

Are Democracy and Human Rights in danger?

Excellencies, distinguished guests, ladies and gentlemen I wish to thank his excellency, Ambassador Ion de la Riva for his invitation to address this Human Rights Commemoration Day, marking the 75th Anniversary of the Universal Declaration of Human Rights, hosted on behalf of the Spanish Presidency of the Council of the European Union, in cooperation with the embassies of Brazil, Japan, Kenya, Ukraine, and USA. Your engagement stretching from North to South America, from Asia to Africa, and across Europe, including to war torn Ukraine speaks to the very universality of the Declaration, the anniversary of whose pronouncement we mark today. It is a privilege for me to join such a distinguished and expert panel of participants.

The Declaration is a milestone document in human civilisation and marked a high point of hope for a new beginning after the ravages of war by promulgating universal fundamental rights to equality, freedom, and justice based on the individual human dignity of each person, irrespective of their culture, political system, or religion. This is expressed succinctly in just 30 short Articles. It was not a treaty and did not create binding legal obligations but it has animated, suffused, and informed subsequent binding UN Conventions, treaties, regional human rights instruments, and extensive jurisprudence. The European Convention on Human Rights which is binding and judiciable entered into force two years after the Universal Declaration of Human Rights and drew inspiration from it, as is clearly acknowledged by the first two considérants of its opening preamble.

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

My point in making this observation is to insist that even as we correctly will examine the risk that the democracy and human rights agenda are under real threat there is a parallel and counterpart story of an evolving and resilient community of individuals and institutions pioneering new boundaries in the expression and contemporary evolution of our inherited human rights agenda

that flows from the Universal Declaration of Human Rights. This includes the accumulation of evidence and the search for justice for Ukraine and Ukrainians in the light of Russia's war of aggression.

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

The unipolar moment of the United States has ended and was not covered in glory. The presumption that free markets and open democracy were inextricably linked proved elusive. Perceived double standards have constrained the capacity of the West to rally the Global South to its cause, though policy inconsistency is a habit to which these critics themselves are not immune. The West itself is stressed by political, social and economic cleavages following multiple consecutive crises. The growth of populism, nationalism, nativism, identity politics and culture wars are tokens of an internal schism, of contested visions and values. Anti-elite, illiberal, anti-system political candidates and philosophies abound. This poses a question as to whether the West in terms of inherited normative standards such as liberal democracy, open markets, and international cooperation is becoming less western, a

phenomenon labelled by the Munich Security Conference 2020 as 'Westlessness'. In short, the world order as we have known it in the West is threatened both from without and within.

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

A small state like Ireland and a regional polity like the EU have a deep vested interest in effective multilateralism, as beneficiaries of a stable and reasonably predictable normative and institutional order that has sustained peace and delivered prosperity to our region and our country. Recognising that the liberal world order is threatened both from without and within poses the question what can be done. We in the West cannot choose what others do. We can choose what we do. So, it is to the internal dimension of the threat to our values that I now turn. With the benefit of hindsight I would argue that some western self-reflection is merited. Inevitably, concerning the liberal world order, as its author, underwriter, and sheriff what the United States does and fails to do is central to any analysis. Critical self-awareness is the pathway to enhancing

and strengthening any understanding of who we are and what we do. Consider three aspects of western power– military power, trade and financial markets.

The dramatic events of 9/11 2001 rocked the United States and gripped the world as the death and destruction unfolded before our eyes in real time. The French newspaper le Monde in an editorial published two days later captured what Europeans felt, observing ‘nous sommes tous Américains’. A US led international coalition hunting Osama Bin Laden and fighting a war on terror invaded Afghanistan and toppled his host, the ruling Taliban regime, evoking more understanding for than hostility to the US.

Based on false evidence of weapons of mass destruction, polarising allied choice as either ‘You are with us or you are against us’, declaring that diplomacy had failed, and offering the ultimately delusional promise of bringing democracy to the region, the United States and allies then invaded Iraq, evoking over time more hostility than sympathy. Trillions of dollars of were spent. Thousands of US and allied military lives were lost. Hundreds of thousands of Iraqi and Afghani military, police, and civilian lives were lost. The region is more unstable after than before, and in the case of Afghanistan has reverted to type under restored Taliban rule, as if the previous two decades had never happened at all. In choosing to invade Iraq neo-conservative hubris in the US Administration wasted America’s unipolar moment. It’s essentially unilateralist inspiration was a lesson not lost on dictators and autocrats. It gifted the likes of Vladimir Putin and Xi Jinping and others a stick to beat the West with, by launching an invasion that in the view of the then UN Secretary General, Kofi Annan, ‘was not in conformity with the UN Charter’. It also sowed the seeds of a more isolationist disposition in domestic politics on the home

front. My conclusion, seeking to establish a liberal order by imposition has not worked to the benefit of the West.

The link between open markets, democracy, and international cooperation is a key normative aspect of the liberal world order. Back in 2000 the West's bet on China was captured by Bill Clinton's final State of the Union address to Congress where in essence he argued that China's admission to the WTO would enrich Americans and help convert China to freedom. Less than two decades later Donald Trump in his inaugural presidential address blamed trade with China for creating 'American carnage.' Meanwhile while Xi Jinping was tightening the grip of the Chinese Communist Party behind the Great Firewall of China. The bet that enhanced access to global markets would democratise China did not pay off. The ground has shifted from economic embrace to geopolitical great power tension and rivalry. The fate of Taiwan may prove to be its testing ground. My conclusion, a policy of liberal order by presumption has not worked to the benefit of the West.

After a long period of deregulation and accommodating monetary policy western financial markets hit the buffers with the Lehman Brothers collapse in September 2008, and in Europe with the subsequent prolonged Euro zone crisis which followed. Ultimately worthless Collateralised Debt Obligations, a means of packaging risky mortgage debt into supposedly low risk investment securities, exploded into a full blown financial crisis. The biggest welfare cheques ever issued on both sides of the Atlantic were written to sustain systemically important banks from collapse. What followed was a period of austerity to correct fiscal imbalances with severe impact at the level of households and firms. An ultimately naïve and misplaced faith in the power of

competitive markets to correct systemic faults on their own was to blame. In terms of risk management greed conquered prudence. There followed a profound loss of faith in elites, and a rise in popular and populist attacks against so-called globalists. My conclusion, a liberal order expressed through a policy of hyper deregulation and exaggerated belief in self-correcting markets has not worked, for the West itself or its political harmony.

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

Permit me briefly to comment on two contemporary issues. Firstly, we must unreservedly condemn the brutal slaughter and rape of innocents and the taking of hostages by Hamas in Israel on October 7. So too, the West urgently must mobilise its collective will and weight to insist on cherishing the life and meeting the humanitarian needs of innocent Palestinian civilians. Secondly, Ukraine has shown enormous courage and resilience in defending its sovereignty and territory in the face of Russian aggression. It must not be abandoned in its hour of need. Failure to address either of these responsibilities today will carry serious costs for the West tomorrow.

In conclusion:

Democracy and human rights are in danger but, in my view, their greatest threats are from within. The single greatest potential threat, unhappily, could arise in the West's anchor state, the United States of America. The dice will be rolled in eleven months' time. Where the USA goes others will follow. The West as we have known it has a lot rolling on that dice. I end with a question. Why should others believe in human rights and democracy if we, their source and loudest proponents, stopped doing so ourselves?

Thank you for your invitation.

Thank you for your attention.

Pat Cox

Keynote address

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Instituto Cervantes Dublin