

THE POLITICS OF HUMAN RIGHTS

POLS 470
FALL 2011
OLDFATHER 203
T/TH 2:00-3:15 PM

INSTRUCTOR INFO

Professor Hillebrecht

Email: chillebrecht2@unl.edu

Office Hours: Tuesday, 12:00-1:00 and by appointment

Coffee Hour: Fridays, 9:30-10:30 at the Coffee House (1324 P Street)

COURSE DESCRIPTION

Human rights are inherently and inextricably political, and even in a time of rampant globalization and international activism, human rights remain tied to the state. In this course we will examine the contentious relationship between human rights and state sovereignty and its manifestation in the international legal framework for human rights, episodes of mass atrocity, the pursuit of transitional justice and the challenges of diffusing new human rights norms to an ever-widening audience.

We will divide our work into three units. We begin by asking what it is that we mean by “human rights,” how this meaning and attendant human rights norms developed and how international law seeks to safeguard human rights. In this unit, we also will consider the (sometimes contested) role of human rights activists in promoting and protecting human rights. Next, we will turn to incidents of mass atrocity and systematic human rights abuses and the legal, economic and military mechanisms designed to deal with them. Finally, we look at challenges for the future of human rights, including ongoing debates about torture and the War on Terror, the universality of some or all human rights principles and “new” economic and social rights. Throughout the semester, we will come back time and again to the relationship between human rights and politics and the dual role of the state as protector and violator of human rights.

COURSE REQUIREMENTS

- **Class Participation (20%):** Your class participation grade reflects your weekly contribution to class discussion. This means coming to class having read and thought about the readings. Come prepared to *actively* participate, and remember, quality counts just as much as quantity. Our discussions of human rights will be punctuated with discussions of contemporary politics, and I expect you to keep up with current events regarding human rights. Attendance is mandatory, although I do allow two “free pass” days over the course of the semester. You needn’t tell me why you won’t be attending seminar on these days. After that, however, any absence will negatively affect your grade. With three or more absences you are in serious risk of failing the class.
- **Research Project (80%):**
 - **Paper 1 (20%)— Research Question, Literature Review and Methodology:** For this first paper, students should choose a question to explore in depth over the course of the semester. The options are nearly limitless. Students might choose to examine how the ICC determines which suspected war criminals to indict or why governments that torture are prone to ratify international agreements against torture. The papers should have three parts: 1) a 1-2 page summary of the main research question; 2) a 2-4 page review of the existing literature on this topic; and 3) a 1-2 page outline of the rest of the paper (please read the requirements for Papers 2 and 3). We will discuss how to write scholarly literature reviews in class. All students should include an annotated works cited list. Paper 1 is due in class on 9.22.11.

- **Paper 2—Empirical Analysis (20%):** In this paper, students should execute the research plan they outline in Paper 1 to test their hypotheses (also in Paper 1). This is the analytical and empirical “meat” of the projects and your analysis should carefully consider the evidence in support of/against the proposed hypotheses. Paper 3 should be 5-7 pages long and is due in class on 10.20.11.
 - **Paper 3—Policy Briefing Book (20%):** In this paper, you will apply your research to a current problem in human rights, conduct an analysis of existing U.S./Nebraska/Lincoln/etc. policy regarding that issue and outline a set of recommendations to improve the human rights issue you examined in Papers 1 and 2. More details to follow. Paper 3 should be 4-6 pages long and is due on 11.17.11.
 - **Research Fair Presentation (10%):** Each student will have an opportunity to discuss his or her research at our research fair during the last week of class. This means that students should prepare a poster, hand-outs, or other materials to use to guide their peers through their work during the research fair. More details will follow. Your materials for the fair are due on 12.1.11.
 - **Executive Summary, Revisions and Explanation of Revisions (10%):** Students will have an opportunity to revise their projects, incorporating comments from their peers and the instructor. Students should submit their original papers, the revised version of the project and a brief, 1-2 page summary, of the changes they made on 12.8.11. In addition, students should provide a one-page single-spaced summary of their whole research project.
- **Academic Honesty**
I have a zero-tolerance policy for academic dishonesty. Please refer to the Undergraduate and Graduate Student Handbooks for the University’s policies on plagiarism, cheating and other forms of academic dishonesty. If you have any questions concerning the proper use of citations or sourcing, I would be more than happy to answer them.
 - **ADA Guidelines for Students with Disabilities:** Students with disabilities are encouraged to contact the instructor for a confidential discussion of their individual needs for academic accommodation. It is the policy of the University of Nebraska-Lincoln to provide flexible and individualized accommodation to students with documented disabilities that may affect their ability to fully participate in course activities or to meet course requirements. To receive accommodation services, students must be registered with the Services for Students with Disabilities (SSD) office, 132 Canfield Administration, 472-3787 voice or TTY.

READINGS

You should complete the assigned readings for the week prior to our class meeting on Tuesdays. We will rely on two primary texts this semester, and we will supplement these readings with articles and some multi-media pieces. All of the articles are available either on Blackboard or by following the links, below.

The required books we will use are:

- David Forsythe, *Human Rights in International Relations*. Cambridge: Cambridge University Press, 2006. Second edition.
- Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International*. Ithaca, NY: Cornell University Press, 2006.

COURSE OUTLINE

Week 1: Introduction to Human Rights (8.23.11 & 8.25.11)

The first week of class will serve as an introduction to the politics of human rights. We will discuss what we mean by “human rights” and why definitions of human rights are contested.

- Forsythe, Ch. 1: Introduction: Human Rights in International Relations.
- UN, “What are Human Rights?”
<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

Week 2: From Whence Human Rights? (8.30.11 & 9.1.11)

This week’s readings introduce the basic history and development of human rights in international politics. We look at the defining features of international human rights and think about their moral, normative and legal origins and functions.

- Paul Gordon Lauren, *The Evolution of Human Rights: Visions Seen* (Chs. 1 & 2).

Week 3: The Development of Human Rights (9.6.11 & 9.8.11)

This week’s readings introduce the basic history and development of human rights in international politics. We look at the defining features of international human rights and think about their moral, normative and legal origins and functions.

- Forsythe, Ch. 2: Establishing Human Rights Standards.
- Thomas Buergenthal, “The Normative and Institutional Evolution of International Human Rights,” in *Human Rights Quarterly* (1997), 19(4): 703-723.
- Please browse: The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social Rights (ICESCR), and the Convention Against Torture (CAT). The text of these treaties, as well as the other core UN human rights instruments, can be found here: <http://www2.ohchr.org/english/law/index.htm#core>.

Week 4: Human Rights and the United Nations and Group Project Prep Time (9.13.11 & 9.15.11)

This week we look at the role that human rights occupy in the international arena, paying particular attention to international human rights treaties and the UN human rights framework. We ask why countries join human rights agreements and what type of enforcement exists internationally and domestically for the protection of international human rights law.

- Forsythe, Ch. 3: Global Application of Human Rights Norms
- Julie Mertus, *The United Nations and Human Rights: A Guide for a New Era* (Chs. 1 & 8).
- UN “International Human Rights Law”
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.
- Robert McMahon, “The Effort to Reform the UN’s Human Rights Commission,”
<http://www.cfr.org/publication/9991/>.

Week 5: Regional Approaches to Human Rights (9.20.11 & 9.22.11)

In addition to the human rights infrastructure created by the United Nations, the Council of Europe (COE), the Organization of American States (OAS) and the African Union (AU), as well as sub-regional organizations, have created human rights instruments to protect and promote human rights in their respective regions. Some consider regional approaches to human rights to be the best way to secure human rights, yet these institutions are not without their shortcomings. We discuss the differences among the regional human rights systems, their advantages and their limitations.

- Forsythe, Ch. 5: Regional Application of Human Rights Norms.
- Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe" in *International Organization* (2000), 54: 217-252.
- Please also peruse the website of the European Court of Human Rights (www.echr.coe.int), the Inter-American Commission on Human Rights (www.cidh.org), the Inter-American Court of Human Rights (<http://www.corteidh.or.cr>) and the African Commission on Human and People's Rights (www.achpr.org).

Paper 1 Due 9.22.11

Week 6: The Domestic Politics of Human Rights (9.27.11 & 9.29.11)

This week we look at how domestic actors and institutions implement international human rights standards. We look at some successes and failures and try to identify the conditions under which international human rights norms and laws have the biggest impact on domestic politics.

- C.H. Heyns and Frans Viljoen, "The Impact of the United Nations Human Rights Treaties on the Domestic Level," in *Human Rights Quarterly* (2001), 23(3): 483-535.
- Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Ch. 8).

Week 7: Human Rights Activism (10.4.11 & 10.6.11)

This week we will discuss how human rights activists fit into and challenge the human rights landscape. The first reading, from Forsythe, provides an overview of the role of NGOs in human rights. The second, a book about Amnesty International, offers a close-up perspective of how human rights NGOs work.

- Forsythe, Ch. 7: NGOs and Human Rights.
- Hopgood, *Keepers of the Flame: Understanding Amnesty International*.

Week 8: Case Studies in Genocide and Humanitarian Intervention: Rwanda and Kosovo (10.11.11 & 10.13.11)

This week we begin our study of genocide and humanitarian intervention and survey two cases of genocide and mass atrocity: Rwanda and Kosovo. We will consider the patterns of violence as well as the role and implications of international involvement in stopping genocide.

- Donnelly, "Genocide and Humanitarian Intervention" (Ch. 5). Available on Blackboard.
- As primers to our discussion, please read the following timelines from the BBC:
 - Timeline: Rwanda <http://news.bbc.co.uk/2/hi/africa/1070329.stm>.
 - Timeline: 100 Days of Genocide <http://news.bbc.co.uk/2/hi/africa/3580247.stm>.
 - Timeline: Kosovo http://news.bbc.co.uk/2/hi/europe/country_profiles/3550401.stm.
- Samantha Powers, "Bystanders to Genocide," in *The Atlantic Monthly*, Sept. 2001. <http://www.theatlantic.com/doc/200109/power-genocide/3>.
- Ivo Daalder and Michael O'Hanlon, "Unlearning the Lessons of Kosovo," in *Foreign Policy* (1999), 116: 128-140.

Week 9: Darfur, Libya and the Future of Humanitarian Intervention (10.20.11, No Class 10.18.11)

This week we will look at the role of international action in protecting human rights in the face of mass atrocity. We will consider the plausibility of the "Responsibility to Protect" doctrine and examine its applicability and/or failure in stopping mass atrocity in Darfur, Libya and beyond.

- Gareth Evans, “When is it Right to Fight?” in *Survival* (2004), 46(3): 59-82.
- Scott Straus, “Darfur and the Genocide Debate” in *Foreign Affairs* (2005), January/February.
- Reading on Libya TBD.
 - ICISS, *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty* <http://www.iciss.ca/report-en.asp>

Paper 2 Due 10.20.11

Week 10: Transitional Justice and Universal Jurisdiction (10.25.11 & 10.27.11)

We begin our examination of transitional justice this week with a discussion of international mechanisms. Transitional justice mechanisms in all their forms must achieve a delicate balance of truth and justice, reparations and security. This week we consider the idea of universal jurisdiction and its manifestations in the International Criminal Court (ICC).

- Forsythe, Ch. 4: Transitional Justice: Criminal Courts and Alternatives
- House of Lords, *EX PARTE PINOCHET*. 1998-1999.
<http://www.publications.parliament.uk/pa/ld199899/ldjudgmt/jd981125/pino01.htm>
- Henry Kissinger, “The Pitfalls of Universal Jurisdiction,” in *Foreign Affairs* (2001), 80(4): 86-98.
- Kenneth Roth, “The Case for Universal Jurisdiction,” in *Foreign Affairs* (2001), 80(5): 150-154.

Week 11: Transitional Justice at Home (11.1.11 & 11.3.11)

We continue our study of transitional justice this week, although we focus on domestic mechanisms. We examine two cases from the Americas—Peru and Mexico—and also consider Rwanda’s communal model of transitional justice, *gacaca*. We evaluate the advantages and limitations of these different models for securing the peace, establishing the truth and providing justice.

- Eduardo Gonzales Cueva, “The Peruvian Truth and Reconciliation Commission and the Challenge of Impunity,” in Roht-Arriaza and Mariezcurrena (Ch. 3).
- Timothy Longman, “Justice at the Grassroots? Gacaca Trials in Rwanda,” in Roht-Arriaza and Mariezcurrena (Ch. 8).
- David Pion-Berlin, “To Prosecute or to Pardon? Human Rights Decisions in the Latin American Southern Cone” in *Human Rights Quarterly* 1993, 15: 105-230.

Week 12: Human Rights, the War on Terror, and the Wars in Iraq and Afghanistan (11.8.11 & 11.10.11)

This week we turn our attention to human rights as they apply to the War on Terror and the conflicts in Iraq and Afghanistan. We consider a range of human rights issues that have arisen during the promulgation of these conflicts, including: interrogation methods, the rights of unlawful combatant detainees and the role of transitional justice in Iraq and Afghanistan.

- Frontline, “Interview with John Yoo” July 19, 2005.
<http://www.pbs.org/wgbh/pages/frontline/torture/interviews/yoo.html>.
 - Please read the excerpt of the interview. There are links from this page to the interview in its entirety, for those of you interested.
- Oona Hathaway, “Hamdan v. Rumsfeld: Domestic Enforcement of International Law,” in *International Law Stories* (2007).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1009621.

Week 13: Universalism Revisited—Asian Values (11.15.11 & 11.17.11)

One of the underlying questions about human rights is their universality. Some argue that human rights are inherent and inalienable, while others argue that human rights norms are indisputably Western. This week we consider this debate from a new angle, paying particular attention to if and how human rights norms resonate with “Asian Values” and the role, if any, human rights norms can or should play in Asia’s economic and political development.

- Jack Donnelly, “The Relative Universality of Human Rights,” in *Human Rights Quarterly* (2007), 29(2): 281-306. Available on Blackboard.
- Sen, “Human Rights and Asian Values,” in *The New Republic* (1997), 217(2-3): 33-41.
- UN Population Fund, “Ending Female Genital Mutilation/Cutting,” <http://www.unfpa.org/gender/practices3.html>

Paper 3 Due 11.17.11

Week 14: Topic TBD by Class Interest (11.22.11, No Class 11.24.11)

Possible topics include, but are not limited to, gender rights, human rights and transnational corporations and human rights, water and environmental rights, and U.S. foreign policy and human rights.

Week 15: Semester Wrap-Up (11.29.11 & 12.1.11)

- Forsythe, Ch. 9: The Politics of Liberalism in a Realist World.

Research Fair Materials Due 12.1.11

Week 16: Research Fair (12.6.11 & 12.8.11)

- Details to follow.

Executive Summary, Revisions and Summary of Revisions Due 12.8.11.