



## ***Ecumenical engagement for human rights, and current challenges***

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### **Introduction**

It is an exceptional honour for me to address this eminent gathering. I have been working for the World Council of Churches (WCC) since 2014 as Director of the Commission of the Churches on International Affairs (CCIA). Before that, from 1997 to 2010, I worked for the Lutheran World Federation (LWF) as Assistant General Secretary for International Affairs & Human Rights. But the first decade of my working life I spent as a practicing lawyer in Brisbane, Australia.

In my postgraduate legal studies, I focused in particular on international economic law and international human rights law. I was interested in the relationship - or rather the lack thereof - between these different areas of international law, and I carried this interest into my first years of work in Geneva for the LWF. During this time I was active with other civil society partners in trying to build bridges between the institutions and processes of international economic law and those of international human rights law. It affronted me that in practice governments could largely behave as if they were somehow relieved of their obligations under international human rights law when they entered the doors of the World Trade Organization to negotiate international economic treaty arrangements or to engage in the resolution of disputes. Although significant advances have been made in the meantime, I think this is an area in which international law and practice still needs further development in order to avoid contradictory outcomes in the implementation of these different sets of obligations.

However, I claim no special qualifications or expertise in theology, other than one may acquire by 'osmosis' as a pastor's kid, an active lay member of my own church, and from more than 20 years' experience working in international church-based organizations. I should also issue a disclaimer: My remarks today are my own personal reflections, and should not necessarily be understood as representing the policy of my current or past employers except where I reference official policy positions.

In the WCC I serve as Director of the Commission of the Churches on International Affairs (CCIA), a body that is one of the historic pillars of the modern ecumenical movement and which has played a significant role in the development and promotion of human rights. Created in 1946, two years before the WCC itself, CCIA has a mandate that is inspiringly ambitious in its aspirations.

CCIA's Bylaws challenge the Commission to serve as "*an organ in formulating the Christian mind on world issues and bringing that mind effectively to bear upon such issues*". CCIA is mandated to "*call the attention of churches and [ecumenical] councils to problems which are especially claimant upon the Christian conscience... and suggest ways in which Christians may act effectively upon those problems*". Heavy responsibilities indeed!

Currently led by Rev. Frank Chikane of South Africa, CCIA has a membership of 30 Commissioners nominated by the member churches of the WCC, plus two permanent observers - one from the Vatican, and one from the World Evangelical Alliance.

Among other issues currently encompassed in its mandate, the Commission is specifically called upon to promote "*respect for and observance of human rights and fundamental freedoms, special attention being given to religious liberty and gender equality*". Other topics which CCIA is expected to address include:

- "*the rights and welfare of refugees, migrants and internally displaced people*";
- "*the right of self-determination of peoples under alien or colonial domination*";
- "*the promotion of peace*";
- "*efforts for disarmament*";
- "*economic, social and environmental justice*"; and
- "*the development of international law and of effective international institutions*"

### **History and evolution of WCC's engagement for human rights**

At the time of its establishment, CCIA was intended especially to serve as a voice of the churches in the intergovernmental system being re-formed under the United Nations. Indeed, O. Frederick Nolde, the American Lutheran theologian who was soon to become the founding Director of CCIA, was one of the non-governmental 'consultants' present at the 1945 San Francisco Conference for the creation of the United Nations. Together with other non-governmental representatives, Nolde lobbied both for the inclusion of human rights in the UN Charter, and for an officially recognized space for civil society within the UN ('consultative relations'). Neither of these features were encompassed in the original draft of the Charter, but they both have become absolutely pivotal to the subsequent history of the UN.

The post-war context in which the WCC - and of course the UN itself - was finally born made a profound impact on it. The effects of war and the gross violations of human rights that took place during the conflict demanded attention from the churches as well as from governments, and strengthened the appeal for a new international order, institutions and instruments for peace and for human rights.

The First WCC Assembly, which took place in Amsterdam on 22 August-4 September 1948, was divided into four sections. Section IV (on the churches and the international disorder) explicitly called on churches to support the adoption of the Universal Declaration of Human Rights and its development into an enforceable 'International Bill of Rights'. Moreover, the Assembly adopted 'A Declaration on Religious Liberty', the key elements of which were very similar to those reflected in Article 18 of the Universal Declaration on Human Rights, adopted by the UN General Assembly just a few months later, on 10 December 1948.

That of course was no coincidence. As CCIA Director from 1946, Frederick Nolde had been active, alongside the members of the newly established UN Commission on Human Rights, in the drafting of the Universal Declaration - the foundational instrument of modern international human rights law. In this process Nolde worked closely with Charles Habib Malik, an Eastern Orthodox theologian and ecumenist who served as Ambassador of Lebanon and rapporteur of the Commission on Human Rights, and who was also a CCIA Commissioner.

Nolde's own contribution was of particular significance in the final formulation of what was to become Article 18 of the Declaration, on freedom of religion and belief. Based substantially on the drafting of Nolde and CCIA, the final form of Article 18 was broad and inclusive:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship and observance.*

Now, these were without doubt important foundational contributions to the architecture of modern international human rights. But it has been suggested by some commentators, including Bastiaan Bouwman, that the WCC's early engagement for human rights was driven basically by self-interest, and that the special priority the ecumenical movement gave to religious freedom within the human rights framework was meant to safeguard the role of the church in society and the freedom of missionaries to evangelize.

But I think the reality is one of a more fluid and reciprocal interplay of perspectives between the ecumenical movement and the United Nations during these early days, by which both were changed.

And although less well-documented than its role in relation to the Universal Declaration and Article 18, the WCC continued to play a role - directly or indirectly - in the further development and promotion of subsequent instruments of international human rights law during the prolific period of standard-setting that followed.

Increasingly, that engagement demonstrated a much broader conception of the role of human rights, far beyond the original focus on religious freedom. So while the CCIA continued to promote religious freedom as a human rights issue it also introduced to the UN human rights agenda, or supported standard-setting work on, issues such as:

- Torture [addressed in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984/1987];
- Extrajudicial executions [addressed in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, 1989];
- Death penalty [addressed in the 2nd Optional Protocol (1989) to the International Covenant on Civil and Political Rights];
- Enforced disappearances [eventually addressed in the International Convention for the Protection of All Persons from Enforced Disappearance, 2006/2010]; and
- Children's rights [articulated in the Convention on the Rights of the Child, 1989/1990]

This work was facilitated by the fact that the Moderator of CCIA during part of this period was Dr. Theo van Boven, who had previously served as the first director of the UN Centre for Human Rights, the precursor of the current Office of the High Commissioner for Human Rights.

So while it would be a grave error of hubris to claim, as Max Stackhouse did, that the WCC “*has done more for human rights among the peoples of the world than any other single international body*”, Bastiaan Bouwman’s observation that the WCC was “*umbilically connected to the postwar rise of human rights*” is no overstatement.

Dr Bouwman has also provided a persuasive account of the changes that WCC went through in its approach to human rights. As he describes it,

The WCC initially focused heavily on religious freedom, above all that of its member churches and coreligionists, whereas its approach to human rights in the 1970s was capacious, emphatically including social, economic, and collective rights... Furthermore, whereas in the 1940s, the WCC saw human rights primarily as a secular instrument, in the 1970s it sought to integrate the concept more fully into its theological thinking. And finally, whereas its representatives in the 1940s were wedded to a strategy of elite lobbying of governments, international institutions, and religious leaders, the WCC in the 1970s offered direct support to groups working for ‘liberation’.

These transformations were driven significantly by demographic change in the WCC’s own constituency - a process of ‘globalization’, as Katarina Kunter has described it - especially due to the rise of many churches from the ‘Global South’ within the ecumenical fellowship.

Support for anticolonialism was already a strong theme within WCC circles. Racism too had been an acknowledged challenge from the WCC’s beginnings. The Amsterdam Assembly declared profound concern that “[b]oth individuals and groups are subjected to persecution and discrimination on grounds of race, colour, religion, culture or political conviction.” Moreover, it stated that “[w]ith all the resources at their disposal they [the churches] should oppose enforced segregation on grounds of race or colour, working for the progressive recognition and application of this principle in every country.”

This focus on racism, and particularly the struggle against apartheid, achieved a new prominence on the global ecumenical agenda with the establishment of the WCC’s Programme to Combat Racism in 1969. However, human rights discourse was, initially at least, relatively marginal to this programme’s framing of the challenge. The foundations for the PCR were laid at the 1969 Notting Hill consultation. The consultation’s report did include the stipulation that CCIA was to work through the UN, and that “*churches should urge their governments to act upon international conventions*”, including specifically the International Convention on the Elimination of All Forms of Racial Discrimination (which entered into force that year). However in practice, the Programme focused more on addressing structural - including economic - factors than on international human rights standards.

Indeed, a WCC statement made in 1973 betrays a degree of growing impatience with the UN’s emphasis on ‘standard-setting’, since it had thus far failed to find “*ways effectively to implement its many already existing resolutions and conventions condemning racial discrimination and apartheid*”. The emphasis of the PCR was, as noted in a 1983 review

of WCC human rights policy, *“to move beyond the liberty of individuals to the liberation of peoples.”*

However, according to Bouwman’s analysis, *“[w]hile the PCR’s stress on supporting emancipatory organizations stimulated the WCC to apply similar approaches elsewhere, it was the rise of military dictatorships in Latin America, above all, that would lead it to develop a conception of human rights that combined individual and collective rights.”*

In response to events in the Latin American region, and especially the 1973 military coup in Chile, in 1976 the WCC established the Human Rights Resources Office for Latin America, which engaged directly in support of those facing and resisting the violations perpetrated by the military dictatorships. According to Bouwman, *“[w]hile Latin American liberation theologians were initially indifferent or suspicious towards the concept of human rights, ecumenical meetings helped to convince them of not only its pragmatic utility but its value as a moral principle. Social, economic, and collective rights were integrated into the ecumenical conception of human rights not so much in a legalistic as in a moralistic way, to generate outrage and pressure for structural change”*. This allowed for the *“creative refashioning of rights as tools that emphasized popular agency”*.

Drawing on all these influences and experiences, in 1971 WCC-CCIA initiated a process for the articulation of an ‘integral’ conception of human rights. This process culminated in the 1974 St. Pölten consultation on ‘Human Rights and Christian Responsibility’, the outcome of which became the WCC’s official stance at the 1975 Nairobi Assembly. The WCC’s new conception of human rights was inclusive of social, economic, and collective rights, and was less individualist and more communitarian in nature. It sought to avoid dealing only with symptoms but to confront root causes of violations of human dignity and rights, including inter alia systemic social, political and economic injustices.

In this more expansive framework, religious freedom became one right among others, rather than the pre-eminent right. As the WCC’s Executive Committee would put it in 1979, *“if it speaks in universal terms, the church cannot isolate for priority consideration the question of its own religious freedom. Conversely, a church which struggles for all rights for all people has, often with surprise, rediscovered something of its essential evangelical mission.”*

I would like here to underline what I consider to be a critical insight from the St Pölten consultation that speaks to a point of contention that still arises today - the alleged opposition between individual and collective rights, and between rights and responsibilities. The report of the consultation argues for the essential interrelatedness of the two, stressing the social nature of rights and their correlative duties: *“Individual rights and collective rights are not in flat opposition. They are related. It should be the aim of the community to secure the welfare of all its members, the aim of the individual to serve the general good. In both instances, rights involve responsibilities.”* In other words, rather than an individualist construct, human rights represent the collective commitment of society for all its members.

The St Pölten consultation also gave special emphasis to the agency of local and national actors in the pursuit of human rights: *“primary responsibility for the defense and promotion of human rights in relation to the actual situation in different parts of the world lies [in the case of the WCC’s constituency] with local and national churches.”* Accordingly, the role

of the WCC at the international level would become much more one of facilitating, equipping and accompanying local and national actors in their own contexts, as well as in international forums.

The outcomes of this pivotal consultation have indelibly marked the subsequent approach to human rights by the WCC and among the churches and related organizations, and possibly more broadly in the international human rights movement as a whole. In the UN context, WCC's subsequent work in this field has included engagement in the elaboration and promotion of so-called 'third generation' rights (though I dislike the division of human rights into 'generations') such as the right to development (related to the UN Declaration on the Right to Development adopted in 1986), and long-term support for Indigenous Peoples advocating on their own behalf in the UN (leading ultimately to the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007 and to the establishment of the UN Permanent Forum on Indigenous Issues).

It is also worth noting that the biblical basis for human rights established at St. Pölten expanded on the traditional foundation of 'imago Dei' - of human beings having been created in the image of God - by focusing on "*the atoning and redeeming work of Christ that has given to man his true dignity, on love as the motive for action, and on love of one's neighbour as the practical expression of an active faith in Christ*". This, by the way, provides a very nice bridge to the theme of the next WCC Assembly to be held in Karlsruhe next year: 'Christ's love moves the world to reconciliation and unity'.

### **Increasing challenges to international human rights**

It has often been remarked that the adoption of the Universal Declaration on Human Rights took place in a unique historical 'window of opportunity' in the post-World War II period. It is frankly impossible to imagine the nations of the world agreeing at any subsequent point in history on such a far-reaching framework of international human rights obligations.

Of course the relative lack of participation in this process by peoples and cultures then still under colonial rule is a historical reality, and has provided a foundation for allegations of 'Western'/'Northern' bias in the framing of human rights. But this complaint can only be partially substantiated, given the important - even pivotal - role played in the drafting and subsequent standard-setting process by representatives of, among others, China, Lebanon and, following its independence in 1950, India. And as Kofi Annan famously remarked, while he often heard such complaints from governments accused of human rights violations, he never heard it from the victims of such violations. Nonetheless, 'double standards' in the implementation of human rights are a real challenge, with powerful states having long been able to leverage their political and economic influence to avoid scrutiny and accountability at the international level.

But in recent years, we have faced an exceptional and unprecedented constellation of challenges to human rights - even to the very legitimacy of the human rights framework as a whole. The particular focus of concern in this regard has been the ascendancy of populist nationalist political leaders in many parts of the world, and the increased licence that they have given to such hatreds as racism, xenophobia and antisemitism - a phenomenon especially grievous to witness in countries that had hitherto held themselves out as global champions of human rights. These political forces accelerated a retreat from commitment to the rule of (international) law and from multilateralism in general.

These concerns were at the centre of a joint initiative taken by the WCC and the Vatican Dicastery on Promoting Integral Human Development to organize a *'World Conference on Xenophobia, Racism, and Populist Nationalism in the context of Global Migration'*. The conference, convened in Rome on 18-20 September 2018, addressed itself to the *"rise in xenophobic and racist reactions to refugees and migrants,... the exclusion, marginalization, stigmatization and criminalization of migrants and refugees, and the justifications for these attitudes and discourses which now exist in several different parts of the world, even within the churches."* It explicitly declared as *"the common basis for our reflections... the conviction that all human beings are equal in dignity and rights and equally to be respected and protected."*

While recognizing the right of refugees to return to their country of origin and live there in dignity and security, the conference affirmed *"the institution of asylum for those fleeing from armed conflicts, persecution or natural disaster"* and invoked *"respect for the rights of all people on the move, regardless of their status."* While drawing extensively on biblical narratives, the conference also specifically quoted the International Convention on the Elimination of All Forms of Racial Discrimination as a key point of reference.

The conference outcome declared that *"to refuse to receive and help those in need is contrary to the example and calling of Jesus Christ. Claiming to protect Christian values or communities by shutting out those who seek safe refuge from violence and suffering is unacceptable, undermines Christian witness in the world, and raises up national boundaries as idols."*

Strong words certainly, but commensurate with the gravity of the crisis which the organizers and participants perceived. Because in responding to the plight of refugees and migrants, the strength of our commitment to international law regarding refugees in particular and human rights in general has been tested, and found wanting. I certainly don't underestimate the domestic political pressures and complexities associated with dealing with these challenges. But when countries that have championed and promoted these principles of international law are seen to put them aside due to 'realpolitik', the credibility of those principles is profoundly undermined. And, bearing in mind the unique providential window of opportunity in which those principles and commitments were established, we should think very very carefully before taking any actions that might weaken respect for them. Because once gone, it is hard to see how they could be recreated.

In the year after the Rome conference, in June 2019, the WCC convened jointly with the International Jewish Committee for Inter-religious Consultations (IJCIC) in Paris under the theme *'The normalization of hatred: challenges for Jews and Christians today'*. This gathering addressed similar symptoms with much the same root causes as those discussed in Rome. As the joint communique of the meeting records, the issues that informed the gathering, while not explicitly referencing human rights, included *"the rise of xenophobic nationalist movements in much of the world; suspicion of the agendas of religious communities and institutions, especially in Europe; the resurgence of overt antisemitism; the prevalence of Islamophobia; newly emerging anti-Christian attitudes; the continuing non-resolution of the Israeli-Palestinian conflict; worldwide hostility to vulnerable minorities; and the shocking erosion of civil society in many places and ways."*

The conclusions of the meeting focused on *"our shared challenge to address injustice in the world"*, acknowledging that *"[o]ur religious traditions mandate that we honour the*

*integrity and humanity of all, welcome and care for the stranger, and resist evil.”* The WCC and IJCIC explored ways in which, working together, *“our advocacy and interventions may be forces for good in the world.”* The WCC and IJCIC mutually committed to *“addressing and opposing all forms of normalization of hatred, including antisemitism and attacks on religious communities”*.

The advent in the meantime of the COVID-19 pandemic has in some ways corrected, but in many more ways compounded the crisis that these initiatives were galvanized by. On the one hand, the impacts of the pandemic have in some places imposed a stern reality check on populist leaders who failed or refused to follow the science and take appropriate measures for the protection of their people. On the other hand, it has amplified nativist nationalist tendencies, despite the self-evident necessity of multilateral cooperation to overcome a global pandemic, weakening solidarity with - or even attention to - the suffering of others. Moreover, it has provided a context in which the vulnerability of certain groups has been greatly exacerbated - witness the increased incidence of domestic and sexual and gender-based violence during lockdowns - and in which the education and livelihoods of many have been terribly imperiled.

Now, more than ever, the world needs a collectively recognized, respected and implemented framework of human rights accountability, as a core foundation for ‘building back better’.

But in the context of the global climate and environmental crisis – a vastly greater challenge than that of the pandemic – human rights will need to be re-positioned within a more holistic framework in which the dignity and rights of human beings are understood as being predicated on a healthy and sustainable environment. Some important building blocks for this holistic framework are already in place. Already in 1948, Article 26 of the Universal Declaration stipulated that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”, and this can now be understood in the context of human agency in the looming climate crisis. The mandate of the UN Special Rapporteur on human rights and the environment, created in 2012, has undertaken important work in this domain, and WCC and many civil society partners are supporting calls for a new mandate on climate change and human rights which might take it further. Moreover, arguments based on human rights obligations have been advanced in legal proceedings seeking accountability for government authorities’ failure to take appropriate action to protect their people against accelerating climate change. But much more will need to be done to reconcile the anthropocentric orientation of human rights law with the protection of the planet’s environment, and to ensure that the rights of generations yet unborn are also recognized, respected and protected.

### **A challenge for the churches: Different Christian perspectives on human rights, and the relationship between Christian ethics and human rights law**

As we approach the next Assembly of the WCC in Karlsruhe, we perceive an opportunity for rebuilding a stronger consensus and a more active engagement by the churches and the ecumenical movement in support of international human rights law as an essential toolkit for the promotion of human dignity, especially in response to the complex human rights crises I previously described.

Accordingly, together with partners from the EKD and the United Evangelical Mission, we have launched a reflection and discussion process. This is based in part on the mandate established by the WCC Central Committee in 2018 - on the occasion of the 70th anniversary of both the WCC and the UDHR. Responding to *“new challenges confronting the legal architecture of human rights,”* the Central Committee mandated *“a new process of ecumenical reflection and consultation on the relationship between international human rights law and scripture, theology and Christian ethics”*, leading up to the next WCC Assembly.

The goal of this process is the (re-)articulation of an ecumenical consensus on the relationship between i) Christian faith principles, and ii) international human rights law, based on a frank acknowledgement and examination of differences of perspective within the ecumenical movement on the nature and quality of this relationship. Because the reality is that such differences have always existed. And because already in 1998, at the time of the 50th anniversary of the Universal Declaration, the WCC Eighth Assembly in Harare acknowledged *“the many shortcomings of the churches’ actions for human rights; ...our unwillingness or inability to act when people were threatened or suffered; ...our failure to stand up for people who have experienced violence and discrimination; ...our complicity with the principalities, powers and structures of our time responsible for massive violations of human rights; and the withdrawal of many churches from work on human rights as a priority of Christian witness.”*

And yet... It is also true that, even where there are theological differences, or debates in the abstract realm, those differences and debates often tend to evaporate when churches encounter the actual victims of human rights violations, as real people suffering from oppression, violence and injustice. Then churches typically respond instinctively with the Christian compassion to which we are called by our faith.

I hope and I pray that that compassion - and the love of Christ on which the theme of the WCC Assembly in Karlsruhe next year is focused - will define the path for our next steps together for human dignity and rights.