

Chapter 30

Human rights

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Reader's Guide

Thuggish dictators, like Robert Mugabe in Zimbabwe and the Kim dynasty in North Korea, violently repressing their people and pushing many to the edge of starvation. Women not even allowed to drive a car, let alone vote, in Saudi Arabia. Nearly 50 million people (15 per cent of the population) in the United States without access to basic health care coverage. Indigenous peoples in Amazonia forced off their land to make way for mines, ranches, and farms. Men and women attacked on the streets in Brazil because of their sexual orientation. Workers with no viable choice but to labour in dangerous conditions for near-starvation wages. More than 20,000 children dying each day of preventable diseases.

Although states and citizens regularly and forcefully speak out against such abuses, international action, as we shall see, can provide little direct help to most victims. It can, however, support local people in their struggles. International pressure can also help to keep the issue alive and to build a foundation for future action. And most people today agree that states and citizens have a duty not to turn a blind eye and silently tolerate systematic violations of human rights.

This chapter examines the multilateral, bilateral, and transnational politics of human rights in contemporary international society. It also examines international human rights from four theoretical perspectives presented in **Chapters 6, 7, 9, 10, 11, and 12.**

Introduction

Seventy-five years ago, human rights were not a legitimate international concern: how a state treated its own nationals on its own territory was a protected exercise of sovereign rights, however morally repugnant that treatment might be. Particular injustices that we today consider violations of human rights, such as slavery and the terms and conditions of industrial labour, were addressed internationally only as exceptional and discrete issues, not as part of a larger set of human rights. Even the notoriously 'idealistic' Covenant of the League of Nations fails to mention human rights.

The end of the Second World War and growing awareness of the horrors of the Holocaust loosed a flood of governmental and civil society reflection and activity that culminated in the United Nations General Assembly adopting the Universal Declaration of Human Rights on 10 December 1948. (Most countries thus celebrate 10 December as Human Rights Day.) This gave human rights a permanent place on international agendas and provided the foundational norms of the global human rights regime.

The global human rights regime

An **international regime** is conventionally defined as a set of principles, norms, rules, and decision-making procedures that states and other international actors accept as authoritative in an issue-area (see Ch. 19). The global human rights regime is based on strong and widely accepted principles and norms but weak mechanisms of international implementation, producing a system of national implementation of international human rights.

International human rights norms

The Charter of the United Nations, signed in San Francisco on 26 June 1945, identified promoting respect for human rights as one of the principal objectives of the new organization. It also created a Commission on Human Rights (which was replaced in 2006 by a new, and potentially stronger, Human Rights Council).

The principal initial work of the Commission was drafting the **Universal Declaration of Human Rights**, a succinct yet comprehensive list of internationally recognized human rights. **Civil and political rights** provide legal protections against abuse by the state and seek to ensure political participation for all citizens. They include rights such as equality before the law, protection against arbitrary arrest and detention, and freedoms of religion, speech, assembly, and political participation. **Economic, social, and cultural rights** guarantee individuals access to essential goods and services, and seek to ensure equal social and cultural participation. Prominent examples include rights to food, housing, health care, education, and social insurance.

International law treats these two sets of rights as indivisible. Rather than an optional list from which states may pick and choose, the Declaration holistically specifies minimum conditions for a life of dignity in the contemporary world. Internationally recognized human rights are also interdependent. Each set strengthens the other and makes it more valuable; one without the other is much less than 'half a loaf'. These rights are also universal, applying equally to all people everywhere.

Internationally recognized human rights have been further elaborated in a series of treaties (see Box 30.1). The six principal international human rights treaties (two International Human Rights Covenants, on economic, social, and cultural rights, and civil and political rights, plus conventions on racial discrimination, discrimination against women, torture, and rights of the child) had, by December 2012, been ratified (accepted as legally binding) by, on average, 173 states—an impressive 88 per cent average ratification rate. Box 30.2 lists the rights recognized in the Universal Declaration and the International Human Rights Covenants, which (along with the Charter provisions on human rights) are often called the International Bill of Human Rights. For the purposes of International Relations, 'human rights' means roughly this list of rights.

Multilateral implementation mechanisms

The principal mechanism of multilateral implementation of these international legal obligations is periodic reporting. Supervisory committees of independent

Box 30.1 Major international human rights treaties

	Adopted	Entered into force	Number of parties (2009)	Supervisory committee	Individual complaints	Parties allowing complaints (2009)
International Covenant on Economic, Social, and Cultural Rights	Dec 1966	Jan 1976	160	Committee on Economic, Social, and Cultural Rights	yes	not yet in force
International Covenant on Civil and Political Rights	Dec 1966	Mar 1976	165	Human Rights Committee	yes	113
International Convention on the Elimination of All Forms of Racial Discrimination	Dec 1965	Mar 1969	173	Committee on the Elimination of Racial Discrimination (CERD)	no	n.a.
Convention on the Elimination of All Forms of Discrimination against Women	Dec 1979	Sep 1981	186	Committee on the Elimination of Discrimination against Women (CEDAW)	yes	99
Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment	Dec 1984	Jun 1987	146	Committee against Torture (CAT)	yes	64
Convention on the Rights of the Child	Nov 1989	Sep 1990	193	Committee on the Rights of the Child (CRC)	no	n.a.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Dec 1990	Jul 2003	42	Committee on Migrant Workers (CMW)	no	n.a.
Convention on the Rights of Persons with Disabilities	Dec 2006	May 2008	71	Committee on the Rights of Persons with Disabilities (CRPD)	yes	45
International Convention for the Protection of All Persons from Enforced Disappearance	Dec 2006	not yet in force	16	Committee on Enforced Disappearances (CED)	no	n.a.

Box 30.2 Rights recognized in the International Bill of Human Rights*

- Equality of rights without discrimination (D1, D2, E2, E3, C2, C3)
- Life (D3, C6)
- Liberty and security of person (D3, C9)
- Protection against slavery (D4, C8)
- Protection against torture and cruel and inhuman punishment (D5, C7)
- Recognition as a person before the law (D6, C16)
- Equal protection of the law (D7, C14, C26)
- Access to legal remedies for rights violations (D8, C2)
- Protection against arbitrary arrest or detention (D9, C9)
- Hearing before an independent and impartial judiciary (D10, C14)
- Presumption of innocence (D11, C14)
- Protection against *ex post facto* laws (D11, C15)
- Protection of privacy, family, and home (D12, C17)
- Freedom of movement and residence (D13, C12)
- Marry and found a family (D16, E10, C23)
- Freedom of thought, conscience, and religion (D18, C18)
- Freedom of opinion, expression, and the press (D19, C19)
- Freedom of assembly and association (D20, C21, C22)
- Political participation (D21, C25)
- Social security (D22, E9)
- Work, under favourable conditions (D23, E6, E7)
- Free trade unions (D23, E8, C22)
- Rest and leisure (D24, E7)
- Food, clothing, and housing (D25, E11)
- Health care and social services (D25, E12)
- Special protections for children (D25, E10, C24)
- Education (D26, E13, E14)
- Participation in cultural life (D27, E15)
- Self-determination of peoples (E1, C1)
- Seek asylum from persecution (D14)
- Nationality (D15)
- Property (D17)
- A social and international order needed to realize rights (D28)
- Humane treatment when detained or imprisoned (C10)
- Protection against debtor's prison (C11)
- Protection against arbitrary expulsion of aliens (C13)
- Protection against advocacy of racial or religious hatred (C20)
- Protection of minority culture (C27)

* *The source of each right is indicated in parentheses, by document and article number. D = Universal Declaration of Human Rights. E = International Covenant on Economic, Social, and Cultural Rights. C = International Covenant on Civil and Political Rights.*

experts—‘treaty bodies’ in the legal jargon—receive and review state reports on national practice. These reports are publicly reviewed in a session where representatives of the reporting state address questions from the committee. Written supplemental answers and questions may ensue. Once this exchange of views and information has concluded, though, the review is complete. The treaty body has no authority to determine the extent of compliance, or even the adequacy of the state party’s report or responses.

Some treaties also include (equally modest) mechanisms for individual complaints. On average, though, only half of the parties to a convention permit the treaty body to examine complaints. And even when a complaint makes it through the review process, the committee merely states its views as to whether there has been a violation. The state in question is legally free to treat those views as it sees fit.

The Human Rights Council has established a system of universal periodic review. Because the reviewers

are states rather than independent experts, though, the typical review is superficial. Furthermore, the universal scope of the procedure produces very scattered observations. Nonetheless, in some instances not insignificant monitoring does occur.

More substantial work is carried out under the Council’s country-specific and thematic ‘special procedures’. In 2012, rapporteurs, experts, and working groups investigated thirty-two topics (including housing, arbitrary detention, education, extreme poverty, human rights defenders, contemporary forms of slavery, transnational corporations, and violence against women) and human rights practices in twelve countries (Belarus, Cambodia, Côte d’Ivoire, Eritrea, North Korea, Haiti, Iran, Myanmar [Burma], the occupied Palestinian territories, Somalia, Sudan, and Syria).

The International Criminal Court (ICC), created in 2002, does have powers of judicial enforcement. Its mandate, however, is restricted largely to genocide, war

crimes, and crimes against humanity, and its activities touch few cases. Throughout 2012 it had initiated seventeen cases addressing seven situations (in Uganda, Democratic Republic of Congo, the Central African Republic, Sudan, Kenya, Libya, and Côte d'Ivoire), and concluded two trials (convicting one individual to fourteen years' imprisonment). The symbolic value of ending of formal international legal impunity should not be underestimated. International trials can also help a country to put its tragic past behind it. But a guilty verdict provides only the most minimal remedy for victims—very few of whom can expect even that. And almost all internationally recognized human rights fall outside the mandate of the ICC.

The regional multilateral picture is quite varied. Asia lacks any regional human rights organization (although the Association of Southeast Asian States has established a modest sub-regional human rights mechanism). The members of the Council of Europe are subject to legally binding judgments by the very active and effective European Court of Human Rights. (These procedures, however, are a consequence, not a cause, of the high level of regional respect for human rights.) The Inter-American regime, established by the Organization of American States, boasts a fairly strong commission and a not entirely insignificant court. The African Union, however, has created only a weak and underfunded African Commission on Human and Peoples' Rights and a token court, and the Arab League has established only a weak Arab Commission on Human Rights.

Evaluating multilateral mechanisms

The global human rights regime is based on national implementation of international human rights norms, with modest international oversight. Only the European regional regime provides substantial judicial enforcement. Talk of 'enforcement', however, largely misses the nature of the multilateral contribution, which emphasizes facilitating compliance.

Most multilateral mechanisms aim to develop critical yet ultimately persuasive (not coercive) conversations. Reports, reviews, complaints, and investigations aim principally to encourage, and help to facilitate, compliance with international norms. Conscientiously preparing a report to an international supervisory committee often provokes a useful review of national law and practice. And even weak international scrutiny

can be of political significance. Thus most rights-abusive regimes try to hide or deny their violations. This sense of shame, even among those whose behaviour seems shameless, is a powerful resource for human rights advocates, and striking evidence of the (limited but real) power of multilateral mechanisms.

States that are set on gross and systematic violations of human rights regularly flout the global human rights regime. Multilateral actors lack the persuasive or coercive resources required to get dictators to put themselves out of business. But even the most recalcitrant regimes can sometimes be induced to make symbolic gestures that ease the suffering of at least some victims. Furthermore, most states can be nudged, cajoled, or induced to improve at least some of their human rights practices, especially if the changes are relatively narrow and incremental. Even such changes can provide modest but real benefits to thousands, sometimes even millions, of people.

International norms also have an independent impact. Governments cannot legitimately deny obligations that they have voluntarily incurred by becoming parties to international human rights treaties. (If they try, they face the political costs of blatant hypocrisy.) Authoritative international human rights norms thus allow local human rights advocates to focus on how to protect and implement human rights, rather than debate whether the rights in question really are rights. They also protect local advocates from charges of being agents of alien ideologies or foreign cultural or religious traditions.

Authoritative norms similarly facilitate bilateral and transnational action. Target governments, having formally endorsed those standards themselves, are forced into rearguard efforts to deny the facts or ad hoc appeals to 'emergency' justifications for violations.

Legal norms also have an intrinsic force. Most states, like most people, have an almost unthinking presumption of compliance, especially where international legal norms have been reproduced in national law. Ordinarily, states, like individuals, follow the law simply because it is the law. The presumption of compliance is often overcome, typically after calculating the material benefits of violating the law. But in countries where an active civil society and democratic political participation allow for free advocacy to combat violations, arguments of (il)legality often increase the chances of pushing reluctant states back into the confines of rights-protective practices.

Key Points

- The International Bill of Human Rights provides an authoritative list of interdependent, indivisible, and universal human rights, covering a wide range of both civil and political rights and economic, social, and cultural rights. 'Human rights', for the purposes of International Relations, means roughly this set of equal and inalienable universal rights.
- The extensive body of almost universally endorsed law is the most important contribution of the global human rights regime. These norms, independent of any supervisory mechanisms, help to empower human rights advocates and constrain government action.
- The global human rights regime is based on national implementation of international norms.
- Multilateral implementation mechanisms facilitate national compliance, primarily through mobilizing public scrutiny that reminds states of their obligations and draws national and international attention to violations.
- Strong multilateral procedures are a consequence, not a cause, of good human rights practices.

The bilateral politics of human rights

Bilateral foreign policy—states interacting directly with other states—is the second principal mechanism of international action on behalf of human rights.

The evolution of bilateral human rights diplomacy

In the years following the adoption of the Universal Declaration, as the cold war deepened and spread, human rights were sidelined or cynically exploited for partisan political advantage by both the USA and the Soviet Union. In the mid-1970s, however, the cold war moved into a period of détente and human rights re-emerged in American foreign policy. Although the initial focus on emigration of Soviet Jews and the persecution of Soviet dissidents supported American cold war objectives, in 1975 the American Congress required consideration of human rights practices in making decisions to award foreign aid. In 1976, Jimmy Carter was elected President after campaigning on a promise to give human rights a significant place in American foreign policy.

1977 marks a turning point in the international politics of human rights, second in importance only to 1948 (the Universal Declaration) and 1989 (the end of the cold war). The Human Rights Committee, which supervises the implementation of the International Covenant on Civil and Political Rights, began its operation, symbolizing a more active multilateral embrace of human rights. Carter took office and set the USA on the path of verbally aggressive, if not always consistent or effective, international human rights advocacy. And Amnesty International won the Nobel Peace Prize,

symbolizing the maturing of transnational human rights advocacy (the subject of the following section, 'The non-governmental politics of human rights').

By the end of the cold war, human rights were explicitly included in the foreign policies of most Western states. In the 1970s and 1980s, though, stated human rights goals typically were subordinated to cold war objectives. US policy in Latin America was particularly rights-abusive (see Box 30.3).

The collapse of the Soviet informal empire in 1989 initiated a 'golden age' of human rights diplomacy. Symbolic of this was the international response to the Tiananmen massacre in June 1989 (see Case Study 1). In the 1990s, increasingly aggressive international action against genocide became the signature of both bilateral and multilateral action (see Ch. 31). Many states also developed major programmes of civil society support, enhanced their democratization initiatives, and better integrated human rights into their development assistance programmes.

11 September 2001, and the ensuing American 'war on terror', marked another significant turning point. Despite overwrought American claims that 'everything changed' on 9/11, though, most of the progress of the 1980s and 1990s has been sustained.

War is never good for human rights, and the 'war on terror' has been no exception. In a few prominent cases—Pakistan, Iraq, and Afghanistan—a dismal human rights situation has been produced by a combination of local forces and American support. But there have been as many successes as failures. For example, the democratic norm remains robust in Latin America.

Box 30.3 US policy in Central and South America in the 1970s and 1980s

The Nixon and Ford administrations (1969–75, 1975–7) actively supported brutal military dictatorships in Chile, Argentina, and Uruguay. These governments, in addition to systematically violating the full range of internationally recognized human rights, perfected the practice of disappearances—the clandestine abduction of perceived opponents, who were typically tortured and often, especially in Argentina, murdered. President Jimmy Carter (1977–81) tried to put some distance between the USA and these dictatorships. The administration of Ronald Reagan (1981–9), however, reversed course and actively embraced these military juntas in the name of a shared struggle against communism. Only with the end of the cold war—or, in the case of Argentina, with the collapse of military rule for internal reasons in 1983—did the USA become an active and consistent supporter of democracy in the region.

In Central America as well, Carter's effort to distance the USA from disreputable military and civilian dictatorships was reversed

by Reagan. In the mid-1980s, the USA provided massive military and political support to brutal governments in El Salvador and Guatemala that were butchering their own populations, at genocidal levels in Guatemala. At the same time, the USA waged a secret war and an aggressive political campaign against the democratically elected government of Nicaragua because of its socialist leanings.

These are particularly striking examples of the pattern of subordinating human rights to anti-communism during the cold war. Where a significant price had to be paid to pursue international human rights interests, the USA was rarely willing to shoulder that cost during the 1970s and 1980s, especially when cold war politics became involved. And although American hypocrisy was extreme, other Western states as well rarely made more than symbolic gestures on behalf of human rights before the end of the cold war. Non-Western states were rarely willing to do even that.

Case Study 1 International responses to the Tiananmen Massacre

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In the early morning of 4 June 1989, tanks rolled into Beijing's Tiananmen Square, putting a violent end to weeks of demonstrations that at times included over a million protestors. The ruling Communist Party, which earlier in the decade had launched a successful series of liberalizing economic reforms, proved itself willing to kill its own people on the streets in order to maintain absolute political control. (Later that autumn and winter, Eastern European governments and security forces, faced with a similar choice, chose instead to relinquish power.)

The Chinese government admits killing about 200 unarmed civilians. Most independent estimates put the number at two to

three times that in Beijing, with hundreds more killed elsewhere in the country (especially Chengdu). Tens of thousands were arrested, with many thousands more fleeing the country or going underground. Harsh treatment of detained protestors was the norm. Hundreds were executed.

International responses were swift and harsh. On 5 June, the USA imposed an arms embargo, suspended high-level official contacts, and froze new aid. The European Community adopted similar sanctions on 27 June, one day after the World Bank froze \$780 million in loans to China. Japan suspended its new five-year aid programme. The Group of Seven (G7) annual economic summit in Paris in July also condemned the massacre. And despite numerous small violations, sanctions were widely observed for at least a full year.

Countervailing economic and political interests, however, also played a central role. Japan and the USA illustrate the spectrum of bilateral responses.

Although most other states stopped official high-level contacts, in September 1989 a delegation from the Japanese Diet (parliament), led by Foreign Minister Ito Masayoshi, met Chinese leader Deng Xiaoping. Three months later, Japan renewed cultural exchanges. Japanese authorities allowed Chinese embassy and consular officials to harass and intimidate Chinese students in Japan, some of whom were sent home against their will. And in July 1990, Japan unilaterally resumed foreign aid. At the end of the year, it announced a major new five-year \$8 billion agreement to exchange oil and coal for technology and equipment. This not only signalled a return to business as usual, but helped to buffer China from continuing Western sanctions.

The USA, by contrast, maintained major sanctions until May 1994. There was, however, considerable internal conflict and

inconsistency. And as time wore on, it became harder and harder to justify continuing to punish China for something it did literally years earlier—particularly when such action had economic and political costs for the USA. Nonetheless, five years of sanctions against a country as powerful as China is an unprecedented event of immense symbolic significance.

At the United Nations, China's power largely insulated it from criticism. The massacre was never the subject of a UN General Assembly resolution. Even a mild resolution in the Commission on Human Rights was defeated in 1990. But in the early 1990s, Geneva, the home of the Commission, became the site of intensive diplomatic struggle. The fact that China engaged in an all-out diplomatic effort to avoid scrutiny of its practices suggests that we should not overtly denigrate the significance of multilateral monitoring.

China lost access to billions of dollars of international aid and investment, which noticeably slowed economic growth

for about two years. It also responded to international pressure by making concessions on political and security issues, such as missile technology and releasing or improving the conditions of detention of many individuals. And the reactions of Chinese leaders and diplomats indicate that they were genuinely stung by international criticisms—which kept human rights issues alive, despite the harsh crackdown in China.

In fact, China was forced to accept significant, if subtle, political changes. Although the government initially denied any abuses—the polite term used in China even today is 'the 4 June events'—they were soon forced to defend the facts of their behaviour, thus engaging the international human rights regime and admitting the legitimacy of human rights as an international issue. And these international responses helped to open spaces for discussion in China that began to be exploited later in the 1990s and beyond.

Even in American foreign policy under the Bush administration there was not the wholesale sacrifice of human rights to anti-terrorism that there had been to anti-communism during the cold war. And many of the most abusive practices, such as secret 'rendition' of suspects to foreign countries where they were held illegally and tortured, and the abuse and torture of detainees in American custody, have been eliminated (and even repudiated)—although more than 150 people continue to be illegally detained in Guantanamo.

Furthermore, except for traditional allies like Saudi Arabia and Pakistan, even the Bush administration was reluctant to embrace brutal dictators. Most notably, the USA sharply criticized Uzbekistan following the massacre of several hundred civilians in Andijan in May 2005. (By contrast, China, India, and Russia supported the violent crackdown on dissent.) And rather than mute its criticism, the USA even accepted expulsion from Uzbekistan's Karshi-Khanabad air base, which was the principal support base for American operations in Afghanistan.

In the second decade of the twenty-first century, human rights is embraced as a legitimate—and in some cases essential—element of national foreign policy in most Western and a growing number of non-Western countries. And as the excesses of the 'war on terror' are increasingly recognized as such, there are considerable opportunities for continued modest progress.

Assessing bilateral action

Powerful states possess greater material resources than multilateral human rights institutions. Even

many middle powers have the material and political resources necessary to effect significant change in a small number of targeted countries. (The Netherlands, for example, has had a major impact on human rights in its former South American colony of Suriname.) Furthermore, many states regularly deploy their foreign policy resources more aggressively than most multilateral actors.

Human rights, however, is but one of many national interests. Human rights are thus often sidelined in favour of other national interests. Selective partisan attention is a regular and serious problem.

Key Points

- In the mid-1970s, human rights began to emerge from its cold war slumber as an active concern of national foreign policies.
- With the end of the cold war, more and more countries developed increasingly robust international human rights policies.
- The post-9/11 world has seen some prominent setbacks. In general, though, the progress of the 1980s and 1990s has been sustained.
- States often have more resources to bring to bear than multilateral actors. They can also act unilaterally, without the need for a wide-ranging consensus.
- States, however, are more constrained by competing foreign policy interests and much more likely to use human rights for narrow partisan purposes.

The non-governmental politics of human rights

States have been our focus so far, directly in their bilateral foreign policy and collectively in international organizations. Non-state actors, however, are also important actors in the international politics of human rights. Especially important has been the work of non-commercial non-governmental organizations (NGOs) (see Ch. 21).

NGOs as human rights advocates

NGOs and individuals are the principal components of 'civil society', the public political space that is neither the market nor the state. Civil society actors can operate either nationally or transnationally. ('Transnational' action involves non-state actors operating across state boundaries.)

NGOs played an important role in getting human rights into the UN Charter. Since then, they have been a powerful force in spreading awareness of international human rights norms and publicizing human rights violations. Today, NGOs are a central feature of the global human rights regime.

The best-known transnational human rights NGO is Amnesty International (AI), a London-based organization founded in 1961. Amnesty has over 2 million members and subscribers in over 150 countries. AI, however, is only the tip of the iceberg. Prominent colleagues include Human Rights Watch, a New York-based research and advocacy organization; the *Fédération internationale des droits de l'homme*, founded in 1922, which serves as an umbrella organization for 155 human rights NGOs from all regions of the world; the International Commission of Jurists, a Geneva-based organization of legal advocates; London-based Minority Rights Group, the leading global advocate for disadvantaged ethnic, national, religious, linguistic, or cultural minorities worldwide; and ILGA, The International Lesbian, Gay, Bisexual, Trans, and Intersex Association, a Brussels-based umbrella organization, founded in 1978, with nearly 700 national member groups. In addition, many transnational NGOs in related areas have included human rights centrally within their mission. Leading examples include British-based Oxfam International, whose work focuses on hunger; *Médecins Sans Frontières*, which provides health care in emergency situations; and US-based

Catholic Relief Services, which is just one of many humanitarian aid and development organizations that has come to see its work in human rights terms. And transnational human rights NGOs are dwarfed in number by tens of thousands of national groups.

The principal resources of NGO advocacy are information and the energy of ordinary people. Traditional strategies have emphasized 'name and shame', the uncovering and dissemination of information about violations. (The iconic example is Amnesty's letter-writing campaigns, in which individual 'prisoners of conscience' are 'adopted' by foreign AI groups that advocate for them.) The aim is both to embarrass offending governments and to mobilize foreign citizens to pressure their own governments to act on behalf of victims.

Leading NGOs have also developed sophisticated lobbying operations. For example, the Dutch section of Amnesty International has a membership of 300,000, out of a population of about 16.5 million (about 1.8 per cent of the population). This is roughly the same membership as the second of the two large Dutch trade union confederations (CNV). This gives human rights advocates a powerful voice in Dutch foreign policy. (By comparison, the National Rifle Association, one of the most powerful lobbying groups in the USA, has a membership of about 4.3 million, or about 1.4 per cent of the American population.)

Civil society advocacy, however, is deeply embedded in the system of sovereign states. Because implementing and enforcing human rights is a state responsibility, NGOs, like states and international organizations, usually have to act on or through states. Increasingly, transnational NGOs attempt to coordinate with their local counterparts and to mobilize supporting pressure from states and multilateral actors.

When the target state has a relatively good human rights record and is subject to democratic accountability, or when the violations are especially egregious and the state feels vulnerable, concerted national, transnational, and international action can have a significant impact. Good examples include the overthrow of the dictatorial regime of Ferdinand Marcos in the Philippines in 1986, in a self-described exercise of 'people power' backed by international support, and the wave of civil society-based 'coloured revolutions'

Box 30.4 The Arab Spring of 2011

On 25 January 2011, tens of thousands took to the streets in several Egyptian cities, demanding the resignation of President Hosni Mubarak and an end to six decades of military rule. As international attention focused on Cairo's Tahrir (Liberation) Square, much as on Tiananmen Square two decades earlier, violent clashes claimed about a thousand lives. Mubarak, however, resigned on 11 February 2011 and a military-led transition led to democratic elections in June 2012. The events of 2013, however, have been a major setback.

The Egyptian Revolution was part of a broader regional movement that began in Tunisia in December 2010. (The ousting of long-time Tunisian dictator Zine El Abidin Ben Ali on 14 January 2011 seems to have emboldened the Egyptian opposition.) Long-entrenched dictators were also ousted in Libya and Yemen. Massive protests wracked Bahrain—rallies on 22 February 2011 and 9 March 2012 drew over 100,000 protestors, in a country with a total population of about 1.3 million. Even the virtually absolute monarchs of Saudi Arabia and Morocco felt compelled to make at least symbolically significant reforms.

The wave of liberalization and democratization that swept over Latin America in the late 1980s and early 1990s, Central and Eastern Europe in the aftermath of the cold war, and Africa in the 1990s and 2000s, finally hit the Arab world in 2011. From a broad human rights perspective, however, the results, although positive, have been modest. The Arab Spring has brought considerable liberalization across the region, significant democratization in a few countries, but (so far at least) no substantial progress towards establishing rights-protective regimes.

'Liberalization'—the lessening of repression, especially decreases in violations of personal and legal rights, civil liberties, and freedom of association—often does not lead to generalized respect for human rights, as the Arab monarchies strikingly illustrate. Likewise, 'democratization'—establishing a system of political rule based on the sovereignty of the people and the choice of leaders through free, fair, and open elections—is very different from, and need not lead to, a rights-protective regime.

Democracy involves government of, by, and for the people. 'The people' who are thus empowered, however, often want to abuse some of their fellow citizens. And, rather than empower the people collectively, a rights-protective regime aims to ensure that each and every citizen enjoys all human rights. For example, at the end of 2012 Egypt's duly elected democratic government was trying to entrench special legal and political privileges for the military and systematic discrimination in favour of religiously observant Muslims. Although these actions could be plausibly interpreted as reflecting the will of the majority of Egyptians, they were not aimed at providing all rights equally to all Egyptians. This led in the summer of 2013 to the intervention of the military, ousting President Morsi and initiating a period of deep divisions between his supporters and other elements supporting the actions of the military. This resulted in a new phase of military rule.

The Arab Spring has certainly expanded the range of political possibilities in most Arab countries—dramatically in some. Most people in most Arab countries, however, still face a long and difficult road in their struggle to enjoy fully their internationally recognized human rights.

(the Rose Revolution in Georgia in 2003, the Orange Revolution in Ukraine in 2004, the Cedar Revolution in Lebanon, the Tulip Revolution in Kyrgyzstan in 2005, and the Green protests in Iran following the 2009 presidential election). The most striking recent example is the so-called Arab Spring of 2011 (see **Box 30.4** and **also Case Study 2**).

Assessing NGO advocacy

We should not idealize human rights NGOs. Some are largely ineffective expressions of good intentions. There are serious issues of political and financial accountability. NGOs also lack both the power of states and the diplomatic stature of international organizations. And the power of public opinion is limited and hard to pin down.

NGOs, however, have no other interests to distract them from advocacy. Many have developed reputations for accuracy and impartiality that serve as a major 'power' resource. Combined with the energy of interested individuals, the results often can be surprising. The single-minded non-partisan advocacy of

human rights NGOs is, at a minimum, an important check on the tendency of states to allow competing national interests and considerations of diplomatic discretion to mute human rights criticism. National and transnational NGOs have also been a major mechanism for spreading awareness of international human rights norms and for mobilizing both elite and mass opinion.

Key Points

- NGOs, operating both nationally and transnationally, are the third major type of actor in the international politics of human rights.
- Lacking the material power resources of states, NGOs are able to mobilize the political energies of civil society and, by acting with a single-minded focus on human rights, achieve results well beyond what one might expect from their modest material resources.
- Especially effective are concerted efforts by local civil society actors, transnational NGOs, states, and international organizations to pressure states both from inside and outside, in a variety of venues.

Case Study 2 The Syrian Revolution



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Localized Arab Spring (see Box 30.4) protests began in Syria at the end of January 2011. By 8 April, the streets of the western city of Homs were filled with 100,000 protestors (about a sixth of the city's total population). The government, however, met growing opposition with arbitrary arrests and executions, torture, and indiscriminate gunfire. Tanks began to be used against protestors and their neighbourhoods at the end of July. When, at the end of 2011, some neighbourhoods in Homs and Hama fell under the control of local fighters, the government responded with artillery bombardment and attacks by military snipers. (On 4 February 2012 alone, 500 civilians were killed in Homs.) Fighting reached Damascus, the capital, and Aleppo, the major commercial city, in July. By the late autumn of 2012, rebels were active in almost every region of the country. In 2013 Western powers claimed that chemical weapons had been used against the rebels.

International responses, although relatively robust, illustrate the lack of enforcement powers in the global human rights regime. The Human Rights Council has held four Special Sessions

on Syria (in April, August, and December 2011, and June 2012). The Arab League, in a striking departure from its general policy of extreme respect for national sovereignty, sent an observer mission in December 2011. The United Nations Secretary-General sent special envoys Kofi Annan and Lakhdar Brahimi to try to negotiate ceasefires in the summer and autumn of 2012. The European Union, beginning in May 2011, instituted an increasingly extensive range of sanctions. The United States, Saudi Arabia, Qatar, and several other states have also imposed sanctions and provided varying degrees of support to the opposition.

Foreign military force, however, has not been used. And the regime of Bashar al-Assad illustrates the ability of most ruthless governments to resist peaceful international pressure.

Only the United Nations Security Council has the legal authority to use military force against human rights violations other than genocide. Security Council action, however, has been blocked by Russia (Syria's principal international ally) and China (which has consistently opposed international military intervention in crisis situations). The Arab League has no mechanism for military action and the other potential interveners lack both the legal authority and the political will to act. Some optimism emerged, however, in late 2013 when the Assad regime agreed to give up its chemical weapons after concerted efforts by both the Russians and Americans.

Syria, it is true, is in many ways relevantly similar to Libya, where international military support for the local armed resistance proved decisive in defeating Muammar Qaddafi's regime. The Libyan intervention, however, was authorized by the Security Council. (Russia and China are unlikely to repeat this 'mistake' soon.) Syria's delicate geopolitical position makes external intervention particularly difficult. (Not only does Syria border Turkey, and thus NATO, as well as conflict-ridden Lebanon, Israel, and Iraq, but Syria is also Russia's principal ally in this immensely important region.) Furthermore, the military situation is much more difficult in Syria than in Libya, and the prominent role of Islamist groups in the armed opposition has raised problems for some states (especially the United States).

The bloody civil war thus continues. And when it concludes, Syria is likely to experience, in acute form, the problems noted in Box 30.4 of moving from deposing a dictator to establishing a rights-protective regime.

Human rights and IR theory

This section turns to four theoretical approaches examined in Part Two of this book, examining what these theories can tell us about human rights—and what human rights can tell us about IR theory.

Liberalism and human rights

Human rights—'natural rights', 'the rights of man'—were first explicitly articulated by European liberals in

the seventeenth and eighteenth centuries. Liberal natural rights played an important role in justifying revolutions in England, America, and France in 1689, 1776, and 1789. In the nineteenth century, many liberals, especially in Britain, rejected human rights in favour of utilitarianism (which defined social progress in terms of the greatest good for the greatest number, rather than assuring all human rights to all individuals). For the past century, though, most liberals have strongly endorsed human

rights as the best mechanism for providing a life of autonomy, equality, and dignity for all citizens.

Chapter 7 presents liberalism as rooted in commitments to individual rights, popular or democratic sovereignty, property, and the market economy. If liberalism is defined in this way, internationally recognized human rights represent a critique of a 'liberal' overemphasis on property and markets, in favour of a broad and robust conception of economic and social rights provided by a combination of market and state mechanisms. The development of internationally recognized human rights, however, is better understood as reflecting the changing character of liberalism.

In most countries, liberals were central figures in introducing into national law and practice the economic and social rights that later came to be expressed in the Universal Declaration. Today most liberals reject the 'classical liberal' emphasis on property as reflective of outdated (and often inappropriately partisan) political views. And the Universal Declaration implicitly presents a model of politics that we typically call the liberal democratic welfare state; that is, a state based on individual rights, democratic accountability, and a mixed economy that provides a broad range of economic and social rights.

The historical role of liberalism, however, gives liberals no monopoly on human rights. Socialists have been major human rights advocates since the mid-nineteenth century. Even many conservatives supported the development of European welfare states, beginning with Chancellor Otto von Bismarck's crucial role in the early formation of the German welfare state. And today the human rights vision of a life of equality, autonomy, and dignity is justified and endorsed from a great variety of philosophical and political perspectives, both secular and religious.

Realism and human rights

Classical political realism (see **Ch. 6**) often stresses 'the national interest defined in terms of power', understood as a universal law of international politics. Human rights clearly reveals this notion to be a deeply problematic political prescription.

The national interest is whatever the nation is interested in. Rarely, if ever, is this reducible to power alone. And in fact many countries have decided that they are interested in devoting some part of their attention and resources to the human rights of foreign nationals living abroad.

Half a century ago, human rights was indeed typically considered to be a 'merely moral' concern—at best, a secondary 'add-on' to which decision-makers might turn after they had done the hard work of calculating 'real' national interests. Over the past two or three decades, though, human rights have become no more or less real a national interest than, say, economic interests or alliance interests in the foreign policy of a growing number of states. And such interests have become embedded in foreign policy with no more (or less) difficulty than other substantive policy interests.

Realism does usefully draw our attention to the fact that states in their foreign policies are principally concerned with the national interest. We expect foreign policy decision-makers to give the interests of their own nationals special, even overriding, attention and consideration. Furthermore, international human rights is only one of many foreign policy interests. Human rights advocates thus should not be surprised when human rights are subordinated to other foreign policy interests.

Realists often provide useful reminders of the dangers of moralism and legalism in foreign policy. Realism also usefully reminds us of the strong tendency of states to define their interests in narrowly egoistic and material terms. But once a state has included human rights among its foreign policy objectives, the real work of balancing competing interests begins. And these are questions about which realism—or any other theory of international relations—has little to say. They are, instead, matters of inescapably contentious ethical and political judgement.

Social constructivism and human rights

Chapter 10 introduced social constructivism. We might describe the picture just offered as an account of the social construction of the national interest. More generally, the constructed nature of international human rights deserves emphasis. For example, the list of internationally recognized human rights has taken one of many possible forms. The same is true of the system of national rather than international implementation.

In constructing international human rights, however, international society itself has been modestly but significantly reshaped. In particular, sovereignty and human rights have come to co-constitute one another.

Sovereignty has been a central practice of modern international society for more than 300 years. The particular rights of sovereigns, however, have varied dramatically. For example, at the turn of the twentieth century, states had an unquestioned and unlimited sovereign

'right of war'. After the Second World War, however, aggressive war was effectively outlawed. Today, control over borders is often seen as central to sovereignty. But 150 years ago, people moved freely across international borders without even the need for a passport.

States have long been prohibited (by the rights of other sovereigns) from certain mistreatments of foreign nationals temporarily on their territory. The law of war has for more than a century prohibited certain abuses of foreign nationals abroad. Over the past half-century, international human rights has imposed similar, and more extensive, restrictions on how states may treat their own nationals. The terms in which states and individuals interact has thus been reformulated, with significant political implications.

No less significantly, though, international human rights have been shaped by state sovereignty. We saw this most strikingly in the principle of national implementation.

Particular processes of construction can also be seen in the lines we draw between human rights and related concepts and practices. Consider forcible humanitarian intervention against genocide. It is treated separately in Chapter 31, not only because of its substantive importance in post-cold war international relations, but because genocide is governed by a separate body of international law. The Universal Declaration and the International Human Rights Covenants do not mention genocide, which is instead addressed in a separate treaty (adopted by the UN General Assembly the day before the Universal Declaration). Genocide, war crimes, and human rights violations have been constructed as separate violations, each of which is associated with particular social, political, and legal practices—although practice over the past two decades has begun to blur these formerly sharp legal distinctions.

More generally, it is crucial that we recognize that human rights do not provide a comprehensive account of justice or morality. And not all good things are matters of human rights. Consider security (see Ch. 15) and development. People who enjoy their human rights will be more secure, and perhaps more developed, than those who do not. But human rights are primarily about human dignity. (As the Covenants put it, 'these rights derive from the inherent dignity of the human person'.) Security and development fall far short of dignity—and, at the same time, extend well beyond human rights and human dignity.

Finally, human rights are not just abstract values but particular social practices to realize those values.

Human rights entitle individuals to certain goods, services, opportunities, and protections. They also authorize right-holders to claim—if necessary, to demand—those rights against society and the state. Human rights empower individuals to act, separately and collectively, on behalf of their rights. They make, and are the tools of, active citizens (rather than passive recipients of the beneficence of society or the state). And the embedding of human rights in the normative structure of contemporary international society contributes modestly but significantly to the on-going project of making a world that more closely approximates the ideal of equal and active citizens making lives of dignity for themselves, their families, and their communities.

Critical perspectives on human rights

By whom and for whom have international human rights been constructed? These questions are posed by critical theory (see Ch. 9) and various poststructural and post-colonial approaches (see Chs 11 and 12).

Critical perspectives typically emphasize Western (or liberal, or market) 'hegemony', understood as a form of oppressive domination, principally through ideas and values but backed ultimately by force. The standard critical story of human rights is that they were constructed by Western states and elites to spread Western economic and political power (and/or to reinforce the marginalization of women, minorities of all sorts, and the poor, both at home and abroad).

Western states have indeed been leading international proponents and domestic practitioners of internationally recognized human rights. But how much of the international spread of human rights reflects Western pressure from above and how much reflects voluntary endorsement by Africans, Asians, and Latin Americans?

The spread of international human rights seems to have much more to do with voluntary demand from below than coercive imposition from above. Although human rights have often been forced on reluctant non-Western governments, when people in Asia, Africa, and Latin America have been given the choice they have consistently chosen human rights. And in country after country, citizens, believing themselves to hold universal human rights, have demanded that their government respect those rights.

Nonetheless, we need to be sensitive to the possibility that particular formulations of internationally recognized human rights may reflect Western or market

bias. Whatever the answer, this question deserves careful and extensive investigation. The dangers of ideological self-delusion are real—and the tragic consequences are well illustrated by the (often apparently sincere) humanitarian justifications of the savageries of Western imperialism.

In addition, cultural arrogance and ignorance are evident in the human rights diplomacy of many states, especially the USA. For example, President Bill Clinton saw no problem in condemning Singapore for caning a young American who had vandalized hundreds of thousands of dollars' worth of property while defending not merely capital punishment but the execution of juveniles and the mentally disabled in the USA.

Key Points

- Human rights have been constructed internationally in a particular way, covering a particular range of recognized rights, distinguished in a particular way from related concepts and practices, with particular mechanisms of implementation and enforcement.
- These constructions reflect, like all social constructions, a particular perspective that privileges certain interests and values over others.
- For all of these particularities, though, most states in the contemporary world have come to understand their national interest to include the fate of foreign nationals living abroad who are suffering gross and persistent systematic violations of their human rights.

Conclusion

A distinctive feature of contemporary international society—in sharp contrast to before the end of the Second World War—is the extensive body of international human rights law. How states treat their own citizens on their own territory is today unquestionably a legitimate matter of international concern.

The pursuit of such international human rights, however, continues to be restricted by rules on the use of force and the weak system of international implementation. States retain near-exclusive rights and responsibilities for implementing internationally recognized human rights. Contemporary international society has constructed a system of national implementation of international human rights norms.

International norms are constructed, largely consensually, in international and regional organizations. Transnational action helps to facilitate the spread of international human rights norms, mobilize external pressure on rights-abusive regimes, and support local human rights advocates. But international society, rather than world society, is the central reality in the international politics of human rights in the early twenty-first century. And globalization has only modestly strengthened the well-established pattern of combined multilateral, bilateral, and transnational action, which goes back to the very creation of human rights as an international issue-area more than sixty years ago.

Questions

- 1 Is the system of national implementation of international human rights, all things considered, such a bad thing? Is there a practical alternative that might be more attractive?
- 2 What are the gaps in the global human rights regime? Is there a substantial dark side?
- 3 That something is socially constructed does not mean that it can be intentionally re-made in a different way. In fact, the more deeply constructed a social practice is, the less likely it can be intentionally changed. How deep is the contemporary construction of international human rights? Where are the most likely sites for change?
- 4 In what ways has the world become a better place as a result of human rights having been introduced into the mainstream of international politics? In what ways has it become worse?

- 5 States have traditionally been the sole duty-bearers of internationally recognized human rights. What are the attractions and shortcomings of assigning direct human rights responsibilities to businesses? Should transnational businesses be treated differently from national businesses?
- 6 If states are the principal mechanism by which citizens actually enjoy their human rights, and if, as many argue, globalization is undermining the state, is that likely to be a good or a bad thing for human rights? How can human rights be effectively implemented if the rights and powers of states are being eroded?
- 7 Are there major unexploited opportunities for regional action on behalf of human rights? Is there any other region ready to try to emulate Europe's system of regional enforcement of human rights?
- 8 This chapter has emphasized the independent power of norms. Is this emphasis warranted? What are the relative weights of normative and material power—authority and force—in international relations in general, and the international relations of human rights in particular?
- 9 The chapter lists, in declining order of importance, 1948, 1989, 1977, and 2001 as major turning points in the international relations of human rights. Do you agree with this ranking? Are there other dates that deserve to be added to the list?
- 10 Between states, multilateral organizations, and NGOs, the three principal international human rights actors, where is the greatest opportunity for progressive change in the next decade or two? Where is the greatest likelihood of stagnation (or even backsliding)?

Further Reading



- Beitz, C. R.** (2009), *The Idea of Human Rights* (Oxford: Oxford University Press). An excellent introduction that focuses on the theoretical context of international practices.
- Brysk, A.** (2009), *Global Good Samaritans: Human Rights as Foreign Policy* (Oxford: Oxford University Press). An up-to-date examination of the policies of 'caring' middle powers' Sweden, Canada, Costa Rica, the Netherlands, Japan, and South Africa.
- Donnelly, J.** (2013), *Universal Human Rights in Theory and Practice*, 3rd edn (Ithaca, NY: Cornell University Press). The standard scholarly work in the field, providing strong coverage of theoretical issues and debates over universality and relativity, with topical applications to issues of democracy, development, economic and social rights in the West, sexual minorities, and genocide.
- Foot, R.** (2000), *Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press). A superb study of the full range of international reactions to the Tiananmen massacre.
- Forsythe, D. P.** (2012), *Human Rights in International Relations*, 3rd edn (Cambridge: Cambridge University Press). The standard introductory textbook, covering the full range of international actors (including transnational corporations, which for reasons of space have not been addressed in this chapter).
- Hopgood, S.** (2006), *Keepers of the Flame: Understanding Amnesty International* (Ithaca, NY: Cornell University Press). A thorough and absorbing history and analysis of the world's best-known human rights NGO.
- Kennedy, D.** (2004), *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton, NJ: Princeton University Press). A critical look at conceptual and practical

shortcomings of human rights advocacy, focusing on adverse unintended consequences of well-meaning but often thoughtless advocates.

Liang-Fenton, D. (ed.) (2004), *Implementing U.S. Human Rights Policy: Agendas, Policies, and Practices* (Washington, DC: United States Institute of Peace Press). An excellent and wide-ranging set of case studies of US human rights policy towards Rwanda, Kenya, South Africa, China, Pakistan, South Korea, Bosnia, the USSR, El Salvador and Guatemala, Chile, Colombia, Turkey, and Egypt.

Sikkink, K. (2007), *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca, NY: Cornell University Press). An engaging study of the longest-running, and probably most fraught, regional human rights relationship, covering the entire post-Second World War period.

Waldorf, C. W. Jr (2008), *Just Politics: Human Rights and the Foreign Policy of Great Powers* (Ithaca, NY: Cornell University Press). Arguing against the conventional wisdom that human rights almost always lose out to power considerations, examines British and American decisions to break relations with rights-abusive allies.

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