

# Weaponising Our Rights

**Ross:** Welcome to Renegade Inc. Many Western organisations urgently need reviving, especially in the face of rising authoritarianism, globally. We caught up with the former UN independent expert on international order, Alfred de Zayas. We spoke to him about the weaponisation of human rights, a failing legacy media, the unintended effects of sanctions and how we can begin to rejuvenate our institutions and our democracies.

**Ross:** Alfred de Zayas, it's really wonderful to have you here on Renegade Inc.

**Alfred de Zayas:** Thank you very much for inviting me.

**Ross:** Alfred, you talk about the human rights industry. What does it mean the human rights industry? Because when we hear the two words human rights, almost Pavlovian-like, we think, well, they must be good and they must be protecting us. But you're saying, actually, there's an industry now grown up around these two words. Well, unpack that for us.

**Alfred de Zayas:** As you know, there's always good and the bad, and there's bad and the good. And I very much believe in human rights and in the human rights promotion and protection system. But of course, like everything human, the Commission on Human Rights, the Human Rights Council, the Office of the High Commissioner for Human Rights have been, shall we say, instrumentalized for other agendas. It's not so much the individual or the victim of violations that is centre stage, but it is the geopolitical aspect of human rights that has taken, shall we say, the priority here and there's a lot of double standards being applied. And I'm saying this from experience. As you know, I was hired into the UN system in 1980 by one of my heroes, Professor Theo van Boven, from the Netherlands, Professor at the University of Maastricht. He's still alive and I still have contact with them. As the case may be, here you have someone who really believes in human rights. What very many are, are opportunists, are careerists, are people with an agenda, are people who tow the political line. And that, of course, demeans our work in the field of human rights.

**Ross:** Do you still stand by your assertion that human rights have been weaponised for geopolitical ends?

**Alfred de Zayas:** Very much so. I mean, it's actually getting worse. What upsets me is that instead of saying there's a problem, say in Venezuela, you claim that civil and political rights are being violated, that persons are being subjected to arbitrary detention, that persons are being ill treated in jail, etc etc.. Well, the situation in Venezuela, like the situation in many other countries subjected to unilateral coercive measures, subjected to sanctions and financial blockades, is that these countries rather than opening up, when they feel threatened, what do you do in wartime? When you are in wartime, you try to retrench. National security becomes the first concern. The survival of the nation is the first concern. And then, of course, civil and political rights are restricted. You want to help the people in Cuba. You want to help the people in Venezuela or in Syria, et cetera. Then what you do is to stop threatening them. You stop creating that, shall we say, emergency that forces governments to take measures that neither you nor I want. But that's the way people react. And instead of offering advisory

services and technical assistance to a country, all we do is from a high horse, we judge them and we condemn them. You are violating human rights. You are bad. We are going to punish you. Well, we achieve exactly the opposite. So if we want to help the Venezuelan people, the first thing is lift the sanctions. And my colleagues are gung ho about naming and shaming. They're gung ho about punishment. It's like if their solution to human rights violations or their solution of war crimes and crimes against humanity would be in punishment. An eye for an eye. You do something, I'll punish you. Well, no. What is important is preventive measures. What is important is to study what are the conditions, what are the root causes of the violations of human rights and then addressing those. And that is not on the agenda of Washington or for that matter of London or, for that matter, Berlin or Brussels.

**Ross:** But let's take the example of Venezuela, if you will. You said the first most important thing to do is lift sanctions. Surely the first and most important thing to do is accept that Maduro is actually the president there. And it's certainly not somebody who's been inserted by the West, Juan Guaido, who claims to be a man of the people and has won all sorts of elections, none of which he stood in. Surely what we do is we say we can't uphold this fantasy. And by the way - it's going to bring us to a point about the media in a second - surely the first thing we do is recognise the legitimate leader?

**Alfred de Zayas:** Well, we are in the habit of creating a reality. And we believe our own propaganda. I remember January 2019 when Juan Guaido also proclaimed himself president of Venezuela. Well, the fact is that he invoked the constitution, but the constitution does not provide for that interim presidency of Juan Guaido. If the president, Mr Maduro, were to be unable to perform his functions as president, then, according to Article 233 of the constitution, it's very clear, it's the vice president who would then become the interim president, that would be Delcy Rodriguez. So Juan Guaido, he has nothing to say, basically, except that Washington wants him there.

**Ross:** Right, which neatly brings us into the mainstream media, doesn't it? Because one of the points that you make in your writing is that it's one thing for the government to engage in censorship - and we know that they do that all the time - but it's quite another when private companies, tech companies, also suppress or eradicate or shadow ban to then also form the same kind of narrative, working in tandem, really, with governments to achieve these aims. Because if you went and asked man or woman on the street now, is it Maduro or is it Guaido in Venezuela? They'd be so confused that it's basically pick one.

**Alfred de Zayas:** Well, I think the mainstream media, or let's call it the corporate media, has really betrayed its raison d'etre on that. I mean, the mainstream media essentially is an echo chamber for the US State Department or for, again, the elites, the political establishment. Many years ago, 40 years ago, 50 years ago, there was far more plurality in the media. You could get many points of view and you could make up your mind. But there is no marketplace of ideas anymore. No matter where you turn to, you get the same homologated view. And that is a great loss for democracy. So what you need is access to information, and that is what government is trying to shut out. Government does it and the corporate media does it too. I mean, now, for instance, I would very much give the same interview I'm giving to you now. I would gladly give it to the BBC. I would gladly give it to the Frankfurter Allgemeine Zeitung. I would gladly give it to CNN.

**Ross:** What would happen if you were giving this to one of the organisations that you've spoken about?

**Alfred de Zayas:** Well, I've had the experience of my facts being significantly tampered with, shall we say, the most important points being taken out and then that which finally gets broadcast is a blah blah that doesn't get you anywhere. What bothered me more in the interview that I had with Sky News is that they wanted to put words in my mouth. They were really bending over backwards to try to trick me. They tried to force me to say something, and I had to remind the interviewer again and again, no, sorry, you didn't understand that. Well, let me rephrase. And then I would repeat my point of view and I could see her face get increasingly angrier against me because she was not succeeding in leading me the way she wanted to lead me.

**Ross:** But you know, one of the things that not a lot of people know, it's often not her asking you the question. You'll see something on this programme that's missing and it's a thing called an earpiece. And normally these people have somebody in the gallery screaming at them. And when we interviewed Noam Chomsky, he said this about the BBC he said, what's happened to your BBC? He said a woman was sitting in front of me. She was asking the questions, but actually it was somebody in the gallery who was really asking them.

**Alfred de Zayas:** You're probably right. But in any event, they did interview me and I did get some points across. Needless to say, they have not tried since April 2019 to interview me again. I have had no invitation by the BBC. No invitation by CNN or any of the other major corporate media outlets. So that the way to deal with a scholar - and as I say, I'm professor of international law. I've been a professor of international law in the United States and Canada, in Ireland, in Spain, in Switzerland and in Germany. What do we want as scholars? I mean, we want to do our research in a manner that is objective, that follows the rules. We listen to all sides. We try to evaluate all sides and put it down. How can we get our conclusions out to the public? All of these mainstream organs, since they know I am not going to be singing their song, they're going to completely ignore me. When I presented my reports to the General Assembly and to the Human Rights Council, those were the years 2012 to 2018, you would have thought that there was enough material there concerning the IMF, concerning the World Bank, concerning tax havens, for the New York Times to offer me to write an op-ed. Now, I've never been able to publish an op-ed in the New York Times. I have sent them countless op-eds and I always get a very nice automatic response. Thank you very much for sending us your opinion, which unfortunately we're not able to publish this time. But don't be discouraged. Go ahead, send us another one. And of course, I send another one and I get another note in that text. So what you have here is not only fake news from the corporate media, you have suppression of anyone who is not going to be singing their song.

**Ross:** Alfred de Zayas, welcome back to Renegade Inc. Alfred, you won't be surprised, your book, *Building A Just World Order*. It's our book of the week this week. Tell us why people watching this programme should go out, buy a copy and read it.

**Alfred de Zayas:** The 25 principles of International Order, which I formulate in the book, which I presented to the Human Rights Council in 2018, is basically the rules based international order that we hear from Antony Blinken. Except that I mean it. I mean, this is intended to be universal, is not intended to be just to advance the interests of the West. And it builds very strongly on what I call the World Constitution, the World Constitution being this instrument, the Charter of the United Nations, which binds all of us to three basic principles - the principles of peace, national sovereignty, prohibition of interference in the internal affairs of states. In my twenty five principles, if you take them and apply them to every situation of

dispute on the planet, you will be able at least to understand which are the treaties that apply, which are the general principles of law that apply and which are the obstacles.

**Ross:** Right. Brilliant. Building A Just World Order. It's our book of the week. We think it's fantastic and we think you should all get a copy. Alfred, you've spent so much time thinking about where we're at insofar as human rights and freedom of expression. We've talked in that first half about freedom of media. It's no coincidence, is it, that in America - if you just take that land as an example - twenty five years ago there were one hundred and eighty seven media companies, now that's been whittled down to a mere six. That monopoly means that our cognitive maps are tampered with. It's not so much what is debated in public, it's also what is given some selective amnesia, the stuff that we don't talk about, which is basically all of the first half. How do you begin to think about getting a media that is vital again? How do you begin to talk to people and say, listen, we need the Fourth Estate, we need a media that holds power to account and isn't toothless and doesn't just follow the corporate line?

**Alfred de Zayas:** Well, I find that the media and information is a utility, and you can use anti-trust legislation against monopolies. And the monopoly that exists today in the news field is very damaging and very anti-democratic because a functioning democracy needs plurality. It needs to ensure that the population have access to all the information and to all the views, all the interpretations of that information. I believe that in order to break down this stranglehold that we have on information, you do have to adopt legislation that will break down those monopolies. Another point is the internet. I had great expectations for the internet because you can obtain information in the internet that you cannot get in the daily press. But more and more, the algorithms, if you do a search, there are certain points of view that you won't find in the first 10 pages of a search, so they might be there, but you have to keep clicking and keep scrolling down until you finally found what you're looking for.

**Ross:** It's quite difficult, though, isn't it, to use antitrust legislation because, contextually, if you look at what's happened, the Stockholm based International Institute for Democracy and Electoral Assistance idea recently downgraded the US.

**Alfred de Zayas:** I don't hold them in great respect.

**Ross:** No, I'm not. But they have downgraded the US to what they call a backsliding democracy.

**Alfred de Zayas:** But that is a joke.

**Ross:** But I mean, any thinking person would say actually it's an advanced oligarchy. So how would you use this antitrust legislation within the context of an advanced oligarchy?

**Alfred de Zayas:** Well, it can be used.

**Ross:** But where's the political will?

**Alfred de Zayas:** We well-paid lawyers. I mean, I went to Harvard Law School, not for anything. You know, I wanted to make money myself. And we can actually draft good legislation, good antitrust legislation, that will break down the monopolies. But there's no political will to do that. There's no one who is going to support you in doing that. And then the media is going to attack you as being an anarchist or God knows what. So the fact is that

although it could be controlled by antitrust legislation, and there are plenty of intelligent lawyers who would draft that legislation, I have grave doubts that you can get that legislation through Congress. And that leads us to a situation in which you have the narrative managers that are subverting democracy in the United States as they are in the United Kingdom, as they are in France, as they are in Germany, by giving you a homologated news and by excluding other points of view. I mean, there was one rule that I learnt at law school, and it's a rule that also applies in history writing. It's a rule, you must hear all sides. You must evaluate all points of view. So we have to actually have an ethical approach to law. Law is not just mathematics. Law is not something that you put into a computer, you press a button and you get a result. You need someone to put it into context, someone who will understand what the implications and what the consequences will be.

**Ross:** But for the authoritarian, the autocrat, the opportunist, the opportunistic lawyer - and there's plenty of them out there, and politics is festooned with them - they would like it to be that binary choice between zero and one, wouldn't they?

**Alfred de Zayas:** We're suffering from it today. And I've said it again and again in my speeches and also before the Human Rights Council, that it is necessary that American and British and German and French law schools start teaching ethics.

**Ross:** I know a case that is very close to your heart is a man who's residing in Belmarsh Prison at the moment at Her Majesty's Pleasure. Talk a little bit about this and why it is such an important case to you and your colleagues.

**Alfred de Zayas:** I visited Julian Assange in 2015, when I was writing one of my reports for the General Assembly. I was writing a report on the so-called investment protection chapters in free trade agreements. And WikiLeaks had just published lots of these ultra secret agreements, which were highly undemocratic and were, as I call them, were against good morals and against the ontology of the state because it reduced the possibility of the state to regulate the economy. As the case may be, Julian Assange, who has done society an enormous service by showing us the crimes that are being committed in our name. It's important to know that the assault on Iraq in the year 2003 and the participation of 43 countries in the so-called coalition of the willing was the most savage, most barbarian violation of the United Nations Charter and of the Nuremberg Principles since the Nuremberg trials, and no one has been prosecuted for it. And who is to be prosecuted? The whistleblower? The messenger and not Tony Blair, not George W. Bush, not the late Donald Rumsfeld and that whole crowd, although we know that war crimes, crimes against humanity were committed, that should have been investigated back then by the International Criminal Court. And I'm a great critic of the International Criminal Court because it has failed in establishing its credibility. What credibility can an international court have that applies double standards - an international court that indicts only ousted African leaders and military instead of investigating and indicting Western leaders, whether from the United States or from Israel or from the United Kingdom, et cetera? Nils Melzer, the special rapporteur on torture, he also went to visit Julian Assange in the years 2018 and 19, and he has just published his brilliant book on Julian Assange, which shows the breakdown in the rule of law in the Administration of Justice in the United States, in the United Kingdom, Sweden and Ecuador. This is, for me, one of the most important books published in the 21st century. And what has happened is that the corporate media is not reacting to it as if it didn't exist. And I think a charter of rights of whistleblowers must be a priority for the United Nations, for the Human Rights Council, for the General Assembly to adopt such a charter so that we all have

the access to information that has been withheld from us. So my call on all listeners is that they press their governments, press their senators and their congresspeople to obtain the immediate release of Julian Assange, as was requested by myself in my capacity as an independent expert for international order, what else has been requested by the UN Working Group on Arbitrary Detention and by the U.N. rapporteur on torture, Nils Melzer.

**Ross:** Alfred de Zayas, thank you very much for your time.

**Alfred de Zayas:** Pleasure.