

Are Democracy and Human Rights in Danger?

by Pat Cox



December 2024 marks the 75th Anniversary of the Universal Declaration of Human Rights. In a world where fundamental rights and freedoms are increasingly threatened by conflict, repression and autocracy, from North to South America, from Asia to Africa, and across Europe, including in war-torn Ukraine, this declaration continues to set a benchmark for the fundamental and universal rights which all people ought to enjoy. It is at this juncture of the commemoration of this most important moment in history, when we must also consider that we may perhaps be in a recession when it comes to human rights, and our commitment, both at home and overseas, to these fundamental freedoms may need to be made anew.

The Declaration is a milestone document in human civilisation and marks a high point of hope for a new beginning after the ravages of war by promulgating universal fundamental rights to equality, freedom, and justice based on the individual human dignity of each person, irrespective of their culture, political system, or religion. This is expressed succinctly in just 30 short articles. The treaty certainly created binding legal obligations, but it has also animated, suffused, and informed subsequent binding UN Conventions, treaties, regional human rights instruments, and extensive jurisprudence. The European Convention on Human Rights, which is binding and judiciable, entered into force two years after the Universal Declaration of Human Rights and drew inspiration from it, as is clearly acknowledged by the first two considérants of its opening preamble.

As we turn to consider whether democracy and human rights are in danger, it is worth recalling that the human rights agenda has evolved and expanded over time and remains a vital and living corpus of rights that continues to flourish and develop. Take the following example: in 2022, the United Nations General Assembly passed a resolution which confirmed the universality of the human right to a clean, healthy, and sustainable environment.¹The UN Environment Programme reports that in 2022 there were 2180 climate litigation cases, seventeen per cent in developing countries, including in Small Island Developing States.² In a victory for climate justice the UN Human Rights Commission found that Australian government inaction on climate change violated the human rights of the Indigenous population of the Torres Strait Islands and recommended that compensation be paid.³ The Brazilian Supreme Court has ruled that the Paris Climate Accord is a human rights treaty which enjoys supranational effect.⁴ Two thousand women in Switzerland have been successful in a case before the European Court of Human Rights, having failed before the Swiss courts, to vindicate their claim that insufficient government action on climate change violates their right to life and health.⁵ These are but a few of numerous examples of cases taken at international, regional, and national level courts and tribunals in the field of human rights and access to a healthy environment. Legal actions range from issues relating to domestic non-enforcement of climate law, litigants seeking to keep fossil fuels in the ground, challenges to greenwashing, and corporate liability for climate harm, up to efforts to address government failures to adapt in light of the impact of climate change.

My point in making this observation is to insist that even as we identify the pressures that democracy and human rights are under, there is a parallel story to observe relating to an evolving and resilient community of individuals and institutions who pioneer new boundaries in the expression and evolution of the human rights agenda that flows from the Universal Declaration of Human Rights. This includes the accumulation of evidence and the search for justice for Ukraine and Ukrainians in the light of Russia's war of aggression.

Let us turn now to the threats to human rights and democracy. These are many and varied. Today, there is a resumption of great power competition and rivalry between autocratic and democratic systems. This is epitomised by the tensions between the USA and China, though it is not confined to them alone. It finds expression in Russia's war of neo-imperial aggression against Ukraine. The post Second World War liberal order led by the USA is now increasingly contested. Emerging powers want to have their place at a multipolar table and a greater say in shaping global rules. Russia and China confront what they perceive as a hegemonic West in general, and the United States in particular, accusing the latter of pursuing a policy of suppression.

What was regarded by many as the unipolar moment of the United States has ended and was not covered in glory. The presumption that free markets and open democracy were inextricably linked proved elusive. Perceived double standards have constrained the capacity of the West to rally the Global South to its cause, though policy inconsistency is a habit to which these critics themselves are not immune. The West itself is stressed by political, social, and economic

cleavages following multiple consecutive crises. The growth of populism, nationalism, nativism, identity politics, and culture wars are signifiers of an internal schism, of contested visions and values. Meanwhile, anti-elite, illiberal, anti-system political candidates and philosophies abound. This poses a question as to whether the West in terms of inherited normative standards such as liberal democracy, open markets, and international cooperation is becoming less Western, a phenomenon labelled by the Munich Security Conference 2020 as 'Westlessness'. In short, the world order as we have known it in the West is threatened both from without and within.

Part of this may be a cyclical phase in the tide of national affairs but has a more structural feel in terms of international affairs. What is clear is that we have entered a new age of uncertainty. This is at a time of increasing nuclear proliferation with diminished and contested strategic nuclear weapons safeguards. Global warming is producing weather extremes of growing frequency, intensity, and impact in terms of human suffering and loss of biodiversity. No one needs convincing in the post-COVID-19 era of the dramatic and rapid distress triggered by pandemics. The world we live in shares both deep interdependence and deep vulnerability. We may be standing at the threshold of a new multipolar order but without agreed multilateral norms and rules. Without effective multilateralism our separate and collective vulnerabilities will only increase.

A small state like Ireland and a regional polity like the EU have a deep vested interest in effective multilateralism, as both are beneficiaries of a stable and reasonably predictable normative and institutional order that has sustained peace and delivered prosperity. Recognising that the liberal world order is threatened both from without and within poses the question of what can be done. We in the West cannot choose what others do, we can only choose what we do.

It is to the internal dimension of the threat to our values that this paper now turns. With the benefit of hindsight I would argue that some western self-reflection is merited. Inevitably, concerning the liberal world order, as its author, underwriter, and sheriff, what the United States does and fails to do is central to any analysis. Critical self-awareness is the pathway to enhancing and strengthening any understanding of who we are and what we do. Consider three aspects of Western power: military power, trade power, and financial market power.

The dramatic events of the September 11 attacks in 2001 rocked the United States and gripped the world as the death and destruction unfolded before our eyes in real time. The French newspaper *Le Monde*, in an editorial published two days following the attacks captured what many Europeans felt, observing 'nous sommes tous Américains' ('We are all American').⁶ A US-led international coalition hunting Osama Bin Laden and fighting a war on terror invaded Afghanistan only weeks after the September 11 attacks and toppled his host, the ruling Taliban regime, evoking more understanding for many of the nature of US interests, rather than hostility towards the US itself.

Based on false evidence relating to the existence of weapons of mass destruction which polarised allied choice as either being 'with us or you are against us',⁷ declaring that diplomacy had failed, and offering the ultimately delusional promise of 'bringing democracy to the region', the United States and allies then invaded Iraq in 2003, evoking over time more hostility than sympathy or understanding. Trillions of dollars were spent on the invasions. Thousands of US and allied military lives were lost. Hundreds of thousands of Iraqi and Afghani military, police, and civilian lives were lost. The region was left more unstable after than before these events, and in the case of Afghanistan has reverted to type under restored Taliban rule following the US withdrawal in 2021, as if the previous two decades had never happened at all.

In choosing to invade Iraq, neo-conservative hubris in the US Administration wasted America's unipolar moment. Its essentially unilateralist inspiration was a lesson not lost on dictators and autocrats. It gifted the likes of Vladimir Putin in Russia and Xi Jinping in China and others a stick to beat the West with, by launching an invasion that in the view of the then UN Secretary General, Kofi Annan, 'was not in conformity with the UN Charter'.⁸ It also sowed the seeds of a more isolationist disposition in domestic politics on the home front in the US. It is my contention that seeking to establish a liberal order by imposition has not worked to the benefit of the West.

The link between open markets, democracy, and international cooperation is a key normative aspect of the liberal world order. Back in 2000 the West's bet on China was captured by Bill Clinton's final State of the Union address to Congress where in essence he argued that China's admission to the WTO would enrich Americans and help convert

China to freedom.⁹ Less than two decades later Donald Trump in his inaugural presidential address blamed trade with China for creating 'American carnage.' Meanwhile, Xi Jinping has tightened the grip of the Chinese Communist Party on its people behind the Great Firewall of China. The bet that enhanced access to global markets would democratise China has seemingly not paid off. The ground has shifted from economic embrace to geopolitical great power tension and rivalry. The fate of Taiwan may prove to be its testing ground. It is my contention that a policy of liberal order by presumption has not worked to the benefit of the West, either.

After a long period of deregulation and accommodating monetary policy, Western financial markets hit the buffers with the Lehman Brothers collapse in September 2008, and in Europe with the subsequent prolonged Euro zone crisis which followed. Ultimately worthless Collateralised Debt Obligations (CDOs), a means of packaging risky mortgage debt into supposedly low risk investment securities, exploded into a full-blown financial crisis. The biggest welfare cheques ever issued on both sides of the Atlantic were written to sustain systemically important banks from collapse. What followed was a period of austerity intended to correct fiscal imbalances and which had severe impacts at the level of households and firms. An ultimately naïve and misplaced faith in the power of competitive markets to correct systemic faults on their own was to blame. In terms of risk management, greed conquered prudence in this instance. There followed a profound loss of faith in elites, and a rise in popular and populist attacks against so-called globalists. It is my contention that a liberal order expressed through a policy of hyper deregulation and an exaggerated belief in self-correcting markets has not worked, for the West itself or its political harmony.

This paper argues that we cannot choose in the West what others do but we can choose what we ourselves do. The most compelling test of what we do is upon us. In truth the United States was and remains the indispensable anchor of the normative West, and as the war in Ukraine confirms, yet again, that country is still the arsenal of democracy, given its support for Ukraine in its war with Russia. This year's Presidential election in the USA is likely to be seen as one of the most consequential of our lifetimes, not just for the USA but for the idea of the West itself, its values, norms, aspirations, and choices. In a compelling recent essay in the Washington Post, Robert Kagan argues that Donald Trump is running against the system and will face the fewest constraints ever on a US President, and that the rights of his perceived enemies will be conditional and not guaranteed.¹⁰ Kagan's message is that the United States is drifting towards dictatorship. Vengeful narcissism and arbitrary transactionalism as the guiding hand on the tiller of the US ship of state, staffed by insurrectionist conservatives, for me, would be a truly appalling vista. Politics is volatile and such a scenario is by no means certain, but neither is it entirely implausible. This is so because of the level of popular disenchantment with the establishment and the extent of polarisation in US public opinion and politics. Should the USA follow this disruptive path under the second presidency of Donald Trump, we all will all pay a price.

Furthermore, the world is grappling with the enormity of conflicts which continue to raise dilemmas for the future of human rights and democracy, including with the conflicts in Gaza, Lebanon, Sudan, and Ukraine. Firstly, we must unreservedly condemn the brutal slaughter and rape of innocents and the taking of hostages by Hamas in Israel on October 7 2023. So too, the West urgently must mobilise its collective will and weight to insist on cherishing the life and meeting the humanitarian needs of innocent Palestinian and Lebanese civilians who have suffered enormously over the past year and more. Secondly, Ukraine has shown enormous courage and resilience in defending its sovereignty and territory in the face of Russian aggression. It must not be abandoned in its hour of need. Failure to address either of these responsibilities today will carry serious costs for the West tomorrow.

To conclude, democracy and human rights are in danger but their greatest threats are arguably from within. The single greatest potential threat, unhappily, could arise in the West's anchor state, the USA. The die has been cast by the 2024 election. Where the USA goes others will follow. The West as we have known it has a lot depending on that role of the dice. To end with a question, why should others believe in human rights and democracy if we, their source and loudest proponents, stopped doing so ourselves?

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