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QI Panel:

Human Rights and U.S. Foreign Policy, 75 Years After the UDHR

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Elizabeth Beavers 0:50

Hello everyone. Welcome to this conversation hosted by the Quincy Institute for Responsible statecraft. My name is Elizabeth Beavers, I use she/her pronouns. I am the Vice President of Public Affairs here at the Quincy Institute. And for those of you who may be new here, let me tell you a bit about our organization. The Quincy Institute is an action-oriented think tank that promotes ideas that move US foreign policy away from endless war and toward vigorous diplomacy. In the pursuit of international peace, the Quincy Institute envisions a world where peace is the norm and war is the exception. I'm delighted to be talking with you all today about the role of human rights in US foreign policy. And in addition to this wonderful conversation, I do want to direct your attention to a written symposium that is available on the Quincy Institute website in which a number of scholars and leaders at the Quincy Institute shared some reflections about this very topic. So please do be sure to take a look at that as well. So we wanted to have this conversation today because just this weekend, we celebrated the 75th anniversary of the Universal Declaration of Human Rights, a transformative landmark document that served as the foundation upon which the modern international human rights framework was built. And so since then, we've heard from a number of U.S. governmental leaders about the role of human rights and foreign policy from President Carter saying they are the soul of American foreign policy to the George W. Bush administration, naming them as a pillar of American foreign policy to the current Secretary of State under the Biden administration, Antony Blinken insisting human rights are at the center of our foreign policy.

But specifically, what we want to talk about today is the role of coercive tools of statecraft and their interaction with promoting and protecting human rights. We're talking about economic sanctions, diplomatic isolation, even the use of military force. And with me, I have to have the absolute best people we could possibly have. For this conversation. we have Aslı Bâli, a non resident fellow here at the Quincy Institute, she's a professor at Yale Law School. Previously, she taught at the UCLA School of Law, where she served as the founding faculty director of the promise Institute for Human Rights, and the director of the UCLA Center for Near Eastern Studies. She currently serves as co chair of the advisory board for the Middle East Division of Human Rights Watch, and as chair of the task force on civil and human rights for the Middle East Studies Association. We also have Kenneth Roth, who is the Charles and Marie Robertson visiting professor at the Princeton School for Public and International Affairs. He served for nearly three decades as the Executive Director of Human Rights Watch, one of the world's leading international human rights organizations, which operates in some 100 countries. He's quoted widely in the media and has written hundreds of articles on a wide range of human rights issues. So thank you both so much for joining me, to our audience. Let me just go ahead and

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remind you at any time, you can drop questions for our panelists using the q&a function at the bottom here in zoom. We will take those up at the end, but please feel free to drop them in any time. So now let me turn to my panelists. Let's open up the conversation. I want to start off by asking each of you sort of a broad question. Here we are 75 years after the Universal Declaration of Human Rights, how does the US foreign policy stand up and working towards a world in which those rights are realized in your view? And on top of that, I'm curious, was there ever an apex of a US foreign policy that bolstered respect for human rights? If so, when was it? So let me maybe first go to Ken to share some reflections on that question. Ken, please do be sure to unmute yourself.

Kenneth Roth 5:36

I think Apex suggests that there was ever a high point there was never, so we shouldn't overstate this. You know, for the first three decades after the Universal Declaration of Human Rights, you know, nobody bothered even articulating human rights as being an element of US foreign policy, it took Jimmy Carter, you know, during during his presidency in the late 70s. And even then it was, you know, filled with exceptions, but he introduced the idea. And since then, everybody, really, but Trump has given it lip I service, that I think Trump is really the only president that has just ignored it altogether. And, you know, you'd be hard to find an autocrat he didn't want to embrace. But, you know, that said, you know, everybody falls short. And, you know, rather than going through a long history, given our limited time, it's maybe worth just talking about, you know, by where, you know, I think he's been, you know, quite good about addressing human rights directly in places like China or Ukraine. He's been a horrible about addressing them indirectly there and that he's been willing to just cozy up with one autocrat after the other as a potential ally. So, you know, I mean, Modi gets a state visit in our despite his crackdown on independent voices in India, his anti Muslim policies, with you know, with Ukraine, it's sort of like anything goes, I mean, his his visit with the Saudi Crown Prince epitomizes that, you know, just to try to get a smidgen more gas pump oil pump, you know, he would, he kind of gave up on what is obviously a brutal dictatorship.

And, you know, today, I think the place where this inconsistency in promoting human rights is most apparent, is in the Middle East, which is basically turned into a human rights blackhole. So, you know, it's not only, you know, embracing Saudi Crown Prince or the Emiratis. It's, you know, continuing to, to supply massive military aid to Egypt, despite, you know, by far the worst period of oppression in modern history in Egypt, even could have conditioned aid to Egypt on human rights grounds. He, you know, had that legislative capacity. He basically, you know, ignored it for the most part. And, of course, what's going on in Gaza, you know, epitomizes that, I mean, we now just have, you know, Biden finally, you know, maybe inadvertently but nonetheless, honestly, you know, conceding that this is indiscriminate bombing, a war crime. But the US continues to funnel arms district continues to pack them a 3.8 billion a year in military aid and is proposing an additional 14 billion. So you know, and while there are, you know, stated concerns about the bombing of Palestinian civilians about the indiscriminate siege, these have not stopped us from vetoing a UN Security Council resolution seeking a humanitarian ceasefire. So, you know, when the rubber hits the road, nothing happens, you know, the US continues to

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support the abuse of governments, even though you know, every once in a while there, there's lip service paid. You know, I'll maybe close by noting how Antony Blinken marked Human Rights Day, you know, the 75th anniversary of the Universal Declaration where he met with human rights groups. That was nice, in an off the record meeting. And I'm not saying this, because, you know, the Universal Declaration. I mean, part of why it was not terribly effective for the first two decades is that everybody sort of thought that it meant you just apply it to yourself. It was deemed undiplomatic to comment on another government's human rights. And it really took South African apartheid and then the Pinochet coup, and she made a change that, but, you know, it's only once governments began commenting on each other's record, that the abusive governments felt and he felt any pressure to change. And so for Blinken, who is, I think, you know, overall, a kind of a pro-human rights person within the Biden administration, but for him to, to settle for an off-the-record meeting, where nobody has mentioned, is going back to the early ineffective days of the Universal Declaration and almost pretending that the last you know, let's call it 55 years didn't happen. You know, so this is not the way one is supposed to promote human rights.

Elizabeth Beavers 9:52

Thanks again. That's a great way to kick us off. Aslı, do you, do you share these views? Where do you land?

Aslı Bâli 9:56

Yeah, I broadly share the views, I would maybe go a little bit further, to note a few things. First, I think Ken is exactly right that where the US uses human rights as part of its foreign policy arsenal, it's exclusively against adversaries. So as he said, good on human rights with respect to China, good on human rights with respect to Russia, but absolutely unwilling to apply these norms or standards to U.S. conduct to begin with. So we should speak up the US in its foreign policy on human rights, not only where it's allegedly failing to promote or protect with respect to other actors in the world, but also the many, many ways in which the United States itself is a grotesque abuser of human rights. But so, one, failing to apply the norms in any way to itself and two, in the ways that Ken has just underscored with respect to the Middle East or India, also shielding its allies or its proxies in other parts of the world from any kind of scrutiny.

Now, you asked us a historical question. I think it's worth engaging that historical question for a moment to say that the United States was at the birth, of course of the Universal Declaration of Human Rights. It was a project amongst others of the Roosevelt administration and Eleanor Roosevelt was famously one of those that was involved in the authoring of the declaration. And I would say, that's really the only time the US has ever done anything actually to promote human rights in any kind of a meaningful way. Because these other methods **the use of human rights as a way of cudgeling adversaries only undermines the overall project by underscoring the insincerity and double standards with which human rights is deployed merely and purely rhetorically as a strategy to impugn some actors while shielding others.** So the Roosevelt's were possibly the apex of any kind of meaningful engagement, human rights. And it's worth saying

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what happened in those decades, the last decades that Ken mentioned, after the Universal Declaration of Human Rights was put in place, but before the US turned in the 1970s, to more active engagement. And what happened in that period was, as a consequence of the Cold War and a sharp turn towards anti communism, beginning immediately after the Roosevelt administration under Eisenhower, initially under Truman, and Eisenhower, not only did the human rights agenda take a backseat to anti communism, but the United States, United States itself actively obstructed the creation of a binding human rights regime. The Universal Declaration was supposed to be basically it's the American constitutional imagination, right? You have a declaration like the Declaration of Independence, followed by a binding set of norms like the Bill of Rights, and there was going to be an International Bill of Rights. Again, the UN Charter stands in for the Constitution. All of this came out of the post world war two moment of imagining an architecture for the international system designed by Americans. And that International Bill of Rights was undermined and stymied as a consequence of the US position in the Cold War and the insistence on cleaving civil and political rights for economic and social rights. So an entire story that's missed.

Often times, in thinking about the US foreign policy engagement, human rights is all of the many active ways in which the United States a undermine the creation of an effective international human rights regime in the decades following the Universal Declaration be downplayed, downgraded and ultimately buried the agenda of economic and social rights and specifically socio economic redistribution globally. In the wake of colonialism. Now, it's worth noting that as decolonization was taking place, decolonization, ment countries of the global south or third world were becoming independent against the backdrop of having been subjected to enslavement, expropriation, and the seizure of their lands, oftentimes extra emanation of their populations. Against that backdrop, the minimum thing you might have expected decolonization to entail if not full blown, reparations would have been some kind of redistributed acknowledgement of the massive looting of two thirds of the world by Europe and its colonies by its other colonies, the United States, Canada, Australia, New Zealand, so forth. Instead, what you got was a kind of formal independence with no economic redistribution whatsoever. And then when that was met with calls for socio economic justice for acknowledging the role that colonialism and played and and trying to forge a new international economic order, the United States oppose that at every turn, and ultimately, in the 1970s, when human rights became a new register for anti communism, with the Helsinki Act in 1975, and its aftermath in the Carter administration's embrace, it was as an alternative to these redistributive post colonial sort of framework normative frameworks to essentially push those aside and insist on focusing on civil and political rights and their violation as a means of addressing a rivalry with the Soviet Union. And this is the moment in the 1970s when Transnational Human Rights Advocacy emerged and was galvanized, including in the United States with wonderful organizations like Human Rights Watch and elsewhere, Amnesty International and others, so you ended up having a trans National Human Rights Movement, but one that was fundamentally shaped again by the American imagination, which put emphasis and priority on civil and political rights to the exclusion of economic and social rights, and then civil and political rights primarily as a lens through which to regard adversaries.

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That's the true legacy, in my view of US foreign policy around human rights through the Cold War. And then in the post Cold War period, what we have added to this rather grim sort of tableau is the attachment of the ideas of human rights and normative legitimating framework of human rights to military arsenals, and to a militarized conception of how to advance rights in the world and what the United States in a Unipolar Moment might do as a global policeman. So it's not just that administration's across the board, from essentially , Eisenhower, to the Biden administration have paid lip service in precisely the ways that Ken described, but actually they have weaponized human rights in a variety of ways to advance American foreign policy objectives that actively undermined human rights around the world.

Elizabeth Beavers 16:04

Thank you so much Aslı, there's so many threads to unpack just from your, both of your opening comments. So we've got quite a bit to get to it. Let me see if I can start to drill down into some of these pieces. And I see some questions already coming in from the audience, please do continue to drop those using that q&a function below. So the end of your comments there as well, you mentioned the utilization of military force and a militarized conception of deploying us human rights. So I want to turn to that, of course, there continues to be a multitude of perspectives here about the role of US military force in the protection of human rights of civilians under threat in another country. As we know, there were a number of high profile interventions in the 1990s - Bosnia, Somalia, Kosovo - justified primarily on humanitarian grounds, most of them after the failure of the world to stop the slaughter of hundreds of 1000s of Tutsis in Rwanda in 1994, and a movement toward recognizing a responsibility to protect which may involve military intervention in certain circumstances which would otherwise be unlawful. So this culminated, as we know, with the 2011, NATO led Libya intervention, which the Security Council did authorize using language about civilian protection. And so this is a really thorny question here. And I'll I think I'll go to Aslı and then Ken. Aslı, you have been critical of this approach. You wrote a brief for the Quincy Institute, which I recommend all our readers, please do give that a read. It's a really wonderful piece of analysis, you wrote, armed confrontation tends to escalate threats to civilians, even when fought on allegedly humanitarian grounds, and concluded that the promotion of human rights should be synonymous with military restraint. So can you tell us a bit more following on your opening comments about why you are so skeptical of the use of military intervention under the auspices of human rights purposes?

Aslı Bâli 17:59

Thanks so much. Yeah, I'll just try to go through pretty briefly the sort of argument. So primarily, what I want to say is that reliance on military force to advance human rights is an internally inconsistent frame, because war does not protect human rights and the use of force is not an instrument of humanitarian welfare, this oxymoronic presentation to my mind of war as a means of advancing civilian welfare, typically trade on Western self perception as benevolent and emancipatory, a presentation that is empirically falsifiable, and in my view, normatively dangerous. The use of force and dangerous human rights, in my view, and human rights organizations really needs to get out of the business of supporting or legitimating such

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interventions, and instead prioritize engagement ahead of confrontation, while demanding that Western countries freeze the military aid that they provide to regimes that target civilians. But let me just say a couple of words about why I think it's both empirically false and normatively dangerous, to claim that human rights can be advanced through military coercion. So on the empirically false side, you really just have to look at why it is that in Ken's words, the Middle East has become a black hole for human rights, the use of military coercion, and we can turn to economic coercion later and separately, to achieve humanitarian ends has left populations across a broad swath of the Muslim world facing stark deterioration in their welfare and capacity to realize human rights, specifically in those countries where military coercion was applied, purportedly, at least to some extent for humanitarian purposes, whether the Libyan example that you began with Elizabeth or Afghanistan or Iraq, or any number of other examples, most contemporary humanitarian intervention relies on aerial power, which is both more damaging and less discriminant than alternatives. But it has the one feature that those who intervene on humanitarian grounds using military force are most committed to which is force protection for their own forces. So force protection for intervenors is advanced by reliance on aerial power. What is not advanced is the interest of the civilians on the ground where the receiving end of that era of power. And this basic misalignment between the interests of civilians, and those of intervenors who have zero tolerance for military casualties in the context of humanitarian militarism, really explains to a great extent what's wrong with the idea of using military intervention to advance human rights, that the basic interest of those whose human rights are purportedly protected is out of line with those who are intervening. The intervenors often times with mixed motives are trying to advance a range of objectives, only one of which is human rights, and their choosing a means to do so that really compromises the ability to maintain basic welfare of the civilian population that is being intervened on behalf of the collateral consequences of military intervention on food supplies on medical and sanitation, infrastructure, and economic productivity further imperil human rights beyond just the civilians were killed directly as a consequence of reliance on aerial bombardment.

So there's a kind of inverse relationship between short term coercion and long term protection of human rights as the very infrastructure needed for civilians to be able to achieve humanitarian welfare is destroyed in militarized engagements. I also said it was normatively dangerous. And I'll just say a word about that. The militarization of human rights further erodes to my mind the credibility of the human rights agenda. It first risks having the language of human rights become a sinister new weapon in the arsenal of Western powers, oftentimes, Western powers I should say, due to the evident record of selectivity with which they elect to intervene on that in the name of human rights, and human rights promotion comes to be seen as a strategy of coercion by Western adversaries, I'm sorry, strategy of coercion against Western adversaries, that's applied to abuses. Wherever you have an enemy, but never in the places where friends are the ones that are responsible for grotesque human rights violations, **the militarization of human rights further erode the prohibition on the use of force as well, providing a new doctrinal basis for engaging in military action that is neither in self defense nor on the basis of collective security**, putting aside circumstances where the Security Council approves something like RTP, and I'm happy to come back to that, but against a backdrop of American primacy, legitimizing humanitarian intervention really runs the risk of serving as a general license for US led Western

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interventions, whenever would be intervenors have the political will to engage in militarism. And the selectivity is precisely grounded in that question, when do they have the political will? They very often don't. And so when we fail to see an intervention, it's not for the lack of an existing doctrine or license to engage in interventions to protect Tutsis or to protect any other vulnerable civilian population. It's for lack of political will. And this arose the claim that the promise of human rights are supposed to be universal, subordinating, subordinating human dignity to geopolitical calculations, and further entrenching forms of systemic discrimination in the global order is really an enormous risk to run when you connect military coercion to human rights. And a really stark example of this is evident today in the contrast between the priority that's being placed on the protection of Ukrainian civilians at all costs, through a variety of forms of effective military intervention, and the complete abandonment of any pretense of protection for Palestinian civilians, notwithstanding a gaffe around indiscriminate bombardment by President Biden over the weekend.

Elizabeth Beavers 23:17

Thank you so much, Ken, I want to make sure you can get in here. I'm really curious about your perspective. Just for a quick bit of context for our audience, you, as we said, were the head of a leading international human rights organization for nearly 30 years that typically remains neutral on questions of whether states should go to war with the exception of cases that were deemed to require humanitarian intervention, I read an interview of yours this year in which you reflected on these cases, and then said you believe those those calls for military intervention in certain cases were warranted. But But But what we've learned over time you said is that it's too easy for military intervention to take on more than than a humanitarian agenda, and is not a reliable tool, because it can so readily yield chaos. So I would love to hear what your view is today, some response to some of the views that Aslı has shared as well.

Kenneth Roth 24:08

Sure. Well, thanks. I should say, I feel a bit odd here being the militarist foil in this conversation, you know, but I'll play the call. You know, I feel bad because I actually am quite restrained, and I share Aslı's concerns in many respects. And so I don't think that, you know, we should be urging military intervention for human rights purposes. Other than extreme in extreme cases. I think where I differ from Aslı is that I don't say never, you know, and I can envision in fact, have envisioned for when, even though war is awful, even though you know, war is an evil that should be avoided in most cases. I don't believe that war is the ultimate evil. And I can envision situations where using military force can stop greater evils you know, such as a government committing genocide, such as government, you know, slaughtering hundreds of 1000s or millions of people. And so, you know, the standard that Human Rights Watch had, and we still have all that we, you know, really rarely apply it, you know, is that we were willing to countenance urging humanitarian intervention for an ongoing or imminent case of mass slaughter, when, in essence, the likelihood of being able to stop this mass killing outweighed the risks that Ocelot outlined in her presentation. And so, I mean, let me just kind of run through a few historical examples, which I think, you know, show that there have been times when military

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interventions while never perfect, um, nonetheless, we're better off for them having had happened than if they didn't take place. And, and I think it's, you know, we tend to think about this as if only the US intervenes, but in fact, there have been, you know, various cases in which others have intervened. And so, you know, some of the earliest management interventions of our time, we're gonna say, Tanzania, hosting Idi Amin, and Uganda, or Vietnam, hosting the Khmer Rouge in Cambodia. Now, just to take the Khmer Rouge, this is a force that that murdered or killed through, you know, severe deprivation, 2 million out of what at that point was Cambodia, 6 million people. And so even though we get to the Vietnamese intervention means we're stuck with Hun Sen, you know, kind of a forever tyrant, his rule has never been anything like the Khmer Rouge, you know, I would say, to this day, take the Hun Sen dictatorship over the Khmer Rouge. So, you know, that's just an example where we're, we're better off. Another one is with Australia's intervention in East Timor, which was not technically an invasion, and that Indonesia has their arm was twisted sufficiently so they consented at the end. But you know, it was core concept. And I think we have to look at it as you can manage intervention. And that stopped, you know, large scale slaughter in East Timor, and set East Timor on to become an independent nation, you know, and really is, you know, partially lawful and rights respecting, it's got its problems, but we are much better off than if that slaughter by Indonesian troops have continued. Now, in terms of, you know, U.S. interventions, the, well actually let me note one other that was non US, but the sort of the British led intervention in Sierra Leone, which was, again, kind of consensual, and that the government invited it, but it was non consensual, because it came in to fight the revolution, the United Front, which was this awful rebel group that was running around chopping off people's limbs, you know, that also was quite successful in Sierra Leone today is, you know, rights respecting democracy. And so, you know, these are all examples where military force ended up being good, and that positive.

Now with U.S. interventions, I mean, there are a few that people tend to gloss over. But, you know, after the first Gulf War, when, you know, Saddam was not toppled. And he proceeded to respond to the uprisings that had taken place among Shia in the south, and Kurds in the north, the US imposed a no fly zone, which is, you know, basically humanitarian intervention. And this was in the context where there wasn't an ongoing genocide against the Kurds. But there was a recent genocide against the Kurds, the harmful genocide of the late 70s. And there was every reason to believe that that might recur. That humanitarian intervention prevented another genocide that prevented Saddam from renewing the mess. And that, you know, continued until, you know, Bush two's intervention when they took over the whole country, but it didn't continue contribute to the chaos that followed Bush two's intervention. That actually was quite successful. After Bush won. You know, there is, you know, people look at the NATO bombing that led to the end of the genocide and in Bosnia, or the end of the large scale ethnic slaughter in Kosovo. And you can say, oh, you know, there's still ethnic tension there, look at you know, we're still see the Kosovo government, you know, you know, tussling with the ethnic Serb minority in Kosovo. You know, we still see Republika Srpska in Bosnia, you know, kind of flexing his muscle and not accepting as a unitary state. All true, but in each case, much better than the genocide that was taking place in Bosnia at the large scale, ethnic slaughter that was taking place in Kosovo. So these were interventions that there was some civilian loss of life, but you know, frankly, modest compared to the huge loss of life that was taking place by the Serb led slaughter in these cases.

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Now, what you're the one case that is, I think it's worth mentioning, it's, you know, it's a counterfactual. It's hypothetical, but it's one where Human Rights Watch did urge humanitarian intervention, and I think there should have been humanitarian intervention in Rwanda. And here, you know, I fall back on the analysis of Alison DeFore, my late colleague who was really the world's expert on Rwanda, and what she notes is that you know, the genocide in Rwanda was very much a low tech affair it was sparked sparked by by Theoneste Bagosora. You know, we kind of organizing people to join in. It was a genocide carried out with machetes. And her analysis is if the two relatively modest international forces that were there were given the mandate, they could have stopped the genocide. And she speaks particularly about, you know, Mayor, the, the UN peacekeeping force, which, you know, famously, was not given a mandate because the US and Britain twisted Kofi Annan arm, he was then Chief of peacekeeping, and so they were not allowed to act. And similarly, the French extraction force that went in and extracted the Westerners, and didn't bother with all the Rwandans who are getting killed. And so they're, you know, we have 800,000 Rwandans who were killed who, at least according to Allison's analysis, and I agree with her, it could have been stopped quite rapidly, because this was such a low tech genocide.

And even I mean, I'll conclude with this, but even in a case where Human Rights Watch in the end didn't call for humanitarian intervention, but I think we have to recognize that there was some benefit from the threat of humanitarian intervention was when Obama's famous red line in Syria for the use of chemical weapons was articulated. And, you know, of course, we all know, Obama went back and forth, and he equivocated, and ultimately, you know, didn't pursue humanitarian intervention. But that threat, you know, led Putin to, you know, put an op ed in the New York Times trying to blame the rebels for for a sarin attack, you know, which is utterly false. And it led to, you know, Obama and Putin meeting in St. Petersburg, and then John Kerry, the secretary of state meeting with Lavrov, the Russian Foreign Minister in London, and they work out, you know, getting rid of Syria's chemical weapons. Now, you know, Assad didn't entirely live up to that, but gradually, there was a diminution of attacks. And today, you know, the attacks are over. And so these are, you know, examples where, you know, some good came from the use of, or the threat of military force. And so, you know, I completely agree that in situations like Libya showed that it can go awry, you know, that, that if people use human rights as an agenda for, you know, as an excuse for other agendas, you can have chaos, you can have disaster, you can have large loss of civilian life. So I do think we have to, you know, be measured, and be very careful when we advocated, but my point is, we shouldn't say never, because there are lots of historical examples where the use of military force was overall beneficial.

Elizabeth Beavers 32:22

Thanks, Ken, you're not the foil, you're the provider of the nuance in the conversation. And thank you so much for being here and doing that. Asli, you want to respond to that really quickly, before we move on to a few other pieces in this conversation?

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Aslı Bâli 32:35

I would be delighted to. So, Ken offered a number of examples. And they're striking, because the ones that are the most successful, the examples like Tanzania, Cambodia, he didn't mention India and East Pakistan, but many do who want to prosecute this argument, Australia and East Timor. These are all regional actors. And one thing I just want to underscore, and this is also true by the way of NATO in Bosnia and Kosovo, when the intervener is local to the actual environment and is responding to a humanitarian crisis in order to try to stabilize, it's very differently situated from the international humanitarian interventions that I was speaking of, because amongst other things, unlike the United States, when it intervenes in a country like Libya, destroys the infrastructure of that country in the name of humanitarianism, and that abandons that country, does nothing to rebuild the country, and essentially pays no cost, there's no collateral possibility of damage their own civilians are absorbing any of the consequences of that intervention, including the consequences that involve destabilizing neighboring countries as a consequence of that humanitarian intervention or the kinds of migration pattern changes that we've seen around the Mediterranean, that came after Libya, etc. None of this was absorbed by the United States precisely because it was part of an international intervention overseas, with no actual stake in the region beyond a geopolitical stake.

By contrast with regional actors, if they intervene in a way that's in the name of humanitarianism, and they do so in the kind of damaging fashion that the United States historically has done, they would themselves have to absorb the blowback from those interventions, they would have to face the refugee flows, they would have to deal with a neighbor that has its infrastructure destroyed, and their likelihood to have that degree of misalignment in their interests, or when they speak the language of humanitarianism, and engage in military intervention that smashes up the country is much lower than with the United States, or with the United States when it's intervening outside of its own hemisphere outside of its own borders, which, of course, we have no examples of that. Now, NATO bombing in Bosnia and Kosovo is a very interesting instance to look at when you compare that to the ways in which other interventions that I named Iraq, Afghanistan, Libya have been pursued. First, the very different degree of care given in the actual bombing campaign itself, to limit harm to civilian infrastructure and to limit actual civilian casualties. Second, the long term commitment and investment in the region reconstruction of both of those places. And to this day, you have massive Western resources flowing into both Bosnia and Kosovo to stabilize those countries and to try to create some kind of out of the astonishing dysfunction that was generated by the governance structures put in place, following those interventions, nonetheless enable both of those territories to move forward in some way, and to secure the welfare of the civilian population.

By contrast, we have nothing comparable in terms of financial or other investment in the reconstruction, rebuilding and sustaining of a country like Afghanistan, or a country like Libya, that was equally the sort of target of a NATO intervention, and yet was abandoned. And why is this because they're not in the region, they're not in the middle of Europe, they're not likely to produce although, of course, Libya has become a transit point for migration. And the response to that has not been investment in civilian welfare of Libyans, but rather investment in the

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policing and militarization of Mediterranean Sea and the payment of Libyan militias to capture and return to Libyan territory any would be migrant, to be put into horrific detention conditions, or slave markets. So I will concede that regional intervention of a particular character may have a different sort of trajectory than the kinds of international humanitarian intervention I was speaking of, I don't think we can point to a single successful example of that kind of international humanitarian intervention, actually promoting or protecting human rights. And while we don't have the time now to debate the no fly zones, of course, they came on the wake up not only a disruptive war, but also the at the time single, most comprehensive sanctions regime. And so the actual civilian cost of the overall US UK militarized policy with respect to Iraq, and that decade was very, very high indeed. And the genocide that Ken referenced as the basis for the no fly zone was itself undertaken, uring a time when the United States was allied with and protecting and shielding the Iraqi government that committed that genocide. And so it's totally unrelated in the sense of actually taking a position to protect Kurdish civilians. At the time of the genocide, no such position was taken, only in the aftermath of the first Gulf War were no fly zones imposed.

Kenneth Roth 37:13

I think it's interesting how the conversation has shifted here. Because I mean, I agree with Asli that any commander in prevention should be consistent with humanitarian law, you know, so you do have to take care of to protect civilians, it shouldn't just be, you know, carte blanche, you do whatever you want to say you're defending human rights. In a second, insofar as there is destruction, there should be a long term commitment to address it. You know, it's not just a one shot affair. So those I completely agree with, but where I think the conversation has shifted, is that you're not we're not saying that humanitarian intervention is per se wrong, we're accepting that there actually are some that are, you know, have been helpful. And and if we take, you know, Asli's twist on this, which is to say regional interventions are okay, but us ones are not. I think we're having a bit of a mischaracterization here, because they're Miss classification. Because even though it was technically NATO, that did the bombing in Bosnia and Kosovo, we shouldn't kid ourselves, this was the US government, you know, it was an entirely U.S. affair with a NATO, you know, facade. And similarly, in Libya, where we're kind of blaming the US government, it was actually in that case, much more British and French. Let so, you know, I don't think it's so clear to say that a US led one is always bad. And even, you know, the, the Iraqi no fly zone, which was an early US led, the no fly zone was successful, you know, the tick essence. But that's the point that, you know, the rest of it. I mean, you know, U.S.-Iraq policy has been a disaster in many, many respects. But you know, that the humanitarian intervention worked. And, and I don't the last point, I just don't consider Afghanistan a humanitarian intervention is, I don't think people classify it that way. This was, you know, purported self defense that went way beyond self defense. But nobody claimed at that point, that it was humanitarian intervention. I don't think we can chalk that one up as as a negative. It was just, you know, bad for other reasons.

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Elizabeth Beavers 39:03

We could definitely spend the entire hour just continuing to get into the details of this particular question. I want to make sure we do get to some audience q&a. I will maybe skip forward to one more question with moderators' privilege from myself, because you both have sort of touched on this a bit. And I want to get into how geopolitics intersects with the international human rights system in practice. Of course, the framework is meant to be universally applied consistently. Asli, you have already spoken quite a bit about your critique of that. And you wrote in the brief, we mentioned earlier that the human rights ecosystem, much of which is funded by and based in the West treats the US and Europe has been a benevolent guarantors of a liberal international order. And indeed, a lot of the rhetoric we hear from our leaders holds the US out as an international disciplinarian perpetuates the idea of the US as an indispensable nation that keeps the rules based international order together. So I want to ask both of you, before we turn to audience q&a, how do we reconcile this with the fact that the US also frequently works to ensure that itself and its allies are exempt from these rules, and accountability for its own rights abuses? And how do we reconcile it with active participation and atrocities and abuses of other states, like Saudi Arabia, or like we're seeing right now in Israel? And this time, Ken, I will maybe go to you first for your reflections?

Kenneth Roth 40:29

Okay, well, the I mean, I going back to Asli's earlier points, US inconsistency definitely undermines U.S. credibility, it doesn't destroy it, but it undermines it. The U.S. would be much more effective if it was more consistent, um, where I may I defer some of the lessons is that, you know, despite that inconsistency, the US can get a lot done simply because it's so powerful. And so, you know, we can operate without the United States when we have to, you know, that's what happened under Trump. And so if you're just taking the UN Human Rights Council as sort of a, you know, a surrogate forum where we can figure you know, there's one place where we try to find things out, when there was no U.S. there because Trump had pulled out. Nonetheless, we got a lot done, you know, we got, you know, a bunch of Latin American democracies tuning up and generating a special rapporteur on Venezuela. We got, you know, Iceland, which replaced the US on the Human Rights Council, the superpower of Iceland, but led a successful effort to go after, you know, Duterte's drug war summary executions in the Philippines, you know, there were a series of cases like that, where we were able to operate without the US, but the US really matters nonetheless. And so if you sort of figure out, you know, how do you rally votes, the, you know, something like China's crimes against humanity against the Uyghurs in Xinjiang, you know, U.S. arm twisting to get votes is absolutely essential. And, and so if we look at, you know, for example, the current policy toward China, and it really is, is getting a bit beyond what we discussed, but it was what was supposed to be in the agenda. But the, you know, this is course, it's just, you know, it's not just quiet diplomacy, it's not military action. But you know, there is a US trade embargo on any, presumptively against any imports from Xinjiang, because of complicity in forced labor. That's a good, you know, that is something that is putting pressure on Beijing to kind of at least reduce, if not eliminate the forced labor. The US has played an important role along with partners like Germany and France and the UK and Canada, to put

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together these periodic joint statements condemning the mass detention in the mass persecution in Xinjiang, we came within two votes of putting the agenda, putting you know, that persecution on the Human Rights Council agenda. So these are all examples where the US despite its inconsistencies playing an important role. But it would be better, of course, if it wasn't something consistent, and people couldn't poke holes in it and try to, you know, say that all this is really just about, you know, geopolitics.

Elizabeth Beavers 43:08

Aslı, please

Aslı Bâli 43:10

Thank you, just a quick note on the earlier conversation, I just want to resist the reframing as Ken presented it. I wouldn't say that regional human humanitarian intervention is something that I would endorse or think is good. I'm just suggesting that the underlying incentives are very different. When regional actors engage in interventions, oftentimes, as he pointed out, in the empirical examples he gave, with a consent of partners that are in the country where the intervention is taking place, then when you have overseas international interventions, which are typically led by the US, but not necessarily exclusively, led by the US. And I would also add that I agree with him, of course, that there should be caretaking, that humanitarian intervention should abide by humanitarian law and commit to rebuilding, it's just empirically, that simply doesn't happen unless the intervention takes place on the continent of Europe. And so as a result for the rest of the world, humanitarian intervention is a terrible prospect, and one that is very unlikely to be observe international humanitarian law, in part for the reason that your question underscores, which is the impunity that interveners enjoy when they're, when anybody seeks to hold them to account for the consequences of their intervention. This is especially clear, for example, in the resolution that was passed to enable the Libya intervention. The United States, an author of that resolution, made sure that there was a provision in the resolution itself that foresaw that if any human rights violations or war crimes are committed on Libyan territory, that have been made subject to the International Criminal court's jurisdiction, that foreign forces that themselves are not party to the court would never be held accountable for those violations, other parties, namely Libyans, could be held accountable, but not the interveners, not the US, not other NATO countries, they would not face any accountability for the harms that they cause. So I agree, of course, that this does tremendous damage, I think that Key may overestimate the degree of U.S. credibility in the wake of this kind of double standard. When it speaks the language of human rights, of course, the US can achieve a great deal on human rights, as he says, because of its power. **The first and foremost way in which the United States can do good in the area of human rights is by desisting in its own activities that harm human rights, ending abusive counterterrorism programs, freezing military aid to abusive regimes and the like. It can also do a great deal to advance other kinds of human rights, like economic and social rights. For example, investing in diplomacy in areas of shared interests, like climate, the Middle East, for example, is a region that's perhaps more vulnerable than any other. And if the US were to show much greater leadership than it did at COP 28 in trying to**

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really advance climate agendas, that would be great for human rights, it would be great for vulnerable regions, including those that are in the Middle East. It could also do a great deal to promote stability and values and critical regions by investing in mechanisms likely to achieve human rights goals. So this would mean funding approaches that invest in local capacity and accepting the possibility that many states in the international system are better situated to make their own judgments about how to promote human rights and democracy by being empowered to make decisions themselves and bolstering local capacity, rather than having those decisions dictated to them as a matter of geostrategy.

A great example of this right now is some of the debates that we hear around the day after in Gaza, where Americans are already proactively determining on behalf of Gazan civilians and Palestinians more generally, what form of governance they should have, who should govern them, how that's going to be approached, and so on, rather than asking the very fundamental question, what would the people Palestinians or Gazans want themselves as a governance strategy? Or what kinds of governance would they choose? Who would they elect or select as their leadership? Those are the kinds of questions that if the United States showed an investment in local preferences, and local capacity, it would be an enormous sea change in human rights globally, and positive, engage with international and transnational institutions that promote values based commitments through their own agencies and not through US State Department arsenals. So increased funding across the board, to areas where we have values based commitments like refugee protection and resettlement, create resources in the United States and internationally to support all of these important efforts of the United Nations instead of systematically threatening to withhold funding from the International and transnational organizations that are actually dedicated to the promotion of human rights.

Elizabeth Beavers 47:30

Ken, do you want to respond to any of that before I turn into audience q&a?

Kenneth Roth 47:34

I mean, most of us, I agree with you, I wish the US did a much better job on these things. You know, so it's in this inconsistency, you know, hurts. But, you know, I just come back to my point that there is a lot that can be done. I mean, even with US allies, I mean, I think, too, for example, the the group of eminent experts, that was basically a commission of inquiry upon appointed to oversee the Saudi led bombing of Yemeni civilians. And that was in place for four years, you know, led by the Netherlands back then from Canada and various Western governments. The US, you know, was supportive at that stage. And it made a big difference when the Saudis finally arm twisted, you know, a US ally arm twisting, got rid of it, civilian casualties doubled, until finally there was pressure for a ceasefire. So it's an example where, you know, despite the inconsistencies, the U.S. even with an ally, can play a positive role. We, I think we all agree that what's going on in Gaza is just awful. And that, you know, for, you know, Biden, on the one hand to be admitting its indiscriminate bombing, and on the other hand, to be, you know, providing the arms for it, and providing the political power for it, you know, it's not only

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just, you know, utterly immoral, but actually is making the, you know, U.S. officials complicit, you know, by aiding and abetting these war crimes. And so, you know, there's just no good way to defend that. But we shouldn't, you know, while recognizing that there are huge gaps in US production of human rights and essential inventions, you know, ways in which the US is actively complicit through its own conduct, it's a mistake to just write off the US government, because we actually use it all the time to try to get things done.

Elizabeth Beavers 49:16

I did not get to my entire agenda. Unfortunately, we might have to do a part two and three and four, but I am going to, I hear you, audience, I'm getting to your questions. So why don't we take on this really wonderful one? An audience member asks, since we are living in an age of extreme inequality at home and abroad, could the panelists please address in more detail the enduring consequences of human rights being narrowly defined along civil and political rights rather than economic and social rights? The implications can be seen with the extreme exploitation of people in countries in the Global South, extracting resources such as cobalt lithium for the so called green economy, would love your reflections on this. Whoever wants to start.

Kenneth Roth 49:57

Well, okay, let me jump in here because This is we've got a quote, right that the US, you know, has opposed economic social rights. And it's focused on only civil, political rights.. And you just see this in the ratification so US has endorsed, though, is ratified the one company and not the other. This, you know, kind of, it's partly the limited nature of the US Constitution, which is only written about civil and political rights. It was partly kind of, you know, a cold war strategy. But one thing I want to note is that economic and social rights have a bite to them that actually many governments of the global south don't like. Because it says that, you have to use available resources to progressively realize the economic social rights of your people. And what that means, in practical terms is, you've got to be, you know, devoting the funds you have to good faith, conscientious effort to improve the lot of the worst off segments of your society. And that's inconsistent with, you know, with corruption with these vanity projects that certain governments pursue with, you know, large, unnecessary military expenditures. And, and it's for that reason that you see, many governments have global self actually abandoning the language of economic and social rights, and they prefer the right to development, which doesn't have any of that bite to it. And it's really just about, you know, transferring civil rights that we're talking about, you know, sending money from the north to the south. I mean, even China, which you would think, you know, would be an advocate of economic social rights, they actually don't talk about what they want to talk about, they want to, in a sense, reduce human rights to growth in GDP per capita. And so, you know, we would expect them not to, like civil and political rights, because they don't respect that at all. But they also don't talk about economic and social rights, because they don't want you asking, is Beijing taking available resources to gradually make better the life of the worst off segments of society? Because then you would ask these, you know, awkward questions about whether Uighur is doing, or how are the Tibetans doing? Or, or

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even worse, from Beijing's perspective? How will rural Han Chinese do it? And the answer is terribly, you know, because that's not the priority for Beijing, the priority is maintaining power. And so I actually, you know, I'm a big proponent of enforcing economic social rights, I think that that is, you know, an essential part of the human rights agenda is like, one of the first things I did when I took over human rights is, is to kind of adjust that, because like, I'm already inherently predecessor of not wanting to pursue economic social rights, and I did right from the outset. But I think we have to recognize that these are not popular rights for many abusive leaders in the global south. And that's why they really just want to talk about transferring of money, rather than how they got it.

Elizabeth Beavers 52:47

Aslı, what's your response to that?

Aslı Bâli 52:49

Yeah, a number of responses. I think it's interesting to think about the counterfactual that the question asks, which is what might have happened, had, we had a much more robust economic and social rights regime put in place in what would have been the 1950s, and an International Bill of Rights, had there not been the stymieing of the production of that international bill of rights and this debate over the cleavage of the two covenants. And one thing that might have happened is that you wouldn't have had the kind of ascendance of the logic of global capitalism that is the predicate for all the points that can just make all the points that suggest that, well look at the governments we have today and look at their actual interest today, look at how they're corrupt, or look at what their preferences are, they don't want to be bound in these ways in those ways. But of course, these are all governments and states that were, you know, whose institutions developed under the logic of precisely the suspension of economic and social rights. And under regimes in which they were incentivized to build market economies of a particular kind, enmeshed in relationships, international financial institutions, themselves, backed by the United States and other Western countries in the midst of the Cold War, that had a very specific understanding of what was required to grow GDP, or indeed, that the growth of GDP itself was the appropriate measure of how we should think about good governance, the languages that are attached to the way that states are appraised internationally, and the incentive that they were presented, and as they were developing their institutions, all of this is shot through with a set of normative choices that were made largely at the behest of the United States to downgrade the possibility of economic and social rights and the vision that Ken has rightly described of the covenant, which would require prioritizing the alleviation of need, of want in various areas before you could invest in other kinds of technology. So imagine a universe in which from day one, the idea was you have to commit to primary education, preventive care housing for all a medical system that everyone can access, etc, clean water, and that these were allowed to be kept under public state control and not privatized under pressure from the West, that would have been a very different normative universe. And I think the consequences of having basically forced the economic and social rights regime to be stillborn in the 1950s, and 60s, are is that is the kind of empirical picture that Ken now describes. But it's a mistake to

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imagine that that is a story about why economic and social rights today, what they might have achieved, had they been put in place in the first place. Today, they may be opposed in a variety of ways by a range of states acting in coalition with one another. At one time, they had a real potential, and today attached to the right incentive schemes, they still have the capacity to leverage meaningful change in the international system.

Elizabeth Beavers 55:31

All right, we've only got three minutes left. So I'm going to wrap us up with what I think is a great question from the audience that attempts to maybe summarize, where maybe the fault lines are in this conversation? Would it be fair to say that the key difference between Asli and Ken is that she is concerned about the geopolitical hierarchies of power and wealth that he takes for granted as the setting for human rights politics? Is that the difference between a long and short term agenda for human rights? Or does it go deeper? Do you all want to wrap with maybe a minute ish, each of whether that's a fair summation of the fault lines?

Kenneth Roth 56:10

All right, let me just say that it's not that I'm indifferent to, you know, global hierarchy and distribution of power and wealth. I just don't take that as an excuse for inaction. I mean, kind of, you know, imagine, you know, somebody's you know, facing genocide. And it's possible to stop it. But the only way to stop it is by going to governments that are unjustly powerful. And imagine, you know, saying to these people, you know, sorry, I really could stop your genocide, I could prevent you and your family from being slaughtered. But I'm not going to do it, because the global in order is, is unjust. And I don't accept that. I am not going to take that excuse, I'm going to, even if the global order is unjust, I'm gonna live with that order, and use it as best I can to promote human rights. And so that's kind of where I see it.

Aslı Bâli 56:55

Yeah, I would also agree with the characterization, I think. And I would say that it's not a story of inaction, as the reason that we see human rights violated around the world, but rather action by those very powerful states, and so occluding the ways in which they are systematically producing massive human rights abuses, by focusing on this or that specific example where they might be able to intervene to somehow buffer some aspect of human rights abuses being committed by others, I think is the wrong focus. When we're living in the United States. The question we should be asking is, what can we do to prevent our own government from engaging in human rights abuses. And so, for example, it's the condition of circumstances in Gaza for which we are directly responsible in so many ways that concern me much more than the kinds of human rights abuses that may geopolitical rivals or others may be responsible for and how we might be able to act in those cases.

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Elizabeth Beavers 57:48

The great place to leave it, thank you so much to both of my guest panelists here for such a rich and stimulating discussion, really grateful for your time. Thank you so much audience for your thoughtful questions. I'm sorry, I wasn't able to get to all of them. But probably we need to do a part two at some point. There's a lot of interest in this topic. And no doubt the issues continue to be thorny ones for us all to grapple with. Thank you all very much on behalf of the Quincy Institute, and we'll see you next time.