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# The Global Institutionalization of Human Rights Discourse: A Cross-national Analysis of the Language used in the International Labour Conference during the Cold War

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## ABSTRACT

Although human rights discourse has become a central element of international political rhetoric, the process through which it came to reach its contemporary importance is disputed. In this article, that process is examined by conducting a cross-national analysis of the language used at sessions of the International Labour Conference during the Cold War. Although the mainstream understanding is that human rights discourse diffused 'from the West to the rest', here it is argued that the global proliferation of human rights discourse can best be explained by the existence of world culture in which actors engage in 'epistemic governance'. In other words, to advance their own aspirations actors try to shape the way in which others perceive reality by utilizing well-respected values in their argumentation. The values invoked become increasingly institutionalized and thus more useful for epistemic governance, leading to a synchronization of those discourses in international politics. Although actors from different ideological, cultural, and political backgrounds have emphasized different rights and topics when invoking human rights, these invocations almost exclusively drew from the same globally shared understanding of human rights' importance and essence.

## KEYWORDS

human rights; discourse;  
world society theory;  
epistemic governance; Cold  
War

## Introduction

In contemporary international political discourse, few ideas are as powerful as the notion of universal human rights that belong to every human being. Human rights have, for example, been called 'the doxa of our time'<sup>1</sup> and 'the lingua franca of contemporary international discussion'.<sup>2</sup> The literature that analyses the use of human rights language empirically does so mostly in various late or post-Cold War settings, focusing on, for example, the language used in the media and by different social groups, movements, organizations, and political entities.<sup>3</sup> These studies contribute to our understanding of

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<sup>1</sup>Stefan-Ludwig Hoffmann, 'Introduction: Genealogies of Human Rights' in Stefan-Ludwig Hoffmann (ed), *Human Rights in the Twentieth Century* (Cambridge University Press 2010) 1.

<sup>2</sup>Lynn Hunt, 'The Long and the Short of the History of Human Rights' [2016] 233 Past & Present 323, 331.

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how the discourse on human rights is utilized in various settings, yet the question of how it developed into such a powerful discourse with global appeal remains unclear.

The history of human rights literature is filled with conflicting understandings about who has used the term, when, and what they meant when using it. The main divide exists between those who argue that the historical proliferation of human rights language was a Western-led phenomenon and those who also recognize the role of non-Western actors in the process. The Western-led argument is exemplified by Moyn, who contends that the rise of human rights to international popularity started during the 1970s due to a moral and political reorientation in the Western world, especially in the United States.<sup>4</sup> This led, for example, to the creation of various international human rights organizations and the adoption of human rights language by Western politicians and civil society actors. Prior to the rise of human rights idealism in the West, non-Western actors very rarely invoked human rights, and when they did so it was mostly to promote specific collective rights, especially the right to national self-determination.<sup>5</sup> Similar arguments have been made by others.<sup>6</sup>

In contrast, some argue that non-Western actors utilized human rights discourse extensively, and by doing so contributed to its global proliferation.<sup>7</sup> On the role of anti-colonialists Burke, for instance, argues that while national self-determination was their primary goal, individual human rights functioned as ‘an important justification and motivation’ for them.<sup>8</sup> Although much of this debate centres on decolonization, some case studies indicate that human rights discourse was utilized extensively in the Eastern bloc as well. Richardson-Little shows that human rights were used rhetorically in East Germany by both state and civil society actors before the 1970s; indeed, the ruling Socialist Unity Party used them as a propaganda tool against West Germany and as a means to build international legitimacy, while East German citizens invoked human rights to demand freedom of movement, expression, and religion.<sup>9</sup> In addition, Amos<sup>10</sup> and

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<sup>3</sup>e.g., Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds), *Power of Human Rights: International Norms and Domestic Change* (Cambridge University Press 1999); Lisa Broton, ‘Human Rights Discourse and the Development of Democracy in a Multi-ethnic State’ [2004] 14 *Asian Journal of Communication* 174; Mariane C. Ferme and Danny Hoffman, ‘Hunter Militias and the International Human Rights Discourse in Sierra Leone and Beyond’ [2004] 50 *Africa Today* 72; Neve Gordon and Nitza Berkovitch, ‘Human Rights Discourse in Domestic Settings: How Does it Emerge?’ [2007] 55 *Political Studies* 243; Howard Ramos, James Ron and Oskar N. T. Thoms, ‘Shaping the Northern Media’s Human Rights Coverage, 1986—2000’ [2007] 44 *Journal of Peace Research* 385; Mariana Achugar, ‘Between Remembering and Forgetting: Uruguayan Military Discourse about Human Rights (1976–2004)’ [2007] 18 *Discourse & Society* 521; David Landy, ‘Talking Human Rights: How Social Movement Activists are Constructed and Constrained by Human Rights Discourse’ [2013] 28 *International Sociology* 409; Ron Dudai, ‘Entryism, Mimicry and Victimhood Work: The Adoption of Human Rights Discourse by Right-wing Groups in Israel’ [2017] 21 *The International Journal of Human Rights* 866.

<sup>4</sup>Samuel Moyn, *The Last Utopia: Human Rights in History*. (Harvard University Press 2010).

<sup>5</sup>Ibid.

<sup>6</sup>Reza Afshari, ‘On Historiography of Human Rights Reflections on Paul Gordon Lauren’s ‘The Evolution of International Human Rights: Visions Seen’ [2007] 29 *Human Rights Quarterly* 1; Barbara J. Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. (Harvard University Press 2014); Stefan-Ludwig Hoffmann, ‘Human Rights and History’ [2016] 232 *Past & Present* 279.

<sup>7</sup>e.g., Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*. (3rd edn. University of Pennsylvania Press 2011); Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century*. (Princeton University Press 2017).

<sup>8</sup>Roland Burke, ‘“The Compelling Dialogue of Freedom”: Human Rights at the Bandung Conference’ [2006] 28 *Human Rights Quarterly* 947, 962. See also Meredith Terretta, ‘“We Had Been Fooled into Thinking that the UN Watches over the Entire World”: Human Rights, UN Trust Territories, and Africa’s Decolonization’ [2012] 34 *Human Rights Quarterly* 329; Bonny Ibhawoh, ‘Testing the Atlantic Charter: Linking Anticolonialism, Self-determination and Universal Human Rights’ [2014] 18 *The International Journal of Human Rights* 842.

<sup>9</sup>Ned Richardson-Little, ‘Dictatorship and Dissent: Human Rights in East Germany in the 1970s’ in Jan Eckel and Samuel Moyn (eds) *The Breakthrough: Human Rights in the 1970s* (University of Pennsylvania Press 2014).

Nathans<sup>11</sup> demonstrate that the topic of human rights was part of the vocabularies of dissidents, scholars, diplomats, and journalists in the Soviet Union during the early and mid-Cold War periods.

Although it is clear that there are broad disagreements in the field, at least some stem from different standards for what counts as human rights discourse. While certain studies only discuss the language used, others are more specific. For example, Afshari<sup>12</sup> only accepts human rights rhetoric that is sincere and ‘more than fashionable expressions’. When trying to understand the overall development of human rights discourse, however, that approach is problematic for two reasons. First, the true intentions behind particular actions might be wholly inconsequential to the results of those actions. For example, when agreeing to the Atlantic Charter in 1941, and the promise of the right to self-determination for all peoples included in it, Winston Churchill did not mean to extend this right to colonies under British rule,<sup>13</sup> yet the charter and its promise of self-determination became important points of reference for anticolonial actors.<sup>14</sup> Second, although analysing the true intentions of actors is a worthwhile aim in and of itself, it rules out a large-scale, temporal, cross-national, and comparative approach, one that is needed to understand the global processes through which human rights discourse has attained its contemporary status.

So far, studies adopting such an approach while using data that extend beyond the 1970s have been conducted by researchers from the tradition of neoinstitutionalist world society theory. Their findings point towards strong global-level influences behind the proliferation of human rights discourse.<sup>15</sup> For example, the appearance of human rights language in a national constitution strongly depends on the time of its writing (and thus on the contemporary status of human rights), while many regime-specific features, such as the level of democracy, gross domestic product, history of political violence, and volume of trade, do not seem to be significant factors in this regard.<sup>16</sup> Furthermore, prior to World War II, human rights language could be found in school textbooks from all over the world,<sup>17</sup> and during the Cold War, Western textbooks were not fundamentally different in this regard, containing on average slightly more human rights language than textbooks from other geographies.<sup>18</sup> Although such studies provide us with important insights regarding the historical prevalence of human rights discourse in two distinct national artefacts, as Beck and colleagues note,

<sup>10</sup>Jennifer Amos, ‘Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948–1958’ in Stefan-Ludwig Hoffmann (ed), *Human Rights in the Twentieth Century* (Cambridge University Press 2010).

<sup>11</sup>Benjamin Nathans, ‘The Disenchantment of Socialism: Soviet Dissidents, Human Rights, and the New Global Morality’ in Jan Eckel and Samuel Moyn (eds) *The Breakthrough: Human Rights in the 1970s* (University of Pennsylvania Press 2014).

<sup>12</sup>Afshari (n 6), 56.

<sup>13</sup>Lauren (n 7); Lynn Hunt, *Inventing Human Rights: A History*. (W.W. Norton & Company 2007).

<sup>14</sup>Ibhawoh (n 8); Andreas Eckert, ‘African Nationalists and Human Rights, 1940s–1970s’ in Stefan-Ludwig Hoffmann (ed), *Human Rights in the Twentieth Century* (Cambridge University Press 2010).

<sup>15</sup>Colin J. Beck, Gili S. Drori and John W. Meyer ‘World Influences on Human Rights Language in Constitutions: A Cross-National Study’ [2012] 27 *International Sociology* 483; Patricia Bromley and Julia Lerch, ‘Human Rights as Cultural Globalisation: The Rise of Human Rights in Textbooks, 1890–2013’ in Eckhardt Fuchs and Annekatrin Bock (eds) *The Palgrave Handbook of Textbook Studies* (Palgrave Macmillan 2018); Colin J. Beck and others, ‘Constitutions in World Society: A New Measure of Human Rights’ in Gregory Shaffer, Tom Ginsburg and Terence C. Halliday (eds) *Constitution-Making and Transnational Legal Order* (Cambridge University Press 2019)

<sup>16</sup>Beck, Drori and Meyer (n 15); Beck and others (n 15).

<sup>17</sup>With the exception of sub-Saharan Africa. This is probably due to lack of data, as only two books from the region preceding World War II were included in the dataset.

<sup>18</sup>Bromley and Lerch (n 15).

further research is needed on the mechanisms through which human rights discourse has diffused.<sup>19</sup>

In this paper I seek to analyse these mechanisms by investigating the use of human rights discourse in the International Labour Organization's (ILO) annual International Labour Conference (ILC) during the Cold War. At the time, the ILO and other international organizations functioned as arenas for contestations over different interpretations of human rights as well as forums in which 'a common global linguistic repertoire and moral discourse was forged'.<sup>20</sup> Attending to these debates can thus provide important insights about the processes through which human rights language reached its contemporary importance. Earlier studies of the use of human rights discourse in international organizations during the Cold War era focused on how human rights featured in specific debates at the United Nations (UN)<sup>21</sup> and the ILO,<sup>22</sup> which inevitably elevates certain statements, periods, voices, and events while overlooking others—leaving the question of how well human rights discourse in those specific debates represents human rights discourse in general, both in quality and quantity.

I analyse debates in a more comprehensive manner here by using a corpus of ILC debates between 1949 and 1989 as data. The objective is to compare, both quantitatively and qualitatively, the human rights discourses of representatives of governments, workers, employers, and international organizations across the globe in order to answer the following questions: 1. What kinds of difference exist between the actors from different ideological, cultural, and political backgrounds regarding the frequency and ways and contexts in which human rights were invoked? 2. How can the process through which human rights language spread during the Cold War at an international level best be theoretically explained? By providing answers to these questions, I contribute to the practical and theoretical understanding of the historical development and globalization of human rights.

The paper is organized as follows: First, the ways in which different theories explain the rise of the human rights discourse are briefly discussed. Then, the data and methods are described in more detail, after which the central findings of the analysis are presented. Finally, these findings are scrutinized in light of the theoretical approaches and earlier literature on human rights history.

## Theoretical explanations of the global proliferation of human rights discourse

Enacted in 1948, the Universal Declaration of Human Rights (UDHR) was envisioned by a multinational drafting committee that included members from Australia, the United Kingdom, Lebanon, Chile, China, France, the Soviet Union, and the United States. The work of the drafting committee was influenced by the Committee on the Theoretical Bases of Human Rights, created by the United Nations Educational, Scientific and

<sup>19</sup>Beck, Drori and Meyer (n 15).

<sup>20</sup>Daniel Roger Maul, 'The International Labour Organization and the Globalization of Human Rights, 1944–1970' in Stefan-Ludwig Hoffmann (ed), *Human Rights in the Twentieth Century* (Cambridge University Press 2010), 302.

<sup>21</sup>Roland Burke, *Decolonization and the Evolution of International Human Rights*. (University of Pennsylvania Press 2010).

<sup>22</sup>Daniel Roger Maul, *Human Rights, Development and Decolonization: The International Labour Organization, 1940–70*. (Palgrave MacMillan 2012).

Cultural Organization (UNESCO) and comprised of preeminent scholars aiming to find common ideals among the various cultural traditions of the world,<sup>23</sup> although there is disagreement to the extent of which the work of this committee actually affected the process of drafting the UDHR.<sup>24</sup>

When the UDHR was voted on in December of 1948, none of the fifty-eight voting countries voted against it; eight abstained and two failed to vote or abstain.<sup>25</sup> Out of the forty-eight countries that voted for the declaration, thirty-four were non-Western countries. Despite this international nature of the UDHR, as Kathryn Sikkink notes,<sup>26</sup> it is common for scholars discussing the global human rights regime to emphasize the centrality of Western or Northern actors in its development. Considering that mainstream international relations and macro-sociological theories, such as neorealism, neoliberalism, and world systems theory point in the same direction, this is hardly a surprise. Those theories tend to argue that the contemporary dominance of human rights is a result of a top-down process of powerful Western states transmitting their own ideologies to weaker states through coercion or enticement to advance their political interests.<sup>27</sup> They therefore explain the emergence and spread of human rights discourse primarily by the ‘from the West to the rest’ dynamic, with the details of how and why that process has taken place varying to some degree.

In contrast, neoinstitutionalist world society theory explains the diffusion of human rights and global social change in general through a shared world culture, defined as ‘a set of fundamental principles and models, mainly ontological and cognitive in character, defining the nature and purposes of social actors and action’.<sup>28</sup> Predominantly, actors are seen as conforming to world cultural pressures by enacting these principles and models passively, with innovation being rare.<sup>29</sup> In this tradition, human rights norms have been argued as constituting a sort of global ‘civil religion’,<sup>30</sup> which imbues individuals with specific rights towards their states. As states’ legitimacy is increasingly tied to their support for human rights, they often display this support ritualistically, for example by ratifying human rights treaties without genuine will or ability to apply the ratified treaties in practice.<sup>31</sup>

<sup>23</sup>UNESCO, ‘Human Rights: Comments and Interpretations. A Symposium, edited by UNESCO, with an introduction by Jacques Maritain’ (UNESCO 1948) <<https://unesdoc.unesco.org/ark:/48223/pf0000155042>> accessed 19 November 2022; Mary Ann Glendon, ‘Knowing the Universal Declaration of Human Rights’ [1998] 73 *Notre Dame Law Review* 1153; Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*. (University of California Press 2004).

<sup>24</sup>Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. (University of Pennsylvania Press 2000).

<sup>25</sup>The countries that abstained were Byelorussia, Czechoslovakia, Poland, Saudi Arabia, the Soviet Union, Ukraine, South Africa and Yugoslavia, while Honduras and Yemen failed to vote.

<sup>26</sup>Kathryn Sikkink, ‘Latin American Countries as Norm Protagonists of the Idea of International Human Rights’ [2014] 20 *Global Governance* 389.

<sup>27</sup>e.g., Andrew Moravcsik, ‘The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe’ [2000] 54 *International Organization* 217; Immanuel Wallerstein, *The Modern World-System II: Mercantilism and the Consolidation of the European World-Economy, 1600–1750, with a New Prologue*. (University of California Press 2011); David P. Forsythe, *Human Rights in International Relations*. (3rd edn, Cambridge University Press 2012); Tim Dunne and Marianne Hanson ‘Human Rights in International Relations’ in Michael Goodhart (ed), *Human Rights: Politics and Practice* (Oxford University Press 2013).

<sup>28</sup>John Boli and George M. Thomas ‘World Culture in the World Polity: A Century of International Non-Governmental Organization’ [1997] 62 *American Sociological Review* 171, 172.

<sup>29</sup>Frank J. Lechner and John Boli, *World Culture: Origins and Consequences*. (Blackwell 2005).

<sup>30</sup>Wade M. Cole, ‘A Civil Religion for World Society: The Direct and Diffuse Effects of Human Rights Treaties, 1981–2007’ [2012] 27 *Sociological Forum* 937.

Even though in general this world culture is seen as representing the values of the globally dominant societies—that is, liberal Western societies, especially the US—the theory also acknowledges the possibility of non-Western sources for world cultural models, such as Maoist China and Cuba as models for promoting radical social equality and Japan as a model for economic growth in the 1980s.<sup>32</sup> The adoption of these models by national governments causes isomorphism on a global level because they affect all countries, irrespective of their political, ideological, or cultural backgrounds.<sup>33</sup> Diffusion cannot be seen simply as a result of political power or the interests of the powerful states, as shown by the opposition of the US to many international human rights and environmental standards and agreements.<sup>34</sup> Instead, international organizations, especially nongovernmental ones, are seen as essential to the spread of world cultural models.<sup>35</sup>

Finally, shared world culture can also be approached from an epistemic governance perspective, which argues that creating either change or stability in a social system essentially depends on influencing and utilizing the way reality is perceived by others. To succeed in doing that, actors must inevitably make use of the values, understandings, and ideas that are shared among the target audience.<sup>36</sup> The epistemic governance approach therefore suggests that the primary aim of actors promoting different understandings, values, and ideas is not to transmit them to other actors ‘but, rather, to articulate fashionable ideas in the ways that best serve their own interests and aspirations’ and that these articulations ‘help to spread those ideas to ever-new areas and contexts’ only as a side effect.<sup>37</sup> As a result, this approach adopts a concept of synchronization instead of diffusion:

While the concept of diffusion considers the flow of information across borders as further expansion and permeation of a homogenous world culture to new regions or areas of social life, the concept of synchronization regards it as communication through which states and other actors adjust their moves to those of the others.<sup>38</sup>

Thus, instead of perceiving the spread of world culture as a top-down process in which its receivers play only a passive role, the epistemic governance approach considers it a two-way process in which shared understandings affect the ways in which actors try to

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<sup>31</sup>Emilie M. Hafner-Burton and Kiyoteru Tsutsui, ‘Human Rights in a Globalizing World: The Paradox of Empty Promises’ [2005] 110 *American Journal of Sociology* 1373; Emilie M. Hafner-Burton, Kiyoteru Tsutsui and John W. Meyer, ‘International Human Rights Law and the Politics of Legitimation’ [2008] 23 *International Sociology* 115; Wade M. Cole, ‘Human Rights as Myth and Ceremony? Reevaluating the Effectiveness of Human Rights Treaties, 1981–2007’ [2012] 117 *American Journal of Sociology* 1131.

<sup>32</sup>John W. Meyer and others, ‘World Society and the Nation-State’ [1997] 103 *American Journal of Sociology* 144; John W. Meyer, ‘The Nation as Babbitt: How Countries Conform’ [2004] 3 *Contexts* 42; John W. Meyer, ‘World Society, Institutional Theories, and the Actor’ [2010] 36 *Annual Review of Sociology* 1.

<sup>33</sup>Kiyoteru Tsutsui and Christine Min Wotipka, ‘Global Civil Society and the International Human Rights Movement: Citizen Participation in Human Rights International Nongovernmental Organizations’ [2004] 83 *Social Forces* 587.

<sup>34</sup>Meyer, ‘The Nation as Babbitt’ (n 32).

<sup>35</sup>John Boli and George M. Thomas, ‘INGOs and the Organization of World Culture’ in John Boli and George M. Thomas (eds), *Constructing World Culture: International Nongovernmental Organizations since 1875* (Stanford University Press 1999).

<sup>36</sup>Pertti Alasuutari and Ali Qadir, ‘Epistemic Governance: An Approach to the Politics of Policy-Making’ [2014] 1 *European Journal of Cultural and Political Sociology* 67; Pertti Alasuutari and Ali Qadir, *Epistemic Governance: Social Change in the Modern World* (Palgrave MacMillan 2019).

<sup>37</sup>Pertti Alasuutari, Marjaana Rautalin and Jukka Syväterä, ‘Organisations as Epistemic Capital: The Case of Independent Children’s Rights Institutions’ [2016] 29 *International Journal of Politics, Culture, and Society* 57, 60.

<sup>38</sup>Pertti Alasuutari, *The Synchronization of National Policies*. (Routledge 2016) 13.

influence others. In doing so, these actors also affect shared understandings by strengthening certain ideas and views while weakening others, for example, or by making new connections between shared norms, ideas, and principles which might then become influential in their own right. This approach comes close to what Finnemore and Sikkink call ‘strategic social construction’,<sup>39</sup> defined as a process ‘in which actors strategize rationally to reconfigure preferences, identities, or social context’.

## Data and methods

To examine the historical proliferation of human rights discourse, I focus on the debates concerning the annual report of the ILO’s director-general,<sup>40</sup> held annually during the ILC. While the ILO is nowadays rarely seen as a human rights organization, during the Cold War period it was important for the development and advancement of universal human rights.

The ILO was created back in 1919, and its early work was founded primarily on the concept of social justice rather than universal rights. This changed with the drafting of the Declaration of Philadelphia in 1944, which redefined the organization’s aims and purposes for the post-Second World War era and in the process defined individual rights as one of its central principles. The Declaration echoed Western wartime proclamations such as US President Franklin D. Roosevelt’s Four Freedoms speech and the Atlantic Charter.<sup>41</sup> Consequently, after the Second World War, the organization started to frame many issues on its agenda, such as freedom of association, discrimination in employment, forced labour, and equal remuneration, as human rights questions.<sup>42</sup> It created multiple binding instruments in order to transform ‘the principles of the Declaration of Philadelphia into human rights norms that were binding under international law’.<sup>43</sup> In the annual reports of the ILO director-general, the turn towards human rights is visible especially from the late 1950s, when ILO activities came to be increasingly discussed in relation to these rights.

Many of the ILO’s human rights issues were subject to intense political contestation connected to the ideological East-West conflict of the Cold War and/or struggles for decolonization within the organization.<sup>44</sup> The ILO’s tripartite structure made coalition-building within the organization across ideological and political divides

<sup>39</sup>Martha Finnemore and Kathryn Sikkink, ‘International Norm Dynamics and Political Change’ [1998] 52 *International Organization* 887, 888.

<sup>40</sup>Renamed the ‘Reports of the Governing Body and the Director-General’ from 1978 onwards. Although these debates officially were related to the annual report of the director-general, in practice, the delegates taking part were free to discuss wide range of issues important to them.

<sup>41</sup>Maul (n 20).

<sup>42</sup>Daniel Roger Maul, ‘The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present’ [2007] 48 *Labor History* 477; Daniel Roger Maul, *Human Rights, Development and Decolonization: The International Labour Organization, 1940-70*. (Palgrave MacMillan 2012); Silke Neunsinger, ‘The Unobtainable Magic of Numbers: Equal Remuneration, the ILO and the International Trade Union Movement 1950s–1980s’ in Eileen Boris, Dorothea Hoehtker and Susan Zimmerman (eds), *Women’s ILO: Transnational Networks, Global Labour Standards, and Gender Equity, 1919 to Present* (Brill 2018).

<sup>43</sup>Maul, *Human Rights, Development and Decolonization*. (n 42), 189.

<sup>44</sup>Richard A. Melanson, ‘Human Rights and the American Withdrawal from the ILO’ [1979] 1 *Universal Human Rights* 43; Maul (n 20); Maul, *Human Rights, Development and Decolonization* (n 42); Sandrine Kott, ‘The Forced Labour Issue between Human and Social Rights, 1947–1957’ [2012] 3 *Humanity. An International Journal of Human Rights, Humanitarianism, and Development* 321; Eileen Boris, Dorothea Hoehtker and Susan Zimmerman (eds), *Women’s ILO: Transnational Networks, Global Labour Standards and Gender Equity, 1919 to Present*. (Brill 2018).



comparatively easy, however, and its human rights debates of the post-1945 era were less dictated by those conflicts than those within strictly intergovernmental organizations such as the UN.<sup>45</sup> For example, in order to make human rights norms binding, the UN was forced to create two distinct covenants—one for civil and political rights and another for economic and social rights—while the ILO managed to deal with both sets of rights without making such divisions between them.<sup>46</sup>

Due to the tripartism in the ILO, each member country is represented by two envoys representing the state, one envoy representing the workers' associations, and one representing the employers' associations. Each of the envoys enjoys equal voting and speaking rights in the political bodies of the organization, making the ILO a unique international organization in that it incorporates both governmental and nongovernmental actors in its decision-making.<sup>47</sup> In addition, several international organizations attend its annual conference as observers and participate in the debates without voting rights. As data, the ILC debates thus give us a broader and less politically restricted view of the use of human rights discourse throughout the world than strictly intergovernmental debates, such as the UN General Debate.

I collected the speeches concerning the report of the director-general from the 'Records of Proceedings' of the ILC between 1949 and 1989, readily available on the ILO's website.<sup>48</sup> The years 1968 and 1988 are excluded from this analysis because, as the twentieth and fortieth anniversaries of the UDHR, they include a large number of references to human rights and would hence skew the results. The year 1976 is also removed because no discussion was held about the report of the director-general. In total, the text corpus has 7786 speeches and consists of a little over 12 million words, with the yearly wordcounts ranging from about 156,000 (1949) to about 470,000 (1987). The speeches were categorized into four subcorpora based on the entity represented by the speaker: the West (approx. 2.5 million words),<sup>49</sup> the Eastern bloc (approx. 1.65 million words),<sup>50</sup> the Asian, African, Caribbean, Latin American, and Pacific countries (the AACLAP; approx. seven million words),<sup>51</sup> and international organizations (approx. 0.94 million words).<sup>52</sup>

The ILO membership changed drastically during the time period under scrutiny and consequently so did the relative weight of these subcorpora of the whole data. The West

<sup>45</sup>Maul (n 20).

<sup>46</sup>Daniel J. Whelan and Jack Donnelly, 'The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight' [2007] 29 *Human Rights Quarterly* 908; Maul, *Human Rights, Development and Decolonization* (n 42).

<sup>47</sup>Maul (n 20); Maul, *Human Rights, Development and Decolonization* (n 42); Janelle M. Diller, 'Social Justice, Rights, and Labour' in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law*. (Oxford University Press 2013).

<sup>48</sup>ILO, 'Key ILO documents' <<https://www.ilo.org/century/keydocuments/lang--en/index.htm>> accessed 15 July 2019.

<sup>49</sup>Includes the speeches of delegates representing the governments and worker or employer organizations from the US, Canada, Australia, New Zealand, and all European countries not part of the Warsaw Pact, excluding Yugoslavia and Albania.

<sup>50</sup>Includes speeches of delegates from all Warsaw Pact countries, plus Mongolia and Albania.

<sup>51</sup>Includes speeches of the delegates from all Asian, African, Caribbean, Latin-American, and Pacific countries, excluding Mongolia, Australia, and New Zealand.

<sup>52</sup>Includes all the speeches from the delegates representing various international organizations. Most of these organizations are nongovernmental trade union organizations (e.g., World Federation of Trade Unions, International Confederation of Free Trade Unions, etc.), but many kinds of international organisations such as international governmental organisations (e.g., European Economic Community, Organisation of African Unity), nongovernmental employer's organisations (e.g., International Organisation of Employers, International Council of Commerce Employers) and nongovernmental advocacy organisations (e.g., Women's International League for Peace and Freedom, International Movement ATD Fourth World) are represented in the data.

was relatively fixed, with only a handful of Western countries joining the organization during the 40-year period. The same goes for the Eastern bloc after the mid-1950s, when the number of Warsaw Pact countries doubled from four to eight in the ILO. The membership of AACLAP countries grew substantially, however, especially due to decolonization. Thirty-three ILO member countries belonged to this group in 1949, but by 1989 the number of AACLAP countries had multiplied to 112. In addition, the number of international organizations giving speeches in the ILC grew drastically. During the first years of the data, the number of international organizations taking part in the debates fluctuated between one and five, whereas in the late 1980s around 30 organizations did so annually.

My analysis is based on a mixture of quantitative and qualitative analyses. The aim was to first compare the appearance of the phrase ‘human right(s)’ in the speeches of the delegates in these four different categories by utilizing a corpus-based word-frequency analysis. Because the amount and length of these speeches vary temporally and between the aforementioned categories, the frequency of human right(s) invocations is reported as a relative frequency (per 1000 words) rather than as raw frequency to make the findings comparable. Second, a collocation analysis was conducted to examine how the linguistic context in which the phrase was invoked differed between the subcorpora on a general level. This analysis shows the words that appeared most frequently together with ‘human right(s)’ within a 10-word radius.<sup>53</sup> In the word-frequency and collocation analyses, I used a computer programme called AntConc.<sup>54</sup> Third, all the human right(s) invocations in the data are examined in more detail, analysing the differences and similarities between the subcorpora regarding the ways and contexts in which the phrase was invoked. Attention is paid especially to the following features: Are human rights invoked to discuss a specific issue, conflict, or instance of rights violation? In addition, is a specific right or category of rights emphasized, or are human rights discussed as a whole? The aim is to provide a compact analysis of the similarities and differences in human rights discourse<sup>55</sup> among the delegates from different ideological, political, and cultural backgrounds, with the additional aim of showcasing the wide variety of different discursive contexts and ways in which human rights was invoked.

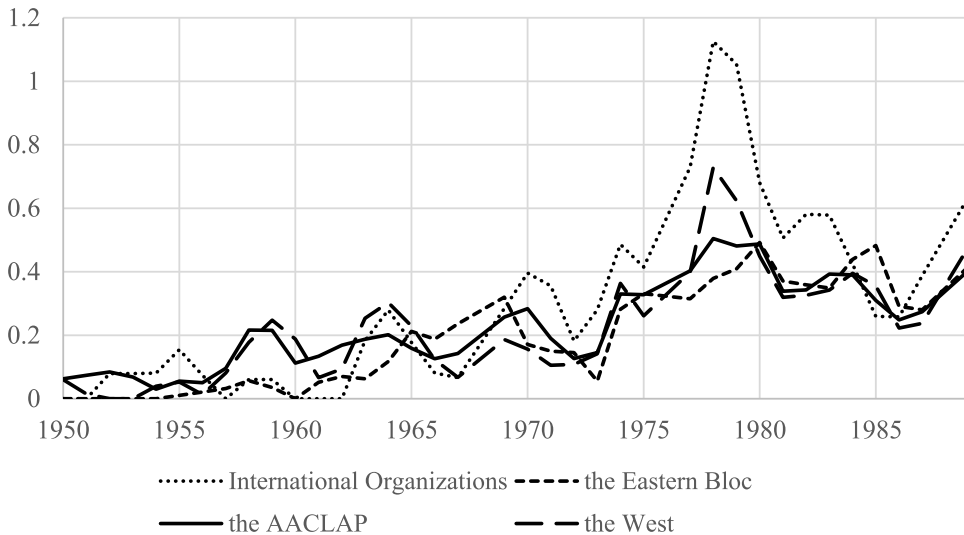
## Results

In general, a comparison of the first (0.086 per 1000 words) and the last decade (0.366 per 1000 words) shows that during the Cold War the number of human rights invocations quadrupled. These invocations were relatively evenly distributed between the country groups. Altogether, the speeches of Eastern bloc delegates contained the least human rights invocations (0.201 per 1000 words), followed by Western speeches (0.226 per 1000 words). The speeches held by delegates representing governments and civil society organizations from the AACLAP countries included the most human rights

<sup>53</sup>When displaying the results of the collocation analysis ‘stop words’, i.e. words with little or no meaning by themselves (for example determiners), were removed.

<sup>54</sup>Laurence Anthony, ‘AntConc’ (ver 3.5.8, 18 February 2019). <<https://www.laurenceanthony.net/software/antconc/releases/AntConc358/>> accessed 16 November 2023.

<sup>55</sup>While the term ‘discourse’ has many meanings in social sciences, here ‘human rights discourse’ and ‘human rights language’ are used synonymously to refer simply to written communication about human rights.



**Figure 1.** Temporal invocations of the term ‘human right(s)’ (per 1000 words / two year moving average).

references (0.254 per 1000 words). However, the international organizations corpus included more human rights invocations than any of the country-level corpora by a rather large margin (0.425 per 1000 words).

In addition to the fact that the differences are relatively small among the country-level delegates, as can be observed (Figure 1), they also seem to follow a similar trend in general but with a couple of notable differences. First, the delegates from the Eastern bloc countries refrained from using the phrase until 1955 and remained quite reluctant to do so up until the 1960s. Second, while in the 1970s the quantity of human rights discourse clearly grew in all subcorpora, the growth was especially strong in the speeches given by Western delegates. This enthusiasm proved to be short-lived, however, and as the 1980s rolled in the rates at which the term ‘human rights’ was invoked by different delegates became increasingly similar again. Consequently, while the 1970s seems to have been a moment of heightened human rights enthusiasm for Western and international organization delegates, the results suggest that it was not the moment of global ‘breakthrough’ for human rights.<sup>56</sup>

The fact that delegates across cultural, ideological, and political divides invoked human rights in the ILC at very similar rates throughout the time period suggests that deciding to do so did not stem from these divides, but is better explained by a shared cultural environment, in which human rights was increasingly seen as an important idea. This finding is further reinforced by the fact that even though dozens of newly independent states joined the ILO during the Cold War following the decolonization process, this development is hardly visible in the rates at which AACLAP delegates invoked human rights. In terms of the quantity of human rights discourse, it seems that delegates from the newly independent states adapted to existing cultural conventions.

<sup>56</sup>Moy (n 6).

As can be seen in [Figure 1](#), the rates at which delegates representing international organizations invoked human rights were somewhat similar to that of country-level delegates during the first two decades of the Cold War. Then, starting in the late 1960s, they increasingly used human rights discourse in their speeches; this growth culminated in the late 1970s, during which they invoked human rights at almost twice the rate of country-level delegates. There were, however, huge differences between different organizations' volume of invocations. In order to analyse these differences, the speeches were divided into four categories based on type (governmental or nongovernmental) and geographical/cultural domain of the organization represented by the speaker. Geographical or cultural comparisons between international organizations are problematic because most do not define themselves in those terms, even though geographical emphasis or origins could be reasonably argued for. A case in point is the International Confederation of Trade Unions (ICFTU), which was initially a Western organization, but during the early Cold War period started concerted efforts to globalize its activities.<sup>57</sup> For this analysis, however, it is possible to compare the speeches of organizations from the ACLAP region—because they clearly define themselves as such—to the speeches from the rest of the international organizations, most of which proclaim their universality but could be argued as having their emphasis mostly in the West and some in the Eastern bloc.

[Table 1](#) shows the fascinating results of this analysis. The delegates representing international nongovernmental organizations (INGOs) invoked human right(s) markedly more often than delegates of international governmental organizations (IGOs). This picture becomes more complex when temporal and geographic dimensions are examined. Throughout the period, INGO delegates from ACLAP regions outperformed other INGO delegates when it came to the use of human rights discourse in their speeches, as did the representatives of ACLAP IGOs when compared with other IGOs. These differences were especially pronounced during the 1960s when ACLAP-based organizations increasingly participated in ILC debates, but diminished to some extent during the following decades, especially between the speeches of INGO delegates. Interestingly, IGOs not from ACLAP regions remained relatively indifferent towards utilizing human rights discourse throughout the period. These results clearly show that much like their country-level colleagues, delegates representing international organizations from ACLAP regions were actively using human rights discourse in their speeches, often more so than their peers from the Western or Eastern blocs.

Collocation analysis ([Table 2](#)) reveals that the linguistic context in which the term was used was generally quite similar across the subcorpora. Over half of the top 20 words to appear together with 'human right(s)' were shared between all, and over 80 percent between at least three subcorpora. Nevertheless, looking at the top collocates some clear differences are also visible. For example, Western delegates were most keen to discuss human rights standards in their speeches, while Eastern bloc delegates tended to emphasize the importance of the right to work as a human right more than other delegates. In the ACLAP corpus, social justice was more often discussed together with human rights when compared with other corpora. As can be deduced from the table, references to the UDHR were common in all corpora, and overall these references

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<sup>57</sup>Anthony Carew, 'Towards a Free Trade Union Centre: The International Confederation of Free Trade Unions' in Marcel van der Linden (ed), *The International Confederation of Free Trade Unions*. (Peter Lang 2000).

**Table 1.** Number of human rights invocations in the speeches of delegates representing international organizations per 1000 words. Size of the corpus (number of words) in parentheses.

	Regional AACLAP INGOS	Other INGOS	Regional AACLAP INGOS	Other INGOS
1949-1959	0 (1088)	0,09 (44259)	0 (476)	0 (12197)
1960-1969	0,58 (15430)	0,19 (129707)	0,32 (15687)	0,03 (33097)
1970-1979	0,96 (48916)	0,57 (168827)	0,46 (25902)	0,05 (60088)
1980-1989	0,60 (56303)	0,46 (246348)	0,31 (28648)	0,07 (44033)
Total	0,74 (121737)	0,40 (589141)	0,37 (70713)	0,05 (149415)

**Table 2.** Top 20 collocates of 'human right(s)' in different subcorpora (10-word radius).

The West		The Eastern Bloc		The AACLAP		International organizations	
Collocate	Freq.	Collocate	Freq.	Collocate	Freq.	Collocate	Freq.
1. rights	573	1. rights	308	1. rights	1898	1. rights	402
2. ilo	81	2. right	56	2. freedom	222	2. freedom	56
3. basic	66	3. basic	56	3. social	196	3. trade	53
4. freedom	65	4. work	45	4. international	180	4. union	50
5. fundamental	61	5. declaration	31	5. fundamental	179	5. ilo	48
6. labour	58	6. freedoms	27	6. respect	178	6. international	44
7. respect	47	7. social	26	7. labour	168	7. workers	42
8. standards	45	8. ilo	26	8. ilo	166	8. social	38
9. human	42	9. fundamental	25	9. basic	164	9. basic	38
10. social	39	10. countries	25	10. human	150	10. declaration	37
11. international	39	11. international	24	11. declaration	126	11. universal	35
12. conventions	38	12. universal	23	12. world	114	12. respect	35
13. world	37	13. union	23	13. workers	108	13. association	32
14. trade	37	14. trade	23	14. trade	107	14. fundamental	31
15. freedoms	36	15. human	21	15. universal	102	15. human	26
16. field	36	16. nations	20	16. violation	101	16. labour	23
17. declaration	36	17. united	19	17. freedoms	101	17. general	23
18. universal	33	18. one	17	18. justice	96	18. economic	22
19. union	33	19. economic	16	19. union	95	19. standards	21
20. association	33	20. world	15	20. nations	92	20. nations	21

made about 6 percent of all human rights invocations. In comparison, however, the Declaration of Philadelphia was seldomly invoked in close relation to human rights.<sup>58</sup>

While this quantitative and cursory look clearly indicates that the proliferation of human rights discourse in ILC debates was a world-cultural, rather than a Western-led process, it doesn't tell us much about the ways and contexts in which human rights were invoked by different actors. These will be analysed in more detail next.

### **The Eastern bloc**

Anticolonialism was one of the early themes of the Eastern bloc's human rights rhetoric, but it was rarely connected to the right to self-determination of the peoples under colonial rule.<sup>59</sup> Instead, colonialism and human rights were connected, for example, by

<sup>58</sup>The Declaration of Philadelphia was referred to 877 times in the data, but only in 32 cases was it mentioned within 10 words of human right(s).

<sup>59</sup>Generally speaking, the phrase 'self-determination' was very rarely invoked in the Eastern bloc speeches: only 14 cases could be found in the data (compared with 328 invocations of 'human right(s)'). However, since the late 1970s the Eastern bloc delegates occasionally complained that human rights were being used to intervene in states' internal matters.

highlighting the human rights violations of colonial regimes, criticizing the ‘colonial clause’<sup>60</sup> of the ILO’s constitution, or by making the connection between racial discrimination and colonialism. Discrimination on other bases, such as sex, disablement, age, class, property, language, or religion, was also sporadically discussed as human rights issues from the late 1950s onwards. Consider, for example, the rather broad condemnation of discrimination proclaimed by Vilém Pithart, government delegate of Czechoslovakia in 1965:

In addition the I.L.O. must contribute to securing the other basic rights of man that have been solemnly proclaimed in the Universal Declaration of Human Rights and fight against every type of discrimination on grounds of race, colour, sex, language, religion, political or other convictions, national or social origin, in whatever sector of life or work these symptoms of discrimination may appear.

Starting from the mid-1960s, colonialism was also connected to the growing use of human rights to criticize South African apartheid and the policies of Rhodesia by Eastern bloc delegates. Racial discrimination was central to this criticism, but it was also coupled with other human rights topics such as use of forced labour, Indigenous rights, use of terror, and international peace. During the late 1960s and early 1970s, international conflicts in Indochina (especially the Vietnam War) and the Middle East started to generate criticism that invoked human rights. These conflicts were often portrayed as neocolonialism or imperialism perpetrated by the US and its allies. Developments in the Middle East then led to prolonged criticism of Israeli policies for a number of human rights violations in the occupied Palestinian territories, such as racial discrimination, infringement of trade union rights, and the right to self-determination of the Palestinian people. In the mid-1970s, the Chilean coup and policies of the Augusto Pinochet dictatorship became a major human rights issue in the Eastern bloc speeches, with a variety of topics, such as terror, violence, torture, and infringement of trade union rights, discussed as human rights violations. Human rights violations in other conflicts, for example, the Dominican Civil War in 1965, the Contra War in Nicaragua, and the Salvadorian Civil War during the 1980s, were also occasionally brought up. From the late 1970s, disarmament came to be connected to international peace and security and to human rights, especially the right to life.

Occasionally, the ideological nature of human rights was discussed. For example, the socialist system was seen as being well matched with human rights, while capitalism was said to be noncompatible with them. In addition, in the mid-1980s, some Eastern bloc delegates started to argue that the activities of the ILO were steered by the bourgeoisie’s interpretations of human rights. This argument was, for instance, made by Wolfgang Beyreuther, representative of the government of East Germany, in 1984:

A universal organisation such as the ILO cannot operate as the sole representative of bourgeois concepts of human rights. Only the concept of human rights which has been democratically developed in the United Nations, can serve as a yardstick for successful co-operation between States and the ILO as well.

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<sup>60</sup>See, e.g., Daniel Roger Maul, Luca Puddu and Hakeem Ibikunle Tijani, ‘The International Labour Organization’ in Stefano Bellucci and Andreas Eckert (eds), *General Labour History of Africa: Workers, Employers and Governments, 20th-21st Centuries*. (Boydell & Brewer 2019).

Economic and social rights had only a small role in human rights discourse of the Eastern bloc delegates' speeches in the 1950s, but in the following decades the role of these rights grew substantially. A particular reason for this was the growing importance of the right to work, which came to be discussed as a human rights matter by Eastern bloc delegates during the early 1960s. After the right to work was again recognized as a human right in the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>61</sup> it became the prevalent human rights topic for these delegates, overshadowing all other human rights matters. By invoking the right to work, Eastern bloc delegates also highlighted the problem of unemployment in capitalist countries and criticized the ILO for not paying adequate attention to this specific right, often while celebrating the absence of unemployment in their own countries. In addition, other economic and social human rights themes, such as education, pensions, leisure, and social security, were occasionally discussed as human rights, but none of them became very prominent on their own. In a single case in 1981, the government delegate of the Soviet Union, Leonid Kostine, portrayed social and economic rights as distinct from human rights, lamenting the primacy of the latter:

With reference to ILO activities, I have to say that in the last few years in its documents and in its practice more attention has been given to the rights of the workers and their mass organisations. However, in considering these problems, questions relating to basic rights of the workers, such as the right of each worker to employment, to health, to housing, to material assistance in old age, to the right to live without fear, to be confident in what tomorrow will bring, to make use of the fruits of his labour and to enjoy the national wealth independently of sex, race, social origin, age, creed and other distinguishing factors, are frequently pushed into the background and excessive importance is given to problems—which are sometimes imaginary—of 'human rights'.

Minor human rights themes in Soviet bloc speeches also included the rights of young people and freedom of movement, along with various trade union and workers' rights, for example freedom of association, the right to organize, and the right to collective bargaining.

On the whole, the human rights discourse of Eastern bloc delegates can be described as highly instrumental. Human rights were often invoked to emphasize specific rights, to praise socialist countries and ideology, to criticize capitalism and the shortcomings of capitalist countries, or to lament the human rights violations taking place in various conflicts, which were often blamed on the (neo)colonialist/imperialist actions of the capitalist West. In addition, as discussed in detail in the following sections, the Eastern bloc human rights discourse contained notably less ritualistic human rights discourse than the other two country groups. The utilization of human rights discourse for political purposes was frequent in the other corpora as well, but the level of instrumentality of human rights discourse differentiated the Eastern bloc speeches from the speeches held by delegates representing the other country groups.

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<sup>61</sup>The right to work was already recognized as a human right in the Article 23 of the UDHR.

## The West

The West's use of human rights differed from the speeches of Eastern bloc delegates, but there were some similarities. A clear difference between Eastern and Western human rights discourse can be seen in the theme of freedom of association. This idea was not widely associated with human rights by Eastern bloc delegates (although it was not entirely absent either), but for Western delegates it was a central human rights theme throughout the Cold War. What made it so prominent was the fact that it could be accepted as an important principle by a wide range of delegates from different political and ideological stances; this was because it could be used to argue for freedom of trade unions and against compulsory union membership or political systems in which freedom of trade unions was restricted.

It is thus no surprise that freedom of association was also crucial to Western anti-communist human rights discourse. Although mostly concentrated on the speeches of US delegates, this discourse appeared occasionally in the speeches of employer delegates from other Western countries as well. Having its heyday in the late 1950s and 1960s, only sporadic cases of anti-communist human rights discourse could be found in the data after Cold War tensions started to reduce in the late 1960s.<sup>62</sup> In addition to freedom of association, a number of different human rights issues, for example, the use of forced labour, the right to vote, freedom of speech, and wrongful imprisonment, were circulated in this discourse. In a couple of instances, the US worker delegate also criticized the Soviet Union's treatment of its Jewish minority as a human rights violation.

Colonialism, on the other hand, was very rarely discussed as a human rights issue by Western delegates. In 1960, the Belgian government delegate, René Pêtre, even celebrated the actions of his country in applying international labour conventions in its African territories to ensuring the fundamental human rights of its colonial workers:

Among the African territories the Belgian Congo and Ruanda-Urundi have undergone to date an exceptional development from the economic and social point of view, and as regards in particular the labour law and social security, the workers of these countries are perhaps better off than most of the countries of Africa. On the other hand, Belgium has applied to them all the international labour Conventions which are regarded as guaranteeing fundamental human rights and as constituting the indispensable basis for social legislation.

Although the US worker delegate started criticizing apartheid as a human rights violation in 1963, antiapartheid human rights discourse started gaining wider ground among Western delegates a decade later. Racial discrimination played a prominent part in this discourse, but racial equality was generally not framed as a human rights matter by Western delegates as often as by delegates from the other country groups. In a couple of instances, however, racial inequality was discussed as a domestic human rights problem by US delegates in the late 1950s and early 1960s. This kind of self-critical human rights discourse was rare in the data overall. During the last two decades of the Cold War, human rights was used to condemn Latin American and European dictatorships, especially by South European worker delegates. Sometimes human rights discourse

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<sup>62</sup>Michael Cox, 'From the Truman Doctrine to the Second Superpower Detente: The Rise and Fall of the Cold War' [1990] 27 *Journal of Peace Research* 25; Jussi M. Hanhimäki, *The Rise and Fall of Détente: American Foreign Policy and the Transformation of the Cold War*. (Potomac Books 2013).



was also used to criticize the situations in other places, for example Czechoslovakia, Poland, Palestine, Afghanistan, China, and Tunisia.

While many issues discussed above, such as increased antiapartheid sentiment, growing support for gender equality, criticism of the Latin American dictatorships, and so on, contributed to the high frequency of human rights discourse during the late 1970s in the speeches of Western delegates, national issues played a key role in this fervour. For example, the Spanish and Portuguese delegates utilized human rights discourse extensively to distance themselves from the recently toppled dictatorial regimes, US delegates referred to the new human rights emphasis of the foreign policy of the Jimmy Carter administration, and the government delegates of New Zealand celebrated the creation of national human rights commission, New Zealand being one of the first countries to set up such an institution.<sup>63</sup>

The nature of human rights was occasionally reflected on by Western delegates, for example, by discussing their universality and indivisibility, pondering whether they are understood similarly in different places around the world, emphasizing the connection between these rights and a liberal economic system, and arguing that although some international standards should be more flexible, this flexibility should not apply to human rights standards. The flexibility of human rights standards was also brought up in a couple of speeches in the AACLAP corpus and once in the Eastern bloc corpus. In none of these cases was flexibility supported. Western human rights invocations also included a large number of other themes, some of which only appear once or twice in the data. These included, but were not limited to, the right to work, poverty, the rights of migrant workers, the right to salary religious freedom, the rights of people with disabilities, gender equality, discrimination, the right to individual petition, freedom from forced labour, the right to collective bargaining, the right to strike, and so on.

The most common way of invoking human rights by Western delegates was to make generic ritualistic remarks on their importance, however. By ritualistic, I mean human rights invocations in which the idea of human rights is celebrated or defended without mentioning any specific issue or right. As an example of ritualistic discourse, consider the following extract from the speech held by Walter Monckton, representing the UK government, in 1954:

Thirty-five years ago this Organisation was founded in faith by men of vision. That year of 1919 may well, I feel, come to be regarded as the beginning of an era when men strove as never before for the establishment of justice and the acceptance of human rights and freedom.

As in this extract, ritualistic human rights invocations were very often coupled with an emphasis on the role of the ILO in securing them, for example, through standard setting, technical cooperation, and supervision.

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<sup>63</sup>Anna-Elina Pohjolainen, *The Evolution of National Human Rights Institutions: The Role of the United Nations*. (The Danish Institute for Human Rights 2006); Jeong-Woo Koo and Francisco O. Ramirez, 'National Incorporation of Global Human Rights: Worldwide Expansion of National Human Rights Institutions, 1966-2004' [2009] 87 *Social Forces* 1321.

### *Asian, African, Caribbean, Latin American, and Pacific countries*

Ritualistic invocations were also the most common way of invoking human rights by the delegates from AACLAP countries, but the emphases were somewhat different. For these delegates, the importance of narrating the commitment of the represented country or organization to human rights ideals and agreements was greater than for their Western counterparts. One common way of doing this was to announce the human-rights-related ILO conventions that the country in question had ratified, as done by A.M. Malik, government delegate of Pakistan, in 1952:

Lastly I have great pleasure in announcing that my Government has now ratified a few more Conventions, the most important being the Convention concerning the application of the principles of the right to organise and to bargain collectively. By ratifying this Convention and the previous one concerning freedom of association and protection of the right to organise, we have given convincing proof of our desire not to lag behind the progressive nations of the world but to grant this fundamental human right to the citizens of the State, who, crippled through the dark ages of their political servitude and economic decadence, have a burning desire to rise to their full stature.

During the first decade after the drafting of the UDHR, racial discrimination became a prominent human rights theme among delegates from AACLAP countries, and featured extensively in the three key human rights issues for these delegates: apartheid, (neo)colonialism, and the Israeli-Palestine conflict. Antiapartheid human rights discourse gained strength from the early 1960s onwards, although Liberian government delegate Kolli S. Tamba referred to the policies adopted in the Union of South Africa as human rights violations as early as 1952:

We read of the arrest and imprisonment in South Africa of trade union leaders, we read about the enactment of discriminatory legislation because of racial reasons only—all in utter violation of the Declaration of Human Rights and the Constitution of this Organisation.

Although most antiapartheid human rights invocations came from African delegates, this criticism was geographically more widespread than the other two themes. For example, in 1963 delegates from Ceylon, Ecuador, and Venezuela invoked human rights to condemn the policies of South Africa, and were joined by delegates from Trinidad and Tobago and the Republic of China in 1964 and Cuba and India in 1965. As discussed above, this discourse also spread to the Western and Eastern bloc speeches. In comparison, criticism of (neo)colonialism and Israel-Palestine conflicts as human rights issues were geographically more constricted, with the former mostly in African delegates' speeches and the latter in the speeches of North African and Middle Eastern delegates.

Even though criticism of (neo)colonialism as a human rights issue was mostly a 1960s and 1970s phenomenon, human rights invocations criticizing the situation in Israel-Palestine started appearing in the late 1960s and, like the antiapartheid discourse, stayed on the human rights agenda until the end of the Cold War. These three themes were occasionally discussed together and with other international conflicts as well, such as the situation in Rhodesia and the Second Indochina War. In addition to demands for racial equality, these conflicts were also criticized for a wide variety of other human rights violations, such as forced resettlement, mass deportations, violence, and torture; there were also calls for freedom of expression, freedom of association, and

the right to self-determination, to name a few. The Chilean coup and the Pinochet regime were also sporadically criticized using human rights language during the 1970s and early 1980s, but this discourse was surprisingly scarce when compared with the other country groups.

Before these campaigns, however, delegates from the Republic of China utilized human rights language extensively and consistently during the 1950s in criticizing the situation in mainland China and the actions of its Communist government. For example, lack of freedom of association, forced labour practices, mass arrests, and executions were criticized as human rights violations. This discourse failed to spread to the speeches of delegates from other countries, and thus disappeared in the early 1960s. Interestingly, delegates from the People's Republic of China, which gained the seat of China in the ILO in the early 1980s, seem to have refrained from using the phrase at all in the data.

Being the largest country group and including delegates from a wide variety of cultural, political, and ideological backgrounds, these speeches include a vast amount of smaller human rights themes too numerous to be discussed here in detail. These include, for example, the Malayan worker delegate criticizing its own government for national security laws in 1963, the Uruguayan worker delegate questioning the disappearance of a Venezuelan trade union activist in 1956, the Japanese worker delegate speaking for equal pay for women in 1967, the Brazilian government delegate arguing for freedom of movement, trade, and ownership in 1950, the Gabonese government delegate promoting equality of men and women in the workplace in 1985, the Algerian worker delegate defending the rights of migrant workers in France in 1979, the Cuban government delegate criticizing the pace at which racial equality of opportunity has developed in Cuba in 1958, and a variety of delegates decrying the actions and policies of previous governments.

On the other hand, outright criticism of human rights was almost non-existent, although one example can be found in a speech given by the Iranian worker delegate, Mohamad Taqi Abol Hassani, in 1984:

The Director-General in his Report states that 'By its Constitution the ILO is committed to seeking the realisation of certain normative objectives, with a view to ensuring that all human beings, irrespective of race, creed or sex, are able to pursue their material well-being and their spiritual development in conditions of freedom, dignity, economic security and equality'. Is the system ruling the world today truly able to realise these goals? Can mankind regain its humanity and attain spiritual progress without divine values? Can the system of capitalism, which enslaves human beings through usury, hoarding and monopolism under the banner of human rights, liberation and so called democracy, elevate human beings?

It seems that criticizing human rights in the international political sphere is rare, and the option is to just not talk about them. Thus, self-determination was not the only—or even the most predominant—human rights issue to be invoked by delegates from AACLAP countries. In their speeches, 'human right(s)' was invoked in total more than 1,750 times, whereas self-determination was invoked over five times less, approximately 330 times. In less than a quarter of the cases in which self-determination was invoked, it was connected to human rights. Self-determination was certainly a part of AACLAP

delegates' human rights discourse, but it was far from the only human rights concern they invoked.

### **International organizations**

A detailed analysis of human rights invocations of international organization delegates offers hardly any surprises compared with the human rights invocations of country-level delegates. The larger themes consist of criticism of South African apartheid, the situation in Israel-Palestine, the Latin American dictatorships, calls for freedom of association, racial equality, freedom of expression, the abolition of forced labour, and the right to work. Smaller themes were quite diverse, including, for example, the right to literacy, the right to life, religious freedom, gender equality, and criticisms of poverty, global inequality, torture, child labour, and so on. As an example, consider the way in which the representative of the Confederation of Arab Trade Unions, Assaad Rageh, described the problems faced by trade unions in 1964:

The I.L.O. is fully aware that certain governments look upon the activities of trade unions with great suspicion, lest they should turn against them, so they create all sorts of difficulties for trade unions and trade union leaders, dismissing them from their jobs or sending them to prison for no valid reason.

Other governments help to organise fake trade unions in an attempt to implement a policy of 'divide and rule'. Under such conditions the best intentions of the I.L.O. for the protection of human rights or the promotion of social progress cannot be expected to bear the fruits which people are entitled to receive from our Organisation.

The increased utilization of human rights discourse among IO delegates reflected a growing general enthusiasm for human rights, mixed with many topics that intensified during the 1970s in one way or another, such as growing criticism towards dictatorships (especially in Latin America), apartheid, (neo)colonialism, the conflicts in the Middle East, and increasing enthusiasm for women's rights. Although starting in the early 1970s international organization delegates invoked human rights more often than their country-level peers, when it came to bringing human rights issues to the international agenda it seems that the human rights discourses of the international organizations followed the language used by country-level delegates, indicating that the organizations had a reinforcing rather than a leading role regarding these issues. For example, anti-apartheid human rights discourse started appearing in the speeches of international organization delegates in the mid-1960s, only after it had already become frequent theme in the speeches of African country-level delegates.

### **Discussion**

This paper set out to investigate the use of human rights discourse in the ILC between 1949 and 1989, with two specific aims in mind. The first was to shed light on the controversies existing among human rights historians regarding the global proliferation of human rights discourse. Here, the key divide exists between those who largely disregard the role played by non-Western actors in the process<sup>64</sup> and those who argue that human

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<sup>64</sup>e.g., Moyn (n 4); Keys (n 6); Hoffmann (n 6); Afshari (n 6).

rights discourse was extensively utilized by non-Western actors as well.<sup>65</sup> Second, the paper sought to address the theories concerning the mechanisms through which human rights discourse has spread and proliferated globally. Here, three different explanations were considered: the ‘from the West to the rest’ dynamic argued for by neorealism, neoliberalism, and world systems theory; world cultural diffusion proposed by neoinstitutionalist world society theory; and world cultural synchronization proposed by the epistemic governance framework. To achieve these objectives, human rights discourse used in the ILC was first analysed quantitatively to investigate the differences in the frequency and substance of the human rights invocations between three country groups (the West, the Eastern bloc, and AACLAP countries) as well as representatives of international organizations. This was followed by a qualitative analysis of human rights discourses to examine the differences between these groups regarding the specific discursive contexts and ways in which human rights were invoked.

The quantitative word-frequency analysis showed that human rights were invoked at comparatively similar rates between the country groups throughout the period studied, with a couple of notable exceptions. Eastern bloc representatives refrained from invoking human rights altogether during the early years of the Cold War, and only after the mid-1960s did the rates at which these delegates invoked human rights become similar to that of the other country groups. In addition, in the late 1970s, human rights discourse became momentarily more frequent in the speeches of the Western delegates when compared with the other country groups, but this difference dissipated quickly as the 1980s arrived. Since the early 1970s, the international organizations corpus contained more human rights discourse than the country-group corpora, and a more detailed analysis showed that human rights discourse was especially common in the speeches of delegates representing organizations from AACLAP regions.

Considering the many existing case studies that have found the extensive use of human rights discourse in various places across the world after the Second World War, the fact that human rights discourse was widely utilized is perhaps not unexpected.<sup>66</sup> What is surprising here is the similarity of rates at which human rights discourse found its way into the speeches of the delegates across the country groups.

The qualitative analysis showed that human rights discourse was utilized either instrumentally, for example, to promote specific rights, to draw attention to different events, or to name and shame; or ritualistically, as a way to promote and celebrate human rights without any apparent connection to other matters. While the delegates from AACLAP and Western countries invoked human rights both instrumentally and ritualistically, the human rights discourse of Eastern bloc delegates was almost exclusively instrumental. The analysis also revealed considerable diversity in the instrumental human rights discourse between the country groups. However, this variance was restricted by a shared understanding of the contents of human rights, embodied by the international human rights instruments.

This shared understanding is visible, for example, in the fact that while different actors ‘competed’ over human rights language by promoting specific rights compatible with their own political, cultural, or ideological views, they did so almost exclusively

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<sup>65</sup>e.g., Lauren (n 7); Sikkink (n 7); Burke (n 8).

<sup>66</sup>Sikkink (n 7); Terretta (n 8); Burke (n 8); Ibhawoh (n 8); Richardson-Little (n 9); Amos (n 10); Nathans (n 11).

without contesting the authority of human rights in general or the status of particular human rights, or suggesting that human rights standards should be relaxed.

And while some ideological conflicts over human rights took place publicly in the ILC debates, they were mostly about how human rights were operationalized, not about the value or contents of human rights per se. I do not mean to suggest that all the delegates ‘truly’ conceived of human rights similarly, but as argued at the beginning of this paper, an actor’s true intentions are relatively inconsequential. Whatever their genuine intentions or views were, by invoking human rights without contestation, they contributed in a small way to the process through which human rights were elevated to their contemporary status.

These findings are clearly at odds with the historical and theoretical arguments which stress the crucial role of Western actors in the process through which human rights discourse achieved its contemporary global prominence. Instead, the rather even use of human rights language by delegates from different country groups and the existence of a common understanding of the meaning of human rights point towards a shared global culture, the effects of which transcend ideological, political, and cultural barriers. While I find merit in both world-cultural explanations—diffusion and synchronization—for the global proliferation of human rights discourse, synchronization seems more accurate based on the results here.

First, diffusion, which presumes that the proliferation has a direction, does not fit the pattern found. Second, the current study finds mixed proof for the hypothesis that international NGOs are the prime diffusers of world culture. Delegates representing international NGOs utilized human rights discourse considerably more than their country-level peers, but it was only in the late 1960s that these rates started to clearly diverge, driven especially by the growing number of the regional AACLAP organizations featuring in ILC debates. In addition, international organization delegates mostly amplified existing human rights debates rather than initiating them. Thirdly, in light of the results, the global proliferation of human rights discourse can only be partly explained by the passive ritualistic enactment of world-cultural principles.

The findings suggest that this process is better explained by world-cultural synchronization, as proposed by the epistemic governance framework. To make sense of how and why this synchronization happened, an idea’s availability needs to be separated from the choice to invoke it. It can be argued that the spread of the idea of certain universal rights belonging to every human being was of a Western origin, and that its spread around the world prior to the Cold War might very well be explained by diffusion from the West to the other regions of the world. However, it is safe to assume that at least since the creation of the UDHR in 1948, delegates taking part in ILC debates were familiar with the concept and could thus use it in their argumentation.

The question then remains as to why this decision was made in various situations. Although it is impossible to be certain about the reason behind a specific human rights invocation, the findings suggest that political motives, ritualistic enactment of shared cultural norms, and a genuine will to promote and protect human rights all played a role in the institutionalization of human rights language in international politics.<sup>67</sup> First, political motives can be argued as being the driving force for example behind the Eastern bloc’s anticolonial—as well as the Western anti-communist—human rights discourse. Both blocs selectively derided the other for various human

rights violations, conveniently forgetting to hold their own politicians and allies to the same standards. The number of ritualistic human rights invocations in the data, on the other hand, shows that pressure to display a ceremonial acceptance of shared norms also played a role. Among country-level delegates such invocations were mostly concentrated on speeches of Western and AACLAP delegates.

Antiapartheid human rights discourse, which eventually made its way to Western speeches as well, shows that bona fide concern over the actualization of human rights was sometimes the reason for invoking human rights. In many cases, antiapartheid human rights discourse could be explained as being part of the anticolonial struggle or the Cold War conflict between the Eastern and Western blocs, thus being inspired by political interests. However, the fact that from the early 1970s onwards many Western delegates started invoking human rights while criticizing apartheid is hard to explain through changes in these actors' political interests. I argue that this development is better explained by a world-cultural shift, one in which racial discrimination and the apartheid system were increasingly seen as conflicting with universal human rights. In the ILC, it was the non-Western actors championing these causes and the Western actors who adapted to the change. Finally, synchronization does not necessarily lead to uniformity, as demonstrated by the fact that not all delegates chose to invoke human rights in the ILC. Yet speaking ill of human rights seems to have been almost entirely out of the question for delegates attending the ILC during the Cold War.

In light of the results, it could also be hypothesized that all three reasons to invoke human rights are intimately connected to their cultural status. For example, when human rights are not a highly esteemed idea, invoking them to achieve political goals, for example through naming and shaming political opponents, makes little sense; actors also feel less need to proclaim the prominence of human rights in their speeches and doing so could even be seen as inappropriate by others. On the other hand, this cultural status is on some level contingent on the willingness of actors to invoke it. As actors utilize human rights language to frame different topics and events, to promote human rights in general or specific rights as human rights, and to portray their allegiance to shared norms, they inevitably grow the status of human rights in the process. This does not mean that linguistic invocations of human rights are the primary way in which this status is strengthened, but it is not wholly inconsequential either.

When considering the generalizability of the results, the fact that the analysed speeches were collected only from one arena of international politics and that the language used might be different in other contexts must be taken into account. As discussed earlier, the ILO's emphasis was on specific human rights, and this certainly affected the ways in which human rights were discussed in the ILC, for example, by inflating in the data the number of human rights invocations that focused on freedom of association, freedom from forced labour, and discrimination. Thus, a comparable study conducted on the UN General Debates, for example, would shine further light on the matter. The world-cultural synchronization argument proposed here would

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<sup>67</sup>By making this distinction, I don't mean to argue that these categories would be exclusive in the sense that ritualistic or politically motivated human rights invocations cannot be genuine.

suggest that across different contexts largely corresponding patterns of invoking human rights would be found even though the specifics of these invocations would vary from one context to another. Should this be the case, the role of both non-Western and Western actors in the development and spread of human rights ideas must be re-evaluated thoroughly, both by taking more seriously the role of non-Western human rights protagonism<sup>68</sup> and by critically reassessing the role and enthusiasm of Western actors in that process.

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## Data availability statement

The data used in this article is available at the ILO website: <https://www.ilo.org/public/libdoc/ilo/P/09616/>

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<sup>68</sup>Sikkink (n 26).