

## Abstract

*Article 28 of the Universal Declaration of Human Rights calls for the establishment of a "social and international order" in which the rights guaranteed by the UDHR "can be fully realized." The social and international order that will be needed for this purpose must be a just and peaceful one. Justice requires equitable economic development and equitable distribution of its benefits; development policies that avoid destruction of the environment; and international respect for the rule of law. Peace requires economic and social justice; abolition of weapons of mass destruction; sharply restricted transfer and use of conventional weapons; and vastly expanded support of nonviolent conflict resolution and of the United Nations and other relevant institutions. Health workers, as influential members of civil society, have an important role to play in these efforts.*

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*L'article 28 de la Déclaration Universelle des Droits Humains appelle à l'établissement d'un "ordre social et international" dans lequel les droits garantis par la Déclaration pourraient "se réaliser pleinement." L'ordre social et international nécessaire à cette réalisation doit être juste et pacifique. La justice suppose un développement économique équitable ainsi qu'une équitable répartition de ses bénéfices, des politiques de développement qui évitent la destruction de l'environnement, et un respect international de l'état de droit. La paix repose sur une justice économique et sociale, l'abolition des armes de destruction massive, un transfert et un usage strictement limité des armes conventionnelles, ainsi qu'un appui largement renforcé aux efforts de résolution non violente des conflits. Les professionnels de la santé, en tant que membres influents de la société civile, doivent jouer un rôle important dans ces efforts.*

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*El artículo 28 de la Declaración Universal de Derechos Humanos lanza un llamado para el establecimiento de un "orden social e internacional" en el que los derechos garantizados por la Declaración "puedan realizarse plenamente." El orden social e internacional necesario para ello debe ser justo y pacífico. La justicia requiere un desarrollo económico equitativo así como una distribución equitativa de sus beneficios, un políticas de desarrollo que eviten la destrucción del ambiente, y un respeto internacional de los derechos. La paz requiere una justicia económica y social, la abolición de las armas de destrucción masiva, y la transferencia y el uso restringidos de las armas convencionales, así como un fuerte apoyo a los esfuerzos de las Naciones Unidas y de otras instituciones por promover la resolución de los conflictos de forma no violenta. Los/as profesionales de la salud, como miembros/as influyentes de la sociedad civil, deben jugar un papel importante en estos esfuerzos.*

# THE RIGHT TO A JUST AND PEACEFUL SOCIAL AND INTERNATIONAL ORDER

*Victor W. Sidel*

## **UDHR Article 28**

*Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.*

**A**rticle 28 of the Universal Declaration of Human Rights (UDHR) may be thought of as an “enabling” right, one that is necessary so that the other rights can be attained. The Director of the United Nations Studies Program at Columbia University, Stephen Marks, has suggested that full realization of all of the rights enumerated in the UDHR “constitutes a platform for social transformation of revolutionary proportions.”<sup>1</sup> Richard Falk of Princeton University, a distinguished analyst of international law in relation to human rights, has characterized Article 28 as a “radical normative promise” which is “to a substantial degree a commitment to establish a just world order premised on humane governance.”<sup>2</sup> The Vienna Declaration and Program of Action, adopted in 1993 by the World Conference on Human Rights, set forth specific elements required for the social and international order. These include: “respect for the principles of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity.”<sup>3</sup> Now, in the year we celebrate the fiftieth anniversary of the UDHR, we must ask how much closer we are to a just social and international order than we were at the time the UDHR was drafted, and what can be done to bring us closer.

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## **The Current Situation**

Equitable development and equitable distribution of its benefits are essential to the just social order necessary for realization of the rights guaranteed by the UDHR, including the right to work (Article 23), to rest and leisure (Article 24), to an adequate standard of living...including food, clothing, housing, medical care, and necessary social services (Article 25) and to education (Article 26). The one-fifth of the world's population who live in absolute poverty are denied most, if not all of these rights. Those living in the relative poverty that exists within and among nations also lack full realization of many of these rights.

## **An Unjust Social Order**

The increasing gap between rich and poor — among countries and within countries — is a critical issue for those concerned with the linkage between human rights and health. The Human Development Report, published annually by the United Nations Development Program, provides dramatic evidence of this gap. The richest one-fifth of the world's people consume 86 percent of all goods and services; the poorest one-fifth consume just 1.3 percent. The world's 225 richest individuals have a combined wealth of over US\$1 trillion, equal to the annual income of the poorest 47 percent of the world's population. Of the 4.4 billion people living in developing countries, nearly three-fifths lack access to safe sewers, a third have no access to clean water, a quarter do not have adequate housing and a fifth have no access to modern health services of any kind. It is estimated that the additional cost of achieving and maintaining universal access to basic education and basic health care, reproductive health care for all women, and adequate food, clean water and safe sewers for all is roughly US\$40 billion a year.<sup>4</sup>

In the United States the 1980s and 1990s have brought a sharp increase in the gap between rich and poor, the deterioration of many social services and repeal of the welfare programs in place since the 1930s.<sup>5,6,7</sup> Public health services are underfunded; and some 43 million people lack insurance coverage for the cost of medical services.<sup>8,9</sup> In the name of "economic development" a number of international and national policies have created a grossly uneven distribution of income,

with ever-growing numbers of people living in poverty as well as in increasing depths of poverty. Structural adjustment policies, foisted upon poor countries by the World Bank and other international financial institutions, have forced budget cuts in educational, human and health services. The economies of poor countries are often crippled by their obligations to repay overwhelming debt, resulting in further limits to governmental expenditure on services which, in turn, undermines development and threatens health. The debt crisis is deepening and its impact on government expenditure and development is intensifying.<sup>10,11,12</sup>

The consequences of “globalization” increase levels of poverty and, more often than not, result in the neglect of government-funded social programs and regulations concerned with protecting the environment. Prevention of despoilment of the physical environment and mitigation of environmental hazards where they exist are important factors in sustainable development, in the prevention of illness and in protection of all of the rights detailed in the UDHR.

Hazardous physical environments contribute to human illness, adverse psychosocial effects, economic disincentives, decay of infrastructure, and community disintegration.<sup>13</sup> An especially egregious denial of rights, often termed “environmental injustice,” occurs when the areas inhabited by the poor, or minority groups discriminated against within a society, are those which are also the most polluted.<sup>14</sup> In the United States, for example, there is clear evidence of selective pollution of areas in which poor people or people of color live. Serious health-related inequities have been documented with respect to lead poisoning, proximity to noxious facilities, distribution of air pollution, exposure to health and safety hazards at work, consumption of contaminated fish, location of municipal landfills and incinerators, and the location of abandoned toxic waste dumps.<sup>15,16,17</sup>

The 20 percent of the world’s population living in the world’s richest countries account for almost 90 percent of the world’s private consumption.<sup>18</sup> The United States and other industrialized countries have, since 1950, produced 76 percent of the world’s cumulative carbon emissions from the burning of fossil fuels. Global carbon emissions increased from 1.3 billion tons in 1980 to 6.2 billion tons in 1996. Car-

bon dioxide, which causes global warming, is formed from carbon emissions in the atmosphere. It is the most important greenhouse gas produced by human activity. Despite the 1992 treaty on climate change in which industrialized countries agreed to voluntarily hold emissions to 1990 levels by the year 2000, these nations have continued to increase their emissions. For example, Japan increased its emissions between 1990 and 1996 by 12.5 percent, Australia by 9.6 percent, and the United States by 8.8 percent.<sup>19</sup>

It has been predicted that global-warming will result in increased illness and death by producing heat waves, air pollution, increased outbreaks of mosquito-borne and water-borne diseases, decreased availability of drinking water and diminution in food production and in ecological life-support systems.<sup>20</sup> Yet despite this gloomy forecast, the industrialized countries (and in particular the United States) who gathered together at the Climate Change Meetings in Kyoto, Japan in 1997 were unwilling to pledge to reduce greenhouse gas emissions sufficiently to decrease the rise in global warming. Likewise they were not willing to permit developing countries to increase their emissions sufficiently to allow adequate economic development.<sup>21</sup>

The physical environment was the major topic at the UN Conference on Environment and Development, the "Earth Summit," held in Rio de Janeiro, Brazil in 1992. The participants adopted a Program of Action known as Agenda 21 which mandated protection of the earth's environment through sustainable development and through the curtailment of activities that cause major environmental degradation. In 1997, at the United Nations Headquarters in New York, progress in implementation of Agenda 21 was reviewed. During the five years since 1992, annual emissions of carbon had climbed to new highs, altering the composition of the atmosphere and changing the earth's heat balance. During these five years, the biological riches of the planet were rapidly and possibly irreversibly diminished. Huge areas of old-growth forests were degraded or cleared — in temperate as well as tropical regions — eliminating thousands of species of plants and animals. Biologically rich wetlands and coral reefs were destroyed. It has been estimated that the total cost of implementing Agenda 21 would be approximately \$600

billion per year. These resources have not been forthcoming.<sup>22</sup>

### **A Violent International Order**

War, preparation for war, and militarism lead to abuse of many of the rights enumerated in the UDHR. Torture, prohibited by Article 5, is one of the most likely abuses to be carried out during war or civil conflict, but many other violations of rights such as freedom of expression, laid out in Article 19, are also affected during these times. For example, nations may suppress the independence of health workers and the voices of medical and public health officials. This alone can have deleterious effects on health because it compromises the ability to contain the spread of disease, sustain vaccination and immunization programs, address humanitarian emergencies, raise alarms about environmental threats to health, and put into place effective health policies and programs that reach all members of affected populations.<sup>23,24,25</sup> Unethical human experimentation may be performed in the name of national security.<sup>26</sup>

Military activities also threaten development and the achievement of a better standard of living. The nations of the world divert extraordinary resources — approximately \$800 billion annually — to war and preparation for war. Even wealthy countries, such as the United States, suffer the consequences of diversion of resources to military purposes. It has recently been estimated that the cost of the United States nuclear weapons program has been at least US\$5.5 trillion since 1940, constituting ten percent of all federal budgets in this half of the century.<sup>27</sup> Developing countries are the most affected, however, suffering delay or reversal of economic development and deprivation of essential nutrition, housing, education and health services. If significant portions of military expenditures are not reallocated to promote health and social well-being, the aims of sustainable development and environmental protection cannot be reached.<sup>28</sup>

Military activities are a major cause of devastation to the environment, not only during war but also before and after war. Examples include the devastation caused during the Indochina War by bombing, mechanized land clearing, napalming, and herbicide-induced defoliation, and the envi-

ronmental consequences of the Persian Gulf War. Atmospheric nuclear tests by the United States and the Soviet Union in the 1950s and early 1960s produced worldwide radioactive fallout. Even after the tests were moved underground, radioactive pollution continued to occur through venting into the atmosphere, or through the deposition of long-lived radio-nuclides underground. In addition, storage of large quantities of plutonium, which has a radioactive half-life of thousands of years, presents hazards of leakage in the ecosystem. Non-nuclear weapons also cause enormous pollution during their life-cycle. They generate large amounts of toxic chemicals, including cyanides, pesticides, PCB phenols and heavy metals. The United States alone generates 400,000–500,000 tons of military toxic waste annually, not including nuclear waste.<sup>29,30</sup>

### **Indiscriminate Harm From Weapons**

The right to life of every human being is threatened by the existence and active deployment of nuclear weapons, the most destructive weapons ever devised.<sup>31,32</sup> Despite some limited reductions, approximately 35,000 nuclear warheads still remain in the world's nuclear arsenals, with a destructive power estimated to be the equivalent of about eight billion tons of TNT. This is equal to about 1.5 tons of TNT for every human being on the planet. Many of these weapons remain on hair-trigger alert and pose a risk of not only accidental, but purposeful detonation.<sup>33</sup> Both vertical proliferation (additions to the stockpiles of nations that now possess these weapons) and horizontal proliferation (spread of weapons to nations that do not now possess them) continue. Vertical proliferation includes the development of so-called "improved" weapons through the use of subcritical tests and computer simulation. Horizontal proliferation can be seen, for example, through the recent tests of nuclear weapons in India and Pakistan.<sup>34</sup>

Other weapons of mass destruction, such as biological and chemical weapons, continue to threaten life and health.<sup>35</sup> The development, production, testing, stockpiling, transfer and use of chemical weapons was outlawed by the Chemical Weapons Convention (CWC) of 1993. Although this means nations that possess chemical weapons are required by the

CWC to destroy them, they have only just begun to do so.<sup>36</sup> The use of chemical weapons by a sect in Japan to attack people in the Tokyo subway system illustrates the continuing risk that these weapons will be used, not only by nations but also by groups and individuals.<sup>37,38</sup>

Stockpiles of biological weapons are believed to exist despite their having been outlawed by the Biological Weapons Convention of 1971 (entered into force in 1974).<sup>39</sup> Although there has been no proven use of these weapons since they were used in the Iran–Iraq War and against the Kurdish village of Halabja during the 1980s, there is clear evidence that biological agents have continued to be produced. In fact, biological agents may have been used as weapons by Iraq during the period leading up to the Gulf War.<sup>40,41</sup>

Life and health are jeopardized daily by anti–personnel landmines. These mines kill and maim indiscriminately and continue to do so for decades after the cessation of a conflict.<sup>42,43</sup> It is estimated that more than 110 million mines are scattered and another 100 to 150 million are stockpiled worldwide. Every month more than 2000 people are killed or disabled by landmines.<sup>44</sup> An enormous effort, both in money and personnel, will be required to remove the million-plus landmines now in place around the world. As a result of a worldwide campaign waged by nongovernmental organizations, for which the 1997 Nobel Peace Prize was awarded, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti–Personnel Mines and on their Destruction was negotiated in Ottawa, Canada in December 1997. The Convention calls for a total ban on the production, transfer, and placement of antipersonnel landmines. By September 1998, 130 nations had signed the Convention and the 40th nation had deposited its instrument of ratification, thus bringing it into force. To its shame, the United States has stated that it will not sign the treaty in its present form.<sup>45,46</sup>

### **Violent Conflict**

The twentieth century has been the bloodiest in human history, with an estimated 250 wars, more than 110 million people killed, countless people wounded, and at the very least, 50 million people forced from their homes to become refugees. The leading merchants of death — the six leaders in



arms sales to the world — include the five permanent members of the United Nations Security Council: the United States, United Kingdom, France, Russia, China, and Germany.<sup>47</sup>

The connection between the disregard for human rights and the health and well-being of entire populations is starkly evident in recent conflicts. During World War I, civilian deaths were estimated to account for 14 percent of all deaths; during World War II for 67 percent of all deaths; and during the 1980s, for about 75 percent of all deaths.<sup>48</sup> In the 1990s, since the end of the Cold War, violent conflict has claimed the lives of some four million people, of whom 90 percent are estimated to have been civilians.<sup>49,50</sup> In addition, many millions of individuals have died from war-related hunger and disease resulting from the destruction of not only agricultural products, but also of entire economies. It is estimated that in 1997 more than 35 million people were refugees or internally displaced as a result of violent conflict, and that these individuals were then forced to live in conditions contributing to the spread of disease, malnutrition, and early death.<sup>51,52</sup>

Moreover, these conflicts are often characterized by rampant and gross disrespect for the principle of medical neutrality, which guarantees the provision of health care without discrimination to all injured and sick combatants and civilians during periods of conflict.<sup>53</sup> Recent years have also seen increased use of rape as a weapon of war, particularly noted in Bosnia and Herzegovina. While rape has always been associated with war, it is now increasingly recognized as an instrument of genocide.<sup>54</sup> Although there have been recent efforts to declare rape a war crime, arrest and prosecution of the perpetrators has thus far proven extremely difficult.

### **What Is To Be Done?**

Much still remains to be done in order for the just social and international order envisioned in Article 28 to be realized. Physicians and other health workers can make a major contribution in their own countries and globally. A first step is to work toward the alleviation of poverty and toward sustainable development, including prevention of environmental pollution, particularly when it selectively hurts the poor.

## **A Just Social Order**

Internationally, a new social and economic order is needed. This would require that protectionist barriers and other impediments against developing country trade and development be lowered; world resources be distributed equitably; developing country debt be canceled without the conditions imposed by structural adjustment programs; and investment and attention to programs such as health services and education, especially in rural areas, be increased.<sup>55,56</sup> Within communities, sustainable development requires the democratic participation of community members.<sup>57,58</sup>

In 1970, the United Nations set as a goal for each donor country of the world to provide 0.7 percent of their gross national product (GNP) as their annual foreign aid contribution to poor nations. Instead, current overall assistance levels have fallen to their lowest level since 1973, and now average just 0.3 percent of GNP.<sup>59</sup> The steepest decline has occurred in the United States, where official development assistance was reduced from \$11.7 billion in 1992 to \$7.3 billion in 1995.<sup>60</sup> By contrast, in the same year Japan provided twice as much development assistance as the United States.<sup>61</sup> A reduction in military expenditure by at least 10 percent per year, over the next five years, would go a long way towards alleviating poverty and improving social and health programs in all countries. This is particularly true for the United States, which accounts for 40 percent of the world's military expenditures.<sup>62</sup>

The environment must be protected from further degradation. Eight nations — the United States, Russia, Japan, Germany, China, India, Indonesia and Brazil — are disproportionately responsible for degrading the environment in which their neighbors live.<sup>63</sup> Sustainable development should be globally redefined by specifying agreed-upon limits for critical resource consumption. These limits should be politically established and based on equal rights to the consumption of resources on a global per capita basis both within and between nations. To end military degradation of the environment, clear targets must be set for conversion of the resources used by the military to productive purposes, and for conversion of military programs to programs fostering human development, environmental cleanup, health and peace. The meager proposals put forward by the United States concern-

ing prevention of global warming, presented at the 1997 Climate Change Meetings in Kyoto, are grossly insufficient to deal with the problem.<sup>64</sup>

Within the United States, a just social order will require that far greater attention is paid to poverty. This would include: the provision of full employment, as guaranteed by Article 23 of the UDHR; reconstitution of the safety nets destroyed by the "Welfare Reform Act" of 1997 for those without jobs or with jobs that fail to provide adequate income; and enactment of steeply progressive income taxation and inheritance taxation to reduce the gap between rich and poor.<sup>65</sup>

### **A Peaceful International Order**

In 1981, the World Health Assembly adopted the following resolution: "The role of physicians and other health workers in the preservation and promotion of peace is the most significant factor for attainment of health for all."<sup>66</sup> This means, for example, that health workers have a special responsibility to work for the arrest and prosecution of those who permit or perform rape during war. Health workers should play a major role in introducing training for nonviolent conflict resolution as part of the curriculum at all levels of education in their own nations and internationally. The work of the United Nations in peacemaking and peacekeeping must be supported. Physicians, psychologists and forensic pathologists have been at the forefront of efforts to document and expose torture, and their work has led to the emergence of treatment and prevention programs throughout the world.<sup>67,68</sup> This work must be continued and strengthened.

Health workers also have a privileged opportunity to educate the public and political leaders about the dangers of weapons of mass destruction. States which have nuclear weapons must honor the commitments they made in Article VI of the Nuclear Non-Proliferation Treaty, which was signed and reaffirmed unanimously in 1996.<sup>69</sup> The nations of the world that have not done so should ratify the Chemical Weapons Convention, the Biological Weapons Convention, and the Landmines Convention and work for their full implementation. Health workers should also support proposals to end the international trade in small arms and light weapons and

to declare illegal those which cause "superfluous injury or unnecessary suffering."<sup>70</sup>

A just and peaceful international order also requires respect for the rule of law both within nations and among nations. The agreement in Rome in 1998 to establish a permanent International Criminal Court (ICC) was an important step in this direction. The statute for the ICC provides for an independent prosecutor who would be able to act upon allegations received from the public; it covers genocide, crimes against humanity, war crimes and aggression; and includes provisions to protect the rights of victims and witnesses.<sup>71</sup>

## Conclusion

Physicians and other health workers have special knowledge of the health consequences of poverty, degradation of the environment, and militarism and war. While international law is critically important to bring about the social and international order envisioned in Article 28, civil society and its institutions will have an increasingly important role to play.<sup>72,73</sup> Health workers must be vitally involved in this development. The successful promotion of health, prevention of disease, and treatment and rehabilitation of those with disease and injury, are in large part dependent on the promotion and protection of human rights. The UDHR, and particularly its all-encompassing Article 28, is a crucial element in the protection of human rights important to health.<sup>74,75,76,77,78</sup> In this anniversary year, looking at the challenges we will confront over the next 50 years, we must re-dedicate ourselves, in the words of the United Nations Charter, "to advance and strengthen the respect of human rights for all people."

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