



Original Research

The Study of Human Rights from a Different Perspective

Mohammad Mehdi Samimi

Department of Law, Abadeh Branch, Islamic Azad University, Abadeh, Iran

GRAPHICAL ABSTRACT



ARTICLE INFO

Article history:

Submitted: 12 May 2020

Revised: 14 July 2020

Accepted: 29 September 2020

Published: 29 October 2020

Manuscript ID: IJASHSS-2010-1018

KEYWORDS

Freedom,

Foreign Policy,

International Relations,

Human Rights,

Sovereignty.

ABSTRACT

In the current era, human rights has become one of the most serious international issues and has become particularly important in the foreign policy and bilateral and multilateral interactions of countries; So that today no country can deny human rights norms. With the institutionalization of human rights in international politics, the relevant norms have become an integral part of politics between states and societies; and affect the quality and quantity of foreign relations. One of the issues facing the United Nations today; How to balance the sovereignty of states with human rights. In fact, part of the mystery of the relationship between human rights and sovereignty has to do with international law. While some provisions of the UN Charter explicitly support the sovereignty of states, the other part allows the Security Council to use military force wherever necessary to maintain and restore international peace and security. The Universal Declaration of Human Rights, on the other hand, states that in order to promote development, countries must have friendly relations with each other and respect the freedoms enshrined in the Universal Declaration of Human Rights. The trend of globalization and border permeability has affected countries' policies in an interactive and networked environment and has made countries in a cohesive environment sensitive to each other's policies (even human rights behaviors) with their citizens.

* Corresponding author: *Mohammad Mehdi Samimi*

E-mail: mehdisamimi138@gmail.com

DOI: 10.22034/ijashss.2020.255087.1018

© 2020 by SPC (Sami Publishing Company)

Introduction

Human rights, in the most fundamental and fundamental sense, theoretically refer to the preservation of human dignity and inherent values, and in the practical sense to the maintenance of peace and security [1].

Accordingly, states have recognized these rights in their constitutions or judicial (legal) procedures. Here, human rights are linked to politics and power and become the dominant discourse in the international community. If we consider world politics in the three dimensions of international military (upper level), economic (middle level) and lower level issues such as human rights, achieving the desired results at the lower level usually requires the use of soft power in foreign policy [2].

Accordingly, the United States is working to spread the tradition of liberalism in foreign policy and promote it to other countries within the framework of soft power. In the analysis of US foreign policy based on the model of soft power, the Middle East has been the main target of regional and global policies and has been emphasized as organizing principle and a suitable platform for the global role of this country in the new era [3].

The intensity and depth of the US dealings with the Middle East countries go beyond the security and strategic dimensions to the political, social, cultural-ideological, economic components and in general to the identity components of these countries. Accordingly, the reference of security in the behavioral model based on soft power is the structural levels of the Middle Eastern countries. Because,

according to the US approach, it is the political, economic, social, cultural and religious structures of these countries that provide the source for the threatening and security forces. Therefore, security requires removing the roots of insecurity [4].

Thus, "intra-structural control" was proposed based on the Greater Middle East plan to change the pattern of US intervention in the Middle East. In the process, structural patterns in the Middle East changed, and the United States shifted its level of engagement from national government to sub-nationalism through public diplomacy; Thus, as the lack of freedom in the region, especially in the Arab world, destroyed human development, the American decision-makers' approach to rejecting authoritarianism and the spread of democracy (human rights) in the Middle East formed the basis of US Middle East policy. After the great waves of globalization have passed through all aspects of human life, we are witnessing a change in the structure and functioning of governments, both at the national and transnational levels. In the international dimension, with the emergence of crises and huge challenges in various fields on the one hand and the reluctance or inability of local governments to resolve these difficulties with existing mechanisms on the other hand, the need to establish and develop global governance that considers mutual human interests [5].

It was necessary to deal effectively with these crises. The importance of non-governmental

and transnational organizations in these developments is undeniable [6].

In fact, with the formation of the world community, a world government is emerging in an embryonic and incoherent way, which of course deals with the creation and expansion of its desired legal system. This legal system is no longer international but global and transcends the existence of the institution of the national government. In this process, however, the Western powers, due to their wider possibilities, play a more prominent role in establishing related regimes and can be expected to shape the course of events in their own interests. International law as a legal order is distinguished from "national-domestic" or "intra-organizational" legal systems due to the lack of "centralized executive power". Unfortunately, the absence of this fundamental power is also felt in the international protection of human rights. The part of the human rights rules that is observed is very different from the part of the rules that are accepted in this field by the international community as applicable rules [7].

An essential element of international protection of human rights in international treaties has been present in almost all socio-political initiatives over the last 50 years, but has unfortunately been neglected in practice. Given the independence and supreme authority of states, sovereignty is recognized as a key factor in the oversight of the deplorable state of human rights in the implementation and exercise of international human rights oversight [8].

International organizations and, to a lesser extent, "individuals" are regarded as "actors of the international system", but sovereign states are still the main constituent element of the international system, both legally and politically [9].

Accordingly, sovereign states not only lay down international rules and regulations for the protection of human rights, but also determine the course of non-implementation of the rights in question in accordance with their absolute will. In this sense, "sovereignty of states" and "international protection of human rights" seem incompatible. National sovereignty as an obstacle to the international monitoring and implementation of human rights must be transformed or eliminated by changing the traditional nature of the nation-state. Richard Falk is inclined to this theory when he says that without the creation of a new world order based on the sovereignty of states, international protection of human rights is doomed to remain marginal [10].

Examining the principle of respect for human rights in international relations

From a historical perspective, the following proclamations at the end of the nineteenth century and the beginning of the twentieth century have played the role of pioneers in the formulation of human rights in its current sense [11].

- Declaration of the Rights of the Government of Virginia (1766) and Independence of the United States of America (1776)

- Declaration of the Rights of Man and of the Citizen (1789), adopted after the French Revolution
- Declaration of the Rights of the Working and Colonialized Peoples of the Soviet Union.
- All of these declarations were made nationally.

But until the adoption of the UN Charter, it was not given due attention at the international level. For the first time, the Charter of the United Nations links respect for human rights with the maintenance of international peace and security, and considers its provision to be one of its duties. Respect for human rights is one of the fundamental tenets of international law today, and we hear about it every day [12]. In the UN Charter, the belief in human rights is the second task of this organization, after the task of rescuing humanity from the scourge of war. This principle is enshrined in the third paragraph of the UN Charter, which means that the question of respect for human rights is very important in the Charter [13]. Following the Charter, the United Nations adopted the Declaration on the Principles of International Law in 1935. However, this principle was not incorporated as a separate principle, however, in the description of the content of principles such as the principle of equality of rights, the principle of self-government of peoples and the principle of cooperation, the principle of respect for human rights is mentioned. Fear of the members of the Conference on Security and Cooperation in Europe, now known as the Organization for Security and Cooperation in

Europe, was formulated as a separate principle of international law. The formulation of this principle, which took place during the Cold War and as a result of the conflicts, compromises and pasts of that time, clearly confirms the importance of respect for human rights in intergovernmental relations. All human rights documents state the fact that the principle of respect Human rights are one of the conditions and foundations of international peace and security [14].

The Charter of the United Nations, adopted at the end of World War II, made clear the link between respect for human rights and international peace. At the same time, it was clear that respect for human rights was an important condition for international peace and security. After the Charter, very important documents in this field were approved both globally and regionally. The Islamic countries adopted the Cairo Declaration on Human Rights in Islam in 1943, in which Islamic law is recognized as the sole source of rights [15].

But the declaration is not valued by human rights organizations, because many individual freedoms and human rights are either non-existent or restricted, such as freedom of religion, freedom of expression, equality between men and women, and the rule of law as enshrined in the Convention. International law has been declared the inalienable and inalienable right of every human being. In general, much work has been done internationally to respect human rights norms and standards, and these standards have been enshrined in domestic law, including the

constitutions of many countries. But at the national level, respect for human rights is low in many countries.

If these norms are not included in the law, if they are not implemented, it will remain a writing on paper that is used only for propaganda. Some countries do not accept the accepted human rights standards, such as Saudi Arabia. Some do not meet these criteria in relations with other countries; Like the United States, which claims to be a leader and protector of human rights and is the first country to enshrine some human rights norms in its constitution, but does not participate in many human rights treaties.

However, the stability of the principle of respect for human rights depends to a large extent on the position of countries such as the United States. But some other countries have accepted international human rights treaties but do not comply with them in practice. Like many Third World countries. In the not-so-distant past, respect for human rights was not very important. The rulers inside the country committed horrible crimes against their own people. Oppressive rulers had free hands within the borders of the country and could trample on the rights of their citizens. But today, every government is obliged to respect the rights of people living in the country. No government, group or individual has the right to take any action aimed at the unlawful destruction or undermining of human rights, rights that have been recognized for human beings in accordance with international conventions.

Investigating the Islamic approach to international relations from the perspective of human rights

Given that each of the approaches in the theory of international relations has different theoretical foundations (ontology, epistemology and methodology) are different from each other and offer different interpretations of the nature of international relations, the approach Islami is no exception to this rule and offers a special interpretation of the nature of international relations according to its trans-theoretical foundations. Basically, the two major schools of international relations are materialistic and pay more attention to objectivity, but Islam pays special attention to value issues and ethics in addition to material issues (such as benefit and power). The principles of these materialist schools have prevented international relations from being the realm of the emergence of morality, and in principle have prevented the formation of international relations based on morality.

While Islam is primarily moral and the establishment of government is not to achieve political power but to form a society based on moral standards. In the current international relations, attention to moral views and Religion, the implementation of appropriate strategies by Islamic countries, especially intellectual circles, and the establishment of good relations between Islamic countries and the promotion of their position in international politics can gradually be a good alternative to the materialist views of international relations.

Presented and challenged their hegemony, and at least led those views to consider religion and morality in reinterpreting their guidelines.

As one scholar rightly points out, the root of many developments in international relations is religious, for example, the formation of the Westphalian system of nation-states is itself religious and arose from the heart of the Protestant religious struggles. In fact, religious issues can even lead to structural changes in international relations (Snyder, 2009, pp. 1-3. Internationalism, especially realism and neorealism, is surprising in that the author's school of neorealism, led by Waltz, is completely ignorant of the role of religion in international relations, and the views of liberalism, led by Cohen, and constructivism, led by Wendt, pay less attention to religion. In international relations.

The paradigm of realism in the international arena

Realism, sometimes referred to as the school of power politics, has long been regarded as the governing paradigm in the study of international politics. Realism in its classical form is reflected in Thucydides' "Peloponnesian Wars" twenty-seven centuries ago, but realism has been a theoretical approach to the analysis of international politics since the late 1930s. And in the early 1940s. Entered the field of international relations study [16].

The belief that there is a single theory of realism has been criticized by writers who are both interested in and critical of the tradition.

According to some leading critics of realism, "there is no single tradition of political realism, but rather a set of tensions, contradictions, omissions, and analyzes formed in the historical context." Peace is one of the oldest human aspirations and its establishment in the world is closely related to human rights. Today, peace has found a multidimensional meaning that does not only mean the absence of war; rather, it includes economic, environmental, social and political security, stability of political structures and free rotation of power.

The Vienna Universal Declaration of Human Rights states that development, democracy, respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that governments are primarily responsible for creating the conditions for development as an individual and collective right. In other words, development is achieved through the establishment of democratic mechanisms by governments, and sustainable development is possible when the political, economic and social rights of individuals are fully respected. Such development enables the empowerment and realization of human rights. On the other hand, human rights, along with development and security, form the three pillars of the United Nations; In other words, development and security are necessary for each other and without human rights it is not possible to achieve anything.

Thus, with the advent of globalization in recent decades, international security, development and peace have gradually lost their

Westphalian meaning, and the post-Australian concept with components such as global security (human security), development and sustainable peace has been considered. The Role and Position of Human Rights in US Government Regional Policies.

The history of public rights and freedoms with regard to the concepts of freedom, human dignity and human dignity has been with mankind since the beginning of creation. The result of these ideas in the form of declarations, international treaties and domestic law regulations of different countries, has taken on an external manifestation. An influential set of international laws and diplomatic custom has been adopted. This issue has led to the expansion and deepening of the idea of human rights and can be expressed in the form of three generations, which can be said that the rights of the first and second generations belong mainly to individuals, while the rights of the third generation are based on the collective dimension and belong to the people.

Although the concept of human rights historically goes back to past eras; it has been recognized as an influential component in the international system and a new tool in the foreign policy of countries and has become an integral part of foreign and international interactions between governments. In the meantime, according to the philosophical position of human rights in the school of liberalism and its impact on the foreign policy of the countries following this idea, a connecting factor in their view (structural school) and its use as a tool in the framework of

soft power to advance the national interests of these countries. You can see a lot. It could be argued that human rights have become an international language in the 21st century, and that US foreign policy has been no exception to this rule in its historical periods [17].

Conceptual framework of soft power in the international system

The process of international politics begins when one state (State A) tries to change or maintain the behavior (ideas and policies) of other states by using various symbols. Accordingly, power can be defined as the general ability of a state to control the behavior of others; But the important point in the field of power is the emergence of a change in the nature and form of power, in which soft power and related theoretical approaches such as mild or benevolent hegemony and global leadership [2] have a special place in this framework. In general, software theories emphasize the emergence of power in a new form and nature, especially after the end of the Cold War, which was theorized by Joseph Nye in the early 1990s and was able to find a special place in American foreign policy. The trachea considers power to have two layers, hard and soft. Hard power is the ability of an actor to force others to change their positions by force in the form of economic and military power. In other words, hard power is power based on rewards (carrots) or threats (sticks); but sometimes the desired results can be achieved without tangible threats or rewards. This method of indirectly achieving the desired

results is called the "second face of power", which the trachea describes as "absorption" or "persuasion".

Soft can be considered the ability of a country to achieve its desires through attraction and not the use of force and punishment. Of course, Nye points out that soft power is a two-step process in which soft power is used in the first step to influence public tendencies in the target country, and the second step requires that the target government's policy respond to the stimulated views of soft power and finally, emphasizing the intangible and non-coercive foundations of power such as transnational interdependence and free flow of information and the entanglement of economies, he believes that in the information age, soft power is more persuasive and attractive than hard power.

Using soft power in the form of public diplomacy

Public diplomacy is communication aimed at the national interests of a country through communication with people outside the geographical borders. Accordingly, public diplomacy includes stable relations that create an enabling environment for government policies through organizations. Civil society, private groups, and institutions increasingly rely on the means at their disposal to influence public opinion.

Nye believes that politicians can gain more resources to develop soft power through public diplomacy with respect to the information age. Public diplomacy has important functions in

today's world of politics. In the sense that the sole purpose is not to restore the positive image of a country among the audience; rather, in some cases, even though public and popular diplomacy, it is possible to incite a nation against the ruling regime and its government, and to accompany them with their macro and even micro-policies. Public diplomacy, on the other hand, is like a two-way street and can only be successful if it is based on objective facts and respects their thoughts and ideas in conveying messages to the audience. In other words, the key to public diplomacy success is emphasizing a two-way relationship rather than It is one-sided. Accordingly, public diplomacy encompasses three different dimensions, all of which require a relative proportion to direct government information and long-term cultural relations with it. The first and most important dimension is daily communication, which explains the framework and context of internal and external decisions. Democratic governments recognize the foreign press as the most important source of public diplomacy.

The second dimension of public diplomacy is strategic communication, in which a set of common themes develops and is very similar to political or propaganda struggles, and the third dimension is the expansion of lasting relationships with key people over many years through scholarships, cultural and academic exchanges. Meetings and access to communication channels. Each of these three plays an important role in creating an attractive image of a country.

Conclusion

Human rights are used in foreign policy in both horizontal and vertical senses. In the horizontal form, human rights means respecting the rights of citizens to each other, and in the vertical form, it means protecting the rights of individuals and groups against the government. Of course, in foreign policy, the vertical meaning of human rights is emphasized more than its horizontal meaning. In pursuing foreign policy, countries pursue national interests as the most important component of their programs. Now, policies that promote common global values such as democracy and human rights in the context of national interests are more likely to be attractive and can produce soft power.

Accordingly, if we divide national interests into four categories of vital interests, very important interests, important interests and secondary interests; preventing widespread human rights abuses and respecting the rights of individuals, promoting pluralism, freedom and democracy in nations can be considered important US interests. The foreign policy work of Western countries should be included, and the interests of governments have also been involved in this. Political freedoms are often closely linked to economic freedoms, which in turn will lead to international trade and success. Governments that treat their nations with tolerance and respect will do the same with their neighbors. In a world where more countries respect the fundamental principles of

human rights, there will be more peace and order.

Over the past 50 years, international human rights norms have gradually but steadily become widespread at the international level; In a way that no state can deny those norms, and in a way these norms have become an international and institutionalized language and discourse that have become an integral part of the relationship between governments and societies today. That is why human rights policy has increasingly become a key and fundamental feature of foreign policy; as we are talking about the foreign policy of human rights. In designing foreign policy, most theorists, including Modelsky, believe that we are more faced with two phases of input and output of power, and consider the policy-making phase as the transferring phases, and finally state that the only rational way in foreign policy is to constantly balance equilibrium. Meanwhile, the input phase derived from the human rights demands of society, according to the values with the output phase, which is influenced by international human rights standards, provides conditions as a catalyst and finally the instrumental elites into the phase. Guides policy-making (foreign policy on human rights).

References

- [1]. A. Samimi, "Risk Management in Information Technology", *Progress in Chemical and Biochemical Research*, 3 (2) (2020), 130-134
- [2]. M. Abdollahbeigi, M.J. Choobineh, B. Nasrollahzadeh, *Nano Catalyst, Operation*

- Mechanism and Their Application in Industry, *Australian Journal of International Social Research*, 1(5) (2015), 1-6
- [3]. A. Gholampour, the Impact of Economic Globalization on the Role of Government in the Environmental Political Economy of Developing Countries. *Quarterly*. 4(1), (2007), 152-125
- [4]. Y. Molaei, the Right to Development and the Universality of Human Rights, *Journal of the Faculty of Law and Political Science*. 56, (2002), 84-49.
- [5]. J. Walger, Environment and Natural Resources: Global Politics Issues, Translated by Mohammad Kamal Sardarian. *Journal of Strategic Studies Research Institute*. 4, (2002), 177-190
- [6]. H. Sharifi Tarazkoohi, Norms of Human Rights and the Processing of the International Legal System, *Legal Information*, 2, (2004), 24-17.
- [7]. M. Sharifi, International Court of Justice and General Obligations, *Foreign Policy*, 22, (2008)1056-1031.
- [8]. M.R. Ziaee Bigdeli, Global Civil Society and International Law, *Research in Law and Politics*, 3, (2002), 20-9.
- [9]. M. Asgari, National Interests in the Age of Globalization, *Strategic Studies*, 4(4), (2001), 118-95.
- [10]. A. Samimi, "Risk Management in Oil and Gas Refineries", *Progress in Chemical and Biochemical Research*, 3(2) (2020), 140-146
- [11]. N. Qurbannia, Legal personality of international organizations, *Mofid Letter*, 5(14), (1998), 106-92.
- [12]. A. Ghavam, Abdul, N. Fatemi, The English school as a pluralistic theory: Explaining the concepts of the international system, the international community and the world community, *Encyclopedia of Law and Politics*, 3, (2008), 206-179.
- [13]. A. Qawam, Abdul, Analysis of International Politics in the Framework of the International Community Approach, *Legal and Policy Research*, 5, (2004), 14-6.
- [14]. J. Karami, Foreign Policy in the Context of Social Integration, *Guidance*, 13, (2004), 174-160.
- [15]. A. Samimi, Risk Management in Information Technology, *Progress in Chemical and Biochemical Research*, 3 (2) (2020), 130-134
- [16]. D. Kritsiotis, imagining the international community, *European Journal of International Law*, 13(4), (2002), 961-992.
- [17]. B. Simma, A.L. Paulus, the international community: facing the challenge of globalization, *European Journal of International Law*, 9(2), (1998), 266-277.