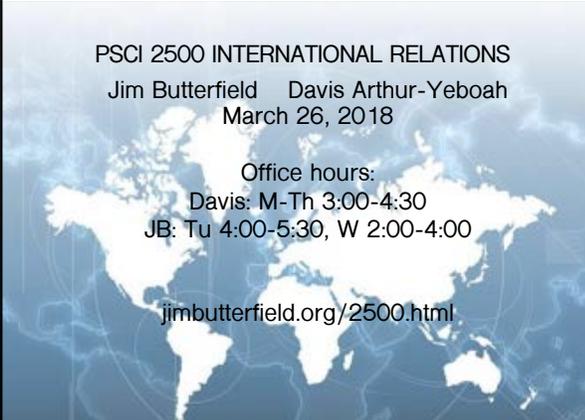


PSCI 2500 INTERNATIONAL RELATIONS
 Jim Butterfield Davis Arthur-Yeboah
 March 26, 2018

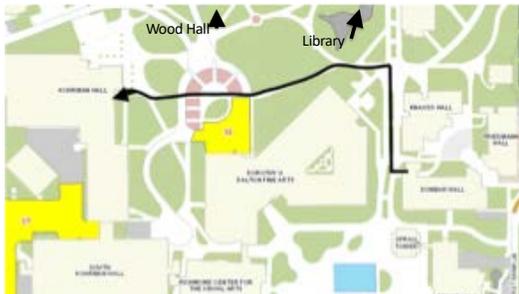
Office hours:
 Davis: M-Th 3:00-4:30
 JB: Tu 4:00-5:30, W 2:00-4:00

jimbutterfield.org/2500.html



Announcement

- Next Monday's class will be elsewhere:
 - 3033 Kohrman Hall.



Today

- Human rights.
- International law and human rights.
 - Treaties and conventions.
 - International courts.
- Challenges to universal human rights.
- The expanded view of human security.



What Are Human Rights?

- Natural law:** laws pertaining to human beings that are not subject to dispute.



American Declaration of Independence, 1776



French Declaration of the Rights of Man and Citizens, 1789



Human rights as natural law:
<http://www.humanrights.com/what-are-human-rights/videos/born-free-and-equal.html>



What Are Human Rights?

- Liberal account of rights:
 - Humans possess basic rights: life, liberty, possession of property, freedom of speech.
 - The function of government is to protect those rights.




The Human Rights Dichotomy

- Universal rights vs. state sovereignty.
- Article 1 vs. Article 3 of the *Rights of Man and of the Citizen*:
 - Art. 1: Men are born and remain free and equal in rights.
 - Art. 3: The principle of any sovereignty resides essentially in the Nation. No body, no individual can exert authority which does not emanate expressly from it.

The Human Rights Dichotomy

- Universal rights vs. state sovereignty.
- What happens when a state violates human rights?



International Law and HR

- Increasing role for international community.
- Growing corpus of international law since WWII.



International Law and HR: The Challenge

- Central priority of sovereignty.
- Many countries do not want to be bound by one or another aspect of international human rights law.



The challenge: how can the international community protect and regulate human rights in sovereign states?



International Law and HR

- Increasing role for international community.
- **** Universal Declaration of Human Rights (UN 1948).**
 - First treaty in history governing internal conduct of states.
 - Non-binding.
 - 48 for, 8 abstentions:
 - Soviet bloc (no economic rights).
 - Saudi Arabia (freedom of religion clause).

International Law and HR

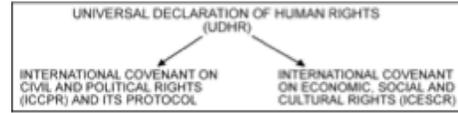
- Genocide Convention (1948).
 - **** Genocide:** "The intent to destroy, in whole or in part, a national, ethnical, racial or religious group."



* Ratified by the US in 1988.

International Law and HR

- International Covenants on:
 - Civil and Political Rights (1966).
 - Economic, Social and Cultural Rights* (1966).



* Not ratified by the US.

International Law and HR

- Convention on the Elimination of All Forms of Discrimination against Women (1979)*
- Convention against Torture (1984).
- Convention on the Rights of the Child (1989)*
- Vienna Declaration on Human Rights (1993).
 - Non-binding.

* Not ratified by the US.

International Courts

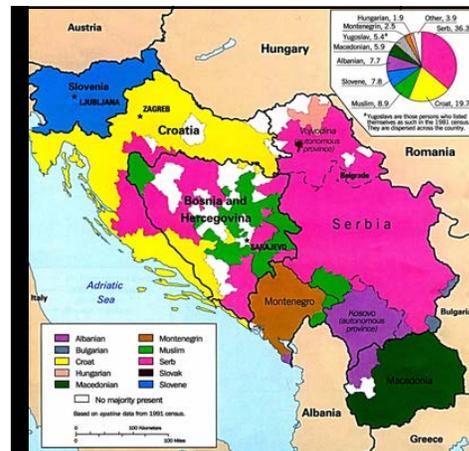
- Nuremberg War Crime Trial (1945).
 - WWII German Holocaust.
- International Criminal Tribunal for the former Yugoslavia (1993–2017).
 - Yugoslavian wars (1991–1999).
- International Criminal Tribunal for Rwanda (1994–2015).
 - Rwandan Genocide (1994).
- All were in response to genocide.



One Example

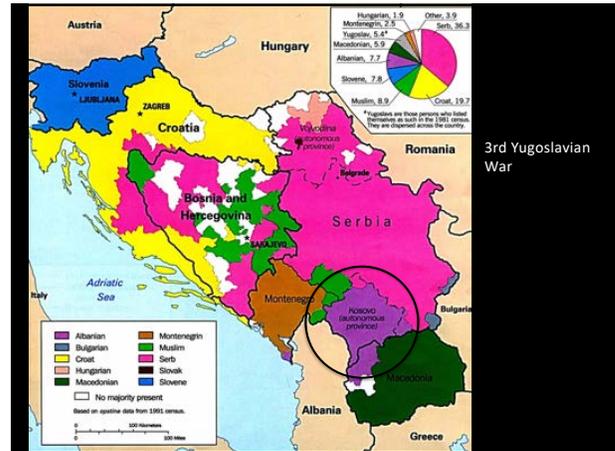
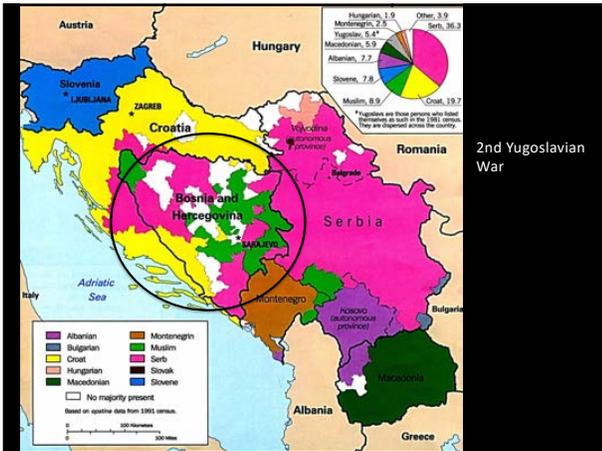
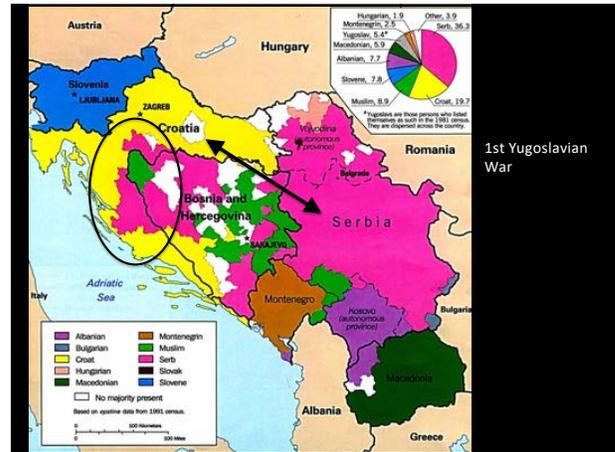
- The International Criminal Tribunal for the former Yugoslavia.
 - 90 convictions.
 - 21 acquittals.
 - 13 trials transferred to domestic courts.
 - 17 died before completion.

Slobodan Milosevic, former President of Yugoslavia. Died while under trial, 2006.



Ethnic map of Yugoslavia

Yugoslavia was created after WWI.



International Courts

- International Criminal Court (1998).
- 123 members (out of 193 UN member states).
 - US, Russia, India, China are not members.
 - US withdrew in 2002 for political and constitutional reasons.

International Law and HR: Sum

- Large corpus of international law (you have seen only part of it).
- Ad-hoc tribunals (Germany, Yugoslavia, Rwanda, Cambodia).
- Permanent International Criminal Court.

Human Rights Challenges

- The sovereignty issue: human rights is an internal matter of states.
- Weak international institutions.
 - Neither UN nor international courts have enforcement power.
- Disputes over universalism→

Universal Human Rights?

- A Western concept: developed in Europe and based on individualism.
 - Do cultural differences matter on issues of:
 - Women's rights?



Are burqas a violation of human rights? Or a form of cultural expression?

Universal Human Rights?

- Do cultural differences matter on issues of:
 - Women's rights?



Are equal rights for women universal rights?

Universal Human Rights?

- Do cultural differences matter on issues of:
 - LGBT rights?



Universal Human Rights?

- Do cultural differences matter on issues of:
 - Emphasis on the individual over the family or community?



Universal Human Rights?

- The Vienna Declaration on Human Rights (1993) underscores "the significance of national and religious particularities and various historical, cultural and religious backgrounds."



Universal Human Rights?

- The "Asian Values" position:
 - The common good over individual good.
 - Consensus over majority rule.
 - Harmony over conflict.
 - Confucian respect for authority.

Lee Kuan Yew Singapore's Prime Minister 1959-1990



"I am often accused of interfering in the private lives of citizens. Yes, if I did not, had I not done that, we wouldn't be here today. And I say without the slightest remorse, that we wouldn't be here, we would not have made economic progress, if we had not intervened on very personal matters - who your neighbour is, how you live, the noise you make, how you spit, or what language you use. We decide what is right. Never mind what the people think."

"Asian values": prioritizing society over the individual.

(Note: this is a less common position today than it was in the 1990s.)

Universal Human Rights?

- Claims of Western hypocrisy:
 - Four centuries of imperialism.
 - The slave trade.
 - Support for human rights abusers during Cold War.
 - Use of torture during US War on Terror.
- Sum: No valid claim of moral superiority!

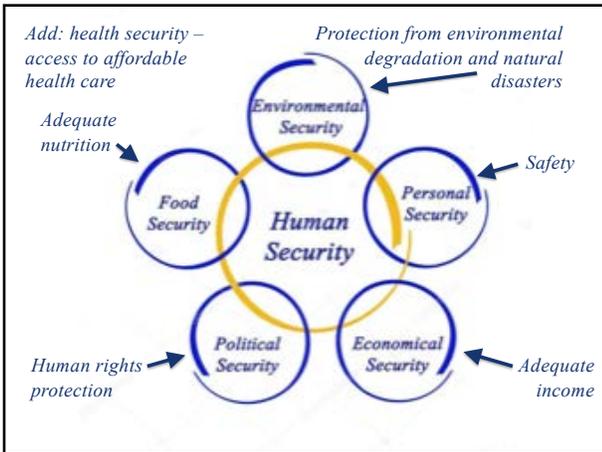
International Relations and Human Rights

- So where does that leave us if human rights are being violated somewhere?
- Is humanitarian intervention possible?
 - We will see on Wednesday.

Human Security

- Expanded concept beyond national security.
- Emphasis on the individual, not just the state.
- Introduced in the *Human Development Report* (1994).

Description of a human security project at Oxford→



Feminist Perspective on Human Security

- Issues must include:
 1. Violence against women and girls.
 2. Gender inequalities in control over resources.
 3. Gender inequalities in power and decision making.
 4. Women's human rights (equality and non-discrimination).
 5. Women as actors, not victims (i.e., empower women).

Human Security

- State responsibility to protect and promote human security.
- Prioritize human development, not just economic development:
 - Income
 - Health
 - Education
 - Rights