

DEVELOPING A MODEL HUMAN RIGHTS PROGRAM:  
PARAMETERS, ISSUES and PROCESSES

An Interview with Prof. Albie Sachs 7/8/92

SE What are human rights? What makes them rights and who determines this?

AS Human rights are those rights which belong to people as people. They are intrinsic to the nature of being human beings. The function of the legal system and the moral system is to acknowledge them...not to create them...and to create the formulations and the mechanisms which enable human beings to realize them. These intrinsic rights really don't change over time but the mode of expressing them is very influenced by culture and the evolution of ideas. One conceives of an expanding flux of rights. There can never be absolute freedom or absolute rights. In the contemporary world we have a global economy...we have global infrastructures and communications and interactions and we now are developing global concepts of human rights. But in my own view they are not rights which are formulated in one country and then transported to another and then implanted there with success. Human rights correspond to the strivings and the inherent rights of people everywhere. What the global dialogue does is to enable people everywhere to discover the commonness...the commonality in their strivings and the strivings of people elsewhere. In this sense there can be the spreading and the diversification of the language of rights. What is important to consider is that rights are nourished by the strivings of people everywhere. We all enrich and contribute to the roots of

rights.

SE What factors and/or processes have generally been associated with the denial of human rights...or with acts against them?

AS There have been the denial of human rights in the public sphere through the states...through aggrandizement, through conquests...through slavery...through colonization...through persecution...through ghettos...through genocide. These are perhaps the most spectacular forms of rights denial in which one group, one nation, one race identifies itself as being superior to others and goes on to enslave and to annihilate and to destroy and to suppress others. Other forms of rights-denial are not necessarily directly linked with State activities. These involve various forms of persecution, humiliation, indignities performed by corporations...performed by institutions [ i.e.

]...and even performed within the family itself. Patriarchy possibly corresponded to the way people lived and defended themselves, survived and migrated...and possibly could even be justified at a certain stage --- I am only saying just possibly --- but which becomes aggressive under other conditions. And this patriarchy has a very strong cultural tenacity which results within the family of the denial of rights. There can be humiliation...the degradation of family members. With certain cultural acceptance the rights of the man becomes the denial of the rights of the women; the rights of the parents becomes the denial of the rights of the children.

SE Once the process of the denial of human rights has begun what factors, forces, processes are likely to make the situation

worse?

AS People often speak of connivance by the oppressed. I myself am rather dubious about that. Often what is interpreted as connivance is simply survival in which there isn't an other clear alternative. But certainly the unwillingness of the oppressed to link up with others who are in similar conditions...individualizing their own form of oppression... makes it much easier to divide and rule. Silence on the part of bystanders...particularly those who claim to ? you. What is happening doesn't concern them, it has no effect upon them. Also the very strong tendency to blame the oppressed for their conditions. We see this in all cultures and in all societies. In the modern world there is of course massive propaganda...misinformation...dirty tricks.. The State intervenes to defend itself not simply through direct oppression but through lies and through stirring up controversies and through misdirecting attention from its own crimes.

SE What types or categories of human rights should we consider when we make plans for human rights intervention?

AS I think that the theme should be the universality of human rights. This fundamental. If and when anyone intervenes they do not intervene from a condition of superiority but rather from a condition of humanity. What we do is not essentially directed at castigating the oppressors who are involved but rather what we do is directed at support for and the liberation of the oppressed. This requires an acknowledgement of the universality of oppression and the capacity to oppress. No one is immune from that. It is very tragic that peoples and nations who themselves have been oppressed have themselves succumbed to being

oppressors. [ NOTE SOME EXAMPLES

Having said this I want to add that the themes which I find to be fundamental are freedom of conscience; freedom from fear and the right to dignity.

\* Freedom of conscience is the number one...it is the respect for everybody's beliefs...thoughts...preferences and choices...providing that this doesn't involve the violation of the rights of others. In that sense I think therefore I am takes on a new kind of significance. We are not simply viewing the human being as some rational creature and then defining everything in those terms. But rather that a human being is capable of making choices...exercising choices...of being aware. The human being has the right to be aware...has the right to make his choices...has the right to believe or to disbelieve. All of this is I think at the heart of everything.

\* Freedom from fear means that it is not only the violence, the oppression, the subjugation, the humiliation which is involved with fear but it is also the incapacity to enjoy other rights. If you are fearful...very frightened...you will withdraw into yourself and be unable to enjoy other rights which you are entitled to...rights such as education, health, the right to travel...to know the world...of enquiring...of expressing yourself. So I would make the freedom of fear the second basic human right.

\* The third right is the right to dignity. Dignity not only in the negative sense of the freedom from torture, violation and intrusion little bit of space for yourself so that you can sleep at night

and have the freedom to walk peacefully in the streets during the day. To me dignity, in the modern world, means nutrition...it means access to health...it means access to education. These are fundamental conditions of what in legal terms we might call equal protection. We can have guaranteed attention by public or private authorities to ensure that everybody gets the minimum of a decent life. I see these all as being inter-related. The gross inequalities which you find in the structure of a country such as mine, South Africa, between blacks and whites in relation to education and health...and living conditions, are not simply questions of material inequality. Rather they touch upon status. They touch upon your character as a human being...as a citizen. And therefore there is a duty to respond to this area as well. This would be my trio of human right categories.

SE Why do we do something - if we do - about human rights denials...infringements? What are the factors which lead to our intervening?

AS That varies enormously from factors such as pure opportunism and a chance to "crow" at others...to intervene in the affairs of others, to a sense of personal and individual necessity that one wants to live as a free person in a free world. That it is part of one's own freedom...part of one's own rights...part of one's own dignity to take a stand against unfreedom, tyranny, and indignity in relation to others...whether it is immediately in front of one's eyes...whether it is in another country or whether it is in one's own country.

SE What would your own human rights agenda priorities be?

AS Right now we are involved in trying to develop a model for our concrete situation in South Africa...which is not necessarily a model for the world. A constitution is central as a document which embodies the basic strivings and claims of everybody...which acknowledges the fundamental equality, rights and dignity of everybody. A constitution also creates mechanisms, institutions and principles for securing those fundamental claims and demands. To the extent that we are in a modern country which has a strong legal culture and a long history of striving for human rights against oppression, to that extent I would say that we are in the forefront of a struggle for a model, dynamic, functional, accessible, flexible and understandable constitution which will function. But it is not simply a question of having a document in place. The document is itself part of the struggle and it itself has to be maintained by human beings. It has to function; it has to be operative. It has to have a sufficient certainty to ensure that it has the clarity and the rigidity not to marginalize anybody and to respond to everybody's claims...having also the flexibility and openness to respond in a concrete way, over time, to the evolving needs of people.

SE What would you want to know about whom and what, in your initial assessment in order to make the necessary human rights intervention planning decisions?

AS I would start off the other way. I would start off with people rather than with a plan...with their cognizance and with their involvement rather than with a plan. Instead of coming up with a plan and then trying to sell the plan, as it were, I would start with the people. And I would do this because rights

belong to people and people have to be engaged in struggling for their own rights. And this involves parallels between everybody the poor; between the employers and trade unionists...and obviously in my country between black and white...between land owners and the landless. We all have to be involved in the program. We all have to try and find certain core values...certain common things which unite us as human beings. Not simply poetic things but rather real concrete necessities of life. And then we must develop the mechanisms for ensuring that these are made available on a fair basis...on a minimal basis at the very least for everybody. This means that those who have will have to acknowledge that the have-nots also have a claim. And the have-nots have to acknowledge that the processes of redistribution...of sharing out in fairness... have to be themselves fair...that they have to be equitable. And so everybody has to be involved in this process. As you can see I am very concerned with the issue of process since out of the process people will find their own formulations. And when people find their own formulations...and we can draw on international experiences in this regard...then and only then will the formulations work. When the formulations are imposed from above they don't work; people find ways of eluding them.

SE From your perspective as the people go about processing the relevant experiences and factors and creating viable formulations how much time should be allocated to this initial stage of program or effort development?

AS I think that there are slow and maturing times and then there

are times for accelerated advance. We in South Africa have had a long slow painful maturing time and now we are in the midst of a time of accelerated advance...of heightened and intensified dialogue. We have to get our constitution written. But we have to make a constitution not of experts and specialists who regard themselves as being enlightened. Rather we need massive involvement of all strata of society who come up with their problems...who share with all of us where their shoe pinches; what they want and in dialogue with others who see the same issue from a different point of view. We all need to find common ground. Then the experts will come in in order to find the formulations in terms of the packaging...packaging in the sense of the assemblage so that the parts interrelate...that they can function well drawing upon the experiences of others. I don't mean packaging in the sense of a nice outer packaging in order to sell a product. In this sense I think that we have to advance rapidly in our country. A crisis is upon us and we have to now start speaking to each other. I don't mean dialogue for the sake of dialogue but rather dialogue for the sake of providing answers...of providing solutions that will stick and which are based upon the fundamental equality of all.

SE If you were to translate what you have said up to now into the language of goals what would be your shorter as well as your longer human rights intervention program of effort goals?

AS The short term goals are to get the principles acknowledged and understood...universalized in a particular country or in the universe in which they operate and to establish stable,



functional and well tailored institutions to back them up. These needed institutions would include the legal mechanisms as well as the educational and central mechanisms...the public opinion mechanisms...the organs of civil society which have a very active role to play. These institutions must be given their space in a kind of pluralistic universe. Not just the pluralism of ideas and political parties but a pluralism of institutions and mechanisms to guarantee that the rights will take. Then one has to have a certain acknowledgement of leeway...of space for growth and development. The long term goals are the development of a strong culture of rights everywhere; of people becoming habituated to them. I always have this image in my mind of a drunk person who as he or she is being dragged off to the lockup shouting 'I demand my constitutional rights'. We want everybody to be thinking in these terms! And that takes time. I would want the development of social and economic rights to back up and to give significance to the fundamental first generation rights; the rights of freedom against oppression and abuse. I see this as being extremely important both in the medium and in the long term. We need to advance on all fronts to develop a respect and consciousness for rights in all of these different areas. The autonomy and the active involvement of all individuals and social groups is fundamental to this process.

SE Who would you prefer to make this goal selection?

AS The selection of these goals must be made from the longings and the hopes and expectations from everybody. No one is more entitled than anybody else to have dreams and expectations. Rather it is part of their universality which gives rights their

strengths...and not only moral and philosophical strengths but their functional strengths in the sense that everybody identifies with them. Everybody believes in them. Everybody sees their virtues. And so the role of the "expert" is maybe to help in the articulation...in the language...in the fine tuning of the expression of the rights. But it is not in their discovery.

SE What criteria, if any, would you use in order to accept or to reject a specific goal or group of goals?

AS I would have two criteria. One has to do with the goal's source...that is the merging out of a kind of democratic and participatory process in which people are free to express their goals and demands on the one hand. And then there is the criteria of universally accepted norms and standards on the other. The value of the universally accepted norms is that they are born of multiple experiences of human beings in multiple conditions... multiple times and multiple continents...multiple historical experiences. They distill experiences in and from all of these situations and therefore they will be appropriate. They will help enrich and be themselves enriched by the particular experiences of particular communities. You will notice that to some extent I am downplaying the role of experts. For me the role of the expert is to distill out; it is not to create. Maybe some experts can be a little daring in terms of articulation...in terms of mechanisms...in terms of choice of language. But they are not creating the rights and they are not establishing the goals. I think that it would be wrong if the experts were to do that. We are not looking for messiahs unless the messiah simply

articulates what is already there.

SE Are there any goals, shorter or longer term, which you would reject in your model human rights program/effort?

AS

SE Of the many available techniques with which to achieve and to effect human rights efforts which ones would you prefer to use and which ones would you reject?

AS I think that we need government. Government is extremely important particularly in countries where masses of people suffer extreme deprivation and humiliation. Government has a very major role to play in guaranteeing basic dignity and access to health and to education...to learning, to travel, to adventure, to sports to culture for everybody. The government can be a wonderful weapon if people are involved in government...if it's a people - directed government...if it's an accountable government. At the same time government can be an oppressor. What I am particularly concerned with in the modern world is that governments have terrible tools of oppression and misleading people. These are tools which are hidden. It is not just the informer...it is not just the spy. It is the electronic eavesdropping...it's the secret files...it's the manipulation of the media...it's the dis-information and the dirty tricks which governments as well as private organizations go in for. And this is of particular concern. And it seems for some strange reason to

be grossly underplayed in the discussion of modern rights instruments and documents. There is very, very little on this; on the right to information, the freedom from being spied upon by your own government and so on. The answer is not to do away with government but rather it is to make government open and accessible. Another issue which greatly concerns me is militarism. It is not simply that militarism creates human rights infringements...that the ends justifies the means or that the technology of destruction becomes more important than the people for whom the technology was allegedly invented. Militarism involves huge expenditures on the one hand which are usually associated with secrecy and dis-information. There is a vast international trade. Weapons of destruction engage the scientific mind and there is an immense amount of propaganda and disinformation surrounding it. I also find that in many parts of the world where human rights are being massively denied that this is very much linked to military adventurism. To the extent that we can scale down all of the wars...not just the Cold War... and the military style of thinking...and the siege mentalities in the different parts of our world...and the conquest mentalities all over the world... I think that we will be able to liberate more respect and more concern for human beings and less respect and concern for the technology of destruction. My major concern is the relationship between the environment and humans. Our "green spots" are only now beginning to show. I myself have been a longtime advocate for a clean environment having as I do a natural affinity for the land. I love mountaineering...and the sea. My

eyes have been opened to a large extent to the degree to which we are being attacked not only by visible forms of environmental degradation but also by hidden forms...through the despoiling of the air...of the soil and of our rivers. And of the world in which we all live. To the extent that an environmental consciousness makes us aware we also become conscious of humanity and of our very fundamental right to live in a clean world...the right to beauty and the right for our planet to survive. This too is an area which also requires our concern and effort. It surely is not a simple thing to save our planet and to save the people who live on it.

SE What guidelines do you suggest that we use to accept as well as to reject these various available techniques; including the ones which you have been referring to?

AS Our choices of techniques are not just gut reactions although gut reactions surely come into play. Dialogue, as I noted earlier, is fundamental. Participation by everybody is crucial to the whole project. Because it is through dialogue that we discover areas of common humanity...that we seek out ways and means of advancing the rights of those who are disadvantaged without necessarily destroying the human rights that the advantaged have. It has been tough for me to realize that the rich will always be with us as will the poor. And maybe we are not going to have a world in which there won't be inequalities between those who are better off and those who are worse off. But if this is so then at least we can have a common framework of shared fundamental values...of values which unite us as human beings even if there is a diversity not just of culture but also

a diversity of access to the good things in life. And we can build on those aspects. So once more we come back to the question of process...of participation...of dialogue...of speaking to each other...of discovering these things. And then people have a right themselves to determine what their rights should be provided that their rights don't infringe upon the rights of others. And I think that this is fundamental to getting things right...and not only getting it right in terms of human rights formulation but making it workable and functional.

SE What types of policies would you need, would you want, in order to facilitate the effective carrying out of your model human rights program? Policies relating to the person whose rights have been infringed upon or denied; for the program's staff, for the human rights program itself and for the community at large in which all of this is going on?

AS It is the policies which concentrate upon the participatory aspect, the process aspect, of the effort which are fundamental.

It is not a question as Americans have done of throwing money at the problem...it is not a matter of pointing fingers at people. It is a question of involving people in discussing their destinies and in sensing that they themselves have capacities for self-determination...for creating the conditions for that.

This is of course a very idealistic approach. But we must recognize that idealism is very fundamental to any human rights project. In more concrete and practical terms one starts off with securing liberal bases of involvement...of discussion and of openness amongst people who already have taken a stand. You

encourage them and you strengthen them...you defend them. You give them a sense of worth and of importance...a sense of acknowledgement. You back them up whenever possible without intervening in what they are doing. What you are giving them is the right to express themselves and you hope that all of these different groups can link up with each other. You constantly set universal values and documents. You try and strengthen and develop in every way possible the culture of rights in terms of support for human rights groups...for legal bodies which defend rights...but also for bodies which are concerned with the social rights of nutrition, of health and with education. So it is a question of constantly building up all of the time with the view to empowering people and enabling people to discover and to articulate their own demands in these areas.

SE What are the qualities, characteristics, skills, abilities, attitudes, values, energy levels of staff, etc. who you would want in your model human rights program?

AS The first thing which I look for and which is totally intuitive, but so far it has worked very well for me, is what I call heart. It is a mixture of courage and sensitivity in the person. If heart doesn't exist one can be as intelligent, well read, earnest as anything but it just isn't going to work out with such a person. The wrong vibes are going to come out...and things are going to be inappropriate. The person will be seen as imposing himself...where really what is needed is for the person to connect up. But heart is not enough. There has to be intelligence. There has to be a strong sense of timing...of when to intervene and when to hold back. There has to be a sense of

pacing. The person has to be a good listner...this is quite vital. It is not good going in with wonderful enthusiasm, a huge heart and then just cropping around in big human rights boots. You have to listen. You have to be adaptive to the cultures and the sensibilities of the people with whom you are dealing. You have to acknowledge the fact that what you are doing is not to help others but rather it is to help yourself in the sense of your own right to live as a free person in a free world. That is really what is involved...and to serve with a sense of humanity with others. If you go in with the view to doling out...feeling so priviliged and so rich..."I live in a country which has so many rights that we have enough to spare ...to export them" ...this would be all wrong. No country in the world has a monopoly on human rights...or in which there is no abuse of human rights. The same holds with regard to someone going into another part of the community and suddenly intervening in such an insensitive manner.

SE What types of people would you reject from being involved as staff in your model human rights program?

AS I would reject people who lack heart and who lack sympathy. I would reject people who lack sensitivity...who lack intelligence. I would reject people who are too impetuous...people who create problems around them. A little bit of impetuousity isn't bad but there has to be a certain measure of discipline when one is dealing with the lives and the futures and the hopes of others. Surely a certain degree of discretion and self-discipline is absolutely vital. I certainly would reject people who are arrogant...who see themselves as Father Christmas



handing out goodies to the poor and underprivileged people.

SE What would lead you to fire a staff member?

AS People themselves working in a program have certain human rights. These include the right to be heard...the right to be counseled and the right to be assisted. There has to be a lot of support and patience...and openness, helpfulness honesty and integrity in dealing with people. To give, for example, false reasons to people is false. To invent pretexts is not at all helpful. Openness and honesty and direct dealing is fundamental. So if the wrong person was hired... I feel that there would be contractual relationships in all cases and normally all contracts have to be fulfilled...and if damage was done it is the duty of the person who did the hiring and made the bad selection to intervene as quickly as possible and to undo the damage. I myself am not in favor of arbitrarily hiring and arbitrarily firing.

SE What would you suggest as being the needed temporal aspects of change in time of your model human rights program?

AS Since all human rights efforts should be directed toward supporting the assertion of claims to rights of people on the ground. This is what should be the determining factor. And so the most which can be done is to facilitate, exchange, care. In some respects...internally...in relation to the responsibilities of government human rights efforts are never ending. For example, the right to education and the right to health are expanding horizons which by their very nature can never be ended. On the other hand with regard to programs which have a specific objective to deal with...such as an acute form of aggression or human rights denial...the effort might be program-bound. All of

this depends very much on the types of rights which are the focus of the effort. But not only on the nature of the human rights but also on creating the conditions for the person who is directly effected...so that they themselves can insure and guarantee their own rights.

SE What types of additional support systems would you want and would you need --- formal and informal ones; institutional and non-institutional ones...in order to create, implement and assess the effective outcomes of a model human rights effort?

AS For programs to work the question of vibes is fundamental.

And by vibes I just don't mean that everybody is having fun and smiling at everybody; dancing and patting one another on the back. I mean that we have achieved a situation of real contact...that we have real understanding. Everything which supports such a situation is important. I think that the whole question of cultural exchange is very vital...the diffusion of ideas through all of the different ways which we have...not just through personal reporting but also in the media. I was often shocked when I was living in other African countries to see the way in which questions of aid and support were projected as somehow being based on pictures and images of total helplessness. I think that we have to break out of that. These for me are the fundamental things. If we can get these things right then the support systems form naturally...people find them in natural ways. But if you get these things wrong then support systems are artificial; they can not help. Indeed sometimes they themselves can exacerbate the situation...aggravating the very problem. [ YOU MIGHT GIVE AN

EXAMPLE OF THIS

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SE As your program goes on there will most likely be the need to make changes in goals, use of other techniques, policies, staff, etc. In order to make these necessary changes what is it that you would want to know, need to know, to make such changes, about whom and what, collected how and by whom and where?

AS This will involve the input of both the facilitators and shall we call them the "facilitated" on the spot directly discussing the matter directly. Under the best of circumstances it would be important and ideal to have objective persons involved who know how to record and who are honest themselves. It is often useful to have an outsider sitting in...who is fresh as it were to the scene. They would need to be sensitive...picking up and encouraging the debate and the discussion. This is obviously the best form of monitoring.

SE What kind of information would you want and need from them?

AS Some of this would clearly depend upon the character of the program and its objectives. There can often be very important by-products and spinoffs which may not be able to be anticipated but which nevertheless should be taken into account...and possibly the objectives revised if necessary. Clearly there has to be an accounting. One wants value for money but one doesn't want value for money to be the only criterion. There are obviously lots of things which you can't value in money terms. In other words one wants what has to be done on an efficient basis

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but this is not the all and end all. One wants expertise and proficiency obviously. But one also wants that human interchange autonomy and the self reliance and dignity of the "facilitated" being the foremost criterion.

SE What criteria would you use, would you suggest, if any, to determine that it is time to end a specific effort of your model human rights program totally?

AS I think that if that degree of advancement of autonomy...of self-reliance is not being achieved the whole process has to be reviewed. That is I think the fundamental question.

SE You have decided to end your particular program. In order to learn from it it could be or would be most useful to carry out a follow-up process. How soon post-termination of your program would you prefer to begin such an effort?

AS If things went well with our program the "facilitated" would themselves be providing followups either through informal reports or through the very nature of activities which are visible and are easily monitored. If on the other hand this program is seen as being a pilot program in which the pluses and minuses have to be evaluated for future experiences I think that if it is at all possible that there should be a continuous monitoring. If this is not possible then there should at least be a periodic monitoring which to some extent will involve those who have been involved in the process initially. I think that this would be quite a big plus.

SE How soon would you want to initiate this monitoring and how long would you prefer to continue it?

AS What we would do would depend upon the nature of the issue.

But basically what we are concerned with is learning from our experience. And so before you would once again invest in energy, imagination, time, money, etc. in some replication elsewhere you should feel satisfied that you have enough to go on. This is when your program should be in a sense re-produced again. I myself think that there should be a constant referring back. Over time it is very interesting to see how these things develop. I think that there is much too much jumping around without any long term followup. I haven't thought out this issue sufficiently yet but I do think that the followup of a few projects can be more interesting and more valuable than hasty ad hoc jumping around from one scheme to another.

SE What types of material(s) would you want...need...for maximizing the efficacy of your planned followup?

AS I want those raw materials which will insist upon or give the greatest stress to the participatory role of those who are directly effected. In lots of the answers and their questions, which the "facilitated" are themselves articulating they are noting how they see the questions of rights...how they see the situation. And their answers to their questions can be very, very interesting. This is I think most vital. None of this does away with the need for formulae and standardized forms and such. The kinds of questions which I ask and want answers to tend to be of a qualitative and in-depth type rather than the statistical gathering ones.

SE What criteria would you use to assess both the success and the failure of your model human rights effort in terms of

all of the participants/constituents: the person(s) whose rights are being deprived/infringed upon; the staff; the actual program as well as the community in which all of the deprivation as well as intervention has gone on?

AS The criteria will obviously depend upon the nature of the endeavor. Once again I would insist upon the importance of the "facilitated" doing the bulk of the evaluation. One can't say that the operation is a success but unfortunately the patient died. The "facilitator's" subjective assessment is fundamental! It is crucial. It is part and parcel of being human. It is part and parcel of exercising rights. It is the very sense that you are exercising rights...the knowledge that you are exercising your own rights. It is your own self-awareness which is essential to this whole process. And so I would put this in the center of the entire enquiry.

SE What about success and failure with regard to your program's staff? Under what conditions could we say success or failure vis-a-vis the program's staff?

AS The function of the staff is not to produce results. The function of the staff is to do their best within the specific circumstances...to be as open and as sensitive and heartfelt and dynamic as is possible. Indeed the process might fail for reasons beyond the staff's control...or because the project was misunderstood or misconceived from the very beginning. Or because of external interventions. This doesn't mean that the staff has failed. On the other hand the project might succeed in spite of the greatest clumsiness and maladroitness of the staff for

Reasons once again which are fortunately beyond their control.

SE And what about success and failure with regard to the community within which both human rights infringements and advancements are going on?

AS I think that we have to be modest in terms of measuring success. So much depends upon how you rate human happiness and human freedom. There are certain things which are manifest such as the abolition of gross forms of torture...of infringements...of people being beaten up...houses being raided at night...assassinations. To the extent that these are diminished and we can quantify these things we have achieved success. To the extent that the legal institutions such as the courts and those of the general culture are in favor of human rights one can measure certain things. One can identify the intentions of the media and one can identify the extent to which people speak out publicly and openly...whether it is in the Parliament of the legislature...whether it is in the courts or over the media. The openness and the debate of all of this is very important. But there are other areas which are much more difficult to assess. This is particularly so where the controls are hidden...and the State and private institutions take new forms of violating human rights. There I think that we have to be a bit more modest. It is a case of "physician heal thyself"...human rights humanize thyself. We have to be more open...more eclectic...more pluralistic. All of us have to acknowledge that we are engaged in a worldwide quest for advancing the frontiers of human rights...and even the definitions and understanding what human rights means.

SE What are the early signs of "symptoms" of human rights  
infringements which we should pay attention to? Do such  
signs exist, and if they do who should be paying attention to them?  
AS I would say fear. The fear to speak up openly for ones  
beliefs. That is something that one can notice. This is  
particularly important when judges become fearful...when  
parliamentarians become fearful..when members of political  
organizations become fearful. The decline in the importance of  
what we call organs of civil society where there is a kind of  
"take over" ...whether it is by giant corporations or whether it is  
by the state. I think that this is something which should be  
alarming. We need diversity. We need eccentricity in society. I  
would say that there are early signs when the police start  
brandishing arms...becoming more and more armed and we see more  
weapons. I would also say that when legislatures start dealing in  
emergency situations and then "normalizing" the emergencies.  
These are the first early signs which spring to mind.

SE Who should be looking for these early signs?

AS All of us should be looking all of the time everywhere.

SE And when such signs become obvious to us what from your  
experience has been their most efficacious use?

AS Divulging them is extremely important. But I myself think is  
that our own personal example is what really counts. We have  
to feel and behave in a free way as free people. I think that  
this is central. It is the way in which we divulge these early  
signs of human rights infringements which is as important as the  
actual content.



SE If prevention were to be an integral facet of your model human rights intervention effort or program what is it that you would want to prevent and what is it that you would want to create or build?

AS I would want to prevent restrictions on human imagination. I would want to prevent simplifying the way in which human life is projected with enemies and villains and heroes in such a simplified form. I would want to prevent the kinds of crude nationalism and patriotism and the appeals which are used to stultify conscience and people thinking for themselves...and also being disrespectful of others. I would see the schools playing a very important role. But I don't know if we could put everything on to the schools. I see the media playing a very important role. But one can't put everything on to them either. Again it is the question of example...example in the home...example in the relationships with others at work. If I can just give one example of one of the things which I just don't stand for. I myself am far from being a religious Jew or someone who identifies very strongly with the Jewish community in ways in which many other Jews might. But I do not stand for any forms of anti-semitism..such as jokes. I will speak out against them. There just has been too much hurt...too many terrible things done. I will make a stand however uncomfortable it will make me or other people. I think that we must not be afraid to be uncomfortable in ourselves or in relation to others. This is not to say that we don't have to live to a large degree with bigotry and bad conscienceness in our world. But we can make our stands wherever we can and whenever we can.

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SE What have been some of the factors and processes which have caused or contributed to a return to human rights infringements denial after an effective human rights effort has taken place?

AS Lots of different processes apply. One is the nature in which human rights denial disguises itself. It may no longer be the old forms of human rights denial; new ones sneak in. And they are often not even seen as human rights denial. Some of the secret methods which states use today to oppress people with disinformation...the creation of secret files...the manipulation of the media are all good examples of this. The old direct forms of oppression have been replaced by new forms of manipulation and thought control. Then you find that people get tired. A kind of fatigue sets in. And the easiest thing to do is to simply slip back to the old moulds. I am sorry to say that it is often former "freedom fighters" who feel themselves embattled...who are subject to constraints. I find myself very concerned about this world constraints. Constraints are used to justify everything. There are constraints and things have to be affordable. We have to take account of cultural realities. But we often use constraints as the pretext or the justification for doing things which are really not at all justifiable; which are unconscionable. This is another factor which fits in.

SE What from your perspective has been the major barrier to effectively understanding human rights?

AS In my own case I have been inhibited often by heavy ideological concerns. These are ideological concerns which themselves had a strong human rights foundation which made all of

this all the more complicated. It was always: for the people; always for the masses...for the workers. I tended to abstractize the very people...the humanity...for whom I was concerned. Looking back now I can see that this was extremely disadvantageous...extremely harmful. History itself became a sort of an abstraction driven by necessity. I think that this too is very dangerous because it reduces the element of responsibility and autonomy. In my case seeing the world in terms of the oppressed and the oppressors meant that we had to destroy the power of the oppressors...which meant that we had to destroy the oppressors. This didn't necessarily mean that we had to physically annihilate them but it did mean that we justified denying them what I would now call human rights. It only resulted in a process of revolution and counter-revolution which was often more bloody than the initial uprising for the assertion of fundamental human rights. Whether one likes it or not we are compelled to rethink the whole project. And I now see an enormous value in terms of concepts such as the rule of law which in the past I was disdainful of...and concepts such as good government...and concepts such as individual rights. But I don't throw away or discard the dimension of millions of people being involved with the poor and the oppressed...being directly involved in asserting their rights in claiming their rights. And having constitutional guarantees for their rights. For me the excitement of the present phase in which we are involved is in the attempt to harness, harmonize and integrate these different levels and dimensions of rights. We want bread and we want freedom. We don't want bread without freedom and we don't

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want freedom without bread! Too often we allowed a tension between these two rights to emerge. The essence of the project now is to integrate these things. My own human experience as a lawyer, as a political activist, as a political prisoner, as an exile...in all of these different spheres...has been that the desire for freedom is as powerful amongst the hungry and the dispossessed. Freedom has a quality in itself...as it is amongst those who live in good houses...go to work in a comfortable car and take the good things in life for granted. My experience has been that the flame of freedom has often burned more strongly among the dispossessed...not only rights for themselves and food for themselves but rather freedom as a fundamental human quality...than it has amongst the rich. You tend to be very cynical and often very manipulative about these things. In our own case the long hard struggle that we have been involved in has thrown up hundreds and hundreds of thousands of people who are strongly imbued with the desire for freedom. It is an enormous asset that we have. It is an asset which has to be embodied in our new constitutional order. It is something which we have to nurture. In other words I am not talking about human rights from the top which is being dispensed and dispersed amongst the masses. It is a light of freedom which people have nurtured during the years of oppression...and it has to be encouraged to burn. A light which will burn and spread out to and engage the former oppressors who also are involved in this very project.

SE Has this lack of a light of freedom...the flame of freedom... been a major barrier to carrying out effective human rights

intervention of the other barriers to actual intervention?  
AS To abstractize the people, the masses who are the oppressed  
and the poor is not to acknowledge their diversity...of  
often the competing claims which one can find amongst them.  
Another factor is to be so very implacable towards the oppressors  
and not to see that we have to share the country. I am not saying  
simply that the lion lays down with the lamb and that everything  
is solved. There is a struggle. There is a continuing struggle.  
But it takes on a different kind of merit. And in the form of  
this new merit questions such as the rule of law does not mean  
simply being an instrument to secure the peace, property and  
possessions of the rich...as it often has been seen in the  
past...the rule of law becomes a very powerful instrument for the  
dispossessed to be able to fight against private power which all  
too often disposes them...keeping them hungry and poor. Of to  
fight in the case of the woman who is oppressed in the home. The  
law doesn't stop at the front door. It is meant to help in the  
fight of the infringements of the rights of women and children at  
home as well. The rule of law enters the home. The rule of law  
doesn't stop at the factory gate. It enters the factory and  
insures fundamental human rights for workers...in their conditions  
of employment. I am not saying that the employee doesn't have any  
human rights. Nor does the rule of law stop at the gate to the  
farm. In many agricultural societies this is very  
important...where the most oppressed of all the people are those  
living in feudal conditions in farms where a very authoritarian  
form of private power is being expressed. In other words I see  
the rule of law properly extended with the majority of the

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population seeing it as an instrument...as a weapon of rights for themselves...it being a very, very powerful level of and for change. It brings in legality. It brings in the courts. It brings in particular organs of civil society...of self-organizations...community organizations...trade crafts...all playing a much bigger role in securing human rights than we have often thought of before. It is not simply an individual with enough money or with legal aid or with external support bringing a case. It is a question of communities...of residents...of tenants...of school children...of women...of gays and lesbians...of whoever might be the marginalized or the oppressed outgroup who are now themselves asserting their rights. And their finding in their constitution, in their law...in the mechanisms created by society instruments which can help them to secure their just claims.

SE What is the single most critical human rights issue facing us today?

AS What springs to mind immediately is the right to be who we are...the right to express ourselves...the right to conscience...and all of the factors which inhibit that. The inequalities...the hunger...the disinformation...the domination which is still so extensive in our world even though it doesn't take the old illegal forms of slavery and conquest. To me these are the most pressing things. If a people are free and in charge of their own lives they find the ways and means of dealing with hunger...of dealing with dispossession...of dealing with homelessness...being unemployed and so forth.

SE What are some of the ethical aspects of human rights planning and intervention which should be considered?

AS The ethical aspects are crucial. Openness...a non-imposition which is always in response to a demand or to a claim... acknowledging and recognizing the autonomy and the fundamental independence of those who are being facilitated...accountability dealing with problems and of recording everything that is happening. All of these are fundamental to ethical intervention.

SE What are your preferred sources of financial support for human rights intervention?

AS The ones which I find most appealing and which I think are most effective are people to people. But this is not to say that states don't have responsibility and involvement. I think that states can play a very important role in development programs. They can hinder development and they can help needed development. The right to development is crucial in this whole sphere. But in the sensitive areas...the ones where human rights are involved in the most direct form I would like to see NGO's [ non-governmental organizations ] involved as much as possible with people to people operations functioning.

SE What would you do, what would you suggest others do, to facilitate access to and the use of available human rights programs in a given community, area, region, country, etc.? How would you go about maximizing access?

AS The crucial element is the existence of community organizations which are on the spot and which are articulating in an open, honest and free way...the demands, the feelings...the sense of

grievance and oppression and the goals and the strivings of those who are directly effected. If such community organizations exist then I think that the work of the NGO's and the intervening bodies is enormously facilitated and much more fruitful and popular once an honest dialogue is established. If they don't exist then maybe the best way of helping is either exposing the inhibiting factors...if they come from the state and from private organizations that prevent the emergence of bodies such as that. Often one is dealing with simply saving lives and so on...where urgent interventions are necessary. Or else one actually promotes the creation of these self-help bodies and community organizations.

One wants to also give backing to those courageous judges and lawyers who must feel that they get some backing...they get some protection perhaps from international support when one is dealing with the classic rights of not to be tortured, detained, locked up and executed.

SE Who from your perspective would you define as being THE human rights violator? How do we know THEM?

AS We all are human rights violators to a greater or lesser degree. This is not to say that we should begin to scourge ourselves...with sack cloth and ashes. Or that we feel so immobilized by it that we do nothing. I don't think that the human rights violator walks around with the mark of Cain or with a swastika although they are obviously identifiable in that way. It is the people themselves who tell us who the oppressors are. That is the crucial thing. It must come from inside.

SE What would you suggest be done about [the] integrating



adjudicated denials/infractions of human rights into conventional society and what if anything should a model human rights program play in this process?

AS I think that that person should be deprived of the sense of acceptance... of being normal...should be deprived of the where-with-all for oppression in terms of simple things such as manacles and building prisons and weapons of war. And if the denials are prolonged and acute and systematic I think that sanctions should be imposed. This is on the one hand. On the other hand everybody should be given a chance to escape from his or her own perfidy. No one should be seen as being beyond the pale. The opportunity should always be there to recover from and to recuperate from. No one should be driven into that situation where it is torture or die. There should always be that alternative of retreat and recuperation. And this should be so whether it is done internationally or internally. I am not saying that there aren't circumstances where punishment shouldn't be imposed. I have no problem with the punishment of the Nazi war criminals where the crime was so horrendous that somehow it is appropriate to ones sense of justice...fundamental justice...that they should be punished. But punishment shouldn't be seen as the major means. The major means should be the re-integration of the violator; the normalizing or the humanizing of the persons themselves wherever possible.

SE What kinds of model monitoring systems would you want or need for effective human rights infringement monitoring and its intervention?

AS I think that it is important that the monitoring be done on a universal basis. Whenever possible people from the region concerned should be as directly involved as is possible. In other words it is not anybody feeling of protecting themselves as being holier than anybody else. I think that this is one important criterion. The second one, which I am coming back to, is always listening to the people on the spot...the people who are the victims...the ones whose rights are being violated...as being the fundamental voices. And thirdly there should be the application of universal norms. The more universal the better.

SE When human rights programs have been effective what factors, and processes have generally made this possible?

AS I think that it has been a combination of factors. Normally a lot of experience has gone into it...mistakes have been overcome...relevant questions reviewed. The programs have been sensible and achievable; the persons involved have been well selected for their human qualities as well as for their skills and people on the spot in the communities directly involved have had the determining say. These are I think the critical ingredients for a successful program. They correspond as much as I can to my own experiences. [COULD YOU INCLUDE IN BRIEF AN EXAMPLE OF SUCH A SUCCESSFUL OUTCOME IN WHICH YOU WERE INVOLVED] TALK INTO A TAPE RECORDER AND I'LL TYPE IT UP.

SE What personal price have you paid for your life time of involvement in the battle for human rights?

AS I don't see it as a price at all. I don't see this as a useful question. I have had the privilege and the joy of living out my life in a way which has been meaningful and rewarding to me. And the setbacks which I have received, which as you know have been quite considerable...the physical assaults and the mental assaults and so on... are things which I accepted as being part and parcel of the project. So I don't feel badly done by it in terms of my own destiny. In fact I feel that I had a most rewarding and rich life and I hope that it continues as such.

SE What would you do and/or say now if your human rights were once again being infringed upon?

AS I think that I would speak out as soon as possible. I would not hope that the issue would go away. I would try to confront the source of the denial of my human right(s). I would try to discover others in a similar situation. I would use all of my intelligence...my wit...my contacts...humor...language...everything that I could to try and deal with the situation.

SE You have covered many factors, issues and processes in your overview of what from your perspective is or could be a model human rights effort/program. Are there any other issues or concerns which you would want the reader to consider?

AS The only thing which I feel that I have underplayed, although I have mentioned it, is the importance of the wholeness of human beings...the question of quality education as being part and parcel of dignity. The issue is not just survival. Without adequate education there is the violation of the right to a kind of fundamental equality. It is also the right to work to achieve

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these things. It is the right to feel free...and to set about the best ways of doing it. I would just like to underline these aspects.

SE Intervention of any kind can be understood structurally in terms of the roles, rights, responsibilities and obligations of all of the participants or constituents. Help the reader to consider each of these 4 parameters for:

- the person/system whose human rights are denied/inflicted upon
- the program staff,
- the program,
- the staff

within a model human rights intervention program.

[ AGAIN PLEASE GIVE YOUR VIEWS ON TAPE AND I'LL TYPE THEM UP;  
THANKS]

#### REFERENCES

PHOTO

BIOGRAPHY

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