

HUMAN RIGHTS: A EUROCENTRIC ETHIC OR A LEGAL FOUNDATION FOR FREEDOM, JUSTICE AND PEACE?

BY SAVITRI W. E. GOONESEKERE*

Even as professionals argue about the foundations of human rights jurisprudence and the relevance of a rights discourse in conditions of economic deprivation poverty and violence, grassroots organizations in developing countries all over the world are perceiving this as a vital strategy for promoting responsibility and accountability in governance. The Charter of the United Nations purports to speak for 'the peoples' of the United Nations. Constitutions, the basic law of many countries, declare that 'the people' have given themselves Constitutions pledged to safeguard their rights. The meetings in Nairobi, Bangkok and Vienna on human rights and the proposed meeting in Beijing indicate that non governmental organizations are acquiring a voice in international fora. The procedures of the Human Rights Committee as well as the recently established Committee on the Rights of the Child have strengthened the capacity of even national non-governmental organizations to be heard at regular reporting sessions of these committees.

Governments may argue that these groups are not the true representative voices of 'the people'. Nevertheless, many of these groups have national credibility. The culture of development assistance and structural adjustment policies in developing countries have created an environment in which many organizations have become an articulate voice because governments are required to use their services. This development has brought a new dimension to the human rights discourse. Non-lawyers are provoking other professionals, particularly lawyers with whom they work, to internalize the human rights discourse, and address the hard issues.

The universality, inter-related and inter-dependent nature of human rights has thus become an intrinsic aspect of the human rights discourse in academic and professional communities in Asia and Africa. Lawyers from developing countries who work either as members of non-governmental organizations or in partnership with them, in using the legal process, would agree that a selective ethic on rights has no meaning, and that recognizing the universality, inter-dependence and inter-relatedness of human rights is crucial to achieving any progress in this area.

* *Professor of Law, University of Colombo, Sri Lanka; An unpublished paper presented at a seminar, Human Rights Programme, Harvard Law School, U.S.A.*