

The History of Conflict and Human Rights in East Timor

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Abstract

The history of the United Nations began after the Second World War with the main objective of preserving peace and international security and avoiding wars in the world. This objective was set precisely because of the experience of the first and second world wars that caused the damage and strong catastrophe for human life and the world.

From the birth of the United Nations, it is possible to see that many nations benefit from the support of the United Nations to solve their problems, especially the problem of the right of self-determination and the independence of the country in the regions of Asia and Africa and in the name of Human Rights, the United Nations can interfere and sanction nations that endanger Human Rights, that is, Human Rights issues are no longer considered only as an internal problem of the country but it becomes like a problem in which the United Nations has the legitimacy and authority to interfere. Over time, many movements for solidarity and the defense of Human Rights were born.

During the time of the struggle for Independence, Timor-Leste also benefited from the support of the United Nations in which at the very first moment of the invasion of Indonesia, the United Nations Security Council issued a resolution to contest the invasion of Indonesia and the United Nations decided not to recognize the proclamation of the Independence of Timor-Leste on November 28, 1975 made by the Revolutionary Front Timor-Leste Independent and at the same time also did not recognize the integration of Balibo made by Apodeti and UDT and with support from Indonesia.

The United Nations held the referendum in Timor-Leste on 30 August 1999 and then also helped to prepare a new state of Timor-Leste under the United Nations Transitional Administration in East Timor and recognised the Independence of Timor-Leste on 20 May 2002. After the 20th of May 2002, the United Nations continues to support Timor-Leste until now.

It can be seen that the role of the United Nations in the construction of the state of Timor-Leste is very important in the preparation of the Constitution of Timor-Leste, in the reconciliation of the CAVR (Reception, Truth and Reconciliation Commission), in the training of the National Police of Timor-Leste and the Armed Forces of Timor-Leste, in the resolution of existing conflicts within Timorese society and through direct intervention or through training and advice in the institutions of the state of Timor-Leste.

Keywords: United Nations, Peace, Conflict, Human Rights, History

1. INTRODUCTION

The history of humanity, from antiquity to the present day, is not separated from the problem of war. Wars happens in various regions for various reasons. We see that wars happen mainly for political, commercial, religious, etc. reasons. But sometimes they also happen because of a simple reason, such as the love of the rulers.

All wars have very negative impacts on the life of living beings. For human beings, for animals, for nature, for the environment. In a brief way we can say that war destroys the world in general.

In relation to the human being (this is what we are dealing with here) the war was about the dignity of the human person and the right to life, liberty, free expression and movement, and the stability and peace of the world and/or the community, etc. In addition to these issues that are at stake, war also has a negative impact on the development of human beings; the mentality part, education, etc.

In view of these above-mentioned issues, the world is seeking to create mechanisms to defend human life, stability and peace. The inspiration for peace also comes from ancient times as one of the conditions for stability within political society among men; citizens who were inserted or even a simple community that originated from the same ancestor; the clan, peace was very important.

To establish a relationship of peace or avoid war between other clans or other communities or between kingdoms, marriages, agreements were sometimes made or, as for example in ancient society in Timor-Leste, the so-called blood pact was made.

We can say that the desire and inspiration of human beings to create peace is fundamental for their procreation and survival. This inspiration exists anywhere in the world. For example, in Europe it was best known with Saint-Pierre's Project for Perpetual Peace in Europe, dated 1713, or Kant's idea "On Perpetual Peace, A Philosophical Project", dated 1795. They seek to create peace and avoid wars between European states. This idea of peace among European states came to fruition with the Congress of Vienna

in 1815 with the Treaty of Peace. While Woodrow Wilson came up with his ideas on peace, Wilson's Fourteen Points was extremely important for creating an international organization to prevent war and promote peace. With these inspirations for peace, the world later created the League of Nations with the Treaty of Versailles and finally the United Nations with the Atlantic Charter.

2. RESEARCH METHOD

The methodology used in this work is the application of procedures from the qualitative method of bibliographic study and unstructured observation. This observation technique aims to construct knowledge and experience to contribute to the better contribution of United Nations in conflict resolution and peace in East Timor.

3. RESULTS AND DISCUSSION

From a catholic biblical point of view, about the beginning of creation, there is conflict since Adam and Eve broke the rule that God had established that they could not eat a fruit that God forbade them not to eat. So Adam and Eve committed an action (eating the fruit) that shocked, opposed, did not follow the order (disorder) that God had established for them so that they could not eat the fruit that God forbade. Adam and Eve's actions were due to the temptation of the devil who said that if they both ate the fruit they would become like God. Because the claim that it became like God (equal as God) that led Adam and Eve to sin against God's command. This shows that Adam and Eve were proud, arrogant and want to be equal as the Creator; feeling of arrogance, superiority, wanting to be like God, which leads both against God's order, and this leads to conflict between them and God. Then came the conflict between Adam and Eve's sons, Cain and Abel. Cain killed Abel. Cain also had a feeling of arrogance about Abel who was offended when God accepted Abel's sacrifice and so Cain killed Abel.

Conflict is an inherent part of human life. There are so many conflicts in the world. For example, at the moment in the world there is conflict between Russia and Ukraine, and then Israel and Palestine, Israel and Iran.

In the context of Timor-Leste we can divide the conflict into three parts, namely the political conflict, the martial arts/ritual conflict and the personal or individual conflict.

- Political conflict

The political conflict can be divided into five (5):

1. The Conflict Caused by Portuguese Colonial Exploitation

There are two versions about the date of the Portuguese arrival in Timor. One version is based on a map painted by Francisco Rodrigues in 1512 of the land of Timor called "Island of Timor where sandalwood was born. Another version is the plaque on the Lifau Monument that reads: "Here the Portuguese landed in 1515". The Portuguese colonization in Timor, as well as in other places, always starting and basing on the 3G that God (God), Gold (Gold) and Glory (Glory). Portuguese colonization sought to impose its Catholic religion on the countries it "discovered" or "governed". We understand that Portuguese colonization began in the Middle Ages (between the fifth and fifteenth centuries). This at a time when the intervention of the Catholic Church in the political issues of the State is very strong. There is almost no separation of power between religious and secular power in the European world. The Kingdom of Portugal itself was born as an independent kingdom due to the recognition of Pope Alexander III with the papal bull *Manifestis Probatum* issued on May 23, 1179.

Thus, at the beginning of the Portuguese colonization in Timor, the Portuguese always sought to carry out trade (especially the Portuguese exploited the sale of sandalwood) and evangelization in Timor and sought to promote its glory which led the Portuguese colonizer to fight to conquer the great kingdom of Wehali in 1642. Finally, in 1719, the Royal House of Suai Kamanasa also gathered many kings to kill a dog and the dog's blood mixed with wine to give the kings to drink and swear an oath. the Portuguese "In 1719, the kings allied themselves to expel the Christians, the Government..." These kings are from Lamakhitu, Lolotoe, Kailaku, Lohitu, Saniri, Atsabe, Leimean, Aafonaran, Deribate, Ermera, Nusadila, Kloro, Letipau, etc.

One of the great revolts in East Timor was the Battle of Cailaco in 1726, which lasted 3 months, from October to December 1726 .

The move of the capital Lifau to Dili happened because Francisco Hornay led the war against the Portuguese and killed the governor of Portuguese Timor Dionísio Gonçalves Rebelo Galvão. Thus, when António Teles de Menezes came to power as governor, he transferred the capital from Lifau to Dili because Francisco Hornay's forces were too strong and the Portuguese no longer had the strength to defend the city of Lifau. Thus, Governor António Teles de Menezes left Lifau on August 11, 1769. It took Governor António Teles de Menezes and his men two months to reach Dili. Thus, on October 10, 1769, Dili became the capital of Portuguese Timor.

The Portuguese government fought the rebel kingdoms to strengthen their hold on Timor. When we look closely, during the Portuguese occupation, many wars took place between Timorese and Timorese. The Portuguese used some kingdoms to fight against other kingdoms. For example, in the Third Manufahi War (1911-1912), the Portuguese used kingdoms such as Samoro, Laclubar, Baucau, Vemasi, Ossu, etc. Similarly, the kingdom of Ulmera also revolted against the Portuguese in 1861.

All the wars in Timor that were fought against Portuguese rule always happened because the main reasons were forced labor, taxes or feints. But historical information also shows that Timorese and Timorese (kingdom by kingdom) fought each other. For example, in 1835, the councilor Manoel José Gomes Loureiro, quoted by Dom Ximenes Belo, "The soes apelidados Reis de Timor, governado, arbitrarily in the respective Districts, with some reference to habits and customs. – And there are quarrels between some and others, which end by force; and in which in some way the Governor of the Square intervenes, and it should be that he intervened, to reconcile them only." element. Governor Celestino da Silva (ruled Timor from 1894 to 1908) also said, as quoted by Dom Ximenes Belo, "The so-called kingdoms of Timor-Leste hate each other, and would, if we allowed them, be in constant wars,...".

2. The Conflict Caused by the Second World War

The conflict of World War II also affected Portuguese Timor. Australian forces entered Portuguese Timor on 17 December 1941. Then, Japanese forces entered Portuguese Timor on February 19, 1941. Thus, Australian and Japanese forces fought each other in Portuguese Timor and some Timorese joined with Australia fought against the Japanese and other Timorese joined with Japan fought against Australia. Timorese and Timorese kill each other.

3. The Conflict Caused by the Carnation Revolution.

Finally, on April 25, 1974, a carnation revolution took place in Portugal that brought the wind of freedom to Portuguese Timor. With the occurrence of the Carnation Revolution, the Portuguese gave freedom to the colonies, including East Timor, to decide their own destiny. Thus, several parties emerged in Portuguese Timor, such as UDT, which wanted to join Portugal in preparing Timor for independence. ASDT, which became Fretilin, wanted immediate independence. Apodeti wants to integrate into Indonesia. Finally, due to the lack of political maturity of the Timorese and also due to the influence of the Cold War led the Timorese to kill each other. UDT launched the Anti-Communist Movement on 11 August 1974 and Fretilin counter-attacked and eventually the Timorese killed each other.

4. The Conflict Caused by the Indonesian Invasion

The Timorese have different opinions about the fate of Timor. Each party defends its views and policies. The Timorese could not think about the fate of Timor, which eventually led to a civil war among the Timorese themselves, which Indonesia eventually took advantage of to invade Timor on December 7, 1975, even Fretilin, through its President Dr. Francisco Xavier do Amaral proclaimed the independence of Timor-Leste on November 28, 1975. Finally Indonesia ruled East Timor for 24 years and during these 24 years many Timorese killed each other in the forest, in the village, etc. Thus, with the signing of the May 5 agreement in New York by Indonesia and Portugal in the presence of the United Nations, a referendum was held in Timor on August 30, 1999 and the results of September 4 showed that 78.5% of the Timorese do not want autonomy with Indonesia

and 25.5% want autonomy with Indonesia. Therefore, the majority does not want Indonesia to pave the way for the United Nations to prepare Timor-Leste for independence on May 20, 2002, as a way of restoring the independence that was proclaimed on November 28, 1975.

5. The Political Conflict After Independence

After Timor-Leste freed itself from Indonesian occupation, the Timorese leaders did not have the same idea of developing Timor-Leste. The leadership will remain divided. This can be seen in the unhealthy relationship between Fretilin and Xanana Gusmao, who eventually rebuilt the CNRT. The acronym is the same as the CNRT during the resistance, but the name is not the same. The CNRT, formerly known as the National Council of Timorese Resistance, was born out of a convention held in Peniche, Portugal, from 23 to 27 April 1998. A CNRT now called the National Council for Timorese Reconstruction was born after the 2006 crisis because of misinterpretation by Lorosa'e and Loromonu. There were also demonstrations by the Catholic Church against the Fretilin government.

In reality, there are still divergences or differences of opinion among the Timorese political leadership in the process of building the State of Timor-Leste. Fortunately, differences between politicians are no longer a cause of conflict in Timor-Leste. The cause of the conflict in Timor-Leste now that we all know comes from some elements or individuals of the martial arts or ritual arts.

- The Martial Art/Ritual Conflict

The conflict in Timor-Leste is also due to the influence of martial arts and ritual arts. We don't know exactly what the root or cause of the conflict between martial arts and ritual arts is. But we see in the reality of everyday life that some individuals of some martial arts and some ritual arts provoke each other, they are always in confrontation, fight or conflict with each other. After all, these martial arts and these ritual arts teach members to be good people, good citizens, responsible people. But unfortunately in reality there is conflict between these martial arts. What I can notice is that individuals in martial arts and ritual arts do not have the capacity to solve problems through dialogue.

When a problem arises, they think quickly to attack each other. They do not have a way or a mechanism to solve their problems without violence.

- Personal or Individual Conflict

Personal or individual conflicts often occur within the family and community. These conflicts include land disputes, domestic violence, hatred, etc.

Now we ask why these conflicts arise?

In the history of humanity we can see that many conflicts in the world arise because of feelings of arrogance and superiority over others. He wants to be smarter than others. He wants to be stronger than others. He wants to rule over others. He wants to occupy someone else's land. He wants to be richer than others. To deceive others, to manipulate others, to exploit others, to oppress others, to show off, to force others to follow our desires, etc. There is no respect for the equality of the human person, we are equal and we must respect each other equally and we have equal rights and duties.

On the one hand, the Timorese will become accustomed to acts of violence that are a legacy of the war history of the past. Timor-Leste's history is full of wars. The war during the Portuguese era, the war during World War II and the war during the Indonesian occupation.

Past Timorese history is full of wars because the Timorese like to fight. Dom Ximenes Belo said, "The people, in general, like war." This warrior mentality is firmly rooted in the Timorese themselves and leads the Timorese to continue to use violent means, to fight among themselves, to solve the problems that arise. And on the other hand, Timorese culture also contributes to the feeling of superiority through fighting. I associate this with the culture of Uma Biru. All Timorese have their own strength and this strength is a factor that encourages the Timorese to think that they are stronger than others. Their beer gives them the strength to fight each other. Because the Timorese think that wearing biru can give supernatural strength to attack enemies or attack enemies or others.

In my opinion, we need to learn from our history and have a good character formation of citizens and the law must be strong.

We need to look at the past, what is good we preserve or do better and what is bad we need to avoid so that it does not happen again. If we look closely at the conflict that happened in the past, it is because we do not have the maturity to solve problems. The way to solve problems in our minds is to fight. Test each other's physical strength. We are not used to using non-violent means to solve problems. For example, we are not used to debating words against each other. That is why we need good training to get used to solving problems without violence. Talk to each other, yell at each other, but don't touch each other. And the law must be strong to force citizens not to solve problems through fighting but by peace ways to get the very best solutions for both sides.

I. League of Nations

The creation of the League of Nations, based on the Treaty of Versailles, has as its main objective the resolution of conflicts by peaceful means and seeks to make a great effort to avoid any type of recourse to war. We can say that the League of Nations is the first international organization that began to promote peace in the world. The League of Nations was created within the framework of the Peace Conference on April 28, 1919, which was regulated with the so-called Covenant of the League of Nations, which also includes peace treaties.

The creation of the League of Nations by the victorious countries of the First World War provides a new mechanism for solving problems. Whereas before the resolution of problems through secret diplomacy and in the balance of powers. The League of Nations tries to try to solve problems in a transparent way. The League of Nations has as its main objectives: collective security (based on the principle that the threat to one represents a threat to all), arbitration (to resolve conflicts peacefully and without resorting to force) and the limitation of armaments.

The League of Nations had several bodies as follows: Council, responsible for maintaining peace; Assembly, plenary body; Secretariat, administrative and support body, a Court, Permanent Court of International Justice.

The great protagonists of the League of Nations and also as members of the Council, as the supreme body, were England, France, Italy and Japan. The United States of America was also supposed to be the fifth permanent member, but unfortunately the United States Senate voted against ratifying the Treaty of Versailles. That was how it made it impossible for the United States to enter the League of Nations. Then the two great states like Germany which joined in 1926 and the USSR which joined in 1934. It also had four non-permanent members who were elected by the Assembly for a three-year term. To cite that the first non-permanent member states were Belgium, Brazil, Spain and Greece.

We have seen that the League of Nations had the influence par excellence and dominant of the countries of Europe (later Japan withdrew from the League of Nations) but in the end Europe itself was divided by different ideologies; Europe had communist, liberal capitalist and fascist states. Hence we can say that the League of Nations has not yet been able to represent the interests of all the states of the world.

The decline of the League of Nations began in the 30s because it was unable to resolve major conflicts at that time and above all for not being able to prevent the First World War, so the League of Nations was dissolved. Its dissolution was through a session of the Assembly in Geneva in April 1946 and with the main objective being the transfer of goods and assets to a new international organization with the same objective: to guarantee world peace.

II. United Nations

The first and second world wars have a very negative impact on the world. Thousands of people died, including innocent children and women. These two wars are the greatest catastrophe in the life of the human being of all times. The worst of all this was precisely because of the invention of new murderous weapons of great capacity and great scale of destruction. Such as the atomic bomb that was used in Nagasaki and Hiroshima in Japan.

The League of Nations failed to prevent the two great wars, so it led the world to stop and think about how to prevent the catastrophes caused by bloody wars in the future; how to create and establish peace for future new generations. It was with this in mind that

the United Nations was created. For this reason, the Charter of the United Nations states "To preserve future generations from the scourge of war that twice, in the space of a human life, has brought untold suffering to humanity".

The creation of the United Nations is fundamental to preserving world peace; to resolve conflicts in a peaceful manner and avoid the suffering that war may bring to humanity in the future. Its creation began with the drafting of the United Nations Charter by the 50 states present at the conference in San Francisco from April 25 to June 26, 1945. The name itself, United Nations, was introduced by the President of the United States of America, Franklin Roosevelt.

The Charter of the United Nations is quite different from the Covenant of the League of Nations. While the Covenant has 26 articles, the Charter has a preamble and 111 articles that are divided into 19 chapters. There is also the Statute of the International Court of Justice with 70 articles that are divided into 5 chapters.

The United Nations was officially born on October 24, 1945 with the ratification of the Charter, by the five states with the right of veto; The United States of America, the United Kingdom, France, the Soviet Union and China also had a majority of signatories.

The Creation of the United Nations gives new hope and a very solid hope for world peace. At least, the United Nations protagonists, with experience of the failure of the League of Nations, could avoid the mistakes of the past so that the United Nations could work better for the international community in creating world peace. Because of this, according to Professor Maria do Céu Pinto, in her book entitled “ O Papel da ONU na Criação de Uma Nova Ordem Mundial” says that there are "some aspects that did not work in the SDN":

- Ao contrário da SDN, criada no rescaldo da I Guerra e ligada ao Tratado de Versalhes, as Nações Unidas nasceram num contexto desligado da liquidação do conflito; (Translation: Unlike the SDN, created in the aftermath of World War I and linked to the Treaty of Versailles, the United Nations was born in a context disconnected from the liquidation of the conflict.);

- Membros importantes como os EUA e a URSS integram o conselho de segurança de forma permanente; (Translation: Important members such as the USA and the USSR are permanently part of the Security Council.);

- O direito de veto, embora não tivesse legitimidade democrática, teve o mérito incontestado de assegurar a permanência dos grandes Estados na organização por salvaguardar os seus interesses, mesmo contra a maioria dos outros Estados; (Translation: The right of veto, although it had no democratic legitimacy, had the undisputed merit of ensuring the permanence of the large States in the organization by safeguarding their interests, even against the majority of the other States.);

- As normas das NU são leis internacionais válidas para todos os Estados: as obrigações dos membros das Nações Unidas prevalecem sobre as obrigações assumidas resultantes de qualquer outro acordo internacional e mesmo os Estados que não são membros das Nações Unidas devem agir de acordo com os princípios da ONU em tudo quanto for necessário à manutenção da paz e da segurança internacionais. (Translation: The norms of the UN are international laws valid for all States: the obligations of the Members of the United Nations take precedence over the obligations assumed under any other international agreement, and even States which are not members of the United Nations must act in accordance with the principles of the UN in all that is necessary for the maintenance of international peace and security.).

But the creation of the United Nations by the victors of the Second World War provides, more than the prevention of wars and the peaceful solution of conflicts, also as it is written in the preamble to the Charter: the importance of human rights, fundamental rights, the dignity and value of the human person, equal rights for men and women and also equality between states, whatever it is, big or small, everyone is of the same position as a sovereign state.

Manuel de Almeida Ribeiro and Mónica Ferro observe the positive points of the League of Nations for the United Nations and also the negative points of the League of Nations that should be avoided by the United Nations. They say that the legacy of the League of Nations to the United Nations should be:

1. O desenvolvimento das técnicas de negociação multilateral; (Translation: The development of multilateral negotiation techniques);
2. A experiência do funcionamento de um Secretariado internacional permanente; (Translation: Experience of the operation of a permanent international Secretariat);
3. A experiência de cooperação internacional nos domínios económico e social; (Translation: Experience of international cooperation in the economic and social fields);
4. A criação de um Tribunal Internacional permanente. (Translation: The creation of a permanent International Court.).

While negative aspects that the United Nations should learn from the League of Nations and should be avoided, are these:

1. A ligação demasiado directa entre o Tratado da Paz e a Organização; (Translation: The too direct link between the Peace Treaty and the Organization);
2. O carácter excessivamente abstracto do conceito de segurança colectiva e do mecanismo de sanções; (Translation: The excessively abstract nature of the concept of collective security and the sanction mechanism);
3. A delimitação pouco clara das competências dos órgãos restritos e plenário; (Translation: The unclear delimitation of the competences of the restricted bodies and the plenary);
4. A excessiva centralização nas relações da Sociedade com os restantes elementos do sistema. (Translation: The excessive centralization in the relations of the Society with the other elements of the system).

We can safely say that the creation of the United Nations has as its background the experience of the League of Nations.

The principal organs of the United Nations are the General Assembly, the Secretariat-Secretary-General, the Security Council, the International Court of Justice, the Economic and Social Council, and the Trusteeship Council. In 2005, the Peacebuilding Commission and the Human Rights Council were also created.

III. Human Rights Committee

The issue of human rights is a fundamental issue in the creation of the United Nations. We can deduce this statement based on the Preamble to the Charter and especially on the first paragraph 3 of the Charter of the United Nations. In fact, based on respect for Human Rights, fundamental rights and freedoms of the human being, the right to life, respect for the dignity of the human being are fundamental core for the creation of the United Nations, since war is at stake these issues of the human being. With the Second World War, there was an awareness of the importance of Human Rights in the minds of jurists and constitutionalists. Even though there are many authors who say that Human Rights have been around since ancient times, with Greece and Rome, as if Human Rights were germinating over time, however, according to Professor João Rosas, Human Rights arise with historical accident. With the Second World War.

With the Second World War, the creation of the United Nations was born and we share the idea that after the creation of the United Nations in 1945 (even its creation is based on the promotion of peace and Human Rights) the importance of Human Rights has not yet been attributed. The founders of the United Nations have in mind the importance of Human Rights as reflected in the Charter of the United Nations, but in the first year of the United Nations' existence, the concentration of the United Nations focused more on the issue of war; of how to establish peace. We saw that the concern of war was still the central theme at that time. Specifically, it was only a year later, in 1946, that the United Nations Commission on Human Rights was created, which is based on the United Nations Charter. Two years later, in 1948, the General Assembly proclaimed the Universal Declaration of Human Rights. Even so, in terms of international public opinion in the 1950s and 1960s, the Universal Declaration of Human Rights still does not have much relevance because of the Cold War. We have seen once again how the issue of war (cold war) distracted the concentration of the great leaders of great countries at that time.

The Universal Declaration of Human Rights itself is mainly supported by the Commission on Human Rights in the drafting part. The work of drafting the text of the Declaration began in the year 1947 until 1948 by 8 members of the Commission on Human Rights under the leadership of Eleanor Roosevelt, the wife of the President of the United States of America Franklin Delano Roosevelt with the direct support of Chiang Kai-shek of China and Malik of Lebanon. From there it became known as the Triumvirate.

This commission was also called the Committee of Philosophers because it was looking for a theoretical basis that could be shared by all the peoples of the world. For example, the Commission also asked about Gandhi's idea, where Gandhi gave his very short idea. He said that "all rights must come from some duty, linked to the duty of a citizenship of the world. In this view of Gandhi we can see very clearly the difference between Western and Eastern culture. While in Western culture the law is focused on the human being as an individual. While for Gandhi (for the Eastern world) what values most is the duty of each individual to his community. Each individual lives in relationship with and for the community. The interest of the community is above all personal interests. While for Jacques Maritain tried to carry the Catholic tradition; the Catholic Christian faith for human rights. According to this thought, God must be at the center and not man.

In the Western academic world there are several authors who have defined and attributed the importance of Human Rights that is also different. For example, for Jeremy Bentham, there is no Human Rights; It's nonsense, it's illogical. While for Burke, Human Rights will destroy the social system of the community, the general institutions of society such as the family, religion and traditions. For example, he supports the American revolution as a good change, a legitimate struggle, it did not break up society; but only for a better change: to put an end to despotism. While the French Revolution creates a new form of community. While Marx sees Human Rights as a mechanism of exploitation because Human Rights have to do with the right to property. While for Locke the right to property is a natural right. Everyone has the right to life and to have the right to freedom; freedom seen as property. It is even saying that no one is someone else's owner. Idea that children are not the "property" of their parents. Whereas for Grotius, natural right is to respect one another. Grotius suggested for the history of Human Rights that "one should

start thinking about Subjective Rights". While for Hobbes, he made a very important contribution to Human Rights in relation to the equality and freedom of human beings. Man is free and equal. These ideas are contained in all the Declarations of Human Rights, including the Universal Declaration of Human Rights of 1948.

So we have seen that even in the academic world there are several thinkers who try to find the foundations for human rights and we can also say that the question of the conception of human rights is very complex. From thinkers of Western to Eastern origin and of various religions such as the Catholic, Muslim and Confucian religions, this conception of Human Rights varies.

Each one has their own way of interpreting things, has their own conception of Human Rights. It's very interesting because even among the Triumvirate, the idea of Malik (Muslim Lebanon) with Chang (Asia) was also different. Because of the difference in culture, etc. So we can say that the Commission managed to make a list of Human Rights, but not on the basis of the theoretical foundation of Human Rights. We cannot say that the theoretical basis of the Declaration is Locke's, nor Hobbes's even the ideas of both we can find in the Declaration. We cannot say so for other thinkers either.

We have seen that the Commission has a very important role to play in shaping the Universal Declaration of Human Rights and how to produce a Declaration that can reflect the interests of all peoples. Making a statement that encompasses the interests of all the people of the world is not easy. Because in the world there are several ways of seeing life, various philosophies of life, religions, customs, rights, etc. So to get there, making a statement that can be accepted by all the people is difficult. What can be done is to try to reach a consensus on a declaration of human rights. Hence the theories of Consensus. We agree that the doctrinal basis of human rights after 1948 is the consensus itself, the consensus among all men of all nations, of all cultures and religions in the world. Consensus Omnium Gentium. Then came Bobbio with his theory of Factual Consensus. For him there is no single foundation, absolute foundation. His idea is that we must start from the existing consensus and from it a practical realization of rights. That is why there is no historical consensus. Consensus is a factual consensus. It is not worth looking for the absolute foundation, and also the search for possible foundations will have

no historical importance. The factual consensus that seeks to dispel the single doctrinal foundation is also shared by UNESCO. Because in the world there are several customs, various religious beliefs, various philosophical thoughts and various legal doctrines, etc.

We have also seen that the Commission has a very important and active role, not only in the first moment of the creation of the Universal Declaration of Human Rights, which contains 30 articles that talk about basic rights in relation to Personal Rights, for example: Right to life, liberty, personal security, right to personality, right not to be subjected to torture or any degrading treatment, the right to privacy and family life, the right to nationality, etc.; Political Rights such as the right to vote, the right to hold public office; Substance Rights such as the right to food, accommodation, etc.; Economic Rights such as property rights, right to work, etc.; Social and Cultural Rights such as the right to social security, women's right to protection during pregnancy and after childbirth, etc. that these basic rights are guaranteed for each individual, but also in the promotion of Human Rights through the United Nations to this day for everyone, for all the people of the world. We have seen that the Universal Declaration of Human Rights is universal in character. That is to say, it is valid for every citizen of the people of the world. Every citizen of the world is equal. Universal equality. In addition, we can see that the Commission on Human Rights continues to play an important role in promoting human rights to the world in relation to development law, children's rights, the prohibition of torture and the abolition of the death penalty, civil and political rights, economic, social and cultural rights, etc. It is to facilitate the work that the Commission has the support of a Subcommittee on the Promotion and Protection of Human Rights that it was created at the first meeting of the Commission on Human Rights in 1947.

Then, from 1948 to 1966, the Commission on Human Rights created a body of human rights law of an international nature based on the Universal Declaration of Human Rights, since the Declaration itself has no legal force. So the Commission on Human Rights created the International Covenant on Political Civil Rights which provides for rights to life, right to liberty and personal security, freedoms of thought, conscience, religion, expression, the prohibition of torture, degrading treatment, slavery and servitude, etc. and the International Covenant on Economic, Social and Cultural Rights

provides for the right to work, freedom of association, food, health, education and culture, etc. The two covenants were created by United Nations General Assembly resolution 2200 A (XXI) on 16 December 1966 and entered into force on 3 January and 23 March 1976.

Both in the creation of the Universal Declaration of Human Rights and in the creation of the two covenants mentioned above, there is always a difference of ideas because of the difference in the conception of Human Rights, between the United States of America and Great Britain with the Eastern States in the leadership of the USSR. The difference lies in the attribution of importance between Civil and Political Rights and Economic, Social and Cultural Rights. The United States of America and Great Britain wanted the Universal Declaration of Human Rights to include only the list of Civil and Political Rights while the Eastern States wanted the Declaration to include only Economic, Social and Cultural Rights.

This difference of position and interest makes it increasingly clear (even in the Universal Declaration of Human Rights, it does not provide for any distinction between the human rights provided for in its text in relation to the importance between Civil and Political Rights and Economic, Social and Cultural Rights. There is no difference in the importance between these two problems) in the creation of the pacts in which there is a doubt whether it could create only one International Covenant on Human Rights or two International Covenants. While voting on the Universal Declaration of Human Rights, Mrs. Roosevelt is concerned whether the USSR and Eastern States will vote against it. After all, these states do not vote against the Declaration. But they vote to abstain. There are 48 votes in favor, 8 abstentions, 2 absences and there is no state that votes against.

But the problem does not end with the approval of the Declaration, after all the problem becomes clearer and more tense between the United States of America-Great Britain and the USSR-Eastern States in relation to pacts because the Declaration has the character only as a recommendation while the pacts (international treaties) have the character of legal obligation. That is, while the states ratify the treaty, it has legal value in the internal legal system of the state that ratified it.

It is also very interesting to remember here that even at the San Francisco Conference in 1945, within the framework of the promotion of Human Rights by the UN, the United States and Great Britain advocated to increase in the proposal "in particular the right to freedom of information and religious freedom", while the USSR wanted to increase in the proposal "in particular the right to work and the right to education".

While he came to a conclusion that there must be two pacts; one that deals with Civil and Political Rights and the other deals with Economic, Social and Cultural Rights, it was not because of this division between the United States of America and Great Britain and the USSR-Eastern States, but it was precisely for a pragmatic reason; for a technical reason to make it easier for States to be involved. We have seen that the Covenant on Civil and Political Rights is more effective compared to Economic, Social and Political Rights in that it depends on the level of development of the country. In other words, Civil and Political Rights have direct application. This means that as soon as a state ratifies the pact, a citizen can demand these rights without concrete mediation by the state. As soon as the state rectifies, citizens immediately benefit from these rights. While Economic, Social and Cultural Rights do not. The citizen will not benefit from these rights right away. Because it depends on the financial capacity and the development policy of the state.

In 1976, the Human Rights Committee was created based on Article 28 of the International Covenant on Civil and Political Rights for the purpose of protecting the rights that are in that same covenant.

The Geneva-based Human Rights Committee is made up of 18 members in the areas of Human Rights. Each member exercises his function not as a representative of his country as provided for in Article 28 no.3. Even so, there must be an equal distribution geographically and of different types of civilization as well as of the main legal systems as provided for in Article 31. Members shall be supported by the United Nations Secretariat through the personnel or material means necessary for the effective performance of the tasks entrusted to them under Article 36. The Committee's functions are to review the reports submitted by the Member States under Article 40 and also to

review the reports submitted by the NGOs, to assess complaints against States Parties under Article 41, and to prepare general observations.

The period for submission of national reports on the implementation of the Pact has been set at 5 years. In relation to the reports, the Committee will study and then send to the States the reports themselves with the observations, and these observations can be sent to the Economic and Social Council of the United Nations, also with the reports of the States. Complaints can be lodged by Member States or by an individual whose country has accepted the competence of the Committee and the Committee will take between 12 and 18 months to declare the admissibility of a case or not.

Until now, the United Nations has also created the United Nations High Commissioner for Human Rights and in turn he has created a commission called the United Nations Commission on Human Rights and which was later replaced by the United Nations Human Rights Council, whose function is to examine, monitor and prepare a report in relation to Human Rights in a given country or on the world phenomenon that has to do with Human Rights.

4. CONCLUSION

Talking about the creation of the United Nations, we cannot talk about the history of the effort to create the mechanism to establish peace in the world. We have seen that there have always been wars that jeopardize the life and dignity of the human being and peace. That is why the creation of the United Nations is to protect and promote peace and human rights in the world after the catastrophe of the Second World War.

But the conception of Human Rights is very complicated not only because of the difference in the conception between the United States of America and Great Britain and the USSR-Eastern Countries, but also because of the difference in the philosophy of life between the Western world and the outside world, between religions, customs and bases of legal doctrine that also vary. We have seen that thinkers in the legal academic world have several ideas in relation to Human Rights. Or maybe if we ask people on a daily basis, the conception of Human Rights may also vary. If we ask a person who is at war, Human Rights is perhaps peace. If we ask a sick person, Human Rights is health. If we

ask an unemployed person, Human Rights is to have a job. If we ask Malala, Human Rights is that children can freely go to school; "One child, one teacher, one book, one pen can change the world".

We can safely say thanks to the creation of the United Nations that the protection of Human Rights (we are aware that there is still a violation of Human Rights in the world today) can be achieved in the real world. Because if it were not so, Human Rights would only be a philosophical idea of the great thinkers or the great founders of the great religions of the world, not in the reality of common people.

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