

Human Rights in Engineering Education

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The Secretary General of the UN, Kofi Annan, last year challenged world business leaders to "embrace and enact" what he called the Global Compact involving human rights, labour and the environment.

In response, at the University of Peradeniya, all B.Sc. Engineering graduates specialising in computer science get a broad treatment of human rights and our obligations through a catch-all core-course in the final year that teaches many topics that were not covered elsewhere but are required for a rounded training as an engineer. It is, I believe, the first attempt compulsorily to teach human rights to undergraduates in Sri Lanka and to engineering graduates anywhere.

The curriculum largely consisted of three components: i) International Human Rights law (as in the International Bill of Human Rights), and International Humanitarian Law (the four Geneva Conventions and the two additional Protocols thereto), ii) Their application to Engineers and iii) Some interesting cases under the African Charter and developments in the European Court of Human Rights and the Inter-American Court of Human Rights and their implications to creating a decent society.

Many of us would wonder what engineering education has to do with human rights. Indeed, engineering, if we look at its definition, has everything to do with human rights. All definitions of engineering as a profession and all engineering faculty mission statements will directly or indirectly touch on offering the best solutions to engineering problems in the service of mankind. We engineers, broadly, see ourselves as problem solvers who create artifacts and objects to serve humanity. Successful engineers invariably end up as managers of some sort. With this view, traditionally, we have always taught law, contract negotiations, labour relations and so forth to engineering students and indeed, professional institutions will not recognise a degree programme that does not give this broad perspective to its students.

Engineering graduates from Peradeniya specialising in computer science therefore get an even broader focus on their involvement in society through these lectures on human rights.

Urgent relevance

Having explained why human rights are relevant in a broad sense to engineers, early in this article I would like to grapple directly with why human rights are urgently relevant to the engineer in a very real specific way involving special situations. Be it noted that since engineers are professional managers of technology and manufacturing organizations, whatever is said here will equally apply to a business school.

Because respect for human rights is a legal obligation, it is here argued that teaching human rights is merely an extension of the present practice of teaching domestic law to engineering students. Indeed, as remarked by Prof. Cancado Trindade, Judge President of the Inter-American Court of Human Rights, compartmentalization into national and international law is passe and no longer tenable in the light of the domestic applicability of human rights laws. Moreover, since human rights obligations devolve upon us through not only national law but also international covenants and treaties, software engineers with an ever-increasing transnational practice, need to be familiar, a fortiori, with their human rights obligations.

These general arguments aside, the urgent necessity of engineers being aware of their human rights obligations is brought to the fore by 8 arguments based on real-life scenarios, however, hypothetical, that an engineer may face. The training of engineers must therefore prepare them for what they may face.

1) Productivity:

An engineer interviews candidates for jobs, among whom is a less qualified relative or member of the same ethnic group. He hires the kinsman. Productivity goes down because i) the employee does not produce as well as the others who might have been hired and ii) the organisation's commitment to excellence is vitiated and other employees stop working hard since they no longer see it as the route to career advancement. This takes away the engineering organisation's commitment to serve society as best as it can.

2) Product label:

It is not necessary to name companies in Sri Lanka where employees are well treated and those where the highest officials are used to walk the dogs of the CEO's wife. The better companies have a good "product label". Given equally attractive employment offers from two companies, we would tend to choose the company with the better product label. How we hire tells on our "product label" and this in turn affects who applies to work for us. Mary Robinson, the UN High Commissioner for Human Rights (and previously President of Ireland) has issued a special booklet on Business and Human Rights where she gives several good reasons for being a good company; a good citizen in the world of commerce. All her reasons have to do with earning a good product label.

A further importance of "product label" is that we all tend to buy the products of companies with better labels assuming them to be good even if we have never tried them before. With a consumer sophistication, the campaign against Nestle (where salespersons dressed as nurses persuaded African mothers to switch from breast-feeding to Nestle's powdered milk) reveals how damaging bad publicity can be to a company. In recognition, companies like BP and Nike the shoe manufacturer have developed an open set of well-publicised Codes of Conduct and some even hire independent consultants to report on their own compliance. Amnesty International also has come up with its Human Rights Principles for Companies.

Such consumer sophistication as in the Nestle episode where consumers have launched effective boycotts make any engineer in charge of a company, be careful. For instance in the manufacture and sale of rugs, an industry marked for the use of child workers, the Rugmark Foundation (a voluntary group of self-regulating companies) offers its own label to manufacturers who subscribe to human rights standards and many sophisticated consumers will buy only those rugs with the Rugmark, to earn which, a company has to go through inspections and reporting to the Rugmark Foundation. So marketing too is now tied up to human rights compliance and promotion.

A close to home example of where poor hiring practices hurt an organization is the lending countries faulting the Government of Sri Lanka for not having enough minorities in positions of power. For instance, the Ministry of Higher Education's diary for 2001 lists the important officers of the Presidential Secretariat, the Prime Minister's Office and the Ministry. There is one non-Sinhalese way down in the Ministry's list; and none in the other two.

It is telling how that correlates with our image in our heads of the President's and Prime Minister's staffs and the "product label" message it conveys ... either all minorities in this country are fools incapable of office (a prejudiced assumption) to all Tamils are terrorist suspects (a violation of covenants that Sri Lanka is signatory to) or the President and her ministers have poor hiring practices. It is thus poor product label that, sadly, has cost this country billions of rupees in funds so important for development.

3) Operating in warzones

As happens to any of us on a trip into the war zones, soldiers stop us and ask for rides or even for us to drop off lunch packets from the main camp at the next sentry point down the road. As individuals it is up to us to decide

The UTHR: The chequered record of universities in human rights

The hazy record of universities in human rights, particularly its use as a tool that serves our agendas rather than one that defines them, is brought out by the experience of the University Teachers of Human Rights (UTHR). The UTHR was formed in the South during the JVP period when university staff were in danger if they went to work against JVP orders and equally threatened by state forces if they stayed at home. Prof. H. Sriyananda of the Open University was its chairman. Feeling that the organization must have a national base, Prof. A. Thurairajah, a respected Marxist and VC of Jaffna University, was asked to be the national co-chairman. The Jaffna branch, UTHR-J, became active under Thurairajah with a good half of the teaching staff joining and the focus of their work being IPKF atrocities.

In time the JVP was neutralised and with human rights abuses by the state against leftists and Tamils, the South generally lost interest in human rights. The UTHR became defunct and UTHR-J was now its only functioning part. With the departure from work the two active members of the UTHR at the council meeting of May 1991 to whom the council had given special status only 2 months earlier because they were under threat.

An enquiry into the vacation of posts was commenced at the UGC under Prof. Karl W. Goonewardena, a UGC member, Jaffna University, having now lost interest in human rights, according to Prof. Goonewardena's report of March 2000 did not furnish the requested files for years until Prof. P. Balasundarampillai, the VC, did so in Dec. 1999. The critical observer cannot help remarking that it was a time when the Jaffna Council had recommended a renewal of the VC's term and he was uncomfortably in acting capacity for some months without knowing why there was a delay in renewal and indeed whether the UGC would renew his term at all. Thus what the university had denied the UGC for years was suddenly produced. The UGC Report concluded in March 2000 that "the vacation of post notices issued ... were unjustified" and recommended "that they should be rescinded and appropriate redress be granted." The carefully worded 11-page report finds "an element of pique or anger and even bad faith" in the decisions.

The report was accepted by the UGC after typically long delays by the UGC Chairman S. Tilakaratna and sent to Jaffna University for comments. The Jaffna VC having had his term renewed appears once again to have lost interest in human rights within the Tamil community although the university has shown keen interest, correctly, in Tamil women raped and others killed by state forces. How the matter will end remains to be seen.

how to respond. But an engineer heading an organization ought to be aware that giving rides to combatants takes away protected status accorded by the Geneva Conventions and unnecessarily risks members of his staff.

Again consider the many cases in different parts of the world where, in the name of security, the forces have displaced the populations living round them and planted "friendly populations" to do which engineering organizations have been asked to deepen harbours and build model villages with housing, water supply, etc.. But the shifting of populations, besides being a violation under the Geneva Conventions is a war crime (as defined by the UN Preparatory Committee on the creation of an International Criminal Court) and to get involved in that makes the engineering organization also an accessory, particularly for reasons mentioned below under 7 (foreign courts). Similarly engineers called upon to manufacture weapons of destruction ought to be very familiar with the Geneva Conventions. While some weapons are totally prohibited, others have only their use prohibited. The fact that 85% of electrical engineers in the US work directly or indirectly for the military, makes this aspect very pertinent.

4) World Bank Impact Assessment

When the Mahaweli was diverted in the 1970s, engineers could do anything. Large populations were displaced and houses and even temples inundated. The World Bank then funded anything saying politics was taboo for them. But under increased consumer pressure, now all World Bank projects are open to scrutiny and provision must be made for Social Impact Assessment (including how the environment and indigenous populations are affected) and for scrutiny by the WB Inspection Panel. Thus the recent Chinese project to transfer Chinese into Tibet was scuttled. The Narmada Dam project in India is in deep trouble. Engineers must, therefore, now be aware of the impact of their work and must be able to assess that impact and make plans that uphold human rights or their projects will be in trouble. A local example is the Southern Highway project that has been on in fits and starts because of environmental and displacement issues. Recognising that a lot of their funds end up in wrong hands, the WB also has corruption elimination and poverty alleviation as high priorities for funding, both tied up closely to human rights.

The planning of large projects by engineers, therefore must be undertaken with the understanding of the impact of the projects, if the plans are ever to take off.

5) Liability through partners

With increasing globalisation, many companies do business with local partners. While our own organization might be clean, our local partners may employ child - or slave-labour. A classic example is from Burma where child labour is routinely used in addition to prison labour. While our own company's hands may be clean, we can be held liable when our partners violate. In this sense, Levi Strauss' Code for its partners is highly enlightened and makes interesting reading. A relevant question to pose to a university class is whether we are in violation of our obligations under the Convention on the Elimination of all forms of Discrimination Against Women (that we acceded to on 4 Oct. 1981) when we routinely accept Japanese grant aid to our universities and other institutions with severe and indeed unacceptable restrictions on women.

6) MFN, GSP status

According to international agreements, competition is supposedly free. But under the Most Favoured Nation status and the Generalised System of Preferences, special quotas and reduced tariffs are allowed. Often these are tied up to human rights clauses. Thus an engineering firm in, say, the free

trade zone into textile manufacturing that violated child labour or other standards, can jeopardise the MFN/GSP advantages of the country and sensible governments would require engineers to be aware of these considerations. In recent years the GATT/WTO regime has begun to question the legitimacy of these preferences but they still remain and have not been properly ruled upon.

7) Liability through foreign courts

Traditionally domestic law was made through parliament and the Foreign Minister was engaged in signing treaties that historically applied only to states. With the Laws of Geneva and the Hague and especially the events of the second World War, human rights obligations have entered into agreements between nations. Thus individuals have become the subject of international treaties. Recently foreign ministers by signing treaties and conventions have been signing into law what normally would not have passed through our domestic legislature. Examples are the International Covenant on Civil and Political Liberties and the Optional Protocols that allow individuals in Sri Lanka to complain directly to the UN High Commissioner for Human Rights. The concept of War Crimes and Crimes against Humanity with no statute of limitations and limits of jurisdiction, makes certain alleged crimes in Sri Lanka potentially chargeable in foreign courts. I suspect that the recent charge against our President in the Netherlands, which was dismissed, was using one of these laws. In the US too, an old 18th century tort claim law designed to collect damages from Englishmen has been successfully used in recent years to charge an Ethiopian general and others for rape, torture etc. when they were visiting the US.

The setting up of the new Criminal Court under the Rome Agreement will probably make crimes here even more easily prosecutable abroad. Under this, for the first time, the head of an organization (as opposed to the organisation itself) can be charged in an international court. For all these reasons engineers need to be more legally savvy about how their businesses impact on human rights and their own broader culpability even when the domestic Attorney General's office may be sympathetic to whatever they do.

8) Business in International Law

Globalisation has made businesses as important as, if not more important than, governments. Compare the GNP of Norway and Thailand of around US \$ 160,000 million with the sales of multinationals like GM at US \$ 164,000 million. Kofi Annan's call to business is rooted in this fact.

Thus we have come full circle. In the days of the Dutch East India Company, companies made treaties (as that company did with the "Emperor of Candy and his Grand Officers") and Grotius a founding father of international law and the author of the Law of the Seas, worked for that company. Then we went to the days when only states were the players in international law. Now companies are again responsible and taking over the obligations of states. A clear example is Ecuador which, when oil was discovered in the rain forests, asked Texaco and other companies to negotiate directly with the indigenous people for drilling rights.

Engineers therefore must be able to rise to their higher responsibilities and be trained accordingly.

Creating a decent society

The course has gone well. Sri Lanka of all countries needs human rights as no other country does. Personally the most enjoyable part was the lecture on the creation of a decent society by contrasting a home where a servant is treated like a crook and searched every day as he or she leaves with another where a choice is made to trust the servant, being prepared in the process possibly to lose things through theft. The choice is between i) being a decent person not suspecting someone who might be honest and ii) being a nasty employer who subjects even honest servants to indignities but in the process protects his home.

When the students agree that the first is the proper choice, the parallel to a society suspecting everyone from a particular community in a time of civil war is drawn. How Sinhalese troops suspect Tamils at check-points as Tamil militants as well as. Muslims in the North, merely based on their ethnicity are examples all students are familiar with. Instances even closer to the students in class are the CEB and SLT refusing to recruit Tamil engineers or take on Tamil students from Peradeniya as trainees on the mere grounds of their being Tamil.

At this point the McCann et al. case from Gibraltar (European Court News Release 451 of 17 Sept. 1995) is described to highlight that there is a cost to creating a decent society. In that case 3 known IRA terrorists were followed by the SAS and shot to death. The European Court faulted the UK for not taking sufficient measures to protect the

"Rights to Life" of these known IRA terrorists by arresting them at other opportunities they had when the risk to the lives of the terrorists was minimal. Students see the choice that is ours to make: between a decent society with costs and a risk-free one where not all are included.

Difficulties

Conservative faculties have been reluctant to authorise the teaching of human rights because it is so politically loaded - so much so that depending on who teaches it the course can be so different. Unfortunately human rights is a tool in the service of private agendas. For example, Tamils who rightly decry real Sinhalese atrocities are blind when Tamil atrocities on minorities within the Tamil community are pointed out. Sinhalese, even some Marxists, who are loud about the evils of colonial hegemonism, are unsympathetic to Tamil aspirations for self-determination (as guaranteed by Article 1 of the International Covenant on Civil and Political Liberties that Sri Lanka is signatory to). Likewise Tamils wanting self-determination for themselves through outright separation are totally opposed to Muslim desires for a mere province of their own. And academics have been no exception (see box). The challenge in teaching, human rights is to teach it neutrally without upsetting any one community in this divided nation. My experience has been that it made everyone think and perhaps everyone a little upset, but since all were equally upset (or not upset) and upset and gleeful in equal turns, it was a worthy exercise.

Teaching with a team of cross-cultural teachers will be something to be encouraged to preserve the universality of what is taught as much as to demonstrate and proclaim the fairness of the teachers. After all, universality of the humanity in all of us created equal in the image of God is the linchpin on which respect for human rights is asserted.

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