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The complexity of the relationship between human rights and national interests

Abstract. *The following article studies the complexity of relationships between the protection of human rights and national interest. National interest is an integral part of any states' foreign policy. Although human rights and national interests are incompatible or even conflicting concepts, scholars argue that rights cannot be neglected and ought to play important role in states' interests. The main purpose of the study was a thorough analysis of the tension between security and economic governmental interests and the defence of its citizens' natural rights. The acuity of the issue is that quite often human rights are devalued due to the requirements of security or economy. The article raises the problem of the significance of international human rights and the necessity to protect a state basing its research on the theoretical framework of realism. As a result of the conducted research, it is possible to define the main factors constraining the protection of human rights.*

Keywords: *international human rights, national interest, foreign policy, violation of human rights, economic interest, security.*

DOI: <https://doi.org/10.32523/2616-6887/2021-137-4-96-104>

Received: 14.01.21 / Approved: 25.05.21

Introduction

National interest plays a significant role in the international political system. Although national interests are greatly valued, states in pursuit of their objectives are expected to comply with norms and regulations of ethical behaviour. Therefore, human rights should be included in the domestic and foreign policies of states. However, the protection of human rights and the pursuit of national interests could be a challenging duty.

From a realist perspective, our world is an unpredictable and unsafe place where priority should be given to the state [1, p.31]. For Morgenthau [2, p.5] national interest is characterised with regard to power thus

providing rationality and consistency to foreign policy and protecting against such misconception as ideological preferences. According to Waltz [3, p.134] 'survival outranks profit as a goal' and describing a state acting in its national interests suggests that weighing its security requirements, it takes measures to satisfy them. Art and Waltz [4, p.6] assert that 'states in anarchy cannot afford to be moral'. However, Donnelly [5, p.163] argues that as individuals are capable to exercise morally good behaviour in the absence of governmental support to moral rules, so states are able to act out of virtue even if it requires greater costs. Schuman [6, p.261] reasons that though international politics is about maximising one's power, it should not be only about struggle

for power. While other scholars argue that human rights are an inseparable and highly important part of foreign policy [7, p.139; 8, p.166].

So far the policy of some states still does not allow to broaden the definition of national interest and provide space for human rights protection. Even strong supporters of democracy fail to promote human rights consistently thus proving that security and economic interests have the power to override ethical behaviour. Double standards, inconsistency and use of human rights as façade in order to pursue self-interests affect global moral standards and result in human rights violation.

The purpose of the research is to discuss the constrain between national interests and the defence of human rights on a global scale. The author aims to conduct an analysis of the conflict between national security, economic interests, and international human rights. definition of human rights and national interest from a realist perspective.

Research methods

Within the realist framework, the author investigates what are human rights and national interests. Drawing on secondary data research a qualitative analysis of human rights and national interest concepts, their history and interrelations are investigated.

History of the problem

The concept of promotion and protection of human rights is of western origin. Human sufferings and atrocities of war served as a catalyst for change. Thus, in 1948 the Universal Declaration of Human Rights was adopted by most of the United Nations member-states. The principles of the Universal Declaration gradually gained strength and nowadays there is no government that would explicitly confront human rights and acknowledge its violation. That means that human rights as a norm play a significant role in the image of states. However, embracing human rights, in theory, does not always mean following the norm in practice [9, p.17].

Human rights are natural rights and they should be enjoyed by every individual. The Universal Declaration lists the most significant rights which are distinguished into three generations. That is civil and political rights, social and cultural rights and collective rights. Cranston [10, p.50-53] assumes that civil and political rights have priority over other rights. However, Paine [11, p.126-131] argues that education and employment are matters of humanity and justice and must receive the required attention of the government. While Shue [12, p. 7-9] posits that although rights are divided into groups such division could be misleading as some rights by their nature might be related to several groups. Moreover, he identifies the right to subsistence, security and liberty as basic rights which are of higher importance than others.

Human rights are part of modern foreign policy. Yet it is known that long before human rights were included in foreign policy national interest and their protection were of high importance to any state. National interest as the main component of states' foreign policy has been analysed by different theories of international relations. However, the realist framework is the most widely used theory. From a realist perspective, national interests would always be in tension with human rights as two incompatible concepts. According to Morgenthau [13, p.207-208] competition between national interest and morality has been affecting American foreign policy for a long time. For him, the efficiency of foreign policy needs to be evaluated only by national interest.

So what is national interest? Hill [14, p.7] argues that national interest is a debatable term. It is since nations and states are two different concepts that do not coincide in meaning. Thus referring to national interest begs a question who benefits from it? In most cases the term is used to determine the state's objectives, hence, prioritising the state over society. Frankel [15, p.17] posits that from the 'subjectivists' approach national interest is a 'constantly changing pluralistic set of subjective preferences. Further, he divides national interests into strategic, political, and economic and assumes that these

three dimensions if held in balance serve to maximise national welfare. However, Nickel [16, p.2] considers that human rights are of exceptional value and they can challenge other significant concepts such as national security or wealth. Cranston [17, p.49-52] adds that human rights are universal, and they are of 'paramount importance. Moreover, he counts that there are certain human rights that are sacred and violation of them is an offence to justice.

For realists, national interest is central for the state, and it can restrain the government in actions and decisions. Due consideration should be paid to national interest by any responsible governor otherwise they would risk the security or even the survival of the nation [18, p.597]. In the world of material interests, it is difficult to protect human rights. Security of the state and its citizens is of high priority among other national interests and even democratic states tend to violate human rights to pursue security.

Discussion

Since the end of the Cold War, the United States have been promoting a democratic regime. The reason why democracy support plays a significant role in American foreign policy lies in the liberal idea that democratic states do not go to war with each other and therefore it is in the national interest of a democratic state to minimise authoritarian regimes worldwide. However, realists challenge this belief that democratic countries are more peaceful, thus, questioning the necessity of democracy promotion to be a part of foreign policy [19, p.277]. Hamilton [20, p.26] posits that 'self-preservation is the first duty of a nation'. He reasons that only individuals can afford to be generous at the expense of their own interest, however, a state is limited in its benevolence as it has responsibilities for its own nation.

The United States policy of human rights regime's support on domestic and international levels changed drastically as the government started its war on terror. For the sake of national security, the state upheld its right to torture thus violating the Convention against Torture

[21, p.443]. The United States officials consider that stress and duress techniques are acceptable as long as they do not transform into 'outright torture'. The government attempts to justify humiliation and torture as necessary in order to save lives from terrorist attacks [22, p.74]. The national security officials find that deprivation of sleep, keeping standing or kneeling for hours and other violent interrogation methods of terrorist suspects as just and compulsory [23].

Terrorist attacks which took place on September 11th resulted in unprecedented security measures in the United States. The necessity to protect civilians from possible terrorist attacks made security a priority topic among other national interests. New laws have been adopted to maximise security, however, to protect its citizens, the government diminishes the civil liberties of some groups of people. It is obvious that terrorists performing attacks aim to destabilise the state and destroy fundamental human rights, such as the right to life, security, and liberty. From a realist perspective, it is only natural that the state would take all the necessary measures to prevent acts of terror. Yet the UN is concerned that some governments are manipulating the struggle against terrorists with the aim to suppress political opposition, some religious groups or minorities [24, p. 240-243].

Thus other countries followed that example of the United States' war on terror and applied repressive practices against their own citizens. In Liberia and Zimbabwe, there were cases when a press or political opponents were labelled as 'terrorists' and therefore prosecuted without court. In Russia, harsh tactics against Chechnya rebellions were defended by the logic of the war on terror. Former Yugoslav President Milosevic charged with war crimes justified his actions as the fight against terrorism [25, p.107].

When the security of the state is under a threat, then principles of democracy get easily oppressed. Western governments ratified certain laws allowing them to search suspects without a warrant or hold them without a trial. Muslims are most likely to become the targets of extra security checks thus making them encounter humiliation and discrimination. Surveillance is another form

of protecting citizens from terrorism, however, it affects the right to privacy. Data of personal banking, movements of people and their money, monitoring through GPS systems are methods to sustain security at the expense of liberty rights. As Britain experienced several terror attacks from its own radical Islamic citizens during 2007 and 2009, it was coerced to invest money not in the promotion of democracy but in massive security measures [26, p.43-45].

Ironically, violations of fundamental human rights are justified as necessary in order to protect rights to life, liberty and security. Moreover, such peaceful concepts as economic growth and trade which are supposed to promote the well-being of people could become the source of human rights' offence.

Apart from security, the concept of power is the next major national interest. One of the main ways to enhance national welfare is a trade that serves the state's interest as it raises the standard of living [27, p.109]. However, when states ratify trade agreements, they take into consideration costs and benefits and seldom human rights issues. Therefore, trade instead of promoting human rights might affect them negatively [28, 2011].

According to Garcia [29, p.54], the priority of human rights could be 'traded away' if they clash with possible benefits from trade. Powerful states in order to pursue their economic interests are more likely to violate human rights. That is, they attempt to provide favourable conditions for investment in developing countries to gain more profit with fewer expenses. Thus, trade instead of improving living conditions might worsen the situation for some groups of people and infringe upon the rights prescribed in the Articles 23, 24 and 25 of the Universal Declaration of Human Rights, such as rights to just and favourable work conditions, to form and join unions, to the reasonable limitation on working hours and to an adequate standard of living.

Spero [30, p.274-277] posits that American foreign policy should be concerned not only with international economic interests but with human rights as well. He argues that societies that are open for democracy would become

reliable trading partners in comparison with the states where human rights oppression results in instability thus threatening to incur losses in investments. However, he agrees that economic interests and democratic values are contesting concepts and they need to be handled with balance. According to Chomsky and Herman [31, p.340], the United States promoting development in accordance with democratic principles hides its economic interests and turns a blind eye on 'massive dispossession of the peasantry, child labour, near-slavery, starvation' as side effects of economic growth. Low-cost labour in poor countries attracts Western countries, yet it makes the workers vulnerable as they have to put up with unfair remuneration of their work and in some cases with unfavourable conditions of work.

The environment is the other concept that is at odds with economic interests. People have the right to enjoy living in healthy environments. Nature is the essence of human health as it is the source of clean air, water and food. According to Brown [32, p.177], developed countries consume two-thirds of the global resources. However, the supplies for their well-being are mostly taken from developing countries. Due to the high level of consumerism of the western countries ecosystems are severely affected by numerous factories and raw materials extraction polluting air, forests cut to produce paper and water utilised in textile and agricultural needs.

Stecyk [32, p.7] posits that governments face dilemma choosing between environmental protection and economic benefits. Thus oil corporations violate environmental rights of people polluting air, water and land. However, due to their great financial contributions to the budget of the states, they are 'treated as above the law'. In economic reality, governments worship economic interests. As countries worldwide are committed to economic growth, they aim at profit overlooking environmental costs. Industrial companies contributing to the economy of a state exploit nature, however, governments fail to correct their activity. Damage to the environment has taken a global scale: waste is dramatically increasing, global temperature is rising, water

and air are polluted, soil degrades, desertification and deforestation are growing.

The arms trade is another highly controversial issue that contributes to national welfare and violates human rights. It is well-known that the use of weapons of mass destruction is considered to be a war crime. Weapons of mass destruction have been heavily criticised by an international society which leads to Nuclear Non-Proliferation Treaty, Chemical Weapons, Biological and Toxin Weapons Conventions. However, attempts to control conventional weapons were not successful. The main reason for it is the fact that conventional arms trade plays a significant role in foreign policy.

Arms Trade Treaty was adopted in 2013 to promote the responsibility of states exporting or importing conventional weapons. The treaty acknowledges the link between gender-based violence and the conventional weapons trade which is huge progress for human rights. However, there are some loopholes in the text which allow manipulations of the treaty in order to authorise arms export. As the treaty does not explicitly prohibit the export of arms to states that violate human rights, it is the responsibility of the exporting state to foresee an 'overriding risk' of weapons' misuse [33, p.18].

From a realist perspective, it is obvious that while conventional weapons trade greatly contributes to the economies of industrial states, arms will be still sold to the countries where human rights are violated. The cases of arms exports to countries where human rights abuse takes place or involved in military or ethnic conflicts are numerous [34]. Even countries that promote democracy fail to protect human rights if their national security or commercial concerns are at stake. Arms trade preserves job places and supports national military industry, moreover, it can be used as a strategic tool in the world of hegemonic struggle for the balance of power. Therefore, governments have to make a difficult choice whether to sell arms to countries where it might lead to exacerbation of conflict and violation of human rights or instead implement arms embargoes.

Conclusion

Human rights are seen as an obstacle to pursuing economic interests. Governmental commercial concerns are usually represented by such concepts as price, cost and benefit. If interests are about maximising wealth and minimising costs, then protection of human rights on contrary is the non-material notion in which benefits are impossible to monetise. If the governments' only objective is to gain maximum benefit it affects the environment, labour standards and leads to deprivation of human rights. Though there is a significant number of countries where rights are neglected and, in the world, where states struggle to increase their economic might, it is still very important to respect the universality of human rights and protect them consistently. However, governments often prefer to view the international world from a realist perspective where national interest is the main actor. In pursue of political, strategic or economic power states tend to disregard human rights. Nevertheless, the complexity of the task to defend such non-material interest as rights should become a vital issue and governments ought to see the protection of human rights as their national interest.

The possible solution of human rights protection should be nested with its seeming rival – national interest. As previously said all countries are interested in their economic growth. It is not a secret that many developing countries get financial help from economically developed states or financial institutions like the World Bank, International Monetary Fund and others through bank loans, trade agreements, subsidies, investments. Financial help could become a tool to make some positive changes in the legal systems of those countries that violate basic human rights. In other words, financing should come with a package that urges countries with a weak system of human rights protection to take some steps in their legal and administrative systems towards democratic values.

The other possible option to ensure the protection of human rights is to strengthen the

role of non-governmental organisations whose central aim is the support of democracy. Such a huge organisation as United Nations has its offices in every country. The UN consists of various organisations and provides different programmes which protect children, women, minorities, the environment, and others. In the international arena, every state takes efforts to build a positive image of their country as it attracts tourists, investments into their economy from large investors and enhances their sense of pride for their own country which is noticed and respected by the rest of the world. Therefore, the UN and other influential international organisations could help in promoting human rights by shaming those countries that do not

take care of their citizens. The measures towards such countries could be mild as open criticism of their actions to harsh as imposing economic embargoes, halting funding of development projects and others. Thus, if the world works together on strengthening the promotion of human rights, then eventually democratic values will become accepted by most countries. Thinking that some years ago voting for women was forbidden, however, nowadays it is a normal legal act of any adult woman which became possible due to the struggle which started in the United States. It proves that strong democratic states with the help of international financial institutions can make a positive change in the protection of human rights.

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Адам құқықтары мен ұлттық мүдделер арасындағы байланыстың күрделілігі

Аңдатпа. Осы мақала адам құқықтарының қорғалуы мен ұлттық мүдденің күрделі байланысын зерттейді. Ұлттық мүдде – ол кез келген мемлекеттің сыртқы саясатының ажырамас бөлігі. Дегенмен, адам құқықтары мен ұлттық мүдделер үйлеспейтін тіпті қарама-қайшы ұғымдар болып саналса да, зерттеушілер адам құқықтарын ескермеуге болмайтынын, керісінше, адам құқықтары ұлттық мүдденің интегралды құрамы болып кетуге тиіс деп дауласады. Осы зерттеудің бастапқы мақсаты қауіпсіздік пен экономика саласындағы ұлттық мүдде және адамның табиғи құқықтарының қорғалуымен өзара әрекеттесуін

мұқият талдау. Мәселенің күрделілігі - қауіпсіздік пен экономикалық талаптар үшін адам құқығы жиі төмендетілетіндігінде. Мақала халықаралық адам құқықтары және мемлекет қауіпсіздігі деген ұғымдарының зор маңыздылығын зерттеп, зерттеуді реализм теориясына қарай негіздейді. Зерттеу нәтижесінде адам құқықтарын нығайтуға кедергі келтіретін негізгі факторларды анықтауға мүмкіндік береді.

Түйін сөздер: Халықаралық адам құқықтары, ұлттық мүдде, сыртқы саясат, адам құқықтарының бұзылуы, экономикалық мүдде, қауіпсіздік.

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Сложность взаимоотношений прав человека и национальных интересов

Аннотация. В данной статье рассматривается сложность взаимоотношений между необходимостью защищать права человека и национальными интересами. Национальный интерес – это интегральная часть внешней политики любого государства. Хотя права людей и национальные интересы считаются несовместимыми, а порой противоречащими понятиями, ученые утверждают, что нельзя пренебрегать правами, наоборот, они должны стать составляющей национального интереса. Главной целью данного исследования является тщательный анализ взаимодействия между национальными интересами в области безопасности и экономики и защитой естественных прав человека. Острота проблемы состоит в том, что человеческие права зачастую обесценены в угоду требований безопасности и экономики. В работе поднимается вопрос о важности таких понятий, как международные права человека и защита государства, исследование выстраивается на теории реализма. В результате проведенного исследования является возможным определение основных факторов, служащих барьером в укреплении человеческих прав.

Ключевые слова: международные права человека, национальный интерес, внешняя политика, нарушения прав человека, экономический интерес, безопасность.

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