

## UNIVERSAL HUMAN RIGHTS IN A CHANGING GLOBAL ORDER: REFOCUSING THE NARRATIVE

2022 AIV Wellenstein Lecture by Professor the Hon Gareth Evans, Advisory Council on International Affairs (AIV), The Hague, 1 November 2022

---

It's not the best of times to be an optimist about human rights. Many of the great gains in the recognition and protection of universal human rights in the past – in the post-World War II and post-Cold War years – have, in recent times, stalled or eroded. The appalling behaviour of Russia in Ukraine – among the first victims of which were the more than two hundred men, women and children from your country and mine shot out of the sky on flight MH17 in 2014 – is just the worst and most recent example. An example made even more shocking by Russia's status as a foundation member of the United Nations Security Council, pledged to uphold the most basic principles of international law that it is now so conspicuously violating.

Looking back, the high-water mark for human rights may have been the unanimous embrace by over 150 heads of state and government at the 2005 World Summit, as a universal principle, of the 'responsibility to protect' (R2P) populations against genocide and other mass atrocity crimes.

We have had very little to celebrate since, as many recent surveys – including your own excellent Advisory Council report – abundantly demonstrate.

According to the latest annual Freedom House *Freedom in the World* report<sup>i</sup> – which scores every country against ten political and fifteen civil rights indicators drawn from the Universal Declaration of Human Rights – every year since 2006 more countries have shown deterioration than improvement in their overall human rights record.

According to the latest Economist *Democracy Index*<sup>ii</sup>, which scores 167 countries on five selected political and civil rights measures, there has been a steady decline every year since 2015, with more than a third of the world's population now living under authoritarian rule and just 6.4 per cent enjoying full democracy.

And according to the latest World Justice Project *Global Rule of Law Index*<sup>iii</sup>, two-thirds of the 128 countries it surveys have slipped in their 'Fundamental Rights' scores since 2015. Some of the most conspicuous recent declines in overall respect for the rule of law, sad to say, have occurred among its strongest traditional defenders – viz. thirteen of the 24 European and North American countries surveyed.

All these reports – and many other analyses like the 2022 Human Rights Watch *World Report* – clearly identify the most significant human rights backsliders. They include not only longstanding authoritarian regimes like Russia and China, newly established autocracies like post-coup Myanmar, and shameless promoters of illiberal democracy like Hungary, but also long-established genuine democracies – including the world's most populous, India. And, in many ways most troublingly, they include the most self-conscious (and self-congratulatory) role model of them all, the United States.

Multiple explanations have been offered for why this deterioration has been happening now, and on its present scale. Opinions will differ about their respective weight, but I think every one of the ten I will quickly list have made at least some significant contribution:

- At the most general level, there has been the shift in the global geopolitical tectonic plates from West to East, with the whole post-War US-led liberal international order seen as under challenge from a very different role-model – a China whose breathtaking rise has clearly owed nothing to its respect for civil and political rights and democracy.
- There has been the impact of what many have seen as the excesses of the United States itself, in the conduct of its post 9/11 ‘war on terror’, both domestically and internationally. In the words of Barack Obama’s Deputy National Security Adviser Ben Rhodes, these excesses were ‘repurposed by authoritarians elsewhere to target political opponents, shut down civil society, control the media, and expand the power of the state under the guise of counter-terrorism.’<sup>iv</sup>
- There was the impact of the ‘colour revolutions’ in the former Soviet republics and the initially successful ‘Arab Spring’ uprisings which, while giving heart to democracy and human rights defenders everywhere at the time, triggered a repressive backlash in many of those countries, and their neighbours, which is still playing out.
- There has been the impact of the Covid-19 pandemic, which has given too many governments cover to resort to excessive surveillance, discriminatory restrictions on freedom of movement and assembly, and arbitrary enforcement of those restrictions. While the constraints imposed in most of the established democracies were well-intentioned, if sometimes very poorly judged and executed, a number of authoritarian regimes exploited the crisis to further crush political opposition.
- There has been the impact, as always, of deadly conflict – in Syria, Yemen, too much of Africa, and now with Russia’s legally and morally indefensible invasion of Ukraine. Wars throughout history – and those of recent years have been no exception – seem inexorably to bring with them atrocity crimes and other major human rights violations, and very often are accompanied by major population displacements that can inflame tensions elsewhere.
- There has been the impact, in that context, of the arrival of large numbers of such asylum seekers, as well as those crossing borders for more opportunistic economic reasons, in feeding illiberal nationalist sentiment, with too many populist leaders in too many countries characterizing this people movement not as an ordinary, albeit difficult, policy problem, but an existential one – a challenge to collective national identity.
- There has also been a willingness by too many populist leaders to fuel illiberal sentiment by portraying national identity, or at least majority-group identity, as being under threat internally from those of their people of different race, ethnicity, religion, political persuasion or other identity demanding recognition and protection of their rights.

- There has been the reality, which I think many of us of an instinctively liberal persuasion, wherever we live, have to acknowledge, that we may have been over-dismissive of those many ‘deplorables’ in our respective societies who haven’t seen as clearly as we have the benefits for *them* of a globalized economy, the rule of law and advancement of minority rights. We should be examining (as an academic colleague in Australia has put it) the extent of our own complicity ‘in a system that may be viewed (rightly or not) variously as patronizing, unresponsive, over-promising or empty-gestured’.<sup>v</sup>
- There has been the impact of rapidly developing new technology in diminishing the sphere of privacy or autonomous space in most people’s lives, with unprecedented new opportunities for surveillance (not least in facial recognition) that governments have not been slow to take up.
- And accelerating nearly all these factors has been the role of another new technology, social media, with all its impact in siloing information sources, spreading disinformation, generating fear of the other, reinforcing prejudice, and making it ever harder for ordinary voters to separate fact from fiction, and reason from emotion. Social media has certainly made it easier in many societies for populist voices to perpetrate the canard that human rights are an elite preoccupation, not something that should resonate with ordinary people in the street.

None of which does much to help anyone trying to take the human rights high ground.

All that said, we should acknowledge that while it is not the best of times, nor is this necessarily the worst of times. In the great arc of history much now is immeasurably better than it was in the past. As Harvard’s Steven Pinker reminded us in his brilliant 2011 historical overview, *The Better Angels of Our Nature: The Decline of Violence in History and its Causes*, ‘customs such as slavery, serfdom, breaking on the wheel, disembowelling, bear-baiting, cat-burning, heretic-burning, witch-drowning, thief-hanging, public executions, the display of rotting corpses on gibbets, duelling, debtors prisons, flogging, keelhauling and other practices [have] passed from unexceptionable to controversial to immoral to unthinkable’.<sup>vi</sup>

And for all the human rights assaults and defaults that currently concern us, that evolution is in many ways continuing, with measurable ongoing progress worldwide, for example, in death penalty abolition, decriminalization of homosexuality, and gender equality generally, not to mention the elimination of poverty – the human right with which the developing world has always been most preoccupied. Long-neglected issues like modern slavery are under the spotlight as never before, and major new attention is now being given to the soul-destroying problem of high-level official corruption (with the Netherlands one of the leading supporters of a new International Anti-Corruption Court).

Moreover, as Ken Roth points out in his Introduction to the 2022 Human Rights Watch *World Report*, as depressing as the rise and consolidation of autocracy has been in so many countries. ‘in country after country, large numbers of people have recently taken to the streets, even at the risk of being arrested or shot. There are few rallies for autocratic rule’.<sup>vii</sup> The brave protests in Iran are a moving recent example. And while the new social media has its negative downsides, it has also played an important role in recording and sharing human rights violations and launching and sustaining popular protest movements.

But while things may not be as bad as they often now seem, they are bad enough.

They require deep thinking from those of us around the world who make human rights policy, who influence human rights policymaking, or who advocate and campaign for better human rights protection – whether we be in governments or intergovernmental organisations, in academia or think-tanks, civil society activist organisations, the media, or have corporate or professional association social responsibility roles in the private sector. They require us to regroup and rethink our strategy and priorities: what it is we want to achieve, and how we should go about achieving it.

There are no magic bullets here. The arc of the moral universe may bend toward justice, as Martin Luther King famously put it, but – as he said – that arc is long. Major change rarely comes quickly, and progress in recovering the human rights ground we have lost over the last two decades is bound to be piecemeal and incremental. But catalysts for change can potentially come from multiple directions – top-down from strong leaders, sideways from strong peer-group pressure, or bottom up from community action that policy-makers cannot ignore. Optimally that pressure would come from all three directions simultaneously. And doing everything we can to energise it, at all three levels, should certainly be our objective.

My own judgement, for what it's worth, is that we would significantly advance that objective if all of us around the world who care, and have some capacity to make a difference at any of these catalytic levels – individually or collectively, in or out of government – could embrace a common principled narrative. In this respect, I think it would help a great deal if we could observe in our analysis, our advocacy and our organisation what I think of as *eight core principles of action*.

First, stress the *universality* of the human rights that matter most. Second, stress their *indivisibility*. Third, act *consistently*, practising what we preach. Fourth, recognise that the protection and advancement of universal human rights is, for every country, a core *national interest*. Fifth, be *pragmatic*, focusing on what is realistically achievable and not making the best the enemy of the good. Sixth, be *temperate*, avoiding exaggeration for effect. Seventh, support the *institutions* that can make a difference. And last but by no means least, recognise the power of staying *optimistic*. In the remainder of this talk, I will spell out in a little more detail what I mean by each of these prescriptions.

I of course acknowledge that embracing these principles – these core ideas, this common narrative – is not the whole story. Ideas have to be translated into effective action, and it would take another lecture at least as long as this one to spell out, even in outline, the kind of specific on-the-ground strategies that are most likely to be effective: what the United Nations and other intergovernmental organizations can do, what governments can do individually and in combination with like-minded others, what parliaments can do, what private sector corporations and professional associations can do, what other civil society organisations can do, and what ordinary individuals with no other roles or affiliations can do.<sup>viii</sup>

That's not the task I am attempting this evening. Rather – starting from the premise that narrative matters, that ideas matter – it is to develop the argument that all such action would be more effective if underpinned by a common, consistently embraced, set of ideas. As my colleague Simon Adams, former director of the Global Centre for the Responsibility to Protect, has written: 'Change comes from a combustible mix of ideas, institutions and individuals...Without powerful ideas (like the universality of human rights...) you cannot fundamentally reshape people's views or inspire them to act.'<sup>ix</sup>

**One: Stress universality.** It may be rhetorically comfortable, and sometimes seem even more productive, for human rights advocates to speak to their domestic audiences, as so many of our compatriots do, in terms of *national* values – Australian values, Dutch values, American values – or sometimes ‘shared Western values’. But when it comes to persuading any international audience, and above all any non-Western audience, this language, for obvious reasons, is dead on arrival. It comes across as patronising and irritating, and is manifestly counter-productive. Better to get into the habit of speaking consistently, everywhere, in terms of universal values and universal rights.

I have never found this kind of language a hard sell in any domestic context. It is not a matter of appealing to the authority of the foundational UN documents – the Universal Declaration and so on – which may not have the resonance for many people that they do for me, and no doubt this audience. The great majority of people, whatever their background, do I think get it – when the issue is put to them, unpatronisingly, in this way – that what is involved, above all, in the recognition of human rights is respect for our common humanity. Whatever may be our differences in terms of nationality, race, ethnicity, religion, language, caste, class or ideology, what we have in common is our status as sentient human beings: living, breathing, feeling human beings who can experience pain and suffering and humiliation, and who deserve to have our dignity as human beings equally respected.

This conceptualisation is not unique to Western culture. It is at the core of every one of the world’s major ethical traditions, both religious and secular. There are many different approaches to moral reasoning, but as a British philosopher has described it, defenders of different approaches are ‘climbing the same mountain on different sides’.<sup>x</sup> And what drives them all is the recognition not of a national but a universal value, the reality of our common humanity.

I should add, in this context of non-selectivity, that there may be more risk than reward in putting too many of our human rights advocacy eggs in the ‘Alliance of Democracies’ basket. Gathering up the world’s good guys to make common cause has its attractions in certain contexts, though defining who the good guys really are in this world of hybrid democracies, flawed democracies and zombie democracies is, as the organisers of these early jamborees have already found, not as easy as it may first appear. The real problem is that with human rights – as with so many other global public goods issues – the biggest need is to get people with different worldviews out of their trenches, not dig them deeper.

**Two: Stress indivisibility.** There have always been obvious conceptual differences between civil and political rights on the one hand, and economic, social and cultural rights on the other, as embodied respectively in the two great International Covenants of 1966. The most obvious is that the full protection of civil and political rights can almost invariably be achieved simply by the exercise of the necessary political will, but the effective enjoyment of economic, social and cultural rights will almost always need something more. Namely, the application of major financial and physical resources, which may be beyond the capacity of even the best-intentioned government to deliver.

But that difference should not for a moment obscure the reality that the full enjoyment of *both* sets of rights is critical if we are to fully recognize and respect our common humanity. The global South has always given priority to economic and social rights – conscious for so long of how many of its peoples have grievously lacked them. Policymakers in the global North, by contrast, have always tended to see human rights primarily through the lens of civil and

political rights. But if we in the North want more respect from the South for ‘our’ rights, we are going to have show much more commitment to ‘theirs’. The short and obvious point, and it is well made in your Advisory Council report, is that if we are to bridge that divide, as we must, those on both sides are going to have to think, and talk, the language of indivisibility.

**Three: Act consistently.** If national leaders are to have any influence at all in their human rights advocacy with international counterparts, they have to practise what they preach. Would-be role models have to act the part: all the world hates a hypocrite. The United States has to be especially cautious in this respect, given that – with its money politics, unrestrained gerrymandering, political suborning of the judiciary, and shameless subordination of national to party or personal interest by too many politicians – it is now less a Mecca for the world’s democrats than an embarrassment.

**Four: Recognise advancing human rights as a core national interest.** Foreign policy makers, and those in the media and elsewhere who influence them, far too often still think of national interests *only* in terms of the familiar duo of security and prosperity. We need to think in terms of every country having a *third* national interest: being, and being seen to be, a good international citizen – being, in other words, the kind of country that cares about other people’s suffering and does everything it reasonably can to alleviate it, even if there is no direct or obvious security or economic benefit to be derived from doing so.

There are four big practical benchmarks which, to me, matter above all else when one is assessing any country’s record as a good international citizen. A crucial one is doing everything it can to protect and advance universally recognised human rights. The others? Being a generous aid donor. Doing everything one reasonably can to prevent the horror and misery of war and mass-atrocity crimes, and to alleviate their consequences, including for refugees fleeing their impact. And being an actively committed participant in attempts to meet the great existential risks posed by health pandemics, global warming and nuclear war.

Writing about Australia earlier this year – before our recent change of government, which I hope, and expect, will make a difference – I described our national record against these benchmarks as being ‘patchy at best, lamentable at worst, and at presently embarrassingly poor’.<sup>xi</sup> Even those countries who like to think of themselves as model global players don’t always meet these standards. But we should.

Being and being seen to be a good international citizen is, I would strongly argue, not just a moral imperative but a national interest imperative. It can generate hard-headed, practical national advantage of the kind that appeals to realists well as idealists. The returns from good, selfless international behaviour are more than just warm inner glows. They are reputational – what we now think of as ‘soft power’. They come from the instinct for reciprocity that such behaviour generates. And they come from the impetus to collective problem-solving that comes from bringing a cooperative, not just wholly self-interested, mindset to the negotiating table.

The key reason, in the present context, for conceptualising national interests in this way – treating the advancement of universal human rights, and my other benchmark behaviours, not just as optional extras, as discretionary add-ons, but as core foreign policy business – is that it adds another major string to one’s advocacy bow. Politics in all our countries, as much of many of us might hope otherwise, is a cynical, as well as a bloody and dangerous, trade. And it is a

business often with very little tolerance for embracing what cannot be described in hard-headed national interest terms. But this is a challenge that human rights advocates can readily meet.

**Five: Be pragmatic.** Seeing commitment to universal human rights as not just a moral imperative but a national interest imperative as well is, in a sense, a subset of my next principle of action: the need to be pragmatic. There is always a risk in being too absolutist in the causes one fights for. Messy reality just does very often intrude.

One classic example is the tension which can arise, when one is trying to resolve deadly conflict, between the objective of peace and the objective of justice. Human rights purists, like my Human Rights Watch friend Ken Roth, argue that there is no tension at all: for those guilty of waging aggressive war, often perpetrating atrocity crimes along the way, there can be no question of any kind of impunity. If any kind of justice can be meted out, it must be. The only sustainable peace is a just peace.

But it's not always as easy as that. Sometimes amnesty or asylum deals really can avert hideous consequences. As with a case which I well remember from my International Crisis Group days, when Nigeria's grant of asylum to Liberia's murderous Charles Taylor in 2003 unquestionably averted the thousands of deaths then in prospect for the final looming battle in Monrovia. And what happened next should also give us pause for thought. Nigeria subsequently succumbed to immense international pressure, not least from the US, and handed him over, through Liberia, to be tried and convicted in the Sierra Leone Special Court, even though he had breached none of his asylum conditions. Zimbabwe's Robert Mugabe was obsessed with the Taylor case, as evidence of what might be his own fate if he accepted some kind of agreed graceful exit from office. For years those offers were on the table, and for years they were refused – and Zimbabweans suffered grievously as a result.

I don't think I have ever been quite as cynically pragmatic as my friend and former colleague, US Secretary of State James Baker, when he memorably said to me once, in the context of an argument we were having about nuclear disarmament, 'Well sometimes, Gareth, you just have to rise above principle.' But tough compromise choices are sometimes inevitable in public policymaking if you want to be productive, not unproductive or—worse—counterproductive.

Being pragmatic does not mean refraining from any kind of human rights advocacy which some interlocutors might find embarrassing or offensive. As Australia's Foreign Minister, I regularly instructed my diplomats, not always to their delight, to make representations to their host country counterparts in relation to Amnesty International-supplied advice about imminent executions or particular political prisoners: in one year alone, 1993, we raised 534 new cases in 90 different countries. Those representations, which were not always received with equanimity, were only very rarely productive. But I don't think they were totally unproductive, making clear as they did that at least someone in the wider international community was watching and monitoring these countries' behaviour.

What pragmatism does demand in these cases is that one refrain from activity which is manifestly counterproductive to the interests of those one is seeking to help. Although the preference that many governments express for 'quiet diplomacy' on these matters tends to infuriate NGOs, this is not always a cynical cover for not making any waves at all. It can sometimes be the only sensible way to proceed, because noisy diplomacy can seriously stiffen resistance, with national leaders not wanting to be seen to be yielding to visible international

pressure. One example etched in my memory may have been Indonesian President Jokowi's determination in 2015, in the face of a strong and very public Australian campaign, to proceed with the execution of two of our nationals convicted of drug trafficking.

**Six: *Be temperate.*** When one is passionate about a cause, it is not always easy to keep things in perspective, and to avoid exaggerating for effect. But, as the boy who cried wolf ultimately found to his detriment, it is possible to over-do catastrophe talk. Human rights advocacy can hardly be totally desiccated and emotion free – most such advocacy would be much less persuasive if it were – but it is important to keep the emotion within rational bounds if it is not to be counter-productive.

In this context, I have long believed that too many human rights activists have overdone use of the 'g-word', genocide, to describe situations – the case of China's treatment of its Uyghurs in Xinjiang is perhaps the clearest current example – where crimes against humanity seem undoubtedly to have occurred, but where the evidence seems to fall short of satisfying the very narrow legal definition in the 1948 Genocide Convention and repeated in the 1988 Rome Statute of the International Criminal Court.<sup>xiii</sup> Namely, that there can be proved 'an intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such'. And it's not just 'intent' in issue here. Because the Khmer Rouge's targets were not racial, ethnic or religious but political, technically not even the most horrendous modern atrocity crime of them all, the death of nearly two million Cambodians at their hands in the 1970s, counts as a genocide.

Use of the genocide label is always very tempting rhetorically, but a real problem is that – after the lawyers have finished splitting their legal hairs – this can give utterly unearned propaganda victories to those with heavy cases against them for war crimes, ethnic cleansing or other crimes against humanity. That is exactly what happened in 2005 in relation to Darfur, when Khartoum triumphantly claimed vindication after a UN commission found that genocidal intent could probably not be proven – but charges of major crimes against humanity and war crimes most certainly could.

Far better, in my view, for all of us in the human rights advocacy business to use the 'g-word' with extreme care, and in most cases just use the generic expression 'atrocity crimes', or 'mass atrocity crimes', leaving it to the prosecutors and judges to work out, if and when these cases come to court, which precise legal tag is appropriate for each. Accusing states or individuals of committing mass atrocity crimes is hardly letting them off lightly.

**Seven: *Support key institutions.*** My seventh principle of action is to give every possible support and encouragement to all those international and intergovernmental institutions with relevant human rights protection and promotion roles, however ineffective they may sometimes seem to be, and however frustrating the whole process of multilateral diplomacy so often can be.

I should say at the outset on this subject that the notion being assiduously peddled by China, and now Russia, that just about all these institutions – like the wider rules-based international order of which they are part – are overwhelmingly creatures of Western global hegemony in days gone by and deserve no contemporary respect from anyone else, lacks historical accuracy as much as it does moral credibility. The Soviet Union, for its part, was present at the creation of the UN and its Charter, and in all the various negotiations for the Geneva Conventions and Protocols they are now disgracefully violating. For any UN member their actions would be

unconscionable – but even more so for a Permanent Member. They must be held to account for breaking the rules they have themselves written.<sup>xiii</sup>

As to the role of specific key institutions, beginning with the courts, the International Criminal Court has disappointed some expectations, securing only ten convictions so far in its twenty years of operation, but its very existence has been an encouragement to better behaviour: arguably stimulating, for example, a domestic inquiry in Australia into alleged war crimes committed by some of our special forces in Afghanistan.<sup>xiv</sup> Its potential role has encouraged an unprecedented collation of evidence about atrocities in Syria, and the Court itself is currently engaged in investigating potentially thousands of possible war crimes cases in Ukraine. And the International Court of Justice, which adjudicates cases involving states rather than individuals, has been the vehicle for the important Gambia-initiated genocide action against Myanmar.

Other executive agencies in the international system have been getting on with their jobs, including the office of the UN High Commissioner for Refugees, with its relentless advocacy on behalf of the millions displaced by war, atrocities and domestic persecution. While the Geneva-based Human Rights Council has struggled to rise above the self-interested politics of too many of its members, the Office of the High Commissioner for Human Rights silenced some of its critics with its report this year calling out likely crimes against humanity perpetrated by China against its Uyghur population.<sup>xv</sup> Some of the Geneva-based treaty bodies, like the Committee on the Rights of the Child, have started working on regional outreach programs designed to improve their visibility and effectiveness.<sup>xvi</sup>

The major global deliberative bodies can, at their best, be important vehicles for generating peer group pressure on misbehaving states, as was the UN General Assembly for many years with its condemnation of apartheid. It remains to be seen how useful some of its recent such forays will be, like its votes to suspend Russia from the Human Rights Council over Ukraine, and its refusal to credential the Myanmar military regime's preferred ambassador, but these should obviously be encouraged.

The General Assembly's most significant normative human rights contribution in recent decades was its unanimous endorsement of the responsibility to protect – R2P – in 2005, and its annual debates continue to show overwhelming support for these principles, including the responsibility of the wider international community to take 'timely and decisive action' when a state is 'manifestly failing' to protect its people from genocide, other crimes against humanity and major war crimes. Even with the collapse of consensus in the Security Council over the last decade about how to respond to the hardest of atrocity cases, like Syria and now Ukraine, there have been over 100 Council resolutions and presidential statements specifically referencing R2P principles, and it is desperately important to keep that flame alive.

In that context, I have to say – wearing, I admit, my very directly-engaged hat as Chair of the International Advisory Board of the New York-based Global Centre for R2P – that the Netherlands, long a very major supporter, seems in recent times to have lost much of its interest in R2P, and the work of the Centre. That work has involved, along with its reporting and advocacy on current situations of atrocity concern, giving secretarial support to the strong UN 'group of friends' of R2P, and initiating the system of more than sixty national 'focal points' for R2P action. I hope very much that your government can be encouraged to actively re-engage. We need you.

***Eight: Stay optimistic.*** My last word – and the last of my eight principles of action – is the need to stay optimistic.<sup>xvii</sup> As discouraging as the international human rights environment now is in so many ways, it is important to keep things in perspective. Pendulums do swing, wheels do turn, Presidents and Prime Ministers do change. Meloni may win in Italy, but Bolsonaro is beaten in Brazil.

If we want change for the better – when it comes to protecting and advancing universal human rights or anything else – it is crucial that all of us who care maintain hope. Whether we be in governments or parliaments or intergovernmental organisations, in academia or think-tanks, or in the media, or in NGOs, or with influential social responsibility roles in the private sector, or just plain ordinary citizens with a passion for decency, we have to go on believing that what we do can and will make a difference. It has been well said that the enemy of justice is not injustice – it is hopelessness.<sup>xviii</sup>

The crucial point is that in public policy, as in life itself, outlooks can be self-reinforcing. Pessimists see conflict, horror, prejudice and crude self-interest as more or less inevitable, and adopt a highly wary and competitive approach to the conduct of international relations and everything else they do. But for optimists of all stripes and colours, what matters rather is believing in and nurturing the instinct of cooperation in the hope, and expectation, that decent human values will ultimately prevail.

If we want to change the world for the better, we must start by believing in the possibility of change. As hostile, or indifferent, as our current global order may seem to be, when it comes to restoring universal human rights to the central place demanded by human dignity and our common humanity, I believe very much that such change *is* possible. I hope very much that you share that belief, and will act upon it.

---

<sup>i</sup> Freedom House [Freedom in the World 2022](#)

<sup>ii</sup> Economist [Democracy Index 2021](#)

<sup>iii</sup> World Justice Project [Global Rule of Law Index 2021](#)

<sup>iv</sup> Ben Rhodes, 'Them and Us: How America Lets Its Enemies Hijack Its Foreign Policy', [Foreign Affairs](#), September/October 2021

<sup>v</sup> Jolyon Ford, 'The Multilateral Human Rights System: Systemic Challenge or Healthy Contestation', *Maryland Journal of International Law*, vol. 35, 2020, p.103.

<sup>vi</sup> Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and its Causes*, Allen Lane, London, 2011, p. 291. See also Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century*, Princeton University Press, 2017.

<sup>vii</sup> Human Rights Watch [World Report 2022](#), Introduction

<sup>viii</sup> For an excellent discussion – in the context of mass atrocities, but applicable more generally – of what practically can be done by the UN, governments, parliaments and civil society activists, see Simon Adams, *Mass Atrocities, the Responsibility to Protect and the Future of Human Rights: 'If Not Now, When?'*, Routledge, London & New York, 2021, Ch 7.

<sup>ix</sup> Adams, op.cit, p116

<sup>x</sup> Derek Parfit, *On What Matters*, Oxford University Press, Oxford, 2013, quoted in Peter Singer, *Ethics in the Real World*, Text, Melbourne, 2016, p. 8.

<sup>xi</sup> Gareth Evans, *Good International Citizenship: The Case for Decency*, Monash University Publishing, Melbourne, 2022, p.2

<sup>xii</sup> Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, Brookings Institution Press, Washington DC, 2008, pp.12-13

---

<sup>xiii</sup> I owe these observations to Matthew Neuhaus, Australian Ambassador to the Netherlands, in drawing my attention to the accusation thrown by the Russian against the US Ambassador at an October 2022 meeting of the OPCW Executive Council, that the US had written the international rules based order and Russia had no part of it.

<sup>xiv</sup> Matt Killingsworth, '20 years on, the International Criminal Court is doing more good than its critics claim', The Conversation, 12 July 2022 <https://theconversation.com/20-years-on-the-international-criminal-court-is-doing-more-good-than-its-critics-claim-186382>

<sup>xv</sup> Office of the High Commissioner for Human Rights, *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*, 31 August 2022

<sup>xvi</sup> Open Global Rights, Bowe & Cooper 'Putting people at the heart of the human rights treaty body system', 17 June 2020; Kran & Inglis, 'Revitalising the UN human rights treaty bodies through regionalization', 16 September 2022

<sup>xvii</sup> Compare Gareth Evans, *Incorrigible Optimist: A Political Memoir*, Melbourne University Press, 2017, Preface

<sup>xviii</sup> American civil rights lawyer, Bryan Stevenson, quoted in David Cole, 'Have Human Rights Failed?', *New York Review of Books*, 18 April 2019, p.50