

Human Rights Day after the ‘breakthrough’: celebrating the Universal Declaration of Human Rights at the United Nations in 1978 and 1988

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Abstract

This article examines the impact of the late 1970s ‘breakthrough’ in human rights, as it was registered within the United Nations. It analyses the debates on human rights at the thirtieth anniversary of the Universal Declaration of Human Rights, in December 1978, and those a decade later. These two moments, among the few that invited explicit reflection from states on the meaning of human rights, and of their universality, reveal that the effects of the ‘breakthrough’ arrived at the UN after a long period of latency. Even by 1988, their manifestation was only partial, and often contradictory. The profound gap between the efflorescence in the NGO movement and the depressing stasis, or worse, elsewhere suggests the need for a more complex periodization of the 1970s as an era of decisive triumph in the ascent of human rights.

Keywords 1970s, cultural relativism, human rights, ‘developing world’, United Nations

In the recent historiography of human rights, the 1970s have become the most pivotal decade, and 1977–78 the most decisive years. A wave of pioneering scholarship has challenged the orthodox narrative of a long genealogy, and of a human rights concept with deep origins.¹ The new historians have instead marked out a single, short period as almost determinative in the evolution of human rights. Without meaningful precursors, the modern

1 The most influential work written in this ‘long genealogy’ mode is the magisterial survey text, Paul Gordon Lauren, *The evolution of international human rights: visions seen*, Philadelphia, PA: University of Pennsylvania Press, 1998; and, more recently, Lynn Hunt, *Inventing human rights: a history*, New York: W. W. Norton, 2007. For similar ‘continuity’-based histories, with a focal point on the immediate post-war period, see also Mary Ann Glendon, *A world made new: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York: Random House, 2001; and William Korey, *NGOs and the Universal Declaration of Human Rights: a curious grapevine*, New York: St. Martin’s Press, 1998. See further the hybrid genealogy and periodization of Kenneth Cmiel, ‘The emergence of human rights politics in the United States’, *Journal of American History* 86, 3, 1999, pp. 1231–50; Kenneth Cmiel, ‘The recent history of human rights’, *American Historical Review* 109, 1, 2004, pp. 117–35.

human rights movement was born in the 1970s.² Its origins were not in the heritage of the Atlantic revolutions or subsequent revolutionary emancipations, but in the groups that coalesced around the Helsinki Accord process, NGO campaigns against torture, and anti-apartheid activism, and in renewed interest from the US Congress.³ In contemporary human rights historiography, the focus is now firmly located in analysing an apparent point of rupture in the 1970s, often abbreviated to the shorthand expression ‘the breakthrough’.

This article seeks to complicate the implied chronological compression and coherence of the ‘breakthrough’. It argues that this miraculous period was less straightforward in its expression and less homogenous in its effects. There was, in particular, a substantial gap between the fulminant growth of human rights NGO activism outside the UN, and the patterns of debate inside the General Assembly.⁴ There was a sharp increase in the intensity of engagement with human rights language, but there was not necessarily any shift in agreement over its meaning, which was the subject of fierce contention at precisely the moment highlighted by the recent 1970s historiography.

The focal point of the article is the bitterly contested status of the Universal Declaration of Human Rights (UDHR), which had been adopted on 10 December 1948 and subsequently embraced as the lodestar of the global human rights movement. By recovering two previously ignored moments, the official Human Rights Day ceremonies of December 1978 and 1988, the article assesses the position of the UDHR in the ‘breakthrough’ period. These two commemorations were among the few where the meaning of the UDHR, and of human rights, was explicitly opened for discussion. They crystallized the intellectual and ideological currents that defined the atmosphere of the General Assembly, and revealed how glacially the 1970s revolution found expression inside UN Plaza. As Amnesty International’s US membership outstripped its absorptive capacity, and US Department of State officials carefully typed their first serious country reports, the public gallery at the official celebration for the foundational document of this new mass movement was sparsely populated. Attendance on the floor of the UN chamber was scarcely better. For serious advocates of human rights, such absenteeism was perhaps a rational strategy, given the dominant trends within the UN programme. In the firm custodianship of the full spectrum of autocrats, the United Nations was now among those places where the universalist philosophy of the UDHR

2 For a representative sample of the new history, with its centre of gravity in the 1970s, see Samuel Moyn, *The last utopia: human rights in history*, Cambridge, MA: Harvard University Press, 2010; Jan Eckel, ‘The International League for the Rights of Man, Amnesty International, and the changing fate of human rights activism from the 1940s through the 1970s’, *Humanity* 4, 2, 2013, pp. 183–214; Jan Eckel and Samuel Moyn, eds., *The breakthrough: human rights in the 1970s*, Philadelphia, PA: University of Pennsylvania Press, 2013; Sarah Snyder, *Human rights activism and the end of the Cold War: a transnational history of the Helsinki network*, Cambridge: Cambridge University Press, 2013; Stefan-Ludwig Hoffmann, ed., *Human rights in the twentieth century*, Cambridge: Cambridge University Press, 2010; Akira Iriye, Petra Goedde, and William I. Hitchcock, eds., *The human rights revolution: an international history*, Oxford: Oxford University Press, 2012; and, most recently, Barbara Keys, *Reclaiming American virtue: the human rights revolution of the 1970s*, Cambridge, MA: Harvard University Press, 2014. See also Bradley Simpson, ‘Self-determination, human rights, and the end of empire in the 1970s’, *Humanity* 5, 2, 2013, pp. 239–60.

3 See especially Moyn, *Last utopia*, pp. 41–2; Daniel Sargent, ‘Oasis in the desert? America’s human rights rediscovery’, in Eckel and Moyn, *Breakthrough*, pp. 125–45.

4 Eckel notes the gulf briefly in his excellent précis of the fractured 1970s rights milieu, see Eckel, ‘The rebirth of politics from the spirit of morality: explaining the human rights revolution of the 1970s’, in Eckel and Moyn, *Breakthrough*, pp. 226–59.

was least secure. Smaller spaces, often national or local, were the sanctuary sites for the nascent global movement.

At the thirtieth anniversary of the UDHR's passage, in December 1978, the plurality of meaning ascribed to its precepts was so extensive that the very idea of universality was in full recession. The UDHR had fissioned into competing and contradictory crusades for development, collective rights to sovereignty through armed liberation struggle, and national historical and cultural particularity. While human rights had perhaps broken through, in the process, they had almost certainly broken up.⁵ Reassembly of the pieces was a task beyond the contradictory conciliation of the new US Permanent Representative Andrew Young, the anodyne words of the European democracies, and the platitudes of Secretary-General Kurt Waldheim, a figure who would later be exposed for war crimes.

It was only in 1988, over a full decade after the oft-cited year (1977) of successful rupture, that the first encouraging traces of the 'breakthrough' were finally transmitted through to the General Assembly in Turtle Bay. Even by this point, the shift in sentiment was registered only slightly, with the meaning of the UDHR the source of continued contest, from governments that had departed little from the authoritarian spirit of the late 1960s and early 1970s. While the 'breakthrough' had succeeded in the seeding of a wide network of human rights organizations, the UN apparatus in New York, and especially in the distant and expensive Geneva, were at the very limits of its transformative range. Transnational human rights NGOs had acquired little purchase in the international organization, which was inhabited by a very different set of tenants.

Repulsing the 'breakthrough': The UN Human Rights programme in the 1970s

As the UDHR approached its third decade, its status had visibly frayed. With each successive anniversary, the euphoria of 10 December 1948 receded further into the past. The tenth anniversary celebrations in 1958 were characterized by despondency, a mood registered by a frail Eleanor Roosevelt, the once reliably optimistic icon of the early post-war UN.⁶ With each Human Rights Day, particularly after 1963, the surrounding edifice of qualifications and exceptions extended further, and obscured the hopeful vision of 1948. Support for universalism, always problematic and brittle, was occluded by the distinctive problems and circumstances of various nation-states – notably the imperative for development and modernization. By the twentieth anniversary of the UDHR, in the officially designated International Human Rights Year, 1968, the assortment of commemorative activities went closer to eulogizing the spirit of universality than celebrating it.⁷

5 Recent work from Moyn also notes, in passing, this splintered quality of human rights discourse in the 1970s: see Moyn, 'The return of the prodigal: the 1970s as a turning point in human rights history', in Eckel and Moyn, *Breakthrough*, pp. 1–14.

6 UN Provisional Document 58-30254, 'Special meeting of the General Assembly of the United Nations to commemorate the tenth anniversary of the adoption of the Universal Declaration of Human Rights', 10 December 1958.

7 See especially the speeches of the twentieth-anniversary commemorative meeting, A/PV.1736, Verbatim Record of the General Assembly (henceforth GAOR), 1736th Plenary meeting, 9 December 1968.

The flagship project of the International Human Rights Year, and the centrepiece of the commemorative enterprise, was the First World Conference on Human Rights, which convened in Tehran during April and May 1968. Opened by the shah himself, and chaired by his twin sister, Princess Ashraf Pahlavi, the Tehran conference was a festival of scepticism and hostility for the universality of rights that it was supposed to celebrate.⁸ It demarcated a period of mostly ineffectual exhortation and platitude, with episodic symbolic successes, from a new phase of vigorous, and often pernicious, revision to the philosophy of human rights set down in 1948.⁹ Held in the shah's New Majlis Building, the conference was a study in the institutional preference for a human rights order dominated by the voice of the state. NGO participation was at the margins, a consequence of Soviet pressure and the expense, distance, and administrative impediments to travel.¹⁰ Authoritarian states had emerged as the new custodians of human rights within the UN, a position that was consolidated over the course of the next decade.

By the late 1970s, the language of human rights had been captured and redeployed by a rainbow coalition of authoritarian states, which were now firmly in command of the General Assembly and the Commission of Human Rights. Within the UN programme, 1977 had been a banner year for the authoritarian caucus. It opened with the publication of an erudite volume from the authoritarian Philippine president, Ferdinand Marcos, which reconciled the precepts of his 'New Society' dictatorship with a re-authored and redacted vision of the UDHR.¹¹ Its vision of a powerful, modernizing state as the best, and only, means for advancing human rights had wide appeal. On 16 December 1977, the General Assembly adopted Resolution 32/130, a text that formally codified various revised understandings of human rights apparent for at least a decade in the General Assembly.¹²

The new human rights philosophy consecrated by Resolution 32/130 was a breviary of 'developing world' and sovereign aspiration, more ambitious than anything that preceded it.

8 UN Doc. A/CONF.32/SR.1, Summary Records of the World Conference on Human Rights, Tehran, 1st Plenary Meeting, 22 April 1968, Conference president Ashraf; UN Archives, S-0883-018-08, UN Secretary-General 1961–1971: U Thant, trip to Tehran, Iran, International conference on human rights, 20–23 April 1968, verbatim text of address by His Imperial Majesty the Shahinsha Aryamehr.

9 Roland Burke, 'From individual rights to national development: the first UN International Conference on Human Rights, Tehran 1968', *Journal of World History*, 19, 3, 2008, pp. 275–96.

10 The National Archives, Kew, UK (henceforth TNA), Foreign and Commonwealth Office (henceforth FCO) 61/228, J. G. Taylor, memorandum, UK mission to the UN, 'NGOs: Tehran conference', 1 December 1967; TNA, FCO 61/231, A. J. Coles, memorandum, UK Mission to the UN, 'Preparatory committee for the Tehran conference', 21 March 1968.

11 Ferdinand Marcos, *The Philippine experience: a perspective on human rights and the rule of law*, Manila, s.n., 1977. The volume had a reasonably accomplished ghost writer, or reflected an exceptionally conscientious dictator, the work being littered with a range of erudite citations and elegant legal reasoning.

12 United Nations General Assembly (henceforth UNGA) Plenary, 32nd session, Resolution 32/130, 'Alternative approaches and way and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms', 16 December 1977, article 1(f). For a characteristic example of how the model of 'interdependence' in Resolution 32/130 was deployed, see UN Doc. A/C.3/33/SR.58, Summary Records of Committee III, 33rd session, 58th meeting, 7 December 1978, Cuban, Romanian, and Beninian delegations contributions to debate, paras. 25, 45–7, 49, 51–3. See also, the various governmental and Secretariat analyses of Resolution 32/130 in UN Docs. E/CN.4/1318 and E/CN.4/1320, 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways of means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms', December 1978.

It paired the realization of human rights with the realization of the great symbolic triumph of ‘developing world’ dominance in the General Assembly, the New International Economic Order (NIEO), which had dominated much of the UN proceedings across the 1970s.¹³ The NIEO, a grand project that sought to reapportion economic sovereignty from the wealthy North to the ‘developing world’, now provided the most fundamental enabling conditions for human rights.¹⁴

The logic of Resolution 32/130 marked the triumph of collective national liberation and state modernization over individual freedom and security. Perilously imprecise language of development and global solidarity rescinded any promise of universal protections inhering to individual humans. Human rights had been redefined in terms deeply subversive to those enunciated in the deliberations of 1948. Shah Reza Pahlavi’s Iran, Lieutenant General Jorge Videla’s Argentina, Leonid Brezhnev’s Soviet Union, Erich Honecker’s East Germany (the GDR), and a host of other repressive regimes had claimed sole custody of human rights language. Their guardianship was in the process of being disputed, but without much by way of immediate effect. President Jimmy Carter had announced his crusade for a re-moralization of US foreign policy, with the promotion of human rights at its centre, but his administration had not moved much beyond haphazard proclamations, and struggled to advance a consistent position on the relative balance between different ‘sets’ of rights.¹⁵ Carter’s universalism, insofar as it existed, was confused and frequently timorous in expression.

As the 1970s drew to a close, the General Assembly and the Commission on Human Rights remained the redoubt of dictators. The 1977 session of the Commission, for instance, had witnessed an entente between Idi Amin’s Uganda and the Soviet Union. The UK representative, Sir Keith Unwin, in his report of the proceedings, described the assiduous tutelage of the Ugandan delegate by an unusual mentor, the Soviet ambassador Valerian Zorin. ‘It was’, Unwin observed drily, ‘an inspiring sight to see Zorin taking the poor little Ugandans under his wing and defending their sovereign right to do what they damn well please, and advising them at every turn.’¹⁶ Amin’s government survived the session without any serious action being taken.¹⁷ Tanzanian military invasion, not international human rights advocacy, was the eventual source of Amin’s downfall.

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- 13 For the encapsulation of the NIEO’s philosophy, see its two most authoritative manifestos, UNGA, Resolution 3281 (XXIX), ‘Charter of economic rights and duties of states’, 12 December 1974; UNGA, Resolution 3201, ‘Declaration on the establishment of a new international economic order’, 1 May 1974.
- 14 Resolution 32/130 was the culmination of NIEO reasoning; its essential argument – that the global redistribution subtended all serious progress on rights – had been made vocally well before the end of 1977. See, for example, the speech of its most able exponent, and a major architect of the resolution, H.I.H. Ashraf Pahlavi, in UN Doc. E/CN.4/SR.1389, Summary Records of the Commission on Human Rights, 1389th meeting, 14 February 1977.
- 15 Keys, *Reclaiming American virtue*, pp. 214–41; see also Joshua Muravchik, *The uncertain crusade: Jimmy Carter and the dilemmas of human rights policy*, Lanham, MD: Hamilton Press, 1986; Bradley Simpson, ‘Denying the “First Right”: the United States, Indonesia, and the ranking of human rights by the Carter Administration, 1976–1980’, *International History Review* 31, 4, 2009, pp. 798–826.
- 16 TNA, FCO 58/1149, Keith Unwin, ‘The 33rd session of the Commission on Human Rights, 7 February–11 March 1977’, 11 April 1977.
- 17 A failure noted with vocal displeasure by those who had suffered under his rule: see UN Doc. A/C.3/34/SR.28, paras. 29–33 and UN Doc. A/C.3/34/SR.33, paras. 31–2, 40–4, Summary Records of the Third Committee, 28th meeting (34th session), 26 October 1979.

Throughout 1978 the sharp increase in human rights advocacy, from Amnesty International (AI) and from the Carter Administration, was evident primarily in the state counter-offensive that was rallied to oppose any intensified scrutiny of repression. National particularism, variously inflected as social, historical, developmental, or cultural exception, was the rhetoric of preference. While the transnational ‘breakthrough’ pressed forward in some areas, in the General Assembly it was out-competed by a different language. Those who asserted the primacy of national liberation, those who claimed the priority for economic modernization, and those claiming revolutionary privilege were ascendant. A miraculously disparate coalition of repressive regimes joined the fray, spurred into action by the wave of reports, primarily from AI. Saudi Arabia adopted a more subtle strategy, with an effort to co-opt the International Commission of Jurists (ICJ) through a series of bizarre joint conferences in the 1970s.¹⁸ The remainder prepared their defences upon the favourable political terrain of the UN itself, where the institutional preference for sovereign states lent an advantage.¹⁹

In a testament to the perverse sweep of the new anti-NGO alliance, for the first time in thirty years apartheid’s diplomatic corps had a set of arguments that could be plausibly aligned with those of fellow repressive regimes. Proud diplomats from the richly funded South African Department of Information launched a stunning salvo on 15 March 1978, with the publication of *Amnesty for terrorism*, a tirade against universal human rights generally, and AI in particular. Nestled inside its dramatically blood-spattered cover was a full-scale defence of apartheid framed in the language of cultural and historical relativism:

Drawing up a Universal Declaration of Human Rights is one thing; whether it is feasible, and therefore applicable, is quite another. These ‘standards of human rights’ – would they be those that have come to be firmly established in the great Western countries after centuries of evolution, or those of the Communist world where neither individuality nor criticism of the system is tolerated, or those of certain African countries where a thief has his hand chopped off and other criminals are fed to crocodiles, or those of certain Middle East countries where slavery is still practised on a large scale and adulterers are beheaded?²⁰

The reference to the Middle East was especially pointed. It followed the catastrophic capitulation of the British foreign secretary David Owen, who only months earlier had rescinded even the mildest expression of concern over the execution of Princess Mishal bint Fahd for adultery in Saudi Arabia, a decision that sparked a minor furore in the United Kingdom

18 The published proceedings appeared to contain ventriloquized versions of the main ICJ leaders, Karel Vasak and Sean MacBride, whose comments at these conferences were profoundly dissonant with essentially everything they did in their previous or subsequent careers. For these unusual statements, see generally the collected documents, prepared by the Saudi Ministry of Justice, *Proceedings of conferences of Riyadh, Paris, Vatican City, Geneva, and Strasbourg, on Muslim doctrine and human rights in Islam, between Saudi canonists and eminent European jurists and intellectuals*, Riyadh: Ministry of Justice, c.1975.

19 Iran, which had a somewhat more convincing narrative to sell, bolstered this defence with forays into the Western media: see, for instance, Fereydoun Hoveyda, ‘Not all clocks for human rights are the same’, *New York Times*, 18 May 1977, p. 25, and a number of paid, multi-page supplements in *The Times* (London).

20 D. C. van der Spuy, *Amnesty for terrorism*, Cape Town: South African Department of Information, March 1978, p. 5.

about human rights and cultural relativism.²¹ Mishal, reported to be not yet twenty, was publicly murdered at the behest of her own family, without normal Saudi judicial processes, prompting widespread disgust in the Western world and considerable disquiet within Saudi Arabia itself.

Owen's relativism received prompt backing from the Carter Administration's Human Rights Bureau, which was rather less adamant on universality than was commonly presumed, even on its most privileged category of 'integrity of the person' rights.²² Ollie Jones from the Bureau was unperturbed by Mishal's execution, despite its incompatibility with these most fundamental human rights, and, as many argued, religious law as it was proclaimed in the Saudi kingdom. Jones echoed Owen's justification, and claimed that 'you have to see countries within the cultural and legal traditions they have'.²³ Owen's diplomatic disaster was met with glee by the South African authors, who referenced it directly as evidence of the futility of human rights universalism.

Amnesty for terrorism presented a stark conclusion: there was no prospect of universality in human rights. The NGOs wielded a standard that was irrelevant outside the West. Universality was positioned as an invention of AI, and the human rights it cited were simply 'a new set of paper standards devised in 1960 in a suburb of London'.²⁴ Universal human rights were a philosophically illegitimate and politically fantastical notion, given a world populated by 'peoples with disparate cultures, traditions, customs and systems of values and justice', generated endogenously 'over many centuries'.²⁵ The South African pamphlet was the first in a torrent of dissent that followed, with similar assaults on AI from General Haile Mengistu's Ethiopia, the Soviet Union, Iran, Jomo Kenyatta's Kenya, Augusto Pinochet's Chile, and even Joh Bjelke Petersen's Queensland.

General Mengistu's emissary, Tadesse Terrefe, was especially exercised by AI's 1978 report on Ethiopia and its Leninist government of 'Red Terror'.²⁶ In a letter to the Secretary-General, circulated to the wider UN programme early in 1979, Terrefe warned that

21 Hansard, *House of Commons Debates*, 6 February 1978, vol. 943, cols. 383–4W; 'Owen apology sparks protest', *The Guardian*, 1 February 1978, p. 22; 'Owen defends apology', *The Guardian*, 2 February 1978, p. 1; John Andrews, 'Human rights to the sword', *The Guardian*, 2 February 1978, p. 11. The editors struggled to decide between outrage and doctrinaire relativism: see 'Diplomacy and double standards', *The Guardian*, 3 February 1978, p. 10.

22 The uncertainty over precisely how universal Carter's human rights standards should be was a perennial issue for debate within the administration, especially when formulating an approach to the Third World. See 'Action memorandum from the Director of the Policy Planning Staff (Lake) and the Coordinator for Human Rights and Humanitarian Affairs-Designate (Derian) to Secretary of State Vance', March 1977; 'Memorandum from Jessica Tuchman of the National Security Council staff to the President's Assistant for National Security Affairs (Brzezinski)', August 1977; 'Study prepared by the Ad Hoc Inter-Agency Group on Human Rights and Foreign Assistance, Presidential review memorandum NSC-28: human rights', August 1977, all in Kristin Ahlberg, ed., *Foreign Relations of the United States, 1977–1980, Vol. II: human rights and humanitarian affairs*, Washington, DC: United States Government Printing Office, 2013, pp. 79, 214–17, 230–1.

23 Andrews, 'Human rights', p. 11; see also Muravchik, *Uncertain crusade*, p. 142.

24 Van der Spuy, *Amnesty for terrorism*, p. 5.

25 *Ibid.* Privately, the Carter administration's first-year review of human rights, completed in January 1978, arrived at a similar assessment, though it noted it with rather less enthusiasm: see 'Paper prepared in the Bureau of Intelligence and Research, progress and retrogression in human rights in 1977', January 1978, in Ahlberg, *Foreign Relations*, pp. 351–2.

26 Amnesty International, *Human rights violations in Ethiopia*, London: Amnesty International, 1978.

‘Amnesty International operates from imperialist countries’ and was ‘almost exclusively staffed and funded by them’.²⁷ This fatally compromised the NGO’s claim to universal legitimacy. With its base in the imperial heartland, it was, he argued, ‘only natural that it should reflect the philosophy and policies of its imperialist mentors and monopolist benefactors’.²⁸ As the denunciations accumulated on the desk of Secretary-General Waldheim, Adamantia Pollis and Peter Schwab finalized their manuscript, *Human rights: cultural and ideological perspectives*, published in 1979. Its introductory essay, ‘Human rights: a Western construct with limited applicability’, would become the cornerstone text in the cultural relativist critique of human rights that would define the 1980s and 1990s.

‘By the same yardstick’? Requiem for a common standard of achievement

Celebrations for Human Rights Day in December 1978 demonstrated the attenuated faith that the UN now held for the text it had authored thirty years earlier. According to Kathleen Teltsch, who had reported on the human rights programme since the earliest days of the UN, it was a depressing affair.²⁹ Precious few states had even responded with details on their commemorative events.³⁰ The official celebratory speeches were dispersed across the morning and afternoon of 11 December, punctuated by a two-day break to debate colonialism, neo-colonialism, apartheid, and Namibia, with a closing meeting on 14 December. The plenary also found time to pass a resolution on Unidentified Flying Objects.

Whether there was any ‘universal’ Universal Declaration to celebrate was unclear in the opening address of the first commemorative meeting, delivered by the president of the General Assembly, Indalecio Lievano. Lievano, the Columbian foreign minister, recited the Western heritage of the document, from Greece through the Enlightenment and the Atlantic revolutions. The declaration was, he stated, ‘the epitome of our liberal civilization’.³¹ Lievano emphasized the Western lineage, and that those states in Latin America taking up these ideas ‘considered themselves heirs to Western culture’.³²

From there, human rights had haltingly spread further. However, Lievano and many of his UN colleagues were less confident about any notion of universality that came with them. ‘It would not’, he lectured, ‘be proper for us to judge by the same yardstick young nations which have attained an independent existence only in the last few years’, an achievement

27 UN Doc. E/CN.4/1344, Tadesse Terrefe, ‘Letter dated 14 March 1979 addressed to the Chairman of the Commission on Human Rights at its thirty-fifth session by the Permanent Representative of Ethiopia to the United Nations at Geneva’, 15 March 1979. See also UN Doc. E/CN.4/SR.1634, Summary Records of the Commission, 1634th meeting, 10 March 1981, para. 20.

28 Terrefe, ‘Letter’.

29 Kathleen Teltsch, ‘U.N. Human Rights Day has asperity and nostalgia’, *New York Times*, 12 December 1978, p. 2.

30 UN Doc. E/CN.4/1312, ‘Observance of the thirtieth anniversary of the adoption of the Universal Declaration of Human Rights: report of the Secretary General’, 16 January 1979. Admittedly, a response was not necessarily indicative of commitment, given that Chile, the GDR, and Hungary conscientiously described their respective celebrations.

31 UN Doc. A/33/PV.77, GAOR, 77th Plenary meeting (33rd session), 11 December 1978, Lievano, para. 2.

32 *Ibid.*

that had followed 'painful colonial experience'. The supposed communitarianism of the post-colonial world 'involved complex sociological systems in which the individual was immersed in the society', quite unlike the modern, industrial monads that apparently comprised the citizenry of the Western world. Essentialism and loose caricature were incautiously applied to whole hemispheres. There was, Lievano argued, no basis on which to 'judge all States indiscriminately' or 'to expect of them an identical understanding' when the concepts of human rights were novel or frankly alien to many regions of the world.³³ Given this, and the damage wrought by imperialism, allowances had to be made. These were sentiments well calibrated to the disposition of his audience, now predominantly post-colonial and often avowedly particularistic in their stated philosophies of government.

Secretary-General Waldheim, who spoke next, had also read the mood on universality. He observed the 'lively debate' that had been conducted 'in the world as to how human rights are to be interpreted in particular social and economic contexts'. This debate he rather optimistically took as a sign of deepened engagement, because 'it would, indeed, be strange if, with their various traditions, ideologies and levels of economic development' various civilizations 'did not differ in their points of emphasis as far as the totality of human rights is concerned'.³⁴ Differences in emphasis had been expected, with wide margins of appreciation built into the UDHR. What Waldheim had actually encountered was a much deeper fracturing of normative consensus; far more than emphasis, the 'lively debate' concerned the fundamentals of the philosophy itself.

He cautiously deferred to the urgency of the still vigorous NIEO crusaders without endorsing the complete abandonment of other priorities. Nevertheless, Waldheim sanctioned the core proposition of the NIEO, that there was 'now a recognition of the fact that human rights cannot be fully attained unless a new international economic order is established'. This was apparently further evidence of progress, 'a synthesis of viewpoints voiced by different groups of countries'.³⁵ Whether intramural consensus across an assembly predominantly composed of dictatorships was actually diagnostic of virtue was another question.

Pascal Gayama from the Congo, in his capacity as spokesperson for the African group, was hesitant to offer a full endorsement to the UDHR and its legacy. The Republic of Congo was now well inside the Soviet orbit, though Gayama was careful to include a lengthy recitation of African heroes, from the Haitian revolutionary icon Toussaint L'Ouverture through to the scourge of Portuguese colonialism, Eduardo Mondlane, in his address. 'As Africans', he said 'we celebrate this thirtieth anniversary with the enthusiasm that it deserves', an enthusiasm that was evidently meagre. It was a celebration, 'assuredly without unrestrained enthusiasm', owing to the purported defects in the declaration's vision:³⁶

As far as we are concerned, the balance-sheet ... does not cease with time to appear insufficient in comparison with the demand for economic, social, cultural and other rights of which a large part of humanity is still deprived. How could it be otherwise

33 *Ibid.*, para. 4.

34 UN Doc. A/33/PV.77, GAOR, 77th Plenary meeting (33rd session), 11 December 1978, Waldheim, para. 12.

35 *Ibid.*, para. 14.

36 UN Doc. A/33/PV.77, GAOR, 77th Plenary meeting (33rd session), 11 December 1978, Gayama, para. 47.

from the point of view of a continent which saw the birth of man but which has been given so little opportunity to enjoy all its rights because of a rather singular interpretation of that concept?³⁷

Gayama departed from the 'singular interpretation', and related a lineage of human rights that went through Mohandas Gandhi, Nelson Mandela, assorted Pan-Africanists, and the transformative Bandung moment.

This genealogy then took a less plausible branch when Gayama cited the UDHR as 'a theoretical tool of great importance in the tradition of the framework established by, among others, the great Lenin and the Soviet Revolution'.³⁸ His catalogue of the 'pertinent texts' that flowed from 1948 was similarly instructive, with a perfunctory recitation of the core human rights instruments and an entire paragraph on the products of 1974: those flagship statements of 'New' internationalism and solidarity, the Declaration and Programme of Action on the Establishment of a New International Economic Order, and the Charter of the Economic and Rights and Duties of States. These were the new cornerstones, 'absolutely determinant perspectives concerning the way in which we should today consider the happiness of human beings'.³⁹ Southern Africa and Palestine were discussed in poignant terms, with silence on any other specific human rights abuse. The address closed with a quoted exhortation from Fanon to create 'a new history of man'.⁴⁰

Less oblique on the dissolution of universality was Ahmed Abdel-Meguid, from Anwar Sadat's Egypt. He expressed the logic of the NIEO, and of Resolution 32/130, which officially fused its reasoning with the human rights programme. At the heart of Resolution 32/130 was an asymmetrical interpretation of the interdependence of human rights. Abdel-Meguid assented to that understanding, and asserted that 'failure to enjoy economic, social and cultural rights' represented 'an automatic negation of theoretical values on the political and civil plane'.⁴¹ On the whole, he seemed encouraged by the recent trends in the human rights programme.

His primary disappointment surrounded the persistence of those who continued to argue for the older, conventional view of universality and symmetric interdependence. He took aim at the rising NGO movement, and more activist human rights diplomacy. He cautioned the Assembly that 'certain individuals pose as defenders of human rights against others and wish to impose their own specific and limited concept of human rights, thus imposing one example'. Instead, he urged the need for national and historical particularism, of a revised human rights approach 'based on respect for the practices and customs of each country and the features of each society'.⁴² Abdel-Meguid then devoted more extensive praise to Resolution 32/130, and the requisite pro-forma references to apartheid, colonialism, foreign domination, sovereignty, and the NIEO.⁴³

37 *Ibid.*

38 *Ibid.*, para. 52.

39 *Ibid.*, para. 59.

40 *Ibid.*, para. 67.

41 UN Doc. A/33/PV.83, GAOR, 83rd Plenary meeting (33rd session), 14 December 1978, Abdel Meguid, para. 60.

42 *Ibid.*, para. 62.

43 *Ibid.*, para. 63.

Alejandro Yango, the emissary from the Philippines of Ferdinand Marcos, resumed the line of argument that Abdel-Meguid had begun. Despite an opening boast of the role of the Philippines in the drafting of the UDHR ‘that could serve as a common standard of achievement for all peoples and all nations’, Yango later quoted Lievano with approval on the impropriety of ‘young nations’ being measured ‘by the same yardstick’.⁴⁴ He recited a speech from Carlos Rómulo, delivered three months earlier, in which he claimed that the supreme question was now ‘the priority of choice in the hierarchy of human rights’.⁴⁵ As Yango’s speech continued, it was apparent that this was an occasion to celebrate Rómulo the foreign minister to Marcos, as opposed to Rómulo the optimistic universalist of 1948.⁴⁶ Yango’s chosen passages described not shared humanity but unbounded diversity. Human rights operated in ‘a plural universe’, where everyone ‘must learn to accept the diversity of customs, values and specific sets of economic and political circumstances. To compel other nations to conform to another country’s values is itself an unpardonable violation of human rights.’⁴⁷ The views that Rómulo expressed in September 1978 were precisely opposite to those he had stated in the late 1940s, when he railed against European imperialist relativism in the Commission on Human Rights. They were a direct repudiation of his assessment in 1955, in the context of the Asian–African Conference in Bandung, when he rejected the trade-off between economic development and individual freedom.⁴⁸

Rómulo, and his junior lieutenant, Yango, were perfectly aligned to Marcos, who had rejected universality as point of principle in a book-length work of self-justification, *The Philippine experience: a perspective on human rights and the rule of law*, published in 1977. The president discerned a ‘new concern’, one ‘focused on human rights in the international sphere’, and organized along the ‘North–South’ axis of development.

From one end of the globe to the other ... we find discussion raging – sometimes not confined to words – over the nature, meaning, implications, limits, and justifications of human rights and human freedom. While the points of contention are numerous, I think they all proceed from the wish to establish the universality of these rights, to make them apply to all situations at all times.⁴⁹

This pretended deference to universalism was promptly clawed back, with a catalogue of caveats that mortally compromised any basis for a shared standard. While there was, Marcos argued, ‘much to recommend the validity of this aspiration’ of universal human rights, it ran contrary to the state of the world, where ‘different nations conceive rights in different ways, and have divergent hierarchies of values’. To pursue universality in these circumstances was

44 UN Doc. A/33/PV.83, GAOR, 83rd Plenary meeting (33rd session), 14 December 1978, Yango, paras. 148, 156.

45 *Ibid.*, para. 153.

46 Rómulo’s universalist orientation was primarily manifest as a liberal, generally pro-Western disposition, and a fierce opposition to classical imperialism; the results were often contradictory: see Augusto Fauni Espiritu, ‘“To carry water on both shoulders”: Carlos P. Romulo, American empire, and the meaning of Bandung’, *Radical History Review*, 95, 2006, pp. 173–90.

47 UN Doc. A/33/PV.83, Yango, para. 154.

48 Roland Burke, *Decolonization and the evolution of international human rights*, Philadelphia, PA: University of Pennsylvania Press, 2010, pp. 13–34, 112, 146.

49 Marcos, *Philippine experience*, p. 17.

‘highly problematic, if not downright impossible’.⁵⁰ These seemingly insuperable difficulties were lost on ‘Western liberals’, who did not ‘understand how variations in historical experience and in material and social conditions inexorably create different problems’.⁵¹

Re-iterating another argument made by Marcos in his legalistic tome, Yango advanced the ambitious claim that ‘Philippine martial law does not only accord full respect to but enhances human rights.’⁵² Throughout the remainder of the address, he catalogued the virtues of the ‘New Society’, and expressed Philippine endorsement for the now perennial UN agenda item on alternative ways and means for promoting human rights, which had been the source of all manner of highly revisionist interpretations of the UDHR, not least Resolution 32/130.

Defending the universality of the Universal Declaration

Across the three meetings, a few moments of hope were lent by John Humphrey, the principal author of the first draft text of what would evolve into the UDHR, now well experienced at these commemorative sessions, and from the eminent Indian writer, Nayantara Sahgal, a new visitor to the Assembly. Humphrey did not display the overt demoralization exhibited in 1973, when he opined that the commemoration was ‘a colossal joke’.⁵³ His speech found little comfort in the verbiage of UN resolutions and the formal consequences of the declaration’s promulgation, and instead emphasized the uptake of the UDHR’s ideas more widely. Institutions and conventions were crucial, but ‘in the last analysis what is most important is the force of public opinion and the attitude that people have about their rights and the rights of others’.⁵⁴ It was precisely the process that Sahgal observed in the case of citizen opposition to the Indian Emergency.

Sahgal was the daughter of Vijaya Lakshmi Pandit, who had led a hopeful, social democratic India at the General Assembly in the 1950s.⁵⁵ She was also the cousin of Indira Gandhi, who as prime minister had declared the Indian Emergency. Sahgal spoke for an India that was recovering from that period. Across 1976 and 1977, Sahgal and her mother had engaged in a prominent row with Gandhi over the legitimacy of the Emergency government.⁵⁶ Now at the rostrum, she paid tribute to the human rights defenders in her country, and offered counsel on what the experience of Emergency rule had demonstrated.⁵⁷

50 *Ibid.*

51 *Ibid.*, pp. 30–31.

52 UN Doc. A/33/PV.83, Yango, para. 171. See also Ferdinand Marcos, *Notes on the new society of the Philippines*, Manila: National Media, 1976, esp. pp. 32, 80, 104–5; Marcos, *Philippine experience*, p. 64.

53 Kathleen Teltsch, ‘Rights manifesto hailed at UN’, *New York Times*, 11 December 1973, p. 6.

54 UN Doc. A/33/PV.77, GAOR, 77th Plenary meeting (33rd session), 11 December 1978, Humphrey, para. 107.

55 William Borders, ‘Indira Gandhi’s aunt says she is “profoundly troubled” at direction India is taking’, *New York Times*, 31 October 1976, p. 11.

56 Paul Grimes, ‘U.S. emerging as a center of émigré resistance to Gandhi regime’, *New York Times*, 3 October 1976, p. 14; Nayantara Sahgal, ‘The romance and the reality of Mrs. Gandhi’s rise to power’, *The Times*, 11 March 1977, p. 14.

57 ‘India to move an “action paper” on human rights’, *Times of India*, 13 December 1978, p. 15.

India, she stated, was 'still involved in trying to undo, through Parliament, the damage done' by the Emergency 'to the concept of the supremacy of fundamental rights'.⁵⁸ The foremost lesson was that the human rights in a constitution needed sentinels, citizens, and institutions, both national and international, to guard it. There was a need for 'national institutions and voluntary organizations' to shield rights from the 'misuse of powers' by the state and its agents.⁵⁹ While the new government was undertaking all sorts of measures, notably on minority protection, which Sahgal listed, she also warned 'that none of these measures can go far unless citizens themselves are involved in human rights'.⁶⁰ She praised the work of Citizens for Democracy, founded in April 1974 'to alert the public to the rising tide of authoritarianism', and the efforts of the People's Union for Civil Liberties and Democratic Rights, formed in 1976.⁶¹ These were national human rights NGOs, connected to the UDHR, which they cited, and to their own national communities and constitutions. In the wake of the Emergency, Sahgal had sponsored a major initiative on national human rights institutions in the General Assembly.⁶²

On the question of interdependence between human rights, Sahgal was the direct descendant of Hansa Mehta, who had injected a distinctive Indian social democratic philosophy into the human rights covenants in the early 1950s.⁶³ Mehta's heir recognized both sets of rights equally, and described the distinct ways in which the Indian Constitution sought to protect them. This entailed justiciability for civil and political rights, and the Directive Principles of government, which enshrined the progressive realization of economic and social rights with a constitutional status.⁶⁴ Crucially, these Directive Principles were drafted in terms sufficiently serious to be meaningful, but not so utopian as to fall into the realm of insincerity or to provide an alibi for destroying their civil and political siblings. Sahgal's pragmatism was most unlike the sweeping phrases of Resolution 32/130, which subordinated human rights to global economic development.

To a lesser extent, Andrew Young, a civil rights veteran and Carter's ambassador to the UN, provided grounds for optimism. In the preceding months he had been an embarrassingly blunt critic of the US domestic record, prompting delight from the Soviet Union and a rebuke from Carter himself.⁶⁵ Although Young would soon resign in scandal, after a meeting with the PLO diplomat Zuhdi Labib Terzi, his performance at the anniversary celebration was pitch-perfect. His address continued the unfeasible policy of trying to conciliate the militant

58 UN Doc. A/33/PV.78, GAOR, 78th Plenary meeting (33rd session), 11 December 1978, Sahgal, A/33/PV.78, para. 21.

59 *Ibid.*, para. 22.

60 *Ibid.*, para. 30.

61 *Ibid.*

62 'National bodies to uphold human rights urged', *Times of India*, 25 November 1978, p. 10.

63 Roland Burke, 'Some rights are more equal than others: the Third World and the transformation of economic and social rights', *Humanity*, 3, 3, 2012, pp. 427–48.

64 For further discussion on the equilibrium of the Indian constitution, see K. R. Venugopal, 'A social charter for India', in Dubey Muchkund, ed., *A social charter for India: citizens' perspective of basic rights*, New Delhi: Pearson/Longman, 2009, pp. 47–9. See also UN Doc. A/33/PV.78, Sahgal, para. 20.

65 'Political prisoners in US Young says: UN envoy, in Geneva, compares dissidents in Soviet Union to civil rights campaigners', *New York Times*, 13 July 1978, p. 3; 'Carter tells Young of unhappiness at comment on political prisoners', *New York Times*, 16 July 1978, p. 1.

‘developing world’ while supporting human rights and enhancing American prestige in the Assembly. Any one of these objectives was, at best, possible. Young attempted all three. It was a finely crafted, cautious speech, which cited both Martin Luther King and Gandhi, and emphasized the brightest version of interdependence, the original symmetry of the UDHR. Civil and political rights should not, he said, ‘be made dependent on any other considerations’, while simultaneously he recognized that ‘we must understand, too, that these rights are hollow for any individual who starves to death’.⁶⁶ This was unlikely to appease those who insisted on the primacy of modernization, but Young offered more sympathy to economic and social rights than his predecessor, the celebrated human rights champion Daniel Patrick Moynihan, had ever advertised. In his attempt to sell a vision of universal, indivisible, inherent human rights, Young ventured closer to the original sense of the UDHR than most of his American predecessors and many of his Western peers.

Most of the assorted delegations offered no basis for optimism, rehearsing a mixture of very bland statements of support for human rights and sharp ideological polemic. The spread of views was a reasonable reflection of the barely veiled disharmony on what human rights now meant. Divisions and attitudes dating back to the genesis of the UDHR were manifest. Peter Florin (GDR) was the most candidly ideological, with an excursus on the meaning of human rights in his country. Under socialism, he said, ‘human rights have always received special attention’.⁶⁷ He recited the classic Soviet line enunciated by Stalinist prosecutor Andrei Vyshinsky three decades earlier, in his speech explaining the communist abstention on the UDHR.⁶⁸ According to Florin, echoing Vyshinsky, ‘in socialism, human rights are not rights of the individual as opposed to the society or the State, for it is his society, his State’. This was, he argued, ‘the new character of human rights’, quite different from ‘the human rights proclaimed by the *bourgeoisie*, even if the wording in both cases may sometimes be the same’.⁶⁹ It was this aspect of Florin’s disquisition that was most revealing, a bald statement of the plurality of contradictory meaning that now existed within the same lexicon. The UN veteran Ivor Richard (UK), who had led the critique of Moynihan’s effort to inject seriousness and plain-speaking into the Assembly during its 1975 session, found the speech highly entertaining. His major lament was that Florin had left the chamber before he had the opportunity to mock him.⁷⁰

Only marginally less audacious than Florin was the address from Belgian ambassador Andre Ernemann, who delivered a confident defence of the country’s colonial abuses. While its record was ‘not unblemished’, he proclaimed that ‘Belgium has nothing to be ashamed of in its colonial work because it was beneficent, among the most beneficent for the native populations.’ His faint concession was a one sentence acknowledgement that ‘our colonialism was not blameless and it did inflict some suffering’.⁷¹ Ernemann concluded by

66 UN Doc. A/33/PV.83, GAOR, 83rd Plenary meeting (33rd session), 14 December 1978, Young, para. 45.

67 UN Doc. A/33/PV.78, GAOR, 78th Plenary meeting (33rd session), 11 December 1978, Florin, para. 6. For the context of GDR self-perception on human rights and their presumed consonance with party policy, see Ned Richardson-Little, ‘Dictatorship and dissent: human rights in East Germany in the 1970s’, in Eckel and Moyn, *Breakthrough*, pp. 49–67.

68 See Andrei D. Vyshinskii, *The USSR and world peace*, London: Ayer, 1969, p. 89.

69 UN Doc. A/33/PV.78, Florin, para. 6.

70 UN Doc. A/33/PV.78, GAOR, 78th Plenary meeting (33rd session), 11 December 1978, Richard, para. 52.

71 *Ibid.*, Ernemann, para. 74.

citing Patrick Henry's 1775 speech to the Virginia Assembly, known as 'give me liberty or give me death', a clarion call to arms against imperialism.⁷² Given that Belgian imperialism had dispensed death to colonized peoples in preference to liberty in all of its foreign territories, it was a tenuous heritage to claim. Less ambitious was Sergio Diez, the representative from Pinochet's Chile, who made remarks so mercifully brief that they furnished slender grounds for additional provocation, beyond the regime's already well-documented gross violations, which had placed it at the centre of the new NGO mobilization.

Arab and Palestinian invective, which constituted common fare for most General Assembly sessions, was not long absent from the memorial speeches. Provoked by a comparatively innocuous speech from the Israeli representative announcing his state's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Jordan and the PLO weighed in against the abuses of Zionist colonialism. Jordan's representative spoke of Israel as among 'those barbarian nations which rejected the ten commandments' and a state which defined human rights as 'the right of Israel to kill people'.⁷³ Terzi, now an experienced PLO observer at the Assembly, went through an exhaustive list of Israeli conduct and its violations of the UDHR. He then finished with Christmas greetings, though even Terzi's reference to 'the Christmas spirit' was entangled with a tendentious observation about Jewish objections to nativity scenes in the United States.⁷⁴

'Honoured guests': human rights defenders on excursion to the UN General Assembly

Presentation of the annual human rights prizes allowed a small number of officially accredited visitors from the real world to join the proceedings, albeit briefly. Their fleeting presence sharpened the contrast between the commemorative speechifying in the Assembly and the actual custodians of human rights. Helen Suzman, the leading liberal opponent of apartheid in South Africa, received an award from an Assembly that had long drifted away from a liberal or social democratic critique of apartheid. Suzman's moderation and her inclination to pragmatic compromise, in particular her opposition to international sanctions, had alienated her from significant sections of the liberation movements. Martin Luther King, a champion of civil rights and a victim of violence, was an overdue posthumous recipient. His award was accepted by Coretta Scott King. Roy Wilkins' moving tribute to King at the 1968 World Conference on Human Rights had won plaudits, yet even then its message of amity and equality was promptly drowned in paeans to violent struggle that consumed many of the meetings.⁷⁵

72 *Ibid.*, para. 92.

73 UN Doc. A/33/PV.83, GAOR, 83rd Plenary meeting (33rd session), 14 December 1978, Attaweel, paras. 201–2.

74 *Ibid.*, Terzi, paras. 221–3.

75 UN Doc. A/CONF.32/SR.4, Summary Records of the World Conference on Human Rights, Tehran, 4th Plenary Meeting, 24 April 1968, Wilkins.

The International Committee of the Red Cross (ICRC), received a prize, despite its debatable status as a human rights organization. A guardian of international humanitarian law for more than a century, the ICRC was presently witnessing its inviolable principle of impartiality being rewritten by the United Nations to ensure parity, and arguably special privilege, for those combatants fighting racist and colonial regimes. Amnesty International was recognized for its work with a prize, while its reports were attacked by governments from left and right.⁷⁶ The Soviet delegate Oleg Troyanovsky was appalled at the award and voiced his protest.⁷⁷

Perhaps the most extraordinary demonstration was the gulf between the prize-winner Begum Ra'ana Liaquat Ali Khan, of the All Women's Pakistan Association, and the set of representatives from General Zia's Pakistan. Liaquat Ali Khan's official UN service had been in the 1950s, when she pursued women's rights with an enthusiasm that outstripped the western European representatives.⁷⁸ At that time she had dazzled the American legation, which privately described her as a figure of 'extraordinary intelligence, charm, and prestige'.⁷⁹ Elected to parliament in 1977, she was never allowed to take her seat. The very people who deprived her of office now defined Pakistan's presence in the UN human rights programme and at the 1980 ICJ conference on Islam and human rights, held in Kuwait City. She received a few moments of recognition, and a small engraved plaque, while senior handmaidens to Zia's Islamist authoritarian repression were becoming permanent fixtures. A frail Liaquat Ali Khan was escorted to the podium by Secretary-General Waldheim to accept her prize.⁸⁰ She would return home to continue the campaign against Zia's dictatorship, which had already acquired a well-deserved reputation for appalling repression.⁸¹

Pakistan had a more permanent presence, in the form of the distinguished jurists Allah K. Brohi and Syed Sharifuddin Pirzada, two of the principal figures in Zia's transition to power, with responsibility for the construction of its edifice of legality. Both were now prominent figures in the UN human rights programme and both were pivotal in the trial of Prime Minister Zulfikar Ali Bhutto: Pirzada as the attorney-general and Brohi as Zia's special prosecutor.⁸² Pirzada, who had prepared the legal fig-leaf for every dictator since Pakistan's independence, rejected Bhutto's appeal.⁸³ In spare moments from his post as

76 AI had made a virtue of the ecumenism of denunciations, with a compendium of various insults from all manner of regimes: see Amnesty International, *AI in quotes*, London: Amnesty International, 1976; Amnesty International, *AI in quotes*, London: Amnesty International, 1985.

77 Teltsch, 'U.N. Human Rights Day', p. 2.

78 Particularly on the question of women's rights, where she argued against any notion of Islamic exceptionalism. See UN Doc. A/C.3/SR.478, Summary Records of the Third Committee, 478th meeting, 15 December 1952, paras. 3, 4, 8, 9.

79 US National Archives at College Park, MD, General Records of the Department of State, Record Group 59, Decimal File 1950-1954, 17, 320.13/14-753, 'Report on the Third Committee of the General Assembly: 14 October-22 December 1952', 7 April 1953.

80 Mehr Nigar Masroor, *Ra'ana Liaquat Ali Khan*, Karachi: All Pakistan Women's Association, 1980, pp. 16-18.

81 Amnesty International, *Short report of an Amnesty International mission to the Islamic Republic of Pakistan, 20-25 January 1978*, London: Amnesty International, 1978.

82 For details of the Bhutto trial, and the situation under Zia in this period, see *Amnesty International report 1979*, London: AI Publications, n.d., pp. 104-8.

83 'Chief justice turns down Bhutto's plea', *Times of India*, 21 May 1978, p. 1; Jane Perlez, 'On retainer in Pakistan, to ease military rulers' path', *New York Times*, 15 December 2007, p. 4.

minister for religious affairs, Brohi lectured the ICJ seminar on human rights and attended the Commission on Human Rights in Geneva.⁸⁴ In 1967 he had prepared a major working paper for the 1968 World Conference on Human Rights in Tehran. With an established record of legislative reform, notably detailed sentencing procedures for public mutilation and execution, Pirzada would serve as an ‘independent expert’ on the Sub-Commission on Prevention of Discrimination and Protection of Minorities, being first elected to the role in 1977.⁸⁵ Brohi and Pirzada, who had previously served secularist authoritarians, notably General Ayub Khan, had become the arbiters of what constituted human rights in the Islamic Republic of Pakistan. They remained in the UN years after Liaquat had returned home.

‘To entities other than States’: the Universal Declaration’s escape to the world

On Human Rights Day 1988, the first anniversary that had been officially recognized by the rock star Sting, prospects outside the nascent phenomena of celebrity activism seemed little changed from 1978. Iain Guest, an investigative journalist who had uncovered the depth of subversion within the UN human rights programme, penned an editorial that was positively despairing. Human Rights Day, forty years on, ‘should be a sombre affair’, given the litany of problems that had beset the UN project since its inception.⁸⁶ Guest’s chronicle was perceptive, from the initial Soviet, Saudi, and South African abstentions to the Eisenhower administration’s withdrawal from the Covenants, the North–South division, and the nascent relativism exemplified by the Islamic Republic of Iran. The window of hope offered by the study of petitions in the late 1960s and early 1970s had been closed. While ‘it seemed for a time as if the UN was going to throw caution to the wind’, Amin’s Uganda and Videla’s Argentina had ensured that it did no such thing. If anything, the 1980s had been marked by regression. The passage in 1986 of ‘the Right to Development’, a measure pioneered in 1977 by Argentina, the Shah, and Cuba, was a ‘lamentable decision’ that ‘devalued the concept of “right”’.⁸⁷

Furthermore, the Secretariat no longer contained much by way of activists, and was instead inhabited by hostile bureaucrats, not least of them the Secretary-General himself, a figure who ‘finds the human-rights struggle personally distasteful and politically embarrassing’. Guest was unsparing in his assessment of the situation. The UN was submerged in ‘a mood of deep cynicism and resignation’, its human rights programme defined by ‘a corpus of law sinking slowly under the weight of ambiguous language’, gravely weakened by ‘Western hostility, Third World indifference, administrative chaos and the shortage of money’.⁸⁸

84 UN Doc. E/CN.4/1986/INF.1, ‘Commission on Human Rights, list of attendance’, 13 March 1986.

85 The UN Secretariat published a rather more generous biographical note on Pirzada, littered with his numerous legal appointments in Pakistan: see UN Doc. E/CN.4/1446, ‘Election of the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities’, 8 January 1981, Annex I, pp. 36–7.

86 Iain Guest, ‘Magna Carta for unkind mankind’, *The Guardian*, 10 December 1988, p. 21.

87 *Ibid.*

88 *Ibid.*

With the revelations in his 1990 monograph, *Behind the disappearances*, it was a reasonable precis of the situation.⁸⁹

Although hesitant to offer much by way of hope, Guest did identify the significance of the transnational human rights movement, which he had encountered first hand in his reporting on the countless activists from El Salvador, Argentina, and Guatemala: ‘Never has there been such a challenge to the arrogance of power as today’s human rights movement. Obsessed, often bereaved, people are harassing governments throughout the world with nothing more than a subversive idea sown 40 years ago that they can have rights, they can denounce and others, far away, will listen and take up their cause.’⁹⁰ These kinds of movements added a few lumens to the gloom, but did ‘not compensate for wider flaws’ in the UN system. Although not fully apparent by 1988, this was where any salvation would reside, in the growing cacophony of civil society movements, activists, and NGOs, groups that would discomfort the Secretariat, rather than comply with its empty proceduralism. Having spread through countless nodes across the world, this transnational network had begun to make meaningful inroads into the inhospitable realm of the world’s premier international organization, the United Nations.

Ten years after the ‘breakthrough’: Human Rights Day 1988

In the General Assembly, a catastrophic earthquake in Armenia subdued the official celebration, and delegates sent their sympathies to the people of the Soviet Union, where a humanitarian crisis was unfolding in the aftermath. France’s representative reminded the audience of the origins of human rights in the Declaration of the Rights of Man, which was approaching its bicentenary. The UK, Italy, Japan, Austria, New Zealand, and Sweden spoke mostly in conciliatory formulations and of work to be done. The democratic group had been bolstered since the last major anniversary in 1978 by political transition in the Philippines, with the fall of Marcos and the election of Corazón Aquino. Chief Justice Claudio Teehankee, brought out of retirement by Aquino, was its acting representative. In his seventh decade, Teehankee had offered the sole dissent from the Philippine supreme court’s approval of martial law in 1975, and persistently rejected the legality of the Marcos regime’s impositions during the 1970s and 1980s.⁹¹ He paid tribute to the UDHR and detailed the various measures that were being undertaken to restore human rights in the post-Marcos era.⁹²

Following the pattern established since 1968, the human rights prizes were presented and John Humphrey was at last recognized by the programme he had done so much to secure. Nelson Mandela, still over a year from release, was honoured with a prize in absentia; another was awarded to Winnie Mandela in person. Baba Amte, the eminent Indian

89 Iain Guest, *Behind the disappearances: Argentina’s dirty war against human rights and the United Nations*, Philadelphia, PA: University of Pennsylvania Press, 1990.

90 Guest, ‘Magna Carta’, p. 21.

91 ‘High court in Philippines upholds Marcos’s martial-law regime’, *New York Times*, 2 February 1975, p. 12.

92 UN Doc. A/43/PV.74, GAOR, 74th Plenary meeting (43rd session), 8 December 1988, Teehankee, pp. 81–3.

Gandhian activist, and Leonidas Proaño, the late proponent of liberation theology from Ecuador, were celebrated by the Assembly. The Polish jurist Professor Adam Lopatka, minister for religious affairs under General Wojciech Jaruzelski, rounded out the geographically equitable group of recipients.⁹³ An earlier, doomed effort by the International League for Human Rights to nominate Andrei Sakharov for the 1973 prize was ironically consistent with the letter of this 'equitable geographical distribution' policy, though the sponsors recognized that it was profoundly incompatible with the spirit of the edict.⁹⁴ Since the creation of the UN award in 1968, prize-winners from the Soviet Union and eastern Europe had been on good terms with their respective leaders and were typically employees of the state.

Unlike Sakharov, Lopatka would cause no embarrassment to his government. A loyal servant of Jaruzelski, he had assisted the general in the sphere of ecclesiastical matters, as the regime managed what the professor described as 'antisocialist-minded clerics'.⁹⁵ He had served on the Commission of Human Rights and had made contributions to the Convention of the Rights of the Child. In that capacity, he had also defended Jaruzelski's regime when it was investigated by the Commission, a measure that Lopatka denounced in March 1982 as 'unlawful, null and void' on the basis that such a study was 'flagrant interference into the internal affairs of an independent state'.⁹⁶ As he received his prize from Secretary-General Perez de Cuellar, Lopatka was praised by the president of the General Assembly as 'most deserving of this honour from the United Nations'.⁹⁷ For the sake of equitability, every one of the prize-winners, from Mandela and Amte to Lopatka, was acknowledged with the superlative formulation 'most deserving'.

By December 1988, open Cold War antagonism had receded markedly. Although Bulgaria appeared not to have revised its rhetoric, the contribution from the Soviet Union registered the significant shifts underway. Alexander Belogonov cited the 'British Magna Carta, the American Declaration of Independence, and the French Declaration of the Rights of Man' as the primary forerunners to the UDHR. These came first and foremost, with an unusually unobtrusive reference to 'the principles of freedom and equal rights' that had been proclaimed by 'the banners of the Great October Socialist Revolution'.⁹⁸ Beyond that, the

93 Although only subtly alluded to in the enabling text, the prizes were required to conform to the edict for 'equitable geographical distribution', which had revolutionized the Human Rights Commission in 1963: see UNGA, Resolution 1923 (XVIII), 'Equitable geographical representation on the Commission on Human Rights', 5 December 1963; see also UNGA, Resolution 2217 (XX), 'International Year for Human Rights', 19 December 1966, Recommendation C. For the full background of the prize, see UN Archives, S-0198-001-04, Human Rights – General Correspondence, UN Chef de Cabinet 1961–1973: Narasimhan, UN Doc. GA/3836/HR/209, 'Assembly president announces winners of first United Nations human rights prizes', 2 December 1968.

94 See New York Public Library Manuscript Collection, Papers of the International League for Human Rights, United Nations Miscellaneous Correspondence, Jerome Shestack to Secretary-General Waldheim, 'Nomination of Andrei Sakharov', 18 September 1973, and surrounding handwritten notes, c. September 1973.

95 'Anti-government priests on rise, Warsaw says', *New York Times*, 21 May 1985, p. 7.

96 Bernard Nossiter, 'U.N. chief to hold inquiry on rights in Poland', *New York Times*, 21 December 1982, p. 6; see also UN Doc. E/CN.4/1982/SR.57, Summary Records of the Commission on Human Rights, 57th meeting (1982), 10 March 1982, paras. 33–4.

97 UN Doc. A/43/PV.74, GAOR, 74th Plenary meeting (43rd session), 8 December 1988, pp. 14–15.

98 UN Doc. A/43/PV.75, GAOR, 75th Plenary meeting (43rd session), 8 December 1988, Belogonov, p. 21.

speech was characterized by its advertisement of the new approach being pursued by General Secretary Mikhail Gorbachev. Belogonov elaborated on the progress of glasnost and perestroika, of relaxations on emigration, and of the new constitution.

At points, his commentary was classically liberal nationalist and studiously avoided the Soviet mainstay of the rights of peoples. Nations, Belogonov declared, 'are made up of individuals, and those who trample individual rights also infringe the interests of the nations'.⁹⁹ On the eve of the elections for the Congress of People's Deputies, he asserted that the philosophy that guided this momentous reform was 'not the individual for the State, but the State for the individual'.¹⁰⁰ Unlike the zenith of social harmony and progress that was usually described in Soviet speeches, he acknowledged, albeit briefly, mistakes and flaws, and announced plans for greater work with the Conference for Security and Cooperation in Europe (CSCE), which had been meeting for its Vienna round.

Ten years earlier, at the first CSCE follow-up meeting after the conclusion of the Helsinki Final Act, in Belgrade in 1977–78, it had been almost impossible to discuss human rights, with the Soviet delegation adamant about the centrality of non-interference. Even in 1983, at the conclusion of the second follow-up in Madrid, with a Soviet legation led by a KGB general, there was a distinct lack of promise. There was a 'Helsinki effect' but its gestation was long. Professions of a 'New Yalta', which had defined the immediate reaction to Helsinki among the American right in the mid 1970s, did not look absurd even in the mid 1980s. Scepticism about Helsinki's results remained distinctly plausible for years after 1975. Finlandia Hall, the birthplace of the Helsinki Accord, could be retrospectively declared a site of triumph only in the latter 1980s.¹⁰¹ The distance between Belogonov's address and Oleg Troyanovsky's protests against AI, aired at the previous milestone anniversary celebration in December 1978, was pronounced, and almost revolutionary, yet it only closed one fracture line in the debate.

The legacy of the other 'breakthrough': rights to development and the continued North–South division

Although one axis of conflict had diminished in prominence, the ossified pattern of the North–South division remained a dominant note. Egypt's delegate, Abdel Halim Badawi, rehearsed the shop-worn phrases of authoritarian 'Third Worldism' from the 1970s. His speech commenced with a profession of respect for 1948, which was subsequently compromised by an assertion of its antiquity.

The Universal Declaration of Human Rights is the expression of an age in which values of freedom prevailed over the forces of Nazism and fascism. It was also the expression of universal civilizational values and of the concept of a single cultural heritage for mankind. Yet, the third world had not yet set out on its great journey to

⁹⁹ *Ibid.*, p. 22.

¹⁰⁰ *Ibid.*, p. 23.

¹⁰¹ For an analysis of the road to the Vienna CSCE, see Sarah Snyder, 'The foundation for Vienna: a reassessment of the CSCE in the mid-1980s', *Cold War History*, 10, 4, 2010, pp. 493–512.

political and economic independence, and the Universal Declaration of Human Rights therefore did not fully represent all of those concepts, principles and values.¹⁰²

Badawi, the representative from Hosni Mubarak's regime, emphasized self-determination, international economic solidarity, the struggle against apartheid, and 'the right to resist dictatorship and tyranny'.¹⁰³ He closed with praise for Mubarak's new strategy on the rights of the child, which was at once fantastic and fantastical.

China amplified the themes of the Egyptian address, in an impressive showcase of its more sophisticated human rights diplomacy, which had been considerably refined in the decade since Mao's death. Its representative, Ding Yuanhong, wielded claims of development and anti-imperialism adeptly. According to him, 'standards set by the Declaration of Human Rights' were merely 'products of the era, which should develop along with the evolution of the times'. The 'evolution' was so extensive that it was not clear how much would remain: 'tremendous changes' had transformed the world and should properly transform human rights. With the end of colonialism, 'the concept of human rights' had 'been constantly enriched, concepts have been developed and theories perfected'.¹⁰⁴

These notional perfections were unsurprising. Progressive evolution of universal human rights was to be reached via global economic redistribution and the immediate realization of self-determination. Mindful of potential liabilities within the territory of the People's Republic of China (PRC), notably Tibet, the PRC applied this latter priority to Western colonial territories exclusively, an orphan category by 1988. Throughout his address, Yuanhong spoke of a decidedly asymmetrical interdependence between the various rights of the UDHR. At points, his concept of interdependence was not obviously distinguishable from the total supremacy of the economic and social category, and the consequent marginality of the civil and political. Economic conditions, and history, pluralized and 'enriched' universality into an almost empty term:

The political and social development of a country correlates closely with the level of its economic development, which has its own distinctive characteristics. In today's world, in which countries and regions are uneven in their economic development and diverse in their cultural traditions, it is neither realistic nor appropriate simply to ask that all countries measure up to the standard or model of a particular country or type of country.¹⁰⁵

Yuanhong's arguments would soon find themselves at the centre of human rights politics, in the immediate defensive response to the massacre in Tiananmen, and in the more considered 1991 PRC White Paper on human rights. At the 1993 World Conference on Human Rights, and the debate on 'Asian Values', the sorts of assertions issued by Yuanhong rose to truly global prominence.

In perhaps the most poignant moment of the ceremony, eighty-three-year-old John Humphrey, straight from a flight from Paris, addressed the Assembly as guest of honour.

102 UN Doc. A/43/PV.74, GAOR, 74th Plenary meeting (43rd session), 8 December 1988, Badawi, p. 42.

103 *Ibid.*, p. 43.

104 UN Doc. A/43/PV.74, GAOR, 74th Plenary meeting (43rd session), 8 December 1988, Yuanhong, p. 58.

105 *Ibid.*, p. 62.

At last with a prize of his own, he was now, literally, the last man standing from the nucleus of the first Commission sessions of the 1940s. Charles Malik, the Thomist philosopher, had died eleven months previously, and had lost much of his faith in the UDHR twenty years earlier.¹⁰⁶ Carlos Rómulo had died in 1985, and arguably had departed from the spirit of the UDHR a decade earlier, when he embraced the ‘New Society’ of Marcos.¹⁰⁷ Even the indefatigable Jamil Baroody, who had been the chief custodian of cultural relativism since his abstention vote on 10 December 1948, had succumbed to illness in March 1979.¹⁰⁸

After a lifetime devoted to the programme, Humphrey was moved by the occasion, much more so than in his previous anniversary speeches in 1973, 1978, and 1983.¹⁰⁹ ‘You can imagine’, he said, ‘with what emotion I now address the Assembly, 40 years after its adoption of the Universal Declaration’.¹¹⁰ Much of his address was apportioned to explaining his thesis that the UDHR had become international customary law. This encouraging development had been enhanced even by the highly politicized incantations of the 1970s.

Consider, for example, the long series of resolutions which the Assembly has adopted condemning South Africa for violating its obligations under the United Nations Charter ... General Assembly goes on to say in every case ‘and the Universal Declaration of Human Rights’ ... the kind of practice that supports the conclusion that the Universal Declaration of Human Rights is now part of the customary law of nations.¹¹¹

While most anniversary addresses focused on the discrete legal sequelae to the declaration, the advent of covenants, conventions, and mechanisms, Humphrey had discerned a more significant change, that of sentiment and reach. Enforcement was weak and limited, and states were rarely bound effectively by their international commitments, yet the transformation was nevertheless evident.

The UDHR was made real by people, not by states and mechanisms. The declaration, he argued, ‘reaches down to entities other than States’.¹¹² The presence of Teehankee in the meeting, who had sworn Aquino in after the triumph of Philippine ‘People Power’, was

106 Ihsan Hijazi, ‘Charles H. Malik of Lebanon, 81; was President of U.N. Assembly’, *New York Times*, 29 December 1987, p. 19(D). For his comments on the 1968 anniversary, which emphasized the weakness of man, and the need for a shift in emphasis to duties, see UN Doc. A/PV.1736, GAOR, 1736th Plenary meeting, 9 December 1968, Malik, paras. 124–40.

107 Eric Pace, ‘Carlos Romulo of Philippines, a founder of U.N., dies at 86’, *New York Times*, 15 December 1985, p. 1. In the year before his death, and after the assassination of Benigno Aquino, Rómulo had drifted from Marcos: see Richard Holbrooke, ‘Romulo: “the problem is Marcos”’, *New York Times*, 24 January 1986, p. 27.

108 Wolfgang Saxon, ‘Jamil M. Baroody, Saudi Arabia’s U.N. delegate, dies’, *New York Times*, 5 March 1979, p. 1.

109 For Humphrey’s previous major anniversary address, see UN Doc. A/PV.2195, GAOR, 2195th Plenary meeting, 10 December 1973, paras. 89–98; UN Doc. A/33/PV.77, GAOR, 77th Plenary meeting (33rd session), 11 December 1978, Humphrey, paras. 99–111; UN Doc. A/38/PV.91, GAOR, 91st Plenary meeting (38th session), 9 December 1983.

110 UN Doc. A/43/PV.74, GAOR, 74th Plenary meeting (43rd session), 8 December 1988, Humphrey, pp. 68–70.

111 *Ibid.*, pp. 71–2.

112 *Ibid.*, p. 72.

eloquent testimony to the impact of citizen activism. Across South Africa, where the United Democratic Front was mobilized under the banner of the Freedom Charter, and in the Southern Cone, where military dictatorships were either driven out of power or under siege, the possible future of human rights was faintly perceptible. Even in Guinea, a state less connected to the sinews of the growing transnational NGO network, there were signs. The death of Sékou Touré and the overthrow of his successor had been greeted with euphoric crowds putting up posters of the UDHR printed in a Conakry daily paper.¹¹³ The UN was almost as inhospitable as it had ever been, but the world was marginally less so. Episodically, the new world of activists and democrats had found various portals to the Assembly. In the cases of the Philippines and the Soviet Union, it had proved easier to find triumph at home first and to transpose that victory to the UN.

Conclusions: a long, attritional, and partial breakthrough, 1978–88

The revolution of the 1970s was asynchronous and, in some respects, contradictory. It was comparatively dramatic and precipitous among the US foreign policy establishment and the Western public, especially for the class of grotesque abuses against person. By contrast, at the UN, its immediate impact in 1978 was most easily measured in authoritarian reaction and coincided with the zenith of authoritarian revision to the meaning of human rights. Beyond this, the ‘breakthrough’ was asymmetrical in the content of its universal rights. Almost without exception, the 1970s revolution was deeply pessimistic, focused on the gravest of abuses (principally torture and arbitrary execution) and a handful of others that seemed vaguely feasible to remedy, such as the emigration of Soviet Jewish citizens. The full catalogue of rights and the full swathe of universality presupposed by the UDHR were too much to hope for in 1978. Given the disposition of governments, amply demonstrated in the thirtieth-anniversary celebrations in the General Assembly, this conservative approach made strategic sense. Human rights activists of the 1970s initially stuck closer to their older and less ambitious sibling, humanitarianism.

Much of the substance of the ‘breakthrough’ was deferred until the latter part of the 1980s, and drew upon sources which had yet to manifest themselves in the initial late 1970s efflorescence. The CSCE process begun in Helsinki took multiple rounds to transform from the epithet of ‘Yalta’ to the oft-celebrated ‘Trojan Horse’ of the Helsinki Accord’s Basket One, which contained human rights provisions. It was an attritional struggle that Western activists and diplomats would survive but many dissidents would not. The international Anti-Apartheid Movement of the 1970s was paired to a domestic national liberation insurgency. South African resistance leaders of the late 1970s had half-forgotten the precepts of the 1955 Freedom Charter, so insistent were the immediate demands of the armed struggle. The rights-based vision of the Freedom Charter, a rough analogue to the philosophy of the UDHR, was moribund for much of the ‘breakthrough’ decade and only revived in 1983.

This gulf between the unpromising trends evident within the UN and across much of the ‘developing world’, and those which heralded the emergence of human rights as a mass

113 Jonathan C. Randal, ‘Empty palace catches tenor of Touré’s rule’, *Washington Post*, 25 May 1984.

movement in the West, requires a more careful periodization of the 1970s as the era of 'breakthrough'. Progress was striking in the number of instances of human rights activity in the *New York Times* during 1977 and 1978.¹¹⁴ It was less so in the substance of what was being discussed at the UN in New York, where the keynote speech on the International Year on Apartheid was delivered with no mention of human rights whatsoever, laden instead with the language of hard, essentialist nationalism.¹¹⁵ It was non-existent in the trends among most African and South American states. It was negative in the case of the PRC, which intensified its campaign against Democracy Wall dissidents, and in the South Africa of the 'Total Strategy' period. Trends in the academy were also dissonant with notions of 'breakthrough'. Engagement rose, but the energetic wave of scholarship that emerged revived the once moribund relativism of late 1940s anthropology.

Beyond the issue of periodization, the meaning and significance of the 'breakthrough' requires further scrutiny. Its proponents have properly identified the 1970s as a moment of rupture, when human rights were radically more visible. Reflexively, there has been an inclination to substitute the intensity of discussion and debate with an assumption about its meaning and its implications. This heuristic approach risks collapsing energy and prominence with a qualitative transformation in attitudes. An impressive catalogue of work has certainly demonstrated that the 1970s witnessed an extensive increase of human rights language; yet this did not necessarily correspond to the preferential amplification of those voices that advocated the rights of the UDHR, or any recognizable version of the vision of 1948. As a number of these works have begun to suggest, the 'breakthrough' was marked by a lack of consensus, a period of human rights cacophony, not consonance. While it is perhaps counter-intuitive, the changes of the 1970s, far from simplifying the historiography by telescoping these years into a single period of revolution, require more nuance, more longitudinal perspective, and more careful parsing of the purposes for which human rights language was being used. They suggest the need for histories of human rights that are more, rather than less, serpentine.

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114 This proxy for 'human rights' activity is given by Moyn, *Last utopia*, p. 231 (appendix).

115 Michael Manley, 'Plenary address at a special meeting of the General Assembly in observance of the International Anti-Apartheid Year', 11 October 1978, New York, available at <http://www.anc.org.za/show.php?id=4924&t=United+Nations> (consulted 21 July 2013).