

Foreword

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It gives me great pleasure to write the Foreword for this important volume, which addresses a range of human rights issues which are likely to be of enduring interest. It is clear that the world in which we find ourselves in the twenty-first century is significantly different from that which confronted the drafters of the Universal Declaration of Human Rights post-World War Two. Their challenge was to design a system that would be truly universal in coverage, and create the foundations for the prevention of the kinds of atrocities that have regularly occurred in the past. The track record of the Universal Declaration has been mixed; it has generated an important legacy in the creation of an entire system of international human rights law, but with inconsistent results, not only failing to prevent large-scale human rights violations but proving inconsistent in tackling the slower drip of discriminatory treatment of individuals and communities.

In the context of these failures it is significant to note that they are often underpinned by lost opportunities in engaging the entire range of the vision of the drafters of rights. At various points in the history of human rights, sets of norms seeking the emancipation of individuals and communities have been realized. However only a selection of the potential range of human rights has been implemented, usually based on the self-interest of those that have chosen to engage. In addition many of the models derived have emanated from western ideas of law and beliefs in non-interventionist, *laissez faire* governance systems. As a result much of the richness derived through lived experiences has been lost and the discourse of human rights has moved towards a process-oriented regime, unable to address issues outside its specific dimensions.

Professor William A. Schabas is to be commended for the concept of forgotten rights that underlies the Conference that has led to this collection of papers. In academia we sometimes fall prey to the belief that we need to make greater contributions to knowledge that already exists. As a result we often focus on ever greater minutiae, while neglecting the larger questions and unexplored territory. One reason for this could be the research techniques in law; while these derive from the social sciences

they are nonetheless restricted, away from theory and towards providing commentary on positivist interpretations of law. As a result there is little room in the discipline for what is euphemistically referred to as ‘blue-sky’ thinking.

This volume therefore represents a genuine attempt to think beyond the realms of what exists, to reflect on ideas postulated in the past that could be of great salience in the future. It presents the reader with a key question: to what extent are the contemporary concepts of human rights and the systems that support them equipped to address the challenges of a changed world? By thinking through some of the ideas of the past, with a set of promising young scholars alongside more established names, readers will gain a sense of how human rights politics have shaped the current regime while also becoming attuned to the extent to which new directions and mechanisms can be forged in the future.

Many of the individuals whose contributions are encompassed in this volume have strong links to the Irish Centre for Human Rights, at the National University of Ireland, Galway, an institution that has had a significant impact in its first decade of existence under the stewardship of Professor William A. Schabas. This volume celebrates the success of the institution by showcasing some of the talent it has generated, and is likely to be of avid interest to all who care about the future of human rights.

