UNIT 3 VIENNA DECLARATION & PROGRAMME OF ACTION

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3.0 OBJECTIVES

After studying this unit, you should be able to:

- learn the developments in the international relations in the background of which the World Conference on Human Rights took place at Vienna, in 1993;
- know various provisions of the Vienna Declaration and Programme of Action which represented a consensus reached at the global level;
- appreciate limitations of this global endeavour; and
- clarify for yourself, distinct contributions of the World Congress to the promotion of the cause of human rights.

3.1 INTRODUCTION

In the earlier units you read about what human rights are. We looked at several examples and found how difficult it is to ensure that people are allowed to live with these rights. You would have cited examples of violations in different cultures. You would also have thought about various ways in which the basic rights can be ensured to human beings. As you might have seen, the problem of ensuring human rights is common to all cultures, all nations, all societies. So, it seems reasonable to expect that all the nations in the world unite together to take some common action and solve this problem. This unit looks at the outcome of the foremost world strategy for a global consensus on human rights.
Read the following poems and try to understand:

**Poem I**
Am I a bonded labourer?
Am I to be sold daily
Only for this house?
Work, work and more work
From morning till night
Tell me,
Is there nothing else
To life?
(From “Dilemma” by Bidyut Prabha, translated from Oriya by S. Mohanty).

**Poem II**
The sweetest
And best
Of all symphonies- is not
Songs of mehfil
Nor the streams
Which flow through hills
And seas
Nor through cuckoo
It's the symphony of laughter
Anywhere, of everyone
Fetters and shackles of the wrist
This is the symphony of those fetters and shackles
Breaking down.
(“The Joy of Freedom” from “Child labour in India” by Lakshmidhar Mishra)

The strong feeling of pain and despair expressed in Poem I above is common to all the groups of the under-privileged. There is a sense of deep frustration. People ask themselves and others if there is any hope, if anyone will act to build a better society. All these voices, over a period of centuries have made an impact (slowly though) on national and international bodies.

Do you hear the sound of “fetters and shackles” breaking down in Poem II? There is hope. There is joy of freedom waiting in the wings for everyone of us. We only need to act. There are Human Rights. Know them, defend and promote them.

**3.3 THE WORLD CONGRESS**

After the Second World War, international relations followed the logic of power politics. This was the age of Cold War and the world was divided into two major blocs. One group of countries was allied to the United States. While the other block was allied to the USSR. Both USA and USSR were regarded as super powers and were competing for dominance in the international arena. This was a divided international system, described as bi-polar, and a large number of countries of the developing world did not want to align themselves either with the USA or the USSR. They wished to retain their independence. They remained non-aligned, and formed
themselves into Non-aligned Movement (NAM). As you know, India is a leading member of the NAM.

One of the major international developments of the 90's was the collapse of the Soviet Union, after which, the world became dominated by a single centre of power, namely the United States of America. The world now became 'unipolar'. As the competition for hegemony was over, the way now opened for contemplating other issues of global interest and concern. It was in this context that the need to promote awareness about human rights, and effective mechanisms for their implementation were felt necessary. Human Rights thus came to occupy a prominent place in the international agenda.

The first World Conference on Human Rights was held in Tehran in 1968. Though the Tehran Conference affirmed the principles contained in the Universal Declaration of Human Rights, 1948 (about which we read in the previous units), it was not until World Conference on Human Rights at Vienna in 1993 that human rights assumed an authoritative meaning and force of implementation. A World Plan of Action was prepared. The VIENNA DECLARATION AND PROGRAMME OF ACTION (VDPA), as it was called, represented the outcome of a grand consensus among some 7000 participants including government delegates, NGOs, journalists, scholars, women and children's groups. They met in Vienna from 14 to 25 June, 1993 to (i) assess the progress made since the adoption of UDHR in 1948, and (ii) to explore ways of improving human rights conditions everywhere and for all.

3.3.1 Significance of the VDPA

The significance of the VDPA derives from the following features which have characterized it:

a) Representatives of 171 governments signed the agreement which included nearly all the UN members; no voting was required, which reflected a grand consensus of the international community on the nature, content, scope and importance of human rights.

b) The VDPA is now the most current statement on human rights by the international community. The countries which participated "hold some 99 percent of the world's population and include virtually every race, culture, religion and political system in existence at this time on the planet."

c) For the first time in the United Nations' history, "NGOs (about 1300) held activities parallel to the World Conference at the Conference site itself. Another milestone was reached when the results of the NGO Forum were presented in the form of a report – All Human Rights for All – were presented in a formal meeting of the Drafting Committee.

3.4 PREPARATORY WORK FOR WORLD CONGRESS

At the end of the Cold War, the General Assembly called, in 1989, for a world meeting "to consider afresh the full range of urgent human rights concerns". Vienna Congress was thus preceded by a negotiating process which involved efforts to create a consensus on contentious issues relating to human rights. A link was perceived between development and democracy. Similarly, inter-dependence between economic, social and cultural rights, and the civil and political rights was emphasized. The preparatory activities before the Conference were undertaken to frame an agenda for the final Plan of Action. The United Nations established a Preparatory Committee coordinating these activities and reconciling opposed points of view. Three large
preparatory meetings were held in different regions of the world: at Tunis (Africa) in 1992, San Jose (Latin America) in 1993 and Bangkok (Thailand) in 1993.

At these region level meetings particularly in Bangkok, the ideas of *universality* and *indivisibility* attached to human rights standards opened up a Pandora’s box. So far the trend had been to hold individual freedom above collective good, rights above duties, self-interest above social responsibility, and civil and political rights above economic and social rights. Now it became the prime focus of an international debate. In the Bangkok meeting the problem was identified, as diverse views on human rights were expressed reflecting cultural, religious and historic specificities. The debate that was aptly summed up by the Iranian Deputy Foreign Minister: "to enhance the universality of human lights and relevant instruments it is imperative to be cognisant of the cultural diversity of the human family and respect the values of various cultures. This would provide the best guarantee for their universal observance."

The issues at stake and the significance of the Vienna Congress were in every way exceptional. They represented new points of departure from the set definition of human rights. At the same time, they provided the opportunity to reaffirm the equality and interdependence of all human rights. The preparatory meetings examined the issue of human rights with the following questions in mind –

1) What sort of progress has been made in the field of human rights since 1948?
2) What are the obstacles and how are they to be overcome?
3) How can the implementation of human rights be improved?
4) How effective are the methods and mechanisms established by the UN?
5) What financial resources should be allocated for UN action to promote human rights?

Finally, it examined the issue of link between development and the enjoyment of social, cultural, civil and political rights.

### 3.4.1 Guiding Principles of the Vienna Congress

The guiding principle behind the efforts of the Vienna Congress was that human rights constituted "quintessential values" of the human community. These words were used by Boutros Boutros-Ghali in his opening address to the Conference. According to him, such a definition of human rights should be subject to three important principles, *viz.*, *universality*, *guarantees* and *democratization*.

(i) **Universality** – All human societies show concern for the value of human life. They show a concern for truth, and esteem the values of cooperation, common good, obligation, and justice-seeking among the members in a specific group. Universality is the basic moral requirement to evaluate human rights standards. As UN Secretary General Kofi Annan said:

> "You do not need to explain the meaning of human rights to an Asian mother or an African father whose son or daughter has been tortured or killed. They understand it - tragically - far better than we ever will. What they need, and what we must offer, is a vision of human rights that is foreign to no one and native to all."

Though it is true that human rights are a product of a particular history and people keep adding their rich perspectives to this treasure trove of humanity, few will disagree with famous American educationist, Prof. H.L. Kandel:
"...There is no national culture which does not owe far more than is usually admitted to the influence of cultural heritage of man of all races and of all ages. It is upon this foundation that the true concept of humanism as an end in education can be developed."

As the General assembly has proclaimed, UDHR represents "a common standard of achievement for all peoples and all nations."

(ii) **Guarantees** - All efforts to safeguard human rights will remain a dead letter unless there are guarantees against their frequent violations. Human Rights should therefore be covered by effective mechanisms and procedures to guarantee and protect them.

(iii) **Democratization** - Democracy within states and within the community of states is a true guarantee of human rights. It is through democracy that rights of individuals and groups are reconciled. This is because in a democracy everyone is free to act according to their choice. This freedom, however, is not unlimited; it is based on respect for the freedom of others in an equal measure. In this sense, it incorporates the core principle of universality of human rights and guarantees human rights too.

These three principles are inter-related and add force to the idea of human rights.

### 3.4.2 Implementing the plan

With the promotion and protection of human rights as its main consideration, the Vienna Congress afforded a unique opportunity to carry out comprehensive analysis of the international human rights system, allowing a fuller observance of those rights. The Congress, prominently recognised that all human rights derive from the human beings. Therefore, all human beings should actively participate in the realization of their basic rights. This should be done without any discrimination on the basis of race, sex, language or religion. The Congress expressed deep concern over various forms of discrimination and violence to which women all over the world are subjected. The member-nations expressed their determination to cooperate with each other to achieve progress in securing human rights. They also agreed to respect the value and diversity of their cultures and identities. The Congress took into account the declarations adopted by the three regional meetings at Tunis, San Jose and Bangkok as well as the suggestions made by Inter-Governmental Organizations (IGOs) and Non-Governmental Organizations (NGOs) with regard to human rights.

**Check Your Progress 1**

1) Name the three region-level Conferences preparatory to the World Conference at Vienna.

2) What made Vienna Congress declaration so global and unique?
4) Identify True (T) and False (F):
   i) Post-cold war World came to be characterized as 'unipolar'.
   ii) For the first time in the UN history, NGOs participated in the formal proceedings of the World Conference on Human Rights.
   iii) Each state and its people have a separate set of human rights to observe.
   iv) It is through democracy that rights of individuals and groups are reconciled.

Now, we shall take up a detailed study of the Vienna Declaration, which proved a milestone in the history of the human rights achievements. We will have a close look at the salient features of the Vienna Declaration and consider how effective it has been in improving the human rights situation.

3.5. VIENNA DECLARATION

The Congress sought the attention of the member nations to the realities of our time and the challenge before humanity, and asked them to rededicate themselves to the global task of protecting and promoting Human Rights.

As a step forward in this direction, the Congress adopted the Vienna Declaration and Programme of Action (VDPA). This Declaration is divided into two parts:

3.5.1 Part I

Part I of the Vienna Declaration incorporates a comprehensive Plan of Action (VDPA). It provides answers to many of the questions raised during the preparatory meetings. It effectively deals with the controversy over the right to development by proclaiming it to be an integral part of fundamental human rights (Article 10). Furthermore, it seeks to resolve the contentious issue of primacy in relation to economic, social, cultural rights on the one hand, and civil, and political rights on the other by anchoring the issue around development. The member states agreed to work together to remove the obstacles to development and to create a favorable economic environment at the international level. The World Congress called upon the international community to refrain from employing human rights as a tool for applying political pressure or creating obstacles in trade relations among states (Article 31). These factors helped remove doubts regarding human rights being essentially a western ploy or construct. The Plan deals with the progress made in the field of human rights since 1948 by re-examining the issues involved in the present day context. It also expands upon the issues included in the UN Charter, by incorporating new issues related to indigenous people, right to development, the linkage between democracy and development (Article 8), recognition of universality, interdependence and inter-relatedness of human rights (Article 5), definition of situations amounting to violation of human rights (Article 30). The Programme of Action was taken up as a continuing effort in the direction of human rights since the ratification of the UN Charter in 1948.

3.5.2 Part II

The second and the concluding part of the VDPA is basically concerned with the establishment of methods and mechanisms by the UN to promote human rights observance. It is broadly divided into five sections:

(i) Increased Coordination on Human Rights within the UN system

All the UN organs and specialized agencies engaged in Human Rights activities are urged to
cooperate in order to strengthen rationalize and streamline their work. The World Congress on Human Rights stresses the importance of strengthening the UN Centre for Human Rights because it is crucial in coordinating system-wide attention for Human Rights. The Centre should, in particular, organize meetings at least once a year, and these must be open to all member states. The Centre for Human Rights should be provided sufficient human, financial and other resources so that it may carry out these activities efficiently. In order that a concerted effort be made to encourage universal acceptance of international Human Rights treaties, the World Congress also proposed the establishment of a UNHCHR (UN High Commissioner for Human Rights).

(ii) Equality, Dignity and Tolerance

UN organs and agencies should strengthen their efforts to implement a programme of action to combat racial discrimination, persecution of minorities, intolerance towards indigenous people in society, and the poor condition of migrant workers. Violence and discrimination against women in private and public life, disregard for the rights of the child, torture in times of internal and international conflict, and barriers in ensuring the rights for disabled persons should be their other targets. The World Congress urged all governments to develop strong policies. They were asked to take recourse to penal measures and establish national institutions to combat such phenomena. The World Congress welcomed the decision of the Commission on Human Rights to appoint a Special Rapporteur to deal with such cases. The Conference also invited all the states to put into practice the provisions of the declaration on Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981).

(iii) Cooperation, Development and Strengthening of Human Rights

The World Congress on Human Rights gave priority to national and international action to promote democracy, development and Human Rights. Upon request from the interested governments, assistance should be provided by the Centre for Human Rights to national projects. These should be utilised for conducting free and fair elections, strengthening rule of law, promotion of justice, securing effective participation of the people in the decision-making processes, and training of lawyers, judges and security forces in Human Rights. In tune with the stress on right to development as a Human Right at the World Congress, the Commission on Human Rights appointed a Working Group. The group was assigned to formulate effective measures to eliminate obstacles in the realization of the Declaration on the Right to Development. The role of the NGO’s and other grass-root organizations in cooperation with governments to focus on the importance of development was recognized at the Conference. All actors in the field of development were urged to uphold and promote the mutually reinforcing inter-relationship between development, democracy and Human Rights.

(iv) Human Rights Education

Human rights education, training and public information dissemination are considered essential for achieving harmonious relations among communities and fostering mutual understanding and peace. For this, a two-pronged strategy has been advised viz, (a) widest human rights education and (b) dissemination of public information. This should help foster a culture of human rights. States must see that subjects such as human rights, humanitarian laws, democracy, rule of law, tolerance and peace are included in the curricula of all learning institutions in the formal and non-formal settings.

(v) Implementation and Monitoring Methods

The World Congress on Human Rights underlined the importance of preserving and strengthening
the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights. This would enable them to promote human rights throughout the world. Their work should be systematized through periodic meetings. The UN should assume a more active role in ensuring full respect for international humanitarian law in all situations, in accordance with the principles of the Charter of UN. There must also be a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels. While framing legislations at home, all governments should incorporate standards of international human rights instruments. They should strengthen national structures, institutions and organs of society, which act to promote and safeguard human rights.

Now, we shall consider the developments in the aftermath of the World Congress. Let us see how the fruits of such combined efforts of different nations are being exploited by the world community. We will also look into the various implications of the Congress. So, let us proceed.

<table>
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<tr>
<th>Check Your Progress</th>
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<tbody>
<tr>
<td>1) Identify the sheet anchor of the Vienna Declaration:</td>
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<tr>
<td>i) Right to Development,</td>
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<tr>
<td>ii) Indivisibility of Human Rights,</td>
</tr>
<tr>
<td>iii) Universality of Human Rights,</td>
</tr>
<tr>
<td>iv) All the above,</td>
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<tr>
<td>2) Which of the following is False:</td>
</tr>
<tr>
<td>i) All Human Rights are for all.</td>
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<tr>
<td>ii) Human rights are inter-dependent but hierarchical.</td>
</tr>
<tr>
<td>iii) The Vienna Congress recommended for UNICHR.</td>
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<td>iv) State Governments should see that domestic laws conform to the standards of international human rights instruments.</td>
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<tr>
<td>3) Write three specific recommendations from Part I, and three from Part II of the VDPA.</td>
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| 3.6 FOLLOW-UP TO THE WORLD CONGRESS ON HUMAN RIGHTS |

As a follow-up to the Congress, special attention was recommended for assessing the progress towards the goal of universal acceptance of international human rights treaties and protocols framed by the UN. The General Assembly, the Commission on Human Rights and other UN organs related to human rights should implement the recommendations of the Conference immediately. The Vienna Declaration also called for proclaiming a UN decade for Human Rights. The World Congress further recommended that the Commission of Human Rights should annually review progress made towards universal observance of human rights.

On 25th June 1993, the representatives of 171 states unanimously adopted by consensus, the Vienna Declaration and Programme of Action of the World Congress on Human Rights, thus successfully closing the 2-week World Congress. It presented to the international community a common plan for strengthening of human rights work around the world. It also marked the culmination of a long process of review and debate over the status of Human Rights in the world. The Vienna Declaration makes concrete recommendations for strengthening the monitoring
capacity of the UN system. As per its suggestions, a High Commissioner for Human Rights was appointed by the General Assembly on 20th December, 1993. Mr. Jose Ayala Lasso was nominated by the Secretary General for the post (currently, Mary Robinson, former Prime Minister of Ireland is the High Commissioner). Similarly, the decade 1995-2004 was proclaimed as the UN Decade for Human Rights Education.

The Congress made an important beginning towards reconciliation of ideological confrontation between the developed nations and the developing ones overHuman Rights. It sought to steer a way out of the conflict, leading towards a common commitment to a single standard of human rights. Also, the Congress succeeded in making the developed nations agree and accept that the people of the majority of the developing nations have a right to development. They also conceded that guarantees of basic economic and social rights are necessary if respect for civil and political rights is to be ensured. The developing countries too agreed that the pursuit of development requires a democratic society with its entire population of both men and women fully participating in making decisions affecting their lives.

While the most optimistic outcome of the Congress was in the strengthening of the idea of universality of human rights, it was also based on an uneasy consensus on core human rights principles. The Asian Countries contended that the idea of human rights was not a universal one but a developed world construct. The developed countries, it was feared, were using human rights to achieve global economic dominance over the poorer countries. The Vienna Declaration, however, failed in eliciting effective commitments from the opposing sides.

The attack on universalism of human rights by most participants was based on the argument that the world is made up of so many diverse cultures that common global standards of human rights are not possible. The most effective counter to this argument came from the NGO's. The World Congress was preceded by a three-day meeting of representatives from over 1,300 NGO's at Bangkok. While making country-specific interventions, it discussed several of issues of special interest. The aim was to formulate a common platform on them. However, NGO's were given only limited access to the all-important drafting of the Vienna Declaration. They were not allowed proper involvement in the World Congress. Consequently, the fundamental principle of universality of human rights as mentioned in the Declaration remained weak.

One of the most successful events of the NGO forum were the activities by the Women Global Network. It was a part of the highly organized women's lobby which was able to achieve tangible results by integrating women's concerns into all-UN operations. It called for strengthening of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW).

The Congress was positive as far as the rights of women and children were concerned. It also marked the presence and participation of a large number of NGO's working for the promotion and protection of human rights. Another high point of the World Congress was that the number of states endorsing the Vienna Declaration was three times and more as compared to the tally of just over 50 states which were party to the UDHR in 1948. Also the principle of consensus followed in the decision-making process made it possible to accommodate (to a large extent) pluralistic perspectives on human rights in the Declaration.

Now that you have gone through the whole Unit and also attempted the CYPs, you must have a clear idea of the VDPA - its salient features, and the merits and demerits. You are now expected to be well-versed in the workings of the World Congress, and the developments coming in the aftermath of it. Here, we are giving a brief summary for your convenience, so that the whole concept is refreshed for you.
It is crucial to recognize that the contents of an internationally acceptable set of human rights have been finalized and reconfirmed at Vienna. Let us briefly outline the seminal features of this package:

1) The universal nature of human rights and freedom is beyond question. The dissident Asian countries (China, Indonesia, Malaysia, Iraq, North Korea but not India) could temper their opposition despite their acceptance of the human rights as universal. The Western Countries on the other hand, formally accepted the validity of economic and social rights and the right to development (standard demand of the developing countries till now). The civil and political rights were already represented as the quintessence of human rights by the developed countries.

2) The human rights as internationally declared and pledged to, by most of the countries do not admit of any hierarchy among them and, as such, are indivisible and inter-dependent.

3) Similarly, a new linkage has also been forged. According to the Declaration, “Democracy, development and respect for human rights and fundamental freedoms are inter-dependent and mutually reinforcing.” An important new implication is: effective democratic practice and development planning are not possible without human rights observance.

4) The right of the international community to be concerned with human rights practices in any country is now firmly stated. This made a big dent on the exclusive domestic jurisdiction of the state as embodied in the legal norm of state sovereignty.

5) States are now internationally accountable for domestic violence involving women and other societal violations like racism, ethnic cleansing, xenophobia, and others.

3.7 LET US SUM UP

It is crucial to recognize that the contents of an internationally acceptable set of human rights have been finalized and reconfirmed at Vienna. Let us briefly outline the seminal features of this package:

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5) States are now internationally accountable for domestic violence involving women and other societal violations like racism, ethnic cleansing, xenophobia, and others.
6) The Declaration called upon the international community and the national governments to mobilize institutionalized efforts to eradicate illiteracy and propagate human rights education and dissemination. Following the World Conference recommendations, the UN Decade for Human Rights Education (1995-2004) was proclaimed ending years of long debate. Appointment of the High Commissioner for Human Rights was finally approved and made. The High Commissioner has the overall (system-wide) responsibility for the UN human rights programmes.

7) Latest is: UN General Assembly adopted in 1996, a medium term plan for 1998-2001. Under this plan, the UN human rights programme would develop a strategy for implementation of Vienna Declaration by various UN agencies, human rights treaty bodies financial and development institutions, NGOs etc. One important evidence of further progress in this direction is the January 1998 policy document titled "integrating Human Rights with sustainable Human Development – a UNDP Policy Document". This document outlines plans of the UN Development Programme to integrate human rights into activities for fighting poverty, promoting advancement of women protecting the environment, and developing the capacity for good governance.

3.8 KEYWORDS

- Bi-polar: divided between two major powers.
- Unipolar: concentrating in one power.
- Consensus: agreement in opinion. Unanimity.
- Opened up a Pandora's box: brought the evils into open.
- Democratisation: making democratic.
- Xenophobia: morbid dislike of foreigners.

3.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1
2) Some new points of departure which made understanding of human rights more or less stable and definite.
3) Except (iii), all are true.

Check Your Progress 2
1) iv.
2) ii.
3) Refer relevant portions.

Check Your Progress 3
1) Refer to 3.6.
2) Refer to 3.6.
3) iv.