Multi-Dimensional Concept of Human Rights in International Law

Sompong Sucharitkul
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I. Introduction

At a time and place where might can instill fright, we must harness force to strengthen law and order; otherwise, righteousness might be identified with wrongfulness, and the rule of international law relegated to regulating relations among the weak and the helpless. Human rights could not flourish in such an environment. The concept of human rights originated in the political and philosophical thinking of the past few millennia. The concept was revived in the middle ages in the Orient and in the West. The American and French revolutions have vividly expressed the concept (although limited in application). The concept has now spread world-wide and as it gains universal recognition and acceptance, it is temporarily relapsing in a country that once championed its cause. It is all the more opportune to recollect some of the salient features of a concept which of necessity is multi-dimensional. This preliminary recollection introduces the study of human rights in international law and practice.

Conceptual and definitional difficulties are inherent in any study of human rights. To avoid possible confusion I will identify and clarify the concept of human rights in all its dimensions and manifestations.

We live in a multicultural world,1 where the light in which a person sees cultural values depends on the social environments to which he is accustomed. To admit the reality of such a wholesome world is a giant step toward a closer appreciation of a more tolerable concept of human rights. If we are aware that a world of distinct cultures exists and eventually accept it, we will recognize and ultimately tolerate different cultural values and therefore essentially different concepts of human rights. After all, the international instruments proclaiming the Rights of Man or the International Covenants of Human Rights merely incorporate the views and concepts advocated by the authors and draftsmen of those instruments, who have invariably been trained in Western or European legal traditions.

Just as we may say contemporary international law has developed from the body of customary rules of international law evolving from the

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1 See L'AVENIR DU DROIT INTERNATIONAL DANS UN MONDE MULTICULTURAL, ACADEMIE DE DROIT INTERNATIONAL: COLLOQUE 1983 (R. Dupuy ed.).
practice of European nations in the eighteenth and nineteenth centuries, the concept of human rights as embodied in the basic international instruments appears to have been drawn from Western constitutional documents, substantially produced from Western European thinking. What Westerners conceive as fundamental to promote and preserve basic human rights, a different viewpoint may regard as superfluous, unbecoming and out of tune or time. Human rights, as commonly known and widely understood in the modern world, are essentially a European concept, the consequence of prevailing economic, social, and political conditions in Europe. They have been drafted by diplomats and legal experts educated according to the European legal traditions and ideology. However, the fashionable surge of decolonization which followed General Assembly Resolution 1514 on the granting of independence to colonial territories and peoples and the increasing self-consciousness of African and Asian countries require that we recognize that the European or Western concept is not the sole concept of human rights, but only one of several possible concepts. We can find the notion of human rights in all societies and at all times, in Europe as well as in Asia and Africa, in antique as well as in modern Chinese philosophy, in Hinduism, Buddhism, Christianity, Judaism, and Islam. The idea of human dignity is common to all these concepts, which emphasize different values according to the different conditions and diverse societies in which the human beings happen to be living. Human dignity and tolerance constitute the basic core of human rights. A lesson of tolerance would be conducive to a deeper understanding of the concept of human rights. There is no other rational option but to accept and tolerate the plurality of concepts of human rights in the pluralistic world of today.

Tolerance, advocated by Buddha, appears to be an indispensable dimension of human rights. In a recent statement by Richard von Weizsacker, President of the Federal Republic of Germany, Buddha was cited as having told the parable of the blind men and the elephant nearly six hundred years before the birth of Christ. Twenty-four centuries later a German author, Lessing, expressed the same idea in his allegory about three rings, with which he called upon Jews, Christians and Muslims to practice tolerance. Tolerance is the way of Buddhist life. According to von Weizsacker, "[i]t is not indifference, but an awareness of the limited nature of human knowledge which prevents us from presenting our views as the absolute truth and from condemning or even persecuting others."4

The role of the individual in different societies illustrates the plurality of concepts of human rights. Minister Willibald Pahr, for instance, singles out the individual as the principal value of the European concept of human rights. The individual has priority over society and even God. According to other concepts, however, the individual has a value as an

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3 Speech given at the New Year's Reception for the Diplomatic Corps in Bonn, West Germany (Jan. 19, 1985), reprinted in Pahr, supra note 2, at 105.
4 Id.
5 Pahr, supra note 2, at 103.
integral part of a group, only as part of the family, the tribe or even a larger group, or the individual has value only insofar as he serves God. In Hindu civilization and Confucianism, human rights exist in relation to human obligations only. The idea of individuals' mutual obligations within their community is fundamentally important. In Islam, personal freedom lies in surrendering to the Divine will, and since absolute freedom belongs to God alone, the individual realizes freedom by seeking God. According to the animistic beliefs, man is on a par with plants or animals, part of the animated world and nothing more. Animism still has an important influence on Japanese thinking. In Buddhism, on the other hand, each individual finds freedom through the practice of self-training by harnessing the trained mind to achieve absolute freedom through meditation without reference to any divine being. As long as different social, economic, cultural, and ideological backgrounds and traditions exist, so will different concepts of human rights. In spite of differences in the existing concepts of human rights, I submit that a practical approach would be to integrate the different concepts and consolidate them into a unified whole. A basic core of human rights exists in common among all the different concepts, reflecting a series of irreducible humanitarian principles determined by human dignity, recognized and respected by all in every conceivable environment.

II. Human Rights as Legally Protected Rights

The basic elements that constitute the notion of human rights are relatively clear whatever the concept of human rights to be examined and adopted, and whether or not it is possible to integrate the concept. They can be found in two words, "rights" and "human." The combination of these two elements must be viewed in all its dimensions, and not merely through a microscopic lens or a magnifying glass with limited angle, aspect or dimension. We must view human rights in their global and comprehensive perspective, as they cannot exist isolated from organized society. Because of human rights, every human being has a special status. This status presupposes the existence of a legal order or system in force in a society which has measures designed to promote, preserve and protect "human rights." This legal order, in turn, is superimposed one on top of a succession of others. There are at least three dimensions of legal order, namely, universal or global, regional or interregional, and internal or national.

A. The Universal Dimension

To start off with, there is a world legal order regulated by international law, the law of nations, recognizing the existence of the rights of every human person. Violations of human rights offend the conscience of mankind and call for remedies and readjustments wherever such violations may occur. No state can plead domestic jurisdiction as an excuse for violating human rights. International law considers humanitarian intervention or intervention for humanitarian considerations lawful. In fact, flagrant violations of basic rights of man such as genocide,
apartheid, international terrorism, and slavery are offenses punishable under international law. Through legal developments in the field of protection of human rights we can now distinctly identify basic principles supportive of human rights. International instruments have hardened into concrete rules and crystallized norms classifying generations of human rights.

The first such instrument of universal character is the Universal Declaration of Human Rights proclaimed by the General Assembly on December 10, 1948. The United Nations Commission of Human Rights prepared the draft declaration, which President Rene Cassin and First Lady Eleanor Roosevelt coauthored. Naturally the proclamation, however well thought of, reflected the concept prevalent in the Western world, known to Locke, Hobbes, Rousseau, and Montesquieu, and traceable to some extent to the American Declaration of Independence (1776), the United States Constitution (1787), the French Declaration of Human Rights of 1789, and the American Bill of Rights (1791). Nevertheless, one basic element was noticeably absent from the document, that of the rights of every people to self-determination. The initiation of the decolonization process did not make any headway until more than a decade later in Resolution 1514 of December 1960, and in an "international bill of human rights," a series of law-making international instruments enumerating, analyzing, and clarifying two generations of human rights. Three significant instruments of world legal order have since entered into force, including:

1. The International Covenant on Economic, Social and Cultural Rights;
2. The International Covenant on Civil and Political Rights; and
3. The Optional Protocol to the Covenant on Civil and Political Rights.

The three documents were adopted on December 16, 1966. Another decade went by before a sufficient number of states ratified the covenants to bring them into force. The International Covenant on Economic, Social and Cultural Rights entered into force on January 3, 1976 when thirty-five states had ratified. The International Covenant on Civil and Political Rights came into force on March 23, 1976 together with its Optional Protocol which had received ten ratifications, the minimum needed for its entry into force. The Optional Protocol provides for the election of a Human Rights Committee, which may consider communications from any state party or from private individuals claiming to be the victims of violation by a state party of any of the rights set forth in the Covenant. The Committee submits annual reports to the General Assembly. Individual recourse to the Human Rights Committee is possible after all available domestic remedies are exhausted. The international

control thus operates as a secondary measure after local remedies avail-
able in the domestic legal system of the state party against which a com-
plaint may be made failed.

Two generations of the International Covenants on Human Rights,
both the Civil and Political Rights (first generation), and the Economic,
Social and Cultural Rights (second generation) attach considerable im-
portance to the right of all peoples to self-determination and to enjoy
and use fully and freely their natural wealth and resources. Political in-
dependence and permanent sovereignty over natural resources are nec-
essary to human beings to enjoy any of the basic human rights embodied
in the Universal Declaration, or guaranteed and protected in the Interna-
tional Covenants. A human being under foreign colonial domination
cannot conceive of any liberty or freedom. The right to self-determi-
nation is a *sine qua non* of all other human rights. It belongs to every people,
and every human person must form part of a people.

B. The Regional or Interregional Dimension

Beneath the international global order exists a set of regional ar-
rangements that have started operating in various regions of the world.
A marked disparity among arrangements exists at this second regional
level. As this article has observed, the concept and principles of human
rights as contained in the universal or global documents originated in
Western civilizations. That Europe was the first region to have adopted a
convention to protect human rights and fundamental freedoms together
with eight Protocols is natural. Europe put the European Convention
into operation, and the European Court of Human Rights as well as the
European Commission of Human Rights function within the framework
of the Council of Europe.8 Following the European model, the Western
hemisphere has witnessed two parallel draft conventions: The Central
American Convention and the Inter-American Convention for the Pro-
tection of Human Rights, with their respective Central American Com-
misson and Inter-American Commission, as well as the Court of Human
Rights.9

The Asian-African world has been more preoccupied with promot-
ing and accelerating decolonization since Bandung 1955, when the Afro-
Asian conference adopted a Joint-Communique on April 24, 1955, pro-
claiming ten principles to be followed by states in promoting world peace
and cooperation. In Section C of the Communique of 1955 the Asian-
African Conference declared its full support of the fundamental princi-
ples of human rights as set forth in the Charter of the United Nations and
took note of the Universal Declaration of Human Rights as a common
standard for all peoples and all nations to achieve. The Conference fur-
ther declared “its full support of the principle of self-determination of

8 European Conventions on Human Rights and European Convention Protocols (No. 1), Nov.

9 See Comparative Texts of Drafts of Regional Conventions on Human Rights, International
Commission of Jurists (Geneva). See also American Convention on Human Rights, Nov. 22, 1969,
O.A.S.T.S. No. 36, at 1.
peoples and nations . . . and took note of the United Nations resolutions on the rights of peoples and nations to self-determination, which is a prerequisite of the full enjoyment of all fundamental Human Rights."

It also deplored the policies and practices of racial segregation and discrimination which form the basis of government and human relations in large regions of Africa and in other parts of the world. Such conduct not only grossly violates human rights but also denies the dignity of man. Furthermore,

[the Conference also discussed the problems of dependent peoples and colonialism and the evils arising from the subjection of peoples to alien subjugation and exploitation. . . . [It declared] support of the rights of the people of Algeria, Morocco and Tunisia to self-determination and independence and urged the French Government to bring about a peaceful settlement of the issue without delay.]

While the Asian-African Conference has not become a permanent organization, its offsprings include the Asian-African Legal Consultative Committee and also the nonaligned movement. There has been no Asian Covenant on human rights as such because other problems such as economic development and social and agrarian reforms appear to have been more pressing. The Organization of African Unity (OAU) devoted its attention to human rights even during its formative stage, as evidenced in the constituent instrument. The Islamic Universal Declaration of Human Rights covered civil and political rights, economic, social, and cultural rights as well as the right to solidarity, the right to peace and security, and the right to environment. Unlike the Western European region and the Inter-American system, the Afro-Asian world has not yet set up either a working commission or a regional Court of Human Rights for reasons of other higher priorities. The OAU was actually considering establishing a regional commission on human rights.

The socialist East European region has given little or no priority to establishing tribunals to promote and protect the rights of individuals. There the fundamental rights belong to the states rather than the human agents that function and exist for and on behalf of the states.

C. The Internal or National Dimension

Concepts of human rights differ among various domestic or municipal legal systems, where the rights of individual human beings are most closely affected. The national system in force within a state directly and

11 Id. at 32.
15 The difference in theoretical concepts accounts for the absence of comparable legal provisions in socialist constitutions.
immediately provides whatever measures that may be desired to promote and protect human rights. Endless exploration and examination of the current situation, future trends, and some remote and almost forgotten or unknown past exist in this national dimension. Early constitutional documents such as the Magna Carta (1215)\textsuperscript{16} and the SUKHOTHAI Stone Inscriptions of 1293\textsuperscript{17} testify to the authenticity and sanctity of the fundamental freedoms recognized in England for every English baron, and in SUKHOTHAI's Thailand for every living being alike, whether a Thai or a visitor. Some forms of recognition and protection have long existed in nearly every domestic legal system to preserve and safeguard the rights and freedoms of man, which varyingly define the object of protection of man as citizen or man as man. This article submits that most subsequent bills of rights in Western Europe or in America refer to the rights of man as citizen or member of the national society, rather than man as man regardless of his nationality or absence thereof.

In theory, local remedies should be available for every possible violation of human rights committed within an existing legal system in certain regions and for every victim of such violation. Beyond this national dimension, a second dimension of possible recourse may exist in certain regions, as described in subsection B. A comprehensive or universal dimension of remedies may exist for some states and for some individuals, as noted in subsection A. The universal legal system applies the international covenants of civil and political rights and of economic, social, and cultural rights as proclaimed, protected, and preserved within the overall global system of international law. The three-tiered system thus constitutes the three dimensions of protective umbrellas, the first one superimposing on the second and the third tiers respectively. This is known as the systemic dimension, the dimension of the legal remedies or protections available in a particular system.

III. Human Rights and Jural Relationship

Human rights, for what they are worth, are legal rights. For the purpose of the present examination human rights will be considered as legal rights. They are legal as opposed to moral or ethical rights, and as such a given legal system should enforce them and give them full effect, at any level or in any dimension. Legal rights are meaningful only if they can be correlated to the corresponding legal duties. In this connection, Professor Hohfeld's jural relationship provides a practical, analytical test to measure the effectiveness and scope of a human right in relation to its "correlative," i.e., the duty or obligation and the duty bearers.\textsuperscript{18} For every human right-holder, there must be one or more correlative duty-bearers to fulfill and implement the right. The obligation to protect human rights or to prevent violations of them is incumbent primarily

\textsuperscript{16} Magna Carta (England 1215).
\textsuperscript{17} See Bradley, The Oldest Known Writing in Siamese, the Inscription of Phra Ram Kamhaeng of Sukhothai 1293 A.D., 6 JOURNAL OF SIAM SOCIETY 1 (1909) (Stone Inscriptions of SUKHOTHAI 1293).
upon the state, including its administrative and police authorities in the first systemic dimension. In the intermediate dimension, the duty falls on the competent regional agencies or commission to enforce the rights by providing appropriate regional recourses. The obligation rests with the international community itself within the world legal order to offer redress in the ultimate dimension. Violation of a human right anywhere is also a violation against the state as well as against the conscience of mankind as represented by the international community, both as an integral whole and in its regional fragmentations.

When the state or international community undertakes this obligation it has usually been considered as prescribing a result without prescribing any particular course of conduct or measure to be adopted by the state or the international community. In other cases, it is possible to conceive of such an obligation as one of conduct or means for the state or global community to adopt without guaranteeing the desired results. It can also be a mixed obligation, initially of means or of conduct, failing which an alternative measure must be adopted to ensure the result required of the duty-bearer or to prevent the occurrence of a specific event which would incur further secondary obligation to redress the injury.

Therefore we must consider the substance or the contents of each human right by reference to the nature and scope of the correlative obligation incumbent upon the state or the international community. The duty of protection is owed to the right-holder of every recognized human right in the manner and to the extent prescribed by law. A breach of such an obligation violates a human right induced by the state itself, thereby incurring the responsibility on the part of the state to offer appropriate redress.

IV. Individuals as Duty-bearers of Human Rights

We should draw our attention to the possible situation where an obligation is imposed equally on every man to respect the human rights enjoyed by his fellow men. This is sometimes referred to as the basic “duties of man” or “human duties” correlating to the “rights of man” or “human rights.” Contemporary experts on human rights have not yet warmly received the concept of fundamental “human duties,” fearing that recognizing and accepting “human duties” might be seen as a convenient pretext and used destructively to impair or undermine “human rights.”

Reference to such duties can be found in the Universal Declaration of Human Rights 1948. Article 29 provides:

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.\textsuperscript{19}

To guard against abuse by states, Article 30 provides:

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights set forth therein.\textsuperscript{20}

The African Charter and the Arab Declaration clearly support the existence of duties incumbent upon individual beings for the respect and protection of human rights for everyone. Human duties are consistent with religious teachings in Hinduism, Islam, Confucianism and also in Buddhism. The counterpart of civil rights can be seen in the requirement of civic duties for citizens in Western Civilizations. Yet it may take another decade before the concept of human duties becomes a living reality.

V. Human Rights Belonging to Every Human Person

Far more fundamental than the acceptance of a more comprehensive legal concept of human rights is the very definition of “man” itself. It is a great shame to admit at this point that humanity has not yet been recognized as a constitutive element of international law, although it has in effect just begun to influence legal thinking and developments in certain fields and in some aspects. Some examples are areas of humanitarian law, the laws of war, the Geneva Conventions of 1949, and the concept of “common heritage,” which essentially embrace international law with its protective role in regard to promoting and protecting human rights.

A “man” for the purpose of the enjoyment of human rights must be understood in the biological sense of “\textit{homo sapiens}.” The expression “man” must include everyone, every human person, not only Christian or European, as was the thesis of Hugo Grotius,\textsuperscript{21} or the various bills of rights, which refer merely to the constitutional rights of certain types of man, or citizens or exclusively certain members of the human kind, e.g., citizens, Romans, French, English, or Americans. The rights of man should really belong to man as such and not to man in the restricted sense, meaning only American, or White, or Christian, or Japanese, or Muslim, or male, but man regardless of any such qualifying denomination. The definition of man was not so extensive during the formative period of international law after the Treaty of Westphalia when Grotius’ direct influence did not extend beyond the confines of Christendom, to whom his treaties were addressed—the Rulers and the Free and Independent Nations of Christendom (\textit{Ad Principes populosque liberos Orbis Christianie}).\textsuperscript{22}

It was not until Bandung in spring of 1955 that the Asian-African

\textsuperscript{19} See Universal Declaration of Human Rights, supra note 6, at 71.

\textsuperscript{20} Id.


Conference began to pinpoint the very weakness of human rights as declared by the Universal Declaration of 1948. The Declaration referred to the right of every people to self-determination, a prerequisite to real enjoyment of human rights by every human person. Without the injection of the right of self-determination, granting independence to colonial countries and peoples, there can be no room for human rights. The General Assembly in 1960 reintroduced this new Asian-African concept in a unanimous resolution and expressly incorporated it in the first principles contained in the International Covenants of Human Rights of 1966. By doing so, they defined "man" more extensively and meaningfully without excluding any man. Human rights are still denied to those who have not yet attained full self-government. Their status of "man" has not been fully recognized.

The preambles to the Charter of the Organization of African Unity of May 25, 1963 clearly reflects the concern expressed at Bandung in 1955. Freedom, equality, justice, and dignity are the declared objectives of the African peoples, who are determined as ever to fight against neocolonialism in all its forms. Among the avowed purposes of the organization are to eradicate all forms of colonialism from Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

Draft Article 1 of the Central American and the Inter-American Conventions on Human Rights contains an undertaking by party states to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth or any other social condition.

The phrase "all human beings" is comprehensive enough to reflect the full meaning of human rights. This is natural as the party states have invariably experienced the taste of colonialism from which they have fortunately been liberated, long before the start of the decolonization process in Asia and Africa. Article 1 of the Inter-American Convention, which came into force on July 18, 1978 among some Latin American and Caribbean States, stipulates that for purposes of the present convention, "every human being is a person."

For Asian, African, and Latin American countries, as distinguished from European and former colonial powers, the priorities for the enjoyment of human rights lie in the treatment of all people as human persons. This treatment is preconditioned upon the right of self-determination. Countries outside of the European orbit place greater emphasis on the granting of independence to colonial countries and peoples, the elimination of all forms of racial discrimination, the sup-

23 American Convention on Human Rights, supra note 9, at art. 1.
24 Protezione Internazionale, supra note 12, at 226.
pressing and punishing of the crime of apartheid,\footnote{27} and possibly also the determining of the status of refugees.\footnote{28} International conventions in these fields necessarily reinforce the fuller enjoyment of the rights of man by every human person.

VI. Geographical Dimensions

The problem of human rights is ubiquitous. It challenges mankind everywhere and at all times, especially at present. We cannot dissociate the time dimension from the dimension of the location in which we must see human rights in the perspective of an operative legal system. A particular locality may be better known for successfully implementing or protecting civil and political rights with far less emphasis on the economic, social, and cultural rights, or caring much less whether there is any tolerance for different opinions, tenets, or beliefs within the same geographical confines. What is seemingly weak in this country, such as the enforcement of desegregation or integration of busing, schooling or housing, may find its strongest point elsewhere. What appears to present insuperable difficulties in the United States with its unique history of economic, social, and cultural developments may seem quite pointless in other lands where pluralism has always unquestioningly prevailed. Similarly, what seems to be very strong in this country, such as notably the freedom of the press (although not always of expression and opinion) and the smooth functioning of the democratic process, may be dangerously weak elsewhere. But such strength as exists in Western democracy may be unwanted or undesirable in the Orient, where an identical brand of democracy does not seem to be working because it is either out of time or indeed out of place.

The moral to be drawn when we explore the geographical dimension is clear and readily understood: Human rights conceptually and realistically must fit in the actual location or situation. The concept and practice of human rights may vary in contents as well as in emphasis and priority. Thus, what is needed in the United States may not be needed in Pakistan or China, and vice versa. The right to life in Asia and Africa presupposes freedom from hunger, or the right to food, and freedom from disease or the right to good health, which are far more urgent there than the right to demand "habeas corpus" or the right to vote in a general election. Freedom of information and communication may imply the right to give and to receive accurate information and not simply freedom to receive guidance or limited exposure to news coverage by the media. The notion of "minimum standard" is susceptible to differing interpretations and therefore receptions. To a Latin American audience, a claim of "minimum standard" by the United States translates into terms of a claim of compensation for nationalization. To an Asian or African national, the same claim for "minimum standard" by Afro-Asian countries refers to an insistence on nondiscrimination on racial grounds or ab-


sence of segregation or apartheid in the Western World. For all that, we can state with assurance that no country can impose its views or concept of human rights or its needs or priorities on others. Each legal system has its own predilections, its own trends, and its own progressive developments. Harmonization is a slow process that may only be achieved through greater tolerance, wider appreciation of views, feelings, and positions of other systems, and gradual adaptation of one's viewpoint by taking into account the viewpoints of others. In the ultimate analysis, a healthy development of human rights depends on the likelihood of consolidating and possibly integrating all the salient humanitarian principles acceptable in every legal system. The dignity and worth of man should be accorded top priority in any event.

VII. Concurrence, Overlapping and Conflict of Human Rights at Various Levels

Given two or three generations of human rights, each of which is composed of different rights, any expert on human rights must compare, restructure, or realign and readjust the order of priorities of the different generations of human rights in various fields and areas of human activities. These rights may overlap and compete with one another or at times even contradict one another at the same or different levels or dimensions. The first task to perform in selecting the rights is to attune the specific human right problem by the time dimension with the location dimension, so as to attain a more meaningful and more tenable position.

As an example of measuring human rights in a location, several out of a hundred persons, if given a free choice, may opt to reside in the United States and relatively fewer would freely prefer to move to another country of comparable rank or status, such as the Soviet Union. This test is still far from conclusive as a yardstick for measuring the amount of appreciable human rights enjoyable by a person who has the opportunity to exercise his or her option. Such a test, although inconclusive as a thermometer to measure the degree of exercisable human rights, nevertheless fairly indicates a climate of opinion favorable to the amount of respect for and enjoyment of human rights in the United States. On the other hand, those who may opt for the Soviet Union must also have compelling personal reasons that prompt each of them to choose to live in that country rather than in the United States. For want of a more precise and decisive criterion to measure the contents of human rights enjoyable in each case, the possibility of freedom of exit or entry may serve as an objective guide. In contrast, the enjoyment of other types of human rights may be difficult to compare in each case.

VIII. Conclusion

One lesson that may be learned from experience is the need to avoid all forms of mutual recriminations in an effort to promote and protect human rights in all dimensions. Tolerance and human dignity should lead to that conclusion. Constructive criticism can be useful if it intensively concentrates on self-improvements, adjustments, and adaptations.
National amelioration is welcome while international interference in the internal affairs of other countries, allegedly to secure better observance of human rights, may at this time and age be best discouraged. One state does not have the right to interfere with the affairs of another state, except in the context of the international protection of human rights already adopted in a series of international conventions.

To uphold one notion of human rights gives no ground for violating another, more settled rule of international law, or indeed an imperative norm which admits of no derogation. Thus, it is pointless to insist on any civil and political rights for peoples who do not even have the right of self-determination or the right to political independence and territorial integrity. The right to a sane and healthy life is obviously more important to most people than the right to vote, the right to strike, or freedom of association. The right to work should not be confused with requisitioning forced labor, nor unemployment with the right to rest and recreation. Recognizing freedom of conscience or religion may result in tacitly accepting the practice of class distinctions or approval of a caste system. The right to food does not imply the practice of force-feeding or the denial of the practice of voluntary fasting or Ramadan. The right to education must be supported by free and to some extent compulsory primary education. Freedom of education and information apparently contradicts with compulsory education and controlled information. A balanced approach to a constructive study to improve existing measures for the protection of human rights requires greater endeavors to learn and a clearer display of understanding and tolerance of different values, concepts, and dimensions of human rights without mutual recriminations or polemics. Such recriminations are worse than pointless in peaceful pursuit of greater enjoyment of basic human rights and fundamental freedoms.

If this introductory paper has served to widen the horizon and dimensions of human rights or indeed broadened the mind and outlook of its readers, its objective will have been more than fulfilled. All that is required for improving continually respect for human rights is self-examination. If each nation can put its house in order, every human person can be truly free from bondage. Peace of mind is needed most as we enter the third generation of human rights with the right to peace, solidarity, and environment posing a challenge to mankind. It is all the more urgent that in preparing to form a new generation of human rights, enlightened governments should recognize the inherent rights of man enshrined in existing international instruments through ratifying these international instruments.29

29 See generally the unison of views and unanimity of frustration expressed by American authors in U.S.RATIFICATION OF THE HUMAN RIGHTS TREATIES: WITH OR WITHOUT RESERVATIONS (R. Lillich ed. 1981).