The Success of International Human Rights Norms in Liberal Democracies as a Source of Political Pacification and Ignorance

*Winner, Social Sciences*

Author: Katie Grant

*Editor's Note: In February 2012, students in Political Sciences 2305.0 (International Relations) took part in a simulation. During the exercise, participants acted as government delegates for their assigned countries to negotiate an international human rights convention and treaty compliance mechanism. Students were asked to balance their personal views against the objectives of their countries during the simulation. Students then used the outcome of the exercise to evaluate schools of thought which define International Relations theory. This paper represents one participant's conclusions.*

**Delegate for Treaty Compliance Mechanisms from State B**

 The liberal-themed simulation, featuring the negotiation of human rights conventions and compliance mechanisms, which took place on February 8th and 13th, 2012, was met with varying degrees of enthusiasm from its participants. The participants' failure to ratify the treaty can be explained by an unnervingly relaxed attitude towards human rights by a majority characterized by citizenship in liberal, highly developed democracies, and a puzzling reversion to a precedence of rights of the state over rights of the individual. This tendency to cite state sovereignty by participants when rejecting aspects of the convention indicates that they take human rights for granted, demonstrating what Donnelly terms "cultural arrogance and ignorance" (2011, p.507). Individualism—a tenet of the liberal school of thought—likely contributed to a commonly-held disbelief in the universality of human rights (due to contextual particularities) and a reluctance to ratify the treaty domestically, paired with a poor understanding of international human rights legislation as a largely normative institution, given the United Nations' limited accountability and authority. This normative structure of human rights has been so successful in liberal democracies, and the simulation participants' behaviour is so programmed to obey these norms, that participants fail to recognize a reason to vigorously defend the very origin of their benevolent behaviour, which they either expect to be mirrored in other societies, or consider behaviour in other societies to be irrelevant to their well-being.

Liberal thought is hampered in democratic states because the transparency of government achieved by an open media with loose regulations gives citizens a stronger notion of how state leaders act than how diplomats act. Civil participation is promoted by the promise that individuals will influence state governance through privileges such as suffrage; the attainability of change on the national level creates the habit of placing their political efforts at that level, instead of becoming proponents of international governance. In contrast, ambassadors to the United Nations (U.N.) need to prove its value and therefore

an almost universal endorsement of human rights standards is rational. With no way (currently) to impose binding legality, the U.N.'s worth stems, in part, from implementing a normative framework because, while complete obedience to international human rights conventions is impractical and challenges sovereignty, states can agree that such conventions describe the principles to which policies and behaviour ought to adhere. Participation influenced by state-level democracy in the simulation was not only evidenced in the perception of the limited power of global governance, but also in voting behaviour. Only 2 participants out of 41 defied the rest of their countries when voting for or against national ratification of the convention, typical of the strictness of party lines in Canada, for example.

A reluctance to ratify the international human rights treaty by simulation members also arose from the implications of democratic accountability. Dunne reminds us of the possibility "[…] for up to 200 states in the world to believe that military action ought to be taken but such an action would contravene the U.N. Charter if one of the permanent members were to cast a veto" (2011, p.110). Not only does this practice contradict liberal ideals of equality and democracy, it would also severely diminish the longevity of a leader in a parliamentary republic or the re-electability of a leader in a presidential republic. If the simulation participants had behaved more like U.N. diplomats, accountability—beyond abstaining from gross and widespread human rights abuses—could have been deemed irrelevant by many actors. However, a greater familiarity with the behaviour of state leaders prompted actors to consider the viability of total treaty compliance. Overall, a distaste for challenges to sovereignty in the context of the simulation would seem consequential for cosmopolitan democracy and human rights in general. Held's suggested reform or replacement of the U.N. with an accountable global parliament as a requirement for cosmopolitan democracy may be unattainable if the participants of the simulation are representative of Western democratic citizens, and unwilling to diminish state authority (Dunne, 2011, p.111).

The limited will to challenge state-centrism through adoption of cosmopolitan democracy by the simulation participants was roughly proportional to the openness to a neo-medieval order. As Linklater explains, neo-medievalism is comprised of a "…world order in which governments transfer some powers to international institutions that address global problems while moving others to devolved authorities in regions where the sense of cultural difference is strong" (2011, p.537). The clout of sovereignty in the simulation experience may prompt a doubt in the ability of international human rights standards to form the basis of neo-medieval extension of loyalties. However, a more significant challenge to neo-medievalism was found in the treaty compliance mechanisms produced in the simulation. Compliance with liberal and cosmopolitan ideals such as an accountable global parliament and cultural tolerance was abandoned in favour of 5-year terms for Treaty Body members with no reservations concerning corruption or incompetence (Article 1.d.), regional bodies with uniform representation of members at 50%, regardless of population or cultural differences (Article 3.c.), and a clause allowing unilateral imposition of sanctions impartial to international will, as "[s]anctions are not to be lifted until it is agreed upon by those who imposed the sanctions that it is appropriate to do so" (Article 6.b.). It would be irrational for states to defer power to either an unaccountable international body with a high vulnerability to corruption, or to regional bodies that fail to serve their *raison d'être* of ensuring cultural representation. With the treaty compliance measures produced in the simulation, neo-medievalism

would have the negative consequence of the risk of misplacing authority to loosely regulated, poorly structured bodies.

From state-centrism to weak international human rights treaty compliance mechanisms, the simulation experience was decidedly representative of a realist approach to liberalism. While realism is characterized by a recognition of self-interest, Donnelly notes that "…many countries have decided that they are interested in devoting at least some small part of their attention and resources to the human rights of foreign nationals living abroad" (2011, p.506). The specification of "foreign *nationals* (emphasis added)" rather than foreigners in general denotes a persistence of state-centrism as opposed to the potential option of a global citizenry. As such, it seems improbable that simulation participants would undertake the suggested duty and responsibility to extend human rights internationally, beyond the protection of their interests or the interests of the fellow citizens of their respective states. Some liberal scholars in international relations argue that this duty to extend human rights to alleviate the suffering of individuals under repressive governments or repressive socio-cultural conditions is part of the role of liberal societies. However, this role faces several possible contradictions, including intervention vs. autonomy; enlisting peacekeepers and taxing citizens for foreign aid vs. negotiation and limited government; or engendering individualism vs. the greater good. In addition, some human rights make lifestyle assumptions. For example, the right to work and the right to form unions (Economic, Social and Cultural Rights Articles 2 and 6, respectively) presuppose the availability of jobs, while the right to privacy (Civil and Political Rights Article 13) presupposes some kind of walls or boundaries that can be breached.

Liberalism's respect for cultural variance fails to qualify this supposed role of liberal societies, with the reminder from Willetts that "…giving all 'states' the same legal status implies that they are all essentially the same type of unit, when in fact they are not remotely similar.... The only thing that the countries have in common is the general recognition of their right to have their own government. They are legally equal and politically very different" (2011, p.329). Assuming that states are functionally similar and can be approached with a "one size fits all" attitude is part of the realist school of thought and, as such, contentious with the liberal world view. Note that the U.N. also acts in opposition to liberal ideals, especially in the unequal distribution of power *vis-à-vis* the permanent members of the Security Council, a body which "…has authorized member states to use all necessary means, including collective military action, to see that its decisions are carried out" (Taylor, 2011, p.313).

Given the inability or unwillingness of the simulation participants to create an international human rights convention, accompanied by suitable treaty compliance mechanisms, with enough support for ratification, along with an indifference to participation and a backward reverence of sovereignty, the strengthening, promotion, and implementation of international human rights in the future seems largely reliant on demand from less developed or illiberal societies. The success of human rights norms in shaping individual behaviour in Western liberal democracies has inadvertently created a faulty confidence in human rights behaviour beyond these regions. Individualism allows actors such as the simulation participants to interpret their freedom from human rights abuses as a reason to uphold the

status quo, or else formulate conventions defined by careless language and symbolic but ineffective support for those living under repressive conditions. Even then, defence of sovereignty is prioritized over outright endorsement of a human rights framework. Donnelly correctly observes, "…the strong system of international norms is associated with a very weak system of international implementation. States retain near-exclusive rights and responsibilities for implementing internationally recognized human rights" (2011, p.508). Vague or unrealistic civil and political rights such as the right "against compulsory labour—*paid prison labour*(emphasis added) is exempted" (Article 6), "liberty of movement" (Article 11), and "freedom from hate" (Article 15) as well as economic, social and cultural rights such as "freedom from hunger" (Article 11) and "right to physical and mental health" (Article 12) outlined in the simulation undermine the attention to detail, efforts to limit malevolent interpretations, and therefore accountability that make human rights framework in "the real world" successful.[1] This puts into question the emphasis on domestic accountability, since the poor language and lack of clarity in the human rights articles as defined by simulation participants indicates that accountability is an insignificant priority—which was also demonstrated by the inability of working group rapporteurs to record votes and/or enforce the "one state, one vote" rule which was abandoned by the working group on Civil and Political Rights.[2]

Based on the simulation experience, aspects of the realist perspective of human rights were evident, but an experience in liberal democracies was a powerful determinant of participants' behaviour and enthusiasm, or lack thereof, in the simulation. Donnelly's exploration of the critical perspective offers the most compelling account of international human rights, especially due to the "cultural arrogance and ignorance" he warns against featuring prominently in the behaviour of simulation participants (2011, p.507). A Western bias was evident in the staunch defence of state-autonomy and belief in cultural uniformity. Another characteristic of the critical perspective is the tendency for self-delusion, demonstrated in the implied satisfaction with the state of international human rights given the lax approach to a human rights framework, language, and treaty compliance measures (Donnelly, 2011, p.507). While the simulation did not debunk liberal ideals as necessarily faulty or unattainable, it did highlight the risk of political pacification by an unquestioned faith in international human rights standards based on personal experience and a narrow world view.

---

[1] Challenges to these human rights, as given without elaboration or reservations, would include: that the suggestion that no prisoner should work without pay (while they are housed and fed by the state), is an illogical and culturally ignorant expectation for less-developed states (particularly—but for developed states, as well) while social welfare programs, etc., for law-abiding citizens are lacking; that "liberty of movement" challenges the legality of prisons, without any qualifications; and that "freedom from hate" is a laughable clause (imagine, for instance, being told that hating a murderer or racist is unconstitutional or contrary to human rights legislation).

[2] Each working group generally had two representatives from each state; while the rule of the simulation and the U.N. clearly indicates "one state, one vote," several states in the working group on Civil and Political Rights acted on the assumption of "one *person*, one vote" and the rapporteur (meant to organize and report on proceedings) failed to correct them.

**Works Cited**

Baylis, J., Owens, P. and Smith, S. (eds.). (2011). "Glossary." In *The Globalization of World*

*Politics: An Introduction to International Relations* (5th Ed.) (pp.559-578). New York, NY: Oxford University Press.

Curtis, D. and Taylor, P. (2011). "The United Nations." In Baylis, J., Owens, P. and Smith, S. (eds.), *The Globalization of World Politics: An Introduction to International Relations* (5th Ed.) (pp.312-324). New York, NY: Oxford University Press.

Donnelly, J. (2011). "Human rights." In Baylis, J., Owens, P. and Smith, S. (eds.), *The Globalization of World Politics: An Introduction to International Relations* (5th Ed.) (pp.496-508). New York, NY: Oxford University Press.

Dunne, T. (2011). "Liberalism." In Baylis, J., Owens, P. and Smith, S. (eds.), *The Globalization of World Politics: An Introduction to International Relations* (5th Ed.) (pp.102-112). New York, NY: Oxford University Press.

Linklater, A. (2011). "Globalization and the transformation of political community." In Baylis, J., Owens, P. and Smith, S. (eds.), *The Globalization of WorldPolitics: An Introduction to International Relations* (5th Ed.) (pp.530-541). New York, NY: Oxford University Press.

Morgenthau, H.J. (1973). *Politics among nations: The struggle for power and peace* (5th Ed.) (p.3-13). New York, NY: Alfred A. Knopf.

Willetts, P. (2011). "Transnational actors and international organizations in global politics." In Baylis, J., Owens, P. and Smith, S. (eds.), *The Globalization of WorldPolitics: An Introduction to International Relations* (5thEd.) (pp.328-340). New York, NY: Oxford University Press.