

Great Decisions Katonah Village Library Chapter September 9, 2014 -- Summary

This session was devoted to a discussion of Human Rights and the roll of rights in U.S. foreign policy. Our special guest was attorney Stephen Kass, a partner in the law firm of Carter, Ledyard & Milburn and a former board member of Human Rights Watch, an international non-governmental organization that has been in the forefront of Human Rights monitoring efforts since the early 1990s.

Mr. Kass opened the discussion with an overview of the various definitions and perspectives of human rights around the world. The traditional American perspective stems from language we are all familiar with in both the Declaration of Independence (life, liberty and the pursuit of happiness) and the Bill of Rights (speech, religious worship, due process, hold and dispose of property, etc). While these were among the first statements of legally enforceable rights, and they were exported by example around the world, the concept of encouraging them played small part in the formulation of our relations with other countries until the eve of World War II.

FDR used his concept of the “Four Freedoms” (Speech, Belief, Fear and Want) to articulate our growing association with the goals of the anti-axis side. Generally these are Civil and political rights and they are highly dependent on the institutions of an independent judiciary to enforce them. One of the major roles that Human Rights Watch and other NGOs have played in the last few decades has been the monitoring of the independence of judicial branches in their ability to enforce the rights written into various national constitutions. These are often referred to First Generation Rights or “Blue Rights.”

With the onset of the Cold War, Human Rights took on another role, defining the differences between the “Free World” and the “Slavery” under Communism. Paradoxically, the development of alliances around the world as part of the strategy of “containment,” often resulted in the toleration of human rights violations by allied governments. This policy predominated until the Jimmy Carter Administration in the 1970s.

With the end of the colonial era and the fall of Communism, as new nations emerged, new concepts of social rights emerged with them. . . the right to education, employment, health care, nutrition, housing, social security, etc . . . reflecting the experiences citizens of these nations had endured in earlier times. These are harder to write into judicially enforceable constitutional provisions and they have often been subject to political manipulation. These are sometime referred to as Second Generation Rights or “Red Rights.”

Obviously these rights have not yet won the same level of acceptance worldwide, nor in the eyes of U.S. foreign policy makers, as the civil and political rights. But, they are growing in influence and, lacking judicial enforceability in most cases, they are increasingly the venue on which NGOs are focusing.

Even more recently, the concept of a Third Generation of Rights has developed. These are the “Green Rights,” or the rights of individuals to be protected from environmental degradation.

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