



RECOMMENDATIONS

- Human rights advocates can work with parliaments, diplomats, military officials and national security leaders to raise awareness, encourage state action and demand more open and accountable national security decision-making.
- Advocates and researchers can build up their own capacity to understand foreign policy decision-making and work with like-minded colleagues around the world on human rights solidarity campaigns.
- The human rights community should continue to work through existing international and regional institutions to advance multilateral strategies to protect human rights, as has been done at the HRC. Staying in contact with the Special Procedures mandate holders and offering input on UPR reports are examples of this.
- States should engage in bilateral and regional diplomatic efforts to build coalitions and partnerships to reinforce the importance of elevating human rights as a critical security matter and warning sign of conflict, forced migration and humanitarian crisis.
- Civil society groups should work with HRC Net and others to mobilise responses to human rights violations, engaging at the national and international level to pressure states to defend core values.

Will Rising Democracies Adopt Pro-human Rights Foreign Policies?

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EXECUTIVE SUMMARY

Democratic governments worldwide behave hypocritically when it comes to human rights and foreign policy. The international community should hold them accountable and help them to close the gap between rhetoric and practice. As democratisation unfolded in countries such as Brazil, India, Indonesia and South Africa, it was hoped that these states would find common ground with more established democracies. While emerging and established democracies have collaborated in responding to grave human rights abuses in Myanmar, North Korea and Libya, among others, serious cleavages remain. Global South countries favour sovereignty, non-intervention and economic interests over values such as accountability for human rights abuses. States also fear inviting criticism of their own human rights records. The growth of transnational advocacy in both the North and South has amplified the impact of non-governmental organisations (NGOs), allowing them to exert more pressure on states. Advocates and researchers can do more to raise awareness and demand state action on key issues.

NATIONAL INTERESTS VS VALUES

Although human rights are often an important factor in foreign policy decision-making, all states – North, South, East and West – tend to privilege national interests over values when the two are in conflict. All states behave hypocritically, but governments can still work toward bringing practice closer to rhetoric. Likewise, contradictory behaviour should not deter the international community from holding states accountable to the values they proclaim and the legal and political commitments they have

made, for example, to respond to crimes against humanity and genocide. Democratic governments have a special responsibility to support human rights; as Aung San Suu Kyi declared repeatedly before she was permitted to re-enter politics in Myanmar, democratic countries can and should 'use [their] liberty to promote ours'.²

Perhaps most importantly, civil society has an obligation to demand that democratic governments' foreign policies reflect the same principles that guide them at home: transparency, accountability and respect for fundamental rights.

At first glance, the remarkable stories of democratisation that have unfolded in countries such as Brazil, India, Indonesia and South Africa would suggest a favourable environment for elevating human rights in foreign policy decision-making at the national level. These and other emerging democratic states have carried out free and fair elections and reformed their constitutions to strengthen respect for human rights, independent judiciaries, greater transparency and rule of law. They have wedded themselves to universal principles of human rights as a matter of both domestic and international law and have championed these ideals in word, if not always in deed.

With the beginning of the post-Cold War era over two decades ago, the human rights movement hoped that newly transitioned democracies would find common ground with older democracies through a foreign policy agenda based on shared values. There have been many cases in which democratic governments, both established and emerging, have worked together to defend and promote human rights around the world. The 2006 reform of the UN Human Rights Council (HRC) and its mechanisms, the increased prominence of human rights themes at the UN Security Council, and ongoing co-operation on country-specific situations are some examples. In Myanmar, sanctions and incentives alike have been deployed through the UN, the Association of Southeast Asian Nations and bilateral diplomacy to confront the military dictatorship and encourage greater respect for human rights. Responding to grave human rights abuses in North Korea, the HRC appointed a UN Special Rapporteur in 2004,

followed by a Commission of Inquiry in 2013. The international community banded together to enact sanctions on Libya, isolate Muammar Gaddafi and ultimately intervene militarily under the banner of the Responsibility to Protect (R2P) principle. The R2P framework was also used in Côte d'Ivoire in 2011 to protect the citizenry from crimes against humanity perpetrated after contested elections. Most recently, democratic countries have co-operated to issue new UN sanctions against individuals accused of inciting ethnic violence in the Central African Republic. In light of these and other examples of international co-operation on human rights, the glass can be viewed as half full.

Nevertheless, serious cleavages remain among states that, on the surface, share a common launching point regarding human rights and democratic values, but often cannot agree on how and when to take action to defend them. Emerging democratic powers in the global South have taken an ambiguous approach to many such cases, often electing to walk the path of *realpolitik*, protection of other national interests, and 'strategic autonomy'. This is not true in all cases and all geographical contexts, but the evidence points increasingly to a more fragmented approach to human rights and foreign policy where countries hedge their bets far more than observers would have expected just 10 years ago. This leaves analysts to wonder why.

REASONS FOR A FRAGMENTED APPROACH

First, as the world grows more interdependent, states are increasingly reluctant to jeopardise core interests such as security, economic development, access to energy, remittances from diasporas, and trade and investment. In this regard, emerging powers are no different than established powers. In the contest between security and values, values typically lose out.

Second, countries in the global South still harbour real, historic, and in many cases justified, grievances against the North. Whether they stem from northern colonialism, hegemony or support for apartheid and military dictatorships, these grievances remain a significant obstacle

to co-operation with Europe and the US on actions, for example in Libya and Syria, where the proposed responses to crises revive the ghost of imperialism and incite fears of regime change. The global South states increasingly place strategic priority on countering Washington's traditionally heavy-handed approach in a host of issues, from violent regime change in Iraq to the ongoing scandals surrounding detainees at Guantanamo Bay and intelligence collection. They often point to these cases as the wrong way to promote human rights, but offer few alternatives of their own.

Third, an overriding concern with sovereignty, non-intervention and non-alignment trumps values such as the responsibility to protect civilians and accountability for gross human rights abuses, as seen in the tragic case of Syria, where the international community has proven itself unable to respond coherently or effectively. Ironically, emerging powers have been divided on how to respond to Russia's blatant violation of Ukraine's territorial integrity, an otherwise sacrosanct principle of international law and European-Russian relations since the breakup of the Soviet Union. In theory, such a classic violation of sovereignty should have elicited cries of outrage from the traditionally non-aligned group, but instead these actors offered a soft response that favoured Russia's historical and nationalist claims to neighbouring regions. This suggests an alarming deterioration of respect for international norms and a hardening scramble to protect national interests – in this case, good relations with Russia's President Vladimir Putin – above principles and values. Harmony among nations belonging to the BRICS (Brazil, Russia, India, China, South Africa) grouping also seems to be playing a role, eclipsing the more value-laden collective of democracies known as IBSA (India, Brazil, South Africa).

Finally, states are reluctant to speak out publicly against another state's internal human rights practices for fear of inviting criticism of their own records. Apprehension that the international community might take a more activist role in India's approach toward Kashmir, for example, inhibits its willingness to take a more activist role in promoting human rights

elsewhere. It is far from alone in this fear: Brazil takes a passive stance toward human rights problems in its neighbourhood (read: Venezuela) to buttress its position against interference from regional human rights bodies. Other rising leaders show similar reticence.

THE GLOBAL MOVEMENT FOR HUMAN RIGHTS

Human rights can be and is a powerful motivating cause for both established and emerging democratic powers to work together, or at least in parallel, to address human rights problems. For example, in contrast to the ongoing contestation over the language of democracy, the vocabulary of human rights is embedded in discourse at the national, regional and international level. The building blocks of this global architecture of human rights are well established and include the UN treaty bodies, Special Procedures, the Universal Periodic Review (UPR), and regional and national human rights institutions. States may try to ignore the fact that they have accepted these principles in various ways (which include the ratification of these instruments) and are subject to scrutiny through them, but greater advocacy by civil society, the media and parliaments and the resultant transparency serve as important democratic checks on behaviour. The globalisation of media and the spread of technologies such as mobile phones and live video streaming mean that images and reports of human rights abuses are available in real time. As such, it is increasingly difficult for democratic states to ignore the truth; they must respond.

Similarly, the growth of transnational advocacy in both the North and the South in recent years has increased pressure on states to respond to rights violations. For example, families of victims in South Korea and Japan worked with journalists and NGOs in the US to campaign for greater international attention to entrenched human rights abuses in North Korea. This led to the appointment of the UN Special Rapporteur and the creation of the commission of inquiry, which recently released a bold report documenting crimes against humanity and calling

for investigation by the International Criminal Court. An international coalition of advocates was especially critical in elevating this case; without them, there is no telling how long it would have taken the UN to take action on these abuses.

In addition, a global coalition known as the Human Rights Council Network (HRC Net) has encouraged the growth of transnational advocacy by diversifying NGO voices at the HRC in Geneva, strengthening the strategic engagement of NGOs to influence countries' foreign policies, and developing cross-regional strategies aimed at enhancing the HRC's effectiveness. HRC Net has helped mobilise responses to crises in Côte d'Ivoire and Yemen and launched global campaigns to secure stronger HRC membership, among other achievements. At the same time, the UPR shines the spotlight on all countries' human rights records and aims to improve the situation through regular peer review, part of which is informed by a summary of information from civil society assembled by the Office of the High Commissioner for Human Rights. The UPR's 100% participation rate thus far has discouraged states from withdrawing from the process and gives civil society an opportunity to offer frank and important feedback in an internationally accepted forum.

CONCLUSION

Where states have taken progressive positions on human rights, this has often occurred as a result of a combination of three factors: 1) determined activism by victims, NGOs and the media, both national and international; 2) pressure from legislatures; and 3) enlightened governmental officials who make the case that interests and values do coincide. This trifecta is necessary for states to turn toward a pro-human rights foreign policy.

Democratic systems offer more points of access to and influence on policy than non-democratic systems. In addition to creating pressure through the media, advocates and researchers can work

with parliaments to raise awareness and demand state action on key issues. They are also able to work more directly with diplomats, military officials and national security leaders to advise them on tactics for dealing more effectively with human rights abroad. To do this, they need to build up their own capacity to understand foreign policy decision-making and work with like-minded colleagues around the world on solidarity campaigns for human rights. They should also demand more open and accountable decision-making when it comes to national security.

Finally, regional mechanisms can sway a state toward acting on human rights issues. Regional leaders such as the IBSA states, Mexico and Indonesia can often pursue more effective strategies at the regional level without the presence of the US or Europe. For example, strong anti-coup provisions at the African Union have supported its efforts to restore constitutional integrity and stem human rights violations in places such as Madagascar and Mali.

In sum, while the common vocabulary on human rights is strong at the international level, there are significant disagreements about how best to promote and protect them, particularly in difficult cases where other interests take precedence.

ENDNOTES

- 1 Ted Piccone is a Senior Fellow in Foreign Policy at The Brookings Institution in Washington DC. This briefing is based on remarks at a seminar entitled 'Human Rights, Emerging Powers and International Governance: Civil Society Actors and Transnational Advocacy in the 21st Century', Johannesburg, 12–13 May 2014, in partnership with the Norwegian Peacebuilding Resource Centre (NOREF, www.peacebuilding.no) and the Ford Foundation.
- 2 Daw Aung San Suu Kyi, 'Please use your liberty to promote ours', *The New York Times*, 4 February 1997, <http://www.nytimes.com/1997/02/04/opinion/04iht-edaung.t.html>.

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