



ENDOWMENT  
for St Andrew  
The First-Called  
FOUNDATION

PANEL DISCUSSION

# European choice: globalization or re-sovereignization?

BOOK OF REPORTS



## European choice:

GLOBALIZATION OR RE-SOVEREIGNIZATION

Geneva 2015





PANEL DISCUSSION

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# European choice:

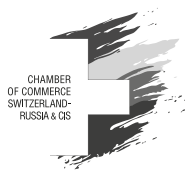
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Geneva 2015

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## Lyal S. Sunga

Visiting Professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund, Sweden/Special Advisor on Human Rights and Humanitarian Law, International Development Law Organization, Rome, Italy



Bonjour! My name is Lyal Sunga — I’m a Canadian national and Visiting Professor at the Raoul Wallenberg Institute of Human Rights in Lund, Sweden, but I live in Rome, Italy. I speak today in a personal capacity only.

Let me thank the St Andrew Foundation and Le Club Suisse de la Presse for inviting me to address globalization and sovereignty in Europe-Russia relations, which have become very current issues, particularly against the backdrop of the Ukraine Crisis. Perhaps because of my academic and UN human rights perspective, the conference agenda note’s reference to human rights caught my attention, and it made me reflect on the larger human rights and globalization debate.

The conference note observes that: a “growing number of public actors, experts and researchers start sharing the view that such requisite ingredients of globalization as ‘universal human values and rights’, the pre-set standards of tolerance and political correctness (or rather political comfort) are conducive to distortion of factual historical memory and to the entrenchment of a narrow group of beneficiaries of the current transformations.” It goes on to suggest that these things reduce sovereign control over national and international economic and financial processes.

In the larger globalization debate — and I am not talking specifically now about the conference note — some argue that human rights is a western invention, that it doesn’t

apply to every country because of unique cultural differences, that ‘human rights is just hypocrisy or politics’ or that ‘human rights is a purely internal matter and therefore no country should criticize what happens in other countries’.

Let me advance some counter-arguments:

- First Human rights law is not just politics. It protects the full range of rights including the right to life, right not to be tortured or enslaved, right not to be arbitrarily executed and all sorts of other basic rights such as free speech, association, religion or belief, equality, fair trial and all the civil, cultural, economic, political and social rights set out in various human rights instruments, and in other sources of international law.
- Second About human rights being mainly a Western invention, historically every culture has recognized human rights and freedoms in some way or other. And the Universal Declaration of Human Rights was drafted by experts representing various countries, continents, cultures, ideologies and religions from all over the world — they were not just from Western countries. Even if human rights were a purely Western invention, which it is not, that would not mean that it is not useful in all countries. Just because paper was invented in China does not mean paper is not useful or valuable in other countries.
- Third No rational person would argue against human rights. Just ask anyone facing the risk of torture or any other serious violation. And since anyone can fall victim at any time to the State’s abuse of power, every rational person has to be concerned at least about his or her own human rights, if not those of other people. This means that logically and morally every rational person should support full human rights promotion and protection for everyone and not just himself or herself.
- Fourth Arguing that international human rights law cannot be universal because all cultures are different, implies that some cultures don’t at all recognize basic rights and freedoms. Fortunately, every culture respects at least some human rights. Anyway, who wants to live in a country that doesn’t recognize the right to life, the rights not to be tortured or enslaved, or all the other universal human rights?
- Fifth In 1945, the international community definitively rejected the argument that human rights fall within the domain of exclusive State jurisdiction. The reason was simple. Nazi Germany demonstrated very well what can happen if the human rights of citizens are left completely to the mercy of their own Government without any effective international control. Serious, mass, systematic and widespread violations destroy not only people, property, livelihoods and social fabric within a country, but they also undermine international peace and security. That means that serious violations of human rights perpetrated in faraway countries can quickly threaten your own peace and security whether you recognize it or not, whether the threat comes from war, terrorism, or other consequences of weak human security.

Sixth Some argue that human rights protection is so good in their own country that it is even superior to international human rights law. But that argument makes little sense because international law itself recognizes that people are entitled to the highest rather than the lowest human rights protection available, whether that protection comes from national, regional or international norms. In other words, if you have higher human rights protection in your domestic law, lucky for you! International human rights do not at all detract from the quality of your human rights protection, but instead ensures a minimum floor beyond which no country should sink. In any case, in reality, no single country on Earth has human rights law and implementation that comes up to the standards of international human rights law in all respects, so some Governments have been using this ‘our human rights law is better than international human rights law’ argument to evade and avoid questions about what is in reality their own poor human rights records.

Seventh On the sovereignty issue, States themselves developed international human rights law in a deliberately broad and general way to allow for a certain degree of adaptability in implementation at national level. Nothing forces a State to sign and ratify any particular human rights treaty. Not only that, but every State can choose to ratify a treaty and still enter reservations to particular provisions it does not like as long as these reservations do not contradict the treaty’s objects or purposes. Thus, full human rights implementation is completely an expression of a State’s sovereignty, and it by no means threatens it. Good human rights implementation in full conformity with international law moreover signals that the Government enjoys a high degree of legitimacy and confidence such that both the people and Government trust democracy, human rights and the rule of law over tyrannical or authoritarian impulses.

By promoting rule of law and human security, international human rights law guards State sovereignty and promotes conditions conducive to good international and national economic and financial processes, quite to the contrary to what was suggested in the conference note’s reference to human rights.

What about universal human rights leading to distortion of factual historical memory? And do human rights entrench a narrow group of beneficiaries in Europe-Russia relations?

Behind these assertions is a concern probably not so much about human rights promotion and protection itself, but the way some Governments have used human rights as propaganda weapons to denounce certain others. As the international climate worsens, these denunciations often become shriller.

In some instances, Governments have used human rights to justify military intervention in other States under the guise of ‘humanitarian intervention’ or to engineer regime change — a point I enlarged upon extensively at the Rhodes Forum in September 2014. The historical record shows that intervening States use humanitarian intervention to promote their own self-interest. That might explain why outside interference often seems not to benefit the people who were supposedly its intended beneficiaries.

Yet military intervention is quite different from mere criticism by one State of another’s human rights practices. Human rights must be debated internationally as part of regular diplomatic discourse simply because human rights cannot be entrusted

entirely to individual Governments. To be sure, the sight of Governments hurling accusations of human rights abuse against one another is often not a pretty sight. But it is definitely a good thing if such discussions draw attention to violations and help to pressure a Government or territorial authority into more responsible behaviour. I prefer to see human rights continuing to form part of vibrant international debate rather than to have to endure more polite or sterile diplomatic discourse because real debate ultimately helps people claim their rights and it can save victims and potential victims from real pain and suffering.

That is why I am also very grateful to the St. Andrew's Foundation and Le Club Suisse de la Presse for having invited me to share my thoughts with you on the importance of human rights to current globalization and sovereignty debates.































## About the Endowment for St Andrew the First-Called Foundation

The Endowment for St Andrew the First-Called Foundation was established in July 2013 in Geneva. The mission of the Fund is to study and preserve the Russian cultural and historical national values and national legacy both in Russia and abroad as well as to provide for peaceful coexistence of different nations and confessions.

Attracted donations and the return on their investment will be allocated to the development of the oldest Russian public organizations St Andrew the First-Called Foundation and the Center of National Glory.

The Fund's goals:

- granting scholarships;
- providing financial support for media, educational institutions or projects, or research centers;
- financing research and cultural projects;
- providing financial support for conferences, seminars, symposia and the like;
- encouraging by all adequate means, notably with financial support, research and action groups or thinks-tanks.

You can find more information about the Endowment for St Andrew the First-Called Foundation and supported organization and programs on our website: [www.st-andrew-foundation.org](http://www.st-andrew-foundation.org)

If you wish to make your contribution please contact **Ekaterina Gerus**, Vice President—  
Donor Relations of the Endowment for St Andrew the First-Called Foundation:  
[egerus@st-andrew-foundation.org](mailto:egerus@st-andrew-foundation.org)

Endowment for St Andrew Foundation  
c/o Salamander Suisse  
Rue du Rhone 56, 1204 Geneva, Switzerland

Выходные данные



