

Human Rights and World Politics

Government 90cl - Spring 2000 - Wednesday 2-4 / Sever 101

Andrew Moravcsik

This course analyzes the emergence, expansion, and enforcement of international human rights norms. The course introduces the major international institutions and political processes by which international human rights norms are established and enforced, namely the regimes established under the United Nations, regional human rights conventions (European, Inter-American, African), and various treaties. We will read works by political scientists, policy analysts and legal academics -- including the use of a leading international human rights casebook. The course is designed to explore why national governments have ceded sovereignty to international institutions, the primary purpose of which is to empower their own citizens, sometimes aided by foreign states, to mobilize or litigate against them in international forums. To this end, we analyze the politics of norm creation and expansion, inquiring in particular about the relative importance of interstate coercion (intervention, sanctions, financial inducement), institutional design (the nature of international judges and officials, the form of international tribunals and standards), domestic political commitment (the interests of national governments and their constituencies, the role of domestic courts) and idealistic persuasion (the power of NGOs, public opinion, transnational diffusion, and analogical reasoning). The reading load totals approximately 150-200 pp. per week. Work will include three short (2-3 pp.) response papers and one long research paper on an appropriate topic to be determined in consultation. Grading will be based 33% on reading, class participation, and response papers, and 66% on the final research paper.

Texts

- o Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will Be Killed with our Families: Stories from Rwanda* (New York: Picador, 1998).
- o Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (Oxford: Oxford University Press, 1996).
- o Jack Donnelly, *International Human Rights* (Boulder: Westview Press, 1993).
- o Margaret Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).
- o Tom Farer, ed. *Beyond Sovereignty: Collectively Defending Democracy in the Americas* (Baltimore: Johns Hopkins Press, 1996).
- o Thomas Risse, Stephen Ropp, Kathryn Sikkink, eds. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).
- o Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

Week 1

The Eye of the Beholder

Gourevitch, *We Wish to Inform You*, entire (pp. 5-353).

Steiner and Alston, *International Human Rights in Context*, pp. 3-21, 184-187, 198-200.

## **Week 2**

### **Theoretical Debates**

Hans J. Morgenthau, *Politics among Nations*, selections.

Steiner and Alston, *International Human Rights in Context*, pp. 812-817.

Keck and Sikkink, *Activists without Borders*, pp. 1-38.

John Gerard Ruggie, "Human Rights and the Future International Community," *Daedalus* 112:4 (1983), 93-110.

Risse, Ropp and Sikkink, *Power of Human Rights*, pp. 1-38.

Krasner, *Sovereignty*, pp. 43-72.

Robert O. Keohane, Andrew Moravcsik, and Anne-Marie Slaughter, "Legalized Dispute Resolution: Interstate and Transnational," *International Organization* (forthcoming Summer 2000).

Anne-Marie Slaughter, "International Law in a World of Liberal States," *European Journal of International Law* 6 (1995), pp. 503-538.

## **Week 3**

### **International Human Rights before World War II: Religion, Slavery, Minorities**

Donnelly, *International Human Rights*, selections.

Steiner and Alston, *International Human Rights in Context*, pp. 26-98.

Krasner, *Sovereignty*, pp. 73-104.

Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), selections.

Chaim D Kaufmann and Robert A Pope, "Explaining Costly International Moral Action: Britain's Sixty-year Campaign against the Atlantic Slave Trade," *International Organization* (Autumn 1999), pp. 631-668.

Keck and Sikkink, *Activists without Borders*, pp. 39-78.

## **Week 4**

### **The Postwar Establishment of Human Rights Norms: Cultural Relativism and the United Nations Declaration**

Donnelly, *International Human Rights*, selections.

Steiner and Alston, *International Human Rights in Context*, pp. 117-255.

*The Universal Declaration of Human Rights* (1948). WWW address: <http://www.un.org/Overview/rights.html>

## **Week 5**

### **The Establishment and Functioning of Enforcement Institutions: The UN and Regional Regimes**

Donnelly, *International Human Rights*, pp. 205-218.

On the UN: Steiner and Alston, pp. 347-407, 420-430, 448-455, 500-539, 552-562.

On regional regimes: Steiner and Alston, pp. 563-597, 640-658, 689-705, 1191-1220.

Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Commitment in Post War Europe," *International Organization* (Spring 2000), forthcoming.

Robert O. Keohane, "The Demand for International Regimes," in Stephen D. Krasner, ed., *International Regimes* (Ithaca: Cornell University Press, 1983), 325-355.

B. Obinna Okere, "The Protection of Human Rights in Africa and the African Charter on Human and Peoples' Rights: A Comparative Analysis with the European and American Systems," *Human Rights Quarterly*, pp. 141-159.

## **Week 6**

### **Political Enforcement -- Humanitarian Intervention**

Donnelly, *International Human Rights*, pp. 51-85, 229-269.

Farer, ed. *Beyond Sovereignty*, pp. 189-296.

Louis Henkin, David Leebron, and Gerald Neuman, *Human Rights* (New York: Foundation Press, 1999), pp. 990-1039.

Benjamin Whitaker, "The Human Right to Interfere" in *The New Statesman*.

Aryeh Neier, "The New Double Standard," in *Foreign Policy* (Winter 1996-1997), pp. 91-106.

## **Week 7**

### **Political Enforcement -- NGOs and the Role of Sanctions, Pressure, Mobilization**

Steiner and Alston, *International Human Rights in Context*, pp. 456-499

Keck and Sikkink, *Activists beyond Borders*, pp. 79-120.

Henkin, Leebron and Neuman, *Human Rights*, pp. 1040-1079.

Risse, Ropp and Sikkink, eds. *The Power of Human Rights*. Conclusion and any two additional chapters of your choice.

Tom Farer and Felice Gaer, "The UN and Human Rights: At the End of the Beginning", in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World* (Oxford: Clarendon Press, 1993), pp. 240-296.

William Korey, "Human Rights NGOs: The Power of Persuasion," *Ethics and International Affairs* 1999: 151-174.

Patrick James Flood, "The Working Group on Enforced Disappearances," in Flood, *The Effectiveness of Human Rights Institutions* (Westport: Praeger, 1998), pp. 49-70.

Jack Donnelly "Human rights: The Impact of International Action," in *International Journal* 43 (Spring 1988), pp. 241-263.

*The Burma Pipeline* (HBS Case 9-797-149).

Debora Spar, "The Spotlight and the Bottom Line," *Foreign Affairs* March/April 1998, pp. 7-12.

## **Week 8**

### **Judicial Enforcement before Ad Hoc International Tribunals: Nuremberg, the Former Yugoslavia, and Rwanda**

Robert H. Jackson, "Nuremberg in Retrospect: Legal Answers to International Lawlessness," *American Bar Association Journal* Vol. 35 (October 1949), pp. 813-816 and 881-887.

Judith N Shklar, *Legalism: Law, Morals and Political Trials* (Cambridge: Harvard University Press, 1986) pp. 155-190.

Michael P. Scharf, *Balkan Justice: The Story Behind the First International War Crimes Trial Since Nuremberg* (Durham: Carolina Academic Press, 1997), selections.

"Prosecutor v. Erdemovic" (International Criminal Tribunal for the Former Yugoslavia). *American Journal of International Law*, vol. 92, no. 12 (April 1998: 282-287).

"Prosecutor v. Akayesu" (International Criminal Tribunal for Rwanda.) *American Journal of International Law*, vol. 93, no. 1 (January 1999): 195-199.

José Alvarez, unpublished paper on Rwanda.

## **Week 9**

### **Judicial Enforcement before Permanent International Tribunals: Europe, the Americas, and Africa**

Steiner and Alston, *International Human Rights in Context*, pp. 563-706.

Burns H. Weston, Robin Ann Lukes, and Kelly M. Hnatt, "Regional Human Rights Regimes: A Comparison and Appraisal", in Burns Weston, ed., *Human Rights in the World Community*, pp. 244-256.

Andrew Moravcsik, "Explaining International Human Rights Regimes: Liberal Theory and Western Europe", *European Journal of International Relations*, Vol. 1:2 (1995), pp. 157-189.

*Toward an International Criminal Court?* (New York: Council on Foreign Relations, 1999), entire (pp. 1-92).

Rome Statute of the International Criminal Court. <http://www.un.org/icc/part1.html>

## **Week 10**

### **Judicial Enforcement before Domestic Courts: Filártiga and Pinochet**

Richard P. Claude, "The Case of Jeolito Filártiga and the 'Clinic of Hope'," *Human Rights Quarterly* 5 (1983), pp. 275-295.

Paul L. Hoffman and Nadine Strassen, "Enforcing International Human Rights Law in the United States", in Louis Henkin and John Lawrence Hargrove (eds.), *Human Rights: An Agenda for the Next Century* (Washington, DC: ASIL, Studies in Transnational Legal Policy, No. 26, 1994).

Michael Byers, "In Pursuit of Pinochet", *London Review of Books online* <http://www.lrb.co.uk/v21/n02/byer2102.htm>.

Marc Weller, "On the hazards of foreign travel for dictators and other international criminals" *International Affairs*, Vol. 75, No. 3 (July 1999), pp. 599-617.

Geoffrey Hawthorn, "Pinochet: the Politics," *International Affairs* Vol. 75, No 2 (April 1999), pp. 253-258.

House of Lords: Opinions of the Lords of Appeal, *ex parte Pinochet*, March 24, 1999 and -----  
. <http://www.publications.parliament.uk/cgi-bin/htm>

## **Week 11**

### **The Generation(s) of Rights: Expanding the Human Rights Discourse**

#### **General**

Steiner and Alston, *International Human Rights in Context*, pp. 1110-1146, 1148-1181

Henkin, "Human Rights Standards and their 'Generations'" (mimeograph).

Buergenthal, *International Human Rights*, pp. 24-61.

*References:* Universal Declaration of Human Rights; Covenant on Civil and Political Rights; Optional Protocol to the Covenant on Civil and Political Rights; Covenant on Economic, Social, and Cultural

Rights; Convention Against Torture; Convention Against Genocide; The Geneva Conventions; Convention on the Rights of the Child; Convention on Elimination of Discrimination Against Women; Charter of the United Nations can all be accessed at: <http://www.hrweb.org/legal/undocs.html>

### **Economic Rights / Law and Development**

Steiner and Alston, *International Human Rights in Context*, pp. 256-328.

Donnelly, *International Human Rights*, pp. 163-202

Human Rights Watch, *Indivisible Human Rights: The Relationship of Political and Civil Right to Survival, Subsistence and Poverty*, pp. 47-60 (section on Malaysia)

### **Women's Rights**

Steiner and Alston, *International Human Rights in Context*, pp. 887-967, 1182-1190

Keck and Sikkink, *Activists beyond Borders*, pp. 165-198.

Georgina Ashworth, "The Silencing of Women" in Tim Dunne and Nicholas J. Wheeler, eds. *Human Rights in Global Politics* (Cambridge University Press, 1999), Chapter 10 (pp. 259-276).

Vandana Shiva, "Staying Alive: Development, Ecology and Women", in Ishay, ed. *Human Rights Reader*, pp. 253-263.

Excerpt from Beijing Declaration, in Ishay, ed. *Human Rights Reader*, pp. 491-505.

Ursula A. O'Hare, "Realizing Human Rights for Women," *Human Rights Quarterly* 21 (1999), pp. 364-402.

Karen Brown Thompson, "Domestic Insecurities: Global Human Rights Norms, Gendered Violence and State Family Boundaries". *Paper presented at Conference of International Institutions: Global Processes/Domestic Consequences*, Duke University, April 9-11, 1999.

Christine Chinkin, "Rape and Sexual Abuse of Women in International Law", *European Journal of International Law* 5 (1994), pp. 326-341.

Todd A. Salzman, "Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia," in *Human Rights Quarterly*, 20 (1998), 348-378.

Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-vision of Human Rights", *Human Rights Quarterly*, No. 12

### **Indigenous, Minority and National Rights**

Donnelly, pp. 143-160

Steiner and Alston, *International Human Rights in Context*, pp. 971-1020

Martin Smith, *Ethnic Groups in Burma: Development, Democracy and Human Rights*, pp. 42-47, 69-95.

### **Refugee Rights**

Myron Weiner, "Bad Neighbors, Bad Neighborhoods: An Inquiry into the Causes of Refugee Flows", *International Security*, Vol. 21, no. 1 (Summer 1996), pp. 5-42.

Gil Loescher, "Refugees: A Global Human Rights and Security Crisis", in Dunne and Wheeler, *Human Rights in Global Politics*, pp. 233-258.

Alan Dowty and Gil Loescher, "Refugee Flows as Ground for International Action," *International Security* 21, 1 (Summer 1996), pp.43-72.

### **Alternative Conceptions of the Good**

Stephen Lukes "Five Fables about Human Rights" in Ishay, ed. *Human Rights Reader*, pp. 233-247.

Richard Rorty, "Human Rights, Rationality, and Sentimentality" in Ishay, ed. *Human Rights Reader*, pp. 263-268.

Christina M. Cerna, "Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts," *Human Right Quarterly* 16:4.

Michael Freeman, "The Philosophical Foundations of Human Rights," *Human Rights Quarterly* 16:3.

Henkin, *The Rights of Man Today*, pp. 133-137.

## **Week 12**

### **Discussion of Student Research Projects**