

## **The 1990 State of Human Rights Address**

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### **Introduction**

During each of the last few years I have been asked by the human rights representatives to give a brief address on a particular subject. This year there was a unanimous decision that I should speak on the rule of law. As a non

Even while claiming to protect the rights of people, powerful leaders pass laws that authorize, condone, encourage, or actually require the denial of basic human rights. The oppressed have no recourse to a court or higher authority.

In Guatemala, the law of the land still forces the Mayan Indians to work in bondage for racist masters, without compensation and with little freedom to participate in shaping their own

These murderers are protected from trial or punishment by the law itself. Under it, only security forces can actually provide evidence of human rights crimes committed by their own members. In no case of this kind, despite tens of thousands of murders committed, has an officer been found guilty and prosecuted.

Even when civilian courts are empowered to act, their decisions are subverted by pressure from the military. In Argentina, where we had high hopes for democracy, after it became known that more than 9,000 people had been "disappeared" by the military rulers, 400 defendants faced trial. Prosecution was limited to two dozen senior officials. Two former presidents and three other officials were convicted, but all other proceedings were terminated. President Carlos Menem has now stated that he will pardon all of them before end of this year.

A nation's leaders have an obligation to maintain order in their society, but order and justice are often in conflict. In democracies, citizens can protect themselves against their government. Otherwise, violence is likely to erupt. Increased oppression is then imposed to control the violence by changing the laws or just replacing them with so-called "emergency measures." Listen to a few examples:

- The people of Singapore have been ruled with an iron hand, with severe limits of freedom of speech and religion. Just last month, a measure was approved that permits the arrest and detention without trial of a member of the clergy who criticizes the government for its mistreatment of the poor. Detention can be renewed under Singapore law indefinitely. A person may spend an entire life in prison without ever having been judged.
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Let me give you a quick picture of the global scene as it existed the day before Iraqi forces invaded Kuwait: On August 1, The Carter Center was helping to monitor more than 100 conflicts in the world, 25 of which were "major" wars. In each of these, at least 1,000 deaths have occurred on the battlefield. Of those 25 major wars, not a single one was between sovereign nations. All were civil wars, among neighbors within a country, with some striving to secure independence. The tragedy is that only on rare occasions can either international organizations or other major world powers act to alleviate this suffering. It is simply not permissible for United Nations officials or an American ambassador to negotiate or even communicate with revolutionary forces seeking to change or overthrow a recognized or member government. We at The Carter Center and a few other nongovernmental organizations, therefore, are free to delve into the causes of these civil wars, to communicate with both the established government and the revolutionaries, to try to bring them to the peace table or to orchestrate other means by which they can be ended.

Attempts have been made to restrict such violence through the rule of law. A basic tenet of the rule of international law is nonintervention in the internal affairs of another country. The United Nations Charter prohibits "the threat or use of force" against another nation. Listen to the charter of the Organization of American States, to which we are signatory: "No state has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of another state." Great nations have a special responsibility to honor their commitments, to prevent armed conflict, and to preserve the rule of law.

As such, our nation does not fare well. The United States has launched several recent strikes in direct contravention of these restraints. American planes bombed Tripoli, U.S. shells and bombs fell on Lebanese villages around Beirut, and our troops invaded Grenada and Panama. Our nation even withdrew from jurisdiction of the International Court of Justice because we were orchestrating the Contra war and accused of mining Nicaraguan harbors. This example set by the world's greatest nation was a severe blow to the concept of international law. In sharp contrast, Soviet President Mikhail Gorbachev has demonstrated in Eastern Europe, Afghanistan, and Kampuchea a long-overdue preference by the Soviet Union for negotiations and nonviolence.

There are some stabilizing legal factors that increasingly deter attacks by one nation on another.

First, the world community is now strongly committed to the preservation of existing international boundary lines, no matter how arbitrarily they were drawn by the victorious nations after the First and Second World Wars. This has been demonstrated by reluctance to recognize sovereignty in the Baltic States and Eritrea, and more recently and very vividly by reaction to the violation of Kuwait's borders.

Second, the United Nations Charter was adopted, then the Universal Declaration of Human Rights. Such international agreements have set uniform standards that are comprehensible by people in all nations, but the global community has been ineffective in enforcing these criteria in oppressive societies. When national laws conflict, world leaders should demand that the international human rights guarantees be honored.

As president, I insisted that the provisions of the United Nations Charter, the Helsinki Accords, and the Universal Declaration of Human Rights should prevail over contradictory human rights policies in other countries, such as those then being followed in the Soviet Union.

