**John Torpey** 00:04

States were once thought to be largely free to do as they wished inside their own borders, to be, in other words, sovereign. Since the end of the Second World War, though, the idea of human rights has taken root as a global standard for judging the behavior of states, companies, and other international actors. How did this happen? How successful has the human rights movement been in holding states to account for their behavior? And what are its biggest challenges today?

**John Torpey** 00:35

Welcome to International Horizons, a podcast of the Ralph Bunche Institute for International Studies that brings scholarly and diplomatic expertise to bear on our understanding of a wide range of international issues. My name is John Torpey. I'm Director of the Ralph Bunche Institute at the Graduate Center of the City University of New York.

**John Torpey** 00:54

Today on International Human Rights Day (at least, that's when we're recording) we explore the past and future of human rights with George Andreopoulos, Professor of Political Science at John Jay College of Criminal Justice, and at the Graduate Center, CUNY. He is the founding director of the Center for International Human Rights at John Jay College. He's written extensively on international organizations, international human rights, and international humanitarian law. He's past president of the interdisciplinary studies section (IDSS) of the International Studies Association, and is past president of the Human Rights section of the American Political Science Association. Thanks so much for taking the time to be with us today, George Andreopoulos.

**George Andreopoulos** 01:44

Thank you, John, for having me.

**John Torpey** 01:46

Great to have you. So maybe we could start with sort of a brief history of human rights. You know, a lot has been written about this. In my introduction, I tied it to the end of World War Two, but that narrative is, as you know, very much contested. Where would you say the idea came from and how entrenched would you say it's become in the world today?

**George Andreopoulos** 02:11

Yes. Yes, I know, it is a contested notion. But I do believe that the idea of human rights antedates the end of the Second World War. There are some scholars that have made persuasive arguments that rights-related ideas go all the way back to antiquity. But if we think in terms of the modern period, I would definitely say that a turning point came with the Enlightenment, the American and French Revolutions, and the message of equality and dignity that they sought to advance. Of course, as we all know, the recipients of these benefits were not everybody in their societies. Progressively, the circle of those that were to be protected widened. But this only happened after a lot of efforts from below, mobilizations from those that were left out of the picture out of the protective shield, so to speak.

**George Andreopoulos** 03:17

Concerning the notion of the movement, the human rights movement, that has generated quite a contentious debate in the literature. I would say that the antecedents of what we call today human rights movement should be sought in the anti-slavery movement, the movement to abolish the slave trade in the 19th century. These were important turning points. And, in the 20th century, I would clearly say that the movement against colonialism in the 50s and 60s, and I highlight that because some of the literature tends to see the birth of the human rights movement in the 70s, but the anti-colonial effort, with its message for selfdetermination was a very important moment in the history of the human rights movement.

**George Andreopoulos** 04:15

I should also add, and it is important to remember, that a lot of states that became independent in the 60s and 70s, African states, did incorporate provisions from the Universal Declaration of Human Rights in their constitutions before we had the growth of the human rights organizations in the 70s in the 80s in the Western world.

**George Andreopoulos** 04:39

Last but not least, I will say also the Second World War experience was a formative experience because of the horrors of the Second World War, and the Universal Declaration of Human Rights was shaped by that experience. And one of the first humanitarian laws, one of the major humanitarian law instruments, that were adopted immediately after the Second World War, and I'm talking about the Geneva Conventions, its Common Article 3 basically reflects the Universal Declaration of Human Rights. So in a nutshell, we have quite a bit of history, and I don't think that everything started when it comes to the human rights movement in the 1970s.

**John Torpey** 05:32

Right, I mean, Emile Durkheim was a member of something called the League of the Rights of Man in France in the 19th century. So obviously, the idea has been around for a long time, but it occurred to me as you spoke that, you know, maybe a big part of this is the fact that an organization came into existence, which was intended to vindicate this thing, the Universal Declaration of Human Rights, and that's, of course, the United Nations. So how much would you kind of associate the existence of the United Nations with the sort of vindication of a program called human rights?

**George Andreopoulos** 06:09

Yes, I say of course, as you know, the Universal Declaration that we celebrate today was adopted by the General Assembly of the United Nations. And out of the 58 states that were present at that time as members of the General Assembly, 48 voted in favor, and eight abstained. From the eight that abstained, six were countries in the Eastern Bloc, and two others who were not part of the Eastern Bloc, but for their own reasons, decided to abstain, and that was Saudi Arabia and South Africa. South Africa was, of course, in the process of formally institutionalizing the apartheid regime.

**George Andreopoulos** 06:54

So the role of the United Nations was instrumental, because what it tried to do is to develop a common vocabulary on human rights, because before that initiative took place, you have different traditions, not only in the Western world, but also in the non-western world. There were social justice-related movements before the Second World War that would use what we might call the equivalent of rights-related language. But the big change that occurs with the United Nations is an attempt to find a common denominator.

**George Andreopoulos** 07:42

And that actually was the springboard for one of the most important achievements, I would say, of human rights since the Second World War: the explosion that we have in legal standard setting, in legal instruments. We have many treaties nowadays, which, of course, they have their problems, and I'll be happy to elaborate on them. But they are the frame of reference for serious discussion about human rights observance. So that kind of effort was instrumental because -I should add, of course, that most states have ratified most of the human rights treaties, although their observance is a different story - that gives you a certain tool to hold states accountable.

**George Andreopoulos** 08:37

One thing I should add here, John, it is important to remember that in the provisions of the Universal Declaration of Human Rights, of course, the Western influence was instrumental, especially in the area of civil and political rights. Usually, the provisions on social and economic rights are associated with socialist countries. Now socialist countries did play a role, but in the discourse on how to frame social and economic rights, the input of Latin American countries, as well as certain Muslim countries, was instrumental. So the idea that somehow the Universal Declaration of Human Rights should be viewed as simply a Western construct is inaccurate, it would be more accurate to say that clearly, the West was the dominant influence in the framing of the Universal Declaration of Human Rights, but not the only one.

**John Torpey** 09:43

Well, that's very helpful in sort of making sense of the history of the idea of human rights. But now I want to sort of take us up to the present and ask you something that comes out of the headlines of the newspaper, basically. I saw something in this morning's paper to the effect that human rights was essentially the standard that was being used to select the invitees to President Joe Biden's Summit For Democracy. And there's some controversy about, you know, it went without saying, of course, that China and Russia would not be invited, but sort of the Philippines, which has not had a particularly stellar record of human rights of late, is invited. So I guess the question in effect is, has human rights become essentially synonymous with democracy?

**George Andreopoulos** 10:36

Well, that's a good question. And, by the way, yes, it is kind of interesting to see some of the participants in the Summit of Democracy. The research -and I'm saying that at a risk of overgeneralization here, with a bit of generalization- quite a lot of the research when it comes to what are good predictors of the quality of rights observance in a particular country tends to converge on two criteria -and I'm saying that, again, at the risk of a bit of overgeneralization. One is how democratic the country is and second, whether the country is at peace or at war. These seem to be the key determinants from the studies that have been conducted so far. I mean, I'm talking about large N studies that have looked at the record of different countries that, of course, seem to point that democracy is critical and important for human rights.

**George Andreopoulos** 11:44

This, however, poses a certain challenge for the human rights project because it has given an opening to human rights activists, especially from the Global North, to advance solutions to problems of human rights in the Global South that are tailored in accordance with some of the key principles and ideas of the Global North, meaning, democracy, rule of law, robust institutions, and so on and so forth. So, this close association of human rights and democracy has also its downturn in the sense that it had given the opportunity to backlashers. And by backlashers, I mean, these forces in society that are somehow threatened by human rights, and that they are powerful enough to resist their implementation, to frame adherence to human rights as a Western construct. And this, of course, has not helped the human rights cause.

**George Andreopoulos** 12:58

But on this, the responsibility, and I want to stress this is my view, lies not only with the backlashers in the society, but with the attitude of certain advocates of human rights of the Global North who have a certain arrogance in the way that they approach problems in the Global South. And they have some kind -and again, I will say that, at the risk of a bit of overgeneralization- kind of a Procrustean bed approach to human rights advocacy. That is, as you know, John, from the myth of Procrustes, there is this bed here and if you don't fit exactly within the size of the bed, we will cut your head or your legs. That's what Procrustes used to do, according to the ancient Greek myth.. So if you don't exactly fit with what you we're looking for, you are not doing a good job on human rights. And this has been one of the problems I would say that has bedeviled the human rights movement.

**John Torpey** 14:05

Interesting. Definitely want to avoid repeating Procrustes' fate. In any case, this raises another question that I had wanted to ask you about, you know, the idea and sort of the implementation, if that's the right word, of the idea of human rights. I mean, there's been a lot of I think a persistent criticism has been that it's a sort of legalistic, individualistic way of thinking about people and human beings, and that, in particular, has not done much to advance economic and social rights, I suppose, even though there is, of course, an agreement around those issues. But I wonder if you could speak to that question, and, you know, the extent to which you think that criticism is justified.

**George Andreopoulos** 14:56

Yes. And thank you, John. This is a very important question. And having said that, let me just say something personal here. Before I say what I'm about to say, in addition to being a political scientist, I have also been trained as a lawyer. So as you can imagine, I do consider that the advances in standard setting are probably one of the greatest achievements in human rights in the last, let's say, 70 years or so because of the reasons that have been explained earlier. Having said that, and although I myself use a lot of legal techniques and methods in my study of human rights, there is a problem here. And what is the problem? That the legal approach is based on the idea that you can identify a victim, you can identify a perpetrator, and you can identify a hopefully, short causal link that relates the actions of the perpetrator, to the effects that these have on the victim.

**George Andreopoulos** 16:13

Now, this is very important, because as a result this has led to, for example, prosecutions before domestic courts, before international tribunals, before hybrid tribunals of some of the worst perpetrators of human rights violations. However, this kind of approach does not fit very well, if you want to go beyond that realm, and address issues of socio-economic injustice, or what some scholars have said, some of the structural conditions that are responsible for human rights violations. Because just think about it, if you want to bring the issue of homelessness, if you want to bring the issue of unemployment, if you want to bring the issue of climate change, who exactly is the perpetrator in this situation? And how do you hold them accountable?

**George Andreopoulos** 17:15

First of all, this is one of the challenges. And it was well put many years ago, in a piece that Onora O'Neill wrote about how socio-economic rights have an allocation of duties problem. The question here becomes how do we address that? Well, the response that some scholars have provided, which I have shared is, that's why you create institutions. You create institutions, so that we can pool our resources and render our imperfect duties, all of us, less imperfect, because we are all joined in an effort to solve these problems.

**George Andreopoulos** 17:54

However, still, this is a challenge on how to implement rights effectively in some of these areas. And the UN has tried to address somehow this issue by trying to develop, and this is a work in progress, draft articles on the responsibility of international organizations. But even that effort will not be enough. We have to think of other techniques outside the legal realm through social mobilization and pressure to affect outcomes in the ballot box or in other arenas in order to achieve change in these areas. So in a nutshell, although the legal model has offered great things in the cause of Human Rights, its use in the area that you raise with your question is clearly limited at best.

**John Torpey** 18:56

Right. The importance of institutions, I think, is an interesting comment here. And, I mean, I suppose one could say, I'm sort of interested in the larger question of the extent to which you think the idea of human rights has come to be a norm around the world that people understand and think of as a way of, as you said before, holding states in particular but also other actors to account. And I guess, I wonder, you know, to what extent is it really different from democratic institutions?

**John Torpey** 19:33

In other words, the reach of international organizations, even of the International Criminal Court has been, I would say, distinctly limited. And so, I guess the question is how much sort of value added, if I can use that term, is there from these international ideas, norms, and institutions, which have a weak, I would say, reach into actual individual societies. Those domestic institutions tend to trump whatever might be going on at the international level. So, I wonder if you could talk a little bit about that: the sort of clash of institutions? If that's worth to think about it.

**George Andreopoulos** 20:22

Yes. Thank you for your question. First of all, let me say that, yes, it is true that human rights has now come to be a norm - but again, there are always antecedents. I don't believe that something erupts suddenly out of the blue in a particular period of time. I don't subscribe to this point of view- but clearly, there is no doubt that in the 90s, you had this explosion, and clearly the end of the Cold War helped a lot because, among other things, when it comes to the issues of socio-economic justice that we're talking, kind of destigmatized, if I may use this term, the pursuit of social and economic rights. And by destigmatizing, I mean, that it was not any more associated with communist propaganda.

**George Andreopoulos** 21:13

Okay. Now, human rights, I would say, and again, at the risk of a little bit of overgeneralization are considered nowadays widely as standards of legitimacy. That is, it is difficult to hear, nowadays, a regime say, that 'I think human rights is irrelevant, or is BS' if I may say that. No state will do that. What will do some authoritarian leaders, what they have done -and they have been very skillful at this- they have tried to use the ambiguity and sometimes the conflicts between rights that inhere in the human rights regime, in order to promote or value certain rights, as opposed to other rights.

**George Andreopoulos** 22:06

So one of the successes of the human rights discourse, unfortunately, and this is one of the unintended consequences. is that it has given an opportunity to opportunistic and clever leaders to co-opt the human rights discourse and challenge it in direction that suits their agenda. For example, Duterte, you mentioned the participation of the Philippines (-and I know that because our center is working very closely with a major NGO in the Philippines -to work on how we can stop the shrinking of civic space here, which is an important component for human rights advocacy.) how does he justify his so called war on drugs, which in reality is a massive and systematic campaign of extrajudicial executions? He presented this as the right to security to protect the citizens from the drug addicts, the criminals, and so on and so forth.

**George Andreopoulos** 23:22

Erdogan has used the human rights discourse (but his own understanding of the human rights discourse) in order to clamp down on human rights activists and academics and so on and so forth. He has argued that by their irresponsible behavior, academics, for example, are undermining the integrity of academic institutions and the right to education and so on and so forth. So, you have a series of leaders that have been very good at using that.

**George Andreopoulos** 23:56

Now, here is where international institutions can help, but as you correctly point out, they are not very strong and the problem of course with international institutions is that when it comes to major decisions, these are taken by member states. There is a certain autonomy of international institutions to be able to develop agendas in certain issue areas, but this autonomy is restricted by state action, and, in the end, the main determinant is state action.

**George Andreopoulos** 24:30

Now, is there any hope of working through international institutions? I think certain inroads can be made both in the civil and political rights areas in this and in the socio-economic areas by developing or promoting ideas and projects that are developed in consultation with actors at the local level. And this is very important, I think, any international institutional effectiveness is premised on the idea of domestic buy-in. If there is no buy-in, we're not going to have any major effects on human rights observance.

**George Andreopoulos** 25:20

This is why the role of civil society organizations, human rights organizations, and the ability to have a civic space in which these activities can flourish is critical, because in the end -and again I will say at the risk of a bit of overgeneralization- no matter what initiatives are developed at the international level, no matter how many campaigns are undertaken at the international level, they must be rendered relevant in the local context. As some scholars that have studied the interaction between global and local processes have put it, these initiatives must be vernacularized. If they are not vernacularized, there is very little hope.

**John Torpey** 26:16

Well, I'm afraid that's exactly right. And it leads me into a question about a specific country that I wanted to ask you about. And that, of course, is China. You know, which is the biggest, I think, challenger or editor (whatever exactly it is) on the horizon for as far as the eye can see. And of course, you know, one of the reasons it hasn't been invited to the Democracy Summit today is that it's seen as perpetrating extensive civil, human rights violations in Xinjiang against the Uighur population. But that's not the only misdemeanor, shall we say, of which China is accused these days.

**John Torpey** 27:02

So, you know, I wonder, how much impact can the human rights movement have insofar as it's outside the country? And, of course, as you surely know, China has in the last few years cracked down on foreign NGOs and their activities within China. I wonder, I must say, I often I look at these, you know, protests. We're going to boycott the Winter Olympics, and I just sort of really scratched my head and wonder whether one can have much effect on the decisions of Chinese power holders in these areas. What would you say about that?

**George Andreopoulos** 27:49

I'm afraid, John, that you are exactly right on this. That is very limited. Now, the diplomatic boycott of the Winter Olympics is purely symbolic, and it is not going to have any effect. Speaking about the Uighur issue recently, a few days ago, the Uighur tribunal in London, which is an informal tribunal composed of lawyers, academics, and business people, concluded after a series of hearings, that they are such massive and systematic violations against the Uighurs, massive and systematic crimes of humanity being committed against the Uighurs in northwest China, that amount to acts of genocide.

**George Andreopoulos** 28:46

Of course, what was the response of the Chinese regime? That all this is a fiction, that it is, again, another example of the West using faulty evidence and manipulating international processes in order to paint China as somebody, as a country that does not respect human rights. The answer to your question is that there is very limited impact that the outside world can have on improving the human rights situation in China at this juncture. If there is any hope, it must begin by the efforts of domestic organizations there to challenge the regime, which at the moment are very limited because the civil society space is severely restricted in China, but the change must come from within and then the West can assist it with tailored strategies to encourage and promote the work of these initiatives.

**George Andreopoulos** 29:58

I want to say something else, however, about China and human rights, that your question raised. They are two major challenges that China poses at the international level concerning human rights, the idea of human rights. This is of course, at a different level, because so far we discuss the situation in the country. The first one is that China, contrary to the Soviet Union, is trying to promote a developmental model that has some appeal to a series of countries around the world, something that the Soviet Union never managed to do during the Cold War.

**George Andreopoulos** 30:44

The Soviet Union tried to promote itself as an alternative vision of human rights in the area of socio-economic rights. But it never managed to deliver socio-economic growth and prosperity and opportunities, socio-economic opportunities to its citizens. So, although there was a lot of propaganda in certain countries, you know, that did follow the Soviet Union mantra on this, its appeal was limited. China is at a different level, because on the developmental front, the country has produced results, and can claim that it is an alternative model to the United States at all levels, including human rights, in the sense that it can deliver socio-economic opportunities in a way that the previous competitor to the United States, Soviet Union, never managed to do.

**George Andreopoulos** 31:42

On the other hand, it is important to say that, in a sense it also poses a challenge to the notion of how linked are democracy and human rights because China can say 'listen, you can advance at least the rights that we consider important without thinking in terms of advancing democracy.' In fact, what they argue is that the failure, for example, of the West to solve certain serious socio-economic justice issues shows how tied up the human rights program is to the liberal order, which is in decline. That will be, let's say, the argument of China.

**George Andreopoulos** 32:27

The other thing I want to add is that China has been very successful in manipulating its presence in international institutions in order to marginalize Western democracies. This has happened in particular at the Human Rights Council, which is the main platform in the UN system where human rights issues are discussed and certain resolutions are passed, is not a terribly effective organ. But it's an important platform to air human rights issues.

**George Andreopoulos** 32:59

And the Trump Administration decision to withdraw from the Human Rights Council gave an opening to China to use international mechanisms and processes to advance its own understanding of human rights. Now, the Biden Administration, thankfully, at least on this front, realized that this poses a problem and committed itself to re-enter the Human Rights Council; the US ran , and now, the US is going to be a member again of the Human Rights Council, but valuable time was lost and gave an opening to China to use international mechanisms and processes to undermine the understanding about the linkage between, among other things, democracy and human rights.

**John Torpey** 33:48

Right, well, fascinating. I mean, I basically agree with what you're saying about China and you know, it's a different kettle of fish than China has been historically, and it's got international activities that some of which are perceived positively, and some of which are perhaps not so positive in Africa, in Latin America and elsewhere. But it's definitely different than most of what happened with the Soviet Union.

**John Torpey** 33:52

Well, this has been a sobering and I think judicious discussion of the human rights agenda and rights movement today on International Human Rights Day, and as it happens on the day of the first day of the Summit for Democracy. I want to thank George Andreopoulos for sharing his insights about the human rights agenda and we're going and where it's been.

**John Torpey** 34:50

Remember to subscribe and rate International Horizons on SoundCloud, Spotify and Apple podcasts. I want to thank Hristo Voynov for his technical assistance, and Merrill Sovner for helping get this podcast together. And I want to acknowledge Duncan Mackay for sharing his song "International Horizons" as the theme music for the show. This is John Torpey, saying thanks for joining us and we look forward to having you with us for the next episode of International Horizons.