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Hartmuts Betabloggereien des Tages

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0.0.1 gestern

1 CERD/C/82/D/48/2010: UN Human Rights Committee calls on Germany to stifle freedom of speech wrt immigration

The UN calls on Germany to make sure that speech such as that of Bundesbank board member (and Berlin senator and ministerial official in charge of the monetary unification of the two Germanies) Thilo Sarrazin, who, in a one chapter of a multi-faceted, comprehensive study about the state of nation and its likely future ("Germany abolishes itself" = "Deutschland schafft sich ab") cited findings about social success and broad cultural as well as probably genetic patterns (reflected e.g. in average intelligence quotients) of various ethnic groups and carefully hinted at possible correlations, must be punishable under law and that German law must be changed so as to allow such punishment. The case for curtailing freedom of speech in Germany was also strongly advocated by the "German Institute for Human Rights", which was founded by the Federal Parliament (Bundestag) a few years ago, is 100% state-funded and headed by gender studies professor Beate Rudolf. The German government argued that Mr. Sarrazin's statements are bad and to be condemned but yet must be protected by freedom of speech because they are made only in a context of political analysis and not suitable for incitement to mistreatment of any persons.

The news didn't go down well in German fora. Many readers point to the lack of legitimacy of UN human rights committees, the poor human rights track records of some the governments whom the members represent as well as the Committee's track record of supporting "antizionist" and islamist agendas to the detriment of freedom of speech (Durban II). But they may be belittling the problem. The majority of the Committee seems to have consisted of people from western-style democratic countries this time.

The fight against our freedom of speech is led from the inside, by a specialist human rights microcosm represented by organizations such as the GIHR, a 100% state-financed and parliament-founded and thus semi-statal organization, that have their colleagues in many countries and are very apt at utilizing the UN. The German government is also to be blamed for failing to resist it in sufficiently strong terms.

The works of Mr. Sarrazin do not only deserve full freedom of speech. They are results of meticulous research and careful thought, based on years of experience in social science and government, motivated by little else than a strong concern about the future of Germany. Thilo Sarrazin deserves awards rather than persecution, and the Danish Free Press Society recently adorned him with the Sappho Award. In his speech he aptly summarizes how he fell afoul of witch hunt by the German media and state a few years ago, listing 13 implicit beliefs that Western society tends to enforce in an evermore intolerant way. If Sarrazin style analysis of public interest matters does not enjoy the protection of freedom of speech, then freedom of speech is dead.

Unfortunately the GIHR sees it the other way around. It wants freedom of speech only for speech that attacks the government or powerful organisations but not for anything that points to shortcomings of the socially weak or distinguishes between "we" (citizens) and "they" (foreigners) or portrays specific groups of prospective migrants as unlikely to contribute to the country's prosperity, regardless of evidence provided. Moralistic bigotry based on an understanding of "human rights" as a means of protecting the good weak against the bad strong seems to have brought us back to a medieval level of civilization, where the earth was not allowed to revolve around the sun because that could have endangered the system of morals.

It is time to advocate for cancellation of our adherence to the UN Anti-Racism Convention as well as to similar conventions and bizarre extensions of human rights that have over the years accumulated at the UN. UN human rights microcosm governance is damaging in many ways.

2 African Migration, Global Inequalities, and Human Rights: Connecting the Dots

Excerpts from an overview of recent efforts of legal scholars to argue for a right of inhabitants of poor countries, especially in Africa, to migrate to richer countries, especially Europe:

The prospect that states will in the foreseeable future relinquish their rights to control movement of persons is, of course, remote. But there is increasingly active debate, both on the ethical justification for freedom of movement and on the practical options for gradually expanding its scope. Two strands of this debate have significant relevance for African immigration. Most immediately there is the expansion of freedom of movement within African "regional economic communities." Also relevant, although the debate on this is just beginning, is the obligation of rich countries to liberalize immigration

from developing countries, in parallel with the broader obligation to provide their fair share of support for global human development.

In more general terms, and particularly with respect to the right of movement from poor countries to rich countries, an increasing number of policy analysts and scholars are challenging the conventional acceptance of the sovereign right of states to deny entry to their borders. As noted above in the section on inequality, economist Branko Milanovic and sociologists Roberto Korzeniewicz and Timothy Moran have highlighted the consequences of widening global inequality and the injustice of determining life chances by the fate of a child's citizenship. As noted in the section on migration and development, economist Lant Pritchett laid out the development benefits of expanding immigration of unskilled workers to developed countries.

Migration analysts and legal scholars have also begun to address related issues. A set of studies for the Global Commission on International Migration explored the option of what they called "Migration without Borders" (Pecoud and de Guchteneire 2005, 2007). The right to leave a country included in international human rights instruments, they argue, is incomplete if there is no comparable right to enter another country. And, they note, the strict limitation of immigration by sovereign nation-states should not be sacrosanct, and indeed was rarely consistently implemented prior to the 20th century.

International legal scholar Joel Trachtman (2009) systematically explores the case and the practical options for the "fourth freedom" of movement of labour (the first three being goods, services, and money). And legal philosopher Aye-let Shachar (2009) analyses the "birthright lottery" of allocation of citizenship rights (whether by descent or by birth) as establishing inequality by inheritance, similar to inheritance of property. Neither scholar advocates the full abolition of borders, but both argue that the inequality determined by the country of citizenship is unjust and that remedies must be found to address it.

Although recognizing the political obstacles to such measures, Trachtman argues for multilateral agreements expanding the prospects for increased migration, primarily benefiting migrants but also crafted, including adjustment mechanisms, so as to avoid losses to sending or receiving states or to particular disadvantaged groups. Shachar, in contrast, argues that open-admissions policies cannot be the sole or primary remedy. Instead, she presents the case for redistribution of resources through a "birthright privilege levy." Such a levy would be designed to ameliorate the inequalities due to the disparity of wealth by country of birth, while a new *jus nexi* (law of connection) could be developed as an alternative concept for opening citizenship more widely without full abolition of borders and devaluing membership in national communities.

It is no doubt true that opening the doors wider for non- skilled migrants to

rich countries is an even more difficult goal than that of extending effective human rights protection to those migrants already resident or likely to move under current restrictions. But it is also an issue that will not go away, as long as large gaps in human development provide powerful incentives to move.

They have a point here. I would counter-argue that the responsibility is on parents to assure that they can offer life chances to their children. Much of poverty/inability actually seems to stem from failure of generations of parents to concentrate resources on few children (i.e. choose r-strategy rather than k-strategy). Viewing equality from a purely individual point of view leads to many errors. We need to reestablish families and nations as anchor points of long term responsibility. Nations must see to it that their populations match the capability of their land to sustain them. Having children must entail the responsibility of providing them with a high level of care and prospectives for a good life. Nations are to be held responsible for putting this rule into practise. I'd even want to accuse and boycott countries in the Sahel zone that have 8 children per women with a bleak perspective. Any talk about opening borders can only come after the nations in questions have done their part. Our sense of justice should change so as to see reckless procreation as the original sin, the mother of social and ecological evil, worse than most of those behaviors that we brand as human rights violations today. The current moralism that protects the weak from criticism and attributes guilt to the strong only is not noble but rather motivated by intellectual cowardliness and political opportunism.

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