

The Dangerous Rise of Populism

Global Attacks on Human Rights Values

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Human rights exist to protect people from government abuse and neglect. Rights limit what a state can do and impose obligations for how a state must act. Yet today a new generation of populists is turning this protection on its head. Claiming to speak for “the people,” they treat rights as an impediment to their conception of the majority will, a needless obstacle to defending the nation from perceived threats and evils. Instead of accepting rights as protecting everyone, they privilege the declared interests of the majority, encouraging people to adopt the dangerous belief that they will never themselves need to assert rights against an overreaching government claiming to act in their name.

The appeal of the populists has grown with mounting public discontent over the status quo. In the West, many people feel left behind by technological change, the global economy, and growing inequality. Horrific incidents of terrorism generate apprehension and fear. Some are uneasy with societies that have become more ethnically, religiously and racially diverse. There is an increasing sense that governments and the elite ignore public concerns.

In this cauldron of discontent, certain politicians are flourishing and even gaining power by portraying rights as protecting only the terrorist suspect or the asylum seeker at the expense of the safety, economic welfare, and cultural preferences of the presumed majority. They scapegoat refugees, immigrant communities, and minorities. Truth is a frequent casualty. Nativism, xenophobia, racism, and Islamophobia are on the rise.

This dangerous trend threatens to reverse the accomplishments of the modern human rights movement. In its early years, that movement was preoccupied with the atrocities

of World War II and the repression associated with the Cold War. Having seen the evil that governments can do, states adopted a series of human rights treaties to limit and deter future abuse. Protecting these rights was understood as necessary for individuals to live in dignity. Growing respect for rights laid the foundation for freer, safer, and more prosperous societies.

But today, a growing number of people have come to see rights not as protecting them from the state but as undermining governmental efforts to defend them. In the United States and Europe, the perceived threat at the top of the list is migration, where concerns about cultural identity, economic opportunity, and terrorism intersect. Encouraged by populists, an expanding segment of the public sees rights as protecting only these “other” people, not themselves, and thus as dispensable. If the majority wants to limit the rights of refugees, migrants, or minorities, the populists suggest, it should be free to do so. That international treaties and institutions stand in the way only intensifies this antipathy toward rights in a world where nativism is often prized over globalism.

It is perhaps human nature that it is harder to identify with people who differ from oneself, and easier to accept violation of their rights. People take solace in the hazardous assumption that the selective enforcement of rights is possible—that the rights of others can be compromised while their own remain secure.

But rights by their nature do not admit an à la carte approach. You may not like your neighbors, but if you sacrifice their rights today, you jeopardize your own tomorrow, because ultimately rights are grounded on the reciprocal duty to treat others as you would want to be treated yourself. To violate the rights of some is to erode the edifice of rights that inevitably will be needed by members of the presumed majority in whose name current violations occur.

We forget at our peril the demagogues of yesteryear—the fascists, communists, and their ilk who claimed privileged insight into the majority’s interest but ended up crushing the individual. When populists treat rights as an obstacle to their vision of the majority will, it is only a matter of time before they turn on those who disagree with their agenda. The risk only heightens when populists attack the independence of the judiciary for upholding the rule of law—that is, for enforcing the limits on governmental conduct that rights impose.

Such claims of unfettered majoritarianism, and the attacks on the checks and balances that constrain governmental power, are perhaps the greatest danger today to the future of democracy in the West.

Spreading Threat and Tepid Response

Rather than confronting this populist surge, too many Western political leaders seem to have lost confidence in human rights values, offering only tepid support. Few leaders have been willing to offer a vigorous defense, with the notable exception, at times, of German Chancellor Angela Merkel, Canadian Prime Minister Justin Trudeau, and US President Barack Obama.

Some leaders seem to have buried their heads in the sand, hoping the winds of populism will blow over. Others, if not seeking to profit from populist passions, seem to wish that emulation of the populists might temper their ascendancy. British Prime Minister Theresa May denounced “activist left wing human rights lawyers” who dare to challenge British forces for torture in Iraq. French President François Hollande borrowed from the National Front playbook to try to make depriving French-born dual citizens of their nationality a central part of his counterterrorism policy, an initiative he later abandoned and said he regretted. The Dutch government supports restrictions on face veils for Muslim women. Many European leaders now back the call of Hungary’s Prime Minister Viktor Orbán to close Europe’s borders, leaving refugees in the lurch. Such mimicry of the populists only reinforces and legitimizes the politicians attacking human rights values.

A similar trend can be found outside the West. Indeed, the rise of Western populists seems to have emboldened several leaders to intensify their flouting of human rights. The Kremlin, for example, has eagerly defended President Vladimir Putin’s authoritarian rule as no worse than the West’s increasingly troubled human rights record. China’s Xi Jinping, like Putin, has pursued the toughest crackdown on critical voices in two decades. President Recep Tayyip Erdoğan of Turkey took advantage of a coup attempt to crush opposition voices. President Abdel Fattah al-Sisi of Egypt intensified the crackdown begun after his own coup. President Rodrigo Duterte of the Philippines has openly called for summary executions of suspected drug dealers and users—and even of human rights

activists who defend them. Prime Minister Narendra Modi of India tried to shut down critical civic groups as he closed his eyes to intimidation and hate crimes by Hindu nationalist groups against religious and ethnic minorities.

Meanwhile, confident that there is little to fear in the West's occasional protests, Syrian President Bashar al-Assad, backed by Russia, Iran, and Lebanon's Hezbollah, has shredded the international laws of war, ruthlessly attacking civilians in opposition-held parts of the country including eastern Aleppo. Several African leaders, feeling vulnerable to domestic or international prosecution themselves, have harshly criticized the International Criminal Court and, in three cases, announced their intention to withdraw from it.

To counter these trends, a broad reaffirmation of human rights is urgently needed. The rise of the populists should certainly lead to some soul-searching among mainstream politicians, but not to an abandonment of first principles, by officials or the public. Governments committed to respecting human rights serve their people better by being more likely to avoid the corruption, self-aggrandizing, and arbitrariness that so often accompany autocratic rule. Governments founded on human rights are better placed to hear their citizens and recognize and address their problems. And governments that respect human rights are more easily replaced when people become unhappy with their rule.

But if the appeal of the strongman and the voices of intolerance prevail, the world risks entering a dark era. We should never underestimate the tendency of demagogues who sacrifice the rights of others in our name today to jettison our rights tomorrow when their real priority—retaining power—is in jeopardy.

Trump's Dangerous Rhetoric

Donald Trump's successful campaign for the US presidency was a vivid illustration of this politics of intolerance. Sometimes overtly, sometimes through code and indirection, he spoke to many Americans' discontent with economic stagnation and an increasingly multicultural society in a way that breached basic principles of dignity and equality. He stereotyped migrants, vilified refugees, attacked a judge for his Mexican ancestry, mocked

a journalist with disabilities, dismissed multiple allegations of sexual assault, and pledged to roll back women's ability to control their own fertility.

To make matters worse, there was also a practical emptiness to much of his rhetoric. For example, a large part of his campaign was built around attacking trade deals and the global economy, but he also scapegoated undocumented migrants as responsible for stealing American jobs. Yet the mass deportation of migrants that he threatened, including of many with established ties in the United States and a record of contributing productively to the economy, will do nothing to bring back long-lost manufacturing jobs. US job growth continues to rise, but to the extent there is economic stagnation for some, it can hardly be blamed on undocumented migrants whose net numbers have not changed significantly in recent years and who are often willing to perform jobs that most US citizens will not.

Candidate Trump's plan for confronting terrorism by Muslims was equally futile—even counterproductive—as he demonized the very Muslim communities whose cooperation is important for identifying tomorrow's plots. He portrayed refugees as security risks even though they are subjected to far more thorough vetting than the vastly larger number of people entering the US for business, education, or tourism. Trump also showed no willingness to limit overbroad measures such as mass surveillance, an enormous invasion of privacy that has proven no more effective than judicially supervised, targeted surveillance.

Trump even toyed with reintroducing torture such as waterboarding, apparently oblivious to the bonanza for terrorist recruiters provided by President George W. Bush's "enhanced interrogation techniques." His belated post-election discovery of torture's ineffectiveness after a conversation with the general he later nominated to head the Defense Department offers little solace because he simultaneously declared a willingness nonetheless to order torture "if that's what the American people want." He, presumably, would be the privileged interpreter of that desire, while ignoring the laws and treaties that prohibit inflicting such brutality and pain regardless of the circumstances.

The Populist Wave in Europe

In Europe, a similar populism sought to blame economic stagnation on migration, both to and within the European Union. Yet those who hoped to stop migration by voting for

Brexit—perhaps the most prominent illustration of this trend—risk making Britain worse off economically.

Throughout the European continent, officials and politicians harken back to distant, even fanciful, times of perceived national ethnic purity, despite established immigrant communities in most countries that are there to stay and whose integration as productive members of society is undermined by this hostility from above. There is tragic irony in the anti-refugee policies of some leaders, such as Hungary's Orbán: Europe welcomed Hungarian refugees from Soviet repression but today Orbán's government does everything it can to make life miserable for the latest people fleeing war and persecution.

No government is obliged to admit everyone who comes knocking at its nation's doors. But international law limits what can be done to control migration. People seeking asylum must be given a fair hearing and, if their claims are found valid, a refuge. No one should be returned to war, persecution, or torture. With narrow exceptions, immigrants who have spent many years in a country or developed family ties should be given a route to legal status. Detention should not be arbitrary, and deportation procedures must afford due process.

With those caveats, governments can bar and send home economic migrants.

Yet contrary to the appeals of the populists, immigrant communities living lawfully in a country should have their rights fully respected. No one should face discrimination in housing, education, or employment. Everyone, regardless of legal status, is entitled to protection by the police and fairness within the justice system.

Governments should invest to help immigrants to integrate and fully participate in society. Public officials in particular have a duty to reject the hatred and intolerance of populists and affirm their faith in independent and impartial courts tasked with upholding rights. Those are the best ways to ensure that, even as nations become more diverse, they maintain the democratic traditions that historically have proved the best route to prosperity.

Particularly in Europe, some politicians justify hostility toward immigrants—especially Muslims—by suggesting that these communities want to replicate the suppression of women or gays and lesbians in certain of their home countries. But the proper response to

these repressive practices is to reject them—they are the reason many immigrants have fled—and to ensure that all members of society respect the rights of all others. The answer is not to reject the rights of one segment of the population—in the current climate, typically Muslims—in the name of protecting the rights of others. Such selectivity in the application of rights undermines the universality of rights that is their essence.

Rising Authoritarianism in Turkey and Egypt

Erdoğan's increasingly dictatorial rule in Turkey illustrates the dangers of a leader trampling on rights in the name of the majority. For several years, he has shown diminishing tolerance for those who would challenge his plans, whether to build over a park in central Istanbul or to amend the constitution to permit an executive presidency.

In the past year, Erdoğan and his Justice and Development Party used a coup attempt and its hundreds of victims as an opening to crack down not only on the plotters he alleged had been associated with the exiled cleric Fethullah Gülen but also on tens of thousands of others deemed to be his followers. A declared state of emergency became an opportunity to turn on other perceived critics as well, closing down much of the independent media and civil society groups. In addition, in the name of pursuing the Kurdistan Workers' Party, or PKK, the government jailed the leaders and parliamentarians of the main pro-Kurdish party in Parliament and removed its local mayors.

There was broad cross-party support for Erdoğan's government in the wake of the coup, given the collective sigh of relief that many in Turkey felt after the attempt failed. But with the precedent of repression established, and the independence of the courts and other institutions of law decimated, there was nothing to stand in the way of Erdoğan's widening crackdown. A firm and timely response from Western leaders might have been expected, but other interests, whether curtailing the flow of refugees to Europe or fighting the self-described Islamic State, or ISIS, often stood in the way.

Egypt under the Sisi government underwent a similar evolution. Unhappy with the brief rule of the Muslim Brotherhood under President Mohamed Morsy, many Egyptians welcomed the military coup that Sisi led in 2013. But he has proceeded to rule far more repressively than even the long dictatorship of President Hosni Mubarak that was

overthrown during the Arab Spring. For example, Sisi oversaw the killing of at least 817 Muslim Brotherhood protesters in a single day in August 2013—one of the largest massacres of protesters in modern times.

Many Egyptians assumed that only Islamists would be targeted, but Sisi has overseen the radical closing of political space, with human rights groups, independent media, and opposition political parties all shut, and tens of thousands of prisoners held, often after torture and with little if any judicial process.

The Shallow Appeal of the Strongman

The rising tide of populism in the name of a perceived majority has paralleled a new infatuation with strongman rule that was apparent particularly prominently during the US presidential election campaign. If all that matters are the declared interests of the majority, the thinking seems to go, why not embrace the autocrat who shows no qualms about asserting his “majoritarian” vision—self-serving as it may be—and subjugating those who disagree.

But the populist-fueled passions of the moment tend to obscure the longer-term dangers to a society of strongman rule. Putin, for instance, has presided over a weakening Russian economy plagued by massive crony corruption and a failure to diversify when oil prices were high, leaving it vulnerable to the decline that followed. Fearful that popular discontent of the sort seen on the streets of Moscow and several other large cities beginning in 2011 might revive and spread, Putin has sought to preempt it, introducing draconian restrictions on assembly and expression, setting out new, unprecedented sanctions for online dissent, and crippling civil society groups.

The Kremlin bolstered Putin’s autocracy and boosted his dwindling approval ratings by mobilizing public nationalism in support of Russia’s occupation of Crimea, which triggered European Union sanctions and only deepened economic decline. In Syria, his military backing of Assad’s slaughter of civilians, with Russian bombers joining in, made the lifting of those sanctions, as a political matter, all the more remote. Until now, the Kremlin’s skilled propagandists have tried to justify increasing economic hardship by claiming the need to counter alleged efforts by the West to weaken Russia. However, as the economy

deteriorates further, it gets harder for Russian apologists to sell that message to the Russian public.

China's President Xi has embarked on a similar path of repression. China enjoyed remarkable economic growth as earlier leaders freed the Chinese people economically from the whims of Communist Party rule that had brought the disastrous Great Leap Forward and Cultural Revolution. But economic liberalization was not accompanied by political reform, which was left stillborn in the crushing of the 1989 Tiananmen Square democracy movement. Ensuing governments made economic decisions guided mostly by the party's desire to sustain growth at any cost in order to keep popular discontent under wraps. Corruption flourished while social inequity soared and the environment deteriorated.

Worried as well that popular discontent would rise as economic growth slowed, Xi, too, has embarked on the most intense crackdown since the Tiananmen era, leaving his government even less accountable. Despite anointing himself with a lengthening list of leadership titles, this strongman looks increasingly fearful, while not delivering on the Chinese people's demands for cleaner air, safer food, a just judicial system, and an accountable government.

Similar tendencies have characterized other autocrats' rule. The Bolivarian revolution in Venezuela, initiated by the late President Hugo Chávez and now stewarded by his successor, Nicolás Maduro, has become an economic disaster for the worst-off segments of society whom it ostensibly serves. Their reward has been hyperinflation, severe food and medicine shortages, and a nation with the largest proven oil reserves on the planet reduced to penury. The government has also launched military and police raids in immigrant and low-income communities that led to widespread allegations of abuse, including extrajudicial executions, arbitrary deportations, evictions, and destruction of homes.

Meanwhile, President Maduro, who controls the judiciary, deployed the intelligence services to arbitrarily detain and prosecute opposition politicians and ordinary critics, undermined the ability of the opposition majority in the National Assembly to legislate, and used his allies at the electoral authority to obstruct a recall referendum.

Indeed, there is a long history of autocrats delivering results for themselves but not their people. Even supposed models of authoritarian development like Ethiopia and Rwanda are plagued upon closer examination by government-imposed suffering. The Ethiopian government forced rural farmers and pastoralists into service-deprived villages to make room for agricultural megaprojects. The Rwandan government rounded up street vendors and beggars and beat them in filthy detention centers in the name of clean streets. Central Asia is filled with strongmen whose countries have stagnated under enduring Soviet-style rule. Even relatively vibrant countries in Southeast Asia now see their economic progress put at risk by the stultifying rule of the Thai military junta and the corruption-heavy government of Malaysian Prime Minister Najib Razak.

Civic Groups and the International Criminal Court Under Attack

In Africa, some of the most alarming attacks on human rights protections stem from strongmen who, refusing to transfer power peacefully, curb criticism through violence and legislation. A disconcerting number of African leaders have removed or extended term limits—the so-called constitutional coup—while others have launched violent crackdowns to suppress opposition and public protests over flawed or unfair elections. Teodoro Obiang Nguema Mbasogo of Equatorial Guinea, Yoweri Museveni of Uganda, and Robert Mugabe of Zimbabwe—each in power for more than 30 years—have amended their nations’ constitutions to remain in office.

In recent years, the wave of presidents seeking additional terms sometimes succeeded through suppression of any opposition, as in Rwanda, or through violent repression of protests, as in Burundi and the Democratic Republic of Congo. Many of these governments used similar tools to restrict civil society groups and independent media, cut access to social media and the internet, and shut down political opposition. The attacks on civic groups have targeted foremost their funding—Ethiopia was a leader in this tactic—as governments that actively solicit foreign aid, trade, and investment suddenly balk at civic groups seeking contributions from abroad.

This backdrop of strongmen refusing to relinquish power occasionally intersects with concern over potential prosecution for crimes committed while in office. Burundian President Pierre Nkurunziza was the first to announce plans to withdraw from the

International Criminal Court (ICC), because violent repression under his rule had made him a prime target for prosecution. He was soon joined by Gambia's President Yahya Jammeh, a notoriously brutal dictator, although a short time later he was voted out of power, and his elected successor, Adama Barrow, said he would reverse Jammeh's decision to leave the court. South Africa had long been an African leader on human rights and justice, but President Jacob Zuma started the process to withdraw from the ICC as he was being hounded by corruption allegations and an embarrassing domestic legal challenge to his decision to flout a court order by letting Sudan's President Omar al-Bashir flee the country rather than answer ICC charges for genocide and crimes against humanity. Meanwhile, Kenya's President Uhuru Kenyatta, whose ICC charges were dropped amid pressure on witnesses and government obstruction of the prosecution's investigation, fueled attacks on the ICC by the African Union.

That these few African leaders do not speak for all Africans was reinforced by civic groups across the continent that reaffirmed their support for the ICC. They were backed by such states as Nigeria, Tanzania, Senegal, and Ghana. These Africans saw through the fallacious claim that the ICC, led by an African chief prosecutor who is fighting to end the impunity that has caused so many African people to suffer atrocities without recourse, is somehow anti-African.

The ICC, which through 2015 had focused its investigations on only African victims, is challenged by the failure of powerful states, including the United States, China, and Russia, to have joined the court. As of November 2016, it had yet to open formal investigations in several important non-African situations that it had under preliminary examination, such as those implicating US officials for unprosecuted torture in Afghanistan or Israeli officials for their policy of illegally transferring Israelis to settlements in the occupied West Bank.

If the opponents of the court really want equitable justice, they should lead efforts to encourage completion of these investigations, or to press Russia and China to stop using their veto at the UN Security Council to block ICC jurisdiction over the atrocities being committed in Syria. Their silence on this broader quest for justice reveals their main concern—undermining prospects for justice at home. That several African nations want to

substitute an African court that would exempt sitting presidents and other senior officials speaks volumes.

The attacks on the ICC were not only in Africa, but they had in common an interest in impunity. Russia had never joined the court but deactivated its signature—a move of symbolic, not practical significance—after the ICC prosecutor opened an investigation into crimes allegedly committed during the 2008 Georgia-Russia conflict and placed the situation in Ukraine under examination. Philippines President Duterte dismissed the ICC as “useless” after its prosecutor warned that Duterte’s encouragement of summary executions could fall under her jurisdiction.

The ICC, with its mandate to deliver justice for the world’s worst crimes when national courts fail, will inevitably rub up against powerful political interests opposed to accountability. It needs countervailing political and practical assistance from supporters to succeed.

Attacks on Civilians in Syria

Syria represents perhaps the deadliest threat to rights standards. There is no more fundamental wartime rule than the prohibition against attacking civilians. Yet Assad’s military strategy has been to fire deliberately and indiscriminately at civilians who live in areas of the country held by the armed opposition, as well as civilian structures there, such as hospitals.

With devastating aerial bombing including “barrel bombs,” cluster munitions, artillery barrages, and occasional chemical weapons, Assad has laid waste to vast stretches of Syria’s cities, with the aim of depopulating them to make it harder for opposition forces to operate there. That strategy has been supplemented by deadly sieges designed to starve the civilian population into surrender.

Since September 2015, despite these blatant war crimes, Assad has been joined by Russian forces that have substantially reinforced his firepower but have not altered his strategy. Indeed, the strategy looks remarkably similar to the one used by the Kremlin to devastate Chechnya’s capital, Grozny, in 1999 and 2000, in an effort to crush an armed rebellion there.

These war-crime attacks on civilians, committed with little global effort to bring the authors to justice, are the primary reason why so many Syrians have been displaced. Half the population has been forced from its home, and some 4.8 million have fled for neighboring countries, mostly Lebanon, Turkey, and Jordan, with some 1 million moving on to Europe. Yet when it comes to Syria, the West remains focused primarily on ISIS. ISIS is responsible for unspeakable atrocities, and it represents a threat well beyond its haven in Syria and Iraq, but its civilian toll in Syria is vastly exceeded by Assad's. Local sources estimate that Assad's forces and his allies are responsible for some 90 percent of Syrian civilian deaths.

Because Assad's political survival today depends on Russia's military support, Putin has enormous potential leverage over his conduct. But there is no evidence that the Kremlin has used that leverage to stop the slaughter of civilians. On the contrary, Russian bombers have regularly joined in, as in the tragic case of Aleppo.

Yet the Obama administration in particular has been disappointingly reluctant to press Russia to use that leverage, focusing instead on Russia as a partner in peace talks—even though the negotiations have dragged on endlessly with little to show for the effort, while the attacks on civilians make the prospect of Syrian opposition forces coming to terms with the government even more remote.

Judging by his campaign rhetoric, President-elect Trump seems determined to increase this US focus on ISIS, and is even proposing to join with Putin and Assad in that effort, evidently ignoring how little of their energy has been directed to ISIS and the role their atrocities play as a driver of ISIS recruitment. Even if ISIS is ultimately defeated militarily, these atrocities could easily breed new extremist groups, just as similar atrocities helped to fuel the emergence of ISIS from the ashes of Al-Qaeda in Iraq.

The Need to Reaffirm Human Rights Values

What is needed in the face of this global assault on human rights is a vigorous reaffirmation and defense of the basic values underpinning these rights.

There are important roles for many to play. Civil society organizations, particularly groups that fight to uphold rights, need to protect civic space where it is threatened, build alliances across communities to show the common interest in human rights, and bridge North-South divides to join forces against autocrats who are clearly learning from each other.

Media outlets should help to highlight the dangerous trends underway, tempering their coverage of today's statements and conduct with analysis of the longer-term ramifications. They should also make a special effort to expose and rebut the propaganda and "fake news" that certain partisans generate.

Governments ostensibly committed to human rights must more regularly defend basic principles. That includes democracies in Latin America, Africa, and Asia that now regularly vote positively on country initiatives at the UN led by others but rarely take the lead, whether at the UN or in their direct relations with other countries.

Ultimately, responsibility lies with the public. The demagogues traffic in casuistry, building popular support by spinning false explanations and cheap solutions to genuine ills. The best antidote is for the public to demand a politics based on truth and the values on which rights-respecting democracy has been built. Populists thrive in a vacuum of opposition. A strong popular reaction, using every means available—civic groups, political parties, traditional and social media—is the best defense of the values that so many still cherish despite the problems they face.

Lies do not become truth just because propagated by an army of internet trolls or a legion of partisans. Echo chambers of falsehoods are not inevitable. Facts remain powerful, which is why autocrats go to such lengths to censor those who report inconvenient truths, especially about human rights abuse.

Values are fragile. Because the values of human rights depend foremost on the ability to empathize with others—to recognize the importance of treating others the way we would want to be treated—they are especially vulnerable to the demagogue's exclusionary appeal. A society's culture of respect for human rights needs regular tending, lest the fears of the moment sweep away the wisdom that built democratic rule.