CHAPTER II

GLOBALISATION, TERRORISM AND HUMAN RIGHTS:
A HISTORICAL PERSPECTIVE

“All great powers are travelling on the stream of time which they can neither create nor direct, upon which they can steer with more or less skill and experience. How they emerge from voyage depends to a large degree, upon the wisdom of the governments”

- Bismarck

There is no agreement among scholars as to the origins of globalisation. It has been dated as far back as the dawn of western civilisation.¹ Some scholars look to the origins of the modern state system for signs of globalisation, while others speak about the significance of the laying of the first telegraphic cable in mid 19th century. Evaluations of globalisation therefore vary enormously. For some, it is a code word for American hegemony and the liberation of multinational corporations from effective control and regulation.² In the early centuries it was feudal colonialism. Later, after passing through the manufacturing age it took the form of mercantile colonialism that has left behind unjust trade and other economic structures. These systems are today being used to impose a single economy on the south, in the name of globalisation. It was, therefore, important not merely to commemorate the past but also to reflect on the reality of globalisation today.³ According to Amartya Sen, globalisation obviously derives from western imperialism and colonialism,

² Ibid.
but it represents more than simply a western imperialism of ideas.\(^4\) Earlier, the globalisation idiom was by and large, deployed in the context of current events and in terms of its impact in the economic, political and cultural areas, openings and clues for a history are now being searched for in established historical texts written in an earlier era.

The theorisation initiated by the world system theorists in the 1970's has been viewed as "Capitalism was from the beginning an affair of world economy and not of nation states. It is misreading of the situation to claim that it is only in the 20\(^{th}\) century that capitalism has become 'world wide' although this claim is frequently made in the various writings, particularly Marxists." Typical of this line of argument is Charles Bettelheims response... "the whole tone of these remarks ignores the fact that capital has never allowed its aspirations to be determined by national boundaries in a capitalist world economy and that the creation of 'national' barriers generically, mercantilism, has historically been a defence mechanism of capitalism".\(^5\)

In our view, globalisation is nobody's whim; it is not even anybody's invention. It is a law of history. It is a consequence of the development of productive forces; it is a consequence of scientific and technological development... "I believe globalisation is an irreversible process and that the problem is not globalisation \emph{per se}, but the type of globalisation".\(^6\) Thus the establishment of a global economy did not mean integration of


nations, nor people in the East or in the South they could enjoy the same rights as people have in the west.

Historically, international economic activities are nothing new, for example, as early as in the period 1450 to 1750, Europeans discovered a new way to reach the rich trading centres of India and conquered, colonized and exploited a new world across the Atlantic. These developments stimulated the growth of capitalism and created the foundations of a global economy.\(^7\) Two events in the 1490s marked the beginning of colonialism, in October 1492, Christopher Columbus reached America. Six year later in May 1498 Vasco-da Gama landed in Calicut,\(^8\) that has left behind unjust trade and other economic structures. Globalisation is certainly nothing new. It started with the history of mankind a long time ago. There was indeed five centuries ago and for a period of at least 2000 years before that, a global system, which was, organised around three major centres of India, China and the Middle East while Africa, Japan and South East Asia were peripheries of those centres.\(^9\) Since the time of Vasco-da Gama until the Industrial Revolution, that old global system was systematically destroyed by political means, and was replaced by modern capitalist globalisation based on capitalistic logic.

The exact process of globalisation has also been a matter of dispute. According to one opinion the concept of globalisation dates back to the

\(^8\) Walter Fernandes and Anupama Dutta, Supra no. 3, p.1.
voyage of discovery in the 15th century. According to Immanuel Wallerstein, the capitalist economic foundation of globalisation was laid as early as in the 16th century. Ronald Robertson traces the historical, temporal path of globalisation to the present complex structure of global system through five phases; (1) the germinal (1400–1750) phase of dissolution of Christendom and emergence of nationalism in Europe; in which the seeds of globalisation were sown in terms of the emergence of national communities, the concept of the individual and the idea of humanity; (2) the incipient (1750–1875) phase of nation state and the initial phase of internationalism and universalism in Europe in which the unitary state, citizenship, formal international relations, nationalism and internationalism became crystallized; (3) the take off (1875–1925) phase of conceptualization of the world as a single international society, global calendar, first world war, mass international migration and inclusion of non-Europeans in the International Club of nation states, in which a number of globalisation issues were for the first time systematically thematised, global communication arose, global competitions such as the Olympics and the Nobel-Prize were initiated, and the First World War occurred; (4) the struggle for hegemony (1925–1969) phase of cold war, the emergence of League of Nations and the United Nations, and the emergence of third world and (5) the uncertainty (1969–1992) phase of space exploitation, recognition of global environmental problem and global mass media, via space technology. In each of these phases the process

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of globalization became further consolidated, bringing larger proportions of the world into contact with one another and raising awareness and consciousness of the planetary environment in its social, physical and ecological dimensions.

Some scholars believe that globalisation is not something very new but it began long ago with colonization, where raw materials from the colonized countries flowed to the colonizing countries, wherein industrial manufacture was undertaken. The output (finished goods) was again sold in the colonized countries. Colonization therefore, linked various continents and brought the world closer.

Other scholars prefer to regard that globalization has speeded up modernization which linked to technological innovations and industrial revolution. Colonization and modernization brought the world still closer by the effects of modernity to the world.

Yet others point out that globalization is neither a totally a new process nor equated with colonization or modernization. But the concept became current from the mid 1980's at the end of bipolar world with the collapse of USSR in 1991 and the rise of unregulated capitalism, unleashing unprecedented social, political, economic and technological changes in the world. Wherein the world had to readjust itself to the new phenomenon. Hence, there was the Bretton Woods Conference which set forth for structural adjustment programme (SAP), the introduction of New Economic Policy (NEP), Liberalisation Programme, eruption of Information technology (IT), particularly internet, also added the intensity of global contacts. Thus, "All these brought a new global situation seeking a fundamental restructuring of the economic and political arrangements
since the industrial revolution giving rise to a kind of global integration beyond boundaries of nation states.\textsuperscript{13}

Ronald Robertson one of the pioneers of globalization theory described globalization as the compression of the world and rapid increase of consciousness of the world as a whole.\textsuperscript{14} The globalization theory emerged during the late 1980s and early 1990s. A particular invention during the 1970s – the semi-conductor and computer chip – had revolutionised the world and pushed it into another dimension. Globalization theory analyses these revolutionary changes. Robertson, however, rightly emphasizes that globalization itself is a long term and continuous process of technological revolutions that caused economic and social change; therefore, globalization theory is an analysis of these processes of long-term global change. According to this perspective long-distance trade before colonialism belongs to this long-term process. Within this process, dimensions of time, space and distance changed and according to Marshall McLuhans metaphor the world itself has become a "village".

European civilization evolved from roots in the Eastern Mediterranean – Egypt, Mesopotamia (Iraq) and especially Greece, around 400 BC. In Thucydides classic account of the Peloponnesian wars between Athens and Sparta states were carrying out sophisticated trade relations and warfare with each other in the world from the Mediterranean though India to East Asia\textsuperscript{15}

\textsuperscript{15} Joshua Goldstein, \textit{International Relations}, Pearson, Delhi, 2004, p. 25.
There have been three great eras of globalization. The first lasted from 1492 – when Columbus set sail, opening trade between the old world and the new until around 1800. In this era, countries and governments led the way in breaking down walls and knitting the world together driving to global integration. The second great era lasted roughly from 1800 to 2000, interrupted by the Great Depression and World War I and II, which shrunk the world from a size medium to small.10

According to neo-liberal thinking and the economic theory which relates globalization to the model of a free world market without restrictions of competition and mobility, the world market efficiently fulfils its allocation of function to guide flow of goods, services, capital, information and labour to those places where they are needed. Consumers benefit from this competitive market by availability of products at low prices. This approach shows that the neo-liberal market model of domestic economies simply been shifted to the world market level.17

It must also be noted that globalization is not entirely a new phenomenon. It has been slowly maturing, and has a history of over 300 years. Industrial revolution in 16th century marked the beginning of this process, and it steadily penetrated to other areas of social activity and institutions with varying consequences. Social scientists like Adam Smith, Emile Durkheim, Max Weber and Karl Marx had envisaged this process.18 Just as post-modernism was the concept of 1980's, globalization could be called the concept of the 1990s. It had began to replace terms like

'internationalization' and 'trans-nationalization' as a more suitable concept for describing the ever intensifying networks of cross-border human interaction.19

Paul Hirst and Grahame Thompson review the historical evidence of world trade and capital flows in relation to output, degrees of financial and monetary integration and character of governance in the international economy. They come to the conclusion that the level of integration, interdependence and openness, of national economies in the present era is not unprecedented.20

Dependency Theory:

Dependency theory, emerged in the post war period, it has intellectual roots that stretched into the past. Classical theories of imperialism (Hilferding, Bukharin, Lenin, Luxemburg) had also addressed relations of domination and subjection between nations.

The original version of the dependency and underdevelopment theory as outlined by Paul Baran and more popularly by Andre Gunder Frank, and T. dos Santos and others.21

The essence of the dependency theory is the contention that as a result of penetration by colonial capital a distorted structure of economy and society had been created in the colonial countries which would produce overall economic stagnation and extreme pauperisation of the masses for all time.22

22 Supra no. 19, p.38.
Modernisation Theory:

Modernisation theories were problem-solving and policy-oriented theories of social change and economic development. David Harrison records how President Truman in his inaugural address of 1949 announced the Point Four Programme of Development Aid. It then became the policy of the US to aid the efforts of the people of economically underdeveloped areas to develop their resources and improve their living conditions. It took place against the backdrop of the cold war and the political independence and liberation of less developed countries from colonialism, which US favoured, and to keep the third world out of communist control.23

Economists who had been hired by the US as practical advisers often advanced early theories of the modernisation school; they were first to call for comprehensive social and economic change. These modernization theories were in turn embedded in abstract, formal theories of societal evolution. Modernization theorists came, in practice if not always in content, to advocate the convergence of less developed societies to the western model.

Two of the most interesting debates about the kind of world we are transforming after the end of cold war revolved largely around issues of ideology in world politics. The first view was put forward by a US state Development official. Francis Fukuyama in his essay “The End of History” proclaimed a world in which historical progress, understood in terms of the quest for human freedom had reached its final destination with the discovery that the promises of communism were as illusion.24

Globalisation, writes George Modelski, is the history of growing engagement between the world’s major civilizations. It is best understood as a long-term historical process that can be traced back to the sporadic encounters amongst the earliest civilizations. However, it is modernity, and most especially the rise and global expansion of the west, which has shaped decisively the contemporary epoch of globalization. Globalization, for Modelski, is a concept, which captures this historical process of the widening and deepening of systematic interdependencies amongst nations, civilizations and political communities. This change, all of it, may be located in the notion of “globalization” comprising all those processes by which the people of the world are incorporated in a single world society. The process of globalization is thus not new and may be distinguished into at least three historic processes or stages of “globalization”.

1. The first long phase of globalization accomplished colonial imperialism; covering long stretches of time and space throughout the world.

2. The contemporary second phase of “globalization” is marked by international efflorescence of concern for human rights and standards of international justice, which will chasten the arrogance of sovereign power everywhere.

3. The third phase of “globalization” running concurrent with the second, has been marked by a steady rise of forces of late capitalism, actively foreseen by Karl Marx in Gruntrisse, manifesting multinational hegemony and the dominance of international financial institutions both emerging as supra statal centres of authority.

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The second phase of "globalization" is dramatically different from the colonial/imperial phase. In the days of decolonization and self-determination of most peoples of the Third World and the emergence of the UN System as a weapon of weak signified a new vision of the human future. This vision was concretised in the 60's and 70's epoch of enunciation of human rights.

Globalization, a new word, describing an old process, firmly rooted in history of capitalism is in fact, the integration of the global economy that began in earnest with the launch of the European colonial era five centuries ago. But the process has accelerated over the past quarter century with the explosion of computer technology, the dismantling of trade barriers and the expanding political and economic power of multinational corporations.27

Cecil Rhodes, put the case for colonialism succinctly in the 1890's 'we must find new lands', he said, 'from which we can easily obtain raw materials and at the same time exploit the cheap slave labour that is available from the natives of the colonies. The colonies also provide a dumping ground for the surplus goods produced in our factories.28

In the colonial era European nations spread their rule across the globe. The British, French, Dutch, Spanish, Portuguese, Belgians, Germans, and later the Americans, took possession of most of what was later called the Third World. The capitalist mode of production as distinguished from its predecessor, the feudal mode of production, is 'expansionist', because 'capital accumulation' begins with the territorial

boundaries of a nation-state but capital’s great need to ‘accumulate’ cannot be fulfilled without colonies and unequal trading partners for the assured supply of raw materials for constantly ‘expanding’ markets.29

Capitalism has always been international; current phase of capitalist globalization is not something different from the ongoing process of internationalisation of capitalism beginning with 1500 A.D. to the present decade of the Twenty First Century. Even Eric Hobsbawam states that ‘Pax Americana’ is an echo of ‘Pax Brittanica’ just as the latter had been an echo of ‘Pax Romana’.30

William Robinson and Jerry Harris observe; “globalization involves an ‘epochal shift’ in the development of the world capitalist system. Specifically, it represents the transition from the nation–state phase to a new transnational phase of capitalism.31

By the 1860’s and the 70’s world trade was booming. It was a ‘golden era’ of international commerce. Such was the extent of globalization a century ago that capital transfers from North to South were actually greater at the end of the 1890’s than at the end of the 1990’s.

The concept of ‘comparative advantage’ theory was first advocated in 1817 by British economist David Ricardo in his Principles of Political Economy and Taxation. Ricardo wrote nations should specialize in producing goods in which they have a natural advantage and thereby find their market niche.32 From the 15th to the 17th centuries, Europe was at

31 William Robinson and Jerry Harris, Towards a Global Ruling Class: Science and Society, Vol.64 (1), Spring 2000, p.12.
32 Supra no. 27, p.16.
the centre of a pattern of inter-continental trade that emerged there. It is important to realise that a modern nation-state could not have been born and grown unless there were other nation-states growing simultaneously.33

The debate about globalization began as quite “historically myopic”.34 More commentators are looking back to the late 19th and early 20th centuries, arguing that the current wave of globalization is not quantitatively much different from the earlier work. Just as the current wave was driven by the internet, the earlier wave was unleashed by the railways, the telegraph cable, the telephone, the commercial aircraft and other innovations made possible by the industrial revolution.

Most historically-oriented analysts are content to trace globalization to the late 19th century. If communication and transportation technologies form the driving force for the widening and thickening of interdependence networks, then we may go further back in history to the early centuries of second millennium. According to North and Thomas, “the rise of the western world” should ultimately be traced to trade expansion that began in the 11th century.35 It is noted that “Europe, the initiator of one of the world’s major processes of conquest, colonization and cultural transformation” was itself the product of Europeanization” that took place in the period 950-1350.36

33 Avinash Jha, *Background to Globalisation*, Centre for Education and Documentation, Mumbai, 2000, p.28.
The multiple nature of globalization had already been evident in its earlier phases. These lasted many centuries, going into higher gear when at the end of the fifteen century, European explorers became the first humans to conceive of conquering the whole globe and then largely proceeded to do so. But their expansion was multiple. It included the global expansion of European capitalism; of imperialism; and of ideologies - Christianity, individualism and racism, with liberalism, socialism and democracy added later.37

Economic historians observed that unprecedented economic growth began in the 11th century. Innovations in the three-field system and the heavy plough improved agricultural productivity, allowing surpluses for trade.38 Similarly, increase in populations brought about large-scale migration with differences in natural resources and land to labour ratios, the opportunity to gain from specialization and trade emerged.39 As a result, old Roman towns were revived and new towns established with townsmen building trading networks with surrounding agricultural areas with other towns. When the European economy rejuvenated in the Renaissance, Italian cities, led by Venice, stretched their trade routes throughout the Mediterranean and reached ever farther along the Atlantic coast on one end and Egypt, Asia, and Russia on the other.40 Banks of deposit, which had origins in Roman times, began to emerge in Venice and Genoa in 12th and early 13th centuries.41

41 Ibid. p.54.
Public references to globalisation have become increasingly common over the last two decades. The concept itself can be traced back to a much earlier period. Its origin lie in the work of many nineteenth and early twentieth century intellectuals, from Saint Simon and Karl Marx to students of geopolitics such as Mackinder, who recognized how modernity was integrating the world. But it was not until the 1960s and early 1970s that the term 'globalization' was actually used. The 'golden age' of rapidly expanding political and economic interdependence between western states generated large reflection on orthodox approaches to thinking about politics, economics and culture.

In the context of a debate about the growing interconnectedness of human affairs, world systems theory, theories of complex interdependence and the notion of globalization itself emerged as largely rival accounts of the process through which the fate of states and people was becoming more intertwined.42

The great depression of the 1930s leads to the birth of Keynesianism and the interventionist state. As World War Two ends, the victors put together a new set of rules for the global economy. This post-war financial architecture includes the World Bank, the International Monetary Fund (IMF) and the General Agreement on Tariffs and Trade (GATT). As World War Two was drawing to a close, world’s politicians and government officials, from victorious ‘Allied’ nations (Britain, Canada, Australia, New Zealand and the US) began to think about the need to establish a system of rules to run the post-war global economy.43 The US had started taking

43 Supra no.27, p.24.
the first initial steps towards this goal before the Second World War concluded. The cleverly structured economic policies of US gave the real momentum to the process of globalization and the subsequent information and communication revolution facilitated the process.44

Even before the declaration of the war in 1939 trading nations everywhere had been racked by crippling economic depression. When the US stock market crashed in 1929 nations turned inward to pull themselves out of the financial steep skid. But without a system of global rules there was no coherence or logic to the ‘beggar-thy-neighbour’ policies adopted worldwide.45

By 1941, an open trading regime had become a major foreign policy goal of the Roosevelt administration. This was clearly spelt out in the text of Atlantic charter. Article IV states that all countries should have access on equal terms to the trade and to the raw materials of the world, which are needed, for their economic prosperity.46

Scholars like Karl Polanyi helped to reinforce a growing suspicion of a market based economic model, which put money and investors at the center of its concerns rather than social values and human wellbeing. “To allow the market mechanism to be the sole director of the fate of human beings and their natural environment ...would result in the demolition of society”, Polanyi wrote in his master piece, The Great Transformation.

46 Martin Griffiths and Terry O' Callaghan, Supra no.1, p.20.
Bretton Woods:

In July-August 1944 delegates from 44 nations were brought to the New England resort village Bretton Woods to create new rules and formal institutions to determine trade and monitory relations for the post war global economy – a stable, co-operative international monetary system which would promote national sovereignty and prevent future financial crisis. The purpose was not to bury capitalism but to save it. The main architects of the conference were Harry White of the US treasury and John Marynard Keynes.

Keynes influence at Bretton Woods was significant. But despite his lobbying he did not win the day on every issue. The conference rejected his proposals to establish a world ‘reserve currency’ administered by global central bank. Instead the Bretton Woods conference opted for a system based on the free movement of goods with the American dollar as the international currency. The dollar was linked to gold and the price of gold was fixed at 1/35 an ounce (289). In effect the U.S. dollar became “as-good-as-gold” and in this one act became the dominant currency of international exchange.47

The International Monetary Fund (IMF):

The IMF was born out of Bretton Woods conference with a mission:

1. To create economic stability for a world which had just been through the trauma of depression and devastation of war.

2. It was to facilitate the expansion and balanced growth of international trade and to contribute to the promotion and maintenance of high levels of employment and real income.

(3) To oversee a system of ‘fixed’ exchange rates to stop countries from devaluing their national currencies to get competitive edge over neighbours.

(4) To promote currency convertibility – to make it easier to exchange one currency for another.

(5) To act as a lender of last resort supplying emergency loans to countries which ran into short-term cash flow problems.

The World Bank (International Bank for Reconstruction and Development):

One of the major goals of Bretton Woods conference was to find a way to rebuild economies of nations devastated by World War Two. The IBRD was created for this purpose. The bank is funded by dues from its members and by money borrowed on international capital markets.

(1) It provides loans to members below the interest rates available at commercial banks.

(2) Its initial mandate was to provide loans for economic ‘infrastructure’ which included things like power plants, dams, roads, airports, ports, agricultural development and education system.

General Agreement on Tariffs and Trade GATT/World Trade Organisation:

The GATT established a set of rules to govern global trade. Its aim was to reduce national trade barriers and to stop the competitive trade policies that had so hobbled the global economy before World War Two. The Uruguay round of Trade negotiations was the eighth attempt to bridge the differences among the members of GATT, The World Trade
Organisation WTO replaced GATT in Jan – 1995. The WTO, unlike the GATT, has the official status of an international organization rather than a loosely-structured treaty. It has 144 member states and 30 ‘observers’ and vastly expands GATT’s mandate in new direction. The text of WTO agreement had 26,000 pages. It includes the GATT agreements mostly focusing on trade in goods, it also unfolds the new General Agreement on Trade in Services (GATS) which potentially affects more than 160 areas including telecommunications, banking and investment, transport, education, health and environments. The International Trade Organisation (ITO) was to replace the GATT. But ITO did not come into being due to the opposition from US. As a result GATT remained a provisional treaty for about 44 years a sort of contractual agreement, which allowed for successive rounds of agreements on tariff rates and other trade matters but had few institutional structures.

In 1991 Arthen Dunkel, then Director of the GATT, submitted a draft document with the purpose of making it basis for trade negotiations.

India has been a party to the GATT Accord and it is likely to gain something in one form or the other at least to some extent. India’s estimated share comes to about $203 billion, which the critic says is paltry whereas supporters of GATT call this a significant gain.

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48 Ibid. p.329.
From GATT to WTO: A Chronology

1947: Twenty three countries sign the GATT in Geneva.
1948: ITO Charter Havana charter drafted India accedes to GATT.
1949: Annecy Round of negotiations 11 nations participation.
1950: China withdraws from GATT, ITO fails to be ratified by the US Congress (Torquay Round).
1951: West Germany joins GATT
1955: The USA is granted waiver for certain agricultural policies Japan joins.
1956: Fourth Round held in Geneva.
1957: Treaty of Rome creates the European Economic Community.
1960: Dillon Round is started and conducted in 1961.
1962: The Long Term Agreement on Cotton Textile is negotiated.
1964: Kennedy Round begins (concluded in 1967) UNCTAD is created to be a forum for the LDCs.
1965: Part IV, on Trade and Development is added to GATT setting out guidelines for policies towards LDCs.
1986: Launching of the Uruguay Round.
1988: A ministerial meeting to review progress is held in Montreal.
1990: Canada formally introduces a proposal to create an international organisation to oversee GATT, the General Agreement on Trade and Services (GATS) and other agreements reached in the Uruguay Round.
1994: On 15 April the Final Act is signed in Marrakesh, establishing the WTO and embodying the results of the Uruguay Round.
1995: From 1 Jan the WTO started functioning (China becomes a member of the WTO in Dec – 2001)

### SOME KEY EVENTS IN THE HISTORY OF GLOBALIZATION

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<th>Year</th>
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<tr>
<td>500s BC</td>
<td>Emergence of the first world religions</td>
<td>1960</td>
<td>Marshall McLuhan coins the phrase ‘global village’</td>
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<td>1522</td>
<td>First circumnavigation of the earth</td>
<td>1962</td>
<td>Launch of the first communications satellite</td>
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<td>1700s</td>
<td>Enlightenment thinkers posit a trend toward the social unification of the world</td>
<td>1963</td>
<td>Introduction of direct dialling of transborder telephone calls.</td>
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<td>1851</td>
<td>First world’s fair (in London)</td>
<td>1966</td>
<td>First photographs of planet Earth from outer space</td>
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<td>1852</td>
<td>Establishment of the first foreign manufacturing subsidiary</td>
<td>1969</td>
<td>Construction of the first wide-body passenger jet (the Boeing 747)</td>
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<td>1865</td>
<td>Creation of the first global regulatory agency (the International Telegraph Union)</td>
<td>1969</td>
<td>Creation of the first multi-site computer network (the ARPANET of the US military)</td>
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<td>1866</td>
<td>First permanent transoceanic telegraph cable comes into service</td>
<td>1971</td>
<td>Establishment of the first wholly electronic stock exchange (the US-based NASDAQ system)</td>
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<td>1891</td>
<td>First transborder telephone calls (between London and Paris)</td>
<td>1974</td>
<td>US Government eliminates foreign exchange controls on current account transactions (other states follow in later years)</td>
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<td>1919</td>
<td>Initiation of the first scheduled transborder airline services</td>
<td>1976</td>
<td>Launch of the first direct broadcast satellite (i.e., transmitting to rooftop dishes)</td>
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<td>1920</td>
<td>Inauguration of the League of Nations</td>
<td>1977</td>
<td>First commercial use of fibre-optic cables, vastly increasing capacities of telecommunications</td>
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<td>1929</td>
<td>Institution of the first offshore finance arrangements (in Luxembourg)*</td>
<td>1977</td>
<td>Creation of the SWIFT system for electronic interbank fund transfers worldwide</td>
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<td>1930</td>
<td>First global radio broadcast (the speech of George V opening the London naval Conference, relayed simultaneously to 242 stations across six continents</td>
<td>1987</td>
<td>Appearance of a near-complete ‘ozone hole over Antarctica, heightening Global ecological awareness</td>
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<td>1945</td>
<td>Formation of the United nations organisation</td>
<td>1987</td>
<td>Stock-market crash on Wall Street spreads worldwide overnight</td>
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<td>1949</td>
<td>Introduction of package holidays sets the stage for large-scale global tourism</td>
<td>1997</td>
<td>Completion of a continuous round-the-world fibre-optic cable link</td>
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<td>1954</td>
<td>Establishment of the first export processing zone (in Ireland)</td>
<td>1999 - 2000</td>
<td>Upsurge of ‘anti-globalization’ protests against global economic institutions</td>
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<td>1954</td>
<td>Launch of the ‘Marlboro Cowboy’, a future global icon</td>
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<td>1955</td>
<td>First McDonald’s restaurant</td>
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<td>1956</td>
<td>First transoceanic telephone cable link</td>
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<td>1957</td>
<td>Advent of intercontinental ballistic missiles</td>
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<td>1957</td>
<td>Issuance of the first Eurocurrency loan (by a Soviet bank, in US dollars, on the London market)</td>
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Historical Perspective of Terrorism:

The terms "terrorism" and "terrorist" are of relatively recent date; the meaning of terrorism was given in the 1798 supplement of the Dictionnaire of the Academie Francaise as "systeme, regime de la terreur". According to a French dictionary published in 1796, the Jacobins had on occasion used the term when speaking and writing about themselves in a positive sense: after the 9th of Thermidor, "terrorist" became a term of abuse with criminal implications. Edmund Burke (1729–1797) wrote in his famous passage that "thousands of those hell hounds called terrorists" who were let loose on the people. Broadly speaking the word terrorism was used during French Revolution between March 1793 and July 1794 more or less a synonym for "reign of terror". Subsequently it acquired a wider meaning in the dictionaries as a system of terror. A terrorist was anyone who attempted to further his views by a system of coercive intimidation.

Perhaps no definition of terrorism can possibly cover all the varieties of terrorism that have appeared throughout history: Peasant wars and labour disputes and brigandage have been accompanied by systematic terror and the same is true with regard to general wars, civil wars, revolutionary wars, wars of national liberation and resistance movements against foreign occupants. In most of these cases, however, terrorism was no more than one of several strategies, and usually a subordinate one.

Terrorism has been noticed throughout history of the world. In its long history, terrorism has appeared in many guises; and today society faces not one terrorism but many terrorisms.54

The Ancient Greek historian Xenophon (430-349) wrote of the effectiveness of psychological warfare against enemy populations. Similarly Roman emperors Tiberius (14 – 37 A.D) and Caliquna (37-41AD) used banishment and execution as a means to discourage opposition to their rule. The Spanish Inquisition used arbitrary arrest, torture, and execution to punish for religious heresy.55

Terrorism “from below” has emerged from many forms and religious protest movements, with various motivations. One of the earliest known examples of a terrorist movement is the sicarii, a highly organised religious sect of men belonging to lower orders who were active in the Zealot struggle in Palestine (66–73 AD). It is known from Josephus that the Sicarii used unorthodox tactics by attacking their enemies' in daylight, on holidays, when crowds congregated in Jerusalem. Their favourite weapon was short sword (Sica) which was hidden under their coats. Others regarded the Sicarii as a movement of social protest intent on inciting the poor to rise against the rich. Josephus doubted their idealistic motivation and claimed they were listai, robbers, out for personal gain and manipulated by outside forces, with patriotism and the demand for freedom as a mere ideological cloak56

As early as the first century, the Jewish sicarii and zealot movements employed it as one of their tactics in a protracted guerrilla war against the Romans. The first clear example of a movement employing terrorism as a major weapon is the Assassin sect of the Eleventh and Twelfth centuries, which sent its agents on their missions of murder throughout the Muslim world. It was also from Middle East that the contemporary wave of international terrorism arose.\textsuperscript{57}

Terrorism in its original context was closely associated with the ideals of 'virtue' and democracy'. Maxmillan Robespierre believed that virtue was the main spring of a popular government at peace, but during the time of revolution must be allied with terror for democracy to triumph. According to Robespierre, 'virtue without which terror is evil; terror, without which virtue is hapless'.

Thus, the use of terror was openly advocated by Robespierre as a means of encouraging revolutionary virtue during French Revolution, leading to political dominance called the Reign of Terror.\textsuperscript{58} The phenomenon of Terrorism is as old as the civilization itself. It has grown with the growth of the history of mankind and the conception of the state. And the root cause of development of the concept of terrorism is manifold as oppression and repression of the masses, humiliation of the masses, rapid increase in population, economic offences, illiteracy among the masses, soft attitude towards criminals, wrong policies of the government, deprivation of the basic human rights and above all abject poverty among the people.\textsuperscript{59}

\textsuperscript{57} S.K. Ghosh, Supra no. 55, p.7.
One of the most notorious examples of terror as a weapon of religious persecution was the Spanish Inquisition established by the Pope in the 15th century to combat heresy and apostasy, usury, and persons accused of sorcery and witchcrafts. Torture and confiscation were the characteristic weapons of terror, and under Tomas de Torquemada, the fight grand inquisitor, it is estimated that there were several thousand burnings, and 170,000 Jewish subjects who refused to be baptised were expelled from Spain. Compared with the Sicarii and Assassins, with thugs the Red Spears and the Ku Klux Klan, contemporary terrorist groups seem to belong to another species altogether.

In Italy the word ‘assassination’ was replaced by a more idealistic term ‘tyrannicide’. In the sixteenth century many Italians writers gave it both a legal and moral justification for dealing with gross abuses of political power against public interest. Even Shakespeare made Brutus a hero for assassinating Julius Caesar, Milton, a fanatic moralist, justified and lauded the killing of tyrants.

Systematic terrorism began in the second half of the nineteenth century with different categories. The Russian revolutionary who fought an autocratic government (1878 – 1881). Radical nationalist groups like Irish, Macedonians, Serbs or Armenians used terrorist methods in their struggle for autonomy or national independence.

Totalitarian states were the first to use violence and repressive measures in international politics. Beginning with the Fascists in Italy,

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Nazis in Germany to the communists in Russia and China during the 20th century. Since communism believes in the ideology of force and violence as important means to achieve political and economic goals, communistic countries used terrorism in a systematic manner.\textsuperscript{63}

In the beginning, violence is used to achieve political or economic gains, it continues in order to consolidate the accomplished objectives. And lastly, its application is further extended in order to intimidate potential opponents.\textsuperscript{64}

Today at least twenty-six conflicts are being fought in thirty countries around the globe.\textsuperscript{65} They include the protracted, low-level, mostly urban, terrorist campaign waged by the provisional Irish Republican Army against British forces in Northern Ireland: The primarily rural insurrection prosecuted by communist insurgents against Aquino government in the Philippines; the combination rural guerrilla/urban terrorist campaign of the left wing FMLN (Farabundo Manti Liberation Front) in El Sarvadar; the Maoist revolution in Peru: the rural guerrilla wars fought with narcotics traffickers in Colombia by left wing groups FARC (Revolutionary Armed Forces of Colombia) ELN (National Liberation Army) and ELP (popular Army of Liberation). The bitter civil war between Tamils and Sinhalese in Srilanka; the variety of independence, secessionist, and even counter revolutionary struggles fought in Nicaragua, Angola, Namibia, Mozambique, Chad, Liberia, Ethiopia, Sudan

\textsuperscript{63} Kshitij Prabha, \textit{Terrorism An Instrument of Foreign Policy}, South Asian Publishers, New Delhi, 2000, p.64.
\textsuperscript{64} “\textit{Pattern of Global Terrorism}”, US Department of State Publication, 9862, office of the Secretary of State, Office of the co-ordination for Counter Terrorism, April 1991, p.32.
Burma, Cambodia and Indonesia. Since 1945, some 105 conflicts have been fought throughout the world; only thirty-one pitted the armed forces of one state against another. According to one estimate four fifths of the four million people killed in these conflicts during the first half of the 1980's were civilians. Moreover, in 1989 alone conflict in Third World countries displaced approximately 15.1 million people up from 14.4 million in 1988. Since 1985 fighting has forced an average of 2,700 persons a day to leave their homes and become refugees.

About 20 percent of international terrorism originates in the Middle East, coming from Palestinian groups, Shiite factions and other Lebanon-based groups, or arising from still other Middle East conflicts, which accounts for over 35 percent of the fatalities. About 15 percent of the total volume of international terrorism comes from the spill over of guerrilla wars being waged in the Third World. Tamil separatists bomb Sri Lankan planes; Sikh separatists machine-gun a bus; shining path guerrillas bomb a market place in Peru; the Mujahiddin lob a rocket into Kabul. An additional 15 percent of international terrorism comes from ideologically and ethnically motivated groups in Europe. Ideologically motivated terrorism, carried out by the Rad Brigades in Italy, the Red Army Faction in Germany, or Action Directe in France, has in fact declined but not disappeared.

We find growing terrorist violence in the (former) Soviet Union. They fear that the violent Islamic fundamentalism, which swept through Middle

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67 Ibid p.140.
East will arise in the Soviet Union itself, which has a population of 50 million Muslims, the ongoing conflicts within Soviet Union involving Armenians, Azerbaijans, Uzbeks, and Ukrainians will become more violent. A potential terrorist violence also noticed on the part of dissident student movements in Asia – South Korea and Burma.

Terrorism was adopted virtually as state policy by totalitarian regimes as those of Nazi Germany under Hitler and Soviet Union under Joseph Stalin. The terror which overtook the Jews under Nazi Germany and Stalin’s Russia was the worst example of state terror in the history of modern world.70

Mao in China in 1949 made use of terror on a bigger scale than Stalin, perhaps 5 million landlords were killed and between 1950 and 1953 as many as 10 to 20 million people were liquidated. Mao’s reign of terror was brought to an end by Deng Xiaoj-Ping just as how Khrushchev brought to an end Stalin’s reign of terror.71

The most shocking use of terror occurred in Kampuchea (formerly known as Cambodia) in South-East Asia. The dictatorship regime of Polpot had massacred 2 million out of about 8 million. In statistical terms what Timur did to India in 1398 and what Nadir Shah did in 1739. Pale into insignificance; their massacres were confined to Delhi and few other cities. Chenghis Khan’s massacres and depredations also look poor as compared to Polpots.72

In Iran, reign of terror and counter-terror were let loose during Reza Shah and Khomeini regimes. Terror violence by Shah’s Savak and

70 S.K. Ghosh, Supra no. 55, p.7.
71 N.S. Saksena, Supra no. 62, p.96 and 97.
Khomeini's Shia fundamentalists perpetuated mass murders. According to Miss Claire Brooks (a member of the British Liberal party) in 1985 the level of executions in Iran stood between 20,000 and 50,000 and 1,25,000 held as political prisoners were imprisoned. Over 40,000 have been executed and 1,20,000 are political prisoners.73

Spain also experienced of terrorism of different kinds such as – rightist, leftist, state sponsored, revolutionary and counter revolutionary for several years even before the civil war 1936–1939. Between 1919 and 1923 there were about 700 political assassinations in Catalonia.74

Older terrorist organizations, such as People's Liberation Organisation (PLO), The Baarder Meinhof of West Germany Red Army of Japan, Red Brigades of Italy, FALN of Puerto Rico, Directe Action of France, the Provisional Irish Republican Army (PIRA) and the Basque ETA, have demonstrated as the most prominent terrorist groups of 20th century.

The premier example of terrorisms power to rocket a cause from obscurity to renown was the murder of eleven Israeli athletes seized by Palestinian terrorists at the 1972 Munich Olympic Games.75

Perhaps the first organization to put into practice Pisacane's dictum was the Narodnaya Volya or people's will (people's freedom), a small group of Russian constitutionalists that had been founded in 1878 to challenge tsarist rule. Its operations lasted only from January 1878 to March 1881. The armed struggle began when Kovalski, one of its members, resisted arrest, it continued with Vera Zasulich's shooting of the governor-general of St. Petersburg and the assassination of General Mezentser, the head of

73 Ibid, P.113.
74 S.K. Ghosh, Supra no.54, P.8.
the Third Section. In September 1879 Alexander II was sentenced to death by the revolutionary tribunal of the Narodnaya Volya. Even before, in April of that year, Solover had tried to kill tsar.76

The incidents of Irish terrorism, which continued on and off, for a longer period ever since the emergence, due to agrarian unrest of the United Irishmen in 1791, the activities of the Dynamiters in the 1870’s and 1880’s resulted in the phoenix park murders and new upsurges in 1916, 1919–1921, before the Second World War and again in 1970’s.

Similarly Armenian terrorism against Turkish oppression began in 1890’s and again after 1918 in the form of assassinations of some Turkish leaders who had been popularly involved in the massacres of the First World War. In 1975 there was new upsurge of terrorism with the assassination of the Turkish ambassadors in Vienna and Paris.77

A high tide of terrorism in Western Europe was the anarchist “propaganda of the deed” in 1890’s. The exploits of Ravachol, Auguste Vaillant and Emile Henry between 1892 – 1894, created enormous stirs. There were also attempts on the lives of leading statesmen in Europe and America in the 1880’s and first decade of Twentieth century. Presidents Garfield and McKinley were prime victims. There were numbers of unsuccessful attempts to kill Bismarck and the German Emperor; French President Carnot was assassinated in 1894. Antonio Canovas Spanish Prime minister was killed in 1897. Empress Elizbeth (Zita) of Australia in 1898 and King Umberto of Italy in 1900. In Europe there had been countless attempts to kill Napoleon and Napoléon III, all the assassins

77 Walter Laquer, Supra no.52, p.13.
were anarchists who acted on their own initiative without the support of any group.\(^78\)

Terrorism is a great disturbing phenomenon. The real sponsors of international terrorism are big power. It has become a global phenomenon with no regard for international frontiers. The group may belong to one country, financed by another, and trained in still another country may have arms suppliers from fourth and operate in fifth. For example, terrorist massacre at Lod airport in Israel, belonged to Japan, trained in Korea, purchased arms in Italy with money supplied from West Germany.

Terrorist activities in Nicaragua reached a high tide with a population of two million Spanish-speaking people becoming independent in 1838 but its feudal regime always worked under the control of USA. In 1979 the old feudal regime was overthrown and under Marxist leadership with the support by Roman Catholic, priest took over. The CIA tried to over throw the Marxist government by encouraging terrorist activities but failed to topple the government.

In Chile, the Marxist government under Salvador Allende was toppled by the CIA and Allende was killed. Supported by the USA a military dictatorship government under Gerneval Pinochet assumed office.

Terrorism in Great Britain involves the activities of banned organisation like Irish Republican Army (IRA) it is inspired by more than 100 year old hatred of Roman catholics of Irish against the injustice by the protestant majority in Britain. The Irish Roman Catholics suffered discrimination in employment, education, housing and self-dignity.

The IRA was formed in 1919 a secret society called Fenians revolted against British government which resulted in murders, arson and other acts of terrorism. Gladstones efforts of Home Rule for Ireland failed and acts of terrorism continued in full scale in 1969 and in 1974 more than thousand persons were killed in Northern Ireland. The state of Ireland consists of 26 countries out of 32 islands. The remaining six countries form Northern Ireland administered by UK are the hot bed of terrorism.79

Upto the First World War terrorism was thought to be a leftwing phenomenon. But neither the Irish nor Macedonian freedom fighters, neither the Armenians nor Bengali terrorists were socialist or anarchist in inspiration. The “Black Hundred” constituted the extreme right in Russian domestic politics. League of Nations intervened, resolutions were passed and committees were established with a view to combat terrorism on an international basis.

Following the Second World War the nature of terrorism gained the revolutionary connotations. It was used as violent revolts by various indigenous nationalists/anti-colonial groups in Asia, Africa and Middle East during 1940s and 1950s to appose continued European rule. Countries like Israel, Kenya, Cyprus and Algeria owe their independence to nationalist political movements employing terrorism against colonial powers. Many newly independent Third World countries and communist states adopted these tactics.

During 1960s and 1970s terrorism continued to be viewed within a revolutionary context. The nationalist and ethnic separatist groups outside a colonial or neo-colonial framework as well as radical

79 N.S. Saksea, Supra no. 62, p.65.
ideologically motivated organizations, exiled nationalist minorities like PLO, the Quebecois separatist groups FLQ (Front de Liberation du Quebec), the Basque, adopted terrorism as a means to draw attention to their causes with specific aim, at the same time various left-wing political extremists drawn from radical student organizations and Marxist/Leninists Maoist movements in Western Europe, Latin America and U.S. began to farm terrorist groups opposing American intervention in Vietnam.

In the early 1990's the meaning of terrorism changed to two new words 'narco-terrorism' the use of drug trafficking to advance the objectives of governments and terrorist organizations. As Soviet Union, Cuba, Bulgaria and Nicaragua, forged alliance with terrorist and guerrilla organisations employing violence for political ends. The second word is 'gray area phenomenon' the term came to be used to denote threats to the stability of nation states by non-state actors and non-governmental organisations. Terrorist groups have investigated the use of poisons since the nineteenth century. The Aum Shinrikyo cult staged a poison gas attack in March 1995 in the Tokyo Subway; exposure to the nerve gas sarin killed ten people and injured 5000.  

The success or failure of a single bombing of an airliner can result in a 100 percent change in the annual statistics of terrorism fatalities. For example, in 1998, there were 658 fatalities of international terrorism – one of the highest annual records of terrorist casualties. However, 270 of the dead – 41 percent of international terrorism’s death toll of that year were killed in a single incident, the bombing of Pan Am flight 103 over Lockerbie, similarly, in 1989 international terrorism caused 390 fatalities. 

The usage of the term terrorism has changed greatly over time. In its original definition in the eighteenth century, it meant violent actions from above, by the state, such as those during the Reign of Terror in the wake of the French Revolution, when terrorism meant the mass guillotining of the aristocracy and other real or perceived enemies of state. During the nineteenth century, the definition of terrorism expanded to include violence from below, such as the assassination of prominent politicians by, anarchists. In the twentieth century, terrorism came to mean mostly political violence perpetuated by non state actors, such as autonomous or state sponsored groups and individuals.82

After the disintegration of Soviet Union and the end of cold war which raised hopes of a drastic reduction in terrorism, but the international events of the last several years proved the other way round. Terrorism did not decline; but instead lethal attack became more common. The World Trade Centre bombing in 1993, the Oklahoma city bombing in 1995 and the Savin gas attack in Tokyo Subway system were the opening shots, the bombings of the U.S. embassies in Kenya and Tanzania in 1998, the suicide attack on the USS Cole in 2000, and the attacks on the World Trade Centre and Pentagon on 11 September 2001.

Over the last 30 years, the number of officially recorded terrorist incidents has increased enormously. Between 1968 and 1989, 35,150 acts of terrorism were recorded, which is an average of 1,673 per year. Between 1990 and 1996, the figure jumped to an average of 4,389 attacks per year.83 Observers indicate some new forms of terrorism in the age of

83 Martin Griffiths and Terry O’ Callaghan, Supra no.1, p.309.
globalisation, as post-modern terrorism which would exploit sophisticated information technology, use of high-tech communications and computer equipments, to network with one another to expand their operations and profits, the category of terrorist group is IOC (International Organised Crime). Most of these non-state actors undermine the authority and sovereignty of nation states.84

The United States received first bitter taste of biological terrorism in the form of anthrax spores during the wake of attack on the World Trade Centre and Pentagon in 2001, the beginning of the Twenty-first century demonstrated, most terrorist incidents were masterminded by groups and individuals in the similar way of their predecessors in 1970's, 1980's and 1990's – like hijacking, hostage, bombings, suicide, assassinations etc. The attack on September 11, 2001 on New York and Washington used conventional means – i.e., hijacking of airlines and turned them into mass destruction by Osama-bin–Laden’s Al-Qaeda group.

Typology of Terrorism:

Normally, in the literature, a state’s use of terror is referred to as terror, while substate terror is referred to as terrorism. Another important distinction can be made between international and domestic terrorism: the former is terrorist violence involving the citizens of more than one country, while the latter is confined within the borders of one country, sometimes within a particular locality in the country.85 So also insurgency and terrorism are not the same; they are significantly different. The objective of insurgency is invariably political; it is a revolt against authority. Terrorism is merely a strategy to obtain certain objectives.

84 Charles Kegley and Eugene Wittkopf, Supra no. 45, p.191-192.
85 Paul Wilkinson, Supra no. 60, p.19.
1) **Nationalist terrorists**:

These are groups seeking political self-determination. They may be active in their homeland and abroad. They tend to be more capable of sustaining protracted campaigns and mobilizing substantial support than ideological groups.

2) **Ideological terrorists**:

These terrorists aim to change the entire social, economic and political system to extreme right or extreme left. In 1970’s and 1980’s studies on this pattern focussed on the extreme left, because of preoccupation with groups like Red Army Faction in Germany and Red Brigades in Italy.

3) **Religio political terrorists**:

The best examples of this type of terrorism are groups like Hezbollah and Hamas. The militant fundamentalist factions of major religious other than Islam have also involved in violent extremist groups like Sikhs, Hindus and Jews, with connected links.

4) **Single-issue terrorists**:

These terrorists are over obsessed to change a specific policy or practice in a target community or state rather than the aim of political revolution. Example: the violent animal rights and anti-abortion groups.

5) **State-sponsored and state supported terrorists**

Normally states use this type of terrorism both as a tool of domestic and foreign policy. For example, the Iranian regime sent hit-squads to murder leading dissidents and exiled political leaders. They were doing so
for domestic reasons, to intimidate and eradicate opposition to the regime.  

6) Politically motivated terrorists:

This type of terrorist finds himself as an instrument of justice and does not operate wholly for criminal gain. A political terrorist movement receives internal popular sympathy as well as foreign support comprising of arms, money, propaganda, intelligence and training.

7) Criminality motivated terrorist:

These types of terrorists are exclusively for pecuniary gain and committed by criminal gangs who specialise in kidnapping and ransom.

Liberals, Conservatives and Realists on Terrorism:

Liberalist approach:

Liberalists put forth their argument that terrorism has to be understood as a response to economic, social and political misery. People who are deprived of these grievances turn to violence to dramatise their misery or change the existing conditions responsible for it. In the globalized world, governments are most responsible for this misery; it is against them that any rebellion is directed.

Conservative approach:

Conservatives attribute terrorism to be the 'natural' stresses and strains of nation building. As countries go through the process of unification under a common rules and institutions within a territory, they encounter resistance from within various classes, castes, religious and

linguistic groups will all find themselves living under a new regime. The state while enforcing new regime, may alienate entrenched social and political interests who will then resist and it may turn to violence. If it does, the state will be compelled to restore law and order and use violence in turn to do so.\textsuperscript{87}

\textbf{Realists Approach:}

Realists find terrorism as arising out of the competition between nation states. In the world there is no overarching authority. The more powerful you are, the more capable of violence. From Realists perspective, terrorism is one of the strategies available to states in their competition for power. Terrorism can weaken rival states by creating chaos and confusion in the domestic life and destabilise the sinews of their government by which they cannot compete with external rivals.\textsuperscript{88}

\section*{HUMAN RIGHTS}

\textbf{Historical Development of Human Rights:}

The expression “human rights” is relatively new, having come into parlance only since World War II and the founding of UN in 1945.\textsuperscript{89} International concern for human rights is a recent phenomenon. The discourse on human rights is a relatively modern creation, but the ideas can be traced back at least as far as the classics. Ancient and Classical philosophers have contributed very much to this discourse. It is through these roots that we can trace the evolution of the idea of human rights.

\begin{thebibliography}{99}
\bibitem{88} Ibid. p.26.
\end{thebibliography}
The playwright Sophocles (495 – 406 BC) provided an early defence of the individuals right to resist state repression.90

Plato (427 – 348 BC) developed an early version of universalism in ethical standards, implying fair treatment to all persons. Aristotle (384–322 BC) discussed the significance of virtue, justice and rights in accordance with the political community. Stoics and Roman counterparts, like Cicero and Seneca, were keen to talk about being citizens of the world. For them, wise and rational men belonged to a universal community of world citizens. Cicero (106–43 B.C) advocated a general set of universal principles, which transcend local civil laws.

Early versions of human rights thinking can also be found in various religious texts. Geoffrey Robertson makes the useful point that one can read the Ten Commandments, intended to be applied universally as rules for moral and spiritual behaviour, as implying certain basic rights. For example, Thou shalt not steal seems to suggest the right for individuals to own private property.91

Religious universalists like Aquinas and Augustine talked about equality of people before God. Thomas Aquinas (1225–1274) believed that human dignity and value are innate properties, which are validated according to natural law.

In medieval and early western philosophy, Thomas Hobbes (1588–1679) in his Leviathan, published in 1651, claimed that humans are, essentially poor, nasty, brutish and short in their natural state they lived

in a world of anarchy. Hobbes, was arguing for the right of the monarch to rule, and individual subject has the basic right to security, and the state itself is formed out of recognition of this basic right.

The Dutch jurist Hugo Grotius (1583-1645) made the significant case for the establishment of international laws to protect all citizens of the world. It was John Locke (1632-1704) who first suggested that there are such things as natural rights: rights, which are ours by virtue of the fact that we are human. These rights are shared by all people; they are inalienable, and cannot be removed by any political authority. Locke's natural rights were threefold: life, liberty and property.

Jean-Jacques Rousseau (1712-1778), extended the social contract, in which he argued that the community must represent the general will of the people and began his opus with: Man is born free, but everywhere he is in chains.

Charles – Louise de Montesquieu (1684-1755) is credited with developing the theory of separation of powers – that in a just and fair state, it is necessary for the three branches of the state: the executive, the Legislature and Judiciary to be independent from one another.

Francois-Marie Arouet, Voltaire (1694-1778) called for the abolition of torture and degrading punishments and attacked censorship by calling for a respect for freedom of opinion and expression. Claude Adrien Helvetius (1715-1771) considered inequality to be a fundamental social ill.

If the French thinkers provided the foundations of the political rights of man; it is the German philosopher Immanuel Kant (1724-1804) who is
often credited with laying the foundation for the modern understanding of human rights as ethical practice.92

The linkage of Lockes Philosophy of natural law and the political constitution of states came with the publication in 1791-1792 of Rights of Man by Thomas Paine (1737-1809).93 Paine, a supporter of the revolutions in America and France, was a radical and democratic republican who believed in sovereignty of the individual person. More than anyone he sought a marriage between human rights in theory and practice. Among the members of this circle was Mary Wollstonecraft (1759-1797) who in 1792 wrote a Vindication of the Rights of Women, a book which borrowed from Paine's ideas but focussed specifically on the role women played in the emergent human rights movement. She is rightly considered to be a major pioneer of the struggle for women's emancipation. Another writer who developed the literature on rights was Giuseppe Mazzini (1805-1872), he focussed not on the rights of individuals but on their duties. The central argument in Mazzini's Duties of man was that individual's duties towards humanity represent ultimate morality.

The various ideas discussed above were subjected to considerable criticism. Chief among these are the utilitarian critique of rights made by Jeremy Bentham and Karl Marx. Jeremy Bentham (1748-1832) scoffed at the very idea of natural law and of rights in general, as nonsense stilts because they are not observable and not enforceable. For utilitarians, the concept of rights can only be defensible if these rights are seen to have

emerged out of the quest for greatest happiness.\textsuperscript{94} An equally pragmatic critique of the language of human rights was presented by Karl Marx (1818–1883). Aware of the persecution suffered by Jews in Germany, Marx wondered how useful the Declaration of rights of man in France would be helping Jews like himself in their plight.\textsuperscript{95}

After Kant, the discussion of human rights largely shifted away from the philosophical and theological arena towards active politics. Hannah Arendt (1906–1975) was a political scientist. For Arendt, the ‘rights of man’ meant very little or nothing at all to refugees, stateless persons, outsiders within the boundaries of an alien state.\textsuperscript{96}

**Theories of Human Rights:**

**Natural Law and Natural Rights:**

The American Declaration and French Declaration of the Rights of man had their origins in natural rights theory. While instances of natural law may be traced back to classical times, the basis of early natural law was entirely theistic. The next stage in this line of natural law was to serve it from its theistic origins which was undertaken by Hugo Grotius acknowledged as father of international law. In his treatise De Iure Belli ac Pacis, Grotins argued that it was possible to rationalise the existence of natural law, which was the basis of all positive or written law, on a non-empirical basis by examining the axioms of geometry.\textsuperscript{97} From the application of Grotian ‘right reason’ it is possible to develop individual or natural rights theory. Grotian view of natural law in 17th century was

refined and transmitted into natural rights theory through which individual rights recognised.

John Locke is the chief exponent of this theory. He argued that all individuals were endowed by nature with the inherent right to life, liberty and property which were their own and could not be removed or abrogated by the state. In order to avoid uncertainties of life in a state of nature, mankind entered into social contract by which exercise of their inalienable rights was transferred to the ruler of state. If the ruler broke the contract by violating natural rights of individual subjects they were free to remove the ruler with government, which was prepared to respect those rights.98

Lockean social contract theory is based on an apology for, the English Glorious Revolution of 1688. King James II by violating the natural rights of his subjects had forfeited his right to rule. Lockean view of natural rights had two things.

(1) The individual is an autonomous being capable of exercising choice and

(2) Legitimacy of government depends not only upon the will of the people, but also upon government’s willingness and ability to protect individual natural rights. Human rights are in alienable and they cannot be alienated surrendered or transferred by their possessor to the state.99

The principal problem with natural law is that rights considered to be natural differ from one theorist to another depending upon his

conception of nature. Due to all these natural rights theory became unpopular with legal scholars.\textsuperscript{100}

\textbf{Positivism:}

Positivists argued that the existence and context of rights could be derived only from the laws of the state. The empirical methods adopted by the positivists reflected scientific milieu of the ‘Age of Enlightenment’ of 18\textsuperscript{th} century Europe. This philosophy came to dominate the legal theory during most of the nineteenth century and commands considerable allegiance in the twentieth.\textsuperscript{101} Under this theory the source of human rights is to be found only in the enactments of a system of law with sanctions attached to it. The need to distinguish with maximum clarity the law as it ought to be in theme, haunted positivist thinkers who condemned natural law thinkers because they had blurred this vital distinction.\textsuperscript{102}

Positivist thinkers like Jeremy Bentham and Austin sought to bring about reform in the law. Bentham rejected the idea of law of Nature. According to him ‘nature’ was a very vague term and therefore, natural law and natural rights were meaningless. Rights are not natural but are created by law whose worth depends on its utility. Bentham replaced natural rights by utility. Betham believed in freedom and equality but he would not base them on natural law.

John Austin also considered natural law to be vague and meaningless. According to him political or civil liberties constitute the

\begin{itemize}
\item \textsuperscript{102} Lon Fuller, Positivism and Fidelity to Law, \textit{Harvard Law Review}, Vol.7, 1958, p.630.
\end{itemize}
freedom of action left or granted by a sovereign to the subjects. The principle of utility alone helps state in deciding limits of civil liberty.\textsuperscript{103}

Hegel's idea of freedom found expression in old Greek notion of an individual who finds his true personality and freedom in the state, which represents reaction against freedom born of natural rights. Man had no inalienable rights, his freedom was a gift of the state, which not only allows but also enlarges freedom of society.

H.L.A. Hart, a prominent moral philosopher who attempted to remove from positivism the less palatable aspects of Austinian legacy. He argued that although law and morality stand independent of each other, the laws which government adopts have been recognised and accepted by the community as a whole.\textsuperscript{104}

**Socialist Theories:**

Marx regarded 'the law of nature' approach to human rights as idealistic and historical. He found nothing natural or inalienable about human rights. The fulfilment of human needs in a capitalist society, where the means of production are controlled by the ruling class, is impossible since it results in the alienation of the working class. A society in which capitalists monopolised the means of production and notion of individual rights was regarded as means of production and notion of rights as bourgeoisie illusion. Law, justice, morality, and democracy are determined by material conditions of people's life and by their social circumstances. In Marxist theory, therefore, rights are simply instruments or tools to achieve particular ends. Once the end is achieved tools are no

\textsuperscript{103} Manoj Kumar Sinha, Supra no.99, p.7.
longer needed and conveniently disposed of rights, therefore, have no transcendental or eternal value; they are positivistic which are deemed to exist and fixed solely by the state.¹⁰⁵

**International concern for Human Rights:**

International concern for human rights, human welfare and human dignity has evolved along with the evolution of the state system and the process of organising the international system of states.¹⁰⁶ The human civilisation had a great concern for human rights throughout history. It is evident that the origins of modern concept of human rights are to be found in the English, American and French revolution of 17ᵗʰ and 18ᵗʰ centuries.

**The English experience:**

The Universal Declaration of Human Rights in 1948 did not emerge from a vacuum. It was presented as the latest in a series of acts, covenants and declarations aimed at securing certain rights for citizens, these acts, covenants and declarations – which are usually traced back to the English Magna Carta of 1215 – emerged as strategic response to social and political upheaval.¹⁰⁷ The Magna Carta was signed by King John of England, who exhausted the national treasury in fighting wars against Islam in Middle East. He badly needed money from large land-owners, self-styled barons and earls, lords and dukes in England. The nobles agreed but only in exchange of signing the Great charter, a document that recognised various rights they had been claiming. They are:

¹⁰⁵ O.P. Gauba, Supra no. 98, p.187.
(1) Recognition of their property rights.

(2) Freedom of movement for the purpose of trade and commerce.

(3) The Magna Carta – a series of entitlements to due process in any legal proceedings. They have all, however, made their way into nearly every major human rights document.108

**Bill of Rights:**

England underwent a Glorious Revolution in 1688-89. King James II was overthrown and the Protestant King William and Queen Mary, from Holland took his place on the throne of the United Kingdom. They issued a bill of rights as a kind of political proclamation, derived from Magna Carta.109 The Protestants portrayed James II as having been an absolute monarch and thus declared their over throwing of him “glorious”. The English Bill of Rights declared that absolute monarchy was “illegal” and that there should be an elected parliament to advise the monarch: The subjects have the right to petition the king through their representatives and election to parliament must be “free and fair”. Thus the Bill proclaimed a right to (1) freedom of speech and debates (2) The right not to be inflicted with cruel and unusual punishment (3) the right to bear arms for their own defence against a feared Catholic backlash. Significant rights in the English bill provided for right to self-defence, political participation, free political speech and security from cruelty and torture.110

The English Bill of rights of 1688-89 the first document to use the language of ‘rights’ and which introduced the system of free elections –

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110 Supra no. 108, p.91-93.
was merely intended to ensure that royal absolutism was firmly dissolved in favour of the monarch’s accountability to parliament. Thus, the rights it gave were to parliament, not the people.111

**The American Experience:**

In the American Declaration of Independence 1776 drafted by Thomas Jefferson, we find these ideas particularly in a clear and felicitous expression "we hold these truths to be self evident, that all men are created equal,‘ that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of Happiness – that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.”112

The high sounding ideals of the protection of life, liberty and the pursuit of happiness were sufficient for a declaration of independence, but they were clearly inadequate as a catalogue of individual rights which the state was obliged to protect. As Cassese rightly points out “man” ..... is worthy of being called “man” only if he fulfils the conditions to be free, equal, or have undisturbed enjoyment of his property not to be oppressed by a tyrannous government and to be able to realize himself freely.113 The Virginia Declaration of Rights, which was drafted by George Mason, included specific liberties that were to be protected from state interference, these included freedom of the press, free exercise of religion, no person

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was to be deprived of their liberty except by the law of land. The U.S. Constitution, influenced by Mason's Virginia Declaration included the protection of these rights. It was not until 1791, that the US adopted a Bill of Rights containing a list of guaranteed individual rights. The Declaration of Independence was, and remains, a political proclamation and as such carries no legal weight in American courts. What does carry legal weight is the American Bill of Rights, which refers to the first ten amendments to the American Constitution, brought into force between 1787 and 1789.

The French Experience:

The French revolutionaries were more concerned with the old order, absolutist system of government and the establishment of a new democratic order. Inspired by the success of the American Revolution, activists in Paris began the French Revolution against the monarchical regime of Louis XVI in 1789. The central proposition of this concept was that the sovereignty of a nation lay with its people. Government was therefore, to be by the people for the people, and any government, which was not responsive to its citizens' demands, could be changed by expression of popular will.

The French Revolution, reflects the social contract and natural rights theory of Locke and the French philosopher, Montesquieu and Rousseau. The Declaration of the Rights of man and the citizen (1789) made government a necessary evil. According to the Declaration true happiness is to be found in individual liberty, which is the product of the

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114 Ibid. p.68.
116 Ibid. p.4.
natural unalienable and sacred rights of man. The declaration states that certain individual rights are protected. The right to due process, the presumption of innocence, the freedom to hold opinions and religious beliefs and the freedom to communicate ideas and opinion. The Declaration also suggests that a maximal amount of liberty ought to be the goal of any society stipulating that all actions should be permitted except only those that are "injurious to others". Thus, French Declaration's contribution to human rights history rests in two fields –

(1) the right to political participation and

(2) the right to equality.\textsuperscript{117}

Thus, a number of recurring themes and concepts in human rights law originate from the American and French Revolutions. Foremost among them are:

(1) Rights are by nature inherent, universal and inalienable which belong to individuals simply because they are human beings.

(2) The protection of rights is best within a democratic framework.

(3) The limits to the exercise of rights could be determined only by law.

Civil and political rights are not however, the only rights which are protected by modern constitutions and contemporary international law. A variety of economic, social, cultural and other rights are also the subjects of various forms of protection. Karel Vasak has sought to classify the historical development of human rights according to the French revolutionary slogan “Liberty, Equality and Fraternity”.\textsuperscript{118} As Szabo puts

\textsuperscript{117} Darren J O Byrne, Supra no 107, p.106.

\textsuperscript{118} K. Vasak, A 30-Year Struggle, UNESCO Courier, 1977, p.29-32.
it, the purpose of human rights is to defend by institutionalised means the rights of human beings against abuses of power committed by the organs of the state and at the same time to promote the multidimensional development of the human personality.\textsuperscript{119} It is thus apparent that the notion of human rights is not static but dynamic.

**International Developments of Human Rights:**

The origins of human rights at international level can be traced back to the 17\textsuperscript{th} and 18\textsuperscript{th} century. It was not until the end of Second World War that international community began to manifest the promotion and protection of human rights. International concern for human rights, human welfare and human dignity has evolved along with the evolution of the state system and of the process of organising the international system of states.\textsuperscript{120} The human civilization has always had concern for human rights throughout history. Nations therefore, have differed in their understanding of human rights and also in the ways through which these rights should be achieved. Whether by promoting the individual's rights or by promoting the welfare of the community as a whole. These differences continue to exist.\textsuperscript{121}

**Humanitarian intervention:**

The state sovereignty traditionally meant individuals were subjects of state sovereignty and were exclusive concern of the state. Each state held on domestic jurisdiction, i.e., the authority to decide on internal affairs. How the individuals should be governed was an internal matter

\textsuperscript{120} V.S. Mani, Supra no. 106, p.38.
\textsuperscript{121} Ibid, p.39.
for a state to decide. No other state had the right to interfere in the domestic matter of another state. An exception to this was the so-called right of humanitarian intervention. Under this 'right', states could intervene militarily in order to protect the population or a portion of the population in another state if the ruler of that state treated his or her people in such a way as to 'deny' their fundamental human rights and to shock the conscience of mankind.\textsuperscript{122} However, the exclusive claim of state over individuals has slowly weakened over long period of history. The peace of Westphalia of 1648, which ended a long religious war in Europe, constitutes the first recorded evidence of this weakening. It showed the first international recognition of the need for principle of tolerance. This was a small beginning for recognition of human rights in Europe. Nonetheless, the right of humanitarian intervention was invoked by a number of Great powers during the 19\textsuperscript{th} century to prevent Ottoman Empire from persecuting minorities in the Middle East and the Balkans.

**The Red Cross:**

The other major achievement in International humanitarian law in the second half of 19\textsuperscript{th} century was the formation of the International Committee of the Red Cross in 1863, (ICRC) which is closely linked to Geneva convention. The battle of Solferino of 1859 a known battle in Europe, which resulted in number of deaths and violence. Count Henri Dunant, a Swiss Philanthropist, established Red Cross Society, a voluntary organisation that worked for amelioration of the conditions of the sick and the wounded soldiers in the battlefield. The activities of the ICRC are not confined to armed conflicts, either international or non-
international. They also cover situations of internal disturbances or tensions and to ensure protection of human beings whose lives are threatened with impartiality on which their effectiveness depends.\textsuperscript{123} This movement was able to persuade states to accept restrictions on war. The first international agreement with these restrictions on war, adopted in 1864, was revised and expanded periodically in 1899, 1907, 1929, 1949 and 1977. These rules are generally known as "humanitarian laws applicable in armed conflict" or just "humanitarian law". Thus, the work of the Red Cross has continued throughout the two world wars and beyond.

Abolition of Slavery:

There were certain humanitarian developments, which occurred in international law during 19\textsuperscript{th} and 20\textsuperscript{th} century. Foremost among these was perhaps, the abolition of the slave trade. Historically, slaves have been traded among countries of the world. Establishment of colonies in North America, Africa, Asia and Oceania encouraged slave trade. The book on Uncle Tom’s Cabin provides detailed account of slave trade of African slaves brought to North America in 17\textsuperscript{th} century. The British and Portuguese slowly recognised the evils of slave trade, by entering into several treaties prohibiting slave trade. The practice of slavery was first condemned in Paris Peace Treaty 1814 between Britain and France. The General Act of Berlin conference declared that trading in slaves is forbidden in conformity with international law. The League of Nations adopted the convention to suppress the Slave Trade and Slavery in 1926

and prohibited the practice of slavery within the former German and Turkish colonies under the Leagues mandate system at the end of First World War. The 1926 convention still remains the basic international document prohibiting the practice of slavery, which was amended in 1953 and supplemented in 1956.124

The International Labour Organisation (ILO):

The International Labour Organisation, created by the Treaty of Versailles (1919) was a response to the Allied Powers' concern about social justice and standard of treatment of industrial workers prompted by the Bolshevik Revolution of 1917. The ILO became a specialised agency of the UN in 1946. It is the system for the protection of economic, social and cultural rights. The ILO has sponsored over 150 conventions dealing with conditions of work, remuneration, child and forced labour, holidays and social security, bonus, gratuity, industrial disputes, equality of men and women in work and pay regulations to hazardous work. Minimum wages are based on convention since its inception in 1920. The ILO Declaration further affirmed, "all human beings irrespective of race, creed or sex have right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".125 The conference reaffirmed the fundamental principles on which the organisation is based and, in particular that (a) labour is not commodity (b) freedom of expression and association, essential to sustained progress (c) poverty anywhere constitutes a danger to prosperity.126

126 Ibid. p.364.
The League of Nations:

For ensuring peace and security and facilitating international cooperation, the League of Nations, an international organisation was established after the First World War (1914-1918), which made no provision for the protection of human rights.\footnote{Scott Davidson, Supra no. 115, p.10.} It committed the member states to work towards certain humanitarian objectives such as establishing humane working conditions for individuals, prohibition of trafficking of women and children, the prevention and control of disease and just treatment of native and colonial people. The mandate, which had not achieved independence before the Second World War, was subsequently transferred to the Trusteeship system under the UN charter.

Minorities' treaties:

After World War-I, various treaties were concluded and many of these contained provisions for protection of minorities in order to secure the protection of civil and political rights of minorities. Such as Poland, Czechoslovakia, Romania and Greece, while provision on protection of minorities were concluded in peace treaties with Austria, Hungary and Turkey. In addition to these treaties, some states made declaration concerning the protection of minorities within their states, these were Finland, Albania, Latvia, Lithuania, Estonia and Iraq.

It is evident that the minorities' protection treaties were not concerned with individual rights but of group rights. The purpose of the treaties was to ensure equality before law, with regard to civil and political rights, freedom of religion, use of their own language and maintain their
own religious educational institutions. Equal treatment of the ethnic, religious or linguistic minorities in the states and also to preserve and develop their own distinct identities within the framework of the nation state.

**Post Second World War International Developments:**

It is generally agreed that human rights have developed in "generations" and first-generation rights of civil and political liberties are followed by the second-generation social and economic rights. Third generation rights are those demanded by various groups on the basis of gender, age, ability, etc. The fourth generation of rights are the rights of self-determination demanded by indigenous populations. Bobbio further explains that the demands for greater protection of individuals change as societies change and the growth of social rights is directly linked to the transformation of society.

Despite the advances made in the sphere of humanitarian law and in the protection of economic, social and cultural rights during the nineteenth and early twentieth centuries, it was not until the Second World War that international human rights law began to develop in a coherent way.

**The UN Charter and the Universal Declaration:**

The United Nations Organisation came into force on 24 October 1945. It contains elaborate provisions on human rights and fundamental freedom. The preamble to the charter declares "faith in fundamental

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130 Scott Davidson, *Supra no. 115*, p.11.
human rights, in the dignity and work of the human person in the equal rights of men and women and of nations large and small and the need to promote social progress and better standards of life in larger freedom". The main objective of the UN is to achieve international cooperation in solving international problems of an economic, social cultural or humanitarian character, and in promoting respect for human rights and fundamental freedom for all without distinction as of race, sex, language or religion [The UN Charter New York]

The UN charter also calls upon General Assembly and the Economic and Social Council (ECOSOC) to play a comprehensive role to promote human rights. The responsibility to promote 'universal respect for and observance of human rights and fundamental freedom is cast not only on the United Nations (Art. 55) but also equally on all member states of the UN (Art. 56). The member states have the duty to take joint and separate action in cooperation with organisation for the realisation of human rights the world over. [Art. 56]

The General Assembly and ECOSOC, with the assistance of their various subsidiary bodies, have sought to serve human rights objectives of the UN in many respects.

The Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948 by General Assembly at its third session constitutes central document for Human Rights. It represents the first and most important instance of formulation of international human rights standards. The person most responsible for the draft of the

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Universal Declaration of Human Rights was the Noble peace prize-winner. Mr. Cassin, one of the principal promoters of Human Rights and who considered to be the true father of human rights. The Declaration consists of a list of civil and political rights and economic, social and cultural rights to which all persons are entitled without discrimination.

**The International Covenants:**

The Universal Declaration of Human Rights, which provides for basic human rights, did not have legally binding obligations on the member states. The efforts to draft specific human rights covenants with legally binding force began in 1940's. After two decades of contentions, negotiations the U.N. General Assembly adopted two covenants –

(1) The International covenant on civil and political rights and (2) The International covenant on Economic, Social and Cultural Rights on 16th December, 1966. These covenants finally came into force in 1976. It took nearly ten years for these treaties to become binding international instruments, that shows hesitation by the member states to accept restriction on their sovereignty. India became a party to the covenants after ratifying them in 1979.

The UN also undertook programmes to draft legally binding instruments to deal with specific human rights. These include:

(1) Treaties on the prevention and punishment of genocide. The General Assembly on December of 1948, adopted the convention on this
issue, which came into force on January 12, 1951.\textsuperscript{135} The main purpose of the convention was to prevent and punish the genocide.\textsuperscript{136}

(2) The United Nations, since its inception was involved in the struggle against apartheid. It was condemned by the United Nations in 1966 as a crime against humanity. Racial segregation and apartheid were condemned by the International Convention on the Elimination of All Forms of Racial Discrimination. In view of this an International convention as the suppression and punishment of crime of Apartheid was concluded on November 30, 1973, which came into force on July 18, 1976.\textsuperscript{137}

(3) League of Nations slavery convention 1926 (Amendment, 1953) followed by the supplementary convention on the Abolition of slavery, the slave trade and Institutions and practices similar to slavery, 1956.

(4) Convention relating to the status of Refugees, 1951.

(5) Convention on political rights of women, 1953.


(7) Declaration on protection from Torture, 1975, followed by the convention against torture and other cruel inhuman or degrading treatment or punishment, 1984.


\textsuperscript{135} General Assembly Resolution, December 1948, No. 260, A(iii) of 9 Dec 1948, UN Geneva.

\textsuperscript{136} Supra no.133, p.673,

The Helsinki process:

The primary function of the Helsinki process was to establish a framework for the development of peace and security in Europe and in formal consideration of human rights issue in 1973. The final Act of the conference which was non binding, declared the participating governments' determination to respect and put into practice respect for Human rights and fundamental freedoms including the freedom of thought, conscience, religion or belief and respect the rights of peoples and their right to self-determination which contributed in a significant way to state practice in human rights.

The Helsinki process continued in Madrid and more recently Paris (1990). Thus the charter of Paris for a New Europe was adopted and declared that Human Rights and fundamental freedom are the birthrights of all human beings, are inalienable and guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty state.

Regional Human Rights System:

There are three regional human rights systems

(1) The European human rights system.

(2) The inter-American human rights system and

(3) The Organisation of African Unity's charter of Human and people's rights.
The European System: 1950

The convention for the protection of Human Rights and fundamental freedoms then signed in Rome on 4 Nov 1950 and entered into force on 3 September 1953 by the members of the council, which was created by the council of Europe was designed to fulfil three-fold purpose: (1) To strengthen democracy and commitment to the rule of law. (2) To sound alarm against incipient totalitarianism and (3) To act as a bulwark against the perceived threat of encroaching communism. The convention provided the mechanism by which individuals who believe that their rights have been violated by their states can petition the European Commission to redress their grievances. The main function of the commission is to secure a friendly settlement between individual and his or her state.

The European Convention and its Eleven protocols are mainly concerned with the protection of civil and political rights, economic and social rights by the procedure established by European social charter 1961.

The organisation of American states (OAS):

The charter of the OAS was signed at the 9th International conference of American states (Bogota, May 1948). The Organisation of American States (OAS) a regional organisation committed to human rights obligations like UN charter, the OAS charter, adopted in 1948, does not contain a list of protectable rights. With the amendment of the OAS charter, the American Declaration of the Rights and Duties of man, 1948 similar to the Universal Declaration has been recognised by the Inter-American Court of Human Rights. The Inter-American commission on Human Rights is obliged by its statute to apply the American Declaration when dealing with human rights issues.

H.O. Agarwal, Human Rights, Central Law Publications, Allahabad, 2001, p.120.
The American convention on Human Rights, known as the Pact of San Jose (1969) is modelled on the European Convention. The American Convention like its European counterpart is concerned almost exclusively with civil and political rights, although the pact of San Salvador (1989) has added a list of economic, social and cultural rights, which are to be implemented by member states.

**Banjul Charter:**

It is also known as African charter on Human and People's Rights (1981) like other human rights instruments this charter takes the form of multilateral treaty adopted by the organisation of African Unity in Nairobi in 1981 which entered into force in 1986. It differs from other treaties by including economic, social and cultural rights, the right to self-determination, public freedoms, forced labour, peace and right to a good environment are all included in the text.139

**International conferences on Human Rights:**

The first world wide governmental conferences known as International Conference on Human Rights, popularly known as 'Tehran Conference' was held at Tehran (Iran) from April 22 to May 13, 1968 to review the progress made in twenty years since the adoption of the universal Declaration of Human Rights and to evaluate the effectiveness of methods used by United Nations in the human rights field.

**World conference on Human Rights (Vienna Conference 1993):**

The second world conference on Human Rights known as Vienna conference was held at Vienna from 14 to 25 June 1993. This was held 25 years after the International Conference on Human Rights held in Tehran, which assessed the progress, achieved under 1948 UN Declaration of Human Rights.

### The Ongoing Global Struggle for Human Rights

#### Struggles and historical events

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<tr>
<td>1790</td>
<td>The French Revolution and the Declaration of the Rights of Man and of the Citizen.</td>
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<tr>
<td>1800-15</td>
<td>Colonised peoples rise up against imperialism in Asia and Africa</td>
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<td>1805</td>
<td>Workers movements in Europe, India and the US: in Moscow 300,000 workers demonstrate</td>
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<td>1810</td>
<td>Peasants mobilize for land rights in Mexico</td>
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<td>1929-35</td>
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<td>1930-45</td>
<td>Hitler's Nazi regime kills 6 million Jews and forces into concentration camps and murders</td>
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<tr>
<td>1939-45</td>
<td>Hitler's Nazi regime kills 6 million Jews and forces into concentration camps and murders</td>
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<td>1945-50</td>
<td>The Cold War begins, with the United States and the Soviet Union at loggerheads.</td>
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<td>1950-60</td>
<td>Decolonization movement gains momentum in Africa and Asia.</td>
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<td>1960-70</td>
<td>Civil Rights Movement in the United States.</td>
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<td>1990-2000</td>
<td>The End of the Cold War and the rise of globalization lead to increased human rights abuses.</td>
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<td>2000-2020</td>
<td>The 21st Century</td>
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#### Conferences, documents and declarations

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<th>Conference / Document / Declaration</th>
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<td>First Pan-African Congress in London</td>
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<td>1906</td>
<td>International convention prohibiting night work for women in industrial employment.</td>
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<tr>
<td>1907</td>
<td>Central American Peace Conference provides aliens' rights to appeal to courts where they reside</td>
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<td>1916</td>
<td>Self-determination addressed in Lenin's Imperialism, the Highest Stage of Capitalism.</td>
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<td>1918</td>
<td>Self-determination addressed in Wilson's &quot;Fourteen Points&quot;</td>
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<td>1923</td>
<td>Fifth Conference of the American Republics, in Santiago, Chile, addresses women's rights.</td>
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<td>1924</td>
<td>US Congress approves Synder Act, granting all Native Americans full citizenship.</td>
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<td>1930</td>
<td>ILO Convention Concerning Forced or Compulsory Labour</td>
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<td>1933</td>
<td>International Convention for the Suppression of the Traffic in Women of</td>
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#### Institutions

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<th>Institution</th>
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<td>1809</td>
<td>Ombudsman institution established in Sweden</td>
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<td>1815</td>
<td>Committee on the international Slave Trade issue, at the Congress of Vienna.</td>
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<td>1839</td>
<td>Anti-slavery Society in Britain, followed in 1860s by Confederacao Abolicionista in Brazil.</td>
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<td>1848</td>
<td>National Congress of British West Africa in Accra, to promote self-determination.</td>
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<td>1854</td>
<td>League of Human Rights, an NGO, in response to the Dreyfus Affair</td>
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<td>1902</td>
<td>International Alliance for Suffrage and Equal Citizenship</td>
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<td>1905</td>
<td>Trade unions form international federations</td>
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<td>1910</td>
<td>International Ladies' Garment Workers' Union</td>
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<tr>
<td>1919</td>
<td>League of Nations and Court of International Justice</td>
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<td>1919</td>
<td>International labour Organization (ILO), to advocate human rights embodied in labour law.</td>
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<td>1921</td>
<td>Women's International League for Peace and Freedom.</td>
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<td>1925</td>
<td>Representatives of right developing countries found Coloured International to end racial discrimination.</td>
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<td>1927</td>
<td>Inter-American Commission on Women, to ensure recognition of women's civil and political rights.</td>
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<tr>
<td>Event</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>Gypsies, Communists, Labour unionists, Poles, Ukrainians, Kurds, Armenians, disabled people, Jehovah's Witnesses and homosexuals.</td>
<td>1942</td>
</tr>
<tr>
<td>Rene Cassin of France urges creation of an international court to punish war crimes.</td>
<td>1942</td>
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<tr>
<td>US government interned some 120,000 Japanese-Americans during Second World War.</td>
<td>1942-45</td>
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<tr>
<td>Antifascist struggles in many European countries.</td>
<td>1942-45</td>
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<td>Chinese Revolution</td>
<td>1949</td>
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<td>Full Age</td>
<td>1941</td>
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<td>US President Roosevelt identifies four essential freedoms – of speech and religion, from want and fear.</td>
<td>1945</td>
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<tr>
<td>UN Charter, emphasizing human rights</td>
<td>1948</td>
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<td>Universal Declaration of Human Rights</td>
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<tr>
<td>ILO Convention on the Freedom of Association and Protection of the Right to Organize</td>
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<td>ILO Convention on the Right to Organize and Collective Bargaining</td>
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<td>ILO Equal Retribution Convention</td>
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<td>ILO Convention Concerning Abolition of Forced Labour</td>
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<td>UN International Covenant on Economic, Social and Cultural Rights</td>
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<td>Inter-American Court of Human Rights</td>
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<tr>
<td>Inter-American Court of Human Rights</td>
<td>1970-79</td>
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<tr>
<td>Human Rights issues attract broad attention-apartheid in South Africa, treatment of Palestinians in occupied territories, torture of political opponents in Chile, &quot;dirty war&quot; in Argentina, genocide in Cambodia.</td>
<td>1970s</td>
</tr>
<tr>
<td>People protest against Arab-Israeli conflict, Vietnam War and Nigeria-Biafra civil war.</td>
<td>1970s</td>
</tr>
<tr>
<td>Amnesty international wins Nobel Prize</td>
<td>1976</td>
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<td>Rome statute for establishing international criminal Court.</td>
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<tr>
<td>UN Convention on the Rights of the Child</td>
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<tr>
<td>UN Charter on Human and Peoples' Rights</td>
<td>1981</td>
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<tr>
<td>UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
<td>1984</td>
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<tr>
<td>UN Declaration on the Right to Development</td>
<td>1986</td>
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<td>African Charter on Human and Peoples' Rights</td>
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<tr>
<td>UN Convention on the Rights of Children</td>
<td>1990-2000</td>
</tr>
<tr>
<td>Global conferences and summits on the issues of children, education, environment and development, human rights, population, women, social development and human settlements.</td>
<td>1990-96</td>
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<td>Rome statute for establishing International Criminal Court.</td>
<td>1998</td>
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<td>CEDAW Optional Protocol for Individual Complaints</td>
<td>1999</td>
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<tr>
<td>ILO Worst Forms of Child Labour Convention</td>
<td>1999</td>
</tr>
<tr>
<td>First organization for Security and cooperation in Europe (OSCE) High Commissioner for National Minorities</td>
<td>1992</td>
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<tr>
<td>First UN High Commissioner for Human Rights, appointed at the Vienna Conference.</td>
<td>1993</td>
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<tr>
<td>International Criminal tribunals for former Yugoslavia and Rwanda.</td>
<td>1995</td>
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<td>Ten countries launch national plans of action for the protection and promotion of human rights.</td>
<td>1995-99</td>
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