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Human Rights at the United Nations 1955–85: The Question of Bias

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Charges of bias and “double standards” at the United Nations, arising from the organization’s “capture” by the Third World and the Soviets, are commonplace. I seek to investigate the empirical validity of such charges as applied to the organization’s human rights work over the last thirty years. Bias in the selection of priority rights is examined through a quantitative study of the use of meeting time in both ECOSOC’s Commission on Human Rights and the Third (Social, Humanitarian, and Cultural) Committee of the General Assembly. Bias in the selection of regimes to be scrutinized and condemned is explored by comparing the treatment given to South Africa, Israel, and Chile with that accorded regimes guilty of comparable or worse human rights violations. I find that there is considerable bias, and argue that it is one of the most important impediments to increasing the effectiveness of the United Nations’ human rights work. There is, however, another, more appealing, side to the picture, and evidence of a modest but significant decline in bias in the eighties. The problem, therefore, would seem to be real, but neither fatal nor incurable.

Charges of bias and double standards at the United Nations, arising from the organization’s “capture” by the Third World and the Soviets, are commonplace, especially in the United States. For example, Thomas M. Franck (1985:224) notes that “no indictment of the U.N. has been made more frequently or with greater vehemence than that it singles out Western and pro-Western states for obloquy, while ignoring far worse excesses committed by socialist and Third World nations.” Franck, a believer in “the U.N. dream,” comes to the conclusion that this indictment is “partly false, partly true, and partly irrelevant.”

Many conservatives are unwilling to allow even this much. For example, Arieh Eilan (1984:94), in a recent Heritage Foundation study, argues that “the United Nations has become the spokesman for an ideology that is profoundly anti-democratic and anti-Western.”¹ The “aggressively partisan” (Eilan, 1984:xi) approach of this

¹ Compare Moynihan (1978:157, 163ff., 196ff., 225, 245ff.) and Kirkpatrick (1982).

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majority coalition, it is argued, has transformed the United Nations into a hypocritical weapon for attacking the West and airing the (often exaggerated) grievances of the Third World, while sheltering the Soviets and their allies, as well as vicious and corrupt Third World regimes, from international scrutiny.

The United Nation's human rights work has not been exempted from such allegations. For example, Franck (1985:231–42) uses the human rights issue to illustrate his “partly true” verdict, and in an earlier article (Donnelly, 1981) I pressed such charges in explicitly polemical terms.² My goal here is to reexamine the issue, in a more quantitative fashion than is typical, and to investigate whether there have been any major changes in the 1980s.³

Defining and Measuring Bias

The Charge of Bias

Bias, of course, is a slippery notion, often applied in a partisan, “biased” fashion. Authoritative, consensual international human rights norms, however, provide a clear, public, and relatively objective point of reference.

The Universal Declaration of Human Rights, adopted unanimously by the United Nations General Assembly on December 10, 1948, is the central normative instrument of the international human rights regime. In 1966 these norms were given greater force and specificity in the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights. As of January 1, 1987, there were eighty-seven and eighty-five parties, respectively, to the Covenants, and virtually all other states have either signed (but not yet ratified) the Covenants or otherwise expressed their strong support for the rights they contain. The Universal Declaration and the Covenants thus provide an authoritative international expression of the human rights obligations of contemporary states, as those states have themselves agreed.

These documents, known collectively as the International Bill of Human Rights, contain a wide range of both civil and political rights (e.g., the rights to life, security of the person, nondiscrimination, protection against arbitrary arrest and detention, freedom of speech, press, assembly, and association, and political participation) and economic, social, and cultural rights (e.g., to food, health care, education, social security, and work). Most important for our purposes here, these two sets of rights are presented as coequal parts of a single, indivisible list; as United Nations resolutions typically put it, all human rights are “interdependent and indivisible.”⁴ In principle at least, the International Bill of Human Rights is not a laundry list from which one may choose according to national whims or desires; it is a comprehensive package that must be implemented comprehensively.⁵

Therefore, if selected categories of rights are systematically ignored or denigrated, for partisan political or ideological reasons, we have a clear and unambiguous

² Compare Ramcharan (1979:252–56), Moynihan (1978:211, 244, 285), and Eilan (1984:70–77).

³ Tolley (1987:188) charges that in an earlier piece (Donnelly, 1981) I ignored changes begun after 1980. This is hardly a fair criticism of an article written in the fall of 1980, when these changes were not altogether apparent and their import unclear. One of my principal aims here, however, is to consider just how significant these changes have been in reducing the political bias of the United Nation's human rights work.

⁴ See, for example, General Assembly resolutions 32/130 and 40/114.

⁵ The one exception is that the International Covenant on Economic, Social, and Cultural Rights allows (in article 2) the progressive implementation, and even temporary nonfulfillment, of some enumerated rights in less developed countries. But even here, all enumerated rights must be implemented as rapidly as possible. Compare Limburg Principles (1987).

instance of bias *according to the standards that the United Nations and its member states have accepted as authoritative*. The section below explores the charge that the United Nations systematically slights civil and political rights.

Another type of bias occurs when comparable violations in different countries are treated differently for reasons of politics or ideology. It is commonly alleged that in the United Nations particular cases are handled in a way that “allows the censure of breaches of human rights in pro-Western regimes, but protects the Soviets and their friends from similar scrutiny” (Eilan, 1984:74). Such charges are also treated in this article.

In both forms, the claim is that partisan politics, rather than considerations of human rights, drive the human rights work of the United Nations. I shall argue that there is considerable truth to such charges, although it is not the full picture, especially in the Commission on Human Rights in recent years.

Methodology

In the field of human rights, the United Nations has limited powers to formulate international rules, narrow powers to supervise the national implementation of international norms, and no real powers of enforcement (Donnelly, 1986a:605–19. For comparison, see also Forsythe [1985], Farer [1987]). But the United Nations can and does discuss human rights, often at length, keeping the issue on international agendas and, through the instrument of publicity, attempting to promote improvements in national human rights practices. The public aspects of such discussions in the major human rights organs of the United Nations provide the principal source of data used here.

Public discussions require meeting time, which is very scarce in the United Nations. The number of meetings devoted to an item thus reflects, at least roughly, a collective judgment of the topic’s importance. Therefore, I begin by examining the meeting records from 1955 through 1985 of the United Nations two principal human rights bodies, ECOSOC’s Commission on Human Rights and the Third (Social, Humanitarian, and Cultural) Committee of the General Assembly.⁶

Each agenda item was coded and the number of meetings per topic per year was recorded to produce the data set used in tables 1–6. Each table presents data for the entire period, for five-year periods,⁷ and for three periods that reflect discernible changes in the activity of the Commission and the Third Committee, namely, 1955–65, 1966–79, and 1980–85.⁸

In 1966 the International Human Rights Covenants were finally adopted after nearly twenty years of work, marking a particularly decisive turning point in the human rights work of the organization. In addition, the Afro-Asian bloc had begun to establish its predominance in the United Nations, and racial discrimination and self-determination, two special concerns of the Third World, became more or less permanent agenda items in the Commission. To investigate the possibility of more recent changes, figures for the period 1980–85 are also reported separately.

⁶ I consider only very briefly the work of the Human Rights Committee, which has the strongest monitoring powers of all the human rights bodies associated with the U.N. system, because it is a separate, largely autonomous body created by the International Covenant on Civil and Political Rights, and covers the practices only of parties to the Covenant. See Donnelly (1986a:609–11).

⁷ With two exceptions: there were no General Assembly committee meetings in 1964, due to “the Article 19 crisis” provoked by a dispute over funding the Congo operation; and the final period, 1980–85, includes six years. Reanalysis of the data using other groupings yielded no discernible differences.

⁸ These periods also correlate with changes in the membership of the Commission, which increased to thirty-two in 1967, and to forty-three in 1980 (when the meeting time was extended from four to six weeks). Tolley (1987) uses almost the same periodization.

If a topic was discussed for only half a meeting and no resolution was passed concerning that item, it was not recorded in the data set. Otherwise, all substantive topics are included.⁹ The result is a data set of 1,338 Commission “meetings,” and 2,328 “meetings” of the Third Committee (2,030 excluding non-human rights topics).¹⁰

Bias in *what* is discussed can be fairly conclusively assessed with this data set. Assessing bias in the treatment of particular cases, however, requires additional information. Tables 7–9 report the universe of countries singled out for condemnatory resolutions and investigation. These data, in conjunction with the “qualitative” examination of selected cases, are a principal concern of this article.

One might argue that using meeting time as an indicator of organizational priorities and performance not only ignores private and confidential activities, but also slights results and accomplishments in favor of the process of discussion. I would contend, however, that discussion *is* the principal product of the United Nations in the area of human rights, particularly when it comes to implementing, rather than defining, human rights. The United Nations has proved to be a most effective forum for consensually negotiating international human rights norms; in fact, the success of the United Nations in this regard provides the standards by which bias can be assessed. But beyond standard-setting the United Nations has had few concrete results, few clear human rights achievements, other than the publicity generated by its discussions and resolutions. The simple fact is that words are the principal weapon of the United Nations in the struggle for human rights, and thus an appropriate place to focus our attention.

I have chosen meeting time rather than resolutions as my principal indicator of organizational priorities because the standard pattern in both the Commission and the Third Committee is to devote the vast majority of a session to an extended discussion of a handful of items, and then to dispose of several items in the last three or four meetings, frequently adopting resolutions without any substantive discussion of a topic. Furthermore, resolutions often are of questionable significance. For example, Marín-Bosch (1987:table 3) shows that between 1955 and 1985 well over two-thirds of all General Assembly resolutions were adopted without a single negative vote. Votes, and resolutions, are quite cheap at the United Nations; in the last decade the General Assembly alone has adopted an average of over 300 per year, over sixty per year out of the Third Committee alone [Marín-Bosch, 1987:tables 1 and 2]. Words too may be cheap, but meeting time is a very scarce commodity, especially in an era of budget constraints, and how it is used gives us a far better indicator of organizational priorities than just about any other measure.

⁹ Procedural items such as election of officers, setting of meeting times, and adoption of the agenda were not included.

¹⁰ Three complications in constructing the data set should be noted. First, some agenda items crossed categories, a problem that was exacerbated by the tendency to discuss clusters of agenda items at the same time. In such cases, the total number of meetings devoted to an item or cluster was divided among the categories involved. Second, at several meetings two or more items or clusters were discussed. In such cases, each was treated as having been considered for half of a meeting. Third, the length of meetings, especially in the Commission, varies greatly; meetings near the end of the session tend to be much longer than average. Counting meetings therefore gives only a rough indication of time spent on an item. Any distortions introduced, however, are likely to be minor, especially since the later, longer meetings also tend to have more items on the agenda, and thus a typical meeting at the end of the session will count as 1.5 or 2 meetings in the data set. I am aware of only one instance in which time spent has been measured directly (which requires attending the meetings), and that for one year only. Tolley (1987: table 6.2) reports hours spent on selected topics during the 1985 session of the Commission on Human Rights. These correlate very closely with the meeting counts in my data set (with the exception of the item on South Africa, for which Tolley's figures are significantly higher, in large part, I imagine, because in my coding scheme I split most of the meetings in which South Africa is discussed between South Africa and racial discrimination, topics which are almost always discussed together).

Civil and Political Rights

Substantive Priorities in the Commission on Human Rights

Seven major areas of concern can be identified in the agendas of the Commission on Human Rights.

1. Civil and political rights.
2. Economic, social, and cultural rights.
3. The right of peoples to self-determination.
4. Communications alleging a pattern of gross and systematic violations of human rights in a particular country.
5. The agenda item on "the violation of human rights and fundamental freedoms in any part of the world," initially introduced under ECOSOC resolution 1235, which provides the principal authority for the Commission's public study of the human rights practices of individual states.
6. Human rights practices in the pariah regimes of Chile, Israel, and Southern Africa.¹¹
7. Promotional and general activities, such as resolutions encouraging the ratification or implementation of human rights instruments, commemorations of notable events (e.g., anniversaries of the passage of the Universal Declaration), or preparations for international conferences or observations.

To this we must add an eighth, residual category for topics such as advisory services, periodic reporting procedures, the impact of scientific and technical developments, and rights of the child.

As Table 1 indicates, almost one-third of the Commission's meeting time has been devoted to questions of civil and political rights, and in each of the three major periods (1955–65, 1966–79, 1980–85) the figure is over 20 percent. By contrast, economic, social, and cultural rights occupied the Commission for only 5.5 percent of its time, and substantially less than 10 percent in each five-year period. If anything, the Commission seems to overemphasize civil and political rights, rather than slight them, as is usually charged by those who complain of U.N. bias.

But consider *which* civil and political rights have been discussed. Table 2 lists every right that was discussed under a separate agenda item in the Commission between 1955 and 1985.

Nearly half of the meetings devoted to civil and political rights (which make up 31.8 percent of the total) addressed the right to protection against racial discrimination (15.1 percent); all other civil and political rights combined—roughly half of the International Bill of Human Rights—received about the same attention as the right to nondiscrimination. Even more striking is the fact that since 1966 nearly twice the attention has been given to human rights violations in the pariah regimes as to all civil and political rights other than the right to nondiscrimination. And in the period 1980–85, the right to self-determination, despite the nearly complete decolonization of the Third World, received roughly the same attention (10.4 percent) as all civil and political rights, excluding the protection against racial discrimination (11.8 percent).

Civil and political rights have not been ignored in the Commission. But no plausible case can be made that either the severity or frequency of contemporary

¹¹ The principal focus of this topic has been apartheid in South Africa (and Namibia), but Angola, Mozambique, and Zimbabwe were also considered under this item prior to their liberation.

TABLE 1. Commission on Human Rights, major topics 1955-85, N = 1,338.

	Percentage of meetings devoted to each topic, by years									
	1955-59	1960-64	1965-69	1970-74	1975-79	1980-85	1955-65	1966-79	1980-85	1955-85
Civil and political rights	26.3	62.1	43.1	41.5	12.3	20.8	47.0	30.3	20.8	31.8
Pariah regimes			8.5	11.6	34.6	20.6		19.4	20.6	14.9
Violations anywhere (res. 1235)			11.9	7.6	11.2	15.9		10.7	15.9	9.5
Promotion and general	25.3	6.9	3.9	3.7	12.1	3.4	15.1	6.5	3.4	7.8
Communications (res. 1503)	2.8	3.4	2.2	4.4	12.9	10.5	2.8	7.0	10.5	6.9
Self-determination	4.8		6.3	3.3	4.4	10.4	2.1	4.8	10.4	5.7
Economic and social rights			4.1	8.7	8.1	7.2		7.4	7.2	5.5
All other topics*	40.8	27.6	20.1	19.2	4.4	11.2	33.0	13.9	11.2	17.9

* This is a residual category, the makeup of which changes from table to table. Its relatively large size here prior to 1966 can be attributed to three agenda items, in descending order of importance: the report of the Subcommission (an item of little or no importance after 1962); rights of the child (which occupied 42.4 percent of the Commission's time in 1959, and more than 10 percent in two other years); and advisory services (which have not been a high priority item since 1962).

human rights violations comes even close to matching the distribution of meeting time in the Commission.¹²

Self-determination and racial discrimination, of course, have been the two top human rights priorities of the Third World majority, which long suffered under pervasive violations of these rights. Backed by the Soviet bloc, which places virtually all of its human rights emphasis on economic and social rights and supporting the struggles against (Western) colonialism and racism, the Third World has made its priority items the principal subjects of discussion.

Of course, the West did the same thing when it ran the show. For example, economic and social rights were not even discussed in the Commission between 1955 and 1965 (table 1); racial discrimination only entered the agenda in the sixties (table 2); and more than three times as much attention was devoted to freedom of information as to self-determination between 1955 and 1965 (table 2). The West has been roundly—and rightly—criticized for its biases. But this in no way diminishes or excuses the different biases of the last two decades.

Table 2 also shows that while numerous separate civil and political rights have been discussed—in fact, ten different rights have been discussed in at least five different years—economic and social rights have been considered almost exclusively as a group. Even if we grant that economic and social rights can be implemented only gradually, this still does not explain the generality of the discussion of these rights in the Commission; certainly problems in implementing particular rights merit the most serious consideration.¹³ The only explanation I can see is that most Third World regimes, who largely control the agenda, have almost as much to hide in their record on economic and social rights as they do in their record on civil and political rights.

It is generally agreed that much of the failure to realize economic and social rights in the Third World can be—and in the United Nations regularly is—attributed to external factors: the economic and political consequences of colonialism and neocolonialism, the activities of multinational corporations and international financial institutions, the rules and procedures of the neoliberal international economic system, oil prices, interest rates, rising Western protectionism, etc. But the *extent* of deprivation in many, perhaps most, Third World countries is significantly dependent on internal factors.

Consider the right to food (cf. Eide et al., 1984; Alston and Tomashevski, 1984). All too often, starvation and malnutrition are due not to an absolute shortage of resources but to their maldistribution (Christensen, 1978; Independent [Brandt] Commission, 1983:chapter 5). For example, even major famines in very poor countries often result from the maldistribution of available food rather than an absolute shortage (Sen, 1981; Ravallion, 1987). Brazil provides a good example of a relatively wealthy Third World country that nonetheless has a serious problem with malnutrition (Hewlett, 1980). The large number of homeless and hungry people in

¹² We should be cautious, however, in putting too much weight on these precise numbers. The violations discussed under the agenda item on communications principally involve civil and political rights, which are also the primary focus of discussions of human rights violations in the pariah regimes. We will return to these points below.

¹³ If it is important to discuss economic and social rights as a group (which is just about the only way that they are discussed in either the Commission or the Third Committee [tables 2 and 5]), it is hard to see why civil and political rights should not be considered as a group as well; whereas if civil and political rights do not deserve consideration as a group—they are never discussed that way—it is hard to see why economic and social rights do. We also have the puzzling case of the rights of migrant workers, which were discussed almost every year since 1977, and are the *only* economic, social, or cultural right discussed as a separate agenda item in the 1980s—and that despite the fact that the ILO has done much important work on migrant workers. If migrant workers, why not economic and social rights of far greater importance, such as rights to food, health care, or work?

a country as wealthy as the United States strongly underscores the central role of internal political factors.

A different sort of internal problem is evident in much of Africa, where farmers have been systematically underpaid by state marketing boards to raise needed revenues, subsidize food prices for politically more powerful urban dwellers, and enrich (by legal and illegal means) politicians and bureaucrats (Bates, 1981. Cf. Ellis, 1982; de Wilde, 1984; Donnelly, 1985). In addition, "development" programs have often encouraged a shift from food production to the production of cash crops for export, contributing to a continent-wide decline in per capita food production and acute deprivations of the right to food in many countries (World Bank, 1986:190).

Even making full allowance for past and present external impediments to development, there are tens of millions of people in the Third World who are being deprived of their right to food because of the policies of their governments. The United Nations, however, largely ignores this aspect of the problem. And the same holds true for numerous other economic and social rights.

Why? Most probably because those in power, those who speak for their governments in the United Nations, are the beneficiaries of the existing policies and (mal)distributions. Thus the discussion of economic and social rights remains general and focused on Western policies, while the specific and internal dimensions of the problem are almost completely ignored.

Turning back to civil and political rights, we find a disturbing pattern in the list of rights selected for discussion, which can be grouped into four principal categories.

1. Personal rights, which provide minimum guarantees of personal integrity and social membership: the right to life and protections against slavery and discrimination.
2. Legal rights, which provide minimum procedural protections for individuals in their dealings with the state: for example, the right to counsel and protections against torture, arbitrary arrest, detention, or disappearance.
3. Civil liberties, which provide protections against state interference with certain public activities: for example, freedom of religion, information, and movement.
4. Political rights, particularly the right to popular participation in government.

Tables 2 and 3 reveal a heavy predominance of personal and legal rights in the discussions of the Commission, and especially what might be called lowest common denominator rights, which virtually no government seriously attempts to justify violating: protections against racial and other forms of discrimination, arbitrary arrest and detention, torture, disappearances, and the mistreatment of detainees. The other rights that have been relatively extensively discussed have been three civil liberties: freedom of religion, freedom of information, and the right to asylum (and even these last two have been almost completely ignored for the last twenty years).

Note, however, the list of civil liberties *not* discussed, such as freedoms of speech, press, assembly, and association. Only five meetings (0.3 percent, all prior to 1973) have been devoted to political rights. And in the period 1980–85, the discussion of civil liberties reached an all-time low (1.9 percent). In other words, within the category of civil and political rights there is a systematic slighting of precisely those rights that provide citizens with the political means to shape their lives and their government, those rights that might provide citizens a significant opportunity to mount a challenge to dictatorial regimes. We will return to this point below.

None of this should be surprising. The United Nations, like any majoritarian membership organization, reflects the desires and priorities of its members. Most of the world's governments systematically deny or severely limit the exercise of civil

TABLE 2. Commission on Human Rights, particular rights discussed 1955-85, N = 1,338.

	<i>Percentage of meetings devoted to each topic, by years</i>									
	1955-59	1960-64	1965-69	1970-74	1975-79	1980-85	1955-65	1966-79	1980-85	1955-85
Racial discrimination					4.8	9.0	15.4	18.5	9.0	15.1
Self-determination	4.8	32.3	16.5	31.4	4.4	10.4	2.1	4.8	10.4	5.7
Freedom of religion		10.0	23.7	2.0	0.7	0.7	10.9	5.5	0.7	5.5
Economic/social (general)			4.1	7.4	7.5	6.5		6.7	6.5	5.0
Other (nonracial) discrimination	7.6	5.3		1.1	1.1	1.3	5.8	0.8	1.3	2.2
Freedom of information	9.3	5.6	0.2	2.2			6.7	0.9		2.1
Right to asylum	4.8	6.6			0.7		5.2	0.2		1.4
Torture					1.8	2.7		0.6	2.7	1.0
Arbitrary arrest	4.5	1.3	0.2			0.5	2.5	0.1	0.5	0.8
Disappearances						3.0			3.0	0.8
Detainees					0.9	2.2		0.3	2.2	0.7
Aliens				0.2	1.1	0.7		0.5	0.7	0.4
Conscientious objection				0.4	0.4	0.5		0.3	0.5	0.3
Migrant workers					0.4	0.7		0.2	0.7	0.3
Persons born out of wedlock				0.9	0.9			0.6		0.3
Political rights		0.3	1.0	0.9			0.1	0.6		0.3
Legal rights (general)				1.1				0.4		0.2
Slavery			1.0	0.4				0.5		0.2
Freedom of movement				0.9				0.3		0.1
Indigenous peoples				0.9				0.3		0.1
Right to counsel		0.6					0.3			0.1
Right to life			0.5			0.1		0.2	0.1	0.1
Workers' rights				0.4	0.2			0.2		0.1
All other topics	68.9	37.9	46.5	46.5	75.2	61.7	50.9	57.5	61.7	57.1

TABLE 3. Commission on Human Rights, major categories of rights discussed 1955-85, N = 1,338.

	Percentage of meetings devoted to each topic, by years									
	1955-59	1960-64	1965-69	1970-74	1975-79	1980-85	1955-65	1966-79	1980-85	1955-85
<i>Civil and political rights</i>										
Personal rights		32.3	16.5	31.4	4.8	9.0	15.4	18.5	9.0	15.1
Racial discrimination										
Other personal rights	7.6	5.3	1.5	1.5	1.1	1.5	5.8	1.4	1.5	2.5
Legal rights	4.5	1.9	0.2	2.0	3.5	8.4	2.8	2.1	8.4	4.0
Civil liberties	14.2	22.3	24.0	5.7	2.9	1.9	22.8	7.7	1.9	9.9
Political rights		0.3	1.0	0.9			0.1	0.6		0.3
<i>Economic, social, and cultural rights</i>										
Economic/social (general)			4.1	7.4	7.5	6.5		6.7	6.5	5.0
Economic rights				0.4	0.7	0.7		0.4	0.7	0.4
Social/cultural rights				0.9				0.3		0.1
Self-determination	4.8		6.3	3.3	4.4	10.4	2.1	4.8	10.4	5.7
All other topics	68.9	37.9	46.5	46.5	75.2	61.7	50.9	57.5	61.7	57.1

liberties and political rights.¹⁴ Therefore, it is hardly surprising that in the United Nations these same governments prevent serious discussion of these rights. The pattern of priorities discussed above clearly suggests that the majority has tried to swamp all but the lowest common denominator civil and political rights, as well as to separate economic and social rights (which threaten elite privilege and domination), and by their silences hide, or at least obscure, the pervasive human rights violations that lie at the basis of many of their regimes.

Substantive Priorities in the Third Committee

Table 4 shows a similar pattern of priorities in the Third (Social, Cultural, and Humanitarian) Committee of the General Assembly. The topics of communications and violations anywhere in the world are not items considered by the Third Committee, and of the pariah regimes only South Africa has been discussed under a separate agenda item. Four additional major topics have been identified: refugees, an item not assigned to the Commission by ECOSOC; drafting the International Human Rights Covenants, which occupied roughly one-third of the Committee's time between 1955 and 1966; discussion of ECOSOC's annual report;¹⁵ and topics that do not deal with human rights, such as disaster relief and narcotics control.

As in the Commission, however, the apparent relative overemphasis on civil and political rights (28.3 percent) largely disappears if we look more closely at the particular rights considered, as indicated in table 5.

Racial discrimination has received more attention in the Third Committee than all other civil and political rights combined over the last two decades, and the majority of the remaining time spent on civil and political rights has been devoted to women's rights,¹⁶ while self-determination has been discussed about as much as the remaining civil and political rights (excluding racial discrimination and women's rights). Economic and social rights, as in the Commission, are considered almost entirely in general terms. A variety of separate civil and political rights have been discussed; but again the omissions in the area of civil and political rights are striking. Personal rights have received considerable attention, but the only civil liberties discussed have been the right to asylum, freedom of information, freedom of religion, and the right to marry and found a family. Political rights have never been on the agenda.

The Pariah Regimes

As we saw in table 1 above, human rights violations of the pariah regimes of Chile, Israel, and South Africa (plus Namibia, and, prior to their liberation, Angola,

¹⁴ To substantiate such a judgement would take far more space than I have available here. One rough measure, however, may be the Freedom House rankings of civil liberties and political rights. In the 1986–87 rankings, ninety countries received political rights ratings of 5, 6, or 7 (on Freedom House's seven-point scale, 1 = most free, 7 = least free) and ninety-one received such ratings on civil liberties (Gastil, 1987:table 3). And this was not an unusual year: more than forty countries have received "not free" ratings (combined scores of twelve or worse) in every year from 1976 through 1986, and many others have received such a rating for three or more off the past ten years (Gastil, 1987:table 6). The Freedom House rankings are not without their own problems of bias, in particular a tendency to judge right-wing governments rather kindly. This bias, however, actually results in underestimating violations.

¹⁵ The item on the ECOSOC report (agenda item 12) has been the locus for discussions of violations in particular countries, as well as a number of topics that receive separate agenda items in the Commission. For example, in 1982, a year selected at random, the following topics were discussed under item 12: Chile, disappearances, El Salvador, refugees in Ethiopia, extralegal executions, Guatemala, regional human rights arrangements, Iran, migrant workers, Nazism, Fascism and Neo-Fascism, rights of noncitizens, Palestinians, Poland, refugees, Somali refugees, Southern Africa, and refugees in Sudan.

¹⁶ The Commission on Human Rights does not discuss women's rights, which in ECOSOC are assigned to a separate Commission on the Status of Women.

TABLE 4. Third Committee, major topics 1955-85, N = 2,328.

	Percentage of meetings devoted to each topic, by years									
	1955-59	1960-64	1965-69	1970-74	1975-79	1980-85	1955-65	1966-79	1980-85	1955-85
Civil and political rights	14.0	30.6	29.7	29.8	32.5	31.5	25.4	28.9	31.5	28.3
ECOSOC report	14.8	22.8	4.2	9.7	14.3	16.9	17.5	9.3	16.9	13.4
Drafting Covenants	43.5	24.7	12.2				31.1	4.5		12.2
Promotion and general	1.8	2.9	14.5	7.9	12.5	10.9	3.3	11.9	10.9	9.0
Refugees	10.8	7.5	3.6	4.2	4.8	7.5	8.6	4.3	7.5	6.3
Self-determination	4.2			10.7	9.9	6.2	2.0	7.1	6.2	5.3
Economic/social rights			3.8	3.1	4.5	1.6	0.5	3.8	1.6	2.3
South and Southern Africa					3.8	2.9		1.4	2.9	1.2
Other human rights topics	7.7	7.0	10.1	23.7	3.1	5.2	6.6	12.5	5.2	9.2
Not human rights*	3.2	4.6	21.9	11.0	14.5	17.2	5.0	16.2	17.2	12.8

* Table 5 below does not include data in this category.

TABLE 5. Third Committee, particular topics discussed 1955-85, N = 2,030.*

	<i>Percentage of meetings devoted to each topic, by years</i>									
	1955-59	1960-64	1965-69	1970-74	1975-79	1980-85	1955-65	1966-79	1980-85	1975-85
Racial discrimination		11.2	19.2	27.6	20.5	14.8	10.5	19.6	14.8	15.5
Women's rights	3.5		6.5		9.3	12.9	1.7	5.9	12.9	5.7
Self-determination	4.3			12.0	11.6	7.5	2.1	8.5	7.5	5.9
Freedom of information	10.3	8.9	0.3	0.8			8.7	0.4		3.2
Freedom of religion			9.4	3.9	1.5	3.0	0.4	5.0	3.0	3.0
Economic/social (general)			4.9	3.4	4.4	1.5	0.5	4.2	1.5	2.4
Torture					4.7	3.0		1.8	3.0	1.4
Right to marry	0.7	6.3	0.6		0.6		3.2	0.2		1.2
Rights of the elderly				0.6		2.2		0.6	2.2	0.7
Right to asylum		3.7			1.1		1.5			0.5
Rights of the disabled					0.4	2.2		0.2	2.2	0.5
Right to life						0.1		0.7	0.1	0.3
Cultural rights					0.8	0.4		0.3	0.4	0.2
Other (nonracial) discrimination		1.4	0.1				0.6	0.1		0.2
Nationality/statelessness				0.6				0.2		0.1
Slavery		0.5					0.2			0.1
All other (human rights) topics	81.2	68.0	57.1	51.1	45.1	52.5	70.6	52.5	52.5	59.0

* Topics not dealing with human rights are not included, for ease of comparison with tables 2 and 3. As a result, however, this table is not directly comparable with table 4.

Mozambique, and Zimbabwe) occupied almost 15 percent of the Commission's total time; nearly one-fifth of its time since 1966; and over one-quarter of its meetings between 1975 and 1985. These figures are broken down in table 6.

Here we see a significantly different kind of bias. Rather than single out certain rights to the exclusion of other, no less important, rights, certain countries are singled out, for partisan purposes, to the exclusion of other, no less reprehensible, regimes. There is no logical connection between these two types of bias, but bias in the selection of regimes is no less serious a problem than the bias in the selection of rights discussed in the preceding section.

Real and important problems are addressed in both areas; the problem is not an absolute overattention to racial discrimination, self-determination, or the pariah regimes. Rather, the problem arises from the final selection of priority rights and regimes on the basis of considerations other than human rights. Partisan politics serves as a filter, protecting some states from scrutiny for reasons that have nothing to do with their human rights performance. The result is a distorted process and a tainted outcome.

South Africa

South Africa's apartheid regime systematically denies most civil and political rights to the vast nonwhite majority of its population (as well as a few white opponents) and pursues policies that systematically deprive nonwhites of most economic and social rights as well. It is eminently deserving of the most forceful remedial action by the United Nations.

But many other countries with no less reprehensible human rights records have evaded comparable scrutiny.¹⁷ For example, in Africa alone we find that the first public resolution on Equatorial Guinea was not passed until 1979, roughly coinciding with the fall of Macias Nguema's regime; Amin's Uganda was never the subject of a public resolution in the Commission, nor did the Commission ever condemn the widespread massacres of the second Obote regime; and there has never been a resolution on human rights in Ethiopia under Mengistu.¹⁸

The one distinguishing feature of South Africa, of course, is racial discrimination. This suggests that in the United Nations, racial discrimination is in a category by itself, above even massacre and systematic torture. Racial discrimination certainly deserves high priority—just as South Africa clearly deserves the most forceful international condemnation—but to exalt it above all other rights is theoretically unjustified and a clear reflection of political and ideological bias.¹⁹

¹⁷ Here, and at a number of points below, I make rather sweeping judgments of the human rights practices of countries. I think that these judgments are not very controversial, but they are very hard to substantiate briefly. For reasons of space I will simply state the evaluation, rather baldly, and in notes such as this one point the reader to some of the sources—wherever possible, to reports by independent human rights NGOs such as Amnesty International—that support these claims. On Equatorial Guinea, see Liniger-Goumaz (1982) and Oto (1979); on Uganda under Amin, see Amnesty International (1978c) and Posner (1978); on Uganda under Obote, see Amnesty International (1982c) and Amnesty International USA (1985); and on Ethiopia, see Amnesty International (1977b, 1978a), Niggli (1986), and Harris (1987). These countries have consistently received the worst possible Freedom House ratings (Gastil, 1987:table 6).

¹⁸ These countries have been confidentially considered, under the 1503 procedure (discussed below), but that is a different matter.

¹⁹ We should also note that discrimination on the basis of nonracial (ethnic) considerations, which is a serious problem in many Third World countries, is a low-priority item in the Commission (receiving roughly 1 percent of its time since 1966 [table 2]), and has not been discussed in the Third Committee since 1962.

TABLE 6. Commission on Human Rights, discussion of pariah regimes 1955-85, N = 1,338.

	<i>Percentage of meetings devoted to each topic, by years</i>										
	1955-59	1960-64	1965-69	1970-74	1975-79	1980-85	1955-65	1966-79	1980-85	1955-85	
Israel				8.5	14.0	11.7		8.1	11.7	7.1	
Southern Africa			8.5	3.1	8.1	6.2		6.8	6.2	4.9	
Chile					12.5	2.7		4.5	2.7	2.9	
All other topics	100.0	100.0	91.5	88.4	65.4	79.4	100.0	80.6	79.4	85.1	

Israel

Israel clearly is guilty of denying self-determination to Palestinians and other Arabs in the occupied territories. Furthermore, Israel systematically violates a wide range of civil and political rights through an occupation that is maintained by police state tactics.

The Israeli record on civil and political rights in the occupied territories, however, is hardly among the very worst in the world. Besides the countries already mentioned, a number of African, Asian, and Latin American countries—for example, Zaire, South Korea, Kampuchea, and Paraguay—plus most of the countries of the Soviet bloc, and Arab countries such as Syria, have been guilty of equal or greater violations of civil and political rights.²⁰ And the Israeli record on economic and social rights in the occupied territories is no worse than the international average.

Nonetheless, both the Commission and the Third Committee pass resolution after resolution condemning not only the denial of the right of self-determination, but also Israeli practices such as administrative detention and political and ideological control over schools,²¹ which are common in much of the world. The United Nations has established a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, a Committee on the Exercise of the Inalienable Rights of the Palestinian People, and even a Division of Palestinian Rights in the Secretariat. But comparable violations of the right to self-determination do not receive comparable treatment, as the tragic, but little known, case of East Timor indicates.

East Timor was a Portuguese colony that drifted into independence following the 1974 coup in Portugal. Neighboring Indonesia, however, invaded on December 7, 1975, and forcibly incorporated East Timor, without ever consulting the Timorese people and despite the complete absence of any historic claim: not at independence in 1949, nor during any of its struggles for maintaining unity in the 1950s or 1960s, nor even as late as June 1974 did Indonesia claim the territory (Kohen and Taylor, 1979:16; Dunn, 1983:108).

The denial of the right to self-determination, therefore, is at least as serious and as blatant as in the Israeli-occupied territories. And the human rights violations of the Indonesian occupiers have been much more extensive and far more brutal. No less than 100,000 people, and perhaps as many as 300,000, of a population of no more than 700,000, died in the forced incorporation of East Timor into Indonesia (Kohen and Taylor, 1979:42; Sidell, 1981:49–50; Dunn, 1983:3; Budiardjo and Liong, 1984:x). Standard Indonesian practices included the use of paramilitary death and torture squads (*nanggalas*, “knife killers”), arbitrary executions, wanton violence by Indonesian soldiers, disruption of traditional subsistence agriculture by the forced relocation of many tens of thousands of peasants, and a blockade intended to starve the population into submission—as well as the full range of more common human rights violations (Kohen and Taylor 1979:69–84; Dunn 1983:chapter 10; Budiardjo and Liong 1984:chapters 4, 6; Amnesty International 1985).

In the Commission on Human Rights, however, only one public resolution has

²⁰ See, for example, on Zaire, Amnesty International (1979c, 1982d, 1983c, 1983d); on South Korea, Amnesty International (1981) and Asia Watch Committee (1985); on Kampuchea, Shawcross (1984) and Hamel (1977); on Paraguay, Amnesty International (1978b), Inter-American Commission (1978; 1984:120–26), Stephansky (1976), Arens (1977), and Lewis (1980:chapter 10); and on Syria, Amnesty International (1976, 1979b, 1983a, 1983b), Saint-Prot (1984:chapter 3), and Abd-Allah (1983:80–87). See also note 17 above.

²¹ See, for example, A/RES/1983/1A, para. 5 (g), (j); A/RES/1984/1A, para. 8(h), (k); A/RES/1985/1A para. 8(h), (k). Compare also A/RES/36/147A-G, A/RES/37/88A-G, A/RES/38/79A-H, A/RES/39/95A-H, A/RES/37/222, A/RES/38/166, A/RES/39/169.

ever been adopted on East Timor, and that dealt solely with the issue of self-determination (table 7). The General Assembly did pass a series of resolutions, but all dealt only with the right to self-determination; other Indonesian human rights violations have been scrupulously ignored.²² And while genuine genocide in East Timor has been completely ignored, the brutal, completely unjustifiable, but hardly genocidal, massacre at the Sabra and Shatila camps has been labeled “an act of genocide.”²³

Palestinian Arabs have become a central concern of the United Nations. The people of East Timor have been abandoned. And politics is the only plausible explanation.

The intense historic animosities in the Middle East and the forceful diplomacy of Israel's Arab opponents have left Israel largely isolated, while the Palestinians have the strong verbal support of many Arab and other Muslim countries, and most African countries. Indonesia, by contrast, is a major power in the Third World. Furthermore, its strategic significance, oil resources, and long-run economic potential have brought Indonesia considerable Western support. Latin American countries have also tended to side with Indonesia.

The Western stance toward Indonesia underscores the fact that self-interest and bias are not a special feature of Third World and Soviet bloc regimes but pervasive problems in the human rights work of the United Nations, a point to which we will return below. Nonetheless, the singling out of Israel is a clear and dramatic example of bias and double standards in the human rights work of the United Nations.

Chile

Most Third World countries suffered racist, colonial domination. Their sensitivity to issues of racism and self-determination is therefore understandable—although the resulting bias is not thereby justified. Chile, however, does not raise questions of racism or self-determination, and yet it too has acquired pariah status.²⁴

The Pinochet regime is a brutal dictatorship that in addition to pervasive violations of civil and political rights, has pursued economic policies that have impeded the realization of economic and social rights for most Chileans. Once again, public discussion and condemnatory resolutions are clearly appropriate. But Chile has become a high-priority question for practices that are commonplace in literally

²² See General Assembly resolutions 3485, 31/53, 32/34, 33/39, 34/40, 35/27, and 36/50. There has, however, been no resolution on East Timor since 1982. And even this much has proved extraordinarily controversial. Of the seven resolutions passed on East Timor between 1976 and 1982, not a single one received a majority of those present and voting. In fact, of the seven East Timor resolutions, four received the most negative votes cast on any resolution in that session, two the second-greatest number, and one the third-greatest. For example, the 1982 resolution was adopted by a vote of fifty in favor, forty-six opposed, and fifty abstentions. By contrast, a typical human rights resolution is adopted with well over a hundred affirmative votes and rarely more than a handful of negative votes. In the entire year of 1982 there were only eleven General Assembly resolutions (about 4 percent) that received over twenty negative votes—and this was the greatest number recorded in any year since 1970 (Marín-Bosch 1987:table 6).

²³ Commission on Human rights resolution 1984/11. We can also note that much more serious massacres in neighboring Syria, particularly the Hama massacre of February 1982 in which more than 10,000, and perhaps as many as 50,000, people were killed, have been completely ignored. See Amnesty International (1983b:33–38) and Saint-Prot (1984:chapter 3).

²⁴ Furthermore, the United Nation's treatment of Chile is not even a case of responding to a long-standing or unique problem. For example, apartheid formally dates from 1948, was de facto policy no later than the 1920s, and has centuries-deep roots in South African history. Chile, however, became a high-priority item in the United Nations in less than two years. And while apartheid is unique to South Africa, and Israeli actions in the occupied territories raise relatively rare legal and political issues, Chile became a high-priority item for practices that had already been well tested in Brazil—which was not, and has not been, a target of Commission action—and have since been adopted by a number of regimes that have escaped public scrutiny.

dozens of other countries. During Pinochet's tenure one can identify a handful of countries whose records are clearly worse (Kampuchea, Uganda, Equatorial Guinea, and Ethiopia), several that are unquestionably at least as bad (such as Paraguay and Afghanistan), and many others that arguably have no better records (such as the Philippines, Zaire, and Argentina).²⁵

Chile, however, alone was considered as a separate item on the Commission's agenda. In fact, it received more attention than Southern Africa in each year between 1975 and 1985, and occupied more than 6 percent of the Commission's time between 1975 and 1985. Similarly, Chile has been the subject of General Assembly resolutions every year since 1974. This dubious honor can be traced to Chile's political isolation in wake of the almost universal disgust triggered by the U.S.-backed overthrow of Allende; votes against Chile are nearly as lopsided as those on Israel and South Africa.

Table 6, however, indicates a clear drop in the Commission's attention to the pariahs, from almost 35 percent in the period 1975–79 to just over 20 percent for 1980–85. Furthermore, the drop is particularly dramatic in the case of Chile, the country whose inclusion is most questionable. To investigate the extent to which this is evidence of a systematic move toward greater balance—or at least less imbalance—we need to consider more broadly the treatment of human rights violations in other countries of the world. Only Chile, Israel, and Southern Africa have received separate agenda items, but the human rights practices of many other countries have been discussed in both the Commission and the Third Committee.

Other Human Rights Violators

ECOSOC resolution 1503, adopted in 1970, allows the Commission on Human Rights to conduct confidential investigations of communications that allege a pattern of mass and flagrant violations. Although this procedure is extraordinarily slow and cumbersome, by the late seventies it had become fully operational and firmly established (Tolley, 1987:124–32). At roughly the same time the Commission was able to reach a consensus on public discussion of human rights in individual countries (see Tolley, 1987:111–24).

Human rights conditions in twelve countries (in addition to Cyprus²⁶ and the pariahs) have been the subject of public resolutions in the Commission or reports by special rapporteurs.²⁷ Table 7 lists these resolutions, which are of three main types: (a) critical resolutions expressing concern over or condemnation of systematic violations, (b) resolutions criticizing denial of the right of self-determination, and (c) resolutions offering assistance, advisory services, or praise for improvements in human rights practices.

²⁵ On Afghanistan, see Amnesty International (1979a) and Laber and Rubin (1984); on the Philippines, see Butler, Humphrey and Bisson (1977), Amnesty International (1977c, 1982b), Amnesty International USA (1982), Lawyers Committee (1983a, 1985), Leary, Ellis and Madlener (1984), and Claude (1987); and on Argentina, see Amnesty International (1977a, 1982a), Inter-American Commission (1980), and Lawyers Committee (1980). See also notes 17 and 20 above.

²⁶ The United Nation's intimate role in the difficult decolonization of Cyprus makes this a special case; human rights resolutions on Cyprus are more a reflection of prior U.N. involvement than of the human rights situation in Cyprus.

²⁷ Resolutions, the second-best indicator of priorities, are used here because meeting time devoted to individual countries cannot be computed, given that they are not discussed as separate agenda items. Furthermore, given the extreme sensitivity of resolutions commenting on (that is, criticizing) the human rights situation in particular countries, the Commission shows great caution in adopting such resolutions, making them a good indicator of Commission concerns and priorities.

TABLE 7. Commission on Human Rights resolutions and reports on particular countries,^a 1955–85.

	1979	1980	1981	1982	1983	1984	1985
Re: Systematic violations							
Afghanistan						x	x
Bolivia			x				
El Salvador			x	x	x	x	x
Equatorial Guinea	x						
Guatemala		x	x	x	x	x	x
Iran				x	x	x	x
Kampuchea ^b		x	x	x	x	x	x
Malawi							x ^c
Nicaragua	x						
Poland				x	x	x ^c	
Re: Self-determination							
Afghanistan		x	x	x	x	x	x
Grenada						x	
East Timor					x		
Western Sahara		x	x	x	x	x	x
Re: Assistance or congratulation							
Bolivia				x	x	x	x
Central African Republic			x				
Equatorial Guinea		x	x	x	x	x	x
Haiti							x ^c
Uganda			x	x	x	x	x

^a Excluding resolutions on Cyprus (see note 26) and the pariah regimes (and territory they control). In addition, draft resolutions were postponed on Western Sahara (1979, 1980), Kampuchea (1979), and Poland (1984), and a resolution on Northern Ireland was withdrawn (1980). No new countries were added to the list in 1986 or 1987.

^b The 1981–85 resolutions were adopted under the heading of self-determination but include strong condemnations of systematic human rights violations.

^c Report only.

African countries have been virtually exempted from critical comment. Resolutions on Uganda and the Central African Republic came only after the overthrows of Amin and Bokassa, and only offered assistance to the new governments. Equatorial Guinea, the only former Spanish colony in black Africa, and Malawi have been the sole subjects of critical resolutions or reports.

The coverage of Asia and the Middle East has been somewhat better: Afghanistan, Iran, and Kampuchea have been the subjects of Commission resolutions, along with the question of self-determination in East Timor. There still are major omissions, such as Vietnam, North and South Korea, and the Philippines. Furthermore, no Arab country is included in the list. Afghanistan, however, breaks the pattern of exempting Soviet clients from scrutiny, and the 1982 and 1983 resolutions on Poland, the only European country considered, are especially noteworthy.

Latin America comes the closest to receiving balanced treatment, with resolutions on Bolivia, El Salvador, Guatemala, and Nicaragua under Somoza. The exclusion of countries such as Argentina, Cuba, and Uruguay suggests serious incompleteness, but the treatment of Latin America cannot be called seriously biased (unless one compares the treatment of the U.S. and Soviet spheres of influence).

We can therefore conclude that the Commission's public consideration of country practices, while by no means adequate in either balance or scope, has over the last few years been much less biased than a consideration of the pariah regimes alone might have led us to expect.

TABLE 8. Action taken under ECOSOC resolution 1503, 1978-85.^a

	1978	1979	1980	1981	1982	1983	1984	1985
Afghanistan				x	x	x		
Albania							x	x
Argentina			x	x	x	x	x	
Benin							x	x
Bolivia	x	x	x	x				
Burma		x						
Central African Republic			x	x				
Chile				x				
El Salvador				x				
Equatorial Guinea	x	x						
Ethiopia	x	x	x	x				
German Democratic Republic				x	x	x		
Guatemala				x				
Haiti				x	x	x	x	x
Indonesia	x	x	x	x		x	x	x
Iran						x		
Japan				x				
Republic of Korea	x	x	x	x	x			
Malawi	x	x						
Malaysia							x	
Mozambique				x				
Pakistan							x	x
Paraguay	x	x	x	x	x	x	x	x
Philippines							x	x
Turkey						x	x	x
Uganda	x	x	x	x				
Uruguay	x	x	x	x	x	x	x	
Venezuela					x			
Zaire								x

^a Gabon was added to the list in 1986. No new countries were considered in 1987.

This is even clearer in the actions taken under the 1503 procedure. Although the procedure is largely confidential, in each year since 1978 the Commission has made public the list of countries concerning which action has been taken. Given the procedural hurdles involved, inclusion on this list is generally interpreted as evidence of serious violations (Shelton, 1984:65). These countries are listed in table 8.

Twenty-nine countries, from all areas and ideological blocs, were the subjects of action under the 1503 procedure between 1978 and 1985. There are still serious omissions and anomalies. For example, the GDR is included, but not Bulgaria or even Poland; South Korea but not North Korea, Vietnam, or Kampuchea; Iran but no Arab country. There has been no action on Equatorial Guinea after 1979, on Ethiopia or Uganda after 1981, on Zaire before 1985, or on Ghana at any point. Nonetheless, coverage has been remarkably balanced, especially when we consider that at least some gaps reflect the inability of victims of human rights violations to communicate their plight to the Commission.

The pariahs receive the lion's share of the publicity. The Commission on Human Rights, however, has in the last several years made a serious, and in significant measure successful, effort to broaden and give greater balance to its coverage of human rights violations. Furthermore, it must be noted that the countries considered

TABLE 9. General Assembly resolutions on human rights violations in particular countries,^a 1955–85.

	1980	1981	1982	1983	1984	1985
Bolivia	x					
El Salvador	x	x	x	x	x	x
Guatemala		x ^b	x	x	x	x
Iran						x

^a Excludes resolutions on Cyprus (see note 26) and the pariah regimes, and resolutions adopted under agenda items not dealing with human rights. In addition, a draft resolution on Uganda was not voted on in 1977, and human rights violations were discussed and indexed, but no draft resolution proposed, on Kampuchea (1978, 1979, 1980), Iran (1983), and Poland (1983). No new countries were added in 1986 or 1987.

^b A/DEC/36/435, not a resolution.

both in public and through the 1503 procedure are singled out primarily because of egregious violations of lowest common denominator civil and political rights. Despite their reluctance to emphasize civil and political rights, in certain extreme cases they have been a key to mobilizing a Commission response to gross and systematic violations.

The record of the General Assembly, however, is much more disappointing, as table 9 indicates. The inclusion of Bolivia is anomalous and largely idiosyncratic.²⁸ In effect, U.S.-backed El Salvador and Guatemala have become quasi-pariahs, and Iran also seems to be achieving such a status.

One cannot deny that the governments of El Salvador, Guatemala, and revolutionary Iran have been guilty of very serious human rights violations. Nonetheless, only politics can explain why resolutions have been adopted on these countries but not on dozens of others with records as bad or worse as, say, that of El Salvador in 1985. Particularly striking is the fact that comparably repressive Soviet-backed regimes have not been subjected to comparable scrutiny.

Consider not only the absence of General Assembly action on countries such as Afghanistan and Vietnam (in Kampuchea), but also the continued consideration of Chile, El Salvador, and Guatemala, irrespective of the ebb and flow of human rights violations in these countries, which is in sharp contrast to the treatment accorded Poland. Once Solidarity's star began to wane, Poland (which was never even criticized in an Assembly resolution or subject to action under the 1503 procedure) escaped even Commission criticism, despite the fact that the demise of Solidarity meant a deterioration, not an improvement, in the human rights situation in Poland (Lawyers Committee, 1983b). By contrast, clear improvements in human rights practices in Chile, El Salvador, and Guatemala, by regimes no more repressive than Poland's, were largely ignored.²⁹

²⁸ The resolution (A/RES/35/185) was a remarkably rapid response to the July 1980 coup in Bolivia. By the 1981 session, however, the situation had improved to the point where a resolution seemed unnecessary. If all similar, relatively short-run but serious violations were made the subject of U.N. resolutions, table 9 would include dozens of countries.

²⁹ This is no longer entirely true even in the General Assembly. In the 1987 session, the special rapporteur's report on El Salvador (A/42/641) noted some improvements, which were acknowledged by a number of countries in debate. Furthermore, dramatic improvements in Guatemala, following the relatively free election of a new civilian government, led to its deletion from the list of semipariahs. Nonetheless, even in 1987 the Assembly adopted resolutions only on the human rights situations in El Salvador and Iran.

Nonaligned states are given still gentler treatment, as Equatorial Guinea and Uganda indicate. The successors to Macías Nguema and Amin may have been improvements—and even that is doubtful in the case of the second Obote regime in Uganda—but their human rights records certainly have not been significantly better than those of Chile, El Salvador, and Guatemala in the eighties. Yet in the General Assembly, violations in these countries have been ignored, and even in the Commission, public resolutions have offered congratulations, encouragement, and assistance, rather than condemnation. By contrast, the Latin Americans have received primarily condemnation, and that of the most public form.

The United Nations is not as willfully myopic as its stress on the pariah regimes might suggest. Nonetheless, human rights violators are selected for or exempted from public criticism largely on the basis of political considerations other than the nature, extent, and severity of their human rights violations. Countries singled out for criticism are, without exception, deserving of international reproach. But no less reprehensible regimes receive only mild rebuke, or no mention at all, for largely political reasons.

The Problem of Bias

Systematic bias in the human rights work of the United Nations, as we have seen above, is declining in the case of the Commission, and has never been entirely consistent or completely debilitating. Furthermore, it is only part of the full picture.

The United Nations has been remarkably successful—and impartial—in its standard-setting activities. In its work on the International Bill of Human Rights, plus single-issue treaties on topics such as genocide, racial discrimination, women's rights, and torture, the United Nations has provided a forum for forging a nearly universal international consensus, at least on paper, with respect to international human rights standards. These consensual norms are as often as not observed in the breach, but even such a merely normative consensus marks a major breakthrough² and provides national and international human rights activists with additional leverage in their struggle against repressive regimes. It is hard to see how such a consensus could have been reached outside the United Nations.

The United Nations has also done a good job of publicizing these international standards; it has even been sporadically successful in promoting their national implementation. But where the organization attempts to monitor, let alone enforce, compliance with international human rights standards, its work begins to break down, in part as a result of political bias. And since the power of persuasion, on which the United Nations' human rights efforts ultimately depend, rests principally on a reputation for integrity and impartiality, this bias can significantly reduce its already very limited power.

One might respond that the only practical alternative is silence, and that given this choice half a loaf is better than none. To use a domestic legal analogy, just because criminals slip through the system is no reason to stop pursuing and prosecuting criminals. Furthermore, defective monitoring procedures are better than none at all because they provide a basis for later improvements.

Such arguments have considerable force. Their limits, however, also need to be stressed. The analogy of criminals evading the law is a poor one. To the extent that those who get off do so as a result of a largely random or accidental process, the argument is reasonable. But if those prosecuted are selected because of some factor essentially unconnected with their crime—e.g., race, religion, political opinions, family background, personal association, or poverty—we have not an inefficient legal system but a miscarriage of justice, even if only guilty people are prosecuted. This is very close to the situation in the United Nations today.

The “possibility of improvement” argument is also problematic. Change requires overcoming the considerable inertia of institutional precedent and mobilizing a coalition with the power to carry out the improvements. These conditions are unlikely to be met soon in the United Nations.

For example, Chile might be used to serve as a striking precedent for a major expansion of public human rights monitoring activities; the very features that have made singling out Chile so unfair might serve as precedents for scrutinizing the practices of dozens of additional countries. It seems clear, though, that this is extremely unlikely, at least in the short and medium run. The fact that a sizeable minority, perhaps even a majority, of U.N. members could readily imagine themselves becoming subjects of a truly impartial and comprehensive monitoring system makes it almost certain that the best we can hope for is very gradual, marginal improvement.

There is more to international human rights monitoring, however, than public resolutions and the 1503 procedure. In particular, there are bodies of independent experts created by international human rights treaties to monitor treaty implementation by state parties (See Donnelly, 1986a, 1986b). In addition, the Commission has a Subcommission of independent experts.

These bodies are highly professional and generally impartial, but they cover only states that are parties to the treaty in question, and mandatory “enforcement” measures require only periodic reports. Optional procedures allow states to permit some of these bodies to consider complaints from individuals, but relatively few states—and even fewer major human rights violators—have in fact authorized this. Where states are subject to scrutiny without their consent, however, as in the Commission on Human Rights and the General Assembly, they insist on retaining direct control over the procedure, and exercising this control in politically partisan fashion—which is only to be expected.

The one major exception to this, in addition to the 1503 procedure,³⁰ has been the largely nonpartisan study of certain lowest common denominator rights by Commission working groups and special rapporteurs (see Weissbrodt, 1986; Tolley, 1987:104–10). The practices of several dozen countries have been reviewed in these “thematic” activities of the Commission, and the Working Group on Disappearances has been especially active and impartial in gathering and disseminating information on disappearances in all areas of the world. We must be careful, however, not to overstate the importance or the long-run implications of nonpartisan work on these lowest common denominator rights.

If effective action is possible on any rights at all, it ought to be these rights, where opposition is at least partially disarmed by the very character of the violations. But since a nonpartisan approach has proved difficult even with respect to these rights, there would seem to be no reason to expect much of a spillover of nonpartisanship into other areas. Furthermore, no matter how valuable these lowest common denominator rights may be, we must remember that they are only a small, a very limited, subset of human rights.

Creating a social and political environment where a life of dignity is possible and where human needs, aspirations, and potentialities can be satisfied, developed, and realized is the aim of human rights. This, however, requires much more than a

³⁰ Even the 1503 procedure leaves a number of states very uncomfortable. For example, the Soviets have argued that it has “been rendered obsolete by the International Covenants and their more efficacious procedures” (E/CN.4/1982/SR.15 para. 45). This is patently absurd because only half the world’s countries are parties to the Covenants, and fewer than half of those have accepted the optional provisions that allow the Human Rights Committee to investigate the sorts of communication considered in the 1503 procedure. The very silliness of such an argument, however, provides a striking illustration of Soviet discomfort with the procedure.

government that avoids massive violations of lowest common denominator rights. A government that avoids widespread, systematic torture, racism, arbitrary arrest or detention, and similar violations of personal and legal rights is not necessarily respecting human rights; life in such a state might still be “solitary, poor, nasty, brutish and short.”

It is not even clear that these lowest common denominator rights are the most important civil and political rights. Civil liberties and political rights, such as freedom of conscience, speech, press, association, and assembly, guarantee space for the individual to develop his or her personality, and provide the opportunity to act politically. In contrast to these positive protections for human dignity and development, personal and legal rights provide only negative protections against particular direct deprivations. Furthermore, in virtually every instance in which a state respects civil liberties and political rights, personal and legal rights are relatively well protected. By contrast, many countries grossly and systematically violate civil liberties and political rights, but not personal and legal rights (for example, in the Soviet bloc and numerous African countries, such as Tanzania and Togo).

Civil liberties and political rights provide the power to act to protect one’s own rights. Personal and legal rights provide only protections dependent on the power, and good will, of the state. Such protections are valuable, to be sure. But they certainly are not the most important civil and political rights; they are merely the easiest to get consensus on, because they are so genuinely shocking. And in the United Nations, overwhelming majorities bordering on consensus usually are required for action on human rights questions.

That personal and legal rights are not controversial, however, would actually seem to suggest that they are of secondary importance. Widespread violations are unnecessary, and perhaps even counterproductive, for most repressive regimes, most of the time. Once one’s enemies have been eliminated, as in Brazil in the early seventies, the Southern Cone countries in the late seventies, or in Soviet-dominated Eastern Europe, a repressive regime can largely dispense with violations of lowest common denominator rights. Likewise, the resurgence of the need for such violations, as in Poland in the early eighties or Chile and South Africa more recently, is evidence of social or political crisis. Whether such a crisis is successfully weathered or the government is toppled, the resort to systematic, widespread violations of personal and legal rights usually is only a temporary interlude.

At any given moment, then, relatively few repressive regimes will be faced with the need for such violations, and most of the rest are likely to believe themselves above, or at least beyond, such practices. Thus it is relatively easy to forge a consensus on action against such violations: even those countries actively engaged in massive violations of personal and legal rights are likely to be embarrassed by their behavior, and thus silent, or viewed with such distaste that their protests are ignored.

Once more, then, we are back to the priority of politics. Not only who, but what, receives attention is in significant measure a matter of the political self-interest of the majority. That’s politics. And politics, along with political bias, is the name of the game at the United Nations. To expect anything else would be unrealistic.

The United Nations is a political body. Its members are sovereign states, whose activities in the United Nations are part of their foreign policies—important parts for many countries. The principal goal of the foreign policy of every country is the pursuit of the national interest, as that country defines it. Rarely does this definition include strong and impartial international monitoring and enforcement of human rights; the selfless pursuit of the world public interest is rare, both in and outside the United Nations.

This suggests, though, that the attacks on the United Nations by the political right in the United States are partly off target. Third World and Soviet bloc governments

certainly do have political biases that influence their human rights activity in the United Nations. But the real problem is that *most* states have such biases.

For the last two decades, these particular states have been in the majority in the United Nations, and thus it is their biases—which are very different from those of American conservatives—that have been expressed in the United Nation's human rights work. As we saw above, though, when the United States controlled the United Nations, bias in the selection of priority rights was no less striking. Likewise, Western behavior with respect to Indonesia and East Timor demonstrates bias in the selection of priority regimes. Although there is considerable substance to the familiar conservative charges, there would also seem to be a substantial element of sour grapes, an attack on the game not because the rules have changed but because the United States no longer controls the players.

One might want to say, therefore, that the problem lies not in the United Nations but in its members. This, however, is little more than a strained attempt at face-saving. If members of a private club adopt policies that lead the club to discriminate against racial minorities or women, then it is the club—through its members, certainly, but the club nonetheless—that discriminates. Much the same is true of the United Nations. Like most membership organizations, the U.N. *is* its members—even more so than most, in fact, because as a corporate body it is largely powerless to alter its membership.

Nonetheless, there are a variety of things that might be done within, through, by, or to the organization in order to reduce its bias. Three general types of activity seem promising.

First, bias can, and should be, condemned, by states and NGOs alike. At minimum this will avoid complicity in distorted practices. If the bias is truly flagrant, forcefully pointing it out may even help to eliminate it; inconsistency is embarrassing, and avoiding embarrassment sometimes can be important in motivating remedial action. In addition, consistent explicit attention to bias may in the long run sensitize others to the problem and thus alter their behavior.

This strategy, however, will be most effective if political power and a reputation for honesty and integrity back such criticisms. Unfortunately, for the last several years at least, power and prestige have been largely separate in the field of human rights. Countries such as the United States and USSR, which do have considerable political power, are among the most biased of all countries in the United Nations when it comes to human rights.³¹ Conversely, those states (such as the Netherlands) and NGOs (such as Amnesty International) that do have great prestige generally lack power, except for the power provided by that prestige itself. There is no reason, however, why a country such as the United States must consistently leave the moral high ground to other actors; certainly the United States national interest in human rights—considered both as milieu goal and as a contribution to the creation and maintenance of stable, friendly regimes—allows a much less biased approach to human rights questions than has been typical of recent American policy.

A second strategy would involve supporting established procedures that have, or

³¹ We hardly need dwell on Soviet bias here, but it is important to recall that under the Reagan administration the United States has often seemed intent on rivaling the Soviets at their own game. For example, Carleton and Stohl (1985:221) find that the human rights evaluations in the Reagan State Department's annual country reports are inconsistent with both the Amnesty International ratings and the ratings by the conservative NGO Freedom House. For a detailed discussion of bias in official U.S. accounts of the situation in El Salvador, see Valencia-Weber and Weber (1986).

It might also be noted that criticism of bias, if it is to be effective, must meet minimum standards of diplomatic behavior. This has often been lacking in U.S. behavior in recent years. For example, in a recent exchange with the Cuban representative, the U.S. representative to the Third Committee actually resorted to telling Cuban jokes (A/C.3/42/SR.58 para. 35).

might be made to have, little bias. For example, the scope of both the 1503 procedure and thematic studies by working groups and special rapporteurs might be expanded. Public studies and resolutions might be introduced on more countries³² and agenda items added on previously ignored or underemphasized rights.³³ The human rights institutions of the United Nations have been used in a partisan fashion, but they are not structurally biased; it is their use, rather than the mechanisms per se, that produce bias. And there is considerable room for concerted action by states and NGOs to reduce that bias, as the example of the Commission on Human Rights in the eighties suggests.³⁴

Finally, since the United Nations achieves its effects in the field of human rights largely through the power of publicity and public opinion, it would seem particularly incumbent on states, and especially NGOs, to work to open up the flow of information—especially because the problem of bias is much less a matter of incorrect information being spread than of other information being ignored or suppressed. Such efforts ought to involve more effective use of existing opportunities, in debate and in written submissions, to bring relevant information to light, as well as a redoubling of efforts to bring reliable unofficial sources of information more fully and directly into the work of all U.N. human rights bodies.

This, like the other measures discussed above, will certainly be resisted, vigorously; in the United Nations, perhaps even more than most other large organizations, substantial power lies in control of the flow of information. If bias is to be reduced, though, the champions of balance must act with equal vigor, at least equal skill, and the highest standards of integrity. Even then, success is not certain, but the evidence of the eighties does suggest that there are opportunities for improvement.

Where does this leave us? With the sort of ambivalence that seems to be the professional lot of those who study the United Nations.³⁵ In the field of human rights, the United Nations does some things very well, especially standard-setting; the international normative consensus forged through the United Nations has been a momentous achievement. In other areas, it does a relatively poor job, in large measure because of the constraints imposed by the political biases of its members. This has been our focus here.

³² Again, though, it is important that this not be done in a biased fashion. 1987 provided two good examples of how *not* to pursue this avenue. In the Commission, resolutions were introduced on the human rights situation in Cuba and U.S. human rights violations, largely as part of a broader political struggle between the United States and Cuba. Both resolutions were ultimately postponed, although by very close votes. In the Third Committee, Chile introduced (and later withdrew) a resolution calling for a study of the human rights situation in Mexico. The Mexican response, however, indicates the depth of opposition to considering violations except in the pariah regimes: despite the fact that Mexico has voted for numerous resolutions investigating and condemning violations in the pariahs, it denounced the Chilean resolution not merely as the crude tactical ploy it obviously was, but as “inadmissible because it did not have a foundation . . . in law” (A/C.3/42/SR.58 para. 101).

³³ Once more, there are better and worse ways to do this. In the General Assembly, the right to property has been introduced as an agenda item, with enthusiastic support by the United States (See A/RES/41/132 and A/C.3/42/SR.36 para. 8). The right to property, however, is the single most controversial and ideologically charged right in the entire International Bill of Human Rights—so controversial, in fact, that while it appears in the Universal Declaration, it does not appear in the Covenants. Therefore, this looks less like seeking balance than insisting on an opportunity to pursue one’s own, rather biased, ideological preferences. A program based on competing biases is probably better than one that reflects monolithic bias, but the result, at least in the short and medium run, is likely to be increased rancor rather than either balance or effective action.

³⁴ It will be noted that I do not include the creation of new institutional mechanisms, such as the often discussed notion of a high commissioner for human rights. This may be unduly pessimistic, but I believe that until bias can be significantly reduced in existing mechanisms, which do have considerable potential for unbiased use, there is little reason to expect that new institutions or procedures are likely to be significantly less biased. New mechanisms, without significant changes in the old, are less likely to circumvent the problem than they are to displace it.

³⁵ My presentation, clearly, has stressed the more negative side of this ambivalence. For more positively ambivalent assessments, see Forsythe (1985); Donnelly (1986a); and Farer (1987).

But even where seriously flawed by a predictable bias, its work still retains some value—particularly when we recall that the only real alternative to inadequate U.N. action is no action at all—and in the case of the Commission on Human Rights there has been a clear and conscious move in recent years toward a much less partisan approach to human rights questions. There is substantial bias in the human rights work of the United Nations. This bias is a significant part of the overall picture. But it is only one part of a much more complex, and often rather attractive, picture.

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