

SOSS2007

Human Rights: Perspectives from the Disciplines

Second Semester 2011

Dr Marie Gibert and Dr Chaka Uzundu

Lecture Time and Venue: Wednesday, 4.15-6.00 pm, CB 117

Tutorial Times:

Tut1: Tuesday, 12.30-1.15, Old Grand Stand (West Campus)

Tut2: Wednesday, 12.30-1.15, Old Grand Stand (West Campus)

Tut3: Wednesday, 1.15-2, Old Grand Stand (West Campus)

Tut4: Thursday, 12.30-1.15, Old Grand Stand (West Campus)

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Course Content:

This course serves as the core course for the International Human Rights Exchange Program. The goal of the course is to both introduce students to human rights in the global system and explore a number of contemporary human right issues.

The course begins by examining the historical and legal evolution of human rights, including their philosophical foundations. This is followed by a survey of the different actors (states, international organisations and civil society) involved in the protection and promotion of human rights. The third block concludes with an exploration of the recent efforts at establishing accountability and transitional justice mechanisms.

The second half of the course (block 4) will examine human rights in a number of important issue areas including, globalization, development, health, political violence, refugees & humanitarian law, and vulnerable groups. We will explore each of these areas from a human rights perspective and examine the challenge of designing policies that will improve the realization of human rights.

Readings: Course Packs are available in the IHRE office.

Evaluation: Grades will be determined in the manner described below.

Analytical Essay 1	30%
Tutorial-Based Work and Analytical Essay 2	30%
Final Exam	40%

Analytical Essay 1. You will write a 3,000-word essay in response to one of the two questions distributed in class. Questions for Essay 1 will be distributed on August 10th and the essay will be due on August 24th in class. In your paper you will need to make an argument and support it with evidence from the readings and class discussion. Your goal will be to demonstrate sophisticated analytical and critical thinking about the topic in question.

Final Exam. To be written during the Oct/Nov 2010 exam session.

Plagiarism is presenting someone else's work as your own. Please cite or quote all ideas that are not your own or common knowledge. If you are unsure about whether something would be plagiarism, please ask. Plagiarism will result in marks being deducted from your grade.

Kindly note that marks will be deducted for late submission of papers.

A note on participation: Your active participation is very important. Always feel free to state your opinions in a way that invites discussion. No outside knowledge of human rights scholarship, of history, or of current events will be necessary for effective class participation. Discussion of other scholarship, history, and current events will certainly be welcome when they are relevant, but careful reading of the materials assigned for this course and concentrated thinking about the ideas raised in class will be a sufficient basis from which to contribute profitably to class discussion. The first step toward participating in class is attending class.

Lectures and Discussion Topics

July 27th – What Are Human Rights?

Discussion Topics:

Introduction to the course

What are human rights?

What are the primary challenges today for the realisation of human rights?

How are human rights addressed across disciplines?

What philosophical traditions are reflected in human rights?

Is a philosophical foundation necessary for human rights?

What should the relationship between individual rights and the rights of groups or societies be?

Are there ideological justifications for human rights violations?

Required Readings:

The Universal Declaration of Human Rights, adopted and proclaimed by United Nations General Assembly resolution 217 A (III) of 10th December 1948.

K. Sikkink (1998), 'Transnational Politics, International Relations Theory, and Human Rights', *PS: Political Science and Politics* (31, 3), pp. 516-523

J. J. Shestack (1998), 'The Philosophic Foundations of Human Rights', *Human Rights Quarterly* (20, 2), pp. 200-234.

Recommended:

M.-B. Dembour (2010), 'What Are Human Rights? Four Schools of Thought', *Human Rights Quarterly* (32, 1), pp. 1-20.

Peggy Hicks (2007), 'Principled Leadership: A Human Rights Agenda for UN Secretary-General Ban Ki-moon', Human Rights Watch (available on the HRW website: <http://www.hrw.org/en/world-report-2007/principled-leadership>).

Todd Landman (2004), 'Comparative Politics and Human Rights', *Human Rights Quarterly* (26, 4), pp. 906-931.

M. Freeman (1995), 'Are There Collective Human Rights?', *Political Studies* (43), pp. 25-40.

August 3rd – Changing Conceptions of Human Rights

Discussion Topics:

What drove the creation of international human rights?

How have human rights evolved over the last 60 years?

How has international human rights law evolved over the last fifty years?

Are human rights universal or are they a Western imposition?

How do cultural/religious practices affect human rights?

Required Readings:

M. Niang (2006), *The Kurukan Fuga Charter: An Example of an Endogenous Governance Mechanism for Conflict Prevention*, Working Document for the Inter-Generational Forum on Endogenous Governance in West Africa.

Declaration of the Rights of Man and of the Citizen, adopted by the National Assembly of France on 26th or 27th August 1789.

T. Buergenthal (1997), 'The Normative and Institutional Evolution of International Human Rights', *Human Rights Quarterly* (19, 4), pp. 703-723.

K. E. Smith (2010), *Genocide and the Europeans*, Cambridge: Cambridge University Press, chapter 2: 'European Governments and the Development of the International Legal Framework on Genocide', pp. 32-64.

Recommended:

N. Stammers (2005), 'The Emergence of Human Rights in the North: Towards Historical Re-Evaluation', in N. Kaber, *Inclusive Citizenship: Meanings and Expressions*, London & New York: Zed Books, pp. 50-68.

T. Hammarberg (1998), 'Not by Bread Alone . . . But not Without Bread Either', UN Chronicle (available online).

A. An-Naim (ed.) (1992), *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, Philadelphia: University of Pennsylvania Press.

R. Howard (1983), 'The Full-Belly Thesis: Should Economic Rights Take Priority over Civil and Political Rights? Evidence from Sub-Saharan Africa', *Human Rights Quarterly*. (5, 4), pp. 467-490.

Amartya Sen (1997), 'Human Rights and Asian Values', *The New Republic* 217, 2-3), pp. 33-41.

B. Kausikan (1993), 'Asia's Different Standard', *Foreign Policy* (92), pp. 24-41.

A. Neier (1993), 'Asia's Unacceptable Standard', *Foreign Policy* (92), pp. 42-51.

F. Halliday (1995), 'Relativism and Universalism in Human Rights: The Case of the Islamic Middle East', in D. Beetham, *Politics and Human Rights*, Oxford: Blackwell Publishing, pp. 152-167.

S. Khaballo (1995), 'Human Rights and Democratization in Africa', in D. Beetham, *Politics and Human Rights*, Oxford: Blackwell Publishing, pp. 189-203.

August 10th – States as Perpetrators and Protectors (1/2) – On the Domestic Scene

Discussion Topics:

- What drives a regime to commit human rights abuses against its citizens?
- Why do states fail to implement human rights norms at the domestic level?
- How do states guilty of human rights abuses avoid international sanctions?
- What is the link between democracy and respect for human rights?

Required Readings:

A. Hochschild (1998), *King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa*, New York: Houghton Mifflin Company, chapter 8: 'Where There Aren't No Ten Commandments', pp. 115-139.

L. Melvern (2008), 'The Past is Prologue: Planning the 1994 Rwandan Genocide', in P. Clark and Z. D. Kaufman, *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, London: Hurst, pp. 21-31.

F. Reyntjens (2004), 'Rwanda, Ten Years On: From Genocide to Dictatorship', *African Affairs* (103), pp. 177-210.

Recommended:

A. Hochschild (1998), *King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa*, New York: Houghton Mifflin Company.

M. Ngoga (2008), 'The Institutionalisation of Impunity: A Judicial Perspective of the Rwandan Genocide', in P. Clark and Z. D. Kaufman, *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, London: Hurst, pp. 321-332.

F. Reyntjens (2011), 'Constructing the Truth, Dealing with Dissent, Domesticating the World: Governance in Post-Genocide Rwanda', *African Affairs* (110, 438), pp. 1-34.

C. Davenport (1995), 'Multi-Dimensional Threat Perception and State Repression: An Inquiry into Why States Apply Negative Sanction', *American Journal of Political Science* (39, 3), pp. 683-713.

C. Davenport (1996), 'Constitutional Promises' and Repressive Reality: A Cross-National Time-Series Investigation of Why Political and Civil Liberties Are Suppressed', *Journal of Politics* (58, 3), pp. 627-654.

L. C. Keith (2002), 'Constitutional Provisions for Individual Human Rights (1977-1996): Are They More than Mere "Window Dressing?"', *Political Research Quarterly* (55, 1), pp. 111-143.

August 17th - States as Perpetrators and Protectors (2/2) – On the International Scene

Discussion Topics:

Does international law matter? Are governments legally bound to observe rights?

What are the obligations of other states to protect human rights? Are their obligations different for different types of rights? Civil and political vs. economic, social and cultural rights?

What are the opportunities and limits to the inclusion of human rights in foreign policy?

Are human rights concerns more central to the foreign policy of some states than others? Why?

Should states make efforts to isolate repressive regimes?

Required Readings:

A. Klotz (1995), 'Norms Reconstituting Interests: Global Racial Equality and US Sanctions Against South Africa', *International Organization* (49, 3), pp. 451-478.

L. Melvern and P. Williams (2004), 'Britannia Waived the Rules: The Major Government and the 1994 Rwandan Genocide', *African Affairs* (103), pp. 1-22.

K. E. Smith (2010), *Genocide and the Europeans*, Cambridge: Cambridge University Press, chapter 7: 'Darfur', pp. 208-236.

Recommended:

K. Sikkink (2008), 'From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights', *Latin American Politics and Society* (50, 1), pp. 1-29.

I. Taylor (2008), 'Sino-African Relations and the Problem of Human Rights', *African Affairs* (107), pp. 63-87.

J. Schwedler, J. Stacher and S. Philbrick Yadav, 'Three Powerfully Wrong – and Wrongly Powerful – Narratives About the Arab Spring', *Jadaliyya* (www.jadaliyya.com), posted on 10th June 2011.

D. Forsythe (2006), *Human Rights in International Relations*, Cambridge: Cambridge University Press, chapter 6: 'Human Rights and Foreign Policy in Comparative Perspective', pp. 152-187.

L. C. Keith, C. Neal Tate and S. C. Poe (2009), 'Is the Law a Mere Parchment Barrier to Human Rights Abuse?', *Journal of Politics* (71, 2), pp. 644-660.

E. Hafner-Burton and K. Tsutsui (2005), 'Human Rights in a Globalizing World: The Paradox of Empty Promises', *American Journal of Sociology* (110, 5), pp. 1373-1411.

August 24th – The Role of International Organisations

Discussion Topics:

How does the UN Charter address human rights and in what provisions? Are all human rights included?

What is the role of the main and subsidiary organs of the UN in protecting human rights?

How are the regional human rights conventions and institutions similar? How do they differ?

What are some of the social, political, cultural, historical differences among the regions that may explain the different challenges for the realization of human rights?

Does the regional approach to human rights offer good opportunities for the effective enforcement of human rights?

To what extent does a regional approach offer advantages over a UN System or 'global' approach? Make a list of the benefits and limitations of a regional approach.

Required Readings:

D. Forsythe (2006), *Human Rights in International Relations*, Cambridge: Cambridge University Press, chapter 3: 'Global Application of Human Rights Norms', pp. 57-88.

Carolyn M. Shaw (2007), 'The Evolution of Regional Human Rights Mechanisms: A Focus on Africa', *Journal of Human Rights* (6, 2), pp. 209-232.

I. Manners (2002), 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies* (40, 2), pp. 235-258.

Recommended:

N. J. Udombana (2002-2003), 'African Human Rights Court and an African Union Court: A Needful Duality or a Needless Duplication', *Brooklyn Journal of International Law* (28, 3), pp. 811-870 (available online: <http://www.brooklaw.edu/intellecualife/lawjournals/brooklynjournalofinternationallaw/generalinformation.aspx>).

D. Forsythe (2006), *Human Rights in International Relations*, Cambridge: Cambridge University Press, chapter 5: 'Regional Application of Human Rights Norms', pp. 121-151.

P. G. Lauren (2007), "'To Preserve and Build on its Achievements and to Redress its Shortcomings": The Journey from the Commission on Human Rights to the Human Rights Council', *Human Rights Quarterly* (29, 2), pp. 307-345.

F. Megret and F. Hoffmann (2003), 'The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities', *Human Rights Quarterly* (25, 2), pp. 314-342.

M. Killander (2008), 'The African Peer Review Mechanism and Human Rights: The First Reviews and the Way Forward', *Human Rights Quarterly* (30, 1), pp. 41-75.

A. Moravcsik (2000), 'The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe', *International Organization* (54, 2), pp. 217-252.

August 31st – The Role of Civil Society

Discussion Topics:

How do NGOs function?

Do NGO reports matter? For international organisations? For governments? For world public opinion?

What strategies do NGOs adopt to further rights?

What issues do NGOs in the developing world focus on?

What is the relationship between Western and Southern NGOs?

When can domestic courts enforce international human rights law?

How do domestic institutions constrain political leaders?

Required Readings:

D. G. Chandler (2001), 'The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda', *Human Rights Quarterly* (23, 3), pp. 678-700.

A. Hochschild (1998), *King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa*, New York: Houghton Mifflin Company, chapter 13: 'Breaking Into the Thieves Kitchen' and chapter 14: 'To Flood His Deeds With Day', p. 195-224.

K. Sikkink (1993), 'Human Rights, Principled Issue-Networks, and Sovereignty in Latin America', *International Organization* (47, 3), pp. 411-441.

Recommended:

W. Korey (1999), 'Human Rights NGOS: The Power of Persuasion', *Ethics & International Affairs* (13, 1), pp. 151-174.

S. Hopgood (2006), *Keepers of the Flame: Understanding Amnesty International*, Ithaca: Cornell University Press.

M. E. Keck and K. Sikkink (1998), *Activitists Beyond Borders: Advocacy Networks in International Politics*, Ithaca: Cornell University Press.

L. Weisberg (1992), 'Human Rights NGOs', in R. P. Claude and B. H. Weston (eds.), *Human Rights in the World Community: Issues and Actions*, Philadelphia: University of Pennsylvania Press.

K. Roth (2000), 'Human Rights Organizations: A New Force for Social Change', in S. Power and G. Allison (eds.), *Realizing Human Rights: Moving from Inspiration to Impact*, New York: St Martins Press, pp. 225-248.

D. Forsythe (2006), *Human Rights in International Relations*, Cambridge: Cambridge University Press, chapter 7: 'Non-Governmental Organizations and Human Rights', pp. 188-217.

R. Brett (1995), 'The Role and Limits of Human Rights: NGOs at the United Nations', in D. Beetham, *Politics and Human Rights*, Oxford: Blackwell Publishing, pp. 96-110.

J. Quirk and D. Richardson (2010), 'Religion, Urbanisation and Anti-Slavery Mobilisation in Britain, 1787-1833', *European Journal of English Studies* (14, 3), pp. 263-279.

J. R. Oldfield (1992), 'The London Committee and Mobilization of Public Opinion against the Slave Trade', *The Historical Journal* (35, 2), pp. 331-343.

A. Klotz (2002), 'Transnational Activism and Global Transformations: The Anti-Apartheid and Abolitionist Experiences', *European Journal of International Relations* (8, 1), pp. 49-76.

J. F. Bosco (2004), 'Human Rights Politics and Scaled Performances of memory: conflicts among the *Madres de Plaza de Mayo* in Argentina', *Social & Cultural Geography* (5, 3), pp. 381-402.

September 7th – Impunity, Accountability and Transitional Justice

Discussion Topics:

What mechanisms exist to prosecute violations of human rights law?

Why has there been little progress on creating strong enforcement mechanisms?

Why are states reluctant to empower institutions with this task?

How have efforts at prosecution for gross human rights violations fared?

How do the ICTY and the ICC compare?

What have been the successes of the ICTY?

Where does the future lie in international accountability?

To what extent is humanitarian law and human rights law distinct? To what extent are the lines blurred between the fields?

Required Readings:

C. L. Sriram (2007), 'Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice', *Global Society* (21, 4), pp. 579-591.

A. Corey and S. F. Joireman, 'Retributive Justice: The Gacaca Courts in Rwanda', *African Affairs* (103), pp. 73-89.

S. Höhn (2010), 'International Justice and Reconciliation in Namibia: The ICC Submission and Public Memory', *African Affairs* (109, 436), pp. 471-488.

Recommended:

Special Issue of *Studies in Ethnicity and Nationalism* (11, 1) on 'The Role of Africa in the International Criminal Court (ICC)', April 2011, pp. 104-156.

A. Branch (2004), 'International Justice, Local Injustice: The International Criminal Court in Northern Uganda', *Dissent*, pp. 22-26.

D. Chandler (2000), 'International Justice', *New Left Review* (6), pp. 55-66.

C. L. Sriram (2006), 'Wrong-Sizing International Justice: The Hybrid Tribunal in Sierra Leone', *Fordham International Law Journal* (29, 3), pp. 472-506.

B. Oomen (2005), 'Donor-Driven Justice and Its Discontents', *Development and Change* (36, 5), pp. 887-910.

M. Mamdani (2009), 'The International Criminal Court's Case Against the President of Sudan: A Critical Look', *Journal of International Affairs* (62, 2), pp. 85-92.

J. Snyder and L. Vinjamuri (2003), 'Trials and Errors: Principles and Pragmatism in Strategies of International Justice', *International Security* (28, 3), pp. 5-44.

E. Skaar (1999), 'Truth Commissions, Trials, or Nothing', *Third World Quarterly* (20), pp. 1109-1128.

P. Hayner (1994), 'Fifteen Truth Commissions (1974-1994): A Comparative Study', *Human Rights Quarterly* (16), pp. 597-655.

E. Baines (2010), 'Spirits and Social Reconstruction After Mass Violence: Rethinking Transitional Justice', *African Affairs* (109, 436), pp. 409-430.

September 14th – Break

A reading list for the second part of the course (21st September-26th October) will be provided by Dr Uzundu at the beginning of the teaching block.