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## Clinton Is Right on International Human Rights

By Andrew Reding

Secretary of State Warren Christopher's June 14 announcement that the Clinton administration will pursue ratification of four human rights treaties has set off a volley of protests from the folks who brought down the Lani Guinier nomination. In separate but almost identical editorials, the Journal and Charles Krauthammer (writing in the *Washington Post*) have fired opening shots, taking special aim at the International Covenant on Economic, Social and Cultural Rights. This Covenant, they insist, serves the interests of Third World "kleptocrats," who would use the treaty to undermine civil and political rights, and to compel the U.S. and other advanced industrialized powers to subsidize their repressive and impoverished regimes under the guise of "development."

Even a cursory glance at the list of countries that have and have not endorsed the covenant suggests that Mr. Krauthammer and the Journal have their argument backward. Most of the countries that would relativize civil and political rights in the name of "development" have not even signed the treaty, much less ratified it. That includes China, Myanmar, Thailand, Indonesia, Malaysia, Pakistan, Saudi Arabia, Nigeria, South Africa, Paraguay, and Cuba. Conversely, the treaty has been ratified by all the world's major democracies except the United States. Backers include Japan, South Korea, the Philippines, Australia, New Zealand, Canada, all of Europe, and almost all of Latin America. This alignment should lead us to suspect flaws in the rest of the argument.

To begin with, it is no accident that authoritarian regimes find the treaty unpalatable. Among its main provisions, the covenant establishes rights to form free trade unions and to strike. Such rights are anathema to autocrats of the right and left alike for two reasons. First, free labor unions—like free elections—create checks and balances against centralized authority. Second, most Third World autocrats are deliberately repressing labor in order to ensure artificially low wages that will boost exports and attract foreign investment. In this sense, they are indeed "kleptocrats," using their monopoly of political power to channel the benefits of economic growth to privileged elites. That, incidentally, is why they also do not like the covenant's provisions for occupational health and safety and reasonable minimum wages.

But that is not all. Far from requiring that wealthier nations subsidize less prosperous nations, the covenant lays primary responsibility for satisfying citizens' rights to health, education, nutrition, housing, and social security on their own governments. Recognizing

disparities in resources, the treaty calls for “progressive implementation” of such rights in keeping with the financial capabilities of member states.

Nowhere does the treaty establish a “right to development,” or any other “collective right” other than the right to self-determination, as implied in a May 19 Journal editorial page article by Amity Schlaes. On the contrary, Article 6(2) specifies that development is to proceed “under conditions safe-guarding fundamental political and economic rights of the individual.” While international cooperation is encouraged, it is voluntary, and accompanied by the presumption that beneficiaries will honor their obligation to respect essential freedoms, including labor rights.

Autocrats of all stripes who harbor thoughts of trying to use economic, social, and cultural rights as a counterweight to civil and political rights will find little solace in another provision of the Covenant. Article 5(2) specifies that “No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”

If you begin to suspect this is another of those “Western-inspired” treaties sneered at by apologists for dictatorship, theocracy, and one-party rule, you are right. Examine both the content and pedigree of the Covenant on Economic, Social and Cultural Rights, and you will find it shares a common legal philosophy and parentage with its sibling, the Covenant on Civil and Political Rights, which was ratified by the United States last year. Both elaborate on rights first proclaimed at the global level in the Universal Declaration of Human Rights.

As such, the Covenants fulfill the vision of Franklin Roosevelt and Winston Churchill in the Atlantic Charter—their “joint declaration” of August 14, 1941, in which they sketched out the mission of what was to become the United Nations. Among other provisions, the charter specified the two leaders’ “desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security.” Of further importance was the endorsement by Churchill—a man of impeccable conservative credentials—of the principles of “freedom from fear” and “freedom from want,” two of the “four freedoms” popularized by FDR (the others being freedom of speech and worship).

Underlying this position was the recognition that human rights are indivisible. Conscious of the origins of the tyranny they confronted, Churchill and Roosevelt understood it is pointless to try to segregate civil and political rights from economic and social rights. As President Roosevelt noted in his 1944 message to Congress, “true individual freedom cannot exist without economic security and independence. ‘Necessitous men are not free men.’” The converse is a point not lost on the autocrats and plutocrats of this world, who understand all too well that granting labor rights and providing for decent wages, education, health care, and social security is as dangerous to their positions of privilege as holding free elections. History and present experience confirm that broad-based, well-educated, and economically-secure middle classes are the most reliable enemies of arbitrary rule, and most stalwart defenders of democracy.

President Clinton and Secretary Christopher are upholding the best American tradition in pursuing ratification of the International Covenant on Economic, Social and Cultural Rights. It is now up to the Senate to decide what company we shall keep: whether the United States will weigh in on the side of the international autocrats' club, or join our fellow democracies in completing an international bill of rights that will contribute to the global consolidation of democracy and the rule of law.

*Mr. Reding directs the Project for Global Democracy and Human Rights of the World Policy Institute*