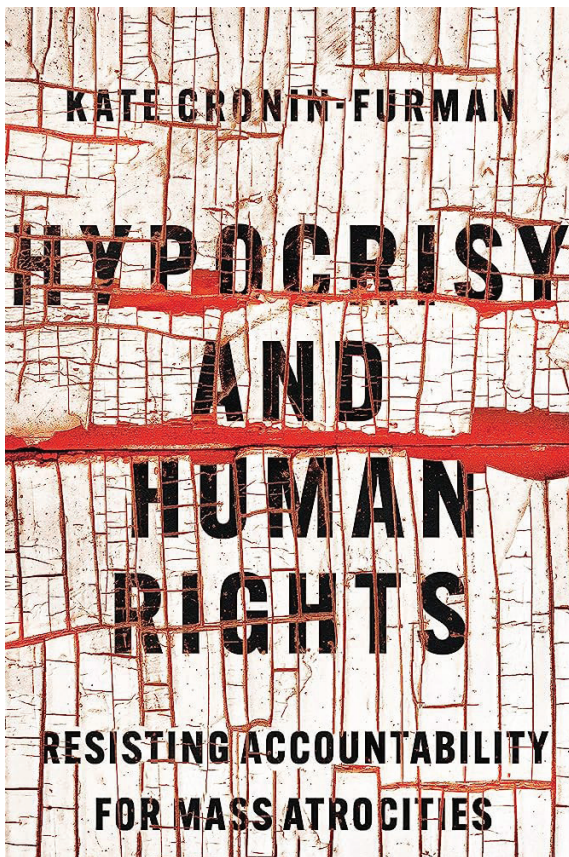


Hypocrisy and Human Rights: Resisting Accountability for Mass Atrocities. Kate Cronin-Furman. Ithaca: Cornell University Press, 2022

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When I was given Kate Cronin-Furman's book *Hypocrisy and Human Rights* to review, I imagined a different kind of book. International law scholarship is now flooded with literature that posits human rights as the big lie. Seen as a product of the European Enlightenment and the handmaiden of imperialism, some of our best scholars have written many pages deconstructing its worldview and practice. Scholars from the Global South, especially from Africa and Asia, have focused on what they see as the European origins of the concept of human rights, while scholars David Kennedy (2012) and Samuel Moyn (2021) have presented devastating critiques of the practice of human rights in the modern world, especially singling out the role of Western powers.

This is not that kind of book. The hypocrisy captured in this book is the hypocrisy of nation states that are under pressure from the international community to improve their human rights performance. It is a book that has faith in the system but wants to highlight issues to make the system work better. Drawing on the experience of countries from Bahrain to Sri Lanka, it chronicles how these countries play the hypocritical game, either out of intention or lack of capacity. It chides the international community for falling for what Cronin-Furman sees as rather unsubtle manipulations.

The central idea of this book is the notion of what the author calls “quasi compliance”. After mass atrocities, countries have different ways of responding to the future. The first is denial and the suppression of evidence. Many superpowers, and governments like Myanmar, take this kind of approach. The second kind of response is to accept some level of responsibility then target low level “rogue” elements for “trigger pulling” and prosecute them. Most often this comes with national commissions and tribunals which are set up because of international pressure. The third option, usually with a change of government, is to embrace accountability fully, with a massive programme of prosecution, truth, and reconciliation.

Cronin-Furman is interested in the second, the interplay between the international community and hesitant national efforts. She says the primary approach these days is to “game the system”. The aim is to escape international oversight by just doing enough to escape punishment and therefore the full costs of meeting human rights obligations. The target group of these campaigns is not only the Western countries, but also other members of the Global South who hold the balance in places like the Human Rights Council and who do not want to openly side with a human rights violator. The purpose is to persuade them that there are serious national attempts to deal with accountability and that international action is unnecessary.

What are the elements of Cronin-Furman’s interesting idea of “quasi compliance”? The first is to frame the issues within the notion of sovereignty and the right to self-determination of nation states. Using certain provisions of the Charter, it is made clear that sovereignty is supreme and cannot be undermined except in the most exceptional of cases. This of course challenges the developments of the last 50 years, as human rights have now been recognised as a third pillar of the United Nations system along with the Security Council and the Economic and Social Council.

The second element is to point to the double standards that abound in this field and cannot be denied by any observer. The double standards argument accentuates the unfairness in the international system and converts perpetrators and their supporters into victims. This sense of being victimised by the international system, and especially by Western superpowers, plays out well with local communities, especially in ethnic or religious wars.

The third element of quasi compliance is to insist on homegrown processes even if the perpetrators are in power. This rhetoric is supported by setting up

mechanisms and commissions that purport to bring closure to the issues. They are usually manned by people loyal to the government, and if it is the same government as the one in power when the atrocities took place, the chance of a comprehensive process is unlikely. As Cronin-Furman shows us, they end up being a huge waste of national resources.

There have been positive situations where national commissions have done their work and provided enough evidence to move the process forward, but the next step, that of implementation, is rarely followed through. Sri Lanka is a prime example. The system resists moving ahead for more than legal reasons. Cronin-Furman states that countries begin to throw tantrums, while at the same time unveiling new institutions and mechanisms, a month before the Human Rights Council sessions start. Quasi compliance is then born out of State resentment and anger that they are being called to account, but with a realisation that to prevent negative consequences they have to take other countries with them.

Quasi compliance measures proposed by affected States are usually greeted by fellow member States as being done in good faith. There is a constant suggestion of the need for constructive engagement with the government. That is the default position. Any effort by a national government at accountability is welcomed by all member States in the international community. On the other hand, non-State actors and human rights organisations are far more cautious. Despite the initial good faith, the “intention” of the government with regard to accountability is harder to discern and often deepens suspicion. Sometimes countries do act in good faith. The Latin American explosion with regard to transitional justice was one such example. But more often that ‘intention’ may only be to delay until the world’s attention turns elsewhere. Cronin-Furman’s detailed descriptions of Bahrain and Sri Lanka show the masterful manipulations of governments. In the case of Sri Lanka, at times there were some genuine efforts, depending on the regime and the members of the commissions, but for the most part there was avoidance and delay.

The South African Truth and Reconciliation Commission and the Latin American transitional justice experience filled the world with hope about national processes of accountability supported by international actors. The international community then adopted these frameworks of justice for all post-conflict societies. But not all governments were ready to play the game. Cronin-Furman seems to suggest that transitional justice may only really work when the perpetrators are

not in power and the victims are electorally relevant. In other situations, she suggests, quasi compliance will probably be the norm.

Cronin-Furman's book is meant to be primarily for her fellow colleagues working in the field of international justice. She mainly concentrates on the faults and gaps in the system and the need to lobby for laws and practices that prevent manifest abuse by States under scrutiny for large scale human rights violence, which she describes as "atrocities crimes". An important chapter of her book is an attempt to define what this means. She is a strong believer in international justice and its role in the world.

However, this conversation with her colleagues often misses the larger picture. The first is historical and sociological. Not everything can be understood only in terms of government inaction. The vast majority of Sinhalese in Sri Lanka, the majority of the population, are averse to international justice and see their soldiers as war heroes. They are totally opposed to international scrutiny and no government can afford to ignore that sentiment. In fact, it is said that the 2015 government, which was open to international scrutiny, was finally brought down because of its lack of respect for war heroes. Historical narratives, and the sociological base behind those narratives, may explain "quasi compliance" in a more meaningful way than solely focusing on government inaction.

Secondly, we come back to the critique of human rights. The progressive community has almost turned its back on human rights, especially in the academy.

They forget too easily the important role of human rights in fighting apartheid and the disappearances in Latin America. The use of human rights in Western foreign policy has changed perceptions and now it looks unconscionable to many, full of double standards and Western bias. Cronin-Furman is refreshing in that she reminds us of the reality in the field, a reality I am also familiar with and which prevents me from turning away from human rights. She reminds us of the victims and their search for universal legitimacy. Her penultimate paragraph is telling and significant:

The takeaway of this book is that justice for mass atrocities is rare and the political obstacles to achieving it are difficult to surmount. But those of us whose research lays bare how the odds are stacked against the victims can't leave it at that. Sometimes the prospect of justice is the only thing keeping people going after the horrors they've experienced. Taking that from them would be unconscionable. So, we have to think seriously about the potentially demoralizing impact of our findings and about what hope we can give in return. (120)

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