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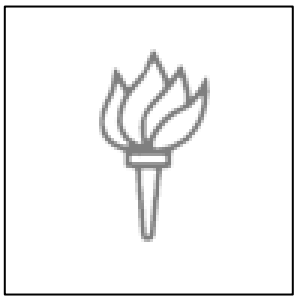

Human Rights 2030: Existential Challenges and a New Paradigm for the Field

César Rodríguez-Garavito

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Human Rights 2030
Existential Challenges and A New Paradigm for the Field[*]

César Rodríguez-Garavito
New York University School of Law

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Human Rights at a Crossroads

"We're like those dinosaurs happily roaming around, 65 million years ago, unaware of the meteorite coming their way." This remark by a prominent human rights practitioner from Kenya has stayed in my mind since the day she shared it with me and the other participants in a workshop on the future of human rights in New Delhi in 2017. The risks for human rights have increased since then, as has the scientific evidence of the climate crisis and the onset of a sixth mass extinction of species—the first one caused by one of those species (us) and the first one since that meteorite wiped out dinosaurs from the face of the planet during the fifth extinction.[1]

I have little doubt that, if Philip Alston had been in attendance, he would have seized the opportunity of the dinosaur story to make a self-deprecating quip that would have filled the room with laughter. Characteristically, his comment would have also come with a healthy dose of provocation for all of us, urging us to raise our gaze and react to the existential threats to human rights looming on the horizon. He would have infused the conversation with a mix of hope and trepidation–the trademark tone of the effective calls to action he has made to the movement over the years, and of his innumerable contributions to human rights scholarship and practice.

Those calls and contributions have become even more relevant and timely, as practitioners and analysts have increasingly embarked on a series of soul-searching

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[*] Some sections of this chapter draw on blog posts I have published in *Open Global Rights* and my contribution to Conectas' *SUR International Journal of Human Rights* anniversary edition (vol 20). I am grateful to OGR and Conectas colleagues for comments, as well as for permission to reproduce those texts. I also gratefully acknowledge the generous and thoughtful comments by the editors of this volume, as well as all their wise and timely initiative to put together this *Festschrift* for Philip Alston.

[1] Elizabeth Kolbert, *The Sixth Extinction: An Unnatural History* (First edition, Henry Holt and Company 2014).

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debates about the future of human rights. Indeed, uncertainty is the dominant mood in human rights circles these days. A growing body of scholarship debates foundational issues in the human rights movement,[2] and some wonder whether we have now entered its "endtimes."[3] Even before a global pandemic hit in early 2020, many advocacy organizations and activists around the world were sensing that the ground was shifting under their feet

The proliferation and resilience of populist authoritarian governments and movements from the right and the left–from India to Venezuela, from Hungary to the Philippines, from the United States to Turkey, from the United Kingdom to Israel, from Australia to Nicaragua–amount to what Alston has called "the populist challenge" to human rights, which embodies a powerful backlash against human rights norms, values and narratives.[4] To analysts and activists already reeling from the turmoil associated with transformations such as technological disruption, climate change and the fragmentation of global governance, the populist challenge had deepened the sense of uncertainty and even crisis well before the onset of the coronavirus pandemic.

In this chapter, I tease out the drivers and the competing readings of the current impasse in human rights, as well as what I see as some of the most promising ways out of it. Although I do not subscribe to the view that we are in the "endtimes" of human rights, I posit that traditional strategies, narratives, and organizational forms are not always the best fit for the purpose of addressing the populist challenge and other structural shifts in geopolitics, technology and ecology. My argument is that, although the field is not at a moment of terminal crisis, it is going through a period of profound transition, in which the paradigm of thought and practice that was developed in the 70 years since the adoption of the Universal Declaration of Human Rights is increasingly at odds with the needs of the twenty-first century, to the point that a new paradigm is needed if human rights are to remain relevant and impactful by 2030 and beyond. As Yuval Harari noted in *21 Lessons for the 21st century*, "while human rights movements have developed a very impressive arsenal of arguments and defence against religious biases and human tyrants, this arsenal hardly protects us against consumerist excesses and technological utopias."[5] I would add that it hardly protects us against democratically elected autocrats, planetary risks such as global warming and pandemics, or digital mega-corporations thriving on the accumulation and sale of personal data and the manipulation of human behavior.

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[2] Alison Brysk, *The Future of Human Rights* (Polity Press 2018); Stephen Hopgood, Jack L Snyder and Leslie Vinjamuri, *Human Rights Futures* (Cambridge University Press 2017); Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton University Press 2017). For an overview of critical scholarship on human rights, see Malcolm Langford, 'Critiques of Human Rights' (2017) 14 Annual Review of Law and Social Science 69.

[3] Stephen Hopgood, *The Endtimes of Human Rights* (Cornell University Press 2013).

[4] Philip Alston, 'The Populist Challenge to Human Rights' (2017) 9 Journal of Human Rights Practice 1.

[5] Yuval Harari, *21 Lessons for the 21st Century* (Penguin Random House 2018) 215.

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As Thomas Kuhn famously argued, a clear sign of a moment of transition between paradigms is the fact that fundamental questions are re-opened for debate.[6] This is certainly the case in the human rights field, where practitioners and scholars alike are engaged in controversies over questions such as who counts as a member of the human rights movement, what the disciplinary bases of human rights knowledge should be, what strategies can be most efficacious in a multi-polar and multi-media world, how to make the movement more inclusive and diverse, and what narratives and emotions should be prioritized in human rights messaging, among others. Important asymmetries—South versus North, elite versus grassroots, national versus global, white-led versus BIPOC-led organizations—are being openly discussed with the aim of overcoming such inequalities and strengthening the collective capacity of the movement.

The resulting uncertainty is an uncomfortable position for the human rights community, which has courageously confronted dictatorships, corporate abuse, socio-economic injustice, ethnocide, and environmental degradation for decades. Being left with more questions than answers is disconcerting for organizations and individuals that have come to be expected to provide clear-cut legal solutions to complex moral and political dilemmas.

Yet I believe we should welcome this discomfort. For transitions—between strategic models, intellectual frameworks, governance structures, technologies, or all of the above—represent moments of creativity and innovation in social fields. In human rights circles, where we have erected such high organizational and ideational barriers that it has become difficult to be reflexive and self-critical, this raises an unprecedented opportunity to reconsider some of our core assumptions.

In order to contribute to this reflexive exercise, in this chapter I take a systems view of human rights. Instead of focusing on any given issue area or region, I take a step back and focus on features and challenges that cut across them. As the literature on social innovation has shown, this view entails understanding the system in which a given problem sits, and using the right tool to tackle the specific problem at hand.[7] This goes against the grain of the dominant paradigm of human rights advocacy, which has become fragmented into specialized issue areas and overly reliant on a limited tactical toolkit.

The remainder of the paper is divided into three sections. First, I offer a brief *diagnosis* of the factors driving the paradigmatic transition in human rights. In doing so, I look into factors that are external to the field, as well as internal traits of human rights work

[6] Thomas S Kuhn (ed), *The Structure of Scientific Revolutions* (3rd edn, University of Chicago Press 1996).
[7] Susan Misra and Jamaica Maxwell, 'Three Keys to Unlocking Systems-Level Change' [2016] *Stanford Social Innovation Rev*

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that have contributed to strategic stagnation and a sense of crisis. Second, I discuss what I see as the main *readings* of the current moment in scholarly and advocacy circles. In addition to the "endtimes" view, I characterize three alternative positions that I call business as usual, reflexive reconstruction, and constructive disruption. Finally, from a perspective that combines reconstruction and disruption, I sketch a series of *responses* to the above-mentioned challenges to human rights. Given my wish to prompt debate and action, and the fact that this essay is written in honor of Philip Alston, I will deliberately formulate my proposals as provocations—one of the genres that Alston has masterfully adapted to human rights scholarship and practice, and that has (depending on the occasion and purpose) inspired or jolted so many of us into action.

Between a Rock and a Hard Place: External and Internal Challenges to Human Rights

External Challenges

Human rights have been dislocated from the outside by epochal transformations in other fields that have profound consequences on human rights actors, frameworks, and strategies. I single out five main challenges of this type. The first one is the *geopolitical challenge*. The Euro-American world order inherited from the second post-war period, which provided the geopolitical backbone for the globalization of human rights in the second half of the twentieth century, is no more. The initial death knell was sounded by the rise of the BRICS countries in the 2000s, which heralded a new era of multi-polarity. As it turns out, all that remains of that acronym, in terms of realistic aspirations for global geopolitical power, is the "C" for China. In the meantime, the Euro-American order imploded from within, after Brexit, Trump, and the rise of right-wing populism in Europe—with help from Russia, now relegated to the role of global disruptor. The result is a more fragmented and unpredictable international legal and political order, with no obvious consistent and principled government champions of human rights causes, and with global powers disinclined to put international human rights over their own sovereignty and narrowly defined national interest.

Second, the breakneck advance of information processing and tele-communications in the digital era presents a formidable *technological challenge* for human rights. While the story of the 2010s was about how the internet and social networks empowered and connected activists and social justice organizations across borders, the story of the dawn of the 2020s is about how those tools and other technologies such as artificial intelligence are being used to collect unprecedented amounts of personal data, manipulate human behaviour, disrupt elections, and concentrate power in the hands of digital mega-corporations and surveillance states. As Shoshana Zuboff has shown, the technologies and institutions of the new era of "surveillance capitalism" fundamentally undermine the conditions for the exercise of basic rights, from privacy to autonomy to

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political participation.[8] Biotechnology, which enables wealthy individuals to purchase enhanced cognitive and physical capacities, raises an equally formidable challenge, as it threatens to crystallize and deepen the inequalities that are already tearing apart national polities and undermining human rights around the world.[9]

Third, the *political challenge* that populist authoritarianism presents to democracy and human rights is here to stay. Anchored as it is in long-term structural transformations—such as the above-mentioned technological disruptions and increasing inequalities—, its ascendancy is not a glitch in the trajectory of global liberalism.[10] As they polarize societies through a categorical moral division of the polity between "us vs. them," between the "real people" and the rest, populists strike at the core belief of human rights in the equal dignity of all.[11] In doing so, they rely on the digital technologies (such as social media and messaging services) that were created to connect across group boundaries, and are now used to entrench tribal identities, be they ideological, ethnic, religious, nationalist, or otherwise. Since, as social psychology has shown, human beings tend to first belong and then believe,[12] the social tribes thus consolidated tend to operate as echo chambers, relatively impervious to the human rights truth-telling. This raises profound questions for the effectiveness of common human rights strategies of fact-finding and reporting.

Fourth, the climate and environmental crisis disrupts basic conditions of life on earth and thus those of human rights. This *ecological challenge* entered the mainstream in 2018-2019, as the reports of the UN expert panels on climate and biodiversity overlapped with the cascade of extreme weather events that scientists had been warning about for decades.[13] The advent of the Anthropocene, the geological era marked by the dominance (and potential annihilation) of the planet by the human species, was heralded by those early signs of the uninhabitable planet that future generations will inherit if drastic decarbonization measures are not urgently adopted to change the trajectory that is leading the planet to 1.5°C -2°C degrees of warming by mid-century and 3°C -4°C degrees by the end of the century.[14] The Anthropocene raises existential challenges to human rights. It opens the gates to violations of human rights at an

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[8] Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (1st ed, PublicAffairs 2019).

[9] Jamie Frederic Metzl, *Hacking Darwin: Genetic Engineering and the Future of Humanity* (Sourcebooks 2019).

[10] Yascha Mounk and Jordan Kyle, 'What Populists Do to Democracies' [2018] *The Atlantic* <www.theatlantic.com/ideas/archive/2018/12/hard-data-populism-bolsonaro-trump/578878/> accessed 6 August 2020.

[11] *Jan-Werner Müller*, What Is Populism? *(University of Pennsylvania Press 2016).*

[12] Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (Vintage Books 2013).

[13] ntergovernmental Panel on Climate Change, 'Special Report on Global Warming of 1.5°C' (IPCC 2018)***;*** Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, IPBES, 'Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services' (Zenodo 2019) <https://zenodo.org/record/3553579> accessed 8 August 2020.

[14] Bill McKibben, *Falter: Has the Human Game Begun to Play Itself Out?* (1st ed, Henry Holt and Company 2019).

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unprecedented scale, such as tens of millions of climate-induced deaths and waves of forced displacement that far surpass those caused by wars, and economic suffering much deeper and generalized than those associated with the Great Depression and financial crises.[15] In all of these respects, the coronavirus pandemic may be seen as a "rehearsal" for the human rights impacts that worsening global warming will unleash in the coming years and decades if urgent and drastic action against it is not taken.[16] As Philip Alston argued in his role as UN Special Rapporteur on extreme poverty, "tens of millions will be impoverished, leading to widespread displacement and hunger."[17] What is more: The Anthropocene fundamentally questions human rights categories and concepts that have legitimized ecological harm, such as the denial of rights to future generations and nature.

Finally, increasing inequality poses a key *socio-economic challenge.* As Alston has argued, inequality is "the antithesis of human rights,"[18]as shown by rising income inequality in nearly all countries,[19] the fact that less than 1% of the global population owns nearly half the world's wealth[20] and the reality (confirmed once more by the uneven effects of the cononavirus and powerfully exposed by the racial justice protests in mid-2020) that economic disadvantage is closely interrelated with other systems of oppression, from racism to patriarchy to discriminatory nationalism. Intersecting inequalities not only deepen the cleavages that underlie political polarization and populist backlash, but they also endow a small number of extraordinarily wealthy individuals and privileged sectors of society with an unprecedented power to shape human-rights-relevant institutions, rules, technologies, and decisions.

Taken separately, any of the structural drivers of change that I have singled out would entail deep transformations in the human rights field. Taken together, they amount to nothing short of an existential challenge to it. The simultaneity and the speed (as well as the interrelations among) those transformations have left human rights actors with a sense of disorientation and even crisis. Although, as we will see, some of those changes also offer opportunities that some individuals and organizations are seizing, the external

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[15] David Wallace-Wells, *The Uninhabitable Earth: Life after Warming* (1st ed, Tim Duggan Books 2019).
[16] Fraser Bryers, 'Bill McKibben – COVID-19 and Climate Change' <https://thetyee.ca/News/2020/04/20/Bill-McKibben-Talks-COVID-19-And-Climate-Change/> accessed 6 August 2020.
[17] OHCHR, 'UN Expert Condemns Failure to Address Impact of Climate Change on Poverty' *UN News* (Geneva, 25 June 2019) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24735&LangID=E> accessed 6 August 2020.
[18] Philip Alston, 'Extreme Inequality as the Antithesis of Human Rights' (*OpenGlobalRights*, 27 August 2015) <https://www.openglobalrights.org/extreme-inequality-as-the-antithesis-of-human-rights/> accessed 6 August 2020.
[19] Facundo Alvaredo and others, 'World Ineqality Report 2018' (World Inequality Database 2018) <https://wir2018.wid.world/files/download/wir2018-full-report-english.pdf>.
[20]Max Lawson and others, 'Public Good or Private Wealth?' (2019) Oxfam International <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620599/bp-public-good-or-private-wealth-210119-en.pdf> accessed 6 August 2020.

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challenges to human rights are indeed profound. And they are compounded by dilemmas coming from within the field, to which I now turn.

Internal challenges

Although external challenges create serious risks for human rights, they also could have an unexpected positive effect: to push the human rights movement to carry out internal transformations in its architecture, tactics, and strategies that were imperative even before the onset of those transformations.

With the erosion of Euro-American hegemony in the 2010s, the conventional "boomerang model" of human rights advocacy—which consisted in appealing to Washington, Geneva, or London so that Northern governments would pressure their global South counterparts to comply with human rights—was already losing its effectiveness. Trump, the Brexiteers, and continental European populists further undermined the limited effectiveness and legitimacy of those strategies centered on the global North. Further, "naming and shaming" delinquent states into compliance can no longer do the trick in a world where many leaders both in the North and the South are very happy to be named but shamelessly cover for each other.

The new context has put considerable pressure on the fault lines and blind spots of the contemporary architecture of the human rights field: the concentration of agenda-setting power and funds in international NGOs (INGOs); the difficulties of INGOs in collaborating on a level playing field with global South organizations; the insufficient connection between professional NGOs and social movements; and the inordinate dominance of specialized, law-centered narratives and strategies, which heavily limited the ability of the movement to connect with large sectors of the population and forge bridges with other movements.

Elsewhere, I have examined these and other internal weaknesses of the movement.[21] Here I want to stay at the higher level of analysis that I proposed for this chapter, one that takes a system view of human rights. From this perspective, I highlight five field-wide challenges for the movement. The first one is *fragmentation and lack of collaboration and learning across the field*. While collaboration has become a pervasive mode of operation in other circles, conventional funding and institutional models continue to encourage competition instead of collaboration among human rights organizations. For instance, while many academic disciplines have embraced co-authorship as the main form of knowledge production, far too many human rights organizations continue to individually pursue their own projects and publish solo-authored reports. The result is the sub-optimal use of scarce resources, duplication of efforts, a failure to capitalize on complementary skills and knowledge, and waste of precious opportunities for greater collective impact.

[21] César Rodríguez-Garavito, 'The Future of Human Rights: From Gatekeeping to Symbiosis' (2014) 11 SUR Journal <https://papers.ssrn.com/abstract=2553200> accessed 6 August 2020.

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The second systemic limitation of the field is *strategic stagnation and limited innovation***.** As in any well-established professional field, dominant human rights actors have become attached to the traditional strategies that have allowed them to win key victories for decades. They have thus been slow in responding to new challenges, and oftentimes lack the tools and incentives to innovate in order to remain impactful and relevant. The result is overreliance on conventional and increasingly ineffective strategies such as naming and shaming and traditional research, communications, and litigation. Despite the possibilities opened up by digital technologies and the insights provided by studies on effective communications and narratives, the mainstream toolkit of human rights continues to look more like a one-purpose hammer than like a versatile Swiss army knife.

Third, the human rights system is hampered by its *slowness and focus on the short term.* Over the last few decades, prominent human rights organizations have focused on *space* (as in Amnesty International's and Human Rights Watch's effort to decentralize their operations across the globe). However, they and other actors in the field have yet to adjust their vision and use of *time* in responding to changes that now occur with exponentially higher velocity and thus demand urgency, in an age that has rightly been called "The Great Acceleration."[22] Moreover, while some of the existential threats to human rights stem from long-term, structural transformations (e.g., the erosion of democracy, the persistent trend towards rising inequality, and the heating of the planet), the vision of most human rights actors continues to focus on short term, two- to five-year funding and operational cycles, and is focused on demonstrating "impact" by showing success on low hanging fruit and near-term reforms. Given that the targets of human rights campaigns (from authoritarian governments to fossil fuel and social media corporations) tend to have much longer-term horizons, this is a systemic disadvantage that keeps human rights actors constantly on the defensive.

The success of populist and anti-rights movements and governments in gaining majority support has made visible another limitation of the human rights field, that is, its relatively *narrow membership and audience.* Specifically, it has shown that conventional human rights organizations and narratives—with their reliance on legal language and their larger membership in the global North—have failed to engage with and appeal to large sectors of the population, including the young and the "persuadable middle" sectors in increasingly polarized societies.[23] Thus, human rights actors tend to paint themselves into a corner, where they appear as defenders of minority causes despite advancing causes that also benefit the majority of the population, such as protecting the socio-economic rights of the working class against austerity policies.

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[22] Gaia Vince, *Adventures in the Anthropocene: A Journey to the Heart of the Planet We Made* (Milkweed Editions 2015); Robert Macfarlane, 'Generation Anthropocene: How Humans Have Altered the Planet for Ever' *The Guardian* (1 April 2016) <https://www.theguardian.com/books/2016/apr/01/generation-anthropocene-altered-planet-for-ever> accessed 6 August 2020.

[23] Thomas Coombes, 'Hope, Not Fear: A New Model for Communicating Human Rights' (*Medium*, 27 October 2019) <https://medium.com/@the_hope_guy/hope-not-fear-a-new-model-for-communicating-human-rights-d98c0d6bf57b> accessed 6 August 2020.

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The final systemic weakness of the field that I wish to highlight is *unmanaged complexity***.** As external challenges have multiplied, and as the number and interdependence of human rights issues and actors have increased, the field and the problems it tackles have become highly complex. In fact, some of the key contemporary challenges to human rights—from the erosion of civic space to global warming—fit the definition of a "wicked problem", that is, one that is difficult to solve because of incomplete, contradictory, and changing requirements that are often hard to recognize.[24] Addressing complex problems in general, and wicked problems in particular, requires a systems view of the field, willingness to prioritize some issues over others, and openness to deconstructing complex problems and finding novel solutions to them. Predispositon for prioritization and systemic approaches is uncommon in human rights field, partly due to the fundamental moral commitment of the movement to the indivisibility and importance of all rights, and partly due to the above-mentioned strategic stagnation. Thus, unmanaged complexity stands in the way of greater collective impact.[25]

These systemic challenges are not entirely new. They are the blind spots and accumulated liabilities of the traditional advocacy paradigm. Although many organizations and coalitions around the world are actively developing responses and solutions to the aforementioned challenges, the conventional paradigm continues to be dominant. Human rights activists and analysts should have mended these weaknesses in times of relative normality. Now we will have to do it in extraordinary times, when the old paradigm is no longer tenable and a new paradigm has yet to emerge.

How do we make this transition? The answer depends partly on the interpretation of the current moment. As Kuhn showed, paradigmatic transitions are marked by heated debates among proponents of different readings of the state of the field. Thus, before offering some ideas about how to tackle internal and external challenges, I discuss the contending readings of the ongoing anxiety in human rights circles, and make explicit the interpretation from which my proposals stem.

Crisis or Transition? Four Readings of the Human Rights Impasse

As in any debate, extreme views on the situation of human rights have elicited the most attention among practitioners and scholars. Less time and energy have been devoted to intermediate views that acknowledge the challenges while formulating pragmatic solutions to them. I seek to compensate for this bias by discussing jointly the more extreme readings of the situation—which I will call the "endtimes" and the "business as usual" views—and focusing on intermediate interpretations, which I will call "reflexive reconstruction" and "constructive disruption."

[24] David Epstein, *Range: Why Generalists Triumph in a Specialized World* (Riverhead Books 2019).
[25] Tim Wu, 'The Democrats' Complexity Problem - The New York Times' (New York, 21 March 2019) <https://www.nytimes.com/2019/03/21/opinion/democrats-complexity.html> accessed 6 August 2020.

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Endtimes or business as usual?

The responses that many analysts and practitioners have offered tend to be grouped in two extremes: skepticism and defensiveness. The skeptics announce the "endtimes" of the international project of human rights, based on a view that human rights were imposed by Euro-America. Given this view, the end of Pax Americana is also the end of the movement as we know it, as Stephen Hopgood has written.[26] His work is thought provoking and inexact in equal parts, and it forgets that this regime was built in part with the ideas and the pressure of states and movements of the global South, from those who created the American Declaration on the Rights and Duties of Man in 1948 to postcolonial nations that pushed for treaties against racial and religious discrimination in the sixties. [27]

Skeptics also rely on an incomplete reading of the global impact of the movement. For example, even if Samuel Moyn is right in claiming that the impact of international law on American human rights struggles (specifically on the civil rights cause) is negligible, generalizing to the rest of the world is empirically inaccurate.[28] It runs counter, for instance, to abundant evidence that the making and implementation of international norms such as those enshrined in the UN Durban Declaration or the Convention against Racial Discrimination—in combination with domestic political and legal mobilization—have made key contributions to advancing the cause of racial justice in different parts of the world.[29] More generally, Anglo-American skeptics tend to miss myriad processes of "vernacularization" whereby international human rights have been incorporated into national constitutions, policies, court decisions, and social movements' frames and repertoires of contention.[30]

However, as noted, recognizing the history and accomplishments of the movement does not imply that the dominant tactics in human rights are without serious flaws. Nor does it imply that external and internal challenges can be satisfactorily tackled through a business-as-usual approach, one that doubles down on the tenets of the traditional paradigm. This traditional approach has been forcefully articulated by some pioneer advocates and defended by leading organizations like Human Rights Watch (HRW). Implicitly, it has also been embraced by many human rights players who continue to operate along the intellectual, organizational, and strategic lines of the second half of the twentieth century. Explicitly or implicitly, this reading assumes that there is nothing

[26] Hopgood, *The Endtimes of Human Rights.*
[27] Kathryn Sikkink, 'Latin America's Protagonist Role in Human Rights' 12 SUR International Journal of Human Rights 207; Doutje Lettinga and Lars van Troost (eds); César Rodríguez-Garavito, 'Towards a Human Rights Ecosystem' in *Debating the Endtimes of Human Rights* (Amnesty International Netherlands 2014).' in *Debating the Endtimes of Human Rights* (Amnesty International Netherlands 2014).
[28] Samuel Moyn, 'Trump and the Limits of Human Rights' (*openDemocracy*, 14 November 2016) <https://www.opendemocracy.net/en/openglobalrights-openpage/trump-and-limits-of-human-rights/> accessed 6 August 2020.
[29] Tianna S. Paschel, *Becoming Black Political Subjects: Movements and Ethno-Racial Rights in Colombia and Brazil* (Princeton University Press, 2017).
[30] Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (University of Chicago Press 2006).

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particularly new about the current moment, and that "naming and shaming is still the human rights movement's best weapon."[31]

Paradoxically, proponents of endtimes and business-as-usual views share strikingly similar conceptions of the history and architecture of the human rights field.[32] Although they are on opposite sides of the debate, they have in common an all too simplistic view of the actors, the content and the strategies of the movement.

With regards to the *actors*, both paint a reductionist picture. Hopgood throws the first punch: "Human Rights are a New York-Geneva-London-centered ideology focused on international law, criminal justice, and institutions of global governance. Human Rights are a product of the 1%."[33] Moyn's empirical analysis is largely focused on the global North, and his criticisms are almost invariably aimed at prominent INGOs, as if they were a proxy for the movement as a whole,[34] as Gráinne de Burca and Julieta Lemaitre have convincingly argued.[35] In this regard, the skeptics embrace a Northern-centric view of the field that is similar to the most forceful defenders of the traditional paradigm. It is no coincidence that they all date back the origins of the human rights field to the 1970s (when HRW and other professional INGOs were established) [36] instead of the mid-1940s, when the foundational legal instruments (like the Universal Declaration and the American Convention) were adopted with the decisive participation of global South states and actors.[37]

Although skeptics like Hopgood are right to point that the movement is profoundly unequal—organizations in the global North continue to have disproportionate power when it comes to setting the international agenda and receiving funding—, in practice human rights actors are much more varied, and their relationships much more complicated, than what both critics and defenders of the traditional paradigm would suggest. The success of the language of human rights is such that it has been adopted by

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[31] Aryeh Neier, '"Naming and Shaming": Still the Human Rights Movement's Best Weapon' (*OpenGlobalRights*, 11 July 2018) <www.openglobalrights.org/Naming-and-shaming-still-the-human-rights-movements-best-weapon/> accessed 8 August 2020.

[32] See César Rodríguez-Garavito, 'Against Reductionist Views of Human Rights' (*OpenGlobalRights*, 30 July 2013) <www.opendemocracy.net/en/openglobalrights-openpage/against-reductionist-views-of-human-rights/> accessed 6 August 2020, from which this section is partly drawn.

[33] Stephen Hopgood, 'Human Rights: Past Their Sell-by Date' (*OpenGlobalRights*, 18 June 2013) <www.openglobalrights.org/human-rights-past-their-sell-by-date/> accessed 8 August 2020.

[34] Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Belknap Press of Harvard University Press 2019); Moyn, 'How the Human Rights Movement Failed' *The New York Times* (23 April 2018) <https://www.nytimes.com/2018/04/23/opinion/human-rights-movement-failed.html> accessed 8 August 2020.

[35] Julieta Lemaitre, 'The View from Somewhere: On Samuel Moyn's Not Enough' (*LPE Project*, 9 July 2018) <https://lpeproject.org/blog/the-view-from-somewhere-on-samuel-moyns-not-enough/> accessed 6 August 2020; Grainne de Búrca, 'Shaming Human Rights' (NYU School of Law 2018) Jean Monnet Working Paper 2/18.

[36] Moyn, *Not Enough* (n 34); Aryeh Neier, *The International Human Rights Movement: A History* (Princeton University Press 2012).

[37] Steven LB Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (CUP 2017).

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grassroots communities, social movements, networks of online activists, religious and professional organizations, scientific communities and many other actors.

Instead of imposing on the whole movement a simplistic dichotomy—such as Hopgood's contrast between elite, capital-letter Human Rights v. grassroots human rights players—, what we need are useful concepts and strategies for a movement that is much more varied and dynamic than the one of past decades, and that needs to actively reframe and reimagine its mission and strategies if it is to be relevant and impactful under the radically new conditions of the twenty-first century. This is the view proposed by the readings of the current moment that take a middle road between skepticism and defensiveness.

Reflexive Reconstruction and Constructive Disruption

Since human rights practitioners and engaged academics cannot afford to rejoice in uncertainty or join the call for the demise of the movement, their responses oscillate between defensiveness and reconstruction. As noted, defensiveness tends to be the reaction of those who are highly invested in the conventional model of human rights advocacy. Reconstruction is the response of those who recognize internal and external challenges and yet believe that they do not represent the end of the human rights project, but rather the need for new ways of thinking about and practicing them.

I distinguish two types of reconstructive views: reflexive reconstruction and constructive disruption. Reflexive reconstruction entails a careful inquiry into the movement's past and a critical examination of its present in order to distill lessons for the future. Scholars writing in this vein, such as Kathryn Sikkink, cogently question the inaccurate account of the history and the current moment of the movement embraced by skeptics and defenders alike.[38] They contest the historical account that locates the origin of the movement in the global North, as well as the empirical data used to support the premature announcement of the terminal failure of the human rights project. However, vindicating the movement's trajectory and achievements does not translate into complacency. For the same reflexive exercise brings to light the aforementioned challenges and internal fissures of the movement, which this view recognizes and proposes to tackle with a combination of time-honored and new strategies. For instance, while Sikkink's work contests the notion that the populist challenge to human rights amounts to a global trend towards the closure of civil society spaces, it also highlights the need for new narratives and impact-oriented strategies that differ from those of the conventional human rights paradigm.

Reflexive reconstruction is indeed much needed in human rights. My own work has been informed by this view.[39] However, I argue that it needs to be complemented by another, more urgent type of intermediate approach, which I call constructive disruption. This is so because the human rights movement has been sluggish in addressing the formidable challenges it faces. While increasingly ineffective, the inertia

[38] Sikkink, *Evidence for Hope* (n 2).
[39] Rodríguez-Garavito, 'The Future of Human Rights' (n 21).

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of the conventional paradigm of human rights advocacy continues to slow down internal transformation. For instance, an inordinate amount of time and energy in the emerging field of business and human rights has gone into debating contrasting approaches to the traditional task of standard setting. A myriad of organizations have heavily invested in the divisive debate between supporters of the UN Guiding Principles on Business and Human Rights and those who argue that real corporate accountability requires a binding UN treaty on the matter.[40] Meanwhile, not enough attention has been paid to ensuring that the existing standards are actually implemented to the benefit of workers, indigenous people, and others whose rights have been violated by corporations.

Taking a cue from social innovation studies and initiatives in other fields— from health care to journalism to education[41]—, what I propose is to undertake innovations that disrupt the dominant paradigm of human rights in ways that increase the collective capacity and impact of the movement. These constructive disruptions take the form of concrete initiatives that address systemic challenges in human rights and, if successful, have the potential to be scaled to the field level. As we will see in the next section, they consist of a wide variety of efforts, including novel inter-organizational collaborations, new narratives, the expansion of the concept of rights holder, creative litigation and human rights education that expand the movement's toolkit and knowledge base, and so on. What they all have in common is a deliberate spirit of experimentation and willingness to learn from other fields, and even from failure.

This explicitly experimental approach is akin to the "destabilizing" view of rights that Sabel and Simon proposed for litigation, in which rights are seen as means to disrupt power asymmetries and dysfunctional organizational arrangements that stand in the way of social justice.[42] As pragmatist and experimentalist social theory shows, this view of rights is particularly relevant under conditions of uncertainty like those of the current moment, in which traditional solutions are no longer effective and alternatives are not readily available.[43]

Given that the disruptive innovations that I have in mind have a (constructively) destabilizing purpose, and that they remain largely untested in the human rights field, I formulate them as provocations.

Disruptive Innovations: Towards a Human Rights Ecosystem

[40] César A Rodríguez Garavito (ed), *Business and Human Rights: Beyond the End of the Beginning* (Cambridge University Press 2017).
[41] Taz Hussein, Matt Plummer and Bill Breen, 'How Field Catalysts Galvanize Social Change' [2018] *Stanford Social Innovation Review* <https://ssir.org/articles/entry/field_catalysts> accessed 6 August 2020.
[42] Charles F Sabel and William H Simon, 'Destabilization Rights: How Public Law Litigation Succeeds' (2004) 117 Harvard Law Review 1015.
[43] Grainne de Búrca, 'Human Rights Experimentalism' (2017) 111 American Journal of International Law 277; Charles Sabel 'Dewey, Democracy, and Democratic Experimentalism' (2012) 9 Contemporary Pragmatism 35.

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In line with reconstructive views, I have argued that instead of reinforcing the traditional boundaries of the field, human rights theory and practice must be expanded to include and open spaces for new actors, themes, and strategies that have emerged in the last two decades. To capture and maximize this diversity, I have suggested that the field should be understood as an ecosystem, rather than as a unified movement or institutional architecture.[44]

As in any ecosystem, the strength of human rights will depend on symbiosis, that is, the interaction among its different actors, to the advantage of the latter and the broader cause they share. Collaboration and complementarity thus become even more important to the survival and thriving of the field as a whole.

Adaptation and learning will also be fundamental for the human rights ecosystem to thrive, as is the case in any system. As noted, this requires moving toward experimentalism. It also implies changes in the architecture of the movement, such that innovations can be nurtured and disseminated across it.

Transitioning from the current fragmentation and uncertainty to a human rights ecosystem will not happen spontaneously. It entails disruptive interventions in tactics, types of actors, narratives and frames, among others. I single out three such interventions.

Collaborate, collaborate, collaborate

Given the prevalent mode of operation in the field, which encourages competition and dispersion of efforts and resources, human rights have yet to sufficiently enter the era of collaborative production. Collaboration has become predominant in other fields, from journalism to science to software development. A rich body of social science literature has shown that collaborative modes of production are needed to deal with the increasing complexity, volatility, and abundance of information in contemporary societies and systems of all kinds.[45]

I highlight two types of disruptions that can infuse and scale collaboration in human rights. My first suggestion is to develop more *collaborative platforms*, of the type that professionals in other circles have built in order to exchange information and carry out joint actions. Specifically, human rights actors can get inspiration and concrete ideas from a neighboring field: journalism. Under pressure from a failing business model, top journalistic outlets have responded with a new mantra that is thoroughly transposable to human rights: "collaborate, collaborate, collaborate."[46] One of the results in journalism

[44] César Rodríguez-Garavito, 'Human Rights: Gated Community or Ecosystem?' (*OpenGlobalRights*) <www.openglobalrights.org/cesar-rodríguez-garavito/> accessed 6 August 2020; Rodríguez-Garavito, 'The Future of Human Rights' (n 21).
[45] Yochai Benkler, 'Law, Innovation, and Collaboration in Networked Economy and Society' (2017) 13 Annual Review of Law and Social Science 231.
[46] Charles Lewis, 'The Future of Journalism in Three Words: Collaboration, Collaboration, Collaboration | Charles Lewis' *The Guardian* (18 April 2016) <www.theguardian.com/commentisfree/2016/apr/18/future-of-journalism-collaboration-panama-papers> accessed 6 August 2020.

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has been sophisticated collaborative platforms and digital infrastructures such as those created by the International Consortium of Investigative Journalists, which have enabled hundreds of journalists from around the world to work jointly on massive investigative projects, such as the one that led to the revelations of the Panama Papers.

Here is the provocation: If journalists and media organizations—who have every incentive to scoop each other—have managed to coordinate efforts and pool resources in order to increase the collective impact of their work, why can't human rights actors? Although not with the frequency and systematicity of journalists, some civil society organizations do engage regularly in collaborative reports –for instance, when they constitute coalitions that work on a single report about a given country when the latter comes up for review before the UN Human Rights Council as part of the Universal Periodic Review system. Instead of publishing competing and redundant reports on an issue of interest to organizations in different parts of the world, would it not be more reasonable to do this more often and share scarce resources and maximize impact and attention by working collaboratively on a single investigation?

Collaboration does not always require building new platforms. In fact, human rights organizations could deepen and multiply joint initiatives without necessarily changing their institutional structures. They would, however, need to shift from a competitive culture to a collaborative one. This is the second route towards a more cooperative human rights ecosystem. All that it would take is for funders to systematically support collaboration and for NGOs to engage more frequently in collaborative efforts with other organizations, ideally through modes of cooperation that are more horizontal than the "boomerang" model of the traditional advocacy paradigm. Under Euro-American hegemony, groups in the global South suffering under authoritarian regimes felt they had to appeal to northern NGOs in Washington, London, or Geneva. These northern advocates, in turn, pleaded, cajoled, and pressured northern governments and international organizations to get engaged. If successful, this human rights "boomerang" eventually returned to its launching point in the form of northern political and economic pressure on southern authoritarian regimes. Although entrenching north-south assymetries, this model led to key transnational victories, such as the campaigns against gross human rights violations by Latin American dictatorships in the 1970s and 1980s.

The boomerang is still widely used, but it clearly has diminishing returns. Thus contemporary human rights actors are experimenting with less episodic, more horizontal collaborations. I distinguish three promising approaches, pursued by some INGOs, virtual networks and coalitions of national organizations. As for *INGOs*, many are creating a stronger direct institutional presence in the global South, seeking new opportunities for policy influence, fundraising, constituency-building, and for mobilizing popular enthusiasm. This new approach is evident in Amnesty's decade-long attempt to be "closer to the ground," as well as HRW's
ongoing globalization process. In both cases, a classic, northern-based "brand name"

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group is opening, or strengthening, offices in new centers of global and regional power, from New Delhi to Sao Paulo.

As in other globalized bureaucracies, however, these processes may lead to ultimate decision-making power remaining concentrated in the (northern) headquarters. Moreover, it may be the case that these and other INGOs will tend to privilege collaboration within their globally dispersed organizational structure, rather than collaboration with local organizations.

A second promising approach to transnational collaboration is *global virtual networks*. Empowered by information and communications technologies, activists and online advocacy platforms like Change.org and Avaaz mobilize the power of decentralized crowds to put pressure on a variety of human rights targets, from states to corporations. This approach is also evident in the rapid, cross-border dissemination of pro-rights movements like the Occupy wave in the early 2010s, the younger generation's school strikes on climate change at the end of the decade, and the wave of protests against racial injustice that inaugurated the 2020s.

Although promoters of this model sometimes overplay its novelty, they rightly note that its power is "open, participatory, and peer-driven."[47] Bennett and Segerberg have cogently dubbed this model "connective action," in contrast to the traditional "collective action" model of NGOs and other formal social change organizations.[48] Its strength lies in its ability to aggregate small contributions from around the world at dizzying speed, from local protests to donations in crowdfunding schemes to e-signatures in support of transnational petitions. Its weakness is the obverse of its highly disruptive and opportune power, that is, its difficulty to sustain collaboration over time and transform disruption into lasting influence, as evident in the fate of the Occupy movement.

Here is the provocation: what would it take for traditional human rights actors to collaborate more with connective-action human rights players? How can the strengths of the two modes of mobilization be creatively combined?

Finally, a promising collaborative model is being built by *domestic organizations.* As global power becomes more multipolar, local NGOs are creating new coalitions focused on producing what I call "multiple boomerangs."[49] In this case, political pressure for human rights change comes from different geographic locations, and is simultaneously mobilized and directed towards multiple targets.

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[47] Jeremy Heimans and Henry Timms, 'Understanding "New Power"' [2014] *Harvard Business Review* <https://hbr.org/2014/12/understanding-new-power> accessed 6 August 2020.
[48] W Lance Bennett and Alexandra Segerberg, 'The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics' (2012) 15 Information, Communication & Society 739.
[49] César Rodríguez-Garavito, 'Multiple Boomerangs: New Models of Global Human Rights Advocacy' (*openDemocracy*, 21 January 2015) <www.opendemocracy.net/en/openglobalrights-openpage/multiple-boomerangs-new-models-of-global-human-rights-advoc/> accessed 6 August 2020.

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I witnessed this model at work in a successful coalition that Latin American NGOs forged to defend the Inter-American Human Rights Commission (IAHRC) when it came under attack from regional governments between 2011 and 2016. In this issue area, the United States was a major part of the problem; it had never ratified the Inter-American Convention on Human Rights, and its regional influence was in decline. As a result, lobbying US human rights groups, or appealing to the US government for pressure on Latin American governments, would have been ineffectual, even counterproductive.

Instead, Latin American NGOs developed a collaborative strategy centered on putting simultaneous pressure on their own governments to support the IAHRC. They also succeeded in inducing key governments, such as Brazil, to defend the IAHRC from attempts at stripping it of its key powers. A regional coalition of national human rights groups, lobbying their own governments and the region's emerging power, Brazil, got the job done.[50]

This was a South-South boomerang of domestic NGOs. But multiple South-North and North-North boomerangs are also arising. A telling example is the International Network of Civil Liberties Organisations (INCLO), a coalition of fifteen national NGOs from different regions of the world that produces comparative reports and coordinates domestic advocacy efforts undertaken by member organizations.

In light of the potential of this model both for impact and for instilling a collaborative mode of action, why not increase the use of multiple boomerangs? Why not activate some of the myriad human rights networks that rarely go into action mode, and turn them into action-oriented, collaborative coalitions that leverage multiple boomerangs?

"Timeful" human rights: thinking long term, responding in the very short term

My next set of provocations is based on the following thesis: If the human rights movement hopes to have a future, it will have to take time seriously.

While the 1990s and 2000s were a period of concern about space, I believe that time will be the most important variable for human rights in the remainder of the century. Turn-of-the century globalization was a spatial phenomenon by definition: the expansion of markets across the world, the connection of the last corners of the globe to telecommunication networks, and the transnational rise of neoliberalism. Although the human rights movement was one of the sources of criticism and resistance against the inequities of globalization, it remained more focused on space than time. It focused on the global dissemination of human rights standards embodied in treaties and agreements, which became part of the language and common sense of global governance. Obsessed with going beyond the barriers of space, we put aside the

[50] Camila Barreto and others, *The Inter-American Human Rights System: Changing Times, Ongoing Challenges* (DPLF 2016).

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concern about time, as if globalization was effectively the "end of history" proclaimed by Fukuyama.

We now know this was a hasty diagnosis not only because nationalism is building up walls of hatred around the world, but also because our disdain for long-term thinking is taking its toll. If more evidence was needed that history did not end with the victory of liberalism and human rights, the populist-authoritarian wave is proof enough.

The time to cope with the climate crisis with conventional measures has also passed.[51] Generation Xers were a product of globalization and wasted the 30 crucial years we had to take gradual steps against global heating. Today generation Z teenagers go on school strikes to remind us of what scientists from the UN intergovernmental panel on climate change concluded: to avoid the most catastrophic climate change scenarios and the subsequent human rights crises, urgent measures that cut carbon emissions in half by 2030 at the latest are the only way out.[52]

Recovering time also means changing the way we think about it. When globalization was booming, the prevailing disciplines, from geography to political economy and international law, focused on space. Today it is necessary to learn from other fields that hold a fuller understanding of time, such as biology and geology, considering that they are more connected with temporal phenomena such as the evolution of earth and the species that live on it.

As geologist Marcia Bjornerud wrote, "an acute consciousness of how the world is made by—indeed, made of—time," is what is required.[53] This vision means constructive disruptions based on "timeful" (as opposed to timeless) ideas and proposals as beautifully expressed by Bjornerud.

I suggest two disruptive, "timeful" ideas related to human rights. The first is to acknowledge the rights of future generations.[54] The Universal Declaration of Human Rights falls short when it states "all human beings are born free and equal in dignity and rights." The Declaration and international human rights law writ large consider only present generations because its provisions do not prevent them from leaving an uninhabitable planet to future generations. A missing article in international law should state that "every generation has an equal right to enjoy natural resources."[55] The idea

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[51] See César Rodríguez-Garavito (ed.) *Litigating the Climate Crisis: How Human Rights, Courts and Legal Mobilization Can Bolster Climate Action* (Cambridge University Press, forthcoming). See also César Rodríguez-Garavito, 'For Human Rights to Have a Future, We Must Consider Time," *OpenGlobalRights* (10 June 2019) https://www.openglobalrights.org/for-human-rights-to-have-a-future-we-must-consider-time/ Accessed 31 May 2021, from which this section is partly drawn.

[52] IPCC, *Special Report on Global Warming of 1.5°C* (n 13)

[53] Marcia Bjornerud, *Timefulness: How Thinking like a Geologist Can Help Save the World* (Princeton University Press 2018).

[54] Bridget Lewis, 'The Rights of Future Generations within the Post-Paris Climate Regime' (2018) 7(1) Transnational Environmental Law 69.

[55] George Monbiot, 'Capitalism Is Destroying the Earth. We Need a New Human Right for Future Generations' (15 March 2019) <www.theguardian.com/commentisfree/2019/mar/15/capitalism-destroying-earth-human-right-climate-strike-children> accessed 8 August 2020.

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was already considered in non-binding instruments like the UNESCO Declaration of the Responsibilities of the Present Generations Toward Future Generations (1997). Now we have incontrovertible and detailed evidence about the looming human rights crisis that climate change would bring for future generations. Why not update the legal, strategic, and intellectual toolkit of human rights to fully incorporate consideration for the rights of future generations?

Another timeful proposal is the declaration of constitutional emergency to address the climate crisis and the consequent rights violations, just as emergencies are declared to allow for exceptional measures during economic crises or wars. Today we know that, unless we face climate change with the same urgency and scale that is required by a pandemic or a world war, global warming will cause an economic collapse much worse than the one caused by the coronavirus crisis and a death toll greater than that of both world wars combined.[56] If countries like England and Ireland declared in 2019 a constitutional emergency to face the effects of climate change and the massive loss of animals and plants, why not scale this initiative and other legal innovations to other countries, and to the regional and global levels? In addition to contributing to this type of initiative, human rights actors can help make them congruent with human rights norms, which populist authoritarian governments opportunistically suspend in times of constitutional emergencies, as shown by the way in which leaders in countries like Hungary and Brazil used the coronavirus pandemic as an excuse to pass anti-rights legislation.

These types of timeful ideas are supported by social movements with an acute awareness of time, such as the wave of student strikes for the rights of future generations, and the series of rallies led by organizations like 350.org and Extinction Rebellion to protest against inaction on climate change. While the former reminded us of the importance of long-term thinking, the later underlined short-term action.

The human rights movement can learn from these other movements. It has to refine its long-term goals as well as its short-term response capacity. In regard to the first, thinking ahead of long-term trends is one of the blind spots of human rights players, like NGOs and philanthropic donors. We are habituated with one- to three-year planning and funding cycles, often failing to anticipate fundamental changes that require preparations now, but that will take place within ten to twenty years. An example is the deep changes in basic concepts and the practice of human rights that will come about as a result of new technologies, like artificial intelligence (A.I.) and gene editing. If many of the targets of human rights advocacy—from fossil fuel companies to the military to A.I. corporations—operate with a multi-decade time horizon in mind, should human rights actors and funders not also develop a longer-term view and strategize in light of likely future scenarios?

At the same time, human rights players struggle to react with the necessary urgency in the short term. Mainstream organizations have been slow to respond to existential challenges, such as the dissemination of authoritarian populism or climate change,

[56] Wallace-Wells (n 15).

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possibly as a result of the inertia of conventional strategies. For instance, the routine of state-centric advocacy before inter-governmental institutions no longer suffices in a fast-paced world where some of the most serious threats to human rights do not come from states but from private corporations, whose social platforms can help destabilize electoral processes in a matter of days.

Learning from Other Fields: New Human Rights Narratives

Constructively disrupting human rights is most productive when it draws from a wide array of fields of research and practice, and from different forms of imagining the future. In addition to the types of knowledge that are familiar in human rights circles, such as law and the social sciences, this entails deploying the tools of a wide array of fields. In addition to those that I have alluded to throughout the chapter—such as journalism, futures thinking, social innovation, and design thinking—, this implies incorporating insights from studies on emotions, narratives, and the human mind. Disciplines like social psychology, neuroscience, and behavioral economics have made unprecedented progress in understanding the human mind in the last three decades, but many of their lessons have yet to be absorbed by human rights actors.

The good news is that a growing number of scholars and practitioners are practicing human rights from less these well-travelled angles, explicitly engaging in forward-looking discussions on narratives and emotions. This is evident, for instance, in the *Open Global Rights* blog series for practitioners about emotions in general, and hope in particular, in human rights communications and messaging.[57]

Given the over-legalization of human rights in the traditional paradigm, actors in the field oftentimes lose sight of the moral nature of rights—and the fact that it was moral values that brought them to the field in the first place. More than a set of treaties or constitutional norms, human rights are moral claims about the intrinsic value of every human being. As Amartya Sen has written in criticizing the conventional, "legally parasitic view of human rights," the latter must be seen as an approach to ethics, which stand in contrast, for instance, to utilitarianism.[58] Unlike the mode of reasoning that comes with the legally parasitic view of rights, engaging in such ethical debates entails taking seriously values and the strong personal emotions that they elicit.

Constructively disrupting the conventional paradigm entails putting the following question front and center: If human rights are universal ethical claims and if their impact must be measured in our everyday life, what type of message can augment their efficacy, their emotional resonance among citizens? Considering the growing efficacy of populist-nationalist messages against human rights, the question is how to build narratives or counter-narratives that influence effectively public opinion and citizen

[57] Thomas Coombes, 'Positive Narratives to Mobilize for Change' (*OpenGlobalRights*) <www.openglobalrights.org/positive-narratives/> accessed 8 August 2020.
[58] Amartya Sen, 'Human Rights and the Limits of Law' (2006) 27(6) Cardozo Law Review.

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perceptions about rights and about those who defend them. This includes contesting populists' "us" vs. "them" discourses. Innovative organizations such as the Hungarian Civil Liberties Union are already experimenting with disruptive narratives that contest their government's nationalist framework, by choosing messages and frames that highlight the benefits of human rights for all Hungarians and associating national identity with respect for rights.[59]

Both the theory and the practice of social movements provide useful elements for the task of reframing human rights. Studies in framing theory have shown how social changes depend on whether the activists who defend them manage to construct and reconstruct frames that give their movement an identity (*frame making*), so that they can have an echo with their audience (*frame resonance*) and so that they connect with discourses and agendas from other movements (*frame bridging*).[60]

In the face of the growing influence of anti-universal human rights political frames, these three tasks must be priorities for the human rights movement. There are promising examples of disruptive innovations in each one of them. With regard to *frame making*, indigenous peoples in the Americas have expanded the meaning and the impact of their right to be consulted about projects or laws that affect them. Initially, ILO Convention 169 conceived of consultation in liberal procedural terms, and did not give indigenous peoples the power to veto actions that were harmful to their territories or culture. In practice, however, indigenous organizations and their allies have successfully promoted a more collective and substantive framing of that right, through narratives that also resonate with the environmental movement by connecting the protection of collective indigenous territories with the preservation of forests.[61]

Frame bridging is an equally important task. In order to counter and disrupt the trend towards increasing specialization and isolation of human rights, new narratives need to be developed that expand the resonance and constituency of human rights. For example, the values and emotions of millions around the world are inspired by religious creeds. In them, it is possible to find versions and interpretations that assert the intrinsic value of the human person in a way that has a strong affinity with the idea of dignity that underlies human rights. This is evident, for instance, in the encouraging convergence of human rights, environmental, and faith-based organizations around the climate crisis, through such coalitions as the Interfaith Rainforest Initiative.

Human rights actors cannot realistically expect their traditional frames and narratives to become universal moral common sense. If the past seven decades consisted fundamentally of constructing the contemporary human rights frame and translating it

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[59] Stefánia Kapronczay and Anna Kertész, 'Dropping the Defense: Hopeful Stories Fight Stigma in Hungary' OpenGlobalRights (24 August 2018) https://www.openglobalrights.org/dropping-the-defense-hopeful-stories-fight-stigma-in-hungary/ (Accessed 31 May 2021)

[60] Robert D Benford and David A Snow, 'Framing Processes and Social Movements: An Overview and Assessment' (2000) 26 Annual Review of Sociology 611.

[61] César Rodríguez-Garavito, 'The Globalization of the Vernacular: Mobilizing, Resisting, and Transforming International Human Rights from Below', in Philip Alston (ed.) *Festschirf for Sally Merry* (forthcoming).

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into norms and standards, the future will be more hybrid and will depend on human rights actors' capacity to appeal to broader constituencies and forge bridges with other frames of justice.[62]

As Harari has provocatively put it, "the only place rights exist is in the stories that humans tell each other. These stories were enshrined as self-evident dogma during the struggle against religious bigotry and autocratic governments…. [This story] contributed to the happiness and welfare of humanity probably more than any other story. Yet it is still a dogma,"—a story whose power depends on being credible and resonant to contemporary and future human beings in light of the radically new circumstances in which they must live.[63] To turn the provocation into a question: What new frames and narratives can make the human rights story credible and inspiring to anxious people, facing the prospect of an uninhabitable planet and technological dystopias?

Conclusions: Avoiding the Meteorite

In this chapter, I have argued that, while human rights are not in a state of crisis, they are undergoing a moment of transition that raises systemic challenges for the movement. Some challenges come from outside the field, such as technological disruption, populist authoritarianism, the climate crisis, rising inequality, and the end of the Euro-American order. Some others are intrinsic to the architecture and the modus operandi of the traditional paradigm of human rights advocacy, such as strategic stagnation, fragmentation and competition, insufficient long-term vision, unmanaged complexity, and narrow membership and audiences.

I have argued that, although those challenges create an existential risk for the movement—they are indeed the meteorite in the firmament—, they do not necessarily spell the end of the human rights project. To avoid the collision, however, business as usual will not do. The traditional paradigm of human rights is plainly inadequate to deal with the simultaneity, the speed, and the depth of those challenges.

In order to contribute to a new paradigm of human rights, I proposed ways out of the current impasse that draw on lessons from other fields, from journalism to public health to human-centered design, as well as from disciplines that human rights actors have yet to incorporate into their toolkit, from social psychology to geology to social innovation. My aim has been to flesh out an intermediate approach between despair and defensiveness, one that vindicates the rich history and continued value of the human rights project, while searching for and experimenting with new ideas and initiatives

[62] See César Rodríguez-Garavito, "Reimagining Human Rights," *Journal of International Law and International Relations* 13 (1), 2017, 10-14, from which this section is partly drawn.
[63] Harari, *21 Lessons* (n 5) 215.

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capable of disrupting the field's dysfunctionalities and finding solutions to its urgent problems.

To that end, I have suggested that we view the human rights field as an ecosystem, rather than as a hierarchy. In an increasingly complex and interdependent world, human rights strategies need to be informed by biology as much as by law and politics. They need to be more focused on symbiosis and much less on policing the current boundaries of human rights.

I proposed three types of disruptive interventions that could build up a human rights ecosystem: a more collaborative mode of operation, greater sense of time (both long-term and short-term) and heightened attention to narratives, emotions, and frames capable of connecting with larger constituencies and other social justice movements.

Constructing a human rights ecosystem is easier said than done. For INGOs, this implies a difficult challenge: transitioning from the vertical and highly autonomous *modus operandi* that has allowed them to make key contributions, to a more horizontal model that would allow them to work with networks of diverse actors.[64] For domestic organizations, this entails pursuing strategies that allow such organizations to connect to one another and using new leverage points created by increased geopolitical multi-polarity, as well as opening up to non-legal professionals, social movements, and online activists. For all actors in the field, this shift implies embracing an experimental approach based on a greater willingness to try new strategies, expand the repertoire of tactics, cultivate new organizational forms and funding models, and develop capabilities for and openness to learning and adjusting to rapidly changing circumstances.

But we have no option if we are to avoid the fate of the dinosaurs, as Philip Alston probably would have quipped had he been present in that workshop on the future of human rights that I referenced in the introduction to this chapter. Characteristically, he would have said so with a stern face that insinuated an ironic smile. His humor would have invited us not to take ourselves too seriously, and thus to remain open to change. His seriousness would have reminded us that the future of the human rights, perhaps even the future of the planet, hangs in the balance.

[64] For a thoughtful discussion of this dilemma by a regional leader of Amnesty International, see Sarah Jackson, 'Toward Transformative Solidarity: Reflections from Amnesty International's Global Transition Program' (2020) 34 Emory International Law Review 705.

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