

Human Rights: From Practice to Policy

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Dynamics between Human Rights Organizations and UN Bodies

Presentation by Margo Picken

The first UN General Assembly (UNGA) that I covered for Amnesty International was the thirtieth, in 1975. This was before Amnesty had established an office at the UN, which it did in 1977. The Vietnam War had ended with the fall of Saigon in April 1975; the Helsinki Final Acts were concluded in August 1975, marking US-USSR détente; and that followed closely on the Watergate scandal of 1974, bringing with it Nixon's resignation, and of course, from a human rights angle, the 1973 coup in Chile was a landmark event for those concerned with human rights. This was the international context for the thirtieth General Assembly.

Amnesty's priority in the General Assembly that fall was to secure adoption of the Declaration Against Torture. AI's Secretary General, Martin Ennals, came from London in November and together we visited a large number of UN member missions, talking to them about getting the declaration through. And in fact, it did go through very easily with one minor amendment. Much more controversial was a proposal the US put forward to establish an expert group to study the nature and extent of torture and to discuss allegations with concerned governments. Amnesty felt strongly—as did some of the delegations that were taking the lead on the Declaration—that this initiative threatened to derail the Declaration. It was a non-starter in 1975. Fortunately the US decided not to go ahead.

This was the General Assembly that adopted the well-known resolution equating Zionism with racism. That invited a resolution from the United States—Patrick Moynihan was US Ambassador at the time—calling for an amnesty for political prisoners. This, then, became a heated and major debate in the UNGA Third Committee, and all hell broke loose. Amnesty was terribly popular. I remember taking in copy after copy of AI's annual report because all the delegations wanted AI's annual report in order to criticize another country. Chile used our annual report to attack the Soviet Union, the Soviet Union used our annual report to attack...et cetera et cetera.

The years up until 1980 were really exciting. The human rights covenants came into force in 1976. The Human Rights Committee [i.e., the International Covenant on Civil and Political Rights treaty body] was established in 1977. We were very involved in its work. Actually the person who played a key role was Niall MacDermot, who was then Secretary General of the International Commission of Jurists. But Amnesty was always present at the Human Rights Committee sessions; we were always giving information to inform the Committee's consideration of states party reports.

The Carter Administration was a mixed blessing for Amnesty. On the one hand, it took up Amnesty's mandate as a centerpiece of US foreign policy, which meant that human rights and Amnesty's concerns were given much more attention and had positive consequences. On the other hand, Amnesty was concerned that a superpower with multiple interests taking up its mandate could have negative consequences for its work especially in a Cold War context in which Amnesty had positioned itself as impartial and politically neutral.

The Dynamic between Human Rights Organizations and the UN in the early years

Actually, I don't even think Amnesty thought about itself as a "human rights group" at the time. We worked very closely with church groups, with the World Council of Churches, for example, which was very engaged at that time; and with the Quakers, who were very important, and also with the trade unions. And we worked with *all* the trade union confederations—The International Confederation of Free Trade Unions, the West; the World Federation of Trade Unions, the East, and the World Confederation of Labor, which was non-aligned. The environment for working on human rights during the Cold War was not easy, but some of the groups that were representing the Eastern bloc, as it were, like the World Peace Council or the Women's International League for Peace and Freedom, were sometimes sympathetic to our concerns and could be very useful allies for Amnesty. They also had useful contacts for us, with governments from the East.

We interacted with multiple UN bodies, and with corresponding parts of the UN Secretariat where relations often depended on individual staff members. Our main contact was with the UN Human Rights Division, which was run by someone who was not very receptive, but the Carter Administration created *space* for sounder appointments and in 1977 Theo Van Boven was appointed. He was an extraordinary head of the Division, very open to non-governmental organizations and very keen to push the UN ahead on human rights. And that of course meant that our relationship with the Division changed. Sadly, then, the climate changed again when the Reagan Administration came in. Van Boven was dismissed—or resigned—early in 1982. His successor again was somebody rather gray who lacked Van Boven's commitment. The landscape changed all the time, of course, depending on the larger picture, what was happening in the world. When the dictatorships in Portugal and Greece, for example, ended in the mid-1970s, delegates from those countries were passionate about human rights. I remember the Greek and Portuguese delegates—they were so active, so enthusiastic, and really supportive.

I want to agree strongly with Pepé's observation that it is people who drive human rights. The non-governmental organizations, Amnesty included, have been absolutely crucial to the development of not only norms, but to initiating action on violations of human rights. Amnesty at the time began to supply the UN with information on countries and we were pushing the UN to act. After South Africa and Israel, Chile was the first through the barriers at the UN, and then after Chile, slowly, we managed to get the UN machinery to work.

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Glossary

AI (and Amnesty) – Amnesty International. Founded in 1961, AI is one of the oldest and most prominent transnational human rights organizations, with international headquarters in London. The organization relies on 3 million members and supporters in 150 countries to carry out its work, and policies are vetted through complex processes and structures that involve membership in the decisions. (See *ICM, IEC, IS, AI mandate, and Secretary General* below.)

AI Mandate - For many years, an internal “mandate” limited Amnesty International’s work to a relatively small number of issues, including the release of prisoners of conscience, fair trials for political prisoners, opposition to torture, disappearances and the death penalty. The mandate was amended several times, and was ultimately replaced in 2002 with a broader mission statement linking AI’s work to the full spectrum of rights enshrined in the UDHR.

Secretary General – AI’s executive director of worldwide operations.

ICCPR – International Covenant on Civil and Political Rights. A core human rights treaty that together with the UDHR and the ICESCR comprise the bedrock of international human rights law. It commits ratifying countries to respect, protect and fulfill civil and political rights. Adopted by the UN General Assembly in 1966 and in force since 1976.

NGO – Non-governmental organization. In the human rights context, NGOs are organizations comprised of private individuals working to protect and promote human rights, either domestically or internationally.

Third Committee – the Social, Humanitarian and Cultural Affairs Committee, a standing committee of the United Nations General Assembly.

Treaty body – A committee of independent experts charged to monitor implementation of the core human rights treaties, such as the ICCPR and the Convention Against Torture.

UN Human Rights Division – The UN Secretariat's initial office devoted to human rights, replaced in 1993 by the Office of the UN High Commissioner for Human Rights.