Human Rights and Societies
in Transition

in Transition

Causes,

Consequences,

Responses

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Human rights and societies in transition: International context and sources of variation

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Human rights violations are often particularly severe in transition societies that are undergoing significant political, social, and economic transformation.[1] Improving human rights practices in transition societies should therefore be a central goal for domestic reformers and the international community alike. This makes sense, not only because of the intrinsic value of improved human rights protection but also because of the indirect effects that such improvements have on democratization, economic development, and conflict resolution.

To address transitional human rights problems constructively it is necessary to understand both the international regime pushing for human rights improvements and the main sources of continuing violations. The international human rights regime consists of international and domestic norms and standards, on the one hand, and of practical promotion efforts by intergovernmental organizations (IGOs), non-governmental organizations (NGOs), and sovereign state policies, on the other. The main sources of continuing violations are hypothesized to be political regime type and political leadership, political cultures and national identities, economic structures and interests, and civil and international military conflict. Transitional human rights violations are common because the international and domestic factors favouring improved human rights are so often overwhelmed by international and domestic factors favouring continued violations. In future, more constructive efforts to promote

transitional human rights should focus on building up the most promising favourable factors and targeting the most readily changed unfavourable ones.

This book represents a joint effort by 17 scholars from various parts of the world – specializing in political science, sociology, law, and diverse regional studies – to explore the contemporary international human rights regime, the factors predominantly responsible for human rights violations in transition societies, and the long-term consequences of such violations. The volume also tries to identify how NGOs, IGOs, and states can most constructively act to pre-empt or correct transition-related human rights violations and prevent the relapse of these societies into government failure, economic devastation, communal violence, and, eventually, war.

This introductory chapter begins by summarizing the main elements of the international human rights regime. It then sets out some basic hypotheses on important sources of transitional human rights practices. Next, it discusses some tentative findings concerning the sources of human rights practices, and explores some preliminary implications (a more detailed discussion of findings and recommendations is left to the concluding chapter). The final section describes the organization of the volume and summarizes the contents and findings of the individual chapters.

The international human rights regime

Today's international human rights regime consists of an accumulating body of internationally accepted norms and legal instruments, along with efforts by IGOs, NGOs, and national governments to promote improved human rights practices. The post-World War II foundation for the international human rights regime is the 1948 Universal Declaration of Human Rights (UDHR). The UDHR went beyond the traditional civil rights focus to embrace political rights and economic, social, and cultural rights. This set the precedent followed by a long stream of subsequent human rights conventions and resolutions. These provided more detailed statements of recognized civil, political, economic, social, and cultural rights and expanded human rights protection into new areas (such as various group rights).[2]

Unfortunately, the process of abstract standard setting has made more rapid progress than efforts to legitimize and enforce the standards in practice. Practical efforts by IGOs and governments have been limited by two main factors. First, the principle of non-intervention in the internal

affairs of states is given great prominence in the UN Charter. Most states view this principle as the most important legal guarantee of their sovereignty against intrusions by other, more powerful states and the objectives and ideologies that animate them. A second, similar, constraint operates from the direction of states and societies that more strongly embrace human rights standards, both for themselves and for others. On the one hand, such states are more likely to link an ideological embrace of human rights with the complementary pragmatic view that expanding human rights protection is in their national security and economic interests. Moreover, such states are most likely to harbour well-organized and well-financed human rights NGOs. On the other hand, states' pursuit of their security and economic interests also tends to constrain their promotion of human rights, particularly *vis-à-vis* the most powerful and important human rights-violating regimes. Both non-intervention norms and limited interest in intervention explain the highly selective manner in which the relevant UN bodies recognize and condemn human rights violations.[3]

Human rights NGOs and their individual and organizational supporters are the final component of the international human rights regime. NGOs are largely unconstrained by national interests. Although they have their own ideological biases, competition among them produces a large and relatively objective stream of information about human rights practices around the world. Just as importantly, NGOs are engaged in ongoing efforts to popularize and advance the whole panoply of human rights causes around the world. These informational and advocacy functions can potentially have significant impacts on élite and public opinion, fertilizing and organizing local human rights traditions and movements to the point where they become prominent and influential in domestic culture and politics. This slow, decentralized process of building human rights awareness through local contacts is probably the international human rights regime's most powerful and consistent force for positive change.[4]

Yet human rights NGOs and their supporters are strongly constrained by local conditions. Most importantly, ruling regimes may impose strong restrictions against organized human rights advocacy, to the point of imposing arbitrary, draconian punishments on all those who try. There are also other types of barriers. On the basis of past national and local experiences, human rights NGOs may be associated with undesirable imposition of alien standards and policies; furthermore, even when the will is there, more pressing problems and threats – such as poverty, economic instability, and civil conflict – necessarily limit locally available audiences and resources.

Sources of transitional human rights practices

Our study focuses on four main factors that seem likely to influence human rights practices: political regime type and leadership; political culture and national identity; economic structure and interests; and civil and international conflict. These factors can have a significant impact both alone and in combination with one another. Apart from the direct effects of the factors operating separately, two types of interactive effects seem particularly likely: authoritarian political regimes are more likely to adopt informational and cultural policies, economic policies, and conflict-related policies that threaten human rights; second, civil and international conflict is likely to destabilize democracies and make authoritarianisms more repressive, which, as discussed, is likely to produce more unfavourable informational and cultural policies, economic policies, and conflict-related policies.

Let us now return in more detail to these four factors and their impact on human rights conditions. First, significant progress towards full democratization is usually associated with greater progress towards respect for human rights generally. In contrast, authoritarian regimes are more likely to employ various kinds of human rights abuses to forestall challenges to their political power.[5]

Full democratization necessarily involves free expression, freedom of the press, and freedom of association for political purposes and organizations, as well as free and fair elections to the positions of real political power. A free political process usually incorporates an array of legal and institutional human rights protections and facilitates mobilization for human rights improvements through the political process. More well-institutionalized and widely legitimate democratic processes are thus typically associated with stronger human rights protection. Of course, the association is far from perfect: extensive political freedom may exist alongside severe restriction of other human rights. For example, arbitrary and corrupt use of police and judicial powers might be significant, but not typically directed at political targets. There might be significant restriction of economic opportunities of individuals and groups, but these might affect people of all political persuasions more or less equally. Traditional forms of discrimination may flourish in the larger society, and political efforts to stop them and to remedy their effects may be intermittent and often ineffective.

However, the situation for other human rights is likely to be worse if political rights and freedoms are weak or non-existent. Authoritarian regimes and leaders typically use their discretionary power to attack and weaken their political opponents and to prevent new opposition from arising. This strategy usually goes beyond action against political free-

doms proper: authoritarian regimes are more likely to try to monopolize control of the mass media and other ''informational'' institutions, particularly the educational system and religious institutions. This control will be used to shut out opposition voices, including human rights advocates. At the same time, the regime will argue that local traditions and historical experiences justify its own practices and that they are threatened by the supposedly ''alien'' demands of the opposition. Authoritarian regimes are also more likely to politicize economic subsidies and regulations in an effort to build bases of support through patronage networks. This results in more widespread discrimination and greater neglect in providing public goods. Last, authoritarian regimes may initiate or perpetuate civil and international conflicts, in order to divert public attention away from political and economic difficulties that undermine their legitimacy.[6] These likely interactions are shown in figure 1.1.

Second, norms and values associated with political cultures and national identities are likely to influence human rights practices in two ways: (1) they may lead political élites to adopt compatible objectives and to accept compatible constraints on their methods; (2) they make it possible to mobilize mass support for regimes and policies on grounds that go beyond calculations of individual self-interest. Political cultures and national identities are likely to contribute indirectly to stronger protection of human rights if political or other human rights are viewed as important means or ends in serving traditional values or fulfilling important national ideals. Similarly, political cultures and national identities are most likely to contribute indirectly to human rights violations where political and other rights are viewed as directly or indirectly inimical to traditional values or national ideals. There are many possibilities for greater or lesser ideological or practical compatibility between human rights norms and local political cultures and identities. Local political cultures and identities can also be invoked in disputes over regime type, economic policies, and civil and international conflicts. This can make it more (or less) difficult to adopt political institutions, economic policies, and conflict-related policies that affect human rights practices.[7]

Third, extreme poverty places intrinsic limits on public goods provision and leads élites and masses to place less emphasis on non-economic objectives (including non-economic human rights). Further, economic structure and the associated economic interest group cleavages over economic policies are an important determinant of what is at stake in the political process. Extreme political polarization, which often pre-empts or threatens protection of political and other rights, is sometimes due to disputes over economic policies.[8]

Fourth, war is a serious direct and indirect threat to human rights protection. Directly, human rights tend to be pushed aside as they interfere

Authoritarian regime

Increased economic
discrimination and
corruption

Onset, perpetuation,
or intensification of
civil or international
conflict

More restriction and
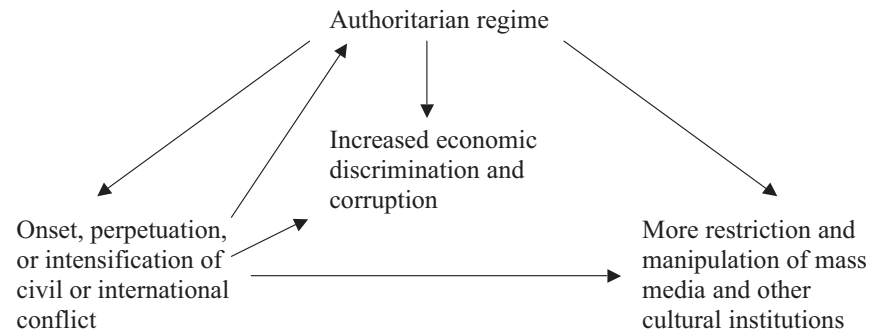manipulation of mass
media and other
cultural institutions

Figure 1.1 Interactive effects of regime type and other factors on human rights practices

with maximum mobilization amidst a national emergency. Even if human rights protection does not interfere with mobilization, national emergency is a convenient pretext for attacking human rights.

In a number of related ways, war is also an indirect threat. The ideological polarization unleashed by war makes regimes both more willing and more able to manipulate public opinion in a manner adverse to maintaining human rights protection. War undermines economic performance and involves a risk of military defeat. Both deteriorating economic performance and military defeat weaken the popular legitimacy of the existing regime, making it more susceptible to being overthrown through mass political processes or coups. Such developments are a serious threat to political regimes that uphold strong human rights protection. Such developments can also threaten political regimes that severely violate human rights practices. However, there is an important asymmetry between the two types: as "violator" regimes are more likely to move preemptively to forestall political threats, they are less vulnerable than "protector" regimes; in other words, war is a form of political "natural selection" that is more dangerous for regimes that respect human rights. War can be more safely used as a diversionary tactic by "violator" than by "protector" regimes[9] (see again fig. 1.1).

Tentative findings and basic implications

Although this volume's country and comparative case studies provide only a partial overview of the available evidence, they broadly support the previous section's hypotheses.[10] Consider, first, political regime type. In every country and region considered by the contributors, repressive authoritarian regimes are judged to bear the most direct responsibility

for human rights abuses. This is true for the old military dictatorships of Argentina and South Korea, in Saddam Hussein's Iraq, in the authoritarian regimes of Iran and Pakistan, in Turkey's partially authoritarian regime, in post-communist authoritarian regimes such as the Federal Republic of Yugoslavia under Slobodan Milošević, in Somalia and apartheid-era South Africa, in most West African states, and in the People's Republic of China. Authoritarian regimes often attack or ignore non-political rights, but this is not always the case. For example, there were improvements in civil and (especially) economic rights after the South Korean military regime, and Deng Xiaoping's People's Republic of China (PRC) embarked on successful economic development programmes. On the other hand, democracies are in every case responsible for providing important human rights protection – although the extent to which political rights protection is also complemented by the pursuit of civil, economic, social, and cultural rights, varies considerably. This is true for newly democratized Argentina and South Korea, for the Republic of China (Taiwan) since democratization, and for India.

There is little evidence that political cultures and national identities directly lead human rights norms to be either strongly upheld or strongly defied. Authoritarian regimes consistently use their control of the mass media, the educational system, and religious and other social institutions to interpret political cultures and national identities in self-serving ways. However, there is no strong evidence that such manipulation generally has a significant effect on public opinion. It is more likely to do so if the regime's policies are producing economic improvements or if genuine "elective affinities" (relatively strong logical and practical compatibilities) exist between the regime's policies and what appears to the public to be implied by its traditions and collective goals. Similarly, in democracies, political culture or national identity is likely to favour improvements in non-political rights if "elective affinities" exist with the way the public understands its traditions and collective goals.

Consider the so-called "Asian values" debate. This largely concerns the priority to be attached to individual as opposed to collective rights and goals. To begin with, this is far from being a specifically "Asian" issue. After all, the PRC regime has a decidedly Western ideological lineage – a socialist rather than a liberal one. If correlations are examined, the strong current support for individual rights in South Korea and Taiwan, and among opposition voices in the PRC and Hong Kong, would not lead us to conclude that Confucian cultures are inimical to individual rights norms. The same is true for the relation between Hinduism and individual rights norms in India. These examples do, however, support the idea that limitation of individual political and civil rights may be more tolerable if the regime is delivering consistent economic growth and

broadly improved economic opportunities and social services. However, they also indicate that such tolerance will fade if the limitations appear to be unnecessary or excessive, or if economic difficulties arise. In other words, popular support for an ''Asian values'' trade-off is likely to be conditional and thus temporary.

Similar points can be made about countries with Islamic cultures. Individual rights appear to have quite broad support in cases where regime policies allow some space for individual expression, such as in Turkey and in post-war Iran. Although some would argue that, in Turkey, these norms were inculcated specifically against traditional Islamic norms, such an argument can hardly be used in the case of Iran. There we see a familiar pattern: repressive policies justified with a particular interpretation of Islam received popular support, or at least tolerance, for as long as they appeared to serve important collective goals, such as overthrowing the Shah's regime and winning the war with Iraq. However, with these events in the past and with the Iranian economy stagnant, the Iranian populace and much of the Iranian élite have rallied strongly to the cause of individual rights. These rights are viewed both as intrinsically valuable and as a means towards restoring a more viable economic future and avoiding military conflicts.

A similar pattern appears to exist among the post-communist countries. Superficially, correlation here supports the religious culture argument: the Islamic post-communist countries have the worst human rights records, the Christian Orthodox countries the second-worst records, and the Catholic and Protestant countries the best records. However, the evidence is not as straightforward as it appears. It has traditionally been argued that, owing to its more hierarchical organization and top-down scriptural interpretation, Catholicism is less receptive to individual rights norms than Protestantism.[11] This is conveniently forgotten when Catholic ''successes'' in Eastern Europe are used to argue for the importance of religious cultures. More importantly, it appears that religion is only one aspect of post-communist political cultures and national identities. The most central ideological question was that of which policies would best serve the political birth (or rebirth) of countries emerging from Soviet or Yugoslav domination. Here, it seems that countries with experiences of greater pre-communist economic development and pre-communist political independence and power were most likely to embrace human rights norms along with democracy and market reform. This was due to the fact that these goals were associated with an alternative future that such countries sought – and believed that they would have possessed had their political systems and societies not been ''hijacked'' by a forcibly imposed, alien, communist system.

Religious identity was only one element affecting variation in such

pre-communist experiences. This interpretation is supported by a closer look at the political processes of post-communist transformation. The countries with the best post-communist human rights practices featured reform movements and parties that most strongly emphasized the cause of national renaissance over that of political and economic "stability." These examples show that nationalist goals, which are inherently collective, are not necessarily damaging to individual rights. They can actually advance individual rights if these are widely perceived as being consistent with national identity and as advancing collective goals such as cultural rebirth, national independence and power, and economic development.

The African case studies also support these lines of argument. In West Africa, local cultures and identities do not appear to have been the main influence on post-colonial regime formation and policy-making: rather, the international ideological environment was one that emphasized state building and economic development over individual rights. This provided an influential ideological justification for the centralized authoritarian regimes that were consolidated throughout West Africa. Similarly, the end of the Cold War led to a collapse of legitimacy for these regimes. Both centralized authoritarianism and more liberal and democratic regimes could be justified by selective reference to local cultures and identities; in the long run, both are likely to be judged largely by the economic results they deliver. Similarly, in South Africa, the transition from apartheid was carried out after the end of the Cold War, in an ideological atmosphere that emphasized equal rights for individuals. This was important in making the transition one that attempted to broaden to all the rights previously enjoyed only by those of European descent, as opposed to a transition that would have sought to impose on those of European descent the restrictions hitherto endured by the African, Asian, and mixed-race populations.

Extreme poverty does, indeed, limit public goods provision and provide a reason and an excuse for neglecting non-economic rights. This is evident in many countries in West Africa, in Somalia, and in Pakistan. On the other hand, India shows that neglect for non-economic rights is not inevitable in the poorest countries. Middle-income countries are likely to have larger educated classes, which are needed to provide a reservoir of support for human rights norms and (where permitted) organizations. This can be seen in Argentina, in Iran and Turkey, in the post-communist countries, and in South Korea and Taiwan. On the other hand, *rentier* states, such as Iraq and Iran, are less dependent on popular mobilization to sustain their economies: their regimes can, therefore, afford to be less responsive to public and élite pressure to improve human rights practices. Rapid economic development sustained over a long

period is almost invariably associated with broad provision of public goods and relatively broad diffusion of economic opportunities. It is also likely to lead to greater awareness of any restrictions on individual rights and greater pressure to relax these restrictions. This tendency can be seen in South Korea, Taiwan, and Hong Kong.

Civil and international conflict has, in all cases, led directly to severe or catastrophic human rights abuses. This is true in Argentina, Iraq, Iran, Pakistan, India, Turkey, the former Yugoslavia, a number of post-Soviet states, Somalia, and many West African states. In addition, such conflicts have indirectly facilitated greater state repression by both authoritarian and democratic regimes. Greater state intolerance and repression as a political by-product of conflict is evident in all cases: for instance, in Azerbaijan, a promising democratic movement briefly gained power but was unable to survive the effects of war. In the more democratic countries, the end or decline of conflict brought a revival of many freedoms – as in the post-Yugoslav states and in Armenia. War was also associated not only with direct economic costs but also with greater state intervention and cronyism in the economy. In democracies, peace generally brought a reversal of these interventionist and cronyist tendencies.

The most consistent forms of interaction between the four factors stem from the tendencies of authoritarian regimes. Authoritarian regimes not only tend to repress directly political and civil rights and to manipulate self-servingly the mass media and other cultural institutions but also tend to use state subsidies and regulations to build up supportive patron–client networks, thus neglecting public goods provision, discriminating against the mass of the population, and limiting economic growth opportunities. Furthermore, they tend to use civil and international conflicts as diversions from internal political, economic, social, and cultural issues that threaten their legitimacy. This tendency to perpetuate or cultivate civil and international conflicts produces a second round of interactions: conflicts directly lead to human rights abuses, but indirectly are associated with intensified authoritarianism, economic cronyism, and hardship. One or both of these types of interactions are evident in authoritarian-era Argentina; in Iraq, Iran, and Pakistan; in the post-Yugoslav states and in some post-Soviet states; and in Somalia and most of West Africa. All these tendencies, particularly that of diversionary military conflict, faced more resistance in democracies such as Turkey, India, post-apartheid South Africa, and post-authoritarian South Korea and Taiwan. At the same time, such interactions did not always occur in authoritarian regimes – particularly where (as in Deng and post-Deng China and authoritarian-era South Korea and Taiwan) authoritarian regimes linked their legitimacy to the cause of rapid economic development.

With this summary in mind, we can now return to the question of the probable impact of the international human rights regime. Our conclusion above was that creation of international human rights norms and decentralized propagation of such norms by NGOs would be expected to have a greater impact than actions taken by states – whether individually, through their own foreign policies, or collectively, through decisions of IGOs. We argued that this is because state policies reflect state interests and, even under the best circumstances, are predictably inconsistent and of limited scope.

These expectations are supported by the more detailed analyses of the international human rights regime and by the country and regional case studies. Although further discussion is given in the concluding chapter, it is useful to review the evidence briefly here. Human rights norms have become difficult for even the most repressive regimes to ignore. It is a victory for the human rights cause that such regimes feel compelled to concoct excuses for their abuses, thus implicitly admitting fault and accepting the need for remedial action. Wherever regimes allow sufficient freedom, international NGOs help to nourish the growth of local human rights organizations and cultures. As long as human rights norms can be plausibly presented as consistent with local traditions and widely held collective goals, they are liable to be embraced by wide segments of public opinion – including not only the opposition but also important elements traditionally allied with authoritarian rulers. In this way, human rights norms have been widely embraced in the post-communist countries, in many parts of post-Cold War Africa, in Argentina (and most of the rest of Latin America), in Turkey, in South Korea and Taiwan, and in India. Even in highly authoritarian countries such as Iran and the PRC, human rights norms have been widely accepted by the opposition, much of the population, and influential segments of the élite. In addition to political repression, the other primary barriers to widespread acceptance of human rights norms are extreme poverty and civil and international conflict. People in extremely poor countries are less literate, have less access to international information sources, and care less about non-economic goals. War facilitates regime efforts to stifle alternative voices, and creates personal and economic security risks that sideline most other concerns.

From a human rights perspective, then, cultural globalization is more important than economic globalization. However, international economic integration also has an important role to play. Most directly, sustained economic development efforts have involved international economic integration – particularly increased reliance on international trade. Such integration expands the economic opportunities available to the population and interacts favourably with improvement in the provision of civil

rights and public goods. Such effects are evident in South Korea, Taiwan, Deng-era and post-Deng China, and more recently in much of the post-communist world, Turkey, and India. Of course, there are also significant risks and costs associated with international economic integration – particularly transitional economic downturns, periodic post-transitional losses of international investor confidence, and the associated economic hardship and political turmoil. These transitional and integration costs are more difficult to bear in extremely poor countries, such as those of West Africa. However, by the same token, the long-term gains are potentially much greater if transitions can be effectively implemented and sustained.

International economic integration probably has a more significant impact on human rights norms simply by increasing personal and cultural interaction with the rest of the world. This has all the beneficial effects already mentioned, and sustained international economic integration functions as a commitment to sustain such personal and cultural interaction. This tendency is evident, for example, in authoritarian-era South Korea and Taiwan and in the Deng-era and post-Deng PRC. Of course, this assumes that individual human rights norms continue to remain prominent in international culture and among NGOs. As the early post-colonial experience in West Africa attests, however, this can by no means be taken for granted.

Before summarizing the contents of the volume, two fundamental issues – one theoretical, the other historical – should be mentioned. First, this volume does not attempt to settle the issue of whether human rights are more important or fundamental than other values or goals:[12] here, it is simply assumed that human rights are an important and interesting object of empirical study and, hence, that examination of their causes and consequences is worth while. As already mentioned, however, many linkages between human rights and factors such as political institutions, economic structure and development, and cultures and national identities are discussed in detail. This provides important evidence for those interested in ethical or philosophical debates about the importance of human rights.

In the aftermath of the 11 September 2001 terrorist attacks in New York and Washington, some commentators have argued that human rights principles appear to be under siege.[13] On the one hand, the attacks themselves, along with the authoritarian institutional and ideological environments that often nourish terrorism, reflect a widespread rejection of human rights norms – not only in much of the Islamic world but also in East Asia and other parts of the developing world. On the other hand, the terrorist threat may lead many developed states of the West to com-

promise civil liberties – as has often been the case during periods of war and international tension. However, it can be argued that the September 11 attacks will also have a favourable impact on human rights practices. The attacks have produced a renewed conviction that human rights abuses can have dramatic negative consequences across borders. There is much disagreement about the priorities in fighting terrorism and about the means to be used in doing so. Nevertheless, improving human rights practices is probably the strongest common denominator among the rival points of view. Similarly, in countries with better records of human rights protection, it is almost universally accepted that anti-terrorism measures must be reconciled with the strongest possible protection of existing rights. In retrospect, we believe it is more likely that September 11 will be viewed not as the high point of global human rights protection but as a warning against ignoring the likely consequences of extreme human rights abuses in much of the world.

Contents of the volume

The volume begins, in chapters 2–8, by summarizing and analysing the most important elements and processes of the international human rights regime. Then, in chapters 9–17, it offers case studies of human rights development in a wide variety of countries and regions. For reasons of space, the case studies are not able to give equal attention to the four main factors influencing human rights practices; instead, they focus on the factor or factors of greatest importance. The concluding chapter summarizes local and regional tendencies and offers more detailed policy recommendations. Brief chapter summaries are provided here, so that readers can focus on issues of particular concern to them – for example, on particular aspects of the international human rights regime, on the development of human rights practices in particular countries or regions, or on particular causes of worsening or improving human rights practices.

   In chapter 2, Johannes Morsink examines the influence of the UDHR, particularly its implications for transitional societies. Morsink describes how the UDHR became the central moral inspiration and practical reference point for the spread of human rights norms and laws around the world. He focuses on three elements of the UDHR as particularly relevant to formulating and implementing human rights in societies in transition: emphasizing protection of women and minorities from discrimination; including social, economic, and cultural rights; and including a right to democratic political participation.

   In chapter 3, Richard Lewis Siegel examines universalist and relativist

positions on, as well as conflicts and tensions between, various human rights. He favours an ''expanding core'' approach that integrates the most important insights of the universalist and relativist positions, and views increased intercultural and ''intercivilizational'' dialogues as important means towards consensual expansion of core rights. He argues that an ''expanding core'' approach is also most practical for states that are facing human rights-related transitional challenges.

Geneviève Souillac, in chapter 4, looks at how global norms foster local change. Human rights are viewed as ''architectural norms'' affecting the formation of states' political identities and political objectives. This is particularly relevant to transitional states, which are, by definition, going through a process of rapid political and economic change. Global human rights norms are most likely to have an impact through a gradual process, in which local structures and traditions are co-opted into the international human rights discourse as their political identities and priorities are being redefined domestically. International and local human rights networks can play a central role in this process, by engaging the local structures and traditions in a sustained dialogue aimed at reconciliation. In this way, international norms can be refitted for domestic use, so that it is less likely that they will be viewed as imposed from the outside.

W. Ofuatey-Kodjoe, in chapter 5, traces the United Nations' role in developing international human rights *standards* and *practices*. He argues that standards have been much more extensively developed than practices; however, despite significant progress, standards still often remain poorly defined. Practices involve ''indirect protection'' of human rights, in which UN bodies attempt to hold members to account for human rights violations, and ''direct protection,'' in which the United Nations intervenes directly in states' internal affairs to protect human rights. Indirect protection has made significant progress but, for political reasons, remains selective. Direct protection is in its infancy and, in view of states' oft-perceived interests in avoiding unwanted intervention in their internal affairs, is likely to make only slow progress. Long-run improvements are likely to depend on ''general acceptance of both human rights norms and the legitimacy of the protective activities of the international community.''

In chapter 6, Paul J. Magnarella traces the development of international legal tribunals from Nuremberg (the International Military Tribunal) to Yugoslavia (the International Criminal Tribunal for the Former Yugoslavia) and Rwanda (the International Criminal Tribunal for Rwanda), to today's International Criminal Court. The evolution of the tribunals is traced in terms of definitions of crimes, jurisdiction, rules of procedure, proceedings, and other matters. He then analyses how the Nuremberg, Yugoslavia, and Rwanda tribunals have contributed to pro-

moting and protecting human rights in the past, and how the International Criminal Court may do so in the future. He comes to the conclusion that international legal tribunals are most likely to fall short of their objectives when it comes to deterring future human rights violations.

Albrecht Schnabel, in chapter 7, examines the concept, legality, and practical record of international efforts to protect human rights in transition societies. He argues that the focus of international involvement should be at pre-conflict stages or, failing that, at post-conflict stages. His analysis of legal, political, and moral considerations leads him to conclude that international military interventions for humanitarian causes are likely to receive worldwide support and UN authorization only in cases of extreme, genocidal, violence. Military intervention in response to lower levels of violence – with or without the blessing of the United Nations and the wider international community – is likely only if there are particularly pressing political, strategic, or economic reasons. Therefore, international action to protect human rights in transition societies should emphasize pre-conflict support and assistance, enhanced by diplomatic pressure, to address the structural violence that usually accompanies transition processes. Schnabel shows that human rights conditions are extremely useful indicators of a state's capacity and performance in managing transition processes – indicators that should be better utilized by the international community to offer assistance in trouble-shooting deteriorating human rights conditions, thus preventing further violations and eventual escalation to armed violence and to state and society collapse.

In chapter 8, Barbara Ann J. Rieffer and David P. Forsythe examine how foreign policies of sovereign states can affect human rights practices in transitional societies. Focusing on the example of the US foreign policy, they find that foreign policies towards human rights are likely to be affected by national identity as well as by military and economic interests. The main US human rights-promotion efforts are made through bilateral diplomacy and aid programmes and through multilateral standard-setting regimes and aid programmes. The United States seeks to promote democracy and related civil rights abroad, in a manner consistent with the central place of US political institutions and civil rights norms in its national identity. Similarly, the relative US emphasis on civil and political rights compared with economic and social rights also reflects US traditions. However, human rights promotion is also widely viewed and justified as serving US military and economic interests. Military and economic interests are also evident in the way that diplomatic efforts and aid are targeted towards countries more important to the United States and in the way that political and civil rights standards are sometimes compromised to maintain good relations with such countries. Finally, Rieffer and

Forsythe argue that limited resources for promoting human rights – as well as variation in local cultures, limited economic development, and a variety of political factors – constrain the impact of states' human rights promotion efforts.

Jenab Tutunji, in chapter 9, describes the evolution of human rights practices in Iraq under the Ba'th regime, particularly under Saddam Hussein's rule. He argues that the economic and ideological nature of the political regime, which insulates it from social pressures and leads it to assume an exclusive legitimacy in the country's life, were at the root of severe human rights violations. Tutunji argues that Iraq's decolonizing context after World War II contributed more strongly to the formation of its ''*rentier* ideocratic'' character than did Islamic tradition. The resulting institutional potential for abuse was exacerbated by Saddam's personality and by his willingness to use virtually any means – including risky wars – to solidify and increase his power. These wars had further, massively negative effects on human rights practices in Iraq. Directly, they facilitated minority revolts and bloody repressions of such revolts and they laid waste Iraq's relatively developed economy. Indirectly, they undermined legitimacy derived from state provision of economic goods, leading the regime to substitute with increasing repression. Another indirect effect was international sanctions. Although the sanctions were not able to force Saddam Hussein to give up his programmes of weapons of mass destruction they exacerbated Iraq's economic collapse, with disastrous effects for the civilian population. Turning to consequences, Tutunji explains that increased human rights abuses, including political repression and economic cronyism, badly set back the prospects for democratization and economic development.

In chapter 10, Mahmood Monshipouri compares the human rights situations in Iran, Pakistan, and Turkey. He argues that authoritarian political institutions and leaderships are most responsible for human rights violations but that cultures and identities, civil and international conflicts, and economic structures and interest groups also play significant roles. In Pakistan, both military and civilian authorities have used Islam to try to hold their ethnically divided country together. This has contributed to the use of the Kashmir conflict with India to divert attention from internal problems and related legitimacy crises. In turn, this has led to intensified violence and repression both in Kashmir and in Pakistan itself. In Iran and Turkey, by contrast, strong historical memories of national greatness have focused élites more on advancing differently conceived missions of national development. In Turkey this has traditionally been defined against Islam, which in its more traditional forms has been viewed as a barrier to economic development and increased national prestige and

military power. The Turkish military reserves the right to restrict human rights as necessary to protect and advance these modernizing methods and goals. The associated modernizing, national-assimilationist ideology has made it more difficult to settle the Kurdish conflict, which has resulted in severe human rights abuses. Since Iran's Islamic Revolution, the controlling religious élites have defined the national mission in terms of putting Iran in the vanguard of Islam. These ruling élites were able to consolidate their power during the war launched by Iraq's Saddam Hussein. However, since the end of the war, internal repression has produced a widespread backlash within society and among the moderate élites. These groups felt that Islam has been over-politicized, and they seemed determined to fuse local religious and national-historical traditions with modernist norms emphasizing human rights. In all three countries, the security forces have played central roles in imposing national objectives and policies. Over time, this has given the state a more dominant role in the economy, contributing to stagnation and crises. Both the military and private interest groups have developed significant stakes in the state-owned sector and in the state-subsidized private sector. This has made it more difficult to design and implement effective market reforms, particularly because the more economically vulnerable elements in society can be politically activated during post-reform recessions. Poverty and corruption are particularly severe in Pakistan, making significant economic progress difficult to achieve and leaving large parts of the population susceptible to political radicalism. This encourages civilian and military leaders to fall back on populist appeals, creating a more permissive environment for human rights violations. In all three countries, weak human rights protection threatens democratization and economic development efforts and makes it more difficult to settle civil and international conflicts.

Shale Horowitz, in chapter 11, examines the causes of variation in human rights practices in the post-communist world. He hypothesizes that political institutions, cultures and national identities, economic development, and ethnic conflict should have significant impacts. These hypotheses are tested statistically for the 28 post-communist countries at three different time intervals following the collapse of the old regimes. The results indicate that economic development has a relatively weak positive influence and war a relatively strong negative influence. Culture defined in terms of ''frustrated'' national identities has by far the strongest and most consistent impact. Cultures and national identities are here not analysed for their intrinsic value-content and traditional institutions; rather, they are distinguished in terms of their forward-looking tactical compatibility, in a specific historical context, with stronger human rights prac-

tices. Turning to consequences, stronger human rights practices appear to play an important role in advancing and conserving the democratization process and in facilitating further economic development. In contrast, human rights practices appear to have a more ambiguous and complex relationship to conflict resolution.

In chapter 12, Aleksandar Resanovic analyses the development of human rights practices in the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia, and Bosnia and Herzegovina. Resanovic argues that the more extreme human rights abuses were due to authoritarian leaders' use of war to take power and to pursue their objectives coercively. Historical grievances and mistrust among the Yugoslav peoples, along with tangled settlement patterns and rival territorial claims, made it extremely difficult to achieve a peaceful breakup of the Socialist Federal Republic of Yugoslavia. In this volatile situation, authoritarian-minded leaders used provocative rhetoric and unilateral actions to ride nationalist grievances to power; this made war unavoidable. Apart from the horrific human rights abuses committed against enemy peoples in the course of fighting, the war provided a pretext for consolidating authoritarian rule and committing a range of internal human rights abuses. Authoritarianism and war were also used to build crony networks that widely monopolized state resources and market opportunities. This worsened the already devastating economic effects of war. In the case of the Federal Republic of Yugoslavia, all of this was compounded by an international economic embargo and, later, a NATO bombing campaign. Human rights practices improved dramatically only after the wars in Croatia, Bosnia and Herzegovina, and Kosovo had ended. In peacetime, authoritarian leaders found it more difficult to maintain power. Eventually, newly aroused political oppositions and civil societies were able to establish democratic systems and end the worst human rights violations. While wars lasted, human rights abuses made it virtually impossible to make progress towards democratization and economic development; with the wars now over, continued human rights improvements will be essential to consolidate democracy, sustain economic recovery, and maintain the fragile peace.

In chapter 13, Wafula Okumu uses a ''most different systems'' approach, with a focus on Somalia and South Africa, to analyse human rights practices in transitional societies in Africa. Somalia's atrocious human rights record is rooted in corrupt colonial and post-colonial regimes. These regimes used state power to benefit politically connected groups and, not coincidentally, failed to provide basic public goods. Ethnically motivated wars of expansion further undermined public institutions and norms. All of this set the stage for a military take-over. State institutions became intensely personalized for the benefit of the dictator and his re-

tainers, and military conflict erupted once more. This period ended with the collapse of central authority, civil war, and the emergence of local warlord regimes. By contrast, South Africa has made a successful transition from the apartheid regime to a rights-based democracy with a hopeful future. This was possible because human rights norms were an important part of the campaign against apartheid and because these norms were upheld by responsible leaders and supported by the public. This experience shows that African traditions are compatible with human rights norms. Okumu argues that the most important role for the international community is to inculcate human rights norms in transitional discourses, processes, and institutions. Looking to the future of transitional societies, human rights norms are also crucial in creating and preserving both democracy and peace.

In chapter 14, Eghosa E. Osaghae examines human rights in West African transitional societies. Authoritarian regimes, whether of military factions or ruling parties, have been the main source of human rights abuses. These regimes were able to take root so easily for a number of reasons. Economic backwardness and colonial rule weakened civil societies and exacerbated ethnic divisions. Ideologically, such regimes were legitimized by the post-colonial emphasis on collective peoples' rights over individual and group rights. The predominant emphasis on the anti-colonial struggle and on the post-colonial state-building and economic development missions rationalized the unaccountable centralization of state power. Authoritarian regimes abused human rights directly in their efforts to take and keep power. Other common characteristics had similar effects. State-led economic development strategies opened the way for extensive use of state subsidies and legal and regulatory preferences to build political support networks, commonly along ethnic lines. For the same reason, provision of public goods and services was neglected. This perpetuated poverty and exacerbated ethnic grievances. Corrupt (and often violent) authoritarian rule and heightened ethnic tensions fuelled civil conflicts, which usually raised human rights violations to new levels. The end of the Cold War brought paradoxical changes: on the one hand, the post-colonial ideology of state-led development largely collapsed, leading to a new emphasis on individual rights and ethnic minority rights; this was often associated with democratization and efforts to restructure state-dominated economies; however, high expectations were largely dashed by the difficulties of managing political and economic transitions consensually, given the heightened ethnic tensions, still-weak and poverty-stricken civil societies, and intense transitional economic downturns. Significantly, authoritarianism and widespread human rights abuses are no longer legitimate; however, under the prevailing difficult conditions they remain entrenched for lack of politically sustainable al-

ternatives. Sustainable human rights improvements are themselves central to sustainable democratization, economic development, and conflict resolution. These goals remain in pressing need of international support, both ideologically and financially.

Man-To Leung, in chapter 15, examines the development of civil and political rights in the PRC, Hong Kong, and the Republic of China (ROC; Taiwan). In all three cases, the objectives of ruling political regimes are the key to progress. International human rights norms and cultural and economic integration have had an effect in all three cases. Internal economic reforms and long-term economic development have created increased internal pressures for reform, particularly in Hong Kong and the ROC. Although these international and internal changes favour further development of civil and political rights, the determining factor is likely to be whether authoritarian élites are willing to sacrifice their exclusive power to achieve other objectives. This has happened in recent years in the ROC, but it is unclear if it will happen at any time in the near future in the PRC and, by extension, in PRC-controlled Hong Kong.

In chapter 16, D.R. Kaarthikeyan looks at human rights practices in India. After giving a brief history of local human rights traditions and movements, Kaarthikeyan describes problems in a number of areas, namely children's and women's rights, caste and communal violence, political violence and terrorism, state violence, prisoners' rights, and environmental protection. He then discusses the roles of the Indian Constitution, the judiciary, government human rights commissions, and human rights NGOs in enforcing and enhancing human rights protection. Despite India's strong democracy and legal protection and an increasingly active civil society, there are numerous important causes of ongoing human rights violations. First, many *social* violations – relating to the status of women and children and to caste and communal divisions – are strongly rooted in historical traditions and social structures. Second, many *economic* violations are related to the social violations and other forms of discrimination, inadequate public goods provision and social services, and poverty per se. Third, political violence is also related to many of the same problems. Improvement depends largely on institutional reforms of the legal and political systems, more efficient provision of public goods and social services, and sustained economic growth.

In chapter 17, Terence Roehrig looks at the causes of human rights abuses under military regimes in Argentina and South Korea, and then examines how efforts to punish such abuses have affected subsequent transitions to democracy. Military leaders seized power and perpetrated human rights abuses in response to what they saw as fundamental internal and external threats to the nation. Military rule and its abuses ended

once the perceived threats had subsided and large segments of civil society had mobilized against continued military rule. He argues that, although it is desirable to punish those chiefly responsible for human rights abuses, such punishment should not threaten transitions to democracy: punishment should target a small group of top military officers, to avoid the impression that the military as an institution is targeted; punishment should be delayed until the military has been reliably restored to civilian control; and punishment should not appear to unleash or re-create fundamental threats to the nation similar to those that prompted the military coups in the first place.

In the concluding chapter, Albrecht Schnabel and Shale Horowitz review regional variations. They also offer policy recommendations to NGOs, states, and IGOs involved in improving human rights practices in transition societies.

Notes

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2. See, for example, Ian Brownlie, ed., *Basic Documents on Human Rights*, New York: Oxford University Press, 1981; David Forsythe, *The Internationalization of Human Rights*, Lexington, MA: Lexington Books, 1991; Theodor Meron, *Human Rights Law-Making in the United Nations*, New York: Oxford University Press, 1986; Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, Philadelphia: University of Pennsylvania Press, 1999.
3. See, for example, Hayward R. Alker, Jr. and Bruce Russett, *World Politics in the General Assembly*, New Haven: Yale University Press, 1965; Stephen F. Burgess, *The United Nations under Boutros Boutros-Ghali, 1992–1997*, Lanham: Scarecrow Press, 2001; George J. Lankevich, *The United Nations under Javier Pérez de Cuéllar, 1982–1991*, Lanham: Scarecrow Press, 2001; Bruce Russett, ed., *The Once and Future Security Council*, New York: St. Martin's, 1997; Ramesh Thakur and Albrecht Schnabel, eds., *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement*, Tokyo: United Nations University Press, 2001.
4. See, for example, Lynda Bell, Andrew J. Nathan, and Ilan Peleg, eds, *Negotiating Culture and Human Rights*, New York: Columbia University Press, 2001; Jack Donnelly, *Universal Human Rights in Theory and Practice*, Ithaca: Cornell University Press, 1989; Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds, *The Power of Human Rights*, Cambridge: Cambridge University Press, 1999.
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6. Examples of relevant work in the ''democratic peace'' literature include Henry S. Farber and Joanne Gowa, ''Common Interests or Common Polities? Reinterpreting the Democratic Peace,'' *Journal of Politics*, Vol. 59, May 1997, pp. 393–417; Scott Gates, Torbjørn L. Knutsen, and Jonathan W. Moses, ''Democracy and Peace: A More Skeptical View,'' *Journal of Peace Research*, Vol. 33, January 1996, pp. 1–10; Zeev Maoz and Bruce Russett, ''Normative and Structural Causes of Democratic Peace,'' *American Political Science Review*, Vol. 87, September 1993, pp. 624–638. For a discussion of diversionary theories of war, see Kurt Dassel, ''Civilians, Soldiers, and Strife: Domestic Sources of International Aggression,'' *International Security*, Vol. 23, Summer 1998, pp. 107–140.

7. See, for example, Joanne Bauer and Daniel A. Bell, *The East Asian Challenge for Human Rights*, Cambridge: Cambridge University Press, 1999; Samuel Huntington, ''The Clash of Civilizations?'' *Foreign Affairs*, Vol. 72, Summer 1993, pp. 22–49; Bonny Ibhawoh, ''Between Culture and Constitution: Evaluating the Cultural Legitimacy of Human Rights in the African State,'' *Human Rights Quarterly*, Vol. 22, August 2000, pp. 838–860; Douglass C. North, *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press, 1990; Lucien Pye and Sidney Verba, eds, *Political Culture and Political Development*, Princeton: Princeton University Press, 1965.

8. Alexander Gerschenkron, *Bread and Democracy in Germany*, Ithaca: Cornell University Press, 1989; Douglass C. North, *Structure and Change in Economic History*, New York: Norton, 1981; Amartya Sen, *Development as Freedom*, New York: Random House, 1999; United Nations, *Human Development Report 2002*, New York: Oxford University Press, 2002; World Bank, *World Development Report 2000/2001: Attacking Poverty*, New York: Oxford University Press, 2000.

9. See, for example, Rodney G. Allen, Martin Cherniack, and George J. Andreopoulos, ''Refining War: Civil Wars and Humanitarian Controls,'' *Human Rights Quarterly*, Vol. 18, November 1996, pp. 747–781; Kenneth L. Cain, ''The Rape of Dinah: Human Rights, Civil War in Liberia, and Evil Triumphant,'' *Human Rights Quarterly*, Vol. 21, May 1999, pp. 265–307; Rupert Emerson, ''The Fate of Human Rights in the Third World,'' *World Politics*, Vol. 27, January 1975, pp. 201–226; Shale Horowitz, ''War after Communism: Effects on Political and Economic Reform in the Former Soviet Union and Yugoslavia,'' *Journal of Peace Research*, Vol. 40, January 2003, pp. 25–48; Steven C. Poe and C. Neal Tate, ''Repression of Human Rights to Personal Integrity in the

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10. See also the chapter summaries in the following section.

11. The original statement is in Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, New York: Scribner, 1958.

12. For a recent survey, see Tim Dunne and Nicholas Wheeler, eds, *Human Rights in Global Politics*, New York: Cambridge University Press, 1999.

13. See, for example, Michael Ignatieff, ''The Attack on Human Rights,'' *Foreign Affairs*, Vol. 80, November/December 2001, pp. 102–116.

Human Rights and Societies in Transition: Causes, Consequences, Responses

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Human rights violations are often particularly severe in transition societies that are undergoing significant political, social and economic transformations. Improving human rights practices in transition societies should therefore be a central goal for domestic reformers and the international community alike. This makes sense not only because of the intrinsic value of improved human rights protections, but also because of the indirect effects that such improvements have on democratization, economic development, and conflict resolution.

   Human Rights and Societies in Transition: Causes, Consequences, Responses ,is a joint effort by 17 scholars from various parts of the world, specializing in political science, sociology, law, and regional studies, exploring the contemporary international human rights regime, the factors predominantly responsible for human rights violations in transition societies, and the long-term consequences of such violations. The book further examines how nongovernmental organizations, intergovernmental organizations and states can most constructively pre-empt or correct transition-related human rights violations, and prevent the related relapse of these societies into government failure, economic devastation, communal violence, and war.

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