

POLITICS: GLOBAL POLITICS

Discuss the effectiveness of two international laws and/or treaties related to human rights.

Over the past century, the idea of universal human rights has evolved from a concept of little significance into one of the most central ideas that governs the global political arena today. The status of human rights continues to develop and progress, as the protection and violation of human rights is becoming an issue that is increasingly entrenched in foreign policy. The recently established Responsibility to Protect (R2P) doctrine has seen varying degrees of success in its goal to prevent mass atrocity crimes through humanitarian and armed intervention, raising ethical debates over the importance of sovereignty in the face of human rights. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), while successfully recognised in much of the western world, highlights the difficulties in universalising human rights due to ethical beliefs varying between cultures. While both of these international laws seek to preserve the rights of all, their success is ultimately dependent upon the ability of the international community to work together.

The CEDAW is an international convention that was established in 1979 by the UN General Assembly. The convention not only condemns discrimination against women, but also obliges signatories to take progressive steps towards the removal of any customs or prejudices that are rooted in the belief that one sex may be inferior to another. Once ratified, a state will also be under legal obligation to embody gender equality into its domestic legislation and revoke any laws that may involve discriminatory elements. The convention has been widely adopted in much of the world, with a total of 187 parties that have ratified the treaty. It has been deemed significantly successful in the developed world and states of western based cultures, with laws being mostly consonant with CEDAW. However, the influence of the convention is significantly diminished throughout Africa and the Middle East, where the laws that are in agreement with CEDAW have little enforcement and the government appears to be reluctant in challenging cultural norms that may be harmful to woman.

This pattern of rejection throughout Africa and the Middle East correlates with the ethical debate of cultural relativism; that the variation in religious and cultural values among people directly challenges the universality of human rights. Long lasting war and conflict in the Middle East means that many Muslims are victimised by human rights abuses, however it can be said that Muslim women are deprived of many of their basic human rights simply as a consequence of living in the Islamic world. The controversial practice of female genital mutilation (FGM) is an example of how different cultures can lead to different interpretations of human rights. The World Health Organisation (WHO) states that 'about 140 million girls and women worldwide are currently living with the consequences of FGM'. The female population of Egypt, considered one of the more developed Muslim states, is considerably affected by the consequences of FGM, with a 2005 survey showing that of girls between ages of 15 to 17, 77% have been cut. These astounding figures are said to be driven by the enormous cultural, religious and social support behind FGM. FGM is associated with cultural values of womanliness and being 'clean', and is also considered by many to be proper sexual behaviour that contribute to a proper upbringing. As Egypt has both signed and ratified the CEDAW, they are under legal obligation to abide by the principals of the covenant.

Saudi Arabia is another state that, while a signatory to CEDAW, also notoriously denies woman many of their human rights on the basis of religious or cultural grounds. While a number of forces have suppressed progress in developing better human rights standards in Saudi Arabia, most notably culture and religion, external pressures are beginning to have an effect. King Abdullah announced in September 2011 that women will be able to vote in municipal elections in 2015, while also vowing to review its male guardian system in 2009. This shows that while CEDAW may not have much influence in non-western regions such as these, there are developments that show promise or further changes in human rights and freedoms. Undoubtedly, any changes to cultural norms to suit human rights are bound to develop slowly. CEDAW, while having great success in

developed and western states, is yet to exert any real influence over much of the world that is culturally dissimilar to the west and do not uphold similar values.

While sovereignty remains that basic instrument by which we organise global politics, the perception of the significance of sovereignty is beginning to shift in the face of human rights. Humanitarian and armed intervention such as that in Libya in 2011 have been said to disregard the sovereignty of states, however advocates of the R2P principle will argue that state sovereignty is more of a responsibility than a right. R2P is a UN initiative that is now a recognised norm within the international community. It aims to prevent mass atrocities such as genocide, war crimes, crimes against humanity and ethnic cleansing. The doctrine seeks to accomplish this under the three guiding principles that a state has a responsibility to protect its civilians, the international community has a responsibility in assisting a state in meeting these responsibilities, and that it also has a responsibility to intervene if the state fails to meet its responsibilities.

However, R2P has been criticised as being ineffective, and the intervention in Darfur reflects these views. In 2003 conflict erupted in Darfur, Sudan, and now the UN estimates that 450,000 are dead due to violence and disease, with 2.5 million people now displaced. While the UN was quick to respond, it was said that the UN was ultimately unsuccessful in bringing an end to the conflict through negotiation. The African Union (AU) attempted to organise a ceasefire, although the conflict still raged on. Although the UN referred individuals related to the conflict to the ICC, including the Sudanese president Al-Bashir, it was unable to bring anyone to justice. After a peacekeeping force was denied by Sudan in 2006 on the grounds that it would compromise state sovereignty, the United Nations-African Union Mission in Darfur (UNAMID) was soon afterwards established, due to pressure placed on Khartoum by Beijing. The response was said to have been significantly delayed by China, who used a veto power in the UN Security Council to protect Sudan. This demonstrates how R2P is a 'toothless tiger', as it is entirely dependent on the national interest of states if success is to be achieved. It also highlights the contentiousness, and selectivity of the response to Libya.

On the other end of the spectrum is the intervention in Kenya following the 2007 presidential election crisis, which serves as a demonstration of how R2P can work. Following the disputed election in Kenya between the Orange Democratic Movement (ODM) and the Party of National Unity (PNU), widespread and systematic violence erupted over controversies of the election, resulting in over 1000 deaths and 500,000 displaced people. The violence was later deemed to be pre-meditated, with systematic violence between party communities being organised on a local and national level. This violence was also said to be driven by ethnic disputes as well. However, the response by the international community was said to be immediate, with former UN secretary general Kofi Annan leading negotiations between the PNU and ODM. After a number of negotiations, Annan was able to organise a signing of a power-sharing agreement in February 2008, putting a stop to the large scale conflict. The response was praised by the international community as a demonstration of what can be achieved through diplomatic efforts. It highlights how R2P does have the ability to be successful in stopping human rights abuses, however also shows its dependency on the cooperation of states.

Evidently, CEDAW is able to boast much success in achieving its aims of almost universal ratification and significant influence in western states. However it still is relatively unsuccessful when concerning non-western states, particularly Muslim states that are culturally dissimilar to the west and hold a different view of human rights. R2P is currently considered 'toothless' in its ability to achieve its goals, as it is subject the national interest of states, making it very selective in its approach to human rights abuses. While it has demonstrated it can work effectively, the position of the international community will have to shift if any of its limitations are to be addressed.