

Syllabus, Fall 2006, Spring 2007

University of Maryland/University of Iowa

HUMAN RIGHTS IN THE WORLD COMMUNITY: ISSUES & ACTION

The Plan of the Course. This is a one semester syllabus for a college level seminar course planned around the third wholly revised edition of Richard Pierre Claude and Burns H. Weston, *Human Rights in the World Community: Issues and Action*, (Philadelphia: University of Pennsylvania Press, 2006). The book features Editors' Introductions reviewing recent scholarly literature and supplying the context for the anthology readings that follow, each of which is accompanied by multiple discussion questions. The paperback volume features a substantial bibliography and an annotated filmography. The instructor will arrange for film showings and will place various films on reserve. Substantial class time will be used to address the discussion questions from the text. They can also serve to help students decide on a research question for the final paper. The choice of a 20-page research should be made early in the term, and the last few classes assign shorter reading assignments to facilitate time for the discussion of plans for and drafts of research papers. The course grade will reflect participation in discussion and the paper on a 50/50 basis. Before finally selecting a research paper topic, the student should hand in two book reviews on a topic related to the prospective research paper. Book review guidelines are supplied below.

The Perspective of the Textbook. Since its first publication in 1989, students of human rights have witnessed in every hemisphere and on every continent a large array of states undertaking reform, becoming "emerging" or "re-emerging" democracies, and proclaiming support for the promotion and protection of international human rights. The second edition of this textbook, published in 1992 soon after the dismantling of the Berlin Wall, reflected a post-Cold War aspiration, widely shared, to displace the sterile ideological posturing of superpower rivalry with a lively and constructive global human rights culture. This hope was manifest at the World Conference on Human Rights held in Vienna in 1993. Among other things, the Conference called "on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings."

This third and wholly revised edition is intended to facilitate human rights education and to do so in support of the international resolves that were voiced in the 2000 "Millennium Declaration" whereby member states of the United Nations said they would spare no

effort to promote democracy and strengthen the rule of law, as well as respect for internationally recognized human rights and fundamental freedoms. Since then, small networks of non-state actors organized as terrorists have made even the most powerful states feel vulnerable, tempting some to surmise that countering terrorism should displace human rights as a priority on the global agenda. Moreover, within only five years after the Millennium Declaration, over 40 countries, by UN accounts, have been scarred by violent conflict. Challenges to human rights worldwide have featured wars, genocides, crimes against humanity, and reports of torture attributable to every country, including the United Kingdom and the United States, two countries that have long espoused the world rule of law. These deadly assaults on the roots of civilization and budding prospects for a humane world order tell us that it is time to relearn the message of the UN Charter and the Universal Declaration of Human Rights (UDHR): the global struggle for justice undertaken through peaceful means centrally includes everyone working for the recognition and implementation of human rights as the fundamental foundation of world peace.

In 2005, in a report entitled "In Larger Freedom," United Nations Secretary General Kofi Anan, taking both challenges and opportunities into account, sought to set a direction for our time:

We have it in our power to pass on to our children a brighter inheritance than that bequeathed to any previous generation. We can halve global poverty and halt the spread of major known diseases in the next 10 years. We can reduce the prevalence of violent conflict and terrorism. We can increase respect for human dignity in every land. And we can forge a set of updated international institutions to help humanity achieve these noble goals. If we act boldly-and if we act together-we can make people everywhere more secure, more prosperous and better able to enjoy their fundamental human rights.

The time is now to take these words seriously, and one important-indeed paramount-way to do so is to encourage and facilitate human rights education on a widespread basis.

Recognizing that bequeathing a bright inheritance to future generations is in significant measure done through education, the UN General Assembly, with help from UNESCO and the Office of the UN High Commissioner for Human Rights (OHCHR), thus has called for the development, beginning in 2006, of a "World Programme of Human Rights Education." Included is the development of appropriate texts and teaching materials-plowshares essential for tilling the groundwork of peace through justice.

This book brings such human rights materials together in one place for classroom use in many disciplines, including but not limited to

political science, international law and relations, history, sociology, philosophy, religion, and of course education itself. Relying upon a broad distinction between issues associated with international human rights problems and action that seeks to implement human rights norms and standards, each of eight chapters contain essays by leading scholars and activists, preceded by an editors' introduction designed to orient the reader in the larger context within which the essays fit. and in stimulating fresh research beyond the scope of the existing literature.

Bibliography, Filmography and Documentary Appendices. At the end of the Claude and Weston textbook is a human rights bibliography that emphasizes relatively recent publications as well as selected "classics" in the field. On the theory that human rights is made tangible by eyewitness experience, an annotated filmography following the bibliography is set out also. In 2005, the movie, "Lord of Wars" starring Nicholas Cage graphically portrayed the multiple human rights violations flowing from international arms trading and illegal gun running. Films are an important teaching device in our television age when, by way of international satellite hook-ups and on-line transmissions, Madonna and Paul McCartney show up on our TV and computer monitors kicking off London's "Live 8" concert to prompt the "Group of 8" economic summit meeting in Scotland to respond generously to hunger in Africa, and top performers (e.g., "U2" in Ireland and Chris de Burgh and Green Day in Berlin rally support for international human rights. One way or another, we all have become eyewitnesses to human rights problems. Because the promotion and protection of human rights depends on everyone, the reader should familiarize herself or himself with the many NGOs and other groups that serve human rights causes. They are easy to join and need the help of new members.

Human rights is not an abstract field of study. It is a field of work and way of life. It requires everyone's commitment, effort, and support. Thankfully we do not have to begin from scratch. The United Nations took the first step with the Universal Declaration in 1948, formulating internationally defined norms to which all states and peoples could commit. These standards form the basis on which the study of human rights is rooted. Hence, this volume concludes with two documentary appendices. The first (Documentary Appendix A) reprints and references the leading instruments known as the International Bill of Human Rights. The second (Documentary Appendix B) identifies both the original and primary digital references for the many human rights and human rights related instruments that, in addition to the International Bill of Human

Rights, specify the doctrines, principles, and rules upon which the world seeks to build a community respectful of human dignity.

Of course, whether the world is up to the task of building a world community respectful of human dignity remains to be seen. That it should try to do so, however, is imperative and beyond debate. A credible case for this view can be made by those who have seen its opposite. An Argentine judge who served on the court that convicted military rulers in his country for human rights violations between 1976 and 1983 has argued that it is time to view human rights from a global perspective. According to Justice Judge Antonio Bacqué:

It has become obvious that technological idiocy, unbridled fanaticism and Realpolitik have pushed humanity, for the first time in its history, to the brink of a precipice where the mode and conditions of life are at risk. This danger may be averted only by paying unconditional respect to human dignity.

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2. Martha C. Nussbaum, Capabilities, Human Rights, and the Universal Declaration 31
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3. Burns H. Weston, The Universality of Human Rights in a Multicultural World 45
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4. Rhoda Howard-Hassmann, The Second Great Transformation: Human Rights Leap-Frogging in the Era of Globalization 64
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6. Lisa Hajjar, Torture and the Future 96
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7. Richard B. Lillich, Civil Rights 111
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8. Rachel Neild, Human Rights and Crime 126
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9. Paul Gordon Lauren, First Principles of Racial Equality 132
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10. Eva brems, Protecting the Human Rights of Women 148
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11. Maryellen Fullerton, The International and National Protection of
Refugees 162
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12. Maivân Clech Lãm, Indigenous Peoples' Rights to Self-Determination
and Territoriality 176
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14. Lee Swepston, Worker Rights Are Human Rights 213
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15. George Kent, Food Is a Human Right 229
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16. Paul Hunt, The Right to Health: Key Objectives, Themes, and
Interventions 244
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17. Richard Pierre Claude, The Right to Education and Human Rights
Education 258
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18. Stephen A. Hansen, The Right to Take Part in Cultural Life 274
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CHAPTER FOUR COMMUNITY OR SOLIDARITY RIGHTS-GROUP
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19. Hurst Hannum, The Right of Self-determination in the Twenty-first
Century 199
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20. Arjun Sengupta, The Right to Development 307
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21. Luis E. Rodriguez-Rivera, Is the Human Right to Environment
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22. Douglas Roche, Peace: A "Sacred Right" 342
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24. Harold Hongju Koh, How Is International Human Rights Law Enforced? 379
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25. Anne F. Bayefsky, Making the Human Rights Treaties Work 392
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26. Steven P. Marks, The United Nations and Human Rights 422
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27. Dinah Shelton, The Promise of Regional Human Rights Systems 440
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29. Michael Ratner, Civil Remedies for Gross Human Rights Violations 484
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30. Richard Falk, Humanitarian Intervention: Imperatives and Problematics 499
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31. Richard Pierre Claude, *What Do Human Rights NGOs Do?* 527
Questions for Reflection and Discussion 538
32. Mahmood Monshipouri, Claude E. Welch, Jr., and Evan T. Kennedy, *Multinational Corporations and the Ethics of Global Responsibility* 540
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33. Jordan J. Paust, *The Human Right to Revolution* 555
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Guidelines for a Model Book/Article Review

An appropriate book/article review will have several components as identified and explained below. A good book review is about 750 to 1200 words and a review of an article may be about 400+ pages. Be sure to put your name at the end of the review. To look at a model book review, see recent issues of *Human Rights Quarterly* and the book reviews published at the back of each issue.

1. Full Citation. This will include the title, author, publisher, date and page numbers for articles and numbers of pages for books.
2. Author's identity. Who is the author? Title, professional position, location. These are usually specified in a footnote for an article, a "contributors list" for an edited book chapter or the book "flap" for a book. The point is to specify why the author is qualified to write the work you are reviewing.
3. What is the author's goal or objective, usually specified in the preface for a book or the first page for an article.
4. Content. What is the scope of the book/article. Since you cannot summarize everything, after noting the range of topics covered by the author, pick the one topic covered that interests you most, for example something related to your own research plans, and describe what the author does. Be specific. This is the "heart" of the review and the longest part.
5. Critique. Return to the author's stated goal and critically explain why you think the objective has or has not been achieved. Also, by your own standards, specify the strengths and weaknesses of the work. Feel free in the final part of your critical conclusion to be personal and say why this author's treatment appealed to you

or why you were disappointed.

6. Spell out your name and affiliation, e.g., name, major and year, such as "first year graduate student in political science."