

DISCUSSION 6

DR. AUGUSTO CAESAR ESPIRITU: I have two questions. One deals with the presentation of the human rights issue. The other one is on the substantive content touched upon by the speakers.

On the first question: Instead of dealing almost exclusively on US foreign policy of human rights, why can't we discuss the human rights issue in the Philippines, possibly in relation to the Universal human rights?

On the second question: I feel that all of us agree that there could be no human rights without social justice—social and economic rights—which more properly should be translated as just aspirations of humankind. Do you think it is possible for human beings to be really human without civil, political or spiritual freedoms? Or can you claim to have human dignity and self-fulfilment simply because you have enough food to eat?

It is not really our task to pursue both the external limits of our capability without saying that one is more important than the other?

DR. SALVADOR P. LOPEZ: The theme of the discussion is human rights in international relations. I came with the understanding that we talk about human rights within the framework of international relations.

Now I would like to say that Dr. Fernandez gave an excellent presentation—an encouraging picture—of the development of the principle of human rights as a proper subject of human concern. Regretfully, however, the two speakers who followed him did not say a word on that score but, rather, concentrated on President Carter's doctrine.

The crucial issue as I see it is this: Are human rights good or bad? Are they a proper subject of international concern?

Human rights have long been considered the exclusive concern of governments and states. But, ever since the establishment of the UN in 1946, up to the approval of the Green Covenant, there has been an increasing international concern with human rights.

Now, with the Covenant in force, and with the creation of the UN-member states agreed to abide by—it is no longer possible for a nation to say, "How I treat my citizens is none of your business!"

It has become our business why the Soviets are treating their citizens the way they do now; it is our business why the Filipinos are being deprived of their civil and political rights.

Going back to the development of human rights, as a result of the UN Charter of 1945, the Universal Declaration of Human Rights was eventually drafted. But it was not easy for us—I was there when they drafted it—to draft it. It took us twenty long years to draft that covenant! And the US did not even support it. Their reason was the covenant was not as good as the US Bill of Rights. Anyway, we deliberated for twenty long years to get the maximum support from the rest of the UN members.

Now, I am particularly gratified that no less than the US president has finally come out to support the covenant. I think it is beautiful—and I am glad!—that the United States which have looked down on this covenant is now backing it.

That's why I am dismayed by the attitude in the presentation of the two bright young men who claim that Carter is all wrong! Where is Carter wrong?

DR. GONZALO JURADO: I have two points to bring up. The first is: The speakers claim that the Declaration of Human Rights was ratified by all UN-member states. But, from Dr. Lopez's discourse, I gather that the US did not even support it! Then, the speakers dwelt at length on what they call Carter's doctrine, eventually proceeding to label said doctrine, "proof of Anglo-Saxon preoccupation".

Now, the use of that word "Anglo-Saxon" is arbitrary—it's like using the word "New Society" as a label! They call Carter's doctrine "Anglo-Saxon" without even indicating which of its values were inconsistent with the UN doctrine!

Again, without showing that the UN doctrine is Philippine-supported, they went on to treat the entire subject of human rights with such cynicism that no person with respect for human rights will feel happy listening to their learned discourse! Their paper is simply illogical! It is inconsistent!

My second point is: The UN only promote human rights but does not enforce them—or does not use its force to enforce them. But this does not mean that any country who may want to do so—who may want to use its force to enforce them, that is—as Dr. Lopez indicated, should not be allowed to do so!

Now I think the criticism that the label-minded speakers gave against the US is: US talks of human rights against repressive

governments while, at the same time, providing the same with instruments of repression—thus the Philippine government which imposed martial rule is still receiving US military hardware. The criticism then is leveled against human rights *by* the US, and not human rights *per se*. In short, the US lacks the correct practice of its theory.

But, human rights is human rights—whether you are an African, an Anglo-Saxon, or a Filipino. And to call human rights “Anglo-Saxon” is to mislead the people. That’s why, I find their paper completely unacceptable.

MR. SEGUNDO ROMERO: Well, it could probably be admitted at the outset that we did not deal on the good points of the Carter doctrine. But I would like to point out that, in dealing with our omission, there might have been attributed to us statements or things that we did not say. For one, we limited our criticism to the Carter doctrine and not on human rights, in general.

Now we must admit it is inadequate—it is the subject we thought we can adequately handle, so we limited ourselves to it.

But with respect to human rights, we never did say that the human rights movement is unimportant; and we didn’t say we do not have any respect for human rights! What we were criticizing is the particular manner President Carter is advancing his human rights interpretation—he uses US aid to push it through!

I say interpretation because while Carter’s human rights is not inconsistent with the UN declaration, it focuses only on some rights which us *believes* should be given priority; it seems the US is saying, “Your social and economic rights must wait!”

Now we are saying that there must be a balanced evaluation scheme such that, if Carter were to evaluate nations, he should not only look at the record of governments in civil and political rights; he should also look at the social and economic ones.

And, what we are trying to point out is that, it may not be possible to secure both social and economic, and civil and political rights, at the same time.

DR. AGERICO LACANLALE: So you are trying to say that there has to be a set of priorities?

MR. ROMERO: I believe there has to be a minimum set of priorities. And a minimum set of civil and political rights should be guaranteed—I did not specify what these rights are, but I suggest the right from torture and cruel punishment should be one of them.

However, the main point of my criticism of the Carter doctrine is its imbalance. As I pointed out, there would be balance of US evaluation scheme if it also barks at the social and economic rights of countries it gives aid to.

PROF. MALAYA RONAS: Foreign aid and human rights should go hand in hand. But in the formulation of the Declaration of Human Rights, the Anglo-Saxon civil and political rights prevailed.

DR. LOPEZ: In the Universal Declaration of Human Rights, the Socialist bloc emphasized that social and economic rights should prevail. The democratic bloc, on the other hand, gave emphasis to civil and political rights.

DR. ESPIRITU: Human rights should be pursued in terms of civil and political rights, hand in hand with social and economic rights.

DR. FRANCISCO NEMENZO, JR.: Both sides—Dr. Lopez and Dr. Lacanlale—have not really broken away from bourgeois ideology.

DR. REMEGIO AGPALO: What is wrong with bourgeois ideology?

DR. LACANLALE: I would like to clear a few misconceptions raised by Dr. Espiritu and Dr. Lopez.

First, the fact that we dealt on Carter's policy on human rights can hardly be called the fault of our paper. The topic was assigned us by the Chairman of the International Relations Committee; we were told that we were to deal on Carter's policy on human rights and it is not necessary for us to talk about the civil rights situation in this country.

Secondly, Dr. Jurado said, "We have a learned discourse here with two bright scholars speaking on human rights." But then he attacked the presentation as "illogical"! I think these are two contradictory statements. If you are learned, you are not capable of presenting illogical statements.

Third, when Dr. Lopez asked if human rights were a proper subject of international concern, we agree it is. But the point is, what do you do about it? Mere statements of support for human rights are insufficient. For instance, Carter has gone to the extent of attacking the Soviet Union. His criticism has endangered detente. The Russians have expressed that they regard violent criticism of Soviet policy on human rights as subversion—an attempt to undermine the political stability and legitimacy of the regime.

DR. ALEJANDRO M. FERNANDEZ: May I first explain the original format for this session?

There are supposed to be three case studies. One that of human rights in India, should have been delivered by Prof. Ajit Singh Rye. But he was shifted to another block. Another, a case study of China, should have been presented by Dr. Payeur-Minot. But she is not yet around. The third one, delivered by Dr. Lacanlale and his group, is a case study of the US and is supposed to deal primarily with the Carter push on human rights.

If the original format were followed, we should have three different points of view—Chinese, American, and Indian—on the question of human rights. But what we have now is purely a critique of Carter's human rights policy.

DR. LACANLALE: I would like to address Dr. Lopez. He said that nothing favorable was said about Carter's policy on human rights, and we admit that is essentially correct. I said in summary that global reaction to Carter's policy on human rights hurt—or harmed—rather than helped US relations with other countries.

Domestically, however, Carter had the support of the American people. In fact, according to the latest Gallup poll, Carter got a 66 percent approval rating on the issue.

The point is, we are not saying that there is nothing favorable about Carter's policy on human rights. We do support his policy, but with certain qualifications. For instance, how far are we going to support that policy? Are we prepared to risk the security of our country by worsening our relationship with the USSR?

Brazil had already abrogated its military ties with the US. Uruguay and several Latin American countries had rejected US military aid. And Vance had admitted that US relationship with these countries has suffered since Carter's so-called "open mouth diplomacy".

DR. LOPEZ: Whether Carter has harmed or benefited the US is of lesser concern. The main question is whether he has harmed or benefited the nations and peoples of the world.

PROF. RONAS: I would like to react to all the comments.

We never really tried to picture that you have only two choices: civil and political rights on the one hand, and social and economic rights on the other hand. The Declaration of Human Rights considered these two as inseparable. However, governments—especially those which do not have the resources—are sometimes faced by situations wherein they would have to make hard decisions, like prioritizing.

Now one point that we are trying to establish is that US policy is focused only on one aspect of the human rights package. And, for that reason, it is limited in scope.

But, on the other hand, I think it is also clear that we share the same aspiration of President Lopez; we should protest and try to fight for human rights!

We never scoff at human rights as a value. We hold it and esteem it as a high value!

Now, we were accused of being illogical. In fact, we have also been accused of labelling names on human rights movements. But that is not correct!

I think certain historical facts must first be determined. For example, in the formulation of the Universal Declaration of Human Rights, We cannot deny that there were essentially two schools of thought that prevailed then, and one of these, the Anglo-Saxon group, battled for civil and political rights. Now what we want to point out is that the idea of liberty, the Magna Carta, King John, the Bill of Rights of 1689—all these are Anglo-Saxon!

DR. ESPIRITU: Yes, but with qualifications. The implication is that the other group talked of social and economic rights.

But don't forget that the Fabian movement and T.H. Green of Great Britain, and the Labor Party were arguing for these rights even before the Universal Declaration of Human Rights. So that in terms of social and economic rights, it is not only the Russian constitution but the Liberals of England which inserted the provision.

PROF. RONAS: That is true. But T.H. Greene and the Fabians were not the government of England. We are talking about the government of England. And we want to point out, now, that the US policy which emphasizes civil and political rights developed along the history of Anglo-Saxon jurisprudence and law! And to call this labelling?—we are not guilty of labelling! I think it's Dr. Jurado who is guilty of labelling!

DR. LOPEZ: Let us talk calmly about the questions raised. Let us dichotomize human rights.

They go back to the Commission on Human Rights where both the socialist and capitalist states were represented. As you might have expected, while the capitalist industrial states emphasized civil and political rights, the socialist bloc emphasized social and economic rights. So, what was the compromise?

The Commission said, "Alright, we will draft two covenants: one on civil and political rights, and the other on social and economic rights." And the understanding was clear: the two covenant have co-equal importance and they must be implemented by all.

Now you're saying that President Carter has made a mistake by using selective judgment in emphasizing certain rights. But what are you demanding of Carter—he carry the whole burden of mankind?

In the first place, Carter's government is a principal contributor to the UNICEF and the UNDP; in the works of the FAO and the WHO, US contribution has played a major role; and in the field of international cooperation, education, and agriculture, is it not true that Carter's country is the greatest source of aid?

Now here comes the President of the US; he speaks of civil and political rights—mainly free press, right to a fair trial, etc. How can you say that he is ignoring the other rights when his country is contributing a lot for the social and economic benefit of the world?

MR. ROMERO: We realize that the US is one of the countries that have the greatest capacity to give development aids, and therefore, make possible the exercise of economic, social, and political rights in the countries it gives aid to. And this is precisely our point: If the US will reduce its aid on the basis of violation of civil and political rights alone—without looking into the economic and social performance of the government—then it has to be criticized!

DR. LACANLALE: I think it is being increasingly accepted that social and political rights in the abstract are meaningless without the opportunity to exercise them. And you can talk only of opportunity in the light of economic freedom.

DR. ESPIRITU: Well, it has been argued at the turn of the century—from Felix Greene to Sidney and Beatrice Webb, up to Harold Laski.

But my concern is *this* country.

I hear people talk of social and economic rights as if these were to be placed at the pedestal even at the expense of civil and political rights! And I vehemently disagree with these people!

We should strive to achieve both. And that is my point.

DR. LACANLALE: If you cannot achieve both in one dose?

DR. ESPIRITU: Continue unremittingly, unceasingly, to achieve them! It is a continuing effort. And remember, democracy is not a finished thing.

You should try to pursue social and economic rights, side by side with civil and political rights, at all times! And there need be no confrontation between the two because, as I was saying, both are fundamental objectives in establishing our humanity and human dignity.

DR. LACANLALE: Dr. Espiritu, when the Soviet Union and the People's Republic of China violated political and civil rights in their own countries, what do you think is the reason for that?

I think when they talk of human rights, they mean that the majority of their people should be well-fed and well-clothed; that they are not exploited by the owners of the means of production.

It is different in capitalist countries. So, to that extent, you must be talking of a split between social and economic rights on the one hand, and civil and political rights on the other.

DR. ESPIRITU: What split? We are talking about the diminution of certain rights!

All societies, including our own, should try to achieve all these rights—the totality of them—and not only some of them!

DR. NEMENZO: I want to react to the reaction of Dr. Espiritu.

I think both sides have not really broken away from bourgeois ideology. We talk of human rights and freedom when, in fact, we are dealing with societies—the US, the Philippines—divided into classes.

In these societies, everybody are in theory entitled to political rights. But because of the nature of the society, only a few—the capitalists and the landlords—benefit from these rights.

Here in the Philippines, only a few people own the press—and they are dictating to other people's minds! And Martial Law has not really totally eliminated the oligarchy. A part of it, perhaps, has been destroyed; but a greater part is still there and it is not only supported, it is also being reinforced!

Now, for as long as this condition exists, any talk of human rights will only redound to benefit the few. And I think it is very insincere for the US to act as champion of human rights when even in the US itself, there are gross violations of human rights! So what moral stature does the US have in preaching to the Soviet Union and the socialist countries?

DR. LOPEZ: Well, of the USSR, it ought to criticize the US too! It would be good if the USSR proclaim to the world, "Well, we may have our problems, but so do the Americans! Look at their black people, their Puerto Ricans, their Indians—they are not free!"

DR. NEMENZO: Well, that is what the USSR and the socialist countries have been saying.

DR. LOPEZ: Are they?—Good! That is very good!

DR. NEMENZO: But my point is that it is not a question of human rights. It is a question of *the right* of socialist countries and the working class, as *against* the right of the *capitalist* nations and the capitalist class.

DR. AGPALO: May I join the fray? It has been three against three; but since Dr. Nemenzo came in, I have to restore the balance.

DR. FERNANDEZ: Dr. Agpalo is foul!

DR. AGPALO: Anyway, I will join the fray. And my first question, addressed to Dr. Nemenzo, is: What is wrong with this bourgeois ideology? In the first place, the only reason why we have this discussion is because of bourgeois ideology!

There was a time when our countrymen—Rizal, del Pilar, Lopez-Jaena—were not allowed to make a critique of the society they were in. But some of them risked their lives; they dared to speak the truth! And they are men with bourgeois ideology!

Emilio Jacinto, the brain of the Philippine revolution, had bourgeois ideology! And even the revolution itself—its ideology was bourgeois ideology!

Now on civil and political rights, granted that they should be enjoyed by only a few people at first, but gradually, these will also be enjoyed by all. Just look at the Magna Carta of 1215—a petition for rights followed by the revolution of 1830's enabled a great number of English workingmen to eventually enjoy the rights!

On these grounds then, bourgeois ideology is not actually bad. In fact, I think it even encourages the flourishing of freedom and liberty!

DR. NEMENZO: Prof. Agpalo mentioned the Magna Carta. I think it is a very bad example. The Magna Carta was not a charter of democratic rights—it was a charter of aristocratic rights! And the gains achieved by the working class of Great Britain in 1830—the expansion of suffrage—was *not because*, but *inspite*, of bourgeois ideology!

To answer your question—what is wrong with bourgeois ideology?—I think the confusion that prevails in this forum now is a good example of what is wrong with bourgeois ideology.

DR. LACANLALE: If the exercise of human freedom does not depend on any kind of ideology but on the courage of the individual to speak out, then ideologies are irrelevant.

DR. NEMENZO: The individual represents a position and that position, in turn, is shaped by an ideology. So, it is an ideology which inspires the individual's conduct.