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978-1-107-04715-0 - Redefining Human Rights in the Struggle for Peace and Development

Terrence E. Paupp

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## REDEFINING HUMAN RIGHTS IN THE STRUGGLE FOR PEACE AND DEVELOPMENT

Human rights in peace and development are accepted throughout the nations of the Global South as established, normative, and beyond debate. Only in the powerful elite sectors of the Global North have these rights been resisted and refuted. The policies and interests of these global forces are antithetical to advancing human rights, ending global poverty, and respecting the sovereign integrity of states and governments throughout the Global South. The linkage between poverty, war, and environmental degradation has become clearly evident over the past 60 years. This realization has further augmented the international consciousness to the importance of these issues as interconnected with the rest of the human rights corpus.

This book examines the history of this struggle and provides a road map of practical means to implement these rights through a global framework of constitutional protections. Within this emerging framework, this book argues that states will be increasingly obligated to realize these rights by formulating policies and programs through executive powers and national legislatures to achieve peace and development throughout the entire global society.

Terrence E. Paupp is the vice-president, North America, of the International Association of Educators for World Peace (IAEWP) and Senior Research Fellow at the Council on Hemispheric Affairs (COHA), Washington, DC. He is the author of numerous books, most recently, *Robert F. Kennedy in the Stream of History: The Legacy of R.F.K. and His Meaning for Today* (2014); *Redefining Human Rights in the Struggle for Peace and Development* (2014); *Beyond Global Crisis: Remedies and Road Maps by Daisaku Ikeda and His Contemporaries* (2012); *The Future of Global Relations: Crumbling Walls, Rising Regions* (2009); *Exodus from Empire: The Fall of America's Empire and the Rise of the Global Community* (2007); and *Achieving Inclusionary Governance: Advancing Peace and Development in First and Third World Nations* (2000).

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# Redefining Human Rights in the Struggle for Peace and Development

**TERRENCE E. PAUPP**

Council on Hemispheric Affairs, Washington, DC



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## PRESIDENT JOHN FITZGERALD KENNEDY

(1917–1963)

*His quest for peace* resulted in the Nuclear Test Ban Treaty of 1963, initiation of détente with the Soviet Union, negotiation over confrontation, opposition to policies designed to lead to illegal wars and provocative foreign interventions, and continuing support of the United Nations. *His quest for global human development* served to create the Alliance for Progress, a policy of engagement toward the nations of the Global South, and a human rights–based approach to economic development in the form of respect for the self-determination of people, supporting government-to-government aid without relying on the world’s central bankers, and emphasizing the need for land reform, social welfare investments, and foreign aid to help remedy and resolve the problems of poverty and environmental degradation around the globe.

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## Foreword

Since 1984, I have read and admired the work of Terrence E. Paupp as he proceeded to author one significant work after another. All of these works were as one in their unusual worth and genuine merit. To date, many of Paupp's major studies regarding Latin America and human rights concerns have been published under the auspices of the Council on Hemispheric Affairs (COHA). In my capacity as COHA's director, I have encountered the work of scores of working scholars as a result of being in the unique position to pick and choose from the hundreds of publications that have passed over my desk. In fact, there has barely been a race when one of Professor Paupp's studies has come across my desk because each has routinely been the best in fair battles over the years. All told, Paupp's oeuvre represents a remarkable compilation of ideas for understanding the important role of humanism and international law in the relationship between the Global North and the Global South. COHA has benefited greatly from Paupp's diligence as a forceful researcher and his innovative and insightful work on human rights. This includes his prolific ability to address and see through issues involving the dynamics and intricacies of applicable components of law in the making of international society. Also of note is his uncanny ability to elucidate on struggles between the Global South and the Global North. In this Manichean struggle as Paupp sees it, the potential for good, inclusive, and humane governance calls out to be protected with a good deal of originality.

In our review of his first major published book on international law, *Achieving Inclusionary Governance: Advancing Peace and Development in First and Third World Nations* (a segment of which appeared in the October 2000 issue of COHA's biweekly publication, *Washington Report on the Hemisphere*), we enthusiastically stated: "Paupp joins the worthy thinkers in political theory by fleshing out his grand theory. . . the book clearly speaks on behalf of society's marginalized. It accuses some nations of being only democratic in name. . . of not truly fulfilling their inclusionary potential by refusing to respect the socioeconomic and sociopolitical rights of each individual." Today, some fourteen years later, Paupp has produced his fifth major study in a fitting moment. In *Redefining Human Rights in the Struggle for Peace and Development*, Paupp brings his discussion and analysis on human rights

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and critical issues of governance full circle. He does so by elaborating on the interconnections that form the vital connective links between the contested human rights to peace and development – rights whose full realization all too often has been found stuck in the old paradigms of the past. With the publication of *Redefining Human Rights in the Struggle for Peace and Development*, Paupp adds yet another layer of breadth and deep insight to his already vast collection of published works.

According to Paupp, the human rights pathway to peace and development presents the greatest challenge of our time – one that he describes as “one of the most significant and undiagnosed challenges of the twentieth and twenty-first centuries.” Although a more complete definition of the human rights to peace and development is accepted throughout many of the nations of the Global South as an established, normative presence beyond debate or challenge, it is unfortunate that the same respect for these rights is not shared by elites in the Global North. Some of these rights have been effectively refuted, or at least resisted, by many elite circles in the Global North, especially in the fields of international law and international relations, because the articulation of the rights to both peace and development both demand and require a fundamental rethinking about the nature of the U.S. empire and U.S. hegemony. A complete implementation of these rights also directly challenges the legitimacy of the current economic monopoly of power exercised by the Global North’s leading financial institutions – including the IMF, World Bank, and WTO. Since the 1970s, the Global South’s demand for a New International Economic Order (NIEO) – and its version of the right to development – has been contested within the elite decision-making circles of the Global North and its dependent “power elite.”

By the 1980s, the rise of a powerful intellectualized right wing in the North Atlantic states and the ideological rise of neoliberalism brought forth a policy of “roll back” with respect to many of the gains that had been achieved in the Global South throughout the epoch of decolonization in the 1950s and 1960s. The Thatcher government and Reagan administration, in particular, led the North Atlantic states into a policy posture of militarism and interventionism toward the Global South. In so doing, the interests that Reagan and Thatcher sought to advance reflected nothing less than a mobilized economic effort designed to advance the neoliberal agenda – regardless of the human cost. Instead of being a reflection of the human rights to peace and development, many of those goals were supported and set by multinational corporations and North Atlantic financial interests, in collusion with a variety of corporate and banking sectors throughout the Global North. By following this agenda – under the rubric of neoliberalism and the dogma of privatization, deregulation, and economic liberalization – this particular version of the capitalist market system permitted the birth of a new version and modernization and globalization. It was birthed into existence to resist the demise of North Atlantic liberalism by imposing a neoliberal economic model on the entire Global South.

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However, by seeking to bring about the integration of the Global South into the straightjacket of the corporate-friendly neoliberal model, it has become evident that the primary effect of this model has been to sacrifice both the human rights factor and the advancement of peace and development for more than 5 billion people around the world (whose environment of a habitat of peace and modernization is far from certain). The antidemocratic, highly exclusionary, and profit-driven dogma of the neoliberal model (the so-called Washington Consensus) has been to divest the majority of both First and Third World peoples of the bulk of their wealth through a variety of policies that not only emasculated their prevailing economic and political rights (such as the legal protection of labor unions, decent wages, and a fair tax structure), but also ultimately resulted in a global meltdown, which at this point is best exemplified by the event and aftermath of the 2008 financial crisis.

The policies born out of the late twentieth and early twenty-first centuries that relate to North Atlantic liberalism have decimated the present and likely the future lives of hundreds of millions of people. Both neoliberalism and de facto U.S. hegemony have reinforced a common front of united interests among the members of a transnational capitalist class. As such, this elite group has reinforced structural injustices through such vehicles as the IMF, World Bank, and WTO, thereby mitigating the progressive efforts of social movements for change and the introduction of legal mandates that comprise the human rights to peace and development. As such, this international class and its institutional components have consistently acted as roadblocks and other impediments to efforts dedicated to realizing the improvement of our global society.

The enduring legacy of these policies has been to foreclose on the attainable realization of finally ending the curse of global poverty and frozen development. Paupp reveals how the human rights to peace and development have consistently been sacrificed on the altar of numerous capricious U.S. unilateral interventions that have violated the UN Charter, as well as the prevailing international law. Along with the intrusion of North Atlantic banking, financial, and corporate blusterings, the basic human right to development – as articulated by the UN Charter, as well as by the Vienna Declaration on the Right to Development (DRD) – has been effectively revoked, ignored, and/or violated by the Global North and elites within a transnational capitalist class.

To reverse this trend, Paupp presents a dramatic approach that redefines the scope of human rights by demonstrating how the human rights to peace and development are interconnected. In so doing, *Redefining Human Rights in the Struggle for Peace and Development* also serves to advance the rights of indigenous peoples in conjunction with the concept of intergenerational environmental justice. He offers a more precise definition of what constitutes the concepts of “economic growth” and “distributional justice” by identifying the problems associated with fiscal austerity and growing economic and social inequality within and between states, and by exposing the dangers of the rush for natural resource extraction among nations

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contending for geopolitical advantage in import-export transactions, as well as the thirst for energy – such as for oil in a carbon-based economy.

In reformulating the way in which we can view a reconstituted international order that is more justice-oriented, Paupp has addressed the phenomenon of an “emerging global constitutional order” – an order that is increasingly characterized by the role and impact of national human rights institutions (NHRIs). The role of NHRIs is intimately involved in making national governments and states accountable for human rights priorities. Peace and development matters must be seen as a central concern.

What makes Paupp’s book completely unique is how he grasps the significance of this rush of new trends. The greater reliance on NHRIs, along with an expanding consciousness about the dynamics of regionalism and regionalization, points to the importance of the European Union (EU), the Association of Southeast Asian Nations (ASEAN), the African Union, and Latin America’s various experiments with regional arrangements. Using these examples in combination, Paupp is able to connect these issues, experiments, and international human rights law and its mandates so as to urge the global community to seek a course of humane development, in accordance with the DRD as a stimulus for more autonomous forms and strategies for economic growth and the extension of human well-being and human welfare, as well as being an antidote to continuous wars and conflicts. In taking this approach, Paupp turns to address the role of the Paris Principles and NHRIs, the DRD, and the Declaration on the Rights of Indigenous Peoples in such a manner that a more broadly conceived redefinition of human rights contained within these instruments can be fused into an effective global strategy. Such a global strategy can be used to effectively advance the creation of zones of peace between nations while, at the same time, serving to demarcate more equitable forms of modernization through a human rights-based approach (HRBA) to development.

By undertaking his always unique and innovative approach to the subject, Paupp effectively overcomes the false dichotomy that has come about between civil and political rights, on the one hand, and economic, social, and cultural rights, on the other. As a result, Paupp has constructed a new conception of what has been called “solidarity rights” – a concept that is cognizant of the interconnected, intertwined, and interrelated nature of all human rights. Paupp then elaborates on one of his major themes: that only by giving greater expression to normative jurisprudence and the vital importance of solidarity rights can both the traditional concept of human rights and access to peace and development find their proper relationship with one another. Only through the normative jurisprudence of solidarity rights does it become possible to identify the relationships that exist between indigenous peoples, environmental protection, and the notion of intergenerational environmental justice.

Further, only through the normative jurisprudence of solidarity rights can a truly progressive international law perspective emerge and effectively advance the human



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rights to peace and development. In so doing, it becomes evident that the “human capabilities approach” (as advocated by Amartya Sen and Martha Nussbaum) takes on greater salience. The human rights to peace and development complement one another and require a mutual functionality in both theory and practice. Hence, Paupp persuasively argues that a militaristic version of security should be replaced with the concept of “human security,” which turns out to be a far more all-encompassing concept than the traditional notion of “national security.” After all, insofar as many of the factors that stimulate wars and conflicts are inevitably derived from economic, social, and cultural factors under conditions of structural injustice, it follows that by expanding on the intellectual construct for what constitutes the ultimate bounds of human security, it then becomes possible to work toward a more justice-oriented developmental paradigm.

Introducing such a paradigm is central to Paupp’s book. That is because both the human rights to peace and development result in a lessening of reliance on strategies that simply repeat the patterns of the past – more weapons, more force, and more military interventions (whether labeled “humanitarian” or not). The drain on national and international resources toward armaments is enormous. It depletes entire societies and places the welfare of the entire international community at risk. Hence, Paupp understands that a redefinition of human security – through a redefinition of human rights in the struggle for peace and development – is the most effective antidote to the delusions and illusions of power and its pursuit. To that end, with a new concept of human security juxtaposed to the moral construct of human solidarity, Paupp argues that we can begin to augment the global trend toward peace and more inclusive and humane forms of development – thereby releasing human capabilities toward productive ends. At the heart of this international effort will be the struggle to employ the human rights to peace and development as tools that help all of humanity to work out a trajectory toward the creation of an emerging global constitutional order.

Such a template could be achieved through a HRBA to development. By the means of the HRBA, we can begin to build a global constitutional order that mandates that the human rights to peace and development should be central to both the international law of human rights and the conduct of amicable global relations. It is within this nexus that both human security and human solidarity become an actionable reality and find their realization in both applicable theory and achievable practice. In so doing, the conduct of states will have to be carried out in accordance with the human rights to peace and development – as elaborated by the aforementioned mandates.

As states begin the process of readjusting their policies, politics, and legislative directives to be more in conformance with accommodating the national and extra-territorial obligations imposed on them by both international law norms and the renovated definitions of human security and human solidarity, there can finally emerge a corresponding set of demands placed on such international agencies as the

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WTO, IMF, and World Bank. Such demands and human rights requirements to advance both peace and development will mean that these institutions can either amend their current policies and practices or be swept away with the debris of history. It is more likely that the nations and emerging regional institutions and organizations of the Global South will have to find meaningful replacements for these institutions, insofar as mere reform of these international institutions will be difficult given their history of buttressing structural injustices around the globe. This is because they have already contributed too much to the creation of current structural injustices that can effectively block the full emergence of societies' rights to freedom and the promises contained in the human rights to peace and development.

As a result of this analysis, Paupp's *Redefining Human Rights in the Struggle for Peace and Development* demonstrates convincingly that there must be an unfolding of new forms of humane and inclusive governance – predicated on adherence to the necessity of a human rights-based approach to development and peace. In the struggle for these rights, the redefinition of human rights remains predicated on the trajectory of an emerging global constitutional order.

Larry Birns  
Director of the Council on Hemispheric Affairs  
Washington, DC

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## Acknowledgments

In the course of writing this book, I have had the good fortune to enjoy the support, insight, and perspectives of many distinguished scholars, friends, and institutional allies. Insofar as it is true that “no man is an island,” this book is testimony to the reality that many people have helped my thinking and efforts in bringing this study into existence.

Since 1999, I have been more than fortunate to have enjoyed a professional association with my intellectual mentor and now a treasured friend as well, Professor Richard Falk. His many published works have inspired me since the 1970s. His writings continue to guide and direct my understanding of the potential and force of international law to this day.

Since 1984, I have been involved with the Council on Hemispheric Affairs (COHA) and its gifted director, Larry Birns. I began as a research associate with COHA in the 1980s. For the past two decades, I have been involved with the work at COHA in the capacity of a Senior Research Fellow, as COHA monitors the social, economic, political, and human rights situation of Latin America. In that regard, I am also grateful for the foreword that Larry Birns has contributed to this book.

Since 2003, I have been fortunate to have benefited from the intellectual innovations, proposals, insights, and publications of Professor Brian J. Foley. His progressive viewpoints, law review articles, and suggestions have all been an inspiration to me. As I have undertaken the task of writing my critiques of the American Empire, the functioning of the UN Security Council, and war avoidance, I have found Brian’s contributions to be essential in producing new avenues for theory and practice in attaining a more humane approach to global statecraft.

From 2001 to 2004, I served as an official in an NGO called the International Association of Educators for World Peace (IAEWP). My title was National Chancellor of the United States. The president of the IAEWP, Dr. Charles Mercieca, appointed me to that position. The organizational and administrative work with which I was engaged led me to be introduced to Dr. Majid Tehranian. At that time, Dr. Tehranian was serving in the capacity of Director of the Toda Institute for Global Peace and Policy Research, in Honolulu. Subsequently, Dr. Tehranian

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invited me to serve as a council member for the Toda Institute's International Advisory Council and to be a presenter and participant in peace conferences that were held in Honolulu.

In 2009, the main headquarters of the Toda Institute, located in Tokyo, Japan, provided me with a generous grant to write a book on the subject of global governance under the title of *Beyond Global Crisis: Remedies and Road Maps by Daisaku Ikeda and His Contemporaries*. In 2011, I presented Mr. Hiroshi Morita and his colleagues with another proposal – for which they provided me a grant to write this book, *Redefining Human Rights in the Struggle for Peace and Development*. I am grateful for the opportunity to write on subjects that are close to my heart and that correspond to the mission of the Toda Institute in advancing the cause of global peace.

Finally, I want to express my deep appreciation to my editor at Cambridge University Press, John Berger. His support for this book has been critical and indispensable. Thanks to his efforts in getting this book to publication under the auspices of Cambridge University Press, it is my hope and expectation that a wider global audience will be both challenged and inspired to engage in the task of redefining human rights in the struggle for peace and development.

—Terrence E. Paupp