

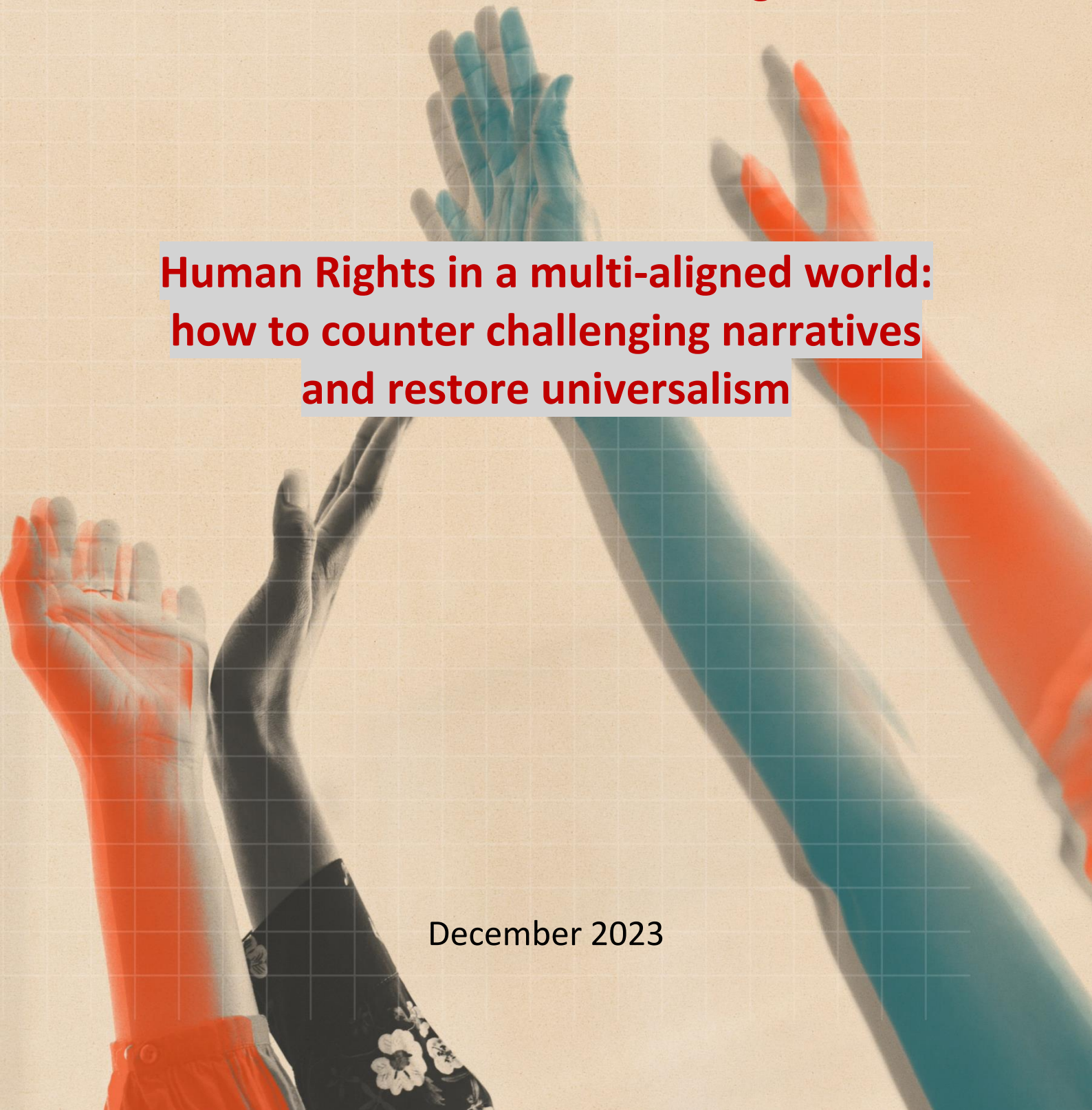


Österreichisches Institut für Internationale Politik  
Austrian Institute for International Affairs

## **30 years after the Vienna World Conference on Human Rights**

**Human Rights in a multi-aligned world:  
how to counter challenging narratives  
and restore universalism**

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## Imprint:

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*“As far as human rights are concerned, whether Easterner, or Westerner, Southerner, or Northerner, white or black or yellow – no matter – all individual human beings have the same rights from birth to death. We are all the same”.*

The Dalai Lama at the 1993 Vienna World Conference on Human Rights

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## Introduction

The universality of human rights is the cornerstone of the contemporary international order. Universal human rights are the common ground “in which all people of good will can come together”, Albert Camus, the celebrated Algerian-born writer and philosopher, said in a lecture on “The Human Crisis” at Columbia University on 28 March 1946;<sup>1</sup> the “quintessential values through which we affirm together that we are a single human community”, Secretary-General of the United Nations Boutros Boutros-Ghali highlighted in his opening address at the 1993 Vienna World Conference on Human Rights,<sup>2</sup> a landmark event in the history of the modern human rights movement.

“Universality is inherent in human rights.”<sup>3</sup> Its basic principle derives from the dignity of the human person.<sup>4</sup> It has a double meaning.



*World Conference on Human Rights, Vienna, 14-15 June 1993. Data source: UN Photo Digital Asset Management System*

<sup>1</sup> Accessed on <https://pdfcoffee.com/the-human-crisis-albert-camus-lecture-pdf-free.html>.

<sup>2</sup> Address by the Secretary-General of the United Nations at the opening of the World Conference on Human Rights, Vienna, 14 June 1993, A/CONF.157/22, 12 July 1993, 3, <https://digitallibrary.un.org/record/183145>.

<sup>3</sup> *Idem*, 5.

<sup>4</sup> Brems E. (2001), “Human Rights: Universality and Diversity”, The Hague / Boston / London: Martinus Nijhoff Publishers, 4.

First, the rights, or rather the corresponding norms, must be of territorially universal application. The same human rights standards are applicable to all human beings in all situations, in every country, every community and every culture, regardless of local traditions and singularities. Our conception of human rights does not vary with latitudes or with circumstances.

Second, their content must cover every human being (universality of the rights-holders).<sup>5</sup>

Universality of human rights has two logical implications.

On the one hand, universal human rights are interdependent and indivisible. “You cannot have one human right without the other,” a principle which U.N. High Commissioner for Human Rights Volker Türk has repeatedly recalled.<sup>6</sup>

On the other hand, their implementation involves the general formal acceptance of near-global membership international human rights covenants such as: the Convention on the Elimination of All forms of Racial Discrimination (1965); the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and the Convention on the Rights of the Child (1989). These instruments provide recognized standards against which governments may be – and are effectively – criticized by individuals, other governments and international organizations. Guaranteeing human rights is no longer just a face-to-face relationship between the sovereign state and the citizen: it is owed to the international community as a whole.

“Promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”, is one of the purposes of the United Nations as enshrined in Article 1 of the U.N. Charter. Universal respect for, and observance of, human rights and fundamental freedoms are further recalled in Article 55 of the Charter.<sup>7</sup>

Sixty-five years ago, on 10 December 1948, the United Nations General Assembly adopted, by consensus, the Universal Declaration of Human Rights, marking the birth of contemporary international human rights. The universality principle further appeared at the preamble of all major treaties on human rights. The mandate of the Human Rights Council established in 2006 by the U.N. General Assembly on the remnants of the old Commission on Human Rights also states that “all human rights are universal, indivisible, interrelated, interdependent and

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<sup>5</sup> Schilling T. (2021), “On the Universality of Human Rights as Norms and Rights”, *Archiv des Völkerrechts*, 59(3), 264; García Escobar G. (2023), “Norms versus Interpretations: Human Rights Universality Revisited”, *Global Jurist*, 23(2), 189 f.

<sup>6</sup> Office of the High Commissioner for Human Rights (2023), “Vienna+30 looks to the future of human rights”, <https://www.ohchr.org/en/stories/2023/06/vienna-30-looks-future-human-rights>.

<sup>7</sup> “With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination for peoples, the United Nations will promote: (...) c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”.

mutually reinforcing” and that “all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis”.<sup>8</sup>



*Eleanor Roosevelt of the United States in 1949, holding a Universal Declaration of Human Rights poster in Spanish. Data source: UN Photo # 117539.*

Yet, the universality of human rights has never been taken for granted. Its contestation has grown since the end of the Cold War. Like a threat to the “palpable feeling of good”<sup>9</sup> generated by the fall of the Iron Wall, concerns over threats to the universalization of human rights were already noticeable at the 1993 U.N. World Conference in Vienna. The international community had to resist claims that the minimum human rights standards were essentially Western in nature and thus not appropriate to the ‘particularities’ of countries with different religions and cultural traditions. A decade earlier, the African Charter on Human and People’s Rights (1981) had emphasized “the virtues of (the African states’) historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and people’s rights”.<sup>10</sup> Alarming conclusions also emerged from the regional meetings held in preparation of the World Conference. The resolution issued by the 21<sup>st</sup> Islamic Conference of Foreign Ministers in Karachi, Pakistan in April 1993 stated that “while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, taking into account the various historical, cultural and religious backgrounds and the principal legal systems”.<sup>11</sup> As for the African regional meeting, it concluded with the following observation: “No ready-made model can be prescribed at the universal level since the historical and cultural realities of each nation and the traditions, standards and values of each people cannot be disregarded.”<sup>12</sup> Therefore, the call for universality against particularity was the

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<sup>8</sup> UNGA Resolution 60/251, accessed on [https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251\\_en.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf).

<sup>9</sup> Robinson M. (1993), "Human Rights at the Dawn of the 21st Century", *Human Rights Quarterly*, 15(4), 629.

<sup>10</sup> Organization of African Unity, African Charter on Human and People’s Rights, Preamble, [https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf).

<sup>11</sup> Quoted by Mayer A. E. (1994), "Universal versus Islamic Human Rights: A Clash of Cultures or Clash with a Construct," *Michigan Journal of International Law*, 15(2), 371.

<sup>12</sup> “Final Declaration of the Regional Meeting for Africa of the World Conference on Human Rights”, Tunis, 1992, A/CONF.157/AFRM/14 & A/CONF.157/PC/57, 24 Nov. 1992, para. 5, p. 2, accessed on <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G92/146/80/PDF/G9214680.pdf?OpenElement>.

‘rallying cry’ of the 1993 World Conference,<sup>13</sup> through the *motto* "All Human Rights for All." The Vienna Declaration and Programme of Action (VDPA) adopted on 23 June 1993 reaffirmed the universality principle "again and again, almost to the point of redundancy".<sup>14</sup> Paragraph 1 of the Declaration indeed recalled

“the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.”

At Paragraph 32,

“The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.”

Finally, at Paragraph 37,

“Regional arrangements play a fundamental role in promoting and protecting human rights. They should reinforce universal human rights standards, as contained in international human rights instruments, and their protection.”<sup>15</sup>

*Alois Mock, Minister for Foreign Affairs of Austria and Conference President, addresses the 1993 World Conference. Data source: UN Photo Digital Asset Management System*



After decades of eclipse due to the confrontation between the two Blocs, the 1993 World Conference initiated the start to the tone and texture of post-Cold War international relations, permeated by a renewed emphasis on human rights. Achieving a consensus on the reaffirmation of the universality of human rights, forty-five years after the adoption of the Universal Declaration, was perhaps the most significant success of the event, despite facing pressure during the preparatory work leading to Vienna. Yet, this unprecedented situation has also multiplied the occasions for conflict on these prominent issues. The ambiguous diplomatic compromise – the ‘Vienna consensus’ -, reached after weeks of wrangling, has left many developing countries, especially in Asia, frustrated. “If anything, the Vienna conference may only have hardened attitudes on both sides and increased the deep

<sup>13</sup> Ramcharan B. G. (2022), “Africa and the Universality of Human Rights”, Leiden / Boston: Brill Nijhoff, xi.

<sup>14</sup> Cerna C. M. (1994), “Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts”, *Human Rights Quarterly*, 16, 742.

<sup>15</sup> Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in Vienna on 25 June 1993, <https://www.ohchr.org/sites/default/files/vienna.pdf>.



skepticism with which many Asian countries regard Western posturing on human rights”.<sup>16</sup>

Is universality of all human rights a “myth”?<sup>17</sup> While the notion resonates with our shared values and aspirations, the journey towards it is fraught with complexities and hurdles. Globalization and Fukuyama’s ‘End of History’ have not conveyed the expected universal implications on human rights. Thirty years after its adoption, “we must recognize that in many areas, we have failed to build on the foundations of the UDPA. The inspiring opening promise of the Universal Declaration – that all human beings are born equal in dignity and in rights, and that these will be respected as such – is still only a dream for far too many people.”<sup>18</sup>



*Mary Robinson (right), former President of Ireland and former U.N. High Commissioner for Human Rights, speaks during a high-level panel discussion “Vienna+20: Human Rights Achievements, Shortcomings and the Way Forward” in 2013. Next to Ms. Robinson is Heinz Fischer, President of Austria. Data source: UN Photo Digital Asset Management System*

This study opens with a review of the main obstacles to the universality of human rights (1). We will then look at the new multi-alignment that characterizes international relations today and its implications for human rights (2) before focusing more closely on the partnership between China and the Russian Federation (3). Eventually, we will explore ways of reconnecting with the necessary universality of human rights and give a few recommendations to Austria and Europe (4).

**“Universality is inherent in human rights”**  
Boutros Boutros-Ghali, former Secretary-General of the United Nations (1992-1996)

<sup>16</sup> Kausikan B. (1993), “Asia’s Different Standard”, *Foreign Policy*, 92, 32.

<sup>17</sup> *Ibid.*

<sup>18</sup> Keynote Speech by Ms. Navi Pillay United Nations High Commissioner for Human Rights, 27 June 2013, <https://www.ohchr.org/en/statements/2013/06/keynote-speech-ms-navi-pillay-united-nations-high-commissioner-human-rights?LangID=E&NewsID=13488>.

## 1. A FEW MAIN OBSTACLES TO UNIVERSAL HUMAN RIGHTS

Even though human rights realities vary substantially from one country to another, states rarely openly oppose human rights as a universal concept. While the idea of universal rights is widely accepted and promoted, achieving universality nevertheless faces several obstacles. “Neither of norms nor of rights can it thus be claimed that ‘all human rights are universal’ in the literal sense.”<sup>19</sup>

### 1.1 Cultural relativism and respect for diversity

In his famous and highly controversial contribution to *Foreign Affairs* in 1993, Samuel Huntington warned:

“The great divisions among humankind and the dominating source of conflict will be cultural. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will dominate global politics. The fault lines between civilizations will be the battle lines of the future.”<sup>20</sup>

In contrast to the notion of universal human rights as an element of ‘moral objectivism’,<sup>21</sup> cultural relativism espouses that ethical beliefs and values are dependent on the specific cultural, social and local political contexts of each human community.<sup>22</sup> Its application to human rights is not new. In his most-applauded lecture on the Universality of Human Rights, Lord Hoffmann, a senior South African British judge, argued that “human rights are universal in abstraction but national in application. (...) The application of many human rights in a concrete case, the trade-offs which must be made between individual rights and effective government, or between the rights of one individual and another, will frequently vary from country to country, depending on local circumstances and legal traditions”.<sup>23</sup>

As an anthropological theory, relativism privileges the diversity of cultures and socio-political systems over the universal ‘morality’ of the human rights treaties.<sup>24</sup> Human rights may vary depending on the context, and are often exalted regionally – i.e. ‘Asian values’ or ‘African values’. This was the vision of the Bangkok Declaration, adopted at the Asian regional meeting held from 29 March to 2 April 1993 in preparation for the Vienna Conference, in which

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<sup>19</sup> Schilling T. (2021), *op. cit.* at footnote 5, 276.

<sup>20</sup> Huntington S. P. (1993). The clash of civilizations. *Foreign Affairs*, 72(3), 22.

<sup>21</sup> Duquette D. (2005), “Universalism and Relativism in Human Rights”, Chap. 4 in: Reidy D. A. & Sellers M. N. S. (Ed.), “Universal Human Rights. Moral Order in a Divided World”, Lanham *et al.*: Rowman & Littlefield Publishers, 66.

<sup>22</sup> Donnelly J. (2007), “The Relative Universality of Human Rights”, *Human Rights Quarterly*, 29(2), 293 f.; Martínez Esponda P. J. (2022), “The Universality of Human Rights”, Academy of International Humanitarian Law and Human Rights, Geneva, Academy Briefing No 20, 25, [https://www.geneva-academy.ch/joomlatools-files/docman-files/Briefing%202020\\_web.pdf](https://www.geneva-academy.ch/joomlatools-files/docman-files/Briefing%202020_web.pdf).

<sup>23</sup> Lord Hoffmann (2009), “The Universality of Human Rights”, Judicial Studies Board Annual Lecture, Para. 23 & 24, accessed on <https://www.studeersnel.nl/nl/document/open-universiteit/inleiding-recht/hoffmann-2009-jsb-annual-lecture-universality-of-human-rights-2/28164761>.

<sup>24</sup> Etzioni A. (1997), “The End of Cross-Cultural Relativism”, *Alternatives*, 22(2), 177.

recognition of the principle of universality was linked to a claim of respect for cultural diversity:

"While human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm- setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds."<sup>25</sup>

At the 1993 Vienna Conference, China's representative, Liu Huaqiu, indicated in unmistakable terms that, according to the official Chinese point of view, the content and scope of human rights are determined by the society in which they apply. His intervention contained all the characteristic 'Asian claims' in rather explicit terms:

"The concept of human rights is a product of historical development. It is closely associated with specific social, political and economic conditions and the specific history, culture and values of a particular country. Different historical stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standard and model of certain countries as the only proper ones and demand all other countries to comply with them. It is neither realistic nor workable to make international economic assistance or even international economic cooperation conditional on them."<sup>26</sup>

When viewed in a positive light, cultural relativism is difficult to reject. The question arises when this concept becomes 'ethical relativism' and is conceived, not in a complementary way, but in opposition to the universalism of human rights.<sup>27</sup> In this radical theory, there is no transboundary legal or moral standards against which human rights practices may be assessed.<sup>28</sup> As long as the state can argue that it is fulfilling its culturally defined obligation, there exists a justifiable logic for limiting or abrogating the rights of individuals which stands in the way. For instance, a country would be entitled to suppress opposition or to prevent girls from attending school because of its cultural heritage.<sup>29</sup> As a matter of logical consequence, members of one culture should not 'judge' the members of another culture. Furthermore, one should not and cannot deem certain country models as truly fulfilling the human rights standards and demand all other countries to comply with them.

## 1.2 The accusation of cultural imperialism

When the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations in 1948, half of the world was still under colonial rule. The negotiation of the document occurred prior to the communist victory in the Chinese Civil War.

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<sup>25</sup> Bangkok Declaration adopted at the regional meeting for Asia of the World Conference on Human Rights, doc. A/CONF.157/ASRM/8 A/CONF.157/PC/59, operative para. 8, accessed on <https://digitallibrary.un.org/record/167021#record-files-collapse-header>.

<sup>26</sup> Quoted by Van Dijk P. (1995), "A Common Standard of Achievement. About Universal Validity and Uniform Interpretation of International Human Rights", *Netherlands quarterly of human rights*, 13(2), 105.

<sup>27</sup> Duquette D. (2005), *op. cit.* at footnote 21, 63.

<sup>28</sup> Tesón F. R. (1984), "International Human Rights and Cultural Relativism", *Virginia Journal of International Law*, 25(4), 870-871.

<sup>29</sup> Cohen R. (1989), "Human Rights and Cultural Relativism: The Need for a New Approach", *American Anthropologist*, 91, 1015.

The imposition of universal human rights regimes to the newly independent states of Africa and Asia - a peculiar *either/or* situation<sup>30</sup>- has given certain developing countries a convenient pretext for denouncing human rights as a colonialist weapon, imposed on the rest of humanity as “part of the ideological patrimony of Western civilization”<sup>31</sup> The very notion that there could be a ‘universal civilization’ – or rather, as we would say, universal ‘elements’ of civilization – has been regarded as a Western ethnocentric idea directly at odds with the particularism of most developing societies and their emphasis on what distinguishes one population from another. Even when they did not reject the Western anthropological vision, many African and Asian countries have invoked difficulties of understanding, interpretation and implementation with regards to their own unique context.<sup>32</sup>

Proven by the accusation of ‘double standards’ in human rights politics, this so-called paternalist and “coercive universality”<sup>33</sup> has sometimes been turned into what Karl Popper calls the “conspiracy theory”:<sup>34</sup> the notion of human rights as a Western machiavellian creation calculated to impair the economic development of the Third World, something that Tesón coins as a dangerous “myth”.<sup>35</sup> The Chinese delegation again made ample reference to this *corpus* of arguments at the 1993 Vienna Conference, enumerating human rights violations (i.e. colonialism, fascism, racism, apartheid, foreign invasion and occupation, underdevelopment, impoverishment, starvation, etc.) for which the West should be blamed.

Yet, according to Secretary-General Boutros-Ghali, “the fact that human rights keep pace with the course of history should not change what constitutes their very essence, namely their universality!”<sup>36</sup> The fact that Western influence is still predominant in human rights norm-making and agenda-setting does not justify the conclusion that they cannot be made applicable to all people worldwide.

A number of Muslim countries have availed themselves of both the ‘diversity’ and the ‘imperialism’ arguments to justify their reservations with the universality of human rights. Islamic states – Iran and Saudi Arabia at the forefront - have criticized the Western-oriented human right perspective as emblematic of a secular understanding of the Judeo-Christian tradition. Article 18 of the Universal Declaration (i.e. “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief (...)”) is particularly problematic for Islam which denies the right to change religion and prohibits apostasy. Although caricatural and far from being indicative of the view of the

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<sup>30</sup> Sawad A. A. (2017), “Islamic Reservations to Human Rights Treaties and Universality of Human Rights within the Cultural Relativists Paradigm”, *The Journal of Human Rights*, 12(2), 102.

<sup>31</sup> Cerna C. M. (1994), *op. cit.* at footnote 14, 740. Seth Kaplan provides with a definition of “Western universality”: “Western universalists hold that international human rights treaties prescribe the adoption of values like autonomy, individualism, equality, choice, secularity, and rationality and that there is a particular ordering of these values vis-à-vis family, work, justice, politics, reproduction, and sexuality. When commentators describe human rights as universal, they are often implying that a certain way of life rooted in the Western, thin society concept of liberalism, individualism, and modernity ought to hold sway.” (Kaplan S. D. (2018), “Human Rights in Thick and Thin Societies: Universality Without Uniformity”, Cambridge University Press, 3-4).

<sup>32</sup> García Escobar G. (2023), *op. cit.* at footnote 5, 187.

<sup>33</sup> Tejada González J. L. (2020), “Human Rights: Universality and Domination”, *International Journal of Social Science Studies*, 8(6), 123.

<sup>34</sup> Popper K. R. (1994), “The Open Society and Its Enemies”, Princeton & Oxford: Princeton University Press, 306.

<sup>35</sup> Tesón F. R. (1984), *op. cit.* at footnote 28, 896-897.

<sup>36</sup> Address at the opening of the World Conference, *op. cit.* at footnote 2, 5.

majority of Muslims who advocate for the universality of human rights, the radical position expressed in 1983 by Iran's U.N. Ambassador, Sa'id Raja'i Khorasani, at the General Assembly, has remained well-known:

"Conventions, declarations and resolutions or decisions of international organizations, which were contrary to Islam, had no validity in the Islamic Republic of Iran. (...) The Universal Declaration of Human Rights, which represented secular understanding of the Judaeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran. This country would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions."<sup>37</sup>



*Boutros Boutros-Ghali, Secretary-General of the United Nations (right), conferring with Prince Saud Al-Faisal, Minister for Foreign Affairs of Saudi Arabia (left), at the 1993 World Conference on Human Rights in Vienna.  
Data source: UN Photo Digital Asset Management System*

Muslim countries have put forward the 'Islamic reservations' to international human rights treaties on grounds of incompatibility of these rights with the religious tenets of Islam.<sup>38</sup> For instance, when signing the Convention on the Rights of the Child in 1990, Pakistan made the following reservation:

"Provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values."<sup>39</sup>

<sup>37</sup> Doc. A/C.3/39/SR.65, 7 Dec. 1984, para. 95, 20, accessed on <https://digitallibrary.un.org/record/73659>.

<sup>38</sup> Sawad A. A. (2017), *op. cit.* at footnote 30, 101 & 126 f.

<sup>39</sup> United Nations Treaty Collection, Convention on the Rights of the Child, New York, 20 Nov. 1989, accessed on [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4#11](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4#11). This reservation was withdrawn in 1997.

Saudi Arabia's reservation to the Convention on the Elimination of All Forms of Discrimination Against Women states:

"In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention."<sup>40</sup>

When signing the Convention on the Elimination of All forms of Racial Discrimination, the Wahabbi Kingdom made clear that

"it will implement the provisions of the above Convention, providing these do not conflict with the precepts of the Islamic *Shariah*".<sup>41</sup>

*A meeting of the Organization of Islamic Cooperation. Data source: [https://madrasadisourses.nd.edu/module\\_attachments/4-3-6-the-cairo-declaration-and-human-rights/](https://madrasadisourses.nd.edu/module_attachments/4-3-6-the-cairo-declaration-and-human-rights/).*

Islam's distinctive approach to human rights has taken form in the 1990 Cairo Declaration on Human Rights in Islam, issued by the Organization of the Islamic Conference.<sup>42</sup> Such constructs of Islamic rights in the civil and political sphere, though, seem to be designed to shore up the political interests of those promoting them and have only a tenuous connection to Islamic culture, as University Professor Ann Elizabeth Mayer rightly evidences.<sup>43</sup> In any event, the various Islamic declarations on human rights, adopted since the 1980s, "fail to reconcile Islam with universal human rights, especially insofar as Sharia is their unique source of reference".<sup>44</sup>



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<sup>40</sup> United Nations, "Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women", CEDAW/SP/2006/2, 10 April 2006, 26, accessed on <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/309/97/PDF/N0630997.pdf?OpenElement>.

<sup>41</sup> United Nations Treaty Collection, International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966, accessed on [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&clang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=en#EndDec).

<sup>42</sup> The Cairo Declaration of the Organization of Islamic Cooperation on Human Rights, accessed on [https://www.oic-oci.org/upload/pages/conventions/en/CDHRI\\_2021\\_ENG.pdf](https://www.oic-oci.org/upload/pages/conventions/en/CDHRI_2021_ENG.pdf).

<sup>43</sup> Mayer A. E. (1994), *op. cit.* at footnote 11, 402-403.

<sup>44</sup> Council of Europe, Parliamentary Assembly (2019), "Sharia, the Cairo Declaration and the European Convention on Human Rights", Resolution 2253, para. 4, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=25353>.

### 1.3 National sovereignty and the interests of the nation

After decolonization, cultural relativism and anti-imperialism have reinforced self-determination and the duty of non-intervention in internal affairs. "Once the people choose a political and cultural system, nothing in international law confers a right to change the system."<sup>45</sup>

At the Bangkok regional meeting, in preparation for the Vienna Conference, the Asian states "emphasize(d) the principles of respect for national sovereignty and territorial integrity as well as non-interference in the internal affairs of states, and the non-use of human rights as an instrument of political pressure". They also "reiterate(d) that all countries, large and small, have the right to determine their political systems, control and freely utilize their resources, and freely pursue their economic, social and cultural development".<sup>46</sup>

Governments strive to be the master in their own country. According to this view, each state would be entitled to formulate its own policies on human right protection in light of its particular conditions. As a result, no country should be allowed to use the human rights issue to exert political and economic pressures on other countries. Appealing to national sovereignty has also been part of China's strategy. Like other communist states in the past, China chose to portray human rights issues as pertaining to its internal affairs, thereby asserting the right of each country to formulate its own policies on human rights protection.<sup>47</sup> As we will see later in this study, this argument is still at the core of China's human rights policy.<sup>48</sup>

### 1.4 Individual rights subordinated to the rights of the community

At the 1993 Vienna Conference, the Malaysian Minister of Foreign Affairs protested against the "manifest emphasis on individual rights at the expense of the rights of the community" in the debate, highlighting how "excessive individual freedom leads to a decay in moral values and weakens the whole social fabric of nations."<sup>49</sup>

State-centered people's rights, instead of individual rights, have characterized China's policy until now. "We should follow a people-centered approach, place development and people's well-being high on the agenda, and when policies are implemented, measures are adopted and actions are taken, always give top priority to bettering people's lives."<sup>50</sup>

Collective people's rights are often backed by the primacy of economic development and progress. In the late 1980s, the 'Singapore School' of human rights<sup>51</sup> promoted the Asian

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<sup>45</sup> Tesón F. R. (1984), *op. cit.* at footnote 28, 881.

<sup>46</sup> Bangkok Declaration, *op. cit.* at footnote 25, operative para. 5 & 6.

<sup>47</sup> Mayer A. E. (1994), *op. cit.* at footnote 11, 374.

<sup>48</sup> See hereafter pp. 26-27.

<sup>49</sup> Quoted by Brems E. (2001), *op. cit.* at footnote 4, 61.

<sup>50</sup> Keynote Speech by H.E. Xi Jinping, President of the People's Republic of China, at the Opening Ceremony of the Boao Forum for Asia Annual Conference 2022, Beijing, 21 April 2022, accessed on <https://news.cgtn.com/news/2022-04-21/Full-text-Xi-Jinping-s-speech-at-2022-Boao-Forum-for-Asia-19ppial90Eo/index.html>.

<sup>51</sup> Brems E. (2001), *op. cit.* at footnote 4, 36 f.

model of “economic development first, human rights after”, while criticizing the West for its multiple failure (insecurity, poverty, instability). According to this view, individual rights are important, but order and economic growth even more so.



## 2. UNIVERSAL HUMAN RIGHTS IN THE “MULTIPLEX” WORLD

In 2014, Amitav Acharya, an Indian-born Canadian scholar and distinguished professor of International Relations at the American University in Washington, D.C. issued a book titled *The End of American World Order*. In this piece and subsequent contributions, Acharya challenges our conventional vision by drawing comparisons from the world of cinema. Rather as a metaphor than a theory, he suggests that the world will be like a ‘Multiplex’ theatre: just as several different movies can be screened in such a place, it is possible for different systems to simultaneously coexist. What he calls the ‘multiplex world’ allows the audience more variety, more choices, and more control over what they wish to see. Although the American ‘Blockbuster’ show – meaning the U.S.-driven liberal world order - may continue to dominate the box office for a while, the audience may lose interest when faced with more choices and different narratives.<sup>52</sup> A multiplex world is not defined by the hegemony of any single nation or idea. Referring to the G7 and G20, Acharya compares this universe to a ‘G-Plus world’, where leadership is shared and exercised by different groups of actors, depending on interests, expertise and capabilities. Multiplexity does not necessarily mean that the West is in decline; but it does mean that the United States is no longer in the position to create the rules and dominate the global governance in the manner it had for much of the post–World War II period. While elements of the old liberal order will survive, they are subsumed in a “complex of multiple, crosscutting international orders”.<sup>53</sup> They must accommodate new actors and approaches that do not succumb to the West’s commands and preferences. It is a “world of multiple modernities”, where Western liberal modernity is only a part of what is offered.<sup>54</sup>

Although Acharya does not like ‘multipolarity’, which he deems outdated as it refers back to a very particular pre-World War II period in European history which is unlikely to repeat itself in the same way,<sup>55</sup> his concept sounds very much like the notion of a multipolar world order, which has lately become a recurrent theme and which Indian Foreign Minister Jaishankar calls “the natural state of the world”.<sup>56</sup>

Indeed, the return to multipolarism is inevitable. “World orders do not just rise and decline, they also evolve”.<sup>57</sup> So why should we care, as Barry Posen already asked fifteen years ago?<sup>58</sup>

### 2.1 “The West vs. the Rest”<sup>59</sup>

The debate about Western decline is not new. In July 1918, the German philosopher Oswald Spengler published his famous work *Der Untergang des Abendlandes* (The Decline of the

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<sup>52</sup> Acharya A. (2014), “The End of American World Order”, Cambridge: Polity, 6-9.

<sup>53</sup> Acharya A. (2017), “After Liberal Hegemony: The Advent of a Multiplex World Order”, *Ethics & International Affairs*, 31(3), 272.

<sup>54</sup> *Idem*, 277.

<sup>55</sup> *Idem*, 276.

<sup>56</sup> Jaishankar S. (2020), “The India Way: Strategies for an Uncertain World”, Noida: HarperCollins Publishers India, 12.

<sup>57</sup> Ikenberry J. G. (Ed., 2014), “Power, Order and Change in World Politic”, Cambridge University Press, 105.

<sup>58</sup> Posen B. R. (2009), “Emerging Multipolarity: Why Should We Care?”, *Current History*, 108(721), 347-352.

<sup>59</sup> Stent A. (2022), “The West vs. the rest”, *Foreign Affairs*, <https://foreignpolicy.com/2022/05/02/ukraine-russia-war-un-vote-condemn-global-response/>.

West).<sup>60</sup> Joseph S. Nye cornered the “liberal order” as “largely limited to a group of like-minded states centered on the Atlantic littoral”.<sup>61</sup> Equally, for Acharya, the international order, until now, is little more than the U.S.-UK-Western Europe-Australasian configuration. The Soviet bloc, China, India, and a sizeable portion of the ‘Third World’ existed outside of it. Therefore, it should be seen as a limited international order, rather than an inclusive global one.<sup>62</sup>

The calamitous consequences of the U.S. invasion of Iraq, the Libyan fiasco, the management of the Syrian crisis and the pitiful withdrawal of U.S. forces from Afghanistan in 2021, already highlighted the failures and fragilities of the West on the international stage. Behind the façade of a revival of U.S. leadership and Western unity in global affairs triggered by the war in Ukraine, Russia’s aggression has shaken previous Western assumptions about building a rules-based world order. The Euro-Atlantic region is no longer the geopolitical center. The eastward shift of global growth has been a continuous phenomenon over the last four decades. Its consequences for the international order are becoming visible. A poll published earlier this year by the European Council on Foreign Relations shows that, for 61 per cent of people in Russia, 61 per cent in China, 51 per cent in Türkiye, and 48 per cent in India, the future world order will be defined either by multipolarity or Chinese (or other non-Western) dominance.<sup>63</sup>

A multiplex world corresponds to the ‘de-Westernisation’ of the world. It marks the beginning of a ‘post-American era’,<sup>64</sup> the transition from a hegemonic, Western-dominated world to a much more pluralistic and “decentered architecture of order management”, featuring old and new powers, with a greater role for regional governance.<sup>65</sup> Acharya’s system is the age of the emerging powers, with the BRICS countries (i.e. Brazil, Russia, India, China, South Africa, with Argentina, Egypt, Ethiopia, Iran, Saudi Arabia and the United Arab Emirates scheduled to join the bloc on 1 January 2024) in the lead. The desire to free themselves from Western domination is the real foundation of the BRICS, against a backdrop of deep-seated resentment towards the former colonial or imperialist dominance. These ‘middle powers’<sup>66</sup> cannot challenge the existing world order as a whole, but they certainly can disrupt and reshape it.

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<sup>60</sup> Spengler O. (1950, reprint), “The decline of the West”, New York: Knopf (2 volumes).

<sup>61</sup> Nye J. S. (2017), “Will the Liberal Order Survive? The History of an Idea,” *Foreign Affairs*, 96(1), 12.

<sup>62</sup> Acharya A. (2017), *op. cit.* at footnote 53, 271.

<sup>63</sup> Garton Ash T., Krastev I. & Leonard M. (2023), “United West, divided from the rest: Global public opinion one year into Russia’s war on Ukraine”, European Council on Foreign Relations, Policy Brief, <https://ecfr.eu/publication/united-west-divided-from-the-rest-global-public-opinion-one-year-into-russias-war-on-ukraine/>.

<sup>64</sup> Zakaria F. (2022), “Putin’s invasion of Ukraine marks the beginning of a post-American era”, *The Washington Post*, <https://www.washingtonpost.com/opinions/2022/03/10/why-the-west-cant-let-putin-win-in-ukraine/>.

<sup>65</sup> Acharya A. (2014), *op. cit.* at footnote 52, 8; Acharya A. (2019), “Understanding the Emerging Multiplex World Order Understanding the Emerging Multiplex World Order”, *Interview conducted by Julia Kreienkamp*, UCL, Global Governance Institute, <https://www.ucl.ac.uk/global-governance/news/2019/jul/understanding-emerging-multiplex-world-order>.

<sup>66</sup> Krastev I. (2022), “Middle Powers are reshaping geopolitics”, *Financial Times*, 18 Nov. 2022, <https://www.ft.com/content/0129492d-ac7f-4807-8050-2760a09e9ccc>.



## 2.2 A world with no values

The multiplex world is likely to be more economic and less political and ideological, especially compared to the West's promotion of democracy and human rights. It goes along with the idea of a 'new globalization'.<sup>67</sup> Opportunism and realism have replaced the moral normative tone of the old non-alignment. India's Foreign Minister, Subrahmanyam Jaishankar, a brilliant career diplomat and skillful lieutenant to Prime Minister Modi, is a pragmatic man: as 'spirited' Indian pursuit of multi-alignment may be,<sup>68</sup> India's national interests are best served in "maximizing leverage in any given situation"<sup>69</sup> as well as "identifying and exploiting opportunities created by global contradictions", Jaishankar claims.<sup>70</sup> He feels he is entitled to have his own side: "I am entitled to weigh my own interests, and make my own choices. My choices will not be cynical and transactional. They will be a balance of my values and my interests".<sup>71</sup> While refusing to choose one side over the other – which is the Indian position of all time -, it is about claiming to be able to engage in dialogue with everyone – which is new. Briefly summarized, it is time for India to "engage America, manage China, cultivate Europe, reassure Russia, bring Japan into play, draw neighbors in, extend the neighborhood, and expand traditional constituencies of support".<sup>72</sup>

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<sup>67</sup> Acharya A. (2017), *op. cit.* at footnote 53, 278.

<sup>68</sup> Tallis A. J. (2021), "Non-Allied Forever: India's Grand Strategy According to Subrahmanyam Jaishankar", Carnegie Endowment for International Peace, <https://carnegieendowment.org/2021/03/03/non-allied-forever-india-s-grand-strategy-according-to-subrahmanyam-jaishankar-pub-83974>.

<sup>69</sup> Mishra R. (2023), "From non-alignment to multi-alignment: assessing India's foreign policy shift", *The Round Table*, 112(1), 53.

<sup>70</sup> Gerstenhaber A. (2023), "From Delhi with Love: Dr. Jaishankar's Hegemonic Challenge and the Indian Vision for World Order", *Harvard International Review*, <https://hir.harvard.edu/from-delhi-with-love-dr-jaishankars-hegemonic-challenge-and-the-indian-vision-for-world-order/>.

<sup>71</sup> Quoted by Ghosh P. (2022), "'No, India not sitting on fence': Jaishankar says Europe has to change mindset", *Hindustan Times*, 3 June 2022, <https://www.hindustantimes.com/india-news/no-india-not-sitting-on-fence-jaishankar-says-europe-has-to-change-mindset-101654245499431.html>.

<sup>72</sup> Jaishankar S. (2020), *op. cit.* at footnote 56, 10.



Data source Fasulo F., Casanova G. A. & Morselli P. (2023), "Is India's Multi-Alignment Working?", Italian Institute for International Policy Studies, <https://www.ispionline.it/en/publication/is-indias-multi-alignment-working-137134>.

Alliances are flexible and political, and economic loyalties are driven more by pragmatism than ideology. Acharya calls it "pragmatic globalism"<sup>73</sup> The good old *realpolitik* serves as a compass - precisely what the UN Pact in 1946 and the post-World War II order rejected. No permanent friends, no permanent enemies, only permanent interests. 'Forum-shopping' is the new rule, through issue-centric arrangements of smaller and more concise groups which have a narrow focus.<sup>74</sup> India is part of the Indo-Pacific Quadrilateral Security Dialogue (QUAD), initiated in 2007 among four maritime democracies - India, the United States, Japan and Australia -, while at the same time sponsoring the International North-South Transport Corridor (INSTC, a 7,200-kilometer multi-modal transport corridor connecting Saint Petersburg to Mumbai through Iran) and chairing, in 2023, the Shanghai Cooperation Organization (SCO), a forum created by Russia and China of which India became a full member in 2017. India is a founding member of the BRICS. Further exemplifying this multi-vector foreign policy, Delhi also participates in the G7 and Commonwealth summits. Saudi Arabia's stance also announces the multiplex world in which opportunism serves as a roadmap: "We have no interest in breaking our alliance with the West, but it can no longer prevail over our interests. For example, if the U.S. Congress does not approve the arms purchases submitted to it, our duty is to go and knock on another door. We are allies, not lackeys", Faisal Abbas, Chief editor of *Arab News* underlined<sup>75</sup>. As for the Turkish leader Recep Tayyip Erdoğan, the epitome of opportunist politics, he simultaneously leads a NATO member country while appearing on the family photo of the SCO's summit in Samarkand, in September 2022.

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<sup>73</sup> Acharya A. (2017), *op. cit.* at footnote 53, 282.

<sup>74</sup> Abbas M. (2022), "Multi-alignment: How Nations are Navigating the present era", *Nicked & Dimed*, <https://nickledanddimed.com/2022/08/06/multi-alignment-how-nations-are-navigating-the-present-era/>.

<sup>75</sup> Quoted by Barthe B. (2023), "La nouvelle diplomatie opportuniste de l'Arabie", *Le Monde*, 23 March 2023, p. 4 (we translate).

The Ukraine war has amplified this trend. In the ‘Multiplex’, many countries in Africa, Asia, and Latin America, do not want to choose sides and do not feel they have to. They reject zero-sum geopolitical binaries. They take a position and vote in international *fora* according to their interests and not according to ideological alignments. At the March 2022 U.N. General Assembly special session on Ukraine, 52 governments from the ‘Global South’<sup>76</sup> did not support Western sanctions against Russia, despite Moscow’s blatant violation of Ukraine’s sovereignty<sup>77</sup>- a stance which was seen as a “sign of disrespect for the liberal international order.”<sup>78</sup> A month thereafter, 82 Southern states refused to back Western efforts to suspend Russia from the U.N. Human Rights Council.<sup>79</sup> These included powerful key players such as India, Indonesia, South Africa, Ethiopia, Brazil, Argentina and Mexico, a few among what *The Economist* calls the ‘transactional 25’ (t25), the twenty-five biggest economies that have sat on the fence on the Ukraine war, or wish to remain non-aligned in the Sino-American confrontation, or both. The members of this group vary significantly in terms of wealth and political systems and include both giant India and tiny Qatar. Yet they have some common ground. They are brutally pragmatic and have collectively become more powerful. Today they represent 45 percent of the world’s population and their share of global GDP has risen from 11 percent in 1992 to 18 percent in 2023, more than the EU’s.<sup>80</sup> This absence of strong values is precisely what makes an ensemble like the BRICS so attractive.

**“I am entitled to weigh my own interests, and make my own choices. My choices will not be cynical and transactional. They will be a balance of my values and my interests”**  
Subrahmanyam Jaishankar, Foreign Minister of India

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<sup>76</sup> The term ‘Global South’ appears to have been first used in 1969 by the American political activist Carl Oglesby. It has been used increasingly in the social sciences and has become a ‘common ground’ concept for inequality studies, international Cooperation, economics and international law (see Lira F. (2022), “The Global South – From conceptualization to action?”, Research Institute for Sustainability, Helmholtz Centre Potsdam, <https://www.rifs-potsdam.de/en/blog/2021/06/global-south-conceptualization-action>; and Heine J. (2023), “The Global South is on the rise – but what exactly is the Global South?”, *The Conversation*, <https://theconversation.com/the-global-south-is-on-the-rise-but-what-exactly-is-the-global-south-207959>).

<sup>77</sup> United Nations (2022), “Ukraine: UN General Assembly demands Russia reverse course on ‘attempted illegal annexation’”, <https://news.un.org/en/story/2022/10/1129492>.

<sup>78</sup> Cheatham A. (2023), “The New Nonaligned Movement Is Having a Moment”, United States Institute of Peace, <https://www.usip.org/publications/2023/05/new-nonaligned-movement-having-moment>.

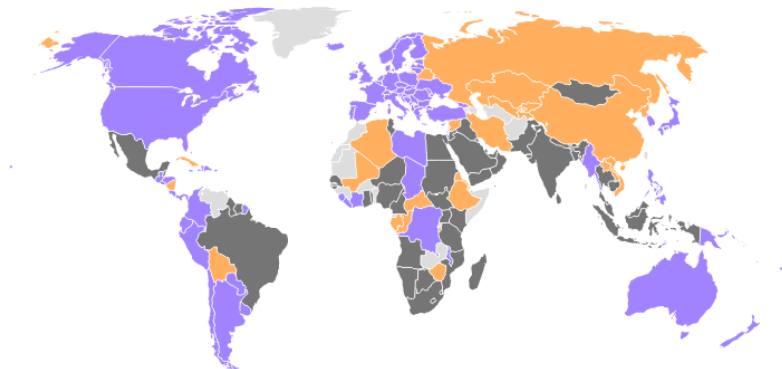
<sup>79</sup> United Nations (2022), “UN General Assembly votes to suspend Russia from the Human Rights Council”, <https://news.un.org/en/story/2022/04/1115782>.

<sup>80</sup> *The Economist*, “How to survive a superpower split”, 11 April 2023, <https://www.economist.com/international/2023/04/11/how-to-survive-a-superpower-split>.

# How countries voted on UN resolution suspending Russia from the Human Rights Council

April 7, 2022

■ Yes (93) ■ No (24) ■ Abstain (58)



Data source: Jared Whalen for Axios, in: Gottbrath L.-W. (2023), "UN suspends Russia from Human Rights Council", Axios, <https://www.axios.com/2022/04/07/un-suspend-russia-human-rights-council-bucha>.

## 2.3 No good news for human rights

For the time being, the multiplex world order allows the international community to navigate the turbulent waters of the 'new Cold War'. To borrow an expression used to assess the relationship between China and Russia, it provides with "an interim axis of convenience".<sup>81</sup> It however signals no good news for human rights. While it is certainly true that, "ultimately, hegemony is difficult to reconcile with democracy",<sup>82</sup> reconciling democracy with multi-alignment might well be a similar challenge. Political scientists point out that multipolarity is unstable, as it is subject to competition and rivalry.

A return to a multipolar world could be "marked by a rejection of human rights as prepolitical, apolitical and beyond politics".<sup>83</sup> While some states might become active supporters of international human rights protection, others might use their growing influence to (further) frustrate its functionality.<sup>84</sup> 'Normative hedging' (i.e. avoiding robust normative positions in

<sup>81</sup> Tchakarova V. (2020), "The Dragonbear: An Axis of Convenience or a New Mode of Shaping the Global System?", IRMO Brief 05/2020, 8, <https://www.aies.at/publikationen/2020/the-dragon-bear.php>.

<sup>82</sup> Reich S. & Lebow R. N. (2014), "Good-bye Hegemony! Power and Influence in the Global System", Princeton & Oxford: Princeton University Press, 183.

<sup>83</sup> Haaland Matlary J. (2013), "A return to multipolarity and Realpolitik? Human Rights Under Pressure", in: Pontifical Academy of Social Sciences, "The Global Quest for *Tranquillitas Ordinis*. Pacem in Terris, Fifty Years Later", Acta 18, 211, [https://www.pass.va/content/dam/casinapioiv/pass/pdf-volumi/acta/acta\\_18/acta18-matlary.pdf](https://www.pass.va/content/dam/casinapioiv/pass/pdf-volumi/acta/acta_18/acta18-matlary.pdf).

<sup>84</sup> Van Lindert T. (2016), "The International Human Rights Regime in a Multipolar World", in: Gartner L. (Ed.), "Shifting Paradigms", New York: Humanity in Action Press, 122-130, accessed on [https://humanityinaction.org/knowledge\\_detail/the-international-human-rights-regime-in-a-multipolar-world/?lang=fr](https://humanityinaction.org/knowledge_detail/the-international-human-rights-regime-in-a-multipolar-world/?lang=fr).

global politics), one of the elements of India's model of multi-alignment according to Ian Hall,<sup>85</sup> should inevitably expand to human rights. For India, "the big issues of our times are combating terrorism, addressing pandemics and acting on climate change";<sup>86</sup> not so much human rights or democracy promotion in international relations. In Jaishankar's mindset, cooperation occurs only when there is convergence. Without convergence (e.g. on human rights), cooperation is not a 'must'. The de-linking of internal issues from the international ones is another achievement of India's current foreign policy. At the time of the 'old' Non-Aligned Movement, India was assessed by the foreign governments on domestic issues. Instead the world today understands that the abrogation of Article 370 of the Indian Constitution (the special status of Jammu and Kashmir) and the Citizenship Amendment Act<sup>87</sup> constitute internal issues and are not open to international politics. Narendra Modi has repeatedly attacked human rights defenders as anti-Indian, while declaring that India is the "mother of democracy". In his mind, India's democracy must be viewed not through a 'Western' lens but as part of its 'civilisational ethos.'<sup>88</sup>

Before signing up to the West's requirements, new 'middle powers' with aspirations for regional dominance might intend to extract maximum concessions.<sup>89</sup> The West could be fast to adapt to this new reality. "As the international political landscape comes to be defined by the U.S.-China rivalry, the scope for democracy promotion and humanitarian intervention will shrink", Brian Carlson warns.<sup>90</sup> Despite recent domestic democratic backsliding<sup>91</sup> and willingness to promote *hindutva*, the supremacist ideology of the Bharatiya Janata Party (BJP) instead of Western conceptions of a liberal international order, 'illiberal' India has succeeded: Western and European countries turn a blind eye to the deterioration of the internal human rights situation, favoring a *realpolitik* dominated by the need to keep New Delhi as a partner. Chinese foreign minister Wang Yi's visit to the Indian capital city on 25 March 2022 ("If China and India spoke with one voice, the whole world will listen. If China and India joined hands,

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<sup>85</sup> Hall I. (2016), "Multialignment and Indian Foreign Policy under Narendra Modi", *The Round Table. The Commonwealth Journal of International Affairs*, 105(3), 278-279.

<sup>86</sup> Jaishankar S. (2021), "India-Russia ties in a changing world", speech at IMEMO, Moscow, 8 July 2021, para. 15, <https://indianembassy-moscow.gov.in/press-releases-EAM-08-07-2021-1.php>.

<sup>87</sup> Iyer P. (2019), "Analyzing global response to the controversial Citizenship Amendment Act", Observer Research Foundation, <https://www.orfonline.org/expert-speak/analyzing-global-response-to-the-controversial-citizenship-amendment-act-59529/>. The Citizenship (Amendment) Act, 2019 (CAA) was passed by the Parliament of India on 11 December 2019. It amended the 1955 Citizenship Act by providing an accelerated pathway to Indian citizenship for persecuted representatives of Hindu, Sikh, Buddhist, Jain, Parsi and Christian religious minorities from Afghanistan, Bangladesh and Pakistan who arrived in India before the end of December 2014. The law does not grant such eligibility to Muslims from these countries, though. The act was the first time that religion had been overtly used as a criterion for citizenship under Indian law. It attracted global criticism.

<sup>88</sup> Krishnan K. (2022), "Multipolarity, the Mantra of Authoritarianism", The India Forum, <https://www.theindiaforum.in/politics/multipolarity-mantra-authoritarianism>.

<sup>89</sup> Sahay T. (2022 b), "Non-alignment: The BRICS' New Bargaining Chip", Groupe d'études géopolitiques, <https://geopolitique.eu/en/articles/non-alignment-the-brics-new-bargaining-chip/>

<sup>90</sup> Carlson B. G. (2023), "China, Russia, and the Future of World Order", Chap. 1 in Carlson B. G. & Thränert O., "Strategic Trends 2023", Zürich, Center for Security Studies, 33, [www.css.ethz.ch/publications/strategic-trends](http://www.css.ethz.ch/publications/strategic-trends).

<sup>91</sup> India ranks 108<sup>th</sup> in the Electoral Democracy Index of the V Dem Democracy Report 2023 (V-Dem Institute, "Democracy Report 2023. Defiance in the Face of Autocratization", University of Gothenburg, [https://www.v-dem.net/documents/29/V-dem\\_democracyreport2023\\_lowres.pdf](https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf)).

the whole world will pay attention.”<sup>92</sup>) has unleashed the eagerness of Western leaders. In April, European Commission President Ursula von der Leyen made her first trip to India, where she laid the groundwork for several weeks of frenetic dealmaking on a sweeping agenda ranging from defense to green manufacturing. In a substantial whirlwind tour including visits to Germany, Denmark and France the following month, Prime Minister Narendra Modi won concessions that Indian policymakers have coveted for well over two decades.<sup>93</sup>

Contrary to Kagan’s ‘jungle’-like post-Cold War universe,<sup>94</sup> “the end of U.S. hegemony does not equal the ‘return of anarchy’”, Acharya promises.<sup>95</sup> This is doubtful. As former Indian national security adviser Shivshankar Menon writes:

“A kind of anarchy is creeping into international relations – not anarchy in the strict sense of the term, but rather the absence of a central organizing principle or hegemon. No single power can dictate the terms of the current order, and the major powers do not subscribe to a clear set of principles and norms; it’s hard to establish the rules of the road when so many countries are on their own paths.”<sup>96</sup>

In fact, Acharya’s hedging and purely transactional multiplex world promises to be brutal and extremely hectic; rather a world disorder than a world order. This opportunistic pluralism does not imply much risk by ‘good weather’, but it starts to be perilous in time of crisis and war. In this era of ‘geopolitical Darwinism’,<sup>97</sup> everyone must adapt not to disappear. Without a system of collective security, we can fear extreme instability, heightened unpredictability and, ultimately, an exacerbation of tensions. On human rights and many other issues, the West should not underestimate the elites of the Global South in their renewed efforts to chart an independent course.<sup>98</sup>

“Multipolarity has become the keystone of the shared language of global fascisms and authoritarianisms. It is a rallying cry for despots, that serves to dress up their war on democracy as a war on imperialism. The deployment of multipolarity to disguise and legitimise despotism is immeasurably enabled by the ringing endorsement by the global Left of multipolarity as a welcome expression of anti-imperialist democratisation of international relations.”<sup>99</sup>

Simply, is “Multipolarity, the Mantra of Authoritarianism”?

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<sup>92</sup> Shih G., Masih N. & Dou E. (2022), “China woos India as both face Western ire over Ukraine”, *The Washington Post*, <https://www.washingtonpost.com/world/2022/03/25/india-china-russia-war/>.

<sup>93</sup> Sahay T. (2022 b), *op. cit.* at footnote 89.

<sup>94</sup> Kagan R. (2018), “The Jungle Grows Back: America and Our Imperiled World”, New York: Knopf. - 192 p.

<sup>95</sup> Acharya A. (2017), *op. cit.* at footnote 53, 280.

<sup>96</sup> Menon S. (2022), “Nobody Wants the Current World Order”, *Foreign Affairs*, 3 August 2022, <https://www.foreignaffairs.com/world/nobody-wants-current-world-order>.

<sup>97</sup> Paris G. (2022), « L’ordre international s’efface, la jungle revient », *Le Monde*, 15 Dec. 2022, 35.

<sup>98</sup> Sahay T. (2022 a), “The Geometry of Fear in Eurasia”, *Policy Tensor*, <https://policytensor.substack.com/p/the-geometry-of-fear-in-eurasia>.

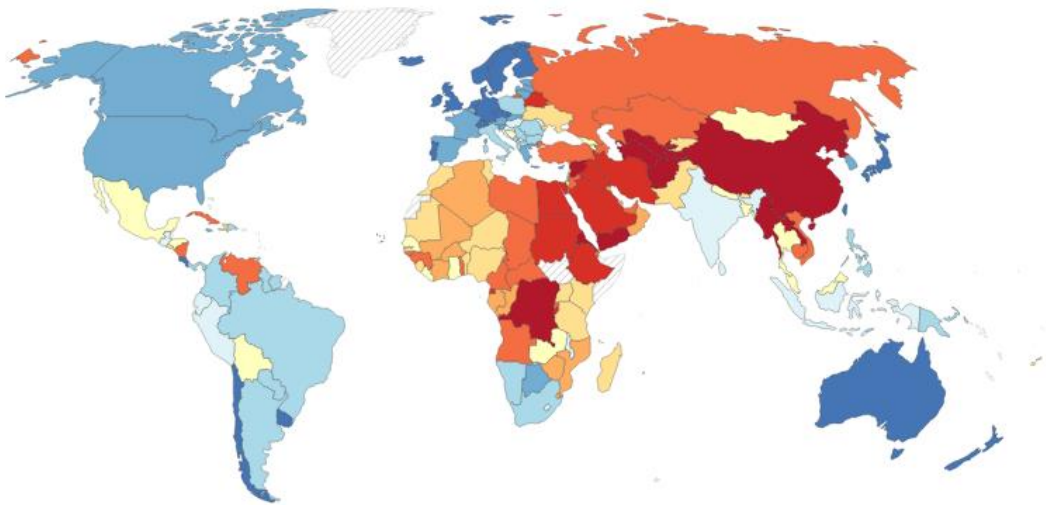
<sup>99</sup> Krishnan K. (2022), “Multipolarity, the Mantra of Authoritarianism”, *The India Forum*, <https://www.theindiaforum.in/politics/multipolarity-mantra-authoritarianism>.



# Civil liberties index, 2022



Based on the expert assessments and index by the Economist Intelligence Unit (2023). It ranges from 0 to 10 (most liberties).



Data source: Economist Intelligence Unit (2023)

[OurWorldInData.org/democracy](https://OurWorldInData.org/democracy) | CC BY

Data source: Economist Intelligence Unit (2023) via Our World in Data, <https://ourworldindata.org/grapher/civil-liberties-index-eiu>.

### 3. CHINA AND RUSSIA'S MULTIPOLAR WORLD

Russia-China relations have experienced many ups and downs. The year 2012, which also saw Xi Jinping's assumption to power, may be seen as marking the start of an informal alliance between the two neighbors, spurred by their mutual unease about the upsurge against authoritarianism during the Arab Spring and the protests against Vladimir Putin in Russia. Russian and Chinese official rhetoric has portrayed bilateral strategic ties at the best throughout their history. In 2019, the two countries upgraded their relations to the highest level of partnership within China's hierarchy of diplomatic ties - a Comprehensive Strategic Partnership of Coordination for a New Era.<sup>100</sup>

China and Russia have regularly called for the formation of a multipolar world since first having expressed the idea in a joint declaration in 1997.<sup>101</sup> Their collaboration has strengthened in recent years, driven in part by a desire to counterbalance the Western hegemony, promote a multipolar international system and ensure regime security.

#### 3.1 China as a 'systemic challenge'<sup>102</sup>

China's recent assertion has often been exclusively analyzed in terms of connectivity and economic interdependence, with the famous 'Belt and Road Initiative' as a cornerstone.<sup>103</sup> However, Beijing's so-called 'revisionism'<sup>104</sup> in terms of international norm setting must not be ignored. "Should an authoritarian China come to dominate international relations, the place of human rights in world affairs would change", David Forsythe predicted in 2006.<sup>105</sup> Almost twenty years later, China, supported by Russia, indeed stands at the forefront of authoritarian pushback against international human rights norms and the mechanisms built to protect them.

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<sup>100</sup> The State Council of the People's Republic of China (2019), "China, Russia agree to upgrade relations for new era", [https://english.www.gov.cn/news/top\\_news/2019/06/06/content\\_281476701425684.htm](https://english.www.gov.cn/news/top_news/2019/06/06/content_281476701425684.htm); Jochheim U. (2023), "China-Russia relations: A quantum leap?", European Parliament, Briefing, [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2022\)729349](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)729349).

<sup>101</sup> Russian-Chinese Joint Declaration on a Multipolar World and the Establishment of a New International Order, adopted in Moscow on 23 April 1997, annexed to United Nations doc. A/52/153 & S/1997/384, 20 May 1997, accessed on <https://digitallibrary.un.org/record/234074>.

<sup>102</sup> It is the way NATO's 2022 Strategic Concept addresses China (para. 14, accessed on [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2022/6/pdf/290622-strategic-concept.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/290622-strategic-concept.pdf)).

<sup>103</sup> Amidst a considerable literature, see Callahan W. A. (2016), "China's 'Asia Dream': The Belt Road Initiative and the new regional order", *Asian Journal of Comparative Politics*, 1(3), 226-243.

<sup>104</sup> Eisentraut S. (2023), "Universell-Out", Chap. 2 in: Bunde T. et al., "Re:Vision", Munich Security Conference Report 2023, 65, [https://d3mbhodo1l6ikf.cloudfront.net/2023/Munich%20Security%20Report%202023/MunichSecurityReport2023\\_Re\\_vision.pdf](https://d3mbhodo1l6ikf.cloudfront.net/2023/Munich%20Security%20Report%202023/MunichSecurityReport2023_Re_vision.pdf).

<sup>105</sup> Forsythe, D.P., "Human Rights in International Relations", Cambridge University Press, Cambridge, 2006, 8, quoted by Kinzelbach K. (2012), "Will China's rise lead to a new normative order? An Analysis of China's Statements on Human Rights at the United Nations (2000–2010)", *Netherlands Quarterly of Human Rights*, 30(3), 299–332.

At first glance, “China respects the principle of the universality of human rights”.<sup>106</sup> In practice, though, Beijing has long developed a set of counter-narratives to guard itself against this. China signed twenty-six international human rights instruments, including six core UN conventions, but has not yet ratified the 1966 Covenant on Civil and Political Rights. It has forged a double narrative: on the one hand, a defensive ‘rights-as-threat’ conception of human rights, which sees liberal human rights norms as potentially destabilizing the integrity of state sovereignty, and on the other hand, a ‘rights-as-capacity’ discourse, which promotes a ‘Chinese model of human rights’.<sup>107</sup> Beijing does not openly question or limit universality of human rights, but it searches to mitigate it with the following: cultural and political relativism; the diversity/specificity dialectic (‘national realities’); a people-centered approach to human rights (the people, collectively, is the ‘master of the country’<sup>108</sup>); support to ‘multipolarity’ in opposition to the Western-dominated international order; a zealous affirmation of its sovereignty;<sup>109</sup> and the right of each country to choose how to promote and protect those rights on the basis of its national situation.<sup>110</sup> From the ‘right to subsistence’ (having enough food and sufficient clothing) in the first white paper *Human Rights in China* produced by the Information Office of the State Council of the PRC,<sup>111</sup> to ‘development rights’ in the subsequent white papers (living standard, income, consumption, housing, disaster relief, health, medical care, work safety, labor rights, cultural services),<sup>112</sup> China has always had a ‘statist-materialist’ conception of human rights<sup>113</sup>. Beijing prioritizes development above all else as a precondition and a criterium for judging the human rights situation, and places much less emphasis on individual rights and significantly more on economic and social rights as well as on the value of the individual in terms of his or her contribution to harmony in society. “Development is the key to solving all China’s problems; it drives human rights progress in the

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<sup>106</sup> Human Rights Council, National Report submitted in accordance with paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1, China, A/HRC/WG.6/4/CHN/1, 10 Nov. 2008, para. 6, accessed on <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/171/00/PDF/G0817100.pdf?OpenElement>.

<sup>107</sup> Chen T. C. & Hsu C. (2021), “China’s human rights foreign policy in the Xi Jinping era: Normative revisionism shrouded in discursive moderation”, *The British Journal of Politics and International Relations*, 23(2), 230 & 239. See State Council Information Office (2021 a), “China: Democracy That Works”, [http://english.www.gov.cn/archive/whitepaper/202112/04/content\\_WS61aae34fc6d0df57f98e6098.html](http://english.www.gov.cn/archive/whitepaper/202112/04/content_WS61aae34fc6d0df57f98e6098.html).

<sup>108</sup> The State Council Information Office of the People’s Republic of China (2021 b), “The Communist Party of China and Human Rights Protection – A 100-Year Quest”, [http://english.scio.gov.cn/whitepapers/2021-06/24/content\\_77584416.htm](http://english.scio.gov.cn/whitepapers/2021-06/24/content_77584416.htm) (no pagination); “A People-centered Approach for Global Human Rights Progress”, remarks by Wang Yi, State Councilor and Foreign Minister of the People’s Republic of China, at the High-level Segment of the 46<sup>th</sup> Session of the United Nations Human Rights Council, 22 February 2021, [http://geneva.china-mission.gov.cn/eng/dbdt/202102/t20210222\\_9899531.htm](http://geneva.china-mission.gov.cn/eng/dbdt/202102/t20210222_9899531.htm).

<sup>109</sup> “Sovereign equality” is one of the Five Principles of Peaceful Coexistence reaffirmed by Xi Jinping in 2014 (“Carry Forward the Five Principles of Peaceful Coexistence To Build a Better World Through Win-Win Cooperation”, Address by President Xi Jinping at the meeting marking the 60th anniversary of the initiation of the Five Principles of Peaceful Coexistence, 28 June 2014, [https://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/zyjh\\_665391/201407/t20140701\\_678184.html](https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/zyjh_665391/201407/t20140701_678184.html)).

<sup>110</sup> Kinzelbach K. (2012), *op. cit.* at footnote 105, 308.

<sup>111</sup> See the passage on “Ensuring the Right to Subsistence” in “The Communist Party of China and Human Rights Protection – A 100-Year Quest”, *op. cit.* at footnote 108.

<sup>112</sup> Zhou Q. (2015), “brief review of discourse changes in china’s human rights white papers”, *Journal of Human Rights*, 14(2), 149 & 151.

<sup>113</sup> Chen T. C. & Hsu C. (2021), *op. cit.* at footnote 107, 241.

country.”<sup>114</sup> This “functional precedence of development”<sup>115</sup> promotes a hierarchy of rights while undermining their universal character.

Although the promotion of human rights has never been a major foreign policy objective for the People’s Republic, Henry Kissinger notes that China has long expected the international system to adapt in ways that grant it a greater say over rule-making, even to the extent of revising some of the existing rules. “Sooner or later, Kissinger predicts, they are sure to act on this expectation.”<sup>116</sup> Recent years have brought us straight to the point. China is no longer a passive norm-taker in the evolving international human rights norms and institutions. A more assertive China has started using human rights as a ‘soft’ diplomatic tool, with a realist approach. “While the PRC’s vision of human rights is not new, what is new is its revisionist posture in promoting its doctrine as an alternative human rights framework for the world.”<sup>117</sup> Under the *motto* ‘national rejuvenation’, Xi Jinping’s China is shifting foreign policy<sup>118</sup> and is now seeking to market and mainstream its state-centered norms and principles in the international human rights system. Larkin Tanner has forged the neologism ‘normfare,’ which refers to the strategic promotion of favored interpretations of international norms.<sup>119</sup> According to the Columbia University scholar, China is aiming to reshape international human rights norms and building a new global human rights paradigm, with two objectives: to deflect criticism of its human rights violations and to weaken international human rights institutions and the universal ideal of human rights. “The main objective of the PRC’s human rights strategy is to enhance the PRC’s status as a global power.”<sup>120</sup>

Two successive milestones recently marked China’s attempt to set its ‘human rights with Chinese characteristics’ - authoritarian political rule and state capitalism - as a model for the world.

On 21 April 2022, President Xi Jinping delivered a virtual keynote speech titled *Rising to Challenges and Building a Bright Future Through Cooperation* at the opening ceremony of the Boao Forum for Asia Annual Conference 2022, held in the eponym city of the Hainan Province. Xi’s announcement of this Global Security Initiative (GSI) was one of China’s many alternatives to the prevailing international system and attempts to insulate its system from perceived external geopolitical pressures.<sup>121</sup> It signaled the application of his theory to foreign policy, including efforts to shape the world order to China’s advantage and to build a global security architecture to rival the U.S.-led system of treaties, alliances, and institutions. One of the ‘six commitments’ through which the GSI should be implemented is “mutual respect for the sovereignty and territorial integrity of all countries, non-interference in the internal affairs of

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<sup>114</sup> “The Communist Party of China and Human Rights Protection – A 100-Year Quest”, *op. cit.* at footnote 108

<sup>115</sup> Martínez Esponda P. J. (2022), *op. cit.* at footnote 22.

<sup>116</sup> Kissinger H. (2015), “*World Order*”, New York: Penguin Press, 225.

<sup>117</sup> Larkin T. (2022), “China’s Normfare and the Threat to Human Rights”, *Columbia Law Review*, 122(8), 2287; see also Chen T. C. & Hsu C. (2021), *op. cit.* at footnote 107, 229.

<sup>118</sup> De Graaf N. & Van Apeldoorn B. (2018), “US–China relations and the liberal world order: contending elites, colliding visions?”, *International Affairs* 94(1), 117-118.

<sup>119</sup> Larkin T. (2022), *op. cit.* at footnote 117, 2287. K. Kinzelbach speaks about China as a “norm-entrepreneur” (*op. cit.* at footnote 105, 301).

<sup>120</sup> Krumbein F. (2022), “Two Chinese tales of human rights– Mainland China’s and Taiwan’s external human rights strategies”, *The International Journal of Human Rights*, 26(5), 861.

<sup>121</sup> Van Oudenaren J. S. (2022), “China’s New Global Security Initiative: Power Play?”, *China Brief Volume*, 22(9), The Jamestown Foundation, <https://jamestown.org/program/chinas-new-global-security-initiative-power-play/>.

other states, and respect for different countries' independent development paths",<sup>122</sup> all principles aimed to delegitimize criticisms of domestic human rights. It should come as no surprise that Russia was an early adherent of the GSI.<sup>123</sup>

Last of China's alternative proposals to the 'rules-based' order, one year later, the Global Civilization Initiative called for respecting the diversity of civilizations. "People need to keep an open mind in appreciating how different civilizations perceive values, and refrain from imposing their own values or models on others, and from stoking ideological confrontation;" "tolerance, coexistence, exchanges and mutual learning among different civilizations play an irreplaceable role in advancing humanity's modernization process".<sup>124</sup> The words 'human rights' do not appear, replaced by 'human development'.

China has become increasingly active in existing international institutions, aiming to reshape them from within. Beijing has sought to erode and revise human rights norms in ways that conform more closely to China's 'sinocentric' preferences for a one-party, authoritarian system. The Russian Federation and China have maintained a 'tactical alliance' to shield themselves from criticism in the U.N., including at the Human Rights Council. Although Russia was expelled from the UNHRC following the revelation of atrocities by Russian soldiers in the Ukrainian city of Bucha, China for a while continued to engage actively in this body, where it sought to protect itself from criticism of its human rights record, criticize the 'Global North' for its human right record, and push human rights to the periphery of U.N. debate.<sup>125</sup> China's aim is not to overturn the Universal Declaration of Human Rights, but rather to change international human rights norms by reaching outcomes in the U.N. General Assembly and the UNHRC that support its positions.<sup>126</sup> Beijing has resisted efforts by the UNHRC to condemn China's treatment of the Uyghurs and other ethnic-minority Muslims in Xinjiang. It has rallied support for its position from many developing countries that have been the recipients of Chinese aid and investment, including several Muslim-majority countries. After U.N. High Commissioner for Human Rights Michelle Bachelet issued a report in the summer of 2022 that sharply criticized China's human rights abuses in Xinjiang, China suspended its cooperation with the High Commissioner's office. Under the cloak of defending the U.N. system, Beijing advocates non-interference in internal affairs, reassuring closed and competitive authoritarian regimes from Riyadh to Teheran, via Astana and Ankara.

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<sup>122</sup> Ministry of Foreign Affairs of the People's Republic of China (2023), "The Global Security Initiative Concept Paper", [https://www.fmprc.gov.cn/mfa\\_eng/wjbxw/202302/t20230221\\_11028348.html](https://www.fmprc.gov.cn/mfa_eng/wjbxw/202302/t20230221_11028348.html).

<sup>123</sup> Ministry of Foreign Affairs of the People's Republic of China, "President Xi Jinping Holds Talks with Russian President Vladimir Putin", 22 March 2023, [https://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/202303/t20230322\\_11046184.html](https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/202303/t20230322_11046184.html).

<sup>124</sup> The State Council Information Office of the People Republic of China (2023), "Global Civilization Initiative injects fresh energy into human development", *Xinhua*, [http://english.scio.gov.cn/topnews/2023-03/19/content\\_85177312.htm#:~:text=Global%20Civilization%20Initiative%20injects%20fresh%20energy%20into%20human%20development,-Xinhua%20%7C%20March%202019&text=The%20Global%20Civilization%20Initiative%2C%20proposed,with%20multiple%20challenges%20and%20crises](http://english.scio.gov.cn/topnews/2023-03/19/content_85177312.htm#:~:text=Global%20Civilization%20Initiative%20injects%20fresh%20energy%20into%20human%20development,-Xinhua%20%7C%20March%202019&text=The%20Global%20Civilization%20Initiative%2C%20proposed,with%20multiple%20challenges%20and%20crises).

<sup>125</sup> Primiano C. B. (2018), "China's Human Rights Statements in the United Nations: What are the Future Implications?", *China: An International Journal*, 16(4), 187.

<sup>126</sup> Carlson B. G. (2023), *op. cit.* at footnote 90, 27; Piccone T. (2018), China's long game on human rights at the United Nations", Brookings, <https://www.brookings.edu/articles/chinas-long-game-on-human-rights-at-the-united-nations/>.

*Chinese efforts to redefine international human rights standards, selected concepts promoted by Beijing*

Common values. In juxtaposition to universal values, Chinese officials advocate “common values,” which suggests that human rights should be subject to cultural and regional interpretations, and that even though states might find common ground, they can largely define and implement human rights as they see fit.
Community with a shared future. In China’s vision of a “community with a shared future,” states should refrain from criticizing each other regarding the upholding of values and rights.
State sovereignty and non-interference. China’s government routinely refers to the UN Charter to demand non-interference by other countries when they bring up human rights violations in China. In doing so, it largely negates the status of human rights as a founding principle of the UN. By placing state sovereignty above everything else, China undermines efforts to codify and expand the Responsibility to Protect.
Collective human rights. China’s government characterizes collective rights, as defined and upheld by the state, as taking precedence over individual human rights. Notions of collective human rights provide the Chinese party state with a pretext for curtailing individual civil and political liberties and the rights of minorities in the name of the greater public good.
Right to development. China has long promoted the right to subsistence and development as the “foremost” human right, with notions of human rights that put a premium on individual freedoms and political rights being an afterthought.
Right to security. Security as a collective right is increasingly promoted by China as a precondition for development. Placing public and national security first helps legitimize severe restrictions on civil liberties.
Democratization of human rights norms. China regularly promotes the “democratization” of UN forums and norm setting, arguing that it seeks to make the UN more equitable and representative of developing countries. This also includes championing the equal acceptance of values and political practices that may deviate from the liberal-democratic ones embedded in UN human rights laws.

Data source: Mercator Institute for China Studies via Eisentraut S. (2023), “Universell-Out”, Chap. 2 in: Bunde T. et al., “Re:Vision”, Munich Security Conference Report 2023, Fig. 2.2, [https://d3mbhodo1l6ikf.cloudfront.net/2023/Munich%20Security%20Report%202023/MunichSecurityReport2023\\_Re\\_vision.pdf](https://d3mbhodo1l6ikf.cloudfront.net/2023/Munich%20Security%20Report%202023/MunichSecurityReport2023_Re_vision.pdf).

### 3.2 The 2022 joint statement: “a manifesto to review the world order”<sup>127</sup>

On 4 February 2022, on the sideline of the Beijing Olympics, Vladimir Putin and Xi Jinping met and issued a comprehensive joint statement signaling the start of a new era of international relations.<sup>128</sup> Less than three weeks before Russia’s invasion of Ukraine, the document not only declared that the two countries enjoyed a friendship with “no limits,”<sup>129</sup> but also outlined many of their shared views on world order.

The joint statement shares several elements of Acharya’s theory, especially regarding respect of sovereignty and non-interference in internal affairs.<sup>130</sup> It marks a further shift in focus from bilateral political and economic relations to a more global perspective, with a considerable increase in the use of human right-related topics.<sup>131</sup> Angela Stent, an American Russia expert who served at the National Intelligence Council, describes it as “quite Orwellian” and calls it an “inflection point” in which Russia and China now challenge the balance of power that has defined the global order since the end of the Cold War.<sup>132</sup>



Xi Jinping and Vladimir Putin at their meeting on 4 February 2022. Data source: Gallo W. (2022), “At Beijing Olympics, Xi and Putin Announce Plan to Counter US”, VOA, <https://www.voanews.com/a/at-beijing-olympics-xi-and-putin-strive-for-unity-against-us/6426270.html>

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<sup>127</sup> Munich Security Conference, 20 February 2022 - Opening statement by HR/VP Josep Borrell, [https://www.eeas.europa.eu/eeas/munich-security-conference-20-february-2022-opening-statement-hrvp-josep-borrell\\_en](https://www.eeas.europa.eu/eeas/munich-security-conference-20-february-2022-opening-statement-hrvp-josep-borrell_en).

<sup>128</sup> Joint Statement of the Russian Federation and the People’s Republic of China on the International Relations Entering a New Era and the Global Sustainable Development, 4 Feb. 2022, <http://en.kremlin.ru/supplement/5770>.

<sup>129</sup> Notably, the Chinese authorities have not used the ‘no limits’ phrasing since 24 February 2022, including during Xi Jinping’s visit to Moscow in March 2023.

<sup>130</sup> Acharya A. (2017), *op. cit.* at footnote 53, 278.

<sup>131</sup> Brussee V. & Kefferpütz R. (2022), “China and Russia: united in opposition”, Merics, <https://merics.org/en/comment/china-and-russia-united-opposition>.

<sup>132</sup> Quoted by Wright R. (2022), “Russia and China unveil a pact against America and the West”, *The New Yorker*, <https://www.newyorker.com/news/daily-comment/russia-and-china-unveil-a-pact-against-america-and-the-west>.

### *A shared opposition to 'liberal hegemony'*

The desire to resist universal claims for democracy and human rights is an important driver of the China-Russia partnership. If there is one thing that both countries agree on, it is that the liberal world order the American superpower has tried to create must come to an end. In 2013, consistent with longstanding Party's concerns, Xi issued 'Document No. 9', the Communiqué on the Current State of the Ideological Sphere, which declared that liberal democracy was a foreign idea that threatened China's domestic security.<sup>133</sup> As for V. Putin, he does not only oppose efforts to expand liberal values around the world, but also claims that these efforts have run their course. In 2019, he declared that "the liberal idea has become obsolete" because it had "outlived its purpose."<sup>134</sup>

"Now this historical period of boundless Western domination in world affairs is coming to an end. The unipolar world is being relegated into the past. We are at a historical crossroads. We are in for probably the most dangerous, unpredictable and at the same time most important decade since the end of World War II. The West is unable to rule humanity single-handedly and the majority of nations no longer want to put up with this. This is the main contradiction of the new era. To cite a classic, this is a revolutionary situation to some extent – the elites cannot and the people do not want to live like that any longer"<sup>135</sup>

**"Now this historical period of boundless Western domination in world affairs is coming to an end"**  
Vladimir Putin

The Xi-Putin joint statement criticizes ideas of democracy that, from their perspective, have been imposed by the United States and the West. Both partners share the understanding that

"Democracy is a universal human value, rather than a privilege of a limited number of States"

They note that:

"Certain States' attempts to impose their own 'democratic standards' on other countries, to monopolize the right to assess the level of compliance with democratic criteria, to draw dividing lines based on the grounds of ideology, including by establishing exclusive blocs and alliances of convenience, prove to be nothing but flouting of democracy and go against the spirit and true values of democracy. Such attempts at hegemony pose serious threats to global and regional peace and stability and undermine the stability of the world order."

They agree to:

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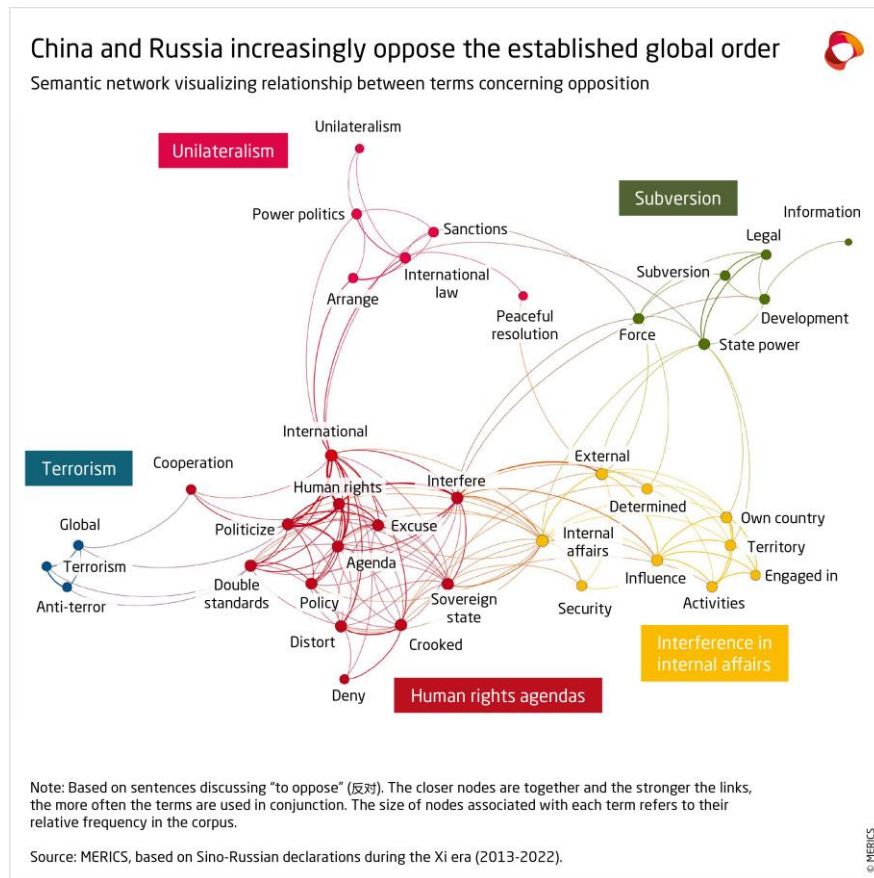
<sup>133</sup> Communiqué on the Current State of the Ideological Sphere, 22 April 2013, accessed on <https://www.chinofile.com/document-9-chinofile-translation>. Also see the interesting Wikipedia article on 'Document Number Nine' ([https://en.wikipedia.org/wiki/Document\\_Number\\_Nine](https://en.wikipedia.org/wiki/Document_Number_Nine)).

<sup>134</sup> Barber L., Foy H. & Barker A. (2019), "Vladimir Putin says liberalism has 'become obsolete'," *Financial Times*, <https://www.ft.com/content/670039ec-98f3-11e9-9573-ee5cbb98ed36>.

<sup>135</sup> Putin V. (2022), Address to the Valdai Discussion Club, 27 Oct. 2022, <https://valdaiclub.com/events/posts/articles/vladimir-putin-meets-with-members-of-the-valdai-club/>.



“resist attempts to substitute universally recognized formats and mechanisms that are consistent with international law for rules elaborated in private by certain nations or blocs of nations”



Data source: Brussee V. & Kefferpütz R. (2022), “China and Russia: united in opposition”, Merics, <https://merics.org/en/comment/china-and-russia-united-opposition>

### Multiple paths on the way to democracy

In a particularly strained argument that appears in the February 4 statement, China and Russia assert that each state should be able to decide for itself what constitutes a democratic form of domestic governance. The introductory section calls for all nations to “champion such universal human values as peace, development, equality, justice, democracy and freedom.” The statement however further adds that “There is no one-size-fits-all template to guide countries in establishing democracy” and that it is up to the individual nations to “choose” the different “forms and methods of implementing democracy that would best suit its particular state,” depending on a number of local conditions including social and historical background as well as “unique cultural characteristics.” Once again, this sentiment echoes Putin’s opinion:

“I am convinced that real democracy in a multipolar world is primarily about the ability of any nation – I emphasise – any society or any civilisation to follow its own path and organise its own socio-political system. If the United States or the EU countries enjoy this right, then the countries of Asia, the Islamic states, the monarchies of the Persian Gulf, and countries on other continents certainly have this right as well. Of course, our country, Russia, also has this right, and no one will

ever be able to tell our people what kind of society we should be building and what principles should underlie it”.

“A future world arrangement is taking shape before our eyes. In this world arrangement, we must listen to everyone, consider every opinion, every nation, society, culture and every system of world outlooks, ideas and religious concepts, without imposing a single truth on anyone”.<sup>136</sup>

The Russo-Chinese joint statement heralds both forms of authoritarian rule in Moscow and Beijing as successful democracies. Just like Acharya’s ‘Multiplex’, and using the GSI’s wording, it indirectly appeals to the principle of ‘multiple modernities’. Modernity and Westernization are not identical; Western patterns of modernity are not the only ‘authentic’ modernities.<sup>137</sup>

Quite logically, the two powers emphasize the Westphalian norms of state sovereignty – the principles of exclusive domestic jurisdiction and non-intervention – and thereby oppose external interference in domestic affairs:

“Russia and China stand against attempts by external forces to undermine security and stability in their common adjacent regions, intend to counter interference by outside forces in the internal affairs of sovereign countries under any pretext, oppose colour revolutions (...)”

### *The manipulation of multilateralism*

In their joint statement, China and Russia declare their support for an international law-based order with a central and coordinating role for the United Nations and the U.N. Security Council. This old trick of the Russian diplomacy, often used by Putin and other top Russian officials, including Foreign Minister Sergei Lavrov, offers a pretext to thwart off conceptions of a liberal or rules-based international order, through the claim for a ‘pure’ and genuinely democratic international order. Both China and Russia are part of the twenty-member Group of friends in defense of the Charter of the United Nations.<sup>138</sup> The open debate on ‘Effective Multilateralism through the Defense of the Principles of the UN Charter’, cynically organized in April 2023 by the Russian Presidency of the U.N. Security Council<sup>139</sup> in the midst of war and atrocity in Ukraine, was taken as a ‘slap in the face’ by Western diplomats.

By defining the Charter as a collection of “noble goals,” the joint statement seems to undermine the legally binding nature of the U.N. Charter.<sup>140</sup> The document emphasizes that both the Charter and the Universal Declaration of Human Rights should be filtered through the prism of each country’s specific situation,<sup>141</sup> thus entering a quasi-cultural

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<sup>136</sup> Putin V. (2022), *op. cit.* at footnote 135.

<sup>137</sup> Eisenstadt S. N. (2000), “Multiple modernities”, *Daedalus*, 129(1), 1-29; Liu H. (2022), “China engages the Global South: From Bandung to the Belt and Road Initiative”, *Global Policy*. 13(1), 13-14.

<sup>138</sup> See <https://www.gof-uncharter.org/>.

<sup>139</sup> See <https://www.securitycouncilreport.org/whatsinblue/2023/04/open-debate-effective-multilateralism-through-the-defense-of-the-principles-of-the-un-charter.php>.

<sup>140</sup> Oliveira B. (2022), “The 2022 Sino-Russian Statement: A Legal Justification for War?”, *Columbia Undergraduate Law Review*, <https://www.culawreview.org/journal/the-2022-sino-russian-statement-a-legal-justification-for-war>.

<sup>141</sup> “The sides note that the Charter of the United Nations and the Universal Declaration of Human Rights set noble goals in the area of universal human rights, set forth fundamental principles, which all the States must comply with and observe in deeds. At the same time, as every nation has its own unique national features, history, culture, social system and level of social and economic development, universal nature of human rights

relativist argument that curbs the reach of such international legal instruments, Columbia University student Beatriz Oliveira observes.<sup>142</sup>



Data source: Piccone T. (2018), *China's long game on human rights at the United Nations*, Brookings, <https://www.brookings.edu/articles/chinas-long-game-on-human-rights-at-the-united-nations/>.

The rise of Russia and China's "illiberal multilateralism",<sup>143</sup> as well as their mutual understanding that the liberal world order the American superpower must disappear, are further achieved through cooperation within China-driven international organizations which contribution undermines Western norms around democracy and human rights. Since 2000, China has either set up or actively participated in multilateral mechanisms and *fora* specifically related to the Global South. The final section of the GSI concept paper includes a list of such "platforms and mechanisms of cooperation." The Shanghai Cooperation Organization (SCO), with its eight member states (China, India, Kazakhstan, Kyrgyzstan, Russia, Pakistan, Tajikistan, and Uzbekistan), has provided a platform for China and Russia to coordinate their interests and manage competition in Central Asia and connected regions, while also helping consolidate the domestic rule of its authoritarian members.<sup>144</sup> The SCO serves as a 'laboratory' for new narratives, concepts, rules and standards, especially against the precedent of the OSCE, paralyzed by internal divisions and crippled in Ukraine. The Conference on Interaction and Confidence-Building Measures in Asia (CICA), Russia's Eurasian Economic Union, the BRICS+ and China's Belt and Road Initiative also allow both partners to spread their own views of security and move away from a U.S.-EU axis.

### 3.3 A world "safe for autocracy"<sup>145</sup>

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should be seen through the prism of the real situation in every particular country, and human rights should be protected in accordance with the specific situation in each country and the needs of its population."

<sup>142</sup> Oliveira B. (2022), *op. cit.* at footnote 140.

<sup>143</sup> Chen T. C. & Hsu C. (2021), *op. cit.* at footnote 107, 242.

<sup>144</sup> Ginsburg T. (2020), "How Authoritarians Use International Law", *Journal of Democracy*, 31(4), 52; Andersen L. E. (2022), "Shanghai Cooperation Organization. A forum where China works for a multilateral order in Central Asia", Danish Institute for International Studies, DIIS Policy Brief, <https://www.diis.dk/en/research/shanghai-cooperation-organisation>. "We must resolutely reject any interference in our internal affairs and the instigation of "color revolutions" by any country under whatever pretext." ("Staying True to Our Founding Mission and Advancing Unity and Coordination to Realize Greater Development", Statement by Xi Jinping at the 23<sup>rd</sup> Meeting of the Council of Heads of State of the SCO, 4 July 2023, [http://un.china-mission.gov.cn/eng/zgyw/202307/t20230704\\_11107650.htm](http://un.china-mission.gov.cn/eng/zgyw/202307/t20230704_11107650.htm)).

<sup>145</sup> Chen Weiss J. (2019), "A World Safe for Autocracy. China's Rise and the Future of Global Politics", *Foreign Affairs*,

Russian and Chinese revisionism could prove a possible model of authoritarian development which is not much driven by values but rather by the maintenance of order. Russia's storytelling about a rebalanced, multipolar world in which the United States is no longer the dominant superpower resonates well with leaders of the Global South. Many, including South Africa, are caught between their commitment to democracy and old alliances with Russia during the struggle to end apartheid. Joe Biden claimed that Putin would be left as a pariah on the international stage. Now close to two years since the start of its 'special operation', Russia has not been ostracized like the U.S. President has imagined. According to an analysis issued by *Economic Intelligence* in March 2022, two-thirds of the world's population live in countries that are neutral or Russia-leaning regarding the war in Ukraine.<sup>146</sup> The presence of major democracies among those which give tacit support to Russia by refusing to condemn its behavior, even verbally, completely blurs our (di)vision of the world.

China as the symbol of an alternative modernity redefines an important dimension of the ontological relationship between the South and the North. Despite claims that it does not aspire to export its political regime, China is building alliances with so-called 'like-minded countries' and pursuing *de facto* strategies to promote autocracy. At the UN and elsewhere, China has tried to attract solidarity from developing countries<sup>147</sup> and positions itself as the champion of the Global South. The 'China Model of Democracy' (i.e. an authoritarian political regime with a market economy) is gaining traction. Such a model may perpetuate existing authoritarian regimes and even encourage illiberal tendencies in democratic regimes.

China's 'Right to Development' serves the BRICS' interests well.<sup>148</sup> GSI's 'sovereign equality', by implying opposition to Western hegemony and the outsized influence of rich countries, is designed to appeal to developing countries. In Africa, Asia and the Caribbean, countries are rallying behind the GSI or are invited to do so.<sup>149</sup> During his keynote address at the China-Gulf Cooperation Council (GCC) Summit in December 2022, Xi Jinping noted that his trip to Saudi Arabia heralded a "new era" in the China-Arab partnership and invited the Gulf states to join the GSI, "in a joint effort to uphold regional peace and stability."<sup>150</sup> Many governments in the region likely see the GSI as well-aligned with their views. It is no coincidence that China's 'good faith and reliable' mediation between Saudi Arabia and Iran (based on Oman and Iraq's initial efforts), in March 2023, followed Beijing's release of the GSI.<sup>151</sup> China's top diplomat, Wang Yi, said the dialogue with Saudi Arabia has "become a successful practice for the strong

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[http://www.jessicacheweiss.com/uploads/3/0/6/3/30636001/weiss\\_2019\\_fa\\_a\\_world\\_safe\\_for\\_autocracy.pdf](http://www.jessicacheweiss.com/uploads/3/0/6/3/30636001/weiss_2019_fa_a_world_safe_for_autocracy.pdf).

<sup>146</sup> Economic Intelligence (2022), "Russia can count on support from many developing countries", 30 March 2022, <https://www.eiu.com/n/russia-can-count-on-support-from-many-developing-countries/>.

<sup>147</sup> Primiano C. B. (2018), *op. cit.* at footnote 125, 188.

<sup>148</sup> Rivers L. (2015), "The BRICS and the Global Human Rights Regime: Is An Alternative Norms Regime in Our Future?", Honors Theses, 383, 183 p., <https://digitalworks.union.edu/theses/383>.

<sup>149</sup> Legarda H. & Stec G. (2022), "China's Global Security Initiative seeks international buy-in for Beijing's vision of the global order", Merics, <https://merics.org/en/tracker/merics-china-security-and-risk-tracker-4>.

<sup>150</sup> The State Council of the People's Republic of China, Full text of Xi Jinping's keynote speech at China-GCC Summit, 10 Dec. 2022, [http://english.www.gov.cn/news/topnews/202212/10/content\\_WS6393f662c6d0a757729e4461.html](http://english.www.gov.cn/news/topnews/202212/10/content_WS6393f662c6d0a757729e4461.html).

<sup>151</sup> Avdalani E. (2023), "China and The Developing Multipolar Order in the Middle East", *Middle East Briefing*, <https://www.middleeastbriefing.com/news/china-and-the-developing-multipolar-order-in-the-middle-east/>.

implementation of the Global Security Initiative.”<sup>152</sup> This move between two traditional regional rivals was only possible because China is completely indifferent to both the ongoing repression in Iran and Mohammed bin Salman’s growing authoritarianism. Non-interference in the internal affairs of states was prominent in the Comprehensive Strategic Partnership Agreement between China and Saudi Arabia signed during Xi’s three-day state visit. At this occasion, Crown Prince Mohammed bin Salman firmly rejected “interference in China’s internal affairs by any external forces under the excuse of human rights or any other”.<sup>153</sup> China supports Saudi Arabia’s candidature to join the SCO.

In December 2017, Beijing hosted the first South–South Human Rights Forum, organized by the China Society for Human Rights Studies, recently created to promote exchange with foreign civil society organizations that do not criticise the PRC and to further develop ‘human rights with Chinese characteristics’. The forum culminated in the Beijing Declaration that advances the version of human rights that China and developing states prefer.<sup>154</sup> The core of the Declaration was twofold: to use the importance of national conditions to push back on the notion that political human rights are universal, and to emphasize the importance of socioeconomic rights over political rights.



*Xi Jinping at the meeting of the Gulf Cooperation Council on 9 Dec. 2022. Credit: Saudi Press Agency via AP. Data source: Chaziza M. (2023), “The Global Security Initiative: China’s New Security Architecture for the Gulf”, *The Diplomat*, <https://thediplomat.com/2023/05/the-global-security-initiative-chinas-new-security-architecture-for-the-gulf/>.*

In the February 2022 joint statement, “the two sides advocate maintaining peace and stability in the Middle East, support countries in the region in strengthening their strategic autonomy, (...) and oppose interference in the internal affairs of countries in the region.” Similar wording

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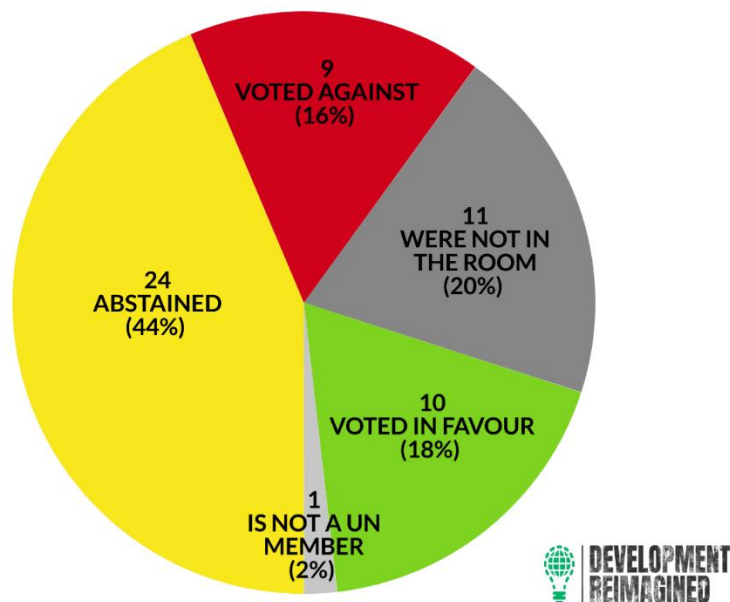
<sup>152</sup> Chaziza M. (2023), “The Global Security Initiative: China’s New Security Architecture for the Gulf”, *The Diplomat*, <https://thediplomat.com/2023/05/the-global-security-initiative-chinas-new-security-architecture-for-the-gulf/>.

<sup>153</sup> Ministry of Foreign Affairs of the People’s Republic of China, “President Xi Jinping Holds Talks with Crown Prince and Prime Minister Mohammed bin Salman of Saudi Arabia”, 9 Dec. 2022, [https://www.fmprc.gov.cn/eng/zxxx\\_662805/202212/t20221209\\_10987728.html](https://www.fmprc.gov.cn/eng/zxxx_662805/202212/t20221209_10987728.html).

<sup>154</sup> “In order to ensure universal acceptance and observance of human rights, the realization of human rights must take into account regional and national contexts, and political, economic, social, cultural, historical and religious backgrounds. The cause of human rights must and can only be advanced in accordance with the national conditions and the needs of the peoples. Each State should adhere to the principle of combining the universality and specificity of human rights and choose a human rights development path or guarantee model that suits its specific conditions.” (Beijing Declaration adopted by the First South-South Human Rights Forum, 8 Dec. 2017, Art. 1, <http://www.chinadaily.com.cn/a/201712/08/WS5a2aaa68a310eefe3e99ef85.html>).

is also dedicated to Africa, further reinforced in the March 2023 joint statement issued in the margins of Xi’s visit to Moscow.<sup>155</sup> The strong African abstention at the U.N. General Assembly, after Russia’s invasion of Ukraine, reflects the tendency which has been brewing in Africa for ten years. After a decade of democratization (1990-2000), the continent underwent an authoritarian decline, distancing itself from the democratic powers, falling apart under a wave of military ‘coups’ and throwing itself into the arms of the Wagner mercenaries. For Larkin, China has already succeeded in expanding a set of norms constituting an authoritarian view of human rights to some African states.<sup>156</sup> In the Middle East and sub-Saharan Africa, China challenges the rules of the liberal international system and tries to construct an alternative international order to interact with these regions.<sup>157</sup>

### HOW DID AFRICAN COUNTRIES VOTE ON RUSSIA'S HUMAN RIGHTS COUNCIL SUSPENSION?



Data Source: Development Reimagined, <https://developmentreimagined.com/africanvotesonukraine/>.

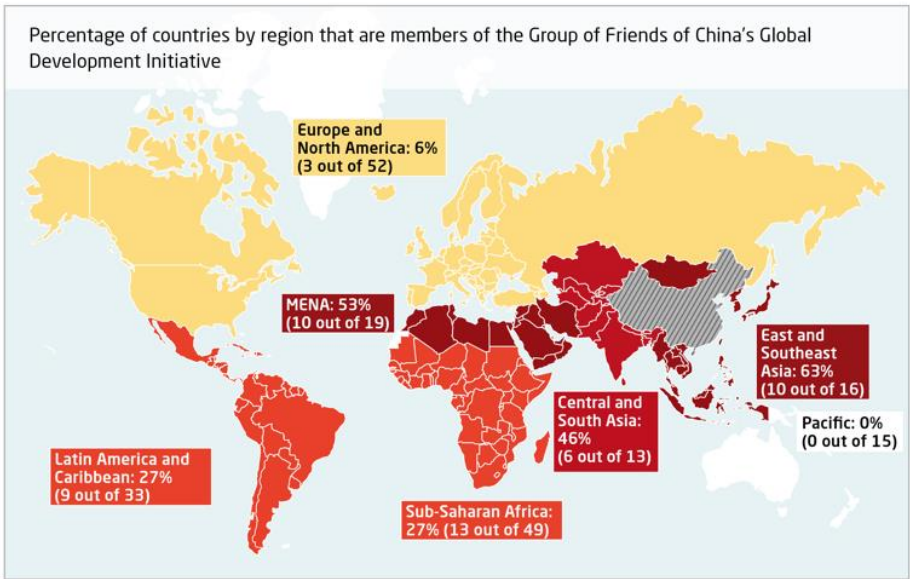
Despite scepticism against Russia and China’s ‘win-win’ narrative, the ‘(post-)Washington Consensus’ may well find itself challenged by a ‘Beijing Consensus’.<sup>158</sup> A wide *Pax Sinica* would be disillusioning for many peoples, though.

<sup>155</sup> The two sides “will strengthen communication and coordination on African affairs” and “support African countries’ efforts to independently resolve African issues.” (Charouz L. (2023), “The Russia-China joint statement: what has changed since last year”, The China Project, <https://thechinaproject.com/2023/03/23/the-russia-china-joint-statement-what-has-changed-since-last-year/#:~:text=A%20new%20addition%20to%20the,trust.%20They%20plan%20further%20cooperation>).

<sup>156</sup> Larkin T. (2022), *op. cit.* at footnote 117, 2295.

<sup>157</sup> Murphy D. C. (2022), “China’s Rise in the Global South: The Middle East, Africa, and Beijing’s Alternative World Order”, Stanford University Press.- 392 p.

<sup>158</sup> Ramo J. (2004), “The Beijing Consensus”, The Foreign Policy Centre, <https://fpc.org.uk/publications/the-beijing-consensus/>.



Data source: Legarda E. et al. (2022), "MERICS China Security and Risk Tracker", <https://merics.org/en/tracker/merics-china-security-and-risk-tracker-4>.

#### 4. HOW TO WIN THE BATTLE OF NARRATIVES?

At the U.N. General Assembly, French President Emmanuel Macron warned: “The risk we are now facing is that of a new partitioning of the world.”<sup>159</sup> Is the universality of human rights doomed to fail? Is it true that, when the universality of modern liberal ideology—including inalienable rights for all humans — collides with the more powerful and abiding forces of nationalism, “nationalism wins almost every time”, as John Mearsheimer pessimistically observed?<sup>160</sup> Or is it still possible to ascend to a conception of human rights that would be truly universal, which was already Boutros-Ghali’s aim in 1993?

The universality of human rights matters. The rise of the Soviet internal dissident movement in the global human rights decade of the 1970s was no accident, but rather the product of the deepening contradictions of the intensifying repression of the USSR’s security apparatus and the language of universal human rights. Breaches to universality *de facto* mean inequality, since the universality principle is itself grounded on equality. They lead to the exclusion of certain categories of individuals from the equal protection of human rights.

How can one solve the fundamental dialectical conflict between the universal and the particular, between identity and difference? Can we distinguish between universality and uniformity?<sup>161</sup> Is it possible to make a difference between universality of human rights as a concept, and the pluralistic way in which these rights should be interpreted and implemented? <sup>162</sup> ‘Flexible’, <sup>163</sup> ‘qualified’ <sup>164</sup> or ‘relative’ <sup>165</sup> universalism: lawyers, anthropologists and think-tankers have forged diverse concepts to try to balance or mitigate the literal understanding of universality<sup>166</sup> and bridge the gap between universalism and cultural relativism.<sup>167</sup> All need to be taken with much caution, since they all imply a degree of ‘abdication’ in the face of various pressures and do not clearly determine the extent of the concessions and accommodations they grant. Let us take, for instance, Federico Lenzerini’s theory of “culturalization of human rights”. Lenzerini promotes a ‘moderate cultural relativism’ and argues that human rights should pass through a process of ‘culturalization’, “an interpretative process aimed at giving an abstract human rights standard a concrete content, so as to allow such a standard to achieve its purpose of fostering the happiness and well-being of the people concerned”.<sup>168</sup> But who decides about this nebulous ‘happiness’ of a given group of people if not, in too many cases, the single-party regime or the religious

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<sup>159</sup> Macron E. (2022), Speech by the President of the French Republic at the United Nations General Assembly, 20 Sept. 2022, <https://www.elysee.fr/en/emmanuel-macron/2022/09/20/speech-by-the-president-of-the-french-republic-at-the-u-nited-nations-general-assembly>.

<sup>160</sup> Mearsheimer J. J. (2018), “The Great Delusion: Liberal Dreams and International Realities”, New Haven: Yale University Press, 82.

<sup>161</sup> Tharoor S. (1990), “The Universality of Human Rights and their Relevance to Developing Countries”, *Nordic Journal of International Law*, 59(1), 152.

<sup>162</sup> Freeman M. (2011), “Human Rights: An Interdisciplinary Approach”, Cambridge: Polity Press, 2<sup>nd</sup> ed., 124.

<sup>163</sup> Kaplan S. D. (2018), *op. cit.* at footnote 31, 16 f.

<sup>164</sup> Sumbal M. (2003), “Cultural Human Rights; The Need for Qualified Universality”, *Tilburg Law Review*, 11(2), 560-577.

<sup>165</sup> Donnelly J. (2007), *op. cit.* at footnote 22, 281-306.

<sup>166</sup> Gabriela García Escobar provides with their useful and comprehensive review (*op. cit.* at footnote 5, 192 f.).

<sup>167</sup> Dahre U. J. (2017), “Searching for a middle ground: anthropologists and the debate on the universalism and the cultural relativism of human rights”, *The International Journal of Human Rights*, 21(5), 611-628.

<sup>168</sup> Lenzerini F. (2014), “The Culturalization of Human Rights Law”, Oxford University Press, 241.



leaders?<sup>169</sup> How can one draw the line between a ‘good’ acculturation and a ‘bad’ one? Identically, Brian Carlson’s vision of a ‘diverse world order’ depends on a series of factors which are unlikely to align.<sup>170</sup> These constructions often lead to ambiguities and contradictions, like Jack Donnelly judging that prohibition of apostasy by Muslims is “probably” compatible with the relative universality of Article 18, although “reasonable people may reasonably disagree”.<sup>171</sup> Ultimately, we are left with an inescapable reality: regardless of their historical origins, human rights and fundamental freedoms cannot mean one thing to the West and another thing to the ‘Rest’.



U.S. President Joe Biden talks to fellow leaders during the group photo at the U.S.-Africa Leaders Summit on 15 Dec. 2022 in Washington. Data source: Kevin Dietsch/Getty Images via Barnes-Dacey J. & Shapiro J. (2023), “The West Should Give Up the Battle of Narratives”, *Foreign Policy*, <https://foreignpolicy.com/2023/11/20/west-global-south-narrative-rules-order/>.

“We must speak the language of power (...), but also be mindful of the power of language”, EU High-Representative Josep Borrell warned at the 2022 Munich Security Conference, after castigating the Russo-Chinese joint statement.<sup>172</sup> The following recommendations can be offered, that would allow Austria and Europe to navigate the ‘Multiplex’ and act with long-term strategic purpose as they engage with the rest of the world.

- **More assertively market the tangible benefits offered by the universal protection of human rights**, in terms of, *inter alia*, accountability, political representation and the curbing of the abuse of power. We need to swiftly reinvigorate our own vision of a desirable international order based on universal rights, including towards citizens and public opinion. “A coalition

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<sup>169</sup> “All rights of the Chinese people will be safeguarded at a higher level, and they will have a better sense of dignity, freedom and happiness”, the Chinese communist party emphasized at its 100<sup>th</sup> anniversary (“The Communist Party of China and Human Rights Protection – A 100-Year Quest”, *op. cit.* at footnote 108); “Increasing people’s sense of gains, happiness and security is the fundamental pursuit of human rights” (“A People-centered Approach for Global Human Rights Progress”, Remarks by H.E. Wang Yi, *op. cit.* at footnote 108).

<sup>170</sup> Carlson B. G. (2023), *op. cit.* at footnote 90, 32.

<sup>171</sup> Donnelly J. (2007), *op. cit.* at footnote 22, 301.

<sup>172</sup> Borrell J. (2022), *op. cit.* at footnote 127.

built around the need for international rules is far more likely to be broader than one based on calls for democracy.”<sup>173</sup>

- **Increase and disseminate awareness on anti-universalist approaches.** Step up our efforts to **check the influence of the Russian and Chinese authoritarian models** among local leaders and societies. China and Russia’s posture with regards to non/multi-aligned countries suffers from certain inherent weaknesses, which will sooner or later come to light.
- **Re-engage with the Global South**, the new battleground for hearts and minds.<sup>174</sup> Developing countries or in transition have expressed their collective frustration at decades of perceived Western heavy-handedness in global governance. Many of the states that symbolize the best the ‘Multiplex’ have steadily lost faith in the legitimacy and fairness of the international system, which risks paving the way for Russia’s storytelling in favor of a multipolar world. “We feel very strongly that the developing world’s voice has not been heard enough (...). We want to be part of the global conversation”, Prince Faisal bin Farhan Al Saud, Minister of Foreign Affairs of Saudi Arabia, said at the 2022 World Policy Conference.<sup>175</sup> Therefore, we must urgently create a ‘new contract’ between the North and the South in order to “reconcile legitimate interests and the common good.”<sup>176</sup> We must bring the concerns of the South to the forefront of the international agenda. We need to embrace demands from emerging countries for a greater say in the international arena. Having been confined to the role of rule-takers, India, Brazil, and South Africa indeed want a greater role for developing nations when it comes to shaping international rules. Real universality demands that representatives of all societies have equal opportunities to participate in the process, especially when it pertains to the elaboration of new texts, or the modification of existing texts by amendments or additional protocols.<sup>177</sup> Solutions in areas like human rights, peace and security will only be acceptable if they are being made with the participation of countries in the Global South.<sup>178</sup>

**“We feel very strongly that the developing world’s voice has not been heard enough (...). We want to be part of the global conversation”**

*Prince Faisal bin Farhan Al Saud, Foreign Minister of Saudi Arabia*

<sup>173</sup> Milliband D. (2023), “The world beyond Ukraine”, *Foreign Affairs*, <https://www.foreignaffairs.com/ukraine/world-beyond-ukraine-russia-west>.

<sup>174</sup> Speck U. (2023), “A battle of narratives: In the global South, Russia and Europe compete for hearts and minds over the war in Ukraine”, *Neuer Zürcher Zeitung*, <https://www.nzz.ch/english/ukraines-battle-for-hearts-and-minds-in-the-global-south-ld.1725218>.

<sup>175</sup> Prince Faisal bin Farhan Al Saud, closing conversation at the 15<sup>th</sup> edition of the World Policy Conference, 9-11 Dec. 2022, Abu Dhabi, <https://www.youtube.com/watch?v=ed9Zzmkkxlg>.

<sup>176</sup> Macron E. (2022), Speech by the President of the French Republic at the United Nations General Assembly, 20 Sept. 2022, <https://www.elysee.fr/en/emmanuel-macron/2022/09/20/speech-by-the-president-of-the-french-republic-at-the-united-nations-general-assembly>.

<sup>177</sup> Brems E. (2001), “Human Rights: Universality and Diversity”, The Hague / Boston / London: Martinus Nijhoff Publishers, 309.

<sup>178</sup> Acharya A. (2019), “Understanding the Emerging Multiplex World Order”, *Interview conducted by Julia Kreienkamp*, UCL, Global Governance Institute, <https://www.ucl.ac.uk/global-governance/news/2019/jul/understanding-emerging-multiplex-world-order>.

- **Promote models in the Global South** and collaborative efforts encompassing the major rising democratic powers, to hold the line on core precepts of the international human rights system. Brazil, India and South Africa, among others, seem willing to improve domestic human rights conditions. However, that will not always be easy. On human rights, the West and India have significant policy differences. In many areas, India's interests are closer to China's than the West's. But India is gradually recognizing that core elements of the global order are essential to its interests and should be defended, and this should create enough interest overlap. "Our partnership will also help shape global norms and institutions that are universally accepted and democratic", Pranab Mukherjee, India's Defence Minister, told the Harvard University students in 2006.<sup>179</sup> Time has since passed, but the reality remains the same: as the world's largest democracy, a multi-ethnic and multi-religious one, India must be part of the game.
- **Forge 'inclusive universality' to accommodate some non-Western particularities**, hence making it viable and resilient.<sup>180</sup> The challenge is to transcend the universality/relativity frame, bridge universal language and elements of other culture in search for middle ground, as well as to find and agree on joint narratives. Many scholars have tried to reconcile human rights and cultural diversity. Already ahead of the 1993 Vienna World Conference, Mary Robinson advised that: "More thought and effort must be given to enriching the human rights discourse by explicit reference to other non-Western religions and cultural traditions"; doing so, the then-President of Ireland said, "the base of support for fundamental rights can be expanded and the claim to universality vindicated."<sup>181</sup> For instance, combining liberalist and Chinese traditional values could generate a new and competitive set of ideals that help to establish a stable international order.<sup>182</sup> Eva Brems proposes two techniques: first "stripping", through a catalogue of human rights that is stripped of all cultural particularities, a common core acceptable to all cultures; second, "stuffing", through adding elements of each other culture in equal degree, so that all societies are equally represented.<sup>183</sup>

Embracing cultural diversity, though, should not be at the expense of universal minimum standards. It should not lead to reducing these standards to the smallest common denominator, or *de facto* acquiesce to views that are contradictory to these standards. "Our values, and international human rights norms, may demand that we act on them even in the absence of agreement by others—at least when that action does not involve force. Even strongly sanctioned traditions may not deserve our toleration if they are unusually objectionable. When rights-abusive practices raise issues of great moral significance, tradition

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<sup>179</sup> Address by Mr. Pranab Mukherjee, Defence Minister on "India's Strategic Perspective" at Harvard University, 25 Sept. 2006, <https://www.indianembassyusa.gov.in/ArchivesDetails?id=639>.

<sup>180</sup> Brems E. (2001), "Human Rights: Universality and Diversity", The Hague / Boston / London: Martinus Nijhoff Publishers, 295.

<sup>181</sup> Robinson M. (1993), "Human Rights at the Dawn of the 21st Century", *Human Rights Quarterly*, 15(4), 632.

<sup>182</sup> See Yan X. (2018), "Chinese values vs. Liberalism: What ideology will shape the international normative order?", *Chinese Journal of International Politics*, 11(1), 1–22.

<sup>183</sup> Brems E. (2001), "Human Rights: Universality and Diversity", The Hague / Boston / London: Martinus Nijhoff Publishers, 315.

and culture are slight defense.”<sup>184</sup> Likewise, taking ‘traditional’ values into account may appear to be an ideological trap, judging from Putin’s apologetic views.<sup>185</sup>

- **Stand firm on the ultimate objective** – the implementation and protection of universal human rights -, **but leave some room for maneuver to countries to reach this objective**, as Navi Pillay, the then-U.N. High-Commissioner for Human Rights, told the Vienna+20 Conference in 2013: “you choose your path, but the goal is something we hold in common. Your specificity will influence the way you move forward. But that goal – of human dignity and human freedom, via implementation of the human rights elucidated in the International Bill of Rights – is something that we all share.”<sup>186</sup>

**“You choose your path, but the goal is something we hold in common. Your specificity will influence the way you move forward. But that goal – of human dignity and human freedom, via implementation of the human rights elucidated in the International Bill of Rights – is something that we all share.”**  
*Navi Pillay, former U.N. High Commissioner for Human Rights  
(2008-2014)*

- **‘Transform’ international human rights**, by “adding something to the existing system.”<sup>187</sup> For instance, economic and social rights, as well as mechanisms for control and supervision, are always susceptible to expansion.
- **Pass the torch to the United Nations.** We must make clear that it is not about a ‘Western style of democracy’ or a ‘Western agenda of human rights’, but the global conception of universal human rights promoted by the UN agenda and nurtured by both the developed and developing countries.<sup>188</sup> In particular, “the UN could be a face-saving mechanism for China.”<sup>189</sup> This goes through the creation of a new global governance. “We need to rebuild the UN, to include more countries and more people. If we do that, we can start

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<sup>184</sup> Donnelly J. (2013), “Universal Human Rights in Theory and Practice”, Ithaca & London: Cornell University Press, 3<sup>rd</sup> ed., 117-118.

<sup>185</sup> “(Traditional values) must simply be respected and everything that every nation has been choosing for itself over centuries must be handled with care. This is how we understand traditional values, and the majority of humanity share and accept our approach.” (Putin V. (2022), *op. cit.* at footnote 135)

<sup>186</sup> Keynote Speech by Ms. Navi Pillay, United Nations High Commissioner for Human Rights, 27 June 2013, <https://www.ohchr.org/en/statements/2013/06/keynote-speech-ms-navi-pillay-united-nations-high-commissioner-human-rights?LangID=E&NewsID=13488>.

<sup>187</sup> Brems E. (2001), *op. cit.* at footnote 4, 503.

<sup>188</sup> Subedi S. P. (2015), “China’s Approach to Human Rights and the UN Human Rights Agenda”, *Chinese Journal of International Law*, 14(3), 455.

<sup>189</sup> *Ibid.*

to improve the world.”<sup>190</sup> With the slogan “Multilateral solutions for a better tomorrow”, The UN Summit of the Future in 2024<sup>191</sup> provides with an opportunity to put these issues back at the center.

- **Free human rights from power politics.** There have been misuses of human rights to the extent that they have covered up hidden, imposed political agendas, and have cherry-picked elements of some rights while having purposefully shaded others. Particularly in Africa, the rise of governments’ frustration with Western diplomatic pressure is clearly perceptible.
- **Eliminate ‘double standards’,** which undermine a credible universalization of human rights and feed the critique against Western-based rights.<sup>192</sup> Unfortunately, long-time grievances around such double standards between the West and the ‘Rest’ have taken on additional intensity in the flurry of coverage of the war in Ukraine and support for its victims. Such practice is seen by many – sometimes with biased overemphasis and exaggeration - as hypocritical and harms the idea of multilateralism based on solidarity.
- **Show restraint,**<sup>193</sup> at two levels.

First, we need to **move away from ‘liberal hegemony’** of the unilateral moment. Forceful regime changes on behalf of human rights have generated disasters, in Libya and elsewhere, and belong to the past. U.S. foreign policy often confuses American interests with universal values. Grandiloquent words like “battle between the utility of democracies in the 21<sup>st</sup> century and autocracies”<sup>194</sup> and “free world vs authoritarian” that have characterized recent U.S. thinking fail to capture the aspirations of emerging democratic nations, and may play into competitors’ hands. Many in the Global South are particularly irked by America’s manichean division of the world into ‘good democracies’ and ‘bad autocracies.’

Second, **let us practice “human rights with modesty”**,<sup>195</sup> and make the case for “a realism based foreign policy”.<sup>196</sup> This might not make Russia and China more docile actors in the international system. But this might convince ‘fence-sitters’ to align themselves with universal values. In our opinion, the wise advice expressed by Secretary-General Boutros-Ghali at the 1993 Vienna Conference remains valid: “I believe that at this moment in time it is less urgent to define new rights than to persuade states to adopt existing instruments and apply them effectively.”<sup>197</sup> To promote ultra-progressive views on contemporary social issues that remain fiercely contested within liberal democracies themselves might not be the best way to restore

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<sup>190</sup> Lula da Silva L. I. (2022), interviewed by Clara Nugent for *Time Magazine*, 4 May 2022, <https://time.com/6173232/lula-da-silva-transcript/>.

<sup>191</sup> See <https://www.un.org/en/common-agenda/summit-of-the-future>.

<sup>192</sup> Brems E. (2001), *op. cit.* at footnote 4, 310.

<sup>193</sup> Mearsheimer J. J. (2018), “The Great Delusion: Liberal Dreams and International Realities”, New Haven: Yale University Press, Chap. 8 “The Case of Restraint”, 217 f.

<sup>194</sup> Biden J. (2021), Remarks by President Biden in Press Conference, 25 March 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/03/25/remarks-by-president-biden-in-press-conference/>.

<sup>195</sup> Sajó A. (2004), “Human Rights with Modesty: The Problem of Internationalism”, Leiden (NL): Brill Nijhoff.- viii + 382 p.

<sup>196</sup> Mearsheimer J. J. (2018), “The Great Delusion: Liberal Dreams and International Realities”, New Haven: Yale University Press, 233.

<sup>197</sup> Address by the Secretary-General of the United Nations at the opening of the World Conference on Human Rights, *op. cit.* at footnote 2, 7.

universalism.<sup>198</sup> An intransigent focus on what are seen by many cultures as particularly 'Western' rights, hence perceived as particularly unacceptable, such as same-sex marriage, "may undermine efforts to guarantee or restore equally important rights on which one may be able to find a wider degree of agreement."<sup>199</sup> Rather, we might "return to basics" and strive to build very strong consensus on the importance of a "relatively small core set of basic rights."<sup>200</sup>

- **Enhance the role of non-state actors**, which have a key role to play in disseminating narratives supporting the universalization of human rights. Another key achievement of the 1993 Vienna World Conference was to provide a major boost to civil society organizations and other human rights defenders, "the voice of the voiceless",<sup>201</sup> who should combine synergies in the promotion and the implementation of human rights.



1993 Vienna World Conference, Demonstration outside the Conference Centre. Data source: UN Photo Digital Asset Management System

<sup>198</sup> Grygiel J. (2021), "Woke Imperialism Harms U.S. Interests," *Wall Street Journal*, <https://www.wsj.com/articles/woke-imperialism-harms-u-s-interests-china-russia-equity-worldview-11637596572>.

<sup>199</sup> Hannum H. (2016), "Reinvigorating Human Rights for the Twenty-First Century", *Human Rights Law Review*, 16(3), 444.

<sup>200</sup> Kaplan S. D. (2018), *op. cit.* at footnote 31, Chap. 8 and p. 188.

<sup>201</sup> Robinson M. (1993), "Human Rights at the Dawn of the 21st Century", *Human Rights Quarterly*, 15(4), 635.

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*Logo of the 20<sup>th</sup> anniversary of the Vienna World Conference (Vienna+20),  
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