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Speech on the Occasion of Being Awarded the Title of Dr. *Honoris Causa* by the University of Bucharest (12.05.2017)

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Rector Magnificus
Honourable colleagues, Excellencies, Ladies and Gentlemen,

When I first came to Romania as a young student and tourist in 1969, travelling with my girlfriend and another young couple in a Volkswagen van, *Romania was still a comparable liberal country* compared to other Socialist States in Central and Eastern Europe. For us Westerners bringing foreign currency, crossing the border from Hungary to Romania was much easier than when we had crossed the Iron Curtain between Austria and Hungary, where we had to wait for many hours. In Hungary we had picked up a young East German couple hitchhiking through some of their Socialist brother countries. While we had passed the border control within a few minutes, we then had again to wait hours for the border guards to check every single item in the back-packs and on the bodies of these two young Communists, who had tried to convince us that Socialist societies were far advanced compared to our rotten Capitalist societies shortly before. This was our first impression of Romania. We Westerners were treated in a very friendly and welcoming manner whereas our colleagues from a Socialist brother country were body-searched for hours and finally prevented from entering the country. We travelled across Romania, from Oradea and Cluj in the North-West through beautiful mountains to Bucharest, at that time called the "Paris of the East" with its broad Boulevards, and finally spent some time in various tourist resorts at the Black Sea with beautiful names from Roman and Greek mythology, like Neptun, Venus, Jupiter and Saturn. Until we left the country in the South-East headed towards Bulgaria, we had only had positive experiences when dealing with the police or other State authorities under the rule of President Nicolae Ceaușescu, who had come to power only a few years earlier in 1965.

The situation changed dramatically during the later years of Ceaușescu's government. During the time of the Vienna CSCE Follow-Up

Conference in Vienna between 1986 and 1989, *Romania had become an isolated hardliner in the Socialist camp* whose diplomats had threatened to block any consensus within the CSCE towards more openness and cooperation with the West several times. The reformers were now led by the Soviet Union under the glasnost and perestroika politics of President Mikhail Gorbachev and a few other reformist States, such as Poland and Hungary. The German Democratic Republic, Czechoslovakia and Bulgaria still tried to halt the revolutionary movements, but Romania was by far the most difficult country within the Warsaw Pact. The year 1989 turned out to become one of the most exciting years in my life. Living in Vienna meant that we had become accustomed to the Iron Curtain, which was in our immediate neighbourhood, both to the North and to the East. And now we became witnesses of a "*velvet revolution*" that brought Vaclav Havel from peaceful mass demonstrations in the streets of Prague first into prison and from there almost seamlessly into the position of President of post-Communist Czechoslovakia. We also witnessed the "*revolution of the feet*", meaning East German refugees who were demanding their right to leave their own country. Many of them had requested asylum in the West German Embassy in Prague, which was finally granted to them, thanks to the negotiation skills of the West German Minister of Foreign Affairs, Hans-Dietrich Genscher, and they were allowed to enter Austria via Hungary. I was at the Austrian-Hungarian border when the two Foreign Ministers, Alois Mock and Gyula Horn, were cutting the first hole into the Iron Curtain. We welcomed thousands of East German refugees driving to the West in their little and fully packed East German cars, called in a smiling way "Trabis". At that time we realized that it was only a matter of time until the last bulwarks of Communism, above all the repressive regime in Romania, would be overthrown by the power of these human rights revolutions. But the public execution of Nicolae Ceaușescu and his wife at Christmas 1989 brought not only relief to many people who had suffered under their repression, it also symbolized a violent climax of revolutions which had been remarkably peaceful.

The fall of the Iron Curtain and the Berlin Wall, the implosion of the Soviet Union and its allies in the Warsaw Pact opened a *window of opportunity for establishing a new European and world order*, which is unique in history. The United Nations with its three pillars of peace, development and human rights were created in 1945 in reaction to the world economic crisis, the rise of fascism, World War II and the horrors of the Holocaust. But the Cold War between the East and the West in fact prevented the United Nations from establishing a new world order based on freedom from fear and violence as well as freedom from want and poverty, as envisaged in Article 28 of the Universal Declaration of Human Rights of 1948. Nevertheless, it is remarkable that the United Nations, despite fundamental differences between Western and Socialist theories of human rights, democracy and the rule of law, managed to gradually

develop a *legally binding normative framework of universal human rights* as a synthesis between two fairly antagonistic concepts of human rights. The two Covenants of 1966 constitute the very core of this universal human rights framework, supplemented by a number of specialized human rights treaties aimed at fighting discrimination and protecting the rights of the most vulnerable groups.

After I had been appointed in 1987 Director of the Netherlands Institute of Human Rights (SIM) at the University of Utrecht, I developed a close cooperation with the Poznan Human Rights Centre in Poland under the leadership of Dzidek Kedzia. We decided to organize an "*All-European Human Rights Conference*" in 1988 in order to analyse whether, eventually, the common European values and traditions were stronger than the ideologies that had separated our societies for half a century. When this conference finally took place in Poznan in close cooperation with the Council of Europe, the revolutionary events had already provided a powerful answer to our joint research question. But we strongly believed that an "All-European Human Rights system" should be established as a true synthesis and compromise between two different ideologies and human rights concepts, one based on liberal freedoms from State interference, the other one based on social justice, equality and non-discrimination. This attitude of mutual respect for two different ways of life was similar to the vision of a "*Common European House*" developed by Soviet President Mikhail Gorbachev and his French counterpart François Mitterand. This positive spirit of cooperation on the basis of mutual trust and respect led to the Paris Charter of 1990, which was adopted by the CSCE as a symbol of finally overcoming the Cold War towards a common future of Europe and the world.

But 1989 was not only the year of revolutionary movements in Europe, which had brought about the end of the Cold War. It was also the year in which the "*Washington Consensus*" was adopted by the US-led international financial institutions to symbolize the *victory of neoliberal economic policies* over those of State interventionism aimed at maintaining a social welfare State in accordance with the economic theory of John Maynard Keynes. On the basis of the "Washington Consensus", the World Bank and the International Monetary Fund pursued their economic policies of privatisation, deregulation, and minimising the role of the State, which shaped the era of globalisation. Rather than gradually opening former Communist societies towards pluralistic democracy, the rule of law and human rights, the United States, the European Union and other Western economic powers were primarily concerned about celebrating the victory of Capitalism over Communism. The rapid exposure of former Communist societies to unrestricted forces of global Capitalism led to insecurity, fear, lack of orientation and an ideological vacuum, which planted the seeds for nationalist and racist ideologies, above all in the former Yugoslavia and the successor States of the Soviet Union.

The second *United Nations World Conference of Human Rights*, held in Vienna in June 1993, constituted the last attempt to make use of the historic window of opportunity created by the end of the Cold War to establish a new world order based on pluralist democracy, the rule of law and universal human rights. But the neoliberal economic policies of the West had already paved the way for a new ideological battle, this time between the Global North and the Global South. Islamic States, China, India and other powerful States of the Global South had started to criticize the human rights policies of the West as an ideological tool to pursue their neoliberal economic agenda of globalisation. The universality of human rights was confronted with "Asian values" and similar expressions of cultural relativism. It was only after heavy ideological battles and strong pressure of a newly emerging global civil society that the 171 States assembled in Vienna finally reached the compromise of the Vienna Declaration and Programme of Action. While the Global South reluctantly accepted the universality of human rights, the Global North, and in particular the Western powers, had to accept the equality, indivisibility and interdependence of all human rights, which means the equal value of economic, social and cultural rights, as well as civil and political rights. But while the participants of the Vienna World Conference celebrated this historic compromise and the establishment of a new UN High Commissioner for Human Rights, only a few hundred kilometres away Bosnian Serb forces were preparing the first genocide in Europe after the Holocaust, this time against the Muslim population of Bosnia and Herzegovina, which had been living peacefully with their Catholic and Orthodox neighbours for hundreds of years.

Next year we are supposed to celebrate the 70th anniversary of the Universal Declaration of Human Rights, the 50th anniversary of the first World Conference on Human Rights held in Teheran in 1968, and the 25th anniversary of the Vienna World Conference. But we are no longer in the mood for celebrations. *Our world is stuck in the most serious crisis since the end of World War II*, and the European Union, the most powerful peace project in the history of Europe, is gradually falling apart. Well-known economists, such as Thomas Piketty, Joseph Stiglitz or Anthony Atkinson, tell us that the *rise of economic inequality* has reached a level comparable to the economic inequality in England just before the outbreak of World War I. In his famous book *Capitalism in the 21st Century*, Thomas Piketty warned that economic inequality in the United States and the United Kingdom, the two countries in which the neoliberal revolution had started under Ronald Reagan and Margaret Thatcher during the 1980s, has reached a stage in which the social fabric of these societies had been undermined to an extent, in which the democratic coherence was seriously threatened. And this was still before David Cameron led his country into the "Brexit" and before the people of the United States voted Donald Trump into power.

The fact that democratic governments, even in Europe, no longer seem to be able to effectively control global market forces and that States' economic and financial standing seems to be dependent on the favourable assessment of private rating agencies, is another reason for the current *crisis of democratic governance*. This constitutes a fertile breeding ground for populist and right wing parties and ideologies, which openly call for more authoritarian governments, nationalism and the dismantling of the European Union. Viktor Orban in Hungary and Jaroslaw Kaczynski in Poland are the most obvious examples of such a new species of nationalistic and authoritarian leaders within the borders of the European Union, but similar right wing and anti-democratic politicians are on the rise in France, the Netherlands, Germany, Austria and most other member States of the EU. In the wider Europe, authoritarian leaders, such as Vladimir Putin in the Russian Federation and Recep Tayyip Erdogan in Turkey have in fact already dismantled democracy, the rule of law and human rights in their respective countries to an extent that is seriously endangering peace and security in our region.

Failed States, violence, armed conflicts, extremism, terrorism, organized crime, corruption, poverty, rising economic inequality, climate change and similar results of globalisation driven by neoliberal market forces have led to an unprecedented level of *global migration and refugee flows*. Although the vast majority of the current 65 million refugees and internally displaced persons remain in their home countries and in neighbouring States, in recent years, a significant number of these migrants and refugees have arrived in the Global North and have created a veritable crisis of the common European asylum and migration policies.

Rising economic inequality between countries and within societies is the most visible sign of ill-conceived neoliberal economic policies, which have led the world into a multitude of inter-connected global crises. By deregulating the global financial markets and privatising core State functions, such as national health and social security systems, education, water and even prisons, police, intelligence and military structures, *governments have voluntarily abandoned control over transnational corporations and other global market forces*. How can we counteract this deplorable state of our global world disorder and save our planet from further disasters? The process of globalisation has developed to an extent that individual governments are no longer able to reverse this trend, irrespective of how powerful they are. And efforts of powerful States to withdraw from the international scene into splendid isolation, protecting themselves by walls and iron fences, as it seems to be the vision of Donald Trump, are bound to fail. If we wish to save our planet from further disasters, we need more, not less international cooperation, stronger international organizations, and not weaker ones. But the United Nations and other international and regional organizations, including the European Union, being composed of

States with neo-nationalist agendas more inclined to protect their short-sided nationalist interests than to strengthen international cooperation, find themselves in a deep crisis. How can we break through this dangerous vicious circle?

In my opinion, there are two different scenarios on the horizon: a third world war, which will inevitably lead into a nuclear disaster, or a combined effort of an emerging global civil society leading our planet from post-rational and post-truth discourses on social media platforms back to rationalism and collective responsibility. At the moment, the first scenario unfortunately seems to be more realistic. The rise of authoritarian leaders, who openly disrespect the rule of law, democratic governance and human rights, is no longer restricted to China, Russia and other States in Asia, the Arab world and Africa, it has also taken roots in the United States and Europe, where many of us feel reminded of the rise of fascism in the 1920s and 1930s. History tells us that authoritarian leaders are not only willing to use force to silence internal opposition, but that they also tend to resort to the use of force if their international ambitions cannot be achieved by peaceful means of diplomacy, negotiation and mediation. It is not exactly reassuring that the maintenance of international peace and security, entrusted by the founders of the United Nations to the five permanent members of the Security Council, is in the hands of politicians like Donald Trump, Vladimir Putin, Xi Jinping, Theresa May and possibly Marine Le Pen. We can only hope that the realization of a new world order based on universal human rights, pluralist democracy and the rule of law will not be left to the next generation of human rights defenders, who will have to have survived a *third world war* and save our planet from a possible nuclear disaster first. Unfortunately, history also tells us that the big leaps in the development of human rights are only achieved in reaction to bloody revolutions, wars and enormous human suffering.

I nevertheless have trust that we will be able to avoid such a scenario. The current crises of world politics and world economics has also led to the awakening of a *global civil society movement*, which is willing to fight for the survival of our planet and for the universal values, on which the post-World War II international order was built. The powerful women marches in the United States after the inauguration of Donald Trump are as encouraging as the actions taken by civil society in many European countries when the European asylum and migration policy proved unable to deal with a mass influx of refugees in 2015, or the recent mass demonstrations against corruption in Romania. Even though the hopes of the "Arab Spring" seem to have been buried in mass atrocities committed by all sides in the Syrian wars and the hopes of the "Occupy Wall Street Movement" were overtaken by short-term crisis management rather than a reversal of neoliberal economic policies, these powerful movements show that many people have had enough of "business as usual". There is a huge potential in global civil society to address the root

causes of the current crises and to radically overthrow present economic and political dogmas.

Even though the neoliberal ideology seems to be the only relevant dogma governing world politics and the global economy in our times, in parallel, international law has developed a solid legally binding *universal normative framework* during the last 25 years, on which another world order guided by positive values, such as pluralistic democracy, the rule of law and human rights, could be built upon as soon as the necessary political conviction will have taken roots thanks to the pressure of civil society. Let me only cite a few of these *positive developments since the end of the Cold War*:

- The establishment of the *UN High Commissioner for Human Rights* as an important voice against major human rights violations and as the driving force behind the implementation of the Vienna Declaration and Programme of Action;
- The establishment of *ad hoc* criminal tribunals and a permanent *International Criminal Court* with the power to hold major war criminals and human rights criminals accountable up to the ranks of heads of State and Government;
- The willingness of the Security Council to take binding decisions (targeted sanctions and the authorization of collective military force) in accordance with Chapter VII of the UN Charter aimed at preventing and terminating armed conflicts and at protecting the populations of countries against war crimes, genocide, ethnic cleansing and crimes against humanity ("*Responsibility to Protect*" = R2P);
- New generations of *peace operations* authorized by the UN Security Council, including interim administrations of territories aimed at post-conflict peace-building on the basis of human rights, democracy and the rule of law;
- The adoption of far-reaching *Millennium Development Goals* (MDGs) in 2000 and of the "Agenda 2030" with even more ambitious *Sustainable Development Goals* (SDGs) for a new world order to be achieved by 2030;
- The adoption of binding goals and targets for the reduction of greenhouse gas emissions at the Paris Summit of December 2015 aimed at preventing irreversible consequences of global warming and *climate change*;
- The establishment of a full time *European Court of Human Rights* with the power to deliver binding judgments on individual complaints about human rights violations in all 47 member States of the Council of Europe, including the Russian Federation and Turkey, with roughly 800 million inhabitants;

- The further development of the *European Union* into a supranational organization with a common currency and a legally binding and directly enforceable EU Charter of Fundamental Rights, guiding the EU both in its internal and external policies based on common values of human rights, democracy, the rule of law and dignity;
- The rapid *accession of former Communist States* in Central and Eastern Europe to the Council of Europe and the European Union;
- The almost *universal ratification* of the two United Nations Human Rights Covenants and a considerable number of other core UN human rights treaties with respective monitoring mechanisms;
- The creation of a *Human Rights Council* as the most important human rights body of the United Nations with the power to periodically review the human rights performance of all member States ("*Universal Periodic Review*" = UPR).

In my opinion, the most important of these achievements is the *Agenda 2030* with 17 detailed *Sustainable Development Goals (SDGs)***.** The Agenda 2030 is more than a mere development agenda. It constitutes the most ambitious and radical master plan for peace, development, human rights and a sustainable environment ever adopted by the international community. It seems like a miracle that, during their Summit Meeting in September 2015, the same Heads of State and Government who bear the main responsibility for the deplorable situation of our planet have agreed on such an innovative and far-reaching document. The Agenda 2030 is not a legally binding document, but it has an enormous political significance and informs all policy areas of the broader United Nations family as well as of many multilateral and bilateral development agencies. If the Agenda 2030 was taken seriously and fully implemented by States and the international community as a whole, including the corporate sector, then the dream of a new world order based on peace, global justice, the rule of law, democracy, human rights and environmental sustainability might come true. The SDGs are far from utopian goals and targets. They are realistic goals, which could be achieved if States and other stakeholders were to develop the political will to implement them in practice. But this would require the political courage to radically change the current global economic and financial order.

In fact, most of the SDGs are already included as legally binding obligations of States in the core human rights treaties of the United Nations. SDGs 1 and 2 (no poverty, zero hunger) correspond to the human rights to food, shelter, clothing and, more generally, an adequate standard of living in Article 11 of the International Covenant on Economic, Social and Cultural Rights (Social Covenant). SDGs 3 and 4 (good health and well-being as well as quality education) are contained in Articles 12 and 13 of the same Covenant (rights to health and education). Gender equality (SDG 5) can be found in Article 3 of both Covenants and in the Convention on the Elimination of all Forms of

Discrimination against Women (CEDAW). Clean water and sanitation (SDG 6) is covered by the rights to health and an adequate standard of living. Decent work and economic growth (SDG 8) can be deduced from the rights to work and in work in Articles 6 and 7 of the Social Covenant. Peace, justice and strong institutions (SDG 16) relates to a broad range of rights covered in the International Covenant on Civil and Political Rights (Political Covenant), such as the rights of access to justice, fair trial, personal integrity, liberty and security, freedom of the media, the right to political participation and similar rights necessary for a democratic society based on the rule of law. Other goals, above all those related to a clean and sustainable environment (SDG 7 on affordable and clean energy, SDG 13 on climate action, SDG 14 on life below water and SDG 15 on life on land) are not directly related to the human rights treaties in the narrow sense but are covered by international environmental law and the binding climate change targets agreed upon during the Paris Summit of December 2015.

In my opinion, the most important goal is SDG 10 (reduced inequalities) as it requires States to significantly *reduce economic inequalities* within and among countries until 2030. This corresponds to the most important principle of international human rights law, namely the right to equality and non-discrimination in its various forms, and can only be achieved if the neoliberal economic policies, on which our current world order is built, are replaced by policies of strict regulation of global economic and financial markets aimed at realizing global justice and strong institutions of social welfare and social security. Such a radical change in global economic and social policies can only be achieved if States are willing to revitalize the *global partnership for sustainable development* (SDG 17). Such a global partnership must involve Governments, international organizations, the corporate sector and civil society. It is late, but not yet too late. We have powerful international organizations, including the United Nations, the World Bank, the International Monetary Fund, the World Trade Organization, the Organization for Economic Cooperation and Development, the European Union and many others. But we must reverse their policies from deregulation and privatization towards regulation and strengthening the public sector. Politics must re-establish sovereignty over global markets. Instead of pulling out of international organizations and cherishing nationalism and protectionism, Governments need to better cooperate within existing international organizations and revitalize their decision-making structures, including the UN Security Council. And Governments have to find ways and means of actively including the corporate sector and global civil society into the structures of global governance. The values, goals and targets are clear and well established within existing international law: Universal human rights and sustainable development goals as articulated in the Agenda 2030. If Governments, international organizations, the

corporate sector and global civil society work together and establish a truly global partnership guided by these values, goals and targets, then we will be able to eradicate poverty and avoid another world war.