

## The Pushback Against the Populist Challenge

By Kenneth Roth, Executive Director

The surge of authoritarian populists appears less inevitable than it did a year ago. Then, there seemed no stopping a series of politicians around the globe who claimed to speak for “the people” but built followings by demonizing unpopular minorities, attacking human rights principles, and fueling distrust of democratic institutions. Today, a popular reaction in a broad range of countries, bolstered in some cases by political leaders with the courage to stand up for human rights, has left the fate of many of these populist agendas more uncertain. Where the pushback is strong, populist advances have been limited. But where capitulation meets their message of hate and exclusion, the populists flourish.

The playing out of this struggle has made many Western powers in particular more inwardly oriented, leaving an increasingly fragmented world. With the United States led by a president who displays a disturbing fondness for rights-trampling strongmen, and the United Kingdom preoccupied by Brexit, two traditional if flawed defenders of human rights globally are often missing in action.

Buffeted by racist and anti-refugee political forces at home, Germany, France, and their European Union partners have not always been willing to pick up the slack. Democracies such as Australia, Brazil, Indonesia, Japan, and South Africa have been heard actively defending human rights rarely, at best.

China and Russia have sought to take advantage of this vacuum. While focused on quelling any possibility of domestic mass protest against slowing economies and widespread official corruption, Presidents Xi Jinping and Vladimir Putin have aggressively asserted an anti-rights agenda in multinational forums and forged stronger alliances with repressive governments. Their avoidance of public oversight has attracted the admiration of Western populists and autocrats around the world.

The retreat of many governments that might have championed human rights has left an open field for murderous leaders and their enablers. Mass atrocities have proliferated with near impunity in countries such as Yemen, Syria, Burma, and South Sudan. International standards designed to prevent the most horrendous abuses, and emerging institutions of judicial response such as the International Criminal Court, are being challenged.

In this hostile environment, a number of small and medium-sized countries have begun to assume greater leadership roles. By building broad coalitions, they have shown themselves capable of exerting serious pressure in defense of human rights. In some cases, they have been backed by an increasingly mobilized public. They cannot wholly substitute for the powers that have withdrawn, but their emergence shows that the drive to defend human rights is alive and well.

## **Responding to Populism**

Real issues lie behind the surge of populism in many parts of the world: economic dislocation and inequality caused by globalization, automation, and technological change; feared cultural shifts as the ease of transportation and communication fuels migration from war, repression, poverty, and climate change; societal divisions between cosmopolitan elites who welcome and benefit from many of these changes and those who feel their lives have become more precarious; and the traumatic drumbeat of terrorist attacks that demagogues use to fuel xenophobia and Islamophobia.

Addressing these issues is not simple, but populists tend to respond less by proposing genuine solutions than by scapegoating vulnerable minorities and disfavored segments of society. The result has been a frontal assault on the values of inclusivity, tolerance, and respect that lie at the heart of human rights. Indeed, certain populists seem to relish breaking the taboos that embody these values. Invoking their self-serving interpretation of the majority's desires, these populists seek to replace democratic rule—elected government limited by rights and the rule of law—with unfettered majoritarianism.

Responding to this populist challenge requires not only addressing the legitimate grievances that underlie it but also reaffirming the human rights principles that populists reject. It requires trumpeting the advantages of governments that are accountable to their

people rather than to their officials' empowerment and enrichment. It requires demonstrating that all of our rights are at risk if we allow governments to select which people deserve respect for their rights. It requires reminding ordinary people that they need human rights as much as dissidents and vulnerable groups.

The willingness of democratic leaders to take on this challenge and champion human rights has fluctuated. A year ago, as the populists seemed to have the wind at their backs, few dared. But in the past year, that has begun to change, to visible effect.

## Defending Rights

### *France*

France provided the most prominent turning point. In other European countries—Austria and the Netherlands, foremost—centrist and center-right politicians competed with populists by adopting many of their nativist positions. They hoped to pre-empt the populists' appeal but ended up reinforcing the populists' message.

Emmanuel Macron took a different approach during his presidential campaign. He openly embraced democratic principles, firmly rejecting the National Front's efforts to foment hatred against Muslims and immigrants. His resulting victory and his party's success in parliamentary elections showed that French voters overwhelmingly reject the National Front's divisive policies.

It remains to be seen how Macron governs. His move to make permanent many troubling aspects of France's emergency law was a disturbing early step. In foreign policy, he has shown leadership standing up to autocratic rule in Russia, Turkey, and Venezuela, and a willingness to support stronger collective European Union action against Poland's and Hungary's assault on rights. But he has been reluctant to confront widespread abuses in China, Egypt, and Saudi Arabia. Despite this mixed record, he showed during his campaign that a vigorous defense of democratic principles can attract broad public support.

## *United States*

In reaction to the election of Donald Trump, the United States saw a broad reaffirmation of human rights from many quarters. Trump won the presidency with a campaign of hatred against Mexican immigrants, Muslim refugees, and other racial and ethnic minorities, and an evident disdain for women. A powerful response came from civic groups, journalists, lawyers, judges, many members of the public, and sometimes even elected members of Trump's own party.

Trump was still able to take regressive steps by executive action—deporting many people without regard to their deep ties to the United States, reviving a cruel and discredited policy of mass incarceration of criminal offenders, easing oversight against police abuse, and restricting global funding for women's reproductive health.

But the resistance limited the harm that might have been done, most notably his efforts to discriminate against Muslims seeking to visit or obtain asylum in the United States, to undermine the right to health care in the US, to expel transgender people from the military, and even, in some cases, to deport long-term resident immigrants.

Secretary of State Rex Tillerson largely rejected the promotion of human rights as an element of US foreign policy while more broadly reducing the role of the US abroad by presiding over an unprecedented dismantling of the State Department. He refused to fill many senior posts, dismissed several veteran diplomats, slashed the budget, and let the department drift. Many career diplomats and mid-level officials resigned in despair.

But as Trump embraced one autocrat after another, some of the remaining State Department officials, at times with Congressional support, did what they could to prevent a complete abandonment of the human rights principles that have played at least some role in guiding US foreign policy for four decades. They made it possible for Washington to still occasionally play a useful role, such as threatening targeted sanctions against the Burmese military officials behind the ethnic cleansing of the Rohingya minority.

## *Germany*

Germany over the past year made headlines when the Alternative for Germany (AfD) became the first far-right party to enter its parliament in decades. That ascent cut into support for the ruling coalition including Chancellor Angela Merkel's Christian Democratic Union (CDU) party and complicated her task of forming a new governing coalition. Merkel's preoccupation with domestic politics, and her ongoing defense of her courageous 2015 decision to admit large numbers of asylum seekers to Germany, have ironically deprived Europe of a strong voice for the rights of refugees and immigrants—the most contentious issue on the continent today. That also left Macron without his most obvious European partner for resisting authoritarian populism.

Yet the German election also presented a lesson in how to address the far right. Beyond the economically depressed eastern parts of the country where widespread racism and xenophobia has not been tackled since the fall of the Berlin Wall, the AfD gained the most votes in wealthy Bavaria, where Merkel's governing partner, the Christian Social Union, adopted far more of the AfD's nativist positions than did Merkel's CDU. Principled confrontation rather than calculated emulation turned out to be the more effective response.

## *Poland and Hungary*

Central Europe has become especially fertile ground for populists, as certain leaders use fear of migration elsewhere in Europe to undermine checks and balances on their power at home. But there, too, the populists encountered resistance.

In Poland, amid large public protests and strong international criticism including from EU institutions, President Andrzej Duda vetoed the Polish government's initial attempt to undermine judicial independence and the rule of law, although the alternative he then advanced still fell short.

In Hungary, the threat of EU legal action—as well as international condemnation, including from the United States—impeded the government's plans to close Central European University, a bastion of independent thought that stood in opposition to the “illiberal democracy” championed by Prime Minister Viktor Orban. In the case of Poland at least, there is growing recognition in EU institutions and some member states that its assaults

on democratic rule pose a threat to the EU itself. And given Poland's and Hungary's position as major beneficiaries of EU funding, a debate is beginning on whether that aid should be linked to upholding the EU's basic values.

### ***Venezuela***

In Latin America, President Nicolás Maduro continued to eviscerate Venezuela's democracy and economy under the guise of standing up for the little people and against those whom he calls the imperialists. But as his rule became more brutal and autocratic, his corrupt and incompetent management of the economy became painfully apparent. This potentially wealthy nation was left destitute despite its vast oil reserves, with many people desperately searching for food and medicine amid raging hyperinflation.

People took to the streets in large numbers to protest. Some officials defected from his government. An unprecedented number of Latin American countries shed their traditional reluctance to criticize a neighbor's repression. Others followed, including the EU.

Maduro managed to stay in office, due largely to the violent repression he was willing to deploy. Taking advantage of a subservient Supreme Court and the Constituent Assembly that he created to take over legislative powers from the opposition-controlled National Assembly, he carried out a brutal crackdown on dissent. But as the Venezuelan people continue their descent into poverty and misery, it is unclear how long they will let Maduro cling to power.

### **A Struggle Deserving Support**

None of these examples of resistance to populist leaders is guaranteed success. Once in office, populists have the considerable advantage of being able to harness the power of the state. But the resistance shows that there is a struggle underway, that many people will not sit quietly as autocrats attack their basic rights and freedoms.

### ***Populists and Autocrats Fill a Vacuum***

By contrast, where domestic resistance was suppressed and international concern lacking, the populists and other anti-rights forces prospered. President Recep Tayyip Erdoğan, for

example, decimated Turkey's democratic system with impunity, as the EU shifted its focus to enlisting his help to halt the flight of refugees to Europe. President Abdel Fattah al-Sisi crushed public dissent in Egypt with little interference from the US or the EU. They bought into his narrative of combatting terrorism and ensuring stability, even though his ruthless suppression of any Islamic option in the country's political process was exactly what militant Islamists wanted.

With a seeming green light from Western allies, Saudi Arabia's new crown prince, Mohamed bin Salman, led a coalition of Arab states in a war against Houthi rebels and their allies in Yemen that involved bombing and blockading civilians, greatly aggravating the world's largest humanitarian crisis. Concern with stopping boat migration via Libya led the EU—particularly Italy—to train, fund, and guide Libyan coast guards to do what no European ships could legally do: forcibly return desperate migrants and refugees to hellish conditions of forced labor, rape, and brutal mistreatment.

Putin's efforts to repress opposition to his lengthening rule met little resistance from foreign governments more focused on his conduct in Ukraine and Syria than within Russia. Xi Jinping got away with little resistance to his imposition of the most intense crackdown since the brutal smothering of the 1989 Tiananmen Square democracy movement because other nations were afraid to jeopardize lucrative Chinese contracts by standing up for the rights of the Chinese people.

Indeed, when there was little international pushback to their behavior at home, repressive governments felt emboldened to manipulate and obstruct the international institutions that can defend rights.

China detained its citizens who hoped to engage with United Nations bodies on its rights abuse. Russia cast no less than 11 vetoes to block any attempt by the UN Security Council to address Syrian government war crimes. Russia also threatened to withdraw from a key European oversight body on human rights if it maintained sanctions for the occupation of Crimea, while Azerbaijan bribed some members of that body, and Turkey threatened to withhold its budgetary contribution. Burundi threatened UN rights investigators themselves with retaliation.

## *Burma and the Rohingya*

The cost of not standing up to populist attacks on human rights was perhaps starkest in Burma. Vitriolic nationalist rhetoric increasingly propagated by Buddhist extremists, senior members of the Burmese military, and some members of the civilian-led government helped to precipitate an ethnic cleansing campaign against Rohingya Muslims, following a militant group's attacks on security outposts. An army-led campaign of massacres, widespread rape, and mass arson in at least 340 villages sent more than 640,000 Rohingya refugees fleeing for their lives to neighboring Bangladesh. These are the very crimes that the international community had pledged never again to tolerate.

Yet the Western nations that had long taken an active interest in Burma were reluctant to act, even by imposing targeted financial and travel sanctions on the army generals behind these crimes against humanity. In part, that reticence was because of geopolitical competition with China for the Burmese government's favor.

Also playing a part was the undue deference given to Aung San Suu Kyi, Burma's de facto civilian leader, even though she has no real control over the military and showed no willingness to pay the political price of defending an unpopular minority. The result was the fastest forced mass flight of people since the Rwandan genocide, with little immediate hope of the Rohingyas' safe and voluntary return, or of bringing to justice the people behind the atrocities that sent them fleeing.

Ultimately, nations of the Organization of Islamic Cooperation (OIC) called for a special session of the UN Human Rights Council where they supported a resolution condemning Burma's crimes against humanity. The effort was notable because it represented a rare instance in which OIC members backed a resolution criticizing a particular country.

## **Pushing Back Can Work**

### *Africa and the ICC*

One of the most encouraging responses to anti-rights autocrats could be found in Africa. The year was already notable for the toppling of two long-time tyrants. Gambia's President Yahya Jammeh lost a free and fair election to Adama Barrow, and when he refused to accept the results, was eased out of office by the threat of West African troops.



Zimbabwe's President Robert Mugabe was ousted in a coup, though replaced by his former deputy, Emmerson Mnangagwa, a military leader with his own long record of abuse. Both countries saw large public protests against the long-serving tyrants.

Yet the African defense of rights was most impressive in response to populist attacks on international justice. As recently as a year ago, many African leaders, some with blood on their hands and fearing prosecution, were plotting a mass exodus of their countries from membership in the International Criminal Court. Using populist rhetoric against what they claimed was neo-colonialism, they sought to portray the ICC as anti-African because, having taken seriously crimes against African people, it had concentrated its attention on the responsible African leaders. (Its reach was also limited by the refusal of some governments to ratify the ICC's treaty and by the UN Security Council's reluctance to refer other situations for investigation).

But the mass exodus became a mass fizzle when only Burundi withdrew, in an ultimately unsuccessful effort to halt ICC investigation of alleged crimes against humanity committed under Pierre Nkurunziza as he violently extended his term as president. Gambia reversed its announced withdrawal after President Barrow took office. And the South African courts at least temporarily blocked President Jacob Zuma's attempt to withdraw after he was embarrassed for flouting a court order to prevent Sudanese President Omar al-Bashir, facing ICC warrants, from fleeing South Africa during a visit to avoid arrest.

An outpouring of popular support for the ICC by civic groups across Africa helped to persuade most African governments to continue to stand behind the court. The ICC prosecutor also sought to extend the court's reach by asking its judges for permission to investigate crimes by all sides in Afghanistan, including torture committed there by US soldiers and intelligence agents with impunity.

## **The Big Role of Small States**

The past year saw an impressive willingness by small and medium-sized states to step into leadership roles when the major powers fell silent in the face of mass atrocities or even obstructed efforts to address them.

This is hardly the first time that smaller states have taken the lead on rights issues. The ICC, the Mine Ban Treaty, the Convention on Cluster Munitions, the Optional Protocol on Child Soldiers, and the International Convention against Enforced Disappearance were all secured largely by global coalitions of small and medium-sized states operating without or despite the major powers. Yet the willingness of these alternative voices to take center stage was particularly important in the past year as major powers largely walked off the stage or even tried to upend it.

### *Yemen*

The effort at the UN Human Rights Council to open an independent international investigation of abuses in Yemen was illustrative. A coalition of Arab states led by Saudi Arabia pummeled Yemeni civilians; conducted airstrikes on homes, markets and hospitals; and blockaded urgently needed humanitarian aid and other goods. As a result, 7 million people faced starvation, and the country had nearly 1 million suspected cases of cholera.

Opposing Houthi forces and their allies also used landmines, recruited child soldiers, and blocked aid. Despite this grave situation, the idea of an investigation received at best lukewarm support from the United States, the United Kingdom, and France, all major sellers of arms to Saudi Arabia. None was eager to take a public stand. In that void, the Netherlands stepped in and took the lead, ultimately joined by Canada, Belgium, Ireland, and Luxembourg.

The task was not easy. Saudi Arabia threatened to cut diplomatic and economic ties with any nation that supported the investigation. Yet in part because of that threat, and its implicit message that the wealthy should stand above scrutiny for their atrocities, Saudi Arabia was forced to capitulate to a UN investigation once it became clear it would most likely lose a contested vote. The hope now is that a group of investigators looking over the shoulders of the combatants in Yemen will compel better behavior.

### *Syria*

In the case of Syria, Russia's repeated vetoes and veto threats at the UN Security Council, sometimes joined by China, barred the only immediately available route to the

International Criminal Court. Despite a growing international effort to discourage use of the veto in situations of mass atrocities, Russia and China, as well as the United States, have not signed on to these initiatives.

To break that stalemate, the idea was floated to circumvent the Security Council's veto system by seeking action in the UN General Assembly, where no state has veto power. Leadership in this effort came from the tiny nation of Liechtenstein, which built a broad coalition of governments. With their support, the General Assembly ended up voting 105 to 15 to establish a mechanism to collect evidence and build cases for prosecution when venues ultimately become available—an important commitment to see justice done. It also opens the door to the General Assembly possibly creating a special tribunal for Syria should Russia continue to block a path to justice at the ICC.

The importance of this accountability was illustrated by the Syrian government's ongoing use of banned nerve agents such as sarin despite having supposedly relinquished all chemical weapons after its notorious August 2013 use of sarin in Eastern Ghouta. Russia offered a cover story for an April 2017 episode in the northwestern Syrian town of Khan Sheikhoun—that a Syrian conventional bomb supposedly hit a rebel cache of sarin—but that theory was conclusively disproved, so Russia responded by vetoing continuation of a UN investigation. When a permanent member of the Security Council is willing to use its power to cover the atrocities of an ally—in this case, while also providing military support—it is particularly important to explore alternative avenues for upholding the most basic rights.

### *The Philippines*

The Philippines presented an especially brazen and deadly example of a populist challenge to human rights. As he had done previously as mayor of Davao City, President Rodrigo Duterte took office encouraging the police to kill drug suspects. The resulting epidemic of police shootings—often portrayed as “shootouts” but repeatedly shown to be summary executions—had left more than 12,000 people killed in the roughly year and a half since Duterte took office. The vast majority of victims were young men from the slums of major cities—people who elicited little sympathy among many Filipinos.

The ongoing territorial dispute among China, the United States, and the Philippines over the South China Sea left little room for concern about executions. Donald Trump, as he has elsewhere, seemed mainly to admire Duterte's "strongman" qualities.

Instead, a major source of pressure to stop the slaughter came from a collection of states led by Iceland that issued statements at the UN Human Rights Council. Duterte tried to disparage these "bleeding hearts" but ended up, under pressure, transferring authority to combat drugs, at least for a while, from the murderous police to a far more law-respecting drug agency. When the police were withdrawn from anti-drug operations, executions dropped precipitously.

### *Women's Rights*

Several of today's populists display a misogynist slant. In the past year, Russia decriminalized certain acts of domestic violence. Poland, already possessing one of the most restrictive abortion laws in Europe, is now limiting access to emergency contraception.

Under Trump, the US government reintroduced an expanded "Global Gag Rule" that vastly reduces funding for essential health care for women and girls abroad.

Yet there were rising voices in response. The Women's March, convened initially as an American response to the election of Trump, morphed into a global phenomenon, with millions gathering in support of women's human rights.

Canadian Prime Minister Justin Trudeau and French President Macron both identified themselves as feminists, with Canada making the pursuit of gender equality a central part of its aid programs and France announcing new measures to combat gender-based violence and sexual harassment. The Dutch, Belgian, and Scandinavian governments led efforts to establish an international reproductive rights fund to replace US funding lost through the Global Gag Rule, and Sweden pursued a "feminist foreign policy" that prioritizes the rights of women and girls in places such as Saudi Arabia.

Responding in large part to the campaigning of women's rights activists, three Middle Eastern and North African states—Tunisia, Jordan, and Lebanon—repealed provisions in their penal codes that allowed rapists to escape punishment by marrying their victims.

### *LGBT Rights*

Sexual and gender minorities were a common target of governments seeking to rally conservative backers, often as a diversion from governance failures. Whether Putin in Russia, al-Sisi in Egypt, or Mugabe in Zimbabwe, leaders tried to stoke moral panic for their own political gain against lesbian, gay, bisexual, and transgender (LGBT) people. Police in Indonesia, Tanzania, and Azerbaijan targeted LGBT people in public and raided private spaces with impunity.

Regardless of its form, heightened persecution of LGBT people is a good indication that the government is failing to deliver on public expectations. Yet the assumption that persecution of LGBT people would inevitably meet with approval is becoming less certain.

Most Latin American countries have moved squarely into the pro-LGBT rights camp in international forums, joining Japan along with many North American and European countries. Mozambique, Belize, Nauru and the Seychelles have in recent years all decriminalized same-sex conduct.

This pushback manifested itself even in Russia. The detention, torture, enforced disappearance and murder of gay men by forces under Chechen President Ramzan Kadyrov met such widespread outrage that Putin was compelled to rein in his brutal ally, ending the purge in this southern Russian republic. Yet elsewhere other priorities still sometimes got in the way, as in the response to anti-LGBT crackdowns in Egypt, where donors seemed reluctant to raise the issue for fear of offending a counterterrorism ally.

### **Time to Act, Not Despair**

The central lesson of the past year is that despite the considerable headwinds, the defense of human rights can succeed if the proper efforts are made. Populists offer superficial answers to complex problems, but broad swathes of the public, when reminded of the human rights principles at stake, can be convinced to reject the populists'

scapegoating of unpopular minorities and their efforts to undermine checks and balances against government abuse.

The inward orientation of Western powers wrought by the struggle over populism has led to an increasingly fragmented world where mass atrocities are too often left unchecked. Still, principled small and medium-sized countries can make a difference when they join forces and act strategically.

A fair assessment of global prospects for human rights should induce concern rather than surrender—a call to action rather than a cry of despair. As we enter the 70th anniversary year of the Universal Declaration of Human Rights, the challenge is to seize the considerable opportunities that remain to push back against those who would reverse hard-fought progress.

Human rights standards provide guidance but become operational only with champions among governments and ordinary people. Each of us has a part to play. The past year shows that rights can be protected from populist assaults. The challenge now is to strengthen that defense and reverse the populist surge.