



Dr. Hans Köchler
University Professor of Philosophy
President, International Progress Organization

HUMAN RIGHTS AND GLOBAL POWER POLITICS

Statement delivered at

Side meeting of the 51st session of the United Nations Council on Human Rights

“Risks and Problems of the Politicization of Human Rights”

organized by

The Center for Jurisprudence Research, University of Jilin, Changchun, China

under the auspices of

China Society for Human Rights

&

Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva

– Online conference –

Changchun (China) / Geneva (Switzerland), 19 September 2022

© by International Progress Organization, 2022. All rights reserved.

Check against delivery!

Historical background

The Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948, was meant to be what the title says: namely universal. The UN member states understood it as a document that reflected the *consensus* of the international community on the basic rights that are the foundation of every just polity, irrespective of political doctrine or state system. Based on the general notion of *human dignity*, the approach of those who adopted the Declaration was essentially *transcultural* and did not favour any particular ethnic or societal tradition (whether of Anglo-American liberalism or any other form of state doctrine). It was truly meant to be comprehensive and apart from ideological rivalries, so as to unite – after the cataclysm of the Second World War – all peoples and states of the United Nations in the common goal to build a world where peace prevails through mutual respect of each other’s human dignity, at the individual as well as at the collective level.

In the course of the so-called cold war and of tensions between the then superpowers, commonly described as the East-West Conflict, the unanimity of the early years was lost and increasingly gave way to mutual ideological incriminations, particularly as regards questions of the priority of individual over collective rights, or vice-versa. After the sudden collapse of the bipolar balance of power at the beginning of the 1990s, the sole remaining superpower began to aggressively use “human rights” issues in order to justify its drive towards *global hegemony*, euphemistically – and misleadingly – labeled as “New World Order.” This was indeed an era where “humanitarian intervention” was excessively practiced in the name of human rights – almost two centuries after Europe’s “Holy Alliance” had established the practice as a tool of power politics. Similarly to the use of moral principles for political purposes by the victorious powers of the post-Napoleonic era, today’s *politicization* of human rights has its origins in the unrestrained exercise of power by a global hegemon, i.e. in the *absence* of a balance of power after the Cold War.

The triangle of politicization

Under conditions of *globalization*, the instrumentalization of human rights has been particularly consequential and far-reaching. There is indeed a triangle of interdependent factors – a “triangle of politicization,” so to speak – that characterizes the dominant power’s and its allies’ approach in terms of human rights, in particular as concerns the worldwide propagation and enforcement of those rights:

- (1) **Cultural imperialism:** Rooted in the history of colonialism and in an attitude of (national) *exceptionalism*, the suppression of *diversity of human rights interpretations* – in favor of the Western, individualistic understanding of society – has become a decisive

factor in global human rights discourse. In contradiction to the *idea of universality* in the UN Declaration of 1948, the specific standards of the Western (U.S. / European) system are declared, and enforced, as universal. Thus, universality is absorbed by particularity. Western *ethnocentrism* replaces the commitment to *global common values* based on mutual respect in terms of socio-cultural traditions of all nations.

(2) **Policy of double standards:** A hegemonial power tends to enforce its essentially ethnocentric, exclusivist position according to considerations of *opportunity* (in terms of the assertion of its national interests). Hegemonial countries seek to assert their standpoint vis-à-vis their geopolitical adversaries, but never vis-à-vis their allies – even in cases when the human rights interpretation and practices of the latter are diametrically opposed to the former's. This policy not only discredits the very human rights policy of the respective power, and renders it meaningless in terms of international law, but also further emboldens an imperialist mindset.

(3) **Pursuit of power politics:** The above-mentioned factors are most pertinent in the context of power politics where the *national interests* have priority over considerations of the rule of law and a state's contractual obligations. Under such premises, and in such an "étatist" mindset, the human rights domain is exclusively subordinated to the national interest; thus, human rights enforcement *becomes a function of politics*. The international projection of power is *facilitated*, in "ideological" terms, by the exceptionalist approach of cultural imperialism, and *implemented* by a policy of double standards where violations of basic rights are *diagnosed* in the camp of the adversary and conveniently *overlooked* in one's own.

The nexus of cultural imperialism, a strategy of double standards and the pursuit of power politics has been characteristic of the foreign policy of the United States, particularly, but not exclusively, since the end of the Cold War. A pertinent example of the impact of such a policy – namely the politicization of human rights – on the system of international relations is the "Global Magnitsky Human Rights Accountability Act" (GMA), adopted by the U.S. Congress in 2016. The law claims a right of the United States to interfere into the sovereign domain of other states on the basis of human rights, "authorizing" the U.S. president to impose entry and property sanctions against any non-U.S. national in connection with responsibility for or support of (purported) serious human rights violations anywhere in the world. The criteria for the definition of human rights and, by implication, for the assessment of their violation, are unilaterally – and arbitrarily – set by the United States. Through this law, the U.S. insists on establishing itself as global arbiter in matters of human rights and the rule of law. In actual

fact, however, the GMA puts the economic and strategic interests of the United States *above* international law, in total negation of the principle of sovereign equality of states. It is the most extreme form imaginable of politicization of human rights, indeed an opportunistic misuse of the global human rights agenda for purely political purposes.

The logic of power politics

The politicization of human rights by some of the most powerful member states of the United Nations, first and foremost the U.S., has not only discredited the cause of human rights and undermined the international rule of law, but has also destabilized global order and made peace more precarious. By using human rights as a tool of geopolitics, those countries – in the 21st century – continue the “unholy,” essentially imperialist, legacy of so-called “humanitarian” interventions by the powers of the “Holy Alliance” in the 19th century.

In virtually all cases where countries have used force in the name of human rights and the rule of law, their strategy follows the logic of power politics along the earlier-described triangle of interdependent factors. In such a context, human rights serve as a tool, not as foundation of the legitimacy of politics and the state. Due to a total lack of conceptual precision and the confusion over the definition of human rights, their *political instrumentalization*, dictated by the arbitrariness of power politics, has discredited the very idea and eroded their validity as guiding principles of international law. The recent history of “humanitarian interventions” and of wars of aggression under the R2P (“Responsibility to Protect”) label should, by now, have made us aware that human rights must not be used as a tool of hybrid warfare. The *false universalism* in the name of human rights – that declares Western values as global standard – is one other aspect of politicization that is in no way compatible with letter and spirit of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations.

Furthermore, the politicization of human rights at the global scale has made constructive debates within the Human Rights Council of the United Nations increasingly difficult. The practices we have described here risk eroding the consensus on the very *foundations of global justice*, which is indispensable for a stable and peaceful order between sovereign states. There must be no return to an era of great power politics where self-righteousness and an exclusivist understanding of the national interest – asserted in the name of humanitarian principles – determine the fate of humankind.