rights violations, there is a strikingly big gap between necessity and practice, between reality and effectiveness in this

field. Even 50 years after the adoption of the Universal Declaration of Human Rights, knowledge and understanding of human rights issues and aspects among pupils, students and citizens at large are often fragmentary and one-sided, that is, human rights competencies are only rudimentarily developed. All in all, an appropriate, efficient and sustainable embodiment of human rights education at schools and universities has not yet been established.

### **The approach of empowerment**

Within the debate on human rights education, the approach of empowerment is gaining ground.

*Human rights education is a way of clearing and preparing the ground for reclaiming and securing our right to be human. It is learning about justice and empowering people in the process. It is a social and human development strategy that enables women, men, and children to become agents of social change. It can produce the blend of ethical thinking and action needed to cultivate public policies based on human rights and opens the possibility of creating a human rights culture for the 21st century. ('People's Decade of Human Rights Education'; NGO; details: [www.pdhre.org](http://www.pdhre.org))*

Taking into account the broad discussion held on citizenship education, empowerment can be understood as

- a process in which powerless or excluded people become aware of the power influencing their lives
- an educational approach to encourage one's personal development with a view to a sense of competence and self-confidence
- a process to develop social and political competencies
- a process to perceive oneself as being entitled and able to make decisions
- a process to enable people to become aware of their rights and responsibilities
- a means of power control by developing a sense of 'counter power' of educated people.

### **Education related to children's rights**

One field for implementing the approach of empowerment is that of education related to human rights in general and children's rights in particular based on the Convention on the Rights of the Child. This Convention *is an international treaty that recognizes the human rights of children, defined as persons up to the*

*age of 18 years. (...) Having agreed to meet the standards in the Convention, governments are obliged to bring their legislation, policy and practice into accordance with the standards in the Convention (...).*

*The Convention provides a universal set of standards to be adhered to by all countries. It*

*reflects a new vision of the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual and a member of a family and a community, with rights and responsibilities appropriate to his or her age and stage of development. Recognizing children's rights in this way firmly sets a focus on the whole child. Previously seen as negotiable, the child's needs have become legally binding rights. No longer the passive recipient of benefits, the child has become the subject or holder of rights.*

[www.unicef.org/crc/faq.htm](http://www.unicef.org/crc/faq.htm)

The Convention is "gradually becoming the chief instrument through which children and young people can acquire knowledge of human rights. Any form of education, in accordance with the message of the Convention and the 1948 Universal Declaration, should work spreading knowledge of these rights and promoting them throughout the

It is in the perspective of equal dignity and equal human rights where the approach of empowerment gets a new meaning:

- a process fostering the understanding of the legal and the moral dimensions of human rights,
- a process developing the willingness to accept equal rights,
- a process promoting the capacities to tolerate differences.

### **Understanding of Human Rights**

Human rights education should not just mediate knowledge, but has to convey the idea behind the rights. Human rights are the result of a historical process of development, learning and recognition. There is a double gain resulting from this process: on the one side, legally recoverable rights of the citizens towards the state and, on the other side, mutual moral rights that citizens can expect from each other. Human rights have a legal and a moral side. From the point of view of a broad understanding of human rights, human rights education aims at developing a com-

world" ("*All human beings...*", p36). It is in the manual for human rights education "*All human beings...*" issued by UNESCO where this approach is clearly demonstrated.

However, this approach involves the risk that the rights of the child are understood as the own rights of each child, thereby reducing the perspective of human rights in an egocentric way. Even though there are references in the Convention as well as in the manual underlining the respect for the rights of the others, they are not the focus of the text. Here we meet the danger of a widespread misperception of human rights amongst pupils, students and citizens: It is great to claim for *my* right and for *our* rights, but it is often hard to accept the equal rights of each person. We have to avoid that the approach of empowerment leads to a selfish view of human rights. The empowerment of the learners aims at transforming a powerless individual into a competent individual; but this change includes emotional and moral aspects of empowerment as well.

petence which allows citizens to judge actions of the state and to found one's own action on human rights standards.

### **Willingness and readiness to accept the rights of others**

The willingness to defend one's own rights plays a leading role in human rights awareness. But to recognize this perspective is only one side of the coin. Human rights also include the same rights of others, the equal dignity of each individual. Human rights awareness has to include an understanding

and embracing of the principles of human equality and dignity and the commitment to respect the rights of all people. *This kind of education should not only make the individual aware of his or her own rights, but should at the same time also instil respect for the rights of others.* ("All human beings..." , p8)

An essential condition for the human rights awareness is to succeed to embody the willingness to accept equal rights. Based on this willingness, it will be possible to strengthen the idea of freedom and equality against the racist and nationalist ideologies of bondage and inequality.

But we have to recognize that there is a widespread lack of willingness and even resistance to acknowledge equal dignity and rights. This resistance is already widespread amongst children and young people long before it becomes part of a political ideology of adults. It is easy when it comes to your own rights, but hard to be supportive of the acceptance of the rights of the others. The idea or concept of equal dignity and equal rights is not at all self-evident, but it is the result of civilization. It is one of the main challenges of human rights education to convince people of this idea again and again. It is through education for human rights that the value of this idea could be experienced in every day life at school and in the community. We have to make human rights an early life experience. *Human rights education aims to achieve universal commitment to the dignity and worth of each human person. It should be a collective endeavour of all individuals and agencies; it should be participatory and an exemplary practice of the virtues it proselytises for others* ('People's Decade of Human Rights Education'). Educational research shows conclusively that attitudes about equality and human dignity are largely set before the age of ten. Hence, human rights education cannot start too young.

Empowerment in this sense aims at the development of a balanced self-confidence. Only those who have experienced recognition of themselves are able to recognize the rights of others. Empowerment is a precondition for sharing rights and responsibilities with others. Empowerment works as prevention against the feelings of fear, stress, insecurity, powerlessness and inferiority which are the fruitful ground for excluding and discriminating others.

### **Tolerance competence**

In a broader understanding of the concept of human rights education as applied by UNESCO, tolerance education is already integrated, and the strategies against the distressing manifestations of old and new appearances of intolerance give high priority to tolerance education. The living conditions of modernization are enforcing the citizens to promote the growing variety and diversity of their own freedoms and endure the freedoms of others. At the same time, there is a need to explain the inner connections between human rights and tolerance for a better understanding. This applies first and foremost to the connection between the acceptance of equality and difference. Even when human rights of others are accepted in an abstract way only, intolerance still exists, very often towards what people actually do with their right to be free and different. Tolerance as a competence of citizens living in rapidly changing societies should not just be required or requested, but has to be learned. One has to be made capable of tolerance, and it is one of the utmost tasks of tolerance education to promote and reinforce the elements of this capability: to strengthen one's self-esteem and thus reduce the danger of undermining people's sense of security. People who like themselves do not see the necessity to debase and exclude others. From the dictum of the indivisibility of human rights, we obtain for human rights education

the claim of the indivisibility of human rights education. No society can guarantee human rights without making efforts to develop an awareness of human rights: the knowledge of one's own rights, the willingness to accept the same rights for others and to support the defence of the rights of all people according to one's own possibilities.

Finally, we are challenged to paving the way to a kind of sustainable human rights awareness. Today, we are facing new kinds of risks and threats. In addition to the stress coming

from the processes of social and political transformation as well as globalization, we are confronted with a new "wave" of global insecurity produced by international terrorism. Our tasks are becoming more difficult now: How can we avoid to fall back into a climate of fear and hate where human rights and tolerance are no more guidelines of our life. "It is a Herculean task to sensitize people at a time when life is becoming extremely difficult and fraught with dangers" (World Peace Center, Pune, p32).

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## THE ROLE OF CIVIC EDUCATION IN TRANSITION TO DEMOCRACY

Vakhtang Sartania,

Tamara Bakuradze

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Societies have long had an interest in the ways in which their young people are prepared for citizenship and in how they learn to take part in civic life. In the 1990s, there appeared a rapidly growing interest throughout the world in the development and implementation of educational programmes in schools that are designed to help young people become competent and responsible citizens in democratic political systems. It was connected with the fall of communist governments in Central and Eastern European States and their transition from totalitarianism to democracy, pluralism and a market economy. Such a transition creates many difficulties. Encouraging critical autonomous thought and establishing a firm base for civic education are necessary to facilitate this process.

The changes that took place in political and economical development of Georgia at the end of the XX<sup>th</sup> century deeply influenced the system of education which must prepare students for democratic citizenship. Democratic values in society must be to a great extent promoted by school teachers. Schools have to provide a solid basis for democratic changes. The role of formal education in building a civic society is great, though the question of promoting effective citizenship is also of importance to governments, policy makers and the public in general.

A new society cannot be built on the basis of an authoritarian school. The institutional environment of schools and the process of teaching and learning must be consistent with the objectives of peace, justice, cooperation and human rights. Education for democracy requires that teaching and learning should promote cooperation between teachers and students and among students in the classroom, apply active methods in order to involve students in investigating controversial issues through a critical analysis of all points of view and in solving problems through changes in personal behaviour, active participation and social action.

Today, the interest in civic education might be better described as a growing concern, especially in emerging democracies which are characterized by the coexistence of conflicting values, structures and institutions. Some values promoted by communism have been discarded (for instance, obeying the almighty state) and other new values have emerged (among them political pluralism and freedom of initiative). Some traditional values banned

by communism are enjoying a revival (such as religious beliefs), whereas other values have changed in their meaning or importance (for example, equality and solidarity).

The World Education Forum held in Dakar, Senegal, 26-28 April 2000, spotlighted the importance of education in promoting democratic citizenship. It was underscored that schools bear a primary responsibility for preparing students to become well-informed citizens and active participants in social and political life. They must transmit knowledge to successive generations concerning how democratic institutions are structured and functioning, the privileges and responsibilities that come with citizenship, and the need for constant vigilance to preserve these institutions.

The interest in educational programmes supporting emerging democracies is not surprising. Many countries in transition face the need to promote as quickly as possible the cultural changes that are essential if the political changes in progress are to be consolidated and made permanent.

But attention to civic education has not been limited to post-communist countries and other countries with fledgling democratic governments. It is apparent that there is a widespread recognition in the established democracies as well, that democracy requires more than the writing of constitutions and the establishment of democratic institutions.

Democracy is not just a set of institutions. It has to be a daily practice in which all individuals are aware of that they can influence, by virtue of their rights and through their deeds, the decision that affect their personal lives and the life of society as a whole. Ultimately, for a democracy 'to work', it must lie in the hearts and minds of its citizens. Democracy needs a political culture that supports it.

Civic education is essential to sustain and develop democracy. The habits of the mind as well as "habits of the heart" are not inherited. As Alexis de Torquille pointed out, each new generation consists of new people who must acquire the knowledge, learn the skills, and develop dispositions or traits of private and public character that under gird a constitutional democracy. Such disposition and traits must be fostered by study and by power of example. Democracy is not a "machine that would go of itself", but must be consciously reproduced.

Democratic free institutions belong to humanity's highest achievements. To preserve and reproduce them, civic education must develop an informed, effective and responsible citizenry. A free and open society cannot succeed without a reasoned commitment on the part of its citizens to the fundamental values and principles of democracy.

A democratic society is one in which human rights are respected, the individual's dignity and worth are acknowledged, the rule of law is observed, people willingly fulfil their responsibilities, and the common good is the concern of all. Making and preserving that kind of

society requires full energies and devotion on the part of its citizens.

Education for democracy is education for self-government. Democratic self-government means that citizens do not just passively acquiesce to the demands of others, but are actively involved in their own governance. As Aristotle put it in his *Politics* (c 340 BC), "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the governance to the utmost". In other words, the ideals of democracy are most completely realized when every member of the political community shares in its governance. Citizen participation in a democratic society must be based on critical reflection, and on the understanding and acceptance of citizens' rights and responsibilities.

Democracy is not utopian lest citizens become cynical, apathetic, or simply withdraw from political life when their expectations are not met. According to democratic ideals, widespread participation in politics does not necessarily ensure good government. The quality of government depends on the quality of participation. Well-informed and well-educated citizens are able to participate more intelligently.

To be effective, civic education must be realistic. It must aim at realistic teaching about the nature of political life. In a democratic society, the possibility of effecting social change is ever present, if citizens have the knowledge, the skills and the will to bring it about. That knowledge, those skills and the will or necessary traits of private and public character are the products of a good civic education.

Sir Winston Churchill once pointed out that school teachers have more power than all the ministers put together. These words sound very topical today. The success of developing and reinforcing democracy greatly depends on the teacher's knowledge of and attitudes to different social and political issues.

The success in civic education can be attained only through an interdisciplinary approach. It cannot be understood only as a domain of social studies.

Therefore, our pedagogical universities must supply future teachers with such knowledge, skills and methods which will enable them to promote democratic values in schools. In order to achieve such goals while training teachers at our universities, **we should apply the following approaches to teaching and learning in which**

- all institutions involved in teachers' preparation and further development must promote civic education as a field of study. Civic education should be thought of as a discrete educational practice. It needs to be clearly identified by educational institutions as a cross-disciplinary body of knowledge which can be applied in an across-the-curriculum approach to the many serious problems presently facing humanity;
- the institutional environment at pedagogical universities and the process of teaching and learning must be consistent with the objectives of peace, justice, human rights and ecological sustainability;
- the process of teaching and learning promotes co-operative practices between teachers and students and among students in the classroom, emphasizing in instruction and through curricula and written materials co-operative goal structures as opposed to individualistic or competitive goal structures;
- teaching and learning methods are active and process-based, used to involve students in an investigation of issues, to develop their critical thinking and the ability to utilize problem-solving techniques;
- appropriate methods of instruction are chosen, such as the small-group investigative approach with a view to implicitly and explicitly reinforcing ideas of co-operation, participation and equality amongst all members of the classroom community;
- programmes at all teacher training institutions are to be designed to teach broadly about economics that in the instructional process will help teachers teach about the connection between economics and political system;
- approaches to curriculum and instruction are utilized for promoting emphatic traits in students and encouraging them to see the idea of solidarity as one of the key factors in human survival.

## Global Terrorism and New International Order

Han Sung-Joo

### New Patterns

In the post September 11<sup>th</sup> period, we are all looking for the meaning of what happened and what is happening – not only for the countries directly affected but also for the world as a whole. Many people have noticed and pointed out that the series of events involving the terror attack in the United States on September 11<sup>th</sup>, and the military strike against Afghanistan on October 9<sup>th</sup> is changing the global order in a significant way.

First, the basic assumptions and behavioral patterns of U.S. diplomacy as well as that of other countries are changing. Some call it a "paradigm shift". The United States, for one, is now paying much greater attention to policy coordination with other countries and working with international organizations such as the United Nations. A similar change, if in a less drastic way, can be noticed in the foreign policy behavior of other countries, including Russia and China as well as the European countries.

Until September 11<sup>th</sup>, the Bush administration had been criticized for paying too little attention to such regional conflicts as those in the Middle East and in South Asia. Now, for waging war against terrorism, the United States finds it necessary to involve it actively in regional conflicts so that they do not go out of control. One can also notice a significant change in the relations among the major powers. Even though contentious issues among them remain, that major powers such as the United States, Russia and China, are emphasizing cooperation and mutual assistance in fighting terrorism. The current situation, which resembles something like a honeymoon among the major powers, may even present the opportunity for them to build a "system of concert", overcoming their rivalries and conflicting interests. As such, some regard that the post-Cold War period ended on September 11<sup>th</sup> and a "post-Post Cold War" era began.

Germany and Japan, which since the end of World War II have been constrained in playing their military and security role in the international arena, find themselves with the opportunity to expand such a role. This will help them move closer toward becoming a "normal state". The terror and the subsequent war against terror are also having an effect on local conflicts, particularly between India and Pakistan and in the Middle East.

Regarding a new global order, the United States will have to make a judicious use of the atmosphere of international cooperation and good will that has been fostered in the wake of the terror attack. President Bush said in his September 20 speech to Congress that "either you are with us or you are with the terrorists". This division of the world between good and evil has become known as the "Bush Doctrine". But the United States has to understand that the show of good will and expressed intention of cooperation are not necessarily the result of the Bush Doctrine but based on calculated national interest on the part of all the other countries. The United States has to make sure that the atmosphere of cooperation and good will is maintained and nurtured. It is important for the United States to place emphasis on coordination, cooperation, consultation, and concert as it is waging war against terrorism. This will also serve as a good guideline in the foreign policy of the United States or any other super-power beyond the anti-terrorist struggle.

Clearly, a new global order is in the making. But the situation is extremely fluid at present and it is impossible to even sketch what kind of an order that is likely to be. All we know is that it is not likely to be a "bi-polar" world as during the Cold War period. Nor is it going to be a "unipolar" world that seemed to be emerging in the post-Cold War era. Neither is it going to be a system of "balance of power" or multi-polarity as in the 18<sup>th</sup> and 19<sup>th</sup> centuries Europe. Surely, the world will not see any time soon the coming of a global government based on international organizations such

as the United Nations. What we see today instead are only signs and indications of the kind of the world that is likely to emerge when the dust settles down, and the terrorist threat dealt with even in a provisional way.

Configuration of power relations aside, what is happening to the nature and substance of the world order? Are we seeing the eclipse of the so-called Westphalian order, or the state system as we know it? Are we witnessing the on-coming of the clash of civilizations, as Samuel Huntington warned us against eight years ago?

Since the end of the Cold War, and particularly in connection with globalization, we have been accustomed to the notion that the world is becoming interdependent and borderless. Indeed, the state system seemed to be facing a serious challenge from three fronts. The first came from globalization – globalizing of economic activities, communication and information, which tended to make borders and sovereign distinctions less and less relevant. The second challenge came from the increasing practice of what has come to pass as "humanitarian intervention". In the name and interest of humanitarian considerations, intervention in the domestic affairs of another state and thus violation of presumed sovereignty were undertaken in greater frequency than during the Cold War years. The third challenge to the state system came from two contradictory sources – regionalism on the one hand expressed in such regional community building as the European Union and localism on the other expressed in ethnic conflicts such as Bosnia, Kosovo, Rwanda, East Timor, and Chechnya.

Following the 8/11 attacks, some people have observed that the current state system, a system supposedly built on the "Westphalian model" has proven to be inadequate and is likely to be modified. Osama bin Laden's parasite-like operation is itself an attack on the state system, trying to undermine the state (even within the Islamic world) while using the existing states as instruments of their attack. Certainly, international terrorism makes cooperation and coordination among states all the more necessary.

It seems, however, that, as a challenge to the existing state system, the terror attacks are having the paradoxical effect of both weakening and strengthening the existing state system. Al Qaida is trying to pit the whole Islamic population against the existing states and governments, both in the infidel and Islam worlds. However, when there is crisis and serious threat to security, people immediately turn to the state for protection and remedy. People are galvanized with patriotism and are willing to give more power to the state, even if that means sacrificing individual liberties. The state becomes an even more important entity relative to global organizations such as the United Nations or regional bodies such as the European Union. For example, NATO countries including Great Britain, Germany and France collaborate with the United States in the war against terrorism on a state-to-state basis rather than within the NATO or EU framework. September 11<sup>th</sup> has made states in advanced countries stronger, and states in less developed countries, not to mention failed states, weaker. It has hurt the poor countries more economically, what with falling commodity prices and decreasing investments and assistance.

United Nations sanctions are important for legitimizing military actions by the United States and other countries. However, it is ultimately individual countries that will act militarily and provide physical support for the war on terrorism. The permanent members of the Security Council are even more unabashed in acting as the main stock-holders of the international organization and on the basis of primarily their respective national interest. In this sense, September 11<sup>th</sup> has the effect of reviving and rediscovering what is known as realism in international politics, realism that recognizes the supremacy of the state and national interest defined in terms of power.

### **World of Complexity**

Thus, the September 11<sup>th</sup> attacks and their aftermath make the global situation even more complicated than it already was. Writing in the *National Interest* journal just before the terrorist

attacks, Henry Kissinger identified four different international systems existing side by side, making today's world one of unparalleled complexity. He talks about first an international system of peace based on democracy and economic progress, a system that can be found in relations between the United States and Western Europe and within the Western Hemisphere. Second, there is the real politics world of Asia where countries such as China, Japan, and possibly Korea and those in Southeast Asia are engaged in the 19<sup>th</sup> century European practice of balance of power. The third order, according to Kissinger, is found in the Middle East conflicts with mainly ideological and religious roots and, therefore, to which the Westphalian maxims of compromise and co-existence do not apply. Finally, there is the African international order which has no precedent in European history.

Whether one accepts Kissinger's classification or characterization, it is easy to recognize the mixture of international systems co-existing and in many cases in conflict with one another in today's world. The challenge is for us to recognize and identify the complexity of the global relations today and find ways to deal with that complexity.

As Huntington himself stresses, the current struggle may not represent "clash of civilizations" as such. Indeed, it does seem that religion is not the most important fault line in the conflict although it is a key element in it. What is the clash all about, then? Many fault-lines have been suggested and I think they all have an element of truth. The fault-line exists between civilization and anti-civilization, between the fundamentalism and modernity, and between the state system and the anti-state believers. Even as the war against terrorism is being waged today, once we identify it, we should examine why the fault-line came about and what can and should be done about it.

Writing from prison for the *International Herald Tribune*, Anwar Ibrahim emphasized the importance of the growth of democracy as the answer to terrorism. In Anwar's view, for the educated class and the young professionals, the absence of room for civil society and the space to express their political and social concerns foster hotbeds for radicalism and extremism. Clearly, there are other as important reasons for terrorism as the lack of civil society in many troubled countries. But it is certainly a point the world, particularly the Islamic world, should heed to.

I think we have to admit that we have been a bit too complacent, if not euphoric about the new century. While recognizing the problems and challenges we face, most of us expected that dissemination of the market economy and democratization accompanied by free trade and investment will alter the nature of our respective societies and the world order. Some even anticipated the universal triumph of the market economy and liberalism. It was expected to result in ideological uniformity. According to this view, in place of ideology, functional and technological issues would become the main concern. Such a scenario may still unfold, if only over a relatively long term. Yet, we are facing at best detours and postponements. First, we have to deal with the global threat of terrorism, its sources, and its effects.

### **Role of the Think-Tanks**

If there are some positive consequences of the calamitous events of September 11<sup>th</sup> and the aftermath, it is the recognition by many countries, particularly the United States and the rest of the trilateral countries of America, Pacific Asia and Europe, the importance of multilateralism, globalism, peace and concert among the countries, and global governance. The terrorist acts have emphatically proved that neither unilateralism nor isolationism is the answer to the unprecedented challenge that the world faces today. At the same time, they have given rise to both the need and opportunity for cooperation among the countries, particularly the major powers, and more active and effective global governance, not only in economic, but also in security, political and social affairs.

And these are the values that the members of the Global Think net all share, if I am not mistaken. Add to these values – multilateralism, globalism, concert, global governance – belief in democracy

and global civil society, and you have what I would call the ideology of GTN (Trilateral Commission). Furthermore, these are not only values, but tasks that its members must perform to promote. That, I believe is the role of the intellectuals and thinkers in the post 9/11 period. The tasks have become even more important and critical in the aftermath of the September 11<sup>th</sup>.

So what is the role of the think tanks and intellectuals? First let me stress what I think think-tanks and intellectuals are not. They are not to replace or substitutes for governments and bureaucrats. They can only supplement and complement what the latter can do. Neither are they representatives of or subordinates to government officials. They exist and act on their own although they can operate in concert with and in support of governments and their representatives.

As such, they have advantages and disadvantages over their government counterparts. The advantages are that they have greater freedom, more continuity, longer-term perspective, less constrained by either politics or what is considered as "national interest", and probably more expertise. The disadvantages are that they have fewer resources, both in funds and information, lack the mandate by virtue of having been self-appointed for the most part, and face the likelihood of being unappreciated and worse yet dismissed by the governments.

Given these advantages and disadvantages, think tanks and intellectuals can play at least five important roles: first, to serve as analysts and critics of government policy and public happenings. In Korea, there is a saying which goes, "A monk cannot shave his (her) own head". Second, to make recommendations and take initiatives. Asian ISEAS, for example, was instrumental in the creation of ARF and initiating the Asian plus Three summit meetings. Third, to train and recruit policy makers as well as those who would implement policies. Fourth, through networking, to serve as channels of communication, means to coordinate views and policies, and venues to promote understanding. Last but not least, to identify and define issues, dangers, opportunities and tasks.

These roles of think tanks and intellectuals, which were important before September 11<sup>th</sup>, have become even more critical after the terrorist attacks. There is an additional task, though. That is, to bring into dialogue and exchanges intellectuals and thinks tanks of the countries and areas, with which the trilateral countries have had limited contacts and exchanges, if any, particularly those of the Middle East and Africa. This is not going to be an easy or inexpensive enterprise. But it is certainly a task that would be worth pursuing.

## Untenable Dualism: Tradition and Modernity. The Challenge of Human Rights in Islamic Countries

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Ardeshir Amir-Arjomand

### □ Cultural and Legal Dualism

Islamic countries suffer from a principal dualism in all economic, social, cultural, administrative, and legal fields. Two modes of life on theoretic and practical levels challenge one another: a modern model with a European facade, and a traditional model.

One of the most obvious facets of this dualism in the legal field is the challenge between human rights and the traditional and Islamic culture. It is more than a century that the problematic issue of fundamental rights has reached a dead end between the modern culture and traditional culture, especially in countries which have been accustomed with western culture before the others (e.g. Iran, Egypt, Morocco, Tunisia), and this has created social and political crises in these countries.

After the collapse of the Eastern Block, the topic of human rights has gained a new scope and extent and has transformed to one of the principal aspects of international relations as a dominant ideology. On the other hand, with the development of communications and information technologies and the acquaintance of Muslims, especially the youth, with other cultures, especially Western culture, nascent

and very powerful demands and pressures have come into existence within Muslim societies for an open political atmosphere and the observance of fundamental rights and freedoms therein. Pressure from international fora and national advocates of modernization have caused serious, and at times violent reactions from traditionalists. The governments of these countries adopt measures in bewilderment and usually without having a specific theory and strategy. These measures are at times adopted in response to, and with the aim of relief from, international and national pressure for the observance of human rights, and at times they are adopted for the benefit and consolation of traditionalists.

I do not intend to choose one of these models or offer a solution for a compromise between these two, but rather to point to the most important challenges of human rights in the Islamic world by stressing some of the legal aspects of this dualism and to note that in principle, no solution for the effective promotion and development of human rights in the Islamic world can reach the desired result without consideration for this dualism.

### □ The theory of human rights law and the position of traditional Islam

Every culture basically alleges to regulate three kinds of human relations:

human-transcendent, human-nature, and human-human. The culture and theory of human rights law in its modern form, has its roots in the humanism of the renaissance

epoch. Locke and Rousseau, who are generally considered to be the fathers of human rights law, were in fact adherents to Grotius', Hobbes', and Pufendorf's line of thought, namely, the modern school of natural law.

According to this theory, humans are born with rights that are derived from their special nature, independent from God or humankind's will. This theory has led to the differentiation between religion and politics, the Church and the State, the secularization of society and law, the prevalence of human reason, and the recognition of the global values stated in the Universal Declaration of Human Rights. On the other hand, it seems that it is antinomic with the traditional culture of Islamic countries, which with differing degrees, depend on, and adhere to religion regarding the status of humans, and the dominant interpretation of Islam, which is carried out by the voluntarist tendency (*Ahl Al-Hadith*) with a literal interpretation (*Hashwiyya*), according to which God's will is absolutely free and no *Lex aeterna*, and *a priori*, no *Lex naturalis* is imaginable. The integration of religion and politics, "religionization" of society, prevalence of Islamic law and complete dominance of divine values (uninterpretable and strictly unchangeable) according to the governing classes' interpretation of revelations, are the results of this theory. In such an Islam, humans are merely considered as servants (*abd*), in other words, servants of God's absolute free will. Such an interpretation of Islam is antinomic with human rights law, because a free human has no place in it. Thus by the comparison of Islamic law norms and human rights norms, we witness a principal contrast in three fields:

Equality: international human rights instruments declare the equality of humans, especially men and women, whereas in traditional Islamic law and jurisprudence (*fiqh*), men and women, Muslim and non-Muslim, the free and the slaves do not have equal rights.

Freedom of opinion and religion: freedom of opinion and religion are considered to be fundamental rights of humans, whereas a Muslim is not permitted to change his/her religion; otherwise an apostate may be punished by death.

Islam authorizes corporal punishments (*hudud, tazir*), which human rights instruments consider to be contrary to physical integrity and human dignity.

A review of the United Nations' instruments regarding the violations of international human rights norms in Islamic countries, especially those with a religious government, confirms this contrast. Nevertheless, attempts have been made in Islamic countries to reach a compromise between Islam and human rights on two levels:

- The Islamicization of human rights
- The modernization of Islam.

#### □ The Islamicization of human rights:

On this level it has been attempted to present the cultural values of human rights in the form of traditional culture. For example the principle of equality of men and women is explained within the framework of Quranic verses regarding the unitary origin of the creation of men and women. The obvious institution of this process in the positive law of Islamic countries is the inclusion of the fundamental rights and freedoms expounded in the Universal Declaration of Human Rights in Constitutions with the proviso that they do not contradict Islamic law, and also the accession to international human rights treaties with a similar reservation.

The Islamic Declaration of Human Rights, which was adopted unanimously in 1990 by the conference of foreign ministers of the member States of the Organization of the Islamic Conference in Cairo, and also a part of the Arab Charter on Human Rights of 1994, especially its preamble which emphasizes Islamic values and their observance, are worthy of note in this regard.

As experience and objective realities of Muslim countries have shown, this method has a limited effect in solving the existing dualism, due to the fact that it generally concerns itself with creating a compromise between the facets of principles and values relative to two cultures and legal systems.

The process of the Islamicization of human rights began in the 19<sup>th</sup> century in Muslim countries, which had closer relations with the west, and afterwards, most Islamic countries have more or less adopted this method. Unfortunately, the history of human rights law in most Islamic countries at the threshold of the third millennium has stopped at this first level.

#### □ The modernization of Islam:

In this stage, traditional values are expressed, interpreted, and remodeled in the function of modern human rights law. In other words, in this stage Islam is made compatible with modernity and the necessities of the times. But the main question is whether this is possible? This modernization of Islam is certainly incompatible with the traditional, static and monologized interpretation of Islam, because principally, in modern culture not only isn't there a unique interpretation of religion acceptable, but also one of human rights or democracy would likewise be unacceptable. Fortunately if revelations are divine and Godly, their interpretations are certainly pertinent to mankind, and therefore there exist different interpretations of Islam.

In the early tenth century A.D. (fourth century *hijri*), the rationalist tendency (*Ahl-al-ray*) defended the rationalism and justice of God and, accordingly, the freedom of humankind by a rational interpretive method (*Ta'wil*). According to this interpretation, God is necessarily rational and His acts are undoubtedly purposeful and this very ultimate guidance is the best and most prosperous aim for humankind. In other words, the universe is subject to a law: the law of divine rationality (which St. Thomas named *lex aeterna*). This law has released nature from subjection to any free will and, considering Gods justice, humans are responsible for their deeds and they are free to choose between right and wrong. Divine commandments do not cause things to be good or evil, but rather, these are independent from revelations and depend on, and are derived from, their own nature, and the human mind

has the ability to understand them. In other words, according to this theory a *lex naturalis* exists which every human being, Muslim and non-Muslim alike, can discover, and every Muslim must act in accordance with it.

This interpretation of Islam is compatible with the theory of human rights law. By this rational and dynamic interpretive method of revelations, the modernization of Islam becomes possible. Today, discussions regarding the modernization of Islam (considering the functional limits of the Islamicization method) are seriously being followed in some Muslim countries, especially countries like Iran, which has a religious government and a specific social and political dynamism in which the youth constitute a major part of its population and in addition to this, the practical experience achieved by the implementation of Islamic laws and the problems related thereto.

After a strong reaction to the imposition of modernization (the Islamic revolution of 1979), this country is witness to a modernization that is brought about by a social dialectic within society and hence, may be tenable.

A slow and gradual, but consistent retreat of the traditionalists of static Islam regarding cultural-legal issues, including judgment of women, rights of women within the family, their ability to achieve important governmental posts, freedom of opinion and religion, rights of minorities, vicious

physical punishments, the principle of the rule of law and democracy can be seen, notwithstanding the fact that once in a while serious and at times violent reactions, which may no doubt cause the modernization process to slow down, but nevertheless lacks the power to stop it, are shown in relation thereto.

Finally, I would like to emphasize the role of the rule of law and democracy in the modernization of Islam.

Essentially it seems that any objective change in Islamic countries regarding the progress of human rights observance, requires the modernization of the government within these countries. The establishment of the rule of law is undoubtedly the *sine qua non* of human rights observance on a national level, and the promotion and escalation of human rights requires the escalation of the rule of law from the formal level to the material level. The archaic structure of some Islamic states under present conditions is a bar to the establishment of the rule of law even in its formal form. In those Islamic countries wherein the governmental structures have been modernized, the rule of law has not reached the material level due to the fact that in those countries democracy is not established. The rule of law, which is a precondition for the realization of human rights, is a democratic one in which all citizens without distinction as to race, sex, language, or religion, participate in their political and social determination.

With the establishment of the rule of law and democracy in Muslim countries, the challenge of modernity and tradition will be resolved by a social dialectic within society. In this case Muslim countries can overcome the existing deadlock of human rights on the municipal level and take active part in the formation, development and evolution of human rights on the international level.

When the governments of Muslim countries become the real and rightful representatives of their people and the laws prevailing over these countries reflect the true collective conscience of their societies, then these governments can, actively and legitimately, participate in the formation, development and evolution of universal human rights, namely the values that the collective conscience of the international society considers necessary for human dignity and states and people are obliged to respect, by emphasizing cultural diversity and the right to their identity in its public and collective aspect.

## **WINNING THE WAR AGAINST TERRORISM BY NATION BUILDING**

Robert I. Rotberg

Is the United States prepared to govern Afghanistan? Does Washington and do Americans have a new willingness to sustain an intervention in very uncomfortable circumstances? Official talk against the Taliban regime, opposing men who require long beards and forbid women's work, and being rightly critical of repression in Afghanistan, implies a desire to oust the country's current rulers. But are we ready to install a successor, and to support a new set of rulers for years to come?

President Bush is still against nation building. But if we back the minority Tajik-Uzbek Northern Alliance against the Pashtoun Taliban, and hope to arouse anti-Taliban dissidence within the Pashtoun majority, we need to provide assurances about sustained support. Relieving ordinary Afghans of oppression is worthy and moral in the circumstances, but to be credible, and to arouse local allies, Washington needs to be clear about its commitment to the transformation of Afghanistan.

Afghanistan is among the very poorest and least open nation states on earth. It ranks at the bottom of most leading indicators – basic freedoms (especially freedom from want), economic opportunity, health, education, and satisfaction of human basic needs – and toward the top in terms of rising infant mortality and increasing shortages of food.

Afghans desperately need our help. They have never known good and responsible governance. To help resuscitate the Afghan economy and society, to restore basic human rights, and to provide a little freedom from fear and oppression would be noble and hard. It would be a proud undertaking, emblematic of everything for which the United States stands.

If we merely seek the assistance of the Northern Alliance to apprehend Osama bin Laden and break the back of al-Queda, and supply the Alliance with the financial backing and weapons that they desperately need, we will surely be involved in their attempted reconquest of the country. Are we prepared to carry through? Are we prepared to join the Northern Alliance and, if it is successful, to withstand Pakistani opposition?

U. S. Special Forces are very capable, but plucking bin Laden out of fastnesses in the remote mountains and valleys of Afghanistan may not be enough to win the war against fanatical terrorism. That is why Washington will, by the logic of search and destroy, because of the logistical backwardness of the area, and because of Afghanistan's lack of modern governing institutions, be compelled logically to go deeper into Afghanistan than now seems desirable. To complete the mission, Washington may need not only to extirpate, cordon off, and destroy, but also to reconstruct and then to guide a new government. The parallels are to East Timor much more than to Vietnam.

The post-September 11 world is difficult to contemplate in innumerable respects. One of those realizations is that Washington, despite its desire not to be involved too intimately in troubled countries, will now have to take on the nation building responsibilities of a superpower.

If the threat of terrorism is to be reduced, if not eliminated, Washington has to show that it is serious, strong, and prepared to dirty its hands.

Defeating terrorism calls for many battles and enduring engagement. To win the war as well as the opening encounters demands demonstrating the advantages to the downtrodden and impoverished throughout the world of beneficent governance. If our mission is too narrow and too tightly self-interested, we stand to lose the long-term battle for the hearts and minds, and the bellies, of those who seek better opportunities and might appreciate our help.

Tolerant Islam is compatible with righteousness and improved living standards. The U. S. can assist in uplifting many parts of the globe without imposing a way of life. It can help develop disease prevention, potable water supplies, and schooling, and it can act to nurture open forms of participatory government. But if the U. S. wants to win the war against terrorism, it cannot intervene and then walk away. These terrible times demand dramatic new responses to a world that has been forever changed.

## Human World and a Culture of Peace

Prof. Yuri Svatko

Today, on the edge of two millennia, the human world faces the urgent need of giving a new meaning to the old experience of 'insular' or 'block' thinking while looking for new self-determinations. They are no more attainable by the usual means of either force confrontation or cultural arrogance and are not enunciated in familiar terms from the age of social experimentation and closed borders. The actual 'Zeitgeist' testifies a gradual transition to a new living space whose unity has been dramatically discovered to the XX<sup>th</sup> century as Human World.

The Human World is established as practical experience of solidarity by vital creation of individuals and peoples. Any challenges within the Human World do not require alternatives, but non-violent answers equal in value on the multi-language forum of cultures. The opposition of traditional 'Yes!' or 'No!' involves *exclusions* which, in the Human World, necessarily entail the eventual exclusion of Man. To understand it means to discern in the forthcoming millennium the probable profiles of a new age, the 'Era of Tolerance' the true bound of which is social peace.

Today, a world like this in many respects is peace through culture. It is culture as the true expression of the Human World, its specific 'environment' where a man is always 'at home'. Therefore the contemporary age objectively is a time for culture and intense intercultural dialogue, a time for human rights, solidarity, democratic participation, sustainable development, freedom and positive pluralism of opinions. In other words, it is a time for a culture of peace - as the new *mode of living* when those effective in the Human World power, law and order, being traditional constituents of a common social organism, are in harmonic concordance which is practically realized in civil society.

Conceptualization of a culture of peace along with practical 'peace-making via a culture of peace' is a priority activity of UNESCO and its constructive contribution to the peace-making agenda of UN. Amongst respective institutions and research centres (also in the frame of the trans-disciplinary project of UNESCO '*Towards a Culture of Peace*'), the 'peaceful' UNESCO Chairs are called upon to play an important role. Today, their constructive efforts take on special significance, *inter alia*, for European countries where important and sometimes painful democratic reforms in the Centre and the East of the continent are accompanied by, none the less, most difficult attempts of cultural self-identification 'over' the national borders. The emergence of such a constitution in the independent Ukraine significantly emphasizes its 'being included' into the European context of the Human World.

The UNESCO Chair on Human Rights, Peace, Democracy, Tolerance and International Understanding was created at one of the oldest universities in Eastern Europe - 'Kyiv-Mohyla Academy' (UKMA), re-established in 1991 - according to the Memorandum on Co-operation between the Ukrainian Government and UNESCO (Nov. 1997) and is effective in virtue of the bilateral Agreement between UNESCO and UKMA (April 1998). Its activities in the frame of the UNITWIN/UNESCO Chairs Programme have interdisciplinary character, serve for consolidation of inter-university co-operation and international scientific relations.

Today, the Chair is an authoritative research and teaching/learning centre accumulating efforts of foreign and Ukrainian specialists in the field of typological study of issues related to peace and tolerance as well as the propagation of practices of inter-community

understanding and the mutual enrichment of cultures beyond any sexual, religious, political, national and language differences.

In 1998, in cooperation with the University of Marii Curie-Sklodowskiej, Lublin/Poland, the Chair initiated the international research project 'European Models of Tolerance' which was 'crowned' by a representative international scientific conference in May 1999, Rzeszów/Poland, attended by philosophers and scientists from Poland, Ukraine, Byelorussia, Lithuania, Czech Republic, Slovakia, Slovenia and Russia. In March 1999, while preparing the International UNESCO Conference

'Democratic Governance and a Culture of Peace for the Countries of Eastern, Central and South-Eastern Europe' (Kyiv, Ukraine), the Chair published the Kyiv Declaration 'For Democratic Governance and Culture of Peace' and proposed a variant of the 'Action Plan in Support of Strengthening Democratic Governance and Consolidating Culture of Peace' which was taken in account in the final conference documents. Resulting from the Chair's participation in the conference, the publication "*Ukraine – Europe: Towards a New Millennium*" was issued in May 1999.

Summing-up the most significant other contributions made in this regard by the UNESCO Chair in close cooperation with the National Commission of Ukraine for UNESCO, the following are worth mentioning:

- Joint establishment, with the UNESCO Chair 'Philosophy of Human Intercourse', Kharkiv, of the inter-university network 'Culture of Peace through Communication' (1999 - 2000)
- UNESCO Chair's Summer School 'Millennium-III: Dimensions of Human Civilization' devoted to the European models of tolerance and philosophical dialogue (1999 - 2001)
- Publication of the pilot textbook 'European Models of Peace and Tolerance: from Antiquity till Nowadays' for Ukrainian universities (1999 - 2000).
- Establishment of the national system of pedagogical enhancement of secondary school teachers focusing on human rights, culture of peace and tolerance under the headings 'New Teachers — for the New Ukraine' and 'School of Active Teaching Strategies' on the basis of 10 Collegiums affiliated at the National University of 'Kyiv-Mohyla Academy' (1999–2001)
- Creation, at the National University of 'Kyiv-Mohyla Academy', of the post-graduate Certificate Programme 'Culture of Peace' for representatives of local governments, NGOs, mass media and others (2000–2003)
- 'Institutionalization' of action for a culture of peace through a taught discipline and the establishment of the national system of continuous education in the field of human rights and culture of peace by means of up-dated distance learning (2000–2003)
- Establishment of the innovative National Centre of Teaching Effective Communication and Mediation in Peaceful Conflict Resolution (2001–2005).

Dynamism, expanding contacts, growing interest of youth, openness to new ideas and strong human resources - these are encouraging results of almost two years of existence

of the UNESCO Chair at the UKMA. Today, turning around to face the world culture in the annual project of the season's youth musical subscription 'Symphony of Peace', developed

in partnership with the Chair of 'Early Music' at the Ukrainian National Academy of Music 'Peter Tchaikovsky' and with several musical organizations from Netherlands, it transforms itself along with the Human World — the world of tireless personal creation within history, looking for its own cultural self-determination.

Entering the XXI<sup>st</sup> century under the grand mottoes proclaimed in the UNESCO Charter

concerning intellectual and moral solidarity of mankind in the hope for a sustainable democratic future of all peoples, we are not yet sure, what is to crown this epoch of personal victories and defeats. And yet to share intelligently its truth and its life - means to become a substantial part of this world and to advance the time of its final unity therewith - the time which is called PEACE.

# Reflections on mayor hurdles facing the socio-economic development in the Asia-Pacific Region and on initiatives to be taken for social progress and peaceful co-existence

VISHWANATH D. KARAD

## PREAMBLE

The Asia – Pacific Region is a peculiar region characterized by existence of various types of dichotomies, contradictions and history replete with variety of social, religious, political and cultural upheavals. There exist multi-racial, multi-ethnic, multi-religious and multi-lingual societies with problems of their own. The geographical locations and conditions also contribute to the diversities of extreme nature. There are countries in the region, which are highly populated with maximum density and also those with the least density in the world. The contrast becomes all the more glaring when we look at the wide economic disparity: on one side, we have highly developed, prosperous and rich nations like Japan and Australia, and on the other side, there are countries like Bangladesh, Myanmar and others with stark poverty. Some of the countries of the region are also characterized by such large differences in all spheres of life, which cause their own problems.

## ISSUES

The multiplicity of races, religions and languages on one side and wide disparities in the economic conditions, socio-cultural aspects, political and geographical conditions on the other hand, have given rise to numerous problems resulting in conflicts and clashes, with peace relegated to the background.

### 1) Ethnic, Religious and Language Discrimination

If we look at the racial or ethnic aspects of the issue, we find practically all races of the world abound in this region, with each race trying to dominate over the other or trying to usurp a lion's share from the developments that are taking place in the state and/or region. But the most disturbing aspect is the differences of extreme type based on religion.

It is interesting to note that the founders of the major religions of the world, be it Hinduism, Christianity, Islam, Buddhism, Zoroastrian, Jainism, Sikhism etc originally belonged to this region and taught religious tolerance, apart from other good things of life based on time tested human values. However, religious conflicts continue to plague the nations of this region. Religious fundamentalism is taking the form of militancy of an extreme nature with very little value for human life. People from one religion look at others with suspicion.

Even though religion is faith, but faith between religions is becoming rare. Religion instead of becoming a binding force, is tending to be a cause of discord and even a minor issue or even non-issues become the causes of major conflicts and can eventually, in some cases, escalate to war, the moment religious colour is given to them. Such problems are intra- and international in nature as can be seen from the numerous cases that we observe time and again.

Some of the countries of the region have further a sub-division on the basis of castes and sub-castes and cults within a religion. Conflicts and clashes among the various sections/ cults of a religion also take place in these countries periodically by some fanatic groups, thus threatening the Harmony and Peace of the region.

In some of the countries, though there is no state protected discrimination based on caste, creed, religion or race, but still people, do discriminate and this leads to unpleasant situations and breach of human rights.

Linguistic differences also have been creating problems leading to clashes amongst individuals, groups of people and states.

## 2) Non-Democratic Governments in some countries

Political opportunism and non-democratic forms of governance in some countries are also responsible for variety of problems, including violence and bloodshed and as a result, "Peace" is available only at a premium. These are responsible for absence of peace not only in that particular country but also for creating trouble across their borders. The "medieval" practice of imperialism and expansionism of geographical boundaries still persists in some states and sometimes very trifling issues about the borders of the nations create major conflicts and even lead to war at times. This is creating very great fear complex in the minds of common people

## 3) Extreme Economic Disparity and Poverty

Barring a few countries of the region, most of the countries are economically backward and quite a few are below the poverty line. Extreme poverty in some of the countries is depriving the people even their basic necessities of life i.e. potable water, food, clothes and shelter. These conditions lead to unrest, conflicts and naturally to a disturbance in peaceful co-existence of the common people. Poverty pushes the person towards the extreme form of reaction ultimately resulting in violence, as it is closely related to one's survival. In fact, at times, a conjecture is arrived at that, and the entire problems crop up and peace is disturbed mainly because of economic inability of the people to sustain them. The geographic conditions of a country aggravate such problems, thereby further escalating the violent behaviour and conditions.

The problems of the developing countries are of a most severe type with the advancement and adoption of high technology, which is taking over all the functioning of labour, technicians and ancillary jobs which ultimately will cause large-scale unemployment. The fear complexes caused by these factors are resulting in conflicts, agitation and even anarchy in certain places.

## 4) Child Labour

One of the most unfortunate practices in some of the countries of this region is that of child

labour. UNICEF and most of the countries of the world have totally banned the child labour. But a majority of the countries of the region being relatively very poor, the parents are forced to seek jobs for their children to earn the daily bread for themselves and for their children, otherwise they will be without any food for survival. In spite of very sincere efforts by the Human Rights Activists and authorities of National Human Rights Commission of respective countries, in protecting the Human Rights, in particular the children's rights, they are helpless in redeeming the position. It is a piquant situation, which needs due consideration by all the right thinking people of the world so that these poor children of the region can also get the proper education and lead a normal happy life later.

## 5) Problems of High Population

Asia – Pacific Region possibly has one of the largest growth rates of population in the world. In fact, some of the countries of the region lead the world in this regard. Increasing population creates undue demands on the limited resources, which every country has. This in turn results in variety of problems like illiteracy, poverty, social tensions etc. because of the fast erosion of the limited resources available from the Mother Nature.

## 6) Health Related Issues

The Asia – Pacific Region, because of its poverty and over-population, faces the problems of malnutrition and lack of healthcare. A variety of tropical and other diseases play havoc with the life of the people of the region. HIV AIDS which had its origin elsewhere outside the region is threatening to become a fast spreading epidemic in some countries of the region because of ignorance and poverty. This not only affects the people's health but also the peace of mind and hence of the community.

## 7) Illiteracy – a Major Hurdle in the Development

One of the reasons of backwardness and the consequent problems of Asia – Pacific Region is comparatively large illiteracy in some of the countries of the region. Illiteracy leads to ignorance. Obviously, the lack of education comes in the way of development, economic independence and a peaceful environment.

The world bodies and some nations are working hard for this cause of education with a commitment that no one should be deprived of the basic human right to receive education because of social, economic, political, cultural or religious considerations. It is an internationally accepted fact that the prescription to progress is only through education and understanding, however still there is lot to be done in this literacy programme in these developed and under-developed countries of this region.

In the present circumstances, the status of education all over the world lacks the spirit of social cohesion. Therefore, we see and experience all kinds of students' unrest, agitation and discrimination.

In some countries of the region, illiteracy is selective; that is, there is gender bias. Education of the girl child is looked down; in fact it is totally ignored and considered as an avoidable burden.

### **8) Globalization and Related Issues**

Globalization is affecting and changing the entire world scenario in different spheres of life. Its influence on the developing countries, including most of the states of Asia – Pacific Region needs careful attention of the world bodies and the developed prosperous nations of the world. The signing of the WTO regulations by most of the nations of the world has created a different impact on the developing nations and it is one of the biggest challenges for the local industries and organizations. These developing nations are already facing economic recession and a high level of unemployment. A proper understanding of their problems, economy, local production of the various goods, market forces etc is necessary, or else the local economy will collapse if the market is flooded with imported goods of all sorts. Competition should be on a level ground. Any further imbalance will lead to chaos and unrest and will be detrimental to the peace of the region. United Nations, UNESCO, World Bank, IMF and ILO must come together along with WTO, discuss and evolve a global strategy which will provide various safeguards to these countries and ensure healthy economic growth of all nations.

Most of the developing economies are require incurring huge debts towards the borrowings

made from the international funding agencies and some of the developed countries. These economies are required to conform to the standards and guidelines laid down by the leading agencies, which may not be in conformity with the local conditions, creating anomalous situation not palatable to them. Further, this builds a pressure on the balance of payment situation of the economy as a whole in the long run. These may create unrest and economic collapse of the borrowing countries, as has already happened in some cases.

### **9) Environmental Problems**

Environmental issues that are stalking the world with grim consequences need to be addressed. Global warming is already providing us with danger signals. The melting of snow in the polar regions, rise in sea water level at various places, the hole in the ozone layer, etc. tell us where we are heading.

Another alarming trend is indiscriminate exploitation of natural resources and their depletion at a very fast rate. The future generations will be the biggest sufferers. This is causing ecological and environmental imbalance, which will affect the very survival of this beautiful planet of ours.

Globalization is causing another danger of heavy pollution in some of the developing poor countries, as the multinationals are shifting all the polluting chemical and other industries to this area, which will making this area as a dumping ground for hazardous material.

### **10) Nuclear Stockpiles**

Apart from the various problems discussed above stockpiling of nuclear arms by various nations is certainly creating a threat of, if not a nuclear war, but possibly an accidental blowing-up of stockpile of nuclear and biochemical arms or a misuse of the same by some fanatic groups cannot be ruled out and this may endanger the very life on this earth.

In spite of the threat of cold war receding, the build-up of nuclear weapons continues to take place; the super powers continue to have the option of their use.

## INITIATIVES TO BE TAKEN FOR SOCIAL PROGRESS AND PEACEFUL CO-EXISTENCE IN THE REGION

### 1) Need for Interfaith and Inter-Religious Dialogue

The various problems faced by the region need to be tackled in a humane way, if peace is to prevail in the region. The problems which are not of anybody's making will continue to be there even otherwise, but it needs to ensure that they do not lead to any violence and instead are converted into opportunities for the people to come together and work ceaselessly in the interest of one and all. Ethnic differences will continue to be there, but it is the positive humanitarian aspects of all religions and races or the diverse groups, which need to be brought together and woven into a fabric of peace, love and universal brotherhood.

Communal politics is making its presence felt in a very intimidating way. Therefore, we should work against such evils and unite the people, by creating an environment of Harmony and Peace in the minds of the public, so that they should not be carried away by the evil forces which indulge in communal hatred resulting in riots.

All the religions of the world are true and equal, and they teach the same principles and time-tested values of life and living, though there may be some differences in their practice. It is very much necessary to augment interfaith and inter-religious dialogue further which will help not only in reducing tension and resolving conflicts but also can contribute in a positive way by understanding the tenets of other religions dispassionately. This is the urgent need of the day in this region.

The points mentioned above can be said more easily than done. They require an honest effort on the part of one and all. "Tolerance" is the "Mantra" or the "Keyword", which can be achieved by proper education and training, not only of intellect or brain but of mind and heart through proper understanding of the role of Science and Spirituality. UNESCO through its network can propagate this philosophy right from the young minds to the adults.

A change of mindset and attitudes is necessary if we want to bring about positive changes in the

behaviour of the people. The Government and NGOs should take the initiative in this regard. Curriculum needs to be modified right from the primary stage by incorporating the human values based on the most scientific and spiritual aspects of human life.

Religious leaders, social thinkers and workers, intellectuals and others who matter as leaders, have a role to play at various levels and for the different strata of society. A mass movement is called for in this regard. Politics of any sort needs to be kept out of such movement. This will help create a world, free of conflict, poverty and exploitation. Possibly, this will lead to the establishment of "Charter of Humanity" for the noble cause of World Peace. Community peace zones must be established and promoted the world over, so as to bind the people together and not divide the society on grounds of caste, religion, faith or colour.

### 2) Economic Initiatives

The developed nations of the world can help the under privileged or poor countries of the region to come up, with a poverty alleviation programme. This requires large-heartedness on the part of the prosperous developed nations. Any economic prosperity anywhere, will again help the well-developed nations in turn. They need to look at the problem globally.

The problems arising out of globalization, especially those pertaining to open market economy, adverse effects on the local production, trade deficits, possible rise in the unemployment and the resulting undesirable social and economic implications, need to be addressed by the apex world organizations.

### 3) Health and Environmental Aspects

Similarly, the healthcare of the people of the region requires urgent attention of the world community. Programmes to control the spread of HIV AIDS need to be drawn properly and implemented effectively. Some of the leading nations are keeping away from the proposals made towards controlling global warming. All the nations, through UN, WHO etc. must take

the appropriate steps immediately, as any further delay may lead to a situation of no return. All nations must work for this cause and arrive at a global strategy to combat the environmental problems. Mere words are not enough, action is called for. We must go slow on consumerism or else the entire Mother Earth will be literally consumed. Again it is the greed of man, which is responsible for such a situation being created without any concern for the hazards that follow such action. What is required is sustainable development with a clear and full understanding and appreciation of the limitations of natural resources.

#### 4) Social Aspects

There is a dire need to control the high growth rate of population in the region. This requires proper education of the people about the implications of a large population. A change in people's thinking and attitudes is necessary. The exploitation of children as labour is a definite breach of human rights and requires appropriate steps which will curb this tendency prevalent in the very poor sections of the society in the different countries of this region. This problem cannot be solved satisfactorily without providing adequate source of income to the parents for their sustenance.

#### 5) Political Initiatives

Conflicts, clashes and violence arising out of political expediency can be tackled at the international level by the comity of nations, UNO and UNESCO by taking appropriate steps and sanctions. Militancy of any form should be curbed ruthlessly (as any consideration or lenient attitude by international bodies may allow the militancy to flourish, as can be seen from the recent history).

The arms race that is going on between the different countries must halt. Specially, all the countries with nuclear and bio-chemical arms must not only stop their build-up but should destroy them under the banner of United Nations, for the welfare of the entire universe.

#### 6) Appropriate Education

A well-devised programme of literacy of the region and proper education of masses needs to be implemented. This will create awareness among the people about the various aspects of the life which make a nation prosperous, self-sufficient and peaceful. Education must be value

based so as to prepare the students to understand their rights, duties, responsibilities and, last but not the least, it must also include spirituality as an important component in order to make them respectable global citizens as they grow up.

#### 7) A Vision of Comprehensive Action in this Regard

UNESCO, in conjunction with its parent body, the United Nations, with respective Governments, its local offices, NGOs and all other bodies/organizations/movements involved (including the various UNESCO Chairs) should initiate and promote a holistic approach and chalk-out a **Plan of Action**, so as to tackle the various issues at the grass-root level. Predominantly, this requires a new quality of education and training and imbibing a sense of responsibility, tolerance and brotherhood among individuals, societies and states. Such a comprehensive approach is not a day soon looking at the present world scenario. Education for peace, human rights, democracy and tolerance must become a determining part of teaching and learning of the young children right from their first school days. Possibly, a time has come to devise a new standard of education, not only for India or the Asia – Pacific Region, but for the entire world grounding on a scientific, spiritually oriented **Value Based Universal Education System** which will ultimately help the region and the globe in building up a peace loving holistic society beyond any caste, creed, religion or boundaries of nations. The revolution brought about by the Information Technology in converting the world of ours as a **Global Village** can and should help in making the entire world a **“Global Family”**.

## MEDIATION AND RECONCILIATION

### International Conflict Resolution from Solon to Jimmy Carter

A temporary exhibition of the European Museum for Peace,  
Peace Center Schlaining Castle

Manfred Hainzl

The method of mediation for cooperative, out-of-court, civil conflict resolution is more than a methodology or technique: It is an attitude that considers conflict not just as a threat but as an opportunity for change, and prefers to handle it non-violently, emphatically, creatively and constructively. Dealing with conflicts is the most important part of the exhibition.

#### Background, preconditions and fields of mediation

Starting out from etymological roots, religious and philosophical foundations, preconditions of mediation, working methods of mediators, as well as their most important areas of action are shown in **Part 1**.

Mediation has been successfully used in the civic areas of

- Splitting property and matters of custody in case of separation or divorce
- Family conflicts like disputes over education and inheritance
- Problems in and outside of companies and organizations
- Peer-group mediation in schools
- Neighborhood quarrels
- Planning infrastructure and waste management
- Out-of-court compensation between perpetrators and victims.

The intercultural context is gaining importance in all these areas. The Cinema in the temporary exhibition shows clippings of mediation in separation, experiences of conflict parties in mediation, illustrated by interviews with Jack Himmelstein and Gary Friedman.

#### From Greek Antiquity to late Middle Ages

**Part 2** covers the epoch from Greek antiquity to late Middle Ages. Athens statesman

Solon, on the basis of his meditative attitude, was able to contribute to the conciliation of social conflicts of interest and avert civil war. Another example from Greek antiquity describes the Kings Peace of Antalcidas concluded by power mediation.

From 8<sup>th</sup> to 13<sup>th</sup> century the *deditio* (subjugation) - a rigorous ritual with rules negotiated by mediators - was common practice for political conflicts, implemented both before and during military conflicts.

Examples shown from the 11<sup>th</sup> and 12<sup>th</sup> century are the rebellion of the Saxon nobility against Henry IV, and the conflict of Konrad III with Henry the Proud, located at the beginning of the feud between Welf and Hohenstaufen. Another example well known by literature and arts, is the *deditio* of Ottokar of Bohemia in the conflict with Rudolf von Habsburg. While in these conflicts mostly secular and clerical aristocrats tried to regulate discord, friar Klaus von der Flüe was an example for conflict resolution based on meditative attitude. Klaus von der Flüe was not only able to avert imminent civil war from Switzerland ("Stanser Verkommnis"), but mediated also the conflicts in the dukedom of Milan.

#### From Charles V to the end of the 18<sup>th</sup> century

**Part 3** shows examples of mediation from Charles V to the end of the 18<sup>th</sup> century, and first scientific works on mediation.

Conflict mediation in politics was, and still is, almost exclusively man's business. A historical exception is the Ladies Peace of Cambray (1529). Mediation by Margarethe of Austria and Louise of Savoy was able to end the war between Charles V and Francis I of France.

Formative for future peace regulations by mediation were the negotiations to end the thirty-year war, leading to the treaty of the Westphalia Peace of 1648. The complexity of this conflict situation that determined the mediations of Cotarini and Chigi can be seen from the chronology of war. A Personal Computer is available for closer occupation with this theme.

The 'Peace of Teschen' in 1779, that ended the Bavarian War of Succession, was essentially brought about by two women: Czarina Katharine the Great tried to observe her own interests using mediation, archduchess Maria Theresia, mother of Emperor Josef II, accelerated the peace agreement, sealing the belonging of the 'Inn-Quarter' to Austria.

In the 17<sup>th</sup> century scientific discourse started, in connection with the development of the law of nations, about the process of mediation and the position of mediators. Among the documentation of major works, four originals are on display in room 4.

#### International mediation after the 19<sup>th</sup> century

Examples for elucidating developments in this field at the end of the 19<sup>th</sup> and during the 20<sup>th</sup> century are shown in **Part 4**.

The Austro-Hungarian settlements of 1867, which was initiated and negotiated by the Hungarian politician Ferenc Deák and established the Dual Monarchy, are documents of mediation, where the mediator is from the ranks of one of the conflicting parties.

Mandatory mediation before a violent conflict resolution was established at the end of the 19<sup>th</sup> and during the 20<sup>th</sup> century under international law such as 'The Hague Convention' of 1899, the UNO Charter and the CSCE Final Act.

A survey of the most important actors in international mediation shows both politicians and diplomats, scientists and practitioners, repre-

sentatives of international organizations and of civil society, but also mediators that have fallen victim of their activity. The tragic death of UN General-Secretary Dag Hammarsköld is explained in a video documentation.

The 444-day hostage affair in the American embassy, Teheran, and its mediation by Algerian diplomats is an example for the diversity of causes of conflicts that can be mediated.

The Esquipulas-process has prepared the base for ending many civil wars in Latin America. Examples shown are the ending of the civil war in Guatemala through mediation by representatives of the church, and the regulation of the conflict between Ecuador and Peru. Historical examples are also the foundation of Uruguay in 1828 and the Chaco War 1932-1935.

Conflict processing in Africa, essentially dealing with civil war situations, is demonstrated with examples from the Kosimo database.

Examples for indigenous conflict processing presented in this section are an account of the ethnologist Turnbull about conflict resolution by the Mbuti and a video documentation.

Central to this part are multiple attempts to regulate the Near-East Conflict, from the 'shuttle diplomacy' of Henry Kissinger, via Jimmy Carters mediation in Camp David, to the 'secret negotiations' in Oslo.

An analysis of individual mediation approaches sheds light on different basic conditions and different styles of mediation applied and followed by the mediators. The 'ABC of Mediation' available to the visitors explains the most important concepts of the mediation process and all relevant basic conditions.

## PRINCIPLES OF MULTICULTURAL TOLERANCE

- An actual reflection of human rights and peace education -

Alena Kroupová

The main programme of the Human Rights Education Centre in 2001-2002 is focusing – in accordance with activities related to the UN Decade for Human Rights Education – on promoting the creation of a culture of human rights and peace within the educational schemes of the Czech Republic, through participation in the research programme of the European Commission on Gender Equality and addressing the substance of tension involving minorities. In this context, the Centre's urgent task is determined by issues of multi-and interculturalism, identity, and tolerance.

Educational activities during 2001 – and those prepared for 2002 – are directed to the integration of these issues, in connection with applying new (participative) methodologies, into

school curricula, university studies and in-service teacher training.

Utilizing its previous experience gathered in education of Romany pedagogic assistants and in research on the implementation of equal rights of Romany and Czech children in school education, the Centre prepared a course for university students on principles of multicultural tolerance. It started with the students of the Faculty of Pedagogy at Charles University at the beginning of October 2001 for the academic year 2001/ 2002.

The challenging issue of combating racism, intolerance and xenophobia is in the background of all these educational activities.

There are some experiences which we used for preparing the contents of the course:

1. The increased use of concepts related to racism can be heard not only in mass media but also from politicians across the countries. Students express a universal knowledge of negative words in this regard. Even very young children have managed to acquire a store of racial epithets, although they are well aware that concepts of hate etc. degrade, dehumanize, and eventually destroy. Much of violence threatening our society has their roots in bigotry and hate.
2. During last years, a significant increase of conflicts and violence has been reflected, *inter alia*, the endless difficulties in Northern Ireland, home blasts in Spain, escalating hostilities in Palestine/Israel, the lack of understanding between Macedonian Slavs and ethnic Albanians, the continuing conflict in Chechnya, the smouldering hostilities in Tibet, and other potential sites of terrorism, war and violence. This increase is indicative of the age-old culture of violence and war.
3. All over the world, the consequences resulting from these conflicts and violations can be recognized as an increasing discrimination, violation and potential endangering of those who are powerless, innocent, disadvantaged (primarily children), handicapped, old aged. Strengthening the primary preventive measures, in their first range on education for tolerance, is more than urgent. Preparation of educators and scholars, social workers and the broad public for the popularization and implementation of the principles of tolerant co-habitation of very different cultures cannot be postponed.
4. It is true that in the (more or less recent) past, almost all cultures of the world sustained practices in the sphere of human rights that are condemned today by moral collective conscience. What seemed acceptable in the past does not seem so today. For instance, praises of Inquisition or

identification with Nazism regarded as legitimate by tens of millions of fanatical and ideologically conditioned people only sixty years ago.

5. In spite of the historic progress, we know that the fight is not over. The recent rise of neo-Nazism elucidates that the danger of regression has not disappeared. Similarly the recurrence of racism and the appalling economic situation of most black people show how far it is still to go. The objective of peaceful cohabitation is well defined, but the way to go and to reach it is sometimes lost in the shadows.

*"The effort it takes for us to know so little about one another across racial and ethnic groups is truly remarkable. That we can live so closely together, that our lives can be so intertwined socially, economically, and politically, and that we can spend so many years of study in grade school and even in higher education and yet still manage to be ignorant of one another is clear testimony to the deep-seated root of this human and national tragedy. What we do learn along the way is to place heavy reliance on stereotypes, gossip, rumour and fear to shape our lack of knowledge." (David Schoem, sociologist)*

6. If we are to win the struggle for the nations' conscience and future, we must counter lessons of hate with lessons to promote understanding and caring. To do so, we have to impart both the triumphs of history and the failures made, the tragedies and the humiliations. After all, liberty, equality, and justice are assertions of rights and wrong, they raise moral issues that require the ability not only on reason but also to make judgements and than to take appropriate action. The content of education for human rights, for a culture of peace must not overstress theoretical aspects of international law, but increase the part of social, moral and political practice.
7. In a time when many are urging students to think more critically, without paying much attention to what they are to think about, there is a need of programmes which emphasize democratic values and beliefs and refute unexamined prejudices, myths, and misinformation. Students must be constantly challenged to improve the standard of their thinking by not excepting simplified solutions to complex, difficult questions. If students are engaged in 'thinking about thinking', they develop a vocabulary necessary for decision-making and justified assessment as indispensable aids for their reasoning. This also applies to train their critical thinking about connections between past, present and future.
8. Updated human rights education can play a main role in eradicating racism. Therefore, the task remains to install in school systems a culture of tolerance and respect for the rights of others based on the Universal Declaration of Human Rights and other respective conventions and treaties. Such an approach to human rights education should pay particular attention to the girl child, who often suffers from multiple forms of discrimination, based on gender, race, religion or caste, and special needs in the situation following civil war and conflicts. School should hire bi-lingual teachers so that students can learn in their mother tongue and contribute by means of their bi-lingual skills to society. Schools must be actively anti-racist and respectful of the needs of all groups of the society.
9. The UN Decade for Human Rights Education 1995 – 2004 has brought new attention to the need of human rights education and the importance that every individual and every organ of the society meets its responsibility to promote human rights. Any appropriate initiative can contribute to strengthen respect for human rights in the society. Even a small portion of a single initiative (for instance the assistance of an optional human rights course, even for only some teachers, lawyers and police) can make a difference. The imperative is to persist.
10. Already a brief examination of most appalling violations of human rights elucidates that they have their origin in hatred, originally born, inter-communal or interfaith conflict. What we should do for human rights during these years might be to identify and propagate basic principles that will

help communities in multicultural and multi-faith societies to coexist on the basis of mutual respect. The roots of racism, prejudice and inter-group hostility usually lie in fear, ignorance and alienation.

11. Prejudice often flow from situations where one group feels its core interest being threatened by another. While the threat persists, members of the threatened group are likely to regard all members of the threatening group not as individuals but as class stereotypes. Prejudice has its roots in sheer ignorance of other cultures and in the rejection of those who are seen to be ethnically different. It also arises from situations where minorities feel alienated and excluded from the mainstream of national life.

The Roma and other Gypsies migrated from North India during the past fifteen hundred years and are now living in most countries of every continent. Roma have been subject to prejudice, discrimination and even persecution and genocide at times of crises. Pursuing marginalized and pariah trades, they were subjects to slavery in Eastern Europe, and were always among the first victims of West European racism from the foundation of the nation-states in the sixteenth century to the death camps of Hitler's Germany in which at least a quarter of million Roman died.

The efficient way of how to prevent many aspects of violating situation is school education. For school students, school should efficiently fulfil the role of their 'socializing surroundings'. For such a purpose, a stabile in-service teacher training and teacher-students' training in multicultural tolerance is urgent.

The course encompasses a total of 40 hours of on-line working groups, interaction with students and instructors. Lecturers are highly experienced educationists of the Charles University (philosophers, lawyers, sociologists), human rights practitioners and NGOs members. The course is based on a participatory,

active learning approach with an emphasis on peer-to-peer learning.

The participants are differently advanced students from the Faculty of Pedagogy (a prevailing number of them from the last year of their studies at this Faculty). The course is focusing on the issues of citizenship, "race and science" in the changing world, ethnicity, nationalism, power and identity, slavery and freedom as well as on the option of creating energies or remaining to be a 'bystander'. After 11<sup>th</sup> September 2001, many ideas mentioned are to be considered in a new light. We need now to establish and develop a new world order, to teach more about the principles of world citizenship, about personal responsibility and mutual co-operation. We need to teach more about morality, about the value of each life, about the rule of 'world law'.

Not to be a 'bystander'! This is the main objective for actual human rights education activities. The terrorist attack in the USA underlined the new appalling wording: terrorism, terrorist. We are facing a situation which ironically does not recognize state borders, which diminishes national legislation and really introduces a terrorist as a citizen of the world. Human rights education must find its threats to help combat this fatal danger for human dignity.

## RELIGIOUS TOLERANCE AND INTOLERANCE ON THE TERRITORY OF TRAN-SYLVANIA

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Prof. Victor Iancu

Transylvania appears as a model of inter-ethnic and inter-confessional tolerance amidst a troubled and torn by conflicts Eastern Europe. This favourable situation is mainly the result of a peaceful coexistence that has been lasting here for over ten centuries. Up to our days, Transylvania has been almost equally the territory inhabited of three main ethnic groups: the Romanians, the majority along the time (as it is also shown by a recent census); the Hungarians, the second ethnic group considering their number (representing about 20 to 30 %); the Germans (about 10 % of the population). Dominant religions throughout the time had been four or five: orthodox, catholic (either Roman-catholic or Greek-catholic), Calvinistic or Lutheran. The Romanians preferred the oriental rites (orthodox or Greek-catholic), the Hungarians and the Germans took up western rites (Roman-catholic, Lutheran or Calvinistic).

With the exception of the 1848-1849 Revolution, when the conflict among the ethnic groups from Transylvania caused bloodshed, all the rest of this province's history has been that of harmony and understanding. The inter-ethnic and inter-confessional problems have never reached the stage of a major conflict. It has to be underlined that the present day satisfactory situation is mostly the result of this history.

Unfortunately, the 20<sup>th</sup> century, besides the scientific and technical progress, brought about also political regimes that destroyed civilization and culture, inter-ethnic and inter-confessional or generally inter-human tolerance. Fascism, Nazism, and communism

could not remain without consequences in inter-human relationships. The intolerance versus the other had become in these regimes a state policy.

Concerning us, there were two events that perturbed the inter-ethnic peace established after 1918 in Transylvania: the Vienna Dictate of 30 August 1940 and the Decree of 1 December 1948 meant to declare illegal the Romanian Church United with Rome. The first at bears the signature of two fascist and nazi powers (Hitler's Germany and Mussolini's Italy), while the second was given by the communist totalitarian regime that had been installed in Romania by force of arms by the Soviet army.

During the moment of maximum crises of Ceausescu's regime (1977-1989), the leader of this regime made an appeal to the resentments of a certain part of the Transylvanian Romanians against the Hungarians, a resentment generated by the occupation of Northern Transylvania as a consequence of the Vienna Dictate during September-October 1940.

After the Revolution of December 1989, Ceausescu's diversion from the seventies and the eighties has been resuscitated by the residues of the former Securitate and the political parties where these residues found their refuge. The power installed in Romania after Ceausescu's fall legalized again the Romanian church United with Rome (that is the Greek-catholic Church), that had been suppressed in 1948.

Along the years, most of the Greek-Catholics (approximately half of the Romanian population from Transylvania) took up the orthodox rite and the formerly Greek-catholic churches were taken over by the Orthodox Church in the same way. It is only evident that a practice that had existed for over 40 years could not be changed overnight in order to return to its starting point on the 1<sup>st</sup> of December 1948.

If we add to this objective situation the mentalities cultivated by the totalitarian communist regime (the intolerance of those who think otherwise, the hatred among the social classes, the refusal of diversity etc.), it will be only evident why numerous conflicts, sometimes difficult to solve, have appeared between the two related churches (the orthodox and the Greek-catholic churches). Among these conflicts some are generated by the disputes over property, accusations of unfair proselytism, diversions generated by the falsifying of history, the kindling of violent conflicts among the believers, the cultivation of intolerance versus each other. Fortunately these conflicts have been limited and local (community or a village) and have not acquired the character of a religious battle. Nevertheless, because they existed and sporadically they reappear, they have to be taken into consideration.

The civil society and the NGOs that deal with the promotion of human rights, peace and tolerance, the majority of the local public authorities, and the democratic political parties have concentrated their efforts in order to limit these conflicts up to their disappearance. Amidst this general tendency, the first and for the time being the only UNESCO Chair for Human Rights, Democracy, Peace and Tolerance in Romania had to make its contribution. From the very moment of its founding in 1998, the promotion of inter-confessional tolerance has been among its main goals,

especially in Transylvania where the totalitarian regime had provoked this religious rupture in order to create the conditions for applying the principle of "divide et impera".

Our Chair has focused mainly on those fields of interest that would have been more difficult to deal with by other factors implied in the process: the sociological research in conflict areas, historical researches, and highly efficient educational activities. We are generally content with what we have achieved up to now. Nevertheless, we consider that many more things could be done and even better.

## WOMEN'S STUDIES: CHALLENGES TO TRADITION IN HIGHER EDUCATION

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Fouzia RHISSASSI

I would like to explore the need for women's studies / gender studies in this period in Morocco and discuss some of its dimensions.

Women's studies refer to important strategies for change that have come out of the women's movement. By its very scope (as it appears in the subject catalogue) women's studies was an integral part of a broad process of critical evaluation of the nature of social science after 1968. It was meant to expand the territory of questions and answers by exploring the invisible or silenced perspectives of women. An insurrection of 'subjugated knowledge', to use Foucault's terms aptly describes the categories of knowledge that have sprung out of the women's movement.

In Morocco, any contemporary discussion of women's studies must acknowledge a considerable debt to Western women's studies programmes. Women's studies, indeed, owes its origin and much of its impetus to the wider social and political movement of women's liberation.

In pointing here, at the outset, to the inter-relationship of women's studies and the wider Western women's movement, I want to underline three aspects:

First, the feminist knowledge with which I am concerned here is related to the feminist scholarship produced in the academy and more particularly in Modern Moroccan Universities.

Second, while the interests of women's studies teachers are not identical with those of feminist activists in other institutions, they are all part of the same Moroccan reality.

Third, I make no claim to make any kind of overview of Moroccan feminism. I dare suggest that a crucial question regarding Moroccan feminism is whether women consider their interests to be represented by global feminism

are not incompatible with traditional life styles. Yet, many women who adhere to traditional values and roles do not align themselves with global feminism because they realize that their goals of cultural preservation are not compatible with alignment with Non-Muslim women.

It may be objected that in insisting on the relationship between women's studies, and the Western women's movement, I am neglecting the status and fundamental rights of women in Islam. But the fact is that throughout the course of Islamic history several commentators and interpreters of the Koran have been persistently labouring to prove that woman is deficient in reason, defective in her religion and that she is less endowed than man. Anyone possessing an iota of reason can easily see that false interpretations of Islam are recognized as true for ever. The result is that generations of Moslem women ultimately submitted to this as the inevitable, and accepted that they had been created by God only to live in tyranny and slavery.

The new feminism is different from the historical ones, from the feminism of the Nationalists that rested its case only on the issue of access to education. In this traditional feminism, the vocabulary, the conceptualizations and the perspectives, were still those of the male world. The new feminism, with new conceptualizations and new perspectives seeks not to destroy the Moslem man's achievements in knowledge but to correct and enrich them.

Morocco has come a long way from the 1960s where there was hardly any mention of women in development policy statements.

Indeed, throughout the 1960s and early 1970s, the Moroccan government acted and behaved as if the gender question as a policy issue was of no relevance to Morocco. National development plans were completely oblivious of the role women play in the national political economy. Development policy documents talked of producers, agriculturists, farmers and peasants, and failed even to acknowledge that the majority of those who bear these titles are women.

Undeniably, the international women's Decade in Morocco helped to accelerate efforts toward sensitizing society about the need to view women in a more positive light. Such public awareness has also given Moroccan women the courage to work together more openly and with a greater sense of solidarity to respond to crises affecting their welfare. A point that cannot be overemphasized is that with the advent of the United Nations Decade for women, the role of women in society was called into question in a more perceptive way than any time in all of our social history. The changes began with women sharing how they felt about themselves and learning in the process that they want to be more than second-class citizenship. Naturally, some women through-out history always understood these concepts of self-esteem while others among us had to discover along the way.

These shared recognitions led to profound changes that affected all of Moroccan society including higher education. One of the most powerful of these changes in setting the state for women to expand their participation and influence is the increasing number of women's NGOs.

Besides these various governmental and non governmental and governmental programmes, new visibility exists in research and academic instructions. Women's studies groups now exist at several universities. Such research groups have generated new visibility for women in research, seminars and interdisciplinary collaboration. Some of these receive outside funding, which makes university officials

sit up and listen to scholars of women's studies. A case in point is the Faculty of Letters University Women's Studies Group of which I am the founding member (March 1993). The British Council and Embassy has unfailingly supported the development of Women Studies programmes and considerably invested in this field research.<sup>1</sup>

Several Moroccan Universities already have women's studies research groups, including the Mohammed V University in Rabat, the Moulay Ismail University in Meknes, and the Ibn Tofail University in Kénitra.

The expansion of women's studies research groups and post-graduate programmes in gender studies through the 1990s testifies to the continued vitality of the feminist impulse despite periodic pronouncements of the decline of the women's movement.

It is hoped that laureates of these programmes will acquire the profile required by the job market and that they will be able to integrate public and private sectors, as well as national and international organizations. The training offered in these programmes is multidisciplinary and multilingual (Arabic, English, French).

These programmes, based on an interdisciplinary approach, span over two years. First year courses aim at introducing the students to women's studies in general, with a special focus on Moroccan women's problems.

Some courses are taught in seminars, other are taught by a team of two or three professors in order to confront the students to various approaches and points of view. Most of second year courses have a two-fold aspect: one theoretical, the other practical. Students are required to conduct field research, and undergo in-service training offered by various institutions, at the end of which they have to submit written reports.

These programmes aim at:

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<sup>1</sup> The UWSG selected me to participate in the forty-first session of the United Nations Commission on The Status of Women held in New York (10-12, March, 1997). The funding provided by Canadian Embassy is worthy of note.

1. Contributing to a greater awareness of the importance of women's studies.
2. Providing the students with the critical and analytical tools that will enable them to review the generally held ideas about women.
3. Initiating students to feminist critical theories and training them in field work.
4. Emphasising the practical aspects of women's studies and encouraging the students to participate in the process of development in the country by undertaking research projects in various socio-economic and cultural fields.
5. Promoting the student's sense of initiative and improving on their ability to undertake research, as well as enhancing their communication skills.
6. Contributing to the integration of the university in its socio-economic and cultural environment.
7. Training experts who will meet the needs of those sectors concerned with women's studies.
8. Increasing the awareness of policy-makers of the importance of setting programmes geared towards the improvement of women's condition.
9. Helping incorporate women's studies in the large framework of research in social and economic development.
10. Promote education for women's self-empowerment at all levels, in all fields.
11. Encourage women's creativity and freedom of expression by supporting their cultural activities, research, training exchange of information and networking.
12. Assist in building a culture of peace in the minds of men and women by recognizing women's rights capacity for leadership and non-violent conflict resolution at various levels.

These programmes have, in many cases, already broken out of the moulds that constrain so much of higher education today.

The courses engage students with new and passionate questions. They introduce voices

that push the limits of understanding of some students and deeply validate the unnamed experiences of others. In addition, they return to the context of that which has dominated and ruled for so long as if it were all there is, thereby correcting old errors. In addition, the programme brings to the university traditional and international "experts" whose knowledge comes from lives of activism as well as research.

In many respects the issues raised by the recent scholarship on women is a measure of the extent to which academic feminists have succeeded in becoming part of the university. The success, however, has not been without a price. In seeking to defend and legitimize themselves in the eyes of their colleagues, both men and women, a number of academic feminists have found it necessary to draw a sharp distinction between academic feminism and activism. It is regrettable that at the very moment that the Ministry of Higher Education has decided, in the framework of the University reform, to connect the cultural politics of the University with cultural issues in society at large, women continue to separate themselves and women's studies from the social and political issues and actions. Clearly, Moroccan women academics face the challenge of finding ways to join intellectual activity and social activism.

To help fulfil the ultimate goal of women's studies of transforming the traditional curriculum, Women's Studies / Gender studies they are now devoted to challenge male hegemony over not only culture and society, but also over the structure of educational instructions and the content of knowledge itself. Proponents of women's study courses have argued convincingly that women's studies are an integral part of the liberal arts curriculum.

## An Integral Approach to Education for Peace

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Abelardo Brenes

Currently, the University for Peace is completing the process of setting-up a UNESCO/UPEACE Chair in Education for Peace. Work is currently focused on developing a multi-disciplinary Foundations Course on International Peace Studies and designing a Master's Degree in Education for Peace.

One of the sources of input for this process is the experience of the *Culture of Peace and Democracy in Central America Program*, a project of the Central American Governments which was executed by the University for Peace from September 22, 1994 to May 2001, and of which the author was the director. The Program formulated an *Integral Model of Education for Peace, Democracy and Sustainable Development*, with contributions coming from both the cultures and processes within the Region and from the international academic community, thus endeavoring to contribute to theoretical and methodological development in these areas. The core of this educational approach is a model of selfhood which was constructed in successive stages, incorporating diverse theoretical and empirical sources, particularly the response that people from varied sectors within Central America gave to the question, "What does it mean for you to live in peace?".

The fundamental normative framework for the *Integral Model* is provided by the *Universal Declaration of Human Rights*. It is recognized as an extraordinary normative contribution proclaimed in 1948, in which the universal community of nations decided to acknowledge each person as a subject of fundamental rights. However, given that a very limited understanding of what freedom entails is still prevalent, coupled with an egocentric sense of personal development, it was considered necessary to give special emphasis to the *duty of fraternity*, which is mentioned in the first article of the *Declaration*, as the fundamental value sustaining a culture of peace. This entails recognition of the need to balance the universal protection of each person, with each person's consciousness of our universal responsibility towards one another, towards other living beings and towards the natural systems of Earth.

The *Integral Model* assumes a holistic approach to human rights and freedoms, which considers them as forming an interdependent and indivisible set. Moreover, this holistic approach can be appreciated by examining so-called 'third generation human rights', such as the Right to Development (see Sengupta, 2001), the Right to Peace, and the Right to a Healthy Environment. Given this perspective, 'peace' is posited as a state of integrity, security, balance, harmony and purposefulness in life to which all humans aspire. From the point of view of our interrelationships, it is posited that each person lives within three contexts of interrelationship, which implies three contexts in which either violence or peace can be expressed: in relationship to oneself, in relation to others, and in relation to nature. A culture of peace, therefore, needs to be constructed simultaneously in all these contexts, at ethical, mental, emotional y action levels.

The model posits that we have internal representations of these three spheres of interrelationship and, moreover, that a culture of peace should be founded on an integrated consciousness that goes

beyond dualisms such as inner/outer and mind/body. This implies a view of personhood as fully integrated in the world.

**The Right to Peace** can thus be considered as a synthesis of all human rights, because it requires the full realization of all fundamental rights and freedoms for all humans. It also provides the foundation of an ethics of congruence between ends and means. **The Right to Development** is an alternative formulation of this holistic approach, which emphasizes the dynamic nature of humans, expressed as a legitimate aspiration of each person and of all persons to achieve their maximum potential of self-realization.

The main learning objective is for students to appreciate the implications of applying the *Integral Model* in their personal life, in their community context and in their relationship with nature. The *Model* can be depicted as a circular, mandala-type graph, which is depicted on the next page.

It has three fundamental axi around which all of its contexts and levels are founded:

- . The first of them is **peace**, which is assumed as both a condition for self-realization, as well as a state to be sought through harmonious relationships in all significant relationships.
- . The second axis is the **universal responsibility** that each human has toward oneself, to realize one's highest potential; towards other human beings, for emancipation and realization of the potential of all; and towards other living beings and the natural systems that sustain life on Earth. This includes the time dimension of responsibility to future generations.
- . The third axis is **a spirit of community**, which is based on a shared sense of identity between human beings, while at the same time recognizing our uniqueness and our personal life missions.

Around each of these axi there are three interdependent dimensions (contexts): *Peace with Oneself*, *Peace with Others*, and *Peace with Nature*, with corresponding values and traits for each. Each of these dimensions, in turn, has three levels. By crossing the dimensions with the levels, we obtain nine fundamental areas in which peace can be expressed.

Thus, the **Peace with Oneself** dimension includes the following levels:

1. *Peace in the Body* consists of bodily health based on *psychosomatic harmony*, which entails the development of a *consciousness of the organism's needs* for physical, emotional and mental health and wise *optimization of satisfiers* for these needs. The optimization of satisfiers would reduce the impact that individual consumption has on the natural environment. The value orientation of "voluntary simplicity" is summing-up this approach. It is supported by extensive psychological research suggesting that the "consumer society" is driven by an "empty self" model of personhood, in which individuals seek to satisfy the need for participating in social and natural communities by a sense of belonging to pseudo-communities of consumers, which would be an example of pseudo need satisfaction. (Cushman, 1990; Durning, 1992)



2. *Peace in the Heart* refers mainly to the satisfaction of psychological needs that generate a sense of basic security and trust. To achieve this, the Model supposes that it is necessary to cultivate qualities such as *love*, *compassion* and *tolerance*. These qualities, in turn, are related to liberation from those attachments and compulsions which cause negative emotions such as anger, hate and envy, and which also sustain materialistic consumer lifestyles. True emotional gratification and security is met by identifying and obtaining satisfiers based of giving and receiving love and compassion. This psychological substratum is the foundation for the development of forms of relationship based on solidarity and generosity between humans. The overall result of this dimension of personal peace is a sense of *harmony*.

3. *Peace in the Mind* refers to the possibility of self-realization based on an ethical consciousness of *universal responsibility*. Firstly, one is responsible towards oneself to achieve inner peace and, moreover, to develop one's highest and most meaningful personal mission in life. This takes on meaning by *appreciating* one's place in natural and human history, understanding the interdependence of all beings in the universe, the nature of the present day global challenges and the fulfillment of a life course geared by a global ethic. In this sense, peace in the mind is being understood as the tranquility of consciousness that one can experience when one believes that one's existence is meaningful. Moreover, a basic *critical autonomy* is necessary to forge such a life mission. Also, a *functional autonomy* is needed to realize one's life mission. This requires real freedom derived from the possession and responsible use of personal powers.

However, given that we humans do not live in isolation and that our life projects are to a certain degree determined by collective decisions in our families, communities, nations and the world as a whole, one needs to be able to *participate critically* in collective decisions at all these levels. The foundation of such a capacity is *moral integrity*, that is, the coherence between one's life policy and the values which sustain it. Thus, by focusing on peace with others, critical autonomy will be expressed as political participation geared towards the common good.

In this perspective, the concept of power is not understood as power as domination of humans over humans or over nature. Rather, a key assumption of the *Model* is that a culture of peace is founded on the power that all human beings need to have in order to fully realize one's potentials, which requires effective equality, respect and mutual support between humans.

The dimension of **Peace with Others** includes the following levels:

1. *Culture of democracy* refers to *critical responsible participation* of all citizens to promote the common good and security of all humans and the community of nature. This requires respect for cultural and ethnic diversity, as well as a commitment for the respect and promotion of human rights for all, including future generations. This orientation towards solidarity is derived from an application of the principles of equanimity, equality of self and others, and commitment to altruistic life principles in the social sphere.

2. *Political and social participation* based on the values, skills and competencies for *democratic participation* in decisions that affect the *common good*; the promotion of equal and just opportunities for all persons; equity and solidarity between women and men; a commitment to non-violence; the values and skills for *peaceful resolution of conflicts* in all social relationships; and participation in the development of social policies to promote the integral development of all.

3. *Health for all* is the application of the 'peace in the body' principle in the social sphere. Its foundation is responsibility to contribute to the essential economic well-being of all persons. This can be achieved by an economic system based on human *generosity* rather than on assumptions of scarcity. This can be cultivated by an appreciation for nature's capacity to satisfy essential human needs, as well as an awareness of the limits of her bounty. This, in turn, requires a culture in which people have a consciousness of their true needs and an orientation to the right use of satisfiers; in other words, a '*being*' dimension which acts as a guide for the '*having*' and '*doing*' dimensions. (See Max Neef et al., 1986). Health for all also entails *economic security* for all, based on an adequate distribution of satisfiers of common basic human needs.

Finally, the dimension of **Peace with Nature** includes the following three levels:

1. *Ecological consciousness*, based on a sense of *respect for life* in all of its forms; a sense of *identity with the cosmos*, thus going beyond dualisms such as mind/body and inner and outer world; understanding our interdependence within the community of life. This consciousness also leads to a commitment to foster the *evolutionary potential* of living beings.
2. Commitment to the *protection and conservation of biodiversity*, based on a recognition of the right of all living beings to exist, to enjoy a suitable habitat and to develop their evolutionary potential. This principle implies *biocratic participation* (Berry and Swimme, 1992), which means to respect the right of all living beings to participate in the decisions that affect the community of life.
3. The *balance of natural systems*, based on a commitment to protect the *integrity of Earth's natural systems*. This is achieved by environmental conservation and rehabilitation and by adopting *sustainable forms of resource use* in all activities of human production, consumption and reproduction. From the point of view of humans, this can lead to *environmental security*.

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## THE EURED PROJECT: A NEW 'KICK' FOR PEACE EDUCATION IN EUROPE

Werner Wintersteiner

In this paper, I would like to introduce the EURED project „Peace Education teacher training” and to give some background arguments for this new initiative. EURED is running since 2000. It involves experts from nine countries: Croatia, France, Germany, Hungary, Israel, Italy, The Netherlands, Spain and Austria.

The acronym EURED stands for „Education for Europe as Peace Education”. EURED proposes quite an ambitious project: It is the plan to provide in-service teacher training on peace education

- \* not as a single activity, but a comprehensive curriculum, in form of a course (in-service training)
- \* not for a single country, but for the whole of Europe, and this means not only the countries of the European Union, but *all* European countries
- \* not for a special group of teachers, but for all teachers and teacher trainers (all subjects and all school levels)

The aim of EURED – in a first step – is the development of a curriculum for a Europe-wide in-service teacher training on „peace education”. We consider peace education as a cross-subject educational principle, to be implemented in each school subject and in interdisciplinary school projects.

We are convinced that the approach via in-service teacher training is the most promising if we are to achieve sustained improvements in the educational system relatively quickly and if we are to create the basis for changes to take place in other sectors (academic training, school development, university research, non-school sectors ...).

The draft for this new and unique training programme was presented the first time at the international congress „Peace education in Europe” in November 2001 at Klagenfurt University / Austria.

The next step is much more difficult: realising the programme in practice. However, at the Klagenfurt congress, a number of personalities and institutions joined the project and we are working now together for the implementation of the EURED programme.

### **Thesis 1: Peace education as an educational policy guideline**

Concerning a general pedagogic orientation, peace education is not only one aspect among many others, but a basic guideline. And I believe that we as peace educators should stop being too modest and to be satisfied with our little place on the margins of the educational landscape.

The basic thesis for this project is, that (following Bjerstedt 1994) peace education represents an essential orientation framework for a future-focused education system. It has proved to be a category appropriate for research and of value in pedagogical practice, bringing to-

gether various areas of equal importance (education for human rights, democracy and tolerance; inter/multi-cultural education, civic education, environmental education and 'global' education), as elements of an overall conception and hence rendering them accessible to academic analysis and practical application (for a current discussion of this view see Wintersteiner 1999, 15-43).

The decisive criterion for peace education is the conscious dealing with violence and the effort to achieve a non-violent open and „friendly“ (Kristeva) relationship with the „other“.

In numerous international educational policy documents in which most European states have been involved or which have also been signed by them, peace education is named as a central educational policy task whose implementation requires collaboration across national frontiers. This notion was outlined as early as in the founding declaration of UNESCO and laid down in detail in the 1974 UNESCO Recommendation on „Education concerning international understanding, co-operation and peace and education regarding human rights and fundamental freedoms.“

The declaration of the 44<sup>th</sup> Session of the International Conference on Education (ICE), 1994, Geneva, represents an update and

concretization of this approach. It is comprehensively expressed in the „Integrated Plan of Action for Peace, Human Rights and Democracy“ based on the documents approved by the above Session of ICE and adopted by General Conference at its 28<sup>th</sup> Session, Nov. 1995. Mention should also be made of documents and activities of the Council of Europe, the Delors Report (Delors 1996) and corresponding UNESCO documents on the 'International Year for the Culture of Peace, 2000' as well as on the 'International Decade for the Culture of Peace and Non-Violence for the Children of the World' (2001-2010).

## **Thesis 2: Peace education needs a new 'kick', a great leap forward**

But there is no reason for too much enthusiasm. In most of the (European) countries, all these declarations are still hot air and empty talk. Despite of many wonderful initiatives, mostly from grass root movements, there is a discouraging lack of legal conditions and practical implementation of peace education.

It was to cope with exactly this gap between words and acts, that at the Hague Peace Conference, in May 1999, an initiative group was formed to start a “Global Campaign For Peace Education” that is concerned with the implementation of the agreed resolutions and to prepare the young people to tackle the problems of the 21<sup>st</sup> Century: “The coming generation deserves a radically different education. Students needs the skills and knowledge to create and maintain peace“ (The Hague Appeal for Peace). In May 2001, the first meeting of the International Advisory Board took place in New York and discussed different ways of realising the aims of this new peace education movement.

But a campaign cannot be led by propagating always the same goals on the one hand, and to

split into countless single activities in each country and each community. We also have to define a number of clear and realistic partial aims. As partial aims, we have to choose some special key issues. If we make progress in these questions, this is an essential step for the whole campaign as well. Of course, these partial aims are less general, less easy to „sell“ in a marketing campaign, but they are essential for our common goal. The problem is, so to speak, not to bring ourselves to climb the mountain top, but – to quote the German writer Bert Brecht – to cover the „pain of the plain“.

We believe that a Europe-wide teacher training programme could be such a key issue. It is deliberately limited in its geographic range as well as in its target. We want to focus on Europe for reasons that I explain in the next thesis, and we will only provide in-service teacher training, leaving aside all aspects of a general reform of the educational. But we are convinced that this is the best way to get positive results in a relatively short time.

### **Thesis 3: Even in times of globalization, we need regional, e.g. European initiatives for peace education.**

The fact that globalisation is today being discussed in a wide range of sectors, including in the educational sector, also prepares the ground for a peace-education-oriented global education approach. Thus, for instance, the Delors Report to UNESCO concerning „Education in the 21st century“ emphasizes the challenge that globalisation represents for the education system. „One of the most important tasks of education is to change a mutual dependency that really exists into voluntary solidarity“ (Delors 1996, 40). This means that peace education today must be conceived as global education (see Boulding 1988, Wintersteiner 1999, 231 ff. and 2000).

But we know that globalisation also means „globalization“ (Zygmunt Bauman) and that we have to examine its consequences in any detail. For us in Europe this means, *inter alia*, that the focus also turns to the European dimension, the specific European responsibility of peace education.

The process of European integration has now entered a crucial phase. After the fall of the Berlin wall and the iron curtain, the European Union is no longer a special Western European project but really a European one. And for the stability of the whole continent it is important to integrate *all* European countries, especially those that are or were recently involved in cruel wars. We are now on a crossroad:

\* Europe is going to become a second superpower, a rival of the United States with a neo-liberal market system that destroys all social achievements of the last century, with a political system that replaces democracy by a mixture of populism, „mediacracy“ and bureaucracy and with a military system able to intervene in the whole world – in one word, Europe runs the risk of becoming a dangerous factor for the whole world.

\* Or, this is at least my vision, the European unity could be a model of peaceful co-operation and thus for peace inside the continent as

well as for a peaceful behaviour with the neighbours. The key question is, no doubt, the development of new forms of a trans-national democracy. But this is not exclusively a pure political question.

If Europe wants to become a „force for peace“<sup>i</sup> it is necessary to develop a „culture of peace“. I believe that in our continent there are rich traditions of peacemaking, reconciliation, peacekeeping, non-violent conflict resolution, of living together and to realize *unity in diversity*. There is no other continent with so many different cultures at such a small territory.<sup>ii</sup>

And this also has an important impact in the field of education. Peace education approach of the European education system is to focus on the model of a „Europe as a force for peace“ and to assume the notion of unity in variety in the formation of a pan-European educational and school culture. The aim is not a homogenized uniform culture but the creation of common standards that are necessary to permit a varied and flourishing „culture of peace“. A further characteristic is the openness and unrestrictedness towards non-European influences. European peace education is on its way to globalisation, i.e. moving closer together, as well as being in a state of intensive exchange – but not becoming globally standardised.

Account must be taken of the fact that for peace education in particular international co-operation is not an additional element but rather a basic element of its intentions. Thus, the aim of EURED is to offer teachers of the whole continent more possibilities to share their experiences in peace education, to learn from each other and to co-operate in peace education projects. This means, „Europe“ should not only be the geographic frame of our work, but also the „method“ (sharing the different experiences) and a topic (Europe, the European Union and Peace).

#### **Thesis 4: Teacher training is a motor for educational innovation and school development.**

'Virtually all societies expect and prepare teachers to transmit the dominant social values and guiding ideologies of their respective societies. *We must now not only expect that teachers will transmit the values of a culture of peace. We must urge that they be intentionally, explicitly and systematically prepared to do so.* For this service of peace, they must be accorded the respect and reverence truly commensurate with the extent of their social responsibility, a respect such as that offered to teachers in times and societies which have seen education as the means to better lives for people and greater achievement for the society, not simply as technical preparation for the production system of for competition with other nations. *The vision, values, capacities and skills of teachers more than any other factors in education determine the quality and direction of the socialisation of the young in the public institutions charged with preparing them to function constructively in their respective societies.* Thus, it is the tertiary education of educators, both formal and non-formal, that is the most important sector in higher education with respect to the possibilities for the emergence of a culture of peace.' (Reardon 1999, 4-5, emphases by W.W.)

Thus, peace education should become an integrated part of every teacher training programme on universities or teacher training institutes and academies. But as far as we know, nowhere in Europe peace education is established as a compulsory element in teacher training. Thus, in-service training is almost the only way of achieving innovations and preparing institutional changes in the spirit of the Geneva Declaration. Therefore it appears reasonable to place the focus on the in-service training of active teaching staff. For an international project like EURED, in-service training is indeed the only possibility of having an effect on the divergent school reality organised according to national principles.

It has already become banal to emphasise the notion of life-long learning. This principle applies even more to those who themselves are professionally involved in teaching and learning. By virtue of the fact that it is possible to develop professional knowledge about the learning process, one can expect particular transfer achievements into one's own professional field. These are the arguments for our thesis No 4, which states that the approach via in-service teacher training is the most promising if we are to achieve sustainable improvements in the educational system relatively quickly and if

we are to create the basis for changes to take place in other sectors (academic training, school development, university research, non-school sectors ...).

This further training is to be applied to practical experts who

- \* are used to taking up and integrating new ideas and concepts by virtue of their professionalism
- \* can implement new experience, insights and knowledge immediately both in school development and specifically in subject teaching
- \* can function as multipliers
- \* can themselves – through analysis of their teaching – make contributions to theoretical issues.

The few existing investigations and the personal experience of the researchers involved (c.f. Krainer and Posch 1996) indicate that a decisive condition for the success of this activity is work in course-like units that combine theoretical inputs with the critical questioning of one's own practice in the sense of Action Research. It is only in this way that it becomes possible to actually integrate new approaches into the „habitus” (Bourdieu) of the teaching personality. EURED is ready to accept this challenge.

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<sup>i</sup> Cf. Research programme entitled „Friedensmacht Europa“ (Peace Power Europe) of the Austrian Study Centre for Peace and Conflict Resolution (ASPR), Stadtschlaining, planned for ten volumes, with 5 volumes published so far by agenda publishers, Münster (since 1996).

<sup>ii</sup> The focus on Europe doesn't mean to try drawing a clear border between Europe and the others. Europe is ideal for this project because of its history and cultural diversity, but by avoiding Euro-centrism at the same time.

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## Body and Communication: The Art of Encounter - The Language of Dancing

Birgit Süßdorf

To me, the human right to free expression is not just a political one. The human right to free expression— as I understand and interpret it – needs special settings, for example seminars, to cultivate the art of "good enough" (D.W.Winnicott) communication. In this essay, I want to illustrate and underline the significance of the *language of the body* as part of free expression of the human being and the necessity to learn, understand and practice this universal creative language<sup>1</sup>.

Teaching often means to move into a room full of chairs and tables where we realize no relationship neither between the persons in this room nor to the floor, earth or ground. The relationship with each other seems to look for self-awareness, respect and careful sharing. The mutual understanding with body, mind and soul, the "good enough" connection with each other seems to be interrupted. There seems to be a "sleeping consciousness" of being alive in a body breathing, moving and releasing the energy in order to activate the relationship between center and terminals, between "me and you", between imagination and reality.

What about the atmosphere in such a room? Can each person in this room find him- or herself? What about the inner world, the body that contains resources to be silent, peaceful in the mind, concentrated and touched? Are the students able to come into a mindful communication with the body that they *have* and that they *are*? What about the relationship of release and creation? Do they want to go for something?

The *dignity of the body* includes the awareness of the yearning for a body that is able to communicate with itself as well as with the other. This body is able to produce a steady performance, reduce strain on the body, control the factor of stress and thus maintain the joy of life.

### **1. The 'dancing student': mirror of culture and personality**

#### **1.1 Dance, socialization and liberation through improvisation**

In the seminar the student becomes once in a while a 'dancing student': he or she is able to touch, feel and sense the universe of non-verbal communication. In this context her/ his moving hands are not just moving hands; the student becomes her/his moving hands. Through this touching approach she/he develops her/his

sensitivity towards the ability to reflect her/his relation to society and culture as well as her/his position within a group. So she/he can become aware of the human nature, which is locked up through socialization and acculturation.

We live in very narrow definitions of situations and it is our task to become aware of our

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<sup>1</sup> The *language of the body* as a universal creative language includes, of course, disabled people or people with health problems. Süßdorf B: *Elements of 'good enough' encounters developing productive inner resources* (oral presentation); *Body, self and soul-body centered experiences through expressive-dance movements* (workshop) at the International Symposium "Adapted Physical Activity", July 3-7 2001, Vienna, Austria, theoretical as well as practical discourses treating the theme of "Let's move towards each other – towards a society for everyone."

cultural borders and to ask ourselves "what's behind the curtain?" (Laurie Anderson). The Russian dancer, choreographer and teacher Gennadi Abramov realizes cultural borders. They become interesting when we try to create our liberty within the borders.

To discover our liberty within the borders and to give everything in order to express this liberty in a figure, that's improvisation. Improvisation is life, our life. Each human encounter is an improvisation.

The big issue of art today is the body, the body as an asylum, the last human resort within a society in which (high)technology increasingly determines life and where people are more and

## 1.2 Expressive Dance - journey to a foreign country

My motivation to teach students the concept of body and communication is deeply related to the acceptance and recognition of the human ambivalence, being different *and* equal, being open *and* close, being in distance *and* proximity. Such a concept allows the body to develop the special *knowledge of the body*. Therefore we create an atmosphere, where the body comes to understand the existence of different values of different cultures, for example through music. Dancing with music supports the students in gaining and developing body self-awareness, sensuality and in

## 1.3 Authentic Movement - journey "to the inner abroad"

When becoming aware of the beauty of one's face, body, carriage, posture and attitude, this perception appears in the expression of the inner movement. And this inner movement can be recognizable, perceptible on the out-side, in the body language and body movements. This internal and external movement shows itself as a mobility of body and thinking. This new internal and external, physical and emotional and spiritual mobility is the expression of freed blocades and released energy. So I pay special attention to the open articulation of movement and the extension of energy. When body and mind are in a good contact with each other, students can learn to release restrictive tensions

more turned into functioning instruments. The body is the last territory where a person can find his/her own space within our cities. Through dance we are able to emancipate the body from society. If we believe in democracy, we also have to be able to question ourselves. Therefore, we need an experimental field like a seminar where we can design a world, opposite to the world we know. As great art is always independent of the public, we can take up this idea of independence and work on it through dance. With the time we can learn to understand *the language of dance*. Dance can take over the function of transition and of purification.

coming into a good connection with this fertile energy, generated especially by African dance.

I focus on the students' relation to their bodies and invite them to dance to the music from other cultures. Through different music styles from Africa, North and South America the students come to discover new forms and figures of movement and begin to understand the philosophy of another culture, of another thinking. Through the repetition of the symbolism of the gestures and by their experiencing harmony with the music, I enable the students to actually experience and live the dance.

through body exercises, by extending and strengthening muscles and finding a clear support through the bones. Special movements and body exercises lead to an enhanced awareness and freedom of movement that may be applied to a variety of styles. Through the extension and sensitivity of body perception, the students may even extend their way of thinking and come closer to completing their self-awareness. Trudi Schoop, a pioneer of dance therapy, stated the following principle:

*"Mind and body stand in a permanent mutual relationship, so that what is experienced from the inner self will affect the whole body - and*

*what is experienced by the body will affect and influence the inner self."*

In everyday life the unknown, which is rooted in the unconscious, is often considered as frightening and negative. But isn't rather the opposite correct? The unconscious is the home of our creativity. Meeting strangeness, a stranger or a strange country cannot only be a challenge, but also a chance to extend the comprehension of ourselves, of others and of our surroundings. But to be daring an open attitude is necessary. From the point of an open attitude, which is always a "yes-attitude", I have a sense of orientation, a position and a clear view. I am able to go upright, because I have and feel in myself a security which takes me forward, moves me. When I follow a direction, my emotions are not blocked, but can be transferred to the outside. I am motivated from inside - and I move. With Alexander Lowen we can say that *"each emotional disturbance is a restriction of mobility"* (1981, p.141).

The word "emotion" means a movement toward the outside. With that we show something from ourselves, something that moves inside us. Thanks to our awareness we are able to form this inner movement in a comprehensive manner for our "vis-a-vis", our face-to-face partner. Therefore we need to learn to become sensitive to our perception of our-selves and the perception of ourselves in the eyes of the other, to establish an adequate balance of getting proximity and distance according to the

situation. Nevertheless we have to comprehend the process of "understanding each other" always anew, as a process we are willing to experience. We have to deal with one another, being open to surprises, being curious and interested in the other person living in his/her own cosmos. With this attitude we are able to truly meet each other because we are able to see the other person as being another person than I am. I can always see him/her with new eyes and will be able to discover something new, unexpected. During this process our sense for ourselves is very much alive, because we perceive ourselves with all our senses, our mind is awake. In this solidarity with our self we are alive; we experience our feelings, whether sad, desperate or joyful.

With the idea of *selective authenticity* (Ruth Cohn), we are able to learn to be authentic and selective in our communication. So we have to become conscious of what we think and feel and we have to choose what to say and do. The idea of "selective authenticity" gives us a good orientation towards successful encounters. Being "selectively authentic" I can become inspiring for the other person. Perhaps he/she will take over my impulses. Then there will be resonance: we'll swing together by trusting each other. A real encounter is always a gift, which we give to each other because we give from our inner world.

## **2. Body and communication - need for confrontation and integration**

*"The body is not something we have, but who we are. It's our intelligence. It is how we organize our experience of both ourselves and our world."* (C.M. Johnston)

The Brazilian dancer, choreographer and teacher Ismael Ivo once inspired me with the following words:

*"When you become aware of your own borders, you'll find an energy which is very closely related to creativity. Then a real dialogue is able to begin and I participate directly. I question myself. For me that's the resource of art. This is the utopy of body and communication. This is what I want to teach my dancers as a possibility. For me it is very important to retrace the mental concepts down to the source, and this means down to the body. Only then you are able to change things. What dance comes down to is a way to the body and not its abstraction. For me, dance is absolutely substantial, it's felt experiences, it is a challenge of all difficulties and all possibilities. It's permanent confrontation."*

To be able to be in confrontation you must be a 'some-body', not a 'no-body'. You must be able to stand on your feet, to be open to get to know who you are. This is a question of identity, of individual, social, cultural and gender identity. It is a question of personal growth, of relation towards others, towards the cultural environment. Ruth Cohn gives the impressive key-sentence: *"I take a look inside, I take a look outside and I make my decision."* Being in confrontation is a question of being aware of the internal and external world and their mutual relationship. There's always a dynamic force when this relationship is alive. Because the more we know about the relationships between human beings, the more we are able to consciously experience the body.

Because there is a need to be confronted with these issues in a personal atmosphere, it is important for the student to come into contact with the living body, the *"subjective anatomy"* (Uexküll, von 1994) where the student will be seen as a more integrated person. Body and soul can be integrated in an educational approach. The student learns to see him/herself as a whole and, in consequence, he/she will also be able to see the body as a whole. The recognition of the body as being alive and soulful changes the attitude towards the body while teaching.

The student understands:

*"We think not only with our brain, we breathe not only with our lungs and sing not only with our vocal chord. Our whole body thinks, breathes, sings, loves (...) and suffers."* (Boal 1989:62)

The body tells us and others stories, where we are not able to find words. Because we do not allow these stories we ban them into the unconscious. Our body, on the other hand, is wise, sensible and helps us to understand if we learn to understand its language.

Sometimes the language is clear, immediate, direct, then again covered, non-transparent, strange. The art of construction and interpretation of one's own, personal body language is similar to the interpretation of dreams, which

are closely connected to one's biography. In addition, body language is even deeper and takes us down to archetypal structures (C.G.Jung). Authentic movement is archaic. In its expressive natural force, power, energy and efficacy the inner event becomes a form, a figure. While the inner movements are forming a figure, new stories are experienced and seen. Personal liberty is felt.

The extended horizon of perception allows new encounters and along with them new experiences: *"Ah - I suddenly realize I can do things differently! (...) There are still other ways (...) new worlds, which are challenging, making me joyful!"* - This is what I get to hear from students who have rediscovered the force of life and found perspectives for themselves. In this felt "other world" imagination gives them new courage in life, more clarity for their own life and independence. With other words: it allows them to deal with themselves and others differently and, above all, more lovingly (Erich Fromm) and caringly (Carol Gilligan).

With the discovery of our inherent creative forces, creativity, we experience a more playful way in how to deal with us and others. So we learn to meet a crisis and conflicts in a more constructive and productive manner. Looking at them with a more loving attitude will enable us to use them as a chance to grow, through getting down to the problem. We will be able to create something new – perhaps a new project.

The extension and refinement of perception improves human interaction: the art of encounter as a mutual composition.

## UNESCO HUMAN RIGHTS STRATEGY

Marília Sardenberg

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1. The decision to formulate an overall political strategy to mainstream human rights in UNESCO may be fundamental for the future of the agency, in the context of the process of reform initiated by the SG in the UN as a whole, and for the process of reform introduced in UNESCO itself, in particular.
2. It is well known that the promotion of human rights was already included in the broad mandate of UNESCO as an UN agency. However, the added value of the decision is its strategic dimension, now, that there is a broad consensus on the need for an overall political strategy with a view to mainstreaming human rights in the Organization. This will for certain change the way UNESCO works and performs its duties and it will change the way UNESCO understands and approaches the theme of human rights itself and how to devise ways and means to implement it. Its mandate will become more focused and, at the same time, the need for increased integration and improved interagency coordination will clearly emerge.
3. In fact, this move may actually represent “the way forward” for the Organization, a turning point for the role it has played in recent years in the UN system-wide. In a way, it means going back to 1993, to the historical principles adopted by consensus by the international community in Vienna and its Programme of Action.
4. On the other hand, with the establishment of this new strategic view and the introduction of a **human rights based approach** in the work and activities of the Organization – an effective exercise of “*aggiornamento*”- UNESCO will be opening a new phase in its existence where it will have to face the challenge of systematically incorporating the notions of rights and citizenship into the principles and values of the Welfare State, in the pertinent areas, throughout its main programmes, such as, among others, those relating to migrants, racism, gender and ethics of economy.
5. Furthermore, in the brave new world of the XXI century, where education is being more and more perceived as knowledge and has joined science and technology as fundamental factors for development, UNESCO may play an essential role in bringing all these values together in a joint effort within the UN system to building up a better world, based on peace, democracy, justice, human rights and fundamental freedoms for everyone.
6. In the light of those considerations of a very general nature, and in the context of UNESCO specific mandate, it is very important to emphasize the role UNESCO will be in a position to play for the promotion and protection of social, economic and cultural rights and in particular in establishing a research agenda in this field.
7. It is well known that there is already an enormous amount of conceptual and operational work done in the area of economic, social and cultural rights, in particular by the main and subsidiary organs, bodies and treaty bodies located in Geneva, as part of the Office of the High Commissioner for Human Rights. So the available knowledge and information may be used by UNESCO as a starting point in order to avoid overlapping, “burn a few bridges” and maximize resources and results.
8. The involvement of UNESCO in this area will be fundamental for many factors and, in particular, with a view to:
  - catalyse research in crucial and yet uncovered strategic issues relating to social, economic and cultural rights;
  - provide the indispensable academic input into the UN human rights work;
  - provide necessary advice on policy making at the national level, in this field.

9. Furthermore, UNESCO could also play a role in the promotion of research on new areas, which are emanating from the recent advancements brought about by the current technological revolution. In this spirit, it would be crucial for the Organization to strengthen its capacity and structures to assess the impact of technological progress on the implementation of social, economic and cultural rights, in the light of the emerging new perceptions on concepts of education, culture, ethics and bioethics, information, communication and others, in the context of the new “knowledge society”.

10. In devising a new strategy to mainstreaming human rights into its work, UNESCO will have to establish very strong linkages with the universe of human rights in UN Geneva, looking for integration and interagency coordination. Moreover, it should address the implementation of social, economic and cultural rights with a holistic approach, taking into consideration the principles of universality, indivisibility and interdependence of human rights.

11. In implementing economic, social and cultural rights, UNESCO will tend, in view of its mandate, to concentrate on the implementation of the right to education, which constitutes one of the areas in which the need for the application of an holistic approach becomes more apparent, because of the dynamic interaction of this right with all other human rights.

12. In this respect, it could be an interesting exercise to look with close attention at the experience of the main treaty bodies, namely the UN Committee on the Rights of the Child which, for ten years now, is in charge of monitoring the implementation of the Convention on the Rights of the Child.

13. In fact, the Convention is virtually universal and, with 191 States Parties, has the highest rate of ratifications among UN international human rights instruments. One could state that the Convention places three key obligations upon Governments of States Parties:

- a) to recognize education as a human right for all children;
- b) to respect human rights of children within the educational system, and
- c) to provide children with education for human rights.

14. In addition, it is important to understand Articles 28 and 29 of the Convention – on the right to education – as interrelated, that is, the first one indicates means of enforcing the right to education and the second one concentrates on aims and values of education as a whole. In fact, Article 29 is the object of a General Comment by the Committee on the Rights of the Child, contained in document CRC/GC/2001/1, and dated April 17, 2001.

15. It seems clear that the perceptions of the Committee on the Rights of the Child on the implementation of the Convention could in a way and to some extent, offer a sound basis for the current exercise of elaboration of a UNESCO human rights strategy, in particular, in terms of the development of the content of rights (still – and maybe, always – in evolution) and the valuable experience of their practical and effective implementation.

16. In this connection, it would be fundamental to take into consideration some important aspects of the process of implementation of rights such as, among others, the involvement of all interested actors (including national independent institutions, the private sector, national Parliaments, the media, children themselves); the constant and valuable cooperation with and in-put by NGOs; the importance of the establishment of an efficient and reliable system of collection of data and its linkage to the formulation of public policies at the national level; the continuing efforts of training, dissemination and awareness raising; the importance of identifying not only obstacles and difficulties but also solutions and best practices; the essential and complex role of international cooperation in particular for developing countries.

## The Challenge of Human Rights in the Twenty-First Century: an Ecumenical Approach

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### INTRODUCTION:

The history of human rights struggles demonstrates that every progressive movement that has expanded the scope of human rights since the 16th century has been ecumenical. Historical examples that can be cited are: the Spanish intellectuals who questioned the Spanish conquest of the Americas and championed the cause of indigenous Americans; international opposition to the Trans-Atlantic slave trade; the mobilization of forces from around the world against Nazism and Fascism during World War II; and the joining of hands among black people and white people and the pressure of the international community that helped both the civil rights movement in the United States and the anti-*apartheid* struggle in South Africa succeed.

In the United States of America, the history of the idea of human rights supports an ecumenical approach. The approach is symbolized on United States' coins, the medium of exchange in American society, used every day by each and every person living in the country: on the coins is engraved the phrase: "*E pluribus unum*" – "from many, one." This Latin phrase sums up the history of the United States: it is one nation, made up of many different peoples. And in that history, those three words, lies the reason human rights should have particular resonance in the United States of America: it is a nation whose population is comprised largely of immigrants and their descendants. Wave after wave of immigration to the United States was generated by human rights violations elsewhere – violations in those immigrants' native countries, that forced people to flee to seek not just a better future but, in many cases, survival.

The Pilgrims arriving on the Mayflower were fleeing from religious persecution in England. The Irish fled persecution by the English and famine in their own country. Many Jewish people came to the U.S. as survivors of the Holocaust and other forms of persecution in Europe. Similarly, Chinese, Italians, Armenians, Russians, Vietnamese, Cambodians, Haitians, and many more, all came here from countries ravaged by political upheaval, repression, and often war.

In addition, those who were here in the first place, the peoples now known as Native Americans, suffered from widespread denial of their human rights during the colonization of North America. And others – those now known as African Americans – were brought to America from the African continent against their will, in a massive violation of human rights known as the slave trade; and they continued for many years to be deprived of their human rights.

Thus, the history of the U.S. as a country is intricately intertwined with the history of human rights around the world; and this is a powerful reason for Americans to study, understand and promote the cause of human rights. Moreover, in world history, there has been no more pressing time than now for the United States to engage in human rights issues. This is partly because in global relations of power, no other country occupies a position of greater preeminence than the United States. And it is partly because this is a revolutionary epoch, in which the notion of a global village is no longer merely a metaphoric expression but substantially a reality: the world has increasingly become inextricably interdependent.

Indeed, modern advances in technological communication have made it possible to interact on a planetary scale. The remarkable speed of travel and electronic and telecommunications, coupled with global power relations, have altered the meaning of national boundaries and sovereignty. People, money, cuisine, and ideas now flow across national boundaries with remarkable ease. What happens in one country may affect – for better or for worse – the physical safety, the economic livelihood, and the health and well being of people half way around the world. In this interdependent world, no one can afford to ignore the suffering of fellow human beings.

It is in the context of an interdependent world that the recent clarion call by the United Nations High Commissioner for Human Rights, Mary Robinson, must be heeded. In a recent speech, she urged, "All human rights for all – this should be our common call to action." In this presentation, I outline a vision, guiding principles, and strategies that in the context of history, science, and prevailing conditions may facilitate an effective response to that common call to action.

### THE UNESCO MANDATE

The vision and principles I outline here are those that in the first place informed and guided our application to the United Nation Educational, Scientific, and Cultural Organization (UNESCO) to establish the UNESCO Chair & Institute of Comparative Human Rights at the University of Connecticut. It is important to sketch out the direction in which the Chair plans to steer human rights dialogue and to contribute to a new genre in the field.

It is a great honour to be the first and to date only UNESCO Chair in Human Rights in the country – despite the fact that since its withdrawal in 1984 the United States is not a member of the Organization.

UNESCO's award of a Chair in Human Rights to the University of Connecticut was based partly on the growing human rights programme at the University. President Philip Austin has underscored the importance of human rights, noting that: "There is no field more significant to humanity than human rights, and no time at which its examination is more important than now." Chancellor John Petersen has reinforced this by declaring comparative human rights an institutional priority.

The UNESCO award was also premised on the various strategic partnerships the University has developed with South Africa, including the UConn-African National Congress Partnership, the linkage with Fort Hare University and the UNESCO "Oliver Tambo" Chair in Human Rights at Fort Hare, and the growing relationship between Connecticut and South Africa's Eastern Cape Province. Specifically, the Chair and Institute grew out of the comparative human rights project that had been a component of the UConn-ANC Partnership since 1999.

Our programme to raise consciousness about and cultivate and promote a culture of human rights is based on a positive and constructive approach to human rights. It is also informed by a clear understanding of the role the United Nations and UNESCO have played in the promotion of human rights and international understanding through education, and by a deep appreciation of what constitute human rights.

The work of every holder of a UNESCO Chair is based on the authority and framework that is set out in the Organization's Constitution. That Constitution, crafted after World War II, entered into effect in 1946. With the backdrop of a war fought against the racial supremacist philosophies of Fascism and Nazism, and after the horrendous suffering inflicted on the Jews during the Holocaust, the Constitution spells out very clearly UNESCO's guiding principles and framework in the preamble:

That since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed;

That ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

That the wide diffusion of culture, and education for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all nations must fulfill in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

UNESCO's Constitution thus imposes upon all UNESCO Chairs the duty to put in place educational, scientific and cultural programmes that contribute to the building of peace in the minds of people for human welfare. By human welfare, is meant not merely material welfare but a commitment to combating mental and spiritual poverty and, in the process, enabling spiritual welfare and the enjoyment of art and other forms of aesthetic beauty to flourish.

It is with this keen consciousness of duty and obligation to human welfare that the UNESCO Chair in Comparative Human Rights at the University of Connecticut joins a network of UNESCO Chairs in Human Rights around the world. The network was founded in 1992 to promote human rights through education and research and to encourage collaboration among institutions of higher learning.

But before I outline how in the context of UNESCO's Constitutional provisions we intend to carry out our mandate, I will first sketch out what constitutes human rights.

#### WHAT ARE HUMAN RIGHTS?

Although there is widespread lack of clarity about human rights, both in popular debate and in scholarly discourse, and many people and states have appropriated the phrase "human rights" as a slogan and a pretext for all sorts of things, the definition is not hard to find: it is summed up in a 16-page document small enough to fit in your pocket or purse. That document is the Universal Declaration of Human Rights, the most important instrument and landmark document in the history of human rights, which was adopted by the General Assembly of the United Nations on December 10, 1948.

Although formulated in the aftermath of World War II, after the deaths of millions of Jews in the Holocaust, and

many other atrocities committed in the name of war, the Universal Declaration also has other modern historical antecedents: the Declaration of the Rights of Man drawn up after the French Revolution in 1789; the first 10 Amendments to the U.S. Constitution, which constitute the Bill of Rights; and the Russian Revolution of October 1917, which focused attention on the issue of social rights. Unfortunately, as these and many other historical examples demonstrate, decisive action to establish and protect human rights is generally taken only after large-scale rights violations and loss of life. But human rights is about more than the absence of war.

The two operative words in the Universal Declaration are **human** and **rights**. Coupled, these words make it clear that human rights are those rights to which all of us are entitled by the simple but profound fact that we are human beings. They pertain to all human persons, regardless of socio-political classifications, race, or gender.

In her book, *Problems and Process: International Law and How We Use It*, Rosalyn Higgins, a judge of the International Court of Justice, has given a crisp definition: Human rights are rights held simply by virtue of being a human person. They are part and parcel of the integrity and dignity of the human being. They are therefore rights that *cannot* be given or withdrawn at will by any domestic legal system ...

Individuals everywhere want the same essential things: to have sufficient food and shelter; to be able to speak freely; to practice their own religion or abstain from religious belief; to feel that their person is not threatened by the state; to know that they will not be tortured, or detained without charge, and that, if charged, they will have a fair trial. I believe there is nothing in these aspirations that is dependent upon culture, or religion, or stage of development. (1994: 96-7)

The definition given by Judge Higgins is echoed by the Argentine human rights philosopher, Carlos Santiago Nino, in his book, *Ethics of Human Rights*. There he argues that “Respect for human rights is demanded, even when one is faced with legal systems which do not recognize them” (1994 reprint: 10).

Clearly, then, human rights are not privileges that attach to particular groups of people or circumstances, nor are they about might or expediency. Repeatedly in history, however, groups of people who have attained dominance over others through military might have engaged in marketing a selective morality and their own group privileges as human rights. This was certainly the case until recently in South Africa, for example, where the notion of skin pigmentation represented as “race” was used by the white minority population to claim their privileges as rights and to deny the human rights of the black majority population.

Nelson Mandela summed up the circumstances in South Africa under white minority rule, in a statement (reproduced in his *The Struggle Is My Life*, 1986) he made from the dock on April 20, 1964, when answering the charge of treason: The lack of human dignity experienced by Africans is the direct result of the policy of white supremacy. White supremacy implies black inferiority. Legislation designed to preserve white supremacy entrenches this notion. Because of this sort of attitude, whites tend to regard Africans as a separate breed. They do not look upon them as people with families of their own; they do not realize that they have emotions – that they fall in love like white people do; that they want to be with their wives and children like white people want to be with theirs; that they want to earn enough money to support their families properly, to feed and clothe them and send them to school (1986: 179-80).

In other historical circumstances, notions of birth, gender, class and religion instead of, or as well as, the socio-political construct of “race”, have been used by ruling groups to rationalize privileges as God-given rights. Unfortunately, too, history also demonstrates that these dominant groups claiming privileges as human rights have often violated the human rights of others on a massive scale.

The Universal Declaration expands and clarifies the philosophical principles on which the Charter of the United Nations is based, especially Articles 1 (3), 55 (c), 56, and 68, which enunciate the broad principles of human rights. A primary and intrinsic purpose for respecting, promoting, and protecting human rights is to enhance the dignity and self-worth of the human person; and a secondary purpose is to foster understanding, cooperation, peace, and security in society, whether local or global. When these are achieved, cumulatively the possibility of attaining the common good of human and societal welfare is greatly enhanced.

#### A COMMON SHARED HUMANITY

The compass providing direction to the work of the UNESCO Chair & Institute is the recognition of a common humanity, the idea that what the various people of the world have in common is more significant than the differences.

To recognize our common humanity is to accept that all of us, regardless of our social background, nationality, gender, and so on, are born with equal dignity and worth. Article 1 of the Declaration puts its cogently: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

This vision has been the touchstone of UNESCO's work since its inception in 1945, and was clearly reinforced in the UNESCO's 1978 Declaration on Race and Racial Prejudice, which stated in Article 1 (1):

All human beings belong to a single species and are descended from a common stock. They are born equal in dignity and rights and all form an integral part of humanity.

The vision of a common shared humanity was conceived and formulated based on moral considerations, yet it has also been amply supported by science. For example, the exhaustive scientific research undertaken by the Human Genome Project to map the genetic make-up of human beings, concluded in 2000 that all human beings belong to a single human species (see for example, *Nature*, 2001: Vol. 409). The research demonstrated that genetically human beings are the same. The Human Genome Project research confirmed what some archaeologists had maintained; that all human beings belong to a common genealogical tree that can be traced to the continent of Africa. The scientific conclusion of the Human Genome Project has rendered untenable the ancient yet lethal dogmas about human races being arranged in a hierarchy.

Article 1 of the Universal Declaration of Human Rights, cited above, captures the essence of a common humanity and of the moral compass and duty that should guide our actions towards one another. To emphasize, it states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." When human rights are denied to certain groups and individuals as being somehow less worthy or less human, immense suffering – including loss of life – often ensues on the part of the oppressed. But the humanity of the oppressors also is diminished dialectically. As such, there are always no real winners in the absence of respect for the human rights of all, whether the criterion for discrimination is racial, ethnic, gender- or class-based.

#### CARRYING OUT THE UNESCO MANDATE

In light of this, the UNESCO Chair at the University of Connecticut is developing an inclusive approach to human rights for which I have coined the phrase "comparative human rights." The approach seeks to promote the human rights of all, in accordance with the provisions of the Universal Declaration of Human Rights and the Constitution of UNESCO.

Historically, approaches to human rights have generally been developed from the standpoint of a particular nation or culture. Integrative comparative human rights, on the other hand, seeks to take into account different perspectives from around the world, as a corollary of recognizing our fundamental common humanity – the idea that what the various people of the world have in common is more significant than the differences. The concept of comparative human rights seeks both to transcend the ethnocentrism of much human rights dialogue and to avoid the pitfalls of cultural relativism – the notion that anything goes – when we talk about human rights. In order to realize this vision, we seek to integrate people's experiences and understanding in different parts of the world and formulate a more holistic concept that reflects the diversity of experiences globally.

It is a common human weakness to generalize from our own experiences and assume that they apply to others. Such views are spread in the context of societal or global power relations, so that one or a handful of views predominate. This is as true in the area of human rights as in other areas. Thus, first European, and later American, ideas and theories of human rights have dominated human rights discourse as if they reflected the totality of human experience, without asking for others' views and listening to – and learning from – their answers.

Ironically, many have seen the concept of human rights as we know it today – encapsulated in the Universal Declaration of Human Rights – as a Western notion, yet those who study history and have read the debates that preceded the framing of the Declaration know that the group, though led by the First Lady of the United States Eleanor Roosevelt, comprised representatives from various parts of the world. Indeed, many of its provisions – such as that of self-determination – were strenuously opposed by many of the Western delegates to the group.

What we should realize, from a historical perspective, is that no society or people have ever possessed a monopoly on virtues or vices in relation to human rights. All human societies have perpetrated and experienced human rights abuses. For example, whereas Africans must be held primarily responsible for the Rwanda genocide in 1992; it was principally Europeans who engaged in the Trans Atlantic Slave Trade, the African holocaust in the Congo in the 19th century, and the Jewish holocaust in the second quarter of the 20th century; and Asians bear the main responsibility for the killing fields of Cambodia and the human suffering during the Chinese cultural revolution.

The fact of the matter is that no society can endure human rights violations for ever, however, or it will eventually bring about its own destruction, and so one society after another has had to develop some mechanisms to guard against such violations in the future. Examples are: the European Convention on Human Rights; the European Court of Human Rights in Strasbourg, which has proved to be the most effective regional court for

human rights in the world; the Universal Declaration of Human Rights; the rather anemic African Charter of Human and Peoples' Rights; and various international genocide tribunals. As indicated above, all of these were precipitated by one form of massive human rights violation or another.

Yet although the methods of realizing human rights may vary from place to place, depending largely on empirical conditions, the principles of human rights are universal and indivisible. Thus, if we are to formulate an inclusive approach to human rights that takes into account the experiences of others, then clearly we need to develop knowledge and understanding of those experiences. Indeed, we should have as index of strength, the open-mindedness and humility to acknowledge that we can learn from others, just as they can learn from us.

It is this interchange of experiences, views and ideas with a view to developing mutual understanding that I term "reciprocal learning." This reciprocity must be both horizontal and vertical; by this I mean that we can learn from other people in other societies and vice versa, but also that people in power can learn from the disempowered and powerless and vice versa. The principle of reciprocal learning calls, for example, not only for governments to respect citizens and vice versa, but also for teachers to respect their students and learn from them, just as students should learn from and respect their teachers, and for parents and children to respect and learn from each other.

Reciprocity applies as well to the relationship between rights on the one hand and responsibilities on the other. Rights do not stand alone, but are matched by duties and obligations. In the broad area of human rights education, the principle of reciprocity requires that people in the United States be prepared to learn from other societies as much as other societies may learn from the United States. The objective of reciprocal learning is intended to promote the fullest diversity of global perspectives on humankind and to foster mutual understanding and cooperation between different people, as stipulated in the Constitution of UNESCO, Article 1(1):

The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture, in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the people of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

Human rights abuses thrive in situations where the victims are demonized or dehumanized so that the oppressors see no need to try to understand the perspective of the oppressed. Lasting solutions to human problems and conflicts, on the other hand, must take into account the perspectives and interests of all those involved.

#### AN ECUMENICAL APPROACH

As indicated above, history underscores the need for an ecumenical approach. Progressive movements for human rights have always succeeded only when their proponents have adopted such an approach. This was true, for example, of the first international human rights campaign, which can be traced to the 16th century, when Spain embarked on a ruthless course to conquer the Americas. It was in response to the excesses of the conquistadors that notable Spanish jurists and theologians began to speak out against the virtual annihilation of the indigenous Americans. Mention can be made of two outstanding 16th-century jurists and theologians, Professor Francisco de Vitoria and Fernando Menchaca de Vazquez, who took it upon themselves to champion the rights of indigenous Americans by questioning the justice of the Spanish conquest of the Americas. One argued that looting and slavery were wrong, and that pagans had rights to life, liberty, and property equal to those of Christians; the other advocated a set of humane international laws of war. It is likely that, without their relentless campaigning and eloquent urging, the fate of indigenous Americans under Spanish conquest would have been far worse.

Another international movement for human rights dates back to the 18th century, when a group of people in England, as well as in the United States, fought hard for the abolition of the European traffic in Africans. When Britain was the dominant naval power from about the 18th century onwards, and when the scourge of the slave trade gnawed away the pulse and fiber of African societies, it was the decision by Lord Mansfield in *Somerset v. Stewart* ([1772] Loft. 1; 98 E.R.; 20 State Trials 1) that set the tone and gave impetus to the first international human rights crusading movement. By this I refer to the campaign to abolish the Trans Atlantic Slave Trade, led in the British Parliament by William Wilberforce. The *Somerset* case arose as an application for *habeas corpus* requiring the captain of a ship in English territorial waters to show cause for seizure and continued detention of the complainant Somerset, who was an African slave held by the captain on the order of the slave owner, Stewart. After considering contractual and commercial issues and interests in the case, Lord Mansfield ruled on moral and jurisdictional grounds, saying:

The power of master over his slave has been extremely different, in different countries. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political; but only positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, are erased

from memory: it's so odious, that nothing can be suffered to support it, but cannot say this case is allowed or approved by the law of England; and therefore the black must be discharged.

It was this ruling that gave the opening to William Wilberforce (1759-1833) and his associates to agitate persistently in Parliament for over two decades so as to enact *positive law* to ban the Trans Atlantic Slave Trade. That occurred in 1807, when the British Parliament passed the Anti Slave Trade Act that came into force in January 1808. And in an extraordinary symbolic convergence of events, William Wilberforce died in 1833, the very year that Parliament abolished slavery in British dominions. In the more recent past, it is difficult to imagine how the demise of British imperial colonial rule over most of Africa and Asia could have come about so swiftly and demonstrably, without the critiques of intellectuals such as Harold Laski and A. Creech Jones, among many others.

In the United States, the efforts of intellectual luminaries such as Paul Robeson and W.E.B. DuBois were crucial in offering people in that country and the world over alternative perspectives on imperialism and racial oppression. Often W.E.B. DuBois is remembered for the observation he made in 1903 in the *Souls of Black Folk*, that: "The problem of the twentieth century is the problem of the color-line – the relation of the darker to the lighter races of men in Asia and Africa, and in America and the islands of the sea." But we should also remember that DuBois was the individual who popularized Pan Africanism, founded the premier civil rights organization in the United States -- the National Association for the Advancement of Colored People (NAACP) - and authored over two dozen authoritative studies. In the annals of political thought and activism, no one cut a more towering and impressive figure of renaissance proportion than the heavyweight intellectual, W.E.B. DuBois (1868-1963). His successors -- who are dwarfs in comparison -- have nonetheless carried the torch of partnership between Africa and the United States.

The Civil Rights Movement in the United States, too, made progress by mobilizing a coalition of fair-minded people. In South Africa, the fight against *apartheid* succeeded because of a combination of internal and international pressure against the apartheid regime. Without the work of dedicated people like Randall Robinson of Trans Africa, together with the enormous pressure put on it from South African liberation movements, it is difficult to see how the demise of *apartheid*, could have happened at the time it did. It was largely the work of Robinson and other anti-*apartheid* groups in the United States that compelled Congress to overturn President Ronald Reagan's veto of the bill to impose economic sanctions on the *apartheid* regime. Until then, the United States had openly courted and promoted the *apartheid* regime in what the Reagan administration termed "constructive engagement". In the field of human rights, therefore, an inclusive and integrated approach that cuts across the boundaries of academic discipline, social category, region, religion, and gender is now not only possible but necessary, because the world is becoming increasingly interdependent.

Recent tragic events make an ecumenical approach an imperative. Take for instance, the terrorist attacks in New York and Washington on September 11, 2001. They dramatically and tragically demonstrated the realities of the world in which we live today. The attacks showed first, that terrorism has no respect for borders or national sovereignty. Second, that we live in a world where bigotry, prejudice, hatred and ignorance continue to flourish and to threaten individual liberty and freedoms, personal and collective security, and international peace. Third, that the welfare of people from different parts of the globe is intertwined: what happens anywhere affects all of us. And fourth, the fact that the victims of the terrorist attacks originated from many parts of the world and were of many different skin colours, ethnicities, religious faiths, etc., further illustrates just how intertwined global societies are.

Numerous other events around the world demonstrate the same underlying interdependence. In April 2002, for example, when the military in the oil-rich country of Venezuela replaced the country's democratically elected president, Hugo Chavez, with the head of Venezuela's largest business association, *Carmona*, the news of President Chavez's ouster sent oil prices tumbling on the New York Stock Exchange. Oil prices sky-rocketed a few days later, when thousands of Venezuelan people took to the streets and forced the return of Chavez to power.

Global interdependence is not just a political or state-level phenomenon; it is manifested at the level of millions of individual lives. Take the case of Shapala, a Bangladeshi woman, whose story was featured in the *Independent* newspaper of London on January 7, 2002. Although Shapala was beautiful and intelligent, she had suffered from polio. The people of her village, acting out of superstition, prejudice and bigotry, shunned her and ostracized her mother, blaming the mother for the disease. A British charity, Action on Disability and Development, stepped in, however, and offered financial support so that Shapala was able to go to school and ultimately become an excellent teacher herself. With some help from half way round the world, this young woman, who had been rejected by her immediate neighbours, was able to contribute to society and to enhance her own sense of worth and dignity.

On February 26, 2002, *The Hartford Courant* (in the United States), reported the struggle for daily survival by a woman and family of five children in Zambia. The woman, Rose Shanzi, was widowed after the World Bank and the International Monetary Fund compelled the Zambian government to adopt a structural adjustment programme that required the government to reduce spending on public services and increase privatization. Rose's husband was one of more than 100,000 government employees who lost his job in the textile industry. The town where the couple lived was also in the throes of disintegration, lacking proper health care, and the husband soon died of kidney failure, leaving his family without any savings. In order for her five children just to stay alive, Rose had to sell tomatoes at the market to earn the 75 cents a day she needed to feed her family, a task that sometimes took the entire day.

On March 10, 2002, the *New York Times* carried an article about dracunculiasis, commonly known as guinea worm, a water-borne pest that, when it enters a victim's body can grow to three feet long and live inside the innards of its victim for up to a year. Sudan has 80 percent of the world's reported guinea worm cases, virtually all of them in the war-ravaged region of the south. Yet tragically, although the government has managed to afford bombs and other military materiel for a civil war that has continued since 1957, fueled by ethnic and religious hatred, it has failed to provide its citizens with clean water and clinics that could eradicate the disease altogether. Although the civil war is benefiting international arms merchants, it has ruined the country and blighted the lives of millions. At the end of 1999, more than 5 million people were internally displaced, and half a million refugees were languishing in camps in neighboring countries. In the southern region of the country, the proportion of children attending schools was less than 5 per cent. Between 2 and 3 million land mines are scattered over a third of the country, further increasing the fragility of life.

Stories like these illustrate how individual human beings, seemingly unconnected in different parts of the globe, are in reality integral parts of an intricate international system. Between them, too, the stories illustrate the complexity and multifaceted nature of prejudice, and how human rights may be violated and ameliorated in a variety of ways. And they demonstrate that we live in a revolutionary epoch in which the flow of information, capital, and labour calls for acceptance and recognition of the essential humanity and interdependence of all people.

#### FOCUS ON SOUTH AFRICA

In the study of human rights, perhaps no year more than 1948 provides a greater set of tragic contradictions. In that year, just three years after the world had confronted the full horror of the Holocaust of Jews committed by the proponents of Nazism in the cause of racial supremacy, the United Nations General Assembly adopted the Universal Declaration of Human Rights which set enduring standards by which human rights observance and violation are measured. In the same year, however, in South Africa the Nationalist Party, whose members were disciples of Nazism, came to power and began passing a comprehensive series of laws that would institutionalize racism in the form of *apartheid* as the official doctrine of the regime. Yet the adoption of *apartheid* in South Africa, retailed to the world as a defense of Western civilization, barely generated any protest from the major signatories to the Universal Declaration.

It was only in 1994, after almost half a century of savage repression of the majority black population of South Africa that *apartheid* came to a formal end. In the first democratic elections in that country's history on April 27, 1994, Nelson Mandela - who had been a rallying symbol against the inhumanity of *apartheid* - was elected President, and the organization that spearheaded the struggle for liberation, the African National Congress (ANC) won a majority of seats in parliament. Under the leadership of President Mandela the country, adopted an innovative and inclusive, non-discriminatory Constitution and, instead of adopting a policy of revenge or retributive justice, opted instead for a novel formula of truth and reconciliation to build what Archbishop Desmond Tutu termed "a rainbow nation". -These events represent the poles any study of human rights must confront: the efforts to give all people equal opportunity and respect set against dehumanizing practices driven by prejudice and often born out of ignorance and fear.

The UNESCO Chair in Comparative Human Rights at the University of Connecticut has chosen South Africa to anchor its efforts for a number of reasons. To begin with, the new millennium has opened with South Africa as the torch bearer for human rights. The ecumenical democratic experiment now underway in building a non-racist rainbow society guided by the principles of truth and reconciliation, against the background of a long history of systematic and legalized human rights violations, has already provided inspiration to a number of conflict-ridden regions of the world, including Ireland. As such, South Africa offers an outstanding point of reference for human rights studies and work in the 21st century. In addition: South Africa was the birthplace of the strategy of non-violence for the attainment of human rights. It was in South Africa at the end of the 19th century that the Indian lawyer Mahatma Gandhi, who spent the years from 1893 to 1914 in South Africa, first devised the tactics and principle of *satyagraha*, or non-violent resistance to human rights violations. After World War II, this mantle

was taken up in the United States by the great civil rights leader, Martin Luther King Jr.

It is the cradle of Pan-Africanism. Henry Sylvester-Williams, a lawyer from Trinidad, conceived the idea of Pan-Africanism while he was in South Africa in 1897. In 1900, he convened in London the first Pan African Conference to which he invited W. E. B. DuBois as a participant. The conference was a spring board for Pan-African Movement, which later, under the leadership of W.E.B. DuBois, gave birth in 1916 to the premier civil rights organization in the United States, the National Association for the Advancement of Colored People (NAACP). The vision of a non-racial society in South Africa, which leaders of the African National Congress have held since the organization was founded in 1912 and later articulated in the 1955 Freedom Charter, may be considered to have anticipated the principal 20th century human rights document, the Universal Declaration of Human Rights adopted in 1948, by almost half a century. Through both its ideas and its practical example, the ANC has remained a source of inspiration to people in situations of political and racial injustice and conflict. Among those closely associated with its struggles are three Nobel Peace Prize winners: Archbishop Desmond Tutu, President Nelson Mandela, and the late Albert Luthuli (who was president of the ANC from the 1950s to 1960s).

There are significant parallels in the history of race relations between South Africa and Nazi Germany, and between South Africa and the United States, both of which can be used to gain greater insight into and understanding of the dynamics of racism in society. The post-apartheid South African Constitution, in particular Chapter 2 which comprises the Bill of Rights, may be regarded as the model constitution for human rights in the world today, as it enshrines the doctrine of constitutional supremacy in contradistinction to that of legislative supremacy; and entrenches human rights, especially the principles of equality and dignity in the legal, political and cultural transactions of the country.

Although the Truth and Reconciliation Commission is not a panacea for the legacies of apartheid, the ecumenical principle that guided its work, and its record of championing forgiveness, transparency, accountability and reconciliation, offer a model for conflict resolution in post-repressive societies and for promoting a human rights culture. Indeed, there are many lessons the world can learn from the efforts in South Africa to build a non-racist nation based on principles of compromise and tolerance, reconciliation, the rule of law, social justice, political pluralism, and equality of opportunity.

When the ANC assumed power in 1994, it began – under the leadership of Nelson Mandela – to translate its human rights ideals into principles for governance. This, above all, sets South Africa apart from the rest of the world. Because in history, more often than not the ideals for which leaders profess to stand while in opposition are discarded once those leaders come to power. The ANC leadership, to its credit, stood firm in its commitment to the ideals of human rights.

#### FROM THEORY TO PRACTICE

Because human rights is about human beings and their lives, and because human rights violations frequently entail intolerable suffering, excruciating pain, and life-and-death struggles, theoretical understanding and appreciation alone are insufficient to make a positive difference in the lives of people. In order to make a difference, we cannot afford to remain merely in the realm of theory but must bridge the gap between ideals and practice, rhetoric and action. In this respect, education is critical.

For years, human rights has been the province of lawyers, and the law does indeed have an important role in ensuring that human rights are observed and that violations are prosecuted. But the approach adopted by UNESCO goes beyond this, to emphasize education and outreach for the inculcation of a human rights culture that is proactive and will prevent future violations. Article 26 of the Universal Declaration identifies education as a human right: “Everyone has the right to education. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”

And an ecumenical approach to education has its roots in the very first session of the General Conference of UNESCO in 1946: we are precluded from taking a narrowly academic view, or indeed any but the broadest. Thus in education, we must consider not only formal education, in primary or secondary or technical school, in college, university, polytechnic, but also pre-school education at the one end of the scale, and post-graduate training and research at the other; adult education, literacy campaigns, discussion groups, health and agricultural education, education for citizenship and for international affairs.

In the scientific field we have to consider the whole range of pure science, both natural and social, from physics to prehistoric archaeology, from evolution to economics, from geology and anatomy and biochemistry to anthropology, demography and political science, not forgetting mathematics at the one end of the scale and psychology at the other.

In addition, we cannot neglect the application of science, for instance in engineering, town planning, chemical

technology, agriculture, social engineering, medical science, population policy, education and hundreds of other fields. Because human rights issues affect every facet of human life, they cannot be the domain of a single discipline; but rather can be pursued and understood properly only through an inter-disciplinary approach. Education for human rights should promote, for example, health, agriculture, economic improvement, artistic and cultural development, citizenship, and international understanding. And the means to accomplish such education should include the media and mass communication.

Education takes on a special significance in the area of human rights because, as one of the primary means of purveying a value system, it holds the potential to promote the values that underlie peace and security and ensure a culture of human rights. It is therefore incumbent upon us to bring together students and scholars from many different parts of the world who have often been torch-bearers for human rights, speaking up for social, economic and political rights as well as for the right to a broad and balanced education. Here again, the example of South Africa offers dramatic illustration: in 1976 a peaceful demonstration of thousands of students in Soweto township, against the *apartheid* regime's attempts to restrict quality education of non-whites, was met by the regime with brutal force. The demonstrators were fired on by government security forces and many students were killed. The tragedy was a turning-point in the anti-*apartheid* struggle, and it prompted international outrage and galvanized growing numbers of supporters to join the struggle.

There is nothing more meaningful for the future of human rights than to provide young people with an education that emphasizes the common humanity of all people, regardless of nationality, social background, religion, skin color or gender, for young people are our future: they will grow into adults who either respect or reject the fundamental rights of their fellow human beings.

The UNESCO Chair in Comparative Human Rights, and Institute associated with it, will work with universities around the world, as well as with specific local communities and professional organizations, to combine grounding in theoretical scholarship with practical engagement in human rights-related activities. The Institute will focus on outreach efforts to prepare individuals to be responsible global citizens by fostering mutual understanding and respect and providing current and future leaders with the tools to actively participate in building positive human relations. Initiatives planned or already launched include a comparative human rights lecture series, a bulletin for human rights practitioners and educators, a Student Ambassadors for Human Rights programme, workshops for elected officials, documentary videos, a children's book on human rights issues, and undergraduate and graduate scholarships for American and African students.

## CONCLUSION

The people of South Africa have shown that human rights can be used simultaneously as both sword and shield for the common good of all people in society. It is this heritage of human rights, effected through an ecumenical approach, that has inspired us to embark on an experiment with comparative human rights, in service of a common humanity, informed by principles of reciprocal learning and respect.

It is an experiment that seeks to answer affirmatively the clarion call to action in U.N. Human Rights Commissioner Mary Robinson's urging that all human rights should be for all people. I hope the experiment captures the imagination of a cross-section of people around the world. I hope also that the experiment purges our insularity and fortifies all of us to avoid the pitfalls of ethno-cultural relativism or hegemonic discourse in human rights. And, most importantly, I hope that it gives us the strength and courage to extend the hand of solidarity to others who are less fortunate than us and to speak out against violations of the human rights of those whose lives may be in peril. Only then will we truly celebrate a common humanity, and avoid revisiting the sort of tragedy that befell Europe, whose dreadful logic the German Protestant theologian, Martin Niemoeller, who lived through the Nazi persecution, aptly captured in his warning:

In Germany, they came first for the Communists, and I did not speak up because I was not a Communist. Then they came for the Jews, and I did not speak up because I was not a Jew. Then they came for the trade unionists, and I did not speak up because I was not a trade unionist. Then they came for the Catholics, and I did not speak up because I was a Protestant. And then they came for me, and by that time there was no one left to speak up. Let it not be too late before we answer the call to action to make human rights for all people a reality. For, as Martin Luther King Jr. wrote in a letter from Birmingham Jail, Alabama, on April 16, 1963: "Injustice anywhere is a threat to justice everywhere."

## Methodology of Research on Human Rights: The Quest for Area Studies

Barasby S. Karamurzov

At the Third International Meeting of UNESCO Chairs in Human Rights, Democracy, Peace and Tolerance, April 2002, Stadtschlaining, the need to give a new impetus to the human rights research agenda was acknowledged to be one of first priority in UNESCO's strategy.

This implies, in particular, the development of interdisciplinary research programmes, for examples, *Research on human rights and cultural diversity*. I have expressed elsewhere my opinion that whereas the Preamble to the Universal Declaration on Human Rights proclaims *the common understanding* of Human Rights to be of greatest importance for the promotion of universal respect for, and observance of these rights, so the initial step in any research in this field is *to relate them to the social and cultural matrix* of the particular area where Human Rights are regarded to be insecure. There follows a brief analysis of what might be a reasonable and advisable approach to the research programme on Human Rights in the case of the North Caucasus region of Russia.

The current difficulties and problems of North Caucasus are predominantly discussed in the framework of three approaches. Liberally minded politicians both in Russia and in the West, including representatives of international organizations, emphasize the problems of securing human rights in the region. Analysts and political figures who proceed from the priorities of the national interests of Russia, put forward the tasks of preservation of sovereignty and territorial entity of the Russian Federation. The intellectuals, representing ethnic groups, and the republics of the North Caucasus accentuate the interests and rights of the aboriginal peoples of the region in the sphere of preservation of their ethnic identity, indigenous languages and national cultural heritage. One can see that all these approaches are either directly or indirectly being premised by the

apprehension, which agrees that the causes of collisions and conflicts in the region are rooted in its ethnic and confessional diversity. It is not amazing. As far as the North Caucasus is concerned, the specificity and preliminary results of the major social and political upheavals at the end of the 20<sup>th</sup> century, is that the crisis and the destruction of the Soviet system, the "laissez faire" economic reforms and Russian "transition to democracy" have been shaped to a large extent by the domination of the socio-cultural factors.

Firstly, the initiative and most important impulses of political and economic changes proceeded from the socio-political and cultural/ideological "center" of the Russian society, whereas the processes in the North Caucasus may be treated as the reaction to and adaptation of local ethno-social communities to the radical changes in the "surrounding" socio-political environment.

These regional developments in turn were later becoming a constituent part of the general process of the changes in Russia as a whole. Evidently, the local responses to modernizing initiatives depended on the mode of their specific "refraction" in various socio-cultural contexts. In these conditions not only social groups or political units, but ethno-cultural communities as well have become the actors in the political process.

Secondly, mass political mobilization in the region mainly concentrated around symbols and slogans, aimed at preserving ethnic or national identity, revival of national languages and cultures, indigenous traditions and customs. These problems have become the focal points for national-political movements and later have been incorporated into the activity of governmental structures. As a result, the vital mechanisms of ethno-cultural reproduction have acquired legal and institutional recognition.

Thirdly, the crisis of statehood, disruptions of the social order, violation of normal functioning of the social mechanisms at all its levels – all of this objectively conditioned a compensatory and stabilizing counter-reaction of local societies in the form of partial restoration of regulative functions of a number of traditional social institutions and brought about the actualization of corresponding patterns of identity, mental structures, values, norms and modes of social behavior. And this was in parallel to the purposeful politics of the cultural revival.

Extreme, and even violent forms of the expression of the aforementioned processes have long been actively discussed by experts, political elite and in mass media. Here belong the growth of ethnic nationalism, separatism, interethnic conflicts, the increase of the influence of Islamic fundamentalism, terrorism. At the same time they hardly approached a well worked-out conception, which would be able not only *to explain* the current processes, but also *to serve as a basis of the social concord* on what would be an effective and satisfactory public policy in the North Caucasus. One can explain this by the following:

- Insufficient attention to the analysis of the cultural dimension of life of the aboriginal peoples in terms of their values, beliefs, morals, etc., since this makes it difficult to “understand” them and to be realistic in evaluation of the possibilities and problems of modernization of local ethno-social communities;
- Excessively generalized, undifferentiated approach to the region which takes into consideration only its ethnic diversity and ignores its multidimensional complexity, as well as peculiarities of the historical experience and socio-cultural individuality of this or that people;
- The absence of a reliable empirical basis in numerous expert statements: historical material on social and cultural evolution of peoples (not only political peripetias of their history) and representative sociological material, enabling to analyze “mass” social processes and the structure of actual public spirit.

All this makes it difficult to clearly put and convincingly solve two groups of questions, which are of key value for the understanding both of the experiences of the transitional political period and general prospects for the North Caucasus region of Russia. The first one is connected with the necessity of explaining the essential diversity of the patterns of the social and political development in various national republics of the region, although the character of the ethno-political collisions and socio-economic problems being significantly the same in all of them. The second one concerns the necessity to assess (for each of the socio-cultural and political entities of the region) the availability or the absence, the degree of maturity and the specificity of structural conditions and prerequisites for the consolidation of the democratic regime.

To come closer to solving these questions, it is necessary to pass from an analytical survey of the ethno-political problems of the region as a whole to the monographic study of current social and cultural processes within it. Such a “fundamentalization” of the analysis implies three principally new approaches to the subject of modern Caucasian studies.

First of all, one should base an analytical perspective on the assumption that there does not exist a “North Caucasian society”, there does not exist a “North Caucasian culture”, there does not exist “North Caucasian politics”. Typological proximity of the ethno-cultural systems, communion of the historical destinies of the North Caucasian peoples and commonness of the current problems of the region is evident. At the same time, much attention should be paid to ethnic and sub-regional specificity of the historical and current socio-political processes. The density of social and political relations, the degree of their cultural closeness, the character of the cultural, historical and civil self-identification significantly differs from one ethnic group to another.

Further, socio-cultural specificity of the peoples of the North Caucasus as subjects of the current social and political processes

cannot be reduced to the mere set of their ethno-specific characteristics.

It reflects general results of the historical evolution of their societies and cultures, including not only aspects of fixity of traditional social structure and cultural patterns, but also elements of modernization and integration into the global cultural space.

Crises and conflicts of the last decade of the 20<sup>th</sup> century cannot be explained by the mere multiplicity of ethnic and confessional groups encountering each other in this area. It is rather caused by the fact that all of them, and the region as a whole, have reached some culmination point in time, from which all the complexities of their past, contradictions of their present and uncertainties of their future is most obviously seen. Ultimately, such destructive phenomena as separatism or religious fundamentalism can be overcome only on the ways of further modernization of the local communities, with the simultaneous preservation of their cultural and historical identity. Answers to the questions on the possibilities and conditions for the realization of such a prospect should not be searched in the sphere of ethnography, but rather in the realm of their history.

Finally, the necessity has fully ripened to consider conflicts and problems of the North Caucasus not only within the local or national framework, but also in the long-term global perspective. This presupposes the involvement of such general themes as modernization, clash of civilizations, democratic transition, economic globalization, etc. into the analysis.

On the one hand, the use of such broadest generalizations does not mean abstraction from the regional realities, but - on the contrary - the deeper level of their study.

On the other hand, the future destiny of the peoples in the region significantly depend on their being ready or not, ready to embrace the opportunities and to overcome the dangers, which are connected with the afore-mentioned global processes. More or less clear indications on the possible scenarios of their further development can be discerned

if one tries to consider the course and the results of the socio-political transformations in the period of Russian reforms from “within” the local communities and through the “prism” of local cultures.

All the above assertions are premised by the conviction that the peoples of the North Caucasus themselves should build and maintain a social order in which Human Rights can be fully respected and protected. No one but themselves can do it for them or in their place. And equally, this task cannot be solved by any set of measures in legal or political field. It would take a long process of social, political and cultural modernization of the local societies. In other words, the problems of development and intercultural dialogue turn out to be genuinely fundamental problems for the promotion of Human Rights in the North Caucasus region of Russia.

## Human rights and traditional authorities: Addressing the unconvertible?

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Prof. Manfred O. Hinz

### 1 Traditional authority: recognized, but neglected

Legal orders established under what has become known as the new African constitutionalism are different from legal orders established before. The new legal orders do not only provide for the binding character of the constitutionalized human rights as the supreme law of the land, but also take note of the traditional sub-structures, as we find them in most sub-Saharan countries of Africa.

The Constitution of Namibia (1990) and the post-apartheid Constitutions of South Africa of 1994 and 1996 contain explicit rules for traditional authorities and reiterate in particular that traditional authorities and customary law are not exempted from the sovereign authority of human rights.

With this, the constitution-makers of the new African constitutionalism have taken an important step in establishing the frame of reference for the inherited legal and political plurality, by binding the various sub-central entities to universally expected principles of governance and human rights.

To what extent the constitution-makers (not to speak of law-makers in general whose task is it to enact measures within the framework of the constitution) have been able (or unable) to accommodate contradictions caused by the recognition of traditional governance in constitutions such as those of Namibia and South Africa is an issue on its own. However, the practice seems to be more to uphold the *Kelsenian* fiction of *grundnorm*-related state unity, instead of searching for new creative and constructive approaches. So far, the easier way of handling the obvious contradictions between so-called traditional and modern governance has been to ignore the traditional reality despite its constitutional recognition.

A good example of this can be found in the recent history of South Africa. The constitution of 1996 goes so far as to recognize traditional authority as an institutional guarantee. However, the same constitution opts for a

wall-to-wall system of local government built on the same election-based principles of democracy as they apply to the central government. This led to severe criticism by traditional authorities, who objected to the wall-to-wall system as being in contravention with their recognition as leaders and administrators in their areas. Local authority elections could only be held after the government of South Africa conceded to the traditional authorities that it would review the situation; the change of the constitution not excluded.

Therefore, the issue is not whether one likes or dislikes traditional authority, the issue is that traditional authority is reality. The majority of the people in most sub-Saharan countries are in one way or another exposed to the rule of traditional leaders. Traditional leaders are the custodians of traditional culture, allocate land, and are generally the only local administrators accessible to rural communities. Traditional authorities hold court, in civil as well as in criminal matters, to the extent that the state courts would collapse if the workload of the traditional courts had to be taken by the magistrates' courts.

Empirical research has shown that traditional leaders enjoy broad support. The interesting result of research conducted in Namibia was that there was no significant difference in the support for traditional authorities as per age, gender or education. Many people prefer traditional courts to state courts because the traditional judges know the environment of the case brought before them, the parties to the cases know the law to be applied, the language is the vernacular of the area, and in general the judgments are more likely to produce justice for the people than what could be expected from state courts.

## 2 Traditional authorities: Bound to yesterday or dynamic?

We have come to learn that we call traditional authorities *traditional* although the use of the word traditional is more than debatable. Even social structures that may claim to be there *since time immemorial* can be relatively young creations, sometimes by the colonial administration, sometimes by the people themselves and sometimes by post-independence governmental interventions.

Social anthropology, on the one hand, has contributed a lot to the understanding of invented traditions and invented tribes. The more important point, however, is whether or not the respective social structure commands the respect of the people and enjoys acceptance. On the other hand, the many recorded interventions and their acceptance prove that nothing in tradition is traditional in the sense that it was preserved in ancient times, and had remained unchangeable and static. Traditional societies have always changed and continue to do so. Traditional societies have the potential for change – the challenge is to recognize this potential and to create an environment for the

potential to be realised and contribute **to** the development of the society as a whole.

The following may illustrate this view: The long debate about injustices created by the traditionally matrilineal kinship system and its reflection in the customary family and inheritance laws of northern Namibia was not ended through legislative interventions by the Parliament of Namibia, but by the traditional communities themselves. One of the major matrilineal communities in the Namibian North, the Ondonga community of the former Owamboland, decided, after long deliberations and against resistance by those who benefited from the old system, to change its law of inheritance. It decided to grant spouses and descendants of a deceased person rights in the deceased's estate which otherwise would have benefited the deceased person's consanguineous relatives with the exclusion of the surviving spouse and the common children.

The example of the Ondonga community led to a meeting of all the communities in Owamboland that eventually adopted the example of the forerunner.

## 3 Guiding the potential of traditional authorities

Unfortunately, still dominant stereotypes denote traditional structures to be relics of the past that are autocratic, against change and must be overtaken by modernity. These structures have thus far been overlooked as possible agents for change and development. The attitudes towards traditional authority are hesitant to consider that traditional authority is an unavoidable reality, of which one has to make use of in order to be successful.

More and more development workers begin to recognise that traditional authorities can be very helpful as 'go-betweens', prepared to channel communication and understanding about projects. *However, the degree to which they will prove useful will naturally vary from case to case. This measure of utility will be heavily influenced by offers of training, which are based on and promote human rights understanding and principles. It must be*

*noted that this form of training is meant to guide judgements and not to impose prefabricated claims of truth. (I have just rewritten this paragraph as a suggestion).*

However, whether they really are or are not, will differ from case to case, but can be certainly influenced by offers of training to which human rights can contribute a lot - as long as the offer is made to guide and not to superimpose prefabricated judgements claiming to contain the only possible truth!

Human rights can talk a universally understood language that respects the values of different cultures. This does not mean that everything that cultures practice must be accepted. Human rights can facilitate the everyday work with clients who come to see their authorities and request for assistance. Human rights can teach respect for the

assistance-seeking clients as well as for the traditional administrator. Human rights language can support the need for good governance, transparency and accountability, also at the traditional level. Human rights dialogue that does not shy away from the challenges of contextualization (relativism?) can contribute to peace and mutual understanding in many ways, such as integrating respect for ancestors as part of human rights.

In one of the human rights workshops, which we offered in Namibia for traditional secretaries some time ago, one very senior traditional person referred to human rights as *monsters*. I personally interpreted this as a very important statement, from which the workshop participants, myself included, learned a lot. Why? The participant referred to human rights as *monsters* because he understood human rights as threat to the work he had performed over the last 20 years or so. Human rights were considered as threats because the inherent human of human rights was miscommunicated and never made clear. Human rights were considered mechanisms of law enforcement that redirected people to the rule of law by force. Human rights were means of punishment. Human rights were anticipated as complications for the every-day work.

The long discussion that followed the '*monster-statement*' eventually contributed to a different understanding of the concept of human rights. The discussion confirmed, on the one hand, that human rights were indeed to have teeth, in the sense that they were to restrict the exercise of power where such exercise was not acceptable. On the other hand, the discussion also pointed to the potential of human rights to contribute to humanity as goal and guide of all of us present in the workshop, even if the comment made did not exhibit an understanding of rights as according to Enlightenment thinking!

And this is where the problem lies: we have to learn that Descartes' *cogito ergo sum* is not the only mode of thought that guides political philosophy. *Umntu ngumuntu ngabantu* which means in some of the major South African languages 'human beings are human beings through other human beings', is certainly equally important for the political philosophy that informs human rights concepts.

Learning this will demystify the perception of human rights as *monsters* and enforce them to guide the potential of traditional authorities.

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## Human Rights versus Terrorism?

Professor M. D. Nalapat

September 11, 2001 brought home to the entire world the threat of terrorism to international stability. Thus far, barring a few isolated incidents, almost all terrorist acts had taken place in theatres within the underdeveloped world or in Asia, thus providing an illusion of immunity to Western Europe and the USA. The incidents on that day changed this perception and drew attention to emerging patterns that suggest that Western Europe too could be the location of similar activity in the next decade, if not sooner. This has created a perceived conflict between the need to battle terrorism and the imperative of ensuring the protection of the human rights, which distinguish civilized from barbaric societies, autocracies from democracies.

It is the contention here that the apparent conflict between human rights and the need to battle terrorism is in fact not there, that there is a clear separation between the two. Thus, vigorous prosecution of the 'War on Terror' can and must take place within a framework that safeguards the dignity of the individual that is the bedrock of human rights. At the same time, it should prevent the misuse of human rights as a means to escape for those indulging in terrorism.

There are those who argue that terrorism mandates to abandon liberal values and action, so that it calls for police and security methods that put an end to the Open Society. Such people are in fact encouraging terrorism. Far from spawning terrorists, the freedoms and privileges of a modern, moderate democracy in fact damp down such sentiment and stanch recruitment to the ranks of extremists. It is no accident that almost none of the 150 million Muslims in India are found in the lists of terrorists circulated worldwide by the FBI and other agencies. Democracy in India is the cause of this, just as it is the repression and autocracy in several countries that have led thousands to find a means of protest through terrorism. Were Western Europe and the US cut down on democratic freedoms and equal rights and treatment for all residents, terrorism would expand and not contract in these countries. The liberal values, institutions and methods of western societies and (partly) in democracies such as India and Israel have helped prevent a huge influx into terrorist ranks. What is needed instead is to "bulletize" policies so as to target specific groups of prospective and present extremists (including those belonging to the Christian, Jewish or Hindu faiths) rather than enact "blunderbuss" legislation that targets (and embitters) whole communities.

As Gandhi said, "Means are after all, everything", and the means of redress should be such as to preserve the freedoms and values being protected. In other words, wherever needed, laws should be modified operationally but not abandoned. Also, there is a need to ensure that the checks against misuse of legislation increase *pari passu* with the severity of the laws, in order to prevent corrupt or bigoted law officers from wreaking havoc on the innocent ostensibly in the pursuit of the guilty.

In ancient Indian epics, there are the concepts of "Vaidha Himsa" (or sanctioned use of power) as against the "Avaidha Himsa" (or unsanctioned use of power). This recognizes that each society has the right to use violence in its defence, but that such actions should be proportional to the threat and

not destroy the very social fabric that it purports to defend. In other words, to ensure the prevention of harm, certain measures may be ethically desirable, even though they seem severe. An analogy can be found in the case of a judge in the US or India sentencing a convict to capital punishment, or the recent example from Europe of the destruction of livestock infected with "Mad Cow" disease. However, in all such cases, the actions and the justification given should be transparent and the processes replete with safeguards against arbitrary use.

A final point: Prevention is vastly better than cure. Through education for example, there is a need to ensure that as many vulnerable pools of humanity as is practicable get diverted away from the acceptance of terrorism. This can be done through the educational system as well as by social examples. The war against terrorism cannot be left to the security services. It must involve the people as well, both by developing antibodies to extremism and by the inculcation of defence mechanisms, which enable the citizen to recognize threats to the democratic, liberal, tolerant - in other words, civilized - way of life that has taken centuries of conflict to overcome and evolve. Human rights are the best defence against terrorism.

## Etat des droits de l'Homme et de la démocratie au Bénin

Victor K. TOPANOU <sup>□</sup>

### Introduction.

Il n'est un secret pour personne que le respect des droits de l'Homme ne peut être garanti de façon satisfaisante que dans des conditions optimales de démocratie. Aussi compte tenu des restrictions qui me sont imposées en termes de lignes je me contenterai de dire quelques mots sur les mécanismes de mise en œuvre des droits de l'Homme au Bénin. Étudier les mécanismes nationaux de mise en œuvre des conventions internationales des droits de l'Homme serait de très peu d'intérêt si l'on devait se contenter d'énumérer en les analysant les mécanismes effectivement mis en place à cette fin. Le thème recouvrera la plénitude de son objet si au-delà des mécanismes, la question pertinente de l'effectivité des droits contenus tant dans les instruments nationaux qu'internationaux était posée - car l'objectif ultime des conventions sur les droits de l'Homme en même temps qu'il en constitue le seul intérêt est "la garantie des droits garantis". Et même si le Professeur René DEGNI SEGUI, avec toute l'objectivité qui le caractérise, fait remarquer qu'en Afrique plus qu'ailleurs "les droits sont abondamment proclamés, insuffisamment protégés et constamment violés"<sup>1</sup>, il n'en demeure pas moins que le Bénin s'efforce d'être un modèle de par la volonté politique affichée de ses responsables. Et tous les efforts déployés pour la mise en place de mécanismes de protection sur le plan international (système onusien et Cour Africaine entre autres) - mais auxquels dans bien des cas on ne peut accéder qu'après épuisement des voies de recours internes - ne pourraient suffire à remettre en cause la belle formule de Françoise TULKENS, Juge belge à la Cour Européenne des Droits de l'Homme, selon laquelle "*la garantie des droits de l'Homme commence et prend fin au niveau national*"<sup>2</sup>. Je présenterai dans une première partie un tableau -le plus exhaustif possible des mécanismes nationaux de mise en œuvre des conventions internationales des droits de l'Homme au Bénin (I) avant de conduire une réflexion sur leur efficacité et leur limite dans une seconde partie (II).

### **I / LES MECANISMES NATIONAUX**

Il faut distinguer les initiatives gouvernementales (A) et les initiatives de la société civile (B).

#### **A/ Les mécanismes publics.**

Parmi les nombreuses initiatives gouvernementales, il convient de distinguer les mécanismes juridictionnels (1) des mécanismes institutionnels (2).

#### **1/ Les mécanismes juridictionnels.**

L'arsenal juridictionnel du Bénin repose d'une part sur la technique juridique de l'incorporation dans l'ordre juridique interne (a) et d'autre part sur la Cour Constitutionnelle (b) reconnue comme "la plus haute juridiction de l'État en matière constitutionnelle"<sup>3</sup> et les juridictions administratives, judiciaires, civiles et pénales agissant sous l'autorité de la Cour Suprême "la plus haute juridiction administrative de l'Etat en matière administrative, judiciaire et des comptes"<sup>4</sup> (c).

<sup>1</sup> Voir DEGNI-SEGUI (R.), Les droits de l'Homme en Afrique noire francophone: théories et réalités, Abidjan, Imprimob, 1998.

<sup>2</sup> Propos tirés de la séance inaugurale que Françoise TULKENS a animée à Cotonou le 15 juillet 2001 à l'occasion de la première session régionale de formation en droits humains organisée par la Chaire UNESCO des droits de la personne et de la démocratie.

<sup>3</sup> Cf. art. 114 de la Constitution du 11 décembre 1990

<sup>4</sup> Cf. art. 131 de la Constitution du 11 décembre 1990

**(a) La hiérarchisation des normes au Bénin.** Le préambule de la Constitution béninoise intègre la Charte Africaine des droits de l'Homme et des peuples dans la Constitution et lui confère de ce fait au moins une valeur égale si ce n'est supérieure aux lois internes. Cette disposition qui est une première oblige les autorités à considérer les engagements pris dans le cadre de cette convention comme faisant partie intégrante de leur lois.

**(b) La Cour Constitutionnelle, garante des droits fondamentaux.** L'article 114 de la Constitution, en même temps qu'il fait de la Cour Constitutionnelle la plus haute juridiction de l'État en matière constitutionnelle, lui assigne comme fonctions importantes entre autres la "garantie des droits fondamentaux de la personne humaine et des libertés publiques". Et pour permettre à la Cour de jouer pleinement ce rôle, le constituant a prévu un nombre diversifié de voies de saisine allant de la saisine individuelle à l'auto saisine en passant par la saisine d'office. De plus, l'article 122 de la Constitution dispose que "tout citoyen peut saisir la Cour ... soit directement, soit par la procédure de l'exception d'inconstitutionnalité invoquée dans une affaire qui le concerne devant une juridiction. Celle-ci doit surseoir jusqu'à la décision de la Cour Constitutionnelle qui doit intervenir dans un délai de trente jours".

Par ailleurs, les décisions de la Cour ne sont susceptibles d'aucun recours et s'imposent donc en conséquences aux pouvoirs publics et à toutes les autorités civiles, militaires et juridictionnelles<sup>5</sup>. Toutes ces dispositions constitutionnelles contribuent à renforcer l'autorité de la Cour et la confiance des citoyens. Ainsi, depuis son installation jusqu'en juin 2000, la Cour a été saisie de 166 dossiers relatifs aux droits de l'Homme dont 2 en 1993, 5 en 1994, 6 en 1995, 34 en 1996, 29 en 1997, 56 en 1998, 12 en 1999 et 22 en 2000. Ces statistiques montrent bien que la confiance des citoyens en cette institution est graduelle et régulière. Sur ces 166 dossiers, 13 concernent des recours intentés par des femmes, 133 par des hommes, 16 par des personnes morales et 4 par des hommes politiques. Il y a eu aussi bien des recours non assistés (81) que des recours assistés (21), des recours concertés (13) que des recours afférents à un même objet (14) et des recours d'autres personnes que les victimes (23), auxquels il faut ajouter huit cas de saisine d'office<sup>6</sup>. Par rapport aux décisions rendues, 61 ont confirmé les requêtes intentées, 25 requêtes ont été déclarées irrecevables et 32 ont été rejetées; enfin, dans 23 cas, la Cour s'est déclarée incompétente et a décidé dans 11 autres cas qu'il n'y avait pas lieu à statuer.

**(c) La protection des droits par les autres juridictions.** Les juge administratif et le juge judiciaire assurent chacun dans son domaine les droits du citoyen.

**Le juge administratif** intervient dans une large mesure pour protéger les citoyens contre l'arbitraire de l'Administration par le mécanisme dit du contrôle de la légalité de décisions administratives. Tout citoyen dont le droit a été lésé par un acte administratif illégal peut saisir le juge administratif pour excès de pouvoir. Ce faisant, l'action du juge administratif devient un véritable contrôle de l'activité administrative. Mais l'étendue de ce contrôle est fonction de l'acte querellé; en effet, lorsqu'il s'agit d'un acte de la compétence liée, l'autorité administrative est tenue de respecter le droit conféré à l'individu par la loi. Ainsi par exemple, lorsqu'elle est saisie d'une demande de reclassement dans la catégorie professionnelle, elle ne peut refuser de faire bénéficier ce droit au fonctionnaire si ce dernier remplit les conditions légalement requises; ce qui n'est pas le cas lorsqu'il s'agit d'un acte qui relève du pouvoir discrétionnaire de l'autorité administrative, l'intervention du juge administratif est alors réduite à un contrôle minimum sur la matérialité des faits.

**Le juge judiciaire** par contre a plusieurs niveaux d'intervention au premier rang desquels on peut citer l'intervention en matière répressive pour condamner certains comportements attentatoires à l'ordre public et qui créent des préjudices aux individus (coups et blessures, meurtres etc.).

En second lieu, le juge judiciaire intervient pour protéger la propriété aussi bien contre les particuliers que contre les personnes publiques. Dans ce cas, il se borne à reconnaître ce droit aux

<sup>5</sup> Cf. art. 124 de la Constitution du 11 décembre 1990

<sup>6</sup> Cf. art. 121 de la Constitution du 11 décembre 1990

présupposés propriétaires qui réunissent les trois éléments constitutifs de la propriété à savoir l'usus, le fructus et l'abusus.

En matière immobilière, le juge judiciaire cherche à distinguer l'action pétitoire, c'est-à-dire liée au fond, du droit à l'action possessoire, relative à la possession.

Enfin, contre les personnes publiques, le juge judiciaire est compétent pour juger les agents de l'Administration lorsqu'une faute personnelle détachable du service est reprochée à ces derniers. Il est également compétent pour juger l'Administration en cas de voie de fait ou d'emprise irrégulière sur une propriété privée. A ce sujet, son intervention se trouve dans le prolongement de l'acte du juge administratif, juge de l'excès de pouvoir.

## **2/ Les mécanismes institutionnels.**

Il faudra distinguer les organes constitutionnels (a) des organes mis en place sous l'autorité du Ministère de la Justice (b).

**(a) Les organes constitutionnels.** Qu'il s'agisse de l'Exécutif ou du Législatif, chacun de ses organes peut assurer des engagements internationaux de l'État; l'Exécutif par son pouvoir de décision et le législatif par son pouvoir de contrôle de l'action gouvernementale.

Le Conseil économique et social par son rôle consultatif et son pouvoir de recommandation peut également y contribuer. Enfin la Haute Autorité de l'Audiovisuel et de la Communication est chargée de garantir et d'assurer une liberté essentielle qui est celle de la presse et de tous les autres moyens de communication de masse.

**(b) les autres organes institutionnels :** Il s'agit pour l'essentiel de la Direction des droits de l'Homme créé par décret n° 97-30 du 29 janvier 1977 au sein du Ministère de la Justice, de la législation et des Droits de l'Homme et de la commission Béninoise des Droits de l'Homme créée en 1989 pour promouvoir et sauvegarder les Droits de l'Homme.

La Direction des Droits de l'Homme abrite en son sein les secrétariats d'autres institutions créées par des décrets gouvernementaux et dotés de mandats relatifs aux Droits de l'Homme. Il s'agit notamment :

- de la Commission Nationale de la mise en œuvre du droit International Humanitaire
- du Comité National de Suivi de l'application des instruments internationaux en matière des Droits de l'Homme
- et du Conseil National Consultatif des Droits de l'Homme qui a pour mission de servir de cadre de concertation pour l'enracinement de l'État de Droit au quotidien entre les pouvoirs d'une part et les organisations et structures gouvernementales installées au Bénin d'autre part.

Il existe également au Ministère de la Justice

- une Direction de la protection judiciaire de l'Enfance et de la Jeunesse
- un Centre National de Sauvegarde de l'Enfance et de l'Adolescence
- et un Bureau social de la justice.

Par ailleurs les pouvoirs publics ont encouragé la création de la seule institution d'éducation et de formation de niveau supérieure en Droits humains dont la Chaire Unesco.

## **B / Les initiatives de la Société Civile.**

Le Bénin compte plus d'une cinquantaine d'ONG agissant dans le domaine des Droits de l'Homme, Amnesty International - Bénin, le Groupe GERDDES-Afrique, l'Institut des Droits de l'Homme et de la Promotion de la Démocratie, la Démocratie au quotidien, la Nouvelle Éthique, l'Association des Chrétiens pour l'Abolition de la Torture, l'Association pour le Développement

des initiatives villageoises, le Centre Africa Obota et l'Association de Lutte contre le racisme, l'ethnocentrisme et le Régionalisme.

A ces groupements il faut ajouter les nombreuses associations locales de développement qui interviennent souvent pour défendre les Droits des populations de leurs localités, les actions des organisations syndicales qui mènent une lutte constante en vue d'obtenir l'amélioration des conditions de vie et de travail des syndicats.

## **II / Les limites des mécanismes nationaux**

Je mentionnerai d'une part les limites supposées réelles (A) et m'attarderai sur une proposition d'amélioration (B) d'autre part.

### **A/ Les limites**

Les limites liées aux mécanismes publics (1) et celles liées aux mécanismes de la société civile (2) retiendront ici mon attention.

#### **1) Les limites des mécanismes publics**

les limites diffèrent en fonction des mécanismes en cause : il y a les limites inhérentes aux mécanismes juridictionnels (a) et ceux inhérents aux mécanismes institutionnels (b).

*(a) Les limites des mécanismes juridictionnels* : en ce qui concerne la cour Constitutionnelle, le principal reproche qu'on peut lui faire réside dans son pouvoir de sanction limité. En effet au terme de l'article 124 de la Constitution « une disposition déclarée inconstitutionnelle ne peut être promulguée ni mise en application », ce qui revient à dire que la sanction de la Cour constitutionnelle porte uniquement sur l'acte et non en aucun cas sur l'auteur. C'est l'Article 19 de la Constitution qui prévoit la sanction des auteurs « qui se rendraient coupables d'acte de torture de sévices ou traitements cruels, inhumains ou dégradants... conformément à la loi ». La Cour n'étant donc ni juge de légalité ni juge répressif mais plutôt juge de constitutionnalité, elle n'est donc pas habilitée à juger les auteurs de violations des Droits de l'Homme. De ce fait, depuis sa création la cour n'a jamais prononcé de sanction personnelle consécutive aux violations des Droits qu'elle a censurés. Il se pose dès lors un problème de recours en responsabilité, dès lors que l'acte sanctionné a pour cause un dommage à un citoyen qui ne peut de ce fait se constituer en partie civile dans le contentieux de constitutionnalité. La Cour ne pouvant allouer des dommages et intérêts à la victime, il appartient à cette dernière de saisir la Chambre Administrative de la Cour Suprême par un recours de plein contentieux juridictionnel. Mais dans bien des cas, des victimes ayant obtenu gain de cause devant la juridiction constitutionnelle se résignent, par ignorance ou par lassitude, à poursuivre la procédure au niveau de la Chambre pour obtenir réparation du préjudice subi.

En ce qui concerne les limites inhérentes au juge administratif, elles sont de deux ordres : de fonctionnement et d'organisation de facto, on peut citer les problèmes liés au fonctionnement et à l'organisation de la juridiction administrative et les problèmes liés au milieu socioculturel béninois.

En effet, en plus de la lourdeur de la procédure due au manque de personnel et à la vétusté du matériel, l'excès de formalisme dû au caractère inquisitorial de la procédure et à l'administration de la preuve de recours préalable, il faut ajouter l'éloignement géographique du juge administratif. Ainsi, pour joindre le siège de la juridiction administrative, les citoyens du Nord doivent parcourir au moins 750 km, ceux du Mono-Nord 100 km, et ceux du Centre 150 à 300 km A tout ceci, il faut ajouter l'analphabétisme de l'immense majorité de la population.

Les limites reprochées au juge administratif peuvent également l'être au juge judiciaire : il est éloigné du citoyen, lent et cher. L'insuffisance du personnel - plus encore aujourd'hui qu'hier - l'incompétence du juge, l'encombrement des tribunaux, le manque de moyens logistiques, de locaux, de documentation de base, le caractère vétuste du matériel de bureau, les renvois intempestifs d'une audience à une autre, le non-respect des délais légaux, les retards dans la transmission de dossiers d'une juridiction à une autre, les affectations de personnel pour des raisons

autres que celle de nécessité de service, l'attitude déplorable de certains magistrats, la corruption sont autant de clichés qui limitent la sympathie et la confiance du juge judiciaire.

**(b) Les limites des mécanismes institutionnels :** elles résident pour l'essentiel dans les moyens à eux confiés. Dans bien des cas les nombreuses institutions créées au sein du Ministère de la Justice utilisent le secrétariat de la direction des Droits de l'Homme, ce qui limite l'efficacité, la visibilité et la lisibilité. Tout se passe comme si elles avaient été créées pour faire bonne figure vis à vis du bailleur de fond étranger. Elles n'ont d'existence réelle que les rares fois où elles sont invitées à représenter le Bénin dans des réunions internationales ou encore lorsque les partenaires extérieurs les sensibilisent pour la bonne cause.

## **2) Les limites des mécanismes de la Société Civile.**

Les principaux problèmes auxquels sont confrontés ces mécanismes sont d'ordre financier, organisationnel et de performance. En effet la mobilisation, la sensibilisation et l'intervention active ont un coût que seuls quelques organismes sont en mesure de prendre en charge. Sur le plan organisationnel, le fonctionnement de ces organisations se révèle dans bien des cas très peu démocratiques reflétant par conséquent moins l'opinion d'une partie de la population que celle du président fondateur lui-même. Ces différentes insuffisances ont une incidence certaine sur les performances de la Société Civile.

### **B/ Nouvelle piste de réflexion.**

Face à ces différentes insuffisances, il convient de réfléchir à des solutions nouvelles pour une plus grande efficacité et même si le grand nombre de mécanismes non juridictionnels complique la lisibilité des actions des acteurs, il n'est pas question de les réduire de quelque manière que ce soit. Il convient plutôt de renforcer les pouvoirs de sanction des mécanismes juridictionnels et partant de créer une juridiction compétente à connaître en première instance ou en appel de toute affaire relative à la violation des Droits de l'Homme. On pourrait l'appeler Cour, Tribunal ou Chambre, l'essentiel résidera dans le pouvoir de sanction qui lui sera confié. La loi organique qui l'instituera prendra soin de bien délimiter son champ d'action, ses pouvoirs, ses modes de saisie etc. ; la Cour Constitutionnelle pourra être utilement déchargée de cette mission qu'elle ne remplit d'ailleurs que partiellement et se consacrer entièrement aux élections et au contrôle de constitutionnalité des lois.

### **Conclusion**

Beaucoup d'efforts sont accomplis au Bénin pour assurer la mise en œuvre des Conventions Internationales relatives aux Droits de l'Homme. Outre la technique juridique qui a consisté à incorporer la Charte Africaine des Droits de l'Homme et des peuples dans l'ordre juridique interne ; le Bénin a ratifié plusieurs conventions. Société Civile et Gouvernement travaillent de concert pour leur traduction effective quoique avec toutes leurs insuffisances. Une Cour Béninoise des Droits de l'Homme parachèverait sans doute l'œuvre mais pour cela il faudrait une réelle volonté politique et une mobilisation de toute la Société Civile. Ceci renforcerait j'en suis convaincu la démocratie béninoise.

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Beyond Positivism in International Law:  
The Denial Kurdish Self-Determination

Jean Allain

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Although often masked by the events in Palestine and their struggle for self-determination vis-à-vis the Israeli occupation, the plight of the Kurdish people remains one of the most significant issues yet to be properly addressed in the Middle East. To date, Kurdish self-determination has failed to materialize, in part, because positive international law – law on the books – has been framed in such a manner as to exclude such consideration.

The notion of ‘self-determination’ as it has emerged in international relations first found voice as a political aspiration set out by the United States of America as the basis for a peace settlement of the First World War. It was not until the United Nations era that self-determination became a legal norm, and the parameters of its obligator character were defined. The fluidity of the concept of self-determination is such that it is here that the nature of international law is most evident: where the divide between what is ‘law’ and what is ‘just’ comes into focus. Despite the fact that the International Court of Justice noted in 1995 *East Timor* case, that self-determination is “one of the essential principles of contemporary international law”, its scope as law is so limited as to render its applicability near to naught. In other words, when examining the content of the legal norm of self-determination it becomes evident that, by its limited nature, it reflects the will of States at the expense of the aspirations of nations – be they defined by a common culture, language, or religion. If self-determination were to be conceptualized in a just manner, it would allow for people to determine for themselves their political association. However, international law establishes its parameters in such a manner as to ensure that the Statist system prevails; that self-determination takes place within the Westphalian State system where the interests of States prevail over the interests of peoples.

The century long plight of the Kurdish people, denied not only the ability to establish an independent State, but gain even a measure of autonomy over their language and culture is a clearest manifestation of this denial of self-determination justly conceived. ‘Kurdistan’, those areas of Armenia, Azerbaijan, Iran, Iraq, Syria, and Turkey, where Kurdish people find themselves in the minority, have had their rights, both individually and collectively, suppressed in an attempt to ensure the consolidation of those existing States. It was estimated in 1996 that there were between twenty-four and twenty-seven million Kurds living in the Middle East. This is more than the individual populations of the following States: Israel, Jordan, Kuwait, Libya, Morocco, Saudi Arabia, the United Arab Emirates, or Yemen. After Arabs and Persians, Kurds constitute the largest ethnic group in the region.

The Kurdish claim of self-determination is such a strong one, for two reasons. First, the carpet was pulled from beneath the move to establish a Kurdish State in the aftermath of the First World War. Second, Kurdish identity has been repressed by the newly created Middle Eastern States, over the years, in various forms: from the denial of cultural rights to genocidal levels of repression. It is this mixture of past failings and present repression which demonstrates the extent to which international law has failed the Kurdish people.

With the defeat of the Central Powers, the victors of the First World War were in agreement that the ‘sick man of Europe’ should be left to die. While it was agreed that Middle East possessions of the Ottoman Empire should be reconstituted, the Allied Powers struggled to establish a map of the region which took into consideration their varied interests and their ability to impose their conception on the people of the Middle East. The main casualty of the post-First World War settlement and, hence, the modern Middle East, was the failure of a Kurdish State to materialize. This occurred despite the fact that ‘Kurdistan’ was recognized at the Paris Peace Conference as a nominally independent State that should fall under the Mandate system envisioned by the Covenant of the League of Nations. That no Kurdish State emerged was a clear indication that the notion of self-determination, as conceived at the end of the First World War, was little more than political rhetoric which would come a lowly second to the interests of the European Powers. Yet, this was at variance with the firmly held belief of US President Woodrow Wilson that the concept of self-determination would be the basis upon which a post-War order should be established. In his 14 Points Speech, outlining the war aims of the United States, Wilson not only spoke of “free, open-minded, and absolutely impartial adjustment of all colonial claims”, but he also outlined his thoughts regarding the region of the world which included Kurdistan:

Point XII-The Turkish portion of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, [...].

While Germany accepted the principles expressed in the 14 Points Speech as a basis of the armistice, as did the other Allied Powers, it would come to pass that, from this moment onwards, the notion of self-determination as it related to Kurdistan would slowly be deprived of its content. Various events, foremost amongst which were the retreat of the United States from the international system conceived by its President; the British and French infighting over the spoils of war; and the finally, the rise of the Kemalists in Turkey; would converge to dissipate the move towards the creation of Kurdistan. Not to be left out of the equation was the lack of a nationalist movement within Kurdistan which could effectively demonstrate a unity of purpose, both in governing the Kurdish region and in articulating its claims to the European Powers.

In January 1918, in the lead up to the Paris Peace Conference, Great Britain made its war aims known, yet Prime Minister David Lloyd George failed to mention Kurdistan as one of the States which should fall under the mandate system; this oversight would be costly, as France would later decline the establishment of a Kurdish mandate. In its negotiations with France, which transpired throughout 1919-20, Great Britain, unwilling to taken on the financial or military burden of acting as the mandatory power of a “Greater” Kurdistan, slowly dismembered it with the aim of retaining its core: the oil rich Vilayet (province) of Mosul. The outcome of these negotiations led to the 1920 Treaty of Sèvres which allowed for the creation of a State, if Kurds could demonstrate their wish for independence. This was not to be. The Treaty of Peace with Turkey was never ratified, as Turkey under the leadership of Mustapha Kemal fought on and was able to, in effect, to dictate the terms of the 1923 the Treaty of Lausanne. The Kurdish Vilayet of Mosul, for its part, was attached to the British Mandate for Iraq.

Thus in the aftermath of the First World War, the Wilsonian conception of self-determination, as a political aspiration which held in Eastern Europe, was little more than rhetoric where the Kurds were concern. Having been denied a State at Paris, having been promised autonomy with the possibility of Statehood at Sèvres, Kurds would, when the smoke cleared at Lausanne, be granted limited cultural rights and administrative control in the northern Iraqi Vilayet of Mosul. Yet, even these limited gains of autonomy would vanish in the wake of the termination of the Mandate and the consolidation of the newly independent State of Iraq.

Kurdish history since the mid-1920s, with the creation of the modern Middle East, has been one, not of advances in claims to self-determination: quite the contrary. Fledgling Middle Eastern

States, having had ethnic Kurdistan partitioned amongst themselves by European Powers, have sought to forge varying national identities at the expense of promoting things Kurdish. The legacy for Kurds, for the greater part of the 20<sup>th</sup> Century and beyond, has been the continuous suppression of their aspirations of self-determination. The struggle for self-determination – broadly understood – has been a mainstay of Kurdish identity since the 1920s, yet the legal norm of “self-determination” has failed to provide a basis upon which Kurds could assert a true claim on the international plane. By denying Kurdish people a right to self-determination, the international community has instead doomed them to various levels of repression in their host States.

While this commentary will not go into depth with respect to the repression which has been experienced by Kurds in the States where they find themselves as a significant minority, it is worth highlighting in two cases. In Turkey, for instance, Kurds have fallen victim to massive State repression since the mid-1920s by a State bent on establishing itself as a secular, modern, and western-oriented; based on a nationalist, *Turkish*, identity. (Consider the words of the Turkish Prime Minister, Ismet İnönü, in 1925: “We must turkify the inhabitants of our land at any price, and we will annihilate those who oppose the Turks or *le turquisme*”). Likewise, the military suppression of Kurdish nationalism has been a mainstay of the Iraqi state since independence in 1932. A latter day reminder of the Kurdish oppression in these States is manifest in the undeclared civil war of the last twenty years between the Turkish Army and the ragtag Kurdish militia (the PKK), which has claimed more than thirty thousand victims – primarily civilian, almost exclusively Kurdish. Where Iraq is concerned, one need only invoke the memory of the city of Halabja to be reminded of the use, by the Hussein Administration, of chemical weapons against its own people, as part of the *Anfal* Campaign meant to provide a ‘final solution’ to Iraq’s Kurdish problem.

While the post-Second World War order gave voice to the “principle of self-determination” through its inclusion in the Charter of the United Nations; self-determination only gained true legal standing internationally through State practice as fundamental changes to the international system emerged in the 1960s and 1970s. As the intellectual engine of the decolonization process, the notion of ‘self-determination’ became a right, as part of customary international law. Yet that legal right emerged to hold only in very specific situations. The right to self-determination is today conceived so as to hold only in the three following situations: either against colonial regimes, racist *qua* apartheid regimes, or military occupying forces.

Thus, with respect to Kurdish aspirations, the right of self-determination as it has developed is not applicable. The right of self-determination was allowed to evolve internationally, in a quite restrictive manner, so as not to challenge the Westphalian Statist system. States, the subjects who establish its parameters of international law, have sought to close off any option which might allow for a secessionist movement and the dismantling of a State. In this manner, States have drawn a line between the notion of self-determination and the content of the *right* of self-determination. While a people could aspire to self-determination, the content of the legal norms was such that it limited such an exercise to a very select few. It is within this context that one can appreciate the Statist mentality from which international law gains its essence. Thus, distinct ethnic groups such as the Kurds fail to meet the criteria of a right of self-determination; instead they are doomed, in large part, to remain within a system bent on maintaining the territorial integrity of States at the expense of – in the case of Kurds – suppression, which at various times has bordered on being genocidal in nature.

In the post-Cold War period the international system has been witness to both an opening up of the right of self-determination and what may well be the ultimate end of this right. In the aftermath of the implosion of the Soviet Union, the content of the right of self-determination was placed into question as a result of the response of the international community to the Yugoslav crisis; when the Badinter Commission determined that the Federal Republic of Yugoslavia was allowed to disintegrate on its internal *qua* administrative borders. Yet this apparent opening of a

new avenue of the right of self-determination held promise, in subsequent years, no sub-unit within a State has exploited this avenue of self-determination. This expansion of the right of self-determination could well have benefited the Kurds of Iraq, who have established a *de-facto* State and assisted other Kurds in seeking some type of formal, permanent autonomy in other Middle East States, yet this has not transpired.

If such an opportunity did, indeed, exist, then at least for the foreseeable future, it has been firmly closed by the international response to the events of 11 September 2001. In many ways this day may well come to be recognized as the day when the right of self-determination ended. While the repercussions of the attacks of September 11 have been neatly packaged as “War against Terror”, one should not let escape the fact that what has been transpiring since that infamous date has been an attempt by States to reassert their monopoly on the use of force. In such a manner, those who would take up arms, such as Kurds (or as the world has been witness to: the Palestinians), to seek to end repression and gain autonomy or Statehood are being marginalized as never before, having been deemed worthy of suppression, having been labeled as ‘terrorists’.

The century long plight of Kurds clearly demonstrates the manner in which international law has been aligned with the powers of geopolitics at the expense of repressing millions of people. While provisions were made for the establishment of an independent Kurdistan as a result of the dismemberment of the Ottoman Empire, the ability of Turkey to fight on meant that the Wilsonian concept of self-determination was to be irrelevant to the determination of the fate of Kurds. As a result of the creation of the modern Middle East, Kurds have been dispersed as minorities throughout Armenia, Azerbaijan, Iran, Iraq, Syria, and Turkey. The legacy of such a truncation has been primarily that of the suppressing of the Kurdish identity. That the legal right of self-determination has been denied the Kurds speaks volumes of the nature of international law and the role it plays within a State-centric international system.

## **Cornerstones of Human Rights Education**

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Prof. K. Peter Fritzsche

The following outline of an approach to Human Rights Education is seen as a contribution to the ongoing international discussion in this field.

### **1. Human Rights Education is an essential part of human rights development itself**

Human rights that remain unknown or misunderstood remain 'powerless' rights. But even if we all understand their meaning, but nobody would be willing to respect and to implement them, they have no influence on our lives. An important part of the development of Human Rights is the awareness that they have to be acquired and implemented in people's minds. This effort we call Human Rights Education.

### **2. Human Rights Education means mainstreaming human rights in education**

Human Rights Education can refer to a variety of international and national experiences. But this is not enough! Today, we need a "human rights mainstreaming" into all educational programs.

At the same time we also have to:

- a) concentrate on teaching Human Rights across all major subjects at universities and schools,
- b) apply the latest and most relevant findings of the theory of learning to Human Rights Education,
- c) cooperate more profoundly with the relevant social sciences and, finally,
- d) permanently evaluate Human Rights Education.

Successful Human Rights Education depends on its professional implementation as well as on the appropriate, efficient training of teachers and educators. Therefore, universities are the appropriate bodies to undertake and confront this challenge.

### **3. Human Rights Education is not only a matter of schools**

While Human Rights Education in schools has to be guided by the norms of balance and pluralism, non-formal Human Rights Education can be both political and an active catalyst of change and reform.

### **4. Human Rights Education has a clear profile**

The following three essentials are to be pointed out:

4.1 The message of Human Rights Education is threefold:

First, get to know and defend your own human rights!

Second, do respect the same rights of others!

Third, defend the rights of others according to your possibilities.

Thus Human Rights Education has three major dimensions: knowledge, values and social responsibility.

4.2 Human Rights Education wants to reach different groups of people, including the victims and the perpetrators. The victims have to stand up for their rights and the perpetrators shall not discriminate.

4.3 Human Rights Education has to develop an understanding for the legal and the moral dimension of human rights, for the relations between citizens and their status as well as for the relations among citizens themselves.

### **5. Human Rights Education has always meant learning human rights**

The high-minded goals have to be confronted with the motivation and disagreement of learners. Human Rights Education has to meet all real expectations of the learner such as their ignorance, their impatience, their prejudices as well as their own feelings of superiority. It has to be made clear and evident what Human Rights mean for each and everyone's life and what happens if we do not enjoy Human Rights such as freedom of speech or the right to participate.

## **6. Human Rights Education has to teach the power of Human Rights**

Human rights are the result of a historic civil learning process full of conflicts. The result of this process consists of legally recoverable rights of the citizens towards the governments/state power as well as mutual moral rights that citizens can expect and ask from each other. Human rights have a legal and a moral side influencing the standards of the civil society.

## **7. Human Rights Education should not be practiced or perceived as moral indoctrination**

Mutual understanding of common dignity cannot be ordered or forced into someone. But there are ways and measures to teach strengthening of the people's willingness to accept mutual and common rights and equal dignity, for instance: to promote respect by experiencing respect of its own, to support empowerment by teaching children their rights, to facilitate participation, to educate in its proper sense, but not only to distribute information about human rights.

## **8. Human Rights Education has to be open for the intercultural exchange of ideas concerning Human Rights**

Education has to avoid any hypocritical arguments and blindness regarding cultural differences and disagreements. Still, Human Rights Education has to avoid any blockade of its own by misunderstanding it as a repressive instrument.

## **9. Human Rights Education cannot be reduced to teaching democracy**

Protection and promotion of human rights have indeed a lot in common with democracy, but they are not the same. Human rights also have a rather important impact on places where democracy has declined, or not yet been established, or even never existed.

9.1 The rights of the child mark an important human rights area (UN-Treaty on the Right of the Child from 1989) such as family (protection and safety), education (right to education) and economy (for example, child labor). They are to be claimed and respected anywhere, even without the existence of democratic structures.

9.2 Human rights apply to foreigners too, even if they do not enjoy democratic civil rights within a society.

9.3 The Human Right against torture is valid regardless to the governmental/state system.

9.4 Global economic players have to respect human rights (even if it seems that they have sometimes more power than states). This is one of the top issues on the international human rights agenda – even though it is not to be expected that these economic players ever become democratic.

9.5 And finally: even in established democratic societies – human rights limit also a democratic majority because they stand for human values that are never placed at disposal.

## **10. Human Rights Education has a critical momentum**

Human Rights Education teaches about human rights violations and enables the learners to judge the policies of governments/ states against human rights standards.

Human Rights Education is an important critical factor whenever democracies get into conflict with human rights standards - such as after September 11<sup>th</sup> in western democracies. Therefore, Human Rights Education aims at social change: it relates to the idea of equal dignity of all people.

And believing in the joint power of all citizens, people will fight against discrimination, they will disregard tyranny and stand up for the implementation of the Universal Declaration of Human Rights.

Art. 28 of the Declaration states: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

**Human Rights Research Agenda and**  
**Human Rights Education for All**

Prof. Dr. Vishwanath D. Karad

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**PREAMBLE**

During the last few decades, the world has witnessed mind-boggling developments in the various fields like computers, internet, information technology, space travel, biotechnology etc. All these reflect the capabilities of the human brain to advance in the various areas of Science and Technology. But unfortunately, the human mind has not given due attention to the humanitarian aspect of our day-to-day life which helps everyone to lead a happy, prosperous and peaceful life. As a result, in our so-called civilized society, a large section of people is still being discriminated and deprived of the rights due to them and they continue to suffer in silence. These are the human rights to which every member of the society has a rightful claim.

Human Rights are basic or fundamental rights of any individual or group of individuals. These rights in a way identify and distinguish the human beings from the other living beings. The human beings are human because of these very rights and the duties associated with them. These are sacrosanct and need to be practiced, promoted and protected. It is a sacred duty to be religiously followed and carried out by every individual, group of individuals and state. A strict adherence to these rights promotes tolerance, healthy interaction, brotherhood and a spirit of camaraderie ultimately leading to the Culture of Peace. Any breach of these rights may result in discrimination of various sorts, ill feelings and mental disturbance, which in turn lead to conflicts, clashes and violence.

The United Nations has already taken the initiative by its Universal Declaration of Human Rights long time back. These have been followed-up by various measures at different levels so as to ensure that they are strictly adhered to. UNESCO has also played a leading role in this regard. In spite of all these measures, it is observed that these rights are being trampled in the different parts of the world. Discrimination in some form or the other continues to be there. As a result, the World Peace is at stake. The UNESCO has taken up the two main issues involved not a day too late. The first one is about going to the root cause of the problem – requiring a study and research at the macro and micro levels. The second one relates to Human Rights Education.

The problems and issues, and the breach of various forms of human rights vary from state to state and from region to region, if one looks at the global scenario. In fact, the economic division that exists across the globe also provides distinct identity of the problems and issues associated with each of these groups. The developed and developing states present a distinctly different picture vis-à-vis the breach of human rights. The problems in the developed states arise mainly out of racism, racial discrimination, xenophobia and related intolerance. The human rights violation problems are comparatively limited in case of developed countries.

In the case of developing countries, all over the world, the issues and problems, arising out of economic backwardness are galore, which result in a variety of discriminations and breach of human rights. These are rights, which are more fundamental than most of the human rights, though, they also constitute the human rights. These are, basically, food, clothing and shelter, followed by other rights like healthcare, potable water, sanitation, education etc.

## REGIONAL ISSUES AND INDIAN SCENARIO

As mentioned above, the problems of developed and developing countries as regards Human Rights are different. Most of the developing countries are in the Asia – Pacific Region, Africa and possibly South America. To a certain extent, the problems and issues in India as regards Human Rights reflect those prevalent in these regions, especially South East Asia. It is proposed to deal with the issues in these regions with specific reference to India.

Like various states in the world, the Indian scenario in the field of Human Rights is not different though the areas of violation differ. With multi-religious, multi-linguistic and its peculiar social structure, there are quite a few problems of Human Rights, which are not found elsewhere in the world. Human Rights are being violated in various areas, which include gender bias, child abuse, caste and religious discrimination, economic disparity, right to education etc. Human Rights problems get further aggravated because of the large population coupled with a fragile economy.

The National Human Rights Commission of India is seized of the various issues, monitoring the various problems and the breach of various rights and is taking necessary steps to solve them, including punitive action. Similarly, in the various provinces, State Human Rights Commissions have been also established to look after the various aspects of human rights protection and promotion.

In a developing state like India, the society is divided in three distinct groups viz. low income, middle income and high income. Associated with these are different social, cultural or religious strata of the society, for example in India, where within a religion exists a caste system. Certain sections of the population, which follow certain castes, are classified as Backward Castes (and are really poor and have to struggle to survive). Similarly in rural areas and in hilly regions, there are tribes who are also equally backward, socially and economically. Further, most of these castes and tribes are illiterate. The casteism is a curse to any society! This, many times, results in social, economic, cultural and other types of discrimination with people being denied their due rights and share in the national development. Unfortunately, in some remote places, unscrupulous elements still continue to misuse the situation for their selfish ends. The poorest sections are not able to come up mainly because they are extremely poor. For them, even education, is a luxury, leave aside the other rights. Because of living in extreme poverty, child labour is quite rampant. Instead of sending the children to school, they are forced to seek some petty jobs and search for their livelihood. Lack of education, in turn, makes them ignorant of so many things, which go with education, including their own basic human rights. It is a piquant situation which calls for attention of all those concerned with human rights.

As far as India is concerned, government has already taken various steps to remedy the situation by various provisions in the constitution and legislative acts. Various agencies to look after the interests of the weaker sections of the society have been established. In quite a few cases, punitive action has been taken. But what is called for is the change in the mindset of those who are having all the privileges and are well placed in the society. A human approach alone can help to correct the situation and prevent the breach of human rights in respect of have-nots, who are mainly these backward castes and tribes.

Another important area of discrimination is gender. Because of the prevailing social and economic conditions, a girl child is taken to be a taboo and in some cases they try to scuttle the birth of a girl child. As a result, it will be seen that the sex ratio is unfavourable to women and the trend is continuing. This may lead to other types of social problems. This is all because of wrong social practices which in turn are economic in nature, due to large expense involved later in life at the time of marriage, and the concept of having male heir for the family chain to continue, as the patriarchal family system is followed.

A large number of developing states being economically weak are not able to contain the discrimination and breach of human rights. Further, extreme poverty coupled with wide economic disparity has been also found to be responsible for discrimination between the different economic strata of the society. Discrimination based on religion is spreading at a faster rate and is also causing conflicts, clashes and violence. Religious fundamentalism is becoming the order of the day. Religion, instead of binding the people together is creating jealousy, hatred, intolerance and hence horrifying bloodshed. Recent events all over the world testify it.

Lack of proper education, training, awareness about the essence and philosophy of World Religions and misplaced ideas of superiority of one's own religion over that of others, are at the root of it and are responsible for the various uncalled for happenings during the last several years. All these arise mainly because people do not recognize the fundamental right of others to profess and follow one's own religion.

Secondly, to ensure the dominance of one religious group over the other, the people of some faiths go in for number game, that is to see that they overtake the other religious faiths in terms of sheer number and with the democratic process, will be able to wield the power to serve their own interest. The present trend is such that the religious discrimination and fundamentalism are superseding the racial discrimination, which is, to some extent, confined to the developed states and a few from Africa.

A major cause of economic deprivation faced by the developing countries is the alarming rate of growth of population. For example, the population of India has nearly trebled indicating a growth of nearly 200% in the last 55 years. Such a growth rate eats up all the resources, and no amount of governmental effort can bring order to the economy and hence to the physical and social health of the nation. The population growth needs to be checked, not only to ensure healthy economy, welfare of the people and assured rights but also for the sustainability of all resources and development, considering the long term interests of human kind.

### **HUMAN RIGHTS EDUCATION**

Human rights education is the key to the protection and promotion of human rights. This needs to be implemented in all the states in formal and informal ways. Human rights education should become part of formal education in the schools as well as in the colleges, so that at the young age the concepts get imbibed in the minds of the children in the schools and get further consolidated later in the college. Continuing education programme can also include human rights education.

In most of the developing countries, a large section of the society is deprived of formal education, even though it is a fundamental right. For these have-nots of the society, human rights education needs to be taken up in an informal way by the states as well as NGOs. This can be taken up as a Mass Education Programme. Mass classrooms similar to the Multi-media Coliseum, accommodating thousands of people at a time, established by the World Peace Centre of MAEER's MIT, Pune, India on the banks of river Indrayani can be helpful in conducting these programmes.

Human rights awareness campaign needs to be taken up by going to the villages and propagating the concepts. NGOs with the help of the local bodies, schools etc. can help in such a drive. Effective presentation using video-clippings etc. will be highly useful. In India a number of NGOs are actively working for creating awareness about Human Rights even in the rural areas. As mentioned above, creating awareness about a small/compact family and the relevant economics of it and limitations of the resources available need to be vividly brought to the notice of the people and the message must be clear and through.

### **THE ROLE OF UNESCO**

UNESCO through its various agencies, chairs and other outfits including NGOs can take up issue/problem specific research in the different parts of the world, so that root causes of the breach of human rights can be ascertained and appropriate measures as related to these findings can be taken up. Research will be at the macro and micro level. The former will be related to the broader aspects of human rights violation covering a state as a whole and the micro will confine itself to certain local specific issues and areas where the problems persist, for example the breach of human rights as regards the child labour. How the economic aspect of the problem can be reconciled with the necessity of ensuring education for all the children apart from their not requiring to carry out any physical labour at a young age (as human rights) needs to be looked into. Just superficial efforts in form of posters, discourses etc. will not yield the desired results. After knowing the specific causes, one will have to address to these so that urge, confidence and enthusiasm get developed in the minds of the people. The findings of research need to be disseminated and action be taken accordingly.

The research mentioned above can be supplemented by pilot projects in different parts of the world. Situational analysis needs to be carried out to ascertain the causes for the violation of various human and cultural rights. Based on these findings, appropriate strategies need to be adopted which will provide the UNESCO with the guidelines to be adopted to achieve the desired objectives in similar situations elsewhere. The strategies can be further modified based on the experience, the necessity and the requirements of a particular situation. Once the issues are tackled as discussed above, it will be easier to protect and promote all human rights, civil, political, economic, social and cultural rights for all.

UNESCO Chairs need to be assigned specific tasks as regards human rights education. They can help the Educational Boards and Universities in incorporating the relevant details about human rights in their curricula at different levels. Further, they can also help in informal human rights education for the masses at large. The UNESCO Chairs can also take up the training of teachers in Human Rights Education. In fact, Human Rights Education movement extending over an adequate time period can be started all over the world. For this, media can be involved in a big way. Chairs in Human Rights can train journalists and other media personnel. They can propagate and promote human rights through various methods including discussions and skits on TV, Radio etc.

### **CONTRIBUTION BY THE WORLD PEACE CENTRE OF MAEER'S MIT, PUNE, INDIA**

The World Peace Centre is contributing its own little share to promote the cause of Human Rights and Human Rights Education on the lines as mentioned above. At the first year of Engineering Course, a teaching module on Human Rights has been introduced and the students are exposed to its various aspects. Similarly, awareness about Human Rights is being created through discourses conducted at the multi-media coliseum – a mass education classroom, established on the banks of River Indrayani at Alandi near Pune. Various programmes, Human Rights Day, Tolerance Week etc. are being celebrated so as to make the people aware of Human Rights, Tolerance and Universal Brotherhood. In rural areas, the World Peace Centre through its sister institutions, the Medical Colleges, is not only creating awareness about healthcare as a Human Right, but also conducting free diagnostic camps and providing medicines, spectacles, crutches, etc., free to the rural poor masses on a large scale.

Further, as a commitment to the society and in recognition of the human rights of the masses for the provision of potable water, good sanitation and healthcare, the World Peace Centre has taken up a project of Environmental Improvement and Pollution Control at the pilgrimage centre of Alandi, referred to above. Apart from helping the pilgrims who throng the place in thousands by providing clean environment and potable water, it is also educating these rural masses about health, hygiene and sanitation.

### **CONCLUDING REMARKS**

Human Rights study and research need to be carried out at the micro and macro level and the results can be utilized to ensure the protection and promotion of human rights. Similarly, Human Rights Education also needs to be strengthened at various levels by adopting different strategies. Two main issues, which are found in quite a few developing states of the world, are high rate of population growth and economic backwardness. These also need to be tackled so that the objectives of Human Rights Protection and Promotion are achieved.

The recent efforts of UNESCO are highly commendable for giving the Human Rights Research Agenda and Education for All a new impetus. They need to be further strengthened and consolidated.

Here it needs to be mentioned, as stated in **Bhagwad Geeta**

कर्मण्येवाधिकारस्ते मा फलेषु कदाचन ।  
मा कर्मफलहेतुर्भूर्मा ते सङ्गोऽस्त्वकर्मणि ॥ ४७ ॥

if one does his own duty with a complete sense of devotion and dedication, then the good results are bound to follow. The quotation of **Mahatma Gandhi**, the great apostle of Peace and Non-Violence, “*Do your duty and rights will follow*” is very much in keeping with the above “Shloka” (verse) from **Bhagwad Geeta**.

## **Human Rights Education: Sharing Experiences, Approaches, Achievements and Obstacles**

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Professor Nasila S Rembe

### **Introduction**

Since its establishment in 1996, the UNESCO ‘Oliver Tambo’ Chair of Human Rights at the University of Fort Hare (South Africa) had a daunting task to face. South Africa was then undergoing transformation from apartheid to democracy rule. For over four hundred years, apartheid segregated people along racial lines. The majority black population were humiliated, forcibly dispossessed and removed from their ancestral lands, and denied many basic human rights. The material deprivation and denial of access to opportunities affronted the dignity of many black South Africans and became a source of insecurity, fear and helplessness.

Nowhere in South Africa was the legacy of apartheid more entrenched than in the Eastern Cape Province, where the UNESCO Chair is located. This province was the battleground of many frontier wars and the home of most anti-apartheid activists and, therefore, suffered the full force of apartheid brutality, repression and dispossession. It saw the creation of two nominally independent homelands. The amalgamation of the two homelands and South Africa, that is three administrations into one provincial government, was not without problems.

The dawning of the new democratic order therefore created hope for a better future and a more dignified life for all South Africans. The challenge that the new democratic government faced, and equally human rights institutions and NGO’s, was how to create the environment and awareness necessary to sustain and deepen a culture of democracy, human rights, peace and tolerance. This task was necessarily a difficult one for four reasons:

- *Firstly*, the many years of apartheid undermining and denial of human rights meant that the majority of South Africans were unfamiliar with democratic and constitutional processes.
- Secondly, the inequalities that existed required massive and fundamental transformation and redress, including access to resources and opportunities, and restoration of confidence in the new democratic institutions.
- *Thirdly*, the high levels of illiteracy among large sectors of the population required education and awareness of democratic processes such as voter registration and elections, the working of parliament, etc.
- *Lastly*, to many South Africans who were oppressed for such a long time, democracy, human rights and freedom became a language of hope and empowerment that could bring about the desired equality, social justice and dignified life almost immediately.

It is against this background that the Oliver Tambo Chair of Human Rights operated. Given its relatively small size as well as the capacity of the University, the Chair had to find innovative ways of undertaking human rights education and awareness, training, information and documentation.

### **Role of Human Rights Education**

Human rights education can play a pivotal role in the transformation of society, in contributing to its development, and in nurturing respect, peace and tolerance within society. It is important for grounding values and social responsibility among citizens and their democratic participation in governance and public life. It can foster inter-group dialogue and respect for diversity, thus helping the vulnerable to overcome fear. In the words of the Universal Declaration of Human Rights:

*Education shall be directed to the full development of the human personality and to the strengthening of human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace (Art 26/2).*

Numerous human rights instruments such as the International Covenant on Economic, Social and Cultural Rights (Art. 13); the Convention on the Rights of the Child (Art 29); the Vienna Declaration and Programme of Action (paras. 33-34; 78-82); the United Nations Decade on Human Rights Education (1995-2004), etc., emphasize the importance of human rights education. The African Charter on Human and Peoples' Rights is even more explicit:

*State parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood (Art 25).*

The South African Constitution makes human rights education, including International Humanitarian Law, mandatory for its security forces. The Constitution provides:

*The security service must act, and must teach and require their members to act, in accordance with the Constitution and the law including customary international law and international agreements binding on the Republic (S.199(5)).*

### **Setting Priorities and Identifying Target Groups**

During the six years of operation, the UNESCO 'Oliver Tambo' Chair of Human Rights was inundated by increasing demand for human rights education, training and information. Given the relatively small size of the establishment in financial, technical and human resources, difficult choices and priorities had to be made. In this regard, we are guided by the need to train and educate

- (i) those who are involved in implementation of human rights in their work,
- (ii) those who are positioned to effect policy or legislative intervention,
- (iii) agents of social change, and
- (iv) those who are likely to have a multiplier effect in transmitting the new values and ethos of the Constitution through education and training.

The first category includes magistrates and law enforcement officials and a significant effort has been time was invested in training these groups on the Bill of Rights; the application of international human rights law and specific instruments, such as codes of conduct for law enforcement officials etc. In the context of a society changing from the bleak history of apartheid to constitutional democracy, emphasis was placed on the values at the center of the Constitution, including social context.

The second category involved members of the provincial legislature (MPLs) who are involved in adopting new laws in line with the imperatives of the Constitution and Bill of Rights, or repealing outdated laws. The main consideration was to empower the MPLs to use law as an instrument for transforming society and to be able to convey the new values of the Constitution such as equality and non-discrimination, social justice, etc., into law.

The third category, agents of social change, includes various formations of civil society such as traditional leaders and healers, leaders of faith-based organizations, political parties, NGO's and community-based organizations. These constituencies have a large following or wield power and, therefore, they can play an important role in influencing and mobilizing communities towards change. Our efforts have focused on making human rights relevant at the local level, by relating the "human condition" to culture and tradition; peace and conflict resolution; political and religious tolerance; gender; HIV/ AIDS; development and popular participation; etc. This approach has enabled these constituencies to appreciate the need to work together towards improving the quality of life at the local level.

The last target group involves teachers and educators. Education and training of teachers has a “*multiplier effect*” because of their role in transmitting knowledge and values to a large number of learners and young people over the years. Pre-service and in-service human rights education and training of teachers and educators focused on the content and methods of teaching human rights; their integration into the curriculum, and how to make the school environment democratic and more 'human rights friendly'.

### **Methods and Approaches**

Because human rights involve values, attitudes and behavior, it cannot be taught like any ordinary subject. The methods and approaches used by the ‘Oliver Tambo’ Chair of Human Rights tend to differ depending on the target group involved. For professional groups such as magistrates and law enforcement officials, the content of human rights is taken at a much higher and professional level, integrating international instruments with relevant provisions of the Bill of Right and national legislation, using the jurisprudence of the Constitutional Court and comparisons drawn from other jurisdictions where appropriate. In the case of Law Enforcement Officials provisions of the Bill of Rights and Code of Conduct for Law Enforcement Officials is used. Rights of arrested and detained persons, search and seizure, use of force and firearms, professional ethics are emphasized. In this way, officials are provided with a full range of the rights that are exercised by people and in need protection from violation; they are also acquainted with their own rights and responsibility, and more importantly, their own potential for violating human rights.

The approach taken in training combines a variety of methods that allows flexibility and adaptation to the practical and professional needs of the audience. Using group discussions, case methods, role plays, current issues in media and television, the trainer or facilitator is able to stimulate debate which enable participants to gain deeper insights into rights and the context under which they are exercised; duties and responsibilities; processes and procedures; remedies; and contestation and conflict over certain rights.

Lastly, we emphasize train-the-trainers for teachers and educators so that those who receive the initial training are able to train and facilitate others. Because human rights affect learners in a variety of life situations teachers and educators must have a sense of commitment to human rights, professionalism, and act as role model and inspiration to learners.

### **Training Documents and Support Materials**

A variety of human rights documents, training materials and manuals exist, can be developed or adapted to particular situations. Training documents and support materials are carefully chosen in relations to the target groups but also having regard to the following:

- *Firstly*, the importance of national promotion and protection of human rights and the environment under which it takes place. This requires knowledge of the Constitution; the working of parliament; institutions and processes for protection; the importance of democracy and good governance; and the role of civil society.
- *Secondly*, the main human rights instruments (both regional and international) and how they relate to, or influence, national promotion and protection efforts.

The following are among some of the instruments that have been widely used in human rights education and training: The Universal Declaration of Human Rights; The Vienna Declaration and Programme Action; the two International Covenants; Convention on Elimination of All Forms of Racial Discrimination; Convention on the Elimination of Discrimination Against Women; Convention against Torture; Convention Against Genocide; Convention on the Rights of the Child; as well as those specific to Africa.

- *Lastly*, it is useful also to work with, or refer to, national and international programmes and strategies on human rights such as those contained in: United Nations Decade for the Elimination of Racism and Racial Discrimination (1993-2001); United Nations Decade for Human Rights Education (1995-2004); United Nations Decade for Elimination of Poverty (1997-2006); United Nations Decade for a Culture of Peace for the Children of the World (2000-2010).

### **Evaluations**

An evaluation exercise is conducted at the end of each training session or workshop. This involves oral discussion in which participants give a feedback or highlight various aspects of the training and how their own expectations as defined at the beginning were met.

This is followed by a structured questionnaire which requires participants to comment on the resource persons; methods of teaching, appropriateness of materials used, relevance of the training to the participants' work; administrative issues; suitability of the venue; etc.

The dialogue and feedback from the questionnaire enables future training sessions to be better organized and administered.

### **Collaboration and Networking**

The small staff contingent under the Chair together with the resources at its disposal necessitates working together with other academic institutions, human rights institutions and NGO's over a range of activities. This has enabled the UNESCO 'Oliver Tambo' Chair of Human Rights to garner specialized and multi-disciplinary skills and therefore meet specific training needs in a very professional and dedicated manner. Networking and collaboration has enhanced solidarity and sharing of experience between our Chair and other human rights service providers.

### **Obstacles**

Many of the problems encountered are those related to our own internal capacity and lack of resources which limit our ability to respond to increasing requests for human rights education, training, information and documentation. Although we have set priority target groups, human rights education should cover all sectors of society, more so because of the need for the new South African Society to embrace a culture of human rights. Most activities are not-income generating because beneficiaries such as school children, prisoners, street children, poor communities have no means, yet they are most vulnerable and in need of human rights. For these reasons donor funding is central to our activities.

### **Conclusion**

Human Rights education is an important tool to develop society's awareness of its rights, to empower people to realize those rights and, individually or collectively, enable them to respond to violations. Given the history and socio-economic context of South Africa, human rights education and awareness is needed on a massive and continuing basis in order to ensure democracy, equality, peace and social justice for all. This is a challenging and demanding task, and at times frustrating because limited resources prevent us from doing a lot more. Our approach, experience and achievements, as well as difficulties, may be a source of inspiration as well as a learning experience for other UNESCO Chairs and human rights educators.

## Some Considerations on UNESCO Chairs and their National Network of Associates

Prof. D. Nalapat

The UNESCO Chairs on Human Rights, Democracy, Peace and Tolerance have a major task within their respective regions, in promoting a culture that respects these basic human values and needs. This can only be achieved by seeing themselves as (1) catalysts and (2) facilitators of networks that can be harnessed to similar objectives.

Catalysts by igniting interest in such aims through a planned series of lectures and talks that would generate within the target groups a willingness to take on tasks that help create such a culture, and by generating directly or through others reports and articles in the local media about the need for such activity and how it can be started off.

Facilitators by ensuring that each Chair serves as an informal exchange for information about such groups, and as an advisor to turn to in cases of doubt.

Fortunately, the four goals of the Chairs are linked, in that Tolerance promotes Peace, which in turn ignites the Democracy that alone can ensure Human Rights. Thus, groups working for these objectives can be expected to have common values and will find working together easy, provided personality conflicts are not allowed to overshadow attention to tasks.

First of all, each Chair will need to study the local situation with respect to these four goals, and draw honest (and critical) conclusions about the situation. The Chairs will then need to factor in the prevailing political situation so that the progress aimed at is realistic and incremental, and does not generate a counter-response from the local authorities that would douse the activity undertaken.

The fact that each Chair will face different parameters on this count is given, as well as the fact that such conditions will affect the range of activity that is VIABLE and ACHIEVABLE.

At the end of such exercise, each Chair would be able to come up with a list of methods by which each of the four objectives can be worked towards. This could even involve the provision of information about existing laws to affected populations, so that these are made aware of their legal rights and can appeal to Authority to enforce them. It could also involve the teaching of hygiene and basic healthcare, which would make people better able to raise what can be called the "Dignity Index". Provision of literacy in both language as well as lifestyle is a major facilitating component of schemes for the improvement of this index. Each Chair, after framing the problem, will then work out a set of solutions.

The harnessing of networks comes after such a process of study of local conditions. First, there is a need to bring together a "core" of individuals, which could encourage others to join in. This core will need to be identified by each Chair and trained and motivated at the start of the 'operationalization' of the analysis. The individuals who pass this sieve can then be used to locate clusters around them who can promote the goals of UNESCO.

These clusters can work in the fields of Human Rights, Tolerance and in the promotion of the values of Peace and Democracy under the supervision of the "core" (or what may be called the Associates) of the Chair.

Thus, each Chair would build up a network of Associates to help fulfil the aims for which UNESCO has set up the Chairs. These in turn have sub-groups working with them for the same purposes. Each UNESCO Chair would be the centre of gravity of a structure of individuals working towards UNESCO's goals.

While in some locations the Chairs would have to build up such networks from scratch, in others similar networks may already be operational. Each UNESCO Chair should list such networks and ensure co-ordination and task sharing to the extent found feasible. In particular, academic institutions, other than the ones in which the Chair is participating, should be involved in the activity, rather than having the Chair try to create a monopoly for his or her institution in UNESCO's mission. Indeed, one way of testing the success of the Chairs would be evaluate the degree to which they get the cooperation of other institutions in their work.

Each group should be encouraged to share information about the techniques used to fulfil given tasks and the success rate, among each other as well as with the public through the mass media. Indeed, inducting media personnel into such efforts may often be critical to success. Work of massive civilizational kind envisaged by UNESCO can only get carried out incrementally, in steady waves, rather than through the stormy route of "shock" tactics.

Finally, UNESCO itself would be a fountainhead of inspiration for such efforts, by recognizing through commendations the work of the proposed Network of Associates linked to each UNESCO Chair.

## WORLD POPULATION CHANGE AND SUSTAINABLE DEVELOPMENT

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**L. Eudora Pettigrew, Ph.D**

The impact of world population change upon sustainable development, particularly for developing countries, is vitally important for the achievement of world peace. UN population data indicate there are more than 3000 population groups on the globe, yet only about 186 are actively recognized as nation states by the international community. In October, 1999, news media reported that the six billionth person would be born probably in Asia or Africa. The news media also reported that while overall, the planet's population growth has slowed from 100 million a year to about 78 million a year; the highest birth rates are in developing countries that have the least capability to provide housing, health services, jobs, education and other support systems for their citizens as well as immigrants. A significant proportion of the world's population does not have access to safe drinking water or sanitation, both necessary for good health.

Nearly one third of the three billion persons on the planet are unemployed or under employed and not earning a living wage. Developing countries need to create more than thirty million jobs a year just to keep up with population growth. In Africa, which has the world's fastest growing population, only about sixty percent can earn a living wage; the rest lives in absolute poverty. In Asia, China and India combined have about thirty-eight percent of the entire world population and if the birthrate in India continues at its present level (27/1000) the country will exceed the birthrate in China (18/1000) by the mid twenty-first century. Population growth in Palestine is higher than it is in Israel; it is also higher in Muslim families, euphemistically called Ethnic Albanians, than in Macedonian families and Yugoslavian Serbion families (NY Times Almanac, 2000, J.W. Wright, Edit.). Analyses of the growing disparity in population growth rates in Asia,

the Middle East and Eastern Europe suggest that it is one of the variables that lies at the heart of intra-state and inter-state conflicts. Because of these population changes, several questions need to be answered. What will be the effect of such population growth rates on political leadership of these areas? What will have to be eliminated in terms of species and eco-systems to accommodate this unprecedented rate of population growth? Will we have to eliminate more natural environments to raise more food, to provide more housing and jobs? What will be the costs in health needs? What price will have to be paid to accommodate this population growth? Will intra- and inter-societal violence increase?

It has already been predicted that water wars will break out in North Africa, the Middle East and Asia. One of the major discussion points in the Palestinian/Israel conflict is the availability of water supplies for the Palestinian population. As life support systems decline, as they become politicized and taken over by nations with superior weapons, the probability of war, conflict and violence increases. The concepts of sustainable economic and social development have become major issues for discussion. Yet, there are strong disagreements about the possible effects of sustainable economic development-disagreements about the ecological costs of economic growth, particularly in reference to non-renewable resources and global ecological degradation.

As early as the 1980's, there were assumptions that science and technology would allow continued economic growth, if there were concomitant reductions in resource consumption; it was also assumed that the standards of living, at least in western industrialized societies, could continue because of the scientific and technological advances.

While the standards of living for the wealthy in western nations have been maintained and even in some instances increased, such has not been the case for the poverty stricken in western nations and even less so for families in developing nations. Employment opportunities, the key to improvement in economic and social health, have not increased significantly in developing countries. The decline in population growth in developed countries has resulted in somewhat less of a concern about employment opportunities; however, the present economic downturn in some developed countries is creating higher levels of unemployment than in the past ten years. Sustainable growth and development, even in developed countries, has come under scrutiny by their governments. There is also the concern that economic growth will come at the cost of ecological degradation with resulting global decline, climatological changes that devastate agricultural food crops, a decline in the remission of greenhouse gases that pollute the air, the degradation of protective woodlands through excessive economic growth needs for commercial timber, the decline of potable water which also results in less flood protection, sustenance of fisheries, as well as purification processes and maintenance of the general environment. Daly and Cobb (1990) differentiate between growth and development. They say:

*"Growth should refer to quantitative expansion in the scale of the physical dimensions of the economic system, while development should refer to the qualitative change of a physically non-growing economic system in dynamic equilibrium with the environment".* (H.E. Daly and J. B. Cobb, *For The Common Good*, 1990, London)

The Daly and Cobb conclusion implies that growth means using up natural resources, in contrast to development which means increasing the availability of rewards from already existent resources.

It is not possible to discuss growth and/or development intelligently as the key factor for the achievement of world peace without

adding a few words about the political and economic systems postulated to achieve such effects. Democratization is the political system strongly promoted for the achievement of world peace. Imbedded in the concept of democracy, as the political driving force, is a significant business concept called global market economy or globalization. Representatives from many developing countries have expressed grave concerns about globalization because of the lingering results of prior colonization of those countries by western nations.

A legacy of colonial practices remains to some extent, and perhaps in some more subtle ways today continues to promote social and ethnic divisions based upon wealth and position. Such divisions are, to some extent, the hidden underpinnings of democratic governments in general and continue to affect existing democracies in negative ways and may affect emerging democracies to an even greater extent. The most visible evidence of negative results of democratization is the growing economic gap between the haves and the have-nots in all parts of the world. Disparity in income, and general life conditions in developed countries between those population groups considered as "minorities" and majority populations has increased over the years. Rates of poverty have increased rather than decreased between the two population groups. In addition, the principles of democracy - free and fair elections, the rule of law including equal protection under the law - are often goals to be achieved or "works in progress" even in developed countries rather than the end results. In spite of these problems, democracy is still the ideal political system that will offer the most promise to countries where war, violence and conflict have a high probability of developing. Yet the concern expressed by Daly and Cobb (1990) about possible results of globalization supported by democratization and achieved by the promotion of a global economic market, environmental degradation of non-renewable resources, is important. Democratization must take into account these issues and provide ways to diminish the potential of negative results.

If the Daly and Cobb conclusion has validity, and it should be assumed that it does since environmental degradation and resource

depletion are often part and parcel of the same process, the question becomes significant how can universities, with their vast resources of knowledge and research, assist in sustainable economic and social development planning for the globe in a manner that will reduce the probability of environmental degradation? Increased population growth rates will inevitably foster an increased need for natural resources, health and human services, education, housing and jobs. Such increased needs often are the preconditions that stimulate conflict, violence and war.

Institutions of higher education can assist by working with local, regional and national governments to provide viable applied research about sustainable economic and social growth that has the probability of improving the conditions of life for all segments of populations. The challenge to institutions of higher education is, are they willing to work with governments to develop such research and are they willing to develop curriculum to provide instruction about such issues? In addition, will they seek and receive support from governments for research about such issues?

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Research dollars for war are much more available than research dollars for peace. Institutions of higher education should develop workshops/conferences and other academic activities that will raise consciousness in their faculty, students and staff as well as local, regional and national governmental officials, corporate/business leaders and media representatives about the total impact of war and violence upon humankind, upon sustainable economic as well as social development and perhaps upon their own future. Academic leaders should become more engaged in discussion with political, corporate and media leaders as well as the civil society about the need to promote sustainable growth and development strategies that will decrease the probability of conflict and increase the use of peace management strategies that are less costly than rebuilding countries after conflict.

## UNIVERSITÉ ET SOCIÉTÉ CIVILE. PARTENAIRES INDISPENSABLES DANS LA RECHERCHE DE NOUVELLES APPROCHES EN AMÉRIQUE LATINE

Gloria Ramírez

L'importance des droits humains en Amérique Latine a conduit certains auteurs à soutenir la nécessité de créer de nouvelles catégories d'analyse, voire même, de nouveaux paradigmes pour comprendre notre réalité. Dans ce sens, Pablo Salvat souligne que, "les droits de l'homme sont une utopie à promouvoir et à façonner à différents niveaux et dans différentes sphères de la société. Ainsi formulés, il se présentent dans un cadre éthico-politique qui sert de critique et d'orientation (réelle et symbolique) des différentes pratiques sociales (juridiques, économiques éducatives, etc.) dans la lutte continue pour un ordre social plus juste et plus libre. Ils peuvent donc être considérés comme paradigmatiques, c'est-à-dire comme un modèle et/ou un critère exemplaire duquel nous pouvons lire notre histoire et notre avenir en tant que peuple" (Salvat, Pablo. 1992.p.121).

Aujourd'hui ce thème est devenu un sujet de recherches et d'études dans les Universités. Les droits de l'homme sont des thèmes de congrès, de réunions et de chaires académiques, ils commencent à s'intégrer au curriculum et sont des éléments essentiels pour comprendre une réalité complexe et incertaine dans plusieurs pays latino-américains.

Ce qui est certain c'est que le débat sur les droits de l'homme exprime les demandes des peuples de la région. Il fait partie de grands débats, et l'on peut dire que, malgré certaines résistances, ces droits sont une référence pour expliquer les différents problèmes de la société latino-américaine actuelle. Ils sont même devenus un signe indicatif du degré de démocratie dans un pays.

Au Mexique, par exemple, les droits de l'homme font partie du débat national. Les luttes que la société a menées en différents moments ont permis de leur donner une légitimité. Il y a peu de temps que certains mexicains se sont aperçus qu'ils avaient des droits et que leur reconnaissance était une condition pour atteindre la démocratie.

Depuis le premier janvier 1994 au Mexique, comme dans plusieurs régions de la planète, on a entendu les voix des indigènes qui se sont rassemblés pour dire: assez! Ce sont les indigènes, les plus pauvres parmi les exclus de la modernisation néolibérale. Ce sont eux, qui ont résisté plus de 500 ans. Ce sont eux, qui marquent l'une des crises des plus importantes dans le pays ces temps derniers. Jusqu'alors pour les mexicains, les concepts de guerre et de paix concernaient toujours des situations hors de nos frontières.

Il faut dire que le modèle économique adopté par le pays, et en Amérique Latine en général, il y a plus de dix ans, a accru les inégalités. La pauvreté extrême touche de plus en plus une grande partie des mexicains tandis que le profit des capitaux augmente (Lozano, A. Luis; Lozano A. Alfonso. 1993; p.137).

Il faut reconnaître tout d'abord les difficultés du contexte mexicain: les inégalités croissantes, l'augmentation du chômage et du sous-emploi, la dette extérieure, la dépendance scientifique et économique, la précarité des services de santé et sécurité, la violence et le manque de crédibilité des institutions publiques, le haut degré d'impunité. Enfin, nous devons reconnaître qu'encore la grande

partie de la population vit dans des conditions précaires et ce sont eux qui subissent le plus de violations aux droits de l'homme.

Dans ce contexte, depuis une vingtaine d'années la société civile se manifeste de plus en plus: les indigènes, les habitants des quartiers, les femmes, les jeunes, les groupes marginaux, etc. Tous ces acteurs se rassemblent en associations et groupes divers afin de demander la reconnaissance et la garantie de leurs droits. Ceci à partir d'une approche intégrale, c'est-à-dire en considérant l'ensemble des droits civils, politiques, économiques, sociaux et culturels.

Ces groupes font entendre leur voix, ils fracturent le discours totalitaire et homogénéisateur. Ils se posent de vraies questions et les posent à la société. Ils ouvrent de nouvelles voies de participation et exigent la création de nouveaux espaces démocratiques.

Dans la constitution d'une société civile plus forte et participative, l'éducation aux droits de l'homme joue donc un rôle essentiel. Ce type de formation est devenu l'axe du travail des Organisations Non Gouvernementales (ONG) et commence à s'élargir vers d'autres secteurs.

En Amérique Latine, à partir de la violence politique des dictatures à l'époque de "guerres sales" et des doctrines de "sécurité nationale", se développe la demande de défense du respect des droits de l'homme, articulée à celle de la démocratie. C'est justement à cette époque que commencent à s'élargir de plus en plus, les Organismes Non Gouvernementaux (ONG) qui rompent le silence et mènent des actions de dénonciation et de diffusion. Du sud du continent cette tendance s'élargit dans toute la région en réponse aux violations des droits de l'homme et des droits des peuples, ainsi qu'à la répression, aux disparitions forcées, aux déplacements de la population, à la militarisation, etc. On considère que les ONG permettent de faire entendre la voix de ceux qui ne l'avaient pas.

Dans les années quatre-vingts le processus de récupération constitutionnelle permet de faire connaître les atroces violations commises par les militaires; la transition à la démocratie se traduit aussi par une nouvelle approche sur la lutte et la défense des droits de l'homme. Les actions de dénonciation et de diffusion s'élargissent aux actions qui cherchent à préserver "la mémoire collective et la "réconciliation". Les défis est alors une éducation aux droits de l'homme qui garantisse le "plus jamais". D'une certaine manière, il s'agit de favoriser une culture et une éducation qui puisse contribuer à prévenir ou éviter la violence et l'intolérance.

L'exigence du respect à la vie devient une exigence intégrale pour la défense de tous les droits de l'homme et pour la démocratie. Cela devient, en même temps, une revendication qui rassemble plusieurs acteurs sociaux. "Les droits de l'homme sont aussi un élément essentiel qui contribue à exprimer la résistance des individus et des peuples contre le modèle d'exclusion, de chômage, de famine et de mort et contre le fait de se voir imposer une politique ou une culture" (Reygadas, Rafael. 1996)

Au Mexique on assiste aussi, depuis vingt ans, à une multiplicité d'initiatives qui émergent de la société civile dans le but de dénoncer les violations des droits de l'homme ainsi que d'organiser des actions collectives pour répondre aux besoins les plus urgents de la population (chômage, alimentation, services de santé et d'éducation, etc.). On parle d'une société civile qui commence à acquérir un nouveau profil à travers la construction d'identités collectives, et autour de problèmes concrets (lutte contre la violence et l'impunité, demande des services urbains, autonomie des peuples indigènes, espaces de participation politique aux femmes et aux jeunes, etc.).

La société civile peut alors se définir en tant que concept qui revendique l'autonomie, la solidarité et l'autogestion des organisations vis à vis de l'état et de ses structures. Elle agit dans le domaine de la politique en donnant un sens réel à l'idée de citoyenneté.

En Amérique Latine, l'émergence de cette société civile obéit à plusieurs facteurs: d'une part, la perte de crédibilité des voies de participation traditionnelle (partis politiques, syndicats), l'augmentation des femmes qui travaillent et qui sortent de l'espace privé, l'urbanisation accélérée, le développement technologique et des moyens de communication ainsi que leur indépendance et pluralité; le processus de globalisation et ses effets dans tous les niveaux, etc.

D'autre part, plusieurs situations contribuent à la constitution de cette société civile forte, au Mexique, par exemple, c'est la crise de 1968 avec la révolte des étudiants qui marque un tournant de la société civile et le début d'une prise de conscience sur plusieurs phénomènes sociaux-politiques. Puis, la réforme politique qui commence vers 1973 et continue encore avec le besoin urgent de pluralité et de respect des droits politiques.

Au début des années quatre-vingts l'arrivée des réfugiés centre-américains au sud du pays mobilise les populations. Des associations d'aide au développement et d'autres ONG s'organisent pour répondre aux besoins des réfugiés ainsi qu'à leur sécurité. Ces organisations se rassemblent en réseaux de solidarité (CONONGAR, ANADEGES). Elles interviennent auprès du gouvernement mexicain afin de faire réviser la législation et mettre en place des mesures de protection et de sécurité pour la population réfugiée.

En 1985, le tremblement de terre que connaît la ville de Mexico suscite également un grand moment de solidarité de la population. La possibilité de participer, dans les tâches d'aide à la population sinistrée et de reconstruction, encourage les habitants des quartiers, surtout les jeunes et les femmes, à favoriser des initiatives nouvelles dont ils comptent reprendre la maîtrise complète de la situation.

En 1988, lors d'une élection très contestée du Président de la République, à cause des fraudes électorales, la population accroît sa culture politique; les partis d'opposition commencent à prendre un rôle plus important et la transition à la démocratie devienne une revendication générale de divers groupes sociaux. Pour certains, cette transition est une condition indispensable pour maintenir le système politique.

Vers la fin des années quatre-vingts, diverses organisations internationales font connaître à l'opinion publique internationale des rapports sur la situation des droits de l'homme dans divers pays (Lawyers Committee for Human Rights, America's Watch, Amnistia Internacional). Pour la première fois, la Commission des droits de l'homme de l'OEA détermine que le Gouvernement mexicain n'a pas respecté les droits politiques des citoyens mexicains à l'occasion d'une plainte qu'avait présenté un parti de l'opposition en 1986. A partir de 1991 la défense des droits politiques s'accroît avec la participation des observateurs nationaux dans les élections et la création des méthodologies des suivis et de la surveillance des élections de la part de la société civile organisée. (Convergencia de Organismos civiles por la Democracia.1992).

Dans les années quatre-vingt dix la légitimité de l'Etat mexicain est mise en cause du fait des violations des droits de l'homme. A cette époque, le Gouvernement se préoccupe de la signature de l'Accord de Libre échange (NAFTA) avec les Etats Unis et le Canada, c'est alors qu'il décide de créer la Commission Nationale des Droits de l'Homme.

Au moment où le conflit de Chiapas apparaît, en 1994, les ONG se retrouvent ayant une vaste expérience d'organisation, ce qui leur permet d'agir de façon immédiate. On voit se multiplier les actions contre la guerre et pour la paix, ainsi que des actions de solidarité, d'information, d'aide alimentaire, enfin, de toutes sortes, en faveur des populations indigènes et aussi en faveur d'une solution juste et pacifique de ce conflit. Les ONG deviennent des interlocuteurs valables vis à vis de l'état, et de la société.

## LA SOCIÉTÉ CIVILE ET L'ÉDUCATION AUX DROITS DE L'HOMME

Dans ce cadre, les ONG mettent en œuvre une série de pratiques de formation qui contribuent à former divers groupes de la société, tout en se formant en même temps. Cela permet dans un premier temps, de vulgariser les droits de l'homme et d'apprendre à les défendre, dans un deuxième temps, apparaît l'exigence d'approfondir la quintessence et des droits de l'homme, ainsi que le besoin de professionnaliser son enseignement.

Les ONG sont les premières à favoriser des expériences pédagogiques qui comprennent des aspects relatifs aux droits de l'homme. Ce n'est donc pas dans les classes de l'école, mais dans les sièges ou dans les petites salles des ONG où l'on commence à diffuser ce type d'éducation.

Ces expériences se présentent comme: éducation civique, éducation à la démocratie ou éducation à la paix. Il est courant aujourd'hui d'englober ces pratiques, en Amérique Latine, comme une **éducation aux droits de l'homme** qui permet de faire connaître ces droits et aussi de construire une citoyenneté consciente, critique et autonome dans tous les aspects de la vie quotidienne.

Il est certain que de nos jours, nous devrions opter plutôt pour une vision holistique compte tenu du fait que tous ces domaines cherchent au fond à atteindre la même finalité: former un nouveau type de citoyen capable de vivre et d'agir harmonieusement dans la société pluraliste et un monde multiculturel qui ont tendance à se globaliser de plus en plus. Former un citoyen qui croit et s'attache aux valeurs universelles et se comporte en conséquence" (Rassekh, Shapour.1996).

Ces pratiques pédagogiques reprennent les apports de l'éducation populaire en Amérique Latine, ainsi que l'expérience des processus autogestionnaires et des expériences diverses comme celle de Paulo Freire au Brésil. Certains moments favorisent aussi des initiatives de formation comme celui des élections. Ou en particulier les transitions démocratiques dans la région.

Ainsi, de la dénonciation et de la contestation, les ONG sont passées à l'élaboration de propositions concrètes. Actuellement ces ONG ne se limitent pas aux espaces non formels d'éducation, elles entrent aussi dans les établissements scolaires et cherchent à participer dans la définition des politiques publiques.

On assiste à l'ouverture d'espaces d'analyse et de formation sur les droits de l'homme dans plusieurs instances ( syndicats, institutions publiques et privées, etc.) L'Université y participe.

La philosophie de l'éducation au Mexique a toujours intégré, dans les principes, des éléments en relation aux droits de l'homme. La dimension axiologique présente proclame depuis la création de l'éducation publique, une série de valeurs que les individus doivent acquérir au cours de leur formation, ainsi qu'un certain profil du futur citoyen, celui-ci varie par rapport aux politiques en place. Cependant on peut affirmer que malgré ces éléments, l'enseignement des droits de l'homme n'a pas réussi à se généraliser, ni à s'intégrer dans le curriculum, ni dans la pratique quotidienne de l'école.

Dans les universités les droits de l'homme sont considérés comme un objet d'études et de recherches, car en effet, ces droits interpellent les objectifs des institutions d'éducation supérieure ainsi que ses fonctions de diffusion, de recherche et d'enseignement. On assiste actuellement à la création de groupes de recherche ainsi qu'à la mise en place de cours de formation sur les droits de l'homme pour les étudiants et pour les divers publics liés à la vie académique. Cependant il manque encore la création des méthodologies appropriées à chaque discipline et parcours professionnel.

Il devient aussi évident que l'université doit réfléchir sur les fondements des droits de l'homme et constituer un cadre théorique et de nouvelles catégories d'analyse. Devenir le lieu de débat sur les problèmes et sur les thèmes qui préoccupent la société. Les éducateurs doivent réviser leurs

dictionnaires, leurs pratiques et identifier les points en commun, faire ressortir les contradictions et donner les éléments suffisants aux élèves pour qu'ils découvrent ces contradictions et proposent des solutions viables.

Nous considérons, comme le souligne Rassek Chapour (1996), que: "force est d'affirmer que l'éducation ne peut apporter la contribution qu'on attend d'elle sans subir une transformation radicale. Non seulement le contenu de l'enseignement, mais aussi sa méthode, le rapport enseignant-enseigné, l'atmosphère de l'école, etc., doivent changer ou s'améliorer pour promouvoir les valeurs de la démocratie, du respect de la dignité humaine, de la compréhension mutuelle et de la tolérance."

L'éducation aux droits de l'homme représente un lieu de rencontre, un espace de complémentarité entre les divers acteurs et actrices de la scène sociale. Lieu d'intégration et non d'exclusion des individus, de groupes et de peuples. C'est la possibilité de donner la voix à ceux qui n'ont pas eu la possibilité de se faire entendre. C'est aussi l'espace où le niveau local s'enrichit du niveau national et international. Pour cela, les universités et en particulier, les Chaires UNESCO des droits de l'homme, ont un rôle à jouer en articulant le travail de la société civile et en contribuant à leur professionnalisation ainsi qu'en travaillant sur certains sujets qui sont importants à débattre et à analyser pour apporter des réponses ou des alternatives possibles.

L'approche d'une éducation aux droits de l'homme à partir de nos chaires, doit relever les défis de passer d'une modernité d'exclusion à une modernité d'intégration multiculturelle; elle doit éviter l'atomisation ou la fragmentation; ne pas constituer une alternative de plus, mais devenir l'alternative possible et intégrale.

C'est alors que l'éducation aux droits de l'homme devient un défi et aussi une utopie, mais une utopie réalisable, peut-être comme celle dont nous parle Eduardo Galeano, quand il dit:

"Elle est à l'horizon, je m'approche de deux pas  
Elle s'éloigne de deux pas.  
Je fais dix pas  
et l'horizon s'éloigne dix pas plus loin

J'ai beau marcher  
je ne l'atteindrai jamais  
À quoi sert l'utopie ?  
À cela: à marcher."-

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***“If you want peace, prepare peace.”***

Gerald Mader

At the beginning of the 1980s, the Cold War, which affected most the countries along the Iron Curtain, was at its peak. It was from this situation that the idea emerged to found an institute to advance peace research and peace education at Schlaining castle with the goal of contributing to the reduction of east-west tensions. This orientation took as its point of departure a vision of a world in which war would no longer play a role.

The world changed dramatically over the following twenty years. Whereas in the 1980s the goal was to overcome the Cold War, today global peace is at stake, endangered by the so-called small-scale wars, the North-South conflict and a lack of political counterbalance to economic globalization. The end of the Cold War was a step towards peaceful resolution of conflicts. September 11, 2001, and the subsequent "war" waged by the United States against terrorism is a step backward, as it has once again made war an obvious instrument of politics.

Are we again confronted with a an oversimplification in which there are only good and bad people, friends and enemies, without dialogue and just solutions forced by one side on the other?

Do the terrorist attacks of 11 September mark the beginning of a new irrationality in politics whose victims are peace, international law, and human rights?

Are we confronted with the menace of a permanent world war, in which the word "peace" will be transformed into a post-modern label for "war"?

Or will those who sacrifice freedom for the sake of security lose both in the end?

All these questions cannot be addressed in a short essay. However, the questions put forward should point out the complexity of the problems that confront peace science and peace politics.

History teaches us that peace is a fragile thing and that there have always been wars. Can we also conclude from this that there will be always wars in the future? Not only the abolition of slavery, but also European development since 1945 and the so-called OECD peace refute the notion that war is an inevitable result of human instinct or the power dynamics of politics. The history of humankind does not justify falling into a paralyzing fatalism that may bring our efforts for peace to an end.

There is no doubt that the dangerous situation in which we are living has become even more menacing since 11 September. Neo-liberalism and capitalism are confronted by new problems. The gap between the rich and the poor is widening. So-called "small scale wars" are increasing in frequency. Military intervention is becoming a normal instrument of world

politics. There is not yet a genuine dialogue between religions and cultures. Compared to scientific and technical progress, politics as a whole seem outdated. This political backwardness manifests itself particularly in an anachronistic security policy that attempts to solve conflicts by military means, that is with military superiority.

We are thus confronted with the following choice:

- either develop towards a world community based on global solidarity, good governance, and democracy
- or '*to vanish like sand on the beach*', to employ a variation of Michel Foucault's famous dictum.

What can a small institute like the 'Schlaining Peace Center' contribute to a more peaceful and just world? Just the proverbial '*flapping of a butterfly's wings*'. But we must not allow ourselves to become discouraged by setbacks in world politics. We have to believe in the possibility of peace, and reflect on strategies to identify social and political forces that are in a position to change politics. Most of all, however, we have to continue our successful work for peace. History does not have a predetermined plan, but we can try to introduce sense into its development. In security policy this would mean:

***"Si vis pacem, para pacem" - "If you want peace, prepare peace!"***

## CULTURE OF PEACE: A NEW PARADIGM OF THINKING

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Dr. Jurate Morkuniene

The concept of the cult of war is easily understood. Mankind has always lived in the context of a cult of war. Such a 'culture' means that progress in science, technology and communications first of all serves the purposes of violence and war. This is the 'culture' in which intellectual and material resources are intended to be used for the purposes of war.

Criminality, terrorism and Mafia fights are varieties of war. Civil people become targets of violence and aggression, massacres and compulsion. Their bodies are nowadays torn to pieces as if they were bodies of enemy soldiers (of course, killing human beings cannot be justified in any case). The resort to force becomes de-institutionalized, "privatized", "professionalized". As fear in society grows, a cult of war flourishes: "*The other is always the enemy*" (J. P. Sartre). Defense and security, in a very strict sense, become the only strategic goals.

### 1) The problem of the essence of war

Here we must speak about the nature or essence of war, or about the preconditions of wars among people, as well as try to perceive the nature of man: does it provide the prerequisites to kill one another? Is war an inevitable universality? Is aggression an inborn and essential feature of man?

In the history of thought, pros and cons can be found, pros being much more frequent.

Here are some examples. One opinion, I would call it extreme, is that war is a universal phenomenon. War, and sainthood are historically close; just as incest in fiesta, murder in war acquires a religious aspect.

Roger Caillois maintains that "war is the basis on which nations exist, it determines them; for nations war is the highest moral precept". War is mythologized, its substantiation is looked for and found in mythology, since "the warrior at fight approaches the divinity", "to a warrior the fight becomes a religious rite and killing turns into a sacrifice".

"Something in human nature agrees with war"; "at war, the long suppressed joy of destroying, the pleasure to render a thing shapeless and unrecognizable comes forth. Joy is to destroy a body of one's own image". Once it was propagated by Goebbels that:

"War is the most elementary form of the love of life". (Here I. Kant would say that killing can not be a universal law of nature, as nature which in its essence is life would contradict itself).

The inevitability and even obligation of war is often given a sociological basis: wars are necessary as a regenerative force. Society must undergo a war, if it wants to renew itself, and it is the only way for it to have history.

The concept of the imminence of wars is closely related to the argument of man's "inborn aggressiveness". The conception that man is aggressive by his nature and only culture renders him a peaceful creature is based on three arguments. First, all creatures are ostensibly aggressive. Thus, this feature is essential by nature in man as in a mammal on the level of instinct. Second, the whole history of mankind is the history of wars. Third, certain parts of brain and certain hormones are connected with aggression.

Thus, can war be considered a universal law? With respect to the first argument, we could maintain that pottery is an inborn feature of man, because through the centuries people of different cultures have made pots.

With respect to the assumed human quality of aggression, E. Fromm in his book "The Anatomy of Human Destructiveness" (see: 3) speaks of two kinds of aggressiveness: defensive, peculiar to all living creatures, and evil, peculiar only to man. Defensive aggressiveness helps to defend oneself, to survive in hazardous situations. This feature is innate (may it be called aggressiveness?), while evil

aggressiveness has nothing in common with biological heritage. Over the recent years the psychologists have confirmed that in most cases the aggressive behavior has no relation to genetic deviations.

E. Fromm offers an essential conclusion: “This type of destructiveness is a consequence (derivative) of not having had one’s life”. When the environment, social conditions fail to satisfy the existential needs of man (love, recognition, relations with other people), his behavior becomes destructive.

At present, it has been scientifically determined that it would be incorrect to maintain:

- (1) that man has inherited from his ancestors—animals the desire to fight (the behavior of animals cannot be considered as aggressive in principle);
- (2) that wars and other varieties of violence are genetically encoded;
- (3) that our brain has certain centers responsible for violence. (Such a conclusion was made in 1986 by scientists who came to Seville with the aim to put an end to the myths about the innate aggressiveness of man. Later, this assertion was supported by the American Association of Psychologists as well as by the Association of Anthropologists).

Thus, we arrive to the conclusion that man is taught to become aggressive. A study performed by American psychologists which embraced three generations, showed that children were taught aggressiveness first of all by their parents. Besides, the more disappointed children are by the surrounding world, the more aggressively they behave. (Doesn’t this rule apply to the whole society?) The aggressiveness of the study subjects had nothing in common with either genetics or biological sources. Biologically, man is not doomed to fight. Violence is not inherited.

Moreover, if man is not biologically pre-disposed to violence, the aggressive activities and violence of people cannot be justified; they are responsible for their actions, since actions are the manifestations of their free will and nothing else. If “wars begin in the minds of man”, as is written in the preamble of the UNESCO Constitution, then culture of peace begins also in human minds. If man has invented wars, he is capable of inventing peace.

War is always easier, at least up to the “first sounds of a trumpet”. However, this is a sad and disastrous easiness, with which war ideologists and commanders send young people to die instead of themselves. If military fight is considered the first and essential defense, it is logical to demand in war maximum devotion and self-sacrifice. However, if we consider a war conflict as a consequence (a secondary, derivative matter, a consequence of evil politics and unstable life), there will be no incentive to allow regularly the youth of a nation to be destroyed. The victory gained at the expense of human lives cannot be considered reasonable. The number of victims needed to gain victory is in inverse proportion to political wisdom.

Peace is not just absence of war. Such would be only negative peace, contrary to peace that could be called positive. Peace is difficult. The ancient Romans would say: *Si vis pacem – para bellam* (If you want peace, get ready for a war). At present, this saying requires the other dimension: if you want peace – make peace. How can we hope for a culture of peace, if the development of the country is only at its start, when democracy is in the embryonic state, when the basic rights of every man are not yet clear, when the future is ambiguous?

Creation of civil society is an essential pre-requisite of a culture of peace. The price of war is high. However, mankind has become accustomed to paying it. The price of peace is also high, however, nobody wants to pay it or at least to know what it is. Nobody has calculated the price of inactivity, since we should be clever enough to act in time and not when it is too late. The arrow of time gives no bonus to anybody.

## 2) Culture of peace – what is it?

Briefly, it is the quality of citizens, of society. To create a culture of peace means to cultivate the ground on which we live. This implies economic culture (food, shelter for all), humanitarian culture (education for all), physical culture (preservation of health) and all other spheres of culture which were called PAIDEIA by ancient Greeks.

A skeptic will say: what can culture do for us to pass from war as the essence of life to peace as the essence of life? It looks more like another void word, a magic word, a humanistic reasoning.

Culture of peace has a long way to go, because the process of man's self-creation requires great efforts. Man cannot be defined only by his biological nature (I. Kant) or only as a political creature (Aristotle). Man is a product of culture; he creates himself by creating culture.

There is no way to create culture of peace at the round table, in a discussion club or by any kinds of manifests. Neither can culture of peace be created by means of philosophical abstractions. Culture of peace cannot be implemented by voting or by laws.

Nevertheless – “In the beginning was the Word”. Therefore it is necessary to speak, to consider, to search for the way out, to create a model of culture of peace.

Then it is necessary to go a long way in economics and social policy to eliminate poverty, to reduce inequality, to ensure human rights and freedom of self-expression, to guarantee life-long education for all, to invest (investment!) into science (here I mean not military technology, but raising the level of life), to invest in enlightenment (Th. Schultz).

The end of this way can be beyond our scope of life, however, we should proceed consistently, with a good knowledge of the matter, step by step, in all possible fields. This is lasting, inconspicuous, thankless work. Marches, parades, nice uniforms and patriotic speeches are much more attractive. It is evident also that people should be taught the concept of a culture of peace – through various movements, groups, institutions, involving mass media and individual activities.

However, a culture of peace is created not by campaigns or declarations. This is a long-term program of actions. It includes, first of all, a social strategy that embraces economics, science and education (continuous education of people in the broadest sense). It requires the elaboration of long-term social, humanitarian, political and economic programs that are a planned strategy of the state (which has not been heard of so far). Then also the military doctrine could find in it a proper, delimited and reasonable place. *"If we cannot foresee the future, we can create it"*, said Aurelio Peccei, the founder of the Club of Rome. This means that we can create a culture of peace instead of continuing the cult of war.

This is the price of peace. These are the most up-to-date weapons.

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## Actualization of Ideas related to a Culture of Peace and Tolerance in Today's Belarusian Universities

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Prof. I.I.Hancharonak

Dr. I.I. Kalachova

Processes that take place in the world, give evidence to negative phenomena of present-day development: ethnic conflicts, wars, terrorism, discrimination, racism etc.

Humankind has great experience of intolerant development. Intolerant development of any community is the destructive, not creative. The realization of problems of a culture of peace and tolerance is timely and urgent. This applies also to the system of higher education in the Republic of Belarus. It is in the higher school, where a stable world-outlook and the sense of responsibility and civic duty are to be formed.

The ideas of a culture of peace and tolerance have existed for a long time. One of the most consistent philosophers in his view of tolerance was *Walter*. His thoughts concerned religious beliefs of representatives of different estates. *Walter* did not criticize any religion. He showed that religions, being merciful, have been ruined by prejudices and intolerance. Different philosophers, in particular *Walter*, have recognized tolerance as a universal value, the component of peace and consent between nations, religions, social groups.

11 years after *Walter's* death only, the *Universal Declaration of Human Rights* was approved by the United Nations. This document has become the most important step forward on the way to a culture of rights.

The interpretation of tolerance is not equal in different cultures. The reason being that different cultural and historic experiences are to be found in all nations and populations.

The concept of tolerance has a special meaning based on a common, primary understanding of this notion in any language. This essence conveys the intuitive perception of human unity, interdependence, and is based on the respect of other people's rights, inclu-

ding the right to be different, as well as the abstention from causing harm to everybody and to oneself.

In *English*, according to the Oxford Dictionary, "tolerance is the willingness or ability to tolerate somebody or something". In *French*, "the respect for other's freedom, way of thinking, behavior, political and religious thoughts". In *Chinese*, to be tolerant is "to allow, to admit, to show generosity to other people". In *Arabic*, tolerance is "forgiveness, indulgence, soft-heartedness, leniency, sympathy, favor, patience". In *Persian*, "patience, staying-power, readiness for reconciliation".

In *Russian* there are two words with similar meaning – "tolerance" and "favor". The term "tolerance" is usually been used in medicine and humanitarian sciences; it means "absence or weakening of the reaction to some unfavorable factors as the result of lowering perceptibility to its influence".

In *Belarusian*, "tolerance" means readiness to help others in trouble, ability to be disposed to others, hospitality, cordiality. Russian and Belarusian people use in their colloquial language the word "favor" as a rule as "ability to tolerate, accept other people's opinion, to be indulgent to other people's deeds".

Culture of peace as a common value of mankind and has obtained a deeper moral meaning. It has been perceived as 'new global ethics'. Thanks to UNESCO's efforts, as well as the activities of civic organizations and movements, the year 2000 was declared by the UN General Assembly the 'International Year for the Culture of Peace', and the decade of 2001-2010 the 'International Decade for the Culture of Peace and Non-violence for the Children of the World'.

A great role in this process belongs to scientists, active in education as well as culture.

Among them, a group of Belarusian and Russian scientists are worth mentioning:

M.V. Kabatchenko, T.V. Truchatchova, V.T. Kabush, A.V. Malinovsky, E.S. Sokolova, V.G. Litvinovich, E.D. Dmitrieva, E.V. Petushkova, and others.

These scientists worked out and implemented the Belarusian-Russian project “*Teach and Study the Culture of Peace*”. In realizing this project, 'scores' of scientists, lecturers, representatives of children's and youth organizations in the Republic of Belarus and Russia have taken a remarkable part.

An outstanding Belarusian contribution to the popularization of ideas related to a culture of peace, tolerance and non-violence was marked by an important event. In 1988, the national movement “*Teachers for peace and mutual understanding*” was born. In 1992, this movement obtained international status.

The Republican Center for National Cultures, Minsk, provides great possibilities for developing ideas of a culture of peace and fostering tolerance in youth environment. This centre unites nearly 80 civic associations, and 20 national communities, including Polish, Lithuanian, American, Russian, Tatar, Gipsy etc. The Republican Center of National Cultures has the following aims and functions:

- harmonization of international relations by means of culture;
- preservation of centuries-old traditions in the interaction of cultures through the activity of national associations in the Republic of Belarus.

One of the traditions, developed by the Center after 1996, is to carry out festivals of national cultures and national holidays.

In 1999, the Centre initiated and organized the following festivals:

Moldavian spring festival – Mertishor, Korean New Year Party, Lithuanian Mindaugas Day, Jewish Purim, Hanuka, Tatar Sabantuj, etc.

What are the peculiarities in the realization of a culture of peace and tolerance while working with students, in the framework of the university's international activity?

It should be mentioned, that in Belarusian universities foreign students from different countries of the world have been studying for nearly 40 years. During this period, more than 20 thousand specialists have been trained in Belarusian universities for their work in foreign countries.

From 2000 to 2001, the Belarusian universities accepted nearly 3 thousand students from foreign countries: from China 817, Lebanon 494, Syria 171, Iran 175, Vietnam 148, Poland 112, India 111, Pakistan - 100. Among universities leading in teaching and training of foreign students, the Belarusian State Medical University in Minsk, the Vitebsk State Medical University and the Belarusian State University should be mentioned.

Teaching students from other countries is an important component of the process of 'internationalization' and globalization of higher education which, at present, undergoes qualitative changes. This process is characterized not only by the presence of foreign students, but also by including international components in the curriculum, international mobility of students and lecturers, and mutual implementation of technical and humanitarian programs.

UNESCO Chairs dedicated to a Culture of Peace, Human Rights and Democracy, have further improved these activities. These Chairs contribute to the actualization and implementation of the aims and tasks related to a Culture of Peace and Tolerance.

However, many tasks are still to accomplish. Among them:

1. realization of the ideas and concern of a culture of peace, of tolerance and non-violence, by encouraging adequate youth initiatives,
2. the use of different forms of student exchange programs: development of tourism, summer/winter youth camps, organization of the 'work-force migrations',
3. participation of students in discussion programs, round-tables, etc. with the aim to form their active civic position, responsibility, tolerance to other people and cultures,
4. development and implementation of educational programs, socio-psychological training for those students, who leave abroad or come to study in Belarus,
5. development of the 'volunteer youth movement' concept.

Thus, actualization of the ideas of a culture of peace and tolerance in the sphere of higher education is a very important component of social work.

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## Intercultural dialogue for what?

### The human rights and democracy response

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Antonio Papisca

When people suffer of violence, poverty, disease, discrimination, and pollution the appeal all over the world is “human rights”, “fundamental rights”, individual rights, collective rights, rights of women, of children, of minorities, of refugees, of migrants. Human rights like *vox populi* (people voice). When non-governmental organisations and civil society trans-national movements meet in the occasion of the United Nations World Conferences and of the regional preparatory meetings, the human rights code is used as the paradigm that facilitates communication among those actors and legitimates their international political role. The logic universality of fundamental rights has now become the historical universality of practical truths. In other words, human rights are universalised on the spot, either by the invocation of those who are suffering or by the monitoring carried out by specialising international structures both governmental and non-governmental. The struggle for human rights is like an overflowing river that floods down across the valley making the fields ever more fertile.

Since human rights are legally recognised at the world level, laws and institutional architectures, inside and outside nation-states, have to be revised and adapted with respect to the founding value of human dignity. *De jure*, the international acknowledgment gives room to the establishment of a world constitutional and judiciary space. Such ‘strong’ principles as the universality of criminal law and the international personal accountability for war crimes and crimes against humanity have already been injected into that space. *De facto*, the world constitutional space opens the way to extending the democratic practice from the village and the city up to the international institutions and sanctuaries, first of all to the United Nations system. At the age of planetary interdependence and globalisation in so many fields, enlarging the field of action of democracy is a necessity, a good governance urgency. A self-evident argument is that important decisions are increasingly taken, either in a transparent or non-transparent way, on extra-national levels, where the legitimacy baggage of national governments is not sufficient to ensure neither effectiveness nor legitimacy of the international institutions. In the nation-states, even in those having a long parliamentary experience, democracy is suffering because parliaments have lost control in many fields...

Nevertheless democracy remains at the same time a value that cannot be given up, a fundamental right, a natural and necessary method to pursue all human rights for all. International democracy, better the democratisation of international politics and institutions is then the sheet anchor of democracy at any level. But we should be clear to this regard. Substance of international democracy is not different from that of internal democracy, what differs is space, let me say the physical dimension. International democracy cannot but mean (more) direct legitimation of those institutions that decide out of the state space and political (popular) participation to their decision-making processes. Today it is necessary - and really possible - that peoples sovereignty be guarantee by a twofold representation on the international level: by their respective states and by global civil society organisations. We know that we do not lack very interesting and workable proposals for the democratisation of the United Nations system: for instance, the establishment of a second General Assembly in the form of a Parliamentary Assembly and strengthening the NGOs consultative status.

What we are thinking about is a human-centric strategy of world order, ruled by the international law of human rights, to be pursued at any level according to the principle of subsidiarity.

Multi-culturality has become a challenge, even a nightmare because of the direct impact of globalisation in the daily life, in the street of the rich countries. The human rights paradigm is at the same time instrument and content of the intercultural dialogue. As for governance, also for the different cultures, peoples and groups this paradigm is a sheet anchor: first of all, against the homologation relapses of the ongoing wild and discriminatory globalisation. Human rights culture aims at safeguarding, in the name of the “universal”, diversity and the endogenous characters of cultures, that is their profound soul. But the sheet anchor is a challenge that triggers, even requires a twofold confrontation with the universal paradigm of human rights: of each culture inside itself – something like an examination of its own conscience - and among cultures. The metaphor is that of the purification of cultures at the source of universal values in order to better meet the appeal of “shared responsibilities” to address the grave globalized problems of our time. Interaction among cultures cannot be limited to the exchange and the comparison of individual historical and anthropological data nor to an abstract cross-contemplation of artistic heritages, it has to be played in terms of facts, of practical behaviours, of policies, of positive actions, following a axio-practical approach, that is consistency of values-principles and actions that incarnate them in the daily reality of needs and life urgencies.

Briefly, intercultural dialogue for what, to do what? For sure, to better know each other. But the result could not necessarily be mutual understanding or cooperation. Certainly we have to talk of cultural identities, of differences, of “alterations”, but the strategic aim of the intercultural dialogue is the discovery and the pursuit of the common good. The assumption is the intercultural dialogue has to be carried out on “practical truths” not on ideologies, and that at the age of planetary interdependence and of other structural transformation processes the dialogue should be facilitated by discussing and hopefully sharing “in the street” a common project of world order based on human rights. In other words, dialogue will develop and be fruitful if we elucidate together things to do together, since now, in a concrete manner, within the building process of a world order largely accepted as the planetary common house, the house of the human family.

Big questions to address together are for instance: How to counter the ongoing institutional de-regulation of international relations? How to keep and develop multilateralism in the international institutions? How to strengthen the international machinery for human rights? How to translate social justice into world economy institutions and policies? Since gross violations of human rights threaten peace and security, which idea of “intervention of the international community” (so-called humanitarian intervention), for which objectives, under which authority, by which means?

If we refer to the universal paradigm of human rights, the response is there, the United Nations are there, the (right, equitable, human-centric) international law is there, real possibilities are there. We do have the trans-cultural tool in principle and in fact.

For the enlightened elites of the intercultural dialogue time has come to mobilise the political dimension of their respective cultures. The culture of good governance, of international and trans-national democracy, of world common good, of sustainable statehood is the very political trans-culture that should urgently be developed. To this common undertaking, we have to help the starting of a large trans- and supra-national educational alliance of strategic actors like the members of the national institutions for human rights – the firms of the universal, above all universities, non-governmental organisations, school, labour organisations, committed international civil service, local governments authorities, for sure all human rights defenders. Strategically, we should foster direct relationships between civil society micro-levels and international multilateral institutions level.

## Egalité et discrimination. Minorités

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Prof. Victor IANCU

Ce titre reprend la dénomination d'une des disciplines enseignées dans le cursus de mastère (MSc) établi auprès de notre chaire. Cette discipline a déjà inspiré de nombreux étudiants pour choisir leurs sujets de recherche pour leurs thèses de diplôme. On doit préciser d'emblée que toutes les investigations ont été menées dans le cadre général de la société roumaine actuelle.

Jusqu'au présent – en suivant peut-être le conseil de leurs professeurs – la plupart des étudiants ont abordé des sujets qui portent sur

- 1) les relations entre la majorité (les Roumains) et les minorités ethniques *ou bien*
- 2) les relations entre la confession majoritaire (chrétien orthodoxe) et les autres confessions présentes en Roumanie (catholique, catholique de rite oriental ou greco-catholique, réformée, etc.).

Le moment est venu maintenant d'étudier la situation d'autres minorités: *minorités* en tant que groupes n'ayant pas les mêmes droits que les autres ou ne disposant pas de moyens politiques et juridiques pour affirmer leur statut en conformité avec la Déclaration Universelle de Droits de l'Homme et avec les autres réglementations internationales dans le domaine.

Par la suite je vais parler brièvement de ces deux groupes, respectivement de deux types de discrimination qui perdurent dans la société roumaine actuelle (et aussi dans d'autres communautés nationales en Europe Centrale et de l'Est).

**A. Je vais commencer par la problématique vaste et complexe de l'enfant. Il s'agit évidemment d'une simple esquisse ou encore de mettre en relief quelques aspects auxquels nous sommes confrontés quotidiennement.**

1. Notons d'abord qu'on a affaire à une problématique qui concerne une large partie des enfants roumains, à savoir: malnutrition causée par la pauvreté endémique; mauvais traitements infligés par les parents ou les tuteurs; violence dans la rue; abandon scolaire en très jeune âge (10-12 ans); analphabétisme massif dans certaines communautés; manque de soins médico-sanitaires, et l'énumération pourrait (hélas !)continuer. On doit pourtant remarquer que la plupart des ces malheurs ne peuvent pas disparaître du jour au lendemain: Ils sont engendrés par un standard de vie absolument inapproprié pour notre époque.

D'autres de ces malheurs sont liés à une mentalité retardataire, archaïque qui a, elle aussi, besoin de temps et d'Histoire pour récupérer. L'adage populaire „Bataia e rupta din rai“ (qui équivaut à „La correction est un don du ciel, est approuvée par le ciel“) donne une appréciation plus que favorable aux méthodes violentes d'éducation. Comment éliminer en 10-15 ans une telle philosophie de vie“?

2. Une autre série d'inadéquations concerne les enfants handicapés ou/et les enfants abandonnés (communément appelés enfants de la rue). Dans ce domaine, outre les dysfonctionnements d'ordre social ou éducationnel, abondamment médiatisés les 10-12 dernières années, nous sommes confrontés à une „philosophie“ patriotique, nationaliste, longuement cultivée par le régime totalitaire communiste. Synthétiquement, cette attitude pourrait être décrite par les phrases suivantes: „Pourquoi les médias occidentaux s'intéressent-ils seulement aux enfants handicapés? Pourquoi leurs journaux n'écrivent rien sur les participants aux „olympiades“ (concours scientifiques international pour les élèves) qui gagnent prix après prix? Il est clair que les occidentaux ne sont pas prêts à voir que ce qui est négatif dans notre société, tout en oubliant que, eux aussi ils ont des enfants handicapés ou abandonnés“. Donc, pour de nombreux roumains la situation déplorable de ces catégories d'enfants n'est pas préoccupante en soi; ce qui importe est exclusivement *l'image* du pays à l'extérieur. Autrement dit, ils transforment un grave problème social en une dérisoire questions de propagande nationaliste.

**B. Le seconde thème que je vais traiter, toujours brièvement, porte sur le statut de la femme en société et en famille (dans le même cadre de la société roumaine actuelle). C'est un sujet amplement débattu et médiatisé; ceci est déjà en soi un point positif, mais ce n'est en aucun cas une solution. Car la femme, surtout dans les pays pauvres ou dans les sociétés dites „en transition“ continue à être sujette à toutes sortes de discriminations. Je vais traiter ici un unique aspect: les violences auxquelles la femme est soumise en famille. Certaines statistiques récentes donnent des pourcentages allant jusqu'à 50 % pour les familles où la maltraitance et les violences conjugales sont monnaie courante.**

Les causes de ce fléau sont (évidemment) multiples et diverses, en allant de la forte pauvreté matérielle jusqu'aux suspicions d'infidélité conjugale, tout en passant par la mentalité (encore la mentalité !) qui considère que, pour se monter chef de famille, tout homme se doit, de temps en temps, d'administrer une belle correction à sa femme (et éventuellement, accessoirement à ses enfants). Dans la famille, c'est le coq qui chante, “ affirment les adeptes de cette théorie“.

Dernièrement la problématique de cette inégalité et de ses conséquences est devenue un vrai thème de débat social approfondi, et dans ce cadre, notre chaire a apporté, elle aussi, sa (modeste) contribution.

**Peace Education and Education for Peace.**  
**The Concept of a Culture of Peace and its Practical Ramifications –**  
**In International and in Middle Eastern Perspectives**

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Professor Yaacov Iram

**Education - Peace**

Does education mean education for peace? Not necessarily, but I would argue that without education, no lasting peace is possible.

I assume that all of us will agree on one thing. The state of the world today clearly indicates that we educators, educationists and other professionals involved and in charge of education, have failed in our goals to make our world one that improves the material well-being of all peoples and promotes a peaceful state of existence of all.

What we have now is a world in which social exclusion, alienation, intolerance, violence and war are widespread. Poverty abounds and the division between North and South is growing. Race, ethnicity, gender and religion are the basis for social exclusion, alienation, intolerance and war. There are of course some enclaves of success here and there, but in general, you will agree with me, we - whether politicians, policy initiators, decision makers, educationists and educators - have failed in improving the human conditions. Thus for example, not only arms or weapons, but also poverty poses a threat to social stability and peaceful co-existence within nations and between nations.

Most recently, India's President Narayan, in a speech on the occasion of India's 50<sup>th</sup> Anniversary warned that the "Rich - poor gap endangers India's existence" (not Pakistan), (The Herald Tribune, January 26, 2000). Well-known studies in the USA, England and Germany show that youth of lower socioeconomic strata are less tolerant and more often engaged in racist incidents. The same is true for marginalized groups who turn to xenophobia.

Social injustice and internal socio-economic and ethnic strife endangers peaceful co-existence of societies and international peace.

Should the present grave situation of destitute, illiteracy, intolerance and war lead us to despair or hopelessness? Not at all. To the contrary – we should increase our efforts to bring about a just and peaceful co-existence.

When David Livingston's work in Africa became known, a missionary society wrote to him and asked: "Have you found a good road to where you are?" The letter indicated that if Livingston had found a "good road", the missionary society was prepared to send some people (men and women) to help in his work. Livingston's answer was clear and to the point: "If you have men who will come only over a good road, I don't need your help. I want men who will come if there is no road."

The purpose of this essay is to delineate the problems, to point out the promises and importance and to assess the prospects of education for peace. In many respects, we all are expected to do groundbreaking work since there are no “good roads” which were already paved and that could lead us to reach our goals in Peace Education. In other cases, where roads exist, we should improve them and make them more accessible.

There is a common aphorism, which says: 'When the Guns are shooting the Muses keep silent.' That of course cannot be the case with the Muse or “Goddess” responsible of peace education. We should speak up, double our efforts and work harder. And this is true more so at the present sorrow state of events, whether in the Middle East or in other parts of the World, from A to Z, from Afghanistan to Zimbabwe including the United States.

### **2001-2010: The International Decade for a Culture of Peace and Non-Violence for the Children of the World**

The United Nations declared the year 2000 “The International Year for the Culture of Peace,” and the years 2001-2010 the “International Decade for a Culture of Peace and Non-Violence for the Children of the World.” A “culture of peace” implies more than a passive and quiescent state due to an absence of war and violence. To attain a culture of peace, one must actively strive toward positive values which enable different cultures and nations to harmoniously co-exist. These values are based on helping the underprivileged, sharing knowledge, and fostering tolerance between peoples. Tolerance which leads to the establishment of a pluralistic society requires an understanding of both the shared and unique aspects of different peoples and cultures.

We live in an age saturated with advances in information technology and telecommunications. In this turbulent era of change, people rediscover the need for regional identity as well as the need for values. Stable values provide security in a continually changing world. The dignity of the individual represents a basic value which serves as a stepping-stone to other values: freedom of speech, freedom from suffering, freedom of tolerance which is a prerequisite to attaining an enduring peace. Education plays a paramount role in imparting the values of tolerance, multiculturalism and peace to the next generation. Through tolerance, one can strive to transcend religious and political boundaries and bridge cultural and ethnic differences. Tolerance and pluralism require both knowledge of what people share in common, as well as understanding of their differences. Without this awareness, there can be no multicultural education and no peace education.

## University for Peace, Costa Rica / UNITWIN Chair in Education for Peace

Dr. Abelardo Brenes

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### 1. Introduction

The University for Peace (UPEACE) was established as a Treaty Organization with its own Charter, endorsed in Resolution 35/55 of the General Assembly of the United Nations, in December 1980. Its mission, as an institution of higher education within the framework of the United Nations, guided by an independent Council, is to promote education for peace worldwide from its base in Costa Rica. Article 2 of the University for Peace Charter describes this mission:

*The University is established with a clear determination to provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate co-operation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations. To this end, the University shall contribute to the great universal task of educating for peace by engaging in teaching, research, post-graduate training and dissemination of knowledge, fundamental to the full development of the human person and societies through the interdisciplinary study of all matters relating to peace.*

The University for Peace is currently in the final stages of a process of formalizing with UNESCO, the creation of a 'UNESCO/University for Peace - UNITWIN Chair in Education for Peace'. The University for Peace has, as part of its mandate, the responsibility of developing educational programs in all fields related to peace. Its present *Strategy and Program* is conceptually based on conflict prevention, the culture of peace and human security. The strategy for implementation of this new program calls for the University for Peace to develop partnerships with other universities and organizations around the world.

The UNESCO Chair will provide a channel for enhanced links between UPEACE and the relevant programs and activities of UNESCO.

For this reason, it is fitting that the UNESCO/ University for Peace Chair be devoted to the development of educational contents, didactic materials and methodologies that can serve its own programs, as well as those of other universities, in meeting the significant challenges of building a peaceful global civilization.

The main objective of the Chair will be to develop Foundation Studies courses for UPEACE and its partners, leading to the implementation of a **Master's Degree in Education for Peace** and eventually to a **distance learning course in Education for Peace**.

### 2. The Foundation Courses in International Peace Studies

The *Foundation Courses in International Peace Studies* will be a requirement in all degree programs of the University for Peace' academic program. Through these innovative courses, students will gain a sound theoretical base for peace studies, practical insights into conflict prevention and resolution and a forward looking view of future threats to peace.

These will also be disseminated on CD-Rom, designed to be applicable, with modification, to any region and cultural context in the world. They will prepare students to meet global challenges as described in United Nations world summits and conferences.

## 2.1 Peace and Conflict Studies

The study of how war can be avoided and potentially violent conflict transformed into non-violent alternatives has a long history, but Peace and Conflict Studies as academic fields with their own institutions, curricula and professional journals were only established in the years following World War Two. This process of institutionalisation initially took place primarily in Europe and North America, but has recently become an increasingly global enterprise.

Unlike most of the work being done in international relations and strategic studies centers at the time, peace and conflict studies could, from the beginning, be defined by the following characteristics:

- A concern to address the root causes of direct, structural, and cultural violence
- A realization that, given the complex nature of violent conflict, an interdisciplinary approach would be required
- A recognition that adequate understanding must involve different levels of analysis, including individual, group, state, inter-state and global levels
- A commitment to the search for non-violent ways of transforming conflict
- The adoption of a multicultural and global approach
- The bringing together of analytic rigor with normative commitment
- The aspiration that peace research should be useful in forming policy and practice

These ideas and approaches have been increasingly adopted by the international community, including the United Nations. A greater degree of impact, however, has also brought a greater degree of scrutiny and the development of searching critiques from different quarters.

The UPEACE *Foundation Courses* will play a significant role in further developing the fields of peace and conflict studies.

## 2.2 General Objective of the Courses:

The general aim of the *Foundation Courses in International Peace Studies* is to provide opportunities for UPEACE students from a wide variety of backgrounds to develop their personal mission and be empowered as change agents for peace. For this purpose, the courses will aim to provide an understanding of the main challenges for peace in the 21<sup>st</sup> Century; an appreciation of the theoretical and methodological options available in peace research and conflict resolution; the development of critical thinking and practical skills to be applied in diverse institutional and policy scenarios for preventive diplomacy, peace keeping, peace making and peace building (with an emphasis on UN programs), and a well-developed ethical consciousness.

The structure envisaged includes six courses that will be common to most UPEACE Master's degrees:

- A. Course one provides a general introduction to contemporary peace and conflict studies. It offers various theoretical and methodological options for relevant research and policies.
- B. Courses two to four refer to three thematic areas which are fundamental conditions for peace and security:
  - a. Culture and learning
  - b. Governance, security and human rights
  - c. Development, economics and environment
- C. Course five is an introduction to conflict analysis, resolution and transformation.
- D. Course six is a capstone and provides an opportunity for personal integration of all knowledge acquired during a student's program of studies, within a perspective of meeting future challenges.

This rationale provides an opportunity for students to integrate knowledge in three different moments: acquiring general theoretical and methodological tools for the study of peace and conflict in course one, developing knowledge and skills for their application in course five, and personal integration in course six.

## 3. A Master's Degree Program in Peace Education

The University for Peace has been in a process of revitalization since 1999, developing a new issue-oriented academic program that grants graduate degrees. One of these initiatives is a new Master's Degree Program in Peace Education, tentatively scheduled to begin operating in 2003-2004.

The Program makes a distinction between 'peace education' and 'education for peace', which is the overall mission of the University for Peace. Thus, 'Peace education' is an extensively used term within the broad peace studies field, which refers to teaching on peace issues. In British systems, it is used more in relation to elementary and secondary school teaching; in the U.S.A. systems, it applies to any level.<sup>1</sup> 'Peace studies', as defined by Stephenson, „... is an interdisciplinary field encompassing systematic research and teaching on the causes of war and the conditions of peace...“<sup>2</sup> From this perspective, then, 'peace education' can be considered as a sub-discipline of 'peace studies', referring to the content and pedagogy of teaching about peace-related issues.

'Education for peace' is a less commonly used term. For the purposes of the Program that is being developed, it is defined as educational systems and programs that promote peace. This usage entails a broader scope than 'peace education', although it also implies that the latter can have an important pedagogical and didactic role in policies which seek to promote peace through education. Thus, 'Education for Peace' is a multi-disciplinary and trans-disciplinary field, which is integrally related to peace studies.

The *UPEACE Peace Education Master's Program* pursues two intertwined goals: capacity building (leadership training) and educational reform and change in school systems (toward peace-building education).

In order to meet these goals in Education for Peace, the Program makes a distinction between three interacting *tiers* of formal education:

#### *Tier 1: Higher education*

The interdisciplinary foundations core in international peace and conflict studies is intended as a foundation for all UPEACE Master's degree programs. This common core provides an opportunity to cultivate knowledge exchange across various UPEACE peace studies programs, with people in allied UN agencies, and with peace and conflict studies faculty at other universities.

#### *Tier 2: Educating the Educators*

The UPEACE Master's Degree in Peace Education is geared to preparing teachers, specialists and leaders in program and curriculum development around the world, with priority given to including participants from the South. The Peace Education program is concentrating much of its program development effort at this level. This second tier includes the development of collaborative relationships with institutions of higher learning that are involved in the training of primary and secondary level teachers, and with organizations that are devoted to in-service teacher training and program development.

#### *Tier 3: Primary and secondary education*

The UPEACE Peace Education program seeks to impact this tier indirectly, through the establishment of partnerships with other pedagogical institutes, ministries of education and associations of educators, through the creation and evaluation of educational materials, and through educating the educators who will in turn contribute to reforming their own schools and educational systems.

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<sup>1</sup> Carolyn M. Stephenson, „Peace Studies, Overview“, *Encyclopedia of Violence, Peace and Conflict*, Academic Press, Vol. 2, p.679.

<sup>2</sup> Ibid.

The *program design* process to date has been multidisciplinary, international, and multicultural: a continuing and even broader consultancy. This Peace Education Master's Degree program overview is being presented to a wide variety of stakeholders and experts in the fields of peace and conflict studies and education, for the purpose of receiving feedback, promotion, and establishment of partnerships for the implementation phase of the Program.

### **Peace Education Master's Degree Program Components:**

The Peace Education Master's Program includes peace studies foundation core courses (approximately 40 % of the MA), specialization core courses (approximately 25 % of the MA), elective courses (approximately 15 % of the MA), and a culminating practicum project or research thesis (approximately 20 % of the MA).

A series of *Foundation Courses in International Peace Studies* was described above.

A series of *Specialization Courses in Peace Education* provides opportunities for diverse scholars and practitioners in education to broaden their understandings of how educational systems operate and change in various cultures and contexts, and the implications of these configurations and practices for promoting and impeding peace. They will also increase their competence in analyzing, developing, and reforming curriculum, didactic methods, and educational resources for both conflict resolution education (including conflict analysis and transformation from personal to global levels) and international peace education (including education for human rights, development, and democracy).

The *Elective Courses* and *Culminating Project (Practicum or Research Thesis)* provide opportunities for each participant to tailor their learning program to their particular needs and interests, and to apply their program learning to creating their own tangible contribution to educational reform, development, or research in peace education.

### The proposed MA Degree in Peace Education would require:

	CREDITS
<input type="checkbox"/> Orientation (non-credit)	
<input type="checkbox"/> 5 Peace Studies Foundations Core courses (each 3 credits)	15
<input type="checkbox"/> 3 Education Specialization courses (each 3 credits)	9
<input type="checkbox"/> 1 Research Methods short course (1 credit)	1
<input type="checkbox"/> 1 Foundations and Specialization Capstone Seminar (3 credits)	3
<input type="checkbox"/> 2-3 Elective courses (minimum 6 credits)	6
<input type="checkbox"/> EITHER Research Thesis or Practicum Project (6 credits)	6
<b>PROGRAM TOTAL</b>	<b>40</b>

# I. MULTICULTURAL AND INTERCULTURAL DIMENSION OF EDUCATION <sup>1</sup>

Dr. Alena KROUPOVÁ

and

## II. SOME ASPECTS OF INTEGRATION OF ROMA ETHNICS

- Pedagogical Experiences of the Charles University at Prague -

Eva SOTOLOVÁ

### I.

Progress towards a more balanced society will only occur if the important role played by education is related to other aspects of social and economic policy. Education at all stages must seek to promote the upbringing of well-developed human beings who are respectful of themselves and of others, with an understanding of other traditions and cultures.<sup>2</sup>

The imperative of education in the 21<sup>st</sup> century is to provide young people with a sound foundation on which to base their moral and ethical decisions and behaviour, with respect to the nature of the interdependent world in which we live, respect of the rights and dignity of others, and an international perspective, that is multicultural and intercultural consciousness.

Identification and nature of values cannot be considered a central issue in moral philosophy only. General statements about the range and nature of moral values are often not particularly helpful since most practices can be 'rationalized' in the light of such statements. They lack specificity and the individual parts are often in tension with one another. This needs to be leavened by a sense of reality, common sense and the recognition that, if civilized society is to advance, there must be certain aspects of social behaviour, which transcend the cultural differences existing between different cultural groups.

The acknowledgement that co-existence demands, is at some levels, a wide sharing that goes beyond basic human instincts. "We must not dramatise the incompatibility of values – there is a great deal of broad agreement among people in different societies over long stretches of time about what is right and wrong, good and evil."<sup>3</sup> The process of seeking that consensus is as important as the outcome. Values<sup>4</sup> are not static and there must be opportunities to amend the values that formed the consensus." While this might be the case, if too much attention is focused on the products of consensus, charters, policy statements, codes of conduct, it can inhibit the opportunities to respond to shifts in values orientations.

The multicultural reform of the curriculum provides a wide range of challenges and opportunities, some concerned with content and some with organization. Regardless of a school's particular focus there are principles that are fundamentals for any school, which intends to develop an adequate multicultural and intercultural dimension, for example:

- to recognize the interactions in between cultures

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<sup>1</sup> Ref.: Alena Kroupova: Principles of multicultural tolerance – an actual reflection of human rights and peace at the end of 2001. Bulletin for UNESCO Chairs, 3/2001, December 2001. EPU, Stadtschlaining

<sup>2</sup> Education for Mutual Understanding Project; Northern Ireland Curriculum Council, 1991

<sup>3</sup> The Crooked Timber of Humanity, Murray, London 1990

<sup>4</sup> Values in Education: A Comment; Barr/Hooghoff(Eds). "Values Schooling and Society", CIDREE 1991

- to recognize the value of different cultures in a way which does not hide relations of dominance but enhances the status of minorities' and migrants' cultures
- to challenge socially biased and ethno-centric assessment criteria
- to introduce the intercultural issue in all areas of organization and life of the school
- to develop mutual solidarity and acceptance in the whole community the school
- to recognize and value the symbolic role of the presence of mother tongues in the school
- to promote a pluralistic approach to the acquisition of knowledge
- to recognize the potential of the arts to develop an appreciation of different cultures
- to promote intercultural activity among pupils and recognize that it depends on the quality of cooperation in teaching teams
- to promote communications between the school, the home, the social environment in which the children live and the whole community, both migrant and indigenous
- to recognize that multicultural education provides a perspective which concerns both the countries of origin and the host countries and which calls for solidarity between countries with differing levels of resources
- develop teacher skills which allow these principles to become effective practice.<sup>5</sup>

The earlier children are helped to develop an awareness of the importance of this dimension and the earlier they are given opportunities to engage in and reflect on it the better. Education systems should provide a framework upon which young people can base critical thinking and judgements and which will allow each individual to make sense of the complex and discontinuous change that characterizes contemporary society and which enables them to participate as active and responsible citizens in the personal, social and political dimensions of society.<sup>6</sup>

There is no more effective means of developing the necessary understandings than through the experience of multicultural dimension in action. Progress towards a tolerant multicultural society presents challenges and raises controversial issues. It is important that these are addressed by all educational institutes and not ignored, devalued or regarded as too difficult. It is of course important that the context in which they are taught is suitable, which requires conscious consideration and planning. Coping with difficult and often controversial issues is best developed in a climate of critical enquiry. Both critical enquiry and critical thinking need to be understood in terms of issues and not in terms of crises and problems in need of solution. In the social sphere, problems are often not amenable to solution, only to careful consideration.

Democratic processes are enhanced when learners have a sense of their own worth, a respect for others and a belief in the importance of co-operative activity<sup>7</sup>. Taking into account that no school can be entirely democratic in all its processes, it might be reasonable to ask what any school can understand by democracy. Key words in any such understanding must be rights, responsibilities, respect, a sense of belonging and negotiation.

Key words in that way determine principles or precepts, which are essential cornerstones on which an education for a humanistic society must be built:

- a sense of self-esteem; both personal and cultural
- a respect and tolerance for others; both as individuals and as members of ethnic/cultural groups

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<sup>5</sup> COUNCIL OF EUROPE Training Teachers in Intercultural Education Strasbourg 1986

<sup>6</sup> ROYAL NORWEGIAN MINISTRY OF EDUCATION, RESEARCH AND CHURCH AFFAIRES Plan for Promoting the International Dimension in primary and Lower Secondary Education 1991

<sup>7</sup> SCHIRP, Heintz: Democracy and Education in the School – The promotion of a moral – democratic capacity, Landesinstitut für Schule und Weiterbildung, 1984

- a sense of belonging; the meaning that all must have a secure physical, emotional and political locus within society
- a sense of social responsibility; meaning an understanding that the diverse society in which we live must recognize the imperative to act with tolerance and responsibility in relation to social, political, cultural and environmental factors
- an appreciation of the importance of learning; meaning a recognition that knowledge, in whatever construction, is a means to new understandings, insights, creative opportunities, and an appreciation of the inter-connectedness of our world.

Such principles need to go hand in hand with 'ethical qualities'<sup>8</sup> or disposition that foster humanistic multicultural understanding, i.e.

\* openness and willingness to discuss and to listen, and

\* decency, to have an attitude of goodwill towards non-intimates.

It will often involve not insisting on one's rights and giving other people more than is due to them.<sup>9</sup>

In schools, the importance of these principles and qualities must be made explicit, as well as their liberal nature. What must also be made clear is that the principles and qualities are not negotiable, although there will be occasions on which they collide with each other. It is this inevitable conflict of principles that creates many of the difficult issues in practice in the area of education for intercultural and multicultural understanding. Nevertheless, educators must recognize not only the primacy of the principles, but also their role in peaceful and respectful resolution of conflict. In this the two ethical qualities of openness and decency are particularly important.

Teachers should, in the planning and implementing educational processes, foster the following three general aspects:

- Co-operation
- Interdependence
- Autonomy.

These aspects provide a unifying base for development, guided by principles and qualities, and a framework for conflict resolution. They are involved in the ways in which schools in general and teaching in particular are organized, and in the nature of interactions between and among all members of the school community. That is to say, opportunities which allow students to act variously as interdependent members of groups working on cooperative tasks, and as autonomous individuals must be built-in the planning of all educational processes.

Society is a complex phenomenon, and if social cohesion is to be maintained, abilities and attitudes, which value co-operation, are essential. Cooperation is characterized by a willingness to engage with others in mutually agreed tasks aimed at a shared purpose. This entails

- ability to consider the needs and purposes of both the group and its individual members and to negotiate the means by which these may best be addressed;
- capacity to judge the contribution each might best bring to the enterprise, paying attention to the particular attributes and skills of the group members;
- readiness to concede individual objectives in favour of the wider group purpose.

Through co-operative activity, pupils will also address matters such as self-esteem and mutual respect. Additionally, work groups and paired activity help broaden learners' perspectives on their work and the work of others, develop an appreciation of consensus-forming and an understanding of the importance of democratic processes.

Interdependence is characterized by an understanding of how all members of society interrelate in a variety of ways, sometimes as autonomous individuals, sometimes as co-operating groups. It is

<sup>8</sup> LEICESTER IN Leicester and Taylor Ethics, Ethnicity and Education Kogan Page 1992

<sup>9</sup> WHITE P Decency and Education for Citizenship Journal of Moral Education Vol 21, No 3, 1992

characterized by mutual respect, which arises out of self-esteem and awareness of the need of others. It is based on trust and consideration. It is important for people to accept the rights and dignity of others and to co-exist in a productive and supportive manner.

Teachers can foster mutual respect by creating opportunities where learners can

- learn from each other,
- see diverse views and values as important,
- recognize the individual worth of others.

In developing mutual respect, teachers will need to be consistent in their behaviour and be willing to help learners take responsibility for their own learning. „Learner autonomy is characterized by a readiness to take charge of one’s own learning in the service of one’s own needs and purposes“.<sup>10</sup> This means that personal awareness; self-image and self-esteem are necessary for the development of self-directed autonomous learning. Autonomy, however, does not mean individualism. Personal decisions are necessarily made with respect to social and moral consideration. The development of autonomy is, thus, a matter of personal, social and moral education.<sup>11</sup>

Teachers can help learners develop a positive self-image, a sense of individual worth by designing activities in which all pupils have a sense of achievement, and each individual’s response is valued. Often, the learner’s positive self-image is undermined by a lack of success in learning tasks. Success in learning is intrinsically motivating as well as fundamental to successful achievement of the next learning task. Similarly, when learners know that their efforts are valued both by the teacher and their peers their self-esteem is enhanced.

Implementing the discussed multicultural and intercultural dimension into their educational practice this is the message for teachers and educators for the 21<sup>st</sup> century.

## II.

### SOME ASPECTS OF INTEGRATION OF ROMA ETHNICS

- Pedagogical Experiences of the Charles University at Prague -

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Eva Sotolová

Insufficient adaptation of the Roma ethnics (Gipsies) to contemporary conditions results from different historical development of these ethnics, from different life style and culture and from the Czech educational system, which is not adapted for them. For many Roma children, school is an unfriendly institution, over-ruled by the majority. The schooling system does not provide any information

about their own ethnics, and does not contribute to the evolution of their culture. Some Romas criticize the way of education and many of them are indifferent or consider the education system as unnecessary and develop therefore effort to avoid the school duties. Negative attitude towards school is transmitted from parents to children and Roma children are not properly prepared to attend

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<sup>10</sup> Leni Dam: "Learner Autonomy in Practice – An Experiment in Learning and Teaching" In "Autonomy in Language Learning", CILT, 1990

<sup>11</sup> Towards foreign language learning as learner growth: supporting self-esteem and collaborative skills in language learning: Viljo Kohonen, Tarja Folland and Leena Taivalsaari, University of Tampere: Finland

the school. For these reasons, they often miss school lessons. And another educational problem is that the pupils are not able to make up for the missed classes and the lack of interest grows up. As means of punishment for unexcused absences, the pupils get lower marks for their behaviour; but this solution is not encouraging for the children or for the parents.

Very often, the Romas are not aware of the direct relations between „success in school“ and „success in life“. They understand school as urgent evil giving unnecessary information for their future lives.

The demands of children in Roma families are often contrary to those of the school. The child is in continuous contact with the family, where each member protects other family members from the outer world. The Roma family consists of several generations who are to live together. Children enter the economical life of the family very early; they feel and find their way in this regard very early as well.

In pre-school, the Roma child grows up with almost no consultation with specialized institutions. Psychological examination of their maturity before the first grade shows that those children are not prepared for school-work. The Child's behaviour is often a sign of pseudo-retardation, which could be a result of a low educational activity of the family. This already appears in his attitude to kindergartens. The problem is that most Roma children do not attend kindergarten. (School maturity of the Roma children is proved to be the same as of children from the majority population. Unfortunately, our society does not take into account specific marks of this ethnics, their different way of life, of thinking, habits, tradition and system of values.)

For Roma children, the school is a completely unknown environment. They do not feel well there. They have to communicate in a language which is not their own. Their knowledge of the Czech language is insufficient for the successful attendance of the school. In the Roma families and its closest neighbourhood, people often communicate in Roma language, Hungarian, Slovak and bad-mastered Czech. The level of knowledge of these languages is very different. However, it is rare that families speak only the Roma language.

We may even notice certain interference and negative influence of the Roma language on the Czech language. It may affect the grammatical, lexical and phonetic level. And without elementary knowledge of the Roma language, teachers are not able to understand these mistakes.

Absence of knowledge of the teaching language results necessarily in incapability to manage the subject matter in elementary school. This is the main reason for removing the Roma children from the elementary school to place them into specialized school during the first grade or at the beginning of the second grade. Special pedagogues working in those schools have more time and less pupils, which allows them to educate children and take care for them in a more individual way.

After compulsory school, most of the Roma children apply for some of the vocational training institutions. But some of them never start their apprenticeship; others drop out of it after a short time. A high percentage of them never finish the apprenticeship at all. And this is the reason why the education achieved by the majority of Roma children is, in the best case, the elementary education level without any further qualification after the nine grades of compulsory school.

Unskilled people have limited possibilities of employment. Closely connected with this fact is the economic and social situation of the family, which determines their standards of living. The high unemployment rate within Roma population allows a background for negative phenomena, such as drug abuse, criminality and violence, which has a crucial impact on the whole society.

If the society does not manage to reduce the low educational level of Roma children, the equal integration of them into the society will be very difficult. But only sufficient education and equal possibilities on the labour market can bring about improvement of their situation.

## Dance meditation and education for a culture of peace: Anthropological aspects of body language and the role of dance-therapy

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Dr. Birgit Süßdorf

### Creating a culture of peace education

This article deals with living cooperation through dance-meditation and the discovery of one's own creative forces for a better encounter. We have to focus on the question: "What is holding the world together"? To deal with this question, we have to be playful because of the world's creativity, which is much more than we can seize with our cognition. Focusing on the concept of connection means using metaphors, our imagination. Only with this dimension are we able to perform sensitivity, awareness and stillness. So, we are able both to listen and to realize the space in-between and to deal with the instability of life. In other words: First of all, we have to improvise (with our body movements) before we are able to find an authentic shape and show it to others.

In the context of the concept of Salutogenese (Aaron Antonovsky), where we as human beings always have to deal with balancing, we can use dance meditation as one possibility towards the development of mutual self-experience and self-reflection, with the intention of building up a better mutual awareness, better encounters through the language of our body, this vessel of knowledge and intuition. A 'good-enough relationship' (D.W. Winnicott) is equivalent to dance-meditation: To be able to practise dance meditation, we have to be a

*Some-Body*: we respect our body and, in consequence, its language. Dance meditation is alive, authentic and fruitful for all those who have had the chance to grow up with a good-enough communication or who were able to find *Some-Body* with whom they were able to open-up themselves in a healing process. Those who are able to practise dance meditation, are also able to trust their bodies as well as they trust each other. They are open and free of fear, they are able to discover their inner world and are also interested and full of understanding for other persons' universe. Dance meditation gives the possibility to discover one's body resources, one's own creative forces, while accepting the language of the body in a loving way (Erich Fromm). During this openness people feel, sensitise and understand: I and you – we both are *Some-Body*. Dance meditation socializes in the use of body awareness (concept of the *Subjective Anatomy*, Thure von Uexküll et al) in order to be able to find one's own balance – inside and outside - with dignity. Only with this feeling of a good-enough balance can persons cultivate their sensitivity towards a better mutual perception, a greater awareness of the dignity of one's own creative forces and respect each other with the aim of cooperation.

### dancing qualities

Breathing  
Frame  
Space  
independence and connection  
trust (self and strange)  
Body movement  
Concentration  
awareness (self and strange)  
Intuition  
Body expression  
Shaping  
Performance

### Human needs

Body self-movement  
Safety  
development (feelings, sensations)  
in relation to  
reciprocal perception / realization  
touching contact (physical, mental, spiritual)  
Being together and separate  
authenticity  
bonding in love  
liberation (unburden)  
creativity  
Show and share

All these dancing qualities are basic anthropological aspects of human communication: It seems to be a universal fact that people understand each other with the help of these cultural elements (Birgit Süßdorf). Through these qualities, the human being is able to discover its own creative forces. Coming in touch with one's own creative forces seems to be an educational orientation with the aim of creating a peace culture. Practising dancing qualities enables the human being to discover the art of dancing encounters as a quality of life, a quality of human relationships. It seems to be inter-subjectively understandable and possible to practise everywhere in the world, where the environment, the atmosphere is a "yes-culture". I define this so-called "yes-culture" as a culture that focuses on human spirit in the sense of a 'biophile orientation' (Erich Fromm), where self-experience, mutual exchange and self-reflection are practised.

In such an educational peace culture, we first have to discover: We can't learn to apply human values like respect and tolerance without being in a good enough relation, without being Some-Body who faces Some-Body else. In this context we are able to integrate creative exercises where we can realize non-violent ways of dealing with conflicts, similar to the concept of Augusto Boal's *theatre of the oppressed*.

We all feel these conflicts mostly on the sub-verbal level of relationships. To become aware of conflicts and their causes on this sub-verbal level and then to be able to deal with them, all those who are responsible for creating an

### **The art of dancing encounters in the process of life**

The experience of a conflict may provoke one's wish to be able to shape one's life while, at the same time, such a conflict may lead to the acceptance that we have no tools in our hands to achieve our wish to create our life. We feel that we are dependent and independent at the same time. Quite often this causes a conflict-potential where we have to accept to be only part of the universe. This dignity of creation seems to be the challenge of the global world today. We have to realize that our life is limited. It is fear the human being has to cope with since he was born. The knowledge of limitation is the feeling of fear, of insecurity and can be felt as an offence - but

educational peace culture - like teachers, trainers and advisers - have the duty to deepen their awareness and to come in touch with the knowledge of their body, their inner voice and their personal creative potential. Only through their sensitised body language are they able to promote other persons' creative abilities for a better communication.

An anthropology of the culture of peace education needs a frame (similar to the '*globe-concept*' by Ruth Cohn) which gives the persons within this frame hold, safety and orientation - like a vessel in which the language of the body can be sensitised, expressed and seen. This body-oriented learning process allows to develop creative forces for "living learning" (Ruth Cohn) which belong to the human being. Creativity is an anthropological aspect of life and needs to find expression, shaping and performance in a non-violent frame.

During the process of finding ourselves through our body movements and creating dancing, we are inspired and inspire to develop and feel the coherence of courage, self-value and authenticity like a circle. The quality of such a circle is dancing.

To work with this body-oriented learning method, the participants need to be able to open up themselves to self-experience and -reflection; they must be able to feel their responsibility. The method can be counter-productive for all those who face a psychotic structure. Where fear is the inner motivation, love cannot be developed (Fritz Riemann).

to accept this knowledge can also mark courage, belief and the hope of a fruitful life. The expression of one's own wishes and needs for a good-enough encounter with each other may help to make life more humane and senseful.

With the experience of losses even a new quality of life may arise. The experience of an intensive liveliness supports the human being to cope with all emotional states as well as possible. Such a way can be discovered through new sensual experiences with one's own body and sometimes also with playful movements. We experience and create our personal body.

Experiences with one's own body seem to be like travels in a foreign country, the discovery of a strange continent. During such a travel inner force and confidence can be gained for the development of the ability to be more playful. In such a situation, we start to find a new home in our body, we learn to love our body in a new way. Being able to act in a playful manner in new as well as in serious situations, gives us the feeling of lightness, happiness and the desire of life. Sharing happiness and well being with others brings my soul into a dancing mood.

We have to exercise the art of life, which means that we can strengthen our creative

### **Dance-meditation: strengthening one's own creative forces**

During the last day of the Third International Chairholder Meeting, 24-27 April 2002, Stadtschlaining, I invited all participants of this meeting to a dance meditation. The dance meditation started before the official program and lasted for about 30 minutes. It took place in the conference room itself.

Now, the atmosphere had changed: instead of sitting behind tables on chairs within a square, 16 participants from all over the world met in the inner space build by the tables. A projector showed up a picture with the title *Travelling to Kumasi* which I painted in Ghana during a stay there in April 2001.

Each participant could take the chance to use space and time to listen to their inner movements, their body language. They could discover their visible and invisible sensations in silence, experimenting borders and possibilities to cross them through meeting themselves and others. By the time, a circle formed which offered a vessel in the sense of a "kind

forces to trust others and to devote ourselves, to be able to open ourselves, to commit ourselves and to let go. These are also the qualities, which can open our minds for better encounters with us and with others, to be able to give something and to show empathy.

When people feel stress during crises, they have to search for possibilities to take care of themselves and to accept care. Therefore, these people could get to know creative ways to overcome the burden. Finding such creative ways means going with the movement, realizing one's own resources, one's own creative forces with the intention to create life and human relationships in a fruitful way.

place", giving each person who decided to go into the Center of this circle the possibility, to find a good place where they could receive and enjoy the warm and kind energy of the other participants. At the same time, those participants who gave their open-minded energy could have the sensation of doing something creative, by sharing their knowledge of the body language, thus strengthening their own creative forces and those the others.

This is one participant's comment on this dance meditation: *"Discussing and seeking new impressions, finding understanding without talking, creating a room for spiritual and physical cooperation - this is what I don't only like but what I need for my work, for my life. My positive experience is: 'open-minders' are touched and involved, 'bystanders' try to protect their shell. Dance, paintings, sculptures are not only the issues of the separate world of arts, but also inseparable means of education."*

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## **Economic Growth for Developing Countries: a Human Right**

L. Eudora PETTIGREW, Ph.D

On December 10, 1948, the United Nations approved the Universal Declaration of Human Rights. The Preamble to the Declaration states:

"The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all people and all nations, to the end that every individual and every organ of society, keeping this declaration in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among peoples of territories under their jurisdiction".

The Declaration includes thirty individual articles specifying those rights each individual shall be entitled to regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 22 of the Declaration specifically lists rights indispensable for humanity:

"Everyone, as a member of society, has a right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable of his dignity and the free development of his personality".

The intent of the UN Declaration is noble and commendable and reflects a world commitment to the improvement of life conditions for citizens of all nations. All human rights are necessary for the sake of humanity, but one of the most needed today for developing countries is economic rights. Unfortunately, the needed emphasis and actions for successful fulfilment of economic rights for poor and developing nations have yet to be achieved.

### **TWENTIETH CENTURY THEORIES OF ECONOMIC GROWTH FOR DEVELOPING COUNTRIES**

Twentieth century theories of economic development for developing countries began just after World War II, primarily stemming from the optimism that emerged as a result of the reconstruction of Western Europe with the help of the Marshall Plan (Meier, 1984). Attention was given to developing countries because it was assumed they could become "allies"; there was a major concern with the "right" development for those countries in light of continued population growth (Preston, 1982, Hettne, 1983). It was assumed that intervention in an economic system to increase its activity level was possible (Preston, 1982). It was also assumed that the lack of the development of technology in poor countries was an important deterrent to economic growth and that industrialization should become the major force for their economic growth and modernization. Therefore, it was proposed that developing countries should adopt the same economic policies and practices that were used to promote economic development in industrialized nations, i.e., the United States, the United Kingdom, Japan and others.

Theorists of the seventies and eighties, Neo-classicist and Dependents (Preston, 1982, Meier, 1984, Taylor, 1979, Frank, 1975), differed in their opinions about the solutions to economic growth for poor nation. Neo-classicists fostered the notions of capital accumulation, industrialization and planning whereas the Dependents were more concerned with reasons for underdevelopment as the key to solutions, they advanced the concept that underdevelopment was the result of distorted development, caused by actions taken by developed nations. The Dependency paradigm posited that the world was polarized; on the one side were the developed Western nations sometimes referred to as the "centre" or the "core", whereas developing nations were described as being on the periphery of worldwide economic growth policies and planning strategies.

In 1970, Dos Santos, a Dependentist stated:

"Dependency is a conditioning situation in which the economies of one group of countries are conditioned by the development and expansion of others. A relationship of interdependence between two or more economies or between economies and the world trading system becomes a dependent relationship when some countries can expand only as a reflection of the dominant countries which may have positive or negative effects on their immediate development".

In contrast, Neo-classicists ignored the possibility that the developed countries caused and perpetuated underdevelopment and preferred to blame poor countries for their plight, whereas Dependency theorists insisted that underdevelopment could not be taken out of its world context and analyzed an international division of labor in terms of unequal relations between the "centre" and the "periphery".

The Dependents claimed that the causes of underdevelopment in poor nations were external and that the major obstacle to economic development in those countries was not the lack of capital or entrepreneurial skills as was posited by Neo-classicists, but rather the unequal relationship between the developed and developing countries. This unequal relationship, they posited, can lead to an unequal exchange, particularly in the establishment of a world market in which all nations, developed and developing, should have an equal stake, contingent, of course, upon their production levels. Dependents further implied that a single global process occurred in the establishment of a world market in which developed nations, through an advanced form of capitalism, exploited developing nations, by taking from them any economic surplus that might be available. Inherent in this process, dependents state that developing nations do not have access to market production surplus and thus remain poor and underdeveloped.

## **TWENTY FIRST CENTURY ECONOMIC PROBLEMS FOR DEVELOPING COUNTRIES**

All of the above theories emerged after World War II, but they are still very active in the twenty first century. The most recent examples of their continued influence are the agricultural trade issues debated and left unresolved by the World Trade Organization (WTO) during their meeting in Cancun, Mexico, in September, 2003. Developing nations' representatives withdrew from the WTO meeting based upon the apparent unwillingness of western nations' representatives to reduce the impact of agricultural subsidies and trade barriers established and supported by western nations for their own national agricultural production and trade; such subsidies and trade barriers impact negatively upon the economic growth needs of developing countries. The concerns expressed at the WTO conference by developing nations' representatives was about the need for developed nations to reduce agricultural subsidies to their own agricultural producers so that fair trade conditions for developing nations in the production and sale of agricultural products to world markets could become a significant part of poor countries' economic growth plans. The negative impact of western countries' agricultural subsidies and trade barriers upon poorer nations' agricultural production and trade is evident by examples from the Philippines and Africa.

In 1995, the Philippines strongly supported that concept of the free market for agricultural production and sales to world markets. It was expected by Philippine leaders that access to world markets could result in a significant gain in farm employment and, in the process, improve the country's trade balance and economic health. The result has been far less than had been expected. In fact, Philippines farmers were not able to compete with agricultural producers in the United States and Europe where more advanced seeds, fertilizers and equipment as well as protection from high tariffs and the availability of farm subsidies resulted in products that were and are much cheaper for sale on the world market than those produced in the Philippines. Cotton farmers in Africa could not and still cannot compete with affluent American agribusiness who have government subsidies that result in much lower prices. Sugar producers in Africa are caught in the web of the European Union's subsidization of beet sugar production and nearly a billion dollars a day in subsidies are provided to agribusinesses in the United States, Europe and Japan. Because of the lack of subsidies in poor countries, the results in both the Philippines and Africa have been devastating as hundreds of thousands of farming jobs have disappeared and the small agricultural surpluses of the 1990's have

turned into deficits (New York Times). The economic rights of both countries have apparently fallen victim to economic policies and practices of developed nations.

During the September, 2003 WTO meeting in Mexico, it became obvious that developed nations' representatives were not willing to "level the playing field" in world trade. Western nations' representatives refused to discuss reducing subsidies or trade barriers and instead, insisted that developing nations should engage in "negotiations" about world trade policies and practices. This position is more representative of the neo-classicists theoretical constructs. Representatives from developing nations apparently decided that such "negotiations" would be less than favorable for their countries' economic growth needs and withdrew completely from the meeting. This position is more representative of the Dependents' theoretical position.

These differing positions have influenced the assessment of the concept of globalization by the developing world as a new form of colonization coupled with imperialism. If world trade policies, as they presently exist, continue, there is no question that the world's poor countries will continue to be unable to improve their economic status, and wide spread resentment of globalization and world trade policies will probably increase and may result in increased incidences of insurgencies, violence, war, terrorism and inter-country as well as intra-country conflict.

Present trade policies, as espoused and supported by the United States and European Union, will not reduce or eradicate poverty in developing nations; indeed such practices can only increase poverty as population growth continues at high levels in those nations while national income as well as family income does not improve. The threat of a backlash is very real as was witnessed by the walkout from the WTO meeting by representatives of the developing nations. Reforms are needed quickly to make world trade a two way street.

The question remains unanswered as to whether world trade, the basic vehicle for economic growth and development, has room for the world poorest countries. There is a major credibility gap between the developed countries' notions of free trade and their actual actions, particularly in agricultural production and trade. In 2002, farm subsidies in the developed world were approximately 320 billion, more than six times the amount given to poorer countries for development assistance – approximately 50 billion (New York Times).

Clearly, present world trade policies and practices are not supportive of the economic rights of developing countries. Poor nations do not need handouts; what would be more helpful is a reduction or outright repeal of developed countries' trade barriers and agricultural subsidies. The economic human rights promoted by the UN Declaration of Human rights are being severely undercut, if not obliterated, by present world trade barriers, and the patterns of corporate globalization. Human rights for the world's poor will not be achieved until such economic policies, barriers and practices are no longer conducted by developed nations. Real economic growth for developing countries is one of the solutions for the reduction of wars, insurgencies and even terrorism.

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## Promoting Human Rights and Peace –

### The Role of Religion

R. SAMPATKUMAR

Fifty five years ago a *Magna Carta* for humankind was drafted. The 1948 Universal Declaration of Human Rights was an emphatic response to the heinous violations of human rights committed in the years leading up to and during the Second World War. The realization that denial of human rights to any group in any country could have far reaching effects everywhere threatening international peace and security prompted the appointment of the United Nations Commission on Human Rights charged with the task of drafting the Declaration. Though it was not clear at the time the Declaration was adopted by the General Assembly the extent to which it would have full legal force, in the decades that followed the Declaration has found wider acceptance and has been instrumental in giving a fillip to the development of international humanitarian law. Many countries have either made reference to these rights or explicitly included them in their written constitutions. However, there still remains a nagging question: Are the rights mentioned in the Declaration truly universal?

Even during the drafting stage, the cleavage between western and non-western philosophical approaches to human rights became apparent. ‘Although there were occasional references to relevant ideas in non-European traditions such as Confucian or Islamic thought, a European and American frame of reference dominated the deliberations from which the Universal Declaration emerged.’ Third world perspectives, subsequently so prominent in the United Nations system, were underrepresented in the process of drafting. Thus, the final version of the Declaration essentially reflected the Western philosophical tradition. As Dr. Mahathir bin Mohamad of Malaysia put it, “there is a difference in the perception of human rights between the East and the West. Whereas the West is almost obsessively concerned with the rights of the individual, the East is more concerned with the rights of the community.” This view is shared also by the Vietnamese and the Chinese who reject the very concern with human rights as bourgeois, western and incompatible with their traditional values and vision of the good life. For them, social solidarity, a prosperous economy and a strong and powerful state are the highest national goals. And the individual has meaning and value only to the extent that she or he serves society.

The initial cultural and philosophical differences in the approach to human rights were drowned, though temporarily, during the cold war years by ideological competition between capitalism and communism. The capitalist ‘free’ world took upon itself to champion the cause of human rights while decrying that the totalitarian, communist states were denying basic rights and dignity to their citizens. In the mean time, the so-called developing countries of the south and east were struggling to survive by grappling with mundane problems like poverty, disease and ignorance and, exploiting, whenever possible, the ideological conflict to their own material/economic advantage.

The latter half of the twentieth century and the first three years of the present century are replete with events that have brought greater urgency to promote human rights on a wider scale in order to ensure our well-being. The break-up of the Soviet Union, several major conflicts and wars in

different parts of the world, the rapid process of globalization, new technologies and the growing threat of terrorism pose new challenges.

On the one hand, the shrinking global village and the emergence of a single political ideology based on free market economy provide unfair advantages to the developed nations and restrict the means of the poor countries to develop. On the other hand, though terrorism was not a new phenomenon, the event of 11 September 2001 in the United States marked the beginning of a growing global menace to security of anyone anywhere on this planet. It is unfortunate that the new wave of terrorism is imbued with a religious connotation and smacks a clash of civilizations.

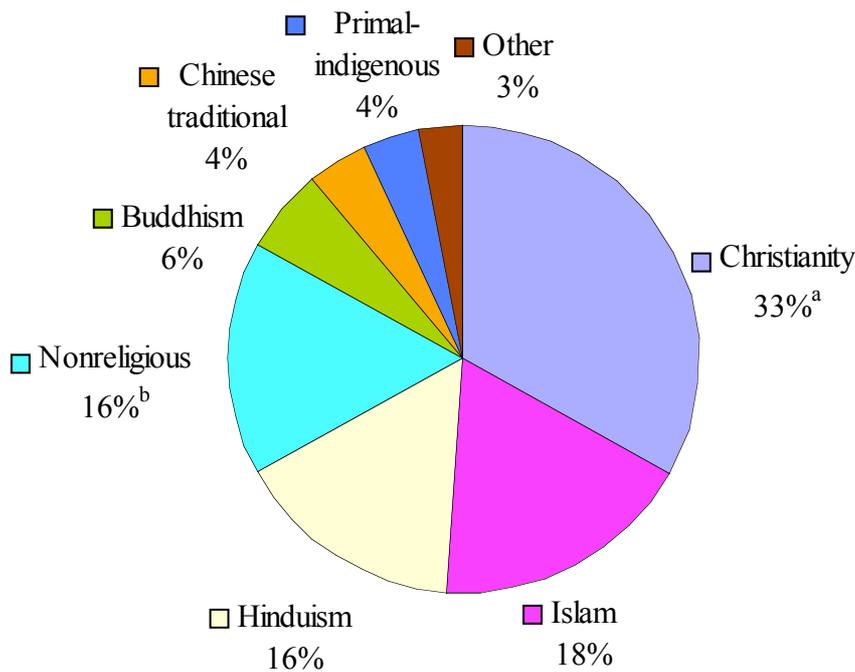
Freedom and democracy are the foundation stones necessary to build a just and prosperous society. Freedom of the individual should reflect his/her ability to exercise rights in a responsible manner. Democracy provides a framework for good governance without denying any section of the society the opportunity to express its views and convictions. Those who see freedom of the individual as purely western or Christian in its origin should know that until recently Catholics enforced strict religious hierarchy and the Protestants systematically suppressed dissent within their own jurisdiction. Religious freedom, as a fundamental right of all individuals, was not effectively institutionalised among the Protestants until Roger Williams established Rhode Island as an independent territory. As Robert Traer explains, “When Asians or Africans practicing Hindu, Buddhist, Islamic or indigenous traditions assert that their cultural rights today and complain that international human rights law is dominated by Western individualism, they are challenging the universality of the idea that communities are formed by individuals who enter into a social contract. In historical terms, of course they are correct. Until very recently, all societies were formed more around kinship and ethnic identities, than by the voluntary decision of their individual members. Prior to modern democratic forms of government, individuals had little say about the laws that governed their societies. Any assertion of the universality of human rights, therefore, must be acknowledged as a contemporary claim that such rights are universally the necessary social conditions for human dignity”.

Every society strives for human progress, which can be defined as movement toward economic development and material well-being, socio-economic equity and political democracy. As Daniel Patrick Moynihan wisely said, “success of any society in making progress is determined by its culture, not politics”. Culture is the entire way of life of a society, its values, practices, symbols, institutions and human relationship. In many instances, culture is derived from religion. Religion influences a culture’s belief system and practices, which is why when individuals or communities convert to another religion, their attitudes and way of life undergo significant changes.

As can be seen from the table, eighty-four per cent of the world’s population of some six billion adhere to one or the other religion. Their values, behaviour pattern, concept of right and wrong and their view of the society are all impacted by the religious beliefs they hold. It is therefore important to examine how far the basic religious texts, hierarchy, institutions and those who authoritatively interpret the scriptures give credence to the human rights enshrined in the 1948 Declaration. Assuming that these rights are universal, one may seek to answer ‘how can religion be instrumental in promoting human rights and in preventing human rights violations?’ In the present political climate in the unipolar world, one is graciously accorded the freedom to ‘conform’ but not the freedom to ‘differ’ or ‘disagree’. How does this fit into the concept of human rights and with religious fundamentalism?

### Major Religions of the World Number of Adherents

1. Christianity: 2 billion
2. Islam: 1.3 billion
3. Hinduism: 900 million
4. Secular/Nonreligious/Agnostic/Atheist: 900 million
5. Buddhism: 350 million
6. Chinese traditional religion: 225 million
7. Primal-indigenous: 190 million
8. Yoruba religion: 20 million
9. Juche: 19 million
10. Sikhism: 18 million
11. Judaism: 15 million
12. Spiritism: 14 million
13. Babi & Baha'i faiths: 6 million
14. Jainism: 4 million
15. Shinto: 4 million
16. Cao Dai: 3 million
17. Tenrikyo: 2.4 million
18. Neo-Paganism: 1 million
19. Unitarian-Universalism: 800,000
20. Scientology: 750,000



<sup>a</sup> includes Catholic, Protestant, Eastern Orthodox, Pentecostal, Latter-day Saints, Jehovah's Witnesses, nominal, etc.

<sup>b</sup> includes 'none', agnostics, secular humanists, atheists, etc.

The 1948 Declaration in its preamble states ‘inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’. The Declaration is secular having no religious affiliation and, therefore, does not mention God as the ultimate source of human rights. Practically all religions subscribe to the concept of God, with the notable exception of Buddhism. In the Judeo-Christian tradition persons have human rights because they are created in the image of God. Theistic Hinduism believes that all humans are God’s creation and individual rights would follow when one performs one’s own *dharma* or duties. In that sense all rights are considered as a reward for the responsibilities undertaken and duties discharged. This underscores the ethic of responsibility and loyalty towards the community in the same manner as Article 29 of the Declaration, viz. “Everyone has duties to the community in which alone the free and full development of his personality is possible”. To further strengthen the idea that rights entail responsibilities, several prominent western intellectuals and politicians including Helmut Schmidt subscribed to the Universal Declaration of Human Responsibilities drafted by the Inter-Action Council in September 1997.

In Islam, Dr. Mohammad Saeed Bahmanpour explains, ‘the main pivotal and the most pervasive concept is God; the One, the Creator and Commander of all worlds. He has created human beings and has given them human rights. However, they also have some duties and responsibilities towards Him. They can not do whatever they wish or live in whatever way they like, even if all of them agree and have consensus about it; and even if what they agree upon gives all of them the greatest pleasure possible in this world....The Declaration of Human Rights, having its roots and origins in the liberalist mindset of the modern West, can by no means accommodate in its entire framework the concept of God, the concept of the world beyond and the implication of these two, i.e. the concept of sin. The very language, tone, insinuation and undertone of the Declaration are all in defiance with such a concept’. In spite of this, many Muslims agree that Islam was the first to recognise basic human rights and almost fourteen centuries ago it set up guarantees and safeguards that have only recently been incorporated in the Universal Declaration of Human Rights.

Buddhism’s main aim is to understand *dhamma* or the true nature of things, their intrinsic lawfulness as it were. Buddha declared: ‘Who sees *dhamma* sees me. Who sees me sees *dhamma*’. Human nature and human relationship are derivatives from *dhamma*, the true nature of things. While many Buddhists are reluctant to identify the *dhamma* with human rights, others claim that *dhamma* is that universal morality which protects the weak from the strong, which provides common models, standards, and rules, and which safeguards the growth of the individual. It is what makes liberty and equality effective. The Dalai Lama rejects that there is any incompatibility between human rights of the Declaration and the ‘Asia values’. Seeing no contradiction between the need for economic development and the need for human rights, he warns that human rights should not remain an ideal to be achieved but a requisite foundation for every human society.

Confucius (551-479 BC) was a self-educated man. Like his personality, his teachings are natural, human and simple. The key concept of Confucianism is the Chinese character *jen*, which has been variously translated as virtue, love, magnanimity, or human heartedness. Several disciples asked Confucius about *jen*, and his briefest answer was “Love men”. *Jen* is complemented by virtue (*te*) and righteousness (*yi*). China and other countries in East Asia, influenced by Confucianism, have propounded a set of “Asian values” to differentiate an Asian model of development from a Western model identified with individualism, liberal democracy and, human rights. However, scholars like WM. Theodore De Bary argue that while the Confucian sense of personhood differs in some respects from Western libertarian concepts of the individual, it is not incompatible with human rights, but could, rather, enhance them.

Globalisation marks an extraordinary new stage in humanity's voyage in civilization. Many things distant and alien do not any longer command our awe and suspicion, we can learn and understand them, first-hand. At the same time, they generate tremors in our community's belief system and cultural heritage that have, until now, given us cohesion and identity. The wave of change is too strong to counter, but can be harnessed to build a better world where human dignity is sacred and human rights are respected. Peace and well-being in the present are equally important as the promise of salvation, heaven, *moksha* or *nirvana* in the life after. Religions can serve to heal past wounds, build harmony in multi-religious societies and ensure that fanaticism does not hold peace a hostage.

Religions can play a dual role: ensure that all adherents within their own religions are treated with equanimity; and, clarify the attitude towards those outside their fold. There is growing tendency in many religious traditions to interpret scriptures in a manner as to permit improved treatment of women, minorities and other socially or otherwise handicapped groups. In a number of instances, male chauvinism has given way to equal opportunity and better treatment for women. Gays and lesbians are increasingly looked upon as deserving treatment similar to the one meted out to the rest of the community. Catholics have, since Vatican II, embraced human rights as a prerequisite for human dignity, and many priests, nuns and lay leaders have been engaged in human rights struggles in Latin America, Africa and Asia. These are encouraging trends though there is still a long way to go.

Hatred and distrust for others stem from some of the religious beliefs and practices. Evangelical Christians who tirelessly fight for religious tolerance in other countries and urge their government to penalise any nation that seeks to restrict or deny the fundamental human right of freedom of religion or belief, support attempts to legislate laws in their own country which would require teaching of evolution according to Christian values and belief in public schools. Since the event of 11 September 2001 there is a spontaneous tendency to refer to any terrorist as Islamic or Muslim. Hindu fundamentalism has caused the death of hundreds of Muslims and other minorities in India in recent times defying the constitutional rights of the minorities. '*Fatwa*' and '*jihad*' in the name of Qur'an are wrathful onslaught against non-conformity and individual freedoms. Religions and religious leaders can do a great deal to promote tolerance towards those with a different perception.

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**A “Universal Convention” for the reform of the United Nations:  
Lessons from the European integration process**

Antonio PAPISCA

The difficult transition towards a new, more humane and sustainable world order can be read with the metaphor of the delivery, in our case of a very troubled childbirth. Who should be born, that is the outcome of the transition, is more than a mere wish, it is already a well recognisable map. I mean that the world order we need does exist as a project whose identity we can actually reconstruct by using parts that are really existing. In other words, we have not to imagine the baby, we have to help him to live and to develop.

A further metaphor is that of the mosaic: we cannot make the mosaic without the tesseras, the tesseras are there but the mosaic will not appear unless somebody arranges the tesseras.

With this twofold metaphor, I would emphasise that the key elements of a stable and sustainable world order do really exist - I refer to the moral and juridical paradigm of human rights internationally recognised, to the International Law rooted in the United Nations Charter, multilateral institutions, actors, historical circumstances - but the coherent outcome has not yet appeared because the political actor which has the inherent capacity to arrange the tesseras lacks the courage to cope with that task, firstly by making visible the model of world order.

I urge on the necessity of making visible that project, of making people aware that we are not groping in the dark, that it is possible to resist the ideology of 'Realpolitik' determinism that in the second half of the 20th century we got some positive achievements (epiphanies of global good governance) that it is unreasonable to give up to.

I would add a third metaphor. In the forties of the last century a generous and far-sighted sowing of 'universals' took place: especially, the UN Charter, the Universal Declaration of Human Rights, the United Nations Organisation, the UN system of specialised Agencies. Then we could say that the planet is like a house with a lot of useful household appliances and sophisticated facilities, that are not properly exploited.

In the mid of last century a human-centric revolution started and it has already changed the DNA of the world system: today, nobody would say, at least as a matter of principle, that the principle of the respect of human dignity should subordinate to state's sovereignty. Apartheid and colonialism are perceived as taboos, security and development are more and more perceived as people security and people development, unilateralism, although emphasised by the superpower leadership, is considered unnatural and costly in both moral and economic terms.

Before a situation that is providing not only conflicts and confusion but also a lot of opportunities, we can actually wonder whether the European Union is the very political actor that is capable of collecting and arranging the tesseras of the mosaic, of giving rise to the birth of the baby, of making household appliances working.

The big task is to recapitulate the seeds and the fruits of the fertile sowing of universal values into a coherent strategy of world peace building that is to develop and improve that common heritage. To take over that flag, two kinds of power resources are needed for the candidate actor: moral consistency and appeal, and governance capacities. I mean that the actor is primarily asked to lead by example. Is this the case for the European Union? I shall try to provide a hopefully comprehensive response by articulating it in several “lessons” drawn by the empirical evidence of

more than fifty years of functioning of the European integration system. I envisage those lessons as being significant for the whole International Community.

I emphasise positive aspects, bearing in mind the huge assumption that the EU should be more consistent and coherent both *ad intra* and *ad extra* of its own system.

First lesson:

The European integration process is a convincing example of how it is possible to construct lasting peace among those states and peoples and religious entities that for many centuries were fighting each other. The main independent variable of the overall process is the firm will of a group of far-sighted political leaders sharing the same basket of moral values and the same operational approach.

Second lesson:

The European system is a living laboratory of reciprocal learning among different political systems and cultures. This is a real yard of intercultural dialogue in a very complex historical context.

Third lesson:

The European system is a laboratory of multi- and supra-national governance based on the principle of subsidiarity, both territorial and functional. We could say that the system is proving to be successful in carrying out the twofold task of ‘agenda development’ and ‘institution building’, in order to meet in a suitable way the governance needs stemming from the crisis of both the state ‘capacities’ and the state ‘form’ (structural crisis of traditional statehood) and of the democratic practice. The crisis is the result of the political impact of globalisation that deprives states of the power to decide in many fields and of the space in which meaningful democracy can actually go on. The European Union is the extra-national system in which new and more sophisticated forms of governance – better, of statehood - are actually pursued.

Fourth lesson:

The European system is pioneering the experience of international democracy, I mean of genuine transnational democracy as:

- 1) legitimatisation of supranational political institutions through direct election of a parliamentary body,
- 2) participation of civil society organisations and groups to the decision-making process at the supranational level. In this case we see significant results of the curriculum development.

At the beginning of the European Communities there were neither elections nor physiologic civil society participation. Gradually the European system moved from a ‘Parliamentary Assembly’ to a real ‘Parliament’, and from a lobbying practice limited to powerful economic interest groups to the enlargement of access channels for civil society organisations, including local government entities. In particular as regards participation we have two institutional outcomes: the creation of the Committee of Regions and Local Powers and the starting of the so-called “civil dialogue”, that will complement the already established “social dialogue”.

Sixth lesson:

The European Union is metabolising the internationally recognised paradigm of human rights inside and outside its own system. EU member states fully comply, at least from a formal point of view, with the requirements of human rights, the rule of law and democratic principles. But this was considered non sufficient for the holistic institutional architecture of the EU, in which so many numerous and heavy decisions are daily taken. Now we got the EU Charter of fundamental rights, that successfully advocates for its inclusion in the “Constitutional Treaty” and then for the full “constitutionalisation” of the overall system. Furthermore, the EU is visibly championing the

effectiveness of the International Law rooted in the UN Charter, and especially the International Law of Human Rights and the “international rule of law” as emphasised by the UN Secretary General. The EU has established the practice of the “human rights clause” in the treaties with third countries, and it was campaigning – orally and with huge financial support – for the establishment and the entering into function of the International Criminal Court. These are good indicators of the human rights advocacy.

#### Seventh lesson:

The European Union is gradually enlarging both concept and practice of citizenship. The Maastricht Treaty established the “EU citizenship” as a basket of rights that are additional to those of the only citizens of EU member states: it is an enlarged citizenship, of course, but always *ad excludendum alios*. The “Charter of EU fundamental rights”, proclaimed in Nice in December 2000, regards individuals as “human beings” (*personnes humaines*), not as “registry citizens” of a given state. For sure this new outcome – citizenship *ad includendum* - is challenging the discriminatory approach of the original “EU citizenship”. Also from this point of view, the European integration process shows to be a laboratory of structural change according with universal ethics requirements, finally an example for the entire world.

#### Eight lesson:

The “conventional way” to the institution-building process is strictly linked with the comprehensive democratic lesson stemming from EU. So far, we had two experiences of “European Convention”, the first on human rights (the EU Charter is the outcome), the second on the EU future. The lesson says that for some important goals to be achieved, the supranational (summit) decision-making needs to be complemented by an enlarged input, including the most significant actors of the subsidiarity game. The intrinsic value of the “Convention” resides in the magnitude and variety of membership, that allows to gather and build up, through participation of a large typology of actors, both ideas and legitimacy.

For sure we could find out further lessons, but all those above mentioned are enough to make the European integration process an impressive example for all and the European Union a credible actor in world politics. But the actor has not yet the capability to use those lessons as resources of power – very legitimate resources indeed: the lack of a EU “single voice” in world politics, despite the fact that it has a home single currency, well indicates a persistent, exasperating deficiency. For the lessons are a boomerang for the EU in the sense that it has to meet external expectations of political effectiveness as well as internal expectations for more coherence and consistency.

In the world system, the European Union is urged to cope with the magnitude of its achievements, it bears a moral duty to act as it is, a Power : 176 successful human rights mainstreaming, successful peace-building and democratisation.

In this moment, priority should be given to the arrangement of tesseras of the world order mosaic bearing in mind that behind economic de-regulation there is a strategy of institutional de-regulation, that means undermining the system of organised multilateralism, of supranational criminal justice, of collective security, of non profit transnationalism. Furthermore bearing in mind that the destiny of the (new) International Law is strictly linked with the destiny of the United Nations, of multilateralism and of the entire system of international organisation. If we give up to the latter we shall have neither suitable machinery to implement human rights and pursue collective security goals, nor suitable place for extending the practice of democracy.

Then which task for the EU with regard in particular the UN future?

As a priority, the European Union should make, and comply with, what I would call the “preferential choice for the United Nations”. On the EU international agenda, the first item should read “Strengthening and democratising the United Nations”, in order to make clear that the democratisation of the UN would enhance its capacities.

UN democratisation should be conceived as a process that urgently:

- will provide more representativeness to the Security Council, hopefully reorganising its membership on regional basis,
- will establish a UN Parliamentary Assembly, as a second UN General Assembly, and a permanent Global Civil Society Forum,
- will enhance the role of both non governmental organisations and local government institutions,
- will reinforce the ECOSOC functions in pursuing social justice goals including the empowerment of the UN human rights machinery,
- will establish a permanent UN police force (both civil and military);
- will enlarge the mandate of the International Criminal Court and further empower it by human and material resources.

Assuming that these are priority items on the operational agenda of the European Union, how to make it credible and actually working, by which means and methods?

Bearing in mind the useless work done by several UN internal ‘working groups’ on the UN reform in the last decade, I dare to suggest (only) one major initiative aimed at providing healthy, plural inputs and a really *constituent* dynamism to the overall reform undertaking:

The UE should propose to address the UN development with the scheme of the “Convention” (“We, the Peoples...”), then by establishing a “Universal Convention for strengthening and democratising the United Nations”.

This *ad hoc* “body” would not be a mere ‘working group’, but a real constituent entity, with the mandate of drafting a coherent set of formal proposals. By this way it should be possible to overcome what until now has proved to be the real obstacle to the reforming process, that is a strict, exclusive, self-sufficient, finally sterile inter-governmental approach

It should be appointed by the UN General Assembly (then veto power would be avoided and the UN Charter not affected).

Membership would read as follows:

- UN member states, by regional grouping;
- representatives of the UN system institutions;
- representatives of Regional Organisations;
- members of national parliaments (through the Inter-parliamentary Union?);
- representatives of local government institutions (Iula+United Cities?);
- representatives of the NGOs network;
- Permanent Observers (Holy See, ..).

An ad hoc web-site should be open to inputs from civil society and academic *milieu*.

The UN Universal Convention should convey its formal output to the General Assembly.

## HUMANISM AND THE LOGIC AND COUNTER LOGIC OF GLOBALIZATION

Amii OMARA-OTUNNU

**All of us who are concerned for peace and triumph of reason and justice must be keenly aware how small an influence reason and honest good-will exert upon events in the political field.**

ALBERT EINSTEIN

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### INTRODUCTION

We live in a revolutionary period in which supremacist ideologies and new forms of social Darwinism have been reincarnated to guide global affairs. If therefore the call by UNESCO to humanize globalization is to have any positive meaning, we need to embark on a well thought out and coordinated sharing of knowledge, information and resources about our common humanity, across regional and disciplinary boundaries.

We must adopt this course of action grounded in the historical reality that no group of people, religion, region, or period has had a monopoly on virtues or vices. Whatever diversity in moral expressions between and among different people we observe, it is due less to fundamental differences in human nature than to differences in the concrete historical and material conditions in which customs are manifested. This is equally true of the manner and ways in which different people express their humanism in normative conduct and philosophical ideas.

### HUMANISM AND INTELLECTUALS

To illustrate the truism stated above, we might focus on examples from Africa, a continent which hitherto, because of stereotypical imaging and simplification of her existence, was depicted by many scholars – from Hegel to Trevor-Roper – as bereft of history, philosophy, and contribution to humanity. Of late, however, the misrepresentation is being corrected by in-depth scholarship. Writing in *Philosophy from Africa*, Kwasi Wiredu, for example, states that “African conceptions of morals would seem generally to be of a humanistic orientation.” He then examines specifically the life and thought of the Akans of Ghana in West Africa and demonstrates how their conduct and ideas were founded on values that emphasize harmonization of human interests and sociability. From his experience and study he concludes that:

The commonest formulation of outlook is the saying, which almost any Akan adult or even young hopeful will proffer on the slightest provocation, that it is human being that has value: *Onipa na obia*. ...The word (*o*)*bia* in this context means both that which is of value and that which is needed. Through the first meaning the message is imparted that all value derives from human interests, and through the second that human fellowship is the most important human need (1998: 306-7).

The humanistic accent on life and thought is indeed a thread that runs through most African conceptions of social existence in every region of the continent. Among the Xhosa of South Africa, for example, there is a proverb that expresses the centrality of humanistic value in social interaction: it says, *umuntu ngumuntu ngabantu*; this can be translated as “a person is a person through persons”. Among the Lwo-speaking peoples of East Africa there is a customary adage which says: *Dako nywal ki nyeke*. Literally translated, it means, “A woman in labour may do well with the service of another woman with whom she may share a husband.” The underlying meaning is that “no one is completely self-sufficient and sometimes we may have to work with even our rivals to achieve a greater good in society.”

Thus the debates that have long raged among scholars as to whether there is a necessary link between law or philosophy on the one hand and morality on the other must be considered to apply

to all human societies. With this understanding, it is clear that although social change generally has roots that are largely pragmatic, no progressive change in society has endured in the long-term without intellectuals giving it rationale and clarity of purpose. In the field of human rights, for example, it was jurists such as Francisco de Vitoria and Hugo Grotius who out of practical concerns anticipated and fleshed out theories, concepts, and principles that were later to form the foundation of contemporary human rights discourse and norms. It was they who provided the ethical compass for later generations of scholars and jurists, namely that for intellectual discourse to have a positive effect on society, it is incumbent upon scholars to articulate how their philosophies can be adapted for practical social purposes.

The issues highlighted in this article from both historical and juristic perspectives are intended to make a contribution to efforts to humanize global relations of power and to contribute to the dialogue between civilizations.

### THE CHALLENGE OF GLOBALIZATION

As we discuss globalization, we must be careful not to use the phrase in its purely journalistic fashion, which tends to suggest that globalization is a new phenomenon and necessarily good for all humanity. A proper historical review of globalization reveals that it has been a complex phenomenon that has had many phases and differentiated and unequal impact on various social groups and regions of the world, since the 16<sup>th</sup> century.

In the current era of globalization, the world has become a global village. In the interdependent village we live today, academic institutions and intellectuals are faced with a three-fold challenge, if they are to make positive contributions to the humanization of globalization. The first is how to share equitably the information and knowledge that propel globalization. The second is how to utilize this knowledge and information to foster human understanding and solidarity across regional, religious, gender, racial, and class boundaries. And the third is how to bridge the gap between theories and actions in such a way that our research is relevant to the lives of human beings. We must at least attempt to meet the challenge, if we subscribe to the principles of the universality, indivisibility, and interdependence of all human rights.

### PLACE OF UNESCO IN HISTORICAL CONTEXT

In the development of humanistic values and solidarity all over the world, no other UN agency has played a more critical role than UNESCO. Since its inception in 1946, UNESCO has been in the vanguard of innovative and commendable leadership in the field of education that fosters humanistic values and solidarity in society. When one examines the many declarations issued by UNESCO, one cannot help but be struck by the extent to which the central theme of a common humanity is informed by both practical idealism and deep philosophical understanding and reflection about our existence and well being as one species on this planet. Thus the recent clarion call by UNESCO for the humanization of globalization (what I think should more appropriately be referred to as humanization of global relations of power) is in line with what the Organization has always stood for. But more importantly, it is a clarion call to the realization of which we must all commit every reasonable effort, for the sake of humanity. This is now more or less an imperative, because those who enjoy unfettered power in various regions of the world are threatening to jettison and unravel tried and tested norms of international relations and the rule of law that have until recently underpinned the work of the United Nations (of which UNESCO is an integral unit) and served to sustain international peace and security.

But of course, the dynamics of globalization that United Nations and its various agencies, such as UNESCO, are compelled to take into account in their work pre-date the creation of the world body. Later I will trace and identify the main features and phases of globalization; for now, let me sketch out some of what could be regarded as enduring humanistic principles that have underpinned multi-lateralism in the political and intellectual history of the Western World, which set precedents for the work of the UN and its various agencies. From Francisco de Vitoria and Hugo Grotius through John Locke and Jeremy Bentham to Woodrow Wilson, Winston Churchill, and

Franklin D. Roosevelt, it was an accepted convention and wisdom that the rule of law, whether international or domestic, would be the sure remedy for anarchy, disorder, wars, and tyranny. The unflinching faith in the capacity of the rule of law to facilitate achievement of the common good of humanity is poignantly captured in the preamble of the standard-setting document on human rights, the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on 10th December, 1948. The Declaration, which was in large measure inspired by the 18th-century French Declaration of the Rights of Man, includes in its preamble the statement:

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

It was this faith in the rule of law and its related principles – such as sovereignty, balance of power, formal equality of nation states, mutual recognition and respect for the existence of states, and humanitarian law and the humane rules of warfare – that have animated the work of the United Nations. Moreover, it was this set of principles that displaced and replaced Thomas Hobbes' feudalistic authoritarian leviathan that was underpinned by force. It is doubtful whether the Hobbesian leviathan and its variants in the modern world, all underpinned by force, can confer viable and cost-efficient legitimacy. Two critical remarks can be proffered about the Hobbesian notion of leviathan. The first is that it can operate mostly only in a climate where there is lack of intellectual enlightenment. In fact, for the most part it endures only as long as it generates, recycles, and feeds on fear rather than respect and reasonable consent. And as a corollary, it can be said that the Hobbesian notion of leviathan stifles both intellectual initiative and the free flow of ideas and the development of justice based on the principles of fair play. This may be why the more rationalistic and enlightened intellectuals and political elites discarded the notion of legitimacy that had been based on success in war and the dubious concepts of divine right and bloodline, and replaced it with one based on consent and the rule of law. It was the realization among intellectuals and ruling elites that legitimacy could be efficacious only when underpinned by humanistic principles that informed the deliberations of the statesmen who framed the Charter of the United Nations.

In a broad historical perspective, these principles were inherited by the United Nations from its direct lineal ancestors, namely, the Vienna Congress System (with its Concert of Europe acting as Security Council) that maintained peace and stability in post Napoleonic (1815) Europe until the Crimean War, and the League of Nations established after World War I in 1920. The Vienna Congress System itself drew heavily on the Westphalian system of states established in 1648, which articulated the notion that states would constitute the organizing principle and anchor of international relations. It was essentially the Westphalian system that with some modifications was adopted after the Second World War as the basis of the United Nations Charter that has served as a major instrument for the maintenance of international peace and security. Built within the Westphalian system was the Grotian ethical formula for humane treatment of combatants during wars, which were later updated and incorporated and expanded into the various Geneva Conventions relating to the conduct of wars. Thus the stability of the international system and the promotion of international peace and security that have fostered humanistic values, and international understanding and cooperation, solidarity, and welfare, have been in operation for a considerable span of time.

The more humanistic principles that were to anchor legitimacy and international relations were really, looked at from a social science and philosophical perspective, about the fundamental question of the equation between means and ends. In other words, at what cost – both human and material – and how can we achieve general peace and welfare in society? Herein lies a most taxing challenge to intellectuals: how do we in an increasingly interdependent and brutish world fashion a humanistic formula for global interactions and solidarity in such a manner that we do not run the grave risk of becoming like those whose methods we oppose. For, although it is always easy to define ends, it is far more difficult to agree upon the means to realize the ends we seek.

It must be pointed out that people with different interests and perspectives have answered the question of the equation between means and ends differently. There have been essentially two major approaches to the question. On the one hand are those who are wedded to the Hobbesian fetish of power-politics and subscribe to the doctrine of global realpolitik; and on the other hand, there are those who that morality should be the compass for action. Whereas the former often demonstrate unbridled faith in militarism and use the aphorism that the end justifies the means, the latter ground their actions in ethical considerations. After World War II, the Soviet Union attempted several times to subvert the ethical principles of international relations by invading its neighbours and imposing its puppets as rulers. It was the grim logic of the Hobbesian conduct of the states that the Soviet Union pushed relentlessly, at heavy cost in human lives and to the detriment of the free flow of ideas among and between intellectuals and society. Yet ethical principles were not completely displaced by Hobbesian principles. However, in a tragic twist of logic, it now seems that the Hobbesian *modus operandi* of 'Realpolitik' is in the ascendancy. If modern 'Realpolitik' were to triumph in the context of a new phase of globalization, its impact would be devastating on an unprecedented scale.

#### *PAX AMERICANA* IN THE NEW GLOBALIZATION

Today, in its new phase, globalization is characterized by revolutionary speed in information acquisition and dissemination that makes the world shrink dramatically every passing day, for better or for worse. It is apparent that the current phase of globalization driven by the US and is controlled mostly by multi-national corporations and their appendages, such as the World Bank and the International Monetary Fund (IMF).

To paint it in broad strokes, the new phase of globalization is propelled essentially by cutting-edge technological know-how and ruthless competition on a global basis; the motivating force is profit-maximization; and always, it is backed up by potent military might. It has made national boundaries extremely porous, and now threatens to make sovereignty a concept of limited utility. Rarely does it take moral considerations into account in its operation, although those who are at its helm could justify its operation by defining morality in a manner that suits them. Therein lies the challenge of, and connection between, the new phase of globalization and the nature of the challenge that confronts intellectuals who aspire to contribute to the fashioning of more humane values that foster human solidarity globally.

Because of its historical antecedents, it is really a misnomer to label the era we are in as "globalization." Rather, it should be referred to as *a new phase of globalization*, for its characteristics are not fundamentally different from those phases that preceded us in history. For analytical and historical purposes, it is not unreasonable to ascribe the nature of the new phase of globalization to the dominant super-power of the era – the United States – that drives it, and to propose that the new phase of globalization be identified as *Pax Americana*. This is because, increasingly, the new phase of globalisation is represented and symbolized by American values and rhetoric such as virtual democracy, individualistic freedom, acquisition of wealth, salesmanship, access to technology – the Internet in particular – quick-fix solutions and instant gratification, the allurements of consumerism, fast food, hip hop, aggressive behaviour, aversion to patient diplomacy and rigorous intellectual discourse, the right to own means of violence, and even the custom of making a virtue out of corporate greed.

Members of the ruling elite in the United States are certainly conscious of the country's historic position since the Treaty of Westphalia. Moreover, a considerable number of them are quite clear headed as to how American global hegemony should be exercised and maintained for the foreseeable future. The general outlines of *Pax Americana*, the factors that drive it, its *modus vivendi*, its vision, and so on, have begun to emerge with some clarity in the various policy pronouncements articulated forcefully by leading personalities in the Bush Administration. The goal, like those of the previous phases of globalization, is to achieve and sustain supremacy for the interests, values, security, and prosperity of the dominant super-power, in this case the United States. A broad strategy to realize the vision of the American century is contained and crystallized

in *The National Security of the United States*, issued in September 2002. Viewed from a historical perspective, the doctrines espoused by President Bush are not radically different from those implemented in the past by major powers. There is a fundamental difference, however, in the context: they are being asserted at a time when the rhetoric and ideology of universal human rights have gained currency all over the world.

Although there seems to be a consensus among the American population about the promotion and protection of American interests, values, and preeminence, the question of *how* these can best be achieved appears to be contested. The differences in approach within the political establishment relate to the perennial question of the equation between means and ends. On the one hand, there are those who argue that American hegemony is best advanced by moral suasion and careful diplomacy. The perspective of this group is perhaps best represented by U.S. Senator Robert Byrd who, in a statement in the Senate on 19th March, 2003 argued that President Bush's doctrines of regime change and pre-emptive strike, backed up by disproportionately high expenditure on the military, are corrosive and highly destabilizing of the system of international relations. This is how he put it:

Instead of reasoning with those with whom we disagree, we demand obedience or threaten recrimination ... We proclaim a new doctrine of preemption which is understood by few and feared by many. We say that the United States has a right to turn its firepower on any corner of the globe which might be suspect in the war on terrorism. We assert the right without the sanction of the international body. As a result, the world is a much more dangerous place.

We flaunt our superpower status with arrogance. We treat the UN Security Council members like ingrates who offend our princely dignity by lifting their heads from the carpet. Valuable alliances are split.

#### DIFFERENTIATED IMPACT OF GLOBALIZATION

It is important to realize that each phase of globalization has had a different and unequal impact on different groups of people. In the first and second phases of globalization, for example, indigenous people in Africa, the Americas, and Asia paid heavily with loss of lives, property, dignity, identity, integrity. They were even denied their humanity for the prosperity and material development Europe gained from globalization. Precisely because the impact of globalization was not always beneficial to all groups of people, it generated a counter-logic in the form of resistance from among the adversely affected groups, and advocacy by intellectuals in the metropolitan countries against the wreckage it often left in its trail. It was due to the efforts of humanist intellectuals that a broad spectrum of people was mobilized to help mitigate the detrimental impact of globalization on indigenous people.

Although most industrialized countries are experiencing the largest growth period in history, this impressive growth has not been realized in developing countries. Specifically, countries of the South have not been able to share fairly in the benefits of globalization and have for the most part been excluded from the profits of the process. Indeed, the new phase of globalization has contributed to fostering inequality on a revolutionary scale and has compounded the underdevelopment and exclusion of the countries of the South. In his speech at the UN World Summit for Social Development in 1995, Nelson Mandela summarized the state of the world when he said: "We are apt to observe that to be born in the South, to be born a woman, disabled, or amongst the poor – all these circumstances often define one's life possibilities as part of the wretched majority. The simple facts reflect the present untenable division of power and wealth within and among nations."

A review of some recent data illustrates globalization's uneven impact on various regions of the world. According to the 1999 UNDP Human Development Report, 80 countries have per capita incomes lower than a decade ago. Since 1990, 55 countries in sub-Saharan Africa, Eastern Europe, and the former Soviet Union have had a declining per capita income. The income gap between the one-fifth of people living in the richest countries and the poorest one-fifth was 74:1 in 1997, up

from 60:1 in 1990, and 30:1 in 1960. The richest one-fifth have 86 percent of the world's GDP, while the bottom one-fifth share 1 percent. The assets of the top three billionaires are more than the combined GDP of all the least developed countries and their 600 million people. At the end of 1997, there were more than 50 developing countries whose entire banking systems were smaller than the credit union for World Bank and IMF employees. Moreover, those of 30 additional countries were smaller than medium-sized metropolitan savings and loans, the same kinds of institutions that would be advised to avoid the international markets on account of their small size.

In the countries of the South, some of the negative manifestations of globalization have been high unemployment, widespread poverty, and lack of access to basic needs such as health care, potable water, and food. The number of people living in extreme poverty continues to increase, with women and children constituting the majority of those affected. James Wolfenstein, the president of the World Bank, has noted that in sub-Saharan Africa the number of people living on less than \$1 a day is increasing, and there is little prospect of a reduction in this number in future. The World Bank also estimates that, if the trend continues, by 2008 this figure will rise by nearly 40 million people.

Another seemingly intractable problem that bedevils countries of the South is the albatross of debt burden. The persistence of the debt crisis has created a vicious cycle of debt and underdevelopment, that has further compounded both debt and poverty. Debt servicing has grown at an astronomical rate. The World Bank analysis contained in *Global Development Finance* (1999), concludes that in 1980 the total debt of countries in the South (the overwhelming majority of them African) was \$59 billion; by 1997 it had jumped to \$201 billion. In the same period, the debt service increased from \$5.9 billion to \$8.7 billion.

But this is not the end of the grim impact of globalization on countries of the South. The bleak situation has been compounded by the decline in official development aid from industrial countries of the North. The 1999 Human Development Report shows that Official Development Aid (ODA) to countries in the South has decreased by one-fifth in real terms since 1992. The World Bank reports that between 1992 and 1997, assistance to countries in the South declined from \$13 billion to \$11 billion annually. The steep decline of aid has adversely affected development in the Least Developed Countries (LDC).

The tragic irony in the pattern of relations between the countries of the South and those of the North is that although the former have instituted changes demanded by the latter under the rubric of liberalization and privatization, these changes have not provided discernible benefits to most developing countries. And although the profit rates of foreign companies operating in Africa, for example, have averaged about 29 percent since 1991, they have not led to increased investment by foreign transnational corporations. In fact, Africa's share of foreign direct investment (FDI) decreased from more than 11 percent in the period 1976 to 1980, to 4 percent in 1996-1997.

#### THE CURSE OF GLOBALIZATION ON AFRICA

The impact of the new phase of globalization on Africa has been almost as profound as the advent of the Trans Atlantic Slave Trade that characterized the first phase of globalization in the 16th century. The manifold dimensions and ramifications of the new phase of globalization have already played havoc with the welfare of the African continent. Although statistics are sometimes deceptive, it is nonetheless worth noting the following data with respect to contemporary Africa. As we consider the data, we need to bear in mind that the numbers are not just abstract figures; each represents myriad individual human lives:

- 1) Between 1987 and 1991, the terms of trade for Africa declined by 15 percent.
- 2) In 1990, about 54 percent of the total population of sub-Saharan Africa was living in absolute poverty.
- 3) By 1991, the debt burden of African countries was estimated to be 101 percent of GNP.
- 4) Per capita food production in Africa was 4 percent lower in 1991 than it was in 1981.

In addition, the HIV/AIDS pandemic had by mid-2000 affected about 23 million people, and is now estimated to kill about 5,000 Africans every day.

A survey of human development data at the dawn of the 21st century indicates that although at the time of independence in the early 1960s there was a great deal of optimism about the political and economic future of the continent, and although until the early 1970s incomes grew faster than they had in the previous half century, since then incomes have declined by about one per cent every year. The result is that the average person in Africa is poorer now than in 1968; and of 53 African countries, 32 are now poorer than in 1980. The cumulative effect was that of about 174 nations the United Nations Development Programme (UNDP) annually surveyed, in terms of its “human development index,” the 22 lowest are in Africa – out of a total of 53 countries on the African continent. Close to half of the total population in sub-Saharan Africa subsists below the poverty line, and one-fifth lives in countries affected by internal conflict. In specific terms, there was a steep decline in income per capita (more than 15 percent from 1980 to 1992) for the great majority of African people; a widening economic and political inequality between various groups; massive poverty, chronic malnutrition, widespread illiteracy, poor health conditions, low life expectancy, high maternal and child mortality, and deterioration in economic and social infrastructure and services. All of these have seriously demeaned the dignity and worth of African people. The misery indices in Africa contrast with data from many other less-developed countries, where people’s incomes are now double what they were in 1965. For the so-called tiger economies of East Asia and the Pacific, on the other hand, incomes have multiplied five times. Most of the problems cited have been generated by structural inequalities in global terms and relations of trade, in the new phase of globalisation.

In such a world of vast inequalities and poverty that grip countries of the South, in particular poverty that blights the lives of people in Africa, it is difficult to say that human rights are being enjoyed equally in the new phase of globalisation.

#### WHAT CAN BE DONE

If we are to move forward meaningfully, we must accept an ethical premise that science and technology that now propel globalization are a common heritage of humankind and as such humanity as a whole is entitled to the knowledge and to the benefits that its development and diffusion bring forth. From an ethical perspective, the current situation, where for example, an estimated 1.2 billion people are condemned by poverty to live on U.S. \$1 per day, is untenable. It is equally unacceptable that of the over 400 million people estimated to use the Internet that represents only 7 percent of the total human population. It is certainly appalling that Internet density is over 53 percent in the USA and Canada while it is a mere 1 percent in the Middle East and 0.4 percent in Africa. This illustrates the need, if the world is to be more ethical, to constantly transfer technology as an essential part of globalization.

Because the new phase of globalization is influenced largely by the development of science and technology, it should be used to offer opportunities for empowerment and progress for the poor rather than for marginalizing some societies. In summary, there is a need to strengthen partnerships between the north and south and to share technological capabilities and skills needed for the development of people in all corners of the globe. This may be achieved through academic institutions or large private companies that now dominate biotechnology, especially agriculture, pharmaceuticals and the health care field. At another level, the UN should promote co-operation in science and technology as one of its priorities and in support of developing countries to achieve sustainable social progress.

This places some obligation on education institutions in countries of the North to take a lead in the following areas. First, we must emphasize that our most important resources are human beings. It is these human resources that above all we must equip for the new era that has emerged with breath-taking speed. Accordingly, because educational institutions are the essential theatres for acquisition and production of the necessary knowledge in the information revolution, investment in

educational institutions that can prepare the people -- and at the same time conduct research and dissemination of accurate information that can foster understanding among peoples of the world -- should be embarked upon with a sense of urgency.

Commitment to education must be a long-term enterprise for three main reasons, in addition to developing critical human resources. First, we should be dedicated to the increase of knowledge for its intrinsic value and because it empowers individuals and groups to influence the course of their destinies. In the second place, it is only through education that we can create conditions for enlightenment and global intellectual cross-fertilization that foster understanding and solidarity between and among different people. And third, education is vital to help influence formulation of policies. We must realize that some of the policies made by dominant players in the current phase of globalization – policies that may subvert the aspirations of people in dominated regions of the world, may not be due to unalloyed prejudice or malice but are often based on stereotypical images and inaccurate information in circulation. As such, it is not sufficient for us to bemoan those policies, if we are not prepared to provide alternative information, data and perspectives to policy makers in dominant countries, to the international community and to leaders in our respective countries. The provision of accurate data to policy makers in the countries of the North must be a priority for UNESCO Chairs in that region of the world. From a historical perspective, it must be remembered that there has been no successful revolution that has sustained itself for the common good of the people without the support and guidance of the intelligentsia.

The other practical suggestion, which flow from the points just made above, is that we must as a matter of priority commit ourselves to establishing viable cross-regional and interdisciplinary academic partnerships or collaborations that involve exchange of scholars, students and ideas across the world. This should be done for three main reasons. In the first place, it is a recognition of the practical reality of globalization and global politics. Because the principal mission of academic institutions is the diffusion of knowledge, they should take a lead to build bridges between people and facilitate a liberal and equitable flow of knowledge. Second, because academic collaboration can assist in fostering intellectual cross-fertilization and transfer of appropriate skills across regional boundaries. If partnerships are established on the basis of what I have termed reciprocal learning, respect and empowerment, they have the great potential to facilitate human values and solidarity on a global scale. And thirdly, as indicated above, the history of struggles for human rights indicates that sustainable success since the onset of globalization has generally been possible only when progressive forces in the dominant countries of the world have joined hands in solidarity with those from dominated regions of the world.

## CONCLUSION

It is an imperative in the new phase of globalization to establish partnerships or coalitions with educational institutions between academic institutions in the North and South. The principal purposes of cross-regional collaborations should be to help in capacity building, transfer of relevant skills, and building bonds of cooperation that may lead to formulation of more informed and enlightened policies that might have positive impact on human interactions across the globe.

In addition, it is incumbent upon those of us (who call ourselves intellectuals) to use the privilege of our education to disclose the dynamics of the new globalization to those who have not had the opportunities or luxury to understand its seemingly inexorable mysteries. All these endeavours can be achieved if join hands and minds through interdisciplinary and cross-regional partnerships to provide the world not only with actual testimonies for human values and solidarity but also thoughtful strategies regarding how globalization can be made to achieve in a reasonable manner the common good of humanity.

## Human Rights versus Terrorism?

Professor M. D. Nalapat

September 11, 2001 brought home to the entire world the threat of terrorism to international stability. Thus far, barring a few isolated incidents, almost all terrorist acts had taken place in theatres within the underdeveloped world or in Asia, thus providing an illusion of immunity to Western Europe and the USA. The incidents on that day changed this perception and drew attention to emerging patterns that suggest that Western Europe too could be the location of similar activity in the next decade, if not sooner. This has created a perceived conflict between the need to battle terrorism and the imperative of ensuring the protection of the human rights, which distinguish civilized from barbaric societies, autocracies from democracies.

It is the contention here that the apparent conflict between human rights and the need to battle terrorism is in fact not there, that there is a clear separation between the two. Thus, vigorous prosecution of the 'War on Terror' can and must take place within a framework that safeguards the dignity of the individual that is the bedrock of human rights. At the same time, it should prevent the misuse of human rights as a means to escape for those indulging in terrorism.

There are those who argue that terrorism mandates to abandon liberal values and action, so that it calls for police and security methods that put an end to the Open Society. Such people are in fact encouraging terrorism. Far from spawning terrorists, the freedoms and privileges of a modern, moderate democracy in fact damp down such sentiment and stanch recruitment to the ranks of extremists. It is no accident that almost none of the 150 million Muslims in India are found in the lists of terrorists circulated worldwide by the FBI and other agencies. Democracy in India is the cause of this, just as it is the repression and autocracy in several countries that have led thousands to find a means of protest through terrorism. Were Western Europe and the US cut down on democratic freedoms and equal rights and treatment for all residents, terrorism would expand and not contract in these countries. The liberal values, institutions and methods of western societies and (partly) in democracies such as India and Israel have helped prevent a huge influx into terrorist ranks. What is needed instead is to "bulletize" policies so as to target specific groups of prospective and present extremists (including those belonging to the Christian, Jewish or Hindu faiths) rather than enact "blunderbuss" legislation that targets (and embitters) whole communities.

As Gandhi said, "Means are after all, everything", and the means of redress should be such as to preserve the freedoms and values being protected. In other words, wherever needed, laws should be modified operationally but not abandoned. Also, there is a need to ensure that the checks against misuse of legislation increase *pari passu* with the severity of the laws, in order to prevent corrupt or bigoted law officers from wreaking havoc on the innocent ostensibly in the pursuit of the guilty.

In ancient Indian epics, there are the concepts of "Vaidha Himsa" (or sanctioned use of power) as against the "Avaidha Himsa" (or unsanctioned use of power). This recognizes that each society has

the right to use violence in its defence, but that such actions should be proportional to the threat and not destroy the very social fabric that it purports to defend. In other words, to ensure the prevention of harm, certain measures may be ethically desirable, even though they seem severe. An analogy can be found in the case of a judge in the US or India sentencing a convict to capital punishment, or the recent example from Europe of the destruction of livestock infected with "Mad Cow" disease. However, in all such cases, the actions and the justification given should be transparent and the processes replete with safeguards against arbitrary use.

A final point: Prevention is vastly better than cure. Through education for example, there is a need to ensure that as many vulnerable pools of humanity as is practicable get diverted away from the acceptance of terrorism. This can be done through the educational system as well as by social examples. The war against terrorism cannot be left to the security services. It must involve the people as well, both by developing antibodies to extremism and by the inculcation of defence mechanisms, which enable the citizen to recognize threats to the democratic, liberal, tolerant - in other words, civilized - way of life that has taken centuries of conflict to overcome and evolve. Human rights are the best defence against terrorism.

## National Human Rights Institutions and the Implementation of Children Rights

Marília SARDENBERG

The United Nations Convention on the Rights of the Child, now thirteen years in existence, has had an enormous impact on all matters affecting children. In fact, the Convention is recognized as the basic legal reference for children rights, around the world, and it has reached a virtually universal scope with the unprecedented record of 192 ratifying States Parties.

In this process, the Committee on the Rights of the Child - established by its article 43 - has played a fundamental role as the international mechanism for monitoring progress on implementation of the Convention.

One of the six treaty bodies in the United Nations human rights system, the Committee's major task is to examine reports submitted by the States Parties of the Convention, under its article 44, and to work closely with other treaty bodies, United Nations agencies and other bodies to promote the Convention and the realization of the human rights of the child.

The Committee on the Rights of the Child believes that the effective implementation of the Convention entails a very comprehensive process of awareness raising with a view to changing mentalities and perceptions on the child and its role in society as a citizen and a subject of rights.

This process is supposed to start from the very moment of ratification. It represents the State Party's political commitment to promote and to protect the human rights of all children living under its jurisdiction. In other words, the Convention also constitutes an important political tool.

Children do not live in abstract in a country: as members of society on their own right, they have the right to be systematically integrated into all governmental actions, projects and programmes, in a dynamic and holistic cycle of social development, political and cultural change.

The ultimate goal should be to ensure the incorporation of a rights based approach in all actions concerning children, in society at large, with a view to improve the quality of their life around the globe. These efforts should contribute to the design of a new framework for action based on democracy and participation.

And it should involve not only governmental officials, mechanisms and structures, but also non governmental organizations and all interested actors in society at large. For the mere scope of the structures involved, the number and importance of actors concerned and the transversal and multisectoral nature of the process, it is evident that this is not a simple undertaken for States Parties.

In the light of these concerns, the Committee on the Rights of the Child is constantly and consistently seeking to provide States Parties with necessary guidance for appropriate governmental action with a view to *de facto* implementation of the Convention.

This is the reason why the Committee decided to focus on national independent human rights institutions (NHRIs) as one of the important stakeholders in the process of implementation, at the national level.

In fact, specialist independent human rights institutions for children, "ombudspersons" or commissioners for children's rights are being established in a growing number of States Parties. And since the Committee consistently addresses the issue of NHRIs and their specificities, during the dialogue with States Parties, it is well aware of the common difficulties and challenges faced by States Parties in that respect.

So, in the light of these observations and of the complexities of such a comprehensive process of implementation, the Committee has issued, in 15 November 2002, a General Comment on 'The role

of independent national human rights institutions in the promotion and protection of the rights of the child' (doc. CRC/GC/2002/2).

The document underlines the Committee's support for the establishment of independent national human rights institutions (NHRIs) on the basis of the fundamental role that they may play in the process of implementation of children's rights in any country.

It emphasizes throughout the document that the role of NHRIs is to independently monitor the State Party compliance to the Convention, remaining entirely free to set their own agenda and determine their own activities. The committee further indicates that the institution, whatever its form, should be able, independent and effective in discharging its mandate.

In addressing the issue, the Committee refers back to the World Conference on Human Rights, held in 1993, which reaffirmed in the Vienna Declaration and Programme of Action "...the important and constructive role played by national institutions for the promotion and protection of human rights" and encouraged ..." the establishment and strengthening of national institutions", a recommendation which was also repeatedly expressed by the United Nations General Assembly and the Commission on Human Rights.

It is important to note that the General Comment explicitly underlines that NHRIs should be established in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the "Paris Principles") adopted by General Assembly resolution 48/134 of 20 December 1993. These minimum standards provide guidance for the establishment, competence, responsibilities, composition, including pluralism, independence, methods of operation, and quasi-judicial activities of such national bodies.

The Committee is further concerned with the aspects of accessibility and participation. So, NHRIs should be geographically and physically accessible to all children. In the spirit of article 2 of the Convention, they should proactively reach out to all groups of children in particular the most vulnerable and disadvantaged such as (but not limited to) children in care or detention, children with disabilities, children from minorities and indigenous groups, children living in poverty, refugee and migrant children.

Additionally, and as articulated in article 12 of the Convention, NHRIs must ensure that they have direct contact with children and that children are appropriately involved and consulted. Children's councils, for example, could be created as advisory bodies for NHRIs to facilitate the participation of children in all matters of concern to them.

The Committee states that additional justification exist for ensuring that children's human rights are given special attention by NHRIs: children's development state makes them particularly vulnerable to human rights violations; their opinions are still rarely taken into account; most children have no right to vote and cannot play a meaningful role in the political process and in decision taking; children's access to organizations that may protect their rights is generally limited; children encounter significant difficulties in using the judicial system to protect their rights or to seek remedies for violations of their rights.

The Committee recommends that NHRIs report directly, independently and separately on the state of children's rights to the public and to parliamentary bodies. They should work closely with non governmental organizations and with any other interested body in the governmental structures.

In the context of *de facto* implementation of the principles and provisions of the Convention, the Committee on the Rights of the Child deems essential that promotion and protection of children's rights be mainstreamed and that all bodies, organs and mechanisms existing in a country, including human rights institutions, work closely together to this end.

## **Human Rights:**

### **Experience in Co-operation Between a University and Society**

Yuri SVATKO

It can hardly be said that human rights have always been among the chief priorities for universities, i.e. for those broad-based *studiorum generalium* of the old Europe that have been providing for translation of knowledge between generations of Europeans in the best way possible since at least 20<sup>th</sup> century. Enjoying a relative political freedom (although sometimes quite a tangible one) from the earliest times, the university community in its inner making still remains an avoidant, corporately hierarchised organism which is none so resembling a live embodiment of the human rights advocacy ideals.

However, one and a half century ago, an animated discussion within English universities on the possibility for the university audience to integrate the *teaching* and the *research* processes, which represent in society the two fundamentally different modes of communication about knowledge<sup>1</sup>, resulted in the essential shift of the condition described above — at least, in three aspects. Herewith I mean not only the very possibility of accounting the human rights problematic in university teaching plans and curricula (1), but also the availability of sufficient scientific basis to carry the corresponding research in the universities of today (2), as well as the positioning of universities as politically neutral institutions being capable of ensuring the independent public dialogue (3).

It is these general arguments amplified by the tactical priorities of the Integral Development Program (approved in 1998) of the International UNESCO Chair "Human Rights, Peace, Democracy, Tolerance and International Understanding" (hereinafter — the Chair) at the National University of 'Kyiv-Mohyla Academy' (hereinafter — UKMA) that have to a great extent stimulated the Chair to launch the large monitoring project "Human Rights in Ukraine: State of Affairs, Problems, Outlooks" (May 2002 – March 2004). Being implemented in co-operation with partner organizations (including the National Commission of Ukraine for UNESCO) and supported by the Democracy Grants Program of the Public Affairs Section of the United States Embassy in Ukraine, the Project by its very design envisages the preparation and realization of the following four full-scaled and relatively independent sub-projects:

- International Scientific and Practical Conference 'Human Rights in Ukraine: Interaction between Society and Authorities' (September 2002)
- Monitoring Project 'Human Rights in Ukraine: a Look from Inside' (April – May 2003)
- Internet Project 'Virtual Ombudsman' (April 2003 – March 2004)
- All-Ukrainian Public Hearing 'Human Rights in Ukraine in the Mirror of Public Opinion' (June 2003)

These sub-projects are connected by the common idea, which had been made topical by the creative staff of the Project with the help of two key questions pertinent to the human rights issues in Ukraine: 'Does the state guarantee? Does a man make use of it?'. There are important mutual obligations and mutual responsibility of parties behind these questions — those aspects of it that they still have not accustomed to. Anyway, these questions alone do not explain the reasons, why did we turn to the problem of human rights in Ukraine at all.

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<sup>1</sup> Cf.: *translation* as preservation of tradition vs. *transmutation* as renovation / modification.

Indeed, the Chair is not a human rights advocacy organisation. On the other side, it does not, apparently, serve the interests of governance. As the co-coordinator of activities of the UNESCO Chairs in human rights and culture of peace in the Eastern Europe, the Chair is, as it was mentioned above, a *neutral field* for the fruitful dialogue between society and state. For five years this dialogue, initiated by the Chair, has been focused on the problem of the *European Model of Life*. And we might expect a lot of interesting moments here.

In particular, it becomes even clearer today it is the *human personality* that is located at the center of this model — at least for the past 5–6 centuries. It is that personality that all the values are concentrated in, all the sense of the world and, therefore, its true limits. And approaching these limits of ones own possibilities, a man meets there, first of all, not the Cosmos, not the Nature, but another man. This Human World, finally revealed in the 20<sup>th</sup> century, where a man applies his power to be a master of everything, is fundamentally defined in the 'indefeasible rights' of man.

The 20<sup>th</sup> century itself had treated the problem of human rights differently. They not only had been *practically* violated almost everyday. There had existed a flock of positively oriented *theoreticians* having serious reasons to regard them a patent 'fiction'. On the other side, the

Universal Declaration of Human Rights, adopted on December 10, 1948, by the General Assembly of United Nations, was defined *as a common standard of achievement for all peoples and all nations*. Elaborated in the following declarations of UN, international conventions, activity of the respective committees and UN Commission on Human Rights, it can be seen today behind specific articles of national legislation of many countries. Thus human rights turn to be nowadays a kind of pass-ticket to the Human World, also known as 'civilized world'.

To be sure, we can take different stands towards both the 'universality' of human rights and that wonderful world erected upon them, whose one foot rests on its millennial cathedrals and Councils, and the other one kicks them, exclaiming: 'I am my own master!'. But if only the young state organisms are really set on settling well in it, it is worth playing in order accepted there. This is why *the principal objective* of the Chair's Project was collecting, analyzing, generalizing and disseminating the information on the principles, mechanisms and technologies of interaction between society and the state as for assuring human rights and principal freedoms in Ukraine on the basis of accumulating both national and international experience.

The Project's target audience has been:

- a) Representatives of the Central Executive, Legislative and Judiciary Authorities;
- b) Representatives of the local self-government bodies;
- c) Human rights protection NGOs;
- d) Representatives of the judicial proceedings system;
- e) Representatives of trade unions;
- f) Representatives of the state and independent mass media;
- g) Representatives of all levels of the national system of education in human rights;
- h) Representatives of academic / university science;
- i) Embassies / Foreign Missions in Ukraine;
- j) International donor organizations (incl. the UNHCR, UNDP, UNICEF, *etc.*).

In the course of the Project implementation, representatives of the target groups mentioned have:

- shared the gained practical experience in human rights and real interaction between state and society therein (cf., *inter alia*, independent expertise, monitoring and advisory services provided by NGOs for the governmental structures);
- acquired a new possibility for professional communication on the national and international levels (seeing the broad spectrum of represented human rights organizations which in this case had worked in close contact with lawyers, education professionals and representatives of mass media);
- assisted by competent lawyers, analyzed the present Ukrainian legal context against the background of norms and traditions of international law in the field of human rights (having stated the necessity of

streamlining the whole national system of human rights protection, including the mechanism of constitutional plea);

- declared the necessity of development and introduction of new teaching courses in human rights on all the levels of the national education system, and this is what exactly matches that strategic role, which, in the opinion of UNESCO experts, will be played in the 21<sup>st</sup> century by the so called 'informal basic education';
- elucidated the role of independent mass media and elaborated respective recommendations.

Special stress here at was laid upon the necessity of:

- a) full human rights insurance by the governmental structures;
- b) continuous 'pressure' to be made upon authorities by society as a whole, its public institutions, particular NGOs and citizens (obeying the law, of course);
- c) solidarity interaction between the state and society in the field of implementation of human rights; d) improvement of effective law and legal practice in human rights;
- e) social activity of citizens in the cause of protecting personal rights and principal freedoms / making them of real service, *etc.*

About 450 *personal participants* have taken part in the Project so far. During the course of implementation of some of sub-projects, representatives of 55 *mass-media* had been accredited.

The 'European Court Case Law. Decisions. Commentaries' Journal has been the Project's official *information sponsor*. The Project had had a significant response in the national/foreign mass media - both printed and electronic - on radio and TV, as well as in specialized publications. Essential information on the Project had been released in the interviews given by *Prof. Yuri Svatko* for the UN Radio (New York) and the UNESCO Radio (Paris).

The resulting Project material was published in two titles prepared by the Chair: 'Human Rights in Ukraine: State of Affairs, Problems, Outlooks' and 'Human Rights in Ukraine: a Look from Inside'. This material was given over free of charge to the Ukrainian Ombudsman's Office, respective Ministries and State Departments, universities and libraries of Ukraine, human rights protection organizations, National Commission of Ukraine for UNESCO and UNESCO *Division for the Promotion of Quality Education*. Finally, this and other material will be placed on the web-site in the course of implementation of the 'Virtual Ombudsman' Internet Project.

The Project has become *a concrete impulse* for summing up the state of affairs of human rights in Ukraine and should be considered as a solid foundation for the future projects of this kind.

On the one side, it has testified a sensible inertia shown both by the *state* (= culturally and historically determined unwillingness to secure operation of the human rights mechanism and quality education in the field consistently), and by *society* (= culturally and historically determined unwillingness to make consistent use of the entire spectrum of the three generations of human rights), in Ukraine. On the other side, there gradually ripens in Ukraine the understanding of importance of acknowledgment and implementation of human rights as *a fundamental principle*, which, along with *democracy* and *rule of law*, as well as with *independence of judiciary bodies* determines the ways of development for contemporary civilized world.

Taking that into account, the Chair regards as the most important consequence of such an understanding not so much the dissolving of the current issues in the field of human rights protection, as it were, 'once and for all' (which is, obviously, infeasible), but the will to establish an operative mechanism of assurance of *the very possibility* of free realization / protection by any individual of one's own rights and principal freedoms. It is just such a mechanism - along with the guarantees of transparency and accountability of governance, and nurturing of personal civic decency - that is eventually capable of making human rights education a real component of informal basic education which is so invaluable supported in its out-reach by the UNESCO Chairs concerned.

## **Reflections on Ten Years of South Africa's Democracy: Celebrating Achievements, Awareness to Future Challenges**

Nasila S. REMBE

### **Introduction**

In 2004, South Africa will commemorate ten years of its constitutional democracy. In April 1994, the first multiparty democratic elections were held. Following these elections, a new democratic and non-racial government came into power. This formally marked the end of apartheid which had dominated South Africa's social, economic and political life for many decades. The legacy of many years of apartheid domination which manifested in racism and racial discrimination, forcible land removals, marginalisation and exclusion of the black population from economic and political life, dehumanisation of black people, torture and killing of political opponents etc. left deep wounds which created many challenges for the new democratic government. This paper reflects on the ten years of democracy in South Africa. It examines the problems encountered in the transition process from apartheid to democracy rule; the achievements made; lessons learnt; and future challenges.

### **Problems of Transition**

In the 90's many countries emerged from dictatorships and authoritarian rule and adopted democratic forms of governance. South Africa was a unique case since apartheid was an affront not only to the dignity of the people of South Africa, but also negated the values of the entire human civilization. The struggle against racial discrimination, racism and apartheid was a struggle to uphold fundamental freedoms and values of humanity, and therefore there was a great deal of anticipation and expectation of the successes of the struggle against apartheid in South Africa. The challenge that faced South Africa after the end of apartheid was how to reconstruct a new nation (and in this sense also a new state) in which race and colour was no longer the determinant of the social, economic and political life of the people. It was a challenge to build a society in which all people accepted and respected one another irrespective of their colour, race, or language; in which democracy, human rights, dignity, non-racialism and non-sexism underlined its core values; and in which the institutions and organs of the apartheid era were to be transformed and subjected to constitutional control and the rule of law.

Establishing the institutions of democratic governance from different racially balkanised apartheid administrations, defining the norms, ethos and processes of democratic governance, and mobilising consensus upon which the legitimacy of the new dispensation would be anchored was perhaps the most formidable challenge during the transition process. A blood bath was averted by protracted negotiations that ushered in a constitution that was endorsed by all the political parties and people of South Africa. This paved the way for peace and stability in South Africa and kept alive prospects for enduring social and economic development.

The end of apartheid raised aspirations and expectations of the dawning of a qualitatively new social and political order in which the rights of individuals and groups would be respected and the quality of life improved. These expectations arose in part from the hope created after many years of apartheid undermining as well as from the political process of mobilisation and resistance against the apartheid system of government. The fulfilment of these expectations is a yardstick upon which to measure the success of the government on many fronts. Translating these expectations into reality became a major challenge to the post apartheid government because of their magnitude, the capacity of the state to respond, and people's expectations that their aspirations can be met immediately.

## Key Areas of Intervention

### Legislative Framework

The adoption of the South African Constitution of 1996 heralds the beginning of a new social and political order and closes one of the darkest chapters in the history of humanity. The Constitution was adopted with four imperatives in mind, namely:

- Heal the division of the past and establish a society based on democratic value, social justice and fundamental human rights;
- Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by the law;
- Improve the quality of life of all citizens and free the potential of each person; and
- Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

The achievements of human dignity, equality, and the advancement of human rights and freedoms; non-racialism and non-sexism; the supremacy of the Constitution and the Rule of Law, are among the values upon which the South African Constitution is founded. In addition, the Constitution adopted a Bill of Rights and engineered a number of institutions to support constitutional democracy.

The intensity of legislation and qualitatively new laws enacted since the adoption of the Constitution is evidence of the desire by the government to eradicate the last remnants of racism and apartheid, and bring about equality, social justice, redress and equity. Many of the new legislations flow directly from the provisions of the Constitution such as: Promotion of Equality and Prevention of Unfair Discrimination Act; Administrative Justice Act; and Promotion of Access to Information Act. Other legislations cover employment and workers rights; domestic violence; land tenure and land rights etc.

Although intervention by legislation is a significant achievement, it is not by itself sufficient to guarantee justice or restore confidence and trust in law and its legal institutions so much eroded during the apartheid era. Corresponding transformation of the justice system and state organs with special responsibility for the implementation of human rights has been slow, often leading to disenchantment and ridiculing of the system of administration of criminal justice.

### Judicial Intervention

The normative and legal framework created by the Constitution and other laws has resulted in a number of litigations around rights issues and this pose a challenged to the capacity of the courts and other institutions dispensing justice to respond. The supremacy of the Constitution implies that governmental actions must now conform to and be measured against the provisions of the Constitution. The Constitution also allows the application of international law and foreign law and this increased the reservoir of sources of law in aid to the interpretation of the provisions of the Bill of Rights. Although the transformation of the judiciary has been a slow process, the role of the South African Constitutional Court has been admirable and its jurisprudence has provided authoritative guidance to other national and international courts.

### Institution Building

The end of apartheid era required the establishment of new democratic institutions in line with the new order. Prominent among them are the institutions established to support constitutional democracy, often referred to as *Chapter 9 Institutions*. These include: the South African Human Rights Commission; the Public Protector; the Commission for Gender Equality; the Commission for the Promotion and Protection of Rights of Cultural, Religious, and Linguistic Communities; the Electoral Commission; and the Auditor-General. As a lead institution, the South African Human

Rights Commission has extensive constitutional mandate to promote and monitor respect for human rights, investigate cases of violations, conduct research and undertake human rights education.

In addition to the above institutions, there are other commissions dealing with specific matters such as language, land, youth etc. The Independent Complaints Directorate (ICD), a civilian oversight body established to deal with complaints against the police is another important post-apartheid innovation.

#### Promoting Public Awareness and Democratic Participation

One of the most notable successes that the post-apartheid government of South Africa has achieved is mobilisation of the public towards greater awareness of human rights and participation in the democratic process, including participation in local, provincial and national elections. The high level of illiteracy and deprivation coupled with unfamiliarity with the rigour and demands of modern constitutional democracy makes this even more imperative. The language of rights is a powerful language as it carries with it the passion of justice, equality, and the hope for a better and secure life. If not carefully directed, the rights discourse can disable rather than empower and transform, and may work against the very objectives it seeks to promote. Rights must be advanced sensibly with duties and responsibilities equally given prominence, as well as the limitations that may be imposed on the exercise of rights.

In addition to public awareness campaigns and mobilisation by relevant government departments and NGO's, the South African Human Rights Commission has undertaken education and awareness including public hearings on media, racism, poverty, human rights violations of farm workers, new legislations, etc. Public participation is evidenced by the development of the *National Action Plan* and the emergence of social movements around issues such as landlessness; crime and violence; environment; poverty and racism.

#### Promoting socio-economic justice

One of the objectives stated in the South African Constitution is to “improve the quality of life of all citizens and free the potential of each person” and also to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental freedoms.” Towards this end, the Constitution provides a number of socio-economic and cultural rights such as those pertaining to the environment; property; housing; health care; food, water, and social security; children; education; culture, language and religion. The legacy of apartheid and denial of people's rights to equal opportunities and access to, and share of, resources and service means that the government has to undertake redress, equity, and affirmative action as a conscious policy and on a massive scale in order to improve the human condition and the quality of the lives of its people.

Coupled with the aspirations and expectations that the people placed on the new government, the latter responded through various initiatives and programmes designed to meet basic needs and broaden access to social services, social welfare and social service delivery. The core of this policy is the *Reconstruction and Development Programme* (RDP). Today, provisions for free education, housing, water, land re-distribution, health care, social welfare grants, child grants, employment creation schemes, skills training programmes etc. have been provided for millions of South Africans, particularly those from disadvantaged and rural communities.

#### South Africa in Africa and the Global Community

The end of apartheid enabled South Africa to rejoin the international community as a sovereign state. This has also enabled South Africa to establish diplomatic relations with other states and to promote its interests at bilateral, regional and international level. Today, South Africa is an important role player within the Southern Africa Development Community (SADC), the African Union (AU), UN, Non-Aligned Movement (NAM), and other international and inter-governmental organisations. The role that South Africa is playing in the peace process in the DRC and Burundi, in

regional integration within SADC and the New Partnership for African Development (NEPAD) together with being host to a series of international and regional conferences underscore this role. South Africa is signatory to most international and regional instruments on human rights.

### **Future Challenges**

In 2004 South Africans can celebrate with pride the notable achievements that have been made during one decade of democracy. That the ANC led government was voted into power for the second time in 1999 is a pointer to the success of government policies and the ruling party is likely to be endorsed again in the general elections next year. Management of the transition process against the backdrop and the legacy of the past presented enormous challenges to the post apartheid government. Restoration of democracy and human rights; establishment of accountable government; provision of social services and welfare especially to disadvantaged communities, the establishment of the truth and reconciliation process among others, have largely contributed to peace and stability and racial harmony within the country. In this regard, South Africa has emerged as an example from which other countries that face similar situations can learn from her experiences.

However, many formidable challenges loom ahead and these may erode or stall the achievements of the past decade. The *Boeremag* treason trial is a pointer to the potential threat of apartheid and right wing forces however insignificant their potency may be. The racial, ethnic, religious, linguistic and minority configuration of South Africa need to be constantly nurtured if the future stability of the country is to be assured. In this regard, the government, political parties, formation of civil society and particularly the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities need to be constantly engaged a constructive dialogue.

The experience of South Africa in the first decade of its democracy indicates that despite the formal end of apartheid, there are still remnants of racism, racial discrimination, xenophobia, ethnicity and related manifestations both in public and private life. Ironically, the Constitution and the Bill of Rights is being caricatured to claim or defend racist interests and demands. South Africa cannot afford to lapse or allow the evil that has been extricated to revisit her again. This requires a commitment from the government and all citizens of South Africa to promote measures that enhance equality, including gender equality, non-racialism, social justice, and tolerance. South Africa should pride herself with the rich diversity among its peoples and this should be harnessed in a manner that recognise and value identity and difference. The role of education and dialogue also need to be promoted.

The legacy of apartheid has divided South Africa into a rich nation dominated by few whites and a poor nation of the majority black and coloured people. This phenomenon has also been exacerbated by globalisation and the HIV/AIDS pandemic, of which South Africa has the highest rate of infection in the world. The magnitude of the level of poverty and deprivation require that the government must plan and mobilise massive resources for employment, poverty eradication, housing and the development of the social service and welfare sectors as a whole. The frustration and anger among South African youth, the landless, people living with HIV/AIDS and the unemployed are flashing signals that may negatively impact on the future stability and prosperity of the country if not heeded.

As South Africa reconstructs and builds its new social order, values assume an important role. Democracy and human rights embrace a number of values that have also found universal acceptance and accommodation in the Constitution such as non-racialism, non-sexism, transparency, accountability, respect for law and due process etc. Officials of the system must manifest in their official and private life fidelity to these values. In this way a culture of democracy, human rights, peace and tolerance can begin to emerge and grow among South Africans.

## **Human Rights Education by means of Museums and Public Exhibitions: A New Terrain for Human Rights Educators**

Terence DUFFY

Human Rights education by means of museums and public exhibitions constitutes a new and potentially exciting terrain for human rights educators. We are often limited by traditional syllabi and stuffy classrooms - here is a field which promises apparently boundless opportunities for visual contemplation and reflection on the harsh physical culture of human rights abuse. Which human rights educator who has seen the ruins at Belsen or indeed the ethnic cleaning of a 1990s Balkans can fail to inspire their students with this moving experience? Likewise, who could not be moved to teach human rights having seen the Genocide Museum and the 'Killing Fields' of Cambodia? The physical remnants of those tragic years offer perverse testimony as to the compelling importance of human rights education.<sup>1</sup> The author recently conducted a study for UNESCO of the potential of human rights education via holocaust museums.<sup>2</sup> The field is inherently expansive.

Thus it can certainly be said that issues of human rights and humanitarian conscience encapsulate an impressively broad terrain. Much of this might be regarded as being in the domain of peace and human rights research.<sup>3</sup> Moreover, the subject matter exhibited by museums in this field, range across the bleak history of human rights violations to the more optimistic world of human rights advocacy and humanitarian action.

### **Human Rights Education: The Potential of Museums**

This article selects a number of themes that reflect current museum developments which may be of direct relevance to human rights educators. Not all of the museums discussed in the article are fully operational at present, and a few are only commencing their planning stages. It is certainly a diverse subject. Looking at this research in chronological order, we first explore some examples of museums 'of remembrance' and the often politically-charged nature of their exhibits. The remembrance of past conflicts is a painful process and this is reflected in the exhibits offered by these museums.

We then discuss the emerging phenomena of 'museums of the humanitarian spirit' and museums of non-violence, such as those associated with the legacy of Mahatma Gandhi. This leads us to museums of African-American civil rights, and how these portray the broader experience of human rights in the USA and elsewhere. Finally, the emergence of distinct human rights museums in many countries is related to the wider concern with creating a human rights culture. It is this emergence which may prove of particular significance and gratification for human rights educators.

### **Human Rights Education through exploring Museums of Remembrance**

Museums of Remembrance constitute one of the more potentially controversial areas for human rights educators. The collective act of remembering is apt to be as emotionally important to one ethnic group as it may be no less distressing to the other. Human rights educators must be aware of these sensitivities. It is doubtful if countries like Bosnia or Rwanda are yet ready to view the remains of their ethnic tragedies as centres for collective reflection. The camera also has severe limitations when we seek to capture human emotions. No photograph can quite convey the pain that exists in the heart of man when he comes to the end of a bloody war. The feeling may seem something worse than death - perhaps it is the pain of the soul.<sup>4</sup>

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<sup>1</sup> TM Duffy, 'Cambodia's killing fields re-visited: The Tuol Sleng Museum and the Memorial Stupa at Choeung Ek', *Museum International*, UNESCO, 181, 1994, pp. 48-52.

<sup>2</sup> For further information on holocaust museums see TM Duffy, 'Holocaust Museums' *Museum International*, UNESCO, IX, 1999, pp. 12-18.

<sup>3</sup> TM Duffy, (ed) 'Exhibiting Peace', *Peace Review*, 5:4 (1993) pp. 487-493.

<sup>4</sup> TM Duffy. 'Bosnia: A Photographic Essay' in *Reconciliation Quarterly*, Summer 1997, p. 17.

National tragedies loom large in the permanent collections of museums throughout the world - from war museums to national galleries, from natural disasters to Diaspora. Remembrance is certainly an emotive issue and fraught with political sensitivities, as has been found in Northern Ireland during the discussion process towards creating a memorial facility to victims of that conflict.<sup>5</sup> It is significant that, to date, only limited progress has been made. More hopefully, this section will discuss two emerging Palestinian museums as examples of efforts by the Palestinian community to exhibit its struggle for international recognition and for human rights. The third example, from Japan, offers a critique of the WW2 Nanjing massacre in which invading Japanese troops plundered this Chinese city. Understandably, Nanjing remains a sensitive episode in both countries and one which sustains rival Japanese and Chinese interpretations of history. This points up the dilemmas which human rights educators must face when dealing even with relatively distant events.

### **Palestinian Life and Remembrance Museum Project**

Human rights educators will be aware of the emotionally sensitive nature of much of recent Palestinian history. The first Palestinian example selected for review in this article, is the Palestinian Life and Remembrance Museum which is to be located in Jerusalem, and already possesses an embryonic exhibition in Gaza, in the Palestinian Authority. An innovative web-site has commenced with the aim of attracting expatriate Palestinian and international support. To date, the project has core funding from Palestinian donors, the European Union, and the World Bank, for a programme devoted to Palestinian history in the context of what Palestinians explain as the *Nakba* or 'national catastrophe of exile'.

This interesting Palestinian museum project interprets its primary role as exhibiting the Palestinian struggle for political and human rights. It is gradually acquiring collections of the physical and cultural heritage of communities in the Palestinian Authority and abroad, and its completion is important for the Palestinian sense of identity. The museum seeks to exhibit the history of the Palestinians as a people, and their struggle for recognition and human rights. If it can recover this heritage, lost during years of displacement and conflict, the museum will do much to preserve the history of the Palestinians, and hopefully, to promote understanding of Palestinian identity among both Palestinians and Jews. This latter task is vitally important if the project is to have a genuine role in promoting human rights education in the politically extremely divided environment of Israel and the Palestinian Authority.<sup>6</sup>

### **'Deir Yassin Remembered' Information Centre**

The second Palestinian example, the 'Deir Yassin Remembered' Information Centre, exhibits the events of April 9, 1948, when commandos of the Israeli Irgun movement attacked and destroyed Deir Yassin, a Palestinian village. The project has a virtual programme on the internet and envisages the construction of a museum on the site. There are presently no plaques or exhibits at Deir Yassin itself but it is an integral part of the efforts which the Palestinian community have made towards self-advancement and human rights. The immediate plan is to create a museum facility which would preserve some of the physical heritage of the 'Deir Yassin' village. In many respects, 'Deir Yassin' provides a focus for education concerning the experience of the Palestinian community. One hopes that these sentiments can be equally appreciated by the Jewish community, so that the proposed museum, currently in its infancy, might contribute to future mutual understanding among Palestinians and Jews.

### **The Museum of the Nanjing Massacre in Tokyo**

The third example of a museum of remembrance confronts the issue of Chinese experience at the hands of the armies of imperial Japan. Issues of human rights and peace feature strongly in Japanese

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<sup>5</sup> For efforts to 'memorialise' the conflict in Northern Ireland see TM Duffy, 'Creating A Culture of Peace in Northern Ireland', *Peace Culture (Hiroshima Peace Culture Foundation) Vol. 1, No. 42* (1999).

<sup>6</sup> For a general review of the problems of exhibiting issues of peace and human rights see TM Duffy, *An Environment for Peace Education: The Peace Museum Idea*, IPRA Peace Education Commission, No. 48, 1993, pp. 3-12; and TM Duffy, 'Exhibiting Human Rights', *Peace Review*, 12:2, 2000, pp. 303-309.

museums.<sup>7</sup> The Museum of the Nanjing Massacre in Tokyo presents Nanjing as a symbol of Japanese atrocities committed during the war against China. It is conceived as a challenge to those Japanese politicians who contest Japan's militarism. The founder, Guo Peiyu, a Chinese artist, exhibits some three thousand 'faces' in clay, to 'express the souls of the three thousand victims of the Nanjing massacre'. The museum is a powerful statement against war and violence, and an articulate protest against the results of imperialist war. It is a unique museum offering a moving presentation of Chinese suffering in a gallery which has a central location in the Japanese capital. The human rights which the museum discusses are those of the Chinese community who died at Nanjing, but this museum attempts to elucidate the suffering on all sides caused by imperialistic war. It is more than an indictment of Japan's foreign policy. It is a resolute statement against all militaristic adventuring.<sup>8</sup> This museum is of obvious interest for human rights educators.

### **The Irish Peace Museum initiative**

The Irish Peace Museum initiative in Northern Ireland has also exhibited photographic and other materials depicting 'remembrance' and has attempted to relate this concept to practical efforts of peace-making and reconciliation.<sup>9</sup> The project commenced in the city of Londonderry/Derry in 1987 and has provided a forum for public exhibitions on peace and human rights issues. This is both a problematic and challenging subject given the proximity of the museum to the reality of political conflict in a place which has seen some of the worst violence of 'the troubles' in Northern Ireland. The contemporary nature of the events which the museum exhibits, mean that the Northern Ireland public are encouraged to confront such highly sensitive issues as understanding both 'the victims' and 'the perpetrators' of violence, and how events in the recent past should be fairly presented. Everyone in Northern Ireland has suffered, and one of the museum's strengths has been an ability to encourage empathy with 'opposing sides' in this highly divided society.

Protestants and Catholics have distinct (often contested) views of 'Irish history' with most Protestants espousing 'unionist' or British identity while most Catholics are resolutely 'nationalist' or Irish. Nevertheless, the museum has been able to reach out to both sections of the community and to actively involve them in its programming. It is clearly difficult to exhibit such issues without careful attention to public perceptions. An exhibition on the Protestant Orange Order and the Catholic community's opposition to Orange parades passing through 'nationalist' neighbourhoods, occurred during a period of tense public protests over the issue, but received considerable local support. The photographic montage which formed the basis for this initiative endeavoured to elucidate the issue of the 'right to march' as against 'the rights of neighbouring communities'. Recent exhibitions conducted by the museum have also covered materials on human rights campaigns in Northern Ireland, including those aimed at repeal of emergency laws. It is a tribute to the success of the project that the Irish Peace Museum has been able to attract broad cross-community support for its work, and that its exhibits have objectively explored aspects of the experiences of both sections of the divided community of Northern Ireland.

### **War Remnants Museum in Ho Chi Minh City, Vietnam**

An interesting example, on a different continent, is the War Remnants Museum in Ho Chi Minh City, Vietnam. Previously known as the Museum of American War Crimes, the museum authorities believe that their museum makes a significant contribution to the 'act of remembrance' of the human rights suffering endured by Vietnamese people as a result of the Vietnam War. However, although this facility claims not to incite hatred but to 'remember the suffering of the Vietnamese people', political subjects and violence perpetrated by US forces, predominate. One cannot doubt that the presentation of human rights violations and the struggle for the protection of human rights is a noble feature of such museums,

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<sup>7</sup> TM Duffy, *The Peace Museums of Japan* Museum International, UNESCO, 196, 1997, pp. 49-55.

<sup>8</sup> These developments are examined in greater detail in TM Duffy, *The Making of a Peace Museum Tradition: Case-Studies from Japan and Cambodia*, *Hiroshima Peace Science*, Vol. 21 (1998) pp. 303-335.

<sup>9</sup> *Irish Peace Museum Project*, *Peace Museums Worldwide*, United Nations Publications for Peace, Geneva, 1998, p. 62.

but the subject matter is often cloaked in a rigid view of national history. It is the stated policy of the museum curators to develop their programming to encapsulate wider human rights concerns, and this might, in time, create a broader view of the humanitarian tragedy of war.<sup>10</sup>

### **Guernica Museum in the Basque country**

Another example of a museum whose stated purpose is ‘remembrance’ but which also offers an articulate political statement about the past, is the Guernica Museum in the Basque country. In April 1998 the Guernica Museum opened in Guernica-Lumo.<sup>11</sup> Its main themes are the torturous experience of the Spanish civil war in this region, and the events of 26 April 1937 in which Nazi planes conducted the first saturation bombing of a civilian target by obliterating the Basque city of Guernica. The Guernica Museum exhibits both war-time strife and the civil conflict which split Spain. Significantly, it does not conceal the fervour which still characterises Basque politics today. It is thus an interesting exploration of the divisions which rent Franco’s Spain and an appeal against war. The Guernica museum, like all of these museums discussed above, in unique ways, points to the reality that peace and human rights are often politically-charged concepts.

### **Museums of the ‘humanitarian spirit’**

There is an emerging and wide-ranging category of museums which exhibit what might be termed the ‘humanitarian spirit’. This might be interpreted as including humanitarian or charitable action, protection of advancement of human rights and the like. Such museums present the humanitarian activities of both organisations and individuals, examples of human compassion which are a welcome contrast from the tragedies and conflict exhibited in so many national museums. This developing category of museums includes the Florence Nightingale Museum in London, the International Red Cross Museum in Geneva, the newly renovated Henri Dunant Museum in Heiden, and the many national Red Cross museums, such as Italy’s Museum of the Red Cross in Castiglione. The national Red Cross Societies value the role their museums have in disseminating Red Cross values to the general public, and (in particular) the commitment of the Red Cross movement to the humanitarian conscience.

### **Museums associated with the Red Cross**

The Florence Nightingale Museum houses the belongings of the famous nineteenth century British nurse whose humanitarian efforts at the Battle of Crimea did much to inspire improving medical provision on the battle-field. Exhibits include some of the first nursing uniforms, medical paraphernalia, early principles of humanitarian action and Ms Nightingale’s diaries of the suffering which she witnessed at Crimea. It is a conventional museum of fixed glass-cases and printed materials, but it is an impressive presentation of the humanitarian work of this pioneering Victorian nurse.<sup>12</sup>

In the same vein, but with more modern technology, the International Red Cross Museum in Geneva is an integral part of the programme of dissemination of Red Cross principles by the International Committee of the Red Cross. Through a combination of displays of printed materials, video footage and modern visual technology, this museum makes a significant contribution to the presentation of humanitarian principles. Indeed it is sometimes the more conventional features such as the stacked records of WW1 prisoners of war, that are among the most effective of the museum’s exhibits.<sup>13</sup>

The International Committee of the Red Cross and the world wide Red Cross Federation of Red Cross and Red Crescent Societies, are acutely aware of the potential of this museum in exhibiting the humanitarian essentials of their work. The museum has done much to educate the general public about the humanitarian principles of the Red Cross movement, and has reached a large public audience that could not be attained by academic methods alone. A similar function has been conducted at regional level by the Henri Dunant Museum and by the national Red Cross museums, mentioned above.<sup>14</sup> A

<sup>10</sup> ‘War Remnants Museum, Ho Chi Minh City’, in *Peace Museums Worldwide*, p. 79.

<sup>11</sup> *Illustrated Brochure on the Guernica Museum, Guernica-Lumo*, n.d.

<sup>12</sup> *Explanatory Leaflet on the Florence Nightingale Museum, London*, n.d.

<sup>13</sup> *Guide to the International Red Cross Museum, Geneva, 2001*, pp. 2-3.

<sup>14</sup> *Guide to the Henry Dunant Museum, Geneva*, n.d.

more traditional example of a regional Red Cross museum is that maintained by the Italian Red Cross at Castiglione which is noted for its organisation of a special annual walk between Solferino (site of the famous battlefield which moved Henry Dunant to start the Red Cross movement) and Castiglione.<sup>15</sup>

### **The Nicholas Roerich Museum in New York**

The Nicholas Roerich Museum in New York is another museum that one might generically categorise as a ‘museum of humanitarian impulse’. Deeply concerned with the protection of all aspects of a people’s human rights, Roerich campaigned against the destruction wrought by warfare.<sup>16</sup> Indeed Roerich’s ‘Pact and Banner of Peace through Culture’ was often called the ‘Red Cross of Culture’ because of the protection it offered to peoples and their cultural heritage. The Museum opened after the artist’s death in 1947 to keep alive Roerich’s belief that, ‘where there is peace, there is culture; where there is culture, there is peace’. Another interesting case illustrating the ‘humanitarian spirit’ is the Alabama Room in Geneva where the first International Conference of the Red Cross was held in August 1864. Always associated with the development of the Red Cross movement, this small museum has a developing collection on issues of global human rights.

### **Further museums of ‘humanitarian conscience’**

One would certainly include under the category of museums of ‘humanitarian conscience’, New York’s Museum of Compassion, which celebrates the work of Mother Teresa.<sup>17</sup> Founded in 1990, this museum has done much to illustrate how such facilities can act as effective lobbying organisations for the causes they represent. Far from being a static entity, the Museum of Compassion has made a significant contribution to generating public sympathy for New York’s homeless. Another candidate for incorporation under this category is one of the most popular of the USA’s Presidential Museums. The Woodrow Wilson House in Washington DC, was the home of this internationally respected Nobel Peace Prize winner, and inspirer of the League of Nations. Included in the displays at Woodrow Wilson House are collections of photographic and other materials relating to the former President’s peacemaking activities, and his contribution to the advancement of human rights.<sup>18</sup>

Other presidential museums in the USA and in other countries may also merit inclusion in this group. Interesting examples would include the Carter Presidential Museum in Atlanta (part of the Carter Center complex) which documents President Jimmy Carter’s peace-making activities in the Middle-East and elsewhere.<sup>19</sup> Equally, the Arias Foundation for Peace and Human Progress in San Jose, Costa Rica has assembled a photographic exhibition of the efforts to achieve Central American peace made by former President, Oscar Arias.<sup>20</sup> The Foundation is also establishing a unique Museum for Peace which it is hoped will contribute to peace and democracy in the Central-American region.

### **Museums of Non-Violence**

There are a set of museums one might loosely define as ‘museums of non-violence’, prominent among which are the collection of Gandhi museums dotted across India. These include the National Gandhi Museum in Delhi, the Gandhi Memorial Museum in Madurai and the Gandhi Smarak Sangrahalaya in Ahmedabad. There are at least five operational Gandhi museums in India alone, and there are exhibitions attached to many of the worldwide Gandhi foundations. There are also satellite entities

<sup>15</sup> *International Museum of the Red Cross, Castiglione, in Peace Museums Worldwide, p.39.*

<sup>16</sup> *Guide to the Nicholas Roerich Museum, New York, 2000.*

<sup>17</sup> *‘Museum of Compassion, New York’, in Peace Museums Worldwide, p. 75.*

<sup>18</sup> *Guide to The Woodrow Wilson House, Washington DC, pp. 2-3.*

<sup>19</sup> *Guide to the Carter Presidential Museum, Atlanta, 2002.*

<sup>20</sup> *Documentation of the Arias Foundation for Peace and Human Progress, San Jose, Costa Rica.*

(some of them operated by Gandhi's relatives) in Europe, Australia and the USA. These diverse facilities exhibit various aspects of Gandhi's life and teachings.<sup>21</sup>

The 'non-violence' category also includes museums dedicated to particular non-violent campaigns, such as the National Civil Rights Museum in Memphis, which explores the American Civil Rights movement; and Turin's wide-ranging permanent exhibition, 'Non-violent struggles in the twentieth century'.<sup>22</sup> The latter case documents the struggle for human rights in Europe and elsewhere, and deals particularly comprehensively with the European experience of fascism and national-socialism during the Second World War. Akin to the museum in Turin are the exhibitions relating to the subject of 'conscientious objection', offered by the Franz Jagerstatter House in Brussels. This is a small museum which preserves memorabilia relating to this famous Belgian who was executed in August 1943. Fleeing from the torture of the Nazi government, Jagerstatter made an enormous contribution to the protection of human rights during time of war.

### **Museums of African-American Civil Rights**

In recent years museums of African-American Civil Rights have considerably increased in number. Primary examples can be found in Birmingham, Memphis, and Atlanta; and additional collections include those at the Museum of African American History in Detroit; the Museum of Afro-American History in Boston; The Museum of Slavery in the Atlantic, Maine; and the Slave Voices Library at Duke University. New York's Afro-American Black History Museum offers interactive exhibits on the history of slavery, and on such neglected topics as the Tuskegee Airmen whose service as the first black American combat pilots aroused racist opposition. Among recent exhibits are those on the Black Panther Party, and a section on 'The Million Man March' one of the activities of the controversial Nation of Islam movement which has vigorously opposed racial inequalities in the USA. These diverse museums share the common theme of defining the struggle of African Americans for human rights, through African-American eyes. There are several reasons for their growth, including the continued concern with 'Sankofa' - the African-American search for roots. Apart from exhibits, these museums also have extensive archives of original data.<sup>23</sup>

The Civil Rights era was well documented by the mass media and African-American legislators have offered crucial support for these projects. The vividness of the images of the civil rights crusade along with the international renown of Dr Martin Luther King, has placed the African-American civil rights movement indelibly in the collective psyche of the 40-plus generation. All subsequent movements within the United States (youth, women's, gay and others) as well as many abroad - owe much to the inspiration derived from the civil rights movement. These museums reflect the increasing consciousness of human rights in the USA, and the contribution which African-American insights have made to the broader support for human rights.

### **Exhibiting Human Rights: Creating Human Rights Museums**

All of these varied categories of museum, through their exhibitions and their presentation of human experience, make a significant contribution to the struggle for human rights. From museums 'of remembrance' to museums of the 'humanitarian spirit', to museums of non-violence and to those of African-American civil rights. Moreover, although the struggle for human rights is a predominant theme in many of the museums discussed above, it is encouraging that recent years have seen the emergence of distinct 'museums of human rights' in various parts of the world. The highly innovative World Centre

<sup>21</sup> TM Duffy, 'Gandhi Museums' in *Bulletin of the Gandhi Foundation, London, IV, I, 1999.*

<sup>22</sup> For details of the collections of the National Civil Rights Museum (Lorraine Motel) Memphis see *Peace Museums Worldwide*, p. 73.

<sup>23</sup> Details of collections on the struggle for African-American Civil Rights are included in the USA section of *Peace Museums Worldwide*, pp. 70.76.

for Peace, Freedom and Human Rights opened in Verdun, in France, in 1994, with an imaginative combination of themes of humanitarian action, democracy and justice. The unique Japanese facility, Liberty Osaka, with its focus on civil and human rights has been exhibiting in Osaka, since 1990, and nearby Sakai City opened a Human Rights Museum in 1994. Also in Japan, in 1994, the Kochi Liberty and People's Rights Museum was founded.<sup>24</sup> All of these museums have explored the delicate subject of racial inequality in Japan. It is commendable that these facilities have done so much in encouraging the interest of the Japanese public on this matter.

As we have seen, humanitarian efforts to ameliorate human suffering are exhibited by the Florence Nightingale Museum in London; the International Red Cross Museum in Geneva with its moving scenes of world wide humanitarian assistance; and by national Red Cross museums in many countries. Likewise, New York's Museum of Compassion, has done much to focus attention on the struggle for human rights. Human rights are also a concern of the burgeoning family of peace museums whose collections and exhibitions range across the spectrum of peace, justice and human rights.<sup>25</sup>

### **Conclusion: A New Terrain for Human Rights Educators**

It is apparent that human rights museums and public exhibitions depicting issues of human rights, constitute a new and valuable terrain for human rights educators. In the exhibits of all of these institutions, the personal impact of 'human suffering' is paramount. As Mary Robinson, UN High Commissioner for Human Rights, has recently said in respect of the humanitarian crisis presented by Kosovo, *'Every violence is a personal and family tragedy, regardless of the age, sex or nationality of the victim'*.<sup>26</sup> The museums discussed in this article have the power to articulate a genuine 'human rights culture' and the extension of its protection for everyone. These museums exhibit historical and contemporary situations, often involving gross violations of human rights.

It is very encouraging that there is an emerging group of museums of human rights that might be custodians of what one could term a 'human rights culture'. There is much cause for encouragement as we shift from a culture of war and violence to one of peace. Professor Federico Mayor, former Director-General of UNESCO has said, *'not only is a culture of peace both feasible and indispensable...it is already in progress'*.<sup>27</sup> It is hoped that human rights museums might also contribute to this process. It is certainly the privilege of these museums of 'human suffering' to portray the worst moments in the experiences of peoples in the hope that such exhibiting will contribute to the advancement of human rights across the world. In so doing, such museums may make an important contribution to creating a culture of human rights and peace. As such, they constitute a potentially rich source of epistemological material which is of undoubted value for human rights educators. Such projects offer the potential to appeal to wider sections of society who we may not see in our formal classrooms and who may be moved by our community-based work for human rights.

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<sup>24</sup> *Guide to the Kochi Liberty and People's Rights Museum, Kochi, 2000.*

<sup>25</sup> *For analysis of new peace and human rights museums see TM Duffy (Ed.) Exhibiting Peace (Ritsumeikan University, Kyoto, 1999) 244 pp.*

<sup>26</sup> *Mrs. Mary Robinson, then serving as United Nations High Commissioner for Human Rights, 'Statements Regarding Developments in Kosovo', United Nations Human Rights Website, up-dated August 1999.*

<sup>27</sup> *Federico Mayor, UNESCO and a Culture of Peace: Promoting A Global Movement, (UNESCO, Paris, 1995) p 5.*

## THE RIGHTS OF THE CHILD: A KEY TO HUMAN RIGHTS EDUCATION

K. Peter Fritzsche

*"If one day UNESCO resolved to involve children in the reconstruction of the world and building peace, if it chose to call on them, to discuss with them, and recognize the value of all the revelations they have for us, it would find them of immense help in infusing new life into this society which must be founded on the cooperation of all."*

Maria Montessori, Fourth session of the General Conference of UNESCO, Florence, 1950

Children are the first subjects of human rights and they are the first target group of human rights education. What could be more appropriate for the purpose of Human Rights Education than children's rights themselves. The Convention on the Rights of the Child (1989) is increasingly becoming a point of reference and a key document for Human Rights Education. A child is no longer seen as an object of welfare in the Convention, but as a subject of human rights and these human rights are presented as indivisible. Particularly challenging, therefore is the coexistence of

- survival rights
- protection rights
- development rights
- participation rights.

The right to education is of special interest for Human Rights Education. Article 29 offers a kind of summary of the right to education and the right to Human Rights Education:

*States Parties agree that the education of the child shall be directed to:*

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
- (e) The development of respect for the natural environment.*

Only when children already can develop an awareness of their rights, they can practice their human rights as adults. Only when children already can experience that their freedoms and rights end, where the rights of others begin, will they not misunderstand their rights as privileges when they are adults. Only when children already can experience that Ali and Shula look different, but are equal in dignity and rights like Julia and Markus, then they will be able to practice recognition and tolerance as adults. Children's rights education will pave the way to the message of human rights education: First, get to know and defend your human rights! Second, do respect the same rights of others! Third, defend the rights of others according to your possibilities. Human Rights Education can develop its power of prevention against discrimination and racism only under the condition of an early learning of human rights.

Children's rights make it possible to build bridges to those children whose rights are violated by war, violence, prostitution and exploitation. At the same time those violations stress how different and unequal the living conditions of children are worldwide. Children are the most vulnerable group of all, however there are very different grades of being exposed to such vulnerability depending on where they live and whether they are a boy or a girl.

The UN Special Session on Children 2002 „A World Fit for Children“ provides a good opportunity for discussions with children about human rights. Based on the action plan of the first World Summit for children which contained a clear program of 10 points referring to health, food and education, it is possible to discuss questions like: What went well in the last decade? What did not go well in the last decade? Why did it not go well? In the web you can find even a child-friendly report on progress and failures in this regard:

[http://www.unicef.org/specialsession/docs\\_new/documents/child\\_friendly\\_sgreport\\_summary.pdf](http://www.unicef.org/specialsession/docs_new/documents/child_friendly_sgreport_summary.pdf).

The first-ever participation of children at the World Summit is a good example for making real participation an issue. What kind of competencies have to be learnt in order to be able to participate in the process of decision making? The German child-orientated NGO “Kindernothilfe” has developed criteria for such competencies so that the participation of children at conferences do not only turn into an symbolic event.

The participation rights are of high concern and they belong to the ensemble of indivisible rights of the Convention. We have to pay attention so that not only the highly emotional violations of the survival and protection rights, such as child soldiers and child trafficking, become a topic within Human Rights Education, but also that participation rights and their implementation is part of Human Rights Education as well.

A wide range of actors and partners are called upon to play active roles, including children themselves; parents, families and other caregivers; local governments; parliamentarians; NGOs and the National Coalitions; the private sector; religious and cultural leaders; the mass media.

The media plays an important role with respect to the evolution and promotion of human rights awareness. As a medium that is especially appealing to children, the Internet has the ability to provide an effective means by which children are able to receive information and educational material and to communicate with other children, with NGOs and with human rights defenders worldwide.

The efforts for children's rights education should be developed within the framework of the International Decade for a Culture of Peace and Non-violence for the Children of the World (2001-2010) (<http://www3.unesco.org/iycp>). The International Decade's mandate stresses the principles of non-violence and focuses increasingly upon the plight of millions of children worldwide, and the need to create and implement non-violent strategies to alleviate that plight. In order to facilitate the Decade, children must be provided with the ability and opportunity to participate and to centre activities around their own needs and rights. Placing children at the centre of the decade recalls the constitutional mandate of UNESCO which is: to suggest "educational methods best suited to prepare the children of the world for the responsibility of freedom." (<http://www.crnhq.org/IDCP.html>).

**The Danish Institute for Human Rights' Universities and Research Institutions (DIHR)  
- Effective partner of the UNESCO Chairs -**

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Lone LINDHOLT

**DIHR VISION**

In the light of the positive experience of the pilot phase in 2002-2003, this programme area is currently under further consolidation, based on the unique combination of capacity building in development contexts and academic stature which DIHR can offer. The aim of the programme area is to enhance the capacity and networking of universities and research institutions within the field of human rights, by engaging in an academically based exchange of experience and academic work with these institutions.

Intervention in this area is motivated on the assumption that in order to permeate societies with human rights awareness at all levels, a sufficient number of graduate and post-graduate candidates must possess skills and in-depth knowledge of human rights. Move further on to the public and private sector, they serve in their professional

capacity as focal points and resource bases for the mainstreaming of human rights, a process from which all members of society, including the most vulnerable groups, ultimately benefit.

Research and analysis includes the development of research methodologies and tools for monitoring, evaluation and assessment, documentation and application of these, as well as exchange, coaching and supervision of researchers and students. Other forms of academic cooperation includes the establishment of BA and Master programmes and courses, strengthening of national, regional and international networking between researchers and institutions, exchange programmes, curriculum development, mechanisms for disseminating research results such as academic journals and other publications, hosting of joint seminars, and ensuring the availability of appropriate collections of academic literature.

**Support to individual partner institutions**

Master programmes are supported by offering grants to students, by developing curriculum as well as by offering external guest lecturers. Furthermore, cooperation agreements include strengthening the institutional capacity of the partner institutions by providing assistance to administration and documentation units and publications.

- UNESCO Chair in Human Rights and Democratisation, Cotonou, Benin. Emphasis on grants to students, documentation capacity, exchange of lecturers, training courses and regional seminars
- EU-funded Master's of Law and Scholarship Programme in Human Rights, University of Hong Kong (2000-2003), extension until September 2004 with more in-depth cooperation
- Master's of Arts in Human Rights Programme, Makerere University, Uganda. Support in curriculum and skills development as well as capacity building (2001-2003).

**National and regional interventions**

- Haki Afrika, The Association of University Teachers of Human Rights in the Great Lakes Region. Strengthening of cooperation, networking and exchange in human rights education among university faculties, including Makerere (Uganda), Dar es Salaam (Tanzania) and Nairobi (Kenya) as well as Malawi and Rwanda (2002-2003). Continuation of the activities and further consolidation of Haki Afrika is envisaged as of 1 January 2004 (Phase III)
- Cooperation with universities in Francophone West Africa (UNESCO Chair in Cotonou, Benin), and Faculties of Economics and Law, Niamey (Niger), strengthening of cooperation, networking and exchange in the field of human rights education and research (2004-2007)
- Various activities under the DIHR Human Rights in China Programme, Phase III, and application for funding submitted to the Danish Ministry of Foreign Affairs (2004-2007).

**Strategic collaboration**

- Exploration of further collaboration for an expansion and consolidation of the programme area i.e. consultancies and co-funding opportunities.

## **PROJECTS FUNDED BY DANIDA**

### **Support to UNESCO Chair, Benin**

Partner: Chaire UNESCO des droits de la personne et de la démocratie, Faculté de Droit et de Sciences Politiques, Université d'Abomey-Calavié

The UNESCO Chair was established in 1998 with the declared purpose of strengthening the development of democracy and the respect of the rule of law in West Africa through research, education and training in human rights and democracy. Based on very positive recommendations of a reappraisal mission in 2000, project cooperation was initiated in the autumn of 2000. Phase I and II were designed mainly to establish a relationship with and get to know the capacities of the partner institution. Hence the activities consisted primarily of scholarships to master students in the human rights programme run by the Chair, and strengthening of its documentation unit. The third phase of the project cooperation was launched in July 2002 with focus on cooperation in relation to specific activities conducted by the Chair, such as providing various assistance to regional human rights training seminars, research conferences, and further institutional capacity building of the Chair. In line with the former phases of the project, the objective of the third phase is to strengthen the human rights environment in Benin and West Africa by supporting the UNESCO Chair in its efforts to function as a national and regional resource in relation to documentation and education in the field of human rights.

Activities have included institutional support by strengthening the documentation and administration units through supply of equipment and staff training, financial support to publications relating to the work of the Chair, academic assistance and financial support in relation to regional training courses in human rights and meeting of regional network.

As of 1 January 2004 the cooperation with the UNESCO in Benin will be followed up under a new regional and thematically focused project "University Cooperation, West Africa". DIHR has supported university faculties engaged in human rights research, education and training in Benin and Niger, and based on these experiences it is assessed that there is a strong need and interest to strengthen the regional cooperation and network activities in the field of human rights education and research. Although human rights education is offered in many universities in the region, opportunities in terms of research facilities and staff development are limited. At the same time, the West African sub-region has experienced some serious setbacks in the past years, which are a reminder of the need to address the underlying causes of the regional crisis.

### **Support to the Master's of Arts in Human Rights Programme at Makerere University, Uganda**

Partner: The Master of Arts in Human Rights Programme, Department of Philosophy, Makerere University, Kampala

In the course of its longstanding commitment to address the human rights situation in Uganda, DIHR has been in continuous dialogue with the Makerere University. As a result hereof, DIHR became involved from an early stage in the establishment of the Master of Arts in Human Rights Programme, run by the Department of Philosophy. Discussions on support were held in 2000 and in early 2001, resulting in signing a partnership agreement, March 2001. The Master of Arts in Human Rights Programme at the Makerere University in Kampala was established in 1999. Its aim is to provide specialised knowledge of human rights and to develop analytical, research and practical skills and capacity to contribute to the protection and promotion of human rights in the wider society. The approach of the programme is interdisciplinary. The objective is to strengthen the Programme through capacity building and by providing academic assistance in various forms.

Assistance from DIHR has taken the form of technical advisory services, such as curriculum development, faculty and skills training, grading of Master's of thesis, and for DIHR staff to serve as External Examiners. The project also includes a small financial support for technical equipment and documentation materials.

In addition, in December 2002 DIHR appointed a local consultant to compile a reader in human rights to be used for the teaching in the MA programme and to be distributed to the first year students free of charge.

Furthermore, as of 2002, steps have been taken to ensure linking with other DIHR university co-operation activities, including the Research Partnership Programme, Human Rights in Development and other cross-cutting initiatives.

Likewise support funded under this project has been complemented by invitations to take part in the bi-annual human rights courses organised by DIHR in Copenhagen.

Finally, in light of the transformation of programme activity from mere capacity building to research-based exchange and cooperation, the project plays a key role in the building up of a closer network of cooperation and exchange between university faculties in the Great Lakes and East African region.

### **Strengthening university education in human rights in East Africa and the Great Lakes region**

**Partner:** Haki Afrika, Association of University Teachers in the Great Lakes Region c/o Human Rights and Peace Centre (HURIPEC), Faculty of Law, Makerere University, Uganda

In 2001, a brief pre-appraisal mission was undertaken by DIHR, consisting of discussions with the faculties of arts, political science and law in the universities in Kampala, Nairobi and Dar es Salaam. The mission identified the existence of many activities, but also a need for cooperation. This led to the organisation of an exploratory workshop in Entebbe, Uganda, in November 2002, bringing together key resource persons from all of the interested faculties to discuss future co-operation. The workshop was followed up by a meeting in Dar es Salaam in December 2002, which resulted in the establishment of the Haki Afrika, a regional network for the promotion of post-graduate university human rights education in the East African and Great Lakes region. The second phase of the project was launched in May 2003 marking the beginning of a partnership relation with the Haki Afrika. The objective of this phase is to enhance and expand the network of university faculties engaged in human rights education in the East Africa and Great Lakes regions to become a sustainable platform for the consolidation of university teaching and research in human rights.

The project has contributed to building up the institutional capacity of the Haki Afrika association through the appointment of a project manager and support to the administration unit. In addition assistance from DIHR aims at reinforcing the core activities of the university faculties involved in the network through support in four main areas:

- o Human resource: organisation of seminars for the partner institutions, including training of trainers; linkages with other institutions for exchanging information and expertise
- o Curriculum development: creation of a forum for discussions in seminars to strengthen the process of harmonisation of curricula. This will facilitate exchange of students, lecturers and materials to enrich the content of human rights education in the universities of the region.
- o Funding: exchange of ideas and experiences in relation to funding in order to secure a better exploitation of available resources and ability to find new funding opportunities
- o Facilities: enhancing the access to information and expertise by developing a website for the network as well as common education materials and research publications

The present cooperation with Haki Afrika is expected to continue with the purpose of further strengthening the sustainability of the network of university teachers of human rights in the East Africa and the Great Lakes region in order to consolidate human rights education, research and documentation. Phase I and II were designed mainly to identify the needs in areas relating to human rights education at university level and to establish and enhance a regional network addressing common problems. It is anticipated that Phase III will consolidate the capacity of the Haki Afrika association to develop and carry out its goals including exchange of human resources and teaching materials, enhancing the capacity of academic staff and researchers in the region as well as developing links to likeminded institutions in the region and beyond. Thereby it will contribute to a more effective utilisation of resources and fulfilment of the potential in the field of human rights education for university students.

## EU FUNDED MASTER OF LAW IN HUMAN RIGHTS PROGRAMME

Partner: The Master of Laws programme in Human Rights, University of Hong Kong

In 2000 The Faculty of Law of the University of Hong Kong established a new Master of Laws programme in Human Rights and is in the phase of further consolidating this specialised one-year programme (starting in September and ending in June) by the assistance of the DIHR. The programme focuses on problems and perspectives that are of particular concern to the Asian region, while at the same time exposing participants to universal human rights issues and the perspectives of other regional systems. The programme has now run successfully for 3 consecutive academic years from 2000 to 2003, and is considered well established, although under constant development to draw on the experience achieved so far. The varied backgrounds and areas of expertise of the participating teachers will strengthen the multi-disciplinary nature of the programme.

The DIHR monitors the project in terms of planning, implementation, reporting of activities and funding, and maintains a close communication with the programme direction. This included several visits by DIHR coordinators to HKU for in-depth discussions and exchanges with the staff, and has enabled the detailed budget revision. In addition, some experienced DIHR researchers visited the master's programme and offered short-term courses or guest lecturing. Secondly, the visits have provided an opportunity for DIHR and UHK to compare, discuss and review the European and Hong Kong masters experiences to develop and adjust the programmes in the future. Furthermore, through its extensive network of partners in the region, the DIHR is able to assist the Programme in reaching out to potential candidates, and has focussed in particular on creating links between Chinese institutions and the programme. This has resulted in an increase of the number of such applicants, thus fulfilling the objective of the co-operation.

The programme is the only specialised one-year Master of Laws programme in human rights offered in the Asian region. While there are a number of similar postgraduate programmes offered by European and North American institutions, as well as in Africa, none of these purport to offer a course on problems and perspectives

that are of particular concern to the Asian region, while at the same time exposing participants to universal human rights issues and the perspectives of other regional systems.

Hence, the programme seeks to attract a cross-section of participants from countries around the region, with a particular emphasis on those who are likely to make a significant contribution to the implementation of human rights standards in their countries.

It was initially assessed and confirmed, that such a programme is highly needed and would meet a demand in the Asian region. In recent years, theory and practice of human rights have been hotly debated within Asian states. Asian states have increasingly ratified international human rights instruments, pursuant to which they have accepted obligations to implement the applicable international standards in national law and practice. The establishment of national human rights institutions has also been an important and wide-spread phenomenon in the region. Thus, human rights issues are becoming increasingly relevant in the context of Asia's regional associations and arrangements. The question of Asian values and perspectives on human rights forms a critical focus of discussion in Asia and in relations of many Asian states with states in other regions.

These developments have increased the need for knowledge and expertise in the field of human rights. Groups that would benefit from advanced study in this field include: government officials responsible for preparing reports to international bodies and for ensuring that international obligations are implemented; judges and lawyers who may be called on to apply these standards in their everyday work; non-governmental organisations; and teachers and scholars in universities and other institutions of learning.

The programme has already shown that it is fulfilling an important function, and its graduates are well received in the human rights and legal communities in the region as well as internationally. At the same time, they also reflect that the programme has continued to improve and develop, in targeting more particularly the applicants' needs.

## **L' Education aux Droits de l'Homme.**

### **Moyen de Lutte et de Libération des Peuples Indigènes en Amérique Latine.**

#### **Une activité des Chaires UNESCO de droits de l'homme et de la paix**

Gloria RAMIREZ

*“... tous les peuples indigènes sont libres et égaux en dignité et en droits à tous les peuples selon des standards internationaux, et reconnaissant le droit de tous les individus et peuples à être différents, à se considérer soi-même différents, et à être respectés en tant que tels.”*

*Préambule du Projet de la Déclaration Universelle sur les Droits des Peuples Indigènes.*

En Amérique Latine, la construction de l'état national postulant l'égalité des citoyens face à la loi, renie dans ses principes, la diversité culturelle des populations indigènes. C'est précisément 500 ans depuis la colonisation espagnole, (1492-1992) période connue par les indigènes comme *de lutte et résistance indienne*, que les droits des peuples indigènes commencent à se reconnaître et à se faire entendre dans cette région.

En effet, lors de la commémoration des 500 ans de la (mal) dénommée “Conquête”, est l'occasion pour que les gouvernements latino-américains revoient leurs engagements nationaux et internationaux par rapport à la reconnaissance des droits des peuples indigènes. Au cours de la décennie des années 80 et au début des années 90, des progrès importants sont réalisés dans le domaine législatif, en particulier pour ce qui a trait à la reconnaissance de la pluralité ethnique. Ces réformes ouvriront de nouveaux espaces politiques et de participation pour les indigènes.

Il est utile de préciser que durant les 500 ans de domination et d'oppression, les Indigènes ne cessèrent jamais de présenter leurs revendications. A certaines occasions, leurs formes de résistance ont été passives et leurs réclamations immédiates. Les Indiens ont présenté des revendications concrètes sur un grand nombre de sujets tels que : leurs terres, le respect de leurs coutumes, un bon traitement dans le travail, les prix justes pour leurs récoltes et leur main d'oeuvre, etc.

Il s'agissait de revendications pragmatiques, directes, particulières à chaque communauté, présentées de diverses manières, selon la situation de chaque peuple et les circonstances de chaque époque. Les réclamations ont toujours été présentes et elles continueront de l'être car réclamer est la façon d'assurer ses intérêts face à l'exploitation et l'abus.

En effet, pendant les vingt dernières années du XX siècle et grâce aux luttes des indigènes, les peuples indigènes commencent à sortir de l'invisibilité où ils étaient cantonnés depuis des années. Actuellement ils deviennent dans la scène sociale en force.

“L'indigénisme en tant que stratégie d'Etat pour ordonner sa relation avec les peuples indigènes apparaît il y a un demi-siècle comme une tâche unilatérale (à partir de l'Etat), unidirectionnel (vers les Indiens) et à but unique (incorporation à

la Nation), qui cherche à substituer des traits culturels des communautés indigènes par ceux qui sont considérés courants et constitutifs de la nationalité, et opère par le biais de la castillanisation, l'éducation scolarisée, la généralisation de l'agriculture et de la manufacture intensives et commerciales, la dotation de services et l'incorporation sur le marché interne"<sup>1</sup>.

Au Mexique à la fin du IXe Siècle et au début du XXe, l'assimilation des peuples indigènes au projet de nation représente une politique généralisée: Assimilation et intégration dans le but de bâtir nations homogènes pour "le salut et la sauvegarde" des groupes indigènes. L'idée principale soumise aux peuples indigènes est que "nous devons tous être égaux afin d'atteindre l'unité nationale, le progrès et le développement". Au nom de cette idée, ont été commis des génocides de peuples entiers.

La pratique de l'indigénisme officiel commence au cours de la décennie des années quarante. La politique de l'éducation (castillanisation) sera une de ses bases. Lors du Premier Congrès Indigéniste qui s'est déroulé à Pátzcuaro, dans l'Etat de Michoacán en 1940, les débats ont porté sur les mécanismes d'intégration de ces populations dans la vie nationale et le fait de "faciliter" leur développement économique. Dans ce but, ont été mis sur pied les premiers Instituts Indigénistes ainsi que l'idée d'utiliser l'espagnol comme langue nationale. Il s'agit là de la destruction de la culture indigène, de la négation de la pluralité ethnique. Pour certains auteurs, cette étape est considérée comme une étape ethnocide.

Ce n'est que dans les années 70, lors du Cinquième Congrès Indigéniste, que commencent à participer des représentants indigènes. "On n'essaie plus de détruire physiquement l'indigène, de le tuer comme une norme (en tant que politique explicite), on n'utilise plus non plus de méthodes ethnocides comme politique fondamentale, bien que l'on continue à en détruire la culture sans l'application de projets de castillanisation, mais plutôt des projets bilingues -biculturels", signale Díaz Polanco. Pour cet auteur, cette étape est considérée comme un "empoisonnement", où il s'agit de manger la culture de l'autre, même par la reconnaissance (formelle) des Indigènes et de la pluralité.

De là que pour d'autres auteurs, "l'indigénisme est actuellement devenu unilatéral (comme une relation interactive), pluridirectionnel (avec des politiques et des acteurs différenciés) et à buts multiples. L'idée de renforcer les capacités culturelles des Indigènes plutôt que de les substituer, le développement de programmes d'éducation bilingue et biculturelle, la tolérance des pratiques médicales traditionnelles, la recherche d'alternatives pour la production agricole et artisanale tendent à remplacer les vieilles stratégies gouvernementales. Dans certains pays d'Amérique latine, cette nouvelle perspective rejoint la protection des droits de l'homme, l'établissement de programmes de type légal et la création de mécanismes de financement de développement indigène"<sup>2</sup>.

En 1980, au Mexique, lors du Huitième Congrès Indigéniste qui a eu lieu à Mérida, dans l'Etat du Yucatan, se déroule parallèlement le Forum des Peuples Indiens. Les conclusions de ce Forum eurent une répercussion sur le mouvement des peuples indigènes, lequel commence à se manifester avec force. Les gouvernements commencent à prendre conscience du problème "ethnico-national" et appli-

<sup>1</sup> Iturralde Diego, "Desarrollo indigena, retos del final de siglo" dans Magdalena Gómez, Derecho indigena, Instituto Nacional Indigenista, 1977, México, p. 392

<sup>2</sup> Ibidem. p. 394

quent certaines réformes légales favorisant quelques-uns des droits des peuples indigènes.

Réclamations isolées et hétérogènes reflétant l'existence, au Mexique, de 56 groupes indigènes avec 56 langues différentes et des variantes dialectales. La variation entre le nombre de personnes parlant les langues enregistrées dans le pays, lors du Recensement de 1980, est extrême : depuis le nahuatl, avec 1 400 000 personnes qui le parlent (26,5 du total des langues indigènes), jusqu'au papago, avec 236 000 personnes parlant cette dernière langue. Il existe environ 19 langues, parmi celles enregistrées au cours du Recensement de 1980, parlées par plus de 50 000 personnes<sup>3</sup>.

Il faut remarquer qu'au-delà des revendications particulières et concrètes, des réclamations générales ont été faites, communes à plusieurs communautés : l'exploitation et la discrimination dont les Indigènes sont l'objet, les mauvais traitements, les conflits concernant la terre, etc. Ce sont des réclamations qui les unissent et qui sont l'origine de mobilisations par rapport à un problème prioritaire comme le sont la lutte pour la terre, la reconnaissance de leur culture et le respect de leurs traditions, l'attention des gouvernements quant aux conflits qu'ils peuvent avoir avec les pouvoirs locaux, la répression et l'abus de la part de personnages influents ou d'autorités, etc.

Au travers de ces réclamations et des actions entreprises, les peuples indigènes se consolident progressivement en tant que collectifs autour de la revendication de leurs droits. Leurs réclamations s'articulent et s'accroissent, se formant ainsi un certain pouvoir de concrétisation ou de négociation qui donne force au mouvement.

Diego Iturralde nous signale qu'aujourd'hui les peuples indigènes réclament un ensemble de droits fondamentaux qui aspirent à des acquis et pouvant se résumer de la façon suivante :

- Reconnaissance constitutionnelle de l'existence des peuples indigènes en tant que sujets spécifiques à l'intérieur de la Nation et des droits qui leur correspondent en tant que peuples.
- Droit de disposer des ressources matérielles et culturelles nécessaires pour leur reproduction et leur croissance, principalement de leurs terres et de leurs territoires.
- Droit à l'auto développement matériel et social ainsi qu'à leur pleine participation au développement et au destin de la Nation.
- Droit à l'exercice des identités indigènes, au développement, à la croissance et à la transformation de leurs cultures et à la participation de celles-ci dans la configuration d'un être national pluriculturel.
- Etablissement des conditions juridiques et politiques qui rendent possibles et sûrs l'exercice et l'accroissement des droits ci-dessus signalés, du côté institutionnel des Etats, en particulier celles qui garantissent l'exercice de l'autorité depuis le niveau local et les formes propres d'organisation, ainsi que l'établissement de formes adéquates d'administration de justice et de résolution de différends<sup>4</sup>.

## ORGANISATION, EDUCATION ET LUTTES INDIGENES

<sup>3</sup> Instituto Nacional Indigenista. PROGRAMME NATIONAL DE DEVELOPPEMENT DES PEUPLES INDIGENES 1991-1994

<sup>4</sup> Ibidem

Aujourd'hui en Amérique Latine, quand les communautés et les peuples s'unissent et s'organisent au niveau local et régional, leurs réclamations deviennent de véritables plates-formes de lutte, qui expriment les desiderata particuliers et concrets de leurs peuples. La bataille pour leurs droits se convertit en un programme d'actions partagées avec la société civile, lesquelles se manifestent dans divers processus d'organisation vers des actions diverses. La suite du conflit de Chiapas montre dans ce sens, un exemple de ces articulations et un résultat de ces actions

Sur ce long chemin des revendications immédiates jusqu'à la lutte pour les droits, beaucoup de choses sont en train de changer : des démarches individuelles jusqu'aux négociations collectives, de l'affrontement inégal avec les personnalités influentes, les patrons, les autorités locales jusqu'à la discussion avec des autorités nationales et internationales et niveau et forme du débat avec les institutions de l'Etat, - changements depuis les actions isolées de protestation et de résistance jusqu'à la mobilisation massive et les alliances avec d'autres secteurs de travailleurs pauvres et opprimés, changements également depuis l'application de la loi d'autrui jusqu'à l'exigence d'un droit propre. Tout ceci marque, depuis quelques années, l'apparition d'un grand mouvement d'organisation des Indigènes et de revendication de leurs droits. Cette organisation acquiert actuellement un nouveau profil et un nouveau rôle dans la scène politique et sociale.

Les peuples indigènes ont intégré, dans leur organisation et leurs luttes traditionnelles, de nouvelles formes d'organisation du non Indigène, formes qui demandent un degré de formation plus élevé vis-à-vis des droits et de la manière de les défendre dans le monde non indigène.

Dans ce nouveau profil, les peuples indigènes participent chaque fois plus dans des organisations ou des regroupements indigènes et, quelquefois, créent des associations (ONG), comités ou groupes, même des réseaux qui s'organisent pour la défense de leurs droits.

Certaines communautés indigènes ont découvert les avantages d'une collaboration étroite et sans intermédiaires avec d'autres forces et d'autres organisations de la société civile métisse, dans le cadre d'un respect mutuel.

Chaque jour, plusieurs groupes s'organisent en postulant des actions propres en faveur de leur développement et leur survivance. Ceci impliquera également l'émergence de nouveaux besoins de formation pour les dirigeants et les promoteurs dans la communauté. La nécessité de former des cadres se fait jour. Les représentants indigènes devront servir d'interlocuteurs efficaces parmi leurs communautés, le gouvernement et les diverses institutions.

En ce sens, la connaissance, la promotion et la défense des droits de l'Homme ainsi que de ceux des peuples indigènes, par le biais de l'éducation, s'impose comme une stratégie partant des propres organisations indigènes que ces dernières doivent appliquer de façon active, étant donné que, il y a peu de temps, c'est la société dominante qui prenait les décisions se rapportant aux peuples indigènes. Il est aujourd'hui incontestable que les peuples eux-mêmes, et seulement eux, qui doivent mener les rênes de leur destin.

Leur participation dépendra, entre autres facteurs, du profil de leurs leaders et du degré d'organisation dont ils disposeront dans le but d'exiger et de développer leurs propres revendications et de coordonner, concerter et négocier avec les instances et les autorités publiques et privées.

A ce jour, les organisations indigènes continuent de revendiquer leurs droits pour lesquels ils exigent le respect. Cependant, leur perspective s'est accrue vers la collaboration avec d'autres forces et d'autres secteurs de la société. En ce sens, ils ont intégré leurs réclamations dans le cadre de la lutte pour la défense et la promotion de leurs droits humains. D'une part, l'extension d'organisations non gouvernementales de groupes métis appuyant la défense des droits des peuples indigènes a favorisé une relation et une collaboration étroite entre ces groupes et les communautés indigènes dans un cadre d'appui et de respect mutuel. D'autre part, cette même collaboration a permis la création de groupes et d'organisations indigènes qui se constituent pour une meilleure défense de leurs droits, ceci sans préjudice de leurs propres organisations traditionnelles.

Or, comment appuyer l'organisation des groupes indigènes et en même temps respecter leurs organisations traditionnelles ? Les nouvelles formes d'organisation n'impliquent-elles pas de tomber dans un domaine du droit positif au détriment de l'organisation traditionnelle ? Comment concilier une vision occidentale des droits de l'Homme avec une cosmovision indigène de la vie et de la personne, sans tomber dans de faux relativismes ? L'universalité des droits de l'Homme nous permettra-t-elle de nous introduire dans un débat de fond sur certaines pratiques indigènes violant les droits fondamentaux, du point de vue de la conception occidentale ? Peuvent-ils réellement arriver à se reconnaître et rendre effectifs leurs droits collectifs de peuples indigènes dans la société capitaliste, dont le credo libéral et individualiste exclut des conceptions qui leur sont opposées ? Ces questions font partie d'un débat interdisciplinaire actualisé, qui surgit dans l'actualité et qui est loin d'aboutir à une conclusion.

Les groupes indigènes s'organisent pour la défense de leurs droits face à un monde non indigène mais, en outre, ils sont inscrits dans une nouvelle réalité sociale et politique et dans un nouveau rôle de la société civile de laquelle ils font partie. Leurs relations avec la solidarité internationale, avec d'autres groupes vulnérables du pays, avec des groupes et des organisations indigènes d'autres lieux et d'autres pays, avec des fondations et des institutions financières, les poussent à acquérir des formes d'organisation leur permettant de négocier, concerter, faire pression et/ou d'établir des collaborations concrètes entre des autorités et des institutions (nationales, locales et internationales) et les communautés.

### **EDUQUER EN DROITS DE L'HOMME, UNE RECLAMATION INDIGENE.**

Face au nouveau profil des peuples indigènes et devant cette prise de conscience sur la défense et la promotion des droits de l'homme, surgit la nécessité de promouvoir des projets autogestionnaires, de créer des espaces autonomes et de sauvegarder l'environnement, aspects qui se traduisent au niveau national et international, dans le but de favoriser le développement soutenable. Réclamation ancienne qui correspond aux intérêts et aux revendications formulés par les peuples indigènes, en particulier, dans le but d'éviter des interventions de type paternaliste, ou politiques contraires aux intérêts et aux besoins des indigènes.

C'est dans ce cadre que doivent s'inscrire les pratiques de formation dirigées à des groupes indigènes, formation qui doit se décider au sein de la communauté, depuis la communauté et par la communauté, ceci en fonction des priorités et des besoins définis par les peuples eux-mêmes.

La tâche de promouvoir et de défendre les droits de l'homme et de renforcer leurs communautés et organisations, implique de résoudre le problème de formation de

*leaders* indigènes, « dirigeantes » et « dirigentas » celles dernières sont à la tête de nombreux mouvements en Amérique Latine. Cet aspect revêt aujourd'hui une grande importance.

Le rôle du leader et l'impact de ses actions se manifeste dans et en dehors de la communauté. A l'intérieur, au travers d'actions de sensibilisation et de diffusion des droits indigènes, et à l'extérieur au travers d'une meilleure défense d'eux-mêmes et de l'obtention de meilleures conditions favorisant le développement des peuples.

Pour cette raison, la formation en droits de l'homme est une réclamation des peuples indigènes. Les peuples requièrent en permanence de cadres dirigeants et de promoteurs qui préparent les nouvelles générations. En effet, les communautés nécessitent de disposer de membres formés à la négociation de leurs réclamations et pour lutter.

Pour les indigènes comme pour les métis, l'éducation aux droits de l'homme n'est pas donnée sur les bancs de l'école. Les Organisations Non Gouvernementales (ONG) sont les premières instances qui développent une formation systématisée sur ce sujet en faveur des groupes indigènes. Plus tard, les institutions académiques favoriseront également cette. Dans certains cas, ces institutions participent également avec des ONG dans le développement des projets de formation.

Les chaires UNESCO des droits de l'homme et de la paix ont dans ce sens, une tâche prioritaire d'attention.

Cette tâche part, en premier lieu, du besoin urgent de faire connaître aux communautés indigènes quels sont leurs droits et comment les défendre. Il ne faut pas oublier que, dans le pays, le groupe le plus vulnérable de la société est formé par les indigènes et les paysans et, parmi eux, les femmes et les enfants indigènes sont "les plus vulnérables d'entre tous". Victimes ancestrales, les peuples indigènes ont connu le génocide, l'ethnocide, l'assimilation et l'intégration forcée, ainsi que la violation de leurs droits collectifs et individuels.

Dans le but de sensibiliser les communautés indigènes sur la connaissance de leurs droits et de leur donner les outils de base pour les défendre, diverses ONG organisent des cours directement dans les communautés du pays. A ce jour, certaines organisations préparent même des formateurs de formateurs en droits de l'homme afin que cette oeuvre puisse se multiplier et que les Indigènes eux-mêmes puissent être les promoteurs de cette formation. Avec l'effort de nouvelles organisations indigènes, cette activité s'est étendue.

On observe ainsi le besoin de favoriser la formation et la professionnalisation de cadres ou de représentants indigènes, dans le but que ces derniers puissent concevoir leurs propres projets dans le domaine de leurs droits collectifs et individuels et être ainsi formés pour établir un dialogue et des négociations avec des agences gouvernementales ou autres sur un plan d'égalité.

Dans cette optique, plusieurs ONG, indigènes ou non, développent différents programmes de recherche et de formation dirigés à la population indigène : cours, ateliers de formation pour des représentants indigènes, dont le but est de contribuer à améliorer la formation des organisations indigènes afin d'assumer la promotion et la défense des droits collectifs des peuples qui les constituent, au sein de la doctrine et de la pratique des droits de l'homme et des droits des peuples.

En ce sens, cette formation pourrait comprendre les objectifs suivants :

1. Familiariser les participants sur les principes, les concepts et les procédures fondamentales dans la défense et la promotion des droits de l'homme et des droits de peuples, ainsi que les mécanismes de leur efficacité.
2. Contribuer au renforcement des organisations indigènes au travers de la formation de leurs représentants et leurs cadres, dans le but de promouvoir le respect et la défense des peuples indigènes.
3. Former les représentants indigènes pour servir d'interlocuteurs efficaces.
4. Analyser de façon comparative et critique les législations nationales par rapport à la problématique affectant ces peuples.
5. Echanger des expériences en matière de promotion et de défense des droits des peuples indigènes, de formes d'organisation et de lutte ainsi que de services et d'assistance juridique.
6. Connaître et maîtriser les concepts de négociation, résolution des conflits, médiations.
7. Maîtriser les instruments et les organes internationaux du droit international des droits de l'homme et des droits des peuples.

La conception méthodologique de ces cours doit prendre en considération, outre les objectifs, les contenus et méthodologies de mise en oeuvre du cours. Durant la formation donnée aux représentants indigènes, on pourrait, entre autres, considérer les aspects suivants par rapport aux contenus :

- a) Droits des ethnies et droits de l'homme : comment se dessine le domaine des droits des peuples comme un champ spécifique par rapport aux faits historiques et collectifs des peuples indiens en Amérique Latine.
- b) Réclamations territoriales, droits politiques et démocratie ; reconnaissance du caractère de sujet social et politique des peuples et des communautés, des droits politiques qu'ils ont, en tant que collectivités, au sein de l'Etat et ; conditions juridiques sous lesquelles ils pourraient être garantis ; autonomie et unité de la Nation.
- c) Droits culturels et développement ; la récupération du mot (langue, communication, éducation), de l'histoire propre (patrimoine culturel, tradition orale), des connaissances et des techniques (médecine, religion, ethnobotanique, technologie), des espaces sociaux et organisationnels ; comme droit à l'identité collective, leur exercice et leur développement.
- d) Politique indigéniste et législations nationales : caractère et évolution de l'indigénisme comme doctrine et comme pratique de régulation des relations entre l'Etat et les peuples indigènes sur le continent ; quelques réformes récentes (Brésil, Nicaragua, Mexique) ; les législations dans les pays de la région par rapport à divers sujets se référant aux peuples indigènes.
- e) Organisation indigène et lutte pour les droits ethniques ; de quelle manière et jusqu'à quel point les organisations indigènes répondent-elles aux besoins de promotion et de défense des droits de l'Homme en général et des droits des Ethnies en particulier ; coordination d'actions et efforts au niveau national et régional.
- f) Administration de justice et services légaux : l'intersection entre la loi et les coutumes indigènes dans la résolution de conflits de droits et l'établissement du consensus communautaire ; en l'absence d'avocats, les stratégies d'autodéfense, de résistance ; étude de cas, etc.

- g) Protection des droits de l'homme et des droits des peuples: utilisation des mécanismes formels et informels, nationaux et internationaux.
- h) Connaissance et apprentissage des mécanismes de défense des droits, maîtrise des mécanismes et des systèmes d'information et de communication a fin de favoriser leur travail et l'organisations d'appui, bases légales. Exercices d'application.

L'éducation en droits de l'homme pour des peuples doit être permanente.

Cette formation exige de hauts niveaux de qualité en termes de contenus, d'exposants et de matériel didactique et technologique de point. Ce qui précède suppose l'élaboration de méthodologie d'enseignement adaptée au profil des participants. Il ne s'agit pas de reproduire dans ces espaces les pratiques scolaires passives et contemplatives. Plus que des élèves au sens traditionnel, les participants deviennent des acteurs actifs de leur propre formation, ils s'impliquent et s'approprient de cet espace de formation.

Jusqu'à ce jour, le développement d'ateliers et de techniques d'éducation populaires participatives sont privilégiées durant les conférences et aux tables rondes traditionnelles.

L'échange d'expériences et les moments vécus des participants acquièrent un rôle important au plan méthodologique. L'étude du contexte ainsi que la perspective historique sont essentiels.

Cependant, eu regard à des appuis didactiques, en particulier dans l'élaboration de matériels didactiques, il existe de grandes lacunes. La participation de professionnels de différentes disciplines pour le développement de ces matériels est aujourd'hui une tâche prioritaire. De même, il est important de préparer des matériels spécifiques pour des problèmes et des publics particuliers, tels que les enfants et les femmes indigènes.

Ces processus sont en rapport avec les progrès remarqués dans divers forums intergouvernementaux et qui s'orientent vers l'adoption de nouveaux instruments normatifs internationaux en matière de droits des Indigènes, ainsi que les transformations les plus récentes au niveau des relations ethnico nationales dans le monde entier sur le plan légal.

Le développement des cours de formation impliqués la construction/déconstruction de méthodologies correspondant aux besoins des peuples indigènes, une redéfinition et identification des participants, ainsi qu'une grande flexibilité pour intégrer la propre conception des indigènes en matière, non seulement de droits de l'Homme et de droits des Ethnies, mais aussi en matière de communication, c'est-à-dire pour ce qui a trait à la confrontation de notre conception occidentale du signifiant "enseigner et apprendre" avec la conception indigène de "partager ses expériences".

Sur ce plan, les exposants et les professeurs deviennent des élèves et ceux-ci, à leur tour, deviennent des professeurs. L'éducation en droits de l'Homme dans laquelle s'inscrit cette pratique, nous mène à conformer que le respect à la personne n'est pas quelque chose d'inné ni de spontané chez l'être humain. La compréhension des droits et les connaissances qu'ils requièrent se construisent et s'acquièrent en combinant réflexion, information et expériences concrètes.

Il ne s'agit pas seulement de transmettre des connaissances, sinon, en plus, de favoriser l'intériorisation de certaines valeurs et de développer la capacité

d'étonnement et d'indignation qui mène à l'élaboration de choix autres que la soumission ou la résignation.

L'éducation en droits de l'homme pour les peuples indigènes est en train de construire sa propre identité. Un débat de fond serait nécessaire pour traiter des bases d'une éducation en droits de l'homme dans le cadre des droits des peuples, mais une consolidation est surtout nécessaire au niveau d'une culture de la non violence, de tolérance et de la paix.

En ce sens, nous devons écouter la voix du Comité Directeur des Ecrivains en Langues Indigènes : *“la diversité est notre projet. Pour cela, nous pensons qu'il ne peut y avoir d'égalité pendant que nos langues et nos cultures restent subordonnées ; il ne peut y avoir de vérité alors que l'on continue à nier notre existence ; il ne peut y avoir de raison si nous ne comprenons pas que la diversité est richesse ; il ne peut y avoir d'équité si l'on privilégie une culture pendant que l'on soumet les autres ; il ne peut y avoir de respect pendant que persiste la discrimination et il ne peut y avoir de justice quand le fouet de la marginalisation sociale, économique et culturelle fait partie de la vie quotidienne de nos peuples.”*<sup>5</sup>

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<sup>5</sup> Déclaration des Ecrivains en Langues Indigènes. Publiée le 5 octobre. La Jornada.

## **Information Society** **as a Knowledge-based Society**

Jurate MORKUNIENE

Mankind has encountered the information revolution, which is more than just new technologies or new information and communication networks. Changes brought about by information technologies are not yet fully perceived and measured, however, even at present their influence is evident in all spheres of life of the world community. This absolutely new experience is being analysed by researchers of different fields, who try to foresee its possible consequences, achievements and hazards. Some of them regard it as introduction of progressive technologies and others as the beginning of the greatest differentiation between civilizations. Some of the researchers mention the approach of a new age of inequality, new threats to human spirit, a new, even stronger social differentiation into *info rich* and *info poor*.

The sudden progress in information and communication technologies is often regarded as a revolution, an important landmark of civilization, as important as the invention of the alphabet, printing machine or industrial revolution. With the invention of the printing machine in Europe begins humanism and the age of Enlightenment, the spreading of Reformation and Counter-Reformation, a progress in science and the great inventions of the New Ages. The mere fact that the individual himself got access to knowledge and the holy texts was a powerful democratic movement in itself. The book became the vector of the new civilization. We are still living on the foundation of this civilization – the book civilization.

There is a reason to believe that digital culture with its information and communication networks also imply huge global changes. Their character is difficult to predict even to specialists. However, it is evident that we have been involved into a new age of inventions: we are learning to swim in the ocean of knowledge, like Columbus's of the virtual worlds, and the world is hurling into an endless library. And though no one can pretend to catch all keys (may be keywords) to it, today is library is accessible only to the insignificant minority.

### **New technologies: new possibilities or new hazards?**

First of all, new technologies offer the immeasurably great possibilities. Exchange of knowledge means, that the *other* individual becomes involved into the interaction not as the predominant or hostile subject but as a partner and as a source of creation. New technologies should stimulate open, non-hierarchical relations among the individuals and groups on the grounds of mutual understanding, i.e. to stimulate the maturation of civic society.

However, information globalisation implies also hazards, such as isolation of the individuals, lost sense of community, property abuse, and virtualisation of reality. The incessant development of “instant” technologies, virtual reality, “TV-reality” and “TV-being” favour a new state of reality – a *possible* or *ostensible* reality. This phenomenon poses a new danger, which might be even called secret weapon: it is dissolution of reality in the fake (only resembling) cybernetic world. That who knows only the “feeling” of reality is doomed to change this feeling and not reality itself, like the cave inhabitants described by Plato, who had been living for ages chained in the cave and seeing only shadows, but taking them for reality.

The most important thing is to realize that the means of information and communication – the nervous system of information society – is but an instrument, a tool. Even the Internet is not the archives of the world's science, but only a means to collect and store knowledge. Thus, the essence of information society lies not in the cybernetic space but much closer to social reality. The development of society of information technologies should take two ways: first, as an investment in information structures as such; second, as an investment into education with the aim that *every* citizen would be trained to and could make use of the possibilities provided by information technologies and to apply them to get knowledge, that is, to turn information into knowledge.

This first of all implies an adequate education of everyone (beginning with those who believe that the mere presence of a computer can solve all problems). This also means that education should stimulate self-building; critical thought and creativity, and all these processes take

place *before* working with a computer. Also, this means that the concept of information society without understanding it first of all as a civic society is *contradictio in adjecto*. Hans Krebs has stressed that scientific tools are important, resources are also an essential thing, but after all the true investigation is seeing what nobody has ever seen, and thinking what no one has thought before. Thus, *creativity* is our greatest wealth and our hope: every human being must be able to use this wonderful potential of its own [see 7: 237]. He is supported by Joseph S. Nye, Junior.; Williams A. Owens in their study “*America’s Information Edge*”: knowledge, more than in any other period of history before, is a power [11: 22].

New technologies endow with acceleration “the global time”, but lay the foundations for the triumph of short-lived logic. Thinking, reflection is becoming out-of-fashion. Long-term fundamental studies give rise to distrust: results, conclusions are demanded just on the spot. It is training and education that should combine information with reflection. *The instruments, tools*, i.e. the new technologies and the Internet, should not be isolated from *the content* (knowledge), and the content from *the functions* (education, acquiring knowledge). Last but not least, the functions cannot be separated from their *purpose* (or mission) – from creating a new social order, which is expressed by the world’s culture or peace, human rights and civic society. Thus, without any doubt first of all the technologies they are needed. However, *most important* is the purpose of employing these technologies and access to knowledge for EVEN member of society, as well as universal, life-long education. Man cannot be enlightened only by information from outside. Man can *enlighten himself*, that is, become an expert, only through thinking, through engagement, through association.

### **Do information technologies create parallel worlds?**

Always more information at a always quicker rate – this is the success formula. The rate of changes, the rate of thinking, the rate of actions – this sounds as the paradigm of the epoch. Quite in place seems to be the following definition: inform society is the one that is better to satisfy our needs (what kind of needs – association,

knowledge, or games, subculture in the Internet – is another question).

The natural obstacles like geographical distances and political borders, which separate societies, are becoming extinct. We have suddenly got accustomed to it and do not even realize the extent of the leap of the progress. Everything seems okay so far. But only in the case if to everyone is guaranteed equal access to information. Equal access to information is *conditio sine qua non* of the vision of information society. The present unequal participation in the world of new technologies can be overcome only by the process of civil, i.e. democratic, society. In case we fail to guarantee it at least to a satisfactory level, there can be talks neither about information society nor about knowledge society. This is not only because of a social tension between the rich and the poor (on the level of both individuals and countries), but also because the *essence* of information society is “*society*” (society of a country, the world’s society), but not an elite club. And this is the greatest problem. An even greater problem is that *we are not ready to accept this condition*. This thing is most difficult to understand. If society is expressed through a group – elite, then also information society is expressed through the info-rich, the info-educated, that is, through part of society. However, in this case we cannot already speak about information society, since it under such conditions is impossible. Therefore to hope to create the information society in a poor country showing a deep social inequality is Utopia, and all talks about it are not a theory but a beautiful unattainable vision. Thus, which is the number of information societies?

The Americans, being pragmatists, do not construct theoretical societies, they construct superhighways. Information society to them is an innovation as any other innovations, and if the citizens like it, they invest money in it. The Japanese do not talk much about information society, either. They talk about how to make things – better, cheaper and more.

And they are rather absorbed in doing so, thus they have no time for prating about that society. It is only the Europeans that coin for them the term “*information society*” to identify themselves with the world context, to ally with the global society.

Are these societies’ different information societies? Where is the borderline between informative society and no informative society? The poor countries, similarly as the poor people, are

threatened by marginalization. It is this isolation that creates the *parallel* worlds. Those with good income, good education and progressive means of communication have a cheap and immediate access to information. All others have only an unreliable, slow and expensive access to information. People in these two worlds live and complete one next to another, however, the advantage of that who has access to information suppresses those marginalized and impoverished, chop them off from global communication and from knowledge. It is exactly here that the *parallel worlds* begin.

### **Information technologies and social isolation**

The vision of coming closer to information society is in an instant broken by a double obstacle – *poverty* and *lack of education*. The poor and uneducated could be victims of the information technologies society. In the information civilization an ever deepening abyss – *social isolation* – appear.

If a large part of mankind has no access to knowledge, cannot use the new technologies and the new forms of culture both because of the lack of education and of their social position, then it is not only isolated from the main source of development, but also the human solidarity and co-operating are destroyed. In the political sense this means the absence of democracy or a weak democracy, a “morbid” civic society. The “marginal culture” or the “culture of deprived” appears. In its essence it is the culture of violence, depression, anger and aggression.

The problem of *cultural security* arises. Cultural security means absence of the marginal strata. The goal of the system of cultural security should be to prepare an access to life-long training for everyone, the society of knowledge. This means that all can have access to the information infrastructure: to electronic mail, to computer data bases, to scientific and technological information products, etc. The new technologies are a means, a tool, without which the inequality among people and among states can become more pronounced.

The lightning speed development of new technologies stimulates a rapid growth of a new kind of illiteracy – computer illiteracy, which creates discrimination no less as

traditional illiteracy and make up forms of social deprivation, only even sharper. Thus, also a new type of literacy – information literacy – appears which demands *all* members of society to be involved in a new cultural paradigm. Otherwise we shall not escape an insurmountable barrier between the “new scripiter” and computer illiteracy, between the info-rich and info-poor. The present unequal participation in the new information society, which is being created by the new technologies, will be soon accompanied also by appearance or the new forms of violence, such as domination and social isolation.

### **Hazards to the diversity of cultures in the world**

In information society the notion of “distance culture” has appeared. First of all this is the culture sold by “globalizators” to those “globalized”. What if this form of culture evokes erosion of culture, leads to a cultural desert because of the expansion of standardized culture, which is often nothing but a mass consumption goods? What would become of the diversity of cultures?

Biological diversity is the object of great concern of mankind. However, what about hazards to cultural diversity? How to defend cultural identity, which is endangered by similarity, “mono-culture”, and cultural erosion? Even the soil gets exhausted by mono cultural agriculture. Most endangered is the linguistic diversity of the world. The languages and cultures inherited from the ancestors become extinct. There are approximately 6,000 spoken languages in the world. Every year several languages die out. Will linguistic diversity perish once and for ever, or their abundance will degenerate down to *lingua franca*, which arose from one culture?

Every man is unique. Every man is a Universe, which cannot be compared to anything. This endless diversity and this uniqueness are the wealth of mankind. Becoming the same would be a step backwards with cruel consequences for humanity. However, the world’s community is endangered by *cultural erosion*. In the times when the new technologies flourish the culture that is closest to us deteriorates. Can “distance” culture compensate for the extinction of the culture that is next to us, within us?

The Internet should be the main tool in defending *the diversity* of the cultural heritage of mankind. Meanwhile, at present the revolution of information technologies and communication often means hybridization of culture, erosion of national cultures, cultural “mutations”. It is already becoming evident that the cultural diversity inherited from the past and surviving in the language and ethos of every culture is endangered.

### **Information society and knowledge society: two sides of contemporary civilization**

“Knowledge” and “information” should be strictly differentiated. They are not identical things. We live in a world in which the quantity of information becomes accessible through technology. As long as people all over the world have no access to all this information and cannot give it a critical evaluation, as long as they cannot *analyse, assort* and *assimilate* it, information, whatever voluminous and rapid it might be, remains only a stock of indefinite data. Rather often than not an individual is deprived of this stock, i.e. of education, therefore he cannot assimilate new information. A pile of information without knowledge and assimilation is *nothing*.

Thus, in the first case we deal with the *new information technologies* or the information civilization, where digital information is rapid, enormous and global. Often there is strive for accumulating *as much of information as possible*. However, accumulation of information alone will not suffice: the more information has been accumulated, the more of it should be also processed. Without mastering knowledge, a man in the best case resembles an encyclopaedia. This is, as A. Moles puts it, “culture width wise” [10: 51]. The quantity should be turned into quality, thus, information should be turned into *knowledge*, which can be applied in one’s activities. However, it takes quite a piece of time for a man to realize the specific relations among facts, data, etc. A man cannot be educated only through information acquired from the outside as long as it has not become part of him and wisdom. *The spiritual development is slow*. It is not that there is nobody to reveal the secrets of being on the Earth to a man; just everybody has to perceive them *by himself*.

*Information society* or *civilization* is characterized through the development of information technologies (computers, their memory; accumulation of information, its volume, the quantity of data and facts, data banks; tempos of intellectual production or expansion of intellectual work; information literacy, access of *everyone* to information networks and the ability to use them; investment into the development of information structures).

*Knowledge society* is defined through giving sense to the data and facts, their “humanization”, the ability to use information because of an adequate level of education and culture, striving for knowledge and culture, cultural security allowing to render information into knowledge, investment into *education for all*, live-long education of the whole society.

If the development of *information society* or more precisely of the society of newest information technologies offers a better access to data and facts, assimilation of information, its selection, arrangement, mastering and usage require also other fundamentals. The main task of the new society is *accumulation of knowledge* and its usage. As to *knowledge society*, one should bear in mind the social and cultural fundamentals of information civilization. For instance, *the European Union Declaration* concerning European politics in relation to the new information technologies (*accepted 7 May 1999 at the 107<sup>th</sup> session*) tackles upon the *application* of new information technologies in the spheres of culture and education. This application is based on the criteria such as access to the technologies, possibility of participation in social life, the presence of competence and responsibility, creativity of the individuals.

Thus, the new technologies of information acquire sense only within the context of culture and education. Computers and other digital appliances may possibly be called the backbone of post-industrial society, but never its heart, soul or wisdom.

The new society of knowledge demands: science and knowledge as the strategy of a country; the optimum possible level of citizen’s literacy and education; a consistent system of national enlightenment. In this conception, means spent on education are not expenses but investment and saving, as under-

stood by economist *Theodore Schultz*, Nobel Prize winner [see 17: 27–28]. This is the only way to approach also another looming problem of the “cybernetic zombies”. No information technologies or even their abundance as such can create the knowledge society, i.e. quality, creative society, rich in knowledge and science. In the opinion of Koichiro Matsuura, Director-General of the UNESCO, “our business” is knowledge. Not the creation of infrastructure or providing with appliances, but focusing attention on consumers and their human qualities, – through the work of education, science, culture and communication [9: 1].

Our popular literature most frequently offers the following definitions: “the end of information society is to create the best possibilities for satisfying the needs of every citizen”, “creation of information society for the citizens of the country provides optimum conditions for them to realize their abilities”, and the like.

*Who* is it that creates this society?

The notion “*information society*” is becoming but another magic word, a slogan. Information society is understood as supplying with computer appliances and teaching how to use them or, in other words, as information literacy. This is only a small step towards the society which could be called the knowledge society. The new, ostensible, virtual world should not allow us to forget that the first and utmost duty of us men is to cognise and perceive the complicated nature of reality and to manage it ecologically, i.e. harmoniously. We need cultural security, or cultural activity to defend the very civilization of virtual reality from the society engaged in hyper consumption of standardized, degraded, destructive products of culture (anti-culture).

Globalization offers challenges, problems that need to be solved. Rather recent are talks about cultural diversity in the globalized world, about the dialogue of civilizations (or rather the dialogue of cultures), about the fundamental and universal education *for every man* in the knowledge society, about the freedom of expression, the pluralism of the media, etc. The social agreement needs renovation, to think again what do contemporary society, the state of welfare, the quality of citizen mean, etc.

Also, we should not forget about cultural security. The goal of the social security system should be providing *everyone* with the possibilities of life long study, self-enlightenment and training, as well as to arrange for everyone becoming a subject of information civilization. Without the system of cultural security, whose foundation is the educated society of the country, we shall be unable to withstand the tension: between *global* and *local*; between *tradition* and the *present*; between the *universe* and the *individual*; between the *long-term* and *short-term* goals; between *competition* and *equal possibilities*, “equal chances”; between the enormous *flow of information* and *man’s ability* to assimilate it.

Education is the pith of both the person and society. Its mission is to provide all of us without exception to develop all talents hidden in us, to realize our creative potential with the responsibility for our own life and attainment our personal goals. However, as *Immanuel Kant* would explain it, first a long way of freedom, duty and responsibility should be covered.

Do enlightenment and education open so numerous possibilities?

The notion “life-long study” should be reconsidered and expanded. This study should not be treated only as assimilation to the changed character of work, but understood as a life-long process of man’s formation, i.e. improvement of man’s knowledge and abilities, critical thinking, skills and ability to act. The study teaches four things, or enlightenment provides man with four props:

*It teaches how to know.* The high tempo of changes, rapid progress in science, the new forms of economical and social activities require profound general education. This is a kind of a ticket to life-long training. Besides, it paves the road for further studies and develops the “taste”, desire to study.

*It teaches how to do.* This is also follows from man’s general, fundamental education. This means not only mastering a concrete job, acquiring definite skills, but also acquiring what is called competence.

*It teaches how to be.* The everyone’s desire to be more independent at the same time requires a stricter sense of responsibility while seeking common goals. The common goal in this case

should be that not a single talent, which like a hidden treasure is concealed in every person, should not be lost.

*It teaches to how to live in common.* This ability appears no sooner than one is able to understand *the OTHERS* – their history, traditions and spiritual values. This is an incentive for joint work, for solving conflicts in a wise and peaceful way.

All this reminds of a Utopia. But this is an INDISPENSABLE Utopia, if mankind wants to survive, as writes *Jacques Delors* [4: 6]. New information technologies, in the strategy of this type, should serve the interest of quality enlightenment. Education should harmonize accumulation of information with the development of thinking abilities. The tool should not be separated from the content and the technologies from knowledge.

The new information technologies provide for distance teaching and studying. However, fascinated as we could be with such an attractive possibility, we should never forget that teacher still is the cornerstone of education. It is on the teacher's preparation and responsibility that the quality of teaching depends. Meanwhile electronic networks are but a tool, or means, of study. The new connection with knowledge accessible through the newest technologies applied or even through its complete substitution for direct teaching can become a connection of alienation or even dehumanization.

Having in mind that knowledge society is a synonym of civic society, the major strategy of teaching should be the upbringing of the responsible citizen. Priority, which in this case is evident, should be given to scientific knowledge, that is, to the associative processing of information, finding of relations, penetration into the essence and to the historical and social understanding. In this approach, the priority subjects become teaching and studying philosophy (!) and history, i.e. learning to understand the essence of man and society, the innermost roots of social phenomena [7: 305]. This is a warrantee of cultural identity, as well as creative thinking, without which democracy, that is, civic society, is nothing but a void word.

Employment of new technologies in the process of teaching does not mean violation of

the direct interpersonal teacher–student relations. The essence of teaching is an *interaction* between people, interaction between their perception of the world, their principles, skills and values. The teacher cannot be replaced by teaching appliances, and teaching itself cannot be replaced by methods of teaching: “A computer will be never able to replace the teacher surrounded by his pupils.” [4:12].

It is evident that creation of knowledge society is many-sided activities, which integrate the efforts of researchers of all fields. The task of social cognition is to highlight the most common *preconditions* of the creation of knowledge society, such as total access to information and communication technologies and the guarantee of these rights to *everyone*; support of life-long education; cultural security, which favours information's becoming knowledge, etc.

The knowledge society can survive only as a civic society, i.e. a community of conscious citizens, as the democracy of participation. Einstein once had said: “*The World is one or none*”. This requires recognition of the global nature of knowledge society and a need of a qualitatively new relation between implementation of information technologies and enlightenment of society on the one hand and its quality improvement on the international level. Knowledge is a force: the producing, foreseeing and warning force. The ability to employ knowledge for the well-being of mankind requires immense wisdom. Only knowledge produces wisdom. The knowledge possessed by *each* member of society.

## International Human Rights Law as an Academic Discipline

Akmal SAIDOV

In the late twentieth century, a comprehensive human rights protection system was established. This system has been built owing largely to the efforts of the United Nations and its specialized agencies and regional intergovernmental organizations. Presently, International Human Rights Law comprises more than 80 universal and regional conventions, which are legally binding to participating States, thus forming the “hard law”<sup>i</sup>.

As to the modern time, the evolution of International Human Rights Law as an academic discipline began in the last quarter of the twentieth century. Some experience of teaching International Human Rights Law has been acquired. Since the time of its establishment, UNESCO produced more than 200 educational publications on human rights for educational institutions at all levels of education system as well as for the public at large and activists of human rights organizations. Since 2000, International Human Rights Law is introduced as a subject in the curriculum of the University of World Economy and Diplomacy. This curriculum subject is taught in the UNESCO Chair for Human Rights, Democracy, Peace, Tolerance and International Mutual Understanding. This article is focused on the subject-matter and place of International Human Rights Law within the system of the International Law disciplines.

International Human Rights Law is a branch of International Public Law which establishes duties for the subjects of International Law for the people under their jurisdiction for the provision, perseverance, respect and protection of their human rights and freedoms.

### **Subject Matter and Tasks of International Human Rights Law**

A treatise entitled *On the Loftiness* coming from the ancient times (the 1<sup>st</sup> century AD) contains the following: “Each scientist has to face two requirements: the first is to find the subject of research; the second is to find and show the ways of owning this subject; though

the second way stands in the second place of order, it is more important that the first one”<sup>iii</sup>. The past centuries proved truthfulness and wisdom of the unknown author.

Any subject that tends to be independent must have its own subject matter and methods of study. The subject of this academic branch is a complex of questions studied by this science.

The methods applied in this academic subject are a complex of ways of stuffy.

International Human Rights Law has its independent subject matter that is not overlapped by any other academic science. International Human Rights Law includes such problems as the dignity and the rights of a person, their historical evolution, their political and legal substantiation and also their legal nature, global threat to their existence and means of overcoming them, comparative analysis of the levels of providing these rights, the ways of implementing them in different countries, mechanisms of their guarantees and the life. This is the list of issues comprising the subject of International Human Rights Law.

International Human Rights Law focuses on the basic problems of the development of Human Rights in International and national legislation, on the social practice of different countries of the world, at the same time historical transition goes simultaneously with the study of origins of the political and legal teaching on the rights of a man and a citizen.

Being a new legal branch, it is based on the achievements of other numerous social sciences to form its own unique conception of Human Rights. International Human Rights Law is a complex of philosophical, ethical, political and legal sciences.

Human Rights is firstly a philosophical moral, political and judiciary category.

The subject matter of the International Human Rights Law is the study of problems of Human Rights in the context of the world culture, because human rights are widely acknowledged values of the world civilization.

The main object of the International Human Rights Law is a human being and his rights, which are analyzed from the point of view of the International Law in their worldwide development. In that case, a man acts as a bearer of the dignity, i.e. the most valuable subject in the world. He is treated as a participant of various social relations and as a bearer of the individual beginning.

The central objects of International Human Rights Law are the rights of the human being in their various aspects:

1. as a possibility of free development in the society and in the state;
2. as a part of his personality;
3. as a means of possible behavior, provided with legal and other social norms;
4. as a means of achieving more essential personal, material and spiritual blessings and the development of abilities and talent;
5. as a means of overcoming the menace, creating danger for the existence of mankind.

International Human Rights Law also studies international legal and national legal norms, securing human rights and establishing mechanisms of their realization.

The necessity for study of the International Human Rights Law is required by the essential actualization of the problems of rights and freedoms of a human being, as it has been constitutionally adopted by the Republic of Uzbekistan on the level of internationally legal standards, by the creation of other high values, by the necessity of trustworthy provision and defense on behalf of the state organs.

The main purpose of studying International Human Rights Law is strengthening the human bases in the formation of the culture of Human Rights. Construction of the legal state and the process of democratization of the society are greatly connected with the development the rights and freedoms of the citizens and strengthening their guarantees. Essential steps in this direction have been taken in the Constitution and the laws of Uzbekistan

#### Main aims of International Human Rights Law are

- gaining the knowledge of human rights and the rights of citizens, their realization and the guarantees of rights;
- formation of the feeling of respect to a human being, the rights, the honor and dignity;
- strengthening of the right orientation to the defense of the citizen from any kind of unlawfulness and tyranny;
- correct usage of the legal norms connected with the realization and defense of subjective rights and freedoms.

The conceptual basis of the International Human Rights Law consists of a modern democratic outlook on the problems of rights of man and citizen, which are laid in the Universal Declaration of Human Rights of 1948 and which have received its further political and legal development. One of its paramount aspects is the study of mutual interaction of the national legislation and international legal instruments on human rights.

Thus, the subject of the International Human Rights Law are the main regularities of the origin and development of the category of dignity of man and his rights, legal norms supporting these rights, and also economic, social, political, cultural and other factors and conditions of existence of those above-mentioned phenomena.

#### **International Human Rights Law in the System of Modern International Law**

International Law (IL) is a system of legal norms, regulating the relations between states, national liberation movements, international organizations, and quasi-states and, in some cases, between individuals. International Human Rights Law is a branch of the International law dealing with the individuals and groups of individuals, but not only states, as a subject of the International Law. This differs International Human Rights Law from other branches of the International Law. Controversial discussions are being hold nowadays about the place of the International Human Rights Law in the system of the International Law and its relation with the other branches of the IL.

Nevertheless, IL of human rights has the same dimensions (parameters) as the IL as a whole:

- a) sources - international agreements, international customs, acts of the international conferences or meetings;
- b) aims - promotion of peace and co-operation;
- c) principles - the principles of sovereignty, right on self-determination,
- d) ways of norm creation - on the basis of free expression of the will of the subjects of the international intercourse. Specific failures of the IL of human rights are best revealed in comparison with other branches of the IL.

### **International Human Rights Law and International Customs Law**

International Customs Law is constituted of the general and permanent practice of the states, which they follow in accordance with the notion of a legal state.

International custom is a source of International Law. Common norm of the IL is a compulsory rule of behavior, which is expressed in homogeneous acts, which are acknowledged by the subjects of the IL as a legal duty of the international legal norms. IL of human rights regulates relations between the state and its citizens. Other states may happen to be drawn into the monitoring of such rights by means of usual diplomatic practice. Thus, the practice of states adopted as mean of forming international common law of human rights includes some of the forms of behavior, different from those, which form international common law in general. This practice includes:

- loyalty to the UNO charter and its regulations concerning the Human Rights;
- adoption of the Universal Declaration of Human Rights;
- participation of states in the preparation and adoption of international agreements on the general principles of human rights or on the adoption of other particular rights;
- adoption of the principles of human rights by the states in the regional organization in Europe, Latin America and Africa;
- acknowledgement of the international principles of human rights as normative parameters of IL;
- activities of the states on putting their national rights or its practice into effect in

accordance with the standards or principles, declared by the international organizations and incorporation of the regulations of human rights directly or indirectly into the national constitutions and laws;

- handling of the principles of human rights in the national policy, in diplomatic practice, in the activities and acts of the international organizations;
- other interactions of states, reflecting the existence of the practice of violation of International Human Rights Law, including the implementation of arrests and other negative acts, taken as a reaction on violations made by other states. The existence of International Common Law of Human Rights has been acknowledged by the International Court of Justice and the Commission on the International Law.

Alongside, International Common Law of Human Rights deals mainly with the so called first generation of rights (such as civil and political rights) and doesn't concern the rights of the second and the third generation, first of all social, economic and cultural rights.

### **International Human Rights Law and the International Contract Law**

International Contract Law is a complex of legal norms, which regulates relations of states and other subjects of the International Law on the problems of making international contracts, their actions and breaking them off.

The Law of International Contracts is codified mainly in three universal conventions: Vienna Convention on the Law of International agreements (1969); Vienna Convention on the Agreements between States and International Organizations or between International Organizations (1986); Vienna Convention on the Legacy of States on the Agreements (1978).

Since most norms of International Human Rights Law have been codified in the documents, which are compulsory for the participants (e.g.: Convention on the Civil and Political Rights (1966), it is obvious that this part of the International Human Rights Law coincides with the International Law of Contracts. But International Human Rights Law is not restricted by this branch of IL, as the most documents of the International Human Rights

Law have the feature of recommendation, but not the contractual character (e.g. Universal Declaration of Human Rights (1948); Declaration on the Spread Among the Youth the Ideas of Peace, Mutual Respect and Understanding among Peoples (1965) etc.) and also the features of the International custom.

### **International Human Rights Law and the Rights of International Organizations**

The Law of International Organizations regulates establishment, status, mandate and the activity of the International organizations and their interrelations with other subjects of the International Law. International Conferences may also be considered as an International Organization. As the International defense of Human Rights is carried out, first of all, by the International Organizations, by governmental organizations (UNO, OSCE) and by non-governmental organizations (Amnesty International and others), it is obvious, that a greater part of the International Human Rights Law can be dealt with alongside with the Law of the International organizations. Nevertheless the Law of International organizations regulates only agreement of standards and norms of Human Rights and control over them, but the standards and their codification are a matter of the International Law of Contracts.

### **International Human Rights Law and International Law of Peoples' Rights**

The International Law of Peoples' Rights is usually accepted as a regulation of the status of peoples and the states fighting for their independence. It has been declared in the UNO Charter, in the Declaration of Principles of the International Law (1970), and in both international conventions on Human Rights. During the last years the rights of peoples on development began to be understood under the term of the Rights of Peoples, however these rights are a derivative from the Rights of Peoples on self-determination.

Thus, this branch of the International Law is closely connected with the International Human Rights Law; in most of the legal documents (e.g.: Pacific Asia Declaration of Human Rights of individuals and nations) and works on the International Law<sup>iii</sup> they are generally united.

However, International Human Rights Law is wider than the Rights of Nations and includes the latter as one of its component parts, because:

- firstly, the notion of Human Rights has more universal character than the Rights of Nations; "nation" is one of the forms of uniting the individuals and, as a rule, from the historical point of view, it coincides with the notion of "state";
- secondly, the notion of Nations' Rights has more historically restricted character; it has been formed as such on the peak of colonial system collapse during the 1950s–1960s, and then began to lose its essence;
- at last, the Rights of Nations are greatly connected with policy and the changing ideological conjuncture, as it has recently been demonstrated in the events in Yugoslavia and in the war in Chechnya<sup>iv</sup>.

Nevertheless, these facts do not diminish the importance of the International Law of Rights of Nations; we can easily share the opinions of the French lawyer, M. Virally, that "the development of the notion of Rights of Nations in the International Law is, without doubt, one of the most essential break-through in the International Law since 1945"<sup>v</sup>.

### **International Human Rights Law and International Humanitarian Law**

International Humanitarian Law is a complex of International conventional and common norms regulating the rules of warfare, or the laws and customs of warfare, whose aim is humanization of the means and ways of warfare.

International Humanitarian Law is directed at defense of Human Rights of those who are the victims of war. To the group of victims of war belong: prisoners of war, wounded and the soldiers of marine who have been shipwrecked, and civilians of the occupied territories. Each of these persons is under the protection of one of the four corresponding Geneva Conventions of 1949 and additional Protocol of 1977. The Organization engaged in the realization of Humanitarian Law is the International Committee of Red Cross (ICRC).

Correlation of International Human Rights Law and the International Humanitarian Law is one of the controversial problems of modern

International Law. There are three different approaches to the problem.

The first group of lawyers reflects the position of ICRC as a more neutral and politically non-engaged organization, keeping itself from policy as far as possible, with which International Human Rights Law is closely connected. S. Nohlic has clearly defined this position. He states: "...there is an essential difference between the Humanitarian Law and the Rights of Nations, as the latter is not concerned during the armed conflicts"<sup>vi</sup>. It may be added that the norms of Humanitarian Law have a direct affect on the member states whereas the norms of Rights of Nations cannot be treated as such.

According to the second approach, International Humanitarian Law is identified with the International Human Rights Law, whereas the usually accepted Humanitarian Law is treated as an International Law during the armed conflicts<sup>vii</sup>. However some of the authors rightly point out that defining International Human Rights as an International Humanitarian Law "... destroys the traditionally established usage of this notion".

More rightful seems the third approach, according to which the International Humanitarian Law is constituent a part of International Human Rights Law, which is treated as "the Law of Human Rights during armed conflicts"<sup>viii</sup>.

According to our viewpoint, International Humanitarian Law is a constituent part of the International Human Rights Law which is connected with the rights of the victims of war, but not as a part which deals with the control norms over the armed conflict, regimes of neutrality, occupation, etc.

### **The Importance and the System of International Human Rights Law**

Construction of a democratic and legal state and just civilian society supposes rightly that each citizen of this society should have a good legal knowledge of freedoms of a man. The Human Rights have been fixed in more than 70 international-legal documents. The modern world has formed the International Human Rights Law; i.e. there exist a system of international-legal and national norms, fixing the Human Rights, and also the universal mechanism of their guarantee<sup>ix</sup>.

International Human Rights Law consists of two organically interdependent parts:

- firstly, the history of origin and evolution of the ideas on Human Rights, i.e. the study of their establishment regularity in the general history of the society, and in the history of a particular state;
- secondly, the main international legal acts and international collaboration in the fields of Human Rights, i.e. the study of main multi-lateral agreements on Human Rights and the main trends of international co-operation in the fields of Human Rights.

<sup>i</sup> See: Symonides Y., Volodin V. Introduction// Levin L. *Prava cheloveka: Voprosy i otvety*. (Human Rights: Questions and Answers). Moscow, 1997. p. 6.

<sup>ii</sup> *O Vozvishennom* M.1966, p.5 (On Loftiness)

<sup>iii</sup> "The right to development", states the Algerian lawyer, M. Bedjaoui, comes from the right to self-determination and has the same nature". (Bedjaoui M. *The Right to Development/International Law: Achievements and Prospects/* Ed. by M. Bedjaoui. UNESCO, 1992, p. 1184)

<sup>iv</sup> *Ibid.* p. 1043

<sup>v</sup> Virally M. *Panorama du droit international contemporain*. R.C.A.D.L., 1985, p.58

<sup>vi</sup> Nahlic S. *A Brief Outline of International Humanitarian Law*. Extract from International Review of Red Cross, July–August 1984, p.7

<sup>vii</sup> Such position is expressed in the *Law Encyclopaedia* (M. 1997, p. 103) and in a course book by P. N. Biryukova (See: International Law, Study Materials 1998, p.204)

<sup>viii</sup> Donovan V. N., Panov V. P., Rumyantsev O. G. *International Law*. (Academy of MAI) 1998, p. 144

<sup>ix</sup> *Human Rights. Major International Instruments*. UNESCO, 1996, p.12.

## UNIVERSITÉ INTERNATIONALE DES DROITS DE L'HOMME

### IX édition des Cours d'été, Cheia, 21-26 juillet 2003

Irina Moroianu ZLATESCU

L'une des plus récentes activités de la Chaire de l'UNESCO pour les droits de l'homme, la démocratie, la paix et la tolérance a été l'organisation – en collaboration avec l'Institut Roumain pour les Droits de l'Homme, le Sénat de la Roumanie et deux prestigieuses organisations: l'Association pour les Nations Unies en Roumanie et le Club de Cheia "Victor dan Zlatescu" – de la ixè édition des Cours de l'Université Internationale des Droits de l'Homme, à Cheia, département de Prahova, du 21 au 26 juillet 2003.

Cette édition des cours, ayant comme thème central "Les artisans des droits de l'homme", s'est inscrite dans le cadre des manifestations consacrées au 55-e anniversaire de l'adoption de la Déclaration universelle des Droits de l'Homme, ainsi qu'à la troisième Décennie internationale de lutte contre le racisme et la discrimination raciale.

Le programme a combiné des thèmes pérennes avec des thèmes se trouvant en pleine actualité, ainsi qu'avec d'autres qui visent l'avenir. Cette option thématique reflète la dynamique de la promotion et de la protection des droits de l'homme sur le plan international ainsi que sur le plan national, le respect des valeurs et principes communs, tout comme la confrontation avec les nouveaux défis de la science, de la technologie mais aussi bien avec ceux de la globalisation.

Après l'ouverture des travaux avec la parole de Mme Irina Moroianu Zlatescu, directeur de l'Institut Roumain pour les Droits de l'Homme et coresponsable de la Chaire UNESCO pour les droits de l'homme, la paix, la tolérance et la démocratie, qui a souligné l'importance de ces cours grâce à leur thème d'actualité proposé, les travaux ont continué avec la transmission des messages de salut adressés aux participants par M. Ion Iliescu, président de la Roumanie, M. Nicolae Vacaroiu, président du Sénat, M. Valer Dorneanu, président de la Chambre des Députés, M. Adrian Nastase, Premier Ministre, M. Dragos Iliescu, président du Conseil législatif.

Les cours ont débuté, à cette édition, avec une conférence inaugurale ayant comme thème "La Déclaration universelle des Droits de l'Homme – première pierre de l'institutionnalisation au niveau international des droits de l'homme et des libertés fondamentales", soutenue par le Prof. Dr. Irina Moroianu Zlatescu, qui s'est référé aux typologies des droits de l'homme. Les travaux ont continué avec des rapports et des débats relatifs aux "Droits de l'homme - un système en évolution", rapporteur Dr. Radu Demetrescu, chercheur à l'Institut Roumain pour les Droits de l'Homme et "Tendances actuelles et perspectives dans le domaine des droits de l'homme", rapporteur Luminita Gheorghiu, vice-président de l'Autorité nationale pour les Personnes à Handicap.

La première journée des travaux a été conclue par la table ronde dédiée aux "Artisans des droits de l'homme", à l'occasion du proche anniversaire de 55 ans depuis l'adoption de la Déclaration universelle des Droits de l'Homme; y ont pris part le Prof. Dr. Irina Moroianu Zlatescu, le Dr. Rodica Serbanescu, le Dr. Radu Demetrescu, le Prof. Dr. Letizia Fiorillo dello Russo, secrétaire général de l'organisation Jus Primi Viri, le Prof. Dr. Romul Petre Vonica et le Prof. Dr. Gheorghe Buzatu, vice-président du Sénat.

La seconde journée des travaux a été réservée à la problématique de l'égalité et de la non-discrimination.

La première section, modérée par le Prof. Dr. Romul Petru Vonica, a eu comme thème "Les instruments et mécanismes de protection internationale contre le racisme et la non-discrimination", rapporteurs le Dr. Cristian Jura, président du Conseil national de lutte contre la discrimination, le Dr. Radu Demetrescu et Daniel Cazacu, chercheurs. La seconde partie des travaux a été consacrée aux instruments nationaux de protection contre la discrimination. Les rapports et les débats ont mis

en lumière le rôle de la Constitution – rapporteurs le Prof. Constanta Calinoiu et le Prof. Dr. Romul Petru Vonica, la législation spéciale – rapporteur Constantin Monac, conseiller parlementaire, et la protection sociale – rapporteur Flavius Dragomir, directeur général de la DSMPS de Baia Mare.

Au cours de la session de la matinée de la troisième journée des travaux, les sujets discutés ont concerné les "Instruments européens de promotion et protection des droits de l'homme"; notamment la Convention européenne des droits de l'homme – rapporteurs le Dr. Radu Demetrescu et Constantin Monac, conseiller parlementaire du Sénat de la Roumanie, la Charte sociale européenne – rapporteurs le Prof. Dr. Irina Moroianu Zlatescu, directeur de l'Institut Roumain pour les Droits de l'Homme, et le Dr. Octav Popescu, la Charte des droits fondamentaux de l'Union Européenne – rapporteurs le Prof. Dr. Irina Moroianu Zlatescu et le Prof. Dr. Ion Santai. Au cours de la session de l'après-midi, ayant comme thème les "Instruments nationaux de protection contre la discrimination", les sujets discutés ont concerné l'égalité de chances, le rôle du Parlement dans la promotion de l'égalité de chances, la non-discrimination dans la justice et la non-discrimination dans l'administration.

"Le rôle des institutions de l'Etat et des institutions nationales indépendantes dans la promotion et protection des droits de l'homme" a été le thème des travaux de la quatrième journée des cours de l'Université Internationale des Droits de l'Homme.

Les rapporteurs se sont référés aux institutions parlementaires, en mettant l'accent sur la révision de la Constitution envisagée de la perspective des droits de l'homme – le sénateur Mircea Ionescu Quintus – ainsi qu'à l'activité et aux préoccupations dans le domaine de la justice, aux attributions et aux devoirs légaux et moraux des juges, procureurs et avocats – Monna Lisa Belu Magdo, présidente de la Cour d'Appel de Ploiesti.

Dans la suite des travaux de l'Université Internationale des Droits de l'Homme, une section à part, modérée par le Prof. Dr. Smaranda Ionescu, président de la Sous commission pour des opportunités égales de la Commission pour l'intégration européenne du Parlement, a été réservée aux instruments nationaux de protection contre la discrimination.

Dans le cadre de cette section, les thèmes abordés ont été "L'égalité de chances" – rapporteurs le Prof. Dr. Irina Moroianu Zlatescu, Fevronia Stoica, sénateur et Mihaela Muraru-Mandrea, député et "La non-discrimination dans la justice" – rapporteurs Monna Lisa Belu Magdo, présidente de la Cour d'Appel de Ploiesti et le Prof. Dr. Ion Santai.

Les rapporteurs se sont occupés des institutions parlementaires, en mettant l'accent sur la révision de la Constitution envisagée de la perspective des droits de l'homme – le sénateur Mircea Ionescu Quintus, qui a également continué à modérer les débats, sur le Conseil Législatif – Sorin Popescu, président de section, ainsi que sur les préoccupations dans le domaine de la justice, sur les attributions légales et morales des juges, des procureurs et des avocats – Monna Lisa Belu Magdo, présidente de la Cour d'Appel de Ploiesti.

Ont également été présentés des aspects d'ordre général, spécifiques à l'activité du Ministère de l'Administration et de l'Intérieur dans le domaine des droits de l'homme – rapporteur le haut officier de police Alexandru Mircea, les attributions et les préoccupations du Conseil national de lutte contre la discrimination – rapporteur Cristian Jura, président du Conseil de cette institution, ainsi que les préoccupations du Département des relations interethniques – rapporteur Ovidiu Gant, Sous-secrétaire d'Etat dudit département, finalement celles de la Banque Nationale – rapporteur Ianfred Silberstein, directeur général adjoint à la Banque Nationale.

En conclusion des travaux, le rôle spécifique des deux institutions nationales de protection et de promotion des droits de l'homme a été présenté, à savoir celui de l'Avocat du Peuple et celui de l'Institut Roumain pour les Droits de l'Homme – rapporteurs le Prof. Dr. Irina Morosité Zlatescu et le Prof. Dr. Sorin Popescu, Secrétaire d'Etat.

Les travaux de cette édition ont été complétés par la session dédiée au "Dialogue entre les civilisations. La promotion de la culture de la non-violence, de la paix, de la non-discrimination et

de la démocratie", modérée par le Dr. Rodica Serbanescu, où des rapports ont été présentés par le Prof. Dr. Letizia Fiorillo dello Russo et par le Prof. Dr. Victor Iancu, coresponsable de la Chaire UNESCO pour les droits de l'homme, démocratie, paix et tolérance, coordonnée par l'Institut Roumain pour les Droits de l'Homme et par l'Université du Nord de Baia Mare. La session a également bénéficié d'une série de communications avec le thème "Le droit au patrimoine commun de l'humanité", soutenues par les masters en droits de l'homme ayant achevé les cours en la matière et qui ont, d'ailleurs, participé à l'entière édition de cette année, auprès des chercheurs, magistrats, cadres universitaires, représentants du Parlement, du Gouvernement et de la société civile.

La conception, la tenue et le niveau scientifique de ces manifestations, leur caractère de laboratoire, conféré et entretenu par de vifs débats, ont déterminé, cette année encore, la présence de spécialistes et d'experts réputés du pays et de l'étranger, qui ont présenté les plus récentes recherches et pratiques sur le plan national et international dans le domaine des droits de l'homme.

En même temps, dans le cadre et l'atmosphère académiques de l'Université, une nouvelle promotion de masters de la Chaire UNESCO pour les droits de l'homme, la paix et la tolérance, coordonnée en partenariat par l'Institut Roumain pour les Droits de l'Homme et l'Université du Nord, a soutenu les dissertations de fin d'études.

Les options thématiques extrêmement diverses, en relation avec des domaines tels que l'histoire, la philosophie, les droits de l'homme, l'égalité, la non-discrimination, le cadre légal et l'exercice effectif de ces droits ou catégories de droits, la protection du patrimoine de l'humanité, la solidité de l'argumentation théorique et, surtout, la contribution personnelle des auteurs dans l'investigation, la recherche et l'approfondissement de certains aspects importants ont suscité l'intérêt et l'appréciation d'un public avisé, composé des participants à cette édition, membres du législatif, de l'exécutif et de la justice, qui ont retenu certaines idées et propositions intéressantes et qui ont initié des programmes communs.

## **Constructive Conflict Coverage. A Social-Psychological Approach**

### *Résumé*<sup>1</sup>

Gerald MADER

“There is an urgent need to work toward a process of greater social openness in order to be able to learn something about the reality before it is set in concrete, in order to recognize facts before they are interpreted” (Ignacio Martin-Baró, 1991). The contribution which journalists can make to such a process of greater social openness is central to the present training book which puts three mutually-supportive topical complexes at the center of journalistic training:

- transmission of theoretical knowledge of the social-psychological mechanisms involved in an escalation-oriented construction of reality;
- application of this knowledge to sensitize journalists and the audience to the escalation-oriented perceptual distortions typical of conventional conflict reportage and
- development of writing techniques which will enable journalists to report the facts without interpreting them in advance in an escalation-oriented manner.

The book is unique in its combination of theoretical argumentation, empirical analysis and practical training offerings which are presented on the accompanying CD-ROM in the form of electronic teaching and learning material. Its main content are aspects of the social construction of international conflicts;

- the logic of conflicts and the dynamics of conflict escalation;
- war reporting and propaganda;
- the challenge of post-conflict reconciliation;
- constructive conflict coverage;
- training in journalism;
- analyzing the media and
- rewriting the news presented.

□

### Preface

Peace culture does not strive for a world of eternal harmony in which no conflicts occur. Conflicts are unavoidable. Not the elimination of conflicts, but rather the elimination of their violent settlement is the broad goal of peace policy. Only states that voluntarily refrain from employing military means to achieve national and economic goals are pursuing peace policies. Civil conflict management is intended to contribute to reaching this goal. The basic idea of de-escalating conflicts by peaceful means and their transformation to a level of reduced violence is even affirmed today in real politics, in which civilian task forces are set up for crisis prevention and civilian conflict management. The media and their reportage, which are the subject of this book, play an essential role in this. The important issue is the question of whether and how peace-furthering media reportage can constructively transform conflicts, de-escalate war discourses and construct peace discourses.

A central concern of the book is to analyze the theoretical foundations of conflict and the media, to support this analysis with a wealth of empirical data and evidence; to analyze the institutional, sociological and psychological factors which promote the propaganda role of the media; as well as to develop a model for conflict coverage that combines theory and practice in order to strengthen the constructive discourse contributions of the media.

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<sup>1</sup> Résumé of a book edited by the European University Center for Peace Studies (EPU) and the Austrian Study Center for Peace and Conflict Resolution (ASPR), 2003. Berlin: verlag irena regener. Author: Wilhelm Kempf, Professor of Psychological Methodology and Head of the Peace Research Group at the University of Konstanz, Germany.

The first part of the book begins with introductory definitions and concepts on the theory of conflict communication and the media. The starting point is the constructivist research paradigm, according to which the mass media construct social reality, as well as the empirical insight that traditional conflict reportage tends to be propagandistic: the history of propaganda is as old as the history of the media.

In the tension-filled field between war and peace and in the foreign policy arena, the media have a special role to play. The author contrasts two concepts: the so-called "Journalism of Attachment" (the expression comes from Martin Bell) and "Peace Journalism". Peace journalism attaches great value to conflict analyses, searches for the victims on both sides and aims at de-escalation and constructive proposals for conflict resolution. In contrast, the journalism of attachment gets along without analysis and reflection, and it concentrates exclusively on war as a moral struggle between "good" and "evil". The proponents of the journalism of attachment strive neither for a neutral, detached perspective nor for the de-escalation of war. They take sides and are primarily interested in mobilizing people. Not against war, but rather against those they believe they have correctly identified as the "enemy." In the end, the journalism of attachment replaces the rules of journalism with the rules of propaganda, for which truth is only raw material.

Why is traditional conflict coverage so often identical with propaganda? This book studies the numerous factors which lead to the absence of peace discourse in media reportage and poses the resulting demand to develop strategies with which the media can be prevented from pouring oil on the fire of conflict. The media have two options: Either they can take sides with one party, or they can play the role of a third party which contributes to constructive conflict transformation. Third parties can serve not only as catalysts of conflict escalation. Defending the justified interests of both parties, they can also serve as facilitators of de-escalation.

An open question is whether and how constructive conflict reportage can be achieved against the wills of governments. The American military-media management shows that media control occurs even in Western democracies as well. In the West, however, concepts of propaganda are harder to see through, and censorship is less crude, but rather more sophisticated and flexible.

Based on theories of conflict management, two mutually complementary models of peace journalism were developed in the late 1990s. While Johan Galtung's model uses a more sociological approach and aims at counteracting the mechanisms of news selection, Wilhelm Kempf emphasizes the social-psychological aspects and places cognitive and emotional framing at the center of his model.

Finally, the constructive transformation of conflict, the deconstruction of war discourse and the construction of peace discourse are dealt with. While war discourse asks the questions: "Who is the aggressor?" and "How can he be stopped?" - peace discourse asks the questions: "What are the objects of conflict?" and "How could a solution be found which satisfies the needs of all parties?". Because journalists are themselves members of society and usually share the same basic beliefs and convictions which they should critically reflect on, however, the deconstruction of war discourses becomes difficult. Moreover, it is not possible to leap from competitive conflict behavior (win-lose model) to a cooperative strategy (win-win model) without risking the loss of power and influence. For these and other reasons, the implementation of peace journalism in the sense of Johan Galtung has little chance unless peace is on the political agenda already.

Wilhelm Kempf, therefore, proposes a two-step procedure: The first step is characterized by de-escalation-oriented conflict coverage, which broadly coincides with so-called 'quality journalism'. It is marked by neutrality and critical distance toward all conflict parties and keeps the conflict open for peaceful alternatives. Central for this are a win-win orientation as an option, questioning violence

as a suitable means of resolving conflict, questioning military values, and exploring the conflict formation. The second step goes beyond this and is characterized by solution-oriented coverage which involves an active search for peaceful alternatives, the conversion of outrage at the enemy into outrage at war itself, and attempts at reconciliation.

□

The second part of the book is dedicated to the training of journalists, the analysis of concrete media reportage and exercises in "rewriting the news." Here the question is how constructive reportage of the same events could be written, and how the escalation-oriented bias of conventional conflict coverage can be reduced.

In the chapter on journalist training key training courses (for example, Transcend, etc.) are presented. Criticism is made that too little attention is paid to overcoming institutional pressures. Training concepts should not focus only on the cognitive side of the problem, but rather should also take account of social-psychological aspects. Importance is attached to "imparting competence in conflict theory," a demand which, for example, is already being met in Peace-Keeping and Peace-

Building Training (IPT) at the Austrian Study Center for Peace and Conflict Resolution (ASPR).

The chapter on training concludes with training concepts and a variety of teaching material available on the accompanying CD ROM. The possibilities range from a one-day training course, to a weekend intensive course up to a one-week block course.

In the frame of the editors' book series "Peace Power Europe?", Wilhelm Kempf already coordinated Volume 5 ("Conflict and Violence") and contributed to Volumes 8 ("Civil Conflict Management") and 9 ("European Peace Policy – Policy of a Peace Power?"), which among other things deal with media reportage on conflict and war. Since the editors are very interested in continuing this research, they were happy to edit the present book.

The EPU and ASPR thank Wilhelm Kempf and his co-workers, who with this book are making an important contribution to peace journalistic basic research and its practice-oriented employment in training courses and teaching materials.

□ □ □

## Education of Minorities: Problems, Promises and Prospects.

### An International Perspective

Yaacov IRAM

When David Livingstone's work in Africa became known, a missionary society wrote to him and asked, "Have you found a good road to where you are?" The letter indicated that if he had found a "good road", the missionary society was prepared to send some men to help with his work. Livingstone's answer was clear and to the point: "If you have men who will come only over a good road, I don't need your help. I want men who will come if there is no road". The purpose of this chapter is to delineate the problems, to point out the promises and importance and to assess the prospects of education of ethnic minorities in pluralistic democracies. In many respects, we are expected to do groundbreaking work since there are no "good roads" which were already paved and that could lead us to reach our goal of educating minorities. In other cases, where roads exist, we should improve them and make them more accessible.

#### PROBLEMS IN EDUCATION OF MINORITIES

Minority groups can be defined in various ways by region, by ethnic background, by language use, by socio-economic status, by religion, by gender, by educational attainment, by life-style and more. These diverse definitional bases are not all of equal political importance, if we defuse political importance as measured by "the extent of conflict in society regarding who exercises power over whom" (Thomas, 1986: 399). Furthermore, the political importance [and power-status] of a particular minority group varies from one society to another and from one time to another within the same society.

The education of ethnic minorities is closely related to issues such as cultural diversity and equality of educational opportunity. As the problems of ethnicity and migration continue to provoke conflicts at home and to become global in scope, involving people of many different backgrounds, it becomes incumbent upon us, educationists, to find "good roads" and upon educators, teachers, to better prepare young people with the knowledge, perspectives, willingness and skills which will enable them to be willing to live with and become more effective in collaborating with people different from themselves. Such an education is referred to by negative terms, such as *anti-bias education*, *anti-racist education* (Taylor and Bagley, 1995), or by titles with positive connotations: *multicultural education*, *intercultural education*, *international/transnational/global education*. Unfortunately, most of these ideas and programs have not been implemented in most schools, or where implemented, were not done so successfully. However, if we want to live in societies which encourage the participation, and welcome the perspectives, histories and contributions of all its members, if we wish to create ultimately a society which rejects oppression, discrimination, xenophobia and racism, we must double and triple our efforts in all levels and structures of education, from kindergarten to university, to promote and implement existing programs and to continue new and more effective means.

Most nations today are pluralistic and multicultural societies. With a sense, that they have a majority and one or more minority groups, depending on the definition of minority. For the purpose of this chapter, minority status does not necessarily imply numerical inferiority. It refers rather to "the quality of power relations between groups": thus, a population is defined as a minority "if it occupies some form of subordinate power position in relation to another population in the same society" (Ogbu, 1983: 169). According to this definition, many groups may rightly claim the status of minority group, employing criteria such as their percentage in the total population or their share of power, prestige, or wealth.

As none of the prevalent typologies or classifications of minority groups (Ogbu, 1978: 21-25; 1983: 169-172; Mitter, 1999) fit social diversity in its totality, it will be more useful to apply, with some

modifications, a conceptual framework that deals with modes of interaction between dominant or majority groups and subordinate or minority groups in pluralistic societies (Smolicz, 1985: 245-267). Three modes of majority-minority interaction can be used to analyze inter-group relations in any given society; they are *Assimilation*, *Multiculturalism* and *Separatism*. *Assimilation* implies the adoption by the minority group of the language, traditions, mores and values of the host society (in case of immigrants) or of the dominant group (usually the majority), up to the point of abandoning its original language and culture. *Separatism* is the rejection by one or both sides of any moves toward desegregation or integration, thus adopting a position of mutual exclusion whether in a way of *indifferent side-by-side* existence or worse, conflictual existence and no cultural transactions whatsoever. *Multiculturalism* implies adjustment of all groups, minority and majority alike, and resorting to *intentional coexistence* out of willingness of mutual adjustment and acceptance (Bhatnager, 1981; Iram, 1987).

Low academic achievement of ethnic minority children (in many countries synonymous with newly arrived immigrants) is related to issues such as: (1) racism in teachers and in the school system; (2) cultural bias in the curriculum and educational materials (e.g. denigrating certain groups, stereotyping, etc.); (3) lack of racial and cultural awareness in the training of teachers; (4) hiring and promotion problems in regard to ethnic minority teachers and administrators; and (5) wider cultural, racial, and socio-economic problems (Male, 1986: 477).

The challenge and mission of educators is to prepare future teachers and re-educate in-service teachers with the knowledge and skills, which will enable them to work effectively with students from a wide range of backgrounds. This knowledge and skills must be generated through research by educationists and transferred by teachers to students most of whom will live most of their lives in highly interdependent intercultural or multicultural societies, whether in the United States, Israel, Russia, England, France, Germany (Tulasiewicz and Adams, 1995) or in newly re-established countries such as Bosnia-Herzegovina (Bosnians, Serbs, Croatians) or the independent republics of the former USSR. The task is to transform attitudes from *monoculturalism* to *multiculturalism* - namely the process through which a person develops competence in as well as appreciation of and tolerance for several cultures (Johnson, 1977). In pluralistic societies, multiculturalism is imperative in order to be able to communicate with, understand and participate in a cultural context other than one's own, within the same sociopolitical framework. Schools must be the major focus of efforts to teach multiculturalism in the spheres of language, culture and inter-group relations (Masemann and Iram, 1987).

In some cases, multicultural education might lead to *intercultural education*, namely "an attempt to generate a cultural synthesis [and not just a coexistence]: the production of new cultural models grafted onto the existing base of national cultures which, while remaining in place, themselves become enriched as a result of the process (Tulasiewicz and Adams 1995: 265).

The task of equality or equity provision in the education of ethnic minorities towards multiculturalism is not an easy task in light of what we know about the ways by which people learn about cultures other than their own, about reluctance of governments to act decisively both in legislation and provisions and finally in the implementation of declared policies. Nevertheless, we are obliged to fulfill this task, given the time, place and circumstance in which we now live. An education, which takes place in the 21st century, cannot ignore such vital, crucial and moral issues.

### PROMISES IN EDUCATION OF MINORITIES

The issue of minority education is, of course, part of the larger question of how various minority groups are to be treated and whether they are to have access to the mainstream society meaning structural (vs. Cultural) integration, access to and participation in

economy and polity, while retaining their group identity regardless of whether that identity is based on religion race, color or language. The following remarks are based in part on a special issue of *Education and Urban Society*, (August 1986, Vol. 4, No. 4),

that was devoted to the analysis of “Policy Issues in the Education of Minorities: A Worldwide View”. The countries chosen for analysis were Australia, Canada, England, West Germany, India, Israel (written by the author of this chapter), Japan and Malaysia. These countries were selected because they represented factors such as race, color, caste, religion, nationality, immigrant status and worldview (traditional vs. modernism).

Countries differ in the extent to which their national governments, courts, civil rights groups, and teachers’ unions play a role in minority education. They differ also in the means they employ to cope with issues such as busing, quotas, multicultural education, and racial balancing of pupils and teachers. It is both reassuring and discouraging that most of the countries examined in this special issue of the journal and to some extent all countries, continue to struggle with questions relating to the education of minorities. Thus, suggesting that the slowness in solving problems of the education of minorities is not only due to ineptness, but to the basic difficulties inherent in the problem of minorities as well as of the kind of education organized for majority members of society. We might be discouraged because racism, unfairness, discrimination and lack of equal educational opportunity for minorities continue to exist in many countries, and in other, such as former Yugoslavia, have increased. (Daun, et.al. 2001). Many societies, it seems, are increasingly subject to multinational migration, whether the migration of ethnic workers or refugees. This modern migration across geopolitical borders and cultural boundaries in pursuit of economic needs and political interests is motivated by expectations of individuals and groups that their cultural identity as well as their political and economic equality will be guaranteed. It does not accept the superiority of dominant cultures, nor the insult or rejection, which accompanies dominance. Cultural equality, let alone socioeconomic equity must be legislated in order to ensure multiculturalism. However, *de facto*, let alone *de jure* multiculturalism alone does not assure the promotion of unity and harmony, it can be integrative or divisive depending on how it is conceptualized and legislated.

Multiculturalism is premised on respect for individuals and cultural diversity. This respect does not require that each culture became equally acceptable to each and every individual, but that we respect each culture equally, that we value the rich mosaic of individual and cultural difference or of the rainbow nature of a society within our national boundaries and beyond them. It requires that we recognize the right to unique identity for both individuals and groups, and that we guarantee the freedom of cultural development, economic equality, political participation and educational opportunities.

The experience of human migration and resettlement shows that respect for cultural differences is not achieved by willingness to tolerate the customs, beliefs, languages, and social structures of other cultures at a distance or from a position of dominance. Distance and dominance restrict the obligation to understand and appreciate the others and to treat them equally.

To really understand cultures other than our own requires thoughtful, systematic inquiry on the similarities and differences of meaning, organization, and practice of our own and of other ethno-cultural groups. And as a result, it requires acceptance and assurance of cultural and political rights of individuals and groups.

A liberal society can be distinguished by the way it treats its multiple cultures (minorities), assuring individual rights to dignity, ethnicity, free speech, and due process - without discrimination based on race, national origin, color, ethnicity, language religion or gender. These are the characteristics of *authentic identity* that protect both individuals and cultural groups from assimilative tendencies of dominant cultures. (Appiah and Gates, 1995).

Multicultural education implies *multilingual* teaching whenever demanded. Multilingual competency enables cross-cultural dialogue. Such a dialogue requires, always, *cultural sensitization* namely sensitizing ourselves to the point of recognizing the substance of others’ beliefs, claims, habits, practices and needs. This is not a process of relativizing one’s own cultural beliefs, identity and perceptions; rather it allows for a dialogue of recognition, intercultural understanding and equality of participation.

## PROSPECTS

Based on previous comparative studies on Canada and Israel by Masemann and Iram (1987), and on France and Poland (Mitter, 1999) I would like to offer the following conclusions in regard to prospects for future policy development, in regard to education of minorities.

*First*, it seems that constitutional provisions are not necessarily a guarantee of equality or equity, particularly when there is disparity in status among ethno-cultural and linguistic groups, and even more so when groups occupy dominant and subordinate statuses within a national framework. For example, English speaking versus French speaking Canadians (Ghosh, 1995; McAndrew, 1994; McNeill, 1995); Jews and Arabs in Israel (Rouhana, 1997; Iram and Schmida, 1998; Al-Haj, 1998); Muslims in France (Limage 2000; Groux, 2002), in Greece (Kassotakis and Roussakis, 1999) or in England (Ashraf, 1988; Halstead 1993); Poland and its minority groups of Ukrainians, Belorussians, Lithuanians and Germans (Tomiak, 1991; Mitter, 1999). All these countries have constitutional or legislative provisions for education of minorities and declared policies on multiculturalism, nevertheless it does not insure cultural, linguistic, economic and sometimes even religious and political equal status (OECD, 1989 and Council of Europe, 1994).

*Second*, it is difficult to measure or assess the success of multicultural development or, in a wider perspective, respect for human rights. That is because the outcomes of tolerance and intercultural understanding are so evanescent, and may actually be threatened if cultural retention rather than cultural sharing is the outcome of programs for cultural development, or if political events such as warfare consistently present a negative picture of inter-group relations (Iram, 2001). This was proven during the strife of cessation of republics from the former Soviet Union and the status of minorities within the newly independent states that emerged (Glenn, 1995; Mitter, 1997). Similar conclusions can be drawn from the tragic strife over the demise of Yugoslavia (Daun, et. al. 2001) and from the continued conflict in the Middle East that affects negatively also the relationship between Jews and Arabs in Israel (Al-Haj, 1998; Iram, 2002).

*Third*, multicultural development may be difficult to foster by government decree, if its foundations are not already laid in the history and social structure of a country (Torney – Purta, Schwille and Amadeo, 1999).

*Fourth*, official language policy is an important part of multicultural development, and the educational framework of such policies demonstrates the degree of commitment to linguistic and cultural equality. Thus, for example, the Canadian Constitution and the Charter of Rights and Freedoms “enshrine group and individual rights to education in one or both of the official languages” (Masemann and Iram, 1987:116). The existence of an official multiculturalism policy and a Multiculturalism Sector in the Department of the Secretary of State in Canada are a tangible evidence of Canada’s commitment to multiculturalism.

*Fifth*, political realities of overt hostility to, or subordination of groups may far outweigh the harmonious wishes of policy-makers or educators. The case of Israel proves that in spite of declared policies and numerous programs to cope with problems of multiculturalism, none have been resolved satisfactorily thus far. Since these problems are of political, social and cultural nature, they cannot be solved by the education system alone without active support and involvement of other social institutions and without positive changes in the geopolitical sphere (Masemann and Iram, 1987; Iram, 2002).

Similarly, experiments of creating mixed schools for children of Catholic and Protestant backgrounds were introduced by the Education (Northern Ireland) Act of 1978 “to facilitate the establishment in Northern Ireland of schools likely to be attended by pupils of different religious affiliations or cultural traditions”. But, for a variety of reasons, mainly the civic disturbances and terrorist outbreaks, the pupil population so far affected by this experiment is less than 5 percent in 2000 (Sutherland, 2001:257). Curricular reforms since 1989 focused on a cross-curricular theme “Education for Mutual Understanding” (EMU – Northern Ireland’s Curriculum Council, 1989) have

stressed “the need to know about and understand the interdependence of the different religious and cultural communities within Northern Ireland and the consequences of their integration and segregation...” (Smith and Robinson, 1992: 16). Sutherland (2001) concludes: “Even if such efforts have so far been unsuccessful in affecting the whole of [Ireland’s] society, it has to be recognized that they have at least created pockets of goodwill and mutual understanding important for the lives of individuals if not yet for all the population” (p. 260).

*Sixth*, there have been significant steps made nationally and internationally in multicultural programming and ideas in the educational systems of many countries, but in the vast scale of things these programs are only the beginning, and have to be updated and expanded to confront changing circumstances or tensions that emerge too frequently.

*And finally*, there is a clear need in countries to assess demographic trends and to plan for a future in which the rights of minorities and multiculturalism development are safeguarded. This need becomes urgent in light of increased migration as a result of geopolitical changes that cause frequent influx of peoples of various cultural, linguistic and religious backgrounds across boundaries notably in Europe and in the United States (Shapiro and Alker, 1996). As a result, it is now more than ever before hard to define nation-states in ways that presuppose cultural, linguistic or religious homogeneity (Winther-Jensen (1996). The educational complex implications of migration and the formation of minorities have been manifested in international studies (Glenn and De Jong ,1996; Gurr, 1993; Torney-Purta et. al. 1999).

The years ahead will demonstrate how well various policies such as providing economic justice, strengthening cultural unity and maintaining peace among the ethnic groups will prevail. Providing equal (and not favored) educational and economic opportunities to all will indeed promote economic and educational parity among ethnic groups and provide the cultural diversity and peaceful social coexistence so much desired.

I would like to conclude with a few words of caution or rather realism, quoting the American author and critic Henry Louis Mencken (1880-1956). His words might add some perspective on the current situation and future challenges we presently face: “For every complicated problem there is an answer that is short, simple, and *wrong*”. There are indeed no short and simple answers to the problem of education of minorities, we must take, and in many instances even construct, the long and hard road of working to transform the manner in which we conceive education of minorities in heterogeneous societies and education of immigrants in particular.

We should recall a famous quote from Andre Gide:

*Everything has been said before,  
But, since nobody listens,  
We have to keep going back and begin again.*

MO Hinz

**“Thou shalt not kill memory.”**

**The German Herero war of 1904 – One hundred years later**<sup>1</sup>

We who were still in the wombs of our mothers have witnessed what happened. Up to now, we feel the fear of those days. The fear of those days has closed our mouths up to now.

T Jerimo Veseevete<sup>2</sup>

*Thou shalt not kill memory*,<sup>3</sup> might be called the eleventh command. Peoples' memories are part of their individual and collective identity. Taking the memory away is destroying the social and cultural foundation of human beings. What happened to the Herero Nation in 1904 and after in the then colony of German Southwest Africa is remembered by the Herero up to today. The Herero seek healing of the still burning wounds. The Human Rights and Documentation Centre in the Law Faculty of the University of Namibia and its UNESCO Chair have initiated that the issues of Human Rights and Democracy have been active in the Herero case during the last months and will be part of public efforts to commemorate in 2004 the battle of Hamakari and what happened to the Herero Nation during and after the war of 1904.<sup>4</sup>

## **1 Going back to 1904**

The Otjiherero speaking people of Namibia (Herero and Mbanderu) were, together with the Nama of Southern Namibia, the indigenous groups who were affected most by German colonialism. They held vast lands in central South West Africa, as it was, with large herds of cattle when imperial Germany settled to establish its colony. The difficult relationship between the German administration and the Herero/ Mbanderu culminated in the German Herero war of 1904 and the battle of Hamakari (Waterberg) in August 1904.

The rather moderate German Governor Theodor Leutwein directed the first events of the Herero war, but was replaced as military commander with General Lothar von Trotha in June 1904, who followed a policy of “crushing defeat”. After the decisive battle of Waterberg, the Herero were defeated and tried to escape. Instead of considering negotiations for peace, von Trotha issued the infamous extermination proclamation of 2 October 1904, that is, two months after the battle of Waterberg. The proclamation reads:<sup>5</sup>

I the great General of the German troops send this letter to the Herero people.

<sup>1</sup> The following is based on an interview which I gave to the German-speaking Namibian newspaper *Allgemeine Zeitung*, Windhoek, in March 2002, and the academic revision of the interview written as my contribution to the 'Festschrift' of my friend and colleague Prof Manfred Hahn of the University of Bremen.

<sup>2</sup> From an interview I conducted with Mr Uazuvara Katjivena in Okakarara (Hereroland) on 21 May 2003.

<sup>3</sup> Quoted from Ramose (2002)

<sup>4</sup> The HRDC will be part of academic efforts to provide for platforms for discussions and negotiations, but also of civic activities, in particular within the recently established *National Preparatory Committee for the Commemoration of 1904*. This Committee was initiated by the German Evangelical Lutheran Church under Bishop R Keding and in co-operation with the Evangelical Lutheran Church in the Republic of Namibia under its Bishop Z Kameeta.

<sup>5</sup> As translated by Gewalt (1999). Rust quotes von Trotha's order in German in his record of the German Herero war, which he wrote in 1904 (published in 1905). Rust reported that von Trotha read his proclamation addressing his officers during a church service at Osombe on 2 October 1904.

The Herero are no longer German subjects. They have murdered and stolen, they have cut off the ears, noses and other body parts of wounded soldiers, now, out of cowardice, they no longer wish to fight. I say to the people anyone who delivers a captain will receive 1000 Mark, whoever delivers Samuel<sup>6</sup> will receive 5000 Mark. The Herero must however leave the land. If the populace does not do this I will force them with the *Groot Rohr*<sup>7</sup>. Within the German borders every Herero, with or without a gun, with or without cattle, will be shot. I will no longer accept women and children, I will drive them back to their people or I will let them be shot at.

These are my words to the Herero people.

The great General of the mighty German Kaiser.

How many Herero lost their lives after the factual termination of the war, is still a matter of debate.<sup>8</sup> Not debatable, however, is von Trotha's intention of extermination of the Herero in the very physical sense; not debatable is the efficient implementation of von Trotha's military policy.<sup>9</sup> Von Trotha's own comments after the events of 1904 support this view:<sup>10</sup>

The tribes of Africa use to fight against each other until one is finally defeated. This had to happen also here once. It is obvious that war in Africa cannot be conducted as required by the rules of the Geneva Convention. It was no easy decision for me to refuse women access to waterholes in the Kalahari. I was facing a catastrophe for my troupes. If I allowed the women to the small waterholes as they existed, I had to experience an African Beresina.

It is noteworthy to recall what Major Ludwig von Estorff wrote, who, as he put it, had "the thankless task of chasing after the refugees in the Sandveld<sup>11</sup> and preventing their return":<sup>12</sup>

I followed their spoor and found numerous wells, which presented a terrifying sight. Cattle, which died of thirst, lay scattered around the wells. These cattle had reached the wells but there had not been enough time to water them. The Herero fled ahead of us into the Sandveld. Again and again this terrible scene kept repeating itself. With feverish energy, the men had worked at opening the wells, however the water became ever sparser, and wells evermore rare. They fled from one well to the next and virtually lost all their cattle and a larger number of people. The people shrunk into small remnants who continually fell into our hands, sections of the people escaped now and later through the Sandveld into English territory. It was a policy, which was equally gruesome and senseless, to hammer the people so much, we could still have saved many of them and their rich herds, if we had pardoned and taken them up again, they had been punished enough. I suggested this to General von Trotha but he wanted their total extermination.

It is important to note that von Trotha, in his retrospective comments about the events of 1904, recognised the existence of the Geneva Convention (in this case the Convention of 1864), its possible applicability and his decision to ignore it.<sup>13</sup>

## 2 Seeking redress

<sup>6</sup> Samuel Maharero, the Herero leader in command of the war.

<sup>7</sup> *Groot Rohr* was the common (Afrikaans) word for cannons used by the Germans in their attacks against the Herero.

<sup>8</sup> Krüger (1999): 63ff

<sup>9</sup> Comments by Governor Leutwein show that the physical extermination of the Herero was obviously one indeed seriously reflected alternative in relevant administrative and military circles long before von Trotha issued the extermination proclamation. Leutwein wrote in April 1904: "I do not concur with those fanatics who want to see the Herero destroyed altogether. Apart from the fact that a people of 60 000 or 70 000 is not easy to annihilate, I would consider such a move a grave mistake from an economic point of view. We need the Herero as cattle breeders, though on a small scale and especially as labourers. It will be quite sufficient if they are politically dead." Quoted from Dierks (2002). Cf also Leutwein (1906).

<sup>10</sup> Quoted from Nordbruch (2002) -translated by MOH.

<sup>11</sup> Omaheke: the area east of the Waterberg plateau towards the border to Botswana (Betchuanaland)

<sup>12</sup> Von Estorff (1979) – translated by Gewalt (1999)

<sup>13</sup> Cf Nordbruch (2002)

The political landscape of the Herero/ Mbanderu nation of today is not easy to assess.<sup>14</sup> Chief Kuaima Riruako, at present Member of Parliament for the Democratic Turnhalle Alliance (DTA), one of the opposition parties, claims to be the Paramount Chief of the Herero, a position, which various Herero communities and the government of Namibia rejected to recognise.<sup>15</sup> Riruako's authority is disputed by many Herero who follow other leaders.

Chief Riruako and his followers were in the forefront of those who formulated claims for reparation for what happened to the Herero nation during German colonial times. They used the opportunity of visits of German politicians to Namibia (Chancellor Helmut Kohl<sup>16</sup>, President Roman Herzog<sup>17</sup>) and presented them with their demands. The negative response by Germany eventually led the group to consider legal actions.

in 2001, they decided to launch a lawsuit against private companies allegedly involved in the genocide of the Herero, the *Deutsche Bank* and the *Deutsche Afrika-Linien GmbH* (formerly *Wörman Linie*).<sup>18</sup> Later, they extended the case against the Federal Republic of Germany. The claims were initially submitted to the Superior Court of the District of Columbia in the USA. The plaintiffs are the Herero People's Reparations Corporation, registered in the District of Columbia; the Herero, "a tribe and ethnic and racial group"<sup>19</sup> represented by Paramount Chief Riruako, Chief Riruako as individual and 199 others. The original claim amounted to 2 billion US-dollars, after extending the claim against Germany, the amount was increased to 4 billion US-dollars.<sup>20</sup>

The legal proceedings instituted by the Herero are embedded in a very complex legal, political and, indeed, emotional context. The emotional polarism pervading the claim makes it almost impossible for lawyers to stay on the dry side of the invariably imperfect law. This essay cannot be the place to analyse the legal implications of the lawsuit of the Herero against German companies and the state of Germany. Instead, I will offer considerations about the interface between the legal and the political: The solution for the still unsettled German Herero of 1904 will most probably only be found in the grey area between the legal and the political.<sup>21</sup>

### 3 Settling the unsettled: Between the legal and the political

In statements by the German government, we repeatedly find references to the fact that Namibia occupies a special place vis-à-vis development co-operation, due to the two countries' historical relationship. It is being said that Germany's financial aid to Namibia is disproportionate to that of other countries. Is this of relevance to a legal assessment of the claim by the Herero?

It is a difficult question if the arrangements made between Germany and Namibia within the framework of bilateral co-operation are to be interpreted as compensation against possible claims for damage arising from colonial German acts. An answer to it would presuppose an interpretation of the agreements and respective diplomatic notes. Here, the extent to which the agreements formalising German aid to Namibia have incorporated the German intention to compensate claims for damages due to the wrongs committed by the German colonial government would have to be

<sup>14</sup> This assessment would encompass the history of the very painful physical and social reconstruction of the Herero nation after the German Herero war. Cf here Krüger (1999); Sundermeier (1973); Gewalt (2000)

<sup>15</sup> Cf Kuaima Riruako v Minister of Regional, Local Government and Housing, Case No (p) 336/2001 (unreported case in the High Court of Namibia)

<sup>16</sup> 1995

<sup>17</sup> 1998

<sup>18</sup> The claim against a third defendant, the Terex Corporation, was withdrawn.

<sup>19</sup> So the Herero submission to the USA-court

<sup>20</sup> Cf for the amount of the claim: The Namibian of 9 May 2003: 7. The text of the claim submitted to the USA-court is published (in English and German) in *Befunde und Berichte zur Deutschen Kolonialgeschichte*, Vol 4, 2002: 3ff.

<sup>21</sup> The article in the Hahn 'Festschrift' (see footnote 1) deals extensively with the legal side of the lawsuit of the Herero People's Reparations Corporation against German companies and Germany.

determined. Namibia must have not only understood such intention, but also accepted it as part of the agreements.

The Herero case, as other cases for reparations and compensation in the wake of World War II are especially complex, because they touch key questions of national and international law with regard to the prosecution of former government's transgressions. Dealing with such wrongs involves nearly insurmountable political and legal challenges even if an unconstitutional state is superseded by a constitutional one (for example, the replacement of the Nazi government by the Germany of today, or of the Apartheid South Africa by the democratic South Africa, etc). How much more challenging can situations be when dealing with transgression with cross-border dimensions and transgressions, which happened to people way back in the past!

However, there are apart from international political and legal considerations socio-anthropological ones, which may apply to such cases where the necessarily imperfect national and more so international legal orders fail to provide desired remedies. When talking to members of the Otjiherero speaking communities, people refer to the events of 1904 not primarily as grounds for monetary compensation; they refer to 1904 because the German colonial administration denied them *dignity*. Dignity was denied and not restored up to today, despite the achievements of independence and constitutional rights and freedoms! The plea for restoration of dignity is fed by memories that have not been overtaken by the physical onslaught in and after the German Herero war and have remained vital over time. The ritualizations of the events of 1904 in collective manifestations at the occasion of the yearly celebrated Herero day in August in Okahandja, the capital of Herero-land and the place where graves of important Herero leaders are,<sup>22</sup> have to be seen in this context.

The uncompleted chapter of the German Herero history requires response. But what response? Can the appropriate response be found in what has internationally developed to a culture of public apologies for crimes against humanity expressed by head of states and others since Willy Brandt's kneeling in front of the memorial for the victims of the Warsaw ghetto in 1970?<sup>23</sup>

It is impossible to predict the appropriate response at this stage. It will eventually be for the Herero nation to determine the way forward. The much-desired result, however, will not emerge as long as building fortresses to defend the status quo will prevail.<sup>24</sup> Re-conciliation and forgiveness will only happen if both sides accept that strategies of avoidance will lead to nowhere, or to developments all sides will deplore should they happen!<sup>25</sup>

The Herero case against Germany in the USA could add a new dimension to the unfinished part of the German Herero relationship by deepening the awareness for the enduring trauma of the war of 1904. The case has the potential to contribute to a new level of mutual understanding and expression of respect, but also to stimulate creative and committed agreements of settling the wounds of the past.

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<sup>22</sup> Cf here Krüger (1999): 265ff; and Sundermeier (1973): 85ff; Gewalt (2000)

<sup>23</sup> The discourse about the culture of public apologies is open: Müller-Fahrenholz' (1996) starting point in his proposal for a theology of reconciliation is Auschwitz and what follows from Auschwitz for reconciliation and forgiveness: Auschwitz and the fundamental possibility of justice; or Auschwitz and the *concept of god after Auschwitz*, as the Jewish philosopher Jonas (1987) put it. Lübke's (2001) approach to apologies as a new political ritual of repentance is a collection of cases and their (philosophical and socio-political) analysis to develop a platform, which will accommodate collective remainders on both sides.

<sup>24</sup> Building fortresses of this kind appears to be prominent within the German-speaking community of Namibia!

<sup>25</sup> Eg, with respect to the land question, which cannot be isolated from the human tragedy of the German Herero war: It is good to have art 16 of the Constitution of Namibia, which guarantees ownership and protects against expropriation; however, one must not forget that the protective force of law has limits. Loss in societal acceptance of the constitutional achievements at the independence of Namibia can turn into a revolutionary climate, should the societal interest in the *contrat social* that generated the constitution basically be associated with only a minority, the minority that holds most of the shares in the society's land resources.

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## Russia in the New World Order: Power and Tolerance in Contemporary International Relations<sup>1</sup>

Valerii Ivanovich MIKHAILENKO etc.

The events of 11 September 2001 made the problem of tolerance in international relations acute. Among scenarios of development of the international relations, the forecast that Samuel Huntington made in the 1990s, of civilizational and religious wars, is becoming real (Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996)). If this apocalyptic scenario is to be avoided, the concept of tolerance has to find its place in international behavior.

At the beginning of the twenty-first century the culture of tolerance in international relations has become one of the most important factors for the further existence of the humanity, and maybe, of the life itself on Earth. The international community and nongovernmental organizations have put on the agenda the problems of integration of the culture of tolerance into the international relations long ago, first of all by the UNESCO. Nevertheless, reliance on force, not tolerance, reigns in the international arena.

I have no illusions about changes in the hierarchy of international relations in the foreseeable future. However, to prevent tolerance from being condemned to a marginal position, we must remember that it is one of the primary factors in international relations, which hopefully will gain in influence. Methodologically analogous in attaching value to tolerance are the words of Italian intellectual Umberto Eco: "Intellectual duty is to confirm the impossibility of the war. Even if there is no alternative." (Umberto Eco, *Piat esse na temy etiki* (St. Petersburg: Symposium, 1998), 26.)

The problem of tolerance in international relations is considered here mostly from the point of view of political processes, using classical and postmodernist methodological concepts.

### **In Search of Oneself**

In the 1990s, Russian society experienced the humiliating position of post-imperial syndrome. Its basic feature is a condition of delayed mass mobilization. People's frustration, injured pride, and new identity could flow in one direction or another. In which direction would this mass breakthrough be channelled? Would it have a creative or subversive effect? Russian policymakers faced a very difficult task. Their policy choices had to be, at least to some extent, in accord with the basic disposition of society. Disillusionment with the West, so prevalent in the late 1990s, found its expression in a whole array of autarchic and nationalist teachings. For example, one of the state-patriotic ideologues, Aleksei Podberezkin, suggested that Russia needed a "self-sufficient national economics." (A. Dugin, *Osnovy geopolitiki* (Moscow: Arktogeia, 1997), 18889, 198.)

Russia had to become "a completely independent entity, which contributes and competes with economics of developed countries." No country in the world, even one more developed than present-day Russia, would be able to handle such a task. Russian autarchic nationalists showed a complete lack of touch with reality.

Another nationalist writer, Aleksandr Dugin, brought to the forefront "Russian national interest," which he sees in the imperial grandeur Russia had to regain due to the geopolitical potential of the Russian people. "The Russians are the people of the Empire," asserts Dugin. This implies that the Russian national interest lies in continuation of the empire-building process. (A. V. Kosyryev, "Strategia partnerstva," *Mezdunarodnaia zizn* 5 (1994): 10)

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<sup>1</sup> Abstracts in *Demokratizatsiya. The Journal of Post-Soviet Democratization (USA)*. Vol. 11 2, Spring 2003.

Clearly, the imperial dreams of Dugin and the autarchic tasks of Podberezkin, even though they may have been pleasant to hear for some constituencies, were in fact damaging to Russian national interests. In the program document of Vladimir Putin, "Russia at the Turn of Times," the task of primary importance was defined as modernization aimed at forming a post-industrial society. Defining modernization as a strategic aim provokes no objection from the majority of politicians and scientists, regardless of their values: liberal, nationalist, or statist. Yet a variety of meanings is enclosed in the concept of a modern society.

Crucial to Russia's development today is choosing the means and methods of modernization. The alternatives are limited: mobilization of internal resources, use of external resources, and combining both. Relying on internal resources only smacks of autarchy. That way has already been exhausted. Relying on external resources only is unreal. Nothing remains but a combination of the two.

One of the most important tasks of internal development is to overcome Russia's backwardness, to increase the level of culture, including technological advancement. Probably one of the main reasons that the countries of Central and Eastern Europe and the Baltic's left the Soviet coalition was their civilization incompatibility with Russia. Russian society paid a crippling price for communist social engineering, but it should accept its own historical guilt. Rather than look for external culprits Russia should comprehend its own failure as a natural outcome of its insufficient maturity, unwillingness to learn from others, arrogance, dependence, and lack of culture. Today there is a great temptation to avoid discussion of this subject, referring instead to the historical peculiarity of Russia, its uniqueness, and its special destiny. There is a great temptation to look for another "enemy." Today the primary task of internal development consists in the Russian people's adopting the bourgeois work ethic (called the Protestant work ethic by Max Weber).

### **Grim September 2001: Toward a New Paradigm of Foreign Policy**

To what extent can Russian foreign policy and Russia's relation with the outside world provide favorable conditions for the modernization of Russia and assure it an adequate place in the world arena? As Russia enters the twenty-first century, after the collapse of her empire, influence, and economy, the alignment of forces at the world stage leaves Russia without many choices. All of them can be aligned in the spectrum from bad to worse.

Nevertheless, fate gave Russia a chance to occupy a niche in the world community and to concentrate on settling domestic political problems. For the first time since the days of the anti-Nazi coalition, the United States and Russia both identified a common enemy and regarded it possible and desirable to unite in a struggle against world terrorism. With a cautious optimism in the actions of the Russian leadership and diplomacy it is possible to distinguish indications of a new paradigm of foreign policy, proceeding from the real and not "utopian" idea of the world situation and of Russia.

The terrorist attack on the United States has made evident that which has been brewing under the surface for quite some time, namely, that several new major threats to world security have emerged, stemming from ethnic conflicts, cultural intolerance, the weakening of the nation-state, and the polarization of nations into the rich vs. poor.

### **New Challenges: Ethnic and Religious Wars**

The system of international relations based on nation-states is being severely undermined. This in turn provokes changes of the principles of political organization of modern communities, and breaks traditional links

between their particular cells. Communities that have been living side by side for centuries discover hatred and resort to violence. Linguistic, religious, and cultural intolerance reigns supreme. What is worse, methods of "humanitarian intervention" by bombing raids

and arm-twisting diplomacy lead to new humanitarian catastrophes.

Neither the all-powerful NATO nor the weakened Russia had been able to prevent ethnic separatism and genocide. Hence one can conclude that there is no solution to problems of ethnic separatism by military means, either in the ongoing ethnic and religious conflicts in Asia, Africa, and Latin America, or in the Caucasus, Balkans or Central Africa for that matter.

In a recent speech, National Security Advisor Condoleezza Rice suggested that “the American values were of the universal nature.” Let us suppose, for a moment, that this statement is true. That would probably imply that the principle of interethnic relations should be based on multiculturalism, defined as a multiplicity of cultures, equal and valued in their diversity, without any domination or imposition of values, behaviours, and lifestyles on others. Implementation of this principle is impossible without awarding equal status to all ethnic groups. This would suggest non-segregation of communities into privileged ethnic groups and underprivileged ones. It would also imply that there is no right to ethnic revenge.

To look at the map of Europe makes obvious that the whole of Europe, an

d especially Central and Eastern Europe up to the Urals, are pregnant with potential ethnic conflicts. There is not a single European state whose borders would coincide with the boundaries of the ethnic groups resident there. In the twentieth century alone, Europe went through at least three national-territorial: Versailles peace, fascist alteration, and the Yalta settlement.

The territorial alterations in the Balkans, which began in the 1990s, may serve as encouragement to other ethnic groups to lay claim to a reward for their loyalty to the West. The above-mentioned speech by Rice hints at the desirability of strengthening American universal values: “triumphal procession, undoubted-

ly, becomes easier when the international balance of forces develops in favor of those who believe in these values.”

Those who have not caught the “Eastern express” will look for support in the “Western express.” In other words, those who have not aligned themselves with explicitly non-Western, Islamic values will hurry to latch onto the supposedly universal American values. As a result, the division of the world by ideology, as in the times of the cold war, will simply be replaced by the division of the world based on ethnic and political considerations.

How can that new polarization be avoided? It seems that nothing new should be invented. The solution has long since been enshrined in the founding documents of the United Nations, namely, that the sovereignty of states and the groups, form the basis for democratic claims in the current system of international relations. According to the United Nations, “a people” is defined as the entire population resident in a self-determining territory. Unlike peoples, national minorities are not subjects to international laws of self-determination. The UN explicitly entrusts the state with the obligation to guard their socio-cultural identity and assure non-discrimination of persons belonging to it. (*Geopoliticheskaia pozitsia Rossii: idéia i realnost* (Moscow: Art-Curier, 2000), 150.)

In the Balkans, in the post-Soviet space, the title nationality created intolerable conditions for ethnic minorities, hounded them out of the controlled territory, and aspired to make the area mono-ethnic. After the collapse of the Soviet Union, 25 million Russians found themselves outside Russia. In 1989 the Russian population in the eastern regions of Ukraine amounted to over 60 percent; in Eastern Kazakhstan and North Kazakhstan, 65.9 percent; in Riga (Latvia), 47.8 percent; in Tallin, Narva, and Tartu (Estonia), over 50 percent; in Vilnius and Klaypeda (Lithuania), 32.36 percent; in Kishinev (Moldavia), 31 percent. (M.O. Mnatsakanyan, *Nazii* (Moscow: Ankil, 1999, 231-32). In addition,

other ethnic minorities were living in these areas.

The high rate of conflict potential in the region of the Caucasus has been explained by a number of factors: competition of Islam and Christianity; rivalry of Sunnis and Shiites within Islam; uneven balance of the four ethnic groups - Dagestan, Vainkh, Turkic, and Abkhaz-Adygei - comprising over fifty competing nationalities, not speaking of tribal clans. (A.V. Vozzhennikov, *Paradigmy natsionalnoi bezopasnosti* (Moscow: Edas Pak, 2000), 321). Only in Chechnya are there more than 170 competing clans. (Ivanov, *Vneshniaia politika Rossii i mir*, 17)

No country in the world and no region are safe against an extemporaneous explosion of "ethnic bombs." As the events in the Balkans, Afghanistan, the Near East, Caucasus, Iberia, and the British Isles have shown, modern civilization does not have at its disposal any effective military means to stop interethnic conflicts.

## **Tolerance in the North Caucasian cultural tradition and in today's politics**

Barasby S. KARAMURZOV

Wide-spread attention to the problem of tolerance is stimulated at present by several factors – the splashes of ethno-political mobilization, ideas of cultural pluralism as a basis of liberal order in a contemporary society, reconsideration of globalization processes, the latter leading to the universality of diversity rather than to socio-cultural unification.

On the other hand in Russian political science special emphasis is laid on the processes of transformation of the Russian society and the establishment of new democratic institutions. At the same time the question of the presence in the society of a certain level of tolerance as a necessary (but not sufficient) condition for a normal functioning of a modern democratic society.

It is often stated that the western type of tolerance, creating conditions for the sustainable functioning of democracy is alien to Russian society, whose cultural basis is not of western type. In this connection North Caucasus is most often referred to as the region of mutual intolerance, disrespect to human rights, a region of ethnic and religious fundamentalism. In this synopsis I would like to consider the correlation of tolerance and intolerance in the social and cultural traditions of the peoples of North Caucasus, with the involvement of the results of the investigations carried out by L. Soloviova and B. Bgzhnokov and other scholars in the sphere of ethnography of the peoples of the Caucasus.

They demonstrated that tolerance and intolerance are characteristics equally typical of each individual, each social community. Tolerance makes it possible to establish contacts with the surrounding people and societies; at the same time intolerance to something that is alien to you, that differs from your culture contributes to a certain isolation, helps to avoid outer influence, to preserve originality. Any society which is characterized by cultural, ethnic, religious heterogeneity can only make progress in the atmosphere of tolerance (when it follows principles of tolerance. Some scholars hold that tolerance makes for the ability of this or that ethnic group to adapt in the surrounding world.



North Caucasus is a complicated region in various respects – language, ethnic and religious. Here, on a comparatively small area side by side there live peoples differing in specific economy (management), way of life, traditions customs. Such diversity has formed since time immemorial and is still preserved.

Under such conditions, it was inevitable that the Caucasians formed the concepts of “one’s own” and “someone else’s; another’s; others”. The idea of one’s own was regarded at different levels – “One’s own family” “one’s own kinship, neighbours, settlement (village), people”. The priority of “one’s own” is vividly demonstrated by the Caucasians’ folklore. The preference given to “one’s own” developed a somewhat alert attitude to “someone else’s”. Here, in the Caucasus, people think that a man could only become lucky and happy in his mother land, in the very place of his birth, and it was here that he was bound to settle his life.

The reason of the formation of such notions was obviously determined by the necessity of getting together in the face of various threats and perils: enemy’s attacks, disasters, epidemics.

But on the whole, the principle of good will, peaceful attitude to the surrounding was considered necessary at all the levels from family to community.

It should be pointed out that in the Caucasus with its poly-ethnicity, no negative stereotypes formed towards neighbouring peoples, irrespective of conflicts, war attacks, etc., that took place from time to time. On the contrary some positive feature of this or that

Etiquette norms of the Caucasians were mainly aimed at creating favourable atmosphere for communicating with other people, be it acquaintances or some strangers they met on their way, during some trips, journeys, etc. The Caucasian mountain-dwellers attach much significance to the conversation patterns in various situations. It is noteworthy that word is considered a more dangerous thing than weapon.

Thus, for the Adygue people good will stands in one row with such principles of behaviour as hospitality, respect for the elderly, respect for women, modesty. More than that, it is a basic condition for the realization of each of the above principles. Good will behaviour is associated with the etiquette norms, socially approved behaviour, though the difference between the notions of the ideal communicative behaviour and the actual behaviour of individuals has always existed and will still exist.

There exists a rather exaggerated idea of the role of the blood feud in the legal tradition of the North Caucasians. In practice the blood feud was mostly restrained by the so-called system of fines - natural or monetary in accordance with the norms of customary law. Numerous sayings and proverbs in the Caucasian languages testify to the preference the Caucasians gave to the peaceful settlement of conflicts whatsoever.

Special studies demonstrate that the legal culture of the Caucasian peoples has elaborated rather diversified methods and forms to overcome conflict situations.

The necessity to coexist in conditions of cultural, social, ethnic diversification brought to life some institutions, which were aimed at overcoming the actual isolation and alienation of ethnic and social worlds. The former made for making acquaintances, establishing contacts and ways of communication and trust between different peoples and different communities within one and the same ethnic group. It is such traditional institutes as hospitality, patronage, rather diversified and widely used forms of making relationship.

Even synoptically considered, traditions that determined interethnic cooperation of the Caucasians testify to their richness and variability. The peoples of the region have acquired considerable experience of mutual tolerance, wise communication, worthy compromises, norms, that provide the possibility of diversified cooperation. At the same time one should not exaggerate the degree of tolerance in a traditional culture for which "one's own" in the majority of cases has always been more preferable and valuable than "someone else's". Nevertheless, considering the ways various ethnic groups formerly interacted one cannot but admit that legends, norms, ideas, preserved in people's memory and recorded both in literary sources and archives are the reflections of sustainable tolerant relations, which were characteristic of all the ethnic groups in the Caucasus.

The nature and forms of tolerant consciousness and behaviour were subjected to a special analysis with the view of revealing their common psychological structure and philosophy. B. Bgazhnokov showed that they are constituted by the three groups of factors.

### **Factor of force.**

Tolerance is a combination of self-respect and respect towards others, manifestation of mental culture and high responsibility. As a general term for expressing benevolence and tact it has nothing to do with flattery and slave submissiveness, with indifferent calmness, idleness of mind. Here special emphasis is laid on the ability and willingness to refuse the actions, which can inflict damage on people, frustrate relations with them. Shortly, this is the expression of a social character, discipline and self-discipline, a mechanism of a conscious inhibition of reactions unacceptable both from legal or ethic points of views.

Tolerance is a form of a conscious and difficult empathetic action in complex, problematic and even dramatic conditions. Actions of the kind are especially important and actual in situations when a man has to restrain himself, irrespective of how strong his desire is? When he acts in defiance of his passions and vitally important interests. That is why tolerance in its highest manifestations is rather a complex volitional action than a simple one. What mostly counts here is strength, noble courage and wisdom rather than patience, narrow-minded prudence and elementary courtesy. Tolerance can also be considered as an entity of different manifestations of power, and mostly power over oneself, over one's emotions and reactions.

### **Spatial and temporal factors.**

The factor of time in many respects correlates with the factor of power and force. Tolerance implies the ability to restrain (delay) the immediate reaction and search for the correct solution in the future. The tactics like that allows not only to gain the time but also to get a kind of control over the time. In the long run it helps to take the tension out of the situation where it has initially been originated. And there is a certain degree of probability that the conflict variables will never be faced again.

A calm, well-bread man who is able to keep his tongue in a fit of anger is normally referred to as a man with "a long throat" (cf.: a long-throated man) in the Adygue languages. In this figurative way the Adygues emphasized that the negative emotion has a long way to cover by the end of which it dies away leaving no chance for the outburst of anger. In other words "a long-throated man" manages to gain the time, reconsider the situation and avoid wild reactions which might have led to moral and physical damage of the surrounding.

The scheme of the spatial relationship of the tolerant consciousness is like that. In case of a hopeless and desperate situation the participants of the conflict are normally advised: "You have to find a compromise, there is no sense in being so stubborn, there is no brevity in so firmly standing you ground; if you persist, you will lose your face"<sup>1</sup>

Another way to understand the term is "to turn off the straight road, to take a roundabout way" Due to this intensification the notions of tact and tolerance come out in a more distinct way. And it is not without reason that some well-known philosophers interpret the meaning of the word tact in terms of sensible, carefully considered roundabout way.

In the same way another word with the direct meaning "to move backwards in the direction in which your opponent is moving" is used. One can even imagine this "backward movement" which a tolerant consciousness associates with the readiness or necessity to cover peacefully a certain way with your opponent, though your vital interests predetermine quite a different route. But it is done out of respect and sympathy for your opponent, out of great desire to preserve peace, friendship and co-operation, thus leaving no chance for the conflict to break out.

### **The factor of sensibility.**

It enlarges and intensifies the above considered factors. Primarily the term implies the social mind, i.e. the ability to create correct relations with the surrounding people – friends, relatives, colleagues, etc. And to call these specific abilities the Adygues use the expression "the art of being among

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<sup>1</sup> In the conceptual system of Adygue languages the concept of face is associated with conscience.

people". The essence of this "art" is to live a proper life, to behave adequately, thus raising the authority of a man as such and the culture of the society he lives in.

In the system of values prescribed by this "art" great importance is attached to the ability to understand. It is regarded as an inborn power, aimed at removing all the obstacles which hinder man's correct orientation in the world. It is obvious that this understanding has two vectors. The first is self-understanding, that is, to know well your mental space and on this basis to build the images. The second vector is to understand and accept the life of another man, to live and act keeping in mind the interests and aspirations of the other. It is a kind of empathetic operation aimed at softening, balancing and correcting people's relations. There is the opinion those regulations stimulate positive thoughts, actions and aspirations suppressing negative ones. Empathy and mutual role exchange become the ideal tasks for the communication.

In the Adygue's philosophy all these things are ontologically and gnoseologically motivated. It is considered that every life relation comprises emanation of good and evil. Hence, the task is getting into the essence of different events and situations bring out all the shades of good and evil in them. It is necessary to ascribe ethic meanings to everyday events of life, rely on these estimations in controlling your own behaviour. It is the understanding that constitutes the effective practical identity of a personality.

In the everyday communication, in the great variety of social ties and relations many other forms of tolerant consciousness are being worked out. In general there is a whole hierarchy of different tolerance forms in which the lower psycho-physiological forms combine with higher spiritual one.

The notion of a "noble courage" may serve as a good illustrative example for it. Its underlying implication is the idea that it is much easier to hurt people than to help them, that it is tolerance and good deed that constitute real courage. Courage like that in its very essence corresponds to sympathy, compassion, tolerance, it associates with the ability to forgive and to be grateful, to overcome envy and conceit, to be always ready to defend the rights of the poor and deprived.

Tolerance, especially its highest forms provides the full realization of personality's creative potential. It sets him free from suspiciousness, uneasiness, from petty annoyances, from all that destroys the personality. The realization of different tolerance forms creates the atmosphere of high responsibility, confidence and cooperation in the society. And in this case it functions like a key social factor standing in the way of wastefulness towards the creative potential both of a personality and society.

The study of the social and cultural traditions of the North Caucasian peoples confirms that tolerance defense does not necessarily imply the apologetics of diversity. Most often it is just an admission of necessity. The history of mankind shows that the main forms of social and cultural tolerance are of circumstantially forced character. And only now we started to fully realize the use of diversity, though the variability of human societies has been an indisputable fact for many centuries. This variability brought to life various forms and regimes of tolerance. In different historical, national and cultural contexts different tolerance forms and types seem to be effective. There is hardly any universal pattern of tolerance which may serve as a standard of effective function in a political structure of this or that society.

We have to agree with E. Salvo that the consideration of the tolerance problem make us return to the question of the progress price. It makes us think to what extent the quick decisions in the sensitive sphere like that are justified. In the long run tolerance even in its archaic forms is better than any interethnic and inter-confessional conflict or ethnic cleansing, it is better than absence of any tolerance as such. The only correct and sensible strategy at the time being is gradual introduction of the new tolerance forms not instead but alongside with those already functioning in the society.

## **Femmes maghrébines et pesanteur culturelle - « Cas du Maroc »**

Khadija AMITI

### **Introduction**

Beaucoup de sociologues considèrent « le mouvement d'émancipation des femmes qui a eu lieu depuis plus d'une cinquantaine d'années comme l'une des transformations majeure du 20ème siècle.<sup>1</sup> »

Il y a moins d'un siècle toutes les sociétés réservaient à la femme un statut discriminatoire, justifiée sur sa soi disant infériorité, renforcée par une culture patriarcale prédominante.

Les structures de domination qui sont à la base de cette culture « sont le produit d'un travail incessant de reproduction auquel contribuent les différents agents : les hommes (avec des armes comme la violence physique et la violence symbolique) et les femmes victimes inconscientes de leurs habits et les institutions : famille...école, état »<sup>2</sup>

Les valeurs masculines sont tellement ancrées dans les sociétés que même au niveau des instances internationales « les efforts en ce qui concernent le statut des femmes ont sans doute été les plus longs. Il a fallu 30 ans pour arriver à adopter la convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes. »<sup>3</sup>

Les revendications relatives aux droits de la femme et sa citoyenneté nées dans les pays de la rive nord de la méditerranée, adoptées par les instances onusiennes, sont transmises à la rive sud par le biais de l'acculturation due, au début du 20ème siècle, à la colonisation<sup>4</sup>

renforcées par la prise de conscience d'une élite féminine instruite par la suite.

Actuellement, la question de la citoyenneté, notamment celle des femmes maghrébines, suscite beaucoup de polémique, elle est conçue comme issue de valeurs étrangères à la culture islamique, introduite par « le colonisateur ».

En ce qui concerne les textes de loi, les Etats Maghrébins qui ont reçu positivement les normes internationales, les ont acceptées de manière sélective, conditionnée et les mesures prises pour leur mise en œuvre, surtout celles relatives à l'égalité, sont insuffisantes.

Alors que la notion de la citoyenneté repose sur le principe de l'égalité, sur « la reconnaissance de l'individu comme source unique du droit dont la vocation universelle dépasse les différences inhérentes au sexe, à la religion, à l'opinion et aux situations sociales », des théories politiques ou religieuses reconnaissent aux femmes des segments de droits : droit de vote, droits des mères, droits des travailleuses » et nient leurs droits civils et culturels.

Cette vision segmentaire aux droits des femmes, laisse les pays maghrébins loin de réaliser le principe de l'égalité entre les sexes même s'ils sont engagés à « participer aux efforts de la communauté internationale pour construire un monde de paix, de justice et de dignité ».

Les pays du Maghreb, notamment le Maroc, ont ratifié des conventions internationales sur l'élimination de toutes formes de discrimination, pourtant la femme maghrébine, ne jouit pas de tous ses droits à cause de la confrontation entre l'universel et le spécifique. Cette confrontation est exprimée par une divergence profonde d'interprétation des textes sacrés entre un courant rénovateur et un autre qui s'accroche à la tradition et au conservatisme.

Les stéréotypes et les préjugés attribués à la femme trouvent souvent leur appui dans les interprétations erronées de la religion. Dans ce sens, l'Islam a été toujours instrumentalisé pour des fins politiques et idéologiques. C'est la raison pour laquelle les réformistes avaient la volonté de chercher dans l'Islam des justifications d'une évolution.

<sup>1</sup> L'abécédaire des sciences humaines in Sciences Humaines, N° 38, Sep-Oct-Nov. 2002

<sup>2</sup> La domination masculine, dans l'œuvre de Pierre Bourdieu, Sciences Humaines, N° spécial.

<sup>3</sup> Wassila Tamzali, Droits de l'Homme, droits des femmes, dans droits des femmes au Maghreb : l'universel et le spécifique. El Maarif Al Jadida, Rabat, 1992, p 10

<sup>4</sup> Les réformistes maghrébins incluent l'instruction des filles dans leur projet de renaissance. Se basant sur les préceptes de l'Islam qui fait de l'enseignement une obligation pour chaque croyant et croyante, ils contribuent à l'ouverture des écoles de filles, tenues longtemps à l'écart.

### **Condition féminine et pesanteur culturelle**

Malgré les avancées réalisées par les femmes dans les domaines de l'instruction, du développement économique et social, la plupart de nos sociétés continuent à les confiner dans un statut de mineure. au nom d'un Islam renfermé dans le Taqlid (tradition, répétition ) stagné au III<sup>e</sup> siècle. Alors que l'Islam en question, « l'histoire le démontre bien, se fonde sur un droit d'essence profondément jurisprudentielle, qui a pu adapter en les absorbant les changements et a agi par compromis, successifs, phénomène qui, par sa souplesse, a fait que cette religion s'est adaptée sans problèmes majeurs aux variations de temps et d'espace »<sup>5</sup>

Loin d'être une question purement théologique, Cette dichotomie entre le vécu des femmes et le discours véhiculé à leur égard, s'inscrit dans l'histoire et l'anthropologie. Zakia Daoud le note bien : « aujourd'hui les femmes concentrent les frustrations accumulées depuis les indépendances avortées »<sup>6</sup>, et « problèmes d'hier sont redevenus ceux d'aujourd'hui en plus prégnant »<sup>7</sup> et les « débats, qui furent ceux de la réforme au début du siècle sont redevenus d'actualité La raison en serait une résurgence de l'Islam.»

### **Processus du code du statut personnel: Quelques repères historiques**

#### **Naissance inachevée**

L'un des moments les plus forts de la décolonisation, fut la promulgation du texte de la Moudawana (code du statut personnel) élaboré entre 1957 et 1958. Ce moment est remarquable parce qu'avant cette date il n'y avait pas de lois qui régissaient et organisaient les relations entre les individus au sein de la famille. On se référait à des statuts hétérogènes (coutume et Charia, selon les régions, les milieux et les classes sociales).

Le code du statut personnel tire son existence de la fidélité au droit musulman et à la tradition. Dès sa parution, ce code suscite des réactions de mécontentement au sein de l'élite citadine moderniste, influencée par les valeurs des droits de l'Homme importées de l'occident à l'époque.

#### **Réactions immédiates : Réticence dès la parution**

Déjà en février 1957, un article signé par Souad, paru sous le titre « nous voulons l'égalité avec l'homme » dans un hebdomadaire de langue française « Démocratie »<sup>8</sup> revendique l'égalité des sexes.

Notons que les revendications contenues dans cet article sont les mêmes que celles réclamées par les femmes jusqu'à maintenant (l'égalité des droits entre les sexes tant au niveau politique qu'économique et civil).

#### **Réaction menaçante des Oulémas**

Les oulémas conservateurs, se prenant pour les défenseurs de l'Islam, ne se sont pas faits attendre, ils ont réagi violemment à cet appel :

« Prenez garde de toucher une autre fois à la loi de l'Islam ! Disent – ils, nous avons combattu uniquement pour que le Maroc reste un pays musulman, pour que la parole de Dieu y soit la plus haute et la vérité plus grande. »<sup>9</sup>

Cette réaction menaçante n'a pas mis fin aux revendications, mais elle a rendu la mission du courant musulman démocrate et rénovateur jusqu'à présent difficile et les résultats de toute action dans ce sens très limitée.

<sup>5</sup> Idem, p. 15

<sup>6</sup> Féminisme et Politique, p 17

<sup>7</sup> Idem p. 17

<sup>8</sup> Idem p 10 cet article a été publié dans la revue de Presse Maghreb-Proche orient- moyen- orient, N° 14 avril

<sup>9</sup> Le quotidien « Al Alam » du 20 février 1957.

### **Annnonce de la première constitution : genèse d'une politique égalitaire**

En 1996 Le Souverain Hassan II annonce la première constitution où l'homme et la femme jouissent d'une égalité des droits politiques, ainsi que les autres droits relatifs au travail et à l'instruction.

Cet événement inaugure le premier pas de la femme dans sa marche vers la parité et la citoyenneté. S'y ajoute les premières élections de 1963 scrutin pour lequel les femmes ont participé massivement et pour lequel elles se sont présentées comme candidates.

L'égalité théorique des sexes postulée dans la constitution du pays reste relative par les discriminations et les exclusions. Si les femmes « sont égales devant la loi suprême, la constitution, si elles ont les prérogatives juridiques et politiques que celle-ci leur confère (droit de vote et d'éligibilité), ces avancées théoriques ne sont souvent pas respectées, d'une part, et d'autre part, les femmes restent profondément inégales devant la loi civile (Code de statut personnel).

### **Droits civils toujours freinés**

Malgré les mutations qu'a subit la société marocaine marquée surtout par l'accès massif des filles à l'école et l'insertion des femmes au travail salarié, le statut personnel de celles-ci reste immuable, fidèle au modèle traditionnel patriarcal « fondé sur une hiérarchie verticale Homme/Femme, et une ségrégation horizontale : femmes dedans, hommes dehors »<sup>10</sup>.

Les fondements théologiques sur lesquels posent les principes du statut personnel, sont, sans cesse légitimés, revalorisés renforcés ; a la suite des événements des années 80, dans l'enseignement supérieur, les unités d'enseignement théologique se sont multipliées, et l'enseignement de la sociologie et la philosophie ont été combattus.

Par conséquent, le discours islamiste va intégrer le milieu universitaire et s'outiller de moyens modernes (informatique, Internet...) pour faire propager des idées plus archaïques et influencer une population déjà imprégnée de stéréotypes et de préjugés dans une société où l'analphabétisme atteint plus que la moitié!

### **Les femmes protestent**

Après ce que Zakia Daoud a appelé un long hiver, dès les années 80, les femmes reprennent leur combat. Le contexte international est encourageant ! La décennie de la femme, l'adhérence du Maroc à plusieurs conventions l'amenant à prendre en considération les droits de la femme.

Le contexte national aussi était favorable. « Les transformations sociales et politiques sont surtout manifestes et visibles par le foisonnement récent des ONG autonomes qui vont contribuer à l'élargir et renforcer la participation de larges catégories sociales aux initiatives démocratiques et de développement ».<sup>11</sup>

### **Un million de signatures pour changer la Moudawana**

Le 8 Mars 1992 le mouvement féministe au Maroc lance une campagne de changement de la Moudawana et toutes les lois discriminatoires à l'égard des femmes, en utilisant tous les moyens : (conférence de presse, mémorandums, couronnés par une pétition d'un million de signatures).<sup>12</sup>

Mais la société « traditionnelle cherche à se reconstituer et à maintenir ses mythes, au surplus favorisé par la ségrégation. »<sup>13</sup>

### **Femmes menacées**

Les revendications de ces femmes suscitent des réactions agressives plus fortes et plus organisée menées par les Oulémas du Maroc (Un groupe de théologiens reconnus par l'Etat) et les intégristes.

<sup>10</sup> ---

<sup>11</sup> Association Démocratique des femmes du Maroc, Convention CEDAW:Rapport parallèle.2001 p.42

<sup>12</sup> Les leaders de cette campagne sont les militantes de l'association de l'Union de l'Action Féminine. Les communiqués et les actes des conférences données par l'occasion ainsi que la pétition ont paru dans le journal féministe « 8 Mars » crée en 1983 par le groupe des femmes fondatrices de l'UAF (l'union de l'action féminine).

<sup>13</sup> Féminisme et politique,...

Ils sont allés jusqu'à menacer les leaders de cette campagne de mort par le biais d'une Fétwa<sup>14</sup> (un moyen traditionnel de jugement).

Encouragé par le ministère des affaires islamiques, la présence du courant conservateur se renforce par l'exploitation des lieux saints (les mosquées, les maisons du Coran) et par la création de leurs propres tribunes médiatiques. Conçus comme des normes contre l'Islam, ce groupe considère que l'application des droits humains, notamment les droits de la femme, va bouleverser l'ordre social. Les adeptes de ce courant s'acharnent en réalité contre les valeurs de la modernité et de la démocratie, et contre tout aspect d'évolution.

Les Oulémas incitent même l'Etat à punir ces « athées » qui « veulent transformer la société marocaine musulmane en une société animale, permissive en repoussant non seulement le Coran, la sunna et les prescriptions de la Charia mais toutes les valeurs morales et religieuses universelles, au nom de la civilisation, de la modernité et du progressisme » !<sup>15</sup>

Toute revendication en matière du statut personnel de la femme (la moudawana) est accusée d'occidentalisation et de l'éloignement de l'Islam. Les femmes conscientes de l'importance de cette phase de leur histoire, constituent un comité de coordination rassemblant toutes les composantes de la société civile démocrate pour défendre les droits de la femme, notamment l'instauration d'une « moudawana » basée sur l'égalité entre les sexes.

### **Une moudawana amendée insatisfaisante**

Pour mettre fin au débat conflictuel entre les défenseurs des droits des femmes et les conservateurs, le roi Hassan II annonce, dans son discours du 20 Août 1992, la nécessité de l'amendement de la Moudawana. Il interpelle les femmes leaders d'associations féminines pour qu'elles lui soumettent des mémorandums contenant leurs recommandations.<sup>16</sup>

Considérés comme étant la continuité du statut personnel de 1957 fondée sur la discrimination et la suprématie masculine, les amendements apportés au code personnel de 1993, engendrent des réactions.

Deux positions sont prises à ce niveau. L'une, issue du mouvement féministe qui lutte pour les droits de la femme, l'autre rejoint les positions conservatrices des oulémas et des partis islamistes qui combattent toute approche égalitaire.

Les féministes, frustrées par les amendement mutilés, poursuivent leur combat pour un code personnel équitable en se basent sur le principe d'égalité entre l'homme et la femme déclaré dans la constitution, principalement dans son préambule où fait référence « aux droits de l'homme tels qu'universellement reconnus »

La première réaction est celle parue dans le journal « 8 mars » de l'association de l'Union d'Action Féminine qui annonce la reprise du combat pour l'amendement de la Moudawana. De nouvelles actions sont entreprises pour atteindre cet objectif.

<sup>14</sup> Journal « Raya » (porte parole des islamistes à cette période) N°

<sup>15</sup> Journal « Ar-raya », N° 24 du 22 juin 1992, p4.

<sup>16</sup> La lutte des femmes pour le changement de la moudawana, coïncident avec la lutte des partis politiques démocrates pour le changement de la constitution. Conscientes de l'importance de cette opportunité historique, les femmes adressent des mémorandums aux leaders de ces partis pour les impliquer dans leurs actions. Les actions des femmes suscitent des réactions de tous les côtés notamment chez les partis politiques qui ne désirent pas intégrer la question de la femme dans leurs projets de société à cause de sa subtilité. Dans ce contexte politique très délicat où les tensions commencent à augmenter, survient le discours du roi pour mettre fin à cette polémique qui pourrait nuire aux élections prévues.

## Les conservateurs menacent

Parallèlement à ce combat pour l'égalité entre les sexes, une autre position négative émerge pour ériger un mur de résistante à ce principe d'égalité en se basant sur la constitution qui stipule dans son article 6 que l' « Islam est la religion de l'Etat ». Les réformes survenues au code personnel de la femme, refusées par les femmes démocrates à cause de leur insuffisance, sont accueillies favorablement par les conservateurs.

On constate, que toute stratégie de lutte de la part des femmes, figées historiquement dans leur rôle de gardiennes de la tradition, est « enlue au plus profond dans les politiques nationales ».

Quoi qu'elles soient égales devant la constitution (loi suprême du pays), quoiqu'elles aient les mêmes prérogatives juridiques et politiques que les hommes (droit de vote et d'éligibilité), ces avancées restent la plupart de temps théoriques ou non respectées de part leur inégalité devant la loi civile (la Moudawana).

Au Maroc, « la hiérarchie des normes internationales sur les normes nationales ne semble pas clairement définie ». <sup>17</sup> Cette confusion s'est manifestement exprimée lors de l'élaboration du Plan d'Action pour l'Intégration de la femme au Développement et dans les réactions suscitées à son égard.

Pour la première fois un plan d'action pour l'intégration des femmes au développement à court terme était préparé par l'Etat Marocain, conformément aux recommandations de la conférence de Beijing (1995) en collaboration avec la société civile.

Les défenseurs de la tradition et du conservatisme considèrent ce plan d'action comme un instrument importé de l'Occident et s'en servent pour renforcer leur position basée sur l'identité et la spécificité.

Les arguments- pièges de la spécificité issue des modèles de référence, imprégnés de religion, renforcé par le discours politique et appuyé par l'idéologie officielle, marquèrent les esprits et influencèrent les attitudes.

Ces attitudes négatives du courant conservateur n'a pas empêché l'action des ONG féminines de mobiliser l'opinion publique. « Le dynamisme de ces ONG se révèle l'un des plus efficace de toutes les composantes de la société civile » La dynamique des femmes est appuyée par les ONG des droits de l'Homme et d'autres acteurs qui croient aux droits de la femme dont le nombre ne cesse d'augmenter.

Sous la pression du mouvement des ONG féminines et toutes les potentialités démocrates l'Etat marocain a constitué une commission chargée d'amender le code du statut personnel de la femme dont le travail est rendu et a fait l'objet du discours royal à l'ouverture du parlement. Basé sur une interprétation positive de l'Islam, le nouveau intitulé « code de la famille », est reçu positivement par tous les acteurs sociaux parce qu'il rend justice aux femmes.

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<sup>17</sup> A.Moulay Rchid, La femme et la loi au Maroc. Fennec Maroc, 1991.

## **La vieillesse des femmes pauvres : cas de la maison de bienfaisance de Kénitra**

Fouzia RHISSASSI <sup>□</sup>)

L'étude de la vieillesse des femmes a pour terrain d'observation une maison de bienfaisance de Kénitra. Elle vise à mettre en relation la crise que traversent aujourd'hui certaines familles marocaines d'une part, et les problèmes particuliers que pose le mode d'existence, de l'autre. C'est sur ce mode d'existence que je me propose de réfléchir, en essayant d'aborder un certain nombre de facteurs qui le conditionnent.

De prime abord, il faut souligner le fait que le présent travail de recherche s'inscrit dans le cadre général de la promotion des droits des femmes, et de l'ensemble des travaux et des écrits portant sur la femme. Cette somme de connaissances construit indéniablement une certaine image des femmes et façonne des représentations positives ou négatives qui restent difficiles à dépasser ou à transcender. C'est dans ce but que, depuis sa création, la chaire a initié, une série de colloques et de journées d'études<sup>1</sup>.

La dernière initiative en date est une journée d'études sur le thème du vieillissement au Maroc. La Chaire UNESCO « La Femme et ses Droits » consciente de l'intérêt que représente le thème du vieillissement, et très soucieuses de promouvoir la recherche dans ce domaine, les organisatrices ont invité des chercheuses étrangères à venir parler des différents aspects de la vieillesse, dans l'espoir d'attirer la curiosité de la communauté scientifique sur un très vaste domaine de recherche qui reste vierge, et de sensibiliser les décideurs à cette problématique.

L'influence des différences psychologiques et sociales chez les personnes âgées qui vivent dans des cultures différentes ont été mises en évidence et passionnément discutées. La situation économique des femmes âgées, l'insécurité financière, la charge que la population âgée représente et représentera pour la population active, tous ces points furent l'objet de discussions approfondies au cours de cette rencontre<sup>2</sup>.

Soulignons au passage que le thème du vieillissement est peu ou pas étudié au Maroc. Bref, cette absence même de l'histoire écrite témoigne de son émergence comme problème socio-culturel. En effet, le vieillissement pourrait être très utilement soumis, comme un thème de recherche, à la considération des universités marocaines, des instituts nationaux et internationaux de recherche et aux grandes fondations vouées au bien public.

Avant d'examiner la problématique de la vieillesse des femmes pauvres, et surtout avant de nous occuper de ce qui fait l'objet de cette communication, il me semble opportun, voire important, de livrer quelques observations.

Qu'il s'agisse de pays développés, ou en voie de développement, cette tendance est à prendre sérieusement en considération dans la mesure où, elle redéfinit les rapports productifs de soutien et d'assistance entre générations.

L'assemblée générale des Nations Unies a proclamé le 1<sup>er</sup> octobre journée internationale pour les personnes âgées par sa résolution, 45/106 du 14 décembre 1990. Cette décision s'inscrit dans le cadre des initiatives onusiennes telles que le plan d'action international sur le vieillissement, adopté en 1982 par l'assemblée mondiale sur le vieillissement et approuvée par l'assemblée générale la même année.<sup>3</sup>

Au Maroc, la politique de la vieillesse est une création récente, et la dénomination elle-même apparaît en Avril 2002, dans le rapport national sur le vieillissement par le Ministre de l'Emploi, de la formation professionnelle, du Développement social et de la Solidarité.

Il faut rappeler que ce plan d'action national pour la protection des personnes âgées, se base sur les principaux éléments contenus aussi bien dans la stratégie d'action internationale sur le vieillissement et dans le plan d'action arabe des personnes âgées que dans ses références nationales puisées dans les fondements religieux, civilisationnels et dans les spécificités socio-culturelles du Maroc.

Au Maroc, le diagnostic général de la situation des personnes âgées invite à une prise de conscience évolutive vers le dépassement du discours démographique qui ne cesse d'insister sur le poids de la catégorie des jeunes dans la pyramide des âges aux dépens des personnes âgées.

S'agissant de la nouvelle structure de la pyramide des âges, il est à noter l'évolution progressive et significative de la population âgée qui tendra à augmenter de 7,3% en 2000 à 8,2% en 2010, ensuite à 11,1% en 2020 et pouvant atteindre 21% en 2060.<sup>4</sup>

Dans le domaine des personnes âgées, une maison existe à Kénitra qui assure des services gratuits concernant l'alimentation et l'hygiène et qui bénéficie également de quelques prestations offertes par des médecins bénévoles.

Malgré les efforts déployés, celle-ci soulève quelques angoisses et quelques inquiétudes pour tout un chacun qui pense à la construction d'un état de droit.

L'étude porte sur un groupe de 23 femmes, dont les âges s'échelonnent de 40 à 95 ans. Pour en préciser la nature et en marquer les limites, il convient de faire état, d'emblée de quelques remarques préliminaires.

La première de ces observations serait dans cet hospice se trouvent confusément mêlées cinq types de population.

- 1) Les femmes âgées qui nécessitent des soins médicaux constants. Les personnes handicapées physiquement abondonnées par leurs enfants et leurs familles.
- 2) Les personnes qui après guérison d'une maladie aiguë sont envoyées dans cette institution afin de désencombrer l'hôpital Idrissi où se trouve une population démunie.
- 3) Les femmes veuves relativement en bonne santé, mais démunies et qui ne peuvent plus trouver leur situation sociale antérieure à cause de la dégradation de leur environnement (revenus, habitat, famille, etc.).
- 4) Les femmes jeunes et présentant des troubles mentaux.

Dans l'enceinte de la maison, apparaît d'emblée une démarcation : d'un côté, un petit jardin, lieu de promenades, de rencontres, de mixité ; de l'autre un pavillon, lieu de fixation et de cohabitation. C'est là où les individus passent la majeure partie du temps.

A la grisaille du local, s'ajoute le quadrillage de l'espace attribuant à chaque corps sa place, compartimentant des lieux de la taille d'un lit. Même dans les services rénovés les équipements sanitaires sont très limités : trois lavabos pour trente femmes et pas de glaces sur les lavabos. Dans bien des cas, la situation

adoptée est la toilette au lit et aux yeux d'autres femmes et des éventuels visiteurs (une femme de ménage parle ici). L'espace ainsi découpé est fonctionnel et contrôlable. Espace d'hébergement mais aussi un espace de surveillance.

Embrassée d'un regard, la salle commune des femmes permet l'exercice d'un réseau hiérarchisé de vigilance assurant sécurité et contrôle, l'une légitimant l'autre. Tout laisse à croire, en définitive, que ces laisses pour compte trouvent là une forme de sociabilité et la permanence d'un spectacle qui reste leur seule distraction.

A première vue, la maison correspond à la définition Foucauldienne des pratiques disciplinaires. Il s'agit pour reprendre les termes de Foucault, « d'établir des présences et des absences, de savoir où et comment retrouver les individus ..., d'instaurer les communications utiles, d'interrompre les autres, de pouvoir à chaque instant surveiller la conduite de chacun ».<sup>5</sup>

Dans cet espace rigoureusement codifié l'organisation des horaires est stricte. Les heures du réveil, de la toilette et des repas découpent et ponctuent de longues séquences de temps vide.

De manière générale, il faut dire que les personnes hébergées à cet hospice ont connu, au cours de leur vie active, l'alternance des périodes de travail et celles de repos nettement différenciées. Ces paramètres sont quasiment inexistantes et le temps laissé libre, demeure vacant. En effet, l'absence de montres ou d'horloges en constitue l'illustration. Seuls demeurent les repères naturels : Le jour, la nuit, quelques repères administratifs et les horaires des repas. Soulignons que le temps de ces individus ne connaît ni imprévu, ni changement. Ce temps circulaire conduit les pensionnaires à vivre à un rythme végétatif que ponctuent les activités d'entretien et de reproduction du corps.

Il convient de noter que l'analyse du temps vécu et des rapport entre les être humains et les structures spacio temporelles de la vie ont connu des progrès considérables. Cependant, les attitudes vis à vis des personnes âgées regorgent de préjugés car on continue à croire que vieillir c'est vivre dans le passé. Ainsi, l'attitude prise en face du temps qui s'écoule,

est la même pour toutes les personnes âgées. Il va de soi qu'une telle approche vise à figer la vie pendant la vieillesse. Si les « vieillards » vivent dans le passé, c'est là l'expression de leur incapacité à vivre dans l'avenir, et continuer à marcher en avant. L'élan vital qui nous porte vers l'avenir et qui l'ouvre largement devant nous n'a pas d'âge ; cet élan ne dégénère point, ou du moins ne devrait pas dégénérer .

Les pensionnaires bénéficient pendant leur séjour de toutes les libertés compatibles avec les exigences de la vie collective, et il leur est demandé de respecter certaines règles et certains horaires. Précisons que la latitude laissée aux personnes âgées est grande, mais plus déterminantes apparaissent les consignes qui organisent la vie quotidienne. Autrement dit, la bonne conduite est stricte. Les encadrantes sanctionnent tout comportement générateur de désordre dans la marche du service. A la stabilité des énoncés du pouvoir officiel s'ajoute l'oral et l'arbitraire des paroles d'interdiction des personnes dites « encadrantes » Ainsi, c'est sur le corps que les sanctions s'exercent . Une mesure communément répandue est d'interdire aux fautives de sortir. Pour ces dernières, l'aire de circulation peut être réduite, mais aussi dans certains cas complètement supprimée .

Finalement, les consignes qui organisent la vie quotidienne visent le corps des « vieillards ». Tout est là pour augmenter la sujétion du corps. Dans ce lieu, le corps des femmes est facilement traité parce qu'il est immobile : c'est le cas des femmes atteintes de plusieurs formes d'incapacité .

La maladie, la nourriture et la mort autant de thèmes autour desquels s'articulent les gestes et les paroles qui ponctuent la vie quotidienne dans cette maison. Cet ensemble de pratiques comportementales et discursives s'inscrit dans un système global qui astreint les femmes à occuper une place déterminée beaucoup plus par les impératifs du fonctionnement et de la gestion institutionnels que par leurs histoires singulières .

Plusieurs formes de repression et d'assujettissement brisant toute spécificité peuvent être distinguées. Ainsi les sanctions et les tolérances se combinent de façon à ce que la gestion

de l'institution soit supportable pour toutes celles qui s'y trouvent.

Le mélange des valides et des grabataires dans une vaste, salle, l'abandon du cadre personnel, la nourriture uniforme et mal conçue, l'insuffisance pour ne pas dire l'absence du contrôle médical et l'inexistence de formation du personnel, la séparation avec la vie sociale, le manque de loisirs sont autant d'atteintes au moral et à l'équilibre physique et psychique, de ces êtres humains hébergés dans des locaux sinistres où l'oisiveté accroît le sentiment d'inutilité.

Les maisons de vieillesse sont théoriquement destinées à prendre en charge des états différenciés, selon le type des soins qu'ils requièrent. Mais l'analyse de la population séjournant actuellement à Kénitra montre que cette maison prend en charge des corps flétris et usés pour assurer tout ce qui est vital à leur reproduction biologique.

De fait, on ne peut pas remarquer que ce genre d'hospices est un véritable « pourrissoir ». Peut-être que tous les hospices au Maroc ne méritent pas un label aussi cruel, mais il reste beaucoup à faire pour humaniser ces espaces.

Le travail et les pratiques hygiénistes, en effet, témoignent aussi de l'assujettissement du corps. Ce dernier, porteur des stigmates de l'âge est mis à nu – la promiscuité des lits et l'inexistence de paravents ou autre équipements sanitaires font que le corps est lavé et traité aux yeux de toutes. Pour la femme du ménage la toilette et le change du linge font partie des tâches générales de nettoyage : Le ménage et l'entretien des W.C et des lavabos, le balayage et la toilette des pensionnaires sont des éléments indistincts dans la chaîne contraignante du ménage.

Les entretiens que j'ai eu avec certaines femmes m'ont permis de constater que toutes les manifestations de désir et de vitalité humaine, qu'elles s'expriment par le corps ou par la parole sont fortement refoulées. La nourriture, dans ce contexte particulier, est considérée comme l'unique plaisir « C'est réellement un plaisir de les voir manger » m'a dit une femme de ménage. En assurant le plaisir de boire, et de manger, la maison remplit, selon certaines, sa fonction. Plus profondément les tâches d'entretien s'inscrivent

dans un processus d'infantilisation des personnes âgées.

Dans cet environnement où plusieurs facteurs contribuent à la dépersonnalisation des femmes, préserver une certaine image de soi dans la coiffure, le vêtement ou l'allure d'une manière générale est un comportement qui transgresse un préjugé intériorisé, selon le quel les personnes âgées n'ont plus besoin de plaire ; Les femmes qui osent se maquiller s'exposent à divers commentaires ironiques, et désapprouvateurs de la part de certaines femmes.

La mise hors-jeu de la séduction est d'autant plus sévère que la population de l'établissement est composée de personnes issues des couches populaires. Ici la valeur du corps des femmes est étroitement liée à sa capacité de travail et sa dévaluation est la conséquence de son incapacité et de son usage.

Cette maison est fantasmée comme une « grande famille ». la féminité du personnel encadrant est un bon relais à la reproduction de ce fantasme. La masculinité reste du côté des médecins et du personnel administratif qui ne s'occupe pas directement des femmes âgées.

Sans doute ce fantasme familial renforce et justifie l'emplacement des femmes comme « objets ». Cela dit, les femmes sont infantilisées en tant qu'objets autour desquels se nouent de multiples enjeux de pouvoir et de savoir des membres de cette famille élargie qui parlent d'elles et pour elles. Leurs paroles propres sont absentes de ce réseau de sens.

Cependant, la non-parole ne traduit pas un mutisme total : les vieilles interpellent l'institution par des plaintes à caractère individuel en articulant leur demande autour d'un « plus » toujours insatisfait. Paradoxalement, ces plaintes représentent un discours adapté à l'institution. Par elles, les vieillardes insatisfaites reproduisent le lien qui les rattache à elle. Cette dernière n'est pas décentrée de sa mission de « donneuse » de services. Les plaintes sont acceptées et peuvent être plaidées car elles émanent d'individus malades réclamant un peu plus de nourriture, de boisson, et de médicaments à cette maison nourricière.

A l'évidence, les personnes âgées sont très dociles au sein de cette institution et leurs corps sont d'autant plus facilement traités qu'ils sont immobiles. Etant donné la pénurie

du personnel, il est plus facile de laisser les gens au lit que de les « activer ». Aux femmes âgées valides, on demande en revanche une collaboration avec le personnel, et leur autonomie motrice et tolérée par ce dernier qui voit en elles « de bonnes vieilles femmes » qui aident.

Dans cette institution où le corps des femmes n'est vu et reconnu que malade, ces dernières parlent le langage de la maladie et ne peuvent se présenter que malades pour susciter une certaine attention. Dans les différents échanges avec elles, j'ai remarqué qu'elles me racontent leurs histoires en se limitant à celles de leurs conditions physiques et de leurs handicaps. Leur présence au sein de la fondation ne prend vraiment sens que par rapport à la maladie. Une manière pudique de masquer les autres raisons qui ont pu les conduire.

Au cours des entretiens, plusieurs attitudes se sont manifestées chez nos sujets. Il nous est impossible de les traiter statistiquement. Les réponses étant sporadiques, elles ne permettent pas de codification. Ces attitudes nous paraissent cependant d'un très haut intérêt.

Une attitude, par exemple, est celle d'être en maison pour vieilles. Au sein de cette maison, les femmes tout en se félicitant des avantages offerts, rendent ce mode d'habitat responsable de tous les maux possibles, physiques ou psychiques ressentis. Elles se plaignent de subir une forme de vie communautaire qui ne leur offre pas la possibilité de contacts sociaux . « Je vais très mal depuis que je suis là », je dors difficilement parce que je suis ici », ou « je n'ai plus d'appétit depuis que je suis ici », je vieillis parce que je suis ici », « je vieillis depuis que je n'ai plus de soucis pour la vie de tous les jours », « nous sommes là pour mourir » disent les unes et les autres.

Il est certain, que la conscience de vieillir chez des individus est à l'origine des sentiments de tristesse et de regrets qui lui sont propres. Cependant, ces sentiments pèsent lourdement quant on pense que la vieillesse ne comporte qu'une perspective restreinte et que ce qui a été réalisé semble au-dessous des aspirations qui ont marqué la vie active durant la jeunesse ; cette situation se produit, du reste, pour de multiples raisons à n'importe quel moment et à n'importe quel âge. Autrement dit, la fatigue, la souffrance, la douleur, le

découragement et la détresse ne sont pas l'apanage de la vieillesse et sont inhérentes à certaines situations de la vie. De même, ce diagnostic paraît trop éloigné de la réalité d'une grande partie des personnes âgées pour pouvoir en constituer ne fût-ce qu'une ébauche.

On peut donc dire que la notion de vieillissement est souvent envisagée d'un point de vue biologique. Or le vieillissement est un ensemble de processus, l'être humain étant à la fois un être biologique et être doté de raison, dans un contexte socioculturel particulier.

En décidant d'un âge pour définir le début de la vieillesse, on isole la population âgée dans un monde à part en l'homogénéisant. Cette démarche conduit les personnes âgées à la perte de toute identité personnelle. Dans ce cas, elles sont victimes de ce que les chercheurs Anglo-saxons qualifient d'âgisme<sup>6</sup>, c'est à dire l'ensemble des préjugés reposant sur l'âge. En effet, l'âgisme, tout comme le sexisme ou le racisme est générateur de dévaluation et d'exclusion.

Les différences créées sur la base de l'âge sont pour certains chercheurs comparables à celles qui s'appuient sur le genre, la classe sociale ou la couleur de la peau. Ces différences reposent sur un double processus de différenciation et de domination caractéristique des inégalités sociales, et se manifestent à travers l'organisation et la représentation sociales. Ainsi les personnes apprennent à faire la différence entre jeunes et vieux / vieilles en utilisant de nombreux vecteurs.

La notion de dépendance suscite une floraison de discours alarmistes. A l'instar d'autres pays, le développement au Maroc doit, à mon avis, trouver sa source dans un processus de réflexion axé sur des concepts comme la dépendance. Ces concepts ne peuvent que nous interpeller quand on constate leurs représentations dominantes et simplificatrices.

En tout cas, il est aisé de déceler des processus de dépendance, d'interdépendance et d'autonomie que le développement psychologique met en jeu. Le moment où une personne devient dépendante varie en fonction de la biologie, mais, aussi, du cumul des événements socioculturels. Souvent les choix antérieurs et actuels, du monde de vie, l'état de santé physique et mentale jouent un rôle décisif. En

tout état de cause, la dépendance fait partie d'un vieillissement réussi. C'est, à certains égards, ce qui ressort d'une lecture des écrits que M.M. Baltes a consacré à ce sujet dans *'The Many Faces of Dependency in Old Age'*. Pour mieux comprendre l'importance de cet concept, il convient de renvoyer les lecteurs / lectrices à cette étude ou l'auteur Baltes souligne les différentes manières dont les individus affrontent la dépendance vis à vis d'autrui.<sup>7</sup> Toujours, d'après, Baltes certaines personnes âgées s'adaptent avec succès aux pertes fonctionnelles et recourent à plusieurs stratégies pour maximiser les fonctions restantes. Elles savent comment se faire aider pour certaines activités pour pouvoir maintenir d'autres activités considérées plus importantes et plus valorisantes. A vrai dire, elles choisissent la dépendance pour réussir leur vieillissement.

En étiquetant ces femmes comme sujets dépendants, et en définissant de façon réductrice leurs besoins à partir du degré de dépendance pour les activités quotidiennes, il est sûr que l'on corrobore des conceptions réductrices et négatives de la vieillesse. Cette approche est à priori contradictoire, étant donné l'association du vieillissement à l'idée du déclin et de perte, alors que la vieillesse et même la dépendance impliquent gains et résultats positifs. Plusieurs études montrent que la dépendance qui consiste à effectuer certaines tâches n'est pas seulement négative et qu'elle peut être choisie pour maintenir l'accomplissement d'activités plus valorisantes. A cet égard, il convient de relever l'étude aussi poussée que nuancée que la dépendance est un construit psychologique sous-tendu par des besoins de base de l'être humain, et constitue une composante essentielle du lien entre les personnes d'une même génération et entre les générations et donc de la société toute entière »<sup>8</sup>.

Elle est donc, le résultat de caractéristiques psychologiques qui donnent lieu à un ensemble de comportements comme la recherche de reconnaissance d'attention, de contacts physiques et de résistance à la séparation. Ainsi, certaines manifestations de dépendance n'ont pas toujours un caractère négatif. La dépendance dans les relations affectives, le fait de prendre soin d'une personne est valorisante dans la mesure de réciprocité.

Pour mieux appréhender les points sur lesquels doivent porter les efforts de la communauté en faveur des personnes âgées démunies il faut distinguer l'action à domicile et les solutions en collectivité.

La politique de la vieillesse devrait être de permettre à la personne âgée de rester le plus longtemps possible au sein de la famille. Diverses expériences et enquêtes soulignent la valeur psychologique de l'attachement à un cadre familial, ou au foyer, fût-il misérable. Les médecins marocains, constatent une plus grande rapidité dans la convalescence des personnes âgées selon que la malade rentre chez elle ou reste à l'hôpital. Besoin essentiel pour l'être humain le logement revêt une importance affective parce que, plus qu'un toit, il est le cadre presque permanent de la vie, pour ne pas dire le monde même de ces personnes pour lesquelles un départ signifie un arrachement.

Opérant en liaison avec plusieurs types d'aide, l'aide médicale est indispensable en raison de la fragilité physique et mentale des femmes âgées. Cette aide peut revêtir deux formes : le service de soin à domicile et l'hospitalisation à domicile. On remarque immédiatement le rôle conjoint que peuvent jouer l'aide ménagère et l'aide sanitaire, sous la supervision du service social compétent. Un tel service permettrait le traitement sans hospitalisation de maladies qui demandent soit une présence temporaire (garde) soit des visites régulières (prélèvements, piqûres, etc.).

Si les personnes âgées physiquement autonomes sont souvent assimilées à des membres ordinaires de la société, celles dont l'autonomie est réduite ont besoin de soins pour éviter d'être marginalisées. Tout devrait être tenté pour préserver la part d'autonomie qui reste à ces individus, tout faire pour leur permettre de rester aussi longtemps que possible dans leur environnement familial, et remplacer l'institutionnalisation par des soins à domicile ou autres formes de services de soins ambulatoires et les assister dans leurs activités quotidiennes grâce à, une organisation communautaire appropriée et des prestations de sécurité sociale adéquates.

Il importe d'attirer l'attention sur le fait que l'assistance fournie par la famille est l'un des facteurs les plus importants pour la prestation

des soins de longue durée. Il ressort que l'on pourrait envisager l'adoption de certaines mesures dans le cadre des politiques de l'emploi, afin de permettre à ceux et à celles qui le souhaitent la possibilité de s'occuper de leurs parents âgées.

Dans le cadre de la politique générale de maintien à domicile des personnes âgées de nouvelles options doivent être définies dans le domaine spécifique de l'assistance et des soins médicaux. Les objectifs sont d'ajourner, d'écourter, voir de supprimer un grand nombre d'hospitalisation permettant de maintenir, ou de faire recouvrer un état de santé à même de promouvoir l'autonomie requise par la vie à domicile. Le Maroc a besoin d'une politique sanitaire intégrée au mode de vie qu'il veut préserver. Cette politique doit mettre l'accent sur la prévention et la réadaptation sans se donner pour unique objectif la cure.

Pour le traitement des personnes âgées le Maroc entend se doter d'unités médicales à compétences différenciées. D'une part, la mise en place d'unités gériatriques, et d'autre part la transformation de certains pavillons hospitaliers en unités de cure médicale. Pour la première, on envisage donc la création de certaines unités de traitement réservées aux personnes âgées. Ces unités seraient destinées à recevoir et à soigner les malades âgés en phase aiguë. Elles remplaceraient les services de médecine générale qui jouent selon un médecin contacté le rôle de bien de relégation. En outre, il s'agirait de traiter tout en prenant en considération le caractère poly-pathologique des troubles mentaux, ce qui exige la formation de spécialistes : des gériatres et des psychogériatres.<sup>9</sup>

Quant aux pavillons réservés pour les femmes âgées dans les hôpitaux, il serait souhaitable de les remplacer par des maisons de cure médicale, dotées d'équipements et de compétences nécessaires au traitement des personnes âgées, tous niveaux socio-économiques confondus. Cependant, ces maisons médicales devraient accepter les personnes âgées en fonction de leur pertes d'autonomie et non en fonction d'une marginalisation sociale. Il me semble que la mise en œuvre de ces structures aboutirait à la suppression de maisons de bienfaisance existantes pour personnes âgées, maisons qui sont pour le moment des salles

d'attente de la mort, et de dépotoirs de la population âgée socialement marginalisée.

C'est dans le domaine de la formation que des résultats intéressants pourraient être obtenus. Cette tâche serait facilitée si des examens systématiques, des bilans de santé permettaient de déceler les progrès de la sénescence dès l'âge adulte et si, compte tenu de leurs résultats, les intéressées étaient initiées aux règles d'une vie saine. Il s'agit d'une véritable préparation à la vieillesse qui prend la forme d'un passage continu d'un âge à l'autre.

Le personnel médical et paramédical devrait être formé par les centres hospitaliers universitaires. Au niveau des petites villes il doit exister un logement foyer, et un centre de gériatrie. Cette sectorisation devrait en principe permettre de tisser des réseaux de prise en charge socio-médicale en faveur des personnes âgées démunies, à travers des structures de distribution de soins et de services sociaux médicaux alternatifs à l'hospitalisation dominante à ce jour.

De tels réseaux vont assurer outre l'assistance médicale, le soutien où la prise en charge des tâches domestiques et l'organisation des loisirs afin de prévenir les handicaps de la vieillesse. Il faut, donc encourager l'intervention dans le social pour éviter maladies pathologiques. Une volonté de promotion du pouvoir médical visant la santé mais aussi le mode de vie et l'environnement des femmes âgées. L'accès aux loisirs et le recours à de nouvelles pratiques dans les institutions pour personne âgées a leur source de légitimité, en tant qu'intervention sur la santé. Cependant, cette prise en charge ne devrait pas être perçue comme une pathologisation de la vieillesse.

La poussée des jeunes tend même à l'élimination de ceux qui ont assez vécu et ne représentent pour eux que gêne et obstacle, alors qu'en revanche le développement général de l'humanitarisme implique une solidarité des forts avec les faibles et des moyens pour assurer une fin de vie décente à ceux qui ne peuvent plus contribuer par leur travail à l'activité de la nation, en cherchant en même temps les moyens de prolonger encore la durée de leur vie. Dans ces conditions, l'intérêt général exige la prolongation d'une activité utile pour toutes les personnes qui en sont encore capables, mais sans pourtant nuire aux intérêts des jeunes.

D'autre part, une aide aux personnes âgées devra exister et se généraliser, dans des centres qui pourront donner des conseils à celles que la cessation d'une activité laisse désemparées. Si le Maroc se préoccupe à juste titre de l'orientation scolaire, universitaire et professionnelle, et il me semble nécessaire d'avoir des structures de réorientation des individus âgés, en fonction de leur caractère, de leurs intérêts, de leurs goûts et de leurs possibilités personnelles et socio-économiques.

Certes, prolonger la durée de vie est un noble objectif, mais à condition que la vie prolongée devienne réellement vivable, à condition que nous puissions arriver au terme inexorable de notre existence en gardant jusqu'au bout, la joie de vivre.

Cette étude encore une fois, ne prétend pas une analyse en profondeur, parce qu'elle ne le peut pas dans l'état actuel des données disponibles. Mon but serait atteint si j'étais parvenue à donner aux lecteurs et aux lectrices quelques idées qui permettent de saisir l'importance du 'vieillessement' dans le développement durable et la construction d'un état de droit.

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1. le Discours sur la Femme, coordonné par Fouzia RHISSASSI. Publications de la Faculté des Lettres et des Sciences Humaines – Rabat, Série : Colloques et Séminaires, N° 65, 1997.
  2. Ibid., Moyra Sidell, « The consequences of Women's greater Longevity », pp. 205 – 211.
  3. En 1991, neuf ans après l'adoption du Plan, l'Assemblée générale a adopté les principes des Nations Unies pour les personnes âgées par la résolution 46/91 du 16 décembre 1991. Par ailleurs, l'Assemblée générale a décidé par la résolution 47/5 d'observer en 1999 l'année internationale des personnes âgées. La deuxième Assemblée mondiale sur le vieillissement a été organisée du 8 au 12 Avril 2002, à l'occasion du vingtième anniversaire de l'Assemblée mondiale sur le vieillissement tenue à Madrid.
  4. le rapport National sur le vieillissement Avril 2002.
  5. M. Foucault, Surveiller et Punir, Paris, NRF, 1975, P. 144.
  6. B. Bytheway, Ageism, open university press, Buckingham, 1995.
  7. MM Baltes, The Many Faces of Dependency in old Age, Cambridge University Press, 1996.
  8. Jean – Claude Henrard, les défis du vieillissement, Editions La Découverte et Syros, Paris 2002.
  9. voir le rapport national sur le vieillissement.

## Are Scientific and Technological Developments Beneficial to Gender Equality?<sup>1</sup>

A. YOTOPOULOS – MARANGOPOULOS

### INTRODUCTION

The starting point for a new concept of equality for all humankind without any discrimination whatsoever was the Universal Declaration of Human Rights (UDHR) (articles 1 and 2). Gender equality has developed within the framework of the general evolution of the fundamental human right of equality that is towards *actual, effective*, equal enjoyment of human rights by all, without discrimination in law or in practice.

Unfortunately, in spite of the multitude of prohibitions of discrimination and the express introduction of gender equality by international instruments<sup>2</sup> and by the constitutions of a considerable number of countries, greater or lesser discrimination against the female sex continues to exist in the legislation of almost all countries, and much more in practice. Prejudice against the 'second sex' continues to operate in an *underhand and unseen way*. For this reason, affirmative action is today regarded as essential, and international conventions make provision for it in order to achieve the *substantive* elimination of discrimination against marginalized social categories (e.g., racial discrimination, religious, discrimination, gender discrimination). On the contrary, there is a significant number of countries – chiefly Islamic, but not only – which *officially and expressly* deny women the equal enjoyment of almost all human rights.

The specific issue of gender equality in relation to developments in science and technology has, in my opinion, two aspects:

- Do women play a part on equal terms with men in scientific and technological developments and do they benefit equally from them? Or is there discrimination against women, which deprives them of or restricts the exercise of these rights?
- What are the positive or negative effects of scientific and technological developments on the position of women, and more specifically on the realization of equality in the various walks of life and action?

### EQUAL PARTICIPATION IN SCIENTIFIC ADVANCEMENT

The articles 26 – 27 of the UDHR and articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) require equal chances for all in education and scientific training and in the enjoyment of the applications of the scientific progress. The above provisions have an active and a passive side and, in combination with the principles and provisions on gender equality, they mean, on the one hand, equal opportunities for women to be educated, trained and work in research aiming at scientific advancement, and, on the other hand, equal enjoyment of the applications of scientific progress.

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<sup>1</sup> The base of this article is a Report of the writer to an international conference organized by the Hellenic National Committee for the celebration of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights in Athens, 1998.

<sup>2</sup> The principal ones are: UDHR, 1948, article 2; International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, article 3; International Covenant on Civil and Political Rights (ICCPR), 1966, article 3; International Convention on the Political Rights of Women, 1952, articles I-III; International Convention on the Elimination of Discrimination against Women (CEDAW), 1979; European Convention on Human Rights (ECHR), 1950, article 14; new formulation of the Treaty on European Union after Amsterdam, 1997, new articles 13 and 141, and certain Directives, particularly 76/207 and 97/80. See also art 21 and 23 of the EU Charter of Fundamental Rights.

- a. Active participation presupposes equal opportunities for scientific training, which is truly equal chances for education and specialisation, and, in addition, in employing women in research bodies, teams, etc.

Unfortunately, the percentage of illiterate women is, on an international level, far greater than that of men<sup>3</sup> while in Third World countries access of women to higher or even secondary education is the exception. New teaching methods with the use of modern technology (like on line learning through the internet) could make a significant contribution to the education of adult women and girls.

- b. As regards the question of enjoyment of the benefits of scientific progress and its applications the following clearly demonstrates that equality has not been achieved. Today it has been established that where there is a shortage of foodstuffs, pharmaceuticals, vaccines, etc., priority is given to men and boys. Deaths of mothers in the Third World, who lack modern scientific aids in childbirth, are in excess of 500,000 a year. A further 100,000 women die each year from abortions not carried out *lege artis*. Today, even in some countries which possess up-to-date means of medical treatment (as in the case of certain fundamentalist countries), the possibility of women benefiting from the great progress made in medicine is non-existent, as their treatment in hospital either for childbirth or for any illness is, as a rule, forbidden because doctors are men. Equally, given the fact that the enjoyment of the applications of modern technology presupposes the possession of the appropriate appliances (i.e. computers, other electrical appliances) the poor of the planet are excluded from such a possibility. Since women constitute the highest percentage of people below the poverty line, it is mostly women<sup>4</sup> who are unable to benefit from the new applications of science.

The few abovementioned instances of the reduced possibility of women to benefit from scientific and technological progress and its applications in various areas of human rights, are also the cause of deprivation or restriction of other human rights, such as, the capability of making use of modern means of expression and communication, the freedom of information, the right to assembly and association, of active participation in public life and particularly the active exercise of political rights, especially the right to be elected, etc.

## POSITIVE AND NEGATIVE IMPACT OF SCIENTIFIC AND TECHNOLOGICAL ADVANCEMENT ON WOMEN'S LIFE

### 1. Work

- a. *Housework*. The difficulties encountered in the implementation of the principle of equal responsibility of men and women for the housework stem from the division in practice of paid and unpaid work: If the same work (cleaning, cooking, sewing, etc.) is paid, men do it gladly, whereas if it is unpaid, they avoid it and consider it demeaning, so the main burden of it falls on women.<sup>5</sup> New technologies have made housework easier and lighter and more acceptable to men. New technologies can positively influence gender equality in two ways: by making housekeeping lighter and consequently less time-consuming, since the reduction of a woman's household responsibilities is an important prerequisite for her development, and by helping towards a more just division of housework between the two partners.

<sup>3</sup> According to the *UN Human Development Report 2003*, three-fifths of the 115 million children out of school are girls, and two-thirds of the 876 million illiterate adults are women.

<sup>4</sup> Of the 1.3 billion people below the poverty line, 70 % are women. See United Nations Development Programme (UNDP), *Human Development Report 1997*. According to the *Human Development Report 2003*, the number of poor people with access to micro credit schemes rose from 7.6 million to 26.8 million in 2001, 21 million of them women.

<sup>5</sup> Work by women accounts for 53 % of the work done worldwide, while men do 47 % of it; 66 % of the work done by women is unpaid, as opposed to 24 % in the case of men. The unpaid work done annually by women has been estimated to be worth 11 trillion dollars. See *supra*, UNDP, Report 1997.

b. *Remunerated employment.* Women are employed more in services or in manual labour than men and they suffer from greater unemployment.<sup>6</sup> The new technologies open up new possibilities, but women should not be confined to the role of mere computer operators. On the other hand, the internet has contributed to the increase of professional work done at home. While this would make things easier for women, the simultaneous combination of professional work and care of children could lead women to social isolation. Part-time work, which is widespread, often in conjunction with technologically advanced methods, has some advantages for mothers of young children but gives rise to disadvantages in career structure and social security, as full-time employees are given preference for promotions and enjoy better social security conditions.

## 2. Sexual and reproductive freedom

a. *Sexual Freedom* means the right of each person to engage or not in sexual relations and to choose the sexual partner, the time, the conditions, and the nature of the sexual relations. Two points must be made regarding new technologies:

- i. Modern mass media (particularly electronic media, videos, the Internet, etc.) contribute more or less to the retention of the stereotypes of gender roles (women are usually presented as objects of pleasure for men). These stereotypes often are the reason of violations of the sexual freedom of women and of the use of violence against them.
- ii. The use of new technologies by organised crime contributes to the ballooning of the phenomenon of *sexual exploitation of women*, which has now developed into a new form of slavery.

b. *Reproductive Freedom.* New scientific methods provide the means for the full enjoyment of the right to make a free decision on having or not having children, as well as to determine their number and the timing.<sup>7</sup> This is *of fundamental importance for the possibility of equal development of the personality and of an equal career structure for women.*<sup>8</sup> Normally this should be a decision for the couple to take. Nevertheless, in case of disagreement, the woman's view should prevail, since she bears the main burden of the birth of the child. This approach ensures more substantive and more just equality.

Abortion is the last means of family planning. Its criminalisation has undoubtedly proved to be ineffective and moreover, it gives rise to inequalities: Indeed, poor women who cannot afford the cost involved in an illegal abortion performed *lege artis*, run a greater risk of sterility or even death, when the abortion is performed by amateurs. On the other hand, the widespread use of the possibility provided today to diagnose the gender of the embryo could cause in the future a disproportion of the sexes, as frequent abortions of female foetuses are carried out.

*Artificially induced conception and related experimentation* has undoubted advantages but also creates some problems. It is only to be mentioned that relevant biomedical experiments could have unfavourable effects on women's health and give rise to various legal issues (paternity, etc.).

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<sup>6</sup> This is a worldwide phenomenon. By way of exception, in some European countries (Sweden, Finland and the United Kingdom) male unemployment slightly exceeds female. This is due to the widespread use in these countries of part-time employment, in which women's share reaches 80 %. See European Union *Annual Report* 1996, 38, Table 10.

<sup>7</sup> Both the Declaration of Teheran (article 16) and the CEDAW (article 16, e) recognise equal rights to both parents to decide on the number, timing and the spacing of their children.

<sup>8</sup> On this subject see, among other studies, A. Yotopoulos-Marangopoulos, Family planning from a human rights perspective, in International Alliance of Women, *Family Planning for All*, 1995, 39-45; R. Cook & M. Fathalle, Advancing reproductive Rights, Beyond Cairo and Beijing. 22 *International Family Planning Perspective* 1996, 115 *et seq.* The matter has been regulated in detail by the action plans of Cairo International Conference on the population problem (1994), the World Summit Conference of Copenhagen on social development (1995), and the World Conference of Beijing on equality, development and peace (1995).

### 3. Health

Progress in this field is very significant for both sexes. Nevertheless, two points must be made regarding scientific developments, one negative and one positive: a.) the prolonged and systematic use of contraceptive pill by women (since contraception seems to be a burden that only women accept to bear) could have some undesirable consequences and b.) Although breast feeding is more beneficial to the child than feeding with other milks or supplements, the development of pasteurised or sterilised milk can be very beneficial in the case of mothers in an underdeveloped country, who are exhausted and undernourished.

### 4. The media and equality of the sexes

Modern mass media can inform men and women as to the social, economic and political problems, contributing in this way to the substantive equality of sexes. They can also prove to be the most effective means of reinforcing the new roles based on full equality, mutual respect and companionship.

Unfortunately, the frequent showing of violence against women, often in the context of sexual relations, and the constant promotion of gender stereotypes by the media, clearly militate against equality. Moreover, current advertising methods are used for the expansion of sexual exploitation as an international organised crime.

## CONCLUSIONS

Equality of both genders in private and public life must be recognized by the society and the state and assured by the latter. The UDHR is the first to lay down the principle that discrimination and oppression are no longer tolerated. Oppressive relations between genders give rise to unhappiness in the family and in the society as a whole.

Although developments in science and technology could contribute significantly to substantive gender equality, unfortunately they are often used in the other direction. In this area, as in so many others, an unbridled and ruthless quest for profit is an important motive behind the bad use of scientific and technological progress.

The merit or the demerit of the scientific and technological achievements lies in the nature of their use and in the spirit in which their users approach them. If human rights principles and rules are respected, the advancement of science and technology shall bring more and good fruits in all fields.

## Reflections on Education for a Culture of Peace

Abelardo BRENES

### **Education for Peace in the Costa Rican Context**

Female Costa Rican journalist: “I was very scared; I have already confessed this several times. Because one of my greatest fears is extreme poverty. And I did not really know what I was going to encounter, whether I was going to run into delinquents and drug traffickers; I didn’t know if something was going to happen to me nor where I was going to sleep...”

Male inhabitant of the Tejarcillos community in San José, Costa Rica: “Personally, I had many prejudices against journalists. I would see them coming, getting their news story, then leaving with a sense of accomplishment...”

Journalist: “My husband told me that ‘when I would return from this training experience [spending the night with a family in the marginal community of Tejarcillos], I would see things differently, my bed, my television, my living room. I would realize how privileged I am’.”

Inhabitant: “I learned a lot from the journalist. I realized that we really do not belong to different worlds nor different races. We live in the same planet, we are human beings and we have a similar purpose in life: to provide the best opportunities for our children. Our only difference is in our bank accounts.” (Bulgarelli & Heidenreich, 1996)

### **Introduction**

The forging of a global movement for a culture of peace has become an urgent pursuit of humanity, as acknowledged by the United Nations in various declarations and programs of action. One of the more recent documents on a culture of peace notes:

*A culture of peace is a set of values, attitudes, traditions and modes of behavior and ways of life based on:*

- (a) Respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;*
- (b) Full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;*
- (c) Full respect for and promotion of all human rights and fundamental freedoms;*
- (d) Commitment to peaceful settlement of conflicts;*
- (e) Efforts to meet the developmental and environmental needs of present and future generations;*
- (f) Respect for and promotion of the right of development;*
- (g) Respect for and promotion of equal rights and opportunities for women and men;*
- (h) Respect for and promotion of the right of everyone to freedom of expression, opinion and information;*

*Adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations, and fostered by an enabling national and international environment conducive to peace (United Nations General Assembly, 1999, p. 2-3).*

The first of the eight domains of action that the Program of Action calls for is fostering a culture of peace through education. The purpose of this article is to present the approach taken in applying an *Integral Model of Peace Education* which attempts to integrate these values and principles. It will begin by discussing certain assumptions concerning cultures of peace and education.

### **Assumptions concerning cultures of peace and education**

A general definition of a culture of peace as adopted by the United Nations should not exclude the possibility that there may be a plurality of 'cultures of peace'. If this were the case, the goal of developing a global culture of peace could most likely evolve through a process of construction and empowerment of citizen movements that acknowledge cultural differences and foster dialogue. In this regard, the United Nations definition can be considered a useful heuristic to be used as a tentative framework of what some of the universal dimensions of a culture of peace should reflect.

Following upon the previous assumption, it is argued that the process of building cultures of peace is historically situated. In unequal and unjust societies, a peaceful historical dynamic would be characterized by the realization of emancipatory agendas of human development that would allow all members of that society to enjoy legally recognized rights and freedoms. It is further assumed that such a transition involves a cultural dimension from patterns of violence, inequity and authoritarianism to cultures that nourish a sense of community, equity and participatory democracy and in which the privileged sectors of society are committed to such emancipation.

In order to appreciate what is required for such a peaceful historical dynamic, it is useful to consider the definitions provided by Giddens (1991) of 'emancipatory politics', on the one hand, as concerned with "liberating individuals and groups from constraints which adversely affect their life chances" (p. 210); and of 'life politics', on the other, which presumes a minimum degree of emancipation. Giddens defines it thus: "... life politics concerns political issues which flow from processes of self-actualization in post-traditional contexts, where globalizing influences intrude deeply into the reflexive project of the self, and conversely where processes of self-realization influence global strategies" (Giddens, 1991, p. 214). He goes on to add that "... all issues of life politics involve questions of rights and obligations" (p. 226).

In this light, the approach to peace education that is taken assumes that our current historical challenge to foster cultures of peace is to forge life politics whose central core values are the promotion of universal emancipation. This is referred to as universal responsibility. The educational model further assumes that fundamental conditions for achieving this include substituting our reliance on *powers of dominance* in seeking security and development for *powers of love, compassion and tolerance*. This approach is similar to the distinction between threat power, exchange power and integrative power suggested by Kenneth Boulding in the context of conflict resolution (Miall, Ramsbotham, and Woodhouse, 1999, p. 10).

It can be further assumed that responsible life choices, furthermore, require a minimum of *internal freedom* or *critical autonomy* (Doyal and Gough, 1991) to liberate ourselves from fears, attachments and compulsions which lead to egoistic life politics and inhibit our potentials to create aspirations for a better world and the willingness and skills to make them real. Thus we need not conform to prevalent models of human development, particularly those based on compulsive consumption and work, which are promoted by economic globalization processes (Pilisuk, 2001). On the contrary, our challenge is to create new meanings for human development based on altruistic motivations. If the proponents of positive psychology are right (Keyes and Lopez, 2002), psychological well-being will be enhanced by developing one's highest potential through a consciousness of universal responsibility, thus making it possible to reconcile freedom with responsibility.

Such a notion of liberation is of particular importance to achieve one of the most challenging goals of the United Nations' framework for a culture of peace, meeting the developmental and environmental needs of present and future generations. Oskamp (2000), echoing many other writers, points out that this will entail promoting "... voluntary simplicity as an overall, committed lifestyle" (p. 505). The cultural and psychological barriers to making such a shift are formidable, however (Brenes & Winter, 2001).

This brings us back to the assumption stated earlier, that the most viable path to foster cultures of peace is by creating constructive processes of transformation of structural and cultural violence in

inequitable societies between those who are pursuing emancipatory agendas of development and those who enjoy rights and privileges that provide an opportunity to choose life politics agendas that can provide significant security and meaning to their lives. The educational approach being presented further assumes the need to break down barriers of moral exclusion (Opatow, 2001) through genuine dialogue. Rather than accepting the conventional course of development thinking that assumes that emancipatory policies should be geared to supporting marginalized peoples to be able to join the affluent society, the kind of liberation required for sustainable development requires a radical critique of such notions of development. For example, we should all confront questions such as ‘how much is enough?’ (Durning, 1992).

These kinds of questions can take on their full meaning to achieve human security and peace for all members of society if the barriers of moral exclusion are overcome. Populations who are struggling to survive and to emerge from poverty and other forms of exclusion have much to offer in terms of learning how to be happy by living simply (Latouche, 1993). Moreover, it is becoming clear that current market democracies do not provide substantial human happiness. Lane (2000), for example, after examining multiple evidence of the state of happiness in such societies, concludes that “...there is a kind of famine of warm interpersonal relations, of easy-to-reach neighbors, of encircling, inclusive memberships, and of solid family life” (p. 9). This is the kind of life experience that most marginalized peoples have to offer, as Escobar and Jeong (1999) clearly describe: “Resistance to globalization is located in informal sectors comprised of independent commodity production, family support networks, reproduction of community resources, and other types of economic practices of impoverished regions...” (p. 227). In other words, peace education is being posited as creating possibilities of genuine human dialogue on what should be the normative model of personhood that a given society decides to promote through economic, political, social, and cultural policies.

Finally, it is assumed that dialogical processes of education and culture formation are required to potentiate the capacity of communities, nations, regions, and, ultimately, humanity as a whole, to critically resist and transform the negative aspects of capitalistic globalization and to move into authentic relationships of global human and natural community.

### **The Integral Model of Peace Education**

The Central American governments invited the University for Peace to carry out a *Culture of Peace and Democracy in Central America Program*, as part of the post-war peace-building process. The first phase of the Program ran from October 1994 to December 1996 (Ovares, 1997). It was renewed for a second phase in 1997 and completed in 2001.

An *Integral Model of Peace Education* was formulated in the initial period of the Program. One of the Program’s main strategies for promoting cultures of peace was to support selected communities that either (a) had been involved in direct violence (i.e., had traditions of violence or had been involved in the wars within some of the countries) or (b) were characterized by significant forms of structural violence (i.e., suffered socio-economic exclusion and development problems). Support was provided by offering within these communities diverse educational and cultural activities. Those practices that had exemplary educational value were then disseminated to broader sectors through communicators and journalists who had also been trained by the program in reporting practices based on principles of cultures of peace.

The *Integral Model* is based on a person-centred conceptual framework which incorporates the United Nations principles for a culture of peace described earlier. It considers ‘peace’ as a state of integrity, security, balance, and harmony expressed in three contexts: with self, others, and nature. Moreover, these conditions are seen as fundamental to self-realization. A person-centred conceptual framework is a useful reference point from a pedagogical point of view and also reflects the human rights framework it is built upon. A culture of peace, therefore, needs to simultaneously be

constructed in all these contexts at ethical, cognitive, emotional and action levels. The conceptual framework is described in more detail in Brenes (2001 and 2002).

The *Integral Model of Peace Education* assumes that three of the fundamental components that define a given model of personhood are: human needs, satisfiers and powers. This approach is partly based on the Anthropomorphic Model of Man proposed by Harré and Secord (1972). Furthermore, following Burton (1990) and Doyal and Gough (1991), needs are classified in the following categories: health needs; needs related to social acceptance, such as love and belongingness; self-esteem needs; needs for self-realization and transcendence; and needs for security, knowledge and personal power. Following Max-Neef et al. (1986), satisfiers are classified as genuine (singular and synergistic) and non-genuine (destructive, inhibitive and as pseudo satisfying).

The educational application of these concepts has relevance for groups who wish to define individual and communal life projects, as a basis for emancipatory and life politics agendas. Students draw a life-size silhouette of themselves on paper and identify needs and satisfiers of those needs. After having identified their needs and evaluated the means by which they are satisfied, powers for fulfilling need satisfaction are identified. Powers are forms of thought, speech and physical action. These are then evaluated in terms of which powers promote peace, security and community; and which powers can lead to violence, insecurity and social disintegration

Life projects are first constructed individually. In a second phase, participants identify commonalities among life projects, in terms of needs, satisfiers and legitimate powers. This is first done by genders, then in a group as a whole. These commonalities are defined as the common good of a community.

The needs and their means of satisfaction that have been identified are then examined within the framework of human rights and freedoms. The values underpinning rights and freedoms refer to the basic universal needs that all humans have a right to satisfy in order to live with dignity, seek happiness and self-realization. Human duties, which are equally important for the respect and promotion of rights and freedoms, in turn, are examined in relation to the powers that have been considered as legitimate by the group. This perspective provides a community with an understanding of its moral and legal relationship with the broader civic society to which it belongs.

Following Bunge (1989, p. 36), needs and satisfiers can be classified into four categories of values:

- (i) a primary value contributes to satisfying at least one primary need (to stay alive);
- (ii) a secondary value contributes to meeting secondary needs of humans (to live with dignity);
- (iii) tertiary values contribute to meeting legitimate wants (self-realization). The criterion of legitimacy is hindrance of the satisfaction of primary and secondary needs of other humans. Finally,
- (iv) quaternary values refer to illegitimate aspirations.

This distinction has been very useful from an educational point of view. It also allows an individual or group a means of normatively relating their definition of needs and satisfiers with the human rights and duties framework, thus providing normative legitimacy to emancipatory agendas and criteria for defining legitimate life politics agendas.

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## **Towards Multicultural Education in Central Europe**

Lessons from a special subject taught at the Human Rights Education Centre (HREC),  
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Alena KROUPOVÁ

*“Values and attitudes as peace, human rights, tolerance, international and intercultural understanding, and solidarity develop the culture and ethos of every school.”<sup>1</sup>*

At the beginning of the 21<sup>st</sup> century, pluralism, ethnic and cultural, while always present in the society, are growing realities with an increasing impact on the lives of young people. More or less as a reaction to this fact, all European countries are in the process of renovating of or adopting new strategies and approaches in their education systems in order to respond to the challenges and requirements of the twenty-first century. Political, cultural and educational trends of renovation are most strikingly marked in those Central and Eastern European countries moving through a period of transition to pluralism and market economy. Such a move creates many difficulties. It is therefore important that education systems respond to development with adequate approaches.

We can be certain that education will not bring heaven on earth. It will not obliterate all aggression, selfishness, conflict or effeteness. But it could help make life more humane and more abundant or at least help to keep it from becoming grossly uncivilized.<sup>2</sup>

### **Multicultural dimension of education**

Educational establishments will find that the realisation of the multicultural and intercultural potential of the curriculum provides a wide range of challenges and opportunities, some concerned with content and some with organization. Regardless of a school's particular focus, there are principles as prerequisites for any school in developing an adequate multicultural and intercultural dimension. According to the generalized experience gathered during relevant activities at the HREC, education should

- recognise the interactions that take place between cultures
- recognise the value of different cultures in a way which does not hide relations of dominance but enhances, for example, the status of migrants' cultures
- be a principle which underpins all school activity
- challenge socially biased and ethnocentric assessment criteria
- introduce the intercultural aspects to all areas of the organization and life of the school
- develop mutual solidarity and acceptance in the living community of the school
- recognize and value the symbolic role of the presence of mother tongues in the school
- promote a pluralistic approach to the acquisition of knowledge
- recognise the potential to develop an appreciation of different cultures

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<sup>1</sup> P.White: Decency and Education for Citizenship Journal of Moral Education, Vol 22, No.1, 1993

<sup>2</sup> H. Bowen: Moral responsibility of Law schools, London 1984

- promote intercultural activity among pupils and recognize that it depends on the quality of cooperation in teaching teams and between indigenous and foreign teachers
- promote communication between the school, the home, the social environment in which the children live and the whole community, both migrant and indigenous
- recognise that intercultural education provides a perspective which concerns both the countries of origin and the host countries and which calls for solidarity between countries with differing levels of resources
- develop teacher skills to transfer these principles into effective practice.

The earlier children are helped to develop an awareness of the importance of this dimension and given opportunities to engage in and reflect on it the better. Education systems must provide a framework upon which young people can base critical thinking and judgements and which will allow each individual to make sense of the complex and discontinuous change that characterizes contemporary society and which enables them to participate as active and responsible citizens in the personal, social and political dimensions of society.<sup>3</sup>

### **New University Course: “Principles of multicultural tolerance”**

The practical implementation of these principles in the educational process provides a university course on “Principles of multicultural tolerance” initiated and prepared by the HREC, Charles University of Prague.

After a pilot verification in the academic year 2001/2002, the course started in 2002/2003 particularly for teacher students of the Faculty of Pedagogy, Charles University, and as a compulsory subject at the South Bohemian University in České Budějovice. In the next academic year, this subject – supported by the Czech Ministry of Education – will be introduced to the University of Ostrava (North Moravia). Afterwards, it is envisaged to extend it also to other universities and educational institutions. Its holistic approach to the crucial ideas is based on a participatory active learning with an emphasis on peer-to-peer learning of on-line working groups, interaction with students and the instructors’ teaching aims. Lecturers are specialists of different faculties of the Charles University, non-governmental organizations and other institutions. It appears that students and lecturers are supporting and engaged in the content dealt with and methods applied in the course.

A ‘Handbook for students and teachers on multicultural tolerance’ was edited by the Centre at the end of 2002. At present, translation of its substantial parts into English is going on. Individual chapters will be soon available at the Centre’s website.

### **The subject tries**

- to give students the possibility to participate in activities focused on non-conflict cohabitation of different cultures
- to teach them principles of civic legal consciousness
- to promote students’ interest and abilities in positive understanding and acting in their future professional and private lives, that is, to decide the option of creating energies (and not remaining to be “bystander”).

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<sup>3</sup> Ref.: Royal Norwegian Ministry of Education, Research and Church Affairs: Plan for Promoting the International Dimension in Primary and Lower Secondary Education

Topics of particular lessons are the following:

- introduction to the philosophy of human behaviour, humanitarian legislation, human rights, disadvantaged and violated groups of inhabitants
- multicultural societies, principles of tolerance, intercultural approaches and decisions
- possibilities and forms of mutual understanding, state of law, sub-national community, culture of peace
- conflicts and their resolutions, crisis intervention, non-violent conflict resolution, safety and solidarity
- refugees, asylum-seekers, migrants, creation of equal opportunities (on the labour market)
- world's religions
- social and cultural needs, cultural anthropology
- power and identity, globalisation
- slavery and freedom, prisoners
- ethnicity, nationalism.

Among other projects of the HREC related to human rights, multicultural aspects and tolerance, there is the newly launched programme on forced migration. It is developed in cooperation with the RSC University of Oxford, and the Centre looks for new possibilities of co-operation in refugee studies, for example with the EPU in Stattdtschlaining.

In this connection, mention should be made of the University's long-lasting research and training in the field of strategies and action related to "People with special needs". Although, this sphere has its very special aspects, there are certain principle recognitions valid in all the fields referred to above.

This becomes quite obvious in a study on this theme, undertaken by Marie Černá, PhD, Vice Dean of the Faculty of Pedagogy of the Charles University, in cooperation with the HREC, that concludes its considerations by the following:

“To have equal rights and to acknowledge the justified claim for respect and usage of these rights to everyone also means to acknowledge the right to be special, to be different. It means even more: to understand that special marks, features, particularities, unique characteristics among people enrich the society. The acknowledgement of the right to be different and the acknowledgement of value of every human being bring the moral strength to society.”



## Tolerance and Education for Peace

M D NALAPAT

It would be fitting to begin this paper by recalling the Sanskrit phrase VASUDHAIVA KUTUMBAKAM.

This means simply that the whole world is one family, no matter what the geographic, religious or ethnic differences that persist in the world, at their core all human beings belong to the same family, and should regard one another as such. Any modern sociological experiment can demonstrate this. Children adopted as babies from poverty-stricken lands and brought up in homes in the US and Europe grow up into productive citizens with a level of skill far in excess of that enjoyed by those they left behind in childhood. Conversely, if a child from the West to be brought up in a backward village in an undeveloped country in Asia or Africa, that individual would be as much a misfit in present-day Europe or the US as would others living in his neighbourhood. It is not ethnicity that controls modernity and productivity but education and upbringing.

To use another example, India is correctly regarded as one of the poorest countries in the world. More than 200 million citizens of the Republic of India live in conditions that are at least as inhuman as that suffered by residents in certain sections of Sub-Saharan Africa. In particular, the two states of Bihar and Uttar Pradesh in India are among the most backward territories in the world in education and social development, dragging the rest of the country down by several percentage points on any international index. And yet, those who have lived all their lives in Uttar Pradesh and Bihar, once they are enabled to emigrate to the US or even to other parts of India, become contributors to the local economy almost immediately. In another aspect, the same Indians who come from cities such as Kanpur and Patna, known for their filth and lack of public hygiene, adjust in days to the much higher standards of - for example - Singapore. In India, littering is almost a national sport. Yet few Indian citizens are found guilty of littering in Singapore, which has stiff penalties against such behaviour. What is the reason for such an adjustment in attitudes?

Indeed, what is the reason why India itself has become one of the fastest-growing economies of the world? Why the country has become a world beater in Information Technology, and is rapidly developing into a Biotech superpower? Today, in both cities as well as villages, in states that are forward as well as in those that are still laggards, a new type of Indian is emerging, an individual who is confident of her or his ability to compete globally, to help the international economy produce more, more cheaply, more better. The initial success of a few pioneers in IT has become self-reinforcing, and the confidence that it has generated has percolated into other sections of society. Slowly, expectations of what is possible are getting higher. Confidence in one's own ability to meet such expectations is growing. As a result, success is begetting success.

Winston S Churchill, correctly regarded as one of the greatest statespersons in history, opposed freedom for India for decades, arguing that the different ethnic groups in the country, its stark poverty and low educational standards, made it unfit for democracy. It is instructive to read the exchanges between President Franklin Delano Roosevelt of the US and Prime Minister Churchill of the United Kingdom. While Roosevelt backed independence for the then) 360 million people of the Subcontinent, Churchill was vehement that he would not agree to such a "catastrophe". According to him, the liberty and the freedom that Allied forces were fighting to achieve against Germany were not suitable for the people of India. It makes sad reading to see such a lover of liberty, a man who did so much against tyranny, to so oppose liberty for what was then - and is now - a sixth of the human race. What was it in Churchill's education and upbringing that made him, and millions like him, regard human beings from cultures different from their own as being undeserving of the freedoms that are the birthright of any human being?

Despite Churchill, India got its freedom on August 15, 1947. The founding fathers of the new republic rejected advice that they go slow on the introduction of democracy, and immediately instituted a system of universal adult franchise. The first election was conducted in 1952, and since then there have been many more. Initially, it was a fact that many voters were made to cast their ballots on the diktat of caste or other leaders. In the estimate of the

writer, about 40% of votes in that first election were cast not because of free choice, but because of commands by others. Even today, around 10% of the votes cast in elections in India are based on pressure from local elites. However, 90% is not, a figure that is climbing. India has shown that poverty and educational backwardness need not condemn democracy to ineffectiveness.

Any visitor who has been coming to India over a period of decades will sense the change that has been caused by democracy. In Bihar, for example, the powerful Bumihar community dominated over the Yadavs. Even during the 1970s, a Yadav would not be allowed to sit in the presence of a Bumihar in several Bihar villages. And then, using their numerical strength, slowly the Yadavs began to assert their right to equal treatment. A revolution took place by the 1980s, and a Yadav became the chief minister of the state. Since then, the feudal inequality that had been prevalent for thousands of years has got banished social revolution has taken place in neighbouring Uttar Pradesh, again without bloodshed. The ballot and not the bullet has been the instrument of Revolution.

All over India, society has got transformed by the very democracy that Winston Churchill thought that Indians were incapable of utilising. Sadly, even today attitudes persist that are a source of deep concern about the health of large elements of the mental landscape of the human race. In Germany, when the government introduced a measure to bring in just 15,000 software programmers from India, some opposition politicians launched a campaign against this by inventing the slogan: Kinder statt Inder. Children, not Indians. Are Indian children not children? The politicians who invented this slogan are even today honoured members of the European political scene, as are others who have used similar scare tactics that fan prejudice against those of other cultures. Is this the fault of the Europeans, or rather the result of a system of education that teaches the young that Europe is at the core of Civilisation?

Human civilisation is a rope composed of different strands. The continent of Africa has made a great contribution to culture, in its ancient civilisations and traditions, an influence that today is particularly visible in music. Asia has many great civilisational streams, including the three that have endured for more than three millennia each: the Indic, the Sinic and the

Hebrew. By teaching young Europeans that 99.9% of civilisation has sprung from their continent, those responsible for such misinformation may be helping in creating the mindset that is the progenitor of the Skinhead World history is too precious to be looked at in a narrow way. What is needed is to ensure that every people learn from history the importance of each of the different strands that form the rope of World Culture. Just as a tree should not be mistaken for a forest, so should the mistake be avoided of regarding a segment of human civilisation as comprising the whole.

Alas, such a distortion of history, looking at it through a narrow geographical or ethnic prism, is not common only in Europe. It is present in North America and Asia as well, breeding an attitude of "Us" versus "Them" that promotes conflict in future. An examination of history the way it is taught in many countries will show a dearth of information about any perspective that is not rooted in the perceptions of that particular location. Small wonder that even today, many "educated" youth mature with the misperception that their country has had a special place in world affairs throughout human history, when the reality is that no single country can claim this. Even the primacy of Europe dated back just four centuries. Were the teaching of history to reach back three thousand years at least, rather than simply a few centuries, then the periods during which India and China - to name just two examples - were ahead of every European country in development would also be factored into attitudes about the world. There would be a healthy respect for the culture of the people of Israel, who have maintained their heritage over millennia in the face of immense hardships. Indeed, had such a history been taught in European universities during the 1920s, the generation that failed to halt the ascent to power of an Adolf Hitler may have not fallen into such a precipice.

Again, it should be emphasized that individuals are only as good as their attitudes and approach, which again is a function of their education and upbringing. What Hitler did was to prey on the attitudes and prejudices extant not simply in German but indeed in much of European scholarship, which posits that continent as, in a sense, the "navel" of the universe. That the human race allowed a Hitler to emerge from within itself is a stain not on an individual people but on all humanity. And to avoid a

repeat of this, we need to ensure that the impressionable years of schooling of every child is not misused in theories of cultural or racial superiority, but in accepting the fact that every human civilisation - be it from Africa or Europe or Asia or America - has within it elements that are good and elements that are bad.

By considering any particular culture or heritage as "superior", we automatically assume all the rest to be inferior. We make the mistake of Winston Churchill, who regarded the people of India as unfit for democracy and self-rule. We make the mistake that some are making in Iraq today, of assuming that the Iraqi people are unfit to exercise sovereignty over their own geographical area. In such "scholarship", to eat food with hands the way people in India do is "uncivilized", even though in terms of hygiene, washing hands or washing cutlery should not make much difference. Thus the graceful - if scanty - dress of the Masai in Africa is given a lower rank in such a thought process than the layers of cloth worn by "modern" individuals even in climatic conditions where a lighter form of dress would have been more suitable. It is, for example, amusing to see individuals welter in heavy suits in tropical Mumbai or Singapore. So great has been the conditioning of "modern" education that several architects in India take pride in designing glass boxes that would make excellent sense in cold countries where sunlight is at a premium, but which create infernos in the tropical climate of Mumbai or most other Indian cities. Rather than adapt to nature the way such designs do in temperate climates, several architects in India simply copy western designs, often to applause from their clients. Until the air-conditioning bills come due.

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What is "civilised" and what is not is a matter of perception, except in one particular, which is violence. Any recourse to violent means is uncivilised by definition, as modern human beings today have no excuse to use means other than reason and persuasion to settle differences. The only case in which violence is justified is in the exercise of self-defence. Thus, if **Lesson One** in Education for Peace is that all peoples and cultures stand on a HORIZONTAL scale, different from but equal to each other.

**Lesson Two** tells us that force is the language of animals, reason the recourse of human beings.

A human being is the psychological compound of three different layers: the material, the emotional and the spiritual. There is an interface between parts of these three layers, some aspects in which the material and the emotional, or the spiritual and the material, may come together. However, there are also vast areas of the psyche where the three operate in separate streams; where we keep the emotional from the material and the spiritual from the emotional, for example.

However, **Rule Three** in Education for Peace is to teach us what in India is known as "Sanatan Dharma". Loosely translated, this means that there may be many paths, but they all lead to the same destination. That there is more than one path to the Kingdom of Heaven, more than one path to God. In this sense, the Jewish faith is an inspiration for the rest of humanity, for - if my understanding is correct - nowhere is it taught in the Jewish faith that one has to convert to Judaism in order to get salvation. Even if one follows another faith, one is still eligible to enter Heaven. Some faiths hold that theirs is the only true path to God and to Heaven. It is the right of the followers of such faiths to believe so, and their view must be respected. What is impermissible in a modern society is to seek to impose the same view on other human beings. In particular, to use violence in order to promote a particular faith.

It is not accidental that in India, a land which has the second-largest Muslim population in the world, there are far fewer recruits to terrorist organisations than in countries such as Saudi Arabia and Pakistan. The reason lies in the millennial traditions of the land for tolerance of all faiths. Speaking personally, the present writer has several times visited Christian churches, Muslim "dargahs" and Hindu temples, and found solace and inner peace in all three. In a Muslim "dargah" for example, which essentially is the tomb of a great saint, there is an atmosphere of serenity that is far removed from extremist preachings of hate and exclusives, that teach a human being to be distant from another human being, indeed, to regard 'the Other' as the Enemy, when in fact we are all one. As the Indian sage Sri Narayana Guru said, One God, One Religion, One Humankind".

In India, Muslims, Hindus and Christians join together to go to the great Hindu shrine of Sabari Mala, dedicated to Lord Ayyappa. Before climbing up the hill to the shrine, they worship

together at the tomb of the great Muslim saint Vavar. Close by is a Christian church, where too many pilgrims turn to. In 1996, the present writer enunciated the concept of INDUTVA, which holds that every Indian is a compound of the Vedic (traditional Indian), the Mughal (that is, Muslim) and the Western (largely Christian). That therefore, just as all three traditions co-exist peacefully within each Indian mind, so should the one billion Indians co-exist peacefully with each other, whatever be their faith. In a world where the chemistry of Indutva holds sway, all would be welcome in all religious places, for after all, God is in each of us. As the Indian epics say, the divine is as sugar mixed in water. We cannot see the sugar anywhere in the water, but we can taste it everywhere in the water.

Sadly, few even within India know of Sabari Mala. And none outside India. There are so many examples of religious intermingling and tolerance in the world, and yet so few are taught in schools and other learning institutions. Textbooks are filled with wars, battles in which the youngster is steered to develop pride in the defeat, humiliation and killing of others, and yet what we need to fill them with are the true reports of situations in which human beings remained human beings, rather than descended to the level of animals. In the past, continents have been discovered. Today, new planets are being discovered. Surely we can generate the energy needed to discover the many examples within our species of kindness and compassion. The whole world has been inspired by the example of Agnes Gonxha Bojacchiu, otherwise known as Mother Teresa. Her life is an example of compassion and inner beauty, but there are others in every city in the world with a similar inner beauty, and we need to locate these good human hearts and bring them to the attention of the world.

Thus, **Step Four** in Education for Peace is to ensure that each of the young in the world are taught examples of those who have gone above prejudice and looked at humanity as one, worked among it as one. The Mother Teresas and the Albert Schweizers need to be joined by hundreds of other examples of individuals similarly motivated, individuals from the different corners of the world, so that the truth becomes apparent that every culture, every people, have within them such individuals. That the flow of goodness is never a one-way street, going from

one culture to another, but a shared pool in which each contributes. Unfortunately, despite the harsh lessons taught by history about the effects of past arrogance, even today there exists a triumphalism in certain parts of the world, a missionary instinct to convert others to a point of view that is not necessarily universal in its value.

Rather than pay mere lip service to the concept of One World, One Humanity, what is needed is to ensure that children in the sensitive years 10-15 are given an education that emphasis

- (1) common strands in humanity and
- (2) contributions made by different peoples and countries to world progress.

Indeed, the reality is that long ago, it was Africa that was the lead continent, followed by Asia and then Europe. Today it is the turn of America. Tomorrow, it may well be Africa's turn again to lead the world in progress. The people of that fascinating continent form a pool of humanity with limitless potential. Let us not forget that till the Information Technology boom in the 1990s, India was widely perceived as backward. Today, the software skills and computing abilities of the billion-strong people of the world's largest democracy have earned it a different image. In the middle of the present century, the same transformation in perceptions may well take place in Africa.

It already has in China. While both India and China were the largest economies of the world till the beginning of the 19th century, direct colonial rule in India and the overwhelming influence of foreign powers in China resulted in both countries slipping down the charts into the lower depths of the table of economic performance. Beginning during the 1980s, China began racing ahead in economic growth, and is today on course to become the world's largest economy well before the midpoint of this century, if purchasing power parity is used. Already, by the same standard, the Peoples republic of China ranks just below the US. As for India, it stands just a little below Japan, and is catching up rapidly. Thus, of the four top countries in the world in economic strength, three are from Asia, while the fourth has today more trade with Asia than with Europe.

The emergence of India and China is scarcely mentioned in school textbooks in most countries, and yet it is an example of how a third of humanity can rise from the depths of poverty to

economic betterment. Unfortunately, the way modern history is being taught in many regions of the world, youngsters in those regions believe that only their culture and civilisation have progressed or is responsible for progress. Such a false view promotes the kind of arrogance and contempt for 'The Other' that is the fundamental cause of conflict. Each child has to be taught explicitly that all cultures and peoples stand on a horizontal and not a vertical scale, that the fact that they may be different does not mean that they are inferior. Indeed, it is unfortunate that several who claim to be opposed to the viewpoint of an Osama bin Laden - who seeks to impose his world view on the rest of humanity no matter that few want it - themselves indulge in a triumphalism and in a cultural exclusivity that regards other manifestations of human progress with contempt. The concept of "Vasudhaiva Kutumbakam" (the world is one family) needs to be fused to that of "Sanatan Dharma" (many paths, same destination) and taught to all, so that the feelings of difference and superiority that have been such a poisonous influence on world history in the past do not recur again. We should avoid any system of that places a single strand of civilisation above that of the rest. Indeed, to do that would be to duplicate what the extremists teach, for these individuals consider themselves superior, and their beliefs as self-evident verities that should be imposed on the rest of us.

If modern India has taught us anything, it is that democracy can be a powerful force for peaceful change, for a transition not based on bloodshed. This is a lesson that needs to be repeated and re-repeated if we seek to create an Education of Peace. There is no way to ensure peaceful transition except through the introduction of democracy. And another lesson from India is that the system of democracy is suitable for every human being, no matter what the culture or level of education. If it has worked in India, a land of myriad cultures and divisions, it can work anywhere else, including in Iraq, where the people have already endured too many decades of authoritarian rule to cheerfully put up with any more. Hopefully, international statesmen will follow the wishes of Franklin Roosevelt rather than follow the path adopted by Winston Churchill in dealing with races and peoples he openly saw as inferior to his own.

In China, by allowing freedom in the business sphere, the government has created an economic

miracle. In India the growth rate after Independence has been much faster than before. During the years when the country was ruled from outside, those parts that were under the control of native princes developed much more than the sections that were under colonial rule. And yet, in history books in several countries, the colonial experience has been glorified and the historical evidence falsified in order to justify the rule of one people over another: a situation that can never be justified by any individual who considers herself or himself to be a human being.

Thus, **another strand in Education for Peace** would be to emphasize that individuals need to be treated with respect and given the freedom needed to enrich their lives, whether materially or culturally or spiritually. Sadly, despite the lip service being given to Human Rights, few textbooks or courses in the subject exist, and those that do skip over those parts of history that are critical of the mistakes made by previous regimes in the countries concerned. Every country and every people should be subjected to the same standards of behaviour. If religious freedom is good in one country, it is good everywhere else. If women's rights are essential to progress in one region, then they are as crucial everywhere else.

In sum, education should stress the oneness of humanity, the essential similarities that bind us rather than the few traits that divide us. The global economy demands a global society in which diversity is respected and where societies are not placed on a vertical scale, with a few regarded as being superior to the rest. Each river of culture feeds into the ocean of Civilisation. Our educational system needs to be re-oriented from narrowness to breadth, from prejudice to tolerance, from exclusivity to inclusion. Only then will a world be ensured that avoids the horror of the past, the wars and the exploitation that have marred the history of a great species.

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## **Teaching and Learning Intercultural Understanding, Human Rights and a Culture of Peace:**

### **Conclusions from the Jyväskylä Conference on Intercultural Education**

Johanna LASONEN

#### **Background and Objectives of the Jyväskylä Conference**

The Jyväskylä Conference on Intercultural Education featured nearly 350 papers, workshops, keynote addresses, poster exhibitions and panel commentaries. The prepared statements, which are available on the Conference Proceedings CD (Lasonen & Lestinen, eds., 2003), serve as a resource for examining recent developments and policies related to intercultural learning, a culture of peace, and human rights initiatives. About 550 experts from nearly 80 countries covering all global regions attended the conference to study the issues involved in intercultural education. There is a trend in professional conferences in favour of the participation of citizens of rich countries. In Jyväskylä, as a result of an effort to apply the principle of inclusion, about 32 per cent of those who took part in the conference came from the developing countries and the countries under economic transition.

A focus for topical considerations was provided by the general question concerning the extent to which intercultural education has been implemented in a wide range of changing socio-cultural contexts where educational systems operate. The aims of the conference were

- evaluating and improving teacher education/training and academic and vocational higher education policies and practices;
- enhancing the intercultural competence of professionals working in academic and vocational higher education;
- developing new multi- and interdisciplinary and intercultural research initiatives to enhance teaching-learning methods and improve materials for intercultural education;
- incorporating human prosperity and cultural heritage into education and training;
- establishing an open forum for and a network of education professionals active in fostering intercultural dialogue and education; and
- promoting collaborative projects.

The conference targeted university, college and polytechnic teachers, researchers, teacher educators, student counsellors, supervisors, programme coordinators, faculty and staff developers, administrators and policy-makers, UNESCO chairs, teachers and administrators in UNEVOC and UNESCO schools, and graduate students. The conference programme included the following subthemes:

- learning environments
- inclusive approaches and identities
- values, beliefs and controversial issues in pedagogy
- academic professionalism
- communication and language
- knowledge construction, diffusion and transformation.

During the six working days, including the pre-seminars, the conference offered the presenters and delegates many forms of active participation and exchange of ideas: panel discussions, paper sessions, graduate students' sessions, tutorials, workshops, performances, and also poster exhibitions.

The conference was organised by the Institute for Educational Research, based at the University of Jyväskylä. It is a part of the programme of activities of the University of Jyväskylä UNITWIN/ UNESCO Chair. The conference was initiated and managed by the University of Jyväskylä's UNESCO Chair. The university's UNESCO Chair in Intercultural Education was established in 2000, the first one of its kind in Finland and in the Nordic countries. The conference was similarly

organised as the first of its kind. One of the purposes of the conference was to explore whether it would be possible to stimulate new types of network-based cooperation and create new patterns of international exchanges on the basis of the conference experience.

The administration of the University of Jyväskylä had made a strong commitment to the event. In her opening speech and in further statements, Professor Aino Sallinen, rector of the university, emphasised the importance of the UNESCO Chair in the context of the university's strategies for internationalisation and international development. It is worthwhile to raise here the question concerning the role that the University of Jyväskylä is willing to play in the conference's follow-up phase and the university-based activities that might provide support for actions undertaken during it.

The conference offered a new interdisciplinary and multi-professional arena for fields of expertise related to the cross-cutting conference themes, intercultural education, teaching and learning, mutual respect and understanding and a culture of peace. The set of themes challenged the potential participants to join in an international dialogue that could not be confined within the staple rules and patterns of ordinary academic conferences. The basic approach required increased openness and more bridging efforts to create a shared platform for a diverse range of participants with different potentials for contribution to the joint discussion.

### **The Conference Topics**

The conference topics represented a wide array of options for drawing conclusions about future developments in intercultural education. Over the next few years, the conference participants and those who read the conference proceedings will be better able to shape and guide the development of intercultural understanding and build a culture of peace and social justice through better teaching and learning. The rainbow of conceptual frameworks, educational innovations and effective practices presented at the conference was gathered from all areas of the globe. The topics are important to students of all ages and backgrounds, adult learners, teachers and educators working in formal and informal settings, parents and families, and policy-makers. The conference papers examined intercultural understanding and global citizenship from a wide set of perspectives ranging from inner or self-identity to respect for and good ways of integrating multiple cultures and languages.

The key objectives of critical intercultural education consist of cultural pluralism and integration, approval of and support for cultural diversity and justice and equality. From the viewpoint of learning, an aspiration towards cultural continuity, maintaining and fostering the specific cultural heritage and experience of various ethnic and cultural groups, taking into account different learning styles, and supporting ethnic identities are further inherent elements of multicultural education. The aim has been to provide all human groups with an education of good quality worldwide.

The topics of the conference presentations reflected the recent contextual variety in approaches to issues of international and intercultural education adopted in different global regions. Most of the topics can be categorised as follows:

- providing intercultural education in the context of fostering peace and mutual understanding:
  - o contributing to the settlement of international conflicts (e.g. Israel and Palestine, India and Pakistan, Former Yugoslavia, Northern Ireland);
  - o reducing cultural tensions (e.g. interpreting world history, tackling the problems of indigenous populations and of the preservation of old linguistic minorities, addressing the questions associated with old migrant populations and their cultural identity);
  - o promoting new educational mobility (e.g. educational mobility as a vehicle for intercultural understanding, analyses of host cultures from the perspective of visiting students from developing countries, analyses of host cultures from the perspective of supporting experts from developed countries);
- promoting intercultural competencies as a challenge to educational development:

- o intercultural understanding in the context of specific educational fields (e.g. analyses of transnational cooperation in vocational and professional education and training, examinations of the role of intercultural understanding in learning foreign languages, analyses of the role of arts and humanities in promoting intercultural understanding)
- o intercultural education in multicultural communities (e.g. analyses of intercultural education in established multicultural societies and in more recently multiculturalised communities, examinations of intercultural education responding to recent migration)
- o intercultural education as a challenge to teacher education (e.g. analyses of schemes for intercultural education as a component of teacher education, explorations of schemes for intercultural understanding within schools and higher education establishments, examinations of guiding principles for intercultural education);
- conducting empirical analyses of cultural contrasts and of encounters with cultural diversity:
  - o reports on racialism, xenophobia and tolerance as issues for intercultural education
  - o cross-cultural comparisons (e.g. drawing on reports on cultural gaps and disparities in educational opportunities)
  - o problem-oriented studies with a focus on cultural and educational issues related to health and health care
  - o specific commentaries on international policies and/or dialogue between religions.

### **Acquiring Intercultural Competence**

Cultural competence refers to the knowledge and skills needed to cope with intercultural situations. It may be supposed that in school-based educational systems, a basic set of skills is delivered through formal education. However, it seems that cultural competence is, to a great extent, acquired and developed through workplace learning. Cultural competence is assumed to emerge from an intercultural awareness, with an understanding of interculturalism and the possession of skills in operating and competence to function smoothly in culturally diverse environments representing higher stages of the process.

Learning changes our views of ourselves by transforming our ability to participate, belong and negotiate meaning. Learning occurs in groups and communities through interaction, work, talk, participation and negotiations. Participation in a community of learners contributes to share knowledge construction involving norms and values of communities and networks. Each member of a work team is shaping the cultural dimensions of their professional community and sector according to their personal qualifications and competence. In this area the conference papers focused on the sociocultural theory of learning, constructivist conceptions of learning, developmental frameworks (with identity and gender a very prominent focus), and language acquisition and development frameworks involving both native and non-native language learning. Among frequently mentioned conceptual settings for teaching and teacher learning were critical pedagogy, universal critical pedagogy, critical race theory, transformative intercultural pedagogy, experiential learning, post-modern perspectives, and dimensions of self-identity in teaching. The spectrum of teaching topics encompassed but was not limited to recently implemented models for multicultural teacher training, teaching practices such as the use of cultural vignettes and interviews by students, teaching peace/equity/multicultural concepts within other subjects, conflicting and complementary teaching philosophy, the co-development of distance learning courses, electronic textbooks, and international education programmes, prospective teachers' attitudes towards gender equity, and teachers' spirituality.

Many well-established and new or emerging theories are being used and integrated to study and design new teacher education programmes and new fields of higher studies such as global affairs, peace education, and international environmental sciences. As a result of a global interest in intercultural learning, developments such as transformative intercultural pedagogy are creating entirely new schemes for teacher education and teachers' professional development and for organising schooling.

## Implications for the Future

The conference objectives open up a wide spectrum of perspectives on intercultural and multi-cultural education, peace education, and human relations. As each of these initiatives has emerged or re-emerged on the global education scene over the past decade, many of them, including the Development Goals and Education for All (EFA), have been grounded on the principles of mutual compatibility and interagency collaboration. Moreover, the conference subtitle has posited that the goals and outcomes of teaching and learning endeavours should address intercultural understanding, human rights, and a culture of peace. However, a future vision of intercultural education must be grounded on commitments on two fronts. First, there must be support for the international development goals for 2015 (the United Nations, UNESCO) intended to make the world a better place for everyone by eliminating poverty and all that it breeds. Education must play an integral part in several of the seven millennium goals (covering universal primary education, gender equality, reducing extreme poverty, and environmental sustainability). Second, we must act on the insight that peace is created and constituted by the never-ending construction of social justice.

To come to grips with the new intercultural and peace education, universities and other higher education institutions should create new programmes of study and research and new knowledge development centres. These new endeavours are changing the way universities attract students from many countries and the relationships they have with governments, companies and schools, all seeking to establish new links with international partners and colleagues.

Many of the papers reviewed for the conference call for longitudinal studies, more rigorous programme and policy evaluations, or building communities of critical inquiry and reflection to monitor future developments in intercultural education. Like other professional fields linked to the social sciences, the intercultural education community needs to expand and enhance its capacity for evaluation, inquiry and critical reflection and for the incorporation of these values and processes into continuous improvement strategies, especially at the local level. More graduate programmes and more specialisation options within graduate programmes are needed to support these efforts to improve capacity in schools, NGOs, and government agencies.

International organisations and national policies must promote the development of research-based/evidence-based approaches to understanding how intercultural teaching and learning are linked. In the context of global citizenship and the development of effective policies to underpin national or state curriculum frameworks, student assessment and local accountability, better evidence regarding what works is needed in schools, NGOs and tertiary education institutions.

## The Follow-up and Successor Activities of the Jyväskylä Conference

The main achievement of the pioneering Jyväskylä Conference on Intercultural Education was to construct an integrative platform for closely related themes and generate a process dynamic that brought participants from different cultural and thematic backgrounds to dialogue-oriented exchanges and engendered a common working spirit. The follow-up phase needs to be based on decisions that not only continue developing a conference tradition but create opportunities for providing platforms for spin-off activities. It is crucial for the follow-up activities to build upon the partnerships, networks and community-building initiatives that have emerged out of the conference.

The conference and its pre-conference events laid a foundation for a new world forum of intercultural education. The conference themes did not isolate intercultural education into a realm of expertise of its own. Instead, they connected the main theme with working interfaces joined by the following considerations: (a) the promotion of international cooperation in education and training; (b) supporting intercultural dialogue and diversity-positive learning and working environments; and (c) exploring the role of education and training in initiatives that promote a culture of peace and sustainable development.

As observed above, one of the main achievements of the conference was that it turned out a genuinely multi-professional event in which contributions from research, policy debates and

practical initiatives were brought together onto a common platform. Moreover, several discussions raised questions of reshaping the mutual relations between research, policy and practice. In particular, the following working perspectives were touched upon:

- (a) the roles of researchers in research-supported international knowledge development;
- (b) the roles of researchers in the new training and development partnerships and within related research-based accompaniment;
- (c) the roles of researchers on the international platforms for policy learning and for drawing conclusions about developmental initiatives in the field.

It seems appropriate to suggest here that the development of a conference tradition should be geared towards the creation of a **World Convention on Intercultural Education** that will draw upon the work of interested experts and professionals, whether they want to contribute as individuals or as communities of practice. On the one hand, a working perspective of this kind would use to good advantage the experience of the pioneering event. On the other hand, it would provide an opportunity to link the planning of the conference programme and eventual pre-conference and post-conference events to more specific initiatives, networks and thematic strands that are growing out of the prior conference experience or providing complementary insights.

The continuation of the Jyväskylä conference tradition alone is no guarantee for progress in the international construction of research-supported knowledge about the role of intercultural education on a range of innovative interfaces. Even if some leading initiatives could be launched on the basis of the conference experience, they would not offer any very strong underpinning for a conference tradition and for the related community-building. Therefore, some intermediate activities may be considered as a means of furnishing infrastructural support for collaborative knowledge-sharing and the reflective re-processing of shared knowledge elements. From this perspective, it is appropriate to consider four kinds of activities:

- (1) **International summer schools** can promote the general capability of researchers, programme developers and practitioners to analyse challenges facing intercultural education in the context of various developmental problem areas and initiatives.
- (2) **International field-oriented workshops** can visit focal regions and analyse the specific challenges that confront intercultural education delivered as a part of those developmental initiatives that have a particular strategic importance for the given region.
- (3) **International virtual platforms** can provide broader access to virtual communication and knowledge-sharing among a variety of initiatives and interested experts.
- (4) **International publications** can disseminate current information, specific research-based insights and policy-related feedback to broader target audiences.

Such intermediate activities could serve as platforms for policy learning and the reflective re-processing of project-specific experiences with a view to finding ways to promote knowledge-sharing and transfer of innovations. Currently, the lack of preparatory arenas is considered a major obstacle to linking educational measures to the developmental activities promoted by, among other organisations, the World Bank. Consequently, in the recent efforts to promote transnational co-operation within the African Union and within the NEPAD initiative there is a search for appropriate models for policy learning. Therefore, it makes sense to give thought to such long-term goals although at the same time there is a need to be patient enough to take the first small steps forward to promote a follow-up of the Jyväskylä conference.

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- *International Society for Human Values* -



**Conference on Youth and Human Values**

8 – 11 October 2002, Geneva, Switzerland



R. SAMPATKUMAR

The highlight of our 2002-2003 activities was the focus on youth. Youth are the future custodians of our civilization. But, the world they are likely to inherit may not be of their choice or making. Nonetheless, they will be left with little option than suffer the consequences of actions taken by others, and seek solutions to the problems they had not created. It is therefore, only reasonable that their voice is heard and their concerns respected.

In many traditional societies growing older is synonymous with becoming wiser. This automatically relegates the young to a position requiring implicit obedience and accepting what they are told without critical examination. Easy and universal access to information through modern media and communication systems has however changed the situation drastically enabling youth to gain knowledge without restriction. This free access entails responsibility to sift the information and choose what is worthy of acquiring.

The conference on **YOUTH AND HUMAN VALUES** organized by the *International Society for Human Values* from the 8<sup>th</sup> to the 11<sup>th</sup> October 2002 in Geneva, Switzerland provided a forum for the world's young people to express their needs and aspirations and, launch an intergenerational dialogue to promote among youth the ideals of peace, tolerance and mutual understanding. The conference was sponsored by UNESCO. In his message to the conference the UNESCO Director General, Mr. Koïchiro Matsuura said that "though humanity boasts of great achievements in the fields of science and technology, the real benefits of these successes have not sufficiently permeated the bulk of world's population. The resultant disparities among various sections of any society and between societies call into question the morality of an inherently lopsided development. Youth are the first to suffer the consequences such as unemployment and HIV/AIDS. In this situation it seems difficult for young people to establish their proper identity and acknowledge values that can guide them. I am happy to note that you, like UNESCO, are attempting to promote human values among youth and promote tolerance and faith in building an ideal world. I wish you all success."

In addition, we received support for the conference from Swiss National Commission for UNESCO – Federal Department of Foreign Affairs, Government of Switzerland, Swiss Agency for Development Cooperation, European Union, Council of Europe – Directorate of Youth and Sports, European Youth Forum, International Baccalaureate Organization and the Hague Appeal for Peace.

In preparation for the Geneva conference two regional conferences were held: (i) African Regional Conference on Youth and Human Values, 8 – 11 July 2002, at the University of Ghana, Accra, Ghana; and (ii) Youth and Values in Asia, 19 – 22 August 2002, at the Korea UNESCO Culture Center, Icheon, South Korea. The purpose of these preparatory meetings was to provide an opportunity for young people from different regions to express their concerns and pre-occupations in meeting challenges in a world influenced more and more by new science, information technology and globalization. In many countries democracy is in its infancy and violations of human rights are rampant. Persistent conflicts and violence have eluded the prospects of building an equitable, free and economically viable society. In this situation, views and attitudes of young people are of special importance.

The African Regional Conference was organized by the International Society for Human Values – African Chapter with the support from the International Society for Human Values, Geneva, the Government of Ghana, diplomatic missions and a large number of private institutions in Ghana. The Conference on Youth and Values in Asia was organized jointly by the Korean National Commission for UNESCO (KNCU) and the International Society for Human Values (ISHV). The reports from these meetings were to serve as important inputs to make the discussions in Geneva realistic and meaningful.

The conference in Geneva on **YOUTH AND HUMAN VALUES** was attended by 185 participants in the age group 16-81 years from 42 countries representing a wide spectrum of individual interest, social status, occupation, religious affiliation and cultural background. A conscientious blending of individuals

from different age groups among resource persons and participants enabled the conference to have a truly intergenerational dialogue on some of the pressing issues of our time that have far reaching implications for the future.

The UNESCO Chair in Comparative Human Rights, University of Connecticut, was kind enough to send four participants to the conference. These Human Rights Ambassadors – three female and one male – made a significant contribution to the discussions. The organisers were grateful for the co-operative effort of the UNESCO Chair & Institute of Comparative Human Rights. (The undersigned was invited by Prof. Amii Omara-Otunnu, UNESCO Chair & Executive Director, Institute of Comparative Human Rights, University of Connecticut, to the panel at the Third Annual Comparative Human Rights Conference in October, 2002).

Four themes namely *Youth and Changing Times*, *Youth and Social Responsibility*, *Youth and Violence* and *Youth and Human Values* were taken up during the conference. The programme was so designed as to enable the plenary session on each day define the broad parameters of each theme and the challenges they entailed, while the workshops dealt with particular topics and went into specific aspects of individually and collectively meeting the challenges.

The plenary sessions generally consisted of brief statements from two or three eminent persons followed by questions and answers. Following plenary sessions, 23 Workshop leaders conducted 56 workshops. Each workshop of 90 minutes' duration was conducted twice. A maximum of 20 participants were assigned to each workshop on the basis of their choices. At end of each day the rapporteurs presented reports on the workshops and conclusions arrived at with suggestions for follow-up actions.

Young resource persons and participants took an active part in making presentations and initiating discussions. Youth participants and students from local primary and secondary schools acted as Masters of Ceremony (MCs), presented theatrical introduction to themes at the beginning of each session, and conducted the colourful flag ceremony for world peace at the opening session, assumed leadership role in conducting the Panel discussion on the fourth day. One of the keynote speakers at the opening session was Mr. Michiel Van Hulst, under-30-years 'youth' Member of the European Parliament. His vision of the role of the European youth in a world shaped more and more by new science and modern technology was particularly inspiring. He elaborated on various European institutions that contributed to the strengthening of democratic values and freedom of the individual.

The conference enabled the participants to gain a better insight into modern trends in science and technology and their social and political consequences, initiate an uninhibited dialogue between generations and to gauge the direction and intensity of reactions among youth to new challenges.

Following were some of the important recommendations made in Accra, Seoul and Geneva:

- A letter be sent to the Ministers of Education of Member states of the United Nations drawing attention to the provision in the Universal Declaration on Children's Rights that all signatory countries should display the Declaration visibly in their schools, in such a way that every child will know of the Declaration's existence.
- Violence among and against children and youth is on the increase especially in developed countries of Europe and North America. Efforts should be made to reinforce/promote values among children and youth to prevent/reduce incidence of violence.
- The role and commitment of African youth are vital for the future of the African continent. ISHV – African Chapter was urged to initiate programmes for primary and secondary students to promote values of democracy, human rights and peace. In this connection, training workshops for teachers were to be organised. Topics should include Rights and Responsibilities of African Youth, Youth Violence, Role of Media in dealing with violence.
- ISHV should conduct a study of Values specific to Asia and publish the findings. The participants of YOUTH AND VALUES IN ASIA were urged to provide relevant inputs for the proposed study.
- Country representatives in several Asian countries were nominated to initiate and implement programmes to promote democratic norms and practices among youth. These programmes were to be implemented with the support of existing youth organisations and institutions.

## The nightmare of an armed multilateralism a la carte calls for a UNESCO Declaration on the Human Right to Peace

Antonio Papisca

### 1. *Peace and security are in the competence of UNESCO*

Article 1 of the UNESCO Constitution provides as follows: “1. The purpose of the Organisation is to contribute to *peace* and *security* by promoting collaboration among the nations through *education, science* and *culture* in order to further universal respect for *justice*, the *rule of law* and for *human rights and fundamental freedoms* which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations. 2. To realise this purpose, the Organisation will: a. Collaborate in the work of advancing the *mutual knowledge and understanding* of peoples (...); b. Give fresh impulse to *popular education* and to the *spread of culture* (...)” (Italics added).

Within the United Nations system, UNESCO is the “agency” which, by its own statutory nature, is entitled to build up and cultivate the ground of a sustainable peaceful world order through developing the peace human rights culture.

Both the Preamble (“Since wars begin in the minds of men...”) and Article 1 do advance in particular Article 28 of the Universal Declaration of Human Rights that reads: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised”.

The meaning of this Article is that all human beings are entitled to positive peace - internal and international - as summarised by the Latin maxim “*si vis pacem, para pacem*”, if you want peace, do construct peace. The educational mandate of UNESCO in this very field is implicitly highlighted by the Preamble of the Universal Declaration which says that the Declaration is proclaimed “as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly *in mind*, shall strive by *teaching* and *education* to promote respect for these rights and freedoms (...)” (italics added). This means that UNESCO has the strategic task to contribute to provide effectiveness to the International Law of Human Rights, the ‘universal law’ that is rooted in the first part of the UN Charter and further developed by a coherent *corpus* of specific instruments. The promotion and protection of human rights is assured by many ways and means. The judiciary is one of them, it is absolutely necessary to address alleged violations, but it operates *ex post factum*, using the logic of sanction more than that of moral persuasion. For the effectiveness of human rights, education and teaching are even more powerful, because they go into depth of both minds and hearts; their purpose is to facilitate internalising values and raising awareness, consciousness, and convictions. In brief, they provide the most secure preventive way.

For a long time, UNESCO has addressed the subject of peace construction in the context of its political-educational mandate. We should acknowledge the high value of its pedagogic and didactic production. I would mention, among others, the outstanding Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms of 19 November 1974. It contains the pedagogical and didactic interpretation of Article 13 of the International Covenant on Economic, Social and Cultural

Rights of 1966: “1. The States Party to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”. This norm should be interpreted in direct relationship with the above mentioned Article 28 of the Universal Declaration as well as with a more recent instrument, the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Res.A/RES/53/144, 8 March 1999). This important document comprises many relevant provisions for the development of a genuine that is action-oriented, peace human rights culture. In particular: Art.1: “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms *at the national and international levels*”(italics added); Art.5: “... everyone has the right, individually and in association with others, *at the national and international levels: a) to meet or assemble peacefully, b) to form, join and participate in non-governmental organisations, associations or groups...*” (italics added); Art.12: “1. Everyone has the right... *to participate in peaceful activities against violations...*”(italics added); Art.15: “The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education....”.

What is above quoted not only establishes a legal basis to further develop formal and informal education in accordance with the action-oriented approach, but also enables individuals and groups to (*peacefully*) take concrete action inside and outside states, in a space that cross-cuts national boundaries: it is the planetary space for the construction of world peace.

During the four decades of the bipolar era, the culture of peace was infected by ideological confrontation that heavily instrumentalised the concept of peace and the aims of a culture of peace. There was a harsh, sterile, tiring questioning of whether peace was the precondition for the realisation of human rights or development a precondition for both peace and human rights, whether political democracy comes first with respect to economic and social democracy, and so on. UNESCO was heavily affected by this instrumentalising debate, as much as it was by the ferocious East-West confrontation on issues such as the “rights of peoples” and the claim for a “new world order of information and communication”.

In coincidence with the fall of Berlin Wall and the end of bipolarism, UNESCO was refreshed by a large intellectual mobilisation that advocated for developing a genuine culture of peace, based on human rights. There were significant move, in particular the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy (Montreal 1993), the launching in 1995 of the Transdisciplinary Project “Towards a Culture of Peace”, and the shrewd dissemination of UNESCO Chairs, and strategic investment in the higher education establishments. In November 1997, the General Conference of UNESCO specifically addressed the item relating to the formal recognition of peace as a fundamental right in the context of a draft Declaration on a Culture of Peace warmly supported by the Director-General Federico Mayor Zaragoza. If we look at the records, the debate was disappointing: the reappearance of tired old ideologies and stupidity much more than political caution prevented any significant result. I would say: unbelievable! Examine the following collection of remarks made by the delegates of some western countries:

- We cannot support the Draft Declaration because we oppose new legal instruments in the field of human rights;
- It is improper for UNESCO to intrude into a field which is a task for other UN agencies such as the Legal Committee of the General Assembly;
- The discussion is a waste of our time;
- Pinochet and Stalin had peace but no human rights;
- The idea of the Human Right to Peace undermines the idea of human rights, it cannot be enforced;
- Our role at UNESCO is ethical, to disseminate existing conventions rather than making new ones;
- Let us abstain from making a new Human Right to Peace which is dangerous;
- The Draft Declaration confounds human rights and peace which should be addressed separately, it confuses disarmament policy and weakens human rights;
- The Human Right to Peace is not in UNESCO's field of competence;
- The Human Right to Peace indicates that peace is a precondition for human rights, a position that would weaken human rights;
- UNESCO's mandate is not to enforce peace and security;
- A new right could create illusions;
- It is fashionable to support and invent new human rights while existing rights are not being respected; as for respecting them, look at the critiques by Amnesty International;
- and so forth.....

To complete the picture, we should also quote some favourable positions of delegates of non western countries:

- having abolished the military in 1948, we practice peace as a human right; it is the nations whose economies depend on weapons that are responsible for war;
- a culture of peace is the foremost task of UNESCO;
- how can it be said that it is not in UNESCO's fields of competence?;
- quotes from Gandhi: "An eye for an eye would have the world blind";
- and other similar viewpoints.

But this sound reasoning was not successful.

The Draft was not endorsed because, it was said, there was not enough "consensus".

## ***2. From the "ius ad bellum" (the right to make war) to the "officium pacis" (the duty to make peace)***

During the debate in Paris, the writer of the present essay was reached by telephone by an Under-Secretary of State, saying: here at the Ministry, somebody warns that if we vote in favour of the draft Declaration our national Constitution would be violated...what do you think? My answer was: please go on, our Constitution literally "repudiates war"... But the negative 'official' advice within

the Ministry about the “disrupting” impact of UNESCO’s draft, sterilized the good will, if any, of the Under-Secretary.

In a lecture offered at the Simon Fraser University, Vancouver on October 31, 2003, Douglas Roche, member of the Senate of Canada, quoted a statement made by the US delegate in the informal discussions at the United Nations concerning the Draft Declaration and Programme of Action on a Culture of Peace: “Peace should not be elevated to the category of human right, otherwise it will be very difficult to start a war”. As clear as daylight: do we need anything else to understand the reasons for the opposition? By emphasising that the human right to peace would impede war, he says that war denies all human rights.

I referred to stupidity as an independent variable of the failure of that attempt by UNESCO to formally acknowledge the human right to peace, but much stronger and more dangerous than stupidity were, and still are, the geopolitical interests at stake. The formal recognition of the Right to Peace is not a mere symbolic act, it has a huge impact on both politics and economics, it is a matter of national security, finally it belongs to the new “world order” agenda. I mean that if peace is formally acknowledged as a human right, states would be urged by legitimate claims to comply with precise legal obligations. The first claim will be linking peace to life, as two faces of the same coin. And life means not only survival, but also “human development” and “human security” of all individuals and of all peoples, finally “people security” based on “all human rights for all”. What stems logically from this assumption is that the death penalty and war are incompatible with life, and the alleged supremacy of the market upon social justice is incompatible with both peace and life. Another legitimate claim would be for real disarmament. Furthermore, the legal recognition of the human right to peace would change the nature (or the “form”) of the State, first of all because it takes away from it an essential element of its legal and political identity: the *ius ad bellum*, the right to make war. Accordingly to the doctrine and practice of state armed sovereignty, the *ius ad bellum* is intrinsically complementary to the *ius ad pacem*, to the right to make peace. Then, if the right to make war disappears, what would remain is a *ius ad pacem* transformed into the *officium pacis*, the legal obligation for states and for all to make peace. Finally, the formal recognition of the human right to peace would add strength to the duty of the Members of the United Nations to fully implement the full range of principles of the United Nations Charter regarding states obligations: the repudiation of war (scourge...) and the prohibition of the use of force (with the exception provided by Article 51), the obligation to settle disputes in a peaceful way, the duty to disarm, respect for the conscientious objection to military service, etc. The implementation of the right to peace would entail, among other things, the establishment of a permanent military and civil force at the disposal of the United Nations, the effective coordination of regional ‘defensive’ organisations, strengthening the human rights machinery, enabling the Economic and Social Council to actually orient world economy in the direction of social justice, full support to the International Criminal Court, etc.

Nowadays, to relaunch the idea of a solemn Declaration on the Human Right to Peace, there are legal and institutional arguments that can be summarised as follows. Peace is possible, then obligatory, because there exist ways and instruments that are really alternative to war. Here again the main reference should be made to the United Nations Charter and to the institutional machinery of multilateralism at both world and regional levels. This implies that states should address seriously, once and for all, the reform of the United Nations.

Historical circumstances, provided they are honestly interpreted having regard to the real needs of people all over the world, do advocate for strengthening the UN together with that very law for which the UN does exist. The world is more interdependent and globalised than in 1945 and makes stronger the need for having multilateral institutions capable to “decide” and carry out international public policies for the equitable distribution and the transparent running of global public goods, including peace, security, development, and the environment.

The fall of the Berlin Wall in 1989 offered circumstances that were objectively suitable to step up the pace of reform, but only sterile dialogue occurred and the nineties were marked by a *crescendo* of wars, genocides, ethnic cleansing, and widespread violence. Despite the availability of a suitable moral and legal paradigm for the global governance agenda - human rights, the international rule of law, subsidiarity, participatory democracy -, the Gulf War in 1991, atrocities in the Balkans and in Rwanda in the nineties, the Kosovo War in 1999, provide us the tragic empirical evidence of institutional failures at the world level.

The terrorist attack of September 11 and the increase of terrorist behaviours fuelled long-standing unilateralist intentions of the surviving super-power: needless to remind that the model of “new world order” that President Bush advertised even at the UN General Assembly in 1991, was that of a hierarchical system comprising unequal armed sovereignties, where the place of the UN would have been ancillary with respect to the role of major powers. The last attempt to ditch the United Nations came from Bush J. with the “unilateral war” against Iraq that was openly theorised and put into practice in blatant violation of International Law while claiming the formal support of the Security Council.

The UN support was luckily denied on that occasion.

### **3. *The ambiguous debate on the United Nations reform. Dangerous reword about Article 51 of the Charter***

Pressure from both governmental and civil society milieus is now growing to begin once and for all the UN reform, and also to cope with a new reality that could be summarised as follows: even those strongest states that are able to make war are proving not to be able to win war, then lacking the added-value or the meta-power that is necessary to impose new world orders, as it was usual in the inter-state system in the past centuries. No other political actor except the UN could adequately take advantage of such a situation and penetrate into the interstice that is now open to carry out the construction of that world order that is essentially designed by the UN Charter.

But if we look at what is behind the official Reports *in re*, in particular the Report of the High-Level Panel of Eminent Persons “A more secure world: our shared responsibility” and the Report of the Secretary General “In larger freedom”, what is being prepared in the intergovernmental summit is a *Realpolitik* blueprint of armed multilateralism *à la Carte*, that means jeopardising security and weakening the United Nations role instead of being consistent with the assumption, shared by both Reports, that security is “human security” and the UN Charter keeps its full validity. A terrifying nightmare indeed.

Both Reports emphasise that all relevant competences and powers of the Security Council should be maintained. As regards the use of force, relying on the assumption that “there is a growing recognition that the issue is not the “right to intervene” of any State, but the “responsibility of protecting” of *every* State when it comes to people suffering”, the Panel’s Report “endorses the emerging norm that there is a collective responsibility to protect, exercisable by the Security Council authorising military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent”.

The language used by the Panel with regard to the crucial issue of individual and collective self-defence is ambiguous. It contradicts the “supranational approach” adopted by the very Panel as a matter of principle when it proclaims that “article 51 of the Charter of the United Nations should be neither rewritten nor reinterpreted, either to extend its long-established scope, so as to allow preventive measures to non-imminent threats, or to restrict it, so as to allow its application only to actual attacks”. In fact, the Panel offers its own interpretation in a way that is not in accordance with the non ambiguous literal meaning of article 51, which – it must be stressed - refers exclusively to

the use of force if an armed attack “occurs”. The Panel does not hesitate to absorb the “classical” interpretation of self-defence when it says that “a threatened state, *according to long established international law*, can take military action *as long as the threatened attack is imminent*, no other means would deflect it and the action is proportionate” (italics added). The Panel points out that “the problem arises, where the threat in question is not imminent but still claimed to be real”.

To this regards it should be strongly pointed out that the *ratio* of Article 51, as an exception to the general rule that prohibits states from using force, is essentially relating to the “occurrence”, not to the “imminence” of threats.

The Panel’s questioning is expressed in a rather tortuous wording: “Can a State, without going to the Security Council, claim in these circumstances the right to act, in *anticipatory* self-defence, not just *pre-emptively* (against an *imminent* or *proximate* threat) but *preventively* (against a *non-imminent* or *non-proximate* one)(italics added)?”.

There are grounds for being seriously concerned with this ‘refined’ typology. What is behind its literal wording? The Panel does not abstain from providing its own answer: “if there are good arguments for preventive military action, with good evidence to support them, they should be put to the Security Council, which can authorise such action if it chooses so”. For *pre-emption* and *protection* no reference is made to the Security Council that means that states are free. But also in the case of *prevention* for which the Security Council is expected to “authorise”, it still opens the question: to authorise whom and for what?

In his Report, Kofi Annan absorbs the scheme threats/armed responses set up by the Hig-Level Panel:

- occurring attack of state against state: self-defence use of force (no need to go to the Security Council)
- imminent threat: pre-emptive use of force ( no need to go to the Security Council)
- non-imminent or latent threat: preventive use (“authorisation” or “endorsement” by the Security Council)
- genocide and similar atrocities: protective use (“authorisation” or “endorsement” by the Security Council).

Saying that “lawyers have long recognised that (art.51) covers an imminent attack as well as one that has already happened’, the Secretary General joins the High Level Panel in providing an extensive interpretation of article 51, that contradicts its literal text (when an armed attack occurs...).The perspective of Article 51 becoming a general rule instead of remaining an exception would make states the oligopolistic managers of world security: that means, again, that armed national sovereignties will continue to prevail on the UN supranational authority.

Now, it is not true that (all) “lawyers” agree on the extensive interpretation of Article 51 by adding “imminence” and even “latency”, to the “occurrence” of an armed attack. What is true is that some states - namely the USA, Israel, the former URSS... - have interpreted and extensively implemented that Article. To be legally and morally correct, reference should be made not to lawyers, but to the illegal practice of major powers that aims at subverting the inner *ratio* of the UN Charter and of International Law in the sense that Article 51 would become the general rule, and the fundamental principles contained in Article 2 of the Charter - in particular, the prohibition of the use of force and the obligation to settle conflicts in a peaceful way - would become the exception.

#### **4. Implementing Article 43, dropping the scandalous Article 106**

I wonder why, instead of butchering – I repeat, butchering – the non ambiguous content of article 51, the official Reports do not urge states to implement article 43, in order to make possible the implementation of article 42, that in turn would enable the UN to exercise its statutory “supranational” authority? If the main function of the Security Council would consist only in “authorising” or “endorsing” armed actions taken by states” - the most powerful of them, of course, would always have good arguments and pretend to be “authorised”-, with real gains for the UN authority and credibility, for the effectiveness of International law, for a lasting world collective security, and finally for peace? In both Reports the Byzantine discourse about article 51 opens the way to jeopardise security with permanent destabilising results all over the world.

Without mentioning Article 43, Kofi Annan envisages the creation of “strategic reserves for the United Nations peacekeeping” by including standby capacities into “an interlocking system of peacekeeping capacities”, as well as the establishment of a “United Nations civilian police standby capacity”. It seems that the “interlocking system” would comprise military forces to be deployed only for (more or less classical) peacekeeping operations. I wonder in which “security system” military forces for other security tasks would be placed. In the “collective security system” in accordance with Chapter VII of the UN Charter, that is under the direct authority of the United Nations, or in some kind of “multi-national coalition frameworks” not directly supervised by the UN?

The response is in the same Secretary General’s Report, which distinguishes “peacekeeping” and “use of force” and envisages a “new division of armed labour” between the UN-peacekeeping and the States-use of force: the UN would be entitled only for peacekeeping, the States for an almost unconditioned use of force!

But we could counter this dangerous perspective first of all by reasoning with juridical arguments. Since both Reports refer to the ongoing setting up of military stand-by units by Regional organisations like the European Union, the African Union (and others, unquoted in the Reports), I think that a very important opportunity is being offered to explicitly implement Article 43 of the UN Charter that reads: “1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. (...) 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and *groups of Members*...” (Italics added).

We can easily say that agreements hopefully to be signed by the UN and those Regional organisations (“groups of Members”) on the permanent availability of military forces for UN operations, do implement the substance of Article 43 of the Charter, providing the United Nations the suitable - legal and ‘material’ - ground to decide the use of force and to exercise the command of the field operations (for peacekeeping and other similar purposes), as Article 42 of the Charter clearly requests: “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockades, and other operations by air, sea, or land forces of Members of the United Nations”.

The perspective of agreements between the UN and Regional organisations would provide a lawful and sustainable architecture of world collective security that would be under the UN authority in full accordance with Chapter VII. The UN security system would have its pillars at regional level. Chapter VIII would then become even more relevant by being hierarchically linked with Chapter VII.

In other words: there is no longer an excuse not to fully implement the Charter, no further alibi for states to use military force *a la Carte*.

Again it should be strongly emphasised that actual availability of regional standby units for UN security purposes makes scandalous the emphasis of both Reports on article 51. Article 51 is an exception to the general prohibition of war and of the use of force by states.

As regards amendments to the UN Charter, the Panel suggests, and Kofi Annan confirms, to drop articles 53 and 107 (referring to “enemy States”) as well article 47 (establishing a Military Staff Committee). I think that there is no comment to be made on the need to proceed in that direction.

But what about article 106, that considers 4 plus 1 States (in practice the present five permanent members) as being above the Charter? Why still *legibus soluti*?

The scandalous text of article 106 (Chapter XVII: Transitional security arrangements...) reads as follows: “Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organisation as may be necessary for the purpose of maintaining international peace and security”.

Now, since the stand-by agreements with regional organisations would implement, as pointed out before, the very substance of article 43, there is no further alibi not to drop the above mentioned shameful Article 106! What paradoxical oversight!

### ***5. The legal recognition of the human right to peace for an effective culture of peace***

To counter the attempt aimed at relaunching the protagonism of armed sovereignties, that means the re-legitimation of ‘classical’ war as a physiologic instrument of international relations, is to formally acknowledge peace as a human right, both individual and collective. The time is ripe for such an undertaking. First of all, it should be pointed out that peace is increasingly reclaimed as a “human right” by innumerable social movements and organisations of global civil society. We can actually say that a transnational “*vox populi*”, people voice, has already included the right to peace, as well as the right to development and the right to the environment, in the list of fundamental rights. A right-minded international legislator could actually take advantage from such large advocacy to formalise the inclusion in the comprehensive *corpus* of human rights legal instruments. An interesting initiative was recently taken by an NGO at the 61st session of the Human Rights Commission of the United Nations. The proposal is that the Sub-commission for the promotion and protection of human rights appoints a special rapporteur to prepare a draft declaration on the human right to peace in the context of the International law of human rights. I would remind the reader that the UN General Assembly has already endorsed two Declarations, respectively on the Right of society to live in peace and on the Right of peoples to Peace. The value of both declarations is less than soft law, hence without any significant result.

I think that UNESCO is the right place in which a serious initiative could be carried out because, as I pointed out at the beginning of this essay, it is fully entitled to that purpose by its own Constitution. By legitimately addressing the challenge of constructing peace and security according to its statutory vocation, it would not be up to UNESCO to take over, or to overlap, tasks that are of the Security Council. But the means UNESCO would use to proclaim and enforce the right to peace are no less powerful than those of the Security Council: again, teaching and education action-oriented.

A Declaration on the Human Right to Peace will recall the pertinent general principles of the UN Charter and others belonging to the International law of human rights, such as (indicative list):

- the right to life,
- proscription of war,
- prohibition of the use of force, peaceful settlement of disputes,
- supranational authority of the United Nations to pursue peace and security goals,
- the right to education
- universal-plural citizenship
- intercultural dialogue
- the rights to development and to environment
- the best interest of children
- the *ratio* of human security and human development
- universality of international criminal justice
- international personal responsibility for crimes against humanity
- international participatory democracy.

The Declaration should literally quote, among others, Article 20 of the International Covenant on Civil and Political Rights: “1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.

The Declaration could also provide the establishment of a Council or a standing “Committee for the peace human rights culture”, with monitoring functions.

The Declaration is expected to open the way to the inclusion of the Right to Peace, as an individual right and a right of peoples, into the two International Covenants of 1966, respectively in civil and political rights, and on economic, social and cultural rights. The pertinent article should precede or immediately follow the present article 1 on self-determination.

Finally I wonder whether a coalition of UNESCO Chairs could take the initiative to elaborate the content of the proposal and get support from the world-wide academic and political milieu.

## **Le droit à une information adéquate**

### *Extension d'un droit civil à un droit culturel*<sup>1</sup>

Patrice Meyer-Bisch

#### **« L'information adéquate à l'exercice des libertés »**

Une « information adéquate » signifie ici pour chacun l'information nécessaire à la connaissance de ses droits ainsi qu'à l'exercice de ses responsabilités. Elle est donc à la fois relative à la situation de chacun et fondée sur un droit universel.

La thèse est que l'acte d'information est le lien culturel constitutif du tissu social et la condition d'exercice des droits, libertés et responsabilités. Sa réduction au simple transfert d'un message a occulté sa dimension culturelle fondamentale et l'ampleur du problème de sa gestion démocratique. A cet égard, la notion de « société de l'information » risque bien de constituer un "mythe technocratique"<sup>2</sup>, une illusion selon laquelle, la richesse des moyens produirait l'effectivité du droit, alors que manque sa dimension essentielle: *la capacité culturelle* de communiquer. Le développement de l'information ne peut se faire que par celui de la valorisation de la diversité culturelle, passant par le respect de l'identité et des capacités culturelles des acteurs.

Dans la surabondance actuelle des messages accessibles et dans la complexité des situations, il s'agit de disposer de *l'information adéquate à l'exercice des libertés*. Aucune institution, aucun média ne peuvent fournir cette information finie. Il s'agit d'un droit fondamental puisque son exercice mesure la qualité de notre culture démocratique. Il s'agit aussi d'une responsabilité commune exercée par toutes celles et tous ceux qui demandent et produisent de l'information. Il n'y a pas que des professionnels de la communication, journalistes ou communicateurs au service d'entreprises et d'institutions, qui ont la responsabilité de fournir et de vendre de l'information à des consommateurs : il y a une multitude d'interacteurs d'un vaste système qui traverse toute la société et ses institutions. *L'adéquation est une œuvre commune*, un processus permanent.

## **1. Constat**

### **1.1. Réduction du droit à l'information à un droit d'accès**

Actuellement, le droit de « rechercher, recevoir et transmettre » les informations se trouve reconnu dans l'article 19 de la Déclaration Universelle des droits de l'homme et les articles 19 et 20 du Pacte international relatif aux droits civils et politiques, mais au titre d'une dimension du droit à la liberté d'opinion et d'expression (celle-ci "implique le droit de ne pas être inquiété pour ses opinions et celui de chercher, de recevoir et de répandre les informations...").

Sans négliger l'importance du droit d'accès à une information indépendante et de qualité, et la gravité de la violation de ce droit tant pour les individus que pour le fonctionnement démocratique d'une société, force est de constater que l'interprétation actuelle du droit à l'information est extrêmement réductrice. Elle est essentiellement « négative », comme s'il suffisait de ne pas empêcher l'accès.

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<sup>1</sup> Ce texte est une version corrigée du document présenté lors de notre première table ronde, organisée durant le Sommet mondial sur la société de l'information à Genève, le 10 décembre 2003.

<sup>2</sup> Voir D. Wolton, *L'Autre mondialisation*, Paris, Flammarion, 2003, notamment pp. 180 et 205.

Une conception « nue », ou naturaliste des libertés laisse supposer qu'il suffit de ne pas empêcher une liberté pour qu'elle puisse naturellement s'exercer (soit directement par la censure, par exemple, soit indirectement par la limitation des moyens). Cette conception néglige le *travail culturel*, sans lequel l'individu est dépourvu de capacités: l'accession – non seulement à une information produite, mais à l'acte mutuel et permanent d'information – suppose une formation. Nous constatons ici que deux droits /libertés / responsabilités sont jumeaux : information et formation (éducation) s'exercent l'une par l'autre. C'est une conception du libéralisme qui est en jeu ; une conception naturaliste néglige l'épaisseur culturelle ; une conception démocratique, mettant l'accent sur le travail nécessaire à l'exercice des libertés, prend en compte l'ampleur de la formation culturelle. Il s'agit d'accès à la culture, c'est pourquoi nous pensons qu'il convient d'interpréter ce couple dans la logique des droits culturels. Le droit à l'information n'est pas réductible au droit d'accès à un produit, c'est le droit de maîtriser une culture, un « droit de participation à la vie culturelle de la communauté »<sup>3</sup>, un droit d'adéquation aux conditions nécessaires à l'interaction au sein d'un espace public.

## 1.2. Le caractère « adéquat » d'une information

Le passage entre une simple dimension d'un droit civil (la liberté d'opinion et d'expression) et une conception plus exigeante d'un droit culturel peut se faire par une interprétation de l'adjectif « adéquat ». Dans le cas du « droit à une alimentation adéquate »<sup>4</sup>, le terme adéquat signifie d'une façon générale une conformité à la dignité humaine en ses diverses dimensions, notamment, biologiques, sociales et culturelles.

De même, pour qu'une information soit adéquate, il faut qu'elle corresponde à la dignité du sujet exprimée par l'exercice de ses droits, libertés et responsabilités. Cela implique l'abandon du leurre d'une information neutre ou transparente, au profit d'une conception clairement relative (une information, même factuelle, n'est jamais neutre) tout en étant élaborée avec des règles claires d'objectivité quant à la forme (vérifiabilité) et au fond : le respect des personnes dans leur diversité culturelle.

Cela implique notamment :

- a. que le sujet ne soit pas seulement consommateur, bénéficiaire ou destinataire, mais qu'il puisse participer à l'acte d'information (capacités d'accès, de choix, de correction, de production, de diffusion) ;
- b. que la diversité et les milieux culturels des partenaires de l'acte d'information soient pris en compte et respectés, y compris au prix d'une interpellation ;
- c. que ce droit soit publiquement protégé pour tous les acteurs concernés, c'est-à-dire qu'il y ait des règles suffisamment claires sur la qualité et sur le caractère vérifiable des informations échangées dans les espaces publics et institutionnels, à savoir qu'aux codes de déontologie adoptés par la profession de journalisme correspondent d'autres codes pour les autres professionnels de l'information ;
- d. que soient clarifiées les règles de transparence là où ce critère est adéquat, en particulier dans les questions de finance et de procédures de décision (dans les entreprises, comme dans les institutions publiques et les ONG) ;
- e. que partout ailleurs soient clarifiées et négociées les règles d'ajustement de l'information : le traitement équitable des asymétries d'information, qu'elles soient seulement inévitables ou fécondes ;

3 » Art. 27 de la Déclaration universelle et art. 15 du Pacte international relatif aux droits économiques, sociaux et culturels.

4 Le Pacte international relatif aux droits économiques, sociaux et culturels, emploie, en son article 11 consacré au droit à un niveau de vie suffisant l'expression de « suffisant » pour la nourriture, le vêtement et le logement. Le terme « adéquat » est expliqué dans l'Observation générale 12 rédigée par le Comité du Pacte. Quoiqu'il en soit, le terme de suffisant ne peut être interprété uniquement de façon quantitative, il renvoie aux conditions nécessaires pour qu'un acte soit libre.

- f. que l'information soit considérée comme un bien culturel publiquement protégé, de sorte qu'elle ne soit aliénée ni à la propagande politique, ni à une logique de standardisation liée à une production de masse orientée vers le seul profit ; cette condition ne signifie pas que toute information devrait être désintéressée - ce qui serait absurde et reviendrait à une prétention de neutralité - mais que son utilisation ne peut se faire au prix d'une distorsion nuisible aux libertés (comme dans le cas de la publicité et de la propagande mensongères).

*Une information inadéquate correspond à une désinformation* : au mieux, elle contribue à rendre l'information adéquate inaccessible en augmentant le « bruit », au pire, elle produit, sciemment ou non, de l'erreur et donc de l'aliénation. Que peut-on opposer au « bruit », au brouillage, qui empêche l'identification, la comparaison et la réflexion ? Peut-on parler du « silence » qui serait produit par une information adéquate, celle qui donne à penser, à comparer, à envisager des actions ?

### 1.3. Le rapport entre formation et information : le défi culturel

Nous pouvons ainsi exprimer le lien entre les deux faces d'un même acte : l'information n'est pas plus réductible au message, l'éducation à la matière enseignée que l'alimentation à la nourriture. La formation et l'information sont des séries d'actes au sein de processus, avant d'être des résultats<sup>5</sup>. En aucun cas, elles ne peuvent être isolées des acteurs (un message circulant dans un tuyau). Dit autrement, une formation est une suite enseignée d'informations. Cela signifie que formation et information sont deux dimensions d'un seul et même acte : une *capabilité* (connexion de capacités selon Amartya Sen) qui s'inscrit dans la durée (apprentissage, cumul ; création du capital culturel nécessaire pour prendre part activement à une société)<sup>6</sup>. On peut décrire ainsi la complémentarité entre les deux libertés jumelles : une *formation* permet d'acquérir un capital culturel : un langage et/ou un savoir permettant d'apprendre, de s'exprimer, de produire. Une *information* est la mise à disposition d'un savoir circonstancié. L'unité de l'acte de formation / information permet d'éclairer le couplage à respecter, dans l'interprétation comme dans la mise en œuvre, entre les droits à l'éducation et à une information adéquate. Ce couple est essentiel pour mettre en lumière la logique des droits culturels.

Le défi culturel consiste à remplacer une conception « naturaliste », non par une conception « culturaliste » (qui consisterait à relativiser l'universalité des droits humains au contexte culturel) mais « intégrée » ou démocratique : la prise en compte de l'« épaisseur » culturelle d'un droit de l'homme n'est pas seulement la considération d'une dimension parmi d'autres, mais de la capacité d'intégrer les diverses dimensions du social. Elle est démocratique, car elle part de l'expérience que les libertés doivent être écrites pour s'exercer et s'entremêler. L'information ne peut être seulement instantanée, elle n'est intelligible que dans une durée, qu'au sein d'une histoire dont la compréhension exige une formation.

### 1.4. L'information centrée sur les sujets

Seule l'histoire permet de respecter la singularité des situations. Une désinformation se caractérise généralement par la fabrication et l'entretien de leurre au détriment des conditions d'existence concrète des personnes. Le droit à une information adéquate est premièrement le droit pour chacun de communiquer avec autrui, de condition concrète à condition concrète. Il ne s'agit pas de nier l'importance des détours par l'information sur les systèmes, mais de comprendre que la compréhension du singulier est le meilleur gage de la prise en compte de la complexité. Le but est

5 Selon le continu de l'*habitus* défini par Aristote comme une seconde nature : capacité, disposition, acte en exercice, acte achevé ou incorporé. Il s'agit d'un processus d'incorporation de la *forme*, information et formation.

6 Elles peuvent être, l'une et l'autre, diversement orientées vers la compréhension pure (développement du savoir et capacité d'analyse) et/ou vers une action spécifique. C'est pourquoi une information peut être purement théorique (ex. une découverte scientifique, une exposition de peinture...) et contribuer ainsi au capital culturel de ceux qui l'acquièrent. Si elle est orientée vers la pratique, elle conditionne immédiatement l'exercice des libertés.

la vérité de l'homme, d'un homme, de chaque homme. Cela justifie l'importance du reportage, de l'anecdote, du témoignage, de toutes les informations qui mettent en valeur les sujets dans leurs milieux. Le témoin est lui-même un nœud d'informations.

## **2. Propositions pour une gouvernance démocratique des systèmes d'information**

### **2.1. Un choix et un objectif politiques au principe de toute gouvernance démocratique**

Si la gouvernance démocratique peut se définir comme une mise en jeu de tous les acteurs, individus et institutions, comme une participation de tous à la responsabilité du bien commun, la mesure de toute gouvernance démocratique est proportionnelle à l'effectivité du droit à une information adéquate. C'est ce droit qui permet la réalisation d'un véritable espace public : un lieu où tous les enjeux essentiels sont clairement débattus avec l'intervention de tous les acteurs et la confrontation des divers savoirs disponibles. C'est pourquoi la priorité politique est de reconnaître que l'information / formation est un bien public juridiquement protégé, comme la condition première de l'exercice des droits, libertés et responsabilités, et donc comme le facteur principal de toute culture démocratique. Le but est de relier tout homme à la réalité qui est autour de lui, d'où le terme d'« adéquation ». Il convient que ce choix politique soit de plus en plus affirmé. Ce qui devrait être le chemin de la responsabilité commune, traversant toute la société, est fragmenté. Il s'agit de restaurer et de développer ce lien social, ce lien de droit.

### **2.2. La définition d'un système culturel**

Si le droit à l'information adéquate, couplé au droit à la formation, constitue le principe de toute gouvernance, sa réalisation demande elle-même à être gouvernée. Nous abandonnons toute vision binaire (un producteur et un récepteur d'information à travers un canal) pour prendre en compte la complexité, selon une approche systémique. Dans cette perspective, un système d'information est un ensemble d'acteurs en interaction - avec les instruments dont ils disposent - qui recueillent, trient, protègent, partagent, corrigent, produisent, transmettent, de l'information. Dans un tel système, il n'y a pas d'un côté les producteurs et de l'autre les récepteurs ou bénéficiaires, ou consommateurs. Il y a certes des asymétries : elles sont même fondamentales car elles constituent la diversité et la richesse du système. Il faut qu'il y ait des acteurs qui disposent d'un savoir rare, et souvent difficile d'accès. Mais l'asymétrie ne peut occulter la réciprocité, celle de la responsabilité commune.

Un tel système suppose, certes, une industrie, à savoir des entreprises de récolte et de production d'information ou « médias », mais celles-ci s'appuient, comme toutes les autres entreprises, sur leurs différentes parties prenantes ou partenaires. Ces derniers constituent un « espace public », ce qui confère à l'économie de l'information sa nature de bien public. Il s'agit, par exemple, d'établir un débat permanent sur les objectifs éthiques (l'effectivité du droit à une information adéquate) entre les bailleurs de fonds d'un journal (propriétaires et annonceurs), ses lecteurs, sa rédaction, ses fournisseurs et intermédiaires, ses concurrents, des représentants de la société en général. Cela signifie aussi des liens spécifiques avec les professionnels de la communication qui travaillent pour les autres acteurs : entreprises, institutions publiques, ONG, universités, etc.

### **2.3. Le travail d'information et la fonction « médiatrice » des institutions**

Travailler une information, c'est la rendre adéquate, la « valoriser », la « vérifier » et pas seulement la transmettre : de façon classique, c'est vérifier son degré de vérité interne (cohérence, fiabilité des sources, croisement des informations, etc.) et externe (cohérence avec les milieux concernés, traitement de la diversité culturelle) et au besoin établir les médiations :

- vers les savoirs connus : délivrer, rappeler ou indiquer les fragments nécessaires de formation
- vers les milieux concernés : le milieu de recueillement (amont) et celui de lecture (aval).

Chacun est amené à faire pour lui-même et pour autrui ce travail de médiation. La capacité d'observation (recueil), de tri à l'entrée, d'utilisation, de tri à la sortie et de distribution (ciblée ou générale) est un des problèmes majeurs de toute institution. Cette capacité d'information mesure aussi bien la capacité économique d'une entreprise que la capacité politique d'une institution publique ou non-gouvernementale.

*Dans cette perspective, on peut estimer que la légitimité démocratique d'une institution est proportionnelle à la qualité de sa participation au système d'information.*

#### **2.4. L'éducation à la citoyenneté par l'information**

L'objectif pédagogique - au sens d'une pédagogie politique ou éducation permanente à la citoyenneté - est de rendre perceptible à chaque citoyen les canaux (instruments) et les langages par lesquels il peut exercer son droit, sa liberté, mais aussi sa responsabilité dans l'exercice, pour lui et pour autrui, du droit à une information adéquate. Dit autrement, l'objectif est que chaque personne, dès qu'elle le peut, soit un acteur autonome du système de l'information, contribuant notamment à sa richesse.

## The Human Rights Potential of the Internet – Some Remarks

**K. Peter Fritzsche**

### 1. Internet supports the power of human rights.

The Internet aids in the enjoyment, promotion and defense of human rights through the means of information, communication, expression of opinion, participation and education. The Internet has made it easier for people to address themselves to a potential audience of millions. Previous technologies allowed users only to communicate one-to-one (telephones) or few-to-many (broadcast and print media). Internet allows many-to-many communication.<sup>1</sup>

It provides opportunities for gathering and disseminating alternative and more democratic information; creating virtual public spheres and organizing collective political action.

The Internet leads to "the evolution of a 'global public sphere' wherein issues of international significance - environment, human rights, gender and ethnic equality - can be articulated through the mass media".<sup>2</sup>

### 2. The Internet is a strong tool for human rights NGOs.

It has certainly led towards improved cross-border communication, which renders NGO work easier and faster. It has also improved the opportunity for disseminating information about violations of human rights and ending human rights abuses around the world. The Internet has made NGOs more effective at:

- Information sharing
- advocacy
- new word
- mobilisation of shame
- networking
- cooperation with the UN bodies
- fundraising
- social change.

The "mobilisation of shame"<sup>3</sup> depends on media publicity. Politicians in general and governments in particular are more likely to be persuaded to act on behalf of human rights in the face of media attention or the threat of it. Publicity can lead to a change of government's attitude and behaviour by public pressure. There are no governments - ranging from full-fledged democracies to dictatorships - that can afford to ignore fully expressions of public opinion and their public relations. In addition, public exposure may also lead to the exertion of external pressure by other governments or intergovernmental organisations.

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<sup>1</sup> [cyberwriter.twoday.net/20031104](http://cyberwriter.twoday.net/20031104)

<sup>2</sup> [www.jmk.su.se/global02/annalena/essay](http://www.jmk.su.se/global02/annalena/essay)

<sup>3</sup> [www.gdrc.org/ngo/lecture14.html](http://www.gdrc.org/ngo/lecture14.html)

The mobilisation of shame is a powerful instrument that can be used to influence states as well as “global players” (like Shell) to change their policies.<sup>4</sup> During the last years, there has been a rise in public mobilisation, at the local, national, and global levels. The global growth of public opposition groups to the idea of “globalisation at all costs” defines a new and important political divide in world conceptions. They contribute to inform and raise awareness on globalisation-related problems, and some of them are active in transnational public mobilisation (e.g. ATTAC).<sup>5</sup>

*Thanks to advanced ICTs, NGOs have experienced rapid growth in their power in the policy-making arena. The protests organised by NGOs against the WTO meeting in Seattle, against the IMF and World Bank in Washington and against the Multilateral Agreement on Investment and the important contribution of NGOs to the setting up of the International Criminal Court are only some examples of their influence in the decision-making process at the international level. One should also recall the importance of ICTs in establishing NGO networks. ICTs have a key position to NGOs and will continue playing a vital role also in the future.*<sup>6</sup>

There is already some empirical evidence that NGOs strengthen human rights norms by the combined use of local and transnational strategies of action. When a group in a country which is violating human rights appeals to NGOs abroad, who can then mobilise international pressure upon the oppressive regime, then the governing elites will see that increasing repression at home can produce more criticism and pressure from abroad. This is called the “boomerang effect” (Keck & Sicking). This mechanism is more efficient the more dependent a state seems to be on its reputation and/or on international support. Globalized communication creates new opportunities that can be at the roots of democratic change.<sup>7</sup>

### **3. Bloggers support human rights – Human Rights Watch supports bloggers.**

One specific tool for involvement against human rights violations within an authoritarian system and to escape the restrictions of censorship is the use of web-blogs. Human Rights Watch encourages citizens to join the community of human rights bloggers. As a blogger, “you can work to stand with the victims and activists to prevent discrimination, uphold political freedom, protect people from inhumane treatment in wartime, and campaign to bring offenders to justice. You can expose human rights violations and hold abusers accountable. You can challenge governments and those who hold power to end abusive practices and respect international human rights law.”<sup>8</sup> Depending on where the blogger lives, it can have real consequences. Human Rights Watch is committed to protecting the right of every individual to express her opinions. Over the years, Human Rights Watch has actively campaigned for the rights of bloggers and cyber-dissidents around the world. Human Rights Watch can help to put bloggers in touch with its international network of bloggers, Internet privacy experts, free-expression activists, and human rights researchers.

<sup>4</sup> [www.icco.nl/documents/doc/EN%20Rights%20based%20approach%2027%20juni%202003.doc](http://www.icco.nl/documents/doc/EN%20Rights%20based%20approach%2027%20juni%202003.doc)

<sup>5</sup> <http://fairconsultancy.com/globhr/ngo.htm>

<sup>6</sup> <http://www.fitug.de/news/newsticker/old/2000/newsticker251000121513.html>

<sup>7</sup> <http://fairconsultancy.com/globhr/lenses.htm>  
<http://www.tolerance-net.org/news/podium/podium071.html>

<sup>8</sup> <http://hrw.org/blogs.htm>  
<http://cyber.law.harvard.edu/globalvoices/>

#### **4. The Internet promotes the universalisation of human rights and human rights dialogue between cultures.**

Parallel to the globalisation of markets are trends towards an internalisation of human rights values. The process is broadly supported by the opportunities of the internet which helps the dialogue of cultures. One good example is the Website "Quantara.de". The Arabic word "qantara" means "bridge". The Internet portal Quantara.de represents the concerted effort of the Bundeszentrale für politische Bildung (Federal Center for Political Education), Deutsche Welle, the Goethe Institut and the Institut für Auslandsbeziehungen (Institute for Foreign Relations) to promote dialogue with the Islamic world. The project is funded by the German Foreign Office.<sup>9</sup>

Quantara also hosts the website of the "Euro-Arabic neighbourhood: students build bridges" project. This project will hopefully promote a Euro-Arabic dialogue among young people by giving them the opportunity to write articles together and jointly produce a school newspaper. It is hoped that the medium of the school newspaper will create a network of Euro-Arabic school partnerships. The aim of this website is to offer any schools that are interested in taking part a quick and easy way of finding a partner school.<sup>10</sup>

#### **5. The Internet is a magic tool for Human Rights Education.**

Human rights that remain unknown or misunderstood remain powerless rights. An important part of the development of Human Rights is the awareness that it has to be implemented in people's minds. This effort we call Human Rights Education. Human Rights Education is an essential part of human rights development.

The Internet has become an indispensable resource for Human Rights Education and, therefore, free access to the Internet as well as the opportunity to learn the necessary skills and competencies for its use - have become part of the right to education. The Internet offers information on all human rights documents and protection mechanisms, on human rights violations, reactions and initiatives from NGOs, as well as access to and distribution/sending of human rights materials. In addition, it enables communication and dialog between victims of human rights violations and human rights experts and human rights defenders in order to inform the victims about the possible procedures for individual claims. Furthermore, it has become the tool for worldwide e-learning courses, especially offered by or with the support of Human Rights Education Associates.

Helpful links, especially for Human Rights Education, are the following:

[www.hrea.org](http://www.hrea.org)

[www.dadalos.org](http://www.dadalos.org)

[www.humanrights.ch](http://www.humanrights.ch)

[www.humanrights.at](http://www.humanrights.at)

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<sup>9</sup> [http://www.qantara.de/webcom/show\\_article.php/\\_c-308/\\_nr-13/\\_p-1/i.html](http://www.qantara.de/webcom/show_article.php/_c-308/_nr-13/_p-1/i.html)

<sup>10</sup> <http://www.students-build-bridges.net/index.php?id=42&L=1>

## 6. The potential of the net does not seem to be realised yet.

The reality is still far behind the potential for empowering the human rights community by information and communication through technologies. There are several reasons for this gap:

1. The digital divide: This is a socio-economic gap between communities that have access to computers and the Internet and those who do not.
2. A lack of competencies: *The quality and level of know-how and the willingness of a significant portion of the population to adopt and self-enforce online etiquette will determine whether reasoned debate will flourish online or be drowned out by worse forms of argument. Activists and journalists must take a leading role in determining the success of this outcome by wielding these technologies skilfully and purposively.*<sup>11</sup>
3. The underestimation of the ambivalence of the Internet: The role of the Internet as communication tool remains ambivalent. The Internet can also be used to support the goals of racists and human rights violators.
4. The dynamics of counter-technologies and censorship: Technical efforts by authoritarian systems or politicians restrict the opportunities of free cyber communication, while simultaneously these dynamics provoke new counter-counter-technologies in order to open cyberspace for citizens and dissidents.

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<sup>11</sup> [extremedemocracy.com/chapters/Chapter%20Seven-Rheingold.pdf](http://extremedemocracy.com/chapters/Chapter%20Seven-Rheingold.pdf)

## THE RULE OF LAW: ITS SIGNIFICANCE TO THE REALIZATION OF HUMAN RIGHTS

Amii Omara-Otunnu

### 1.1 Introduction:

In *The Fall*, Albert Camus writes that “He who clings to a law does not fear the judgment that reinstates him in an order he believes in. But the keenest of human tortures is to be tried without a law.”<sup>1</sup> The standard-setting Universal Declaration of Human Rights (UDHR) that was adopted by the General Assembly of the United Nations on 10<sup>th</sup> December, 1948, privileges the rule of law as a means to protect against abuse of human rights. In the preamble of the UDHR, it is stated: “Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.” A review of the 30 articles that comprise the UDHR indicates that a substantial number are devoted to various aspects of the rule of law. The fact that many of the articles refer to the rule of law suggests its significance in the estimation of the framers of the UDHR. However, although the UDHR emphasizes the importance of the rule of law, it does not spell out what it is, or its vital components.

In general, when jurists write about the rule of law, they often highlight the work of the judiciary and the various procedural rules that guide the activities of agents of the judiciary. The focus is therefore often on the formalistic aspects or abstract norms that make the rule of law, more or less, a mysterious password of a closed circle of professionally learned members of the law community. Although the issue of strict formal legality is important to the rule of law, a two-fold principal task of this essay is to, first, remedy the lack of clarity about the conceptual definition and elaboration of a critical component of the rule of law, namely, the foundational principle of separation of power, which has not been sufficiently appreciated and treated by a cross-section of jurists. And second, I make a clarion call for placing premium on principles rather than institutions of the rule of law. For illustration, where necessary, I use the case of Africa.

In this article, I delineate and discuss some of the essential principles that are of practical ethical application and necessary to minimize the risk of the rule of law becoming a form of legalized oppression of the weak by the powerful. I focus in particular on the foundational principle of separation of powers that must be regarded as an essential requirement of the rule of law if it is to function ethically and to *constrain power* in a manner that would permit the enjoyment of human rights. The separation of power is of critical importance to the rule of law because a central concern for human rights practitioners must be with how power is used and curtailed within reasonable boundaries. This is because abuses of human rights always come about due to the exercise of arbitrary power or the dysfunctional use of power: it is when power runs amok that human rights become a casualty. Moreover, our concern should be with the exercise of power because the rule of law depends, for its ultimate force and validity, on the relations of political power in society.

### 1.2 Meaning:

What then, is the rule of law, which is presented as a virtue in human society and in the protection of human rights? It must be stated from the outset that the rule of law is a heritage of humanity that has existed in every society which has had any semblance of social equilibrium, peace and security.

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<sup>1</sup> Albert Camus, *The Fall*, translated by Justin O'Brien (NY: Vintage International Books 1991: 117).

Without the rule of law, no society can engage in productive life and prosper. John Finnis has summed-up the necessity of the rule of law, which he says at its most fundamental level is based on practical reasonableness, for the principal purpose of authoritative coordination of activities for the common good of people in society. For Finnis, the rule of law helps enhance seven objects of human striving. The basic seven human goods are: (1) life (every aspect of vitality which makes possible human self-determination; (2) knowledge (for its own sake and as a means to an end; (3) play (with no purpose beyond the activity itself); (4) aesthetic experience (the appreciation of beauty); (5) sociability or friendship (acting for the sake of friends and their welfare; (6) practical reasonableness (being able to bring one's intelligence and judgment to bear in choosing how to live one's life); and, (7) religion (understanding something about the purpose/meaning of life).<sup>2</sup>

Yet although every society that has not been anarchistic has known some version of the rule of law, the rule of law itself remains a Janus-like variable concept that has undergone many elaborations over the past centuries and has been expressed in many different ways depending on historical and political circumstances and traditions. Stanley de Smith and Rodney Brazier have cautioned that "The concept is one of open texture; it lends itself to an extremely wide range of interpretation. One can at least say that the concept is usually intended to imply (i) that powers exercised by politicians and officials must have a legitimate foundation; (ii) that the law should conform to certain minimum standards of justice, both substantive and procedural."<sup>3</sup> The usage of the concept, as a form of public political morality or as a procedural means of curtailing arbitrary use of power and maintaining social equilibrium in society, predates the era of the UDHR.

For lawyers trained in the English speaking world, the one name that is writ large as a popularizer of the phrase "the rule of law" is Professor Albert Venn Dicey. It was Dicey, who, writing in 1885 in *The Law of the Constitution*, articulated that the rule of law was a wonderful thing that distinguished the English from all other people. According to Dicey, the rule of law has three basic meanings. First, that individuals should not be subjected to wide discretionary powers. Here, Dicey seems to confuse discretionary powers with arbitrary use of powers. The second meaning is that of equality before the law: that all, regardless of status or position in society, are subjected to the same laws. And third, that ordinary judicial courts superintend or enforce the rule of law: determining the rights of private citizens in cases brought before the courts. Some of what Dicey wrote was idealized fiction of the English constitution. Nonetheless, he popularized the notion of the rule of law.

In Western history<sup>4</sup>, we can trace the genealogy of writing on the subject to ancient Greek writers. The two such most notable writers are Plato (c.427-347 BC) and Aristotle (384-322 BC). What the later Western writers have done is react to and build on the ideas of the Greeks. It is to Plato that we can trace, for example, the embryonic ideas about the (rule of) law and types of governments that should be constituted for the welfare of citizen, which have been refined by later writers. In book three of *The Laws* he writes that:

[W]e maintain that laws which are not established for the good of the whole state are bogus laws, and when they favour particular sections of the community, their authors are not citizens by party-men; and people who say those laws have a claim to be obeyed are wasting their breath...

Where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is the master of the government and the

<sup>2</sup> *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980).

<sup>3</sup> *Constitutional and Administrative Law* (London: Penguin Books, Seventh Edition: 18).

<sup>4</sup> See for example, the excellent expository work by J. M. Kelly, *A Short History of Western Legal Theory* (Oxford: Clarendon Press 1993)

government is its slave, then the situation is full of promise and men enjoy all blessings that the gods shower on a state.<sup>5</sup>

Following Plato, Aristotle elaborated most of the ideas more systematically than the master (Plato) had done. The seminal ideas such as equality, and the principles and forms of government that Aristotle regarded as critical in enhancing the welfare of citizens, were later further refined by other jurists, including Montesquieu, Rousseau, Bentham, Hart, Finnis, etc. But it was Aristotle who first articulated the notion that the (rule of) law is reason unaffected by desire. In book III, chapter 6 of *Politics*, for example, he makes the case about the link between forms of government and justice in the following way:

The conclusion is evident: that governments which have a regard to the common interest are constituted in accordance with strict principles of justice, and are therefore true forms; but those which regard only the interest of the rulers are all defective and perverted forms, for they are despotic.<sup>6</sup>

Later jurists would develop further these ideas. As indicated above, John Finnis, drawing on the Aristotelean-Thomist tradition of natural law, concludes in his magnum opus *Natural Law and Natural Rights*, that at its most fundamental, the rule of law, based on practical reasonableness, generally serves the purpose of authoritative coordination of activities for the common good of people in society. Beyond this, Finnis argues that the rule of law may be regarded as intrinsic in itself. This is how he makes the point:

The idea of the Rule of Law is based on the notion that a certain quality of interaction between ruler and ruled, involving reciprocity and procedural fairness, is very valuable for its own sake; it is not merely a means to other social ends, and may not lightly be sacrificed for such other ends ... Thus the Rule of Law does not guarantee every aspect of the common good, and sometimes it does not secure even the substance of the common good”.<sup>7</sup>

H. L. A. Hart, arguably the most prominent British legal philosopher in the second half of the twentieth century, states that the rule of law is “necessary to the maintenance of social life or some highly prized feature of it.”<sup>8</sup> This statement is applicable to most if not all, human societies.

### 1.3 Fundamental Principles:

In this essay, I shift the focus onto principles rather than repeat the emphasis that a number of distinguished scholars of history and politics, among others, have legitimately placed on the significance of institutions in the viability of the rule of law for two important reasons. First, I consider ethical principles to be the indispensable compass to any rule of law that would function to promote human welfare and rights. In a critical sense and conceptually as well, it is ethical principles rather than particular methods of effecting the rule of law that have had and will continue to have enduring appeal to people all over the world, as they seek to realize their aspirations for freedom, security, peace, development, dignity, and human rights. Thus, although methods of realizing human rights through the rule of law may vary from time to time and place to place, and although they may depend in large measure on historical realities and experiences, what should be universal and constant and used as yardsticks to evaluate the rule of law are certain ethical principles. And second, the significance of

<sup>5</sup> Saunders' Translation 1975: 173-4.

<sup>6</sup> McKeon [ed.] 2001: 1185.

<sup>7</sup> [1980] 1993: 274.

<sup>8</sup> *The Concept of Law* (Oxford: Oxford University Press, 1994 Edition: 87).

principles is not confined to the rule of law: it applies with equal force to operation of any system. It is principles that inform and provide the compass and vitality to any system; institutions are simply forms that symbolize or embody how principles are represented or misrepresented, or how they are actualised. Without the right principles in place, it is practically impossible for institutions to function let alone exist in any reasonably meaningful fashion. Indeed, when we remark or complain about a system not functioning properly (when it does not provide for the common good of its members, for example), the concern is often less with institutions that are in a state of disrepair than with principles (or in some cases ideals to which we aspire) that are not adhered to or put into operation. This is because it is often only when principles that in our minds or estimation form a model are not given due functional currency that we consider that a system has been rendered defective. It is generally for the two reasons just outlined that I maintain here that the multitude of crises that have plagued Africa, for example, in the past three decades and beyond can be attributed in large measure to the inability of power elites in the continent to apply ethical principles of the rule of law to governance rather than to any lack of skills in managing institutions that represent Western-type representative democracy or to the ossification of democratic and judicial institutions.

The principles I identify are not simply procedural for the coherence of the rule of law as discussed, for example, by Lon Fuller, a leading legal philosopher in the field; but are substantial ethical principles that complement and go beyond those he identifies in his seminal work. In positing an ethical framework for the rule of law, Fuller distinguishes between the morality of duty which he refers to as the basic moral demands of a legal order and the morality of aspiration which refers to as maximum demands of moral excellence of a legal order. He then argues that there are eight ways by which the law, as purposive enterprise, would fail to function ethically. These are: (1) a failure to achieve rules at all, so that every issue must be decided *ad hoc* basis; (2) a failure to publicize, or at least to make available to the affected party, the rules he is expected to observe; (3) the abuse of retroactive legislation, which not only cannot itself guide action, but undercuts the integrity of rules prospective in effect, since it puts them under the threat of retrospective change; (4) a failure to make rules understandable; the enactment of contradictory rules or (6) rules that require conduct beyond the powers of the affected party; (7) introducing such frequent changes in the rules that the subject cannot orient his action by them; and finally, (8) a failure of congruence between the rules as announced and their actual administration.<sup>9</sup>

A review of African history and politics indicates that at the root of most of the problems in Africa is the issue of ethical or political values. Indeed, arguably the most severe indictment against British colonial authorities in Africa must be that, although they erected proto-copies of Westminster institutions in Africa, they neither practised nor cultivated on a concerted basis ethical principles of the rule of law that would yield commensurate normative standards and at the same time facilitate the welfare and human rights of a cross-section of the people in the continent. No wonder, then, that the institutions, after a brief interlude with a burst of euphoria, were easily reduced by African politico-military elites to mere symbols, to which they paid simple obeisance for the purpose of public relations. Thus it has been the value systems, bereft as they are of strong ethical principles that have brought disaster to the people of Africa. Unless the requisite ethical principles are put into operation, there will be no real change to the multitude of crises that now plague the continent, or any other region of the world. This suggests that in the domain of the rule of law, although to fulfill the requirements of strict legality is necessary condition for the operation of the rule of law, it not sufficient for it to bring about the flowering of human rights in Africa. For a cross-section of people to enjoy human rights through the rule of law, the rule of law itself must be imbued with or operate in accordance with some fundamental ethical principles, identified and elaborated below. The importance of ethical principles in

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<sup>9</sup> *The Morality of Law* (New Haven and London: Yale University Press 1969: 39)

the operation of the rule of law cannot be overemphasized, as non-adherence to ethical principles in history has often made the rule of law a means of legalized tyranny. A principal challenge for Africa and the world at large, therefore, is more how to inculcate and cultivate ethical values than how to refurbish institutions that would ensure that individuals and groups are treated reasonably according to ethical principles of the rule of law. It is only when ethical principles rather than institutions are in functional currency that the welfare and human rights of a cross-section of African people would be expanded and realized. Consequently, I conclude that the rule of law can function optimally if ethical principles are cultivated and nurtured, generally through education. It is only when ethical principles are in place can societies achieve stable and durable popular institutions.

There are a number of principles that anchor and are indispensable to the proper and ethical operation of the rule of law. Among the principles, that are intractably interdependent and indivisible, are:

- 1) The principle of separation of powers, which have two formulae: structural and functional. Both are intended to provide checks and balances on power and to ensure that there is no or very minimum concentration of power in and individual or organ of government.
- 2) The principle of independent, neutrality and impartiality of the judiciary, which provides authoritative interpretation and clarification of the (rule of) law.
- 3) The principle of equality of treatment and of procedural fairness (due process) of the law.
- 4) The principle of legality of administrative action.
- 5) The principle of judicial review of legislation and administration by and independent, neutral and impartial judiciary.
- 6) The principle of respect for the fundamental rights and freedoms of citizens.
- 7) The principle of competent legal representation of all parties to a dispute or conflict before the judiciary.

#### **1.4 Separation of Powers**

By far the most important foundational principle that anchors the rule of law is separation of powers. From this foundational principle of the rule of law are derived the corollary operational rules of the independence, impartiality and neutrality that are supposed to guide the judiciary in the discharge of its duty, viz., authoritative interpretation of the law without favour or prejudice. The foundational principle and its derivative rules, to be efficacious, would be complemented by the twin ethical principles of equality of treatment and procedural fairness. The emphasis should be on universal ethical principles, which ought to be made into laws by which all are bound; rather than elevating social prejudices to universal principles, which would pervert the ethical bases of the rule of law. For in reality, the confidence in the rule of law comes about when people perceive that they are all treated equally and fairly without prejudice and in accordance with predetermined rules.

Why is the principle of separation of powers so very critical in ensuring the proper functioning of the rule of law that would facilitate and protect human rights?

The principle is not simply integral to the rule of law; in fact, the rule of law is premised on it and the rule of law cannot exist in a healthy state without it, for three fundamental reasons. The first is that unless there is separation of powers, institutions and agents of the rule of law cannot function independently to defuse concentration of power in, and check abuse of power by, other branches of governments — in particular the executive branch of government. The second interrelated reason is that without separation of powers it would be difficult to avoid conflict of interests by agents of

government or any institution. And third, without separation of powers there would be very little if any accountability by those who exercise governmental power.

The principle of separation of powers, which has undergone many elaborations, has now two main formulae. The one form of separation of powers is structural or geographical diffusion of power along the lines of federalism or confederation. The structural separation of powers is predicted upon the fact that the state is just one among a multitude of human organizations among which powers should be distributed. This form of separation of powers calls for power to be exercised in multiple different centres or localities (i.e. different powers exercised at local, regional and state-wide levels), at the closest possible level to those who are affected by it. The dispersal of power to different centres essentially places structural limits upon the exercise of powers by enabling rival power centres to restrain each other. The structural separation of powers is valued in the equation of the rule of law because it also gives opportunities to people in local jurisdictions who know their conditions and are directly affected by the exercise of power to monitor and hold agents of government accountable.

And the other is functional division of powers whereby functions of state are carried out by different branches or personnel of government. Its main characteristics are that legislative, executive and judicial powers should reside in and be exercised by different branches of government. It holds that ideally, an executive branch of government should be responsible for administration of law. The enactment of general laws, however, should be the responsibility of the legislative organ of government. And the judiciary should provide authoritative interpretation of laws and adjudication and settlement of disputes according to the law. The functional separation of powers has a longer historical lineage than the structural or geographical separation of powers. Its historical genealogy is discussed in chapter two.

A vital purpose of both modes of separation of powers is to ensure that absolute power does not corrupt absolutely. This is generally achieved by division of powers and through checks and balances between different organs, personnel and institutions of government, which would reduce concentration of power in a single centre or individual and ensure that no one centre of power may act without the co-operation of the others. Both formulae of separation of powers are essentially countervailing mechanisms that are supposed to encourage accountability and to serve as brakes against a possible emergence of tyranny. They also have the advantage of minimizing conflict of interests. When the principle of separation of powers functions well, it ensures that no branch of government or region of state enjoys unchecked powers that could enable it to run roughshod over others. In the event that an agent or organ of government exercises power beyond its legal authority or in contravention of stipulated legal and ethical rules of procedure and conduct, the rule of law is supposed to intervene to remedy *ultra vires* exercise of power.

The actual application of the rule of law is generally entrusted to the judiciary, other quasi-judicial bodies and agents. In its superintendence of the exercise of powers, the judiciary is expected to provide authoritative interpretation of laws and adjudication of disputes. In exercising the function, the courts, judges and other agents of the law are required to discharge their responsibilities in accordance with the doctrines of neutrality, impartiality and independence. When the judiciary and other agents of the law indeed carry out their duties without bias and/or favour, they can inspire confidence in the rule of law among a cross-section of people. In the context of socio-relations of power, the neutrality, independence and impartiality of judiciary are maximized when its members are free from political interference and when they are guided by ethical principles that transcend the narrow self-interests of particular socio-economic and political groups. Of these ethical principles, arguably the two most important are those of equality of treatment before the law and procedural fairness. An examination of the histories of various societies shows that the rule of law has functioned properly only when it has been guided by these principles. When the courts treat people in accordance with the twin ethical principles and afford them fair hearing and proceedings, the likelihood increases that contending parties would prefer to use

the courts rather than violence, as a means to mediate conflicts over disputes or resources. Herein lies a cardinal and practical importance of the rule of law to a cross-section of people in any society, not least of all in Africa.

It was the French comparative sociological jurist Charles Louis Montesquieu (1689-1755) who first theorized about the principle of separation of powers (a system of checks and balances on power), allegedly on the basis of his observation of how the English governmental system functioned. Although Montesquieu presented an idealized version of how separation of powers based on how the transaction of public business was officially described rather than how public business was in fact transacted, the *concept* or *idea* had a powerful influence in developing mechanisms to check the exercise of power.

### 1.6 The Rule of Law and Crises in Africa:

It is apparent that most of the problems that have plagued Africa in the past three decades and beyond can be traced to the demise of the rule of law not simply in the formalistic sense of adherence to strict legality but in the sense that the foundational principle of separation of powers on which the rule of law is premised has been woefully lacking.

In the last quarter of the twentieth century, the enormous socio-cultural resources of indigenous institutions and value-systems that informed the African genius<sup>10</sup>, which consisted, among others, of the principle of consensus decision-making, the ethics of *umutu ngumuntu ngabantu*, the duty of civic responsibility, adherence to customs and conventions, the concept of open deliberations, faith in spiritual wealth and honour, emphasis on reconciliation, and reliance on communal solidarity<sup>11</sup>, were dwarfed by the destructive the excesses of power perpetrated mostly by military-political elites. Wole Soyinka, the Nobel Laureate, has characterized the beginning of the breakdown of the rule of law as the violent seventies and eighties and has described what transpired in the following way:

[T]he fear of “the midnight knock.” Arbitrary detentions. Disappearances. Torture as the rule rather than the exception. Even cynical manipulations of the judicial process, whereby a political dissident found himself in what could be described as a revolving dock without an exit, a Kafkaesque nightmare that had no end except perhaps at the end of a rope, for a crime of which the accused might even be completely unaware.<sup>12</sup>

The arbitrary use of power generated a multitude of crises on a scale that is only comparable to the socio-political and economic devastations wrought by the European trade in Africans that took place between the fifteenth and twentieth centuries. By far the worst impact and the two characteristics common to both the slave trade and the excesses of power in the last quarter of the twentieth centuries

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<sup>10</sup> This phrase is taken from the title of Basil Davidson’s magisterial study in which he explores the myriad developments of African social and cultural history, *The African Genius* (Boston: Little, Brown and Company, 1969). Davidson writes of Africa and Africans: “It was, as it is now, a continent of startling natural extravagance. Nothing here is done by haves. The dimension are always big; often they are extreme...If one should praise ‘the Greek spirit’ as splendidly creative and inventive, one may perhaps express some admiration for an ‘African spirit’ which was far less favourably placed for the elaboration of the arts of life, but nonetheless made this continent supply the needs of man. Where, after all, lay the precedent for the social and ideological structures built by the Africans, so various and resilient, so intricately held together, so much a skilful interweaving of the possible and the desirables?” (1969: 32-37).

<sup>11</sup> Some of these principles and ethics of African institutions and value-systems are discussed by various scholars in the book, *The African Philosophy Reader*, edited by P. H. Coetzee and A. P. Roux (London and New York: 1998). See also, Okot p’Bitek, *Artist the Ruler: Essays on Arts, Culture and Values* (Nairobi: Heinemann Kenya, 1986) especially chapter 3; W. E. Abraham, *The Mind of Africa* (Chicago: Chicago University Press, 1962); K. A. Busia, *The position of the chiefs in the modern political system of Ashanti* (London: New Impression, 1968)

<sup>12</sup> The five-part series of essays for the 2004 BBC Reith Lectures have appeared in book form under the title of *Climate of Fear: The Quest for Dignity in a Dehumanized World* (NY: Random House 2005). Wole Soyinka states that in most of Africa by the 1970s there was “all-pervasive fear” that induced “a loss of inner dignity” in most Africans, p. 8.

were the promotion of violence that evolved into militarism in the body politics of African societies and the debilitating uncertainty that made it difficult for African people to hazard long-term planning.

However, the euphoria of political independence had barely reached a crescendo when African nationalist elites, driven by some sense of political insecurity just as their colonial predecessors had, set in motion political processes that ineluctably led to the demise of rule of law in the mid 1960s. Ironically, the precipitous decline of the rule of law began in a number of former British-fashioned territories such as Ghana, Uganda and Nigeria, which had hitherto been regarded as British model colonies in Africa. The three countries are used in this study to illustrate how the rule of law functioned in Africa. The assault on the rule of law by the political establishment was followed over time by the rise of militarism, which marked a culmination of a qualitative transformation in the political culture. The drastic transformation was manifested first, in the declaration of mono-party state, as was the case in Ghana in 1965; this graduated into dysfunctional concentration of power in the executive; and later, in the usurpation of power by the military, which set about to militarize politics. Ultimately, the militarization of politics metamorphosed into political pathology during the period, in the form of *militarism*. The militarism of the period dealt devastating blows to and hastened the demise of the rule of law. At different stages of its ascendancy, the militarism was/has been represented by exaltation and consciousness of military virtues, institutions, symbols and ideals; disproportionately high military expenditures at the expense of socio-economic sectors; the use of military means for upward social mobility; the threat and utilization of violence to resolve essentially socio-political conflicts and to maintain power and the phenomena of child soldiers and war lordism. Since then, politics in a large number of African countries have, to a considerable extent, been characterized by extra legal, and often violent, contests for political and economic domination between contending politico-military elites. It is this phenomenon of militarism, together with concentration of powers in the executive, which displaced the rule of law — that should have regulated the exercise and inhibited abuse of power — that has become a major impediment to human development and has intensified social, economic and political problems in Africa. Indeed, militarism has become a cancer to African social welfare.

The multitude of crises that has plagued sub-Saharan Africa in the past four decades has made the continent a subject of many studies and mega-plans, the most celebrated one being the book by Jeffrey D. Sachs.<sup>13</sup> Sachs' rightly asserts that generally Africa's development crises reflected the interactions of history, geography, domestic policies, and geopolitics. Sachs' diagnosis of Africa's crises is coached in the following way:

By the start of the twenty-first century Africa was poorer than during the late 1960s, when the IMF and the World Bank had first arrived on the African scene, with disease, population growth, and environmental degradation spiraling out of control...

Little surpasses the western world in the cruelty and depredations that it has long imposed on Africa. Three centuries of slave trade, from around 1500 to early 1800s, were followed by a century of brutal colonial rule. Far from lifting Africa economically, the colonial era left Africa bereft of educated citizens and leaders, basic infrastructure, and public health facilities...

As soon as the colonial period ended, Africa became a pawn in the cold war. Western cold warriors, and the operatives in the CIA and counterpart agencies in Europe, opposed African

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<sup>13</sup> Jeffrey D. Sachs, *The End of Poverty: Economic Possibilities of Our Times* (NY & London, 2005) echoes most of the themes outlined in the UN Millennium Declaration and UN Millennium Plan adopted by world leaders in 1999.

leaders who preached nationalism, sought aid from the Soviet Union, or demanded better terms on Western investments in African minerals and energy deposits.<sup>14</sup>

The crux of Sachs' argument, however, is that "geography has conspired with economics to give Africa a particularly weak hand."<sup>15</sup>

Another study prompted by the perennial crises in Africa is the British-government sponsored Commission for Africa, which in the executive summary of its report states: "Africa history over the last fifty years has been blighted by two areas of weaknesses. These have been capacity — the ability to design and deliver policies, and accountability — how well a state answers to its people... The most extreme breakdown of governance is war. Africa has experienced more violent conflict than any other continent in the last four decades."<sup>16</sup> This empirical statement implies that the history of crises in Africa began forty years ago. Although both these large studies and mega-plans do correctly pinpoint the nature of the problems, they scarcely provide balanced historical diagnoses or emphasize the rule of law as a reasonable formula to help solve the crises. Moreover, the British Commission for Africa fails to recognize that although the various crises in Africa have manifested themselves grotesquely in the last forty years, their historical roots predate the post-colonial period.

The dramatic decline of the rule of law, which followed a period of robust constitutionalism in the early 1960s, suggests two broad themes. The first is that the operation of the rule of law in accordance with certain basic ethical principles and requirements, which colonial authorities effected between 1955 and 1960, was only skin-deep and was unlikely to endure, compared to previous fifty years when colonial authorities neglected to promote and adhere to most of those ethical principles. And the second is that the robust application of the rule of law by African nationalist leaders, between 1960 and 1966, was no more than a romantic midsummer dream. The brief infatuation with British-styled rule of law was brought about by the shallow demonstrative afterglow of the practice of rule of law during the twilight of British colonial imperialism in the continent. In a number of African countries, the demise turned into a nightmare when *militarism* became a potent socio currency for political transactions.

Yet from a historical perspective, the change in the modes of political processes after the mid-1960s was not fundamentally different from what had transpired in the early period of colonial rule in Africa. If anything, in retrospect, the interlude from about 1955 to 1965, when the rule of law was applied in accordance with ethical principles, seems an exception to the rule of British colonial practice. For except for the brief period following World War II, the ways the rule of law was applied during the colonial era minimized its integrity and practical and moral appeal to most except to people in power and indigenous agents of colonial rule who directly benefited from the perverted application of the rule of law. What was relatively new in the post-colonial period was the substitution of ethnic factor by African nationalist elites for racial for considerations that had guided the colonial authorities. If judgment is to be passed about the decline of the rule of law during the new political dispensation superintended by African elites, it is that indigenous African nationalists imitated British colonial practices — in which they were socialized, rather too well. A major problem with African elites has been their inability to comprehend the distinction between the colonial and post colonial contexts and purposes of governance and their failure to realize that they should not treat their people as though they

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<sup>14</sup> Jeffrey D. Sachs, 2005: 189.

<sup>15</sup> Jeffrey D. Sachs, 2005: 208. To resolve some of the seemingly intractable problems, especially the tragedy of poverty, Sachs offers a formula that includes huge financial aid by the developed countries, building of infrastructure, tackling the HIV/Aids pandemic and other health-related maladies, establishing stable governments and elimination of corruption. Sachs does not emphasize the role that the rule of law could play in tackling the crises.

<sup>16</sup> *Our Common Interest: Report of The Commission for Africa* (London, 2005: 14)

were foreign rulers, as the British colonial authorities clearly were. The imitational approach of African elites to politics in the post-colonial era might also be attributed to the shallow time dimension of colonial experimentation with ethical application of the rule of law — from about the 1950s to the early 1960s. The brief period proved insufficient to cultivate in African national elites ethos that would ensure application of the rule of law ethically even in times of political difficulties. What indigenous African nationalists began first as expedient circumvention of the separation of powers, which is the foundational principle of the rule of law, ended up breaching the principles of the neutrality, independence and impartiality of the judiciary. African nationalist elites ran rough-shod over these principles through indirect and direct political interference in the work of judicial courts, apparently in order to bolster their political fortunes; but they ended up setting into motion a dreadful train of events whose logic has brought about a multitude of crises in the continent. Tragically, the consequences of not premising the rule of law on effective separation of powers and allowing it to be administered by independent, neutral and impartial courts in accordance with the twin ethical principles of equality of treatment and procedural fairness, have been devastating for African people.

The plain fact is that the lack of security, stability, freedom and human rights that are best fostered and guaranteed by the rule of law has led to a dramatic brain drain from Africa to the countries of the North and consequently to manifold crises in the continent. The UN Economic Commission for Africa and the International Organization for Migration (IOM) estimate that 27,000 Africans left the continent for industrialized countries between 1960 and 1975. The figure jumped to 40,000 between 1975 and 1984. And since 1990, it is estimated that 20,000 skilled people have left the continent annually. The flight of skilled manpower in an increasingly globalized knowledge-based world has had discernible impact on socio-economic developments in Africa. A cumulative impact on the life of an average person in sub Saharan Africa is that an African is poorer now than in 1968, with about 54 per cent of the total population living in absolute poverty by the early 1990s. Of 53 African countries, 32 were at the close of the twentieth century poorer than in 1980. In fact, the GNP for Africa between 1980 and 1992 grew by an annual average of 2.1 percent; and when population increase is factored in during the same period, there was more than 15 per cent decline in per capita income. In specific terms, there was a steep decline in income per capita (more than 15 percent from 1980 to 1992) for the great majority of African people; a widening economic and political inequality between various groups; and deterioration in economic and social infrastructure and services. The misery indices in Africa contrast with data from many other less-developed countries where people's incomes have quadrupled from what they were in 1965. An example of the latter is the so-called tiger economies of East Asia and the Pacific, where incomes have multiplied five times between 1965 and 2000. Translated into disposable income for individuals, it means that an individual African has less than \$1 to spend on his/her upkeep per day, as compared to, for example, about \$3 that the European Union spend as subsidy on an individual cow. Although it is the case that a number of the problems cited above were generated by structural inequalities in global terms and relations of trade, internal factors, the most prominent of which have been the demise of the rule of law, corruption and feudalistic approach to politics, compounded the structural imbalances that are a function of the new phase of globalisation.

The 2000 United Nations Development Programmes (UNDP) annual human development analysis of 174 countries shows that 22 countries in Africa have gone backwards in human development since the 1970s, when militarism began to take roots in a substantial number of African countries. The data indicates that although at the time of independence in the early 1960s — when there was robust rule of law — there was a great deal of optimism about the political and economic future of the continent, and although until the early 1970s incomes grew faster than they had in the previous half century, since then incomes have declined by about one per cent every year. The result is that the average person in Africa is poorer now than in 1968; with about 54 per cent of the total population of sub Saharan Africa living in absolute poverty by the early 1990s. Of 53 African countries, 32 are now poorer than in 1980.

The cumulative effect was that of about 174 nations the United Nations Development Programme (UNDP) annually surveyed, in terms of its *human development index*, the 22 lowest are in Africa — out of a total of 53 countries on the African continent. Close to half of the total population in sub-Saharan Africa subsists below the poverty line, and one-fifth lives in countries affected by internal conflict. In specific terms, there was a steep decline in income per capita (more than 15 percent from 1980 to 1992) for the great majority of African people; a widening economic and political inequality between various groups; and deterioration in economic and social infrastructure and services. All of these have seriously demeaned the dignity and worth of African people.

It is clear that the phenomenon of militarism has generally been responsible for draining away the vitality of the rule of law, which had, as indicated above, characterized the period from about 1955 to 1965 and had facilitated robust economic growth and peaceful social coexistence in most African countries during the period. If the militarism is to be reversed and the future of Africa claimed, there are in general two complementary formulae that would facilitate the. The two formulae would at the same time tackle the crises of the breakdown of the rule of law and the rise of militarism in Africa, as elsewhere in the world. The first and a long strategy, would involve comprehensive human rights education to engender a new value system grounded in ethical principles. And the second, whose demonstrative effects might inspire confidence and create the psychological conditions for a new social equilibrium that would remedy the crises, is the establishment of the rule of law that is premised upon effective separation of powers and anchored by the twin ethical values and principles of equality of treatment and procedural fairness. Indeed, a rule of law that operates on an equitable basis would facilitate and achieve good governance, accountability and internal legitimacy, might be an effective antidote to militarism.

### **1.8 Conclusion:**

If the African renewal that has been given fresh impetus by the liberation of South Africa in 1994 and the commitment by the South African leadership to mobilize people in the continent for an African renaissance are to be realized for the benefit of the great majority of people, it will be essential that that militarism be expunged from African socio-political processes and a climate of reasonable certainty be created. Unlike, for example, economic reforms that would require international cooperation and change in the terms of trade to be put in place, the rule of law can be implemented with internal political and moral commitment within each African country but with scarce international support or approval. But if the rule of law is to open new vistas for the renewal of the African genius and the realization of the continent's enormous potential, it must be informed by ethical principles and operated equitably. If these two conditions are met there is every prospect that the rule of law can serve as an effective alternative to violence and war and as an antidote to militarism, and can create conditions of reasonable certainty, peace and security — which are essential for any long-term planning and sustainable development — within a fairly short time span. However, if a culture of the rule of laws is to be built to sustain long-term developments in Africa, the ethical and equitable application of the rule of law would have to be complemented by systematic human rights-based education.

Although the rule of law alone cannot be a panacea for all the problems generated by militarism and the breakdown of indigenous value systems, it nonetheless has the capacity to effectively address the two major problems identified above for two general reasons. To begin with, a principal rational purpose of the rule of law is to domesticate power; or more accurately, to regulate the exercise of power. It does it by setting minimum standards of acceptable public political behaviour and by placing constraints on individuals in position of authority to ensure that they do not exercise unfettered power over citizens. This means that the rule of law — if given proper reign — can curtail the exercise of power or preemptively intervene before the exercise of power develops into militarism. Significantly, therefore, the

rule of law can provide normative standards for judging the legitimacy of political actions by those in power. And secondly, because a forte of the rule of law is the assurance of a reasonable level certainly in social transactions, it might be an effective formula to create the conditions necessary for long-term planning in Africa. The rule of law, based on a notion of social contract and informed by ethical principles might represent the best practical means to create conditions for the achievement and maintenance of peace, good governance, accountability, legitimacy, transparency, human security, social equilibrium, sustainable development and effective management of socio-cultural diversity in the continent. It can also halt if not reverse the riding tide of militarism and the crises it has generated, by providing an ethical legal framework for peaceful social co-existence and for resolution of disputes that inspires the confidence of the population.

The rule of law can effectively accomplish the above stated goals, inspire the confidence of the population and foster conditions of certainty, as indicated above, if and when informed by certain ethical principles. By far the most important foundational principle that anchors the rule of law separation of powers. From this foundational principle of the rule of law, are derived the corollary operational rules of the independence, impartiality and neutrality that are supposed to guide the judiciary in the discharge of its duty, viz., authoritative interpretation of the law without favour or prejudice. The foundational principle and its derivative rules, to be efficacious, would be complemented by the twin ethical principles of equality of treatment and procedural fairness. The emphasis should be on universal ethical principles, which ought to be made into laws by which all are bound; rather than elevating social prejudices to universal principles, which would pervert the ethical bases of the rule of law. For in reality, the confidence in the rule of law comes about when people perceive that they are all treated equally and fairly without prejudice and in accordance with predetermined rules. The importance of ethical principles cannot be overemphasized: for unless ethical principles are given practical expression in the application of the rule of law, the rule of law can become a legalized means of oppression, tyranny and exploitation of the weak by the powerful

The case for the rule of law as a formula to reverse or ameliorate the various crises that have bedeviled the continent is made on the grounds of historical evidence. Available data suggest correlation between a breakdown of the rule of law and the proliferation of crises, such as civil wars, instability, poverty and inequality, refugees and internally displaced people, the destruction of millions of productive lives, absence of sustainable development and enjoyment of human rights. On balance, since the advent of British colonial imperialism at the dawn of the twentieth century, the ways in which the rule of law was applied by successive regimes failed to serve the legitimate interests of the great majority of people in Africa, except for two brief interludes. Although the two interludes followed each other, they were chronologically at different and reversed spectrums of colonial and post-colonial periods. During both interludes, the rule of law functioned in accordance with the foundational principle of separation of powers and the subsidiary ethical principles of equality of treatment before the law and due process. Significantly too, during the period, the judiciary demonstrated fidelity to the doctrines of independence, impartiality and neutrality in the performance of its function. It was mostly the ways the rule of law was applied during those interludes that it inspired enormous confidence among a cross-section of the population. During the colonial era this took place at the twilight of formal colonial control of the continent from the mid 1950s to early 1960s. In the post-colonial era it occurred at the beginning of juridical independence between 1960 and 1965. Taken together, both interludes might be rightly regarded as the golden epoch in contemporary African history: for during period from about 1955 to 1965 — when the rule of law was animated by ethical principles and worked efficaciously; as Okot p’ Bitek summarized, “the period during the 1960s, when peace, prosperity, scholarship and the

arts flourished”.<sup>17</sup> In each of the two periods, the rule of law was used not to achieve hegemonic claims of provincially vested interest; but rather, it was used purposively to facilitate nation-building and foster political pluralism with attendant freedoms. Indeed, statistics indicate — cited below — that this was the period when Africa witnessed dramatic expansions in the scope of human rights and in economic and social developments, with the exception of settler colonies in East and South-Central Africa. The period from 1855 to 1965 can therefore be taken as a model for how the rule of law should be applied, based on ethical principles and not perverted by parochial social prejudices.

The concepts and significance of the twin ethical values and principles of equality of treatment before the law and procedural fairness that are central to proper operation of the rule of law are discussed in greater details in chapter two. The restoration or establishment of the rule of law that functions ethically and equitably must be given priority because a rule of law that functions with integrity is a *conditio sine qua non* for the full implementation of human rights. Significantly too, it offers a great possibility of fostering stability, which is a *sine non-qua* for sustainable development. Stability and certainty brought about by equitable operation of the rule of law must be distinguished from *imposed order* which, in a number of African countries, has been achieved through military means and has been liable to degenerate into civil wars and other violent convulsions. The rule of law that is implemented ethically can also provide the conditions for the enjoyment of fundamental freedoms by citizens, as liberty can rest neither on anarchy nor on repression. Indeed, it is only when the rule of law functions with integrity that it can create the conditions, though not necessarily panacea, for the enjoyment of rights and fundamental freedoms by a cross-section of people in Africa. The challenge for Africa as well as other parts of the world is to fashion a system of the rule of law which minimizes the abuse of power and ensures that there are effective checks and balances of power. Such a system is possible only when the rule of law needs to be premised on effective separation of powers.

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<sup>17</sup> Artists the Ruler: Essays on Art, Culture and Values, 1986: 48

**THE CASE OF THE ‘EVASIVE INITIAL’.  
CHALLENGES AND OBSTACLES IN THE WAY OF THE CULTURE OF PEACE  
AND HUMAN RIGHTS IN THE GLOBALIZED WORLD OF HUMAN**

Yuri Svatko

Que tels sons signifient ceci...

*St. Mallarmé.*

**PREAMBLE**

As is well known, the last in his lifetime text by *Roman Jakobson* was premised with a mysterious title: *The Evasive Initial*. In the following brilliant passage nearly a page long, the outstanding Russian scholar drew the reader's attention to a curious peculiarity in writing of his acquaintance, a polyglot of long standing. In many of the notes and headings to his works, he unintentionally omitted the first letter of a word, or the first digit of a multiplace number, and that not infrequently lead to misunderstandings.

At the decline of his life, after enduring a stroke, the ‘agraphical mishaps’ of Jakobson's acquaintance had aggravated with another misfortune. Now, it was discovered that initial letters of some words were constantly being lost while reading and that naturally hindered the text perception. Due to this circumstance, the hero of the paragraph was condemned to make additional efforts time and time again in order to reconstruct the omissions.

However, the most intriguing feature of it was that when the patient himself became aware of his inclination towards omitting the beginnings of words while reading, the former tendency towards omitting the initial letters while writing disappeared astonishingly.

This story with a moral was recalled by me not without a reason. The world we live in — and which is habitually described as the globalized one since 1990s — still has not been read off in its essential definiteness. Be so that its central myth — the myth of human as the responsible and charged with duties ruler of the world — is ultimately manifest in the name of ‘*culture*’. Be so that maintaining the world in the state of ordered balance *resp.* peace with no lesser evidence, therefore, calls for upbringing in the spirit of the *culture of peace*. And, finally, be so that, with the same evidence, it is *human rights* that serve as the principal reasonable determinant / delimiter of its power today. Nevertheless, although approachable in its *empirical* evidence, this world still remains the true mystery of *essence*.

Hence there are its impressive paradoxes.

Some time ago, one of them was noticed by *Dan Smith* in his article *The way of war in the 1990s* (Moscow, 1997). It was discovered that the general turn towards peace and democracy, which had been happening after 1989, was characterized, in particular, by *a sharp increase in both the number of democratic governments and the number of armed conflicts*. Against such a backdrop, the fatal events of September 11 no longer seem to have been all of a sudden. Their grievous predictability testifies: the *empirical* (=‘from fact’) description of the contemporary world, focused on the analysis of specific mechanisms of globalization, institutes of sustainable development, education strategies, operational agreements and practices of ‘living together’, is infeasible beyond its *essential* (=‘from essence’) modelling as a particular cultural-historical type.

‘Essence’ is the binding measure and thereby the true origin of fact. At the same time, fact stands as an essential carrier, and afterwards also as a symbol of essence — as a testimony of its significative presence in life. Combining into one in actual reality, right up to the complete indistinguishability, they both provide the very *possibility* of symbolic comprehension of the world and peace-

ful existence therein. And, presumably, if we learn to ‘read off’ the world starting from the very beginning, we may get a chance to cut off the impressive train of ‘agraphical mishaps’ of recent years ranging from the Atlantic to Ural, from Kandahar to Baghdad, or from Pyongyang to Washington. After all, the history still could be written without omissions.

Therefore, before turning to characterizing the key challenges and obstacles in the way of realization of the culture of peace and human rights in the contemporary world (referred to as ‘the World of Human’ hereinafter), it seems advisable to start with its brief ‘essential axiomatics’ to be supported subsequently by an analogous set of proper rhetoric maxims of the World of Human.

### § 1. ESSENTIAL AXIOMATICS OF THE WORLD OF HUMAN

Thus, further I am going to tell of the characteristic features of the *World of Human*.

Having arisen in the XX century as a spawn of the European (or the Western, if taken broader) history, now it is more and more evolving into a common cultural project of mankind. And so the concept of ‘Europe’ is construed here broadly to the maximum — as one of the most popular ideas of arrangement of a human’s life space. As for the earlier introduced formula *the World of Human* — the alternative word-combinations, such as the *Human World* (with its generic insight) and the *World of Man* (with its gender / force connotations), were consciously abandoned in favor of the construction with a substantivized adjective (adnoun) in order to emphasize its essentially terminological character.

The European World of Human superseded the Antique World of cosmic polis of gods and humans (1), and the Medieval World of the humans adopted by the personal God (2); and the Renaissance World of human-creator as a personality of nature (3); and, finally, the Modern World of jural state and rational economy (4). It centers the contemporary world outlook round the human personality in its complete self-affirmation independently of God, of nature or whatever proper particular manifestations and origins. From now on, it is this autonomous liberal who is to become the true origin of the up-to-date world and then transform it as one’s own home.

Accordingly, it is exactly *human personality that defines the center and the intrinsic bounds of this new world* (1). In this regard, the European security means integrity of the bounds of human personality, and the European stability presupposes such a personality to be defined upon itself. [*Rhetorical maxim I. Make your appeals only within the field of human personality — any other appeals (to God, to nature, to the state, to a thing, etc.) alone are irrelevant for personality*].

Thereby personality is liberated from the outer world of things *being outwardly bounded by the same personalities as its outer bound that is rationalized in the form of human rights and principal freedoms* (2). In this regard, the European security means observance of human rights, and the European stability presupposes the exercise of the human rights protective tradition as a legal norm of the ultimate priority. [*Rhetorical maxim II. Make your appeals only within the field of human rights — any other appeals alone are illegal for personality*].

The obtained personal definiteness of the world, both from inside and outside, is the source and the model for whatever its possible determinations in general. Within such a model, the world appears, namely, as *the World of Human*. As such, *it is the objective fact and the criterion of significance for all ‘world events’* (3). In this regard, the European security means that the bounds of the world are commensurate to human himself, and the European stability presupposes realization of the practical ecology of human as a consistent reproduction of the world within its human bounds. [*Rhetorical maxim III. Make your appeals only within the field of facts of the World of Human — any other appeals alone are insignificant for personality*].

As a result, a contemporary ‘European’ projects the world as the fundamentally his own and throughout relative world of codified privacy. At that, *his own life experience is turned here into the basic principle of valuation in the World of Human* (4). In this regard, the European security means inviolability of private life, and the European stability is maintained owing to the reproduction of the

latter in the life activities of the Europeans. [*Rhetorical maxim IV. Make your appeals only within the field of personal resp. personally acquired experience — any other appeals alone are out of value for personality*].

However, the European ‘Self’ is not only the source and the earnest of existence of the world of things, but also the origin of reflexion about it. The European science is an output of such a reflexion. Transforming live things into their abstract, empirically verifiable with replicable experiments rational schemes *resp.* ‘laws of nature’, *the scientific-experimental knowledge* appears as the central mode of rational-functional comprehension of the World of Human (5). In this regard, the European security means that the rational laws of life are proved experimentally, and the European stability presupposes the complete commensurability of life with science. [*Rhetorical maxim V. Make your appeals only within the field of scientific-experimental knowledge of the World of Human — any other appeals alone are incorrect for personality*].

Defining himself and the world on the basis of himself, a contemporary ‘European’ is thereby self-affirming in the world, arranged by him according to his own ‘hypotheses’ and ‘principles’ *resp.* ‘norms’, so attaching to it the value comparable to nothing *resp.* personally essential meaning. Here, religion is superseded by the rational life schemes, and in place of live things there are rational schemes of things, and a human appears as an inventor and professional user of such scheme-techniques. And so *the rational morality and technical professionalism become the central mode of rational-instrumental domination over the World of Human* (6). In this regard, the European security means the inviolability of the moral rectitude of life, and the European stability presupposes the professionalism of managerial decisions as the practically exercised techniques of subjugation of the world by human. [*Rhetorical maxim VI. Make your appeals only within the field of rationally defined moral norms and personal professional skills / abilities of human — any other appeals alone are unacceptable for personality*].

Relativity *resp.* conventionality of human entail conventionalism and reductionism of scientific truths obtained as an output of the process of step-by-step implementation of his particular, isolated functions, to be subjectively conceived as ‘progress’. In the course of it, a human critically perceives his finiteness against the background of the world processes to be objectively — i.e., outside the human — interpreted as fundamentally ‘stochastic’. This brings about the absolutization of *statistics as the basic mode of truth verification in the World of Human by the means of ordering and registration of recurring empirical facts within the reiterated critical cognitive effort of human* (7). In this regard, the European security means the transparent accuracy of statistical data, and the European stability presupposes the correct reduction of the new truths, discovered in the course of the liberal progress, to the nowadays conventions with the help of the critical thinking procedures. [*Rhetorical maxim VII. Make your appeals only within the field of the nowadays conventional truths and procedures of the progressist critical thinking — any other appeals alone are not verifiable statistically for personality*].

Aspiring to encompass within itself the whole world in the form of its ‘essence’ and ‘fact’ (=‘the All’ *resp.* the Absolute), human personality faces the actual finiteness of both a human himself and his whole world. And so the world time is transformed into the historical time of human within the arranged by him, interpersonal world of presence, that is, society. Therefore, it is just *social history that is to be reckoned as the genuine human world* (8). In this regard, the European security means the continuity of historical process, and the European stability presupposes the accurate representation in one’s own history. [*Rhetorical maxim VIII. Make your appeals only within the field of social-historical facts resp. the facts, represented socially in history — any other appeals alone are fictitious for personality*].

Thus, a human assumes all the value and reality of historical process. Imbuing the history with his presence as its true substance, beyond of which it appears as an abstract world comprehension scheme only, a human as a ‘master’ of the world subsists as if out of history, striving to comprehend it at once in its whole reality, i.e. as a genuine myth. And so the World of Human, from the subjective or

‘substantial’ viewpoint, finds expression in *culture* as a specifically ‘timeless’ mythology of human personality, where the latter is always ‘home’. And from the objective or ‘factual’ viewpoint, it finds expression in *civilization* as the history of human personality, schematized in time. Therefore, it is *culture that is the constitutive essential identifier of the World of Human* (9). In this regard, the European security means the cultural continuity of the World of Human, and the European stability presupposes the exact cultural self-identification of the latter. [*Rhetorical maxim IX. Make your appeals only within the field of culture — any other appeals alone are fundamentally impersonal*].

Now, personality is to be identified with personality within the social space of culture through its purely human manifestations as via its proper name whereby it opens up to the other *resp.* communicates with the other. Thereby personality, as the author / creator of the World of Human, is fundamentally communicative, and *communication itself, as the common understanding in culture, appears as an exemplary mode of being in the World of Human, i.e. the intelligible world of human names* (10). In this regard, the European security means the continuity of cultural communication, and the European stability presupposes the adherence to the norms of communication accepted in the World of Human. [*Rhetorical maxim X. Make your appeals only within the scope of cultural communication norms — any other appeals alone are unintelligible for personality*].

This is the look of the real face of contemporary Europe through the presumptive axiomatic model. This is the Europe of human personality, self-affirming in its rights as the maker of the history in communication, by the ‘right’ appeals to the culture.

## § 2. CONDITIONS OF IMPLEMENTATION OF PEACE IN THE WORLD OF HUMAN

Becoming apparent in the axioms offered, the new integrity and the new ordering of the world (conceived as an established in culture personal fact of the universal history of mankind) provoke a natural question: ‘What for?’ or ‘For the sake of what?’

The answer to this question enables finding out the last interlink in the essential axiomatics of the World of Human. *The World of Human as a communicatively established in culture personal fact of history bears the name of peace* (11). In this regard the European security means the establishment of the culture of peace, and the European stability presupposes the ongoing maintaining of peace via cultural communication for the sake of peace. [*Rhetorical maxim XI. Make your appeals only within the field of the culture of peace — any other appeals alone are inimical to personality*].

At this point, however, it is worth reminding that the World of Human is just one of the possible cultural-historical models of arrangement of a human’s life space (see above). Consequently, the peace, born by the World of Human, is just one of the possible cultural-historical models of peace in general. Summing up the previous considerations as for implementation and maintaining of the latter, the following preconditions should be admitted as indispensable:

- 1) respect to human personality
- 2) observance of human rights and principal freedoms
- 3) exercise of the practical ecology of human all over the world as a zone of global human responsibility
- 4) inviolability of private life
- 5) exercise of the scientific approach towards arrangement of life
- 6) protection of the moral rectitude of life and professionalism of technical decisions
- 7) transparency of the statistics and intelligibility of the nowadays conventions for the critical thinking procedures
- 8) accurate social representation within the continuity of history
- 9) accurate self-identification within the continuity of cultural tradition
- 10) standing adherence to the norms of cultural communication
- 11) ongoing maintaining of the culture of peace

The conditions enumerated are the necessary rules of play in the World of Human. Meanwhile, there is a problem in that mere following these rules as the principles of behavior does not warrant the establishment of a profound and lasting peace when interacting with other cultural-historical models of arrangement of a human's life space (of those contemporary to the World of Human). Radiating the fundamentally personal approach outwards, grounded on a set of the interlinked principles — the rule of law; personal responsibility; humanism and private property; scientific, moral and professional basement of managerial decisions; conventionalism and verification of information; historicism, culturalism, communicativism and a culture of peace — the World of Human is facing a number of immediate corroborations of its own finiteness, relativity and conventionality. Among the latter, the following factors seem to be the most important:

- 1) Real plurality of cultural-historical models of contemporary world being parts of the not quite intelligible whole of the world
- 2) Real diversity of times of cultural-historical models of contemporary world appearing as their coexistence in the different strata of historical time.
- 3) Real substantial diversity-in-value of cultural-historical models of contemporary world appearing as the different extents of their perception of their own role in the realization of the whole of the world, and their participation in it.

While therapeutically alleviating the effects of these factors with the aid of the principles of *tolerance* and *political correctness*, the World of Human is not always able or wishes to problematize them for the sake of universal peace. Further, I will make an attempt to help it with that.

### § 3. CHALLENGES AND OBSTACLES IN THE WAY OF THE CULTURE OF PEACE AND HUMAN RIGHTS IN THE GLOBALIZED WORLD OF HUMAN

Problematizing the factors, becoming active in the interaction between the World of Human and the other culture worlds of the mankind at the beginning of the Millennium III, it is important to lay a special stress on the following.

Undoubtedly, the problems showing up here *actually* are *the obstacles* in the way of development of the culture of peace and human rights. However, *substantively* they determine *the ways* of such a development in a particular country, sub-region, region and the world as a whole. Among the obstacles directly hampering the global (and so it means also the regional / local) progress of the culture of peace and, at the same time, stimulating the search for new ways of advancement toward the peaceful future of mankind, we should rate primarily the following 3 large classes of problems to be discussed in detail below:

- 1) Strategic problems
- 2) Tactical problems
- 3) Situational problems.

The class of *strategic* problems comprises the following:

1) *Conceptual obstacles* related to the lack of understanding of:

- global *unity* of the world against the background of its real *diversity-in-value*, which needs an approach to the world as a *m a k i n g whole* consisting of the *actually* differing (“inimical”) but *substantively* altogether identical (“peaceful”) parts of this world as a whole
- role and place of the theoretical concept *PEACE* within the system of categories *POWER* (= the source of social organisation) □ *LAW* (= the determination of reasonable limits of the power as a precondition of its transparency) □ *JUSTICE* (= the making of the power in its legitimate determinateness) and of their exterior correlates *FORCE* □ *RIGHTS* □ *ORDER* against the background of *asynchronous* transition to a new peaceful world arrangement, the final outlines of which is still unclear

- role, place and meaning of *WAR* and related categories (*CONFLICT, DISCORD, ENMITY, etc.*) as one of the ontologically unremovable — and to the utmost manifold in its exterior, actual appearance - forms of *making of society in history*, responsible for *Aufhebung (self-determination)*, and *annihilation (self-)assertion* of a *PART* as a relatively independent *WHOLE* for the sake of some new *peace* to be the substantive basis for an other, more equitable (in respect to the *PART*) world order availability in history of conceptually *different*, but substantively equipollent *cultural-historical models of peace*, and, accordingly, various *registers of peace practice codes*, which form the essential substantive parts of universal peace, while holding their specific conceptual uniqueness and actual concreteness
- necessity of persistent keeping on search for the ideal peace model to be capable of serving as a real *measure* for comparison and substantive evaluation of various models of peaceful existence, and of practical providing both the life comfort of mankind on the basis of open and equal access to the welfare of civilisation and technological progress, and also the happiness of free participation in the non-violent strengthening of the peaceful world
- fundamental significance of the forestalling progress of theoretical research in the field of culture of peace and non-violence in order to elaborate a *general philosophy of peace* to include the conceptual analysis of the *category of peace* and development of the unified / compatible toolkit for studying particular cultural-historical models of peace since the dawn of the history of mankind to nowadays

2) *institutional obstacles* related to the insufficient / inadequate development of:

- authoritative, vested with necessary powers, standing in close and transparent partnerships, official *institutions* of strengthening, supporting and promotion of peace, as well as of real *peace management* on the international, sub-regional and national levels, with particular cultural-historical models of peace taken into account in their correlation to the general philosophy of peace
- efficient, standing in close and transparent partnerships, inter- and governmental, and also non-governmental (public) *institutions* of education, monitoring, expertise and evaluation of authoritative decisions, legal assistance, public relations (positioning, promotion, publicity, advertising, lobbying, forming public opinion) in the field of culture of peace and non-violence on the international, sub-/ regional and national levels

The class of *tactical* problems comprises the following:

1) *Functional obstacles* related to the weak formalisation of the global, regional and local *peace management* due to:

- insufficient development of the general *mechanism*, particular *procedures* and reliable *instruments* of registration, codification, practical application and impartial evaluation of various peace practices within the frame of the common cultural experience of mankind, and beyond any affiliations with particular pictures of the world, language, religion, culture, sex, race, nation, territory or profession, originating in respective human communities
- insufficient co-ordination between the existing peace practices of mankind and contemporary industrial codes of behaviour, and actions of regulatory bodies that operate mainly and above all on the national and local levels, in contrast to trans-national corporations
- absence / insufficient elaboration of special codes of behaviour for corporations and brokers operating in the instable or conflict areas
- insufficiently stable financing of peace, including the introduction of a unified direct *peace tax* for the UN member-countries

2) *Operational obstacles* related to the insufficient elaboration, interrelatedness and clearness of particular authoritative decisions and executive procedures in the field of preserving the reliable and lasting peace due to:

- cumulative increase in total amount of inefficient managerial decisions made in the neo-liberal, fundamentally relative World of Human
- insufficient efficiency and transparency in the management of knowledge, information, resources, natural goods and welfare of civilisation, as well as in equitable distribution of the latter in the neo-liberal World of Human
- insufficient efficiency and transparency of the system / mechanisms of international expertises and evaluations in the field of preservation and strengthening of peace, with actual variety of human peace practices taken into account
- insufficient efficiency and transparency of the system of international sanctions against the subjects of international law who support / stimulate the development of instability and destructive conflicts in defiance of the will and particular decisions of the UN
- insufficient transparency of international financial flows in the areas of social instability and current / potential conflicts, as well as in traditional “money laundry” areas
- insufficient efficiency and transparency in the cause of fighting propaganda of war, violence and all sorts of intolerance, as well as preventing contraband, trafficking in drugs, weapons and people

The class of *situational* problems comprises those related to the adverse conditions of implementation of particular peace practices due to:

- Insufficiency of *moral authority* of contemporary world leaders, for in the liberal World of Human it is *responsibility* that is substituted for *authority*, and *persuasion* — for *proof*, and *information* — for *knowledge*, and *innovation* — for *tradition*.
- Imperfections in the *legislative field*, where fundamentally different *interpretations* of a legal norm are possible for different branches of power, for no law has been ever able to embrace all particular cases in life, and no wording of a law has ever been fully adequate to what legislator had actually intended.
- Fundamental unpreparedness of different branches of power *to secure* reliably the “*right to peace*”, and — at the same time — fundamental unreadiness of society *to exercise it* guaranteed
- Active usage of the “*lexicon of war*” instead of the “*lexicon of peace*” by the subjects of legal relations, which is express in education systems and mass media.

The enumerated classes of problems, of course, do not make a comprehensive list. We are in principle able and have to learn to formulate them differently, considering the different cultural traditions and different connotations and communication rules accepted there. Yet, it is of ultimate importance *to continue* the once started conversation, not overlooking the essential disagreements being in the courageous search for a common language. And then, perhaps, we might recall the evasive initial and learn again to write without omissions. Otherwise, no one of us will evade new Septembers.

## **International Monitoring and Progressive Implementation of Children's Rights**

**Marília Sardenberg**

The world of today presents a highly complex and even contradicting scenario. Cumulative advancements in the field of communication and mobility added to rapid scientific and technological progress have and will have an increasing impact on the improvement of the quality of life of humankind. However, these positive factors are challenged everywhere by the emergence and multiplication of conflict, violence, disease and poverty, in virtually all parts of the globe.

This new globalized and interdependent world seems to be - to a certain extent - in the process of also globalizing human suffering, social exclusion and intolerance... And this very world is where billions of children and young people live in the 21st century...

Nevertheless, it is essential that the international community be aware that there is a historic opportunity in 2005. The Secretary General of the United Nations, Kofi Annan, sum it up:

*“Five years into the new millenium, we have it in our power to pass on to our children a brighter inheritance than that bequeathed to any previous generation. We can halve global poverty and halt the spread of major known diseases in the next ten years. We can reduce the prevalence of violent conflict and terrorism. We can increase respect for human dignity in every land. And we can forge a set of updated international institutions to help humanity achieve its noble goals. If we act boldly - and if we act together - we can make people everywhere more secure, more prosperous and better able to enjoy their fundamental human rights.”<sup>1</sup>*

It is a fact that, since the adoption of the United Nations Convention on the Rights of the Child (CRC), in 1989, significant and progressive advances have been made in fulfilling children's rights around the globe. However, as noted in *The State of the World's Children 2005*, strides made in recent decades may be at risk of reversal from key threats, such as poverty, conflict and HIV/AIDS.<sup>2</sup>

It seems imperative that all interested actors, at the national and international levels, strengthen their creative efforts with a view to devise new ways and solutions to deal with the challenges faced today by children and young people - roughly half of the present world population. For, in the broadest sense of all, how the international community as a whole - including national Governments and civil society, in each and every country - will address now and in the near future the situation of this huge group of people may well prove to be one of the defining issues of the 21st century.

Against this background, it is important to focus on the Convention on the Rights of the Child, “the major international legal reference for the promotion and protection of the rights of the child, including adolescents. As an “umbrella” document, it encompasses the civil, political, economic, social and cultural rights of the child. Hence, it incorporates a perspective of rights into all situations in the life of a child, from birth to 18 years of age (Article 1).

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<sup>1</sup> United Nations General Assembly document A/59/2005. In larger freedom: towards development, security and human rights for all, para.1, page 3.

<sup>2</sup> The State of the World's Children 2005. UNICEF.

The Convention ratification entails a political commitment by States Parties to improve the quality of life for children, not only at the national level, through the formulation of adequate public policies taking into account the principles and provisions of the Convention, but around the world as well, as members of the international community, through active cooperation, coordination and partnership in this field. The document constitutes, actually, an effective political tool for systematically raising awareness and training and for continuous advocacy and mobilization around the cause of children's rights."<sup>3</sup>

The Convention is part of the normative framework of human rights which has been adopted by the United Nations Members States over the last six decades. Treaties and agreements, however, are only words. They absolutely must be progressively translated into action so as to actually impact reality.

“Without implementation, our declarations ring hollow. We must move from an era of legislation to an era of implementation.”<sup>4</sup>

According to the Committee on the Rights of the Child - the monitoring mechanism for the implementation of the Convention based in Geneva -, “implementation is the process whereby States parties take action to ensure the realization of all rights in the Convention for all children in the jurisdiction.”

It stands out as crucial in order to achieve “a change in the perception of the child's place in society, a willingness to give higher political priority to children and an increasing sensitivity to the impact of governance on children and their human rights”<sup>5</sup>.

In this spirit, the Committee has identified and put together “a wide range of measures that are needed for effective implementation, including the development of special structures and monitoring, training and other activities in Government, Parliament and the Judiciary at all levels”<sup>6</sup>.

These observations and recommendations result from almost fifteen years of work. The Committee adopted them, in 2003, as a document, General Comment N° 5 (2003) General Measures of Implementation of the Convention on the Rights of the Child (articles 4, 42 and 44, para.6).

In the Committee's periodic examination of governmental reports under the Convention, general measures of implementation constitute the core itself of the ongoing constructive dialogue with authorities of States Parties.

Furthermore, on the basis of the principles of indivisibility and interdependence of human rights (Vienna, 1993), the Convention must be looked at in its entirety, from a dynamic and holistic approach. This perception leads to the need for an integrated and multidisciplinary process of implementation which will ensure “the development of a children's rights perspective”<sup>7</sup> throughout Government and society as a whole, including children (articles 12 and 42).

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<sup>3</sup> Sardenberg, Marília. “The Convention on the Rights of the Child (CRC)”, in *The Essentials of Human Rights*, Rhona K.M. Smith and Christien van den Anker. pages 64-66.

<sup>4</sup> United Nations General Assembly document A/59/2005. In larger freedom: towards development, security and human rights for all, paras. 130 and 132, pages 34-35.

<sup>5</sup> United Nations Committee on the Rights of the Child document CRC/GC//2003/5., paras. 1 and 10, pages 1 and 3.

<sup>6</sup> Idem, para.1, page 2.

<sup>7</sup> Ibidem, page 3, para. 12.

The virtual universal ratification and progressive implementation of the Convention in countries around the world with different political, economic and social contexts have contributed – according to experts in the field - to a process of social change perhaps unique in the history of United Nations treaties.

In conformity with Convention articles 44 and 45, the Committee and UNICEF have succeeded in developing a very positive partnership throughout the years. The Plan of Action adopted in 2002, by the General Assembly Special Session on Children (UNGASS) highlights the importance of effective implementation of the CRC, and calls for the development of national legislation, policies, action plans and other measures to promote and protect the rights of the child.

In this spirit, and convinced of the uniqueness and the wide breath of the Convention and its implementation process, the UNICEF Innocenti Research Centre (IRC), based in Florence, Italy, decided to undertake a Study on the Impact of the Implementation of the Convention on the Rights of the Child (2003-2006). It is a study to celebrate “the achievements that have taken place since the adoption of CRC, in the regions the world over”, but also to acknowledge “the many challenges that remain, in implementing a treaty with such a broad scope”<sup>8</sup>.

The overall study focus on the general measures of implementation of the CRC, and will address national experiences in 62 States Parties, with particular emphasis on: the process of law reform; the development of permanent governmental structures for coordinating implementation; comprehensive national strategies or agendas for children’s rights; resource allocation for children; the establishment of independent human rights institutions for children; child related data and monitoring tools; education, training and awareness raising; the involvement of civil society, including children’s participation in the process of implementation<sup>9</sup>.

Last but not least, the Committee does not intend to prescribe specific measures to each State party in order to ensure effective implementation of CRC.” It is, though, imperative to understand implementation of children’s rights as a process which results from democratic and progressive change on attitudes and policies brought about by new ideas and perceptions on children as subjects of rights. In brief, the emergence of a rights-based ethics for children.

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<sup>8</sup> UNICEF Innocenti Research Centre, Study on the Impact of the Implementation of the Convention on the Rights of the Child, Summary Report, page vii.

<sup>9</sup> *Idem*, page viii.

## **The Right to Education for Russia's Youth: the Case of North Caucasus Region.**

### **Cultural processes and system of education**

Barasby S. Karamurzov

All the previous experience of reforms shows that culture in the society performs basic and not super structural functions. It is those values and norms that dominate in a society's culture that actually determine individual behaviour and social practice. Regrettably, we must acknowledge that in this sphere alarming processes tend to develop. It is obvious that the cultural space of the Russia tends towards fragmentation and disintegration. Society as a whole and young generations especially are, on the one hand, being influenced by mass culture which is devoid of national symbols. On the other hand, it is influenced by the traditional cultural forms which are being survived at present. The latter are characterized by ethnic and religious exceptionalism. Alongside with this there still exist definite threats to the integrity of the state. Under these conditions current cultural processes acquire some ambivalence: they can serve either as a destructive or a consolidating factor for the national civil identity.

Youth policy should not only aim at the decision of the problems of individual youth groups. It ought to be more directed to the formation of general conditions which will enable the rising generation to organically adopt the norms and values of the society and simultaneously be apt to positive innovations. It is at this particular moment that the key role of the system of education for the working out of the nation-wide youth policy comes to light.

Under existing conditions the system of education remains as a matter of fact the only social institution which has a long-term and *universal* effect on youth. But this cannot be provided by means of education only. Purposeful and sustainable policy of regional modernization, with the system of education playing the key role, is needed.

The right approach to such a policy is inseparable from the conceptualization of the mission of a University in North Caucasus region. In my view, one may point out its two main aspects – social (including economic dimension) and cultural (including personal dimension).

#### **I. Social functions of a University in North Caucasus and the future of young generations**

The region is characterized by structural “backwardness” if being compared with the Russia's average economic indicators. This factor will, for a long time, significantly limit the ability of the regional community to solve main social and economic problems without external assistance. At the time being, the industrial production is four times as low as average All-Russia economic indicators, with the unemployment making up 20% among the adult population.

Hence, this causes destabilizing factors and negative social phenomena – marginalization and criminalization of a certain part of the society, growth of the influence of religious radicalism and nationalism on the youth. In principle it is impossible to merely localize these phenomena having isolated the rest of the population from them. It is worth emphasizing that this takes place not in a stagnant patriarchal society, but in the awakened society which got rid of the rural isolation. Consequently, the regional system of education must be arranged in a specific way, to secure the

youth's true participation in the life of the society, to secure the whole spectrum of social opportunities for the self-realization of every young person. Otherwise, the stability in North Caucasus will remain unsecured for a very long time, and talk of youth education and upbringing will be devoid of practical sense.

***The strategy to conform these purposes should be related to establishing the mechanism of sustainable development of the regional system of education.*** The Universities of the classical type located in the region can serve as a basis of the regional system of permanent education. A University in North Caucasus should see its mission in the formation of opportunities for the effective and successful social activity of every young man in a contemporary information society, under conditions of globalization and in compliance with the aims of the country's modernization.

## **II. Education of the youth in the interests of consolidation of the society.**

It is common knowledge that North Caucasus is a polytechnic and multi-confessional region with a relatively underdeveloped economic structure, a region in which traditional and contemporary social institutions coexist. Due to this, it is the University that must play a special role in the solution of the problems of socio-cultural modernization of the region on the basis of a high synthesis of the values of modernity and distinctive cultural traditions of the indigenous peoples of the region.

A University should serve as a model for modern, i.e. effective, multicultural, democratic and united, 'commonwealth'.

***The most important aspect in the University's activity is training and education of the youth in the spirit of human rights, democracy, peace and tolerance.*** Interethnic relations of the last few years are characterized by certain tensions and conflicts. This situation however, must not give rise to the question of what-to-do with such ethnic diversification of our region, but, instead, to the question of how to fruitfully create culture of interethnic dialogue and polylogue, which will exclude interethnic conflicts and clashes on this ground.

## **III. Principles of the regional educational policy in North Caucasus**

The above conditions and problems determine the future of not only North Caucasus, but the whole country as well. That is why the national educational policy in this region must dwell on certain principles in the way I see them.

***1. Understanding of the political and nation-wide character of the tasks of the national educational policy in the North Caucasus region of the Russia.*** Goals, tasks, main streamlines and content of the educational policy of the Russian Federation in this region is part of the general strategy of its transition to the democratic society, government by law, free market economy. It must be coordinated with other objectively conditioned factors which determine the socio-economic, cultural and political modernization of the country.

***2. Taking into account specific factors, determining the situation in the South of Russia.*** The most important among these factors are: a) the fact that the South of Russia, and especially, North-Caucasian Region is dangerously being left behind the nation-wide tendencies of economic and social development; b) general instability of the social and political situation and current threats for the national security and territorial integrity of Russian Federation.

***3. Inclusion of the education policy into the context of the regional strategy of the Russian State.*** The essence of development strategy in North Caucasus and in the South of Russia on the whole is confined to the creation of conditions necessary for the basic social processes in the

region so that they acquire centripetal and modernizing tendency. Modernization process in different regions of Russia will inevitably be developing at uneven rate. To assist Russia to stand the unified nation-wide movement in this direction, it is necessary to stimulate its acceleration in North Caucasus.

**4. Admission of the key role of the system of education in the realization of the state policy of the overall regional modernization.** Social and cultural modernization of the region, preservation of common cultural space of the country, formation of the Russian civic identity in younger generations are the necessary conditions for the attaining of all other aims of the state policy.

**5. Necessity of special forms of the realization of the state educational policy in North Caucasus for the attaining its general goals.** Evidently, special functions of the system of education in the South of Russia demand corresponding mechanisms and forms of carrying out the national (state) educational policy.

**6. Priority of the classical university education.** Classical university in principle can not be removed from the all-Russia (and in the end – world-wide) scientific and educational space, without losing its ability to perform its basic functions. As a result a University becomes the most importance source, which is able to stimulate the vitally meaningful processes of the regional development – those of modernization, social and cultural consolidation with the greater Russia's society and international cooperation.

**7. Effective use of the potential capacities of the system of higher professional education in North Caucasus.** To attain general goals of the state educational policy in this region it is necessary to coordinate the strategies of development of university centers, as well as to develop their specialization and cooperation in the realization of the programs of the higher professional education.

#### **IV. Forming the cultural basis for human rights society**

So, I cannot avoid some repetition in my conclusions. A University appears to be most important social institution for the promotion of human rights in North Caucasus. The reason is twofold.

On the one hand, Universal Declaration proclaims, in Article 26 that everyone has right to education. And more than that, we can say that in the modern world the right to education is indispensable for the full realization of other human rights, such as the right to work, the right to free choice of employment, the right to freely participate in the cultural life of the community, the right of equal access to public service etc. There is no need in lengthy argumentation for the importance of these rights in present economic condition of North Caucasus region.

On the other hand, Article 26 sets forth an explicit demand: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace". So, human rights would be universally secured only if they would have an adequate cultural basis in every society throughout the world.

## **Interactive tools for the introduction of a human rights perspective in education**

### **Focus: Universal Declaration of Human Rights**

Mariana Blengio Valdés

#### **Objectives of the proposed dynamics:**

The questions posed during this workshop have been structured in order to promote the interdisciplinary study of human rights with a text as a starting point. In this case, we have chosen the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948.

The workshop introduces several queries in order to deepen the analysis of the basic concepts for the study of the topic. The development of such dynamics – besides the standards provided in the forms - depends, at a great extent, on the creative ability that each teacher is able to develop in this activity. In this sense, there are no structuring formulas devised as answers. Although for each question there exists a correct solution, the flexible approach to the work will allow the documents to serve as a door to all fields of human knowledge. Thus, we intend to show that a human rights perspective is immersed in all educational areas and fields. The purpose of discovering this very principle is to raise awareness and to build up an ample conscience for the protection of human rights by all the students, in whatever area they might choose to pursue.

#### **Tick the correct option**

#### **1. What is the first Human Rights Declaration adopted by the United Nations?**

##### **Options:**

- 1) Universal Declaration of Human Rights
- 2) American Declaration of the Rights and Duties of the Man
- 3) French Declaration of Rights of Man and the Citizen.

**Answer:** Universal Declaration of Human Rights

**Guideline:** Relate the document to the study of history. Analyze the revolutions that took place during the XVIII Century as antecedents (Virginia Declaration in 1766, French Declaration in 1789), as well as the early stages of the creation of international co-operation systems during the XX Century such as the Society of Nations and the United Nations Organisation. Such formulation deepens the analysis of the concepts of the international protection of human rights.

#### **2. Please state which of these declarations was adopted first.**

##### **Options:**

- 1) Universal Declaration of Human Rights.
- 2) American Declaration of the Rights and Duties of the Man.

**Answer:** the American Declaration of the Rights and Duties of Man. It was adopted during the Bogotá Conference held in April and May, 1948.

**Guideline:** Differentiate the spheres of the international protection of human rights taking as a point of reference the similarities and differences of these two declarations issued within a few months of one another in 1948. Both declarations are deemed to be the beginning of a constant process of establishing the international standards on human rights, of great importance and validity nowadays.

Relate to the study of the international protection of Human Rights and the importance of relevant texts to the country members of the OAS. Such an approach allows for the introduction of the topic of the organs that protect Human Rights at an Inter-American level, such as both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The degree of approval and ratifications of the main approved documents after the Declaration can be outlined, such as the Inter-American Commission on Human Rights, Additional Protocol to the American Convention on Human Rights to Abolish the Death Penalty, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, among others.

### 3. When was the Universal Declaration of Human Rights adopted?

**Options:**

- 1) December 10, 1948
- 2) December 18, 1948
- 3) December 10, 1848

**Answer:** December 10, 1948

**Guideline:** December 10, 1948 is observed by many countries as Human Rights Day, and thus celebrations are carried out by the different social actors. The celebration of every new anniversary of the Universal Declaration promotes study and reflection on the necessary respect of human rights.

### 4. Where was the Universal Declaration adopted?

**Options:**

- 1) Geneva
- 2) Paris
- 3) Washington
- 4) San José de Costa Rica
- 5) Montevideo
- 6) Hiroshima

**Answer:** Paris - France

**Guideline:** Relate the answer to Geography through the visualisation of the different suggested sites and Environment.

We strongly recommend that this item be stressed by taking as points of reference the geographical placement of landmarks, such as: UNESCO (Seat: Paris), Palais Wilson (Geneva), ILO (Seat: Geneva), WHO (Seat: Geneva), OAS (Seat: Washington), Inter-American Court of Human Rights (Seat: San José de Costa Rica), European Court of Human Rights of the Council of Europe (Seat: Strasbourg).

Likewise, all this information allows relating the answer to history when referring to Hiroshima, the place where the United States of America launched the first atomic bomb in 1945. Through this reference we can approach the item of the environmental problem unleashed by such explosion and its terrible consequences for human life.

This also allows us to refer to the environmental Declarations, like: Estocolomo in 1960; Río 1992 and Johannesburg in 2002.

### 5. How many articles does the Universal Declaration of Human Rights contain?

**Options:**

- 45
- 30
- 1000

**Answer:** 30 articles

**Guideline:** This is an exercise that allows the attendants to analyse the scope and extent of the declarations, and leads them to comprehend them by way of illogical answers. See also: Magna Carta (1215), Declaration of Virginia (1766), the French Revolution and the Declaration of the Rights of Man and of the Citizen, 1789, the American Declaration of the Rights and Duties of Man (1948), and the European Human Rights Charter of the European Union (2000).

### 6. What kind of rights does it enumerate?

**Options:**

- 1) Political
- 2) Civil
- 3) Economic
- 4) Cultural
- 5) Social
- 6) All of them

**Answer:** All of them

**Guideline:** Relate the answer to the diverse nature of human rights, as a distinctive element. Highlight also the concepts of indivisibility and interdependence. Deepen the concept of democracy as the foundation for the full enjoyment of rights. Introduce the concept of human dignity as grounds for the rights of the human person. Thoroughly analyse the generational classification of rights showing that there are no categories or generations of rights.

The answer allows us to work on the concept of Democracy.

## 7. To whom does the Universal Declaration of Human Rights apply?

### Options:

- 1) To Westerners only.
- 2) To men only.
- 3) To all persons with no distinctions.

**Answer:** To all persons with no distinctions

**Guideline:** Relate to the item of equality of rights and opportunities and to the principle of non-discrimination, all of these key aspects of every legal ordering. Analyse the fight of some groups for equality in issues such as women's and African descendents' rights. As regards women's rights, the search for equality can be approached from the point of view of political and civil rights. Concerning racial matters, we can approach the fight for political and civil rights by the black population in the United States of America. Nowadays, we can also relate this matter to the indigenous problem in countries such as Mexico and Guatemala, among others.

## 8. Who contributed to the drafting of the Universal Declaration?

### Options:

- 1) René Cassin.
- 2) Eleanor Roosevelt
- 3) Winston Churchill
- 4) Charles Malik
- 5) Hernán Santa Cruz
- 6) Charles de Gaulle
- 7) John Humphrey
- 8) Peng Chang
- 9) Marie Curie
- 10) Albert Einstein.
- 11) Neil Armstrong

**Answer:** René Cassin, Eleanor Roosevelt, Hernán Santa Cruz, Peng Chang, John Humphrey.

**Guideline:** This exercise aims at introducing, through the names proposed therein, the facts and historical events that relate to the fight for human rights from different perspectives. It also aims at highlighting the cultural diversity of those who drafted it and to refer to the item of the universality of its content.

Through the names mentioned therein, we also reach their work as regards the defence of human rights or their contribution to the observance of such rights.

It allows introducing important topics: science revolution, health, invention, discoveries, and the equilibrium between rights, freedom, and obligations.

### 9. What nationality were they?

#### Options:

René Cassin	French Uruguayan
Eleanor Roosevelt	American Italian
Hernán Santa Cruz	Chilean German

**Answer:** René Cassin (French); Eleanor Roosevelt (American) and Hernán Santa Cruz (Chilean).

**Guideline:** Relate the answer to geography and to the development of the processes of protection of human rights that have been witnessed in every country in different historical moments. As an example: as concerns France, refer to the French Resistance during the Second World War and the role played by Charles de Gaulle. In the United States, the fight against racial discrimination carried out for several decades during the XX Century. Highlight this item through outstanding figures of Human Rights such as Martin Luther King. In Chile, make reference to the military dictatorship established in 1973 and the human rights violations committed during this regime. Relate it to the problem of international penal responsibility making reference to the Pinochet case and the attempts, from Spain, to judge the Chilean dictator outside his country. The exercise ends with the creation of the International Court of Justice and its importance as concerns the individual penal responsibility of the authors of crimes of the outmost gravity.

### 10. Does the Universal Declaration contemplate the creation of any kind of monitoring mechanism or agency?

#### Options:

- 1) Yes
- 2) No

**Answer:** No.

**Guideline:** Introduce to the study of the different judicial natures of international instruments and the obligations arisen from such documents. Stress the value of declarations as expressions of will that alone do not generate obligations for states. Differentiate this from the concept of treaty or convention that implies a commitment by the states in the effective compliance of the document; hence, the non-compliance with such a document, subject to international responsibility.

Make reference to the importance of ratifying the international instruments in the sense of contributing to the strengthening of the internal protection of rights.

**11. Which countries have abstained from voting the Universal Declaration of Human Rights?**

**Options:**

- 1) URSS
- 2) Argentina
- 3) Saudi Arabia
- 4) South Africa
- 5) RSS Ukraine
- 6) RSS Belarus
- 7) France
- 8) Czechoslovakia
- 9) Poland
- 10) Yugoslavia

**Answer:** URSS, Saudi Arabia, South Africa, RSS Ukraine, RSS Belarus, Czechoslovakia, Poland and Yugoslavia.

**Guideline:** Relate the item to the Cold War and its consequences as concerns the different blocks of countries during the XX Century. In such a sense, highlight the problem related to ideology on the subject of rights within the confrontation between Western and Eastern countries. In a different field, other aspects can be studied which relate to Geography and the transformations of the world map.

**12. Is it accurate to say that there are countries signatories of the Universal Declaration?**

**Options:**

- 1) Yes
- 2) No.

**Answer:** No.

**Guideline:** The Declarations are adopted by the member states at the moment of the promotion of their discussion within the international organisation. Unlike treaties and conventions, Declarations are not signed and they do not undergo any subsequent process of approval or ratification. Analyse how relevant member state compliance is with an adopted declaration.

**13. Which of the following documents expresses that the Universal Declaration enunciates, for all peoples, a common conception of equal and inalienable rights for all the members of the human family, and declares it compulsory for the international community?**

**Options:**

- 1) Additional Protocol to the American Convention on Human Rights in the Area of economic, social and cultural rights. San Salvador Protocol.
- 2) Anti-American Convention to prevent and punish torture
- 3) Declaration of Tehran, 1968

**Answer:** Declaration of Tehran, 1968

**Guideline:** Relate the answer to the protection of human beings from infancy as well as to the principles of bioethics and environment.

Make reference to the importance of conferences on Human Rights held in Tehran in 1968 and Vienna in 1993.

The options allow introducing the importance of the Additional Protocol to the American Convention on Human Rights in the area of economic, social and cultural Rights especially to distinguish article 11:

*Article 11:*

*Everyone shall have the right to live in a healthy environment and to have access to basic public services.*

*The States Parties shall promote the protection, preservation and improvement of the environment.*

It is important to analyze:

The right to live in a healthy environment – it is the first international convention to introduce this right.

Compare with others documents: The international Covenant on civil and political rights; the International Covenant on Economic Social and Cultural Rights for example.

Also analyze:

Article 12 – Right to food

Article 20 – Right to health

San Salvador Protocol was signed at the San Salvador on November 17, 1988 and entered into force on November 16, 1999.

Ratifications and accessions:

Argentina	2003
Brazil	1996
Colombia	1997
Costa Rica	1999
Ecuador	1993
El Salvador	1995
Guatemala	2000
Mexico	1966
Panama	1993
Paraguay	1997
Peru	1995
Suriname	1990
Uruguay	1996

14. Which European Constitution establishes that the standards related to basic rights and f  
**Freedom shall be interpreted as per the Universal Declaration on Human Rights?**

**Options:**

- 1) France
- 2) Spain

**Answer:** Spain

**Guideline:** Highlight the importance of such constitutional measures as a testimony to the interest in strengthening the validity of this universal text.

15. **What legal value is mostly attributed today to the Universal Declaration?**

**Options:**

- None.
- Compulsory.

**Answer:** Compulsory

**Guideline:** Relate the answer to history through the knowledge of the development on the subject of the international protection of rights, stating the difference between declarations and treaties.

16. **Based on which three grounds do we attribute a compulsory legal value to this Declaration?**

**Options:**

- 1) Extension of the United Nations Charter.
- 2) Treaty.
- 3) International Customary Law
- 4) General Principle of Law

**Answer:** Extension of the UN Charter, International Customary Law, General Principle of Law.

**Guideline:** Approach students to legal concepts such as the items related to the sources of law.

## **Programme mondial pour l'éducation aux droits de l'homme, une mise en oeuvre du droit à l'éducation misant d'abord sur la qualité**

Robert Trosomé, Geneva

### **La Décennie pour l'éducation aux droits de l'homme, un tableau nuancé :**

En 1994, dans le sillage de la Conférence mondiale de Vienne, l'Assemblée générale des Nations Unies proclamait à l'unanimité le lancement de la Décennie des Nations Unies pour l'éducation dans le domaine des droits de l'homme. Dix années plus tard, les réalisations demeurent modestes par rapport aux objectifs annoncés.

Alors que le plan d'action prévoyait la création de commissions nationales chargées de promouvoir l'éducation aux droits de l'homme dans tous les domaines, seuls quelques pays se sont livrés à l'exercice, les organes consultatifs mis en place s'étant le plus souvent contentés de formuler des recommandations à l'intention du seul secteur éducatif. Le plan prévoyait également la création d'un fonds volontaire des Nations Unies pour soutenir les initiatives de la société civile dans les pays les moins favorisés, mais aucun budget d'intervention n'a été alloué au Haut-Commissariat aux droits de l'homme qui devait, en principe, en assurer la gestion. Enfin, alors que le plan d'action et diverses résolutions de la Commission des droits de l'homme invitaient les organes chargés de la surveillance des traités à initier une réflexion sur le droit à l'éducation aux droits de l'homme et les obligations attenantes, aucune surveillance des efforts nationaux n'a été entreprise à ce jour. Ajoutons que l'éducation aux droits de l'homme devait, en principe faire partie intégrante du mandat du Rapporteur spécial sur le droit à l'éducation. Or Mme Katarina Tomasevsky, qui avait été nommée à cette fonction en 1998, a fait valoir à plusieurs reprises que son mandat comportait des priorités plus urgentes, telles l'accès à l'enseignement primaire pour tous, le combat contre l'illettrisme et, surtout, contre la discrimination à l'égard des femmes et des filles.

Comment s'étonner alors, qu'au terme de la Décennie, certains Etats s'interrogent encore pour savoir si l'éducation aux droits de l'homme figure vraiment parmi les obligations auxquelles ils ont souscrites.

Des dispositions concernant l'éducation aux droits de l'homme figurent pourtant, de façon plus ou moins explicite, dans de nombreux instruments internationaux, dont *la Déclaration universelle des droits de l'homme* (art. 26) et *la Déclaration et le Programme d'action de Vienne* (partie I, par. 33 et 34 et partie II, par. 78 à 82). D'autres instruments internationaux, en principe contraignants, y font également référence : *Le Pacte relatif aux droits économiques, sociaux et culturels* (art. 13), *la Convention relative aux droits de l'enfant* (art. 29), *la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes* (art. 10), *la Convention internationale sur l'élimination de toutes les formes de discrimination raciale* (art. 7) ainsi que *la Déclaration et le Programme d'action de la Conférence mondiale contre le racisme et la xénophobie de Durban* (Déclaration, par. 95 à 97, et son Programme d'action, par. 129 à 139 - 2001), sans oublier le *Cadre d'action de Dakar sur l'Education Pour Tous* adopté lors du Forum mondial sur l'éducation organisé en 2000.

La communauté internationale s'est donc régulièrement prononcée sur la question. Si l'on se réfère aux textes officiels, l'éducation aux droits de l'homme est une condition *sine qua non* à la réalisation des droits de l'homme. Elle contribue à prévenir les violations et les conflits à long terme, à promouvoir l'égalité dans tous les domaines et à promouvoir un développement humain durable. Elle permet aussi à promouvoir la démocratie et à renforcer la participation des populations à la prise de décisions dans le cadre d'un système démocratique préexistant. Bref, c'est tout l'édifice des droits de l'homme, civil, politique, économique, sociaux et culturel qui est concerné par l'éducation aux droits de l'homme dès lors qu'il s'agit de sa mise en oeuvre effective.

Et pourtant, si l'on se rapporte aux moyens effectivement mis en œuvre par la communauté internationale, force est de constater que cette unanimité de principe demeure une unanimité vide. Le manque de ressources exprime presque toujours une absence de volonté politique et, pour le cas qui nous occupe, elle traduit un manque de vision tant de la part des Etats que de certains comités d'experts. Tout se passe comme si la communauté internationale, fascinée par l'urgence, ne voyaient dans les droits de l'homme qu'un ensemble d'instruments semi-contraignants que l'on brandit à la face des Etats comme un épouvantail alors même que l'on sait que l'impunité prévaut et que les violations se multiplient.

On oublie que la dénonciation, pour indispensable qu'elle soit, intervient toujours trop tard et qu'elle doit être suivie de sanctions pour être réellement dissuasive. On oublie surtout que les droits de l'homme, par delà le respect des obligations qu'ils sont censés motiver, sont au fondement d'une culture politique qui valorise la participation à la vie démocratique et le développement humain et que, pour être effective, la justiciabilité d'un droit doit s'enraciner profondément dans la pratique sociale. Pour lutter contre l'impunité et contre la corruption qui sont le véritable terreau des violations, il ne suffit pas de montrer du doigt les coupables dans une assemblée qui se réunit, à Genève, une fois l'an. A cette approche réactive qui s'accommode de bien des compromissions et donne lieu à de nombreux marchandages, il est grand temps de substituer une approche proactive qui conçoit les droits de l'homme comme revenant, de droit, aux hommes et aux femmes qui composent la société.

Eduquer aux droits de l'homme, c'est vouloir mettre un terme à une confiscation politique et juridique qui a démontré son inefficacité. C'est aussi accepter de remettre en cause l'arrogance des démocraties occidentales qui continuent à penser que les droits de l'homme sont au cœur de leur culture politique alors même qu'une majorité d'électeurs ignorent jusqu'à l'existence de la Déclaration universelle et que la distinction entre droits civils et politiques et droits économiques, sociaux et culturels demeure l'apanage de quelques-uns. Mais c'est aussi mettre un terme à la confusion que certains entretiennent entre le droit à l'éducation et l'éducation aux droits de l'homme. L'éducation aux droits de l'homme n'est certes pas un domaine à part, mais bien l'élément central qui garantit la nature universelle du droit à l'éducation et sa capacité à transmettre un contenu universel. Il reste pourtant qu'à définir l'éducation aux droits de l'homme exclusivement dans le prolongement des efforts pour promouvoir le droit à l'éducation, on risque de saper les tentatives, à ce jour infructueuses, pour la faire figurer parmi les éléments-clef d'un agenda plus global.

Le droit à l'éducation seul, sans référence aux droits de l'homme, est généralement compris de façon restrictive comme un droit d'accès aux connaissances et aux savoir-faire. Les efforts à mettre en œuvre pour le promouvoir se limitent, somme toute, à la reconduction de programmes conçus pour combler les déficits de formation qui endiguent les processus de développement. Rapportée à la question centrale de la lutte contre la pauvreté, par exemple, l'éducation demeure sans doute un droit incontournable, mais ce droit se limite à garantir l'accès pour tous à l'enseignement primaire, seul moyen, il est vrai, pour lutter contre l'analphabétisme, mais assurément insuffisant pour promouvoir le développement et la démocratie. L'éducation conçue comme droit de l'homme ne concerne pas le seul accès au savoir, mais touche aussi les contenus d'enseignements dont la vocation n'est pas seulement technique ou économique, mais concerne la personne humaine dans sa globalité. Au-delà des moyens, ce sont donc les définitions et la méthode qu'il faut revoir. Il ne saurait en effet y avoir de développement durable sans transferts de compétences, mais le droit ici ne garantit pas seulement la transmission de connaissances ou de savoir-faire préexistants, il est aussi la condition de « l'empowerment <sup>1</sup> », lui-même principe de l'autodétermination et de l'accès à la maturité politique.

Alors que la Décennie pour l'éducation aux droits de l'homme s'achève et que tous s'accordent pour dire que ses objectifs n'ont pas été atteints, il reste pourtant quelques raisons de se réjouir. En dix ans, la société civile s'est organisée, les programmes et les réseaux mis en place par les nombreuses ONGs et institutions actives dans le domaine ont été consolidés et certains Etats semblent disposés à aller de

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<sup>1</sup> Terme anglais sans équivalent français : s'assurer que les citoyens d'un Etat, notamment les groupes vulnérables, connaissent leurs droits et participent à leur mise en œuvre effective. L'« empowerment » doit permettre le passage du statut de victime, réelle ou potentielle, à celui d'acteur du changement.

l'avant. En 2001, à mi-parcours de la Décennie, 90 ONGs ont soumis à la Commission des droits de l'homme un projet de résolution rappelant la communauté internationale à ses engagements et proposant, entre autres choses, la nomination d'un rapporteur spécial sur l'éducation aux droits de l'homme. En 2003, le Réseau de sécurité humaine<sup>2</sup>, alors sous présidence autrichienne, adoptait la *Déclaration de Graz sur les principes de l'éducation aux droits de l'homme et la sécurité humaine* dont l'analyse et les objectifs concordent avec les vues exprimées, quelques mois plus tôt, par la société civile dans le cadre du forum en ligne organisé par le Haut-Commissariat aux droits de l'homme. Au terme de la décennie, nombreux sont ceux qui souhaitent promouvoir une vision plus large de l'éducation aux droits de l'homme par laquelle les Etats viendraient enfin à reconnaître la nature transversale des enjeux éducatifs et à les intégrer dans un agenda global, conforme aux Objectifs du Millénaire. Ce point de vue est aussi largement partagé par les experts de la Sous-Commission de la promotion et de la protection des droits de l'homme qui, en août 2003, ont adopté à l'unanimité une résolution recommandant à la Commission de se prononcer en faveur d'une deuxième décennie pour l'éducation aux droits de l'homme.

### **Programme Mondial pour l'éducation aux droits de l'homme, une négociation difficile**

A la Commission des droits de l'homme, la partie n'était pourtant pas gagnée, de nombreux Etats ayant fait savoir qu'ils s'opposeraient résolument à la reconduction d'une initiative jugée globalement inefficace. L'Union Européenne, les Etats-Unis, le Canada, la Norvège et l'Australie, qui parraine la résolution sur l'éducation aux droits de l'homme à l'Assemblée Générale, avaient commencé par exprimer des réserves sur la proposition de lancer une deuxième décennie. Et la proposition faite par Bertrand Ramcharan, Haut-commissaire *ad intérim*, dans son discours d'ouverture, d'élaborer une nouvelle convention internationale pour promouvoir l'éducation aux droits de l'homme dans le secteur éducatif n'a pas reçu l'accueil escompté. La plupart des délégations ont estimé qu'un nouvel instrument n'apporterait aucune valeur ajoutée aux obligations existantes et les ONGs n'ont soutenu que timidement la proposition, craignant qu'elle ne restreigne le champ d'application du droit à l'éducation aux droits de l'homme au seul domaine de l'éducation formelle, alors même que la reconnaissance de la nature transversale de ce droit - entendons par là qu'il est un droit civil, politique, économique, social et culturel affectant la mise en œuvre de tous les autres droits - était l'un des principaux acquis de la Décennie.

Conduite par le Costa Rica, les consultations ont finalement permis de convaincre les pays-membres qui doutaient encore de la nécessité de maintenir l'éducation aux droits de l'homme sur l'agenda de la communauté internationale. Diverses options ont été envisagées pour parvenir à un consensus et les membres de la Commission se sont finalement ralliés à la proposition du Costa Rica de lancer un Programme mondial pour l'éducation aux droits de l'homme dont la première phase (2005-2007) serait axée sur les enseignements primaire et secondaire. L'UE souhaitait la mise en place d'un cadre opérationnel ciblé qui soit susceptible de produire des résultats dans des domaines précis; la priorité accordée au secteur éducatif correspondait aux vœux du Haut-Commissaire aux droits de l'homme.

De nombreuses ONGs, qui s'était impliquées pour obtenir le lancement d'une deuxième décennie, ont estimé que ce choix limitait la portée de l'initiative. Au terme de la Décennie, il semblait acquis que l'éducation aux droits de l'homme ne concernait pas seulement le secteur de l'éducation formelle. Elle ne concernait pas davantage les seuls groupes professionnels chargés du maintien de l'ordre ou impliqués dans la défense et la promotion des droits de l'homme. L'éducation aux droits de l'homme est un élément constitutif de l'éducation tout au long de la vie. Elle est destinée à tous les groupes qui composent la société et plus particulièrement aux groupes vulnérables, telles les populations engagées dans la reconstruction post-conflits, les femmes et autres groupes souffrant de discrimination, les pauvres en tant qu'acteurs potentiels du développement humain. A terme, elle doit déboucher sur une

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<sup>2</sup> Créé en 1999, le réseau de sécurité réunit l'Autriche, le Canada, le Chili, la Grèce, l'Irlande, la Jordanie, le Mali, les Pays-Bas, la Norvège, la Suisse, la Slovénie, la Thaïlande, et l'Afrique du Sud en qualité d'observateur.

refonte complète du rapport de l'individu au social, sur une nouvelle conception de la responsabilité publique.

Une lecture attentive de la résolution adoptée par la Commission des droits de l'homme révèle pourtant que le Programme mondial ne se limite pas à une priorité exclusive. La résolution invite les gouvernements à « *poursuivre et étendre la mise en œuvre des programmes d'éducation dans le domaine des droits de l'homme dans tous les secteurs* » et pose le cadre d'une coopération renouvelée avec la société civile couvrant tous les champs d'activité ouverts par la Décennie. Elle confie au Haut-Commissariat aux droits de l'homme et à l'Unesco le soin de soumettre pour la première phase du programme, un plan d'action comprenant « *au moins les mesures minimales à prendre* » et prévoyant « *des dispositions pour soutenir les activités entreprises par tous les intéressés, en particulier les organisations non gouvernementales*<sup>3</sup>. » La référence explicite aux Objectifs du Millénaire dans les paragraphes liminaires plaide, elle aussi, en faveur d'un champ d'application assez large. Le choix de procéder par étapes ne limite donc pas les opérations qui pourront être menées à un seul domaine. Il doit permettre de mieux circonscrire l'action des gouvernements dans les secteurs jugés prioritaires, en définissant les objectifs qui devront être atteints, par tous, dans un délai précis.

### **Des phases successives couvrant tous les secteurs**

La Décennie avait été conçue comme un outil de mobilisation visant au développement de plans nationaux pour l'éducation aux droits de l'homme dans tous les secteurs. Le Programme mondial est un processus à durée indéterminée dont les objectifs sont définis par secteur pour l'ensemble de la communauté internationale, et ces objectifs minimaux doivent être mis en œuvre successivement par les Etats dans un délai-cadre raisonnable. A la différence du plan d'action de la Décennie, auquel on a pu reprocher son côté « fourre-tout », le Programme mondial procèdera donc par étapes, les plans d'action successifs devant permettre de mieux définir les responsabilités des acteurs gouvernementaux dans les secteurs choisis en vue de réaliser des progrès tangibles dans chaque pays. Les phases successives du Programme devraient être l'occasion de développer des stratégies innovantes dans des secteurs retenus et devraient, en outre, faciliter leur mise en œuvre et l'évaluation des résultats.

Se fixer des objectifs dans des domaines prioritaires n'exclut donc pas, *a priori*, la poursuite d'activités dans d'autres secteurs. Il reste pourtant que la résolution ne comporte que peu d'indications sur les étapes futures du Programme mondial. D'un certain point de vue, on peut se féliciter que l'agenda demeure ouvert, mais on peut aussi craindre que le champ d'intervention ne soit au bout du compte réduit, les priorités à venir demeurant largement à définir.

### **Une préoccupation pour les pays les plus pauvres : un programme financé par des contributions exclusivement volontaires**

Durant les consultations, certains pays en développement, dont l'Inde et plusieurs pays d'Amérique Latine, ont exprimé le souhait que soit mis en place un fonds des Nations Unies pour le financement du programme mondial. Cette idée, qui avait déjà été lancée dans le sillage de la Conférence de Vienne, avait été évoquée à plusieurs reprises dans les résolutions de la Commission des droits de l'homme relatives à la Décennie. Mais soucieux de ne pas voir se multiplier les fonds aux Nations Unies, en raison notamment de leur coût de gestion élevé, l'Union Européenne et la plupart des pays développés s'y étaient toujours opposés. Comme on pouvait s'y attendre, c'est ce point de vue qui a prévalu, la résolution stipulant que le Programme mondial devra être financé par des contributions exclusivement volontaires.

Cette approche ne laisse que peu de place pour l'allocation de ressources additionnelles à l'ONU, que ce soit pour venir en aide aux ONGs dans les pays en développement ou pour financer les activités de surveillance et de suivi au niveau international et régional. Le Haut-Commissariat aux droits de l'homme est donc censé formuler le plan d'action en collaboration avec l'Unesco, coordonner les activités au niveau international et évaluer les résultats au terme de chaque phase du programme sans

<sup>3</sup> Le texte de la résolution 2004/71 intitulée *Suivi de la Décennie des Nations Unies pour l'éducation dans le domaine des droits de l'homme* peut être consulté à l'adresse suivante : [www.unhchr.ch](http://www.unhchr.ch) sous la cote E/CN.4/RES/2004/71.

qu'aucun financement n'ait été prévu pour ces activités dans le budget régulier de l'organisation. Les ONGs du Sud, quant à elles, devront compter sur la seule bonne volonté des Etats, des ONG du Nord et des fondations privées. Sur ce point, on ne progresse guère par rapport à la Décennie. Il s'agit là, à l'évidence, d'un sujet de préoccupation

Pour être complet, signalons tout de même un élément de la résolution qui ménage une ouverture au financement de l'éducation aux droits de l'homme pour les pays en développement qui en feraient la demande. La résolution recommande en effet que le « *Secrétaire général (...) veille à ce qu'une part appropriée de l'aide apportée par l'ONU à la demande des États Membres pour développer leur capacité nationale de promotion et de protection des droits de l'homme concoure à l'éducation dans le domaine des droits de l'homme.* »

### **Promouvoir l'éducation aux droits de l'homme dans les systèmes nationaux**

Il semble désormais acquis que les droits de l'homme ont un rôle central à jouer dans l'activité de toutes les agences et tous les programmes des Nations Unies. L'impulsion a été donnée en 1999 par le Secrétaire général lui-même qui a exigé que des efforts soient menés pour développer les compétences de l'ensemble du personnel dans ce domaine -« *mainstreaming* » -. La promotion effective des droits de l'homme au sein de l'ONU a d'ores et déjà débouché sur la définition de directives communes<sup>4</sup>. Et l'action concertée des différents organismes sur le terrain pourrait contribuer à envoyer un signal clair aux équipes dirigeantes des pays en développement. La réussite de ces programmes offrirait un cadre cohérent à l'action de l'ONU et faciliterait le développement des compétences des acteurs nationaux.

La formation des personnels est un préalable indispensable à l'harmonisation des mandats des organismes publics et à la généralisation des bonnes pratiques, qu'il s'agisse de promouvoir la bonne gouvernance, une saine administration de la justice ou le développement humain. Les ministères de la justice, la police et les forces armées sont certainement les premiers concernés, mais l'éducation aux droits de l'homme a un rôle déterminant à jouer dans les politiques mises en œuvre par les ministères de l'éducation, des affaires sociales, de la santé, dès lors qu'il est admis que les droits de l'homme doivent être au cœur de l'action publique. Un certain nombre d'objectifs se dégagent donc déjà pour les phases ultérieures du Programme mondial. Mais il appartiendra aux Etats de définir les priorités en veillant chaque fois à impliquer les acteurs de la société civile dont l'expertise et l'engagement pourront seuls garantir une formation de qualité aux acteurs publics qui seront chargés de les mettre en œuvre.

### **La première phase du Programme mondial**

Durant la première phase du Programme mondial, des actions concrètes devraient être initiées par tous les gouvernements au niveau des législations scolaires nationales, du développement des programmes, de la formation des formateurs, de la production de manuels scolaires et autres outils pédagogiques, notamment sur Internet. Les ministères de l'éducation pourront allouer des ressources humaines et financières à des programmes visant au développement des compétences - « *capacity building* » - et à la mise en réseau des experts et des enseignants. Pour ce faire, ils devront soutenir les partenariats entre les écoles et les ONGs et encourager les projets visant à impliquer davantage les communautés locales dans la vie scolaire. La mise en commun des compétences et le partage des expériences permettront d'éviter l'improvisation et d'assurer l'enracinement social des initiatives.

La mise en œuvre du Programme mondial demeure la responsabilité des Etats, mais les expériences menées durant la Décennie, notamment en Asie et en Amérique Latine, démontrent que la réussite dépend pour une large part de l'activation de synergies au niveau régional, un contexte où les ONGs ont su faire valoir leur capacité de mobilisation et la qualité de leur expertise. On ne s'étonnera donc pas qu'à côté des spécialistes des ministères de l'éducation et des représentants des institutions nationales, le Haut Commissariat aux droits de l'homme et l'Unesco aient réuni les représentants

<sup>4</sup> On se rapportera par exemple au Projet de directives publié par le Haut-Commissariat aux droits de l'homme en 2002 sous le titre : *Les stratégies de lutte contre la pauvreté sous l'angle des droits de l'homme (HR/PUB/2002/5)*.

d'une quarantaine d'organisations non gouvernementales, à Genève, en septembre 2004 pour leur demander d'examiner l'avant-projet du plan d'action dont la version définitive a été adoptée par consensus par l'Assemblée Générale des Nations Unies le 14 Juillet 2005 - résolution 59/113B 2005<sup>5</sup>.

Le plan d'action fait référence à une observation générale du Comité des droits de l'enfant qui illustre assez bien l'esprit général de la réunion et apporte un éclairage nouveau sur la façon dont les experts envisage le lien entre l'éducation aux droits de l'homme et le droit à l'éducation. *«L'éducation à laquelle chaque enfant a droit est une éducation qui vise à doter l'enfant des aptitudes nécessaires à la vie, à développer sa capacité à jouir de l'ensemble des droits de la personne et à promouvoir une culture imprégnée des valeurs appropriées relatives aux droits de l'homme»* (Observation générale N°1, par. 2). Cette éducation *«constitue pour chaque enfant un outil indispensable lui permettant d'apporter au cours de sa vie une réponse équilibrée et respectueuse des droits de l'homme aux défis liés à la période de changements fondamentaux dus à la mondialisation, aux nouvelles technologies et aux phénomènes connexes»* (par. 3).

Selon l'interprétation des experts du Comité, la Convention relative aux droits de l'enfant attache donc une importance toute particulière à la qualité de l'éducation, conçue comme vecteur de la participation individuelle au changement : *«Les efforts visant à encourager l'exercice d'autres droits ne doivent pas être entravés mais doivent être encouragés grâce aux valeurs inculquées dans le cadre du processus d'éducation. Il s'agit à cet égard, non seulement du contenu des programmes scolaires, mais également des processus d'éducation, des méthodes pédagogiques et du milieu dans lequel l'éducation est dispensée»*.

Il s'ensuit que les droits doivent s'acquérir non seulement par la transmission de contenus d'enseignement, mais par une pratique sociale qui favorise leur mise en œuvre par tous les acteurs, à tous les échelons du système éducatif. Cela suppose en particulier que des efforts soient menés pour promouvoir la vie démocratique à l'école et le développement d'activités extra-scolaires en liaison avec la vie de la cité. Le plan d'action précise à cet égard que l'enseignement des droits de l'homme s'inscrit dans une optique pédagogique fondée sur les droits et qu'il doit être perçu comme un processus faisant intervenir deux notions fondamentales :

*« 1. Les droits de l'homme par l'intermédiaire de l'éducation : cela signifie veiller à ce que tous les éléments et moyens d'enseignement, y compris les programmes, les manuels, les méthodes et la formation, sont propices à l'apprentissage des droits de l'homme.*

*2. Les droits de l'homme dans l'éducation : cela signifie veiller au respect et à l'exercice des droits fondamentaux de tous ceux qui interviennent dans le système éducatif. »*

Ces vues sur l'éducation aux droits de l'homme sont largement partagées par M. Vernor Muñoz Villalobos, nouveau Rapporteur spécial sur le droit à l'éducation dont le premier rapport, présenté à la Commission des droits de l'homme en mars 2005 insiste tout particulièrement sur la qualité de l'éducation<sup>6</sup>. M. Muñoz est « d'avis que les difficultés auxquelles se heurte la réalisation effective du droit à l'éducation sont dues notamment au refus de considérer ce droit comme le point de convergence des droits de l'homme, en particulier s'agissant de cultures victimes de discrimination et d'une domination sociale et économique. » Il ajoute que « s'opposer à ce que l'éducation remplisse ses objectifs fondamentaux équivaut à nier le droit fondamental à l'éducation, car un savoir dont l'acquisition ne va pas de pair avec le développement d'une personnalité respectueuse des droits de l'homme est un savoir de médiocre qualité. » Alors même que l'on s'interroge sur la valeur d'une approche purement quantitative des droits économiques, sociaux et culturels et que l'on s'efforce de développer de nouveaux indicateurs permettant de mesurer la qualité de l'éducation, il s'agit assurément d'une approche qui mérite qu'on s'y attarde.

<sup>5</sup> Le texte définitif du *Plan d'action pour la première phase (2005-2007) du Programme mondial en faveur de l'éducation aux droits de l'homme* peut être consulté à l'adresse suivante - [www.ohchr.org/english/issues/education/training/programme.htm](http://www.ohchr.org/english/issues/education/training/programme.htm)

<sup>6</sup> Le Rapport du Rapporteur spécial sur le droit à l'éducation peut être consulté à l'adresse suivante : [www.unhchr.ch](http://www.unhchr.ch) sous la cote E/CN.4/2005/50.

## ‘REAFFIRMING FAITH IN FUNDAMENTAL HUMAN RIGHTS, IN THE DIGNITY AND WORTH OF THE HUMAN PERSON’ ...TIME TO RETHINK HUMAN RIGHTS

Nasila Selasini Rembe

### Introduction

In 1945, the founders of the United Nations expressed their determination ‘to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...’<sup>1</sup> Implicit in these words which are also recalled in the Universal Declaration of Human Rights is a solemn vow by the founders of the UN to emerge from the memory of the horrors perpetrated by the Second World War ‘where disregard and contempt for human rights (had) resulted in barbarous acts which (had) outraged the conscience of mankind.’<sup>2</sup> It was therefore a commitment to ensure the respect, and observance, of fundamental human rights and freedoms for all and without any distinction. In carrying out this mandate, the UN, within the framework of the Charter and on a system wide basis, placed human rights at the center of its activities.

The *universal system* built around the UN was further reinforced by a myriad of international declarations and conventions in which state parties undertook to recognize the rights in those instruments and to take legislative, judicial, administrative and other measures in order to ensure that all individuals within their jurisdiction enjoyed the rights.<sup>3</sup>

Through these international instruments, the international community has generated considerable norms and standards of a general nature;<sup>4</sup> relating to particular violations;<sup>5</sup> protecting certain vulnerable groups;<sup>6</sup> or relating to certain circumstances<sup>7</sup>. The universal and conventional system has been further reinforced by elaborate regional systems for the promotion and protection of human rights,<sup>8</sup> including regional instruments addressing specific regional human rights concerns.<sup>9</sup>

Constitutions of many countries today have incorporated the universal values and norms emerging from international and regional instruments into their municipal sphere. In interpreting and applying such constitutions or the standards set regionally and internationally, the jurisprudence of national and international courts and tribunals have also generated another layer of human rights.

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<sup>1</sup> Preamble, Charter of the United Nations (1945).

<sup>2</sup> Paragraph 5 of the Preamble to the Universal Declaration of Human Rights (1948).

<sup>3</sup> See for example, Article 2, ICCPR (1966).

<sup>4</sup> *Ibid*; ICESCR (1966).

<sup>5</sup> CERD (1965); CAT (1984).

<sup>6</sup> CEDAW (1979); CRC (1989).

<sup>7</sup> For example, the four Geneva Conventions of 1949 and subsequent protocols.

<sup>8</sup> The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950); the American Convention on Human Rights (1969); and the African Charter on Human and Peoples’ Rights (1981).

<sup>9</sup> Framework Convention for the Protection of National Minorities (1995); Inter-American Convention to Prevent and Protect Torture (1985); The African Charter on the Rights and Welfare of the Child (1990); the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003).

To what extent can we say that in the 21<sup>st</sup> Century, the noble ideals that inspired the UN to adopt the Universal Declaration of Human Rights in 1948 have secured for humanity a more dignified life free from fear and want, where social justice, equality before the law and equal protection of the law has been realized for all? To what extent can we say that human rights, as a language expressing so much for the liberation and empowerment particularly of the poor and oppressed, has qualitatively improved the totality of the *human condition* – in the material, spiritual and cultural development?

This contribution seeks to raise, rather than provide answers, to human rights issues – difficult issues that we encounter in the classroom, in the street, in the communities we work with and reside, in conferences and workshops that we attend. It is hoped that it will rekindle a debate on this discourse which has profoundly become a common currency, but too frequently trading and circulating freely with other counterfeits.

### **The Reality of the World Today**

In many parts of the world today, human rights violations on a massive scale is a serious and continuing challenge to our existence as individuals and peoples, and poses a challenge to the moral and political order upon which it is founded. Is it not ironical that the *age of rights* is the age of millions of refugees, of men, women and children driven from their homes; of millions of people who are powerless and trapped in poverty, ignorance and diseases? Over the last three decades or so, we have witnessed a carnage and genocide in different regions of the world; torture (and by the very state organs set out to protect the human rights of its subjects); increasing violence against women and children; summary executions; detentions without trial; upsurges of racism, racial discrimination and xenophobia; extreme religious and political intolerance; and social exclusions.

Thanks to the electronic and print media - the pain and suffering, the indignity and humiliation that so many in our midst endure - is no longer a remote happening isolated by space or time, but one that is instantly visible in our homes and offices. If human rights is constructed around the wholeness of life - the dignity of the human person and the quality of the human condition - how do we deal with insensitivity to that dignity arising from our own attitude towards others or lack of commitment to deal with poverty, HIV and AIDS and other life threatening diseases? If the future survival of humanity and a human rights order is to be assured, the international community must act decisively and speak out with one voice: it must reaffirm its faith to respect, and protect 'all human rights for all'<sup>10</sup> without any distinction.

Violation of human rights on the scale that we have witnessed, has exposed how fragile and vulnerable we are as individuals if states do not heed to respect and protect them. At the same time, it has also exposed the *naiveté* of the international community in selectively and arbitrarily speaking out against violations or invoking national security and other considerations as a justification for their violation or suspension. States that have too often lauded themselves as champions of democracy and human rights, among them the United States and the United Kingdom, have acted in a manner that has eroded the very edifice upon which western liberal philosophy is anchored: respect for the sanctity of life; equality and equal protection of all before the law; freedom from unlawful arrest and detention; and due process. The revelation and grotesque images of torture and other shameful and inhuman acts perpetrated against prisoners of war in Iraq, Afghanistan and Guantanamo Bay; the prolonged and

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<sup>10</sup> This phrase was used as the motto during the Commemoration of the 50<sup>th</sup> Anniversary of the Universal Declaration of Human Rights, 1998.

continued detention of prisoners of war without trial is, in the words of the Universal Declaration of Human Rights, ‘disregard and contempt for human rights that have resulted in barbarous acts which have outraged the conscience of mankind...’<sup>11</sup> This is a travesty against the most fundamental human rights and a violation of conventional and customary norms of modern international law.

Following the September 11<sup>th</sup> attack on the twin Towers in New York and the ensuing War on Terror, we have witnessed violation of the most sacred provisions of the Charter, namely, a unilateral declaration of war and occupation of Afghanistan and Iraq, indiscriminate bombings and killings of civilian populations; and labeling of people of particular faith or culture as ‘terrorists’. Many of these actions have been conducted under a carefully crafted language that invokes democracy and human rights as a justification. Whatever view that we hold or share, there is no doubt that this is a setback and a bad precedent to the project to advance democracy and human rights on a global scale.

Indeed the international effort to advance a democratic and human rights project has been frustrated by the policies of the United States and some of its allies, on such critical issues as the universal jurisdiction of the International Criminal Court,<sup>12</sup> terrorism; global warming; reforming the United Nations and in particular restructuring its Security Council,<sup>13</sup> and the implementation of the Millennium Development Goals, among many other examples. It has exposed the cynicism, hypocrisy and lack of moral authority among those states that are looked upon as role models and touch bearers because of the political and economic influence that they wield. Instead, they have often acted selectively and arbitrarily: intervening in certain states in the name of human rights while at the same time investing in and supporting states with appalling human rights records; acting belatedly or not at all in situations which require urgent humanitarian intervention and assistance (such as famine stricken Mauritania or war ravaged Dafur region) while doing so promptly in those countries where there are political or other strategic gains for example Iraq). Given the above scenarios and however valuable we may see human rights, to others they may fit Kofi Anan’s characterization as ‘a mirror that flatters us and shames us’.<sup>14</sup>

### **Emergence of Social Movements**

The history of human rights is the history of struggles to reclaim them against their denial or violations by dictators and tyrants. Therefore many of the historical landmarks and founding documents bear the consensus reached at the end of a struggle, such as for example, the American and French declarations; the Universal Declaration of Human Rights, the Freedom Charter of South Africa or its new Constitution.<sup>15</sup> Some of the struggles have been violent while others relatively peaceful and gradual.

Throughout the world today we witness a groundswell of social movements and coalition of interests - social movements that have mobilized the poor and powerless in society to put forward certain demands against their governments, or to protest against policies of other governments that deny them a decent and dignified life and participation in governance. We have seen a growing movement against globalization and the dominance of the capitalist market economy, including privatization. This movement has forged solidarity within and without nations to fight against rising unemployment,

<sup>11</sup> See note 2 above.

<sup>12</sup> Rome Statute of the International Criminal Court (1998).

<sup>13</sup> Secretary-General’s report, *In Larger Freedom: towards development, security and human rights for all*. 21<sup>st</sup> March 2005

<sup>14</sup> These were remarks made by the Secretary-General of the United Nations when he addressed governments during the 50<sup>th</sup> Anniversary of the Universal Declaration of Human Rights. *Daily Dispatch*, 10<sup>th</sup> December 1999, p.16:1-6.

<sup>15</sup> Constitution of the Republic of South Africa (1966).

poverty and cuts in public spending on health, housing, education etc., all of which is attributed to the injustices caused by globalization and exploitative market conditions. There are social movements against racism and racial discrimination; the landlessness and homelessness; movements against poverty and unemployment; rights of people living and those affected by HIV and AIDS; violence against women and children; social service delivery; the rights of indigenous peoples and minorities; environmental rights etc. It is therefore evident to many poor and marginalized communities that economic, social and cultural rights, which had been relegated to a back seat in the past, are the most important cluster of rights that may also ensure the realisation of civil and political rights. The assertion by the Vienna Declaration of Human Rights that '*all human rights are universal, indivisible, and interrelated and interdependent*'<sup>16</sup> may have to be implemented with due regard and sensitivity to the gravity precipitated by poverty and other forms of social injustice.

The social movements represent different tributaries, some originate from one area but all flow to one main river through various confluences. They represent a failure by states to protect or guarantee the human rights in question. It is from these movements that a new human rights order and a more purposeful global citizen may emerge. At the center of these struggles is solidarity within and among peoples of different nations, religions, and ideologies.

### **International Solidarity, International Cooperation**

Right from the time the UN was established it was realized that the creation of conditions of stability and well-being were necessary for peaceful and friendly relations among states based on respect for the principle of equal rights and self determination of peoples, and in this regard, the UN was empowered to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.<sup>17</sup> The state parties also pledged that they would take joint and separate action in cooperation with the Organisation in order to achieve the above objectives.<sup>18</sup>

The duty to cooperate and to act in solidarity with others is an essential part of international law and underpins an increasingly interdependent and globalising world. It requires that those who are more privileged because of their historical, geographical and other reasons (e.g., colonialism and unequal global relations in trade) should show greater concern - as a legal rather than a moral obligation - to the economic and social development of those who are poor and less privileged. This is what underlined most discussions that led to the establishment of the New International Economic Order,<sup>19</sup> and the subsequent adoption of the Charter of Economic Rights and Duties of States.<sup>20</sup>

It is with these considerations in mind that the developing countries emerged as the object of UN policy articulated in major UN Development Decades<sup>21</sup> and Programmes of Action. Among others the implementation of the objectives of the programme of action under the above decades requires the developed countries to transfer resources to the developing countries. The target of official

<sup>16</sup> Paragraph 5, Vienna Declaration and Programme of Action (1993).

<sup>17</sup> Article 55, UN Charter.

<sup>18</sup> *Ibid.*, Art. 56.

<sup>19</sup> GAREs.3201(XXIX), adopted without a vote during the UN Special Session, 1st May 1974.

<sup>20</sup> GAREs. 3281XXIX), adopted by the General Assembly on 12<sup>th</sup> December 1974.

<sup>21</sup> First UN Development Decade, adopted by GAREs.1710 (XVI) of 1961; the International Strategy for the Second UN Development Decade, adopted by GAREs. 2626 (XXV) of 24 October 1970; UN Decade for the Elimination of Poverty (1997 – 2010), among others.

development assistance which was nominally set at 0.7% of the Gross National Product (GNP) of the developed countries has not been met, save by a handful of countries<sup>22</sup>, neither have the developed countries met their commitments for the implementation of the Millennium Development Goals<sup>23</sup>. This has undermined global efforts to bring about development and eradicate poverty; HIV/AIDS and other pandemics that threaten the existence of millions of people today, especially in Sub-Saharan Africa. Equally this has weakened the capacity of many poor nations to provide stability and good governance and therefore ensure human rights for their citizens.

### **Rethinking the Future of Human Rights**

Human rights are at a difficult crossroads, and at a time when the global community has become increasingly global and secular, and therefore in need of common values that bind humanity together. There is an urgent need to instill a new thinking in human rights, as well as to dispel the skepticism and indifference which is so glaring but hidden under various pretensions. There is need for a more purposeful and continuing debate that would give new life and direction to human rights, to learn from the past with a view to laying down a firm foundation for the future. In doing so, the philosophical and ideological framework that underpins human rights and the practical conditions that are essential to ensure their realization needs to be re-considered.

The Universal Declaration of Human Rights and the rights that emerged from it were tainted with the ideological differences between liberal capitalist ideology and communism, and further reinforced by the power structure of the post-war period. These have continued to shape and dictate global relations and marginalize the power of a significantly large number of states and populations, and in turn, it has weakened key institutions such as the United Nations, where this dominance is most evident.

Even with the end of the ideological rivalry between the East and West in the late 80's, globalization and the market drive have unleashed equally devastating consequences on many governments and individuals and with many dire consequences not only for human rights but for the capacity of states to meet the basic needs of their people. A human rights order that is perceived by the people to be constructed only by states or emanating from above and which fails to resonate with their interests is problematic. Human rights must be able to inform and be realized from below, at the level of neighbourhoods and communities. It must enable and empower those individuals and their communities to realize and reclaim their dignity and exert authority over the legitimacy and actions of their governments.

As the UNESCO Chairs network, it is time to speak out, debate and research some of the issues that profoundly affect humanity. The devastation caused by hurricane *Katrina*<sup>24</sup> has revealed that even within the most resourced and wealthy nation deprivation and poverty still exists on an alarming scale. '*Ou sont'ils, en ce moment - where are they now?*'- is the title of a lecture delivered by the President of

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<sup>22</sup> Largely the Scandinavian countries.

<sup>23</sup> The Millennium Declaration was adopted by the United Nations (GA Res. 55/2 of 8 December 2000). It sets out eight goals to be implemented by the year 2015, namely; eradication of extreme poverty; universal primary education; gender equality and empowerment of women; reduction of child mortality; improvement of maternal health; combating HIV/AIDS, malaria and other diseases; environmental sustainability; and, global partnership for development.

<sup>24</sup> This is the hurricane that struck the Gulf States of the USA, almost on the scale of the Tsunami earth quake. However, what unfolded from the aftermath of the hurricane and rescue operation that followed is the 'third world conditions' that exist in the Southern States which are largely inhabited by African-Americans.

the Republic of South Africa, Mr Thabo Mbeki, on the Second Oliver Tambo Memorial Lecture.<sup>25</sup> As the title suggests, the President was calling on the intelligentsia to engage with vigour the critical issues of the transformation of South Africa into a non-racial and non-sexist society, as the realization of this goal will be a defining feature of fundamental social transformation of South Africa<sup>26</sup> In the same vein, a great Guatemalan revolutionary, Castillo, once questioned about *apolitical* intellectuals:

One day  
 the apolitical  
 intellectuals  
 of my country  
 will be interrogated  
 by the simplest  
 of our people.  
 They will be asked  
 what they did  
 When their nation died out  
 When their nations died out  
 slowly  
 like a sweet fire  
 small and alone.

One day  
 the simplest men will come  
 those who had no place  
 in the books and poems  
 of the apolitical intellectuals  
 but daily delivered  
 their bread and milk  
 their tortillas and eggs  
 those who mended their clothes  
 those who drove their cars  
 those who cared for their dogs  
 and gardens  
 and they will ask:  
 What did you do when the poor  
 suffered, when tenderness  
 and life  
 burned out in them?

Presumably, will we say we are “*apolitical*”!<sup>27</sup>

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<sup>25</sup> National Institute of Economic Policy, Johannesburg, August, 200.

<sup>26</sup> At p. 12.

<sup>27</sup> Quoted from Issa Shivji, ‘Fight my Beloved Continent: New Democracy in Africa. A Farewell Address to UZ Students’, (1988), p. 25-36.

## SPREADING AWARENESS OF HUMAN RIGHTS ISSUES

### SERIES OF WORKSHOPS, COLLOQUIES AND CONFERENCES

ARDECHIR AMIR-ARJOMAND, IRAN

□ After the UNESCO Chair was established at Shahid Beheshti University, it commenced its activities in a variety of fields and disciplines, including the organization of several workshops for organizations and individuals outside of the University. However, the knowledge among the student population concerning the Chair and UNESCO's activities was insufficient.

Therefore, a **Human Rights Workshop** was held by the Chair for the law students of Shahid Beheshti University on 25/26 April 2002 that promoted the Chair's activities in the field of human rights among the said students. This workshop enabled the Chair to recognize students with higher potentials and to organize a group of individuals willing to co-operate with the Chair.

The workshop benefited from the participation of many students, resulting in a high level of discussion. It encouraged elite students to apply to the Master's course of human rights law after its establishment and to raise the level of the course.

□ The exponential activity growth of Iranian women in non-governmental organizations necessitates their familiarization with the fundamentals and mechanisms of human rights. From this point of view, an **Educational Workshop on Evaluation of Active Women's NGOs** was conducted from 19-20 June 2002 and continued on two days in July.

The workshop gathered women with differing views and ideologies, active in Tehran and several other Iranian cities. Considering the target group, issues on women's rights were given precedence.

The participants were nominated by the NGOs themselves. Due to the traditional views held by some of the participants, the initiation of dialogue was very difficult, but this soon changed due to the patience of the lecturers and a good understanding was soon reached.

Participants from provinces other than Teheran (such as Kurdistan) were quite pleased with the workshop since the topics discussed and the educational methodology applied were considered a model that could be used by them in their respective regions.

At the end, all the participants, whether they initially had a favourable viewpoint concerning human rights or not, agreed that an understanding of human rights standards was necessary, and that women working in non-governmental organizations required an understanding of women's rights as well. The workshop, wherein some of the participating NGOs were familiarized with the activities of UNESCO for the first time, provided a forum to create and strengthen confidence between NGOs (including those with traditional outlooks) and scientific centers.

- One of the first workshops held by the UNESCO Chair was a two-day **national workshop on human rights for the students of Tehran** commenced from 23 to 25 November 2002.

Considering that ‘Human Rights’ is occasionally offered as an elective course at the Bachelor’s level in some Iranian law faculties, and due to the ever increasing attention to human rights issues in Iranian society in general, it was necessary to hold a workshop on a variety of human rights issues to familiarize the student body with the basics of human rights law and to pave the way for their further involvement and interest in the matter.

After the first workshop held by the Chair for the law students of Shahid Beheshti University, there were many requests by students of other public and private universities to provide such an occasion for them as well in stead of being restricted to law students. The Chair accepted this request, but due to the widespread notification and the approximately 2000 students interested in taking part, the Chair had to hold the workshops in a somewhat more restricted format in several universities due to lack of facilities.

The workshops covered different human rights subjects ranging from the foundations of the discipline, such as the philosophical, anthropological and historical bases of human rights, to the applied aspects of the international system of human rights, such as human rights mechanisms and litigation.

The lectures were provided by professors of the Faculty of Law of Shahid Beheshti University, most of them are closely related with the UNESCO Chair. Students from different disciplines were able to join, become acquainted with each other and discuss human rights issues. This was beneficial to the lecturer as well because they were able to address students from differing backgrounds and disciplines.

The positive outcome of the workshops became immediately evident in the interest of the students in human rights, the debates which followed, the later establishment of student human rights organizations (such as the ‘Network of Young Human Rights Watchers’, the organizations at Allameh Tabatabai and Shahid Abbaspour Universities) and the research and theses which ensued.

The workshops were faced with certain financial restraints, due to which notification was exacted by photocopies and the lectures did not contain handouts or other such educational facilities.

- **Roundtable on the Convention against Torture (1984)** held on 23 July 2003:

The point of attachment for this roundtable was the following: Torture has always been a cause for concern and still exists in many societies around the world. The prohibition of torture and the further criminalization of this heinous act have been a salient outcome of modern international law, having been codified in many binding international, regional and national legal instruments, one of the most important of which is the 1984 UN Convention Against Torture (CAT).

Iran, as a member of the international community and party to several human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), has nonetheless not acceded to the CAT (1984) and therefore faces certain obstacles.

The purpose of this roundtable, jointly organized by the Chair and the Danish Institute for Human Rights (DIHR) and held for experts only, was to evaluate the Convention and the possibility of Iran’s accession thereto.

The roundtable, in addition to provoking discussion and familiarizing university professors and certain governmental experts with the intricacies of the Convention and the obstacles of Iran’s accession, provided a platform for the further co-operation between the Chair and the DIHR.

□ **International Interdisciplinary Colloquy on Identity, Cultural Diversity and Human Rights**, 18-20 October 2003:

The aim of the UNESCO Chair was to foster dialogue among experts in the fields of philosophy, law, sociology, theology and anthropology from different cultures on human rights and its challenges in the modern world and to publish a collection of the provided articles and discussions that took place.

The participation of numerous professors and students, the media coverage and the outcome achieved made the success of the colloquy quite evident.

It was conducted on two levels with a public and a specialized session. The representative of the National Commission for UNESCO actively participated in the meetings as well.

Notification for the colloquium was carried out by posters, the Chair's website and individual invitations.

One of the results of this colloquy was the initiation of co-operation of certain participating professors and universities from abroad with the Chair, paralleled by the signature and conclusion of relevant agreements. Another positive outcome was the familiarization of professors, students and other participants with the activities of the UNESCO Chair in Iran and UNESCO Chairs in Human Rights in general. Furthermore, the colloquy helped raise awareness among students about the interdisciplinary nature of human rights, stimulating discussion and creating an interest in choosing interdisciplinary theses and research topics related to issues of human rights.

The colloquy was confronted with serious financial problems due to the fact that the request for financial assistance addressed to officials responsible for UNESCO Chairs did not result in a favourable response.

□ **Conference on Women and Criminal Law**, 6-7 December 2004:

The promotion and protection of women's rights is one of the salient challenges of countries in transition, especially Muslim countries. An important aspect of this challenge concerns criminal law, that is rules and regulations that do not provide adequate protection to women who have been victims of violence and crime and discriminatory regulations and practices within the criminal system counting among these challenges.

The aims of this conference were:

- Evaluation of the different aspects of the role that criminal law plays in protecting women's rights;
- Analysis of discriminatory rules and regulations concerning female criminal offenders;
- Protection of female victims through criminal law;
- Analysis of the social, economic and cultural roots of violence against women;
- Comparison of international standards with Iranian regulations;
- Utilization of other country's experiences;
- Providing advice to public officials on best practices and legal reform.

The conference played an effective role in fostering co-operation among governmental and non-governmental organizations and the UNESCO Chair in creating a co-operative network.

□ **Educational Workshop in cooperation with the ‘Network of Young Human Rights Watchers’** (Allameh Tabatabai University), December 2004:

Student activities in the fields of human rights and democracy have become an increasing trend in Iranian universities and scientific centers.

An educational workshop was held at Allameh Tabatabai University of Tehran in cooperation with the ‘Network of Young Human Rights Watchers’ within a span of four weeks. Notification was carried out by posters, and the target group consisted of students in general. Summaries of the lectures provided by the professors were published in several magazines, journals and newspapers.

This newly established organization had carried out noticeable activities for the establishment of human rights organizations and the promotion of human rights education among the youth. Their main difficulty consists in providing their own members with a sound basis in human rights, introducing themselves to student organizations and building confidence as to their scientific abilities.

The Chair’s co-operation with the said organization was beneficial to all participants from elsewhere. This became evident by the network’s requests for further continuation of similar workshops on a more advanced level.

Another positive outcome was that many student organizations were familiarized with the activities of UNESCO and of the UNESCO Chair.

□ **Educational Workshop and Conference for the Non-Governmental Organizations of ‘Zanjan’**, 18-20 May 2005

In countries with a centralized system of government, the mainstream of cultural, economical, political and educational activities takes place in the capital city. One of the aims of the Chair is to hold educational workshops and to carry out activities in other cities with governmental and non-governmental organizations. For this end, an educational workshop was held in Zanjan which received favourable attendance by the youth and different social groups and classes (including minorities) as well as much resonance in local media. The participants were able to become acquainted with UNESCO and the activities of the UNESCO Chair.

The workshop as the first of its kind held by the Chair was faced with several obstacles which were overcome in co-operation with two local NGOs active in the field of law.

Five different meetings were conducted on the first day, and four workshops were held on the second one. Notification was carried out by posters and flyers in the city of Zanjan.

The workshop received extensive media coverage, especially within the local press. Due to the positive outcome of the event, future workshops and conferences were included in the Chair’s agenda and programme.

## **OUVERTURE SOLENNELLE D'UN DIPLÔME D'ETUDES SUPERIEURES SPECIALISEES EN DROITS DE L'HOMME ET RESOLUTION PACIFIQUE DES CONFLITS (Chaire UNESCO de l'Université d'Abomey-Calavi à Cotonou, Burundi)**

Isabelle Brouillard

Le mercredi 22 septembre 2004 a eu lieu la cérémonie officielle d'ouverture du Diplôme d'Etudes Supérieures Spécialisées en Droits de l'homme et Résolution pacifique des conflits au sein de l'Université du Burundi.

Le programme de cette cérémonie était composé en 3 moments: premièrement celui de la présentation et du lancement officiel et solennel du DESS ; ensuite celui des interventions et encouragements des principaux partenaires du projet DESS ; et enfin celui de la réflexion sur l'objet même de ce DESS : regard sur la situation des droits de l'homme au Burundi.

### **Présentation et lancement officiel du DESS**

Messieurs Ngorwanubusa et Gatunange, responsables respectifs de la Chaire et du DESS, ont décrit le contexte de mise sur pied de ce diplôme ainsi que les objectifs poursuivis.

La Chaire Unesco en éducation à la paix et la résolution pacifique des conflits a été créée en juillet 1999 suite à un accord entre l'UNESCO et l'Université du Burundi (UB). Elle a pour missions essentielles de promouvoir un système intégré d'activités de recherche, de formation, d'information et de documentation dans les domaines de l'éducation à la paix, la résolution de conflit, des droits de l'homme, la démocratie et la tolérance ainsi que de développer la coopération interuniversitaire et sous-régionale.

Dans le contexte socio politique actuel récent de cessez-le-feu, la Chaire Unesco offre un cadre idéal à ce nécessaire investissement. L'université, en particulier, en tant que pépinière de spécialistes de multiples secteurs, forte de son expérience, de ses propres ressources humaines et de ses nombreux partenaires internationaux, compte parmi les acteurs de premier plan à impliquer dans la valorisation de la culture de la paix.

A cet effet, elle est appelée, entre autres, à organiser des séminaires, conférences et colloques, etc. tant à l'intention de la Communauté Universitaire que de tout public<sup>1</sup>.

Mais il s'est avéré indispensable de mettre sur pied un projet fédérateur de ces diverses activités, en l'occurrence une formation diplômante, axée sur les droits humains et la résolution des conflits, destinée à appuyer et donner consistance aux autres programmes.

Organisé conjointement par l'Université du Burundi et la Coopération Universitaire au Développement de Belgique, le diplôme d'études spécialisées en droits de l'homme et résolution pacifique des conflits est un diplôme destiné à des candidats exerçant une activité professionnelle les confrontant aux problèmes liés aux droits de l'homme et à la résolution pacifique des conflits, ou à des candidats se destinant à travailler dans ce domaine. C'est la raison pour laquelle cet enseignement est organisé en cours du soir et week-end.

Cette formation, conçue dans une perspective pluridisciplinaire, interdisciplinaire et comparatiste a pour objectifs de doter les étudiants d'une compétence spécifique dans le domaine de la protection

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<sup>1</sup> Un des objectifs corollaires aux deux premiers étant d'améliorer l'implantation de l'Université dans la communauté burundaise.

juridique des droits de l'homme et modèles de résolution pacifique des conflits, tant sur le plan international que sur le plan interne, ainsi que de leur fournir des instruments empruntés à d'autres sciences humaines (philosophie, histoire et sociologie).

Par ailleurs, le diplôme d'études spécialisées en droits de l'homme et résolution pacifique des conflits offre aux étudiants une gamme de cours à option qui leur permettent d'adapter leur programme en fonction de leur activité professionnelle et centre d'intérêt.

Cette formation, conçue dans une perspective pluridisciplinaire, interdisciplinaire et comparatiste est un point de départ. Elle servira de cadre à l'organisation de formations de courte durée et de recyclage, à l'intention d'auditeurs occasionnels, mais aussi des réunions scientifiques et des activités de recherche en collaboration avec des Instituts de même objet.

Ces deux orateurs ont ensuite passé la parole à M. Rusuku G., Vice Recteur de l'Université du Burundi, afin qu'il ouvre officiellement le DESS en Droits de l'homme et Résolution pacifique des conflits. M. le Vice Recteur a souligné la vocation de l'université du Burundi à participer à toute initiative en rapport avec la paix et la démocratie au Burundi dans la Région des grands lacs. Il a ensuite félicité les 150 candidats qui s'étaient présentés pour cette formation. La capacité maximale de cette première année académique n'a permis de retenir que 35 étudiants. Néanmoins ce nombre de demandeurs témoigne du besoin de formation dans ces domaines et l'université s'engage à le satisfaire pour les années ultérieures.

M. Rusuku a terminé son discours en remerciant les partenaires du projet qui se sont impliqués dans la dynamisation générale de la Chaire et la mise en place du DESS en particulier : l'Unesco, d'une part, et d'autre part, le gouvernement belge à travers certains organismes tels que la Direction Générale de la Coopération au Développement (DGCD), l'Association pour l'Education et la Formation à l'Etranger (APEFE), la Coopération Universitaire pour le Développement (CUD) et le Commissariat Général aux Relations Internationales de la Communauté Française de Belgique (CGRI).

### **Soutien et encouragements des Partenaires**

La deuxième partie de la cérémonie a bénéficié des paroles encourageantes des premiers partenaires de la Chaire Unesco. Tout d'abord, M. Djelid, Représentant de l'UNESCO au Burundi, s'est réjoui de cet événement, qui marque une étape importante dans le développement de la Chaire Unesco du Burundi (dans sa cinquième année d'existence). Il a insisté sur la pertinence de l'initiative dans un pays comme le Burundi, dont l'histoire est traversée de crises cycliques. *Il faut travailler d'arrache pied pour retrouver un climat de paix et de développement durable*, a-t-il dit. M. Djelid a terminé son discours en citant le préambule de l'acte constitutif de l'Unesco : « *Les guerres prenant naissance dans l'esprit des hommes, c'est dans l'esprit des hommes que doivent être élevées les défenses de la paix* ».

Ensuite et dans la même voie, Mesdames Solange Vasse, Représentante du Haut Commissariat des Droits de l'Homme au Burundi (OHCDHB) et Mme Gillian Kitley, Chef de l'Unité Droits de l'homme au sein de l'Opération des Nations Unies au Burundi (ONUB) se sont exprimées. Elles ont décrit brièvement la situation des droits de l'homme au Burundi. Comme l'énonce le Premier rapport du Secrétaire Général sur l'Opération des Nations Unies au Burundi publié le 25 août 2004<sup>2</sup>, celle-ci s'est sensiblement améliorée depuis la conclusion des accords de cessez-le feu avec le principal mouvement rebelle mais beaucoup reste à faire. Les exécutions sommaires, les violences sexuelles, les détentions illégales se poursuivent. La situation est particulièrement préoccupante dans la province de Bujumbura rurale

Sur le plan socio économique, le Burundi a enregistré une croissance négative de 1% en chiffres réels. Ce qui n'a fait qu'aggraver la situation humanitaire. On estime à 67 % la population qui vit sous le seuil de pauvreté.

<sup>2</sup> Conseil de Sécurité, S/2004/682, Nations Unies, 25 août 2004.

Les deux interventions se sont rejointes pour souligner la pertinence et le moment très adéquat de former des praticiens dans les domaines des droits de l'homme et de la Résolution Pacifique des conflits vu le contexte actuel du Burundi. Le processus de paix est bien engagé mais reste encore fragile sur le plan de l'état de droit.

Mme Kitley a profité de l'occasion pour rappeler l'objectif de l'ONUB au Burundi : soutenir et accompagner les efforts entrepris par les burundais pour établir durablement la paix et la réconciliation nationale dans leur pays, comme prévu dans les accords d'Arusha. Dans le domaine des droits de l'homme, l'OHCDH se focalisera davantage sur le renforcement des capacités (la formation) tandis que l'ONUB du monitoring (l'observation). Dans ce dernier cadre 40 observateurs des droits de l'homme seront déployés dans 5 bureaux extérieurs à celui de Bujumbura.

Mme Vasse a réédité, quant à elle, la volonté de l'office de collaborer et soutenir les projets de la Chaire Unesco.

M. l'ambassadeur de Belgique a pris à son tour la parole pour rappeler les orientations de la politique belge dans le domaine de la coopération. La (re)construction de la société figure parmi les secteurs prioritaires. Il englobe section juridique, droits de l'homme et éducation à la paix. Plusieurs programmes sont actuellement en cours d'exécution. A cet égard, il a remercié en particulier les agences belges intervenants au Burundi (CTB, APEFE, CUD et CGRI).

La DGCD a permis ainsi de meubler l'ensemble des locaux (y compris le centre de documentation et la salle de cours). L'APEFE a mis à la disposition de la Chaire deux assistantes techniques (longue durée), a fourni un équipement informatique et bureautique et a appuyé le DESS par le soutien de 2 missions visiteurs. La CUD et le CGRI se partagent le soutien des 4 autres missions de professeurs visiteurs...

C'est grâce à la synergie et la bonne collaboration de l'ensemble de ces partenaires que la mise sur pied du DESS a pu se concrétiser. Dans ses remerciements, M. l'ambassadeur n'a pas négligé les organisations non gouvernementales belges présentes au Burundi depuis le début du processus de paix dont RCN Justice et Démocratie.

Mme Deville a conclu cette seconde partie en intervenant à plus d'un titre (à la fois coordonnateur de programme à la CUD, professeur aux Facultés universitaires Saint Louis, professeur visiteur dans le cadre du présent DESS (elle y enseigne le sociologie des droits de l'homme). Elle a présenté, d'une part, l'inscription du DESS dans le programme quinquennal de la CUD (2003-2007) et d'autre part les perspectives du soutien futur de la CUD au DESS.

La programmation 2005 au Burundi comprend notamment le renforcement des capacités des premier et second cycles (missions d'enseignement et matériel didactique, stages de perfectionnement pour les professeurs de la faculté des Sciences, bourses doctorales, etc.), l'appui au 3<sup>ème</sup> cycle (DEA en chimie, Math physique, DESS) ainsi que l'appui aux ressources documentaires et au désenclavement de l'université grâce à l'informatique

En ce qui concerne l'appui au 3<sup>ème</sup> cycle, et au DESS en droits de l'homme et Résolution pacifique des conflits, Mme Deville a souligné l'intérêt de la CUD pour l'ouverture de l'accès du DESS aux étudiants issus des provinces intérieures du pays ainsi que de la sous région. Elle a évoqué la longue expérience dans ce domaine de la Chaire Unesco de l'Université d'Abomey-Calavi à Cotonou.

### **SI AYO GUHORA « Cela n'est pas à taire »**

C'est au son du tambour sacré du Burundi que les acteurs de la troupe SI AYO GUHORA ont envahi le cercle formé par les nombreux spectateurs invités (plus de 300). La pièce qu'ils viennent jouer a été créée par Mme Frédérique Lecomte, dramaturge et metteur en scène belge, dans le cadre du programme « pour une égale protection devant loi » de l'ONG RCN Justice et Démocratie,

présente au Burundi depuis décembre 2000. Les 10 acteurs qui composent la troupe sont des artistes issus de toutes provinces, et origines confondues.

M. Sibomona, assistant de projet, à RCN Justice et Démocratie, annonce le spectacle «*Après le spectacle chacun donnera son propre titre. Nous n'allons pas mâcher pour vous. Ce spectacle raconte ma vie, ta vie, la vie de tous les burundais, les injustices vécues au quotidien, les personnes qui demandent pardon, les mamans pleines de douleur, prenez tout et mâchez vous-même... Nous vous invitons à un voyage dans le brouillard, et à en sortir dignement afin que nous puissions dire « plus jamais » dicté par le cœur*».

Le spectacle joué par la troupe de RCN Justice et Démocratie est un outil de sensibilisation et de réflexion sur les questions fondamentales à la base de droits de l'homme : la dignité humaine, la justice, la liberté d'expression, le droit à la terre, etc. Il est d'habitude suivi par un temps de réaction du public.

Faute de temps, ce débat n'a pas pu démarrer dans le cadre de la cérémonie mais un nouvel espace s'est ouvert sur le campus de Gihosha : celui du dialogue ... «*Nous espérons que ce lancement portera chance au DESS, à la Chaire Unesco et à l'Université du Burundi, aux Droits de l'homme et à la Résolution pacifique des conflits au Burundi.* »

Le programme était dense et chargé. La fin de la journée s'est terminée par une réception au CELAB (Centre des langues) préparée par une association de femmes réfugiées, et où tous les participants, acteurs, étudiants, distingués invités confondus étaient cordialement invités.

Oraires	Activités	Intervenants
14h30 15h30	<b>Accueil des invités et présentation du programme</b>  <b>Introduction et présentation du DESS en Droits de l'homme et Résolution pacifique des conflits</b>  <b>Ouverture officielle du DESS</b>	<i>I. Brouillard</i> Assistante Technique Chaire <i>J. Ngorwanubusa</i> Responsable Chaire <i>G. Gatunange</i> Responsable du DESS <i>D. Nimpagaritse</i> Recteur de l'université
15h30 16h30	<b>Interventions et mots d'encouragement des Partenaires de la Chaire Unesco :</b>  <b>UNESCO, OHCDH, ONUB,</b>  <b>Coopération Internationale Belge, Association pour la Promotion de l'Enseignement et la Formation à l'Etranger, Coopération Universitaire Développement, et Commissariat aux Relations Internationales</b>	Mesdames Messieurs les Représentants de l'UNESCO, OHCDH et ONUB  <i>M. Léo d'AES,</i> Ambassadeur de Belgique <i>Mme A. Deville,</i> Prof. à la Faculté Saint Louis de Bruxelles <i>M. D. Kiganahe</i> Ministre de la Justice
16h30 18h	<b>Spectacle SI AYO GUHORA</b>	Troupe RCN Justice et Démocratie
18h 20h	<b>Réception au CELAB</b> <b>Lieu: CELAB Campus Mutanga – Université du Burundi</b>	Association de femmes de Buterere (JRS)

## **HUMAN RIGHTS EDUCATION - WHO NEEDS IT?**

Prof. R. Sampatkumar

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In the early nineties, I was assigned to Cambodia as part of the United Nations Transitional Authority in Cambodia (UNTAC) which was established to ensure implementation of the Agreements on the Comprehensive Political Settlement of the Cambodian Conflict, signed in Paris on 23 October 1991. The Mandate included aspects relating to human rights, the organization and conduct of elections, military arrangements, civil administration, maintenance of law and order, repatriation and resettlement of refugees and displaced persons and rehabilitation of Cambodian infrastructure. As Provincial Director, I was the counterpart of the Governor of the Province and was responsible to carry out the UNTAC Mandate in all its aspects within the Province.

To organize and conduct free and fair elections and to create conditions for the people to work toward economic and social progress it was indispensable that each and every one was made aware of her/his rights and responsibilities. Without the personal involvement and wholehearted participation of the Cambodians, elections and establishment of democracy would be hollow and meaningless. Hence, I devoted much of my time and energy to human rights education. Human Rights officers prepared and conducted courses, seminars and discussion groups targeting the Cambodian population. I was personally responsible for granting official recognition to various political parties, and I regularly met with political party representatives to apprise them of their rights. Prisoners and civilians were often mistreated with utmost cruelty by the police, prison officers and the military. The only way to reduce such incidents was by making the police and military officers aware that everyone had certain inalienable rights and that a more humane treatment by the police and military personnel was called for.

Imparting human rights education in a real-life situation was different from writing research papers or teaching in classrooms. On the one hand, one came face to face with practical, human problems in convincing a population that never had a similar opportunity before to assume and exercise these rights. On the other hand, it became clear that acknowledging others rights was equally, if not more important. In the decade that followed the completion of my assignment with UNTAC, I became even more circumspect as I got intimately involved in promoting human rights worldwide.

The spectacular advances in science and technology, transport and communication that we have witnessed during the last six decades have opened up a rare opportunity to annihilate physical distances, overcome religious and cultural differences, communicate with one another rapidly, gradually rub off national borders and explore the world around us and the space beyond. The closeness to one another fuelled by the unstoppable phenomenon of globalization in economic, political and cultural terms obliges each one of us to recognize and respect others rights too!

When it comes to human rights education we tend to divide the world into two: (i) those needing such education; and, (ii) others able to exercise many if not most of the rights enshrined in the

Universal Declaration and are reasonably assured of the goodwill and support of their government, social institutions and civil society in maintaining and expanding these rights. Those in the first category belong to countries ruled by despots and dictators suppressing their subjects and denying them freedoms. Until the demise of the Soviet Union in 1991, political ideology was the yardstick to determine whether a country's population was starved of basic rights and freedoms. Nationals in the Soviet Union and in countries under its influence were considered, *ipso facto*, oppressed and denied of human rights. After the fall of the Berlin wall and the dismantling of the Soviet bloc, we still find countries ruled by undemocratically installed dictators who continue to trample over the basic rights of their populations with impunity. Beyond doubt, there is an urgent need for promoting human rights through intense educational programmes in these countries. Education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect for human rights with regard to all individuals without distinction as to race, sex, language or religion.

The World Conference on Human Rights held in Vienna from 14 to 25 June 1993, in its Declaration and Programme of Action, stated that 'human rights education, training and public information were essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace'. The Conference recommended that States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It called on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings. Pursuant to this suggestion, the United Nations General Assembly, in its resolution 49/184 of 23 December 1994, proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, and welcomed the Plan of Action for the Decade contained in the report of the Secretary-General. At the closing of the Decade in 2004, it was acknowledged that though the Decade had been a catalyst in eliciting some positive responses from governments, there remained much to be done. In December 2004, the General Assembly of the United Nations launched the World Programme for Human Rights Education as a follow-up to the efforts undertaken during the Decade. The World Programme for Human Rights Education during the first phase (2005-2007) would focus on primary and secondary education by integrating human rights issues into curricula.

In the fifties and sixties multilateral development assistance was oblivious to the human rights situation in beneficiary countries. For instance, in spite of various U.N. General Assembly resolutions urging the World Bank to stop lending to the racist regime in South Africa, the Bank took cover under its Mandate to be apolitical in its lending policies which were based on pure economic considerations, and did not comply with U.N. resolutions. However, in the decades that followed, due to the persistent urging of non-state actors such as intellectuals and civil society, the Bank slowly acknowledged that human rights and good governance had a direct link to economic considerations for according development aid.

Human rights and human rights education have become the buzz words in today's world. Following the Second World War, a new world order came into being, putting respect for human rights alongside peace, security and development as the primary objectives of the United Nations. In September 2000, world leaders gathered in New York and adopted the Millennium Declaration setting out Millennium Development Goals with the main emphasis on human rights. Increasingly, many developed countries' foreign policy and development aid statements emphasize the importance of

promoting and respecting human rights by third world governments as a pre-requisite for establishing bilateral relations and enhancing development aid.

The United Nations Commission on Human Rights, created in 1946 as a subsidiary body of the Economic and Social Council (ECOSOC), was given the mandate to establish and monitor human rights standards in member countries. In recent years the Commission, which annually meets in Geneva for six weeks, had come under severe criticism for being excessively bureaucratic and ineffective, allowing political considerations to overshadow a genuine desire to uphold human rights principles and practice. Countries with the worst human rights record sought and obtained membership to the Commission and thereby managed to escape scrutiny and condemnation. Other member countries were prepared to turn a blind eye to these violations when it suited their own national interests and foreign policy goals or political horse-trading. In its December 2004 report on UN reform, the High Level Panel recommended, *inter alia*, several changes in the composition and work of the Human Rights Commission. Based on these recommendations, the UN Secretary General has proposed in early 2005, several measures to improve the membership, mandate and working methods of a successor body, when created.

In a recent announcement, the European Union Commissioner for Human Rights indicated that the Centre against Torture Centre in Vienna will become a full-fledged Human Rights Organization of the European Union by 2007. The new organization will review the policy and legislative aspects of human rights in countries which are members of the European Union and candidate countries. The organization will not entertain individual complaints on human rights violations but will concentrate on strengthening institutions and mechanisms in implementing a human rights regime.

Notwithstanding these initiatives, achievements so far have remained modest. In Srebrenica, Rwanda and Darfur, to name but a few places, the right to life was denied to hundreds of thousands of innocent people as the 'civilized' world stood by passively. Violence against millions of women in the form of genital mutilation, rape and physical injury or death by spouses and their families in the name of honour are still continuing in many communities. In pursuit of excessive profits, overseas investors and multinational companies exploit workers without providing decent wages and acceptable working conditions in many third world countries in Asia and Latin America. The international community and U.N. Member States, in particular, are reluctant, citing national interest or political expediency, to censure governments under whose authority and control these human rights violations are perpetrated. The high level of cooperation in the war against terror extended to the U.S. authorities by the Sudanese government, together with China's oil interests and Russia's arms trade, paralyzed the U.N. Security Council from taking effective action in response to the genocide in Darfur.

As pointed out in Amnesty International's 2005 Report, "in September 2000, world leaders adopted the Millennium Declaration, with human rights as a central thread, and asset of Millennium Development Goals, which established some concrete and achievable targets by 2015. They cover issues such as HIV/AIDS, illiteracy, poverty, child and maternity mortality, and development aid. But progress on the Goals has been agonizingly slow and woefully inadequate. They cannot be achieved without a firm commitment to equal respect for all human rights – economic, social and cultural as well as civil and political." The list is not exhaustive!

It raises the question of whether or not we are right in dividing the world into those who need human rights education and those who do not. Human rights, like love, need to be constantly nurtured in order to be sustained. If taken for granted, human rights will, with the passage of time, regress into the background and, eventually, fade away. While each individual should be made aware of her/his rights, conditions conducive to enjoying those rights must be created and maintained. In our globalized,

interdependent world, institutional and individual actors have the sacred duty to accept that others too have rights and that every individual action has a corresponding effect on the welfare of other people within and outside national boundaries

Following are some of the ways in which we can act responsibly. Both formal and non-formal education should focus on preparing our children and youth to become responsible global citizens, sharing with and caring for others. Citizens and non-governmental organizations should impress upon their respective governments and politicians that in formulating and implementing foreign policy respect for human rights should not be overlooked in deference to national interests. Whenever material goods and services are known to be produced through inhuman treatment of the labour force or by environmental degradation, consumers should demonstrate their opposition by boycotting those products and services. Human rights activists and the media should relentlessly expose human rights violations everywhere, thereby lobbying with those who can act appropriately against perpetrators, be they individuals, groups or governments. The United Nations, its member- governments and the Secretariat should expeditiously reform the system and institutions which can restore dignity to the people and ensure their social and economic well-being. Where ever one is on this plant and whatever his/her situation in life may be, human rights must be learned and respected.

Every right has a correlating with responsibility. Everyone needs human rights education and a reminder, from time to time, of the responsibility that goes with it.

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## TOWARDS A CULTURE OF PEACE THROUGH INTERCULTURAL EDUCATION

Johanna Lasonen

### Objectives

The purpose of the *UNESCO Chair programme in Intercultural Education* has been to establish an ethically sustainable intercultural education programme generating new ways of teaching and researching in higher education. The main objectives of the Chair in Intercultural Education according to the Agreement between UNESCO and the University of Jyväskylä have been as follows:

- Coordinating the improvement of curricula of intercultural education for teacher training and promotion of competence of higher education teachers and other professionals of education in intercultural education;
- Coordinating the development of appropriate continuing education programmes of intercultural education for teachers;
- Developing new multidisciplinary and international research initiatives for intercultural education material development and methodology, and wide dissemination of results;
- Establishing a network of researchers, civil servants and students working in the field and improving the quality of intercultural education among immigrants;
- Promoting collaboration and understanding on intercultural education at regional and international level; and
- Organising national and international meetings and seminars on intercultural education.

As the area of Intercultural Education represents a cultural aspect of education, it covers education system framework. The objectives have been specified at the education system level, curriculum development and professional networking. The activities focused on international comparisons of education and training systems, research on learning intercultural competence through work, and teaching and training professionals. Structural and cultural violence might be hidden in the educational systems and structures if education and training contribute to tracking certain groups of people to low status jobs and positions in societies.

### Can Education Systems Hide Violence?

Multi- and intercultural education involves questions linked with and reflections on conceptions of the human being and knowledge, curricula, teaching, learning, administration and learning environments. Education includes beliefs and explanations that reveal how far ethnic diversity is being valued. An education that sees the surrounding diversity in a positive light shapes the experiences, life styles and identity of individuals and groups towards an acceptance of a multicultural world.

Global education emphasises knowledge, skills, attitudes and responsibilities linked with perceiving and understanding the world as a single interconnected entity. *Multicultural education and intercultural education* have found increasing use in schools, colleges, polytechnics and universities as we have become aware of the diversity of student and work communities.

Differences between the concepts of multicultural education and intercultural education been understood here from the learning and teaching contexts where teachers may work.

*Multicultural education* prepares the learners to adjust themselves to live and work on a daily basis in multicultural communities and working contexts. This concept is often used in the context of adjusting immigrant groups to new home countries or in the context of mediating between different parties of ethnic conflicts. *Intercultural education* prepares the learners to act as interpreters and mediators between different cultures. This concept is often used in the context of international cooperation and promoting understanding between different cultures which may not necessarily be in close contact with each other. The purpose of intercultural education is to prepare students to adapt to, live, and work in multicultural work communities and in a multicultural society. Education with the aim of promoting intercultural understanding, intercultural education, has the additional goal of training people to act, adopting a cooperative approach, as mediators and interpreters between different cultures. Intercultural competence refers to attitudes, knowledge, skills and a social and cultural awareness needed when one operates in intercultural situations. Training for expertise in diverse contexts involves not only an awareness of values linked with and attitudes towards multiculturalism but also a global perspective on teaching and research.

In Europe, one of the regional efforts has had a target for internationalisation of academic and vocational higher education during the last ten years. Means of aiming to mobility of workforce have included providing chances for cross-national and intercultural experiences and travelling to the masses of people instead of limiting those opportunities for the privileged. However, the focus has *rather been on promoting mobility of workforce and unifying the qualifications than on understanding diversity in schools and working teams, and at work*. The goals of intercultural education and *intercultural key qualifications may be missing from academic, vocational education and teacher training*. Therefore, the UNESCO Chair programme of the University of Jyväskylä has focused on creating the conditions of inclusive colleges and workplaces for diverse students and citizens. *Intercultural education is seen within the framework of education for peace, human rights and democracy*. As inclusive teaching and learning practice is rooted *in values of equity and social justice*, examination of process-oriented models of developing cross-cultural competencies will be considered.

### **Human and Material Resources**

The UNESCO Chair has been located in the Institute for Educational Research at the University of Jyväskylä, Finland. The activities of the Institute are funded by the external and secured budget-based funds. UNESCO Chair, Dr Johanna Lasonen, has been employed and paid by the University of Jyväskylä. The other members of her research and development teams have received funding from the external agencies, mainly from Academy of Finland. In 2004, the team consists of UNESCO Chair, three contracted project researchers, three visiting research fellows, and six doctoral students.

The UNESCO Chair in Intercultural Education has received about 350.000 euros funding to employ the researchers in 2004. The funding of the University of Jyväskylä was about 50.000 euros in 2004). UNESCO Chair, Dr. Johanna Lasonen has received the following funds to cover the activities of her research team and the functions of UNESCO Chair:

- Research funding from Academy of Finland (Lasonen, J. & Kemppainen, R.): *The Roles of the First and Second Language in Immigrant Education to Achieve Bilingualism in Finnish Elementary Schools* (156 090 euros)
- Research funding from the Academy of Finland (Lasonen, J. & Azizi, N.): *Comparisons of Some European and Iranian Education and Training Systems* (42 000 euros)
- Research Funding from the Academy of Finland (Lasonen, J. & Okkolin, M.: *Educated Girls in Tanzania: Socio-Cultural Interpretations of the Meaning of Education*) in 2004-2006; (87 120 euros)

- Funding from the Ministry for Foreign Affairs (Lasonen) for inviting the experts and researchers from the Developing Countries to the Pre-conference on *Promoting a Culture of Peace* and to the Conference on *Intercultural Education: Teaching and Learning for Intercultural Understanding, Human Rights and a Culture of Peace* 2003-2004, and to publish a report with them: (90 000 euros)
- Research Funding from Academy of Finland (Lasonen, J. & Tuomi, P.: *Pre-Service Teacher Training and Continuing Education for Intercultural Competence at the Primary Level in Finland*) in 2003-2005: (120 000 euros)
- Research Funding from Academy of Finland (Lasonen, J. & Raheem, K. & Kupari, P.: *Measuring indicators of sustainable development in school curriculum in Ethiopia, Ghana and Nigeria* : (133 400 euros)

## Activities

### 1. Research/Education/Training

In her capacity as Chairholder of the UNESCO Chair, Johanna Lasonen has lead the research team and programme on *International Development in Education and Training* in 2004-2005 ([www.ktl.jyu.fi/ktl/english/research/ridet](http://www.ktl.jyu.fi/ktl/english/research/ridet)). The purpose of the research programme is to look at the internationalisation of education from a comprehensive viewpoint. The process is investigated by exploring international development and interculturalisation at different levels and analysed the interaction between these levels.

The UNESCO Chair has contributed to designing relevant master programmes that are related to the field of education and training and to international development and intercultural exchanges. Dr. Johanna Lasonen participated in preparation of the UNESCO International Meeting on Innovation and Excellence in TVET Teacher/Trainer Education, 8-10 November 2004 in Hangzhou, China, organised by ITB in University of Bremen, UNEVOC and the Chinese Ministry of Education. As a result of the Meeting, the International Framework Curriculum for Master Degree for TVET Teachers and Lecturers based on 12 vocational disciplines was established ([www.unip-net.org](http://www.unip-net.org)). Hangzhou Declaration (<http://portal.unesco.org/education/unevoc/>) expresses the international consensus of the need of such MA degree programme in the universities around the world.

#### ***The following training sessions are worth mentioning:***

Lasonen, J. (2004). *Intercultural communication and dialogue*. 25-26 May 2004, China University of Geosciences, Beijing, China.

Lasonen, J. (2004). *Intercultural education and identity*. 23-27 February 2004, China University of Geosciences, Beijing, China.

Lasonen, J. (2004). *Implications of the UNESCO Conference on Intercultural Education for degree programmes*. Training session for the university faculty, 22 January 2004, University of Jyväskylä, Finland.

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## 2. Contribution to Conferences/Meetings

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Azizi, N. & Lasonen, J. (2004). *Work-based learning in European context: A critical reflection on new challenges*. 14<sup>th</sup> International TVET Conference of IVETA. 25-27 August, 2004, Vienna, Austria

Lasonen, J. & Bhalalusesa, E. (2004). *A comparison of girls' participation in education in Ethiopia and Tanzania*. Conference on Multiple Marginalities: Gender and Education in the Global, Local and Transnational World. 2-4 June 2004, University of Helsinki, Finland

## 3. Missions and Presentations/Travels Abroad

Lasonen, J. (2005). *The place of diplomas in the reform processes of national certification: A foreign debate*. Seminar with QÉREC and the French Ministry of Education. 18 February, 2005, Paris, France.

Lasonen, J. (2004). *The role of inter-cultural education as vector for dialogue: Sharing experiences*. Rapporteur of the Session. UNESCO's Asia-Pacific Regional Conference on Dialogue among Cultures and Civilizations for Peace and Sustainable Development. 20-21 December 2004, Hanoi, Vietnam.

Lasonen, J. (2004). *Accreditation of the new higher-level MA programmes*. UNESCO International Meeting on Innovation and Excellence in TVET Teacher Education, 8-10 November 2004, Hangzhou, China.

Lasonen, J. (2004). *Beyond tolerance: Higher education a haven for intercultural dialogue?* Rapporteur for Higher Education and Dialogue. IAU's 12<sup>th</sup> General Conference. 25-29 July 2004, Sao Paulo, Brazil.

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Lasonen, J. (2004). *A conceptual framework for intercultural learning and dialogue in higher education*. International Association of Universities (IAU), Seminar on Intercultural Learning and Dialogue, 12-13 November 2004, University of Central Europe, Budapest, Hungary.

Lasonen, J. (2004). *Education and training for innovation in Finland*. Keynote speech. International Forum on Educational Model and Policy Issues for Cultivating Talented Students. 22-23 May 2004, University of Zhejiang, Hangzhou, China.

## 4. Visiting Professors / Fellowships

Associate Professor, Dr. Nematollah Azizi, Kurdistan University, Sanandaj, Iran (March-December 2004): Comparisons of European education systems – Lessons in Iran

Professor Jin Chen, Zhejiang University, Hangzhou, China (August 2004): Comparison of promoting innovation in higher education between China and Finland

Professor Gordon Mitchell, University of Hamburg, Germany (August 2004): Multicultural education and interculturality in Hamburg

Professor, Dr. Johanna Lasonen has been appointed as

- Visiting Professor in Intercultural Education at the University of Kurdistan, Sanandaj, Iran
- Distinguished Visiting Scholar at the Centre on Education and Work, University of Wisconsin-Madison, USA

## 5. Information and Documentation Activities

The knowledge base titled ICE Network (Intercultural Education Network) continued to function in collaboration with Dr Sabine Manning ([www.b.shuttle.de/wifo/ice/=base.htm](http://www.b.shuttle.de/wifo/ice/=base.htm)). The purpose of the knowledge base is to promote the collaboration and information exchange between the researchers, teachers and administrators from the developing countries who attended the Conference on Intercultural Education held at the University of Jyväskylä, Finland, June 2003.

**Additionally, UNESCO Chair wrote the following articles were published:**

Lasonen, J. (under review). A conceptual framework for intercultural education. *Higher Education Policy*.

Lasonen, J. & Bhalalusesa, E. (under review). A comparison of girls' participation in education in Ethiopia and Tanzania. *Multiple Marginalities: Gender and Education in the Global, Local and Transnational World*.

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Lasonen, J. (2005). Kulttuurien välinen kasvatusta ja UNESCO [Intercultural education and UNESCO]. In T. Varis (Ed.), *Uusrenessanssiajattelu, digitaalinen osaaminen ja monikulttuurisuuteen kasvaminen* (ss. 155-168). Helsinki: OKKA

Lasonen, J. (2004). Workplaces as learning environments: Assessments by young people after transition from school to work. *Berufs- und Wirtschaftspädagogik* (2), 7 [Online] <http://www.bwpat.de>

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Stenström, M-L., Parkin, C., & Lasonen, J. (2004). Comparing workforce development systems in Western Europe. In J.W. Rojewski, International perspectives on workforce education and development (pp. 243-272). Greenwich, CT: Information Age Publishing, Inc. ISBN: 1-59311-199-1

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Azizi, N. & Lasonen, J. (2004). Work-based learning in European context: A critical reflection on new challenges (20 pages). Conference Proceedings of the 14th International TVET Conference. Vienna, Austria: Festo Didactic GmbH & Co.KG

Lasonen, J. (2004) (Ed.). *Cultures of Peace: From Words to Deeds*. The Espoo Seminar Proceedings 13-14 June 2003. Working Papers 18. Jyväskylä: University of Jyväskylä, Institute for Educational Research. ISSN 1239-4742

The publication titled “Cultures of Peace: From Words to Deeds” brings together the central statements by 53 experts from 25 different countries of their ways of promoting a culture of peace. The writers display the rich diversity of efforts to foster cultures of peace underway in different parts of the world and the broad range of approaches to the promotion of intercultural understanding adopted in various national contexts. The report has six sections. Part I looks at intercultural understanding as a factor that promotes peace and equity. Part II focuses on multiculturalism, interculturalism and values. Part III considers peace as well-being for all. Part IV argues that the promotion of peace enables humanity to learn to live together. Part V foregrounds the implementation of peace education in curricula. Part VI sums up a wide-ranging discussion and draws concrete conclusions. The final section of the book presents the contributors and provides their contact information.

Lasonen, J. (2004). Poverty and powerlessness in Ethiopia: Shaping gender equity through technical, vocational education and training. In R. D. Lakes & P.A. Carter (eds.), *Globalizing education for work: Comparative perspectives on gender and the new economy* (pp. 97-110). Lawrence Erlbaum Associates, INC., Publishers

Lasonen, J. & Lestinen, L. (2004) (Eds.). *Intercultural education: Teaching and learning for intercultural understanding, human rights and a culture of peace*. (2<sup>nd</sup> edition). UNESCO Conference Proceedings. [CD-ROM Jyväskylä: University of Jyväskylä, Institute for Educational Research.

This CD-ROM disk contains the invited keynote and plenary session addresses given and the conference papers presented at the international UNESCO Conference on International Education held in Jyväskylä, Finland on 15–18 June 2003. About 350 experts from 72 countries covering all global regions have expressed their intention to contribute to the following subthemes of the conference programme: (a) learning environments, (b) inclusive approaches and identities, (c) values, beliefs and controversial issues in pedagogy, (d) academic professionalism, (e) communication and language, (f) knowledge construction, and (g) diffusion and transformation. The disk contains also the conference’s Programme and Abstracts book (.pdf), intended to help the reader gain an overview of the materials and find the articles relevant to their interests. At the end of the book there is an author index that identifies the theme and type of academic activity under which each author’s paper was presented, making it possible to locate the article on the CD-ROM disk.

## Impact

The *central activity* that has been undertaken after the UNESCO Conference in Intercultural Education, has been a series of stock-taking events contributing to knowledge development on the field of intercultural and multicultural education. These events have progressed from national seminars for interested educational actors to international UNESCO and IAU conferences and workshops.

The *networking activities* have developed a coherent set of local, national and international support networks and working partnerships that could link the theme of intercultural education to innovative curriculum initiatives and to field-oriented research cooperation activities. These activities have been partly linked to the joint project with IAU.

The *framework-creating activities* have been integrated to diverse international research themes and research cooperation activities of the chair holder. Some contributions have been related to the monitoring and accompaniment of the Education for All, EFA process. Furthermore, these activities include groundwork for new research initiatives to be implemented after completing the project of UNESCO Chair in Intercultural Education. Dr. Johanna Lasonen initiated a new international doctoral programme in intercultural education by designing an application to Academy of Finland. If the funding is allocated to the new international programme, one third of the doctoral students will be recruited from developing countries, preferably from Africa.

*Research activities* have been focused on comparisons on education and training systems to the extent to which they promote parity of esteem between different groups of people and between different education pathways. The second, teacher's intercultural competences, and the third sustainable development have been investigated. Teaching and research done in 2004 have brought another aspect to international education policies and practices in Finland and Europe.

### **Forthcoming Activities and Development Prospects**

The forthcoming activities focuses on (a) research, (b) thematic networking among the experts from developing countries, and (c) a new international doctoral programme in intercultural education. There will be no activities in the framework of UNESCO Chair in Intercultural Education at the University of Jyväskylä when the term of office has come to an end on February 28<sup>th</sup> 2005. The post of UNESCO Chair in Intercultural Education no longer exists in the University of Jyväskylä, Finland as of March 1, 2005.

The UNESCO professorships are intended to promote *academic collaboration and solidarity* world-wide with a view to diminishing disparities in educational levels and technological and scientific expertise. Higher education establishments are believed to produce and develop knowledge that modern societies can use in *endeavours to solve the problem of inequality*.

Concerning the context and concrete objectives of the Chair Programme on Intercultural Education, a meaningful strategy and action plan for activities is necessary in order to focus on promoting solidarity in higher education. However, *the term of the UNESCO Chair expired February 2005*. The two periods, each of them lasting 2 years, have been too short to develop the sustainable activities of knowledge production and dissemination for intercultural education in higher education. Nevertheless, *UNESCO's UNITWIN programme provides the excellent framework and status for the purposes of internationalising higher education*.

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## Tolerance and equality in multicultural society

Alena Kroupová; Eva Šotolová

### I. Looking for solutions of visible problems

Alena Kroupová

In Europe, we live in a diverse world, but equally we live in a world that depends on cooperation and mutual understanding. One new reality of our contemporary situation is that immigrants have become an integral part of our communities. In other words: European communities have become multicultural. They can no longer be defined as consisting of local citizens on the one hand and immigrants on the other.

In the Czech Republic (CR), as in the whole Central Europe, development of the multicultural society during the last fifteen years is in permanent changes. This concerns all spheres of the life: practical (movement of people), legal (adjustment of former legal norms), social (sharing the space, work and its outcomes), educational, etc. Let us look in this context on the issue concerning migrants and refugees. In our legal order, it is not quite clear how to define migration. E.g. is a person living outside his/her country of origin for more than one year becoming an international migrant? May he/she be a student, a tourist? As a result of this uncertain definition we recognize migrants as foreigners and sometimes there is no border between these two groups. Just the same as with the number of migrants and refugees - there is a lack of reliable data (from the Foreign Police), and the available data is often incorporable.

A similar problem we face concerning the number of members of national minorities. According to the national law, citizens of the CR can declare as their nationality whatever they want. But this can bring problems particularly *for safeguarding equal human rights to education*. (The census in the year 2001 found out only 12 thousands Roma population living in the CR, i.e. 0, 1% of the whole population. Anyway, realistic estimation speaks about 200 thousands members of Roma minority.)

It is without any doubt that education is playing a crucial role in human behaviour, mutual understanding and interpersonal relations which effect stability of multicultural societies, the European Union among them. Education in all stages must seek how to promote progress towards a tolerant multicultural society. Universities are responsible for educating well-balanced human beings who have respect for themselves and for others and an empathetic understanding of different traditions and cultures.

#### **How to assure equal right to education in our multicultural society**

I would like to deal with some problems and questions concerning the **equal right to education** and also some experiences, **positive outcomes** of educational practice and surveys, **results of monitoring and evaluation** which the **Human Rights Education Centre (HREC) of Charles University** has gained during last three academic years.

Concerning education of minorities, migrants and foreigners, there are three crucial obstacles which jeopardise the equal right to education (guaranteed by the Czech Constitution):

- The culture of migrants and foreigners is often unknown.
- There is poor knowledge of their mother tongue in the CR – a lack of native speakers as interpreters.
- There is limited preparedness of the Czech teachers for education in multicultural classrooms.

HREC tries to assist in providing positive solutions of these problems and has started educational programmes for diminishing some of them. The following projects have been initiated:

- General preparation of teachers for education in multicultural classes,
- Preparation of teacher assistants for children from national (Roma) minorities,
- Affirmative actions for children from national minorities.

#### **1. Preparation of Teachers - Main Activities of the Human Rights Education Centre (HREC)**

In the school year 2001/2002, the HREC introduced into the pre-service studies for student teachers at Charles University in Prague the subject **Principles of multicultural tolerance**. From the year 2004, the subject is also taught at the South Bohemian University in České Budějovice and at the University of Ostrava. Its content was in the academic year 2004/2005 extended by the aspects of “mass media literacy”.

The subject links together the issue of multicultural education, education for tolerance, human rights and democracy, the innovative changes of studies, and training of communicative and methodological abilities. Thus, it creates prerequisites for visible progress in teacher's studies particularly in multicultural society. In the academic year 2004/2005, about 100 students finished their studies of this subject. In 2005/2006, the course will be further developed as compulsory training for all student teachers at Charles University.

Current aims of the subject are

- To study the principles of civic legal consciousness;
- To promote students' interest in their future professional and private lives;
- To provide ways to participate in activities focused on non-conflict cohabitation of different cultures.

The following **principles** are to be applied to the education of students, as prerequisites for developing an adequate multicultural and intercultural dimension, to:

- Recognise the interactions between cultures;
- Recognise the value of different cultures in a way which does not hide relations of dominance but enhances the status of minorities' and migrants' cultures;
- Help introduce the intercultural dialogue in all areas of school life;
- Help develop mutual solidarity and acceptance in the whole community of the school;
- Recognise and value the symbolic role of the presence of mother tongues in the school;
- Recognise the potential of the arts to develop an appreciation of different cultures;
- Promote communications between the school, the home, the social environment, in which the children live and the whole community.

The following **themes of lectures** (academic year 2004/2005) are designed to approach this aim:

- Introduction in the philosophy of human behaviour, humanitarian legislation, human rights, disadvantaged and violated groups of inhabitants;
- Multicultural societies, principles of tolerance, intercultural approaches and dialogue;
- Possibilities and forms of mutual understanding, state of law, sub-national community, culture of peace;
- Conflicts and their non-violent resolutions, crisis intervention, safety and solidarity;
- Refugees, asylum-seekers, migrants, creation of equal opportunities (on the labour market) globalisation;
- Social and cultural needs, cultural anthropology, world religions;
- "Watching dog" – role of media, new role of teachers in multicultural society and "mass media literacy".

## 2. Preparation of teacher assistants for children from national (Roma) minorities

### Training course for Roma auxiliary educators – teacher assistants.

This educational activity can be introduced as an example of good practice. It is organised in cooperation with the NGO 'Humanitas', mutually with the members of Roma minority. HREC is responsible as a professional guarantee for the programme and its implementation.

Czech legislation stipulates equal rights to education for all children. In reality the situation is not as simple as it may seem. In particular, as to the children from Roma ethnic, some of their parents often do not consider school education as important as majority population does. Therefore untraditional ways for raising interest in education are needed, both for children and their parents. **Roma auxiliary educator - teacher assistant** is a person, who works as an assistant of the teacher, generally at preschool facilities and primary schools. This person can above all help the children get accustomed to basic school rules and can initiate efforts to improve the communication between parents and school.

The course for these assistants is organised as a 10 days residence seminar. Total number of participants in the course used to be 20; number of lecturers is about 10 persons (two of them of Roma origin). Main activities focus on improvement of **communication skills, particularly in the Czech language** – including literacy skills of reading and writing and introducing equal human rights into relations between children, their parents and teachers. Creation of the atmosphere of mutual confidence between learners and lecturers as well as feeling of security was the precondition for successful training process. At the very beginning the attention is given to finding whether the participants are able to follow spoken information and instructions, so that they can communicate effectively their replies and opinions.

Working methods which they learn are very important for their future activities: Learning to learn, individual learning, working in small groups (playing theatre, games, discussions, creating project, resolving conflicts in a non-violent way), visits at schools, participative method in the plenary, daily evaluation and self evaluation, e.g. by using dartboard where every participant can express his/her opinion, satisfaction or requests. At the end of the course, every participant had to write the final seminar paper and to undergo an individual final exam. Then he/she can obtain **the certificate** entitling him/her to the employment as auxiliary educator / teacher assistant.

One of the main purposes of this activity is overcoming the lack of interest for education among Roma communities; raising the educational level of Roma citizens as a background for their higher employability and promoting esteem for education within the Roma population in general.

Recruitment of participants is organized by district social Roma representatives in co-operation with headmasters of the schools. This activity contributes to reducing local unemployment among Roma citizens, creating better conditions for Roma children in particular at the pre school facilities and the first grades of primary school. In the CR during the last 5 years, more than 250 Romany auxiliary educators / teacher assistants passed through these training courses.

For the future, we recommend the integration of this activity with necessary adjustment into the formal educational system as a form of lifelong education for members of different minority groups.

### 3. Basic research on further affirmative actions for equality in education

In 2004, the HREC started first steps of a deeper research on **Equality in a multicultural society** with the main aim of developing

- an understanding that the diverse society in which we live must recognise the imperative to act with tolerance and responsibility in relation to social, political, cultural and environmental factors; and
- a meaning that knowledge, in whatever construction, is a means to new understandings, and an appreciation of the interconnectedness of our world.

There are several theses which create the background for following-up our research:

1. We live in an increasingly diverse and multicultural world – we belong to different cultural, ethnic, religious and linguistic group, but we share one planet - which each segment tends to regard its own values, its own needs.
2. Some of the former philosophical studies understand that human beings are deemed to be equal because of their shared similarity. Equality is taken to consist in treating them in more or less the same way and giving them more or less the same body of rights. We cannot ground equality in human uniformity because equality is no more important than human differences. It means that human beings can be treated equally in those respects in which they are similar and not in those in which they are different.
3. Equal rights do not mean identical rights, for individuals with different cultural backgrounds and needs, they might require different rights to enjoy equality. Equality involves equal freedom or opportunity to be different, and treating human being equally requires to take into account both their similarities and differences.
4. In a **culturally homogenous society** individuals share broadly similar needs, norms, motivations, social customs and patterns of behaviour. Equal rights here mean more or less the same rights, and equal treatment involves more or less the identical treatment.

In a **culturally diverse society**, once we take cultural differences into account equal treatment would mean: not identical, but differential treatment, raising the question as to how we can ensure that it is truly equal across cultures and does not serve as a tool for discrimination or privilege.

5. Taking cultural differences into account, as the general rule how we can for them ensure equal rights, seems that different treatments of individuals or groups are equal if they represent different ways of realizing the same right, opportunity or whatever other respect. In a multicultural society one might sometimes need to go further and grant not only different but **additional** rights to some groups and individuals.

6. Since **multicultural societies** represent inter-play of different cultures, they cannot be **managed from one of them**. **Multicultural** perspective is mainly determined by safeguarding cultural diversity and **intercultural dialogue**.
7. A multicultural society cannot be stable without developing **the common sense of belonging among its citizens**. This cannot be ethnically based on shared cultural, ethnic or other characteristics (which is for the multicultural society too diverse), but **politically in nature and based on the shared commitment to the political community**. In this light the **Charter of Basic Rights of the European Union** may be the key opening the door to European identity.

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Bell, D.: *East meets West, Human Rights and Democracy in Asia*, Oxford 1999

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Parekh, B.: *Rethinking Multiculturalism*, New York 2000

## **II. Evaluation and monitoring tools of multicultural education**

Alena Kroupová and Eva Šotolová

Editorial remark:

In a second part of the contribution, the authors present a very specific paper on approaches applied and experiences gained at the Human Rights Education Center (HREC), Charles University Prague, in the field of evaluation and monitoring tools of multicultural education. At this place, a short introduction into this project is provided, together with a survey of topics and ‘tools’ dealt with in this context.

Readers, interested in the full text of the material, are invited to contact the following address:

Charles University in Prague, Human Rights Education Centre, Jeruzalémská 9, 110 00 Prague 1, e-mail:

Education for multicultural tolerance means qualitative adjustments and changes of contents and methodology of education, as well as qualitative changes of monitoring and systematic evaluation of the whole process and its outcomes. If monitoring and evaluation should bring concrete information, their contribution is very important. As substantial part of this process is the handover and publication of gained information. In all these cases formulation of the findings should be very apposite and intelligible.

Monitoring means systematic pursuance and supervision of the project implementation, which points to measuring and evaluation of concrete outcomes. Only through adjustment and evaluation we can raise effectiveness of an educational process and particular educational activities.

Multicultural education includes also basic human rights, respect to the others, dignity, tolerance and appreciation of human equality, that could be seen as a difference compared e.g. with the aims of subjects like mathematics or natural sciences. The content of multi-cultural education is not only knowledge but also care for behaviour of individuals in school, at home, in surroundings. While standard methods of monitoring and evaluation (questionnaires, surveys, tests) are intent on gained knowledge, evaluation of multi-cultural education requires higher creativity to find if we have achieved main target – change of attitudes. Therefore, it is suitable to use **qualitative evaluation tools such as opened interviews, case studies and inspections in classrooms** (concrete examples in the annex of this paper).

Experiences gained by monitoring and evaluation of multicultural education will be the first visible results of the new educational strategy which are planned in the so called ‘*White Book*’ of the Ministry of Education, Youth and Sports of the Czech Republic. Therefore, information on the strategy of monitoring and evaluation of multicultural education should be an inevitable part of research in education.

## **Selected part of the paper**<sup>1</sup>

Both, education for multicultural tolerance and intercultural education, are based on education for human rights and democracy and introduce new theoretical and practical aspects into the Czech school education system. Their new characteristics request qualitative adjustments and changes of contents and methodology of educational activities. It is without any doubt, that qualitative monitoring and systematic evaluation of the whole process and its outcomes can describe the real support of multicultural education for the required progress in human behaviour.

Experiences gained by monitoring of the HREC's educational programmes on multicultural tolerance, human rights and rights of the child, support the new educational strategy of the Czech Ministry of education, youth and sports. Let us share with you several evaluation and monitoring tools which – according to our experiences – can be also used in other countries for qualitative evaluation of multicultural education including human rights, democracy and tolerance.

### **1. Purposes of monitoring and evaluation (M&E)**

Education for multicultural tolerance means qualitative adjustments and changes of contents and methodology of education, as well as qualitative changes of monitoring and systematic evaluation of the whole process and its outcomes. Whereas multicultural education is in school education largely innovative element, its monitoring and systematic evaluation are the basic conditions of its success.

Monitoring is realized as **systematic pursuance** and limited supervision of a programme. During monitoring we record our observations and gather information both for immediate modifications of educational programmes and for further long-term applications. Monitoring does not mean only actual information about obtained results, but it is also instrumental for identification of problems, for determination their reasons and for proposals of possible solutions. Monitoring must always arise from good knowledge of basic standards of multi-cultural education and also from knowledge of local/regional specifics. It insists on personal experience of evaluators and on findings gained in discussion with involved specialists (headmasters, teachers) and students.

Evaluation concerns a wide range of subjects and instruments of multicultural education. Among them **feedback** – as a result of an observation of independent evaluator - is a significant tool for improvement of the contents and methods of education. Efficiency is the main criterion for quality of particular teacher's activity and quality assurance of particular schools. It points out to what level the desirable outcomes were achieved. Criteria of educational process can be considered as instruments improving its efficiency.

### **2. Principles of monitoring and evaluation**

Monitoring of new educational programmes supports *efficiency and credibility* of their conceptions. During monitoring we notice our observations and collect information for immediate adjustments of educational programmes and also for further long-term use. Obtained information can help other institutions, because the main mission of monitoring is to find ways for improving the current situation in the widest context. Monitoring is possible only when the concept is *transparent in all periods* – from proposal to realization.

The important part of supervision of the implementation of a programme is *the ability to measure concrete outcomes*. Only through adjustment and evaluation we can raise efficiency of an educational process and particular educational activities.

Monitoring does not record only actual information and attained outcomes, but it can help identify problems, to set their reasons and to propose possible solutions.

Monitoring is based on good knowledge of basic standards of multicultural education, but also on knowledge of local/regional specificities. The educational process cannot be based on dogmatic assertion of rules, i.e. monitoring is also based on personal experience of the evaluator and his/her knowledge attained from personal dealing with teachers and students. Sometimes it is suitable to use experiences and opinions from wider surroundings – from parents, local organs and organisations.

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<sup>1</sup> Selected by Eds.

### 3. Specific features and strategy of monitoring and evaluation of multicultural education

Multicultural education within the school system includes also basic human rights, respect to the others, dignity, tolerance and appreciation of human equality, what could be seen as a difference compared e.g. with the aims of subjects like mathematics or natural sciences. The content of multicultural education is not only knowledge but also *care for behaviour* of individuals in school, at home, in surroundings.

The evaluation of impacts of multicultural education therefore involves the range of important questions: „How do we find if educational programme leads to higher self-respect of particular students and do students recognize when their rights could be violated?“

While standard methods of monitoring and evaluation (questionnaires, survey, tests) are intent on gained knowledge, evaluation of multicultural education requires higher creativity to find if we have achieved the main target – the change of attitudes. Therefore, it is important to use qualitative evaluation tools such as open interviews, case studies and inspections in classrooms.

#### Survey of the remaining parts of the paper

- A. To define the target groups
- B. To describe the situation in the school (classroom, group of students)
- C. Methods and tools for obtaining information
  - C 1. Analysis of educational programme and materials
  - C 2. Evaluation and monitoring tools
    - Questionnaire (structured, semi-structured)
    - Open interview (semi-structured)
    - Test
    - Inspection (in the classrooms)
    - Case study
    - Group interview
    - Written record
  - C 3. Reviews of materials used in the programme
  - C 4. Review of literature
- D. Evaluators
- E. Examples of concluding observations
  - Positive key findings
  - Negative findings
  - Monitoring and evaluation of educational programmes promotes their efficiency and credibility
  - Using the information for further decisions.

Monitoring is a long-term and also difficult process. In principle, it requires to carefully search data from several resources and attained information, and to check and compare them. It is important to know that outcomes of evaluation are only part of the possible resources of information for further decisions.

#### Annex

Set of tools and samples of evaluation and monitoring of multicultural education

- A. Existence of discriminating behaviour
- B. Manifestations of discriminating behaviour in a school
- Self evaluation of teacher's work from the point of equal opportunities
- Evaluation of multicultural education by teachers and pupils
- Evaluation of student's accessibility to new ideas (“open-mindedness”)
- Self-evaluation of attitudes of a student (teacher)
- Evaluation and Monitoring Tools of Multi-cultural Education:



## Culture of Peace: Definition, Scope and Application

Yaacov Iram

### Introduction

This paper follows an international conference: Education towards a Culture of Peace, convened by the UNESCO/Burg Chair at Bar-Ilan University in December 2003, supported by UNESCO and attended by participants from 13 countries. This conference was followed by a Workshop at the University of Technology at Dresden, Germany, in July 2004. A continuation panel named Educating towards a Culture of Peace, was presented at the Comparative and International Education Society's conference convened at Stanford University (March 2005). This panel focused on issues related to "Education towards a Culture of Peace" in light of the United Nations' declaration of the years 2001-2010 as the "International Decade for a Culture of Peace and Non-Violence for the Children of the World."

Achieving a Culture of Peace within a society and between societies is a noble goal, but also a complex task. A Culture of Peace implies more than a passive and quiescent state due to an absence of war or violence, or a formal agreement between rivals. To attain a Culture of Peace, a society must actively strive towards positive values, which enable different cultures and nations to harmoniously coexist. Understanding the shared and unique values of different people and cultures paves the way to establishing a pluralistic society. These goals are hard to achieve in countries which suffer the outcomes of an existing conflict, where present tensions and past patterns of aggression remain obstacles to reconciliation and change.

Within the Israeli context this entails striving towards fruitful coexistence between Jews and Arabs, Israelis and Palestinians, as well as between people from different socioeconomic strata and political - ideological convictions.

Of the three possible strategies to achieve peace: "Peace keeping", "Peace Making" and "Peace Building", education is concerned mainly with the later, namely conveying a commitment to non-violence enhancing the capacity for peace and fostering positive attitudes.

We will present, discuss and analyze different aspects and programs of a Culture of Peace and the role that education can play imparting the values of tolerance, multiculturalism and peace. It is our hope that dialogue between national adversaries will result in better understanding of the educational factors working to facilitate peace.

### Culture of Peace - Definition, Scope and Application

The state of the world today clearly indicates that we educators, educationists and other professionals involved and in charge of education, have failed in our goals to make our world a world that improves the material well being of peoples and promotes a peaceful state of existence for all.

What we have now is a world in which social exclusion, alienation, intolerance, violence and war are widespread. Poverty abounds and the division between North and South is growing. Race, ethnicity, gender and religion are the basis for social exclusion, alienation, intolerance and war. There are of course some enclaves of success here and there, but in general, politicians, policy initiators, decision makers, educationists and educators, have failed in improving the human condition. Not only arms or weapons, but also poverty poses a threat, to social stability and peaceful coexistence within nations and between nations.

Thus for example, India's President Narayan in a speech on the occasion of India's 50<sup>th</sup> Anniversary (reported in the Herald Tribune, January 26, 2000) warned that, "the Rich poor gap endangers India's existence" Well-known studies in the U.S., England and Germany show that youth of lower socioeconomic strata are less tolerant and more often engaged in racist incidents and hate crimes. The same is true for marginalized groups who turn to alienation, violence and xenophobia.

Social injustice endangers the peaceful coexistence of societies, and international peace.

Should the present grave situation of destitution, illiteracy, intolerance and war lead us to despair or hopelessness? Not at all. To the contrary – we should increase our efforts.

The purpose of this article is to delineate the problems, to point out the promises and importance and to assess the prospects of education for peace. In many respects we all are expected to do groundbreaking work since there are no "good roads" which have already been paved and that could lead us to reach our goals in Peace Education. In other cases, where roads exist we should improve them and make them more accessible.

There is a common aphorism, which says: When the Guns are shooting the Muses keep silent. That of course can not be the case with the Muse or "Goddess" responsible of peace education. We should speak up, double our efforts and work harder. And this is true more so at the present sorrow state of events whether in the Middle East, Iraq, Sudan or in other parts of the World, from A to Z, Afghanistan to Zimbabwe including the United States or Iraq.

I would like to conclude my introductory remarks with a Rabbinic quote from the Mishna more than 1800 years old (codified in < .200 C.E.). "The world rests on three pillars: on justice, on truth and on peace which are one and the same: for if there is justice, there is truth and if there is truth, there is peace". To these, we might add three more "pillars": Tolerance, Pluralism and Peace.

Before moving on we need to define these three terms: Tolerance, Pluralism and Peace.

Tolerance implies a willingness to tolerate a position, idea or behavior, which is expressed by a person but considered to be wrong by his fellow. Nevertheless the other acknowledges its existence, respecting the right and freedom of the other person to express them and to conduct his life according to those ideas and beliefs. The tolerant person may react in a "negative" - passive way, namely ignore or overlook views which he objects to. He might also react in a "positive" - active manner by supporting and defending the right of another person to express ideas, which he might consider wrong.

Tolerance developed initially in religious societies where majority-minority patterns of interaction existed and tolerance was manifested by respecting the rights of minority groups or of individuals, different in beliefs, views and behavior from those of the majority.

Pluralism developed in liberal-secular societies. Pluralism implies more than tolerance toward attitudes, views ideologies and modes of behavior, which deviate from those of the majority. These are viewed not only as tolerated, but valuable, though different, and therefore both the ideas and their supporters, have to be respected.

The pluralistic attitude might also appear in a "passive way", namely, a factual recognition of diversity in a society, or could be expressed in an "active-normative" form of assigning equal value to the other's views, attitudes and modes of behavior.

The pluralist, as opposed to the tolerant is determined to get into a dialogue with those whose values are different from his.

Most societies and states are diversified nationally, religiously linguistically, culturally, ethnically and socio-economically. In order to achieve a state of peaceful coexistence instead of constant struggle, there is a need for a meaningful and continuous dialogue leading to mutual acceptance and viewing cultural pluralism as a valuable asset to societies. The Pluralistic attitude is a prerequisite for Peace.

## Peace – Culture of Peace

The United Nations have adopted the terminology "Culture of Peace" rather than the term Peace. As defined by the United Nations, "A Culture of Peace" is a set of values, attitudes, modes of behavior and ways of life that reject violence and prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation among individuals, groups and nations", a "culture of peace" implies more than a passive and quiescent state due to an absence of war and violence. To attain a culture of peace, one must actively strive toward positive values, which enable different cultures and nations to harmoniously coexist. These values are based on helping the underprivileged, sharing knowledge, and fostering tolerance between peoples.

Tolerance leads to the establishment of a pluralistic society both of which are a prerequisite to peace. They require an understanding of both the shared and unique aspects of different peoples and cultures, and their potential contributions to the wellbeing of all.

We live in an age saturated with advances in information technology and telecommunications. In this turbulent era of change, people rediscover the need for regional identity as well as the need for values. Stable values provide security in a continually changing world. The dignity of the individual represents a basic value, which serves as a stepping-stone to other values: freedom of speech, freedom from suffering, and tolerance, which is a prerequisite to attaining an enduring peace. This is in line with the "Four Freedoms" declared by President Franklin Delano Roosevelt in 1941: freedom of speech and expression; freedom of every person to worship God in his own way; freedom from want; freedom from fear.

Education plays a paramount role in imparting the values of tolerance, multiculturalism and peace to the next generation. Through tolerance, one can strive to transcend religious and political boundaries, and bridge cultural and ethnic differences. Tolerance and pluralism require both knowledge of what people share in common, as well as understanding of their differences. Without this awareness, there can be no multi cultural education, and no peace education.

## Conclusions

The overarching aim of peace education is to help a new generation build a tolerant society by respecting the rights of individuals and groups, and thus contributing to the greater good of all. The future of all democratic societies will be determined by the ability of the next generation to internalize an informed understanding of the meaning of human values, tolerance and peace, as well as intercultural and geopolitical coexistence. The experience and findings generated by various projects aimed at education toward a culture of peace may benefit both the Israeli and Palestinian societies, as well as other societies, in coping with animosity resulting from diversity.

Education towards pluralism, tolerance and peace in diverse, multicultural and multiethnic societies requires two conditions:

Knowledge of the 'common' and understanding of the differences. Without the knowledge of the common there is not and cannot be pluralism and peace. Without understanding and accepting the differences, there will not be pluralism and peace. We share common values even though they come from different religious-cultural sources.

One might say that "all education, let alone peace education is Utopia. But that's no reason to stop trying. It's a long job but it's worth the effort."

I dare to think that if the Mythical Sisyphus was alive in these days, Zeus would condemn him to heave the rock of peace up the steep hill. But is it a curse or rather a blessing? Following Albert Camus' 'Le Mythe de Sisyphus', I would suggest to accept his interpretation that it is a blessing, representing humans' relentless drive to improve the human condition, in our case through peace education.

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## **1<sup>st</sup> UNESCO/EURED In-Service Teacher Training Course “Human Rights and Peace Education in Europe” 2004-2006**

Werner Wintersteiner

### **1. Europe as a power of peace?**

The crisis of the European Union after the denials of the European Constitution in France and in the Netherlands clearly indicates that the European idea can no longer remain an exclusive matter of the political class. If Europe wants to become truly united, European citizens have to be more involved in the construction of the Union. For too long a time, *Europe* was used both as a menace and as a scapegoat for the egoist interests of national politicians all over the continent. Most of the time, the European political class pays only lip-service to the European Union, but in fact, so-called “national interests” are still predominant. The fact that politicians have organised national referendums (instead of an all-European one) is a signal that they are using the “European card” for national ambitions. No wonder that the people take this opportunity to settle national accounts with their politicians.

Civil society is a decisive factor in order to create a common political culture in Europe. It is up to the ordinary people, organised in the form of NGOs, to the intellectuals and to the youth, to raise their voice and to create forums of dialogue and structures for action at a European level. What is needed is a common public sphere in Europe in which civil society plays an important role.

Many politicians proclaim in their “Sunday speeches” that Europe is a peace project – but in fact, it is the duty of civil society – and not at least of the peace movement – to make this promise come true. The debate of how to construct a social Europe, a democratic Europe and a *peaceful vision* of Europe has only just begun. One important topic of this debate must be education. Through education (understood in a large sense, not only school education) a slow but long-lasting change may be achieved.

According to this philosophy, EURED, a network of peace educators in eight European countries, East and West, has started the project “European Education as Peace Education” in 2000, the UN “Year of a Culture of Peace”. Very soon it turned out that the best way to have a sustainable impact on education is through in-service teacher training. One can hardly find a country in Europe where peace education is established as a compulsory element in teacher training. Thus, in-service training is practically the only way to achieve innovations and prepare institutional changes. For an international project like EURED, in-service training is indeed the only possibility of having an effect on the divergent school reality organised according to national principles. This is the reason why EURED focused from the beginning on preparing a curriculum for a European course on in-service training.

### **2. The EURED course – a tool for European education as peace education**

So far, there is no sustainable teacher training for peace education at a European level. Sometimes, a specialised training for different areas is offered, sometimes consisting of single seminars for an all-European audience. But the aim of EURED is more ambitious. EURED has developed a pioneer project on in-service teacher training in Peace and Human Rights education,

- not as a single activity, but as a *comprehensive curriculum*, in the form of a course,
- not for a single country, but for *the whole of Europe*, which means not only the countries of the EU, but all European countries
- not for a special group of teachers, but *for all teachers* and teacher trainers (all subjects and all school levels) as well as for informal education.

After four years of preparatory work, the UNESCO/EURED course “Human Rights and Peace Education in Europe” has started in the historic year of the EU enlargement in 2004. The University Course of Klagenfurt University, Austria, is held in co-operation with the Austrian Commission for UNESCO. The course is officially recognised by UNESCO.

The *aim* of the course is to promote peace and human rights education as content as well as method, through the choice of issues, the commitment and pedagogical skills of trainers and speakers, and creativity in learning methods. The *combination of theory and practice* is used as a training style, and as an approach which offers resources. The *group of participants* itself is an important resource during the course. The participants use their individual experiences and their backgrounds in group work and networking.

The programme offers in-service teacher training on peace and human rights education as a comprehensive curriculum in the form of a *two year course* comprising five seminars, practice assignments, electronic networking and a final paper. These effort are necessary because education, understood as self-education, takes time. Participants cannot internalise the basic attitudes of Peace and Human Rights Education in one seminar. There has to be time for input, reflection, and action research, in order to achieve stability and flexible reactions in new situations.

The course is tailored for teachers working in formal as well as in informal education and teacher trainers from European countries both inside and outside of the European Union. *Europe* is included in the curriculum as a topic, an aim and a “learning material” for peace and human rights education. Every seminar takes place in another European country. In this way, the *venue* is used as a learning resource and a tool to discover different aspects of the political and cultural reality of the continent.

The *methodology* for the course is that participants, facilitators and experts shape the seminars together, drawing on the resources they bring to this course and on the case studies and NGOs to be found in the respective countries where the seminars take place. The ongoing e-learning contacts will establish a European network of practitioners in Peace and Human Rights Education.

### **Overview of the Course Programme**

The following table gives a more concrete picture of the course contents. All three summer seminars have a five-days-format (plus an arrival and a departure day); the two winter seminars are shorter, 3 to 4 days of work.

Not all details of the programme are fixed in advance. As a pilot course, the curriculum is not too strict; it is always open for modifications in order to meet the needs of participants. For instance, in seminar 2 they have chosen among a wider offer which methods they want to focus on in seminar 3.

Date of Seminar	Main Topic	Venue	Activities at Home
Summer 2004 Seminar I	“Human rights, peace, peace education and culture of peace – basic knowledge”	Gernika/Guernica, Basque Country (Spain)	Practice Assignment I
February 2005 Seminar II	“Human rights and human rights education – theory, policy and practice”	Magdeburg (Germany)	Practice Assignment II
July 2005 Seminar III	“Human rights and peace education – methodology of teaching”	Budapest (Hungary)	
February 2006 Seminar IV	“Specialisation – selected topics”	Bozen/Bolzano (Italy)	Specialised Study
July 2006 Seminar-V (Conference)	“Human Rights and Peace Education in Europe”	Stadtschlaining (Austria)	

### 1<sup>st</sup> Seminar: Gernika/Guernica, Basque Country, Spain

The first seminar took place in the historic venue of Gernika, Basque Country/Spain (24 – 30<sup>th</sup> July 2004). Gernika, once the centre of Basque political life, is the town that was destroyed by Nazi bombings in the Spanish Civil War. Under the shock of this event, Picasso created his famous painting. But Gernika, today, is also in the heartland of the conflict between Basque separatists and the Spanish government.

With 34 participants from 15 European countries and the USA, the UNESCO/EURED course has successfully started. For one week, the intercultural seminar group was facilitated by two international course directors, *Mireia Uranga Arakistain* (Basque country/Spain; teacher trainer on Peace Education, head of the department of peace education of Gernika Gogoratuz) and *Diane Hendrick* (UK/Austria; free lance consultant, trainer and researcher in Conflict Transformation). It is a characteristic feature of this course that the two directors accompany the participants during all seminars. This requires, of course, more effort and is more expensive than a series of independent seminars, but it contributes definitely to the quality of the programme.

The participants were trained by international and local experts to acquire a basic knowledge of peace and human rights education in Europe, including *Betty Reardon* (USA; founding director of the Peace Education Programme at the Columbia University Teachers College, and co-founder of the Global Campaign for Peace Education), *Juan Gutiérrez* (Basque country/Spain; facilitator in efforts to resolve the Basque conflict, founder of the Peace Centre Guernika Gogoratuz) or *Werner Wintersteiner* (Austria; EURED-director, teacher of didactics at the Institute for German Studies at Klagenfurt University and member of various peace initiatives) and *Iratxe Momoito* (director of the Gernika Peace Museum). She introduced the museum, which is constructed and used as a pedagogical tool, based on the extraordinary reconciliation process within Spanish society as well as between Spain and Germany. The tensions in the Basque country were also the topic of the field study that the group carried out during its visit in Bilbao, the economic centre of the country.

Furthermore, the participants prepared a project plan to realize in the next phase of the program. The outcomes of the assignments are placed on the internet for all participants to read and comment.

### **Seminar 2: “Human Rights and Human Rights Education” Magdeburg, Germany, February 2005**

The venue of Seminar 2 was situated in Magdeburg, Germany. The seminar was organized by the EURED working group in co-operation with the peace centre in Siegen and the University of Magdeburg. The 22 participants came from all over Europe: Armenia, Austria, Cyprus, Georgia, Germany, Greece, Italy, Malta, Norway, and Spain. Eighteen of the students also attended the first seminar. For the others Magdeburg was the first part of the course, after an initial introductory assignment.

Seminar 2 focused on Human Rights and Human Rights education. Sessions included: “Human Rights Education in Times of Terrorism”, by *Karl Peter Fritzsche*, chair holder of the UNESCO chair for Human Rights Education at Magdeburg University. Other local experts presented topics such as “The European Court for Human Rights”, “Conflict Mediation in Schools and in the community”, or a “Pupils Simulation of the United Nations”.

All venues of the seminars are carefully chosen and used as an educational tool during the course. Magdeburg is a city in the former GDR (German Democratic Republic), which still feels the consequences of the re-union with West Germany. Hence a visit was paid to a former Stasi-prison (Stasi is the secret police in the former GDR). The former Stasi-prison is now a monument, kept in the same way as it was during the time of the GDR. The visit made participants understand how a strongly controlled state makes citizens become fearful and depressed, and how we always have to be alert to protecting human rights in a democracy, even when the democracy is threatened by terrorism.

Apart from the topics of human rights and the situation in Germany, the seminar was dedicated to presentations of the projects participants had worked on during the time between seminars and on planning for the future networking and practice work for school.

### **Seminar 3: “Methodology of Human Rights and Peace Education” Budapest, July 2005**

The upcoming 3<sup>rd</sup> seminar, in Budapest, is organised in co-operation with the *Foundation for Human Rights and Peace Education*, a local NGO and member of EURED. The director is *Eva Borbely Nagy*. This seminar, beginning in the second year, will focus on the methodology of peace education. International and local experts will introduce the participants to drama in education, critical use of textbooks, field work, project methods and many other techniques. The field study will focus on the situation of the Roma in Hungary.

### **3. Outcome of the course: A mid-term reflection**

As the evaluation of the first two seminars shows, so far participants are quite satisfied with the contents and the methods of the course. However, the EURED course aims to be more than a good training programme.

The EURED programme is practice oriented. The aim of this course is not just to train teachers to become better peace educators, but to make them “multipliers”, to enable them to carry out projects and to spread their knowledge to a wider audience in their country. The practice assignments

stimulate the participants to reflect their teaching practice, to start new initiatives and to discuss them in the group, in order to get feed-back and to improve them. Thus, the proof of the quality of the EURED programme is the number and the quality of the projects the participants are able to develop with the support of the course.

We are happy to see that since its inception, the EURED programme has had an impact not only on participants but also on a wider audience in every hosting country. In the summer of 2004, for the first time, a special course on peace education was offered in the annual Basque Country Summer University, supported by EURED members acting as trainers, and under the auspices of the Basque Minister of Education. This summer school was able to take place due to the fact that the first venue of the EURED programme was the Basque country.

In the autonomous region of Friuli-Venezia-Giulia/Italy, a network of teachers working for peace education projects was created by one of the participants of the UNESCO/EURED course. The network was sponsored by the regional Government and provided with the know-how of EURED. Furthermore, two congresses on peace research and peace education were organised at Udine University, with the support of EURED.

In other countries, participants of the course are working on the creation of special peace education projects using international co-operation, based on the EURED vision and knowledge.

In Luxemburg, for instance, the participant of the course is the co-ordinator of UNESCO ASP-network. In May 2005, she organised a regional meeting of national co-ordinators of Europe and North America *Education for Peace and Sustainable Development*. This five-day conference provided an excellent opportunity to exchange ideas, to enhance stable contacts between the co-ordinators and to redefine ASP-Net priorities for the region.

In the Netherlands, a group of teachers at Utrecht University convinced the university authorities to organise a EURED Summer School.

Two participants from Gyumri, Armenia, members of the NGO “Women for Development” (have started a project on peace education and formation of a peace culture among pupils, called “*Open*” *Peace Classes: Pupils for Pupils*. They have successfully trained pupils to become peer mediators and peace makers in their schools. After this success, it was decided to make the conducting of “Open” Peace classes a beautiful tradition and spread the classes into other schools in the city.

All these achievements in the several countries have an impact on the group as a whole. When listening to the papers of their peers, the participants acquire a better knowledge of the very diverse reality in Europe. The “European dimension”, an abstract idea at the first seminar, is becoming more and more concrete, when a participant from Georgia meets a teacher from Norway, or Turkish women discusses their situation with their peers from Greece. The participants compare the situation in other countries with the problems they face at home and thus, receive new insights and a new hope. Slowly, a network of peace educators, linked by common (seminar) experiences and shared convictions, is growing. EURED is striving for mutual support and co-operation among the participants, even after the course is finished.

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## **Education, intercultural dialogue and development of democratic attitudes – Reality and perspectives in South-eastern Europe**

**Prof. Rumen Valchev, Bulgaria**

Albanian, Rumanian and Bulgarian students work in a pizzeria in Turin – they are connected by the endeavor to work no matter in what conditions in order to survive and to financially support their studies, heir poverty vis-à-vis surrounding affluent society, and by the desire to become successful and to be incorporated into this world. In the very same time they are very different and spiritually far from one another, this is not a joint effort but a situation in which they do meet occasionally because of the need to earn a living and not because they do have the need to be together. The pizzeria constitutes a small Balkan society of educational actors – in an environment far from education, in conditions of competition and hostility they discover their similar fates, but also take this environment as a step towards a future which will be different for everybody.

If we leave aside the metaphor of different educational human destinies, let's try to find an answer to the question – does a coordinated educational policy provide better chances for development and cooperation in the Region and **how does contemporary education influence the building of cooperation models based on dialogue**, understanding and the creation of common spaces in the process of democratization?

What is the educational situation in the Region today in the light of the processes of European integration, globalization and of the advancing incorporation of countries to the democratic norms and order?

Interstate cooperation is not enough in a moment when the need for coordinated educational policies is the biggest in the Region's history. The former socialist educational model and order was universal at first sight but also resulted in very similar social structures and practices, performed in closed communities and consequently not suitable for effective cooperation.

Today the affiliation to the European democratic educational space (this is a very conditional term indeed) takes the form of internalizing and copying western models of policy and educational approaches, of a one-sided connection with donors and countries from the European Union, of competition for access to resources. This affiliation does not lead to unification of efforts for joint management of these resources.

Despite the obvious similarity of educational problems and challenges, political elites solve problems of modernization and change by themselves – **the lack of political cooperation in education is obvious and civic cooperation, even though it models future processes, is insufficient** in terms of the undeveloped state of civic national societies and their lack of enough resources.

**The outside support for educational changes still mainly follows national borders**, despite obvious attempts like the Stability Pact, EU and UNESCO programmes, as well as private attempts (like George Soros's network of mainly educational – political structures) to support common processes and interaction in education.

The combination of social ignorance and populism, inherited from the communist years and increased during the years of change is not a sound foundation for cooperation.

The social and cultural context of educational developments in the Region - coexistence and tradition, modernity and post modernity – is quite ambivalent in terms of the need for interaction.

Similarly for accomplishing educational tasks and developments are so multifaceted that it is difficult to coordinate them within the national societies and the whole social energy in these areas is engulfed by them.

Transforming **totalitarian societies cannot internalize so quickly the ideas on domestic and international cooperation**. They inherited from communism a black and white vision of the world, the emerging market economy and the growing social differentiation within the countries consolidate the conflict model of the perception and building of a new reality, and such a model is destructive for areas

such as education. Due to a lack of contacts and knowledge as well as tradition, this obsolete model of knowledge and action is transmitted to the **image of the neighbor**. “**He is a rival and thus we cannot build plans together** – especially in education where we are so different due to history, language, culture, and we are equal in our poverty and the desire to attract resources from one and the same countries”.

Educational public figures themselves are so immersed in the events that they have neither the perspective nor the ability to analyze and understand the things happening within the neighboring educational systems, to share experience, to introduce good practices and policies elaborated on the other side of the border.

This is a paradox for a Region - a cultural epigone during the centuries, in which the educational developments of a hundred years ago, during the communist times and now, are strikingly similar.

Social differentiation, which hampers the forming of a coherent national educational policy so much, is accompanied by a **differentiation of the ways of moving the national educational systems towards the democratic model**, which really undermines the idea and possibilities for cooperation.

The transition to democracy in education is a process of mastering different ways of articulation of educational interests, for their interconnection into a **Social Educational Contract** – this task is not accomplished at a national level in any of the societies in the Region, a fact which diminishes the chances for formulating and signing such a Regional Contract.

Political elites are not ready for such action and are still ignorant in terms of the perspectives which it could open, and civic societies are not strong enough in order to articulate and impose such a model of cooperation as an educational priority.

Ruined old educational systems and the relative failure to build an active democratic model arouse and provide indicative social types of defence reactions such as: concentration on the past, idealization of a former educational reality; support and “enrichment” of the hidden totalitarian educational programmes with elements like national uniqueness; the myth of the good old education based on order, security and predictability; mistrust and even contempt towards freedom and participation in education; towards the power of emotions, spontaneity, creativity, fear of religion, disbelief in educational potential and the possibilities of public interference in education. These types of protection hamper the setting of mutual interests, the coordination of efforts and every society hopes only to win or to get the most prizes for a **separate movement on their own path towards democracy in education**.

Teachers and educational figures, closed in their battle for accomplishing material interests and restricted to be isolated by the society school system, actually reproduce these categories on a mass scale and take this isolation for granted.

Western Europe is an objective and the “European Project” - a norm; therefore the neighboring educational reality is unfamiliar with and exotic. It does not provide motivation for understanding or being associated with poverty, narrow - mindedness, etc.

It is a common opinion that **nationalism** is one of the main reactions in post-communist societies. The nature of nationalism is respect for the power of the past, in looking into unaccomplished plans, in missed historic moments, in the resurrection of past enmities and oppositions. In fact nationalism is a denial of differences or asserting only one’s own difference within one’s territory. Overcoming nationalism is not only dealing with its negative aspects – the question is how to use the energy, the attitudes it possesses and fosters, the power of traditions connected with it for a beginning of an international dialogue, how **to connect the idea of national identity to the establishment of democratic order**, how to keep this identity in periods of transition and uncertainty, how to build European identity based on its positive elements?

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Education during transition is a contradictory process. On one side the influence of traditional institutions for socialization such as family and school (not to mention church, army and political system) is decreasing and there is more influence from the means of mass communication, entertainment industry, business – i.e. uncontrollable and non-pedagogical institutes for socialization. In fact in our societies with the disintegration of traditional institutions and the still distant European dimension we can talk about an

increasing process of **independent and consequently random socialization, regardless of the control and desires of society.**

The other side of contemporary education of the transition period is **the democratization of the educational system**, the consolidation of the idea for education.

The most important about this idea is the fact that **young people's personalities and the opportunities for personal development are in the centre of educational efforts.** The building of a **personal project for development** and realization of certain social skills and attitudes, necessary for this development are the system's aim and consequently the educational process is directed towards the future, knowing and envisaging the world around us, as well as towards preparation for life in transition and development of the necessary collective skills for cooperation and dialogue.

Democratization in education means **respecting the interests of all main educational actors**, the development of their subjectivity, and the creation of conditions for their self-governance. The other side of this process is the development of cooperation and interaction processes whose aim is **the working out and ratification of a Social Contract in education.**

This process actually means building new relationships between educational actors, rejecting the model of one-sided imposition of development schemes by the political power, strengthening the processes of negotiation, cooperation and looking for mutual interests and benefits.

In a society of changes, focusing on past divisions is unproductive policy not only for individuals but also for the group or for the whole population. Life in transition suggests exploration and understanding of the future, developing strategies and cooperative interactions (at a family, at work, at community, on national and international level).

In other words every actor in education should be looking for its place in a **consensus model**, which accepts the existing differences. Something more – due to close interests, education is the sphere where this consensus model is very easy to be performed. **Education is the area which sets an example of cooperation and dialogue to the other areas in social life.**

Knowledge has always been the foundation of education but for the first time it is turning into a main resource of society. It is also an unlimited resource unlike land, wealth, capital. In other words, **knowledge is also an objective basis for interaction, cooperation, common benefits.**

It does not possess dividing power and cannot oppose people and communities like it happens in a society based on wealth, land, capital and on the ideologies accompanying these factors.

Something more, the acquired contemporary knowledge in education is not only individual set of rules for socialization and survival but is experienced, shared, practically directed, expressed in skills, attitudes and collectively general attitude towards the world and the society and toward the other learners. The character of new knowledge and learning requires interaction, team work and creation of new human relations.

Contemporary democratic education is based on the forming of a **value system for personal development**, which characterizes with aspiration for good, cooperation and justice, in the meaning of receiving equal chances as well as distributive justice.

The other side of the learning process, i.e. of socialization and personal development from a value perspective is its connection with public democratic conditions – peace, co-existence, cooperation. The aim of the education is **the peaceful citizen, a member of its own community but of the world as well**, building its relationships with the others on the basis of understanding, good will and non-violence.

In this respect **education is also an opening, getting to know things, dialogue, interaction and therefore bringing people together** (where religion and ethos are secondary, non-defying marks), overcoming borders, directing attention at the learning person, but also at the community and universal dimensions of existence in an interdependent world.

This **opening of education towards personality and towards the world** is essential for the development of until recently eastern European communities where in personal aspect people were atomized, separated one from another, existing in parallel. In a purely regional aspect in the past these communities were

subordinated to a common political centre (Moscow, Belgrade) and did not have their own ideas and a plan for development and consolidation of its true nature.

Education is the thing which will create or consolidate common values, not only because it is socialization of mainly young people but because it is the only systematic process of socialization. Economics by no means brings societies in the region but it does it on the basis of many layers, stereotypes, in the battle for limited resources, often when looking for a profit at the expense of the other side. Politics, despite European democratic phraseology, is an heir of the past; it serves populism and does not always clearly postulate future societal opportunities and options for development.

Basically, education is the only opportunity for a structured consolidation of the democratic idea and order, for dialogue, for understanding between different ethnic groups and religions.

Education based on the written and spoken word in reality and build on the influence leads to dominance of the present in the learning process. In this respect a key contradiction in contemporary education is the fact that it has to transfer social knowledge and examples and it can no longer use its past authority. Young people live in the present. The world shown in images and accepted by them is a world which is developing, one with more common points unlike the world of the past; it is a world of joined experience and awareness. Through the images young people immerse into society and its problems and this is a new condition for togetherness and possible cooperation.

The past loses its power of attraction – all the hatred and feds from yesterday society, from the adult world, for the young these things are more unreal than made-up film stories.

Of course, today other things do exist - the possibility for manipulation, for moving away from the world and its problems, for entering the fictive asocial world of pleasures, but even so now it is much more difficult to influence young people by dividing ideologies and religions of the past. The world picture for them is mainly a global message of the present.

The other big change in contemporary education is the idea about **lifelong learning**. Education today does not try to imprint within the range of several years simple and final truths about the world, people, neighbors or modern technologies. The school prepares for the learning process which will continue a whole life. In this case, the number of binding and necessary dogmas decreases. Messages are much more open, applicable, and their universal rather than concrete character is getting more important. The school, even in its most extended form is not the final place for obtaining knowledge but a starting point where we begin the journey of permanent learning. The other side of the lifelong learning is that there is a possibility **to delete the division between traditionally knowledgeable and non-knowledgeable (illiterate) people, of educated and undeveloped nations. Lifelong learning** gives equal chances to everybody who takes this as a key idea and builds a **more homogenous society of knowledge and co-operation**.

In contemporary education we witness a transition from education based on **hidden to education of open educational programs of social actors**. Hidden programs of the present in civil and personal aspect are based on a series of final statements about the world and society, wrapped in the national context, consolidating the helplessness of the individual who has to look for support in the national community, has to distinguish from the others and to compete if not fight with them. For this purpose he has to be given power by the religion, the ideology of community and of the nation. These programs prepare young people for their role as subjects, as dependent people who are not capable of taking decision themselves and hide behind myths and prejudices of the collected over the time social (class, group) and national wisdom.

New socializing paradigm in education has an open message – democratic, personally directed, giving power and energy to deal with challenges, suggesting a program for cooperation and union among young people on the basis of accepting differences, of complementing one another but also of respect and accepting differing views. This program based on cooperation and educational actors' potential not only releases social energy but also triggers the development of the exhausted educational systems.

**The collective learning model** is another significant difference of contemporary education. Learning open for the person next to you and done with the same person is **learning in a group based on common experience and reflection**. Group learning removes borders between young people, they get to know

each other, become closer, trust and rely on each other, achieve results together and their personal projects overcome the borders of community, of ethnic and religious divisions, of national state.

**Computers** create connections which a traditional education cannot realize – they help to overcome barriers and distances.

Playing games in a net at computer clubs suggests growing connections of nets and networking which are popular around the world – as possibilities for communication, exchange of opinions, understanding and joined actions.

The **world of young people is global, intercultural, tolerant**, relying on religiousness when looking for something transcendental (even in outgrowing of standard connections). This is life shared through music, pleasures, overcoming distances through information, life in a net. It is also a world of global mentality, energy, mobility, a place where authorities, traditions and barriers are not taken into consideration.

Finally in contemporary education **the role of the teacher and the world of the educator** are changing. They are knocked off the pedestal of knowledge and ability and stop being ideologists setting limits and discovering new horizons of knowledge and are no longer absolute role models re-creating their own social and subject illiteracy, narrow-mindedness, devotion to “still knowledge”, order, the division of the world, their distrust of the unknown, sensuality, spontaneity, of the people’s inner world, global processes, of religion as a mystery and of personal freedom as a mean of self-expression and obeying ideology, official politics and its postulates.

The teacher today is above all a symbolic image of a liberating elderly member of society, of a liberating citizen, as this freedom, humanity and tolerance are the conditions which the educator really needs in the contemporary school reality. In this sense and in the way of life as a teacher, a teacher of adults, she/he can serve as a model in societies which are still far from accomplishing the democratic ideas.

These are the educational conditions needed in order to consolidate the idea of intercultural, inter-ethnic dialogue. Above all it is possible as a dialogue between generations, young people from different communities, groups, societies and countries.

If educational systems do not manage to create conditions for this dialogue, the roads to global communication and for following universal examples will be defined by the media, entertainment business but also of permanent resistance and institutional violence.

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The development of the region today and consequently of the key democratic values and attitudes cannot be understood without **the integrating European idea**.

According to official ideology Europe is a model, ideal type, but also democratic, economic, social practice and for the people from the region Europe is usually perceived as a successful rich society and less as a democratic one. This way or another Europe is a role model, direction for development, community evoking approval and envy. The attractive power of the European idea is also in its proved practicality, although its accomplishment will mean not only economic but also social and revolution of values for east European communities. To some extent, like America in the past, Europe is a practical goal. Something more – for the countries in the region it is a development model without alternative which deprives the democratic ideal from its necessary dose of romanticism and turns it into something prosaic.

It is important for us that the European idea in its different aspects legitimizes the new educational paradigm and as such becomes part of the educational normative documents. Democratic values and postulates are formulated as aims of education even though they still are like a roof of a really conservative and anti-European educational reality.

Once postulated, these values develop normatively and little by little start changing the educational practice, start creating a resource base – in the face of teachers, parents and students who practice them.

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Despite devastating religious and ethnic collisions during the last decade, the Balkans remain a place where religion and different ethnic groups have always existed together along the centuries, even if this

coexistence did not help for the consolidation and diffusion of tolerance (something really difficult given the lack of state organization and free development of ideas during the centuries of Ottoman rule).

Ethnic and religious variety, the existing values of the life in a still closed, often consisting of different ethnic groups community, the building of simply human relations among ethnic groups in times of weak state organization and aggressive industrial society, the closely related to religion morality – all these are positive examples and developments inherited from the past, whose role is not yet exhausted.

We could also add the typical for small communities and nations tendencies to watch the things happening with open eyes, to borrow and consolidate ideas, to aim at a more developed society, to eliminate the mistrust of the new in the name of achieving certain living standards typical for this society.

Today this motivation and cognitive interest are stronger than ever – for the first time the nations from the Region are facing the chance to join almost at the same time (within a decade) the European family.

**The role of civic society in the countries from the region** is extremely important for the development of the dialogue between different ethnic groups and religions.

Above all, dialogue lies in the heart of civic society – it is a union of people in the name of common satisfaction of higher human needs – belonging, giving support, personal development, etc.

In order to function well the civic society requires cooperation, trust, understanding, abandoning of narrow personal interests of life in the community, overcoming borders.

In civic organizations and activities usually are involved the most dynamic, informed and educated people who are examples of social thinking, tolerance and giving support.

As a big number of the civic society projects are assisted and set from abroad – Western Europe and the USA – they intentionally consolidate values like cooperation, dialogue and tolerance which become real in these small pieces of reality within communities connected with the projects' accomplishment.

In the beginning of the 1990s projects of civic society were realized together by local and western organizations - i.e. the thing that was actually achieved was a dialogue and cooperation with other cultures, ways of behaviour and taking decisions.

Through these projects **the most dynamic and open element of Balkan societies** makes connections and starts cooperation and in this way creates a new model within traditionally closed, divided (even hostile) societies. The strong link between civic society and the media gives publicity to these efforts and makes these models and norms even more significant.

In individual aspect part of the members of civic organizations belong to the younger generation – in fields like ecology, education, interaction among ethnic groups. Thus they play twice more useful role for the intercultural dialogue – of public and civic figures, and at the same time the role of parents or future parents who form directly new attitudes among their children.

Representatives of civic society are the most dynamic potential in terms of foreign language speaking (which gives them a bigger chance for interaction), mobility – crossing repeatedly the formal borders in the region, learning from each other, growing up in the projects and gaining new democratic social experience.

The development of civic society creates the critical mass of people needed for accomplishing the dialogue and for supporting the political efforts for developing the dialogue.

Today civic society more and more feels its power, finds its place (and does not depend on other models and perspectives) and starts to create this **Balkan community of agreement**.

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**What are the grounds for cooperation and dialogue in and through education?** In the first place this is the similar historical fate and educational reality – **the problems facing the educational systems in the region are the same:** educational actors are at a similar stage of development; educational tasks – building a democratic identity, developing a system of educational standards; integration of minorities, the same footing and equal chances for young people; developing a lifelong learning system; qualification and

refreshment of the educational staff; decentralization of the managing system; forming a coalition for educational problems.

With the development of democratic educational systems grow the possibilities for understanding and joined activities with them. They already have a **common educational language**, common standards, a common language of the accomplished changes and a common social language – the language of democracy. The learning of English by the leaders, teachers and young people creates a formal basis for development of the processes of interaction between educational systems and participants.

**Decentralization of systems** creates less possibility for dialogue at first sight because the self-governing units (municipalities, schools) look for rich partnerships and opportunities for interaction with educational systems different from their own. At the same time decentralization is a possibility for beginning and developing of transporters or a regional dialogue when solving similar problems – ethnic, educational. In this respect, the relatively low financial price of cooperation among neighbors is crucial when the ideological and physical restrictions stop existing.

At the end we can mention the purposeful policy of the governments, the undertaken international agreements, the integrating and encouraging regional interaction role of interstate organizations and big international civic organizations.

The **factors impeding the intercultural dialogue and its consolidation in education** are equally strong.

In the first place, each country in the transition period tries to **connect the accelerated democratic development with the development of national identity**. This is a natural process for societies, artificially internationalized during the communist period to a degree of denying their own special features and priorities. Stressing on the national identity development is an all-embracing process which includes attempts for differentiation from the neighbors which are in a similar situation and one-sided search for approval, appreciation and interaction with the richer, more developed societies. The official explanation is that societies try to achieve higher standards and requirements, that neighbors have nothing to offer in a democratic aspect or when it comes to resources; that similar tasks can be solved independently within national societies.

Despite the spread of English language, **the actual obstacles for mass communication in part of the cases are the language difficulties**.

The poverty of civic society leads to competitiveness and battles for the limited resources in the area and this usually happens by national divisions.

The educational figures in the Region (mainly the teachers) are not open-minded enough, they are materially weak and restricted by the resources in order to cooperate effectively and as a result do not always interact with the civic society.

**For the parents who mainly see the realization of their children outside the region**, this cooperation is not a primary motive and most of the cases it is unexplainable.

Children are the most dynamic educational actor and they are too dependable when choosing partners and cannot impose an agenda of cooperation although they generally do not find it difficult. Thus we come again to the slightly paradox statement that in order to consolidate and develop cooperation and dialogue in education at the Balkans it is necessary to have a directing effort from the political elite. This cooperation should become a priority and the resources needed should be provided. We can expect that after all these efforts in a short period forms and models of cooperation not only will be set but it will also become a daily routine and will not need clear political interference.

\* \* \*

**Consolidation of dialogue is a very important characteristic of contemporary education** - without dialogue at school among actors - educators and students, parents and teachers, there will not be an effective dialogue in society.

This means that the new educational philosophy, the new educational will start working.

It is extremely important **to introduce interactive learning methods** – based on the new concept of communication, group activities, interaction and new attitude towards learning and knowledge. Interactive

methods mean communicating daily at school, solving educational problems together, development of the educational projects (group or personal) with the other people respecting them.

Secondly, the dialogue depends on the **implementation of civic education / the education for democratic citizenship**. This is new, not connected with the past educational space representing a new interactive model for socialization of young people, in accordance with their modern attitudes. Civic education (and the other interactive social areas) offers young people a model which can attract their attention. This is a model of practical actions for building reality and constructing their own world, a model of joined internalization of democratic values.

Civic society is also a model for opening the education towards community, society, global world and consequently towards the problems of the Region, of the neighbour, explored as an interconnected whole, a model of joined openness towards democratic values.

Another key area is intercultural education, the effortless introduction of dialogue with the other person from the childhood and the gradual extension of dialogue and cooperation with growing up. Intercultural education is accepting the idea for the dialogue in everyday life and in key moments and things from life, exclusion of aggression, violence and domination as determining relations between people. Tolerance and understanding the other person give a possible solution in the new conditions of the problem of competitiveness in a socially and resourcefully poor environment; they stop the vicious circle of poverty, prejudice, mutual demands, desire for revenge, violence.

There are important areas which are not only a common concern, but also give the chance for joined action: **peace education; ecological education; health education; education for sustainable development**.

We should look at traditional humanitarian fields in a new way - at geography and its potential to present the world as a whole with the richness of interconnections between its parts; at literature which leads to understanding of spiritual and sensual wholeness of the world; at history in its modern sound – as a history of joined acts, of common fate and suffering, history of everyday life, of European life, of expressing Human Rights, of the development of personality and dignity; a history of common ideas and common people.

**Independent school existing in and through local community and opened towards the society and the world** will also mean destroying the old closed school of inequality based on ethnic uniqueness and prejudice.

This way educational reforms and models of institutions' and actors' independence, of even footing and tolerance, of globalization and development of local identity will become stronger.

Education will be in the foundation of the forming of regional Balkan society and the regional civic infrastructure - a powerful support for new education.

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**Intercultural dialogue has to become a priority of state policy in education** and national strategies for its accomplishment should be developed.

In structural aspect this strategy can be united around the **integration of minorities within national societies**. Integration within national societies will raise the question about regional borders for solving the problems of some minorities – Roma people in the first place, but also of all minorities from neighboring countries. This will be a natural to begin the process of interaction between educational systems.

**National standards for intercultural cooperation for different school degrees** should be developed. We should not stay at a general level where the fight against discrimination and racism is marked.

Introducing the Education for Democratic Citizenship (Intercultural Education, Peace Education, Education for Human Rights at school) as a main part of national educational standards – should be a foundation without which the other educational developments will be uncompleted and seemingly unaccomplished.

**Religious Education (as a subject) should find its place in the school curriculum** - children will obtain basic ideas about main religions and through them will learn more about local cultures.

**Every school should formulate its own policy for overcoming differences, for tolerance,** for educational actors' rights, order and safety.

These steps at a school level will provide the basis on which different project in this field will develop.

Intercultural dialogue should be included mostly in out-school activities – where different projects will help the forming and development of attitudes and models of intercultural behavior and tolerance. The opportunities for young people to step outside the borders of their own community will develop on this base - **intercultural dialogue should transform from interpersonal relations to exploration of institutions, of different areas of the life where it happens.**

Another necessary educational dimension is the European one, connected with the joining of the countries to the European Union which give a good opportunity for learning the democratic principles, for getting to know and accepting of intercultural differences in the community, for exploration of inner differences from a common European perspective point of view.

The idea and exploration of good neighborly relations, of interstate and international dialogue in the categories of European perspective is also a key educational activity. This dialogue cannot start by itself, it has to be planned in such a way so that to join the efforts of formal educational systems, of civic societies and to line the common interaction frame and to secure the resources.

Similar to the initiatives of the UN every year could have a motto for the countries from the Region which would like to participate –year of minorities, of tolerance, of young peoples rights, of border regions, of the citizens living along the big rivers in the Region.

**Informational basis for cooperation among young people** should be provided so that it can become a reality and also educational TV programmes and computer games should be created.

In this fragmented, hostile reality **the common engaging initiatives** have the biggest future – regular meetings of ministers, regional educational dialogues, meetings of some educational actors, Olympic Games for the young people of the region with the participation of adolescents from Europe, development of model schools for Balkan culture.

The other big potential is the **provision of enough resources for the project activity of young people** – for transporters projects, projects based on topics, for creation of different educational nets, for training of young leaders.

Major principle should be not the isolated participation and seeking of closing of problems and people in the region but the **use of European integration as a possibility for development of neighboring educational relations.**

We cannot expect these developments to happen spontaneously within the European integration policy. The problem is that not every point in the region needs such policy and in this respect efforts should be directed at more problematic areas, towards border regions or towards solving pressing problems – in the case where interaction and good dialogue are needed most.

We should give up the **outlining new liberal approach** for diminishing the role of the state and over-relying on the economics in education. The processes of learning, integration, overcoming isolation, of dialogue and understanding in education need clear support, and principal attitude of society, the authorities and teachers themselves – nothing happens without preparation and only with a lot of money.

The model of European unity suggests the existence of a model for regional cooperation and especially of regional educational cooperation.

Not business, but widely recognized contemporary education will overcome borders, bring people and societies together, creates a natural basis for understanding and dialogue.

Dialogue is a responsibility of politicians, businessmen, media figures, but in every day life its foundation is laid by thousands of pedagogues, by parents' support and by the enlightened participation of self-governed young people.



University for Peace  
Universidad para la Paz



## **The Master of Arts Programme in Peace Education at the University for Peace**

### **Introduction**

The Master's Degree Programme in Peace Education of the University for Peace was conceived and developed in support of the University's expanded role in assisting in the achievement of the peace and security objectives of the United Nations, convinced that preparing individuals to teach for peace is one of the most important tasks of our time. The programme's goals and objectives were determined with the broadest of cultural and global perspectives in mind. Contributions to the development of the programme have come from a diversity of sources that have offered a breadth of approaches to teaching for peace that address personal, interpersonal, local, global, structural and systemic obstacles to the realization and problems of achieving and sustaining peace. As such, the programme is built upon a comprehensive and holistic approach to peace education that seeks to understand the interrelationships between situations of peacelessness and inquires on the role of culture and education in their transformation.

The programme pursues two intertwined goals: capacity building (leadership training), particularly in regions and countries experiencing conflict and development challenges; and preparing specialists in education reform and change of school systems towards peace building education throughout the world. The rationale of the programme is intended to support students in developing competence in analyzing, developing, and reforming curricula, didactic methods and educational resources for a comprehensive view of peace education. It consists of three parallel interdependent learning tracks. The center-piece of the programme is the project development process. While participating in the programme, students work on the development of an educational project applicable in an educational setting of their choosing. The second track provides opportunities for service-oriented field work for skills development in peace education. A variety of possible scenarios are offered for students to choose from, taking into consideration learning needs, transferability of learning from the field contexts to their home contexts, linguistic skills, and other relevant criteria. During the 2005-06 academic year, field experiences include educational projects in urban, marginalized communities and schools in San Jose and in the Ciudad Colón area; in private, English-language schools, schools belonging to UNESCO's Associated Schools Network, and others. The third learning track endeavors to provide students with ongoing support for the development of their personal vision and mission as a Peace Educator as a life-long commitment.

### **Structure of the Programme**

The Master of Arts in Peace Education Programme is an intensive eleven month programme, which is taught at UPEACE headquarters in Costa Rica. It began in September 2004 and is currently teaching the second cohort of students. In the 2006-07 academic year, the programme will be taught for six months in Costa Rica and for five in UPEACE's Toronto Centre. At present, local projects, policies and community initiatives are being identified for the Canadian context to provide students with a participatory insight into the state of the

field in that country. Global south and north cooperation is an important condition for resolving common and diverse peace building issues. By combining the best resources available in Costa Rica and Canada, the programme will address through the lens of two different contexts topics such as the integral defense and promotion of human rights, overcoming poverty in environmentally sustainable ways, participatory democracy, migration, minority issues, urban violence, multi-culturalism and policies for cultivating cultures of peace through education and the media.

### **Programme Outline**

#### **Term 1: September-December 2006 (Costa Rica Campus)**

	<b>Credits</b>
<b>IPS-6010</b> Foundation Course in Peace & Conflict Studies	3
<b>IPS-6040</b> Governance, International Law and Human Rights	3
<b>PEP-6020</b> Introduction to Research Methods, Part 1	2
<b>PEP-6010</b> Peace Education: Theory and Practice I	2
<b>PEP-6011</b> Peace Education: Theory and Practice II	3
<b>GPB-6030</b> Cultures and Learning - from Violence towards Peace	3
<b>PEP-6030</b> Peace Education Seminar I	1
<b>sub-total</b>	<b>17</b>

#### **Term 2: January-April 2006 (Costa Rican Campus and Toronto Centre)**

	<b>Credits</b>
<b>PEP-6050</b> The Psychology of Violence and Peace (Elective period in Costa Rica)	3
<b>PEP-6021</b> Project Development Workshop, Part 1 (Toronto)	1
<b>PEP-6060</b> Educational Systems and Educational Change I (Toronto)	3
<b>PEP-6061</b> Educational Systems and Educational Change II (Toronto)	3
<b>PEP 6020</b> Introduction to Research Methods, Part 2 (Toronto)	1
<b>PEP-6080</b> Language, Media, and Peace (Toronto)	3
<b>PEP-6031</b> Peace Education Seminar II (Toronto)	1
<b>sub-total</b>	<b>15</b>

#### **Term 3: May-August (Toronto Centre and Costa Rica Campus)**

	<b>Credits</b>
<b>PEP-6040</b> Sustainable Development Education (Toronto)	3
<b>PEP-6070</b> Education for Conflict Transformation and Peace Building (Toronto)	3
<b>PEP-6032</b> Peace Education Seminar III (Toronto and Costa Rica)	1
<b>PEP-6021</b> Project Development Workshop, Part 2 (Costa Rica)	1

<b>PEP-7100</b> Project Development Report (Costa Rica)	5
<b>sub-total</b>	<b>13</b>
<b>Total Credits</b>	<b>45</b>

One of the main challenges for the programme has been to provide the right balance between content and method. Students acquire a sound knowledge base about direct, structural, cultural and ecological violence, security and peace. The programme is structured as a cyclical curriculum, which is a way of giving full attention and in depth treatment to two basic dimensions of teaching Peace Education: what is peace (the knowledge base) and how do we teach it (the pedagogy). In such a curriculum, knowledge and skills introduced in one set of courses in one term are recycled into subsequent courses. It recognizes a basic principle of learning, i.e., that more than ‘one pass’ at a skill or subject matter is required if learning is to be memorable and applicable. It also reflects the pedagogical principle that there should be a reciprocal learning of theory and practice.

As an example of the cyclical curriculum approach in Term 1, after taking *IPS-6010, ‘Foundation Course in International Peace and Conflict Studies’*, *IPS-6040 and ‘Governance, International Law & Human Rights’*, the pedagogical dimension of many of the themes covered in these courses is brought out in *PEP-6010, ‘Peace Education: Theory and Practice I’* and *PEP-6011, ‘Peace Education: Theory and Practice II’*. In these courses participants initially learn about the visions, paradigms, and conceptual frameworks of educators and educational movements for peace at all levels of life across South and North regions of the world. The multiple strands and dimensions of peace education, encompassing education for disarmament, local/global justice, human rights, inter-cultural solidarity, environmental care and personal peace, are clarified in both historical and contemporary contexts. Besides appreciating the need to analyze the root causes of conflicts, violence and absence of peace, participants also familiarize themselves with key pedagogical principles of educating for peace, encompassing holism, dialogue, values formation, and critical empowerment or ‘conscientization’. These courses also examine six themes of conflicts and absence of peace within a holistic framework of peace education, namely:

(a) *educating for dismantling a culture of “war”* (micro/macro levels), which includes problems and issues of direct violence and strategies of active non-violent resolution of such conflicts; (b) *educating for living with justice and compassion*, which focuses on the realities of structural violence, especially in relation to paradigms of development and globalization, and alternative relationships and structures for local and global justice; (c) *educating for human rights and responsibilities*, which seeks to deepen the knowledge and skills of promoting human rights; (d) *educating for inter-cultural solidarity*, whereby cultural diversity is respected while the values and principles of a common humanity are fostered; (e) *educating for environmental care*, which recognizes the inter-connectedness of all beings and planet earth, and suggests alternatives to build sustainable futures; (f) *educating for personal peace*, which highlights the urgent need for nurturing values, principles, and practices for inner/personal growth to complement the tasks of building outer or social peace. Students are also exposed to a range of creative and participatory teaching-learning strategies that role model the pedagogical principles of peace education. PEP-6011 also provides an opportunity for participants to learn about curriculum material development in peace education for teachers, teacher educators, and adult educators.

Two of the key courses in term 2 are *PEP-6060, ‘Educational Systems and Educational Change I’* and *PEP-6061, ‘Educational Systems and Educational Change II’*. The main purpose of the first course is to provide

understanding of the key concepts of educational patterning and change as an integral part of social and cultural systems, as well as to develop analytical, critical and system thinking skills for understanding the complexity and interrelatedness of factors that shape contemporary education at national, regional and international levels. Particular attention is given to differences and similarities of national educational systems and their potentials for change in relation to cultural and political traditions, social and economic priorities, prevailing educational theories and practices, and global concerns.

Building on the macro approach provided by PEP-6060, students learn a set of practical strategies and tools for promoting peace education in formal educational systems and community settings in *PEP-6061, 'Educational Systems and Educational Change II'*. Topics covered include: introduction of peace education into curricula; materials development; school system reform: roles, accountability and politics; early socialization as a process of education for democracy; family, neighborhood, and school; the educating city: the urban space as a learning place in the field of civic education; teacher education and training strategies: pre -- service and in – service; methodological principles for learning and executing projects related to democracy, human rights and cultures of peace; the relationship between schools and other community-cultural organizations (media, religion, arts, the health sector, etc.); movements and organizations supporting educational reform; advocacy strategies and skills for educational reform; the use of information technology and networking; the urban space as an open air school; and challenges of non formal and informal education in the present world.

### **Thesis topics of the first class**

The students of the 2004-05 class have written thesis on a broad range of topics:

- Positive Parenting for Peace in Rwanda
- Creating Conflict in Subject Matter: Simulations of Recent and Current Historical Conflicts for the U.S.
- Cultivating a Culture of Peace in Tanzania: Teachers as Agents of Chang,
- Preparing for Peace: Education for a Culture of Peace and Human Dignity in the IDP Camps of Northern Uganda.
- Peaceable Community Initiative in Uganda
- Educating for Living Together in Europe
- Youth Empowerment for a Peaceful and Sustainable Future in Togo
- Reconciling the “Other” in the U.S.
- Peace Army of Costa Rica
- Food as a tool for dialogue and creative conflict prevention/transformation
- A summer camp program in urban New Jersey, USA, that uses music to teach peace values
- Curriculum for Costa Rican public elementary schools that incorporates the *Earth Charter* and teachers’ peace values
- A programme of violence prevention for youth in a marginalized urban community in Costa Rica



## International Society for Human Values <sup>1</sup>

### Intercultural Dialogue for Youth: A Step toward Peace.

#### REPORT ON ACTIVITIES, 2004-2005

28.11.05 17:37

Formatiert: Englisch (Großbritannien)

During the reporting period, activities conducted by the International Society for Human Values centered on youth and disadvantaged groups. This was prompted by a conscientious decision taken by the Executive Board that youth as the future custodians of human civilization are the legitimate partners in our dialogue on current issues. At the same time, greater attention needed to be paid to the concerns of those socially excluded either of their own volition or because of circumstances beyond their control.

As a follow up to the UNESCO-sponsored 2002 conference on YOUTH AND HUMAN VALUES, ISHV organized the INTERCULTURAL DIALOGUE FOR YOUTH: A STEP TOWARD PEACE, from 3 to 6 February 2004 in Geneva, Switzerland. Sponsored by the European Youth Foundation, the Council of Europe and the International Baccalaureate Organization, the event brought together 125 youth from forty five European and a dozen non-European countries for four days to train them in resolving intercultural conflicts without resorting to violence. Topics for the Dialogue included *Multicultural society – a new challenge to youth*, *Conflict and violence: the power of culture and its misuse* and *Understanding values in a different cultural context: a prerequisite for dialogue*. The themes selected were easy to relate to situations back home. Case studies presented during the Dialogue reflected the inescapable reality that conflicts and violence would not melt away unless imaginative solutions could be found. While intercultural misunderstanding and conflicts were impulsively traced to religious factors, the trainers and panelists deftly avoided discussion on terrorism with religious undertones. Nevertheless, methods to resolve conflicts without resorting to violence were included in the workshops.

The cultural evening on the second day was a welcome opportunity for the participants to interact with the local Swiss rural community. Similarly, the visit to St. Peter's Cathedral provided a glimpse of Geneva. Local school authorities were grateful that their senior students could participate in some of the activities during the Dialogue.

At the end of the Dialogue, several trainers and speakers confirmed their intention to initiate activities involving youth in their respective countries. It was unanimously decided to maintain future contact among the participants through e-mail. A questionnaire will be sent out in late 2004/early 2005 to all participants to evaluate how the conference had helped them in meeting the challenges posed by living in multicultural, multi-religious, multiethnic communities. Answers furnished by the participants will enable ISHV to decide on the ways to intensify the search for appropriate tools and methods to combat the spread of racism and xenophobia.

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Formatiert: Englisch (Großbritannien)

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Inspired by the 2002 YOUTH AND HUMAN VALUES conference and supported by ISHV, Dr. Lorna Gonsalves founded the Human Values for Transformative Action (HVTA) in 2003 in Bowling Green, Ohio. HVTA believes that empowering concepts such as human values and human rights can play a leading role in promoting greater freedom, tolerance and equality, especially for those who have been marginalized and disadvantaged within various living, learning and working environments.

On December 10, 2004, Human Rights Day, HTVA with the support of ISHV, launched the Community Heartbeats initiative in the Toledo School of Arts, Ohio to highlight the concerns and wisdom of disadvantaged and marginalized groups in the Toledo community through artistic expression. Altogether, some seventy visual images were created: paintings, drawings, collages, sculptures, photographs, engravings and three-dimensional installations. One set of images brought to life each of the thirty articles of the Universal Declaration of Human Rights; another reflected more broadly on the theme of collective well-being and a common humanity. The largest set conveyed the concerns and needs of local disadvantaged and marginalized groups, while a special collection depicted the attempts of religious groups to link spiritual obligation to social activism.

Responding to an invitation from the Barcelona Forum 2004, the Secretary General participated in the Dialogue on Human Rights, Emerging Needs and New Commitments. He delivered a lecture on Advancement of the Social and Political Rights of Women: Parity Democracy. Following the Tsunami disaster in December 2004, ISHV launched a programme to rehabilitate a limited number of families and orphaned children in Sri Lanka and India.

*“Running like a fine thread through the fabric of our existence,  
values weave through every form and action”*

*“Human values are the essential criteria for the steps of any human progress”*

*“Values enable the individual to choose when presented with options.  
Since the choice one makes may have consequences affecting other people and the environment,  
it is important that our values prompt us to make judicious choices”.*

26.11.05 17:38  
Gelöscht:

R. Sampatkumar  
Secretary General

## **DISARMAMENT EDUCATION: A NECESSITY FOR WORLD PEACE**

**L. Eudora PETTIGREW; Ph.D**

### **INTRODUCTION**

Historically, the implementation of disarmament agreement in protocols, prohibition etc., that are meant to influence the achievement of peace between and among nations, has not been very successful in the abolition, reduction or limitation of military force and weapons. One of the earliest examples of a ban on a weapon that was considered inhuman was a proclamation by Pope Innocent II in 1139 against the use of the crossbow between warring Christian factions. Proclamations by the Pope were considered law by Christian nations; yet the crossbow continued to be used in conflicts between Christian nations throughout much of the fourteenth and fifteenth centuries. World peace and human rights continue to be threatened by a lack of implementation of significant arms control procedures and/or disarmament tactics for small/conventional arms as well as weapons of mass destruction (WMDS).

Concern about the use and/or misuse of arms has continued throughout the centuries. Several twentieth century conferences, protocols and conventions against the use of weapons, including chemical and biological weapons, beginning in 1907 with the Hague Peace Conference followed by the 1925 Geneva Protocol and the 1972 Convention on Prohibition and Destruction of Bacteriological Weapons, among others, have focused on the limitation of arms, on disarmament and on the need to increase efforts to effect arms control, disarmament; but progress seems limited at best and much remains to be implemented to achieve the goals of disarmament and non-proliferation. Advocacy for disarmament, arms control and peace by worldwide organizations such as the United Nations and UNESCO has not resulted in a significant increase in support for such issues by the business and corporate world, the educational community and particularly the general public. There is still much complacency and possibly ignorance in the world about the impact of a lack of success of worldwide disarmament policies. In the last few years, the term, „terrorism“ has been the descriptive terminology which has received the most attention of nations particularly the United States and some other western nations. Terrorism is defined as „the use of violence and threats to intimidate or coerce, especially for political purposes“. The term, „terrorism“ has been used specifically to describe recent acts of violence i.e., the bombing of the World Trade Towers in New York City, the attack upon commuter trains in Madrid, Spain, suicide bombings in Iraq and in Palestine/Israel and the recent attacks on the underground transportation system of London (United Kingdom). It should be noted that acts of war and violence against nations and their peoples in earlier times, i.e. the unprovoked attacks upon Panama and Grenada by United States, attacks upon Muslim residents in Yugoslavia and attacks upon Palestinians by Israel military forces have not been categorized as „terrorism“, though surely the effects upon the populaces have been identical-death, wounded citizens and destruction of property. It has been reported that more than 100,000 Iraqi citizens have been killed and/or wounded during the war against that country led by the United States and the United Kingdom; in contrast about 2000 military members of both the US and United Kingdom armed forces have been - killed the majority from the US – and more than 18.000 US soldiers have been wounded. The contrast between the two sets of data – Iraqi casualties, and US and United Kingdom casualties and wounded – are possibly indicative of media reporting of nations „organized military terrorism“ rather than the single acts of terrorism.

In spite of the above information, little, if any, political and media attention has been given to the real issues underlying the attack on Iraq and the possible long term effects on worldwide security. In fact, more media and political attention has been given to charges about the possibility of the proliferation of weapons of mass destruction in Iraq and Iran; none of these charges have been substantiated. Little media attention has been given to the documented information that Israel,

which is geographically close to both Iraq and Iran, ranks sixth among world nations in terms of its stores of weapons of mass destruction. The government of Israel refuses to admit possession of such weapons or to allow any inspection for such weapons. In addition, political and media attention has been directed at the development of weapons of mass destruction in North Korea, but no attention has been given to the reported presence of weapons of mass destruction in South Korea provided by the United States. These conflicting situations demand a more significant effort to achieve truth in reporting on weapons of mass destruction. The world would be much better served if there were coordinated and cohesive plans to develop and implement more effective strategies to promote world wide disarmament. Disarmament education can and should play a major part in developing such strategies. In fact, disarmament education should serve as the impetus for the achievement of worldwide peace and security.

### **THE LIMITATIONS OF SUCCESS OF WORLD WIDE DISARMAMENT**

Some issues that have restricted the implementation of disarmament agreements include inadequate inspection policies and procedures, ingenuity in the design of weapons and open national disputes with disarmament agreements. The limited success of implementation of disarmament agreements is probably not due to the intent of the agreements, but is more a reflection of human behaviours that are in opposition to disarmament. Perlman assessed the sources of these behaviours. She states:

„There are two main sources of opposition to the ideal of disarmament. The first is the economic-institutional-structural system that promoted militarism and a belief in the threat or use of violent force as the only way to address conflict. The second source is an emotional-psychological response to the removal of defences which render us vulnerable to enemies. Both are perceived as taking away something valuable without offering a satisfactory replacement“.

Perlman identifies a combination of the military, the multi-billion dollar defence industry, politicians, the media, newspapers and television, and the fostering of a conception of threat from „enemies“ as the major sources of opposition to disarmament. If Perlman is correct, then one key to successful implementation of disarmament agreements is to develop disarmament education curricula in conjunction with human rights and peace issues. Worldwide economic development issues - particularly for developing countries – that will address security, as opposed to war and conflict for a variety of clients from differing populations and nations should be a major part of the curricula. It is obvious that security and disarmament must be dealt with simultaneously if disarmament is to become acceptable to most people; content about the impact of disarmament upon developed and developing nations should be a central focus for discussion. It follows that disarmament education should therefore include concepts of world security as well as national security and also include viable methods of disarmament, arms control and the reduction and/or limitation of armed forces. Disarmament education should instruct its clientele that there are options to war, conflict and violence that can reduce tensions, that can institute and support negotiation of non-violent solutions and eventually bring economic viability for developed and developing countries as well as support for human rights and world peace, thus reducing the use of ancient animosities by political leaders-ethnic, religious and racial, to foment war and violence

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### **ESTABLISHING POSITIVE POLITICAL MODELS FOR DISARMAMENT EDUCATION**

The development and implementation of disarmament education should be focused initially on political leaders who can be viewed as heroic peace keepers. Most political leaders have heretofore used militaristic concepts to reflect and promote heroism. Heroism has been and remains a major variable in the conduction of war and conflict, but if the same construct was redeveloped to denote peace and human rights, it might become the most viable image for the planned reduction of conflicts, respect for others and peacekeeping. If the image of peace keepers is promoted as heroes/heroines, the resultant effect might to attract some of the most intractable political and

military opponents to disarmament education. Thus one of the goals of the content of disarmament education should seek to illuminate the acts of those who promote peace as heroic acts of principle and behaviour.

In contrast to present political/military leaders, persons who promote peace are seldom represented as heroic. Nobel Peace Prize Laureates are seldom granted as much significant recognition by the media or political leaders as are military leaders, who historically have been accorded a hero's welcome greeted with parades, clearing crowds of people, media coverage - television, radio and newspapers – military bands, waving flags, etc. In contrast, Nobel Peace Prize laureates, UNESCO Peace Prize laureates and other advocates for peace receive a limited number of interviews for newspapers, magazines and television programs, are invited to speak at university lectures and conferences and may receive some recognition by the United Nations, UNESCO and other like organizations, but the general public is seldom provided significant opportunities to applaud the results of the successes of peace negotiators. Negotiators like Count Folke Bernadotte, Ralph Bunche and former Senator George Mitchell, to name three, are seldom, if ever given the status of a hero. The world does remember Rev. Dr. Martin Luther King for his work in civil rights, but has mostly forgotten that he was assassinated after he opposed the war in Vietnam and called for peace. Count Folke Bernadotte was also assassinated.

It can be concluded that those latter tragic events are more reflective of the public's lack of real knowledge about peace makers when contrasted to the outpouring of recognition for political/military leaders as heroic war leaders. The significant differences in attention paid to political war leaders in contrast to peace makers are historic and continue to support war, violence and conflict rather than peace among and between nations. Only through disarmament education, which can include highlighting the work of peacemakers, will respect for their efforts to reduce conflict and war become significantly recognized and honored as heroic.

### ~~CURRICULAR FOR DISARMAMENT EDUCATION~~

The challenge to develop a broad and inclusive curriculum for disarmament education is enormous, but the relationship between peace, human rights and disarmament can be established through a major effort to restructure the content of disarmament education programs so that they cover both security and disarmament issues as well as factors that influence conflict, war and violence and in addition human rights and peace. Such a curriculum might have a high probability of fostering the development of an educational experience that supports the establishment of a peace culture rather than the existent war and conflict culture. Disarmament education curricula, including those that already exist, should be focused on human behaviours that support disarmament and/or support arms control and the limitation of military forces. Successful strategies of preventive diplomacy and peace keeping should also be emphasized as major components of disarmament education curricula.

Disarmament is more than the science of the destruction of weapons. The concept has at least several meanings: (1) to inhibit the possibility of war by reaching military capabilities; (2) to prevent an aggressor who has been defeated from reactivating a military system that will promote war, and (3) to ban the use of weapons considered inhuman. Curricula content includes treaties, the Hague Conference 1899 & 1907, the Washington Conference 1921-22 in which the United States, the United Kingdom, Japan, France and Italy agreed to naval limitations for a period of fifteen years, the 1925 Geneva Protocol which was satisfied by more than forty nations and prohibited the use of bacterial and chemical weapons and the 1975 Convention on the Prohibition and Destruction of Bacteriological Weapons. In addition, there are treaties about the control of arms, weapons in space and agreements to destroy weapons, i.e., the Nuclear Non-Proliferation Treaty (NPT), the Anti-Ballistic Missile Treaty (A 3M), the START Treaties I, II and III, the Comprehensive Test Ban Treaty (CTBT) as well as the Chemical Weapons Convention and the Organization for the Prohibition of Chemical Weapons and the Biological Weapons Convention. While some progress has been made in achieving the goals of disarmament treaties, there are still major concerns about full implementation.

## **DEVELOPMENT OF DISARMAMENT EDUCATION CURRICULA**

The 1999 UNESCO World Directory of Peace Research and Training Institutions lists more than 600 organizations, worldwide, including, universities, peace research institutes, strategic and international studies, non-violence and peace organizations all devoted to the achievement of world peace. The 2003-2004 United Nations Directory of Non-Governmental Organizations associated with the UN Department of Public Information lists more than seventy organizations, worldwide, concerned with disarmament. Many more are devoted to peace education which includes components of disarmament education. Activities of these organizations include, research, documentation of weapons and disarmament conferences and publications that advocate the abolition of all kinds of weaponry and the demise of war, violence and conflict. It might be assumed that with all this attention to and support for disarmament, a decrease in war and violence within and between countries would have occurred over time, but such has not been the case. In contrast to all the attention given to disarmament during several past decades, the development and sale of weapons has actually increased rather than decreased and war and conflict continues and has escalated.

One of the reasons for this increase is that there is little, if any real coordination of activities and goals between and among organizations devoted to disarmament. Each organization seems to exist for the promotion of its own stated goals without any real link with other like organizations. In other words there does not seem to be any cohesive and organized pattern of coordination and cooperation between and among these organizations; thus their effect on governmental and political policies that support the development of weaponry as well as war and/or conflict is diminished. In addition, the development and sale of weaponry is very profitable for arms industries and corporations and profits also accrue to the industries/corporations that sell weapons to other countries. The combination of the latter two factors seriously undermines the possible effects of disarmament policies on war and violence. Unless there is a concerted effort for organizations devoted to peace and disarmament to engage in the task of developing disarmament education curricula with other relevant groups – corporate and government leaders who are involved in the production and sale of weapons – a comprehensive disarmament curriculum will probably not be developed.

It is also imperative that representatives of the media – print and television – be included in the development of disarmament curriculum, so that reports to the general public will become more informative as well as balanced in terms of the impact of war and violence. NGO's can be very helpful in the merging of interested and appropriate representative groups as well as the media to promote the development of comprehensive disarmament education curriculum.

The task of creating an effective curricula for disarmament education will require that organized NGO's join forces with corporate and political leaders and media representatives to develop a cohesive and coordinated curricula that can be used for degree or special programs in educational institutions, for education of the public by television, radio, newspapers, magazines and journals, for a general population of corporate and political leaders and for Internet and video conferences. Such curricula should include the factors that influence arms development, i.e., profits for arms makers, characterization of nations as „enemies“ or „rogue nations“, terrorist activities, be it organized military terrorism or individual/group terrorism, the media's present attention to war rather than a balanced approach including both war as well as peace efforts, the continued growth of the world-wide multi-billion weapons in lustry and a major emphasis upon the recognition that people who support disarmament, peace keeping, peace management are heroes/heroines who often risk their lives to achieve peace.

The disarmament curriculum should include the need for security – economic, as well as psychological, for all people. Historically, countries that have positive economic development have demonstrated less interest in engaging in war and other military actions. The curriculum should be designed to diminish and hopefully obliterate the notion that security is only available through the

use of arms. It is vital that peacekeeping and non-violent behaviours be presented as heroic. People, young and old, are easily impressed by behaviours that reflect heroism.

More often than not, movies and television productions present more positive visions of war heroes than peace heroes. Actually, any attempt to present peace keepers as heroes would mean the re-writing of some historical events. Historians who rewrite history are often called revisionists and in some ways, their efforts have been effective in changing the views of many people. For example, history writers in Women's Studies have now included the many contributions of women to society, much of which was unknown and/or ignored by historians prior to the 1970's. Revisionist historians in the United States who have written about colonialism and slavery have been able to educate the populaces of many countries about the truths of those events and their impact upon modern societies.

Disarmament curriculum should be integrated into regular academic curricula, should include security issues as well as arms control and other related matters. Content about disarmament and related topics should become part of the regular historical curriculum offerings – curricula that typically give credence to war as a method of bringing peace – often short lived. Such an arrangement will allow the assessment of the impact of war in contrast to the possible effects of peace and hopefully result in informed choices by political and government leaders on the disadvantages of war and violence in contrast to preventive diplomacy and peace.

### **CLIENTEL FOR DISARMAMENT EDUCATION**

Who should be selected to participate in disarmament education as learners? Historically, two groups have been selected for such educational experiences; (1) adults, who are often members of NGO's devoted to disarmament education, peace education and related topics and who already believe in and support the concept of disarmament education and are seeking more information to bolster their already formed beliefs, and (2) primary, secondary and sometimes tertiary students in educational institutions. However, the actions of both groups to promote disarmament are seldom effective in reducing the production, sale and use of arms.

Adults, who are already committed to disarmament often belong to those organizations that are devoted to disarmament, but often do not coordinate their organization's efforts with like organizations; such organizations are therefore, for the most part, insular and make little, if any effort to work within a coordinated, cooperative effort with other like organizations to effect disarmament.

Students - primary, secondary and even tertiary – are often encouraged to become the future advocates for disarmament; however, much of their exposure to disarmament curriculum is conducted through special time limited programs, which do not promote continuous disarmament education throughout their entire time in educational institutions. When you combine this limited exposure to disarmament education for such students, who, upon reaching their age of majority, have needs to develop career options that will provide their life's work with appropriate remuneration, most of them do not engage in any form of employment or social activities that include disarmament education. They are more concerned with career advancement, with appropriate increases in remuneration, family development and social development.

It is important to note that neither of the two selected target groups for disarmament education are actively engaged in policies that support the development and/or sale of arms, the promotion of national policies that support war, the acquisition of natural resources, i.e. oil, land, etc., from other nations and countries by armed conflict, the development and conduction of economic policies that support one culture over another or any other activities that may require the use of arms for the achievement of politically motivated goals. The effects of the above groups on world disarmament have been negligible as is evident by the increase in arms development and arms sales.

The most important and appropriate clientele for disarmament education are political leaders who make and carry out policies for their governments and in the long run for their citizens. They are the

policy makers who either foster disarmament or fosten the continuation of the development and use of arms for war and conflict. Corporate leaders who are engaged in policies and practices, such as arms development and sales, that may eventually result in war and violence are also important clientele for disarmament education, but are seldom if ever engaged in any vital discussions on disarmament. They also should be selected as major clientele for disarmament education.

Military officers and some government officials, particularly those engaged in defence activities for their countries are more likely to have knowledge about the effects of armed conflict, violence and war. More often than not, their major concerns are about security rather than disarmament education. Yet disarmament education for this group should be designed to change their beliefs that war is inevitable. If disarmament education includes topics such as (1) racial, ethnic and religious hatreds and xenophobia which are often used to foment conflict, (2) the effects of colonialism, (3) the unlawful acquisition of natural resources and land through war and violence, (4) competition for scarce economic resources, (5) the role of the military as peace managers and peace keepers, then it may be possible to re-educate and/or train military officers and government officials with the result of changing mind sets about the presumed values of war and violence as contrasted with the values of peace and security.

Business and corporate leaders probably have even less knowledge about disarmament education than any other potential clientele group. Thus, disarmament education for them must be more comprehensive. The business and corporate world is concerned primarily with global trade and profits, but some informed business and corporate leaders know that, in the long run, war and conflict are not positive for world trade. The need for war materials, i.e., weapons, other military equipment, technology for modern weapons, food and clothing for armed forces, and other items can and has influenced a major impetus for economic growth for some industries, primarily those in western countries. But such an effect is short lived as wars do end eventually. With the cessation of hostilities, another economic growth pattern emerges, - rebuilding countries that have been devastated; a prime example is current effort to rebuild Iraq after the unprovoked attack by the United States and the United Kingdom. The opposition to the rebuilding has been significant and has resulted in violent acts - kidnapping and killing of representatives of rebuilding efforts, and the deaths of even more corporate and business representatives and military personnel than were killed during the actual attack.

Cooperation between and among business, governmental and political leaders in the development and conduction of disarmament education could possibly generate new ideas, speed technology transfer to countries that need such for economic development and bring workplace realities and modern resources to nations that need to become partners in globalization and world economic development. Such an effect might reduce unnecessary competition between and among countries and instead increase cooperation between and among nations and/or population groups for resources to support their needs. Cooperation might eventually result in a lessening of conflict and warfare.

Journalists may be knowledgeable about disarmament issues and could provide balanced presentations of disarmament issues on television news programs, in national, regional and local newspapers, as well as in journals and news magazines. However, it should be noted, that with the exception of highly paid and respected journalists, most do not have the freedom to write or produce news without some form of editorial control. They are highly subject to the values of the owners, editors and publishers of television news programs and/or written reports/documents. In regard to the medium of television, again, with the exception of a few very well known and well paid television journalists, most are subject to evaluations by public ratings of their „news shows“. In addition, their presentations are often planned, not by them, but by news editors, who for the most part adhere to the values of the owners of the television industry. If television journalists are expected to provide balanced report: about war, violence, disarmament and peace, their editors and corporate owners will also need to be included in disarmament education programs so that their views and knowledge can become supportive of balanced reporting of these issues.

One of the issues most difficult to resolve is the content of programming for television production. Much of it portrays violence and conflict as rewarding; yet, if the concept of free speech is to be upheld, censorship is not possible. What is needed is a balance in presentations that reflects the effects of peace as well as the effects of war. Disarmament education for journalists, publishers, television editors and owners should be conducted so that they begin to appreciate the impact of both positive and negative imaging for television audiences.

It is not possible to end this section on clientele for disarmament education without attention to the violent events of the past four years, beginning with the destruction of the World Trade Towers in New York City, the bombing of commuter trains in Madrid, Spain, the attacks upon military and non-military persons in Iraq and the recent bombing of the Underground trains and busses in London. All of these events are reported to have been conducted by men who either had learned how to use airplanes as weapons, or who have been trained to develop bombs, out of common everyday materials. The impact of their actions indicates that the arms industry no longer has control of the production of arms and that further; the definitive concept of weapons has expanded. The result is that the opportunity for violence and conflict has been vastly enlarged and is no longer dependent upon the purchase of recognized armaments. Methods of developing/making armaments of many types are found on the Internet and almost anyone with rudimentary knowledge of chemistry can make such arms.

The effects of the planning and conduction of acts of violence and/or war during the last four years are significant and require a major shift in disarmament education. The task of developing disarmament education experiences that will aped to disparate groups – some from the Middle Eastern section of the world, but not limited to those areas -, that conduct violence and guerrilla warfare is challenging as such participants may not be part of any organized government. They are more likely to be part of political groupings, with several different leaders, but with some commonalty of goals that direct their actions. Every effort should be made to contact these groups so as to establish an environment in which their concerns can be heard and responded to in a manner that will reduce the probability that they will continue acts of violence. Topics of disarmament education for these groups that include perceived grievances and concerns, - economic, as well as racial, ethnic and religious – should be established by the developers of disarmament education possibly in conjunction with some of the leaders of these groups. Topics for discussion should include, (1) disarmament treaties and conventions that seem to discriminate against these groups and/or their countries, (2) the insistence on their disarmament without concomitant disarmament by nations that have major arms stores – the United States, Russia, China, India, Pakistan, the United Kingdom, Israel and others, (3) actions of nations who have carried out acts of violence without real provocation, i.e. the 2002 attack upon Iraq by the United States and the United Kingdom, attacks upon Muslim and Christian populations in Yugoslavia, Palestine, Sudan and other countries, (3) illegal acquisition of land and other resources by nations with superior arms and (4) threats of attack from militarily powerful nations. The use of organized military attacks upon such acts of violence and war conducted by those labelled as terrorists or insurgents will probably have little success and in all probability may perpetuate the continuation of such acts. The most recent example of the lack of success of military actions against such acts of violence groups are the results of the war in Vietnam in the 1960s-70s include the 55,000 plus United States military personnel who perished in that war along with countless Vietnamese and French citizens, and the final solution which required a mediated truce rather than a war victory. Arrogance by political leaders, superior arms, name calling, i.e. terrorists, insurgents, will not reduce the types of acts of violence which are not typical organized military actions. Such violent actions will probably continue to occur, and will only increase the probability that more disaffected persons will join in conducting such violent acts. Only mediated solutions conducted with the notion that all parties have equal concerns, issues and can, together, achieve solutions will probably succeed. The recent decisions of the Irish Republican Army (IRA) about ending violence, assisted by negotiation of the United Kingdom, are a good example of how to begin to diminish such violence.

## **SUMMARY**

The urgent need to develop new advocates for disarmament education has become apparent. Small wars, ethnic conflicts, suicide bombings, unprovoked attacks, increasing defence budgets, emphasis upon new weapons such as anti-ballistic missiles, the use of technology to increase the power of conventional weapons, the loss in the last twenty years of more than five million lives of non-combatants to conflict and violence of whom a significant number were mostly women and children, the millions of people who have been displaced, sent to refugee camps or made homeless because of conflict and war, all indicate the urgent need for disarmament education. It is clear that the world cannot wait ten to twenty years for students, - elementary, secondary and tertiary, to become disarmament advocates nor should adults, place that entire burden upon their shoulders. After all, it is adults, not children, who make decisions about inciting and/or committing violence, conflict and war.

In light of the continued increase, worldwide, in defence spending which will probably result in increased arms competition and an increased risk of armed conflict, there is a challenge to develop quickly new advocates for disarmament education. These new advocates should be media leaders, political and government leaders, business and corporate leaders, educational leaders, leaders of disparate loosely organized groups which conduct violence against others as well as members of NGO's, all of whom will become willing and able to speak with authority to government representatives about implementing disarmament treaties and will advocate actions to advance world peace. Members of NGO's have, for some years served as the initial advocates for disarmament education, and have the obligation to share their concerns beyond their organization's membership in a coordinated manner with others – business and corporate leaders, journalists, the military, government leaders and leaders of disparate groups not particularly connected with any government. The goal must be the development and conduction of disarmament education for all concerned. It is imperative that world wide organizations and national governments support, encourage and reward the formation of such groups to work together to become advocates for disarmament education.

Boutros-Boutros Ghali, former Secretary General of the United Nations promoted preventive diplomacy as a major strategy to reduce the probability of war violence. Vladimir Petrovsky, former Ambassador and Director-General of the United Nations in Geneva (Switzerland) and the Secretary-General of the Organization for the Prohibition of Chemical Weapons Conference in the year 2000, strongly urged that disarmament be a major strategy for preventive diplomacy and should become a high level agenda for state governments and their political leaders. Lester Pearson, Canadian diplomat and Prime Minister and winner of the 1957 Nobel Peace Prize said, "Humans are moving into an age when different civilizations will have to learn to live side by side in peaceful interchange, learning from each other, studying each other's history and ideals and art and culture, mutually enriching each others' lives. The alternative, in this overcrowded world, is misunderstanding, tension, clash and catastrophe".

The development and conduction of disarmament education by, for and with corporate and business leaders, political leaders, media leaders and journalists, NGO's leadership, organized military leaders and leaders of guerrilla actions is crucial if the catastrophic results by Pearson are to be avoided. The crisis in the Middle East has resulted in divisive positions for reform of the United Nations. Yet, the reform that has been suggested – expansion of the membership of the Security Council that would recognize and accept the realities of the twenty-first century, economic and demographic needs to also strongly urge a change in the world-wide lack of political leadership for the resolution of worldwide violence and war. A major commitment to disarmament education by all nations is perhaps the only manner in which present day world challenges can be met and resolved successfully.

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**DÉCENNIE INTERNATIONALE DES PEUPLES AUTOCHTONES (1994-2004):  
RENDRE AUX PYGMÉES LEUR HUMANITÉ ET LEUR CITOYENNETÉ  
EN RÉPUBLIQUE DÉMOCRATIQUE DU CONGO**

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55 ans après l'adoption de la Déclaration Universelle des Droits de l'Homme, il existe encore au monde des peuples qui, en raison de leurs origines raciales, ethniques, tribales et religieuses, sont stigmatisés et souffrent de la discrimination et de l'exclusion ou de l'ostracisme.

La situation des Pygmées (Batwa) en République Démocratique du Congo présente des enjeux évidents en matière des droits humains : déni des libertés et droits fondamentaux, discrimination et stigmatisation, pauvreté, déficit existentiel et éducationnel, non participation à la gestion de la chose publique, mauvaises conditions de santé, de logement, expropriation de leurs terres, etc. Une telle situation, en ce 21<sup>ème</sup> siècle, est tout à fait inacceptable.

Le combat que l'Organisation des Nations Unies, ses organismes spécialisés ainsi que tous les pays épris de paix et de justice mènent pour la construction des valeurs universelles pouvant induire à une promotion intégrale de tout homme et de tout l'homme, a besoin d'être soutenu. C'est dans cette optique que s'est inscrite la décennie internationale pour les peuples autochtones dont font partie les Pygmées.

En effet, les Batwa, peuples autochtones et minoritaires, sont les premiers habitants de l'Afrique Centrale, dont la République

Démocratique du Congo. Depuis longtemps, ils font l'objet de stigmatisation, de marginalisation voire d'exclusion dans la vie sociale. Cette situation constitue un état de déni, d'abus et même de violation des droits de l'homme, au regard des instruments nationaux, régionaux et internationaux garantissant lesdits droits. Le fait que les Pygmées ne jouissent pas de certains droits civils, politiques, économiques, sociaux et culturels les place dans une position non dominante.

Les pratiques et les politiques, visant l'amélioration de cet état de choses, attendent d'être mises en oeuvre. Le taux d'analphabétisme élevé, la pauvreté endémique, la non participation des Pygmées à la gestion de la chose publique, l'impossibilité de disposer des terres accroissent la vulnérabilité des populations Pygmées.

Dans la société congolaise d'aujourd'hui, il existe des repères et des fondements historiques, culturels et sociaux qui sous-tendent l'absence des Pygmées dans la place publique. Le combat pour la jouissance des libertés et des droits fondamentaux par les Pygmées prend de plus en plus l'allure des confrontations avec les autres populations de la République Démocratique du Congo.

Cette prise de conscience est de plus en plus aiguisée par la présence des organisations qui apportent, à travers leurs différentes actions, un éclairage nouveau dans ce que devrait être la nouvelle dynamique relationnelle entre les peuples qui, tous, doivent être conscients de leur égalité, de leur complémentarité et de leur responsabilité commune dans la construction d'un monde nouveau plus juste et plus solidaire.

Dans l'approche de la dynamisation et de l'émancipation des Pygmées, il est indispensable que ces derniers soient eux mêmes au centre de l'action. Aujourd'hui, il est temps que les politiques et les pratiques d'accompagnement des Pygmées soient orientés vers une participation qualitative des Pygmées eux-mêmes. L'appropriation de leur développement reste un gage pour la réussite. Les pesanteurs culturelles, psychologiques et mentales, qui sont encore perceptibles, sont à démonter grâce à une action de sensibilisation et de conscientisation.

L'intérêt que la communauté internationale, les ONG internationales et nationales accorde à la question des Pygmées permet de bousculer l'Etat dans l'articulation des meilleures politiques pour la valorisation de ces populations.

C'est dans ce cadre que l'UNESCO finance depuis l'année 2003, à travers la chaire UNESCO pour la culture de la paix, le règlement des conflits, les droits de l'homme, la démocratie et la bonne gouvernance en Afrique centrale et dans les pays de la SADC, des recherches et des forums pour aider à la compréhension de la question des Pygmées en vue de stimuler des mécanismes d'intégration et d'émancipation de ces populations marginalisées.

Il a été dégagé que l'Etat, d'autres agences du système des Nations Unies, les ONG nationales et internationales, les associations locales interviennent dans des domaines variés sur le plan politique, économique et social. Malheureusement, ces interventions sont minimales, non coordonnées et non intégrées. En plus, un processus d'implication systématique des bénéficiaires pygmées n'est pas engagé et l'appropriation tarde à suivre.

A ce jour, aucune action ne semble avoir eu un impact significatif car les Pygmées vivent encore dans une pauvreté chronique avec un taux d'analphabétisme de 95% et de presque 100% de non-participation citoyenne à la gestion publique.

C'est pourquoi, il s'avère urgent que des efforts soient déployés dans les domaines prioritaires d'éducation, de qualité de la vie et lutte contre la pauvreté, de promotion et protection des droits humains, de gestion de la forêt, de l'intégration politique et citoyenne, comme voies d'avenir pour l'émancipation des Pygmées.

Dans le sens des efforts à mener et pour rencontrer les préoccupations de l'UNESCO dans son programme de l'Education pour tous d'ici l'an 2075, il est nécessaire de soutenir le projet de création d'une Ecole Internationale pour l'Emancipation des Pygmées en vue de coordonner et concevoir des

programmes et produire des supports d'éducation et de formation adaptés aux besoins d'émancipation des Pygmées.

En vue d'encourager les recherches sur les Pygmées et d'inscrire cette problématique dans les priorités des organisations régionales et sous - régionales en Afrique, la création d'un Centre Africain de Recherche sur les Pygmées (CARPY) permettrait d'inscrire la question des Pygmées dans une perspective continentale en vue d'encourager des politiques et des pratiques favorables à la protection et à la promotion des droits des Pygmées.

La décennie internationale des peuples autochtones (1994-2004) se termine en République Démocratique du Congo dans un contexte post-conflit avec une transition très fragile. Vulnérables et ignorant les enjeux actuels de la recherche de l'instauration d'un Etat de droit, les Pygmées risquent encore d'être exclus du processus de participation citoyenne lors des échéances électorales à venir. Comment rendre aux Pygmées leur citoyenneté et leur humanité dans ce monde en mutation ? Telle reste la question fondamentale qu'il faudrait désormais aborder lorsqu'il s'agit de travailler pour piloter un changement qualitatif en faveur des populations Pygmées en RDC et en Afrique.

## Russia in Contemporary Global Politics: The Problem of Tolerant Perception of the World.

**Prof. Valeri MIKHAILENKO**

**Under Mars and Venus.** Robert Kagan, an American political guru, in his recent bestseller (1) compared the USA and Europe with Mars and Venus respectively. In Kagan's view, as far as protection of the Western world is concerned, US policy since the end of the Second World War has been based on military superiority. At the same time Europe (that is, Western Europe and then the European Union) has been more inclined to use diplomatic and economic tools to exercise its influence in world politics. European outlook coincides with Kant's idea of eternal peace; it is such a world where countries co-exist on the basis of unshakeable universal ethical standards. The USA – continues Kagan – see the world as Hobbesian one, where each country is surrounded by potential enemies, which would do anything in the pursuit of their selfish goals. Kagan claims that nowadays, in relation to major strategic issues Americans are from Mars and Europeans are from Venus.

**About the new world order.** Nevertheless, one should not overemphasize US-European contradictions, Europe and the USA will remain strategic partners. They still retain a strategic initiative in rebuilding the world on the basis of liberal-democratic values.

What can one say about the new architecture of the world? There are several approaches to assessing the existing world order. Y. Primakov, one of the last apologists of multi-polarity, is certain that the world order develops towards multi-polarit one (2, 74). A. Bogaturov introduced the conception of “pluralistic unipolarity” (3, 23). According to this conception, bi-polar world did not become unipolar after the demise of the Soviet Union, did not turn into Pax Americana, as the USA are not a lonely superpower, but are surrounded by a close-knit group of staunch allies, the so-called G-7 (3, 23).

A Russian version of “global democratic peace” appeared in 2000. This concept of a global Pax Democratica highlighted common democratic values which cemented the “group pole” together. A *regime-institution* approach to analysis of the world order is becoming increasingly influential. A. Salmin, N. Kosolapov – the authors of this approach – agree that the unipolar world acquires some features of a single global proto-state, that is governed from a single center. Having accepted that, they suggest analyzing this world through research of this governance, its nature, its forms, its regulating mechanisms, its regimes of governing, rules and practices.

If some countries do not comply with Atlantic values, first and foremost, if they show no progress (which is understood as movement towards liberal-democratic values), no development (which is understood as inclusion into processes of globalization) such countries can be labeled “failed states”.

The USA and their allies differentiate between “progressive” states and “rogue” states with the same single-minded assertiveness that was typical of the USSR when it introduced socialist transformations into other socialist countries.

The UN Monterrey forum of 2002 was supposed to discuss financial aid to developing countries. In reality though, it designed a new doctrine which describes relations between the West and third world countries, a new doctrine of globalization and social progress (4). The novelty of it is not in accepting the obvious fact that neither globalization nor free market can bridge the constantly growing gap between the developed and the developing countries. The main point of “Monterrey consensus” is that the West will be providing economic and financial aid and assistance only to those countries which are committed to liberal-democratic reforms in politics and economy. Thus, it is the weakness of state that is considered to be the main obstacle to economic development; the developing countries are strongly recommended to

“strengthen the vertical of power”. The West declared state authority to be the foundation of international development. By doing so, Western countries made very serious commitments – now corruption and inefficiency of a state is not its internal affair any more.

After September 11, the notion of “failed states” became central in the new American strategy for building a safer world. Hypothetically such states could be “closed down”. In order to work out new legal practices it is suggested to implement a procedure of sovereign bankruptcy and introduction of external management – a procedure analogous to bankruptcy of corporations. Thus, the West is going to use different approaches toward issues of sovereignty: from aggressive intervention aimed at elimination of a “rogue” state, to “humanitarian interventions”.

We can come to the conclusion that – after the demise of the bipolar world based on struggle between two world systems – liberal-democratic ideology won in the Cold War and in 1980s-1990s turned into a system-forming matrix of the new international order. **We are not trying to discuss whether it was good or bad, but we accept it as reality to be taken into account by every government or ruling elite.**

**External challenges to Russian security.** In the sphere of international relations Russia faces many problems and does not possess sufficient resources to solve them. After the downfall of the socialist world order Russia lost *strategic initiative* at the global arena. In early 1990s Kozyrev tried to co-govern the world together with the United States. When that diplomacy failed, Primakov made an attempt to build multi-polarity. Needless to say, the attempt was doomed to failure.

When Russia became a member of the anti-terror coalition it seemed to have brought back to Russian diplomacy some stability and a sense of purpose. Having become closer to the West, Russia once again became one of the most influential countries. But Russia is a finicky partner. She supports Washington in some aspects, distances herself from the USA in others, trying to keep the relations within a framework of partnership. Russia keeps balancing between a full participation in G-8 and removal to marginal positions in the international community with an unpleasant prospect to join “failed states”.

In the present situation, when financial aid rather than military cooperation becomes the main instrument of global politics, Russia – in the foreseeable future – will have precious few possibilities to conduct an independent policy inside her sphere of interests. Fuel and energy dependence is a double-edged weapon and cannot guarantee long-term advantages for the exporter.

The loss of strategic initiative is demonstrated by the fact that Russian diplomacy has been associated with regimes rejected by the international community. It can be said not only about regimes of Saddam Hussein, Milosevic, Castro, Kim Jong Il – even among its neighbors Russia supports regimes that do not have exciting long-term prospects. Moscow pays little or no attention to political opposition in the CIS.

Russian leaders and political elite should realize that if Russia is to belong to G-8, it presupposes deep commitment to Atlantic democratic values. In order to secure national security interests, Russian leaders should be wise and not get spellbound by expectations of mass society, which is still cherishing pre-bourgeois illusions. Consortium of world leaders will not tolerate in their ranks such a state that does not correspond to their ideas of democracy and politics.

Neoliberal democracy and globalization remain the main challenges for Russia. Soviet superpower lost its case in an open competition. Those who still insist on experimenting with the status of a superpower, who persist in their support of non-liberal traditionalist values and forms of organization, they must have a very short historical memory.

Scholars and politicians keep arguing about Russian strategy of development. What could be the consequences of joining WTO? Russia still has quite a long way to go in order to catch up with the developed countries. Some scholars recently criticized neoliberal formulas which prescribe developing countries opening up their economies in order to develop dynamically (4,6). At the same time, leaders of

technogenic civilization have been developing their economies deliberately resorting to selective protection of some industries until they became strong enough to compete with foreign rivals (4,7).

But who could prove it that reasonable state protectionism and strengthening of the regulating role of the state should be in conflict with development of civil society, with protection both of human rights and of freedom of mass-media? Judging from the results of 2004 presidential elections in Russia, "Izvestia" supposed that an attempt can be made in Russia to implement a concept of "modernization instead of democratization" (5). We know it from bitter historical experience that "much of state" does not mean "a powerful state". Soviet Union where power of state was carried to an extreme turned out to be "a colossus with feet of clay" and collapsed abruptly. An international research group chaired by former UN Secretary General Boutros Boutros-Ghali published a report which emphasizes interdependence between democracy and development (6, 10) "Democracy cannot exist without an independent judicial system, without institutions that guarantee freedom of speech, without independent mass-media" (6,10).

Nowadays it would be difficult to impress somebody with formal characteristics of democracy. Non-democratic political regimes learned to imitate democracy by establishing quasi-democratic political institutions and procedures. Ralph Dahrendorf, a figure of authority among Eurosceptics, studied influence of globalization on internal policies. He established a direct link between crisis of democracy and crisis of a nation-state. In his opinion, presence of formal democratic institutions which are supposed to denote a rule of law is not enough to call a process or an institution democratic. Other indicators of democracy could be used, for example, whether the ruling elite are prepared to step aside from power after democratic elections (7, 10).

**What planet should Russia follow?** Owing to democratic transformations Russia managed both to find a noble and decent place within the global framework of American partnerships and to preserve a privileged position in international organizations. Alliance with the West allowed Russia to exercise positive influence on resolution of some international issues; without such an alliance this would be hardly likely if at all possible. There are many examples illustrating limits or even absolute inefficiency of Russian power politics, one of the recent striking examples is the famous "Primakov's loop" over the Atlantic Ocean during the crisis in Yugoslavia.

Indeed, Russia, as well as many other countries, is not satisfied with the enormous role played by the USA in the process of making key decisions in world politics; this lessens the value of other countries, results in ignoring their interests and needs. But there are non-confrontational resources to tackle this and other problems. Such resources include cooperation with other countries to make the world order more democratic and to help Russia play a more important role in formation and regulation of this world order.

In order to work out foreign policy adequate for a strategy of national revival, the ruling elite should abandon some illusions, should be realistic about the position Russia occupies in the world. One of the major challenges to establishing adequate relations with the world is the fact that Russian politicians have not assessed the real position of the country in the world; nor have they made a realistic assessment of the world itself.

Our greatest failure was an internal one. We failed to work out a strategy of economic development, of political and spiritual revival. We have not understood the major issue of strategic development of the country. Instead of thinking how to ensure economic growth and how to keep our place in the world economy, we keep arguing about ideology or about theoretical models of development – liberal or state-oriented. Instead of realizing that Russian strategy does not comply with the emerging model of post-industrial development – which, as a rule, guarantees economic growth even to minor participants of it – we still keep on arguing about greatness and prestige of the country. It would be necessary to point out that many countries that do not apply the term "great" to themselves have been developing rapidly with Russia falling behind long ago (Germany, Japan, Italy, Canada, South Korea).

The series of failures in Russian foreign policy was in a way predetermined by inaccurate assessment of the outer world, by inadequate identification of priorities, by overestimation of resources. It is very likely

that Russia tried to keep some positions which had been irretrievably lost and, by doing so, neglected realistic possibilities. I would like to ask the apologists of Lukashenko's regime the following question: "Where are those political or economic dividends from supporting Lukashenko, the dividends that have been so much discussed for several years?"

Anyway, Russian politicians, the leaders of the country should analyze the lessons of 1990s to realize where our interests in the world are, to work out a realistic and active policy to adapt to the future world, not to waste away political and economic resources of the country.

It is very worrying that a large number of our politicians do not understand the new reality; their reactions to the policies of the outer world are also worrying. A series of humiliations brought about not only a feeling of having been offended but also a feeling of living in a besieged fortress, a feeling of being surrounded by a hostile world, identified mainly with the West. Contrary to the public opinion – which is not anti-American or anti-Western, as the results of recent polls showed – the majority of state-controlled mass-media incite anti-Western sentiments.

Despite all that, conditions are in general favorable for Russia. So far nobody can nor wants to threaten Russia with either aggression or military-political pressure. Russia does not have major allies, but she has no enemies either. Relations with the most powerful states are normal. So far Russia is waved aside, but is neither isolated nor forced into a corner. There is no point in exhausting ourselves by militarization? But this situation may change if Russia keeps getting weaker.

So far we still have breathing space. There still is an "opportunity gap" which would allow us to resort to a new paradigm of internal development, cooperation and integration with the outer environment. Such a paradigm should address new challenges and new opportunities. This gap may close in a few years. Survival and development of the country depend on whether the ruling political elite will be able to tackle new challenges, to use new opportunities, to adequately assess this new world Russia will have to live in. Russia does not have an acceptable alternative to global process of economic integration. There is an unacceptable one though...

In that case there may appear a new planet on the international firmament. The status of that planet will be defined in words of the famous Russian poet Pushkin, "as that stupid moon on that stupid firmament..."

**Political elite searching for a new national idea within the present international reality.** The new Russian political elite has been trying to work out a national consensus on the basis of 'ersatz ideologems' that revolve around imperial notions: monarchic, "White", or "Red" ones. Traditional, imperial, anti-Western, anti-liberal, Orthodox values are consolidating the Russian society. Anti-Western traditionalistic radicalism permeates power structures; that creates prerequisites for possible Russian opposition to liberalism both within the country and without.

National ideas in liberal democracies are worked out within the framework of a civilizational, inter-ethnic, inter-confessional, cultural, ideological and social dialog which is aimed at achievement of a social consensus. It is highly unlikely that such consensus could be built exclusively on values of only one ideology, mythology, or religion. Rafael Hakimov from Tatarstan claims that "...the world has split into Christians, Jews, and Muslims; there appeared a gap that can become an abyss. Only new values can re-unite the split world. They cannot be purely liberal, nor traditional-liberal (8).

Tolerance is based on philosophy of common sense, on adequate perception of reality and of its development. Tolerance is a dialog with *other*, acceptance of that *other*, an attitude towards that *other* that is based on a certain *universal* ethic worked out in practice of human relations. There can be no tolerance that is not based on acceptance of certain *universal* values that include values of the other. The only alternative to it is a *Diktat* or subjugation. It is no secret that secular notions of tolerant behavior, supremacy of individual rights and democracy are based on European Christian values and are accepted by non-extremist political and religious communities (including non-Christian ones) as certain universal – although not perfect – values of co-existence in the world. Nevertheless, we would venture to suggest that

although these values – despite having obvious signs of Christian matrix – were born by Christian culture, by Christian ideal (9,87) rather than by any Christian church and, therefore, cannot be privatized by any church.

Why do we have cultures that sanction mass-murder, cannibalism, humiliation of others? – asks Umberto Eco (10,9). His own answer is that in those cultures the circle of *Others* is narrowed down to their tribe (or ethnos) and “barbarians” are simply considered non-human. This conclusion can be equally applied to political, religious, cultural, civilizational extremism. Intolerance to other is the major source of extremism. Umberto Eco believes that cultivation of tolerant behavior is the best remedy for this human weakness.

Contrary to that, the theme of repentance has died out in the Russian intellectual milieu under the pressure of authorities. Modern Russian bureaucracy tries to change recent Russian history to fit in with their totalitarian imperial ideology they are trying to formulate. It naturally entails interference of state bureaucracy into scholarly and scientific processes; bureaucrats try to curb pluralism in historiography, to taboo anti-totalitarian research of Russian history. The society has to pay for slow development, for delays in modernization; the payments being “rushes”, “leaps forward”, “revolutions”, “dictatorships”, they always go hand in hand with self-destruction of human resources. Secular or religious elites – especially those of “catching up”, or “developing” communities – tend to believe that they can ensure positive dynamics of societal development within an autarchy, that is, an enclosed, isolated political and economic system. Such beliefs – which are naïve to say the least – include projects based on idealized past or hypothetic future, something like “Orthodoxy, monarchy, people”, or a third/a fourth/a special way of development. On the other hand, adequate perception of reality does not mean mere copying of political or economic processes. The most efficient societies are those that create and maintain conditions for varying development, those that have mature intra-systemic opposition.

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**MASS EDUCATION PROGRAMME: MULTI-MEDIA COLISEUM PROJECT FOR  
“TRANSFORMING THE PILGRIM CENTERS OF INDIA INTO KNOWLEDGE CENTERS OF INDIA”.  
A CASE STUDY**

**Prof. Vishwanath D. Karad**

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**PREAMBLE**

Since the establishment of the UNESCO Chair on 12<sup>th</sup> May 1998 at the World Peace Centre, MAEER’s MIT, Pune, India, the Center is constantly engaged in organizing various programmes such as a Lecture Series, Seminars, Workshops, Conferences at the National and International Level, and various other related activities in promoting Human Rights Education, Democratic Values, and a Culture of Peace and Tolerance.

One of the most unique and noteworthy projects initiated, executed and put into action by the World Peace Centre of MAEER’s MIT, Pune, India under the UNESCO Chair Programme, is a Multi-Media Coliseum Project established on the banks of the Indrayani River at Alandi, including a modern projection system, with the sole aim to promote the “Mass Education Programme” in the field of Interfaith, Inter-religious dialogue, Human Rights Education, Democratic values, Culture of Peace, Environmental Improvement, Pollution Control, and Health and Hygiene issues for the welfare of the society at large.

This Multi-Media Coliseum Project for Mass Education is probably the first of its kind in India and the whole of the Asia-Pacific Region. However, it is a humble beginning in the right direction in championing the cause of UNESCO’s Mission. Many more projects and programmes will have to be devised by the various UNESCO Chair Holders and other NGOs to bring about positive change in the mindset of the world community in promoting global peace.

**PRESENT WORLD SCENARIO**

Today, the entire world is passing through a tense and chaotic stage, even worse than what was experienced during the two world wars. The present one is also a war, a war between good and evil, sacrifice and greed, virtues and vices, tolerance and rigidity, religious co-existence and fundamentalism, traditional time-tested values and quick gains, and ego and so on. The world is also witnessing mind-boggling scientific and industrial developments alongside a journey to outer space. On the other side, there is a total chaos, confusion, terrorism, bloodshed and massacres in the name of caste, creed, race or religion and the boundaries of the nations. The family system, which is vital for the survival of mankind, is on the rocks. This is our real predicament.

From the first glance it seems obvious that the present scientific innovations and technological advancements have helped in converting the world into a Global Village. However the hearts and minds have drifted far apart with deep valleys and barriers being created between man and man, between nations and religions, sects, castes and races. This is to due to the erosion of time-tested value systems. We have forgotten our ethos, culture and traditions. The human spirit and approach is missing.

It is true that we are living in a world that Dickens called “Hard Times”, pressures and tensions, which are concomitant to economic growth, are eroding the value system that was integral to our ethos. We find ourselves drawn towards the old values, which are contained in our epics and scriptures. Some of us relatively unfettered by the present day materialism try to discover our panacea in their time-honored aphorisms, without falling victim to the backward-looking pull of revivalism.

Looking at the present scenario all over the world, it is imperative that we introspect, search within where we have gone wrong and discover our treasures that can help in setting things right. We feel this requires sincere efforts and firm action by all those right thinking people without any further loss of time. Any further delay will make the process irreversible and whatever rot has set in will get perpetuated.

### PILGRIMAGE OF MANKIND

Since time immemorial, in almost all the countries the world over, there have been a number of places of reverence and worship, in one form or the other, established and developed by the then eminent and devoted people and the authorities in the field of religion and spirituality. Barring a few exceptions, even today, there have been a number of holy places in almost all countries, either in the form of a Church, a Temple, a Mosque, a Buddha Vihar, Gurudwara or some holy shrines, which are very dear to the hearts of people belonging to different faiths and religions.

Many a number of such places of pilgrimage are visited by hundreds of thousands of people every year and certainly, not less than ten to twenty thousand people visit these places daily, with the deepest reverence and respect towards their own faith, the Supreme – The Creator – Almighty - The God. It has been observed that quite a large section of society offer their prayers, perform some rituals, meditate and worship at these holy places in the name of whatever faith they belong to.

It is worthy to note that such holy places of worship certainly help these people, in controlling and minimizing vices such as anger, jealousy, ego, lust, greed and hatred, thereby developing the purity of mind, purity of thought and purity of action, which are the very basics for establishing a holistic society.

### INDIAN PERSPECTIVE

India is a beautiful country endowed with wonderful rivers like Ganga, Yamuna, Saraswati and mountain ranges such as the Himalayas, Sahyadri, Vindhya and Nilgiri etc. However, the real beauty of this country is reflected in the exceptionally magnificent and fascinating structures of sacred temples like Rameshwaram, Meenakshipuram, Jagannathpuri, Kashi, Sorti Somnath etc, radiating the divinity of the Ultimate Reality – the Ultimate Truth, the Knowledge Divine.

India is more known as a spiritually oriented country with its rich time-tested value based traditions and varied cultures of sects, cults, and different religions of the entire world. Further, India is a very huge country with a population of more than one billion, the majority of which resides in the area of under developed villages. Our rural masses make their living solely on agriculture.

Unfortunately, quite a large segment of our population is uneducated and ignorant. The rural masses are deprived of even the formal education and other allied, bare minimum facilities of decent living, such as nutritious food, shelter, clothes, health and hygiene etc.

Today, India is trying to develop very steadily, in all walks of life. Particularly, it has made a significant progress in the field of agriculture; IT/Software Industry, Biotechnology and many other allied emerging fields. However, India has yet to go a long way in developing various programmes to educate and train the rural masses in the field of health and hygiene, awareness of HIV AIDS, Leprosy, Water Borne Diseases, Malnutrition, population control, along with all the other basic facilities such as roads, drinking water, energy etc.

Being a spiritually oriented and religious minded country, there is an urgent need to appropriately educate and train these rural masses about the very Essence and Philosophy of all the religions along with the Role of Science and Spirituality in promoting the social well-being of the people at large.

#### SCIENTIFIC AND PHILOSOPHICAL BASE BEHIND THIS INNOVATIVE CONCEPT

The World Peace Centre (Alandi), MIT, Pune, India is a firm believer of the “Union of Science and Religion/Spirituality alone will bring Harmony and Peace to the Mankind” as said by great noble son of India, Swami Vivekananda, in the Parliament of Religions in Chicago, USA in 1893.

Furthermore, with all the mind-boggling scientific and technological innovations, discoveries and developments like artificial intelligence, Internet, MIT/MIS, genetic engineering, string theory, journeys to outer space, it is being revealed world over, that the entire universe is a manifestation of pure consciousness and intelligence, as enunciated by the great Philosopher Saint of India SHREE DNYANESHWARA, 700 years ago.

The assertion made by the greatest visionary scientist of 20<sup>th</sup> Century Dr. Albert Einstein that “*I believe in God, who reveals himself in the orderly harmony of the Universe, and I believe that intelligence is manifested throughout Mother Nature*” amply clarifies the very essence and philosophy behind science and religion/spirituality and strongly confirms the very statements made above by the great visionaries of the world.

The role of all the greatest saints, sages, seers and scientists of the entire world has a common goal and a mission to promote human welfare and global peace. Unfortunately, many a times some egoistic, self-centered people, who are at the helm of affairs, misuse the wonderful scientific innovations and discoveries otherwise useful for the well-being of humankind. Even some of the people engaged in promoting their own religion, misuse the most ideal principles of their religion for their selfish gains with ulterior motives.

Discerning divine knowledge alone can transform the human soul and value based education can play a pivotal role.

#### IN THE QUEST OF UNIVERSAL PEACE

The World Peace Centre, MAEER’s MIT, Pune, India is always in the quest of understanding the role of science and spirituality in promoting human welfare by developing a culture of peace through value based universal education. Naturally, after elaborate discussions, deliberations and interactions with the well known scientists, philosophers, thinkers, scholars and educationists from various fields, MIT, Pune has come to some positive conclusions and accordingly planned the mission of educating and training the masses and society at large by disseminating the appropriate information and the knowledge with wisdom through this Multi-Media Coliseum Project along with various institutional academic programmes.

Humanity is always in the pursuit of not only the purely temporary materialistic pleasures alone, but also it is in the search of true satisfaction, happiness, real joy and peace of mind.

As such, Peace is that state of mind, which brings perfect understanding between two individuals or even to oneself, with full faith and belief and a feeling of joy in the course of interaction, with any individual and which gives complete happiness and satisfaction to one another, or to oneself. It remains undeterred, un-influenced and unbiased by the circumstances.

Peace within the self, leads to the peace in the family, and peace in the family leads towards peace in society which further extends to different communities and finally leads to peace within the nation and between nations, which ultimately helps in establishing global peace. It is the duty of every one to spread the Message of “Vasudhaiva Kutumbakam” – “The World as One Family” to the entire humanity, as stated in the age old Indian Vedic Literature.

It is being realized the world over, that we need to devise some innovative methods and practices to develop the Culture of Peace in the world, using the present day modern mechanisms and tools available to humanity.

#### MULTI-MEDIA COLISEUM FOR MASS EDUCATION

The World Peace Centre sincerely feels that using the most modern Multi-Media Coliseum System with the support of IT and other technological advancements for mere entertainment or recreation is one small aspect of it, but using the same for Mass Education in the world is much more important and it is a truly pressing need.

Realizing the urgency and need to educate and train the masses of this vast nation – India, World Peace Centre, MAEER’s MIT, Pune, India, under the UNESCO Chair Programme, has taken a lead in this enormous task of enlightening the people by creating awareness in the society about interfaith, human rights, democratic values, health, hygiene, cleanliness and the role of science and spirituality in promoting human welfare thereby spearheading the Mission of UNESCO, Paris.

This multi-media coliseum project is playing a highly important role in TRANSFORMING PILGRIM CENTERS OF INDIA INTO KNOWLEDGE PILGRIM CENTERS OF INDIA. IN THE NEAR FUTURE, IT WILL CERTAINLY HELP IN ENHANCING THE ROLE OF THESE HOLY PLACES TO BECOME THE TRUE KNOWLEDGE CENTERS FOR THE HUMANITY.

This unique project established at Alandi under the UNESCO Chair Programme is actually helping to educate and train the peasants, workers, farmers, large number of villagers and the society at large.

Particularly, because of its strategic location on the bank of river Indrayani at Alandi – the Holy Place of Philosopher Saint Shree DNYANESHWARA, this project has helped in educating hundreds of thousands of people, who frequently gather and visit this pilgrim center located in the State of Maharashtra, India.

The World Peace Centre (Aland), Pune, India firmly believes that these divine knowledge centers, if appropriately developed with a proper understanding of the concepts of science and spirituality, they will curb the blind faith and excessive performance of rituals and will certainly show the pathway of harmony and peace to mankind.

*The Unique Beauty of this Multi-Media coliseum project established on the bank of Indrayani River at Alandi near Pune, on 3<sup>rd</sup> January 2000, consists of a very huge concrete screen of 63’ X 45’ almost Twenty Four (24) feet above the ground, with a vast permanent stage of 72’ X 30’ called as*

*“Vishwaroop Darshan Manch”, is provided with all ultra-modern facilities of Barco Belgium Projection System, having a projection of 700 feet, which is installed on the other bank of the river.*

*Since the year of 1986-87, MAEER’s MIT, Pune, India, had taken a leading role in promoting the “Environmental Improvement and Pollution Control Project” of this pilgrim center of Alandi. It has constructed a very massive embankment development activity similar to an open-air class-room, which provides a very appropriate sitting arrangement for approximately 60,000 people.*

*The beautiful river flowing in between adds to the grace and grandeur of this wonderful MASS EDUCATION Project for Society at large.*

#### NETWORKING OF PILGRIM CENTERS

World Peace Centre, (Alandi) of MAEER’s MIT, Pune, India has undertaken a very massive project of networking all the pilgrim centers of India with the support of the various heads of different states, under the able guidance of world famous scientist Dr. Raghunath A. Mashelkar, Fellow of Royal Society, London and Dr. Vikay P. Bhatkar, an Eminent Educationist and Computer Scientist.

This networking programmes of pilgrim centers in order to transform them into knowledge centers of India includes highly important holy places such as, Vivekananda Kendra at Kanyakumari, Rameshwaram, Meenakshi Puram, Tirupati Balaji, Pandharpur, Alandi, Dehu, Shirdi, Kashi Banaras, Allahabad, Haridwar, Rushikesh, Buddha Gaya, Jagganath Puri, Sorti Somnath, Dwaraka, Amritsar, Ajmer, Vaishnav Devi in Kashmir and many other important pilgrim centers beyond any caste, creed, race or religions existing in India.

In the near future, with the support and guidance of UNESCO, Paris and the various heads of the different states of the world, this unique Mass Education Programme to promote the “Culture of Peace” in the world, can be very well undertaken primarily in the underdeveloped and developing countries. It can be launched in all parts of the world to develop holistic societies and promote World Peace.

#### WORDS OF APPRECIATION BY HIS EXCELLENCY SHRI BHAIRON SINGH SHEKHAWAT HON’BLE VICE-PRESIDENT OF INDIA

Hon’ble Vice-President of India, Mr. Bhairon Singh Shekhawat delivered at the “Ninth (9<sup>th</sup>) Saint Dnyaneshwara – Tukaram Endowment Lecture Series – Keynote Address” on Friday, the 26<sup>th</sup> November 2004 under the UNESCO Chair Programme to promote the Culture of Peace in the world, at the venue of Multi-Media Coliseum Project – “Vishwa-Roopa Darshan Manch” on the banks of River Indrayani, Alandi.

After experiencing the uniqueness and the utility of this Multi-Media Coliseum Project, in promoting the very mission of UNESCO, Paris, Hon’ble Vice-President of India was highly impressed, particularly, because of the very use of IT to educate and train the illiterate and ignorant people of rural India, creating awareness amongst them, about the various issues concerning human welfare.

Hon’ble Vice-President of India further expressed his feelings of tremendous satisfaction in his highly passionate words and assured *“all possible help towards furthering the cause of the Multi-Media Coliseum Project for Mass Education - a novel concept that seeks to transform India’s pilgrim centers into the laboratories of scientific and social transformation”*. He further stressed *“the great*

*significance of combining the science and spiritualism and the need to uphold in the truest sense, the scientifically based age old time-tested cultural faiths and traditions”.*

Many a number of world-renown scientists, thinkers, philosophers, and academics along with various heads of states have highly appreciated this project for Mass Education and assured their co-operation and support for this noble cause.

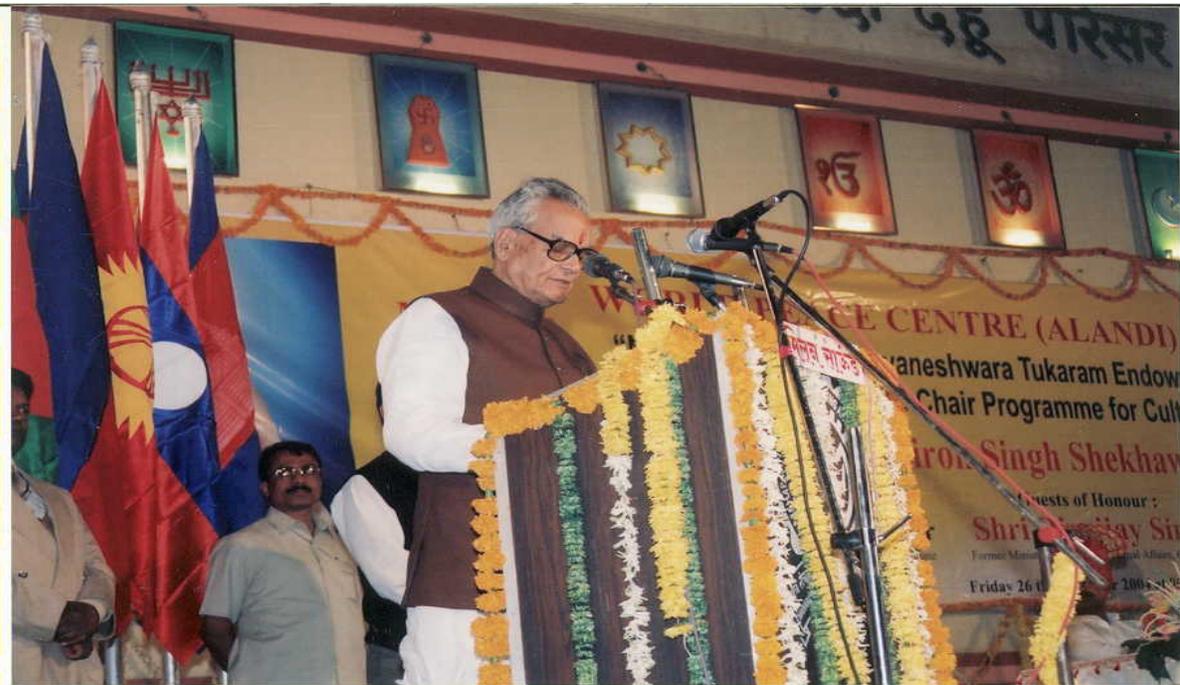
## A P P E A L

The World Peace Centre (Alandi), MAEER’s MIT, Pune, India would like to make an humble appeal to all the UNESCO authorities and my colleagues and UNESCO Chair Holders to kindly witness and experience this Mass Education Programme. If they think it appropriate, we can certainly join hands in promoting the mission of UNESCO, Paris in developing the Culture of Peace at the global level.

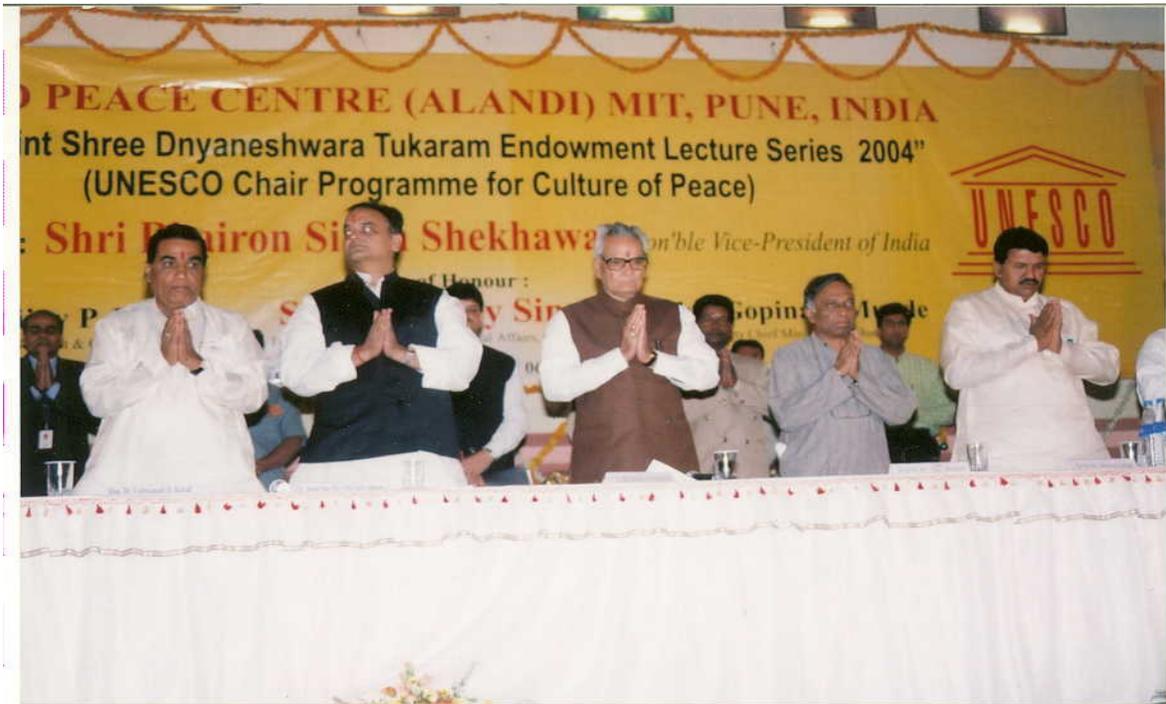
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Hon'ble Vice-President of India Shri Bhairon Singh Shekhawat along with Former External Affairs Minister Mr. Digvijay Singh lighting the Traditional Lamp to Inaugurate the 9<sup>th</sup> Endowment Lecture Series-2004.



Hon'ble Vice-President of India Shri Bhairon Singh Shekhawat delivering his Keynote Address in the 9<sup>th</sup> Endowment Lecture Series under UNESCO Chair Programme of World Peace Centre (Alandi), Pune, India



Hon'ble Vice-President of India Shri Bhairon Singh Shekhawat along with Former External Affairs Minister Mr. Digvijay Singh and Dr. Vijay Bhatkar praying for the cause of World Peace.



The rural masses from all parts of India in rapt attention listening to the Message of Peace.



Hon'ble Vice-President of India flashed on the Mega Screen – delivering the Keynote Address under the UNESCO Chair Programme



Devotees offering the World Peace Prayer at Alandi for the well-being of the Mankind

## Tabooed Fate of Hungarians in Slovakia (1945-1948)

Miroslav Kusy

Czechoslovak multi-ethnic state ceased to exist after Munich Treaty in 1938 and the fate of its ethnic minorities started to develop in different ways in *Böhmen und Mähren* and in the *Slovak Republic*. Sudeten Germans in BM became citizens of Hitler's *Reich*, the majority of Hungarians in Slovakia became citizens of Hungary, when the Southern part of Slovakia was annexed by Horthy.<sup>1</sup> (Carpathian Germans in Slovakia became also another case in comparison to Sudeten Germans in BM, because Slovakia was formally an independent state).

The Czechoslovak political leaders in emigration began to draft plans for the new Czechoslovak state in its original borders after the defeat of Nazi Germany in WWII. In 1943 they planned the complete deportation of Germans and Hungarians from the restored CSR. But in 1944 the Western powers rejected the principle of collective guilt for Hungarians, since „Hungarians are not Germans“. The Potsdam Agreement in 1945 approved the plan for the one-sided displacement of ethnic Germans from CSR, but not for Hungarians: their matter had to be resolved bilaterally, as an internal issue between Hungary and CSR.

In spite of this standpoint, the Czechoslovak authorities did not abandon the idea of displacing 400,000 ethnic Hungarians from the country. They only modified this idea in the so called Governmental Program, accepted in Kosice on April 1945. This document accused the Hungarian minority (together with the German minority) of breaking up CSR, and codified in this way, their collective guilt. In accordance with this Program, the use of Hungarian language was banned too, and members of both minorities were deprived of their Czechoslovak citizenship. The program asked for the expropriation of land and farmsteads of ethnic Germans and Hungarians by the Czechoslovak state. Their estates were to be populated by internal Slovak settlers as well as Slovaks invited home from abroad.

According to the original plan, the ethnic Hungarians were to be evacuated from Slovakia to Hungary. Because of the disapproval of Allies, Gottwald proposed to exchange them for Slovaks living in Hungary. The Hungarian government, as a government of the defeated country, was pushed to sign the population-exchange agreement, under which the number of officially designated Hungarian inhabitants of Slovakia, which would have been *forced* to leave their native land, was to equal the number of Slovaks inhabiting Hungary, who would *voluntary* request resettlement in Czechoslovakia. But the plan worked only in part, because only 73,000 ethnic Slovaks chose to resettle in their original homeland. For this reason, the number of ethnic Hungarians, deported from Slovakia, cannot be higher than 90,000 persons.

The sad story of this forced deportation, started in October 1946, is well known from the accessible documents, from the testimonies of its participants and from the books of Hungarian historians and intellectuals, living in Slovakia, too. But the Slovak historians are sparing the words when describing this period of our history. Through the communist regime it was prohibited to publish truth about these events by the censorship. The most courageous historical monograph, appeared in 1968 (and thereafter prohibited) only scarcely claimed that „more than 73,000 Slovaks *immigrated* to the Republic from Hungary and 89,000 Hungarians *relocated* to Hungary.“ (Lubomír Lipták, *Slovensko v 20. storočí /Slovakia in the 20th century/*. Kalligram, Bratislava 1998, p. 264)

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<sup>1</sup> Based on a contribution made to a scientific conference on „History as a Political Dimension“, Bonn, Germany, 12 March 2004

But after 1989, in the post-communist written history of Slovakia it is not much better, from this point of view. Hans Renner and Ivo Samson are writing about this forced deportation of ethnic Hungarians from Slovakia to Hungary, that „the governments of Czechoslovakia and defeated Hungary found a compromised solution“, in spite of the fact, that it was „unequal business.“ (*Deify Československa po roku 1945 /History of Czechoslovakia after 1945/*. SAV Bratislava 1993, p. 15) Another prominent Slovak historian, Dušan Kováč, wrote in his popular *History of Slovakia* (2000) very briefly that „it was realized only the exchange of inhabitants among Czechoslovakia and Hungary“. And nothing more about the character of this „exchange“. (*Dejiny Slovenska*. NLN Praha 2000, p. 245)

The transfer of Hungarians, modified to the „exchange of inhabitants“, successful only in part, was the original conception on how to remove Hungarians from Slovakia. In autumn 1945 started the implementation of the second conception with the same aim – the deportation of Hungarians to the forced labour in the Czech borderland, deprived from Sudeten Germans. The last aim of this transaction was to disperse in this region 50, 000 Hungarian families and to assimilate them in the Czech environment. The vacated Hungarian farmsteads and estates in Slovakia were allocated to Slovak settlers.

Despite of every effort made by the Czechoslovak government of the time, however, both the consistent effort of Hungarians to the constant deportation, and changes in the international situation, saw the campaign end unsuccessfully. The authorities were only able to relocate some 50,000 persons; instead of the planned 50,000 families; those Hungarians who had been deported internally for forced labour on public works projects returned home and demanded the return of their confiscated assets. And they were able to do so, because, under international pressure, the Czechoslovak government was compelled to restore their Czechoslovak citizenship. By the way, the pressure was coming from Stalin, too, because he did not need discrepancies between two „friendly states“ – CSR and Hungary - of his just arising socialist block.

The above mentioned prominent Slovak historian, Dušan Kováč, commented on this unlawful and shameful operation laconically that „the Czechoslovak government tried to evacuate Hungarian families from the Southern Slovakia to the Czech borderland, which was empty after the transfer of Germans.“ According to him „all the violence against the Hungarian population was the result of the war psychosis and of the effort to pay back for the Vienna Arbitrage and for the Hungarian violence against Slovaks on the wrenched territory“(ditto). But Renner and Samson are permitting, that this „transfer of Hungarians“was leading to the „real and unlawful repression“(ditto).

Since the Czechoslovak government was still unwilling to acknowledge that the deportation of 400,000 Hungarians was an unrealistic target, it proclaimed a unique form of assimilation, termed „re-Slovakisation“– that is, the „return of ‘Hungarianised’ Slovaks to the people of their ancestors.“ According to the leading Slovak communist authority, Vladimír Clementis, re-Slovakisation would be „a choice helping us to withdraw from the mass of Hungarians the persons of the Slavonic origin. They will have a chance to avoid the transfer. And we will be able to designate among real Hungarians the ones which must leave the country...Re-Slovakisation is undoubtedly one of the fundamental form of the ‘process of de-Hungarisation’“ (quoted from Katalin Vadkerty, *Maďarská otázka v Československu 1945-1948 /The Hungarian Question in Czechoslovakia 1945-1948/*. Kalligram, Bratislava 2002, p. 383).

The threats were clear: the loss of citizenship, expropriation, forced deportation to Hungary or to the Czech borderland. The lure was big: keeping of the citizenship and property, remaining in the homeland, status of the fully-fledged inhabitant of the country. Under this pressure, more than 400,000 ethnic Hungarians asked up to January 1, 1948 for re-Slovakisation and Slovak nationality was admitted to 282,000 of them. But the profit from this transaction was very temporary. After 1948, when the brutal pressure was over, the re-Slovakised Hungarians returned to their original nationality.

In this case, too, some of the prominent Slovak historians tried until now to justify the forced re-Slovakisation of ethnic Hungarians in Slovakia. According to Renner and Samson „the government proceeds to their ‘re-Slovakisation’ to compensate the forced Hungarisation of Slovaks in the preceding periods. Part of the Hungarian inhabitants accepting Slovak nationality avoided the limitation of civil rights of the Hungarian minority. “ (ditto) And according to Dušan Kováč „the formal aim was to facilitate the return of the Slovak nationality to the citizens of Slovakia, which appeared in Hungary after the Vienna Arbitrage, and which from the different reasons proclaimed themselves to be Hungarians.“ (ditto)

I quoted here only the best representatives of the Slovak popular literature about the common modern history of Slovakia and I omitted the evidently nationalist historians. But also without them these texts are making concession to the traditional stereotypes and prejudices of the common Slovak readers.

All these attempts at ethnic cleansing in Slovakia were unsuccessful because of the „unfavourable circumstances“ for their realisation in the situation, which appeared in Europe after the WWII. The Allies disapproved it and our authorities were forced to disguise all its forms: the transfer as an exchange of inhabitants, forced inner deportations as a labour duty or as a friendly aid to the Czech borderland, the forced national assimilation of Hungarians as their re-Slovakisation. All these bluffs were subsequently disclosed, but the painful remnants of this story are visible until today. Our politicians, intellectuals and – first of all – historians must be able to see and interpret this period of the modern Slovak history without traditional stereotypes and prejudices. Because, they are opinion leaders for all the common Slovak population.

## NEOLIBERALISM IS AN ECONOMIC AND INTELLECTUAL ABERRATION <sup>1</sup>

Gerald MADER

When we opted for ‘economy’ as our theme, neo-liberal capitalism was not yet an object of public criticism. Our research project devoted to European peace policy had already led us to believe that a global discussion of this kind was overdue within the EU. It was broached sooner than expected. All of a sudden, levelling criticism at neo-liberalism and capitalism no longer borders on sacrilege. We would appear to be witnessing a gradual ‘revolution’ of the zeitgeist. Critique of capitalism, Utopian ideas and the ethical orientation of politics are in again. Even the conservative *Frankfurter Allgemeine Sonntagszeitung* describes the general discomfiture as follows: *The time is ripe for new political ideas. At the very moment when neo-liberal ideology has become widespread and tangible, there are increasing signs that people have had enough of it.* The joint action of the German and the Austrian Chancellors in demanding government control of hedge funds and then in recommending a Tobin tax, is the ‘one swallow that doesn’t make a summer’, but it is nonetheless a step in the right direction.

It is a moot point, whether this fresh discussion will bring about a real transformation of policy-making, a fundamental change of course. What is particularly uncertain is the content of any such change of course. Should it consist in the increasingly vigorous continuation of the ongoing neo-liberal globalisation? Or in a new European economic and social model designed to balance off global competition by means of social and ecological minimum standards and fairer distribution mechanisms? Or should we wait for a Utopian realism that reconciles Utopian ideas with reality, might with morals as well as particularism with universalism? Most important of all – what concrete alternatives are there to current policy-making? Is globalisation with a human face conceivable and realisable?

### ***History and the responsibility of humankind***

You are all familiar with Francis Fukuyama’s hypothesis of the end of history. In the meantime we receive daily proof that history will never end. However, this does not imply a return to the old ‘history of power’. History is shaped by us, and we are capable of putting an end not only to command economy but also to capitalism and, thanks to overkill, also to history as such. There is no universal spirit that masterminds history; neo-liberalism is no logical constraint and globalisation no law of nature. It is a prevailing trend, and we can direct its course. For history is not only the product of objective factors but also of subjective factors. History has taught us that every system is finite, once it can no longer perform its tasks; but there were also systems and cultures that put an end to themselves. I believe that such personal, basic considerations should be brought into play, when taking position on a change of course in our current policy making.

In the ‘*Spektrum*’ of *Die Presse*, the German philosopher Otfried Höffe called upon humanists to join forces against the tyranny of the economy. However it is, above all, policy makers that are responsible for the task of combating this tyranny of the economy, of overcoming their own powerlessness and of putting people before economy. Political scientists, too, are called upon to face up to the challenge of designing new policies. Over the past 300 years, natural scientists have come up with new ideas and findings and – speaking non-judgementally – have brought about dramatic technological changes in our world. Policy-makers however, still subscribe to the methods of the Peloponnesian war, to Machiavelli’s tenets of governance and to diplomacy as practised by Talleyrand, Metternich and Kissinger. What we need is not only a change in the matter but also in the manner of policy-making and of diplomacy.

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<sup>1</sup> Opening lecture at the 22<sup>nd</sup> Summer Academy, July 2005, Peace Center Schlaining Castle, on the theme “The World Disorder of Economy and War”

### ***Political style and diplomacy***

The extent, to which diplomacy is still governed by old notions, is evidenced by the title of an article in *Die Presse* of 28 June 2005: *The diplomat must consider himself to be a Metternich*. It goes without saying that a prospective diplomat ought to study Metternich and Kissinger; however, Metternich decided on the fate of peoples behind closed doors, and Kissinger was involved in a counter-revolution in Chile which ended in appalling repression. Metternich cannot serve as a model for future diplomacy. 21st-century politics needs a diplomacy that is informed by democracy and transparency and that is open in style. When an Austrian diplomat states that it would be fatal for those responsible in Brussels and in the capitals of the EU to listen to the message of the voters and to act on it, it may be a commendable sign of truthfulness, but it demonstrates the problems which diplomats still have with democracy.

Napoleon's Foreign Minister Talleyrand said that the language of diplomacy served the purpose of concealing one's thoughts. Are lies indeed the only way of manifesting statecraft and negotiating skill? In political life as in private life, there will always be lies; but this is not a good reason for making dissimulation the trademark of diplomacy. Moreover, 21st-century diplomacy has to tackle entirely different tasks. Nowadays, diplomats need to be versed in peace building, in crisis management, in conflict transformation and in mediation. It can be no coincidence that the EU Commission selected the tiny ASPR, and not the established institutes or think tanks, to design modules for diplomatic work which serve as the basis of all the EPU's training courses in civil conflict management. In the past three years, these up-to-date courses have been held under ASPR supervision in a range of countries from Spain to Finland.

Political style is also crucial to the credibility of politicians. In the long run, people will not be won over to a political project with empty phrases, play-acting, whitewashing, hypocrisy, half-truths, arrogance, or cynicism. And not with rhetorical brilliance and spin-doctored information campaigns either. When an irate Czech EU Commissioner maintains in the *Standard* newspaper that Tony Blair is far from pursuing a neo-liberal policy in Great Britain, it is an object lesson in how to lose your credibility as a politician. Tony Blair's policy is Thatcherism minus 10%.

Politics is not identical with morals. However, especially in times of radical change, there is a growing need for an ethically normative orientation. If the gap that has opened between the political elite and the European population is to be bridged, there must be a change not only in policies but also in political style. This also applies to Austria. The EU needs more than new substantive perspectives, it also needs something like ethics of trust, something the European leadership appears to have misplaced. This applies to Chirac, Schröder and Berlusconi just as much as to Blair, which can be evidenced by many examples, from the war in Iraq and his armament policy to agricultural subsidies. In the latter case Blair was not merely involved in the decision making, but also withheld his approval from capping subsidies in order to ensure benefits for the estates of the Queen and the high aristocracy. The Queen and her family draw annual subsidies of 1.3 million euros. After the Council decision on the EU Constitution, Blair stated in a BCC interview that he considered the fact that Great Britain could wage war without the approval of Brussels to be one of his greatest successes. Is this what passionate Europeans look like? However, he may still change not only his rhetoric but also his political actions. Every Saul may be converted into a Paul.

### ***EU Peace Policy: The war generation has learned its lesson from history***

Now for policy content: Europe also needs policies with new content. After 1945, steps were repeatedly taken to introduce new policies. The foundation of the UNO and a new way of thinking, propagated and translated into practice by Mikhail Gorbachev (the relinquishing of power in Eastern Europe, the peaceful dissolution of the Soviet Union) are cases in point. The foundation of the EU is yet another case in point.

The initial blueprint of the European Union was for a unique historical project of European integration, born out of the spirit of "No more war". This history of the European Union's origin permits the conclusion that the war generation did learn from history, even though all the great spirits from ancient times to Ghandi and to Rudolf Burger denied humankind's ability to learn from history. We know that every state has its history, its tradition and, unfortunately also its crimes and genocides. The horrendous experience of two World Wars induced the European elite to set up the EU, seeking to prevent future wars in Europe, indeed to render them impossible, especially between the traditional enemies France and Germany. No matter which course the EU takes (free trade area or socio-political project), it is unlikely to revert to internal European wars, despite the trend towards re-nationalisation set off in world politics by the USA under Bush.

The elites were not the only ones to learn from the horrors of the two World Wars; the European population did so as well and, perhaps, to an even greater extent. For 70 to 80% of the European population – as demonstrated by the war in Iraq – not only rejected wars within Europe but also wars outside Europe.

***The EU, a project to achieve affluence and solidarity. For how long?***

Apart from achieving peace, the EU was intended to achieve affluence informed by solidarity. The social market economy set limits to unbridled market forces. The solidarity benefiting weaker regions and areas was conducive to economic balance and to European integration. It is to this model for peace and affluence that the EU owes the broad approval of the population, its worldwide standing, appeal and fascination. This is why so many countries wish to join the EU.

The European social market economy was no standardised European economic system, but was socially balanced and as such distinct from the Anglo-Saxon model of Margaret Thatcher, which was based on the free market economy of "laissez-faire" capitalism with its tendency toward systemic brutalisation.

The Maastricht Treaty, with the Single Market as its main feature, is not based on the principle of the social market economy but on the predominance of the market-economy principle. And yet, when establishing the Maastricht Treaty (1992), EU policy-makers assumed that the Single Market would be compatible with the welfare state. The EU went on to refute this assumption with its own policy (Lisbon Manifesto of 2000). It was under the pressure of the Lisbon strategy – which was subsequently toned down – and of turbo-globalisation that the EU Commission attempted to translate the market-economy structure of the Single Market (free competition) into practice, irrespective of social loss (Directives on Services and Working Conditions). Combined with the race for competitive positions, it is tax and social dumping that serve as "lever and explosive charge" in bringing down the welfare state. No change of EU policies, e.g. in the form of tax harmonisation, is to be expected in this area, since it would require unanimity in the Council and the Commission, which clearly cannot be achieved, given the wide divergence of interests, unless democratic pressure in the national states can trigger a re-thinking process among governments. For the time being, governments will endeavour to enhance their countries' power to attract international business groups, a process referred to by Wolf-Dieter Narr as the drifting of national states into small-mindedness.

The Anglo-American model, too, starts from a wrong assumption – namely that the implementation of the Maastricht Treaty in a neo-liberal spirit will boost economic growth and at the same time reduce the rate of unemployment. The fact that there are 20 million people unemployed is put down to Europe's failure to ensure full freedom of competition. To quote the Viennese economist Herbert Walther, this assumption can only be termed *neo-liberal utopia and reality*.

Hence the argument about the course to be followed boils down to the question of whether the Anglo-American neo-liberal economic system boosts economic growth and employment or which

social and ecological burdens it involves. Or to put it differently, whether the economic aberration in the world is due to too much or too little neo-liberalism.

### ***Neo-liberalism – A secular religion?***

The French vote by which the Constitutional Treaty of the EU was rejected has given a strong impetus to this discussion. Hence, we shall go on to address the neo-liberal theory of economics and its tenets, which, in mainstream opinion, are uncontested and raised to the status of a secular religion. One tenet is the ridiculous neo-liberal claim that unemployment can be combated by lowering labour costs and by increasing working time. It is cynical to assert that higher corporate and capital gains will generate growth and affluence for all, because crumbs for the poor will fall from the table of the rich.

### ***What are the principal theses of neo-liberalism?***

Economics provides the theory of free world trade as the scientific basis. Every country is supposed to produce the goods it is best able to make at low cost. The pillars of neo-liberalism are deregulation, privatisation, liberalisation of capital transactions and a lean state. The supreme principle is competition, to which everything else is subordinated. Allegedly there is no alternative to this system (There is no alternative, Tina), since it is the only way of advancing the indispensable modernisation of the economy. Neo-liberalism can do without economic policy, as it leaves everything to the market; to the invisible hand of the market, a hand which – as Joseph E. Stiglitz scoffingly maintains – does not exist. Negative consequences are shrugged off as collateral damage. The neo-liberal economic course is based on the assumption that the market comes before politics. The self-interest of entrepreneurs is sufficient to guarantee affluence for all. The supreme yardstick of neo-liberal businesses is the egoism of the individual. According to Wolf-Dieter Narr, *the world is growing closer together but the interests directed against others are gaining strength*.

In the course of globalisation, it was the United States, assisted by international organisations (WTO, IMF, World Bank), that spread and also enforced the neo-liberal economic system worldwide. Since the end of the cold war, neo-liberalism has also been gaining ground in the EU (Bolkestein directives). A growing number of experts doubt whether there is a future for the EU's regulatory policy with its strong neo-liberal dimension; though this is not to say that the future lies in protectionism. Opting either for neo-liberalism or for protectionism would be choosing the wrong alternatives. It would be equally wrong, however, to eschew as a topic for discussion the existence of neo-liberalism, which is operating worldwide and which solves the problem of unemployment by compelling everyone to take on 3 part-time jobs in order to earn a living. All the more so now that China has embraced authoritarian capitalism and, since it pays the lowest wages, has come to benefit from free world trade. Thanks to its foreign-exchange reserves and US government bonds, China has the power to determine when the international monetary system will collapse.

The fundamental flaw in the neo-liberal theory and the laissez-faire system as practised by the United States and Great Britain consists in the fact that the laissez-faire principles and values are proclaimed as an absolute universal dogma and raised to the status of a secular religion, irrespective of the prevailing historical and political situation, the economic and social conditions, and the state of the economy, society and human rights. This flaw results in a loss of liberality and of democratic substance. Every one-sided system that lays claim to absoluteness is bound for a fall. Neo-liberal capitalism risks suffering from the fate of the command economy, unless it reverts to restrained competition and a balanced system of performance, competition, social justice and social security.

The danger of neo-liberalism does not lie in economic aberrations alone, it also lies in an attitude of greed that threatens the human habitus, destructively altering its character and possessing the potential to become the mental illness of humanity. Freedom is turned into freedom from the need to consider anything but one's own interests or to assume any social or political responsibility.

### ***Economic aberrations and disparities within the context of globalisation and neo-liberalism***

Globalisation and neo-liberalism are aimed at enlarging markets and thereby boosting productivity and growth. However, the positive aspects, are accompanied by economic, social and ecological aberrations which Jörg Huffschmid describes as follows: *The economic and social developments of the past two decades has not been to the benefit of all, but has generated an enormous increase in wealth and influence for a minority, while bringing at best stagnation to the majority and even more poverty and misery to hundreds of millions.* This, does not, however, deter politicians and economists from claiming that this is the best of all possible worlds not only for a few, but for all.

A few examples of aberrations, inherent contradictions and provocative disparities:

- The supreme principle of the neo-liberal economic policy is the ideology of free competition. Yet, the competitive society is bound to end in the elimination of competition through mergers and agglomerations of corporate power that lead to oligopolies and monopolies. Local and regional competition, however, is intensified. Currently there are about fifty global corporations dominating the global economy.
- In real economic terms, the outcome of laissez-faire policies contradicts their own theory. Free market and competition do not benefit all, and unemployment (20 million in Europe) exceeds employment growth. So, the grim outcome of neo-liberalism is that stock-market prices rise with rising unemployment.
- The system of neo-liberal globalisation has largely uncoupled the world of shareholders and financial markets from the welfare of national economies (conclusion drawn by the Lisbon Group). The income gap between poor and rich widens every year. In the past two decades, neo-liberalism has put in train the greatest redistribution process in human history through the free movement of capital. The result is an unprecedented system of inequality and injustice – a system that actually threatens to destroy capitalism itself, unless there is a radical change of course. According to the author Bill Emott, *the unequal distribution of resources and of power is another alarming feature of capitalism.*

It is primarily the financial markets with their casino capitalism that are responsible for the consequences of this gigantic redistribution and widening of the income gap. Almost 98% of capital flows serve speculation; a mere 2% to 3% serve the real economy. The opening of the world markets affected by globalisation and neo-liberalism primarily benefits the small group of the rich and super-rich. The consequent scandalous inequality and injustice currently prevailing in the world economy has been brought about by deregulation strategies pursued by international business groups and financial markets. These aberrations of the world economy cannot be laid at the door of the social market economy. It is the laissez-faire market economy that is to blame, as it leads to a permanent rather than a temporary deterioration in the living and working conditions of the majority of the population and necessarily causes an increasingly unequal distribution of wealth.

A few figures that testify to this blatant and shocking inequality and injustice: The riches owned by the 356 most affluent families in the world have come to exceed the annual income of 40% of humankind. The managers of the international corporations in Europe and the United States are paid between 10 and 90 million dollars annually. Hence, each individual manager earns more in a year than a worker in his entire life, and almost 1.2 billion people have to live on 1 dollar a day. The discrepancy between the affluence of individual groups and the hunger of many that causes 10 000 children to die every day has reached proportions unprecedented in the history of mankind.

In the face of these facts, who can seriously believe in the survival of neo-liberal capitalism unless it radically changes its course – which is the only way to prevent the uprising of the South as well as uprisings in the North? Every era has its Sphinx which topples into the abyss, once its riddle has been solved. What must Europe do, in order not to be destroyed by the Sphinx? The solution to the European riddle does not lie in embracing neo-liberalism but in overcoming it!

### ***Change of course and alternatives***

What Europe needs is a change of course worthy of the name, not only in security and economic policies but also in the areas of ecology and nature conservation. Demands for earth policy, for an eco-social market economy, for a Global Marshall Plan, for sustainable development indicate a holistic change of course, although a concrete, coherent overall concept is still lacking. Without a radical energy turn around, without regulating and taxing international capital flows, sustainable development is not a realistic goal, considering that the world market generates inequality and burdens the ecology, and considering the scarcity of resources and the economic objectives pursued, for example, by China. This new global power with its 1.3 billion people is trying to achieve western standards by means of wage dumping and with no consideration of the damage being caused to the ecology.

The stage has been set for a change of course – *inter alia*, with the help of many scientific studies and papers, of UN conferences and large-scale demonstrations by broadly-based alliances in civil society against the prevailing, unjust world economic order. What is lacking is a constructive and conclusive plan for the implementation of alternatives that encompass politics, the economy and environmental protection as an integrated whole.

The G-8 summits have provided tangible evidence that no genuine alternatives can be expected from the leaders of the eight Great Powers which are characterised by helplessness and contradictory interests. This could be Europe's great chance to take the lead in bringing about this urgently needed change of course and to set an example to the rest of the world. I am afraid that the current leadership of the EU is not willing or able to effect a fundamental change of course either. So, our hopes rest with civil society and with its organisation on a broad scale to exert pressure on the EU through the national governments. Moreover, we need a civil society that is not only agreed on the goal but also on the means.

What is needed most is a concept of how the aims of civil society may best be translated into political practice. One of the principal tasks would be to find types of political organisation that would enable civil society with its democratic mandate to speak up against a type of policy-making that is increasingly determined by the world market, international business groups and lobbyists.

Now matter how civil society is organised, it must never resort to violence. Whoever resorts to violence in order to overcome conflicts and crises automatically generates another crisis, another conflict. It was the sociologist Wilfried Pareto, who said that *the type of rule and exploitation remains the same; all that happens is that one profiteer is exchanged for another*.

Urgently required though a holistic change of course may be, its implementation remains in the realms of utopia. Hence, I should like to conclude with a quote from Martin Walser, who said that *it is by dint of its existence that utopia ceases to be a utopia*.

## 'Education and Society'

- Two Abstracts -

George Mchedlishvili

### I. Educational Reforms and Democratic Changes: Formation of the Human Capital

However multifaceted and multidimensional the notion of democracy is, it has been generally reduced to the availability of adequately trained people, unencumbered by the legacy of the Soviet past. The absence of this very component is precisely at root of the "setback stories" that the countries of CIS experience, in a drastic contrast with the Eastern European countries, and reflects the inability of the countries to create, in the face of difficult economic and political ordeals, the stratum of highly trained professionals capable of shouldering the heavy burden of novel challenges. The only way to enhance the human capital is through drastic and thorough educational reform. This paper provides a brief historical overview of educational studies as an independent scientific field and a comprehensive discourse about public and private education. It is argued that the only way to carry out the reform is placing priority on public education.

The fall of the Berlin Wall in 1989, followed by the demise of the state Communism in Eastern Europe and the disintegration of the Soviet Union in 1991 heralded a new, exciting and uneasy era in the world history. These key events have also inspired a sense of euphoria and triumphalism, the firm belief that for all the nations of the former USSR and Eastern Europe the transition to a market economy and democratic society will be simple and short. Even states devastated by wars and civil strife were believed to be able to get "back on their feet", thanks to extensive Western help, which, in the final analysis, proved to be largely ill-designed and ineffective. Why did it happen, that aid, aimed at helping the countries to overcome the ordeals of transition period, turned out to be counter-productive, triggering rampant corruption and leaving the states with huge debts, which now constitute enormous burdens on contemporary and future generations? The ascension of *all* post-Soviet countries (save the Baltic States and Tajikistan) in the annual tables of Human Development Index, which was the case between 1993 and 1996-97 has halted or reversed. Of course, transition is never a steady march forward and setbacks and crises are unavoidable. But this is particularly true for the CIS countries, which have little or no experience of living in the conditions of free trade, market economy and democratic governance. For many, the major reason is viewed to be an acute lack of adequately trained people that constitutes an impediment to a smooth transition, making the countries fail to fully embark on the path to reform. Unlike post-Soviet countries, Eastern European and Baltic states recovered relatively fast and successfully embarked on the path of liberalization, stabilization, democratization and privatization, and today definitely find themselves on an ascending part of the so-called J-curve transition pattern. Of course, in another group of countries the free fall was not arrested and reversed till the mid-90s because of warfare, civil war and secessionist movements (The Caucasus), while in certain republics the tension still persists (Tajikistan), but in other republics which managed to retain peace and social stability, there is a very low economic performance, coupled with limited opportunities for free expression (Ukraine) or a reactionary political climate (Belarus, Turkmenistan, Azerbaijan).<sup>1</sup> Obviously, these different patterns are due largely to the length of the country's exposure to the communism working methods – 40 years of Communism regime in Eastern Europe (and 50 – in the Baltic States) could not efface all signs of essentially western societies, while the countries of USSR have been detached from the developed world for 70 years of the Soviet domination plus years of Russian imperial oppression. For this reason, the former still had the

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<sup>1</sup> EBRD, pp. 102-103

public institutions and, importantly, people who proved capable of running these institutions with a certain degree of success. Actually, at first glance, structurally and institutionally many of the post-Soviet countries bear a closer resemblance to western societies, but under cosmetic institutional adjustments their actual operational practices are still largely guided by the legacy of the recent past.

Indeed, just a glance at the five conditions for the success of democracy, proposed by Joseph Schumpeter, prominent American sociologist:

1. *A set of politicians, not only of good character and intelligent, but also skilled in bargaining.*
2. *Scope of government should be in some measure limit.*
3. *Professional bureaucracy to provide continuity and expertise to the legislative and administrative processes.*
4. *“Democratic self-control”, political culture – “opposition must resist the temptation to embarrass the government each time they could do so”.*
5. *Tolerance of difference of opinion<sup>2</sup>.*

It demonstrates that there is no single element of democratic societies that can work effectively without properly trained people. Furthermore, David Held gives the following definition of living under democracy:

*Individuals should be free and equal in the determination of the conditions of their own lives; that is, they should enjoy equal rights (and, accordingly, equal obligations) in the specification of the framework which generates and limits the opportunities available to them, so long as they do not deploy this framework to negate the rights of others<sup>3</sup>.*

The efficient enactment of this principle of *Democratic Autonomy* requires a high degree of accountability of the state and democratic reordering of the civil society. It envisages, among others, active participation of citizens in the social and political life, far beyond a mere voting every 2-3 years. Citizens' participation in a democratic society must be based on the informed, critical reflection and on the understanding and acceptance of their rights and obligations.

In the light of the aforesaid it becomes obvious that the role of education, capable of preparing people to live and effectively work in the new socio-economic realities, people, who will be able and willing to think and act independently, who will be aware of their rights and able to defend them, should be brought to the fore. Indeed, the legacy of ideologically distorted approach to education is still very much alive. Fitting every singly bit of knowledge into the straightjacket of Marxism-Leninism had a stupefying effect on learners, and, later on, decision-makers. The World Bank study revealed that students in the Soviet-type schools, although excelling in learning factual material, *“fared less well in their application, and did poorly at using knowledge in unanticipated settings”<sup>4</sup>*. Acquisition of independent thinking skills gains particular importance in our time of swift and often unanticipated changes, when schools should *“...master...a reform process...prepar[ing] students for an uncertain and challenging future”<sup>5</sup>*.

Although long perceived as a major vehicle for national development, institutionalization of education as a field of study and research in universities occurred after the World War II.

Major expansion of the field occurred in 1960s, following the de-colonization process, when the major powers were preoccupied with understanding and assisting the newly emerging nations of what came to be called the Third World. Notably enough, the end of the Cold War, the breakup of

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<sup>2</sup> Almond & Verba, p.86

<sup>3</sup> Sorensen, p.11

<sup>4</sup> Bucur & Eklof, 1999, p.377

<sup>5</sup> Dalin, 1998, p.1061

the Soviet Union with the emergence of newly independent republics, often micro-states, and the outbreak of ethnic conflict in various regions of the world have led to renewed interest in the relationship of education to political stability and development.

Historically, it was predominantly believed that public provision of education was the necessary precondition for attaining equity of access. It was a so-called Modernization Paradigm, which was rooted in the idea of the welfare state, which “*represents a form of government in which the citizens can aspire to reach minimum levels of social welfare, incl. health, education, social security and housing*”, and such public provisions are considered “*a right of citizenship rather than charity*”<sup>6</sup>. Education is also an important contributor to the political socialization of the nation: research conducted by Almond and Verba shows that “*among the demographic variables usually investigated – sex, place of residence, occupation, income, – none compares with the education variable in the extent to which it seems to determine political attitudes*”<sup>7</sup>. There was almost a universal enthusiasm and practically no doubt over the crucial role of education for social and political change. In a classical work of Rostow, education was considered one of the major precondition for reaching the most important, the so-called ‘take-off’ stage of development towards modernity and ‘technological maturity’<sup>8</sup>.

The optimism of the 60s was superseded by the “cynical 70s” as the crises swept over the developing countries. Structural adjustments replaced rapid development as the realistic short-term objective, and there was strong pressure to assign the highest priority for available funds to directly productive activities, which often did not include education<sup>9</sup>.

World Bank’s growing involvement in educational issues manifested itself in the body of literature, devoted to the decrying of public provision of education for major inefficiencies associated with schooling in developing countries. Much of the research, on which these conclusions are based, has been sponsored by the WB.<sup>10</sup> By this route, the results of this scientific ‘activity’ have formed part of the agenda for policy reforms which the subaltern countries are encouraged to adopt. The authors advocate a much reduced role for the state as provider and organizer of educational services. In the theory of development this was a manifestation of the major shift from modernism to neo-liberalism.

The impact of globalization on education systems is significant and manifold. It refers to the closely intertwined economic and educational agendas. It largely affected the extent of state’s support – economic liberalization policies have caused the widespread privatization of health and education and a retrenchment of state welfare practices. The shift of power is on the surface. Whereas in the 60s and 70s it was powerful nations that sought to impose the will of the international system on former colonies, by the 90s the international financial institutions had become the principal enforcers of global dictates. Structural adjustment /realignment became the content of the imposition of that external control<sup>11</sup>. In this process, funding organizations, especially (but not only) the World Bank, effectively eclipsed technical assistance institutions like UNESCO. Suffice to say that in 1995 the WB’s lending to education amounted to \$1923.7 million, whereas UNESCO’s overall expenditure on education programs (including extra-budgetary support) was only \$183.5 million (11 times less) and UNICEF’s just a “tacit” \$78 million (25 times less)<sup>12</sup>. Important watershed events were the ascension to power of hard-liner neo-conservators like Reagan and Thatcher, which led to withdrawal of US and UK (and also Singapore) from UNESCO, as a

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<sup>6</sup> Arnove & Torres, p.95

<sup>7</sup> Almond & Verba, p.315-316

<sup>8</sup> Rostow, p.98

<sup>9</sup> Arnove & Torres, p.65

<sup>10</sup> Colclough, p.197

<sup>11</sup> Arnove & Torres, p.59

<sup>12</sup> Karen Mundi, p.459

result of which the organization was deprived of almost 30% of its financial capabilities. Before that the amount of UNESCO's support to education was almost on par with that of the WB, being almost entirely grants and not loans.

Extensive public provision for education, which was advocated already in Ancient Greece, which was an instrumental element of the Enlightenment, seems to be the only option for the countries of Eastern Europe and CIS. Among the major rationales for it are the near universal literacy in these countries and the highly distorted and unjust social composition. The emerged "capitalism post-Soviet style" brought aggressive, populist, dishonest and often uneducated people to the status of nouveau riches and oligarchs, while many well-educated, but unassertive and modest people live below poverty line. The ongoing growing privatization of education created the situation at which the schools seem to be exacerbating instead of mitigating society's inequities, fraught with spiraling antagonism between various strata.

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## I. Privatization of Higher Education: Benefits and Pitfalls

The future of the societies of the South Caucasus states will be influenced in no small measure by what is happening in the higher education sector. So far, the overall failure to become truly transformed, modernized and democratized is due largely to the inability to create the stratum of adequately trained people who would be aware of their rights and responsibilities as well as willing and able to aptly defend the former and exercise the latter. The article shows that one of the reasons for this failure, along with the inadequacy of educational content and a sore lack of well-trained instructors, is the highly unequal and unjust pattern with which higher education services are distributed. The gross inequality of opportunities, conditioned by unchecked privatization, is the reason for spiraling social antagonism between the so-called “haves” and “have-nots”. The reason such an inequality became possible is not only the lack of legislative acts and law enforcement mechanisms, but also the adoption, or more precisely blind emulation on the part of the modernizing states of the neo-liberal policies (privatization among them), which were successful in the United States in the 80s, but are completely irrelevant in the context of the CIS countries.

The emerging societies of the South Caucasus states will be influenced in no small measure by what is happening in the education sector. Higher education, being the decisive stage of schooling for a young person before (s)he enters the job market, assumes, therefore, the daunting role of intellectual and spiritual “polisher”. The profound systemic crisis the country has experienced over the last decade and its overall failure to live through the dragged out “transition” and to become truly transformed, modernized and democratized is due largely to the inability to create the stratum of adequately trained people who would be aware of their rights and responsibilities as well as willing and able to aptly exercise the former and defend the latter. The exacerbating factor is that most of the people who get their education abroad more often than not stay there, and even those who return start working either in the private sector or international/ foreign organizations rather than in the public service. The reason is the miserable, often below-the-poverty-line salaries in the latter, sometimes even paid with arrears, and the unsatisfactory, non-democratic and corrupt working conditions. Creation of this stratum, which should be numerous enough in order to become a required “critical mass” capable of triggering the irreversible progress, and retaining them in their countries poses the most daunting challenge to the true transition. Until last November’s “Revolution of Roses” this very “transition” was manifesting itself in the cosmetic policies, whereby society’s major institutions were made to bear a skin-deep resemblance to those of democratic countries. The resemblance, however, was completely devoid of any content.

Needless to say that despite a general understanding on the part of the state officials of the drastic need for thorough innovations in the Higher Education sector, as well as their goals and benefits, the actual policies have been until recently giving little ground for optimism as far as molding a new type of a reform-minded, freely and critically thinking person, unencumbered by the Soviet experience is concerned. It has been little doubt that it is in the first place the post-secondary schooling, where political socialization and civic values are shaped and refined (being conceived, naturally, at the earlier stages). “Among the demographic variables usually investigated – sex, place of residence, occupation, income, none compares with the education variable in the extent to which it seems to determine political attitudes”<sup>13</sup>.

Moreover, it is not only educational content that moulds the psycho and mores of a young person, but also the way that it is provided and awareness of fairness in educational policies. Educational opportunities vary very widely, and the way the advantaged and disadvantaged handle this inequality is instrumental for social cohesion and calm.

This brings us to the thorniest part of the entire set of educational reforms – the issue of privatization, the policy upheld by the World Bank in accordance with its neo-liberal paradigm.

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<sup>13</sup> Almond & Verba, p.315-316

Unsuccessful stories of educational reform attempts in some developing countries seem to be largely due to unmodified adoption of the policy that evolved in the U.S. in 80s and characterized, among others, by the shift from the access and equity focus to a new concern with “quality” and “excellence” as well as by the increasing call for decentralization. However, vastly different institutional readiness and absorptive capacity of the developing countries render the WB and USAID-led projects essentially irrelevant to the setting of another country and therefore, very difficult to succeed. Apart from this, the case of the post-Soviet space is a special one and can hardly be compared with developing countries of Africa and Asia. Though some World Bank reports highlight the fact of near universal literacy in the CIS countries, the policy and agenda for action it proposes seems to ignore this feature. For instance, the basic guidelines of the WB education policy in Indonesia and in Georgia bear some similarities in terms of implications for the government’s course of action and components and sub-components of the projects as well as their timing.<sup>14</sup> Another rationale for necessity of a different approach of the post-Soviet countries is their highly distorted social composition. The emerged “capitalism post-Soviet style” brought aggressive, populist, dishonest and often poorly educated people to the status of nouveau riches, while many educated self-effacing people are living below the poverty line. And altogether the so-called Gini factor (measuring inequality in the distribution of wealth) has increased dramatically in the CIS countries (and slightly less in Eastern Europe).<sup>15</sup> This trend is paralleled with the process of privatization of education – it turns out that today the schools seem to be exacerbating instead of mitigating society's inequalities. When combined, these trends are fraught with spiraling antagonism between various social groups, which might have a very pernicious effect for social stability and, therefore, security. The neo-liberal model, which may partially fit post-colonial countries, where a moderate access to basic education is already an achievement, seems to a much lesser extent be helpful for the states of CIS. For this reason, attaining equity in access to decent education, though a costly endeavor, should become the cornerstone of the public policy in the countries of the region. One historic example, though pretty remote, of strong state-led promotion of public education was France at the end of the XIX century, at the time of the 3<sup>rd</sup> republic. The main objective of the politicians, were, among others, to satisfy a political demand for more social mobility and less inequality in the French society (it is also important for the post-Soviet countries that among “other objectives” was diminishing religious influence and power of the church in the French society). This helped to build up an important class of middle income and white-collar people having less incentive for further revolutions or high redistributive social struggle<sup>16</sup>. Implementation of this far-reaching policy became possible thanks to ensuring an economic growth.

This example supports the already mentioned Held’s comprehensive notion which also requires that states meet basic economic rights – material poverty renders democracy inoperable. As Seymour M. Lipset, one of the leading figures of post-war American sociology, puts it: *“The more well-to-do a nation, the greater the chances that it will sustain democracy”*<sup>17</sup>. The experience of countries with vastly different backgrounds and initial conditions (e.g. Nigeria, Colombia, Russia) shows that attempts to establish a democracy in a financially stratified society leads to oligarchic order and clan social structure, however much the West would pour into these countries. Here, again, I want to stress the inadmissibility of the ongoing stratification of societies, since *“inequalities of power, wealth and status could systematically disrupt the implementation of social and economic liberties”*<sup>18</sup>.

I believe that a willingness of adoption of the World Bank loans for education sector is a rather shortsighted policy on the part of post-Soviet decision-makers. However attractive and significant the loans may seem, there is little responsiveness to the local needs of the country.

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<sup>2</sup> Bock & Arthur, p.322

<sup>3</sup> EBRD, p.99

<sup>4</sup> Saint-Paul and Verdier, p.5

<sup>5</sup> Sorensen, p.26

<sup>6</sup> *ibid.*, p.10

Here we arrive at the major pitfall to which many reformers prove vulnerable: they fail to understand fully the degree of interconnectedness between education and other spheres of social and political life of the country, which means that the set of reforms that bring about true progress in a country is not necessarily beneficial in a completely different setting.

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## **Ensuring a "Peaceful Rise" for China**

M D Nalapat, Manipal, India

Modern China has astonished the world with its rapid and steady ascent to economic prosperity. Already the second-largest economy in the world (in Purchasing Power Parity terms), the Peoples Republic of China is on course to become the biggest before 2050. This should come as no surprise, for China, with four millennia of recorded history and a civilisation that has enriched the world, was the primary economic power on earth for most of the two millennia prior to the second half of the 1800s. It was only during that period that the Chinese economy ceased to be the world's largest (and India the second-largest). Since 1979 however, when "Paramount Leader" Deng Xiaoping first brought in comprehensive economic reforms, the Peoples Republic of China has emerged as the fastest-growing major economy in the world. Chinese scholars have written of the coming rise of China, and have elaborated on their reasons for coming to such a conclusion.

It is the contention of this essay that the rise of China to international primacy can only take place if it is peaceful, for another conflict with the US, India or Japan would almost certainly deprive the Peoples Republic of China of the future that its industrious people deserve. In what follows, the conditions are explored that would ensure a "peaceful rise" for China - again, the only sort of rise possible for the country under the present international circumstances. The future of China is as critical to global harmony and stability as another core issue facing the international community, which is the creation of conditions that would remove extremism and violence from a section of the followers of some religious practices and beliefs.

Whether China rises peacefully or enters into major conflict, or falters and enters into another period of economic decline, is as key to a better future for the whole of humanity than the present as is the elimination of what may be termed "Religious Supremacy", by which is meant the belief and practice of individuals and groups based on the conviction that their particular belief systems are superior to others, and vest in them a "divine right" to enforce compliance from the rest of society with the schema of such individuals and groups. These "Religious Supremacists" often resort to the use of force, including the use of terror as a method of persuasion.

Although comparisons are often made between China and the US, the reality is that both the external circumstances as well as the internal dynamics of the two countries have been so different as to belong to distinct and wholly separate genres. The rise of the United States became visible during World War I, and accelerated after World War II. However, the rise of the US has not been a "peaceful" one. Even since World War II, when the damage caused to humanity by war was patent, changing the attitudes of much of the human race about conflict, the U.S. has engaged in wars in Asia, Africa, Europe and the Americas, either directly or through proxies.

While the former Union of Soviet Socialist Republics was often described as an "aggressive" empire, the fact remains that the expansion in the USSR's territorial reach almost entirely took place as a consequence of the central role played by Moscow in defeating the German armies between 1941 and 1945. That was not a war sought by the USSR; rather, it was forced on the republic by Hitler's passion to colonize the country in the name of "Lebensraum". Since the 1941-45 war and the consequent bloodletting, Moscow shrank from the use of force to enforce its writ, save in exceptional cases.

In both Hungary in 1957 and Czechoslovakia in 1968, local resistance to the U.S.S.R's military intervention was slight. It was only in Afghanistan that the Soviet Union met its nemesis in the religious warriors trained in Pakistan, given logistical help by the US, and funded by Saudi Arabia. Although it is a fact that the USSR invaded Afghanistan in 1979, rather than demonstrate aggressiveness, the entire Afghan campaign and its conclusion points to Soviet reluctance to follow

the path taken by the US of using its military resources comprehensively. Had Moscow, for example, attacked the base area of the jihadis - Pakistan - the ability of the religious fighters within Afghanistan to resist Soviet forces would have been degraded to an extent that would have made the 1989 withdrawal militarily unnecessary. Throughout the ten years when it was engaged in a proxy war against the USSR in Afghanistan, the ability of Pakistan to respond to even a conventional Soviet attack would have been insufficient to avoid a comprehensive military defeat. However, the USSR never once launched any attack on the base area of the Afghan resistance in Pakistan.

Over the period 1945-91, the U.S.S.R. consistently exhibited a low level of willingness to use force in support of its strategic objectives – in contrast to the U.S. Once Mikhail Gorbachev took command of the Communist Party of the Soviet Union, even the blustery rhetoric adopted by first Nikita Khrushchev and then Leonid Brezhnev became rare and ultimately disappeared.

Soviet reluctance to comprehensively use the forces that it had so painfully and expensively built up since the 1941-45 conflict extended to policy towards its allies. During both the 1965 as well as the 1971 India-Pakistan wars, Moscow worked to restrain New Delhi. In 1965, then U.S.S.R. Prime Minister Kosygin ensured that a reluctant Prime Minister Shastri of India surrendered the strategically vital Haji Pir pass in Kashmir to Pakistan, a concession that may have helped induce Shastri's fatal heart attack in Tashkent a day later.

In 1971, Moscow privately made clear to Prime Minister Indira Gandhi that Soviet support would not be forthcoming were the Indian army to leverage its defeat of the Pakistani forces in East Bengal to force a withdrawal of that country's forces from Kashmir. Once again, a policy of caution was followed by the Kremlin. During the last four days of the Bangladesh war, there was intense secret pressure from Moscow on New Delhi to declare a ceasefire even before Pakistani forces formally capitulated in Dacca. In instance after instance, the reluctance of the Soviet regime to take any appreciable risk of a conflict with the West or its allies rose in proportion to the immense and ultimately ruinous military outlays of the U.S.S.R. In contrary instances such as Vietnam, it was the resolve of local leaders that prevented the giving of concessions to the West that Moscow privately sought from them, and would have ensured, were the USSR in control over Vietnam the way it was over Eastern Europe.

Had the USSR adopted a comprehensive policy of "peaceful rise" rather than militarize itself in a manner that suggested the imminence of conflict while - except for rare instances - pursuing in effect a policy of conflict-avoidance, it may have escaped both the ruinous diversion of resources from civilian to military needs as well as the economically-damaging policy of "Containment" followed against it by the US and its NATO allies from the 1950s. As a result of its policies, Moscow got the worst of two worlds: the absence of concessions that could have been won by the use - or the credible threat - of force, and the economic stringency that followed from the policy of Containment. A policy based on the premise of peaceful relations with the US and its NATO allies may have avoided several of the stresses that the USSR was subjected to on the basis of its offensive capabilities much more than its actions. Such a policy may have gone a considerable distance towards recreating the US-USSR friendship that marked the period 1941-45. As public opinion in the countries belonging to NATO would not have countenanced an unprovoked invasion of the USSR, there was no need for Moscow to create the huge apparatus of offense and defense that it did, when it itself was clear about the need to avoid a "first" strike

In such a context, it needs to be remembered that the core objective of the US-led policy of Containment was not regime change in Moscow but the prevention of the expansion of the USSR's influence into other parts of the globe. A CPSU that followed in its entirety a policy of "Peaceful Rise" may not have had to face the challenges that finally led to its collapse in 1991. This is a fact of history that has considerable relevance for the surviving Communist giant, the Peoples Republic of China. The recommendation given below is that Beijing follows a policy as different in its military implications from that of the USSR as the Chinese leadership has done so markedly in economic policy. In the same way as Moscow faced a near-zero threat of invasion from the NATO allies,

China today has a neighbourhood comprised of countries that are not simply unable but also unwilling to countenance the use of force in a first strike against the PRC. Neither Russia, India, Japan, the Koreas, Pakistan, Myanmar or Vietnam pose a military danger to China, for the reason that none of these countries has any outstanding dispute with the PRC that can generate a drive towards the extreme step of conflict, while Taiwan can be expected to avoid a suicidal strike. The advantages to China of a "peace policy" would be much more than the gains secured by a USSR-style militarization. That this is so is clear from the historical record since the PRC was formed in 1949. It was only during the externally peaceful years beginning in the 1980s that China grew at a rapid clip. Its economic performance during the previous conflict-ridden period was meagre, and resulted in widespread deprivation. The lessons from the example of the USSR are clear. Rather than seek to follow in the path of either the USSR or the US, China needs to proceed on a path of "Peaceful Rise", now that the leadership has passed to younger and abler hands led by President Hu Jintao.

Returning to the example of the USSR, while its rise was practically frozen soon after the 1939-45 conflict, the expansion of the geopolitical space occupied by the US has continued to the present. Rather than simply look at a small complex of figures, such as national income statistics, the "rise" of a power has to be calculated in the totality of its abilities, its human potential and its willingness to respond to a given set of circumstances. Although the geopolitical position of the U.S.S.R. was raised significantly after its 1941-45 war, this was a discrete jump rather than a continuous process of expansion of influence. The subsequent "victories" won by Moscow - as for example, on a few occasions in the Middle East - were usually temporary, expensively secured and ultimately impossible to sustain. Hence, unlike the U.K. a century-and-a-half ago, or Germany from the period of the 1930s to the reversal of fortunes of its armed forces following the Kursk battle in 1942, or Japan from the 1960s to the middle of the 1990s, the U.S.S.R. became a "standstill" rather than a "rising" power after the 1939-45 war.

While global giants of the past such as the U.K., Germany and Japan have seen a decline in their relative influence in the modern period, only the U.S. has sustained its rise, which is continuing almost a hundred years after it first emerged as a world power. After the U.S., the only other country that has the potential to replicate such a feat is the Peoples Republic of China. Although some scholars have spoken of India in the same terms as China, the reality is that this other Asian giant has at least a decade of demonstrated growth and institutional change ahead of it before it can be said to be in the same league as the US and China. At present, whether it is in the physical or the policy infrastructure needed for growth, India is at present twenty years behind China. Only a change in the National Income mix from industries dependent on physical infrastructure to those whose success hinges on "intellectual" infrastructure has resulted in the acceleration of development seen in India since 1994, not government policy.

And what of Europe? From 1992 onwards (when he first wrote on the subject in the "Times of India"), this writer has been sceptical of the viability of a unified European Union, although the EU does constitute one of the three "poles" of the international order, the other two being China and the U.S. The common European currency, for example, would come under heavy strain once individual countries in Europe experience high unemployment and slow growth, and need greater control of domestic monetary policy to help mitigate the effects of this on the populations of individual countries. The "European Project" is predicated on a continuation of good times for the economies in that continent, and is unlikely to survive in a situation of falling employment and stagnant output.

This fault line - the risk of failure brought about by adverse economic circumstances - has been compounded in its effects by the decision on the part of French and German leaders - motivated by sentimentalism towards the "European Family" - to attempt to spare first the people of East Germany and later the entire former Soviet bloc countries the economic pain and physical dislocation that is inevitable in a period of transition to a modern economic and socio-political system.

Only by refusing to pump in resources designed to create an artificial equality and prosperity could Western Europe have spared their own citizens the economic hardship that has been the result of the "Europeans Only" policy of the E.U.

While even a "Europeans First" policy would also have gone against the present trend of looking on resources as a global pool, the near-exclusive focus by Western Europe on Eastern Europe for sourcing manpower (and anchoring investment) has led to economic decisions being taken that will affect West European competitiveness severely at a time when not simply North America and Japan but China and India are emerging as business rivals.

Unlike the U.S. and Canada, which have to a much greater extent than the EU sourced legal immigrants from whichever location makes the most economic sense, the E.U. has formally sought to keep out potential migrants from outside Europe, even while avoiding the degree of action needed to prevent the current volume of illegal aliens reaching European shores from North Africa, China and other locations. Instead of a policy of legally sourcing the best talent from across the world, West European states are now in the position of watching "bootleg" immigration - often from socially high-risk areas - enter in large numbers. The prohibition of alcohol was a failure. The EU's attempted prohibition of high-value human talent on grounds of origin will prove an even worse error.

Thanks to the acculturation engendered by nearly three centuries of British rule followed by the continuation of western education after Independence in 1947, an engineer from Chennai in South India would be far more productive within the E.U. than a former apparatchik from Romania, and an accountant from Bangalore would add much more economic value and be less potentially socially destabilizing than an Albanian policeman. However, the E.U. has made it all but impossible for the Chennai engineer or the Bangalore accountant to legally reside and generate value in its territory, even while it accepts those regarded as belonging to the same "civilizational networks" that they themselves come from. The reality is that the development of both information and technology has created a global civilisation that can no longer be defined or restricted in geographic terms. Unless each country seeks to source its "human resources deficit" from those zones that provide the best qualified human power, that country will find itself outbid in the international marketplace of products, processes, services and ideas.

Given the forecasted lack of cohesion within the EU and a continuation of economic growth and social stability in China, it is Beijing rather than Brussels that has the potential to challenge the current position of the U.S. as the dominant power on the globe.

This writer has argued - for example at 2003 India-China Round Table organized by Hong Kong University - that China is emerging as one of the three "poles" in the international order, together with the U.S. and the E.U. However, the condition for the sustenance of such an outcome is that it must of necessity be peaceful, as any conflict or significant tension would create counter-forces that would reverse the course of economic progress of the P.R.C. A potential speed-breaker that could prove fatal to the PRC's future is a conflict with, or over, Taiwan. The island is under the effective protection of the U.S. and falls within the geopolitical zone of influence of the U.S.-Japan partnership. Aside from the outcome of securing the peaceful and willing consent of the people of Taiwan to unite with the PRC, any other route would result in a Pyrrhic victory, in which the PRC would "gain" Taiwan but lose its own economic future and thereby its political stability and social coherence.

Although the development of long-range offensive missile systems by the Peoples Liberation Army that are capable of obliterating U.S. cities may prevent U.S. intervention in the event of conflict with Taiwan, there would almost certainly be a crippling economic fallout for China as a consequence of a war of unification, with the U.S. at the minimum likely to put in place a system of "containment" of the P.R.C. The free access to U.S. and allied markets that is at the heart of China's economic success would be lost, and China would encounter a much heavier degree of induced

geopolitical turbulence than the USSR did during the years of the "Cold War". Peace across the Taiwan Straits is therefore a pre-condition for the continued rise of China.

While several analysts maintain that it is the rapid economic rise of the P.R.C. that is creating within the US an influential body of opinion that sees China as a rival, if not already an enemy. The fact is that Beijing's economic success - while unprecedented in Asia - is not sufficient cause for the unease in Washington. Rather, it is the military build-up of the different branches of the Chinese militia and military. The recent acceleration of the development of submarine-launched long-range missiles, to quote only a single example, is perceived as indicative of a determination by China to develop weapons systems that go far beyond a purely defensive role.

Indeed, the present family of strategic weapons systems now operational or in the process of being developed within the branches of the Chinese military go far beyond the capability enhancement needed to deter the U.S. and Japan from coming to Taiwan's help in the event of a conflict between the island and the P.R.C. There is need for China to avoid giving rise to the perception that it is seeking to "rise" in a (1930s) "Classical German" way, which is through the creation of substantial military capabilities not proportional to any known threat. Rather, it would be best for a Rising China to follow the "Modern Japanese" way, that followed by Tokyo from the 1950s to the mid-1990s, which is to discount the building up of military strength and instead focus on economic growth. While Japan has had the benefit of the U.S. "nuclear umbrella" and protection, it is the argument of this essay that the dense inter-linkage of Chinese and U.S. commercial entities has created an "economic umbrella" that is as potent in its efficacy in shielding China from unprovoked attack as the nuclear shield of the US has been for Japan. The protection provided by this US "economic umbrella" over China would be lost in the event of a conflict across the Taiwan Straits, even in the unlikely event that the US and Japan do not intervene directly in the war.

Given that the U.S. has substantial economic incentive to remain in a state of normalcy with the P.R.C., and that none of the countries around China's periphery pose a military threat to Beijing, nor are demonstrating any intention to be so, it would follow that it would be in China's interest to slow down its military spending and thereby prevent the negative reactions that this engenders in several countries, most of whom do not openly acknowledge their unease, but which is nevertheless palpable.

In view of the paramount need for the PRC to ensure a "Peaceful Rise" rather than create conditions that may replicate the situation facing the USSR in the 1960s, it would be in Beijing's interest to abjure the use of force against Taiwan, the way that India has - in effect - given up force as an option to get control of the territories in the former princely state of Kashmir that are now under the effective jurisdiction of Islamabad. Indeed, New Delhi has extended such "peace logic" further by effectively demonstrating (during the 1999 Kargil conflict) that the capture of those parts of Kashmir now in the control of Pakistan is no longer on the Indian military agenda. The chances of a conventional conflict between India and Pakistan are therefore extremely low, in large part because of India's forbearance.

Thanks to the changed international climate as a consequence of September 11, 2001, neither the U.S. - nor even "liberal" elements within the E.U. - any longer look with favour on the Kashmir jihad, a fact that has lowered substantially the international pressure on India to withdraw from any part of Kashmir now in its control, pressure that was resisted even in 1963 or 1993 when the geopolitical position of India was much weaker than it is today.

As a result of such a "peace-oriented" policy on the part of New Delhi, the (largely India-centric) non-proliferation fanatics in the US are becoming isolated in their efforts to continue the technology sanctions that have forced Indian defense laboratories to reinvent the wheel repeatedly and at great

cost. Thus, while the defense procurement of China may be leading to the adoption of what this author has (in 2001) termed a policy of "constraint" of China (stopping those exports that have an obvious military use, while allowing other forms of trade and contacts), the U.S. administration has in mid-2005 accepted India as a nuclear ally with almost the same rights as those bestowed on France and the U.K. The "peace-oriented" policy of India has been a substantial contributor to this development. The Chinese people have one of the oldest civilisations in the world. Their cultural riches are immense. To bring the economic situation to a comparable level, Beijing would do well to replicate India's policy of taking the use of force off the table while discussing the resolution of disputes. Should this be followed, then it is likely that several current and planned restrictions on technology transfer to China would go.

Such a policy of "Peaceful Rise" has to have the substantive underpinning of the avoidance of a military build-up that is disproportionate to any threat faced by the Peoples Republic of China. As Japan did from the 1960s - when it entered its period of economic expansion - China needs to tailor its defense capability so as to reflect peaceful intentions. This would convince critics of its sincerity towards a policy of taking the option of war off the table unless it was made the victim of an attack.

The only way of fusing the economic rise of China with a tension-free situation around its environs would be to ensure that the P.R.C. follows a policy of peaceful settlement of differences, a policy that would have significant favourable spill over effects on the willingness of international investors to continue to pour capital into China. In contrast, the formal launch of a policy of "constraint" when dealing with the P.R.C - which would be the result of a perception that the PRC was going the way of the USSR in putting military prowess above everything else - would result in an economic setback with severe long-term implications, as such a line of action would block off access to technology and materials with potentially overwhelmingly military applications, a subset that includes several of the technologies needed for up-grading of civilian systems as well. A policy of "constraint" would shut off training and other amenities now available to Chinese military forces and over time may extend to people-to-people and cultural contacts. Such a policy of "constraint" runs the risk of developing (through the effect of action, reaction and counter-action cycle) into one of full-blown "containment" of the PRC, an economic disaster for this emerging superpower.

For a country with such a unique place in history to continue on a "Peaceful Rise", the current degree and composition of defense spending in the P.R.C. may be seen as incompatible with China's own fundamental long-term interest, which is to raise the living standards of the Chinese people. To accomplish this, access to Taiwanese, Japanese and US technology and markets is necessary. Hence the reality is that the only policy in China's interest would be one that seeks to reduce -- rather than accentuate -- tension and the risk of conflict by deliberately following a 1960-1995 "Japan" policy.

Most Chinese scholars and analysts would disagree with such a conclusion and point out that the P.R.C. even now spends much less on defense than the U.S. However, it is the contention of the author that any attempt by China to replicate the "non-peaceful" strategy followed by the US would have effects on the PRC's prospects that may reverse its economic progress. The "military" path followed by the USSR needs to be avoided by China if the country is to displace the US as the primary economic power on the globe.

Even as the continent of Asia is recovering from the retardation of growth caused by its colonial past, care needs to be taken to ensure that its path to prosperity does not follow that of Europe in the period before the end of the 1939-45 conflict. Europe was at war both within itself and with the rest of the world throughout the period when technology and later output in Europe began to accelerate to levels that outstripped the somnolent (and misgoverned) countries in Asia. It is not an accident

that only those patches of Asia that had a relatively better quality of governance - Siam and Japan are examples, as also the kingdom of Travancore in India - escaped colonial control. Unless conflict is avoided, there may not be an "Asian Century" for centuries.

For the "Asian Century" to come about, the larger powers within the Asian landmass - China, Russia, Japan and India - need to pursue a policy that puts peaceful relations with surrounding regions at its core. Of these four countries, the only country that has had an armed conflict with every one of its neighbours during the previous half-century is China. Hence, there is the need for Beijing to go the extra mile to ensure that no state on its periphery has any anxiety about a possible military threat from the P.R.C. As part of such a process, it is necessary for the PRC to abstain from the sale or gift of missile and nuclear technologies across its borders. The monetary or geopolitical benefits of such transactions would be far less than the cost in terms of lost goodwill amongst the major powers. The steady and disproportionate (to known threats) increase in the capabilities of the Peoples Liberation Army, the P.L.A. Air Force and the P.L.A. Navy, works to generate precisely the fears that China's own self-interest mandates that it avoids.

While some Chinese scholars defend the P.R.C.'s defense expenditure by referring to the US "threat", others point to Taiwan and, more recently, to Japan, as reasons for the military build-up. This argument is unsustainable, for the reason that it is precisely these three entities that are fuelling the economic expansion of China. Were exports to the U.S. and capital inflows from Taiwan and Japan to be taken out of the economic mix, China would be an underdeveloped country rather than a global power. In the absence of the initiation of military conflict by China, none of these three powers would be a threat to the P.R.C., and any attempt to justify defense expenditure by pointing to the "threat" from one or more of the three would be an example of circular reasoning by those unwilling to accept the actions that are needed to ensure a "Peaceful Rise".

There are several, even within the U.S., who believe that it is the might of the U.S. military that is underpinning the apex position that the country presently enjoys within the international system. In fact, the U.S. military will - after cooler, more dispassionate Counsel operates in that land - be seen as the engine that has destroyed more U.S. interests than it has ever claimed to protect. In Vietnam, throughout the period of the conflict between the North Vietnamese and the U.S., the most effective recruiting agents for the Viet Cong were U.S. soldiers coming into towns and villages across South Vietnam. A similar situation prevails today in Iraq, where the insurgency is strongest precisely in those regions where U.S. forces conduct a large number of operations.

Every conflict has demonstrated that raw military power, while it may be sufficient to temporarily subdue the local population, is not sufficient to get them to re-enter productive life and thereby make the occupied territory an economic asset. Although Iraq has one of the largest oil reserves in the world, as yet the U.S. has been unable to ensure that enough oil gets pumped to meet surging international demand. While conspiracy theorists allege that the "sabotage" of Iraq's oil production is precisely the objective of both George W. Bush and Vice-President Cheney (in view of their ties to the oil industry), the reality is that it is U.S. incompetence that has prevented a return to normalcy in Iraq. Were Beijing to follow the example of the U.S. and put military power above "soft" power, it would soon find itself as bereft of genuine friends as the present-day "hyper-power."

"Hard" power may be compared to a battle-tank that overruns resistance and takes over a territory. However, battle-tanks by their nature need to be on the move, and cannot therefore be optimally used to hold territory. This is the function of the infantry, in other words, "soft" power. In the case of the U.S., Hollywood has done much more for U.S. influence abroad - at least in the period after 1945 - than the U.S. army.

China, thanks to its immense store of cultural traditions and human wealth, has a head start in the projection of "soft" power in Asia, an advantage that may be eroded were there to be rising perceptions of a China that puts "hard" power before "soft".

The example of India may be useful to consider. Despite its nuclear arsenal and million-strong army, India has consistently projected its "soft" power rather than seek to copy the U.S. The one time in the recent past when this was replaced with a "hard" approach was in early 2002 when the B.J.P.-led government moved several divisions to the India-Pakistan border in order to create an illusion that India was planning an attack. In reality, it was clear to all major players that Prime Minister Vajpayee had no intention whatsoever of ordering an attack, with the result that the only lasting effect of the theatrics was the perception that the subcontinent was on the brink of war, when in reality it was not. The effect of this misperception was to scare away investment from India, and retard the country's economic prospects. After that unfortunate experience, New Delhi has avoided falling into the trap of portraying the subcontinent as on the brink of even a nuclear exchange.

Lately, rose-coloured perspectives on China are starting to be replaced with analyses of the numerous ways in which Beijing's policies and actions are perceived to be running counter to U.S. interests. Should this negative trend continue, the chances are high that it will affect the U.S.-China business relationship, and lead U.S. corporations to locate alternative sources of supply for the materials that they presently source from China.

In view of the fact that it is continued economic prosperity that is preventing large-scale opposition to the rule of the Chinese Communist Party, it is in the C.C.P.'s interest to ensure that its most important market - the U.S. - does not shrink owing to a perceived military threat from China. Again, the Japanese model (1960-95) commends itself. Should Beijing follow this model, it would forswear the development of weapons such as long-range missiles and nuclear reactor cores for submarines, and reject the temptation of going in for a blue-water navy. Second, it would take the option of force off the table in negotiations with its neighbours, including the Republic of China.

This prescription is especially valid in a context in which it is beyond the capability of the P.R.C. to take over Taiwan by force, except at an economic cost - both in terms of financial outlays for the war and because of the consequent loss of both Taiwanese expertise and capital as well as U.S. markets - that would force China into an economic depression that could potentially destabilize the country that is today an example of progress for the world.

Over the past decade, there has been a steady progression in the number of "incidents" involving farmers and workers angry over the loss of jobs or other perceived injustices done to them by local Communist Party apparatchiks. A rising number of individuals are learning how to work the system, by concentrating their fire on local officials rather than on the party as a whole. These newly-sprouted NGOs are not fighting for abstract concepts such as "democracy" (and thereby triggering the wrath of the Public Security Bureau) nor against C.C.P. rule, but simply for justice in specific, local contexts. This makes them difficult to forbid, while at the same time the spectacle of public opposition to minions of the C.C.P. chips away at the fear and respect for Communist rule that is the glue holding together the Chinese state. In such a volatile situation, any risk of war would further increase the tensions already extant within the country.

There are analysts, including within China, who claim that the "nationalist" mindset of Chinese people would lead them to reject those who move away from a full-blown strategy of using "all possible means" to get control of Taiwan. Such views do a great injustice to the Chinese people, who have endured centuries of oppression and suffering and are concentrating on improving their lives. It was this focus that made Deng Xiaoping an icon to his country and people, displacing even the legendary Mao Zedong. Should it be perceived that the C.C.P. is willing to put at risk the entire progress China has made under Deng in order to carry out an unwinnable strategy of the capture of

Taiwan by force, the mood within the country would shift away from - rather than go towards - such adventurism.

The "peace dividend" caused by a policy of taking the use of force off the table would extend not merely in the economic sphere but in that of domestic public opinion as well. In view of its immense benefits, a policy of peace would be as likely to promote the rise of China as a policy of the threat of war would retard that process.

True friends of China in Asia would encourage those in Beijing who favour a "peace" approach rather than pander to those who seek to flex military muscle in order to force a decision. As mentioned earlier, to avoid going the war-ravaged way of Europe during the period of its ascent, the four major powers of Asia - Russia, China, Japan and India - need to commit to a policy of abjuring the use of force except when directly attacked.

Chinese analysts themselves claim that the rise of China will be peaceful. To achieve this, the P.R.C. needs to adopt a policy of peace that will also avoid the wide-ranging military build-up that contains within it the risk of conflict owing to either miscalculation or overconfidence

In sum, China has the potential to displace the U.S. as the dominant power on the globe. In order to achieve that, China must slow down its military spending, thus demonstrating its commitment to a policy of Peace in its international relations.

Not only is the current degree of defense spending incompatible with China's own fundamental long-term interest - raising the living standards of the Chinese people - it can create negative reactions in several other countries. For living standards to rise, access to Taiwanese technology and capital and to Japanese and U.S. markets is necessary. Therefore, the optimum policy in China's interest is one that seeks to reduce the risk of conflict.

The development of China into a world power is a matter of pride for the whole of Asia. However, this is possible only in a context that avoids conflict and activities that go against international norms such as the avoidance of proliferation of missile systems and nuclear weapons technology. Only by adopting such standards for itself can the P.R.C. fulfil its potential. Those who wish China well will need to ensure that they encourage those who accept this, and differ with those seeking to replicate for China the military interventions that have become a staple of U.S. policy.

## Good Governance and Traditional Authority

Manfred O Hinz

### *1 Good governance: a new concept grounded in well-established jurisprudential traditions*

The jurisprudential exploration of *good governance* as a relatively recent addition to the theory of state and governance leads us into the much older discourse about the *rule of law*, the *Rechtsstaat*, and *constitutionalism* in the context of the USA. While some scholars of jurisprudence and political philosophy emphasise the peculiarities of the three concepts, others refer more to the similarities. Others again ignore the dogmas of constitutional law and trace back the formal components of the rule of law to their theoretical origins. Names like Locke and Montesquieu, but also Hobbes and Rousseau come to mind, philosophers who absorbed the relevant impulses their social environments proffered and thus contributed to a broad “societal base for identification”<sup>1</sup> to which the constitutional movement has been relating right down to the 20<sup>th</sup> century.

This societal base for identification with constitutional provisions had, indeed, become quite solid in Europe and North America, but proved to be less stable when postcolonial state structures were forming according to Western patterns outside these areas.

All normative elements characterising the rule of law concept emerge in descriptions of ideas on good governance as well. Yet the two notions differ remarkably in their formulation. The references to political and social history made in connection with rule of law descriptions are neglected in models of good governance; instead, governing a state is largely regarded as an administrative task, an issue of management.

It cannot be overlooked, though, that both notions are fed from the same source in spite of those differences in formulation. This becomes easily apparent if the argument is taken back to its basis in terms of Max Weber’s sociology of the state and of authority as well as his definition of the ideal type of *modern* authority.<sup>2</sup>

*Modern* authority is bourgeois authority and technically superior to all other types of authority due to its bureaucratic organisation. Precision, speed, non-ambiguity, documentation, continuity, discreteness, uniformity, straight subordination, avoidance of frictions and minimisation of material and staff costs: these are the principles present in Weber’s political sociology – and they are also the principles present in the demand for good governance.

In other words: Although the concept of good governance is less burdened by debates taking us back to the formative years of the *modern state* and many discourses before, during and after the European enlightenment, the concept of good governance nevertheless carries jurisprudential grounds which are obviously questionable from the perspective of cultures and traditions that are not in the same manner rooted in these well-established traditions. What does this mean for the almost universal demands for good governance? What does the demand to employ good governance mean for African countries that have their own history, tradition and political cultures?

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<sup>1</sup> PC Mayer-Tasch, *Politische Theorie des Verfassungsstaates. Eine Einführung*. München 1991: Deutscher Taschenbuch Verlag: 53

<sup>2</sup> Cf M Weber, *Wirtschaft und Gesellschaft. Grundriss der verstehenden Soziologie*. Vol 1. Köln Berlin 1956: Kiepenheuer & Witsch: 157ff

## 2 *African political pluralism and good governance*

The uniformity of law is an expectation and prerequisite assumed by jurists to be found in societies organised as states. This expectation, however, does not or at least only partly correspond to reality as many empirical studies in legal anthropology have informed us. More than one hundred years ago already, Eugen Ehrlich confronted the law of Austria with the *living law* of the Bukowina where he distinguished between nine *tribes* each of which (as, Ehrlich maintained, „even a passing glance would reveal“) observed „totally different rules of law in all legal relationships of everyday life“. <sup>3</sup> Legal anthropologists working in Africa and elsewhere proved the legal relevance of so-called *semi-autonomous social fields* in the social contexts they studied. <sup>4</sup> Only lawyers, who owe their views to the tradition of Kelsen, mistaking the fiction of a consistent, hierarchical structuring of law for the reality essentially opposed to this fiction, find it difficult to handle the existence of a pluralist living law. <sup>5</sup>

What has not been in the focus of research so far is the fact that legal pluralism always implies political pluralism. Semi-autonomous social fields are at the same time *semi-autonomous political fields*, even if with qualitative differences. This is especially true for African countries in which forms of authority grown out of tradition are respected as such. The forms in which this respect takes shape may be different. In some countries it may not have gone beyond a social type of respect; in the new constitutionalism of Namibia and South Africa, on the contrary, it has grown into a respect expressed by constitutional law. The South African Constitution of 1996 even trod on unprepared constitutional ground and awarded traditional leadership the quality of an institution. Houses of traditional leaders, councils of traditional leaders – third chambers in a certain way, although with differing capacities – are supplements to national assemblies and representative bodies of provinces or regions guaranteed by the constitution in Namibia and South Africa. The constitutions of Namibia and South Africa explicitly acknowledge the law applied under the jurisdiction of the various traditional authorities as part of the law of the country. <sup>6</sup>

What does this indicate? On the one hand, they are an indication of the change in political understanding of the importance of traditional authorities. At the core of this changed understanding, there is the realisation that traditional authorities still play an unquestioned role in society, a role which reform and development measures, in particular, have to take account of. In strong theoretical words, the functions and responsibilities of traditional authority derive their legality and legitimacy not from the sovereignty of the state, but from traditional sovereignty. Interferences with the authority of traditional authorities have to be seen in this light and will require political and legal instruments that respect these very particular roots of traditional authority. On the other hand, the changed understanding also proves how difficult it is to interpret the institution of traditional authority under the given structural provisions the constitution prescribes. However, attempts by some commentators to solve the dilemma posed by legal and political pluralism by regarding traditional authority as an authority delegated by

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<sup>3</sup> E Ehrlich, *Das lebende Recht der Völker der Bukowina*. In: id, *Recht und Leben. Gesammelte Schriften zur Rechtsstatsachenforschung und zur Freirechtslehre*. (Selected and introduced by M Rehbinder) Berlin 1967: Duncker & Humblot: 43ff. – The Bukowina, part of Austria at the time of Ehrlich, belongs today to Romania.

<sup>4</sup> Cf J Griffiths, *What is legal pluralism?* In: *Journal of legal pluralism and unofficial law* No 24 1986: 1ff; MO Hinz, *Legal pluralism in jurisprudential perspective*. In: MO Hinz, Ed, *Governance in traditional authority*. Münster (Lit Verlag – forthcoming)

<sup>5</sup> Cf MO Hinz, *Legal pluralism and Kelsen's grundnorm: Towards an anthropology of jurisprudence*. In: K von Benda-Beckmann, HF Finkler, Eds, *Folk law and legal pluralism: Societies in transformation. Papers of the XIth International Congress of the Commission of Folk Law and Legal Pluralism. Moscow 1997 (published 1999)*: 316ff

<sup>6</sup> See art 66(1) of the Constitution of Namibia and sec 211(3) of the Constitution of South Africa

virtue of the constitution because this is implied by the constitutional acknowledgement miss the dynamics at work in the real situation.<sup>7</sup>

### 3 *Peace and welfare, or: old and new tasks for traditional authorities.*

The catalogue of tasks for traditional authorities contained in the Namibian *Traditional Authorities Act*<sup>8</sup> covers a broad range of detailed duties, which, however, are all seen to flow from the overall task of traditional authorities *to promote peace and welfare*.<sup>9</sup> Looking at the detailed list of tasks, one can, however, group the tasks into three categories: the more conventional tasks (1), the tasks that developed from those (2) and eventually the tasks, which are located in a very particular manner in the interface between *tradition* and *modernity* (3).

*Ad (1):* Traditional authorities are looking at their place in the overall state structure, not sub-central state agents, but *sui generis* authorities in the sense that they enjoy semi-autonomy as the theory of political pluralism informs us.<sup>10</sup> It is part of this *sui generis* semi-autonomy<sup>11</sup> that traditional authorities fulfil structurally the same tasks as the state: Traditional authorities are *legislators*, *administrators*, and *adjudicators* of cases brought to them for settlement.

The Namibian Traditional Authorities Act of 2000 explicitly added to the so far established list of tasks and duties the right to *make customary law* into their list of functions.<sup>12</sup> Before the enactment of the 2000 version of the Traditional Authorities Act, to argue for traditional authorities' right to *make law* meant for many to contravene against the constitutional provision of the unitary state.<sup>13</sup> But the reading of traditional authorities' responsibilities introduced by the mentioned act went through parliament without being questioned.

Part of the administrative functions of traditional authorities is the allocation of customary rights on communal land. This has been recently confirmed in the *Communal Land Reform Act* of Namibia.<sup>14</sup> The fact that the allocation of land by traditional authorities requires now an endorsement by *land boards*, the ownership provision in the mentioned act clarifies that the ownership of the state is nothing more than an ownership of a trustee with respect to the respective traditional community.<sup>15</sup> The jurisdiction of traditional authorities to administer cases before them has existed so far as inherited from the pre-independence dispensation, but is about to be restructured in line with the *Community Courts Act* of 2003.<sup>16</sup>

<sup>7</sup> Cf MO Hinz, The 'traditional' of traditional government: Traditional; versus democracy-based legitimacy. In: FM d'Engelbronner-Kolff, MO Hinz, JL Sindano, eds, *Traditional authority and democracy in Southern Africa*. Windhoek 1998: New Namibia Books: 1ff

<sup>8</sup> Act 25 of 2000

<sup>9</sup> See sec 3 of the Act

<sup>10</sup> See above

<sup>11</sup> MO Hinz, Traditional authorities: Sub-central governmental agencies? In: MO Hinz, SK Amoo, D van Wyk, Eds, *The constitution at work. 10 years of Namibian nationhood*. Pretoria 2002: UNISA: 81ff.

<sup>12</sup> Sec 3(3) (c) of the Traditional Authorities Act 25 of 2000. Act 25 of 2000 repealed the Traditional Authorities Act, 17 of 1995, which did not have a provision on the *making of customary law*.

<sup>13</sup> Cf here FM d'Engelbronner, The people as law-makers: The juridical foundation of the legislative power of Namibian traditional communities. In: FM d'Engelbronner, MO Hinz, JL Sindano (see above): 62ff

<sup>14</sup> Act 5 of 2002

<sup>15</sup> See sec.17 of the Act

<sup>16</sup> Act 10 of 2003, in force since 12 November 2003

*Ad (2):* As far as the tasks are concerned, which developed out of the quoted conventional tasks, I will emphasize only two: One of them is the duty to employ *affirmative action* with respect to the improved participation of women in traditional leadership positions.<sup>17</sup> The second is the need to secure the sustainable use of natural resources of the given traditional community.<sup>18</sup> Tasks of this nature are *modern welfare tasks* which respond to changed socio-political and socio-economic circumstances the extent and significance of which have not been fully explored yet. An extraordinary example to illustrate the importance of this new dimension in the functions and tasks of traditional authorities is the increasing acceptance and implementation of so-called conservancies, which require *wildlife management plan* as a condition before a conservancy will be approved by the relevant ministry.<sup>19</sup> The requirement to have a *wildlife management plan* introduced an element of *planning administration* into the traditional context so far not known. One can expect that needs to plan will reach out to other administrative areas as time goes by. It would, e.g., follow trends otherwise observed if the task to affirmative action as mentioned above would be administratively translated into the expectation to develop an affirmative action plan.

*Ad (3):* Turning to tasks that are in a particular manner situated in the interface between tradition and modernity, we can distinguish between two sub-categories. The first sub-category is concerned with the responsible management of income and the accounting for it. Many traditional communities have, indeed, substantial income, e.g., from the marketing of natural resources. Income is also derived from traditional levies, which are collected from households and enterprises. What is done with such money? Who decides on spending the money and for what can the money be spent? The Traditional Authorities Act and the also mentioned Community Courts Act provide for rules which intend to regulate the administration of income of traditional authorities in a manner known in the respective handling of income in the administration of the state. A lot of questions still expect clarification in this field, in particular as traditional leaders perform many political and social functions the costs of which cannot be recovered as they would if the traditional leaders were state-supported officials.

This leads us to the second sub-category of tasks in the interface of tradition and modernity. Traditional leaders are up to now still the addressees of complaints and requests for assistance whenever communities are faced with difficulties. The traditional leaders have remained addressees in cases of individual and societal needs because they are the ones to access the ancestors as the guarantors of community welfare. Securing rain, healing sicknesses, protecting the fields and the animals, all this is part of the responsibility of the traditional leader for which the leader needs the communication with the ancestors. It is in line with this that the Traditional Authorities Act expects traditional authorities to perform traditional ceremonies.<sup>20</sup> These traditional ceremonies are not just marketable measures to preserve culture, but measures to maintain and sustain the community. This becomes apparent when one sees that the Traditional Authorities Act has added to the function of performing traditional ceremonies the task to support that traditional values are being maintained and promoted.<sup>21</sup> Traditional values: the value basis of traditional communities, traditional values which are modern values at the

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<sup>17</sup> See sec. 3(1)(g) of the Traditional Authorities Act, 25 of 2000

<sup>18</sup> Sec 3(2)(c) – The argument in the text remains even if one takes note of the fact that this task can refer to long-established customary law rules on the protection of natural resources. See here MO Hinz, Without chiefs there would be no game. Customary law and nature conservation, Windhoek 2003: Out of Africa.

<sup>19</sup> Cf here Nature Conservation Amendment Act, 5 of 1996

<sup>20</sup> Sec 3(1)(e) Traditional Authorities Act

<sup>21</sup> Sec 3(1)(c)

same time after they have incorporated many aspects that we may call modern and that are modern because they are part of today's Namibia and the postulated order of its Constitution!

#### 4 *Traditional good governance: challenge for all*

Complementing the usual practice to talk about good governance as part of the theory of modern governance, we talk about *traditional good governance* and understand this to mean that, indeed, a lot of what the modern use of good governance contains is also contained in traditional governance. We find *traditional good governance* in the laws of King Mandume ya Ndemufayo of Oukwanyama of some one hundred years ago. Mandume included in his laws the prohibition of cattle raiding of his people in neighbouring communities.<sup>22</sup> We find good traditional good governance in explicit changes of the customary law of the Aandonga by the Ondonga traditional authority, changes done in order to remedy deficits in their matrilineal kinship based customary law in favour of widows and their children and enacted shortly after the independence of Namibia.<sup>23</sup>

There are many examples of *traditional good governance* when one goes into the history of the various traditional communities, but also their daily practice. However, going into the history and the daily practice will also reveal cases of bad governance, cases which lack good governance and which have to be reconsidered and remedied.

What the Constitution of Namibia contains in its chapter three on fundamental rights and freedoms is generally applicable, including the governance of traditional authorities. However, it is nowhere easy to implement human rights and freedoms. Neither in the areas under the jurisdiction of traditional authorities nor under the jurisdiction of the state! We hear that irrespective of the enactment of the Namibian Married Persons Equality Act<sup>24</sup>, which repealed the concept of marital power of the husband over his wife, women are still facing problems, e.g., when approaching banks in Namibia and trying to handle their matter in their own names. How can we believe that human rights and principles of good governance will succeed faster under traditional rule? Success will only be achieved when all accept the new challenge. The challenge that entails the need to respond to the call of African philosophy (and also, should we want to hear, the call of European philosophy) to identify in the respective cultural heritage what is bad and what is good.<sup>25</sup>

Assisting traditional communities in this is the objective of the *good governance project* of the Human Rights and Documentation Centre in the Faculty of Law of the University of Namibia. It is now for more than two years that the Centre offers its good governance programme to traditional communities, traditional leaders and other traditional stakeholders.<sup>26</sup> The aim is to empower traditional communities consciously to judge the suitability of their own way of doing things in the context of the present enhancement of good governance and human rights. This may lead to re-confirming what they have

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<sup>22</sup> Cf EM Loeb, in feudal Africa. 1962 Bloomington: Indiana University: 34

<sup>23</sup> Cf here MO Hinz, P Kauluma, The laws of Ondonga – Introductory remarks. In: Ooveta (Oompango) dhOshilongo shOndonga. The Laws of Ondonga. 2<sup>nd</sup> edition. Oniipa 1994: ELCIN Press: 27ff; MO Hinz, Law reform from within. Improving the legal status of women in Northern Namibia. In: Journal of legal pluralism and unofficial law No 39 1997: 69ff

<sup>24</sup> Act 1 of 1996

<sup>25</sup> Cf here, e.g., K Wiredu, Cultural universals and particulars. An African perspective. Bloomington Indianapolis 1996: Indiana University Press

<sup>26</sup> The project is funded by the Embassy of Finland to Namibia.

been doing all the time. It may also lead to changes in what they have practised thus far. It may eventually lead to the permanent acceptance of new ways of doing things.

Whatever the result is, each result will be owned by the communities and their stakeholders and, thus be a sustainable response to the challenge of placing the general expectations for good governance in the given societal context.<sup>27</sup>

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<sup>27</sup> Cf here MO Hinz, Jurisprudence and anthropology. In: Anthropology Southern Africa Vol 26 2003: 114ff, where this approach is called *the soft human rights approach*.

## Femmes de la ville, femmes dans la ville.

### L'exemple de Rabat au Maroc

Leila Messaoudi, Kénitra, Maroc

« Quand un homme pénétrait dans notre rue (en fait une impasse qui formait un coude en son milieu), il voyait inévitablement, et quelle que fût l'heure du jour, une tête de femme disparaître derrière une porte »

(Abdelfettah Kilito, *La querelle des images*, Casablanca, Eddif, 2000, p.13) »

Parler de « discours de la ville » implique métaphoriquement que « la ville parle » et que ses acteurs sociaux et ses espaces produisent du sens intelligible pour eux-mêmes et pour l'observateur étranger.

Ce sens est « lisible » dans la ville considérée comme un « texte », lieu d'émission et de production de sens (Calvet, 1999; Mondada, 2000) et dans les récits de vie traversés par l'image de la femme dans la ville.

Des questionnements constitueront les prémises d'une réflexion à travers l'étude d'un cas, celui de Rabat, au Maroc

Comment construire cette image ? Comment la dégager de l'amas de signaux et de symboles que renvoie une ville ? Quels éléments retenir ? Faut-il conserver ceux essentiellement verbaux ? Faut-il y intégrer les expressions non verbales (sémiologiques, proxémiques, mimiques, etc.) ? Constituant un prolongement à nos travaux antérieurs en sociolinguistique urbaine, cette réflexion consistera à se demander si la distinction entre *citadin, urbain et rural* (Messaoudi (1999), peut être une entrée possible ou bien s'il serait plus pertinent de s'en tenir à des oppositions comme : *citadin vs urbain, urbain vs rural, traditionnel vs moderne*. Quel type de relations entretient la femme marocaine avec l'espace ville ? Cet espace est-il vu comme libérateur ? Quelle place pour la femme ? Quel(s) rapport(s) à l'homme ?

Autant de questions auxquelles notre contribution tentera d'apporter quelques éléments de réponse à travers un corpus constitué à partir de récits de vie d'un échantillon d'une trentaine de femmes de Rabat.

La sémiologie et même la sémantique de la ville trouvent leur expression première dans l'organisation de l'espace public et privé, masculin et féminin, les limites et les contacts possibles entre ces espaces, les interactions au cours des activités commerciales, les comportements lors de l'usage des services communs (transports, bains publics, hôpitaux, etc.).

En plus des récits de vie qui constituent en quelque sorte un discours épilinguistique, divers indices permettent de saisir les sens et signaux renvoyés par la ville comme par exemple, les écrits et enseignes, etc.

La constitution d'un corpus s'est avérée nécessaire pour construire l'image de la femme à travers le discours de la ville.

Le corpus retenu s'appuiera en priorité sur les récits de vie d'une trentaine de femmes interviewées mais aussi sur les productions linguistiques servant à dénommer et délimiter les usages des espaces urbains (comme les enseignes, les pancartes, les écriteaux, etc.) ; en focalisant sur ceux qui ont trait aux femmes - en les associant ou en les excluant.

### *Aspects méthodologiques*

Pour recueillir des récits de vie, nous avons choisi des interlocutrices de Rabat. L'échantillon comprend une vingtaine de femmes qui sont toutes originaires de la médina (vieille ville de Rabat): dix d'entre elles représentent une tranche d'âge variant entre 70 et 85 ans, les dix autres de la même descendance, sont plus jeunes et ont entre 30 et 50 ans. Nous référerons au premier groupe d'âge par A et au second par B.

Ceci permet une analyse longitudinale en synchronie dynamique, puisque les deux tranches d'âge coexistent et interagissent.

Un corpus de validation a été recueilli chez une dizaine de femmes extérieures aux groupes A et B, provenant de la région rurale avoisinante constituée en partie par les tribus des Zaers, au sud de la ville de Rabat. Ce groupe sera désigné par C.

Etant originaire de Rabat, je n'ai eu aucune difficulté à faire parler les femmes des groupes A et B. Elles se sont livrées confiantes et même heureuses de faire des confidences. En revanche, au cours des entretiens avec les femmes du groupe C, celles-ci n'étaient pas parfaitement détendues par l'effet de l'observateur externe que j'étais et qui contribuait à créer un malaise, une "insécurité linguistique".

### *Constats et catégorisations*

La perception de la ville telle qu'elle est verbalisée dans les récits de nos interlocutrices, aussi bien chez le groupe A que B, fait ressortir une distinction qu'elles font spontanément entre différents types de rapports à la ville. Selon elles, les personnes vivant à Rabat entretiennent des rapports différents avec la ville selon qu'elles sont:

- des " rbatyïn" (de Rabat) de souche i.e. généralement d'origine andalouse, installées dans la ville depuis les dernières vagues d'émigration, chassées d'Espagne au 17<sup>e</sup> siècle.
- des mrabbtïn (rabattisses) installés depuis au moins deux générations mais qui ne sont pas de souche andalouse
- des "rubiya" (ruraux) en provenance des tribus avoisinantes.

Semble se dégager ainsi une sorte de typologie à trois termes: rbatyïn, mrabbtïn et 'rubiya. Chez le groupe C, la catégorisation qui apparaît est plutôt celle de "mdiniyïn" (gens de la ville) et 'rubiya (de la campagne). Le groupe C ne distingue pas entre rbatyyïn et mrabbtïn; en revanche, il n'hésite pas à qualifier les gens de Rabat de rbtiiyïn, en utilisant le mot au diminutif, faisant ainsi allusion à leur parler citadin qu'ils considèrent comme efféminé surtout chez les hommes. (Messaoudi (2003)).

Notons en passant que, les faits de morphologie dans la langue ne sont pas innocents ou neutres, les grammaires étant partie prenante d'une idéologie.

Ainsi la forme du diminutif peut avoir pour objectif un effet de amélioration mais aussi et surtout de péjoration. De qualifier une femme de « rbtiiyya » (« originaire de Rabat » au diminutif) est quelque peu moqueur et signale une stigmatisation vis-à-vis de "la citadine de souche", pour laquelle on nourrit vraisemblablement des sentiments ambivalents, oscillant entre l'admiration et le rejet. Nous reviendrons sur cette question plus tard.

### *Démarches*

En confrontant les regards des groupes A, B et C, nous procédons à deux types de démarches:

1. une première démarche consistant à croiser les paramètres de l'âge entre A et B en visant à reconstruire l'image de la femme et l'évolution intragroupe qu'elle semble renvoyer.

2. une seconde démarche consistant à comparer avec le groupe C et à essayer de reconstruire l'image qu'il se fait de la femme de Rabat, cette fois-ci extra groupe.

La première démarche s'appuie sur une sorte d'autodéfinition des groupes A et B par eux-mêmes et entre eux, la seconde est extérieure et exprime le regard du groupe C porté sur A et B mais aussi sur lui-même.

Il est intéressant de noter que ces catégorisations reflètent une dynamique qui s'exprime même sur le plan linguistique où l'on se trouve de plus en plus, amené à distinguer au sein de la ville entre citadin, urbain et rural. (Cette distinction vient confirmer celle déjà évoquée dans d'autres travaux (Messaoudi 2003))

Cette trichotomie conceptuelle constituera-t-elle une entrée pour expliquer le rapport de la femme marocaine à la ville? Serait-il plus adéquat de s'en tenir à une dichotomie opposant mode de vie urbain et mode de vie rural? Serait-il plus conforme aux faits de réduire toutes ces catégorisations en opposant mode de vie ancien et mode vie moderne?

Ces questionnements ne sont que les prémisses d'une problématique beaucoup plus vaste qui est celle de l'image de la femme que renvoie une ville marocaine à travers l'étude d'un cas, celui de Rabat.

Les catégorisations sont utiles, surtout lorsqu'elles émanent des acteurs sociaux eux-mêmes, mais elles finissent souvent par s'estomper devant la réalité des faits.

En effet, à partir des corpus que nous avons recueillis, une constante est présente dans le discours de la ville sur les femmes, qui consiste à esquisser l'image de la femme non en relation à l'espace ville mais d'abord en fonction de son rapport à l'homme au sein de la ville.

Chez les trois groupes, resurgit constamment le rapport masculin/féminin aussi bien pour la relation à l'espace dans la ville que pour l'évocation des fonctions dans la ville.

### *Masculin vs féminin dans le rapport à l'espace*

Le mode de vie (citadin, urbain ou rural) de la femme marocaine semble organisé en premier lieu en fonction de celui de l'homme.

Comme nous l'avons déjà signalé dans une étude consacrée aux images et représentations de la femme dans l'imaginaire marocain, à travers des corpus de contes, la femme n'est jamais définie par elle-même: elle est toujours fille de..., mère de... ou épouse de... (Messaoudi, 1999)

Notre hypothèse est que le rapport à la ville, lié à un mode de vie citadin ancien est en cours de mutation vers un nouveau rapport à la ville lié à un mode de vie urbain où se trouvent mêlées de nouvelles façons d'être, sous l'influence de la scolarisation et une émancipation de la femme qui a commencé, du temps de la colonisation française, au moment de la résistance et s'est confirmée après l'indépendance mais aussi en raison des mélanges, dès 1960, avec les populations rurales des environs, dont les femmes pouvaient aller au-delà des espaces privés, grâce aux travaux dans les champs et le « souk » (marché) hebdomadaire.

Tel qu'il est mis en discours par les femmes, le mode de vie urbain, est différent en comparaison à celui citadin qu'elles (ou leurs grands-mères) connaissaient par le passé et à celui rural qui existe encore dans les environs de Rabat.

#### *- Mode de vie citadin / mode vie urbain à travers des récits de vie*

Cette distinction entre « citadin » et « urbain » me semble pertinente pour permettre de comparer le mode vie citadin (ancien et traditionnel) et celui urbain i.e. en vogue actuellement dans la ville.

- *Mode de vie citadin*

Les récits de vie, de femmes octogénaires actuellement, relatent le mode de vie citadin de leurs mères et leur rapport à la citer (la médina).

Ces relations caractérisent une époque remontant aux années 1930 jusqu'en 1960 à Rabat.

Le principe de la hchouma (la pudeur) imposait aux femmes citadines un comportement codifié et une vie réglementée, pour ne pas dire figée, au sein de leur demeure.

Tout en vivant dans la ville, elles n'entretenaient des rapports que sporadiques avec l'espace-ville qu'elles n'entrevoyaient le plus souvent que par la serrure du portail ou le trou d'une lucarne-puisque l'architecture des maisons était tout orientée vers l'intérieur et les fenêtres donnaient sur les patios intérieurs et n'avaient jamais une vue sur rue.

Les vieilles demeures existant dans la médina (ville traditionnelle), de Rabat en sont encore aujourd'hui un témoignage vivant. Seules quelques rares lucarnes servant vraisemblablement à l'aération pouvaient donner sur la rue mais ne servaient point pour avoir une vision de ce qui se passe à l'extérieur. Dans le meilleur des cas, du haut d'une terrasse, à l'abri des regards, les femmes pouvaient jeter des regards furtifs sur les lieux environnant la demeure en scrutant les ruelles étroites et sinueuses de la médina que traversaient seulement des hommes ou des enfants.

Seuls les éléments mâles hantaient les espaces de la « médina ». Les femmes et les filles pubères étaient confinées dans des espaces fermés (privés) et n'avaient accès qu'au « hammam » (bain public) ou au cimetière, le jour de leur mort. Le proverbe populaire, encore en usage aujourd'hui dans la culture populaire, ne prônait-il pas « lmra, darha ula qberha » (une femme, ou sa demeure ou sa tombe) ?

Ainsi, la femme avait un seul choix : celui d'avoir son foyer qu'elle ne quittait qu'après sa mort. Au cours de cette époque ancienne de Rabat, aux alentours des années 1930 et jusqu'en 1960, avoir un foyer pour une femme signifiait qu'elle se terrait dans sa demeure, tout au long de son existence et était ainsi métaphoriquement enterrée puisqu'elle n'avait accès au monde extérieur qu'à de très rares occasions qui pouvaient devenir un peu plus fréquentes lorsqu'elle vieillissait.

Promise dès son jeune âge à un futur époux, une petite fille pouvait quitter le domicile paternel à un âge très précoce

Un récit d'une citadine octogénaire racontant la vie de sa propre mère m'a particulièrement frappée. Je vais en citer quelques fragments :

« La vie de ma mère est encore plus dure que la mienne. Moi, au moins, mon mari a commencé à m'autoriser à rendre visite à ma famille après notre quatrième enfant et j'ai quand même pu entrevoir mon mari le jour où il est venu demander ma main à ma famille. Pour ma mère, c'était différent. Orpheline, elle fut promise à mon père lorsqu'elle avait à peu près 12 ans contre 1 metqal en or (un poids en or), représentant la dot, remise en mains propres à son beau-père. Mon père promit au beau-père de ma mère - donc le mari de ma grand-mère, de prendre soin de ma mère et d'attendre qu'elle soit en âge d'être mariée. La Dada (sorte d'esclave noire servant de nourrice et gouvernante) qui avait accompagné ma mère dans la demeure de son futur époux s'occupait de toutes les affaires domestiques. Ma mère racontait : « Lorsque mon futur époux revenait du travail, je devais lui présenter son repas préparé par Dada et tout ce qu'il lui fallait et attendre humblement qu'il finisse. Je priais Dada de rester près de nous, sa présence me protégeait. Une fois considérée en âge de devenir une épouse, c'est-à-dire dès l'apparition de mes premières menstruations, je fus prise d'un effroi considérable et je me cachais sous le lit qui était immense. J'appréhendais avec terreur ce grand jour tant redouté où j'allais être contrainte d'offrir ma virginité à mon époux et à enfanter. »

Dans un autre récit, l'interlocutrice septuagénaire répond à ma question :

« Mon rapport à la ville ? Je ne sortais jamais, seule Dada me faisait parvenir quelques anecdotes à travers ses rencontres avec les voisines au dessus des toits. Je ne pouvais encore participer à ces conversations considérées comme dégradantes pour une maîtresse de maison citadine et de bonne éducation. Chez mon père, Dada m'avait appris à faire de la broderie de Rabat et j'avais ainsi, dès l'âge de 7 ans, avec elle et ma vieille tante, commencé à préparer mon trousseau. Puisque j'étais l'aînée, j'étais la première à devoir quitter le domicile paternel pour partir chez mon mari. Ma mère fatiguée par les grossesses successives s'occupait de mes frères. C'était Dada et grand-mère surtout qui s'occupaient de moi. J'appris, en voyant faire Dada, à pétrir le pain au sésame, à faire du « berghir » (sorte de crêpes) pour les jours de fête, à préparer la « pastilla », à faire de la couture, etc.

Jamais je ne mettais le nez dehors. C'était strictement interdit. La seule sortie à laquelle j'avais droit, tout en étant accompagnée de Dada était celle d'aller au bain. C'était jour de fête.

Une fois mariée, je ne pouvais voir ma mère qu'à de très rares occasions lorsque mon époux voulait bien nous conduire Dada et moi-même chez mes parents. Ma mère non plus n'avait pas le droit de dépasser le seuil de la maison. Ainsi, je n'avais comme idée de la ville que notre *derb* (quartier) que je parcourais quand j'avais cinq ou six ans. ».

Quels étaient les lieux fréquentés jadis par la petite fille ?

- *Noms de lieux en milieu citadin*

- *Dar Fqira (Ecole coranique des fillettes)*

Petites filles, elles allaient à Dar fqira (littéralement maison de la maîtresse de Coran), sorte d'école coranique des fillettes pour y apprendre quelques sourates de Coran et à faire leur prière. Contrairement aux garçons qui vont au *msid* (école coranique), i

Il ne fallait pas qu'elles poussent trop loin l'étude de la lecture et l'apprentissage de l'écriture car cela pouvait leur donner de mauvaises idées. L. Brunot (1931, p. 127) note à ce sujet : « Elle (la maîtresse de Coran) n'enseigne ni à lire ni à écrire, car on craint toujours qu'une femme lettrée ne profite de son savoir pour entretenir des correspondances coupables ».

Du reste, un proverbe est encore en cours d'usage et confirme cette crainte de libérer la fille : « n'apprends pas à ta fille les lettres d'écriture et ne la loge pas dans *lghurf* » (pluriel de *Ghurfa* (voir explications ci-dessous) autrement dit, il ne fallait pas la rendre autonome par le savoir ou par l'individuation, en lui laissant un espace à elle - comme c'était le cas pour le garçon à qui on consacrait « *lghurf* », pièce au premier étage, n'ayant pas d'ouverture sur la cour intérieure et à laquelle on accédait directement du vestibule et dans laquelle il pouvait loger durant toute la période du célibat.

- *Dar m'allma (la maîtresse ouvrière)*

Dans *Dar m'allma* (littéralement la maison de la maîtresse ouvrière), la petite fille, à partir de l'âge de 6 à 7 ans, commençait à apprendre la broderie (*rqim*) spécifique de Rabat, la couture et plus rarement la tapisserie - cette activité étant moins valorisante et vue comme un travail effectué plutôt par les filles d'origine rurale. En revanche, la broderie était plus considérée et faisait partie de l'éducation modèle d'une jeune fille citadine.

- *le hammam*

Lieu de prédilection pour les citadines, la sortie pour le hammam revêt un aspect purificateur, à la fois sur le plan physique et symbolique. Comme le signale A Kilito « le rapprochement du hammam et de la mosquée n'est pas tout à fait gratuit : le hammam assure la pureté rituelle du corps, préalable à la prière » (2000, p.117)

Les préparatifs, les rituels du hammam obéissent à tout un cérémonial et se transforme en une fête chez la citadine

Il est à noter qu'il existe plusieurs moments importants dans la vie d'une femme et qui sont marqués par le hammam, par exemple: la nuit pré nuptiale, le septième jour de noces, le quarantième jour post naissance, etc. Le hammam marque aussi l'entrée dans une nouvelle vie par exemple, la fin de la période de continence pour une veuve lorsque le délai de viduité s'est écoulé et qu'elle n'est plus tenue de porter le blanc, signe de deuil au Maroc.

- *Zzenqa (la rue)*

A l'occasion de ses sorties à dar Fqira et dar m'ellma, la petite fille a un contact régulier avec zzenqa (la rue) et plus exactement zniqat « les ruelles » de son derb (quartier). Mais il ne fallait pas qu'elle les fréquente en dehors des sorties autorisées sinon, elle commençait à être affublée du qualificatif péjoratif de zannuqiya « qui fréquente beaucoup la rue » et qui peut plus tard prendre le sens de bent zzenqa « fille de rue » c'est-à-dire sans éducation et volage. D'ailleurs, une expression celle de « katxejjet zznaqi u treqqec ddruba » (littéralement : elle coud les rues et raccommode les quartiers) i.e. les verbes coudre et raccommode sont employés à dessein pour montrer que ces activités attendues d'une fille modèle sont détournées de leur objectif.

-*Dâr-hum / dar-u/dar-ha* ( maison –à eux/ à lui / à elle)

Vers l'âge pré-pubère, aux alentours de 10 ans, les sorties sont interdites et la petite fille reste à la maison. Même les filles de notables - qui ont eu pour certaines la chance d'être scolarisées (des débuts timides de scolarisation de filles commencèrent dans les années 1940-1945), elles arrêtaient au niveau du certificat d'études au maximum, considérant que l'école ne leur était pas vraiment utile et seuls les garçons pouvaient pousser plus loin leurs études.

Une fois mariée, i.e. transféré de la maison de son père à celle de son époux, le mot Dar « maison » ne changeait pas. Seul le possessif changeait avec le changement de lieu : de « dar-hum », littéralement « la maison de eux (les parents) » ; elle est passée à « dar-u » (maison de lui i.e. l'époux) qui ne deviendra dar-ha « maison de elle » qu'après la naissance du premier garçon. Notons en passant qu'encore aujourd'hui, sept youyous (cris d'allégresse) sont lancés à la naissance d'un garçon et seulement trois à la naissance d'une fille.

Dès lors que la petite fille avait quitté l'école ou les maîtresses coraniques et ouvrières, elle n'entrevoit plus la rue « zzenqa » que par le trou d'une lucarne ou de la terrasse lorsqu'elle y avait accès.

*Mode de vie rural*

Ayant demandé de comparer avec la vie à la campagne, une autre femme septuagénaire me livrait ses impressions à travers un long récit dont je présente quelques fragments :

« En vérité, les femmes à la campagne (laàrubiyya) étaient relativement plus libres que nous les mdiniyates (citadines). Elles pouvaient participer aux travaux dans les champs et elles étaient en permanence en contact avec la nature de Dieu, elles voyaient le ciel que nous ne pouvions apercevoir que de nos patios, de l'intérieur de nos murailles. Elles pouvaient circuler à visage découvert. Nous étions contraintes de porter la djellaba avec le capuchon sur la tête et un voile couvrant tout le visage à l'exception des yeux tandis qu'elles se contentaient de porter un haik et ne se voilaient pas le visage. De plus, elles n'étaient pas enfermées comme nous l'étions et surtout comme l'était ma propre mère. Certes, elles faisaient des corvées, elles allaient chercher le bois, l'eau ; nous, nous en étions dispensées. Chez nous, le porteur d'eau passait régulièrement, les femmes se cachaient lors de son passage et le laissaient passer pour verser l'eau potable dans les xwabi (grandes jarres en terre prévues à cet effet). »

Ce fragment nous fait penser à des remarques émises par G Tillion et qui vont dans le même sens ; notamment pour ce qui concerne le voile : « le voile des femmes maghrébines est en relation avec l'urbanisation. Autrement dit, les femmes musulmanes ne se voilent que lorsqu'elles habitent la ville ; les femmes des campagnes circulent le visage découvert » (p.25)

Quelle perception de la ville pouvaient avoir ces arrières grand-mères sinon celle du *derb* ? Quelle perception avaient-elles des distances ?

Au cours des années 1960, une grand-mère citadine qui allait rendre visite à une de ses relations dans des quartiers quelque peu excentrés par rapport à la médina, à 3 ou 5 kilomètres, comme le quartier du Souissi dans la ville de Rabat par exemple, disait « il se fait tard, vous devez me ramener à Rabat ». Dans sa perception spatiale, ces quartiers ne faisaient pas partie de sa ville, réduite à l'espace de la médina. Elle considérait qu'elle avait effectué un voyage et parfois même un long périple dont elles parlera pendant des heures et des heures, en donnant moult détails.

Cette perception des distances était très différente chez les paysannes qui elles parcouraient librement et facilement des kilomètres, sans jamais se sentir réellement loin de chez elles. D'autres repères intervenaient tels que la fontaine, le bois, la place du marché, etc.

Cette période étant révolue à quelques rares exceptions près, la femme urbaine actuelle a un nouveau rapport à la ville, surtout depuis l'introduction des mass media, la scolarisation des filles – qui même si elle n'est pas encore généralisée contribue à une prise de conscience, même chez les illettrées.

Ce qui a été déterminant dans l'évolution du statut de la femme, c'est le travail en ville à quelque niveau que ce soit. Les femmes d'origine rurale, jadis plus libres relativement aux citadines, s'émancipent en même temps que celles-ci grâce à l'urbanisation qui a touché les villes mais même les campagnes.

Est-ce à dire que le rapport à l'urbanité est plus libérateur que celui traditionnel à la citadinité ? Vraisemblablement, on peut répondre par l'affirmative à cette question puisque les activités des femmes rurales allant vendre leurs produits en ville comme les œufs, les poules, le petit lait, etc a constitué un apport de celles-ci à la ville et a par la même occasion, contribué à transformer leurs comportements. Ce processus de l'urbanisation a touché les campagnes et s'est accompagné le plus souvent d'un mouvement libérateur des femmes. C. Billen (1993) est parvenue au même constat concernant le rôle du marché urbain comme espace de liberté pour les femmes rurales en Belgique

#### *- le mode de vie urbain*

De quelle façon peut-on déterminer la place accordée aux femmes en examinant et en visitant les espaces urbains ? Peut-on dans cette lecture des lieux et leur organisation identifier les statuts accordés à la femme ? S'agit-il d'une organisation sexiste (s'appuyant sur la distinction qui prend appui sur le sexe biologique) comme en Arabie Séoudite où même dans les transports publics urbains, des espaces sont réservés aux femmes ? S'agit-il d'une organisation fonctionnelle se souciant de répondre à des besoins spécifiques « naturels » comme par exemple les toilettes pour hommes et celles pour femmes ? S'agit-il d'une organisation discriminatoire dans laquelle certains espaces sont réservés exclusivement aux hommes et aux femmes accompagnées (d'un homme s'entend) mais fermés aux femmes seules ?

La femme en milieu urbain se constitue des points de repère grâce aux lieux et le sens qui s'en dégage. Ce sens est codifié et prescrit socialement. C'est lui qui régit le comportement dans la ville et le rapport aux autres acteurs sociaux de celle-ci. Ainsi, il ne viendrait jamais à l'idée d'une femme de pénétrer dans le café maure consacré aux hommes. En revanche, elle aura plus facilement accès au café d'une pâtisserie ou d'un glacier.

Certains cafés, par exemple, n'acceptent pas qu'une femme non accompagnée s'installe pour siroter un jus d'orange ou un café de peur qu'elle ne soit assimilée à une prostituée et de porter ainsi atteinte à la réputation de l'établissement. Il est évident que ces pratiques existent de fait. La femme urbaine a du mal à s'accommoder de ces humiliations par rapport à la fréquentation de certains espaces publics.

Du reste, dans le mode urbain moderne, les espaces traditionnels ne sont pas absents mais ils connaissent une mixité qui n'était pas admise par le passé. Par exemple, la souika, artère marchande de la médina de Rabat, jadis territoire essentiellement masculin, connaît une affluence de femmes et d'hommes à certaines heures de la journée et particulièrement les jours fériés ou pendant le ramadan.

La femme urbaine perpétue la tradition à travers la reproduction de l'art culinaire qui lui a été relayée par sa mère et sa grand-mère. Elle ira chercher les condiments qui se trouvent le plus souvent en médina – et même s'ils peuvent être disponibles ailleurs, la rbatiya est convaincue que les épices achetées de la souika ont une saveur particulière et une odeur qu'on ne sent nulle part ailleurs !

Même si les familles qui habitaient jadis la médina l'ont désertée pour des demeures offrant une fonctionnalité et un confort plus adaptés à la modernité, les femmes continuent de fréquenter cet espace : le cordon n'est pas rompu non seulement par nostalgie mais aussi par nécessité. En effet, le couturier des tenues traditionnelles (djellaba et caftans), le blayri (le babouchier), l'attar (le vendeur d'épices), l'acchab (l'herboriste traditionnel) tissent continûment ce lien entre le passé et le présent, dans une sorte de temporalité hors du temps.

Cette même femme urbaine, une fois ses emplettes faites dans la souika, se dirigera vers une grande surface pour compléter ses achats et si elle est salariée, elle songerait même à des produits de conserve ou sous cellophane !

Les femmes cadres (entre 30 et 50 ans) commencent même à faire appel aux traiteurs lorsqu'elles reçoivent. Une facilité de vie et une fonctionnalité s'introduisent subrepticement et changent les mœurs. Loin est le temps où acheter des pâtisseries était une honte : il fallait que tous les gâteaux soit faits « maison » et lorsqu'on servait à des invités des gâteaux achetés et non faits, c'était une offense.

Actuellement, ces femmes cadres en milieu urbain ne verraient pas d'inconvénient à consommer les produits surgelés !! Sur 10 enquêtées à ce sujet, 4 utilisent les utilisent, 3 y ont recours de temps en temps et 3 seulement les refusent.

Par ailleurs, des métiers nouveaux sont visibles dans la ville pour les femmes de moins de 50 ans.

En prolongement à la tradition, des femmes confectionnent des crêpes traditionnelles, des pains ronds, de petits sablés au coin d'un boulevard ou d'une rue.

Bouleversant la tradition, des femmes travaillent comme serveuses dans les cafés ou dans des espaces de restauration modernes. Jadis, une femme serveuse dans un café était très mal vue, actuellement les lauréates des écoles hôtelières sont recrutées dans des établissements hôteliers mais aussi par des cafés.

Les femmes sont caissières dans les grandes surfaces et la dernière création qui date de quelque trois ans est celle de rencontrer des femmes agents de réglementation de la circulation routière.

Le domaine artistique est aussi investi petit à petit : de jeunes fraîchement sorties de l'institut d'art dramatique sont actrices de télévision ou de théâtre ou chanteuses ou musiciennes formées au conservatoire. Ces métiers artistiques étaient honnis par la société et deux actrices

célèbres de Rabat Habiba El Medkouri et Amina Rachid, sexagénaires ne cessent de répéter les difficultés qu'elles ont eu à affronter, à commencer par le milieu familial, lorsqu'elle ont choisi d'avoir une carrière artistique !

Si l'instruction a contribué à l'émancipation de la femme, le mode urbain a renforcé sa participation à des métiers autrefois réservés seulement aux hommes.

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# **AN NGO KALEIDOSCOPE:**

## **Human Rights Non-Governmental Organizations in Mexico in the 21<sup>st</sup> Century**

Tendencies, challenges and perspectives

*Gloria Ramirez*

### **1. Human rights NGOs in Mexico**

Over the last twenty years, numerous non-governmental organizations (NGOs) have been created. They have become important protagonists in the major transformations that Mexico has undergone in recent years. The exponential growth of the number of NGOs in Mexico is complex and at times contradictory. The simple questions of exactly how many there are, what they do, and where they position themselves are so difficult that even the organizations themselves and the government have not been able to answer them. NGOs appear and disappear depending on the political and social context. The criteria for classifying them vary according to their objectives, resources, personnel, strategies, programs, action plans and achievements. Some never even reach institutional consolidation and are not legally registered. They move outside the traditional modes of political organization, but their existence subscribes to the right to free association, established in the Mexican Constitution and in international instruments that Mexico has recognized.

This situation changes with the adoption of the decree of the Federal Act for the promotion of Non-governmental Organizations Activities, signed by the executive the 30<sup>th</sup> January, 2004. This Act is published on the 9<sup>th</sup> February 2004 to go into effect and strengthen the NGO participation, in a transparent and legitimate way. This Act opens a new period in the relations between the NGOs and the State and it is the triumph of the NGOs work over a decade.

With this Act, the NGOs have guaranteed their right to participate in the design of public policies and have access to governmental financing to develop their activities, under the principles of transparency and accountability.

The activities of NGOs are multiple and varied; they cover practically all the social, economic and cultural domains of the country. They are non profit and work for the benefit of society. According to their social objectives, civil organizations<sup>1</sup> in Mexico are classified as legal concepts with specific norms: civil associations, foundations, civil societies, private aid institutions, cooperative societies; social solidarity societies; and other forms of association permitted under Mexican law. Most human rights NGOs are established as “civil associations” due to the flexible legal base and ease of legal constitution: only two people are needed to form this kind of association and greater freedom of action is permitted.

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<sup>1</sup> In this essay, the terms NGO and civil organizations will be used indifferently, however in Mexico other concepts are also used, such as associations, social organisms or even autonomous organizations for social promotion and development.

The growth of NGOs has been exponential from the eighties onward and this, together with their increased visibility and influence of the national agenda, has evidenced the weak and ambiguous norms that regulate them. This has also generated government interest in creating controls to watch over their activities.

In this broad and diverse universe, NGOs that advocate human rights are particularly notable, a factor which, among others, has contributed to the legitimacy of human rights in Mexico and their place on the national agenda.

Human rights form part of the political ethics of Mexican society and can be analyzed from two different perspectives: First, as a social movement driven by the work and commitment of NGOs from the sixties, seventies and in particular the eighties. Second, as a governmental policy that led to the creation of State institutions in the 1980s to liaise with society and protect human rights, and in particular in the 1990s with the foundation of the National Commission of Human Rights (CNDH) and the constitutional reform of Article 102 in 1992 that created the Non-Jurisdictional Human Rights System (the ombudsman system) in Mexico, the largest in the world with 33 public human rights commissions throughout the country.

The search for the origin of human rights NGOs leads us to the date of their creation. Sergio Aguayo<sup>2</sup> proposes three clearly differentiated stages: from the beginning of the last century to the eighties; between 1980 and 1990; and the first four years of the nineties.

After 2004, with the new Act a new period is opened that can be called of construction and participation in a new human rights public policy.

The first period comprises those human rights NGOs that were established after the Second World War to promote the Universal Declaration of Human Rights and to maintain peace during the Cold War, as well as those Christian organizations and groups, such as Christian Base Communities, that proliferated after the Second Vatican Council and grew under Liberation Theology.

According to Aguayo, the second period marks the emergence of the modern NGO movement. Human rights became a priority on the national agenda; academics and professionals from diverse backgrounds made a personal commitment to defend this issue in their work; militants and activists opened up the possibility of interdisciplinary work from a human rights perspective; and Christian sectors established human rights committees and centers. The plurality and openness of these groups favored their articulation.

For many, the origins of the current human rights movement lie in the student movement of 1968. The breakdown of the economic paradigm, together with the social and political crisis; both products of a specific model of development, of the illegal use of the power of the State and of the repression that existed during that period, constitute the framework of demands for human rights and for the disappeared victims of the “Mexican Dirty War” in the seventies. “The ten years that followed the student movement of 1968 are a milestone in the history of human rights in Mexico. Those who began the silent task of defending these rights were basically lawyers committed to the defense of political

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<sup>2</sup> Aguayo, Sergio & Parra Rosales, Luz Paula. *Las organizaciones no gubernamentales de derechos humanos: entre la democracia participativa y la democracia electoral*, [Non governmental human rights organizations: Between participatory and electoral democracy]. Academia Mexicana de Derechos Humanos. 1997, pp. 24-25.

prisoners from the student movement; university professors; and Christian groups dedicated to social change.”<sup>3</sup>

In the third period, at the beginning of the nineties, NGO activities took an important turn when advocacy for political rights as human rights was linked with the struggle for democracy, and due to the strategic role they took on when the conflict arose in Chiapas. “In 1994, [human rights] NGOs acquired greater national presence. The year began with an indigenous rebellion in Chiapas and on August 21, the most closely observed presidential elections in the history of Mexico took place. In both events, NGOs participated actively and among them, the role of human rights organizations was notable.”<sup>4</sup>

On the 14<sup>th</sup> May 2004, the Commission of Promotion of the NGOs Activities in the Secretariat of Social Development, and it is recognized that during the installation of the Commission, the Head of the Secretariat of Social Development stated that “for the first time a legal body recognizes the NGOs social, collective well-being and human development work.”<sup>6</sup>

On the 24<sup>th</sup> November 2004, the NGOs Federal Register starts operating with the purpose of knowing the number of NGOs, where they are, who composes them, and which their field of action is.

The universe of human rights NGOs is complex. In 1990, the Mexican Center for Philanthropy (CEMEFI) identifies 608 organizations in its study of philanthropic institutions.<sup>5</sup> In 1992, the Mexican Academy of Human Rights published a directory of 250 human rights NGOs. Also in 1992, the CNDH published a directory of 102 organizations and in 1993 reported there were 203. In 1994, the Department of the Interior published a directory of NGOs in which 1,325 organizations are registered, 234 or 17.76% of which are human rights NGOs. In 1994, the Department of Social Development (SEDESOL) created a specialized directory of 276 non profit organizations “dedicated to forging processes of social association to improve the life conditions of the majority sectors of society with the criteria of participation, self-help and democratic regeneration.”<sup>6</sup> In 1999, CEMEFI published a Directory of Philanthropic Organizations that registered 4,246 non profit, private organizations that offer services to third parties, 255 of which are human rights oriented.

On 2004, the Mexican Center for Philanthropy (CEMEFI) states that 7,514 organizations have been registered that comply with the following requirements: private and non-profit organizations that offer their services to someone else<sup>7</sup>.

It is currently estimated that about 500 human rights NGOs are scattered throughout the Republic, about 50% of which are found in the Federal District (Mexico City). The next largest group can be found on the northern border attending border problems, and defending Mexican migrants and women *maquila* workers. Since 1999, the presence of human rights groups has been accentuated in the southeast, particularly in Chiapas, Guerrero and Oaxaca and there are a significant number in Vera Cruz and Jalisco.

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<sup>3</sup> Acosta Urquidi Mariclaire. *La construcción de nuevos sujetos: retos y desafíos para las organizaciones civiles de derechos humanos en 2000*, [The construction of new subjects: Challenges and obstacles of human rights organizations in 2000]. In the Journal *Los Momentos y el Parteaguas* No. 1, June- August 1999. Mexican Commission for the Defense and Protection of Human Rights, p.27.

<sup>4</sup> Ibidem. p.6

<sup>5</sup> CEMEFI. *La filantropía mexicana, diagnóstico y propuestas* [Mexican philanthropy, diagnosis and proposals]. Undated.

<sup>6</sup> SEDESOL. Social Coordination Unit. *Perfil básico de las ONG nacionales más representativas a nivel social y político*, [Basic profile of those National NGO that are most socially and politically representative]. 1994.

<sup>7</sup> Mexican Center for Philanthropy (CEMEFI). *Directory of Philanthropic Institutions*. Mexico, 2004.

## 2. The legal framework

Freedom of association is guaranteed by national law and by international norms that the Mexican government officially takes on when ratifying international mechanisms; nevertheless in practice this right is extremely precarious.

The Mexican State has signed and ratified a number of international mechanisms that recognize the right to association and it therefore has the obligation to bring internal legislation up to international standards.

In the Political Constitution of the United States of Mexico, the right to association (Article 9) and other complementary rights are recognized: The regulation of activities that contribute to the development of the nation (Article 25); the planning of the national project (Article 26); the prerogative of Mexican nationals to associate individually and freely (article 35); the possibility of forming workers unions and professional associations, since 1992; and the recognition that religious groups have a legal status as religious associations (article 130).

From this framework, a series of specific laws are derived that regulate different types of associations, for example:

- Political associations (Federal Code for Electoral Procedures and Institutions)
- Professional associations (Federal Labor Law and the Law for Civil Servants)
- Religious associations (the Law for Religious Associations and Public Worship)
- Authors societies (Federal Copyright Law)
- Private aid institutions (Law for Private Aid Institutions of the Federal District and the states)
- Civil societies (Civil Code of Law for the Federal District and for the Republic in Federal Issues)

Human rights NGO can acquire several of the above legal forms.

As previously mentioned, in practice the right to association is far from being fully exercised; the policy of pretense upheld by several government administrations has limited and on occasions repressed the exercise of this right, instead of stimulating it. In 1999, with the help of Mexican NGOs, the Lawyers Committee for Human Rights with head offices in New York carried out a study and a number of meetings on freedom of association, publishing a final report<sup>8</sup> that states: “In Mexico, there is a discouraging climate for human rights NGOs because their right to association with similar NGOs is restricted and the work of international human rights observers is legally prohibited, leading to their expulsion from the country despite the obligations voluntarily undertaken by the Mexican State.”

In the Chiapas conflict, the government used the issue of sovereignty to justify its interventionist policy and when necessary, it exerts pressure or resorts to repression to prevent freedom of association.

This clearly demonstrates that there are no clear conditions or adequate legal procedures for cooperation between NGOs and the State, despite the fact that successful collaboration exists between some governmental institutions and NGOs in certain fields, as in the case of the agenda on women’s rights or the Ministry of the Environment and Natural Resources. The lack of conceptual and normative clarity in human rights NGOs also hinders the relationship between the government and these NGOs, as does the wide gap between discourse and practice.

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<sup>8</sup> *Clima desalentador para las ONG de derechos humanos en México* [Discouraging climate for human rights NGO in Mexico]. Undated.

Both in its discourse and in different official documents, the government recognizes the role that NGOs play in Mexico; nevertheless the formal mechanisms of this relationship were not modified until recently, under the administration of Vicente Fox, who has proclaimed interest in establishing new relations between the government and civil society. Both government and NGOs recognize the need to create adequate legal norms that reflect their interests. The government's intention is to intervene, negotiate, control and/or monitor civic organizations. The NGOs' interest is geared toward negotiation and initiating relations that are more proactive and collaborative in terms of mutual respect, in order to establish negotiation and/or reach consensus on issues that will improve the general context and set favorable conditions for influencing public policies of concern to them.

In response to the State's interest in controlling NGOs and the tendency to establish norms that promote them, a number of different initiatives have arisen. Some have been successful, such as the approval on April 13, 2000, of the Law to Promote Social Development Activities of Civil Organizations in the Federal District. The objective of this law is to facilitate NGO access to funding from national and foreign donors, and to have a specialized public register for this kind of organizations.

In the opinion of Ernestina Godoy, this law has long term significance because: "It will detonate similar procedures in other states and on a federal level... it crystallizes the efforts of perseverance, creativity, professionalism and fraternity between civil organizations... It is an achievement that is in keeping with the State Reform, since it recognizes that civil organizations are social actors who are also responsible for a participatory democracy that goes beyond exercising one's vote... It is an opportunity for organizations to explore a new territory, the viability of the law and to try out a new form of relationship between the government and civil society."<sup>9</sup>

Since 1997, the Federal District government has implemented different mechanisms of collaboration and communication with civil organizations. In 2000, with the installation of the Fox administration, the discourse of the PAN and the administration members puts forth a new stage of democracy that is supported by organized civil society. They have proposed "new" mechanisms, the need for dialogue and means for continuous interaction, such as the Coordination for Citizen's Alliances, a political strategy intended to serve as a response to Fox's initial proposals.

Today, over a year after the installation of the administration, this discourse of openness, recognition and support for civil society has yet to result in new relationships between the government and civil society or change authoritarian and vertical power patterns. Alberto J. Olvera claims, "civil society has become a mere symbolic reference used to legitimize decisions regarding specific policies. Civil society itself, weak and fragmented, has become even more weak, thereby strengthening the elitist tendencies of this newly emerging regime...as yet, the relation between the federal government and the civil society has been limited to integrating NGO leaders into the government..."<sup>10</sup>

On October 19, 2001, the human rights lawyer Digna Ochoa was killed in her office in Mexico City. A death threat addressed to members of the *Centro de Derechos Humanos Miguel Agustín Pro Juárez* (the Prodh, or the Miguel Agustín Pro Juárez Human Rights Center) was found at her side. This murder was a shock to the human rights community and put the fragility of the new regime in evidence.

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<sup>9</sup> Godoy Ramos, Ernestina. *La perseverancia convertida en ley*, [Perseverance transformed into law] in the journal *Rostrros y Voces de la Sociedad Civil* No. 7 July-August 2000, p.14.

<sup>10</sup> Olvera Alberto J. "las relaciones Gobierno-sociedad civil" *La Jornada*, p. 14.

The murder of Ochoa also brought to light the fragmentation of the human rights movement, and the fragility and vulnerability of human rights defenders. Some days later, a group of Mexico's most outstanding human rights NGO leaders received death threats. This led to new reviews of the national agenda for human rights. The Fox government has been trying to recuperate public confidence in its erratic and unfruitful human rights policies.

In 1999, the Prodh published a report on "human rights defenders" that puts forth several premises that continue to be valid today: "Death threats by phone, personal intimidation, persecution, threats of kidnapping or disappearances, rape, stalking of private homes and offices, observation with telephoto cameras, telephonic espionage, trespassing, theft of goods and money are, unfortunately and unjustifiably, part of the daily life of people committed to creating a democratic society with respect for human rights. It seems that some officials interpret the Federal Law against Organized Crime as authorization to treat each social opposition leader as a criminal suspect. When the political capacity to face conflicts via peaceful and institutional means has been exhausted, they frequently recur to accusing people who inconvenience the regime of petty crimes."<sup>11</sup>

This situation calls for a review of the national human rights agenda in Mexico. The Fox administration seeks to recuperate public confidence in his human rights policies, while the NGOs face new challenges and a complex political agenda with the democratic transition and complex international challenges that include the terrorist attacks on the United States, globalization and growing poverty, the worst human rights violation on developing countries.

### **3. Tendencies and urgent tasks of human rights NGO networks**

Networks coordinate exchange and articulate efforts, multiply resources and possibilities and organize coordinated responses so as to achieve greater impact. Networks are oftentimes more successful in achieving their goals than single groups. Today, NGO networks are an effective form to respond to events and situations, allowing for new relations, and the design of long-term strategies with more far-reaching results.

According to Rafael Reygadas the creation of the majority of NGOs from 1993 onward "is related to authoritarian governmental strategies and policy that led previously isolated individuals to join forces and optimize their resources to impact on public policy."<sup>12</sup> Thus, NGOs came together and adopted a broader vision of their own work and the majority belongs to one or more networks. In the nineties, the role of the NGO is characterized by their work to influence public policies, and to negotiate and watch over their enforcement.

The origin of networks in Mexico is in general a response to a particular situation or issue and/or an interest in articulating efforts in a specific geographical region, for example the Forum of Civil Organizations of Oaxaca – FOCO; Forum of Civil Organizations of Tijuana (northern border); Jalisco Assembly for Peace; El Chinchorro (Tabasco); the Coordination of Civil Society in Orizaba (Veracruz); Civil Organizations Network of Vera Cruz; and the Oaxacan Network of Human Rights.

Some of the relevant networks in Mexico and their priority concerns are mentioned below:

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<sup>11</sup> See <http://sjsocial.laneta.org/PRODH>.

<sup>12</sup> See Reygadas Rafael, *Abriendo veredas. Iniciativas públicas y sociales de las organizaciones civiles. Convergencia de Organismos civiles por la democracia*. Ed. SIPRO.

The Convergence of Civil Organizations for Democracy was created in 1990 “on the initiative of different civil organizations to respond to government fiscal policy [which heavily taxes NGOs] within the framework of the restructuring of both Mexican civil society and the political party system. It is integrated by more than 200 civil organisms from 20 states of the Mexican Republic.”<sup>13</sup> This network has been characterized by its commitment to democracy and its continuous support of the conflict in Chiapas, seen as a national conflict that implies and demands much participation from civil society.

In 1994, NGOs in Chiapas founded the San Cristóbal Coordination of Non Governmental Organizations for Peace (CONPAZ) with the objective of responding to the conflict, while NGOs from the rest of the country formed the Civil Space for Peace (ESPAZ). Later, the Civil Mission for Peace was formed, a group that still operates and organizes activities in favor of peace in Chiapas and offers timely information on new developments.

On December 11, 2001 new efforts began to form a new network called Coordination for Peace and Human Rights, whose general objective is to “articulate the efforts of social and civic organizations in the struggle for peace, justice, dignity, democracy and human rights (...) and work in a unified and committed manner towards the fulfillment of the demands and desires of different sectors, guaranteeing autonomy of each organization and process in such a way as to openly and inclusively promote and facilitate knowledge and mutual support, as well as the coordination of actions and tasks of the different movements and sectors so that these may have greater impact.”<sup>14</sup>

Of course, the issue of indigenous rights and the rights of indigenous women is priority within the human rights movement and linked to the Chiapas conflict and the national situation. These rights bring together many movements and networks, both indigenous and non-indigenous, all committed to the struggle for recognition of the rights of indigenous peoples. Following the EZLN march and the failure to pass a constitutional amendment that responds to their demands in a suitable manner, the concerns of indigenous peoples can be found in the renewal and redesign of strategies.<sup>15</sup>

There are other thematic networks: Citizen Action for Democracy and Life; Civic Alliance; National Association of Democratic Lawyers (ANAD); Autonomy, Decentralization and Management (ANADEGES); National Indigenous Council (CNI); Forum for Mutual Support; the Mexican Network for Action against Free Trade; Gaining Spaces; the human rights network “All Rights for All people” with the participation of numerous Christian NGOs; Mexican Collective for Support of Children (COMEXANI) working for children’s rights; the Front for Right to Food; the recently created Group for Economic, Social and Cultural Rights (DESC); the Network of Lawyers for Indigenous Rights; the Network of Feminist Lawyers; the National Coordination of Organized Women for a Feminist Millennium (147 groups); the National Forum of Women and Population Policy (60 groups); Democracy and Sexuality; the Mexico City Women’s Health Network (19 groups); Sociedad Mexicana Pro Derechos de la Mujer (Semillas); and the political association Diversa, etc.

These networks demonstrate the complexity of Mexican human rights NGOs. In one way or another, all work to defend some aspect of the Universal Declaration on Human Rights. All work in an articulated fashion toward democracy, from their areas of specialization and with different target sectors. Their shared interest in democracy has allowed them to come together on specific, timely tasks.

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<sup>13</sup> 2001 Diary. Convergence of Civil Organizations for Democracy

<sup>14</sup> Consultation in Building National Coordination for Peace and Human Rights. Summary document, mimeograph.

<sup>15</sup> The reform has been widely disputed via constitutional challenges whose resolution is still pending.

The struggle for democracy and the defense of political rights, along with building democracy in Mexico, is the purpose of some NGOs and networks, such as Civic Alliance and the Citizen's Movement for Democracy. It is also the primary objective of some of the new official forms for consolidating groups, such as the National Political Associations (APN). In 2000, the Federal Electoral Institute (IFE) put out a directory of approximately 74 organizations that offer civic education. In 2001, a new directory of civic organizations that work in some aspect of democracy shows 100 such groups.<sup>16</sup> Today, there are 44 APNs registered in the IFE.

In most networks, human rights projects are carried out from different fields and with different target audiences. However, some are primarily concerned with civil and political rights, matters of public security, torture, etc. They even take on specific cases, as does, for example the "All Rights for all People" Network, in which almost 90% of the participating NGOs are Catholic inspired or church based. The monitoring of cases and their presentation in international forums and tribunals has helped them counter impunity at times and foster significant international solidarity.

Within the field of human rights in Mexico, and despite legislative advances torture continues to be practiced and constitutes a significant problem. "The practice of torture subsists in 2001 and is applied systematically throughout Mexico. Victims can be ordinary citizens, social leaders, minors, women or elderly persons, guerrilla militants or political leaders, or even a person whose physical appearance leads police forces to confuse him or her with a criminal."<sup>17</sup>

Numerous cases have been presented to the Inter-American Human Rights Commission and have received recommendations that have not been entirely fulfilled by the Mexican government. Examples of such cases are the mass murder at Acteal, Chiapas; El Charco; the Morelia ejido; the cases of Montiel and Cabrera, the peasant ecologists recently liberated for "humanitarian reasons"; the indigenous women raped by the Mexican army; the case of General Gallardo, etc. These cases have been monitored and taken by human rights NGOs and demonstrate the widespread impunity in Mexico.

Repression is also pervasive throughout the country. The report of the *Centro de Derechos Humanos Miguel Agustín Pro Juárez* shows 205 cases of violations to political rights in situations of social conflict and political violence.<sup>18</sup> The involvement of paramilitary groups and the army in such cases is increasing. Discrimination and human rights violations of different sectors seem to increase rather than decrease, particularly among women, social defenders, journalists, migrants, people with disabilities or living with HIV/AIDS, peasants, street children, etc. The violation of civil and political rights remains a constant practice in Mexico.

Ten years ago, Mexico had no experience in using international mechanisms. Today, it has become quite visible in international forums thanks to the work of Mexican NGOs and their strong ties with other institutions. Thanks to the effort of networks, today Mexican civil society has acquired significant skills in monitoring government implementation of international accords. NGOs have elaborated "alternative reports"<sup>19</sup> that try to influence the resolutions made by international organisms and favor the search for alternatives at the international level.

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<sup>16</sup> "Directorio de organismos civiles vinculados a la educación para la democracia", in Ramírez, Gloria, *Educación ciudadana ante los retos de la democracia*, in press. UNESCO, 2002.

<sup>17</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez report.

<sup>18</sup> Ibidem.

<sup>19</sup> Alternative reports to the reports governments must present on their advances to implement commitments taken on within the framework of the United Nations.

Over 400 recommendations from international organisms and UN agencies have been submitted to the Mexican government and have yet to be fulfilled.

NGO networks have been trying to apply international human rights law in Mexico. A very serious case is the ongoing murder of women in the northern city of Ciudad Juárez where about 500 women have been killed since 1993. This has mobilized about 300 civic organizations to demand justice and fight against impunity. These organizations presented the case to the Inter-American Human Rights Commission and obtained the recent visit of the Special Rapporteur for Women's Rights; they also are seeking a visit from the United Nations Special Rapporteur for migrants.

This year 2005, the number of murdered journalist has considerably increased in Mexico, along with cases of repression and intimidation to journalists.

In the area of women's human rights, several advances have been made thanks to collective efforts. These include the creation of the National Women's Institute, the passage of liberalizing abortion law in Mexico City, the approval of state legislation on domestic violence, etc. Despite these laudable advances, women continue to be primary victims of human rights violations in Mexico.

Human rights NGOs are also concerned about the need to create mechanisms for fostering and ensuring accountability and monitoring government agencies, which will facilitate the evaluation of advances and setbacks, as well as greater citizen monitoring and vigil of public budgets. The NGO Fundar specializes in the area of public budgets for children, women and governability, etc.

In the interest of consolidating democracy and promoting the comprehensive, indivisible nature of human rights<sup>20</sup>, NGOs defend other types of rights, groups or sectors of civil society that are vulnerable or at risk. Today the defense of ALL human rights must include the possibility of calling for their respect and making them actionable.

The defense of economic, social and cultural rights is priority for many NGOs and even networks such as Espacio DESC, which is known for its defense of these rights, in particular labor rights, and the rights to education, health, housing and food, etc.

NGO work in the area of HIV/AIDS is important. There are networks and specific work plans in the areas of prevention, care, defense and dissemination. New sectors are organizing themselves and making their voices heard, such as the elderly, homosexuals, lesbians, citizens concerned with the problem of scarcity of water as a national security problem, and groups that demand comprehensive health policies. In all areas of daily life, the need for citizen participation is inherent; however, there is still a need for greater articulation between human rights NGOs and other social sectors.

At times this situation keeps them from making their agenda more inclusive and optimizing resources. There are issues interrelated, but remain separated in the daily work of defending, for example, human rights and the environment, or civil rights and economic, social and cultural rights. More emphasis and importance is still given to civil rights, to the detriment of economic, social and cultural rights. The needs and concerns of women and indigenous peoples need to be better integrated into the agendas of human rights movements in a more consistent manner, rather than in response to particular events.

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<sup>20</sup> This is to say, all rights are interdependent and indivisible. No right is more important than any other right. In the World Conference on Human Rights in Vienna, 1993, the indivisibility of rights was affirmed and the deficient attention toward and weak mechanisms for defending economic, social and cultural rights was denounced.

#### 4. Relations between NGOs and the government

The relationship between the Mexican government and NGOs has gone through moments of tension and open harassment. Discredit, repression and intimidation have been some of the permanent but selective actions that some NGOs and rights defenders, leaders and activists have suffered, during regimes prior to the Fox administration.

Despite his campaign promises, today, over a year after the installation of the Fox administration, these threats continue in some sectors, in particular to certain leaders and in certain cases. Their roots and the impunity for harassment continue today. Impunity, irregularities and delays in investigating cases involving human rights defenders are thought to facilitate the persistence of these threats. This leads us to conclude that selective and specific repression against leaders and social movements is a State policy.

The case of the Miguel Agustín Pro Juárez Human Rights Center is a concrete example of harassment over a period of months. This Center presented a report called "*The inheritance of Zedillo. Contempt for human rights and political repression*" in which it accuses the Zedillo administration of exercising a social control policy and of an increase in illegal practices such as extrajudicial executions and the institutionalization of repression.

Since the Salinas administration, the strengthening of NGOs has been discussed and the need for reconciliation has been subtly addressed, as for example in the National Development Plan for 1995-2000. On an institutional level, major transformations have not taken place, although almost all government departments now have human rights offices. In particular, the Department of the Interior created the Liaison Office for NGOs and the Department of Foreign Affairs created the Coordination and Liaison Unit for NGOs. Moreover, the Interdepartmental Commission for the Attention to Mexico's International Commitments in Human Rights was created in 1997 as a space for dialogue between the State and human rights NGOs, particularly the stronger and more visible NGOs from Mexico City. On November 7, 2001, the Fox government installed "mechanisms for dialogue between the Interdepartmental Commission for international human rights commitments and NGOs", which have only recently been taken up and whose results cannot yet be evaluated.

Following the Ochoa murder, the Ministry of the Interior set up a working group with civic human rights organizations and began a series of actions to establish permanent mechanisms between the government and civil society. Skepticism and mistrust prevail, however, due to the few advances made in the investigation of this murder, a paradigmatic case that many NGOs use to measure the true political will of the government to advance human rights in Mexico.

The elections in 2000 and the alternation of political power represent a change in the relationship between government and civil society. NGOs are situated at different levels of intervention and have been able to influence important issues on the National Agenda. During his election campaign, the current President of the Republic signed the so-called Civil Society National Agenda, to which he added his own commitments. The signing of this agenda is an indication of the legitimacy achieved by NGOs but also of their capacity for producing proposals; the shift has been made from denouncing to proposing. Today NGOs try to influence or to include citizen's viewpoints and proposals in public policy on all levels. Rafael Reygadas states that "except in economic matters, we have been able to get our demands approved and on occasions influence certain public policies in an important way." 21

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21 Conversation with Rafael Reygadas.

The Civil Society Agenda reflects the repositioning of NGOs in Mexico, today many of their members hold high governmental positions. Nevertheless in the field of human rights, not all the promises made have been transformed into important advances.

## **5. Perspectives and proposals**

Before 2004, the NGOs maintained that “It is necessary to create a legal framework that strengthens the role of these organizations in collective welfare and that addresses the new relationship between the State and civil society, marked by legality and co-responsibility. This framework should express the initiatives and objectives of organized and independent civil society organizations; and recognize and promote the social, civic and humanitarian actions of these organizations within the democratic planning of national development.”

Nowadays, an Act has been approved that sets the new role that they are willing to play. Nevertheless, an extensive path is needed to consolidate and effective participation in public policy making.

More than ever, NGOs today need to redefine their strategies, based on diagnostic studies, evaluations and concrete indicators that will enable them to measure their advances or setbacks and to consolidate their role before civil society and the State. The strengthening of civil organizations and their interrelation are important elements for both national and international joint efforts.

Strengthening institutions requires redefining identities and establishing clear forms of organization, social responsibility, and the ability to influence, monitor and measure the impact of organizations. This must be done with full financial and political autonomy. It requires training strong NGO leaders and particularly at management level, as well as the establishment of means for evaluating, systematizing and sharing best practices. Successful experiences must be recovered and publicized so that they can be replicated and proposed in the implementation of public policies.

It is also crucial that civil society cannot be assimilated into an NGO, which is a form of organization that excludes other forms and the participation of citizens who do not belong to the NGO world. The construction of alliances and means for legitimate exchange between human rights groups with the State through transparent, inclusive and broad policies, norms and institutions that favor respect for differences and the constructive participation of a diversity of citizens.

The use of advanced technology is still not widely accessible to NGOs; however it is important to consider other groups such as universities and academic circles working in research, teaching and dissemination in order to join efforts in long term projects with local, national and international vision.

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