The global human rights regime: risks and contestations
Regilme, S.S.; Hadiprayitno, I.

Chapter 1
The Global Human Rights Regime

Risks and Contestations

SALVADOR SANTINO F. REGILME JR.

Human rights norms and the principle of human dignity constitute the legitimation language of contemporary global politics (Habermas 1998; Forst 2012; Regilme 2019a). In recent decades, various key instruments of global governance and public international law have persistently invoked the protection of human rights and dignity as a rallying cry for political mobilization. Notably, the 1945 United Nations (UN) Charter explicitly called for the promotion of the dignity and rights of the human person regardless of racial, sexual, linguistic, or religious identities. In 1948, the UN adopted the Universal Declaration of Human Rights (UDHR), which started the global constitutionalization of principles that underpin the protection of the dignity of the human person. In 1976, the International Covenant on Civil and Political Rights as well as the International Covenant on Economic and Social and Cultural Rights became legally effective after a substantial number of states ratified them. The UDHR and the two aforementioned international covenants jointly constitute the International Bill of Rights, which serves as the legal foundation of the contemporary global human rights regime. Since then, many global governance institutions and domestic state institutions have reoriented their policy priorities through the lens of human rights and dignity. The number of international treaties, conventions, and various instruments of public international law focusing on various dimensions of human rights has also increased in the past few decades (Hafner-Burton 2013, 41–42). As Emilie Hafner-Burton and Kiyoteru Tsutsui (2005, 1374) accurately noted, "The average state has ratified a steadily increasing percentage of available human rights treaties, creating a world space characterized by the rapid and nearly universal acceptance of international human rights law." Consequently, national discourses and legal norms are often expected to respond to policy challenges by invoking the importance of human rights, dignity, and other norms that prioritize the well-being of individual human persons.

It has become increasingly clear, however, that the degree to which transnational human rights norms resonate to the most vulnerable individuals varies greatly within and between countries. In many societies, far-right politicians and other social movements have gained some traction in undermining human rights principles, if not totally instrumentalizing those norms for legitimizing policies that exploit marginalized groups. During the twenty-fifth anniversary of the World Conference on Human Rights in Vienna, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein (2018, 12) expressed his anxieties pertaining to the deteriorating human rights situation worldwide: "But today is not a time for soporific complacency. Human rights are sorely under pressure around the world—no longer a priority: a pariah. The legitimacy of human rights principles is attacked. The practice of human rights norms is in retreat."

Yet, the UN is not alone in its pessimistic diagnosis of the international human rights regime, as key transnational civil society organizations and think tanks have also observed a pattern of global deterioration of human rights. In Human Rights Watch's *2020 World Report*, Kenneth Roth (2020, 2) underscored the increasing political and economic influence of China amid its anti-human-rights initiatives, while "elsewhere, autocratic populists gain office by demonizing minorities, and then retain power by attacking the checks and balances on their rule, such as independent journalists, judges, and activists." Those autocratic populists include several other notable leaders from various regions, including Trump in the United States, Bolsonaro in Brazil, and Duterte in the Philippines. Hence, Roth (2020, 10) warned of a "perfect storm," which is constituted by several transformative factors: China's powerful centralized state, "a coterie of like-minded rulers, a void of leadership among countries that might have stood for human rights, and a disappointing collection of democracies willing to sell the rope that is strangling the system of rights that they purport to uphold." In 2019, the U.S.-based Freedom House (2019) recorded the thirteenth consecutive year of regression in civil and political rights, not only in the new electoral democracies in the Global South but also in the supposedly consolidated democracies in Global North, including the United States and many countries in Europe. Although Freedom House still categorized it as generally "free," together with other consolidated democracies such as France and Germany, the United States registered a significant decline in political freedoms. The same study concluded that sixty-eight countries recorded net declines in the areas of civil liberties and political freedoms in 2018, while only fifty registered net gains. In addition, the World Justice Project's (2019) Rule of Law Index registered global declines in state compliance with its fundamental human rights obligations and norms on restraints on its power. In liberal democracies in the Global North, sexist, racist, and discriminatory discourses in the mainstream public sphere became more popular and blatant in mainstream media—a development

fueled by far-right politics notably perpetrated by several key figures such as Geert Wilders and Thierry Boudet in the Netherlands, the Alternative für Deutschland in Germany, Marine Le Pen in France, and Viktor Orbán in Hungary, among many others. Similarly, in the Global South, far-right politicians (e.g., Duterte in the Philippines and Bolsonaro in Brazil) and military juntas (e.g., in Thailand) persistently dehumanize individuals from minoritized groups and undermine peaceful political dissent. Although the international law on refugees is clear and widely adopted by many states, some of the biggest humanitarian disasters remain unresolved, including the crises in Myanmar, Syria, Yemen, and Venezuela, among many others, where millions of asylum seekers and refugees are attempting to escape but are faced with insurmountable walls constructed by destination countries' governments.

Considering those developments, are global human rights at risk? If so, how and under which conditions are they at risk? Within that broader analytic puzzle, we ask the following concrete questions that animate the various chapters of the volume: What are the key limitations and milestones of post–Second World War international human rights norms—particularly in terms of their conceptual basis, historical appreciation, practical applications, and normative underpinnings? In what ways could those limitations be remedied? In what ways could the milestones and strengths of the global human rights regime be reinforced?

This multidisciplinary volume examines the causes and consequences of the various contemporary challenges to international human rights and the protection of human dignity. Particularly, the volume is organized based on four overarching themes that highlight the challenges and risks in international human rights: (1) international institutions and global governance, (2) thematic blind spots in human rights governance, (3) the human rights challenges of the United States as a key global and domestic actor amid contemporary global shifts to authoritarianism and illiberal populism, and (4) the future of the global human rights regime.

The State of Knowledge: Human Rights as Global Norms and Institutions

Providing an analytically useful definition of human rights norms serves as the first step in addressing whether such rights are at risk. In the international relations literature, norms refer to "a collective expectation for the proper behavior of actors with a given identity" (Katzenstein 1996, 5). That widely used definition of norms constitutes several key premises. First, the durability of norms depends on the existence of a group of individuals who share a distinctive set of common interests and identity. Second, a group of individuals share a set of beliefs, ideas, and principles that prescribe a particular set of desired behavioral patterns. In other

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words, norms constitute two mutually reinforcing dimensions. The first dimension pertains to the materialist aspects: the group of individuals bounded by a sense of collective identity *and* a set of behavioral practices that facilitate changes in material endowments (e.g., wealth and public goods provision) or other material ramifications. The second dimension, meanwhile, considers the ideational elements of norms, particularly its constitutive worldviews, principled beliefs, and causal beliefs (see also Goldstein and Keohane 1993, 5–8). More concretely, human rights, as a *worldview*, seeks to uphold the inherent dignity of human individuals by protecting them from abuse and disrespect. As a set of ideas, human rights as *principled beliefs* posit the features and conditions of ethically permissible behavior within a particular normative order. As principled beliefs, human rights norms prescribe certain forms of behavior that respect the supposedly inherent dignity of the human person and stipulate practices that either promote or denigrate human rights. For instance, slavery or forced servitude is widely considered as a deviation from human rights norms and thereby suggests the prescriptive power of such norms. To some extent, human rights norms also function as a set of *causal ideas*, or precepts that suggest cause-effect relationships, which are broadly shared by a political community. For instance, in many Northern European societies with a comparatively strong welfare state tradition, bolstering public goods provision promotes the economic and material well-being of its citizens. As facilitative of socioeconomic rights, welfare states aim to rectify severe material inequalities that, in the long term, could facilitate political disorder and social unrest. As such, human rights are invoked in order to legitimize strong public goods provision as a causal determinant for an orderly and sustainable society. Thus, human rights, as a set of norms, imply the collective understanding and acceptance of a particular set of desired behavior and ethical principles that constitute the moral fabric of a given political community.

Yet, by merely conceptualizing human rights as norms, we ignore the various ways human rights discourses have been strategically used by many state and non-state actors to advance concrete political objectives that have direct material consequences (Bob 2019; Regilme 2020a, 2020b, 2021).

First, discourses pertaining to rights and dignity are often presented as universally accepted principles, notwithstanding the contradictions between particular rights when invoked in particular contentious policy debates. The notion of human rights—or perhaps its foundational idea that all human persons constitute inalienable dignity—resonates very well across many political communities. Yet, as Anthony Langlois (2016, 25) argues, "the language of human rights is fundamentally a normative or ethical language," and appreciating the linguistic politics of rights is "essential to being able to navigate the complex political debates surrounding the desirability and normative content of human rights reform in the international

system." Thus, political actors tend to invoke human rights as the legitimation basis of their respective and concrete policy agendas precisely because of such discourses' strong moral resonance (Regilme 2020b, 3). Despite its purportedly universal resonance, there is a wide variation on how human rights are understood and realized in different contexts. While other scholars suggest that strong physical integrity rights protection is still possible even when the state's capacities are extremely limited (Risse, Ropp, and Sikkink 2013), it remains unclear whether other types of rights, particularly social and economic rights, could flourish amid the increasing neoliberalization of economies and persistent commodification of human life. In the age of increasing material inequality, extremely affluent individuals and their allied politicians and bureaucratic elites justify obscene levels of material wealth by arguing that the state's primary goal is to protect the private property rights of its citizens (Piketty 2020; Regilme 2019b). In contrast, critics maintain that the social and economic rights and welfare of poor people prevail over private property rights (Regilme 2019b).

Second, human rights discursive contestations also emerge when logics of domination and oppression are pitted against demands for emancipatory politics and protection of human dignity. Particularly, some powerful governments and elites in the Global North weaponize human rights discourses to justify widespread practices of exploitation and control. While it has been quite active in invoking human rights and democracy promotion as its core justifications for dominance in global governance, the U.S. government has systematically and visibly failed on the domestic front: widespread poverty especially among minoritized groups, gender inequality, and the absence of state commitment to protect the rights and welfare of persons with disabilities, among many others. Indeed, post–Cold War U.S. foreign policy has failed to intervene in many cases of genocidal events, and those policy failures were shaped by the complex and dynamic relationships between political elites, public opinion, and political engagement at the domestic and international levels (Mayroz 2020). Legal scholar Makau Mutua (2002, 19) criticizes this Eurocentric weaponization of human rights as paternalistic humanitarianism and considers the post–Cold War international human rights movement as civilizing mission targeting primarily the Global South:

> It is one thing for Europeans and North Americans, whose states share a common philosophical and legal ancestry, to create a common political and cultural template to govern their societies, particularly those outside Europe. The merits of the European and American civilization of human rights notwithstanding, all missionary work is suspect, and might easily seem a part of the colonial project. Once again, the allegedly superior Europeans and North Americans descend on supposedly backward natives in the Third World

with the human rights mission to free them from the claws of despotic governments and benighted cultures.

This Eurocentric conception of human rights discourses has severe material consequences, namely, exploitative agendas that underpin those rights discourses substantially undermine the welfare of the most vulnerable persons within and beyond the Global South. As such, human rights discourses are fully embedded in the cobweb of competing political interests and hierarchies of governance at the domestic and transnational levels. As such, social theorist Lydia Morris (2013, 9) underscores the contradiction between the universalized conception of rights and uneven patterns of practices often justified through the discursive lens of human rights: "Civil and political rights are given greater prominence and stronger guarantees than social and economic rights; the UDHR, which is not legally binding, includes the right to seek and enjoy asylum but places no obligation on countries to offer asylum; the European Convention on Human Rights provides a raft of basic rights, but many may be subject to limitations, qualifications, and conditions . . . although the language of universal human rights conveys a sense of ethical certainty, the practice of human rights occupies less stable ground."

While the International Criminal Court (ICC), based in The Hague, primarily targets corrupt dictators and war criminals from the Global South, the principal architects of the U.S.-led global war on terror—especially U.S. president George W. Bush and his allies in the Global North—evade accountability from the so-called international justice and human rights and institutions. Similarly, the discourse on "responsibility to protect" (R2P) also illustrates how very powerful states from the Global North dictate how and under which conditions small and vulnerable countries could be subjected to various forms of so-called humanitarian interventions. Inspired by the post–Cold War global proliferation of human rights language, the R2P discourse posits that the international community assumes full responsibility when states systematically fail to comply with their human rights obligations to their citizens, as exemplified by cases such as ethnic cleansing, genocide, and other crimes against humanity. Yet this invocation of the international community as the supposed arbiter of global justice conceals the tendency of powerful states to aggravate further suffering in the Global South. Emphasizing how R2P promotes Western domination over Africa, Mahmood Mamdani (2010) observes that the ICC, under the guidance of the UN Security Council, constitutes a key global institution of the R2P norm "by allowing for the legal normalization of certain types of violence (such as Western counterinsurgency efforts), while arbitrarily criminalizing the violence of other states as 'genocide.'" The lack of democratic mechanisms that will implement the international community's "duty of care" in case of a human rights crisis facilitates powerful states' wide discretion over when and how R2P interventions are conducted (Cunliffe 2010). Thus, Stephen Hopgood (2013, 25)

accurately describes this unfortunate scenario: "The ICC and R2P are the last stand of a European imperial vision of one world united around impartial, neutral, and apolitical norms." When people from postcolonial states have attained some form of political autonomy to govern their own domestic affairs, former colonial European states have resorted to the power of human rights as a moral and disciplinary language in order to perpetrate various forms of systemic exploitation of minoritized groups within the Global North and more so in the Global South. As Lora Viola (2020, 33) rightly argues, despite the perception of the increasing expansion and inclusiveness of global governance institutions, those institutions, however, "manage diversity and pluralism by narrowing the range of legitimate actors rather than by embracing diversity and political pluralism." Notably, global governance institutions—including those that profess humanitarian or human-rights-oriented missions—reflect the pathological inequalities of the international system: identity-based hierarchies *and* the highly unequal distribution of material goods.

Third, when faced by a security crisis, governments justify the abrogation of their human rights obligations to their constituents in the name of protecting state security or the global order. In this scenario, "the discourse of human rights is full of compromise," whereby "security is posited against liberty, as if the two are irreconcilable" (O'Byrne 2016, 24). After the 9/11 terror attacks in the United States in 2001, the U.S. government under the Bush administration widely expanded the state's coercive apparatus in ways that intensified domestic and foreign surveillance operations, which consequently encroached on the civil liberties and privacy rights of individuals within and beyond the U.S. (Priest and Arkin 2011). In addition, the U.S.-led global war on terror also reinforced many partner states' counterterror and militaristic agendas, which facilitated many cases of extrajudicial killings, torture, and enforced disappearances worldwide (Regilme 2018a, 2018b, 2021; De Groot and Regilme 2020). During the post-9/11 era, many states justified intensified state repression by arguing that human rights and civil liberties could be sacrificed so as to secure the state from supposed existential threats. In this way, human rights emerged as just one of the state's competing legitimation metadiscourses, such as sovereignty, state security, peace, and economic development, among others (Regilme 2020b).

Those contestations over human rights principles and practices raise the suspicion of whether the international human rights regime is at risk. What is risk? In common parlance, risk refers to a situation where harm, danger, or loss exist. In his highly influential book, German sociologist Ulrich Beck (2005) argued that our contemporary society has transitioned from an "industrial society" to a "risk society." The risks to the lives of people and societal life have increased amid increasing global economic and political interdependence. Consequently, state, nonstate actors, and intergovernmental organizations struggle in managing the risks

or dangers emerging from dynamic cross-border interactions within complex webs of global governance (Zürn 2018, 3). In the case of the global human rights regime, the notion of risk broadly refers to various foreseen and unforeseen threats and dangers that not only could systematically harm the legitimacy and effectiveness of key human rights institutions (states, intergovernmental organizations, and human rights civil society groups) but also could substantially undermine the dignity and various rights claims of many individuals in a particular political community.

More concretely, the international human rights regime is at risk when two conditions can be observed. First, it is at risk when there is extensive noncompliance at various levels of application (individual, local, national, regional, and transnational), as scholars of international norms call norm decay (Panke and Petersohn 2016; Glennon 2005; Deitelhoff and Zimmermann 2018, 53). For example, widespread state-sanctioned killings of civilians persist in the Global South and in supposedly consolidated democracies such as the United States; European states, meanwhile, have systematically failed to provide safe refuge and humanitarian assistance to millions of vulnerable and endangered individuals from conflict zones. In 2019, the European Union and its member states faced a lawsuit at the ICC for the adoption of a "deterrence-based migration policy after 2014" (Bowcott 2019, 2). That policy aimed "to sacrifice the lives of migrants in distress at sea, with the sole objective of dissuading others in similar situation from seeking safe haven in Europe" (Bowcott 2019, 2). Consequently, such policy actions have endangered the already precarious lives of refugees.

Second, the international human rights regime is at risk when their justificatory and legitimating foundations are increasingly and widely being put into serious scrutiny or contestation. Specifically, illiberal and autocratic discourses in mainstream politics have delegitimized progressive social movements, unarmed political opposition, and other human rights activists (Roth 2017). For instance, Philippine president Rodrigo Duterte confidently denounced human rights principles that are constitutionally guaranteed in his country: "Forget the laws on human rights. . . . You drug pushers, hold-up men and do-nothings, you better go out. Because I'd kill you. I'll dump all of you into Manila Bay, and fatten all the fish there" (Duterte 2008, 8, quoted in Coonan 2016). Amid the democratic regression in Eastern Europe, Hungarian prime minister Viktor Orbán's spokesperson dismissed the need for helping refugees: "We are against the idea that migration is good or that it is a human right" (Walker 2018, 10). In the world's most populous country, Chinese president Xi Jinping's administration has bolstered the violent repression of ethnic minorities in the Xinjiang region, where the human rights claims of vulnerable groups have been delegitimized and dismissed to give way to Beijing's claims for state security (Ramzy and Buckley 2019). When anti-human-rights

discourses are matched with patterns of abusive state practices, the global human rights regime is more prone to further deterioration.

As illiberal and autocratic politicians continue to demonize human rights activists and political dissidents, societal polarization emerges, thereby making it difficult to conduct policy debates that are based on verifiable evidence, sustained argumentation, and guaranteed protection for peaceful political dissent. McCoy and Somer (2019, 234) warn us of this emerging "pernicious polarization (when a society is split into mutually distrustful 'Us vs. Them' camps)," whereby political actors deploy polarizing tactics "such as mobilizing voters with divisive, demonizing discourse and exploiting existing grievances, and opposing political elites then reciprocate with similarly polarizing tactics or fail to develop effective nonpolarizing responses." Perhaps the clearest example of this remarkable polarization in contemporary constitutional democracies pertains to the results of the 2020 U.S. presidential elections. Although Joe Biden emerged as the forty-sixth U.S. president, receiving almost eighty-one million votes, Donald Trump still garnered seventy-four million votes, thereby implying a substantial number of American voters willing to forgo human rights in exchange for supporting Trump's antidemocratic agenda. Electoral support for Trump is quite remarkable especially if we consider his glaring and persistent policy failures as well as his blatant disregard for the loss of numerous lives during the COVID-19 pandemic. No wonder discourses that emphasize states' human rights obligations are now under intense contestations amid the increasingly polarized public sphere. For instance, increasing polarization has facilitated competing definitions of citizenship rights and raised serious questions concerning the obligations of states, particularly on the rights of immigrants and refugees. Such polarization undermined the rights of immigrants and minoritized groups in the United States and Hungary, and it has also delegitimized state tolerance for diversities in ethnic, religious, and social identities, as demonstrated by present-day South Africa, Zimbabwe, Turkey, and Bangladesh (McCoy and Somer 2019, 234).

In the recent past, human rights have constituted the legitimating basis for various foreign policy actions of powerful liberal democratic states, as shown by the example of U.S. foreign policy actions in the Global South (Regilme 2021). Contrary to the popular rendering of American power as the promoter of world peace, Christine Hong (2020, 19) compellingly argued that the exercise of that power "gave rise to securitized conceptions of humanity," especially when one considers the U.S. military empire's "racial soldiering, wartime mass detention, racial counterintelligence, collaboration, subimperialism, human radiation experiments, and military mascotry." Even former U.S. president Barack Obama unashamedly invoked human rights and international law to justify his unprecedented reliance on drone warfare that systematically killed civilians in territories beyond the formal territorial sovereignty of the United States (De Groot and Regilme 2020). In this

highly militarized exercise of American power abroad, human lives are subjected to varying levels of risk and death. Specifically, Yagil Levy (2020, 7) calls this system the "death hierarchy," which refers to "an ordered scale of value" that states "apply to the lives of their soldiers relative to the lives of their civilians and enemy combatants." Who is legitimated to use force and violence against others? Who are these individuals "worth" sacrificing? This particular exercise of U.S. militarism that is often juxtaposed with human rights and democratic discourses reflects the binary opposition of what Levy (2020, 7) conceptualized as "legitimacy of using force" and the "legitimacy of sacrificing." While powerful actors can perpetrate their dehumanizing practices as they claim their supposedly distinctive "legitimacy of using force," such actors also deploy their military firepower that kills civilians through a perversely conceptualized "legitimacy of sacrificing." Makau Mutua (2002, 19) characterizes the inherent contradictions of using human rights language in order to justify exploitative practices of powerful states upon the people of smaller countries in the Global South: "Although the human rights movement arose in Europe, with the express purpose of containing European savagery, it is today a civilizing crusade aimed primarily at the Third World."

Former U.S. president Donald Trump has consistently dismissed human rights as the legitimating basis of American power in global governance, despite his predecessors' reliance on those rights-based discourses (Regilme 2020a). Former UN official and influential human rights scholar Philip Alston (2017, 1–2) characterizes this overall decline in support for human rights, particularly in ways that seem to be unprecedented in recent years: "The world as we in the human rights movement have known it in recent years is no longer. The populist agenda that has made such dramatic inroads recently is often avowedly nationalistic, xenophobic, misogynistic, and explicitly antagonistic to all or much of the human rights agenda. As a result, the challenges the human rights movement now faces are fundamentally different from much of what has gone before."

Yet, the rise of illiberal populism and other human rights challenges have also galvanized counterprotests in support of human rights (Hopgood, Snyder, and Vinjamuri 2017, 3). The emergence of a democratic socialist agenda from the margins to mainstream politics in the United States, as demonstrated by the rise of Bernie Sanders along with Alexandria Ocasio-Cortez, has also seriously derailed Trump's illiberal populism. In fact, the electoral victory of the Democrats in the congressional 2018 midterm elections "put new checks on Trump's power and it seems to have reversed the trajectory of an increasingly unconstrained executive" (Lührmann et al. 2018, 16). More recently, the death of George Floyd, who was murdered by Minneapolis police officers on May 25, 2020, has sparked global protests against all forms of racism, police abuse, and human rights violations even amid the COVID-19 pandemic. According to the Varieties of Democracy (V-DEM)

report that quantitatively measured global patterns of democratization from the 1900s until the first two decades of the twenty-first century, the "third wave of autocratization" has recently emerged due to many democracies that faced setbacks, and the "global share of democratic countries remains close to its all-time high" (Lührmann and Lindberg 2019, 1095). Thus, these existing democratic spaces should provide opportunities for activists and progressive social movements to continue advocating for the rights and welfare of the most vulnerable individuals. Based on the V-DEM report, twenty-one nations have shifted to a democratic system in the last decade, while emerging democratic social movements have gained traction recently in Sudan, the Balkans, and Algeria—thereby demonstrating the existing appeal of democracy and human rights (Lührmann et al. 2019, 16).

In broad strokes, those aforementioned risks suggest a grim diagnosis of the current state of the global human rights regime. That pessimistic view is gaining traction in many quarters of the globe (Regilme 2020c, 1472–1474). Notably, many states have systematically failed to protect the lives of millions of individuals amid the COVID-19 pandemic. Particularly, many states promoted the interests of big corporations through hefty bailouts but dismissed the importance of guaranteeing universal and high-quality health care and decent living standards to their own citizens. As such, Samuel Moyn (2018a, 2018b) contends that the international human rights regime fell short of its initially radical emancipatory spirit. Specifically, the global human rights regime favored a minimalist demand for material sufficiency rather than a more ambitious demand for material equality. While human rights became a popular strategy for substantiating grievances, "the increasing appropriation of rights-talk to frame any and all grievances is undermining attempts to successfully address systemic social problems," and therefore structural problems "such as poverty should be framed as social justice rather than human rights" (Clement 2018, 155). Likewise, Hopgood (2013) underscores the deterioration of international human rights because Western states use rights discourses for their exploitative material interests and violent interventions in the Global South. Legal scholar Eric Posner (2014), meanwhile, argues that international human rights law illustrates a sort of "rule naivete," which refers to the stance that the good in every country can be equated to a set of laws, which in turn can then be impartially implemented. Yet Posner (2017, 7) maintains that this rule naivete "is in part responsible for the proliferation of human rights, which has made meaningful enforcement impossible." That being so, human rights abuses persist worldwide, notwithstanding the ratification of so many international treaties, which usually contain unclear and sometimes contradictory principles. Clifford Bob (2019), however, maintains a more balanced view of rights, which can be used as discursive tools and a rallying tactic for *both* emancipatory aims and oppressive goals.

In contrast, some scholars call for more appreciation of the achievements of the international human rights regime. Using quantitative models that measure political repression, Fariss (2014, 297) shows that "respect for human rights has improved over time and that the relationship between human rights respect and ratification of the UN Convention Against Torture is positive" (see also Fariss 2019; Fariss and Dancy 2017. In her study of international nongovernmental organizations, Murdie (2014) demonstrates their generally positive impacts on human security. Moreover, ideational changes in the law and evidentiary standards of adjudication contributed to the overall success of human rights trials and judicial prosecutions in Latin America (Gonzalez-Ocantos 2016). Kathryn Sikkink (2017, 11–12) highlights the diversity of actors (from both the Global North and the Global South) and emphasizes the inherently progressive spirit and impact of human rights over time: "The human rights situation in the world is characterized by some areas of retrogression and worsening, such as the situations in Syria, Egypt, Mexico, and the United States, but also by other areas of increasing awareness and improvements, such as current developments in gender equality, the rights of sexual minorities, and the rights of people with disabilities. Although human rights change takes a long time and its progress ebbs and flows, we do not see wholesale abandonment of human rights ideas or loss of confidence in the institutions designed to advance and protect these rights."

Alternatively, our volume offers a much more complex and nuanced picture of the current state of the global human rights regime. We do so by exploring the challenges faced by global human rights institutions as well as the United States, which remains the most powerful state actor in global human rights governance. This volume investigates some understudied yet grave challenges in the protection of human dignity, including the genocidal features of the "war on drugs" in the Philippines, the contradictions in human rights law in the context of war, and crimes against cultural heritage. This volume evaluates the causes and consequences of the continued delegitimation of human rights at the international level, specifically by focusing on their ideological shortcomings and failures in their implementation. Those analytic objectives, however, require a diversity of perspectives—particularly in terms of disciplinary standpoint, theoretical approach, and thematic focus—often not found in a single anthology in human rights research. Therefore, we assembled an analytically eclectic roster of scholars from the Global South and Global North to reflect upon the risks and challenges of contemporary human rights.

Organizational Logic of the Volume

The chapters in this volume analyze whether international human rights are at risk, present some understudied human rights challenges in global governance, and reflect on various ways to strengthen global cooperation on human rights protection. In realizing those objectives, the volume is based on the following organizational logic. The first part provides a broad analytic overview of the strengths and weaknesses of the contemporary global human rights regime, introduces the rationale of the volume, and discusses the key arguments of the various chapters. The second part focuses on the role of international human rights institutions, particularly on the key challenges of human rights protection faced by UN Human Rights Council and the normative status as well as the interpretative value of international human rights treaty bodies. The third part highlights some of thematic blind spots in the current mainstream scholarship and public discussions on human rights, with the emphasis on the following issues: crimes against cultural heritage; problems in the peacetime human rights litigation of violations incurred during wartime; the war on drugs as a genocidal process; and the regional politics of human rights protection in Global South, particularly in case studies of Southeast Asian countries. The fourth part investigates the causes and consequences of illiberal populist and authoritarian discourses and social movements, both at the global level as well as within the United States. Focusing on the United States, the fourth part analyze the risks to international human rights posed by the Trump administration. The book concludes by reflecting upon the potential approaches and mechanisms through which the challenges and risks to international human rights could be legitimately and effectively addressed.

Focusing on the effectiveness of international human rights institutions, the first part of the volume constitutes two chapters that address not only the accomplishment of these institutions at the global and regional levels but also the challenges they face pertaining to their organizational structures and legal frameworks. The authors examine the consequences of these political and legal landscapes for the ways these institutions interact with their members and others. In chapter 2, legal scholars Alice Storey and Mark Eccleston-Turner investigate the manner in which transparency is approached by one of the key human rights agencies in the UN system: the Office of the High Commissioner for Human Rights (OHCHR) in the UN Human Rights Council's Universal Periodic Review (UPR). Storey and Eccleston-Turner show the lack of transparency in the formulation of the UPRs using two case studies: (1) the review of the United States' UPRs with a focus on the abolition of death penalty, and (2) the function of UPRs in highlighting the problem of access to HIV medication in the leading HIV-prevalent states. The contributors advocate for greater transparency in the formulation of decisions in the

OHCHR as a way of reinforcing the legitimacy of international human rights institutions amid rising illiberal populism. Written by political scientist Eduard Jordaan, the third chapter highlights the role of African states' voting behavior in the UN Human Rights Council (UNHRC). With their reputation for hindering key human rights initiatives in various UN forums especially during the first few years of the UNHRC, African states shifted gears in late 2010 by adopting a more liberal and pro-human-rights voting stance. Jordaan provides empirical evidence that the Obama administration's human-rights-oriented foreign policy agenda might have contributed to the shift in African states' voting behavior in the UNHRC. This chapter highlights the decline in African states' support for human rights in the UNHRC but cautions that the decline does not constitute a crisis at all in this influential human rights body. Both chapters clearly illustrate some of the notable institutional defects and increased contestations of human rights norms in key human rights instruments within the UN. Despite those challenges, both chapters advocate for some strategies for increasing the legitimacy and effectiveness of UN human rights institutions and discard the premise that human rights are in crisis.

The second part, meanwhile, analyzes some of the key thematic blind spots in international human rights. The chapters therein investigate issues that are not commonly addressed as human rights concerns but affect the ways in which human rights and dignity are protected. To discuss the thematic blind spots in international human rights, this section reflects upon various insights gained from the field as well as contextual puzzles that arise from the application of human rights law as contested global discourses. Written by area studies scholar Irene Hadiprayitno and former human rights diplomat Dinna Prapto Raharja, chapter 4 highlights the contestations and consensus-building initiatives concerning human rights in Southeast Asia. The chapter problematizes how the Association of Southeast Asian Nations' Intergovernmental Commission on Human Rights (AICHR) builds consensus and institutionalizes human rights norms within the region. The authors emphasize that AICHR is a unique international human rights instrument that provides a transnational public sphere for actors from state and civil society spheres to discuss and to build an evolving perspective on human rights principles that reflect the political realities among member states. Thus, Hadiprayitno and Prapto Raharja argue that the international human rights community suffers from a blind spot, particularly when it solely focuses on the inability of the AICHR to implement punitive measures against human rights violators or to ensure one-to-one correspondence of regional politics of human rights with global human rights discourses. The authors highlight the differentiated political trajectories of various regions of the world and advocate instead for strengthening AICHR's core capacities in facilitating cross-border cooperation. Indeed, Hadiprayitno and Prapto Raharja emphasize that regional actors have successfully built a consensus for further

institutionalization of human rights. Second, the chapter by legal scholar and practitioner Ka Lok Yip critiques international human rights law as applied in war but adjudicated and deliberated in peace. The author highlights the ambiguity and conflict in human rights interpretation, particularly between those who are situated in war-torn societies and in "peaceful" countries in the Global North. Furthermore, the chapter underscores how international litigation on "human rights in war" illustrates the Eurocentric origins of international law and the connivance of current legal practices as they present Western hegemony as universality. Written by political scientist Oumar Ba, the next chapter examines the personification of victims of crimes against cultural heritage. Ba's chapter studies the proliferation of new actors and transnational legal processes that aim to protect cultural heritage in conflict zones. Focusing on the case of the destruction of cultural and religious heritage sites in Timbuktu, Mali, in 2012, Ba studies the role of the ICC, which conducted the first ever legal case before an international court where an individual (Ahmad Al Mahdi) was solely indicted for war crimes of cultural heritage destruction. The Al Mahdi case reveals three key victims: Timbuktu residents, the Malian state, and the United Nations Educational, Scientific and Cultural Organization (UNESCO), as the institutional representative of the international community. Ba maintains that the destruction of cultural heritage does not necessarily warrant ICC intervention but emphasizes that destruction of cultural heritage is indeed a human rights violation. Written by peace studies scholar Dahlia Simangan, the final chapter in this section pertains to the "war on drugs" as a form of genocide. Using the case study of the administration of Philippines president Rodrigo Duterte, Simangan highlights the limitations of international legal instruments in classifying large-scale human rights violations as genocidal events. Simangan shows that the Philippine war on drugs (2016–present) fulfills the various stages of genocide based on Gregory Stanton's theory and therefore constitutes a genocidal event.

The third part of the book focuses on the United States as the most powerful state actor in the contemporary international system, particularly by investigating the challenges to its legitimacy and effectiveness in human rights protection at the domestic and international levels. Focusing on the crisis of international human rights as facilitated by former president Trump and the declining U.S. power in the international system, I reflect on the uniqueness of the Trump presidency and the emerging authoritarian politics elsewhere: while neoliberalism's detrimental consequences to human rights within and beyond the United States constitute a relatively long history, Trump and his allies have abandoned the legitimation tactics that their predecessors had so willingly used. I maintain that the discourses on American decline in world politics should focus not only on the emergence of rising powers such as China but also on the increasingly tarnished legitimacy of the United

States due to Trump's political discourses and policies. Analyzing the domestic judicial politics of human rights in the United States, political scientist Jeffrey Davis differentiates U.S. constitutional order from the regional and domestic systems of European democracies. Davis shows how the U.S. judicial system has exemplified the rejection of the universality of human rights norms and the prioritization of national sovereignty, whereas the European human rights system illustrates a more universalistic conception of rights that transcends national constitutional orders.

Consisting of two chapters, the final part evaluates the general strengths and weaknesses of the contemporary human rights regime and theorizes the future of human rights in the constantly changing political, economic, cultural, and social environment. The two authors in this section offer alternative views concerning the promotion and protection of human rights at the level of discourse, norms, and practices. Written by constitutional law scholar Hans-Martien ten Napel, chapter 10 highlights the apparent deviation of Western constitutional practices from natural law and argues that this deviation poses a serious risk to the future of international human rights. In contrast, political scientist Emilie M. Hafner-Burton acknowledges the serious challenges of the contemporary international human rights movement, including the relative decline of the West, populist nationalism, and the rise of illiberal powers such as China. Recognizing the role of state interests in promoting compliance with international human rights norms, Hafner-Burton advocates for more effective strategies of converting human rights advocacies into concrete material interests. The concluding chapter by Irene Hadiprayitno presents some of the theoretical and political implications of the core arguments presented in this volume.

This book contributes to the current human rights scholarship and political discussions in several ways. First, it offers new perspectives that envision the future of transnational human rights norms and human dignity. Second, it explores some of the most urgent yet understudied problems in international human rights protection, including its representative global and national institutions as well as its concrete manifestations at the local level, with a focus on the challenges faced by the United States as a global and domestic political actor. Third, it brings together social scientists, legal scholars, and humanities scholars to comprehensively examine the causes and consequences of the challenges faced by international human rights. This multidisciplinary collaboration is necessary especially because there are multiple social, cultural, and historical variables that shape the contemporary risks and challenges faced by the global human rights regime, and such challenges are often analyzed by specific disciplinary approaches rather than a more holistic and multidimensional outlook.

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