

# | THE FUTURE OF HUMAN RIGHTS

## **The Future of Human Rights**

The latter half of the 20<sup>th</sup> century saw the expansion of international law like never before; along the unprecedented growth of human rights. The global liberal attitude shown by the Western States was a primary reason behind this exponential growth of the international legal regime. It would be appropriate to conclude that Western liberal thought has shaped both theory and practice of human rights. Yet, the emergence of growing economies such as Brazil, Russia, India, China and South Africa, shifts the world's concern regarding the future of global issues when these economies would be decisive players in shaping them.

The major concern that human rights activists and scholars have is the future form that human rights would be transforming into as soon as the BRICS economies begin to influence the regime in more effective areas, given the different fundamental ideals these economies hold from Western Liberalism. They fear that extant human rights ideals will be distorted. For human rights advocates around the world, understanding the present and future evolution of human rights constitutes one of the key challenges of the twenty-first century.

How human rights would apply to non-Western contexts is the major question that haunts human rights scholars. Scholars are curious concerning the application of the concepts of sovereignty, state-intrusion, individualism; essentially Western liberal thoughts, to Third World countries and how such concepts would hold to regimes alien to Western thought. At the same time, scholars are also examining the veracity of whether there is actually a third world approach to international law and human rights and whether such approach is a refined version of Western thought.

---

## **Sovereignty and Intervention**

A distinct feature of the 20<sup>th</sup> century, related to the human rights regime, is the formation and evolution of international comity and the acceptance of humanitarian intervention in the internal affairs of the state by a third state in case of grave human rights violations. The international community assumed the responsibility inherent to act as checks and balances against the abusive and arbitrary powers of the state and also set international standards of conduct by state and non-state actors.

The concepts of humanitarian intervention backed by the doctrine of Responsibility to Protect (R2P) were assumed by states for intervening in internal affairs of the state. Notable examples are the intervention by the US in Kuwait, Libya, Cambodia, Congo etc. This development reflects three broad trends in the international enforcement of human rights : (i) the broadening of interpretations of threats to international peace and security to include mass atrocities; (ii) the reality of constant renegotiations of State sovereignty in matters of human rights, and the legitimate form and scope of international intervention in the domestic affairs of sovereign countries; and (iii) the increased acceptability of the use of force for a broad range of policy objectives and associated beliefs in the utility of military power. The R2P doctrine embodies the premise that a state has the inherent duty to protect its citizens from instances of grave and heinous human right violations and war crimes and the on the failure of the same, intervention by other states is justified as the reason behind such intervention is humanitarian.

In this respect, the international human rights regime has distance itself from the earlier pluralist nature and has adopted solidarity and states call for international aaccountability of states.

---

However, the doctrine of R2P is not left unchallenged. The more coercive dimensions of human rights enforcement have prompted significant pushback by some groups of States. Many non-Western states have expressed opposition in intervention of other states in any internal affair. The states oppose any kind of intervention; whether economic or military. Such states eye international institutions with suspicions and continue to bear the past wounds of colonialism and imperialistic conquests.

The international political arena is eagerly waiting for a non-Western surge in the formation of world policy and agendas. So, the expectations of Western countries from non-Western states have exceptional high standards.

### **Human Rights and the Current State System**

The idea of human rights in its modern sense is deeply embedded in the international State system. Under the traditional conception of human rights, human rights are to be enjoyed in the national setting as rights under national law. The purpose of international law is to make States enact national law in order to protect its citizens from abusive state power and human rights violations.

Also; apart from international governmental organisations and international law, non-governmental organisations have also grown in strength and lobbying capabilities and institutions such as Human Rights Watch, Amnesty International and Article XIX have initiated active lobbying and have been persuading governments and corporates alike to form human rights policies.

---

However, does the success of the global human rights project depend on its ongoing championing by powerful States? Or would it be possible to dissent on the exclusivity of state dominance over the issue of human rights and adapt to human rights struggles instigated by individuals and interest groups? The reason for the success of a global human rights regime is the traversing of such issues over national borders and it entered into the international arena.

“An alternative system could indeed be one in which human rights form part of the law and practice of transnational civil society, in which the State loses its privileged place and becomes but one participant in a broader social process.”

The future of the global human rights system is broad and expectant of diverse obstacles and obstructions. With the proposition of third and fourth generation human rights, which complex international institutions and corporate entities become more influential in forming human rights policy, with the advent of technology having made international solidarity easier to cultivate; human rights regime has the inherent potential of being subject to a philosophical and practical tug of war.

To conclude, the growing power and influence of emerging States is likely to shape the future development of the global human rights regime. There are, nonetheless, powerful reasons for hope when imagining the future of the global human rights regime. The chances of conflict between regimes based on different ideals and values are evident. The international fraternity has to apprehend such conflicts and must have formulated solutions to glitches in the system. Yet the power of human rights as a language of social criticism and as standards of behaviour and acceptable treatment of human beings is likely to endure.

---