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IDEAL TO LAW TO PRACTICE: THE UNIVERSAL DECLARATION TODAY AND TOMORROW

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INTRODUCTION

Thank you for coming. My name is Paul Chevigny. I am a Professor of Law at New York University (N.Y.U.) Law School.

I am honored to be able to introduce this distinguished panel. I will follow Professor Flaherty's lead and introduce them all at the beginning in the order they will speak.

The first is Professor Louis Sohn. There is a biographical article about him in the current *Human Rights Quarterly* referring to him as "the grandfather of human rights." He has participated in the drafting of a great many of the documents that are being discussed here today. He is now the Distinguished Research Professor at George Washington University Law School in the District of Columbia. He has previously been professor at Georgia and for many years at Harvard. He is the au-

thor of books on the international protection of human rights and the Law of the Sea.

Professor Georges Abi-Saab is a global law professor at N.Y.U. Law School in this country, but abroad he is a professor of international law at the Graduate Institute of International Studies in Geneva. He has participated in many international tribunals and is at present a member of the International Criminal Tribunal for the former Yugoslavia.[1]

Professor Theodor Meron of our faculty at N.Y.U. Law School is a long-time distinguished scholar in the field of international human rights. He is the author of many books, most recently *Bloody Constraint: War and Chivalry in Shakespeare*,[2] and also *War Crimes Law Comes of Age*,[3] both published in November 1998.

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[1] Professor Abi-Saab is actually a former member of the International Criminal Tribunal for the former Yugoslavia, per Professor Abi-Saab's own statement at the conference. (Transcript p. 72).

[2] THEODOR MERON, BLOODY CONSTRAINT: WAR AND CHIVALRY IN SHAKESPEARE (1998).

[3] THEODOR MERON, WAR CRIMES LAW COMES OF AGE (1998). Note that although the speaker indicates November as the month of publication for this work, it was actually published in October, 98.

Louis Sohn
George Washington University Law School

With all these excellent speeches that we heard in the first part, it remains for me only to clarify a few things and present a few views that differ from some previous statements.

First, I would like to talk a little more about the person who really started the whole business. His first statement was originally accepted by all, but his later elaborations of it were ignored by a more conservative Congress. It was President Roosevelt. I just happened to listen to his speech in 1941, and that speech made me change from private international law, in which I was specializing at the time, to international public law, especially international organizations and human rights, and I was able after a few years to pioneer in teaching this subject. In today's short statement, I am obliged to limit myself to clarifying President Roosevelt's role, and to sketching a few of the steps that have been taken to develop a novel topic – human rights.

My first clarification relates to President Roosevelt's "Four Freedoms."[1] They are often mentioned, and three of them found a friendly reception. But one – freedom from want – is usually neglected. Very few have noticed that in an earlier part of his speech the President explained what he meant by it. He pointed out that it was very important to think about "the social and economic problems which are the root cause of the social revolution which is today a supreme factor in the world."

Then he said: there are some important freedoms that everybody should have, namely, a quality of opportunity for youth and for others, jobs for those who can work, security for those who need it, the ending of special privileges for the few, the preservation of civil liberties for all, and the enjoyment of the fruits of scientific programs in a wider and constantly rising standard of living.[2]

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[1] THE PUBLIC PAPERS AND ADDRESSES OF FRANKLIN DELANO ROOSEVELT, 1940, War and Aid to Democracies 663, 672 (1941).

[2] *Id.* at 670-71.

He said all those things. In fact, the whole business was the result of the fact that somebody asked him, "What do you mean by 'freedom from want'?" He mentioned this subject already in one of the earlier discussions with journalists, but not in a public speech. He replied: "You know, I have not studied it carefully, but I shall mention it next time."

His assistant later wrote that from that point on he collected little pieces of paper, as he usually did, on which he wrote notes, one right after another. He discovered they were being mentioned without people realizing the context. He got that list and he stuck more or less to that list, because over the years he got pressed by other organizations to discuss the problem.

As was pointed out already, there were quite a number of organizations meeting between 1943 and 1945 in which the matter was discussed in the United States. At those meetings a variety of proposals were made, in addition to the other very important book on the subject that Professor Lauterpacht wrote in England at that time. So that idea was clearly in the air.

But just before preparations for the United Nations conference at San Francisco got started, another thing happened. One of the people that got interested was a Latin American leader, Professor Ricardo Alfaro from Panama, who was in the previous years also president of his country and its foreign minister. At that time he was the president of something else, the Inter-American Institute of International Law.

Mr. Alfaro discovered that there was also an American Law Institute and he came there to ask them if they would be willing to cooperate with him in presenting an International Bill of Human Rights like President Roosevelt proposed. Taking this idea seriously, Mr. William Draper Lewis, the Secretary-General of the American Law Institute, selected a group of U.S. experts, and Mr. Alfaro, on behalf of his Institute, collected a group of people from Europe, from Latin America, even from Africa and Asia, who happened to be in New York or Washington and put them to work together.

Very interestingly, in 1998 was also an anniversary of the American Law Institute, and the Institute published a little

book on this anniversary.[3] A large part of it is taken by their work on this Declaration of Human Rights. It is a very interesting little book.

In it the Institute explained what was happening. If you look then into the Institute records, you see also a very interesting discussion on this subject, especially between the American members of the Institute and the foreigners, whether they were coming from Europe, from Asia, or from Latin America.

The discussion was, like Professor Schachter pointed out, about the fact that there are some old civil and political rights, there are new economic and social rights, and there are the group rights, for instance, those of minorities.

In his last year, in 1944, just before his death, President Roosevelt wrote another message to Congress in which he had a revised list of rights similar to that he had discussed at the beginning. He called it "the Second International Bill of Rights for the United States and for everybody else."[4] In it he had the same list, but better formulated.

Mr. Alfaro just loved it and took it up, together with the one from the Institute. He became, of course, a member of the Panamanian delegation to the 1945 San Francisco Conference that established the United Nations. He assumed the leadership role in the Latin American group on the topic of human rights. In particular, he insisted on inserting a declaration on human rights either in the Charter or in an annex to it. The Conference ran into various difficulties on problems of international peace and security, and Alfaro was told that the Conference had not time left to actually prepare a complicated document on human rights. Alfaro responded: "All right, let's then make sure that we draft it immediately as a supplement to the Charter." And, as a result of their discussion, they also put several articles in the Charter, in the Preamble, and in the statement of main purposes of the United Nations (Article 1), and Articles 55 and 56.[5]

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[3] The American Law Institute, Seventy-Fifth Anniversary, 1923-1998 (Philadelphia, 1998) 133-42, 261-89.

[4] Roosevelt Papers, *supra* note 1, 1944-1945 (ed. By S.J. Rosenman, 1950) at 32, 40-41.

[5] *See* U.N. CHARTER, Preamble and arts. 1, 55 - 56.

In addition, Alfaro was promised that an agreement on human rights would be given a priority in the work of the United Nations. This promise was kept. The Commission on Human Rights was established as a second step in the first meeting of the General Assembly. First, the Assembly appointed the Economic and Social Council, and the Economic and Social Council met and established immediately this Commission. That was the beginning of the story.

You have heard quite a lot about what was happening in the Commission. Of course, there was a combination of actors. All those declarations prepared by NGOs were there, all the national constitutions that contained proper phrases. For example, the Weimar Constitution[6] had quite a number. In fact, some of the German documents go as far back as 1794, a document published in Prussia.

So those things were nicely put together and presented to this Commission. But they looked at those things, said there was too much for them to look at, and the Secretariat made kind of a summary and from that summary they worked. Under the leadership of Mrs. Roosevelt, the Commission started to prepare a text of the International Bill of Rights. The situation became complicated when several countries started to insist that practically no proposed text was generally acceptable, as a variety of exceptions was required in order to incorporate all the exceptions existing in their national constitutions. They were told, however, that they should speed the drafting, because several disputes about human rights were already presented to the U.N. General Assembly.

One of these early cases before the United Nations was South Africa and its treatment of Indians in South Africa. This occurred because India, once it became an independent state, immediately brought the case to the United Nations saying "the Indians in South Africa are being discriminated against, and here it says in the Charter no discrimination on the basis of race or nationality." So there was immediately a big discussion

[6] The Weimar Constitution established the German Republic that was eventually dissolved under the Nazi regime. The Constitution was formally promulgated on August 11, 1919. *See* Winona State University, Winona, MN, *German History* (visited April 6, 1999) <http://www2.winona.msus.edu/ghistory/weimarco.htm>.

whether those provisions are binding or not binding. The result, however, was that the United Nations adopted a resolution telling South Africa to "behave yourself," and that was the beginning of a long story.

The second case that came immediately was Russia. What happened was that during the war the American and British flyers who were bombing Germany who did not have enough gas to get back to London had to go and land in the Soviet Union, and some of them married Russian girls. As a result, after the war they wanted to take those girls with them back home.

One of them was a Chilean. His father was appointed Ambassador to Moscow. He went with him there and made sure that his marriage was registered properly and wanted to take his wife back. The Soviet Government said, "You cannot do it because, as you know, in the West wives are prisoners at home and they are doing all the hard work and they do not even get paid for it. On the other hand, of course, in Russia you are free and all can work. You see, for instance, all those women on the streets. They are cleaning them up. It is not left to men to do it. Women are willing and able to do it too." And so we had this, another dispute with the Soviet Union on this subject.

Everybody thought that the group which was preparing the International Bill of Rights should do something quick. Mrs. Roosevelt took it to heart. As was pointed out, she was working them hard, and she got a draft presented to the General Assembly in 1948 and it was adopted.

We have heard that some scholars were studying her collected papers. They might find perhaps a mention that she wanted to say in her final statement that this document is as obligatory as the Charter because it is an official interpretation of the Charter. She was told "no" by the State Department, and was even told "We order you that you have to say that this is not a binding instrument."

Perhaps it was not noticed, maybe it does not even appear in the record, but I was there and I think I heard it. She said, "At the request of my government, I would like to mention that of course that wonderful document that we have adopted is not yet a binding document." In that little phrase she managed to point out that this statement did not reflect her point of view

but her government's point of view. So that is the second clarification that I wish to make.

The third issue I would like to discuss happened about 1968, when the Universal Declaration became binding. It was the twentieth anniversary. Various things were being prepared at that time. I think Mr. Gardner at that time was in charge of preparing a volume on the subject. The government wanted to say that this document is very important. It was not clear that the government was ready to accept all of its provisions as binding.

I happened to be asked by one of the NGOs whether I would be willing to have a conference in Montreal on this subject. I agreed and a document of the Montreal Conference was published by the Johnson Foundation, of Racine, Wisconsin. It states that, among other things, that by now, because many governments had been following this document (in fact, there were two other United Nations Declarations – on colonialism and racial discrimination) - - those Declarations plus the Universal Declaration of Human Rights have now become binding documents as a result.

The Conference in Montreal was composed of people collected from all around the world, including a young man from Iran that we thought might be in charge of the Iranian supervision of the negotiations in Teheran later that year at the first human rights conference. At that conference, after some discussion, we agreed that various improvements were necessary, including a clarification of the status of the Declaration and we drafted a nice Declaration of Montreal, suggesting various improvements and sent it to Teheran.

At Teheran the usual happened. People started arguing about apartheid in South Africa, about the treatment of Palestinians by Israel, and a few other subjects. As a result of that, they never were coming to anything concrete.

The Persian princess, sister of the ruling Shah, was in charge of the conference because she presided over the Commission on Human Rights when this conference was agreed upon, told Mr. Manoucheht Ganji "do something about it."

So he collected some of the persons that we had in Montreal and together they drafted a document. They did not call it a declaration. It became a Proclamation of Teheran. In it was a

nice little sentence, that because countries had been relying on the Universal Declaration of Human Rights, therefore by practice of states this Declaration has now become a binding document. That was then sent to the General Assembly, which immediately approved it.

Of course, in my speech that I had planned to make I have many other things I would like to say, but maybe I will just concentrate on one more, namely, what is happening now.

Any document I receive, whether from the United Nations or from other countries or from NGOs, has now got economic and social rights as being a priority for the next generation. For the first time, the Commission on Human Rights, which is a relatively conservative body composed of governments' representatives, appointed a special rapporteur on the question of extreme poverty, what can be done about that. Another one was appointed on another subject. And, as you know, there are several studying the condition of women in various parts of the world.

This matter always emphasizes economic and social rights — the right to education, for instance, which is important basically over anything else; the right to a job; the right to health; the right to family happiness. All those things flow from the Charter; they are mentioned in the Charter. Now they are saying they have to be executed.

What I want to say is that there is another problem. Mrs. Eleanor Roosevelt at some point made it very clear. There is a volume of the Commission to Study the Organization of Peace, that contains a report in the preparation of which Mrs. Roosevelt participated. She said then that maybe the Covenants are not enough. She also noted that they were not completed in the 1960s, and that humanity cannot wait forever for their completion. Something should be done about it.

She said, "The only thing we have to do is to work one by one. Let's start with some things that are clearly prohibited by the Charter, such as racial discrimination and discrimination against women. Let's concentrate on these two subjects."

As we know, that actually happened. At first, only Declarations on the subjects were adopted. They followed by conven-

tions; conventions, especially the one on racial discrimination,[7] have very good provisions about enforcement as well. So that was the beginning. By now, we have more than sixty documents of that kind, and practically every human right of the first part, you might say, of the Declaration has been taken care of.

On the other hand, almost nothing was done about the second part of the Universal Declaration that deals with economic, social and cultural rights. So my message for this conference and for the other organizations that have been discussing this is that all rights are equal, all rights are important, and because those rights have been neglected, the next generation has to do what my generation and the current second generation have neglected to do. As most of the people here are probably of the second generation, I am really speaking to the third generation, which is starting to end schooling and is looking for what still needs to be done. I hope that they will soon realize that the next thing to be done is to make sure that, in addition to political and civil rights, also economic, social, and cultural rights have to be generally accepted and that everything necessary for it should be done now, not in a distant future.

My final sentence is that all human beings — men, women, and children are entitled to all human rights all the time. Today, for instance, many think that if somebody immigrated to the United States illegally he or she is not entitled to any rights, and we had to fight quite a lot before we were able to persuade some courts that illegal immigrants that are put in jail pending a decision on their future are entitled to some rights, at least the same rights as other prisoners.

[7] *See* International Convention on the Elimination of All Forms of Racial Discrimination, 60 UNTS 15 (March 7, 1966).

Georges Abi-Saab
Graduate Institute of International Studies (Geneva), Global Professor, N.Y.U. Law School

Ladies and gentlemen, it is my great pleasure to be here with you today and to have the opportunity to speak on this panel under the supervision of my teacher, Professor Sohn. So I feel again like a student who is passing an exam. In fact, I take my cue from his last sentence. The theme of what I wanted to discuss today is a continuation of his conclusion.

The theme of this roundtable is "From Ideal to Law to Practice: The Universal Declaration Today and Tomorrow." This title makes two presumptions. First, it assumes a linear path of progress of the Universal Declaration of Human Rights from the articulation of an idea, to its transformation into law in the books, to its translation into actions through practice.

But, in fact, the Universal Declaration is not simply another example of social values hardening into law, which is assumed by this title. It was also a proclamation of a pregnant set of ideas, a perception and understanding of which has also evolved over time. The evolution of our perception has had an influence on its translation into law and then into practice and into our actual evaluation of the importance of what has been achieved already, and what is still before us if we really want to fulfill the promise.

Moreover, the assumption is that the Declaration has evolved as one unit. But, in fact, it is a very complex document and the different parts have taken different paths of evolution. That is in fact a very important point.

The other presumption is that we can look at it today in order to foresee tomorrow. But I think that in order to foresee tomorrow from today in a geometric way we have to see where we started from. We have to go to "then" and "now" before speaking of "today" and "tomorrow."

Human rights, in fact, are the enlightenment's version — a reformulation — of the eternal quest of man for liberty and equality in society. As such, they really started as a philosophi-

cal representation which served as a basis of a political struggle, and started in fact at the same time as the rise of the state as the main form of social organization, the state being represented at that time by absolute monarchies. But, as a result, state power needed a counterweight, and human rights were the philosophical weapon for an argument for limited government.

On the legal level, then human rights were basically a struggle in constitutional terms within national communities. They were not an international struggle.

It took more than two centuries and the horrors of World War II to transform human rights into a question of international concern and their regulation making entrance on the international scene via the shortcut of the United Nations, which designated human rights as a choice area for international cooperation. That is Article 1, Paragraph 3.

The place of the Universal Declaration in the initial U.N. agenda for human rights, as reflected in the mandate which was given to the Commission on Human Rights at its inception, was to chart the ground of this new field of cooperation, so it is a kind of a surveyor's action — and also to serve as a blueprint of the edifice that had to be built on that ground. So it is basically a chart and a blueprint which includes a certain structure and a certain architecture in the blueprint itself.

As a chart, it has weathered well the half-century of its life. It has not enlarged very much. We have enlarged it on the periphery, on things like the right to a healthy environment. While there are many, many other human rights which have been articulated, most of them were, by necessity, implications from the rights mentioned at the inception.

For example, the great absence in the Declaration is the right to self-determination and collective rights, but this right is really a necessary premise of political rights. It is a necessary condition for the full fulfillment and enjoyment of political rights. So, it is not a sufficient condition, but it is a necessary condition, because we cannot give political rights to individuals if together they cannot end up choosing and deciding their fate. The same can be said about the right to development in relation to social and economic rights.

But if we look at the Declaration as a blueprint and we consider the structure and the architecture which is reflected in it, one obvious feature stands out. It is featured even in its name. It is the adjective "universal."

However, universality has two faces. One of them is obvious; the other is less obvious. The obvious face of universality is *universalité rationé persona*. In fact, this was the promise of the United Nations before its organization. The United Nations started as a denomination of the Allied powers fighting against the Axis.

The promise of rights to everybody everywhere was in the Atlantic Charter. Professor Sohn mentioned Roosevelt's "Four Freedoms" which was in the Declaration of the United Nations.[1] It was in the name of these freedoms, which were supposed to be brought to everybody in the world, that the Allies solicited the support of all peoples of the world, including non-independent people as well.

Now, unlike earlier declarations, which spoke the language of all men but in reality addressed only certain categories of men within their ambit, this was addressed to all men and women both in language and intent. I say that because the American Declaration of Independence and the Bill of Rights[2] spoke of "all men," but at the time there was a kind of a genocide of the original inhabitants, and it took another century to come to grips with slavery. So while they spoke the language of "all men," they were not addressed to all men within the realm of the document.

The same situation existed with the French Revolution and the famous Declarations of the Rights of Man and Citizens,[3] because it did not apply to the inhabitants of the colonies. And, although the French Revolution eliminated slavery for a short time, it was very quickly reinstated by Napoleon. Again, it took not another century, but fifty years, to get rid of slavery.

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[1] THE PUBLIC PAPERS AND ADDRESSES OF FRANKLIN DELANO ROOSEVELT, 1940, War and Aid to Democracies 663, 672 (1941).

[2] *See* Declaration of Independence (U.S. 1776).

[3] *See* Declaration of the Rights of Man and of the Citizen (France 1789) (visited April 6, 1999) <http://www.thehallway.com/bookdeclarationsof therightsofman.htm>.

So these were rhetorical declarations, while the Universal Declaration of Human Rights, for the first time, was addressed to all human beings and attached to every one of them by the fact of being a human being without any qualification. This became even more important in the elaboration — which made discrimination, on whatever grounds, a cardinal violation.

This, of course, is a very simple idea, but it is a very revolutionary one. It has very far-reaching implications. But we still have a long way to go really to fulfill the promise of *universalité rationé persona*.

The less obvious face of universality of the Declaration is *universalité rationé materia*. Again, for the first time, compared to earlier historical proclamations, the Declaration encompassed the whole range of rights featured in the human rights philosophical-political debate at the time, as reflected in Roosevelt's Four Freedoms.

Now, three of these freedoms are freedoms in the sense of being free from something. But the fourth, freedom from want, was something new. It was not new internally, because there was great struggle and many revolutions for social justice. But it was new on the international level.

Indeed, Articles 22 to 28 of the Declaration proclaim a set of economic, social, and cultural rights strongly inspired, in fact, by many documents prepared in the United States, including the American Law Institute document which really parallels very well these six articles.

Now, the structure and nature of the relationships between the different categories of human rights implied in the architecture of the Declaration was later articulated and ritualistically reiterated, for example, in the Vienna Declaration of 1993,[4] in terms of their being indivisible, interdependent, and interrelated. This is, unfortunately, the redundancy of the U.N. languages. But it means that you cannot separate them any way without doing great harm to both or effecting a refutation of any hierarchy between them. The uniqueness of the Declaration is in the **unicom** it creates by presenting one bundle of rights.

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[4] *See* Vienna Declaration and Programme of Action, U.N. Doc. A/conf. 157/23 (1993).

But unfortunately, it is precisely on this point that the edifice that was built in the form of legal documents, and then in the practice which followed, has not followed the blueprint.

This deviation from the initial design started immediately after the Proclamation of the Universal Declaration, when at the beginning, in the Fourth Session, the General Assembly decided to have one Covenant. In the following session, the Fifth Session, they decided to separate them, thus making room for different treatment as to the stringency of the obligations and as to the mechanisms of monitoring and implementation.

This differentiation was reflected in the outcome of the two documents which were supposed to translate the Declaration into legal obligations, the two Covenants which were adopted in 1966 by the General Assembly.

When the first U.N. Conference on Human Rights met in Teheran in 1968, as Professor Sohn mentioned, it decided to put the emphasis on implementation. This conference reflected a very, very important shift in our way of conceiving and analyzing human rights and diagnosing the problems with the implementation.

Up until then the attitude was very legalistic, meaning that it was micro-analytical and violations were taken in isolation, set against the standard, and judged on that basis. The great advantage was to make them justiciable, and the right is justiciable if it can be decided in this way. So it was a little bit excluded from the context.

In Teheran, there was a paradigm shift in explaining things because the emphasis was on identifying the basic environmental conditions which would lead to full enjoyment of human rights. There, in the way of social medicine, rather than a specific case of someone who is ill, the conditions which lead to violations and which make for the full implementation and full enjoyment were taken into consideration macro-analytically, not micro-analytically. These were, of course, conditions of peace, self-determination, development; and, on the other side, oppression, exploitation, et cetera, as environmental conditions which must be treated if we want to increase the probabilities of having the rights respected. Of course, that led to even more increasing implications of the two categories, because it showed

to a greater extent the interrelationship between the full enjoyment of one and the full enjoyment of the other.

From then on, if we look at what happened in Teheran, we find that there have been many achievements, particularly in the area of civil and political rights. These came first in the concretization and articulation in greater detail of rights, and of creating monitoring or organizations on rendering these rights justiciable. The case of Pinochet, for example, now is a very interesting case. So we could say there has been a lot of achievement.

However, if this is true, then why is it that, on the eve of the Second U.N. Human Rights Conference in Vienna in 1993,[5] there was a great gloom and a feeling of impeding crisis and everybody was afraid that something bad would happen in the conference? In fact, there was a real fear that this edifice, patiently built, might be partly undone; or, even worse, that mines would be put under some of its main pillars, possibly causing it to flounder.

This was because everybody was speaking of the crisis of universality. In fact, this thrust of human rights had been in the meantime subjected to two radical challenges. One of them is clear, and it was mentioned and discussed at length, and this is the question of cultural relativism. It came basically to the forum with the Iranian revolution and the challenge of the universality of human rights from that point of view, but it was enlarged later to the whole argument of cultural relativism.

Now, I have to say something about this when we speak of cultural relativism. Because you are here in the United States one must keep aside for a minute intellectual arguments. There is a great difference between this challenge and the next challenge I will mention, in that those who challenged the universality of the version of human rights which was mentioned, challenged it in name — they did not challenge human rights or the values which were enshrined in human rights. They said, "We have an alternative set which is superior," and that is a different type of challenge. There is a challenge when you say "the right does not exist" and another challenge when you say "why should we accept this if we have a better system?"

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[5] *See id.*

Now, I know in many cases this argument is really a ploy, and it is used for other reasons. But, still, I think that this challenge is manageable because it is subject to discussion, to negotiation, to asking for proof of supposed superiority. But it needs some open minds to deal with it.

Even if you take Islam — I am not a Moslem myself, although I am an Egyptian — but in Islam the points which are most critical have been subject to many interpretations; they are not subject to one interpretation. So one can deal with it if you accept the premise that human rights, or the values underlying human rights, are common. You can go somewhere from there.

Still, why is it that this was mentioned there? It was mentioned because, in many cases it was a ploy, as I said. It was a ploy as a result of frustration which came from the fact that many of these people considered that they were denied in reality equality of opportunity. They did not have a voice on the international level, they did not have the possibilities of developing and becoming on equal footing with the others, so there was a return to one's own tradition and to one's own identity.

This brings me to a second challenge. Now, the second challenge is in fact what happened to the other part of human rights, the social, economic, and cultural rights. In fact, very little has happened. We do not have the specification, or the standard-setting level compared to the degree of specification we have on the other side, and everything now turns around a sterile discussion of the right to development.

I agree with Professor Sohn that there have been appointments of special rapporteurs, but there is really a feeling of turning around and the more you get, the less you achieve under any item.

The Covenant[6] did not have a monitoring organ. It was created by the General Assembly. In spite of the valiant efforts of the Committee on Economic, Social, and Cultural Rights, and particularly of its outgoing President, who did really a marvelous job of trying to specify the criteria by which performance can be decided, it did not go very far.

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[6] *See* International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. No. 16, at 49, U.N. Doc. A/6316 (1966).

This is the result of two things. First, because of the very great ideological challenge to human rights by the negation of economic, social, and cultural rights as human rights. That was the official policy of the Reagan Administration.

I live in Geneva. Maurice Abrams, who was a representative of the United States, was running everywhere, giving lectures saying it is an intellectual aberration to speak of these as human rights. So that is really the radical negation of half of human rights, if not more. This is the half that touches most of humanity in its flesh, in the way it lives.

Human rights have been a reaction to feelings of injustice, to feelings of deprivation. You feel what you lack much more than what you have. You formulate it in terms of what has to be done, and this becomes a social value. If there is enough insistence on it, it becomes a right.

That is the real problem with the future: today and tomorrow, and this is my conclusion. How can we ensure that we go ahead, not with only one part or a second part. If we try to say "there is a minimum and that minimum should be safeguarded," this minimum may not correspond with what somebody else considers as his minimum.

I have a formula in two parts. The first is — and this is very heterodox, very unorthodox — that we should de-secularize the discussion of human rights. Speaking of sacred, speaking of coming from God or Allah or whatever, is not true. It is not true. It is not true even to say "men are born free and equal" by someone who had slaves. It is just not true. It is a rhetorical device.

We should discuss the legal protection of supreme values of all the components of the international community. To have a real Bill of Human Rights which is not only put on paper, but which is felt and lived by, it must reflect a composite minimum of what each of the different components feels most strongly about. It is only by such a composite minimum that we can have a bundle of human rights which corresponds with the Universal Declaration and which will be accepted and lived by, constituting the standard of civilization, instead of "a" civilization — not the Western, the Eastern, the Northern, the Southern civilization — but the actual universal civilization of the world at the end of the 20th century and the beginning of the 21st

century, and where everybody can identify with it, fight for it, and ask for it.

Thank you very much.

Theodor Meron
New York University Law School

I am delighted to join my teacher and mentor Louis Sohn and my friends Georges Abi-Saab and Paul Chevigny on this panel.

Let me start by discussing some of the achievements of the Universal Declaration.[1]

I need not tell you what tremendous success human rights has had as law, as a living discipline, and as a movement. From the moral and rhetorical, human rights have been transformed into a system of legal entitlements protecting human dignity. We have developed not only a comprehensive corpus of human rights, but also important mechanisms and procedures for ensuring respect for those human rights, systems based on treaties and on customary roles to some extent, drawing on the human rights clauses in the United Nations Charter.[2]

We have done this both on the universal and on the regional planes. The principle of international accountability has been broadly accepted. Governments recognize that they must account to the international community for the way they treat their own peoples. That basic human rights constitute obligations *ergo omnes* is not really questioned.

The readiness of the Security Council, at least in some cases, to decide that gross violations of human rights and humanitarian norms constitute a threat to international peace and security, justifying the invocation of Chapter 7 of the United Nations Charter,[3] opened new possibilities for enforcement.

The normative density and significance of the Universal Declaration are now drastically different from what they were in the beginning; No longer just a standard of achievement, the bulk of the provisions of the Universal Declaration is accepted today as binding norms.

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[1] *See* Universal Declaration of Human Rights, Dec. 10, 1948.
[2] *See* U.N. Charter, 1 UNTS XVI (Jan 26, 1945).
[3] *See id.*

Human rights, with its emphasis on opinio juris as the principal element for the development of the law, is having also a major impact on the development of international customary law in other areas of international law, those areas in which fundamental values are important for the survival and the success of the international community.

I would like just to mention one example of the impact that human rights law is having on other normative systems of protection, humanitarian law or the law of war. Classically and historically a system which operated between sovereign states, international humanitarian law / law of war is actually being rewritten to accommodate and to take account of some major human rights concerns.

The circle of beneficiaries of human rights has also been drastically changed. From the focus on primarily political opponents and prisoners of conscience, we now include additional beneficiaries — women and children, prisoners, the disabled — and, in armed conflicts, the entire population of countries.

It is not only human rights law that we must take into the calculus. International humanitarian law has importantly added to the normative arsenal of protections in those situations.

Human rights treaties, the progeny of the Universal Declaration, have been widely ratified, and customary human rights law or principles of international law recognizing human rights have rapidly grown.

Through customary law and treaties, international human rights has become — and is becoming — the positive law of nation states and of the international community. Scholars have developed a variety of strategies and doctrines to make human rights binding on an international basis, even for states which have not ratified some human rights instruments.

A recent development of great importance has been the criminalization of certain violations of international humanitarian law. The norms of international humanitarian law that we have criminalized often overlap with fundamental human rights norms. So, for the first time, we see the emergence of a real possibility to apply some criminal law strategies to violations of human rights, not only of humanitarian law. The developments in Rome are just the last stage in this development.

But what about weaknesses? The achievements which I have mentioned have been accompanied by many weaknesses — for example, the breadth and the number of reservations to human rights treaties, politicization, selectivity in the application of norms. If the true test of human rights is the application of human rights domestically by governments in their countries toward their populations, then the fact that we see so many reservations, and such far-reaching reservations, would suggest that some of those tests of effectiveness have not been met.

It is only proper that I should single out for particular criticism the reservations that the United States has made, for example, to the International Covenant on Civil and Political Rights,[4] reservations which are extremely far-reaching, and emasculate some of the norms stated in the Covenant. The human rights movement should have on its future agenda a campaign for the withdrawal of some reservations.

Our assumption has always been that democracies are human rights-friendly. And of course we live in a great democracy, but it can be — and should be — pointed out that our own federal system has been unable to bring about a change in our laws and statutes in order to comply with the obligations that, were it not for the reservations, would result from the Covenants or treaties to which we have adhered.

This reluctance, this inability of our system to accommodate human rights, to change our laws, results from a perception that our own constitutional system is superior.

I would like to say a few words about economic deprivation. We international lawyers have always found it somewhat difficult to grapple with economic rights, especially because the Economic Covenant[5] provides only for a progressive realization of economic rights, a realization which is related to the availability of economic resources. It has not been easy to articulate the core obligations which can be distilled from those provisions of the Covenant.

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[4] *See* International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. no. 16, at 52, U.N. Doc. A/6316 (1966).

[5] *See* International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. no. 16, at 49, U.N. Doc. A/6316 (1966). (CHECK CITE).

The Committee on Economic Rights has tried to articulate some such core obligations, but recently the trends toward globalization, privatization, conditions of extreme economic competition, the struggle for economic survival, have combined with various economic crises to bring about a retrenchment in domestic systems of economic and social safety nets, which in the past have been historically provided by government and public institutions. This is true also of rich and developed states. These cuts, this retrenchment, sometimes reach an extent where human dignity is called into question and the possibility of enjoyment of political and civil rights is seriously impaired.

While trends toward privatization and globalization are perhaps inevitable, and in some cases beneficial, states cannot ignore the fact that these developments are having a severe impact on the needs of large groups of the population and on the possibility of a meaningful enjoyment of civil and political rights. This, again, applies not only in the poor or medium-poor countries; this is true — and look at the recent United Nations Development Report — also of our own country, the United States. With the decline of regulation by states of economic and social activity, can market forces really be expected to accommodate economic rights and economic expectations? The assumptions that were common at the time the Universal Declaration was adopted — even in 1966, when the International Covenant was adopted — that states have and will maintain a fairly large measure of regulation of economic and social activity, may no longer be true.

Let me turn, briefly, to the challenge of non-governmental actors.

Accepted the human rights doctrines suggest that obligations run from governments to people. However, non-governmental actors are having an increasing impact on human dignity and on human rights. We must consider a human rights agenda, or a research agenda, which takes these developments into account, even at the cost of theoretical purity, and tries to articulate human rights principles which can effectively be addressed to non-governmental actors.

The collapse of security structures in many countries, the fact that many states are in a state of security collapse, the col-

lapse of judicial and prosecutorial systems in many countries, and the increasing role of insurgencies, of rebel movements, and other non-government actors, must be addressed.

We have some language in human rights and humanitarian law treaties which appears to be relevant, as, for example, through due diligence, and state responsibility. But this has not been effective.

Terrorism — how do we relate human rights to terrorism? The Human Rights Commission of the U.N. has recently adopted a number of resolutions on human rights and terrorism. It characterized terrorism in some cases as aggression. Many states have abstained because they still believe that it would be wrong to articulate complaints other than to governments.

The mention of aggression by the Human Rights Commission only rhetorical? Look at the security situation in and around the Congo. Is trans-boundary aggression by non-governmental forces still only theoretical? And do we have in the international law an arsenal of norms that addresses those issues?

The United States has justified the attack on the Bin Laden compound in Afghanistan on grounds of self-defense. We really must come to grips with the international legal issues that all this presents.

Privatization can be very good. It can also be problematic. It clearly presents challenges. With regard, for instance, to security services, correctional facilities? What is the real impact of all that on due diligence duties, on the effectiveness and concreteness of state obligations.

Perhaps because of the lack of clarity regarding the effective addressees of international norms, a criminal strategy can be more effective because it addresses individual responsibility. People who commit atrocities could be brought to justice before courts of third states under the universality of jurisdiction principle.

Finally, let me say a few words about the Rome Statute on the International Criminal Court. Here the most important development, no doubt, has been the adoption of an expansive statement of crimes against humanity. This is particularly im-

portant because of the deletion and abandonment of any nexus with armed conflict, whether international or internal.

And also, what is extremely important with regard to crimes against humanity under the Rome Statute, is that we have dropped the requirement that crimes against humanity could only be committed by governments. It is enough if they would be in pursuance of a policy followed by other organizations or institutions.

We have also criminalized violations of Common Article 3 of the Geneva Convention.[6] If you read the statement of crimes against humanity in the ICC Statute together with the provisions of Article 3 of the Geneva Conventions, you realize that some of the norms stated there are clearly indistinguishable from basic fundamental provisions of human rights.

Thank you very much.

[6] *See* Geneva Convention, Aug. 12, 1949, art. 3, 75 U.N.T.S. 31.

QUESTIONS AND COMMENTS

Q: I would like to comment on an interesting point, actually something that Professor Meron mentioned, which picks up on something that Professor Gardner mentioned earlier this morning. Professor Meron said something like this, that human rights is about the way other governments treat their people. Professor Gardner this morning said that human rights is about the way other governments treat their citizens.

Now, there is a two-way street. It is not about how other governments treat their citizens. It is also about governments treating other citizens. In fact, it is about individuals, not as citizens but as human beings. This is indeed something that most people are unable to perceive. How can we look at individuals not as citizens but as human beings, which raises the international legal issue of the roles and standards of the individual as a person of public international law, and certainly challenges the classical definition of sovereignty? We are here facing and challenging the old, traditional understanding and definition of sovereignty.

Which takes me to another point which I would like to challenge, which was raised by Professor Abi-Saab, who dismissed the American Declaration of Independence and the French Declaration on the Rights of Man and the Citizens as rhetorical dimensions, when this is not so. It is something like Professor Gardner said this morning, that words by themselves have no power.

No. I believe that words do have their own power. I concede that, as far as the American Declaration of Independence is concerned, that it certainly has a lot of problems, and I concede that it may have taken two centuries to realize the abolition of slavery and the civil rights reforms of this century, of the 19th century. But it could all be traced to the Declaration of Independence and its human rights content.

Similarly, the French Declaration of the Rights of Man and Citizens has since then unquestionably been the root of the parallel development in secular civil and human rights within the Continent of Europe.

The effect of and influence of the two great declarations merged in 1948, I believe, in the form of the Declaration that we are celebrating today.

Thank you.

PROF. CHEVIGNY: Comments? Professor Meron

PROF. MERON:

It seems to me if I emphasized protections and duties by governments vis-a-vis their own citizens, then I said something that I should not have said. Of course, governments are also responsible vis-a-vis their citizens, but it is one of the great characteristics of human rights that they are basically passport blind. They apply to people within the country. You can find language to that effect both in the Universal Declaration and in Article 2, for example, of the International Covenant on Civil and Political Rights.

Not only do they — except for some political freedoms, such as voting or election or the right to be elected — apply to everybody in the country, but over the years we have seen, fortunately, an interpretation of the political covenant which gave the covenant some extraterritorial effect outside of the territory of the state. For example, where agents of the governmental apparatus outside of one's country subject foreigners to the power of those institutions, albeit it even temporarily, it is now clear under accepted international human rights law doctrine that the obligations of the state apply also outside of the territory of the state. In those cases, of course, most of the beneficiaries of those protections would be aliens, would not be citizens.

PROF. CHEVIGNY: Professor Sohn?

PROF. SOHN:

I would like to emphasize the fact that each declaration of human rights usually deals with a problem that was created before, and therefore they are trying to deal really with something that they do not want to happen again. The United States Declaration was clearly of that kind. As you can see from the Declaration of Independence itself very clearly, they eschewed all those things that the British kings had done to them. There-

fore, they say "we not only do not want those things done by the British kings, but we want to be sure that our own rulers are not going to do those things to us." Therefore, we are making very clear that our new government that we are establishing is not entitled to do all those things that the British kings were trying to do to us. That was one thing.

Second, international law in the past was very much defending foreigners rather than nationals, because that was the idea, that a government was responsible for what happens to its citizens abroad. Therefore, if people in other countries have done something wrong, the government started intervening. The whole history of the 19th century, in particular, has been always you interfere somewhere because they have done something to your citizens, not to their citizens. When it came to what somebody was doing to their own citizens, then we said "it is just too bad," but we should not interfere with what a country is doing at home.

The change made by the Universal Declaration was that now you are supposed to be concerned with what happens to anybody anywhere. This was a great change, especially in the way that we have started now interpreting the case that was cited of the Chilean President. It is exactly the case saying that Spain is entitled to do something to the Chilean President for what he has done supposedly in Chile. But, in a way, that goes back really to the old one, saying that the Spanish Government could not do anything to the Chilean before, but it has now gotten international permission that, even when the president is of a foreign country, the person can be caught and have something done to him.

The same thing we are now doing to various people who have committed some crimes in Bosnia. We wait for them to show up somewhere else and we grab them at that point. We are now saying, "It does not matter what you commit, to whom you commit; if we have a chance to get at you, you are going to be punished."

Q: I wondered whether anybody would speak to the question of the possible application of human rights rules to corporations. When the United States made its Bill of Rights, I think corporations were small, and I doubt very much that anybody imagined that the Bill of Rights or anything else should apply to

them. But now, in the United States through campaign contributions, throughout the world and probably also including the United States through bribes and other mechanisms, large corporations have a tremendous amount of power, and as employers they have a large amount of power. One wonders whether they should be subject to these rules. I throw that out as a question.

PROF. CHEVIGNY: Does anybody want to comment on that?

PROF. SOHN:

I could give one example that people did not know even that existed. Namely, in the Marshall Plan we needed not only resources from the United States but also from other countries, especially Latin America. Our government then enacted the law that said that if an American company is using, say, Brazil as a place for producing things that they are going to send under the Marshall Plan to Europe, they have to observe the international law of the subjects, namely the Convention of the International Labor Organization, in the treatment of their workers in Brazil under those conventions, and therefore they would be punished if they do not. Therefore, that was one example of corporations doing something abroad that could then be punished at home for having done it.

PROF. CHEVIGNY: Professor Abi-Saab?

PROF. ABI-SAAB:

There is what is known as the lateral problem of human rights, because indeed the legal regulation usually envisages the relationship as one between the residents, not necessarily the citizens, and the government under whose authority they live. But of course you know that there is this business of respecting and protecting human rights. The obligation of the government is not only to respect but to protect, and the idea of protecting is protecting because there is this lateral relationship, once human rights can be threatened not only by authority but by the other citizens.

Of course, when it comes to concentrations of power, as we are seeing now — it has always existed, but it is even magnified now — in economic power, and the danger is much greater.

Now, the problem is not as to the basis, because the basis is there. The problem is that the regulation has not really been done on the basis of that model, and so it was treated usually as a peripheral question. I think we have to think in terms of norms of application which take that much more into consideration.

I just want to add a footnote to what Dr. Mugraby has said. I did not scuttle at all the French Declaration or the American Declaration of Independence. What I said was that there was a hiatus between the rhetoric and the real addressees at the time. But over time the rhetoric remains. That is why we hate, when we speak of law-making treaties, we hate to look into *travaille preparatoire*. We take the words for what they are and forget in order to give them more power. Of course, these are great historical documents and they have inspired a lot of people. But I just wanted to say that in relation to the Universal Declarations there was no hiatus between what was said and what was intended.

Q: I just wanted to comment on the corporate question and then direct a question to Professor Meron.

Essentially in terms of cost, probably the most productive way to look at this is through the issue of sanctions. Studies recently have shown, for example, that whenever the United States, for example, enacts some program of sanctions against a particular country, it in effect shifts the burden of the cost of those sanctions to the corporate sector. So, reluctant as the corporate sector may be, it does carry the cost of those sanctions.

If one looks at the transformation of South Africa, I do not think that anyone denies the role of, say, David Rockefeller, whose essential initiative in withdrawing trade with the South African regime in 1985 resulted essentially in a crisis of economic confidence in South Africa and actually played a significant role in the enactment therefore of the Anti-Apartheid Act of South Africa, which ultimately led to the accelerated process of transformation.

Now my question to Dr. Meron. He had talked to the technical question of the expansion of the sources of international law and the role that human rights processes have played in broadening those standards. He focused, of course, on the international side of it and he focused on the regional side of it, but

he did not mention what I consider to be one of the most dramatic developments, which is the redesign of constitutional systems of the post-Cold War new orders.

I have given the specific examples. The South Africa Constitution is probably the most human rights-sensitive constitution currently. The Ugandan Constitution is quite impressive in human rights terms. Certainly, the conditions of transformation in the Balkans were tied to human rights performance as a benefit.

So I was just a bit curious about that. Even the Canadian Supreme Court most recently came out with a quite impressive decision on self-determination with respect to the situation of Quebec. So I am curious about that omission from the analysis.

PROF. MERON:

The omission resulted simply from lack of time.

PROF. CHEVIGNY:

Now is your chance.

PROF. MERON:

There is no question that the inclusion of values drawn from the Universal Declaration and human rights instruments in domestic laws and in constitutions of many nations is of critical importance for the real test of human rights, which is, as I said, the domestic application. So definitely.

I will not speak at length on that, simply because I agree with everything that you have said. But I would like perhaps to take it somewhat further and point to a very interesting technique which has been resorted to by the Council of Europe in order to promote some human rights values.

As you are aware, the Council of Europe has taken the position that countries that would like to join the system of Strasbourg, the system of the Council of Europe — for instance, countries in the former parts of the former Soviet Union — would have to accede not only to the European Convention on Human Rights, but also to the principal protocols to the European Convention. This is a very interesting way in fact in sort of coercing, almost forcing, states and governments to accept to subscribe to human rights commitments, with the incentive of

joining the Council of Europe. Many of them do so because they regard the Council of Europe as perhaps a half-way station towards perhaps eventual admission to the European Union, with all the economic advantages that this would bring.

But here we see how in fact sovereignty is really coerced to bend, to the extent that, "Yes, you do not have to accede to those instruments, but then you will not become a member of the institution of which you would like to become a party."

Q: In various presentations made so far at this Celebration, all of the speakers have touched in one way or another on the importance of economic rights. And yet, as Professor Meron noted, we live in an age where the ideology of the market is freedom and the goal of accomplishing anything meaningful in terms of economic rights seems to be receding, not getting closer.

Speaking as lawyers, addressing my question to you each as lawyers, as social engineers: Is there really any purpose in pursuing this venture any further? As lawyers, where might you accomplish something meaningful? Several of you have talked of filling out some of the standards, measurements as to whether you can say a society is in compliance or not. But is there really any purpose at this stage to pursuing this venture; or should we just acknowledge the reality that the economic rights touched on in the Universal Declaration are, if anything, further from realization than ever?

PROF. CHEVIGNY: Who wants to attack that first? Professor Sohn?

PROF. SOHN:

I think what we have in mind really is the fact that economic rights have now become important very much globally, because to some extent economic rights are connected with the economic crisis. It goes all the way to Bismarck in the previous century. When the socialists were getting a lot more votes, he decided to go ahead of them. He said, "I am going to do it by government edit, give those rights to workers. That is the way I will take the wind from their sails." It did not work. They were still gaining votes. Then he finally said, "All right, we are going to be just more critical on the subject."

But now what we are doing is saying "unless you behave yourself and adopt proper rights for your own citizens, we are not going to accept it."

Professor Meron has mentioned the Council of Europe, which is in charge of human rights in this respect, says, "All right, if you are not behaving properly, we are not going to recognize the credentials of your representative to our meetings. We are very sorry, but they are not going to be permitted to speak at our meetings until you behave yourself, because you promised when you were admitted you were going to do *A*, *B*, and *C*, and you have not done it. Therefore, your representatives are here under false pretenses, and therefore we do not permit them to participate." That is one of the sanctions you can have.

The United Nations could probably make it wider if they wanted to. In fact, you might say that sanctions are being applied to the United States at this point. For instance, a few days ago there was an election of members to the very important committee of the General Assembly which is in charge of the budget of the United Nations, which the United States originally insisted be established and the fact that the Permanent Members would be also on it, and the United States was, properly obviously, elected to it. Now, because the United States does not pay its dues, they said, "All right, therefore they have nothing to say about the finances of the United Nations," and our delegate was not elected and somebody else was elected in his place.

PROF. CHEVIGNY: Professor Abi-Saab?

PROF. ABI-SAAB:

Your question really merits a whole session. You see, I think, to be very frank, insisting on these rights is really one way of resisting the universal new religion of "market-theism," as I wrote it in one of my articles.

How far can this trend go to dismantle the state — to dismantle the welfare state first? Now we are really cutting even in the "night watchman state" because if you contract out security and things like that, what remains for the state? So we get into a new system, perhaps.

Of course, the whole legal regulation and international law has to be rethought. But personally, I think that the reliance on the "invisible hand," which led to social Darwinism with the mounting international market and industrialization by the end of the last century/beginning of this century, has created great dysfunctions and led to great revolutions all over. Moreover, the two reactions, at least European reactions, were the socialist state/Marxist type, or the welfare state/Keynesian type. Somehow, these have conditioned to a great extent our thought.

Now, if you say should we scuttle this, I think that would mean that the die is cast. I am not sure the die is cast. What are now social and economic rights or the rights to development and all that were previously used much more as a sword; now they are used basically as a shield. There is a minimum beyond which human beings are not treated as human beings.

Ted mentioned the last report of human development. In it, one-fifth of humanity, 1.3 billion, live on less than $1.00 a day. Every day, 36,000 children die from curable diseases. There are statistics which are really mind-boggling.

If $40 billion is spent every year for ten years, that is 0.016 percent of the national income of the world, you will have essential services, i.e. social services, health, education, *et cetera*, for the whole world. Services for the whole world with $40 billion. That is nothing. Compare it to the military budget of a middle-sized country — I am not speaking of the United States.

So all what is being said is that if you go beyond this limit, we enter into the Rule of the Jungle again. And then, do not speak of human rights and say "you violate this, you violate that." There will be chaos that way.

But if conditions of life become very tough for a great majority of humanity, not just for the poor in the developed countries, then why should we speak of human rights? We should speak of the survival of civil societies. So in a way, that is what is at stake.

It is very interesting. A few weeks ago, there was a fiftieth anniversary of GATT in Geneva. Both Clinton and Fidel Castro were there. Fidel Castro was, of course, the super-star. They interviewed him on television and said, "What do you think of globalization?" He said, "I think of globalization as I think

about the law of gravity. This is something which is happening. So the question is not globalization; it is how to deal with globalization." He said, "If we have to use globalization, let's play the globalization of solidarity, not only globalization of scuttling everything else."

So I think you cannot read this simply as a technical/legal question, law rights. Look at the word "right." What is a definition of a right, an individual right? It is a value which law considers as worthy of legal protection or an interest which law considers as worthy of legal protection. There is a value judgment there. We cannot evaluate the value judgment and treat it as a technical question.

That is my short answer.

PROF. CHEVIGNY: Thank you very much, gentlemen. It was extremely good.

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A group of Filipino children hold up a placard in front of the Chinese consular offices in Manila as part of a demonstration by the local branch of Amnesty International against alleged human rights violations in China, including allegations of child abuse, which Beijing has hotly denied.