

Columbia University
HR/PS V3001x, INTRODUCTION TO HUMAN RIGHTS
Fall 2015

MW 2:40-3:55
428 Pupin

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Course overview. Norms are an important part of the international system, but it is hard to understand why they exist, how they work, whose interests they serve, and what difference they make. The puzzle is especially striking in the case of human rights norms. International human rights is a powerful idea in our time, but also the focus of numerous controversies. As a body of law it is produced primarily by governments; as a body of norms, by civil society. It not only embodies a set of ideals but also functions as a political tool, which different forces try to bend to their own ends. Human rights advocacy is a flourishing and diverse field, but it is difficult to show whether, and how, such advocacy affects the behavior of governments and improves the lives of people on the ground.

The course analyzes the struggle over human rights as a process of norm contestation and norm change. We look at the laws and institutions that define human rights as an international regime, in the context of key intellectual controversies and political puzzles surrounding human rights theory and practice. The course examines how a variety of actors promote the development and application of human rights norms. In doing so, it analyzes some of the challenges of contemporary human rights advocacy.

Assignments. The course grade will be based on the following assignments.

- (1) Due September 25: an email to your designated Teaching Fellow sketching your idea for an Explorations or Policy Paper; ungraded.
- (2) Due October 5: Explorations or Policy Paper; 5-7 pages double-spaced; see memo at the end of the syllabus for requirements for these papers; worth 2/7 of course grade.
- (3) Posted October 14 and due October 21: takehome midterm; worth 1/7 of course grade.
- (4) Due November 13: an email to your designated Teaching Fellow sketching your idea for an Explorations or Policy Paper; ungraded.
- (5) Due November 23: Explorations or Policy Paper; 5-7 pages double-spaced; see memo at the end of the syllabus for requirements for these papers; worth 2/7 of course grade.

(6) Posted December 14 and due December 21: takehome final exam; worth 2/7 of course grade.

Grading Standards. B+ is a good grade, meaning that a writing assignment was completed in accordance with the instructions, or that the correct answer was given on an exam. Moving up towards an A, the work is characterized by more information, more insight, greater clarity, or other distinguishing features beyond adequate fulfillment of the requirement. Moving down from a B+, an answer is incomplete, or an essay is unclear or imprecise at certain points, or is not clearly organized, or contains a level of technical writing errors that interferes with reader comprehension.

Writing Centers. For your essays, we encourage you to use the Columbia and Barnard Writing Centers. You can find out more about the centers and make appointments at <http://www.college.columbia.edu/core/uwp/writing-center> and <http://writing.barnard.edu/>.

Extension policy. You should complete assignments by the due date, first so that you can keep up with your work in this and other classes, and second so that you can cultivate a professional habit of turning in work on time. However, we can provide extensions of reasonable length, if needed for a good reason, for the first three assignments. Please email the instructor to ask for the extension; give the reason; and specify the date on which you intend to hand in the work, so that we can keep a record of extensions granted.

The situation is different with any work still owing at the end of the semester, including the final exam. Because the registrar's computer system requires all course grades to be submitted together by a deadline set by the registrar, we have to submit a grade for each student at that time. Policies vary somewhat by school, but in general we cannot submit an Incomplete without the permission of your dean. If we don't have all your work completed by that time, we can submit an AR (administrative referral) in some schools, UW (unauthorized withdrawal) in other schools, or a letter grade, which would be significantly impacted by missing work.

Human Rights Advocates and Alliance for Historical Dialogue and Accountability Fellows in residence. As you pursue your outside projects you may wish to get in touch with some of the Human Rights Advocates and AHDA Fellows who are in residence this semester at the Institute for the Study of Human Rights. For more information see <http://humanrightscolumbia.org/hrap> and <http://humanrightscolumbia.org/ahda>.

Readings and Materials. The syllabus divides the reading assignments into "Required" and "Recommended," so that you have an idea of which reading is essential. But you should not limit your reading to the Required category. You should read as much of the Recommended reading as you can. One useful way to do this is to select certain topics on which you will read more intensively than others.

The following books are available for purchase in paperback at Book Culture (536 West 112th Street). Purchase is optional.

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Ed. (Ithaca: Cornell University Press, 2013)

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001)

Aryeh Neier, *The International Human Rights Movement: A History* (Princeton: Princeton University Press, 2012)

Library copies are on reserve at Lehman Library. Other assigned readings, including journal articles and book chapters, are available in the “Library Reserves” section of the website for this course on Courseworks (www.courseworks.columbia.edu), except for readings for which URL links are provided in the syllabus; those readings can be accessed by clicking on those links from the syllabus page of Courseworks.

Please subscribe to the Human Rights Watch weekly roundup. To subscribe, go to the organization’s main webpage (www.hrw.org) and look for the blue banner below the upper right corner labeled “Sign Up For Our Newsletter.”

Sections. The teaching fellows will offer weekly discussion sections. Attendance and participation in these sessions will not be a component of your course grade. Nevertheless, you should attend. The discussion sections offer an opportunity to ask questions and engage in discussion about topics covered in lecture and in the assigned readings. Teaching fellows will also offer weekly office hours.

TOPICS & READINGS

September 9. INTRODUCTION AND COURSE OVERVIEW

PART I. THE NORMS

September 14 & 16. INTELLECTUAL HISTORY OF THE HUMAN RIGHTS IDEA

Required:

Aryeh Neier, *The International Human Rights Movement: A History* (Princeton: Princeton University Press, 2012), Chs. 1-3, 13

Recommended:

Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca: Cornell University Press, 2013), Ch. 1

Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42:1 (Winter 2001), pp. 201-245

September 21 & 23. HUMAN RIGHTS AS INTERNATIONAL LAW

Required:

Neier, *Movement*, Chs. 4-5

Recommended:

John R. Bolton, “Is There Really ‘Law’ in International Affairs?” *Transnational Law and Contemporary Problems* 10 (2000), 1-47

Louis Henkin, *How Nations Behave: Law and Foreign Policy*, Second Ed. (NY: Columbia University Press, 1979), Chs. 3-4

Harold Hongju Koh, “Transnational Legal Process After September 11th,” *Berkeley Journal of International Law* 22 (2003-2004), pp. 337-354

September 28 & 30. THE UDHR, THE COVENANTS, AND MAJOR TREATIES: WHAT DO THEY SAY?

Required:

25+ *Human Rights Documents* (NY: Columbia University Center for the Study of Human Rights, 2001), downloadable from <http://humanrightscolumbia.org/publications>, read the “Universal Declaration of Human Rights,” the “International Covenant on Civil and Political Rights,” the “International Covenant on Economic, Social and Cultural Rights,” the “Convention on the Prevention and Punishment of the Crime of Genocide,” the “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” the “Convention Relating to the Status of Refugees,” and the “Protocol Relating to the Status of Refugees” – or you can read all these texts online, for example on the website of the UN High Commissioner for Human Rights <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>. Also please read the Convention on the Rights of Persons with Disabilities <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>, which is too recent to be included in 25+ *Human Rights Documents*.

Recommended:

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (NY: Random House, 2001), Chs. 1, 4, 5, 9, 10, 12, Epilogue
Office of the United Nations High Commissioner for Human Rights: look at <http://www2.ohchr.org/english/law/> and explore some of the links to get an overview of the UN human rights system in its normative aspect

PART II. THE HUMAN RIGHTS REGIME***October 5, 7, and 14. THE HUMAN RIGHTS REGIME: INSTITUTIONS AND PROCESSES***

Guest speaker, October 14: Felice Gaer, Director, Jacob Blaustein Institute for the Advancement of Human Rights; member, United States Commission on International Religious Freedom; Independent Expert, United Nations Committee Against Torture.

Required:

Committee against Torture

<http://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx>, please explore the website in preparation for Felice Gaer’s talk

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

Neier, *Movement*, Chs. 6-11

Office of the United Nations High Commissioner for Human Rights: look at www.ohchr.org/english/bodies/ and explore some of the links to get an overview of the UN human rights system in its institutional aspect

Recommended:

Karen J. Alter, *The New Terrain of International Law: Courts, Politics, Rights* (Princeton, NJ: Princeton University Press, 2013), case studies of court cases contained on pp. 260-273, 306-310, and 315-323

Emma Gilligan, “Redefining Humanitarian Intervention: The Historical Challenge of R2P,” *Journal of Human Rights* 12:1 (January-March, 2013), pp. 21-39

Andrew J. Nathan, “China and International Human Rights: Tiananmen’s Paradoxical Impact,” in Jean-Philippe Béja, ed., *The Impact of China’s 1989 Tiananmen Massacre* (London: Routledge, 2010), pp. 206-220

Kenneth Roth, "Defending Economic, Social, and Cultural Rights: Practical Issues Faced by an International Human Rights Organization," in Daniel A. Bell and Jean-Marc Coicaud, eds., *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations* (New York: Cambridge University Press, 2007), pp. 169-180

Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009), Chs. 2, 9

"Report on the mapping study on relevant actors in human rights protection," FRAME website, <http://www.fp7-frame.eu/wp-content/materiale/reports/02-Deliverable-4.1.pdf>

PART III. THE POLITICAL ORIGINS OF MODERN HUMAN RIGHTS

October 19 & 21. IS HUMAN RIGHTS POLITICAL? HUMAN RIGHTS AND U.S. FOREIGN POLICY

Required:

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Ed. (Ithaca: Cornell University Press, 2003), Ch. 12

Michael Ignatieff, ed., *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005), Chs. 1, 5, 6

Neier, *Movement*, Ch. 12

Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (NY: Cambridge University Press, 1999), Chs. 1, 3, 7

Recommended:

Michael McFaul, "Democracy Promotion as a World Value," *The Washington Quarterly* 28:1 (Winter 2004-05), pp. 147-163

Condoleezza Rice, "Rethinking the National Interest: American Realism for a New World," *Foreign Affairs* 87:4 (July/August 2008), pp. 2-26

David Scheffer, *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton: Princeton University Press, 2012), Ch. One

U.S. Human Rights Network, "Universal Periodic Review Joint Reports United States of America, "Executive Summary," pp. 12-26, at http://www.law.columbia.edu/ipimages/Human_Rights_Institute/USHRN%20Human%20Rights%20Report.pdf.

October 26 & 28. CULTURAL RELATIVISM AS A PROBLEM FOR UNIVERSAL HUMAN RIGHTS

Lecturer, October 28: Sandra Sirota

Required:

Donnelly, *Universal Human Rights*, Chs. 6-10

Bilahari Kausikan, "Asia's Different Standard," and Aryeh Neier, "Asia's Unacceptable Standard," *Foreign Policy* (Fall 1993), pp. 24-41, 42-51

"Statement on Human Rights", Executive Board, American Anthropological Association, *American Anthropologist*, New Series, Vol. 49, No. 4, Part 1 (Oct. - Dec., 1947), pp. 539-543

"African Charter on Human and Peoples' Rights" and "The Cairo Declaration on Human Rights in Islam," 25+ *Human Rights Documents*, pp. 121-129, 174-177

Zhou Qi and Andrew J. Nathan, "Political Systems, Rights, and Values," in Nina Hachigian, ed., *Debating China: The U.S.-China Relationship in Ten Conversations* (New York: Oxford University Press, 2014), pp. 43-66

Recommended:

Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge, MA: Harvard University Press, 2013), Ch. 1

Liu Xiaobo and others, "Charter 08," translated by Perry Link, published in the *New York Review of Books*, at <http://www.cfr.org/publication/18073/>, and "The Nobel Peace Prize for 2010" (award citation), at

http://nobelprize.org/nobel_prizes/peace/laureates/2010/press.html

Makau wa Mutua, "The Ideology of Human Rights," *Virginia Journal of International Law* 36:3 (Spring 1996), pp. 589-657

Richard A. Schweder, "Moral Realism without the Ethnocentrism: Is It Just a List of Empty Truisms," in András Sajó, ed., *Human Rights with Modesty: The Problem of Universalism* (Leiden: Martinus Nijhoff Publishers, 2004), pp. 65-102; for the assignment read only pp. 94-102 although of course you can read the rest of the article if you wish.

PART IV. ADVOCATES: CONTESTING, EXPANDING, AND APPLYING RIGHTS

November 4 & 11. WOMEN'S HUMAN RIGHTS

Guest speaker, Nov. 11: Charlotte Bunch, Founding Director and Senior Scholar, Center for Women's Global Leadership, Rutgers University

Required:

Clifford Bob, ed., *The International Struggle for New Human Rights* (Philadelphia: University of Pennsylvania Press, 2009), Chs. 4 and 5

Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," *Human Rights Quarterly* 12:4 (November 1990), pp. 486-498

"Convention on the Elimination of All Forms of Discrimination Against Women" and "Convention on the Rights of the Child," in *25+ Documents*

CEDAW Committee General Recommendation 19,

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

Neil A. Englehart and Melissa K. Miller, "The CEDAW Effect: International Law's Impact on Women's Rights," *Journal of Human Rights* (2014), 13:1, pp. 22-47

Patrick F. Fagan, "How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion, and Sovereignty," *The Heritage Foundation Backgrounder* No. 1407, February 5, 2001,

<http://www.heritage.org/Research/InternationalOrganizations/BG1407.cfm>

Recommended:

Charlotte Bunch, with Peggy Antrobus, Samantha Frost and Niamh Reilly, "International Networking for Women's Human Rights," in Michael Edwards and John Gaventa, eds., *Global Citizen Action* (Boulder, CO: Lynne Rienner, 2001), pp. 217-229

Mark Ensalaco and Linda C. Majka, eds., *Children's Human Rights: Progress and Challenges for Children Worldwide* (Rowman and Littlefield, 2005), Chs. 1 and 2

Together, Apart, Human Rights Watch, June 11, 2009, by Scott Long,

<http://www.hrw.org/en/node/83161/section/1>

Reference:

J. Paul Martin and M. Lesley Carson, eds., *Women and Human Rights: The Basic Documents* (New York: Center for the Study of Human Rights, 1996),
<http://humanrightscolumbia.org/publications>

November 9. HUMAN RIGHTS ADVOCATES

The guest speakers will be Human Rights Advocates in residence at Columbia's Institute for the Study of Human Rights. Read about them at <http://humanrightscolumbia.org/>. Introduced by Stephanie Grepo, Director, Human Rights Advocates Program

November 16. ALLIANCE FOR HISTORICAL DIALOGUE AND ACCOUNTABILITY FELLOWS

The guest speakers will be Visiting Scholars in the AHDA program at Columbia's Institute for the Study of Human Rights. Read about them at <http://humanrightscolumbia.org/ahda>. Introduced by Ariella Lang, Director, Alliance for Historical Dialogue and Accountability, Institute for the Study of Human Rights

November 18 & 23. BUSINESS AND HUMAN RIGHTS

Required:

John Gerard Ruggie, *Just Business: Multinational Corporations and Human Rights* (N.Y.: W. W. Norton, 2013), Introduction, Ch. 4

Deborah Spar, "Spotlight on the Bottom Line: How Corporations Export Human Rights," *Foreign Affairs*, 77:2 (March/April 1998), pp. 7-12

UN Guiding Principles on Business and Human Rights,
http://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_en.pdf

Recommended:

Amnesty International, <http://www.amnestyusa.org/our-work/issues/business-and-human-rights>; review sections on the UN Norms for Business and on Alien Torts Claims Act (ATCA); look at some of the campaigns Amnesty has designed and how they are focused

Review the website, <http://www.business-humanrights.org>. Please look in particular at material under the "Getting Started" tab of the website.

Institute for Global Labour and Human Rights - <http://www.globallabourrights.org/>, read one of their current reports

United Nations Global Compact,
<http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>, read the ten principles

November 25 & 30 & December 2. INDIGENOUS PEOPLES AND HUMAN RIGHTS

Speaker, November 25: Elsa Stamatopoulou, Director, Indigenous Peoples' Rights Program, Institute for the Study of Human Rights; Adjunct Professor, Center for the Study of Ethnicity and Race & Department of Anthropology, Columbia University; formerly Chief, Secretariat of the Permanent Forum on Indigenous Issues, United Nations

Required:

S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996), Ch. 3, 4

Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007), Chs. 2-4

Elsa Stamatopoulou, "Taking Cultural Rights Seriously: The Vision of the UN Declaration on the Rights of Indigenous Peoples," in Stephen Allen and Alexandra Xanthaki, eds., *The UN Declaration on the Rights of Indigenous Peoples* (Oxford: Hart, 2011), pp. 387-412

"United Nations Declaration on the Rights of Indigenous Peoples," 13 September 2007, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Recommended:

"1994 Draft Declaration of Principles of Human Rights and the Environment," <https://www1.umn.edu/humanrts/instree/1994-dec.htm>

Michael C. Davis, "The Quest for Self-Rule in Tibet," *Journal of Democracy* 18:4 (October 2007), pp. 157-171

Romina Picolotti and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tucson: University of Arizona Press, 2003), Chs. 1, 2, 5

Reference:

Please look at the website of the UN Permanent Forum on Indigenous Issues, <http://www.un.org/esa/socdev/unpfii/index.html>

December 7 & 9. REFUGEE RIGHTS

Required:

"Convention Relating to the Status of Refugees" and "Protocol Relating to the Status of Refugees," in 25+ *Documents*

"Guiding Principles on Internal Displacement" (Deng Principles), United Nations, 2001, <http://www.unhcr.org/43ce1cff2.html>

Please consult the website of the UN High Commissioner for Refugees and read through the tabs under "About Us," and more if possible: <http://www.unhcr.org/cgi-bin/texis/vtx/home>

Recommended:

Hannah Arendt, *The Origins of Totalitarianism*, New Edition (New York: Harcourt, 1966), Ch. 9

December 14. STUDENT PANEL: DOES HUMAN RIGHTS MAKE A DIFFERENCE?

Explanation of Essay Types

Each of the two essays makes up 2/7 of your course grade. Each may be either of two types: an Explorations Paper or a Policy Paper. If you wish, both essays can be of the same type. Each paper should be 5-7 pages double-spaced.

The advice given here is not an outline for your essay, but rather a list of aspects that should normally be touched upon. Each essay should have an organization suited to its own topic and argument, and should present information and arguments in an order that makes logical sense to the reader and avoids repetition. The list of aspects is most closely adapted to papers that explore some kind of human rights abuse, but your paper doesn't have to focus on that kind of topic. You could look at an organization or institution, an individual, a human rights advocacy project or campaign, an event, a treaty or other norm, a historical puzzle, and so on.

Please write for an open-minded but skeptical reader. Do not assume, for example, that the reader automatically shares your view that a particular situation represents a human rights violation; that is something that you need to demonstrate with the use of evidence and analysis. Perhaps the answer to

the question you have posed is unclear: if so, you can draw that conclusion. In this writing exercise, the premium is placed on analysis that meets academic standards of logic, evidence, and argument, rather than on moral, emotional, or polemical responses to the situations described.

Please use any standard citation format to identify your sources (footnotes or in-text citations with a Works Cited section, or any other standard format).

It is less important to follow these guidelines mechanically than to present a paper that stands on its own as well-reasoned and well-written. Each paper will have its own characteristics, so the guidelines we give you here are only general and indicative. Please feel free to ask the instructor or TF's for further advice.

Explorations Paper. In this kind of essay you identify and examine a topic of interest to you that is related in some way to the course. The idea is to pick a topic you want to know more about than you can learn from the material presented in the course. The most successful essay of this type will not merely present information but will develop a question, theme, or puzzle and will be structured as an analysis of or an argument about this question, theme, or puzzle. The essay will be organized according to the logic of that theme.

You should normally touch on the following points, but can ignore those that don't fit your theme, and can go beyond them if you have additional things to say. You won't necessarily organize the essay in the same order in which the points are listed here.

- (1) Identify the issue and the theme, puzzle, or question associated with this issue that you want to address.
- (2) Communicate to the reader why this issue is important or interesting – what gives significance to this topic, what might motivate a reader to look at it, what considerations frame and give meaning to the theme or puzzle that you have identified.
- (3) Describe the issue's scope and frequency in geographic, regime-type, temporal, socio-demographic, or other terms, as appropriate.
- (4) If you are writing about a violation, identify the sense in which it is a human rights violation if that's what you think it is: i.e., explain which article of what covenant it violates or what norms it contradicts. If you are writing about an advocacy campaign, likewise make sure to identify the human rights focus of the campaign. Whether a particular issue is a human rights issue is sometimes controversial: if so, give information on both sides of the debate.
- (5) If you are writing about a violation, identify both the rights violator(s) and the persons who are subject to the violation. If you are writing about an advocacy campaign, identify who is running the campaign and whose behavior the campaign is trying to influence.
- (6) Explain what you have been able to find out about the causes and consequences of the violation, about the motivations for and impact of the campaign, etc.
- (7) Identify political, social, cultural, economic or other factors that appear to contribute to its occurrence, prevalence, continuation, increase, or decrease.
- (8) Critically assess biases or shortcomings in the information sources used to research the topic.
- (9) Address other points that you think are important or which your analysis is likely to have raised in the reader's mind.

If your topic is not a rights violation, it might be a law or norm, or an institution or group, or an historical event or force, or one of many other possible subjects. In each case the idea is to tell us why it's interesting and what you found out, and to provide the information that a sympathetic but skeptical reader would want to know. Sometimes you can't find all the information that you know your reader would like – if so, you should say so.

Policy Paper. This kind of essay is an “explorations paper plus,” and as such is more difficult than an explorations paper and should be undertaken with caution. A policy paper does what an explorations paper does, but additionally recommends a policy designed to address the human rights deficit, violation, issue, or problem that you are describing. It is perhaps the most tempting kind of paper to write because we all want to make the world a better place. But it is also the hardest, because it needs to grapple with

the real-world problem of making a situation better, which is likely to be difficult; if it was easy it would already have been done. In the essay, you should:

- (1) Identify a specific aspect of a human rights problem that you intend to address. By referring to an “aspect” we are trying to suggest that you keep the paper narrow so that the subject is manageable. If your topic involves a violation, we need to know whose rights are being violated, who is doing the violating, the geographic or other scope conditions of the violation, the reasons why the situation you are discussing violates international human rights norms, and some of the causes of the problem. This is the same kind of information contained in an explorations paper. But having laid down that groundwork, you also need to address the following additional points.
- (2) Identify an appropriate specific actor (an international agency, government agency or branch, political leader, NGO, etc.) to whom you address your recommendation(s). This actor should be one who has the power, authority, capability, and motivation to implement the recommendations that you are making.
- (3) Spell out your recommendation(s). The recommended action or policy should be one that the actor is not already doing, that is feasible to carry out, and that has a reasonable likelihood of achieving a desired effect or outcome. The recommendation could involve a change not in policy itself but in the way a policy is implemented so that it is more effective.
- (4) Provide arguments that might motivate your target actor to put your recommendations into effect (these could include normative arguments, but should also include arguments about why it is in the actor’s interest to implement the recommendations).
- (5) Realistically assess the potential obstacles to implementation and explain how the actor whom you are addressing can overcome these obstacles. E.g. who will be opposed to the recommended policy? Why hasn’t it been adopted already? What will it cost? What are prospects/options for neutralizing opposition? How might your proposal affect other, related issues in the context(s) in which the problem occurs?

In short, a policy paper should not simply identify a desirable state of affairs (“this problem should be solved”) but should provide a plausible real-world road-map to improving the situation on the ground.

Not every policy paper has to address a violation. You could recommend a speech, a treaty, legislation, ratification of a treaty, a research project, etc. But in every case the general principle is to make the proposal realistic by showing who would do it, why, and what it would achieve.

Connecting your paper topic to the subject of the course. There are many issues of concern in the world that are not necessarily covered, or not clearly covered, by the international human rights norms that we are studying in this course. It is important to link your paper topic to the international human rights norms. That, however, by itself, is not usually sufficient to generate a strong paper; normally, a paper will have a theme, argument, or puzzle that goes beyond that one basic point.

One can imagine a paper that takes a problem whose linkage to international norms is questionable (an example might be the right to water) or a problem with regard to which the meaning of the international norm is problematic (e.g., the right to the highest attainable standard of health) and spends the whole paper analyzing what the international norms mean or how the international norms apply. Usually such a paper is not merely speculative or philosophical but looks at General Recommendations of Treaty Bodies, decisions of international human rights courts (like the European Court of Human Right), Human Rights Watch reports, UN Declarations, law school journals, or other relevant conventional law and soft law.

But there will also be many papers in which you need to spend only a sentence or two establishing that problem X or issue Y is indeed a human rights problem or issue under international norms, and having thus grounded the topic, you would go on to spend the bulk of your paper addressing some question about that human rights issue, such as why does the problem exist, why it is hard to eradicate, how a particular NGO is addressing it, how advocates have gone about trying to address the problem, etc.

An example that could go either way would be Female Genital Mutilation (FGM). On the one hand, one could write a paper addressing whether it is or is not a violation under international human

rights law. On the other hand, one could write a paper which establishes briefly that FGM is a violation (you could cite the CEDAW and perhaps also General Recommendation No. 19 of the UN Committee on the Elimination of All Forms of Discrimination Against Women) and then goes on from there to discuss an issue related to it, such as the work of organizations opposing it, the reasons why the practice has been so prevalent and why it seems to be hard to eradicate, or the cultural experiences surrounding that practice within certain immigrant communities in the United States.