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Scholars, States, and Human Rights

A Comparison of Third World Approaches to International Law with Diverging State-Actors' Stances in the UN Human Rights Council

Abstract: This article investigates the similarities between different critiques towards the international human rights system from academia and state-actors. On the one hand, there are the critiques from scholars of the Third World Approaches to International Law (TWAIL) movement. On the other hand, there are critical points raised towards the international human rights system by China, Cuba, and Egypt in the reports from the first three cycles of their respective Universal Periodic Review (UPR) within the United Nations Human Rights Council (UNHRC). Through a literature review, the TWAIL critiques were first categorized and then worked into a framework of three basic pillars: the culture critique, the rhetoric critique, and the model critique. This framework was subsequently applied to the reports by way of a simplified Qualitative Content Analysis in order to extrapolate the similarities of the critiques from these two unlikely groups of actors.

Keywords: TWAIL, UN Human Rights Council, China, Cuba, Egypt

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1. Introduction

The starting point for the master's thesis on which this article is based was an ostensible resemblance of two very unlikely actors. When an inherently contentious topic, such as human rights, receives seemingly similar critique from somewhat oppositional sources, the need for clarification arises. The TWAIL movement, an acronym standing for Third World Approaches to International Law,¹ is concerned with articulating “a critique of the history, structure and process of contemporary international law from the standpoint of third world peoples, in particular marginal and oppressed groups”.² Part of this critique is the Eurocentric nature and politicized use of the international human rights system against non-Western states. Similar points have been raised from outside of academia, specifically from certain states. While China and Cuba, for instance, frequently condemn the alleged manipulation and politicization of human rights by Western states,³ Egypt supports a vision of human rights that is not dominated by a “Western perspective”.⁴ This seeming convergence of activist critical legal scholars and authoritarian leaning nation-states in their critique towards human rights was the point of inquiry for the thesis.⁵ The research question therefore read: “What similarities are there between TWAIL critiques on the international human rights system and state-actor's critical positions in the Universal Periodic Review?”

2. Methodology

The basic research rationale of the thesis was divided into three steps. In a first step, TWAIL critiques of the international human rights system were collected through a thorough literature

1 This article follows TWAIL scholars in the use of the term Third World. For critical discussions on the term, see: Bhupinder S. Chimni, “Third World Approaches to International Law: A Manifesto,” *International Community Law Review* 8 (2006): 4–7; Karin Mickelson, “Rhetoric and Rage: Third World Voices in International Legal Discourse,” *Wisconsin International Law Journal* 16, no. 2 (1998): 355–62; Makau Mutua, “What Is TWAIL?,” *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 94 (Cambridge, UK: Cambridge University Press on behalf of the American Society of International Law, 2000), 36.

2 Bhupinder S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches*, 2nd ed. (Cambridge, UK: Cambridge University Press, 2017), 15.

3 Global Times, “Human Rights Used by West Countries as Tool of Political Manipulation: Chinese Ambassador to UN,” *Global Times*, February 25, 2021, <https://www.globaltimes.cn/page/202102/1216523.shtml>; Prensa Latina, “Cuba Calls to Fight Human Rights Politicization and Selectivity,” *Prensa Latina*, June 22, 2021, sec. Cuba, <https://www.plenglish.com/news/2021/06/22/cuba-calls-to-fight-human-rights-politicization-and-selectivity/>.

4 Al Arabiya English Staff Writer, “Sisi Says ‘Western’ Human Rights Values Don’t Apply in Egypt,” *Al Arabiya News*, May 4, 2016, sec. Middle East, <https://english.alarabiya.net/News/middle-east/2016/05/04/Sisi-says-Western-human-rights-values-don-t-apply-in-Egypt>.

5 The Freedom House, Democracy, and V-Dem indexes all place China, Cuba, and Egypt consistently below the 30th lowest percentile in their respective scores. Freedom House, “Countries and Territories,” *Freedom House*, 2021, <https://freedomhouse.org/countries/freedom-world/scores>; The Economist Intelligence Unit, “Democracy Index 2020: In Sickness and in Health?,” *The Economist Group*, 2021, <https://www.eiu.com/n/campaigns/democracy-index-2020/>; V-Dem Institute, “Interactive Maps,” *V-Dem: Varieties of Democracy: Global Standards, Local Knowledge*, 2021, https://www.v-dem.net/data_analysis/MapGraph/.

review. In a second step, these critiques were categorized and compiled into a framework of three basic pillars, namely the culture critique, the rhetoric critique, and the model critique. In a third step, this framework was applied to UPR documents in order to extrapolate similarities of the selected countries' critical positions towards the international human rights system in comparison with TWAIL critiques. In a subsequent discussion, the findings were presented and contextualized. As the most significant tool of the UNHRC, the UPR was chosen as the field of this examination because all UN members are obliged to participate in this periodic peer-reviewed mechanism.⁶ This provided a uniform database for the examined countries. The UPR's stated objectives are the "improvement of the human rights situation on the ground", the fulfillment of states' human rights obligations, and the sharing of best practices.⁷ The roughly four-year cycle is made up of the submission of three key reports, an interactive dialogue session with recommendations from states to the state under review and a subsequent implementation period for the accepted recommendations, after which the cycle starts anew.⁸

In terms of the nature of TWAIL, some commentators have at times raised concerns regarding TWAIL's objectivity and legitimacy as a legal theory due to its proximity to political activism.⁹ Addressing such concerns and guided by definitions by some of TWAIL's most prevalent authors,¹⁰ the research focused on TWAIL's "descriptive-analytic" capabilities and only briefly touched upon its "activist-normative" side.¹¹

The comparison of the TWAIL critique was restricted to UPR documents from China, Cuba, and Egypt. These countries were chosen on the basis of four criteria: (1) representation of UN Regional

6 United Nations General Assembly, "Resolution Adopted by the General Assembly: Human Rights Council," A/RES/60/251 (United Nations General Assembly, March 15, 2006), § 5(e), <http://un-documents.net/a60r251.htm>; United Nations Human Rights Council, "Institution-Building of the United Nations Human Rights Council," A/HRC/RES/5/1 (United Nations Human Rights Council, June 18, 2007), Annex §§ 5-14, 18-25, https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/5/1.

7 United Nations Human Rights Council, "Institution-Building of the United Nations Human Rights Council," Annex § 4.

8 Ibid., Annex §§ 15(a)-(c); Eric Tistounet, *The UN Human Rights Council: A Practical Anatomy*, Elgar Practical Guides (Cheltenham, UK: Edward Elgar Publishing, 2020), 9–12; United Nations Human Rights Council, "Resolution Adopted by the Human Rights Council: Review of the Work and Functioning of the Human Rights Council," A/HRC/RES/16/21 (United Nations Human Rights Council, April 12, 2011), Annex § 6, https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.21_en.pdf; Permanent Mission of Switzerland to the United Nations Office and to the Other International Organisations in Geneva, "The Human Rights Council: A Practical Guide," *The Swiss Federal Council*, 2015, 12, https://www.eda.admin.ch/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide_en.

9 Tilmann Altwicker and Oliver Diggelmann, "What Should Remain of the Critical Approaches to International Law? International Legal Theory as Critique," *Swiss Review of International and European Law* 24, no. 1 (2014): 73–75.

10 Antony Anghie and Bhupinder S. Chimni, "Third World Approaches to International Law and Individual Responsibility in Internal Conflicts," *Chinese Journal of International Law* 2, no. 1 (2003): 77; Mutua, "What Is TWAIL?," 31–38.

11 Mohsen Al Attar, "TWAIL: A Paradox Within a Paradox," *International Community Law Review* 22, no. 2 (2020): 170.

Groups;¹² (2) representation of political interest groups;¹³ (3) colonial historical link;¹⁴ (4) and a prior study that investigated cultural relativism in the UPR.¹⁵ The examination of each country was conducted through a documentary analysis¹⁶ and was respectively based on the three major reports for each of the first three UPR cycles.¹⁷ These reports were the national report, the UN report, and the stakeholder report.¹⁸ The reports were evaluated using a simplified Qualitative Content Analysis.¹⁹ Instead of creating a coding frame, the TWAIL critiques were first compiled into a framework of three categories (the culture critique, the rhetoric critique, and the model critique). Before engaging with the reports, additional, country-specific literature and commentaries were consulted in order to understand contexts, terminologies, and concepts mentioned in the UPR documents. Subsequently, each country's UPR documents were repeatedly read through. During this process, passages that corresponded to one of the three TWAIL critiques were marked as such and further divided into sub-categories. These highlighted passages, assorted by TWAIL category and topical sub-category, combined with the additional literature, formed the basis for the actual comparison with which the research question was answered.

12 United Nations, "Regional Groups of Member States," *United Nations: Department for General Assembly and Conference Management*, 2022, <https://www.un.org/dgacm/en/content/regional-groups>; United Nations Human Rights Council, "Membership of the Human Rights Council," *United Nations Human Rights Council*, 2020, <https://www.ohchr.org/EN/HR-Bodies/HRC/Pages/Membership.aspx>.

13 Tistounet, *The UN Human Rights Council: A Practical Anatomy*, 133–37; Permanent Mission of Switzerland to the United Nations Office and to the Other International Organisations in Geneva, "The Human Rights Council: A Practical Guide," 25–26.

14 This was to serve as a counterpart since much of TWAIL scholarship comes from people in or from the Global South and is closely linked to postcolonialism. Luis Eslava and Sundhya Pahuja, "Beyond the (Post) Colonial: TWAIL and the Everyday Life of International Law," *Verfassung und Recht in Übersee* 45 (2012): 197–98.

15 Roger L. Blackburn, "Cultural Relativism in the Universal Periodic Review of the Human Rights Council," ICIP Working Paper no. 2011/3, International Catalan Institute for Peace, Barcelona, 2011, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2033134.

16 Geoff Payne and Judy Payne, *Key Concepts in Social Research*, SAGE Key Concepts (London, UK: Sage Publications, 2004), 60–63.

17 If available, certain additional documents, such as the reports of the working groups and their addenda were taken into consideration as well. All in all, a total of more than 50 UPR documents were looked at with lengths ranging between around 10 to 30 pages.

18 United Nations Human Rights Council, "Institution-Building of the United Nations Human Rights Council," Annex §§ 15(a)-(c).

19 This approach was inspired by prior work done by G. Patel. Gayatri Patel, "How 'Universal' Is the United Nations' Universal Periodic Review Process? An Examination from a Cultural Relativist Perspective" (University of Leicester, 2016), 69–84, https://leicester.figshare.com/articles/thesis/How_universal_is_the_United_Nations_universal_periodic_review_process_An_examination_from_a_cultural_relativist_perspective/10125053; Payne and Payne, *Key Concepts in Social Research*, 62.

3. TWAIL

The TWAIL movement is often presented in different generations called TWAIL I and TWAIL II. TWAIL I is a collective term that has retrospectively been applied to a first generation of scholars from the 1950s up to around the 1970s.²⁰ Their work was influenced by the aftermath of World War II and produced in the context of the founding of the UN and national independence struggles in the era of decolonization.²¹ The symbolic birthplace of TWAIL is often cited to have been the Bandung Conference in 1955.²² Dominant themes for TWAIL I were associated with fights for national independence, the right of peoples for self-determination and sovereignty, the integration and accession to the international community, and the advocacy for corrective measures to ensure more equitable global economic relationships.²³ TWAIL I scholars considered national sovereignty a “hard won prize of their long struggle for emancipation”²⁴ and took a “non rejectionist” approach towards international law, instead trying to work from within the system.²⁵

After the end of the Cold War, a “new generation of African and Asian scholars brought forth a second, stronger wave of TWAIL”, known as TWAIL II.²⁶ The term TWAIL first emerged in 1996 at Harvard Law School²⁷ and has since steadily gained scholarly importance.²⁸ The main difference to TWAIL I is TWAIL II’s disillusionment with international law and sovereignty as altruistic “tools of empowerment”.²⁹ Through detailed historical analysis, TWAIL II scholars have shown that the colonial encounter of the West with non-Western peoples was no marginal event but at the very heart of the development of international law and concepts like sovereignty.³⁰ They claim that time and time again, imperial forces created new tools (like the mandate system) to

20 Mohsen Al Attar and Vernon Tava, “TWAIL Pedagogy: Legal Education for Emancipation,” *The Palestine Yearbook of International Law* 15, no. 1 (2009): 17; Eslava and Pahuja, “Beyond the (Post) Colonial,” 208–9.

21 Liliana Obregón, “Peripheral Histories of International Law,” *Annual Review of Law and Social Science* 15, no. 1 (2019): 441.

22 Mutua, “What Is TWAIL?,” 31.

23 Martin Gallié, “Les Théories Tiers-Mondistes du Droit International (TWAIL): Un Renouveau ?,” *Études internationales* 39, no. 1 (2008): 19. For a detailed account of TWAIL I’s concrete positions, see: Anghie and Chimni, “Third World Approaches to International Law and Individual Responsibility in Internal Conflicts,” 79–82.

24 Georges M. Abi-Saab, “The Newly Independent States and the Rules of International Law: An Outline,” *Howard Law Journal* 8, no. 2 (1962): 103.

25 Al Attar and Tava, “TWAIL Pedagogy: Legal Education for Emancipation,” 17–18.

26 Obregón, “Peripheral Histories of International Law,” 443.

27 James T. Gathii, “TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography,” *Trade, Law and Development* 3, no. 1 (2011): 28.

28 James T. Gathii, “The Promise of International Law: A Third World View,” *American University International Law Review* 36, no. 3 (2021): 413–414.

29 Rashwet Shrinkhal, “Evolution of Indigenous Rights Under International Law: Analysis from TWAIL Perspective,” *The Oriental Anthropologist* 19, no. 1 (2019): 9.

30 See for instance the following two seminal works as examples of such historical analysis: Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, Cambridge Studies in International and Comparative Law 37 (Cambridge, UK: Cambridge University Press, 2005); Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance* (Cambridge, UK: Cambridge University Press, 2003).

steer political and economic policies in the Third World under the guise of seemingly benevolent rhetoric, such as various forms of the ‘civilizing mission’ or concepts like good governance. TWAIL II scholars further claim that the Bretton Woods system with the corresponding international financial institutions as well as the UN, and particularly the UN Security Council, are inherently biased against the Third World and largely act as tools designed to advance imperial policies. Colonial power relations have thus not ended with the conclusion of colonialism but are kept in place by an intrinsically discriminatory international legal system.³¹ TWAIL II thus claims that a “systematic process of resistance to the negative aspects of international law must be [accompanied] with continuous claims for reform”.³² Mutua describes TWAIL’s core concerns as the following. First, he writes that TWAIL is antihierarchical, fighting against notions of racial superiority, “othering”, and advocating for the “moral equivalency of cultures”.³³ Second, TWAIL is counterhegemonic, concerned with giving a voice to the powerless and disenfranchised, and calls for the “full democratization of the structures of [...] governance”.³⁴ Third, TWAIL is “Suspicious of Universal Creeds and Truths”, especially questioning “norms and practices that are European in origin, thought, and Experience” which are then portrayed as universal.³⁵ Lastly, TWAIL is a “Coalitionary Movement”, drawing inspiration from other disciplines and approaches such as Critical Legal Studies, Marxism, feminism, postcolonialism, or Subaltern Studies.³⁶

4. TWAIL’s Critiques of the International Human Rights System

The thesis’ three categories of TWAIL critique, which are presented here in an abbreviated version, were loosely inspired by a taxonomy created by R. Bachand and compiled through a thorough literature review of TWAIL scholarship.³⁷ First, the culture critique entails all arguments tied to the notions of Eurocentrism, hierarchies of rights, and cultural relativism. TWAIL’s understanding of Eurocentrism is somewhat reminiscent of D. Chakrabarty’s notion of Europe as

31 For a detailed presentation of these claims, see: Antony Anghie, “The Evolution of International Law: Colonial and Postcolonial Realities,” *Third World Quarterly* 27, no. 5 (2006): 739–53; Mutua, “What Is TWAIL?,” 31–38.

32 Eslava and Pahuja, “Beyond the (Post) Colonial,” 209.

33 Mutua, “What Is TWAIL?,” 36–37.

34 *Ibid.*, 37.

35 *Ibid.*, 37–38.

36 *Ibid.*, 32, 37–38.

37 Larissa Ramina, “TWAIL and Human Rights: Some Considerations,” *Revista de Investigações Constitucionais* 5, no. 1 (2018): 264–65.

the “silent referent”.³⁸ The critique is that international human rights law was developed in a particular European setting but was then presented as abstract, objective, and ahistorical, essentially universalizing it by a “veiling of its own locus of enunciation”.³⁹ This practice then leads to the legitimization of “supposedly universal and objective international human rights norms and principles that were fundamentally Eurocentric in their substance and origins”.⁴⁰ The debate around hierarchies of rights contrasts individualist versus collectivist approaches or differentiated understandings of the relationship between rights and duties.⁴¹ It also describes the inherent bias in the international human rights system towards an overemphasis of civil and political rights and a lack of economic, social, and cultural rights.⁴² In terms of cultural relativism, TWAIL scholars in general seem to “support cultural- and value-pluralism” but stop short of embracing “the moral relativism of many post-modernists”.⁴³

Second, the rhetoric critique is about uncovering the ways in which the modern human rights discourse continues the colonial legacy of the ‘civilizing mission’ with adapted and adaptive vocabulary in order to legitimize the West’s intervention and interference in the Third World.⁴⁴ TWAIL scholars argue that the vocabulary and rhetoric of the human rights discourse is essential in this endeavor, creating distinct categories with specific attributes which can then in turn generate a legitimate, often violent response. This is for instance done through a “Heaven/Hell Binary” that “draws fairly neat and bright lines between ‘the Good West’ and ‘the bad Third World’”.⁴⁵ Another example constitutes Mutua’s “Savage-Victim-Savior Metaphor”. This three-dimensional metaphor depicts the non-West as simultaneously barbarian, violating, and anti-democratic⁴⁶

38 José-Manuel Barreto, “Decolonial Thinking and the Quest for Decolonising Human Rights,” *Asian Journal of Social Science* 46 (2018): 490–91; Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, Princeton Studies in Culture / Power / History (Princeton, US: Princeton University Press, 2008), 28.

39 Barreto, “Decolonial Thinking and the Quest for Decolonising Human Rights,” 490–91.

40 E. Tendayi Achiume and Devon W. Carbado, “Critical Race Theory Meets Third World Approaches to International Law,” *UCLA Law Review* 67, no. 6 (2021): 1489.

41 This is exemplified in the debate around ‘Asian values’. Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance*, 212–13; Aristoteles Constantinides, “Questioning the Universal Relevance of the Universal Declaration of Human Rights,” *Cuadernos Constitucionales de La Cátedra Fadrique Furió Ceriol* 62–63 (2008): 57–58. For more on this, see: Amartya Sen, *Human Rights and Asian Values*, Morgenthau Memorial Lecture on Ethics & Foreign Policy 16 (New York, US: Carnegie Council on Ethics and International Affairs, 1997).

42 Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance*, 216–19.

43 Andrew F. Sunter, “TWAIL as Naturalized Epistemological Inquiry,” *Canadian Journal of Law and Jurisprudence* 10, no. 2 (2007): 489–90.

44 For more on the colonial heritage of human rights law, see for instance: Mutua, “What Is TWAIL?,” 36; Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance*, 176–86; Anghie, “The Evolution of International Law,” 749–52.

45 Obiora C. Okafor, “International Human Rights Fact-Finding Praxis in Its Living Forms: A TWAIL Perspective,” *The Transnational Human Rights Review* 1 (2014): 67.

46 Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42, no. 1 (2001): 202–3, 219–27.

but also as powerless, helpless, innocent⁴⁷ and thus in need of the Western “redeemer, the good angel who protects, vindicates, civilizes, restrains, and safeguards”.⁴⁸ The ultimate goal of such rhetoric is the legitimization of intervention. Through the creation of distinct categories, such as the notions of civilized or barbarian societies, the West first fabricates supposedly universal standards. The “failure of non-Western states to adhere to these standards” then denotes “a lack of civilization that [justifies] intervention and conquest”.⁴⁹ While international human rights law has a definite “progressive dimension” it can “easily be abused to threaten third world leaders and peoples unless they are willing to accept the dictates of the first world”.⁵⁰ The charge here is thus not against the content of the norms but the instrumentalization of the system in order to further political interests and legitimize interference. Western states, and the US in particular, are meanwhile accused of profiting from double standards and exceptionalism.⁵¹

Third, the model critique is about trying to unveil the various mechanisms which covertly propagate the modern, democratic nation-state and neo-liberal market policies as the benchmarks to be judged against. These arguments critique the imposition of a certain kind of political and economic organization and framework. Concerning models of political organization, TWAIL laments that the modern state is at times as much violator as it is guarantor of human rights,⁵² and that political democracy specifically is often “viewed as a panacea”,⁵³ with viable alternatives being ignored.⁵⁴ In terms of the imposition of an economic system, TWAIL’s charge is that “human rights seem to come hand-in-hand with neo-liberal policies”.⁵⁵ NGOs, for instance, are thus accused of prioritizing civil and political rights which in turn creates a global environment which is conducive to open market policies.⁵⁶ The rationale is that the language of the human rights discourse is then effectively deployed to implement “the rights to private property, and

47 Ibid., 203–4, 227–33.

48 Ibid., 204.

49 Anghie, “The Evolution of International Law,” 745.

50 Chimni, “Third World Approaches to International Law: A Manifesto,” 12.

51 Makau Mutua, “Is the Age of Human Rights Over?,” in *The Routledge Companion to Literature and Human Rights*, ed. Sophia A. McClennen and Alexandra Schultheis Moore (Oxfordshire, UK: Routledge, 2016), 452; Anghie, “The Evolution of International Law,” 751; Achiume and Carbado, “Critical Race Theory Meets Third World Approaches to International Law,” 1502; Chimni, “Third World Approaches to International Law: A Manifesto,” 24.

52 Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” 203; Davinia G. Sánchez, “Transforming Human Rights Through Decolonial Lens,” *The Age of Human Rights Journal* 15 (2020): 282.

53 Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” 205.

54 Opeoluwa A. Badaru, “Examining the Utility of Third World Approaches to International Law for International Human Rights Law,” *International Community Law Review* 10, no. 4 (2008): 384–85. For specific alternatives, see: Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance*, 233–71.

55 Badaru, “Examining the Utility of Third World Approaches to International Law for International Human Rights Law,” 384.

56 Karina Theurer and Wolfgang Kaleck, eds., *Dekoloniale Rechtskritik und Rechtspraxis*, Völkerrecht und Aussenpolitik 92 (Baden-Baden, DE: Nomos, 2020), 27.

all that goes along with it”.⁵⁷ The majority of the criticism, however, is directed at International Financial Institutions, such as the World Bank, the IMF, and the WTO. TWAIL accuses them of having reworked their mandates and now embracing a “market-friendly conception of human rights”.⁵⁸ Through vague concepts such as the “rule of law”⁵⁹ and “good governance”, these institutions “use their considerable powers to reform the political and social structures”,⁶⁰ aiming for neo-liberal “economic reconstruction”,⁶¹ all the while eschewing “any discussion of [their own] accountability”.⁶²

To recapitulate, the culture critique condemns the universalization of particular European norms and experiences, the rhetoric critique denounces the essentializing ways in which the human rights discourse depicts Third World peoples, by doing so legitimizing Western interference, and the model critique lays bare the manners in which the international human rights system propagates the interests of global capitalism.

5. Analysis⁶³

5.1 China

For the culture critique, the most significant overlap with China turns around the notion of hierarchies of rights. The key issue concerns the debate around civil and political versus economic, cultural and social rights. China specifically discusses the rights to subsistence and development

57 Chimni, “Third World Approaches to International Law: A Manifesto,” 11.

58 Balakrishnan Rajagopal, “Counter-Hegemonic International Law: Rethinking Human Rights and Development as a Third World Strategy,” *Third World Quarterly* 27, no. 5 (2006): 770.

59 Theurer and Kaleck, *Dekoloniale Rechtskritik und Rechtspraxis*, 48.

60 Anghie, “The Evolution of International Law,” 749.

61 Rajagopal, “Counter-Hegemonic International Law,” 770.

62 Chimni, “Third World Approaches to International Law: A Manifesto,” 16–17.

63 The analysis in this article only presents the key points, whereas the thesis supports these points with further evidence and context material.

and designates them as a top priority for the government.⁶⁴ It is in relation to these rights where the (in)famous notions of national realities and conditions, the level of development, and various terms with ‘Chinese characteristics’ come into play.⁶⁵ The objective is to subject rights to the conditionalities and circumstances on the ground, thus relativizing them. International standards and measurements of comparison for human rights consequently lose a certain degree of validity and meaning as they become a question of preference and the judgement of priorities by national governments. The advantage of this approach is that it does not constitute a direct attack against established norms on an abstract level but simply introduces a hierarchy by way of prioritization during the implementation of human rights.⁶⁶ Concerning the rhetoric critique, China explicitly states its opposition of “human rights politicization and ‘double standards’”⁶⁷ and repeatedly advocates for non-selectivity, objectivity, and impartiality on human rights issues.⁶⁸ Furthermore, China accuses other nations of using human rights “as an excuse to interfere in its internal affairs and undermine its sovereignty and territorial integrity”.⁶⁹ China’s focus on the principles of sovereignty, territorial integrity, but also non-intervention makes sense within the rationale of using them to “counter criticism of China’s domestic human rights situation”.⁷⁰ Ultimately, a progressively absolute conception of such principles leads to the immunization

64 Working Group on the Universal Periodic Review, “National Report Submitted in Accordance with Paragraph 15 (a) of the Annex to Human Rights Council Resolution 5/1: China,” A/HRC/WG.6/4/CHN/1 (United Nations Human Rights Council, November 10, 2008), §§ 19–22; Working Group on the Universal Periodic Review, “National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: China,” A/HRC/WG.6/17/CHN/1* (United Nations Human Rights Council, August 5, 2013), §§ 5, 23–25; Working Group on the Universal Periodic Review, “Report of the Working Group on the Universal Periodic Review: China (Including Hong Kong, China and Macao, China),” A/HRC/25/5 (United Nations Human Rights Council, December 4, 2013); Working Group on the Universal Periodic Review, “National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: China,” A/HRC/WG.6/31/CHN/1* (United Nations Human Rights Council, August 20, 2018), §§ 4–10, 11, 22–23; Working Group on the Universal Periodic Review, “Report of the Working Group on the Universal Periodic Review: China,” A/HRC/40/6 (United Nations Human Rights Council, December 26, 2018), §§ 7, 22, 27. Henceforth, the reports will be cited in the following manner: WGUPR, A/HRC/WG.6/4/CHN/1, China, November 10, 2008. The full information on the documents is provided in the bibliography.

65 There is mention of at least one of these notions in each of China’s national reports, the working group reports and the available addenda. WGUPR, A/HRC/WG.6/4/CHN/1, China, 10 November, 2008, § 6; WGUPR, A/HRC/11/25, China, 3 March, 2009, § 33; WGUPR, A/HRC/WG.6/17/CHN/1*, China, 5 August, 2013, § 4; WGUPR, A/HRC/25/5/Add.1, China, 27 February, 2014, 2; WGUPR, A/HRC/25/5, China, 4 December, 2013, § 185; WGUPR, A/HRC/WG.6/31/CHN/1*, China, 20 August, 2018, § 4; WGUPR, A/HRC/40/6, China, 26 December, 2018, § 7; WGUPR, A/HRC/40/6/Add.1, China, 15 February, 2019, § 2.

66 This practice has been called an implication versus a framing contest. Katrin Kinzelbach, “Will China’s Rise Lead to a New Normative Order? An Analysis of China’s Statements on Human Rights at the United Nations (2000–2010),” *Netherlands Quarterly of Human Rights* 30, no. 3 (2012): 329. For more on this, see: Ronald R. Krebs and Patrick T. Jackson, “Twisting Tongues and Twisting Arms: The Power of Political Rhetoric,” *European Journal of International Relations* 13, no. 1 (2007): 42–44.

67 WGUPR, A/HRC/WG.6/31/CHN/1*, China, 20 August, 2018, § 10.

68 WGUPR, A/HRC/WG.6/4/CHN/1, China, 10 November, 2008, § 8; WGUPR, A/HRC/WG.6/17/CHN/1*, China, 5 August, 2013, §§ 4, 88; WGUPR, A/HRC/WG.6/31/CHN/1*, China, 20 August, 2018, § 76.

69 WGUPR, A/HRC/40/6, China, 26 December, 2018, § 27.

70 Kinzelbach, “Will China’s Rise Lead to a New Normative Order? An Analysis of China’s Statements on Human Rights at the United Nations (2000–2010),” 320.

from external critique, which is desirable from the state's perspective.⁷¹ Lastly, in terms of the model critique, China does not directly challenge the imposition of a certain model as TWAIL does. However, China does seem to challenge the dominant narrative in certain ways. While their UPR documents are quite abundant with terms such as the rule of law, democracy, or equality before the law, some commentators point out that the Chinese Communist Party under Xi Jinping has defined such terms in a very specific way, often qualifying them with the suffix "with Chinese characteristics".⁷² The common theme throughout all three categories of critiques is that China does not seem to directly attack established norms and frameworks but instead tries to redefine the meaning of entrenched terms in a way that is favorable to their national strategy. This practice is then complemented by the introduction of new, positive-sounding terms such as mutually beneficial cooperation (*huli hezuo*) or win-win cooperation (*hezuo gongying*). With the meaning of such terms being rather vague and ambiguous, the danger is ultimately a weakening of fundamental human rights principles.⁷³

5.2 Cuba

For the Cuban UPR documents, the only noteworthy point in terms of the culture critique arises in relation to cultural relativism. The Cuban government thus repeatedly mentions the importance of defending or preserving Cuba's cultural identity⁷⁴ and actively restricts content that is judged to represent "counter-revolutionary" values.⁷⁵ The literature describes this to be "a form of cultural relativism based on [...] revolutionary discourse".⁷⁶ Coming to the rhetoric critique, this is where the biggest overlap between Cuba and TWAIL can be found. Cuba insists in its reports that interactions at the UNHRC must be non-politicized⁷⁷ and cautions against an increasingly "confrontational stance and double standards".⁷⁸ They furthermore accuse the US of conducting

71 Matthieu Burnay and Eva Pils, "Human Rights, China and the UN: A UPR Mid-Term Assessment," *Amicus Curiae* 2, no. 2 (2021): 246.

72 Kerry Brown and Una A. Bērziņa-Čerenkova, "Ideology in the Era of Xi Jinping," *Journal of Chinese Political Science* 23, no. 3 (2018): 324, 328–35, 338.

73 Andréa Worden, "China's Win-Win at the UN Human Rights Council: Just Not for Human Rights," *Sinopsis: China in Context and Perspective*, 2020, 1–4, <https://sinopsis.cz/wp-content/uploads/2020/05/worden-unhrc-win-win.pdf>.

74 WGUPR, A/HRC/WG.6/4/CUB/1, Cuba, 4 November, 2008, § 64; WGUPR, A/HRC/WG.6/16/CUB/1, Cuba, 7 February, 2013, § 108; WGUPR, A/HRC/WG.6/30/CUB/1, Cuba, 5 March, 2018, §§ 104–105, 108.

75 WGUPR, A/HRC/WG.6/30/CUB/3, Cuba, 9 March, 2018, § 83.

76 Blackburn, "Cultural Relativism in the Universal Periodic Review of the Human Rights Council," 33.

77 WGUPR, A/HRC/25/5/Add.1, China, 27 February, 2014, § 10; WGUPR, A/HRC/40/6/Add.1, China, 15 February, 2019, § 11; WGUPR, A/HRC/WG.6/4/CUB/2, Cuba, 18 December, 2008, §§ 105, 106, 108, 128; *ibid.*, § 17; WGUPR, A/HRC/WG.6/16/CUB/1, Cuba, 7 February, 2013, §§ 152, 157, 162(d), 162(g), 165; WGUPR, A/HRC/24/16, Cuba, 8 July, 2013, § 26; WGUPR, A/HRC/WG.6/30/CUB/1, Cuba, 5 March, 2018, §§ 136, 140, 151(h), 156.

78 WGUPR, A/HRC/WG.6/16/CUB/1, Cuba, 7 February, 2013, § 162(h).

an anti-Cuban smear campaign⁷⁹ and manipulating human rights institutions for its own political agenda.⁸⁰ Cuba skillfully manipulates the rules⁸¹ and builds up a narrative framework which supports its main theme throughout its reports: the condemnation of the US embargo which Cuba classifies as economic warfare, at times even calling it an act of genocide.⁸² From the US perspective, the embargo serves the purpose of bringing Cuba to transition into democracy, give up on communism, adopt free market policies, and most importantly, respect human rights.⁸³ The result is a situation where measures that are officially intended to improve human rights for the Cuban people end up disproportionately hurting them.⁸⁴ The charge is therefore that human rights are used as a pretext to legitimize power politics.⁸⁵ This is precisely what the second TWAIL critique condemns and points out. Lastly, in terms of the model critique, Cuba rejects outside influence by neither accepting “the existence of a unique or universal democracy model” nor the “imposition of political systems of the western industrialized countries”⁸⁶ and writes that there is no “one single model of democracy or an agreed formula in that regard”.⁸⁷

5.3 Egypt

For Egypt, TWAIL’s culture critique was most significantly reflected in terms of cultural relativism. Most poignantly, this was seen in the way Egypt claimed to want to preserve and protect the Egyptian family as the basic unit of society.⁸⁸ Women in this vision have a “‘natural’ role within the family”⁸⁹ which is shown for instance when the private sphere (as opposed to the

79 WGUPR, A/HRC/WG.6/4/CUB/2, Cuba, 18 December, 2008, §§ 107, 120–124, 126, 128; WGUPR, A/HRC/11/22/Add.1, Cuba, 10 June, 2009, § 5, 17; WGUPR, A/HRC/WG.6/16/CUB/1, Cuba, 7 February, 2013, §§ 147, 164(c).

80 WGUPR, A/HRC/WG.6/4/CUB/2, Cuba, 18 December, 2008, § 107; WGUPR, A/HRC/WG.6/30/CUB/1, Cuba, 5 March, 2018, § 144; WGUPR, A/HRC/39/16, Cuba, 11 July, 2018, § 16.

81 Jane K. Cowan and Julie Billaud, “Between Learning and Schooling: The Politics of Human Rights Monitoring at the Universal Periodic Review,” *Third World Quarterly* 36, no. 5 (2015): 1180.

82 WGUPR, A/HRC/WG.6/4/CUB/1, Cuba, 4 November, 2008, §§ 6, 115–119; WGUPR, A/HRC/WG.6/16/CUB/1, Cuba, 7 February, 2013, § 163(f); WGUPR, A/HRC/WG.6/30/CUB/1, Cuba, 5 March, 2018, § 151(g); WGUPR, A/HRC/39/16, Cuba, 11 July, 2018, § 15.

83 Alberto R. Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo,” *UCLA Journal of International Law and Foreign Affairs* 12, no. 2 (2007): 213–14, 216–17, 229; Marcia N. Weldon, “You Say Embargo, I Say Bloqueo: A Policy Recommendation for Promoting Foreign Direct Investment and Safeguarding Human Rights in Cuba,” *Emory International Law Review* 32 (2017): 15–16.

84 Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo,” 235–54.

85 *Ibid.*, 272–73.

86 WGUPR, A/HRC/24/16, Cuba, 8 July, 2013, § 11.

87 WGUPR, A/HRC/39/16, Cuba, 11 July, 2018, § 9.

88 WGUPR, A/HRC/WG.6/20/EGY/1, Egypt, 22 July, 2014, §§ 46, 86, 99. Egypt furthermore accepted a recommendation by Russia about the family being the basis of society. WGUPR, A/HRC/28/16, Egypt, 24 December, 2014, § 166.194; UPR-Info, “Recommendations,” *UPR-Info Database*, <https://upr-info-database.uwazi.io/en/entity/ir7v6lwxba?searchTerm=egypt>.

89 Tommaso Virgili, *Islam, Constitutional Law and Human Rights: Sexual Minorities and Freethinkers in Egypt and Tunisia*, Comparative Constitutionalism in Muslim Majority States (Oxfordshire, UK: Routledge, 2022), 73–74.

public sphere) is specifically left out when talking about equality between women and men⁹⁰ or when the mention of marital rape is explicitly removed before partially accepting recommendations concerned with violence against women.⁹¹ This family vision is furthermore unsurprisingly depicted as a “heterosexual family based on ‘religion, morality and patriotism’”.⁹² While homosexuality is not explicitly criminalized in Egypt, the UN and stakeholder reports claim Egypt’s domestic “debauchery” (*fujūr*)⁹³ law is used as somewhat of a catch-all legislation that can be interpreted as needed to persecute people for their sexual orientation or gender identity.⁹⁴ Oftentimes, a link is then created between the persecution of homosexuality and forms of religion-based charges, such as blasphemy, heresy, or atheism, one charge frequently leading to or validating the other, and vice versa.⁹⁵ For the rhetoric critique, the only thing to point out is Egypt’s repeated reminder not to politicize human rights. Egypt writes, for instance, that the UPR is not a “process of blame in which it has to refute allegations”⁹⁶ and reminds other countries not to “twist facts for political or personal interests”.⁹⁷ In terms of the model critique an interesting picture emerges. Instead of rejecting the concepts and vocabulary associated with the modern nation-state, Egypt seems to fully adopt the corresponding terminology in order to profit from its legitimizing effect. Against allegations around fair trial rights for instance,⁹⁸ Egypt defends itself by refuting the charges using the same vocabulary.⁹⁹ Egypt thus assures the accused persons before military tribunals for example “the same safeguards as they would [have] before the ordinary courts” and restricts such tribunals to “exceptional circumstances”.¹⁰⁰ Similar tactics are used to defend the introduction of domestic anti-terrorism or NGO legislations which are criticized

90 WGUPR, A/HRC/WG.6/7/EGY/1, Egypt, 16 November, 2009, 6; WGUPR, A/HRC/WG.6/20/EGY/1, Egypt, 22 July, 2014, § 35; WGUPR, A/HRC/WG.6/34/EGY/1, Egypt, 21 August, 2019, § 44.

91 WGUPR, A/HRC/43/16, Egypt, 27 December, 2019, §§ 31.327, 31.330, 31.332, 31.340, 31.345; WGUPR, A/HRC/43/16/Add.1, Egypt, 5 March, 2020, 9.

92 Virgili, *Islam, Constitutional Law and Human Rights: Sexual Minorities and Freethinkers in Egypt and Tunisia*, 73.

93 *Ibid.*, 136–40.

94 WGUPR, A/HRC/WG.6/7/EGY/2, Egypt, 26 November, 2009, § 20; WGUPR, A/HRC/WG.6/20/EGY/3, Egypt, 8 August, 2014, § 41; WGUPR, A/HRC/WG.6/34/EGY/3, Egypt, 14 August, 2019, § 20–21.

95 Virgili, *Islam, Constitutional Law and Human Rights: Sexual Minorities and Freethinkers in Egypt and Tunisia*, 120–23.

96 WGUPR, A/HRC/WG.6/7/EGY/1, Egypt, 16 November, 2009, 2.

97 WGUPR, A/HRC/WG.6/34/EGY/1, Egypt, 21 August, 2019, § 7.

98 WGUPR, A/HRC/WG.6/34/EGY/3, Egypt, 14 August, 2019, §§ 8, 17, 26, 32, 34, 35, 36; WGUPR, A/HRC/WG.6/20/EGY/3, Egypt, 8 August, 2014, §§ 18, 45, 50, 53, 56.

99 WGUPR, A/HRC/WG.6/7/EGY/1, Egypt, 16 November, 2009, 10–12; WGUPR, A/HRC/WG.6/20/EGY/1, Egypt, 22 July, 2014, § 25; WGUPR, A/HRC/28/16/Add.1, Egypt, 2 March, 2015, § 12; WGUPR, A/HRC/WG.6/34/EGY/1, Egypt, 21 August, 2019, §§ 21, 24(d), 81; WGUPR, A/HRC/43/16, Egypt, 27 December, 2019, § 7.

100 WGUPR, A/HRC/WG.6/34/EGY/1, Egypt, 21 August, 2019, § 21.

for further eroding individual rights and stifling oppositional voices.¹⁰¹ Egypt rationalizes such measures in order to “keep citizens safe” and ensure their “human rights to the full”¹⁰² as well as to prevent “incitement to violence [or] discrimination”.¹⁰³ The rationale with which rights are restricted is thus presented as the necessity of striking a balance between certain equally legitimate human rights such as personal security concerns against individual freedoms or preventing incitement to violence against the freedom of speech.¹⁰⁴ Contrary to TWAIL, Egypt thus appears to not discredit the modern nation-state and notions that go with it but rather to make use of the established discourse and anchor its reasoning within that discourse.

6. Discussion

Starting with the culture critique, the analysis has produced two noteworthy points. First, both TWAIL and certain states seem to emphasize rights other than civil or political rights. This is most noticeable with the right to development and China legitimizing its focus on this right by referring to its national conditions. However, while TWAIL I scholars in particular advocated for the right to development,¹⁰⁵ TWAIL II scholars are also conscious of the darker aspects of development, such as its veiling of certain forms of suffering, like economic violence,¹⁰⁶ or its misuse in order to justify dictatorships.¹⁰⁷ This last aspect highlights a feature where the states’ rhetoric and arguments appear to correspond to the TWAIL critiques but exhibit divergent intentions upon further inspection. In this regard, TWAIL’s activist-normative side shines through, as they claim to ultimately be concerned with addressing the suffering of people.¹⁰⁸ State actors, on the other hand, can be assumed to be predominantly guided by more political considerations, such as the acquisition and preservation of power.¹⁰⁹ In terms of development, for instance, this would

101 Fionnuala D. Ní Aoláin, “Egypt’s Updated Terrorism Law Opens the Door to More Rights Abuses, Says UN Expert,” *United Nations Human Rights Office of the High Commissioner*, April 9, 2020, <https://www.ohchr.org/en/press-releases/2020/04/egypts-updated-terrorism-law-opens-door-more-rights-abuses-says-un-expert>; Zeid R. Al Hussein, “Repressive New NGO Law Deeply Damaging for Human Rights in Egypt - Zeid,” *United Nations Human Rights Office of the High Commissioner*, June 1, 2017, <https://www.ohchr.org/en/press-releases/2017/05/repressive-new-ngo-law-deeply-damaging-human-rights-egypt-zeid>.

102 WGUPR, A/HRC/WG.6/34/EGY/1, Egypt, 21 August, 2019, § 80. See also: *Ibid.*, §§ 81–85.

103 WGUPR, A/HRC/WG.6/34/EGY/1, Egypt, 21 August, 2019, § 12.

104 *Ibid.*, §§ 12–13, 80–85; WGUPR, A/HRC/43/16, Egypt, 27 December, 2019, § 18.

105 Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance*, 216–22.

106 *Ibid.*, 230–32.

107 Antony Anghie, “Whose Utopia? Human Rights, Development, and the Third World,” *Qui Parle* 22, no. 1 (2013): 75–76.

108 Al Attar, “TWAIL: A Paradox Within a Paradox,” 168–70; Antony Anghie, “What Is TWAIL: Comment,” *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 94 (Cambridge, UK: Cambridge University Press on behalf of the American Society of International Law, 2000), 39; Mutua, “What Is TWAIL?,” 35.

109 For a concise overview on why and how states pursue power from a structural realist perspective, see: John J. Meersheimer, “Structural Realism,” in *International Relations Theories: Discipline and Diversity*, ed. Timothy Dunne, Milja Kurki, and Steve Smith, 3rd ed. (Oxford, UK: Oxford University Press, 2013), 77–93.

translate into the accumulation of economic power. Second, a similar trend is observable in relation to cultural relativism. In the global arena, the states advocate for tolerance for alternatives to a perceived dominant Western understanding of culture and society. Examples include human rights with ‘Chinese characteristics’, the notion of a Cuban identity, or the Egyptian conception of the traditional family. This seems to be in line with TWAIL’s mentioned “moral equivalency of cultures”.¹¹⁰ However, if one zooms in to the local level, the states themselves suddenly become the dominant actors. At this level, notions of tolerance towards divergent understandings of culture or identity quickly fade. This is exemplified in Egypt’s debauchery law, Cuba’s repression of anti-revolutionary material and can easily be applied to any oppression of ethnic or cultural minorities.¹¹¹ Whereas the states demand tolerance for themselves but do not enact it towards others, TWAIL would supposedly speak up against oppressive practices and not embrace an absolute moral relativist stance,¹¹² instead standing with the marginalized and powerless.¹¹³

Turning to the rhetoric critique, a major overlap could be seen in the common reproach of the biased application as well as the instrumentalization of human rights for political goals. The Cuban embargo appears to be a prime example of this practice, where human rights are used to legitimize power politics. However, while TWAIL’s intentions lean towards a people-centric approach concerned with the alleviation of suffering of Third World peoples, the examined states’ strategy ultimately aims for the immunization from critique.¹¹⁴ This was shown, for instance, through the reinforcement of the sovereignty principle. This results in two opposing positions where the states try to shut down criticism, whereas TWAIL advocates for more but equitable criticism between Western and non-Western states. It would thus seem that human rights are instrumentalized for political goals by Western and non-Western states, some for offensive and others for defensive purposes.

110 Mutua, “What Is TWAIL?,” 36.

111 The UPR documents mention the examples of the Bedouins, Nubians, or Berbers in Egypt and Tibetans, Uighurs, or Mongolians in China. WGUPR, A/HRC/WG.6/31/CHN/2, China, 27 August, 2018, § 59; WGUPR, A/HRC/WG.6/34/EGY/2, Egypt, 2 September, 2019, § 58.

112 Sunter, “TWAIL as Naturalized Epistemological Inquiry,” 489–90.

113 Mutua, “What Is TWAIL?,” 37. D.P. Fidler has an interesting analysis to this point about the ‘tolerance/intolerance paradox’ that emerges when one has to choose between pluralism and solidarism. David P. Fidler, “Revolt Against or from Within the West? TWAIL, the Developing World, and the Future Direction of International Law,” *Chinese Journal of International Law* 2, no. 1 (2003): 62–69. Similar theoretical implications and shortcoming are discussed by M. Freeman in relation to cultural relativism. Michael Freeman, “Universalism of Human Rights and Cultural Relativism,” in *Routledge Handbook of International Human Rights Law*, ed. Scott Sheeran and Nigel Rodley, Routledge Handbooks (Oxfordshire, UK: Routledge, 2013), 52–54.

114 Badaru, “Examining the Utility of Third World Approaches to International Law for International Human Rights Law,” 380–81.

Lastly, the model critique is where similarities were least observable. In general, instead of fundamentally questioning the international system around the modern nation-state, as TWAIL does, the states rather tried to adjust and interpret existing notions to their specific needs and anchor their arguments in the existing prevalent terminology. From a standpoint of self-preservation this makes sense, as it would be tantamount to self-sabotage if the states started undermining the fundamentals of a system of which they are an integral part.

With these answers to the research question, the goal of this article has been to provide a more nuanced understanding of TWAIL's critiques towards the international human rights system and how they relate to critical positions of China, Cuba, and Egypt in their respective UPR. The value in this endeavor has been in the mapping out of different categories of critiques, their relation to each other and the examination of which actor subscribes to which critique. A differentiated engagement with critiques from various actors can prevent a dismissal *in toto* of such critiques, which in turn raises the possibility that potential flaws in the object of critique, but also the critiques themselves, can be revealed. The result is ideally a more productive, precise, and coherent discourse to which this article hopes to have contributed in a small way. While the research has shown certain tendencies of the examined states, one should be wary of broad generalizations. To formulate more concrete claims, further research should thus focus on a more comprehensive sample size of documents, which could include resolutions from the UNHRC or the UN General Assembly as well as perhaps national policy documents, such as national human rights action plans.

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