

## Descriptif d'enseignement – 2016/2017

### Campus virtuel

Intitulé du cours : **Human Rights in a Globalized World**

Course's title : Human Rights in a Globalized World

Enseignant(s) : Pauline Maillet

Fonction(s) : PhD Candidate in Global Governance, BSIA, Canada.

Type de cours :  Campus Virtuel  Semestre 2

**Résumé du cours – Objectif:** This course will consist of an interdisciplinary study of international human rights. By examining human rights from a historical, political, philosophical and legal perspective, students will gain a sound knowledge of the most salient issues with and debates pertaining to the international human rights regime. The course will first trace the origins of the founding instruments of the current international human rights system, namely the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. After this historical overview, the course will examine human rights from a theoretical perspective: What are human rights? Why have they gained so much traction? Can human rights thrive in all political systems? Are they universal? What are their "life cycles"? The course will then explore one type of group rights: the Rights of Indigenous people, focusing on the rights of First Nations in Canada. It will then consider the relationship of human rights to the global economy, and the role of NGOs and transnational activists in promoting human rights in a globalized world. How, and to what extent, do these principled actors influence human rights? Is their involvement devoid of issues? The course will also discuss wrongs perpetrated by private actors. Finally, the last part of the course will focus on ways of rectifying human rights violations. Topics will include truth commissions, apologies, reparations and criminal trials. At the end of the course students will understand that human rights are socially and politically constructed and negotiated. This course does not require prior knowledge of human rights but will be of interest to students of human rights law.

## Syllabus – Targets:

### I. Human Rights: History, theory and law

#### **Week 1. History of the Universal Declaration of Human Rights**

-Mark Mazower, "The Strange Triumph of Human Rights: 1933-1950," *Historical Journal* 47, 2 (2004), pp. 379-398.

-Jan Herman Burgers, "The Road to San Francisco: The Revival of Human Rights Ideas in the Twentieth Century," *Human Rights Quarterly* 14 (1992), pp 447-77.

-Paul Gordon Lauren, "First Principles of Racial Equality: History and the Politics and Diplomacy of Human Rights Provisions in the United Nations Charter", *Human Rights Quarterly*, Vol. 5, No. 1 (Feb., 1983), pp. 1-26

-The Universal Declaration of Human Rights:

<http://www.un.org/en/documents/udhr/>

#### **Week 2: (Politics of) the International Bill of Rights**

Jack Donnelly, chapter 1, *International Human Rights*. Third edition, 2007, Westview Press, pp. 3-19.

The International Covenant on Civil and Political Rights:

<http://www2.ohchr.org/english/law/ccpr.htm>

The International Covenant on Economic, Social and Cultural Rights:

<http://www2.ohchr.org/english/law/cescr.htm>

Kenneth Roth, chapter 9: "Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization," in Daniel A. Bell, *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations*, Cambridge: Cambridge University Press, 2007.

Daniel J. Whelan, *Indivisible Human Rights: A History*, Philadelphia: University of Pennsylvania Press, 2010. Chapter 4: "From Declaration to Covenant", pp. 59-86.

Roger Norman and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* Indiana University Press, 2008, Chapter 7 "the human rights covenants", pp. 197-212 (until "colonialism and self-determination").

### Week 3. Theories of Human rights

-Samuel Moyn, *The Last Utopia: Human Rights in History*, The Belknap Press of Harvard University Press, 2010. Prologue, pp. 1-10 and chapter 2: "Death from Birth".

-Jack Donnelly, "Human Rights: A New Standard of Civilization?" *International Affairs (Royal Institute of International Affairs 1944-)* Vol. 74, No. 1 (Jan., 1998), pp. 1-23.

-Martha Finnemore and Kathryn Sikkink. "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (Autumn 1998): 887-917.

#### Optional:

-Rhoda E. Howard-Hassmann, chapter 9 "the primacy of politics" in *Can Globalization Promote Human Rights?*, University Park, Pennsylvania: Pennsylvania State University Press, 2010.

### Week 4. Universalism versus cultural relativism

-Steve J. Stern and Scott Strauss. "Introduction, Embracing Paradox, Human Rights in the Global Age", pp. 3-28. In *The Human Rights Paradox: Universality and its discontents*. Edited by Steve J. Stern and Scott Strauss.

-Peter Baehr "Universalism versus Cultural Relativism". In *International Human Rights 1999*: St Martin's Press: NY.

-Jack Donnelly, *International Human Rights*, chapter 3 "The relative universality of human rights", pp. 37-57. Third edition, 2007. Boulder, Colorado: Westview Press.

-Brian Orend, *Human Rights: Concept and Context*, Peterborough: Broadview Press, 2002. Chapter 6 "Can human rights withstand criticism", § "Western Bias", pp. 156-161.

-Karen Engle, "From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947-1999," *Human Rights Quarterly*, vol. 23, no. 3, August 2001, pp. 536-59.

### Week 5. Group rights : Rights of Indigenous People

-Roger Norman and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice*, Indiana University Press, 2008, chapter 8: "The Human Rights of special groups".

-Declaration of the rights of indigenous people: <http://www.un.org/esa/socdev/unpfii/en/drip.html>

-Terry Mitchell and Charis Enns, "The UN Declaration on the Rights of Indigenous Peoples: monitoring and realizing indigenous rights in Canada", Centre for International Governance Innovation, publisher. Waterloo, Ontario : CIGI 2014.

-Human Rights Watch report “Make it Safe. Canada’s Obligation to End the First Nations Water Crisis”, summary and recommendations:

<https://www.hrw.org/report/2016/06/07/make-it-safe/canadas-obligation-end-first-nations-water-crisis>

-Elvira Pulitano, *Indigenous rights in the age of the UN*, introduction “Indigenous rights and international law: an introduction”. Cambridge, UK, New York: Cambridge University Press 2012.

## II. Globalization, human rights and private actors

### **Week 6. The global economy and human rights**

Thomas Pogge. *World Poverty and Human Rights, cosmopolitan responsibilities and reforms*, second edition, Cambridge: Polity, 2008. General Introduction.

David Kinley, *Civilising Globalisation: Human Rights and the Global Economy*, New York: Cambridge University Press, 2009. Chapter 1: “Economic globalization and universal human rights”.

Rhoda E. Howard-Hassmann, *Can Globalization Promote Human Rights*, University Park, Pennsylvania: Pennsylvania State University Press, 2010. Chapter 4 “a positive model” and chapter 5 “a negative model”.

### **Week 7. NGOs and transnational activists: role and ethics**

Alexander Cooley and James Ron. “The NGO scramble, organizational insecurity and the political economy of transnational action”. *International Security*, volume 27, Number 1, Summer 2002, pp. 5-39.

Hertel, Shareen, “New Moves in Transnational Advocacy: Getting Labor and Economic Rights on the Agenda in Unexpected Ways,” *Global Governance* 12, 3, 2006, pp. 263-81.

Betty Plewes and Rieky Stuart, “The Pornography of Poverty: A Cautionary Fundraising Tale,” in Daniel A. Bell, *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations* (Cambridge: Cambridge University Press, 2007).

Clifford Bob, *The International Struggle for New Human Rights*, Philadelphia: University of Pennsylvania Press, 2009. Chapter 1: “Introduction: Fighting for New Rights,” pp. 1-13.

Optional: Julie Mertus, “Applying the Gatekeeper Model of Human Rights Activism: The U.S. Based Movement for LGBT Rights” in *The International Struggle for New Human Rights*, chapter 4, edited by Clifford Bob, Philadelphia: University of Pennsylvania Press, 2009.

## Week 8. Human Rights violations perpetrated by non-state actors

-Alison Brysk, Chapter 1 "Introduction: Globalization and Private Wrongs", pp.1-14 **OR** Chapter 2: "Norm change in global civil society", pp. 15-28

**AND** chapter 5: "New Rights: 'Our Bodies, Ourselves'", pp.89-116 In *Human Rights and Private Wrongs, constructing global civil society*. Alison Brysk. 2005, NY: Routledge.

-Susan K. Sell and Aseem Prakash, "Using Ideas Strategically : The Contest Between Business and NGO Networks in Intellectual Property Rights". *International Studies Quarterly*, 2004 (48), pp. 143-175.

-Jens Martens and Karolin Seitz. *The Struggle for a UN Treaty, towards global regulation on human rights and business*. Bonn : Global Policy Forum, August 2016, overview, pp.3-7 and § 3 "the treaty process", pp.17-30:

[http://www.rosalux-nyc.org/wp-content/files\\_mf/un\\_treaty\\_online18.pdf](http://www.rosalux-nyc.org/wp-content/files_mf/un_treaty_online18.pdf)

### Optional :

Chapter 1: "Corporate Human Rights Obligations under Economic, Social, and Cultural Rights" Brigit Toebes Jernej Letnar Černič. In *Globalization, international law and human rights*. Addicott, Jeffrey F. ; Bhuiyan, Jahid Hossain ; Chowdhury, Tareq M. R. 2012, New Delhi ; Oxford : Oxford University Press.

## III. Rectifying human rights violations

### Week 9. Rationales for and issues with reparations

-Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Justice*, Polity Press, 2002. Introduction: "History and Responsibility". Chapter 2: "Historical Injustice and Respect for Nations", pp. 24-37 and chapter 7: "The Rights of Descendants", pp. 103-112.

-Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Atrocities*. Beacon Press, 1998. Chapter 6: "Facing history".

-John Torpey, "Making Whole What has been Smashed: Reflections on Reparations," *Journal of Modern History*, vol. 73, 2001, pp. 333-58.

### Optional:

-*El Clan*, a film by Pablo Trapero, 2015.

### Week 10. Truth commissions and apologies

-Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, Routledge, 2010. Chapter 3 "why a truth commission?" 24- 31. Chapter 4: "Five illustrative Truth Commissions" 32- 49. Chapter 7 "Truth versus Justice": Is it a trade-off? 86-106. Chapter 12: "leaving the past alone" 183- 205. Choose any 2 chapters.

-Canada's residential schools: the final report of the truth and reconciliation commission of Canada. Executive summary "Honouring the Truth, Reconciling for the Future, summary of the Final report of the Truth and Reconciliation Commission of Canada", 2015, preface and introduction:

[http://www.trc.ca/websites/trcinstitution/File/2015/Honouring the Truth Reconciling for the Future July 23 2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf)

-*The Age of apologies: facing up to the past*. Edited by Mark Gibney and Rhoda Howard-Hassmann. 2008. University of Pennsylvania Press: Philadelphia.

Chapter 2: "Apology, Justice and Respect: A critical defense of political apology ». Janna Thompson, pp. 31-44.

Chapter 8: "The role of apologies in national reconciliation processes: on making trustworthy institutions trusted". Pablo de Greiff. 120- 136, pp. 120-136.

Choose one chapter.

### **Week 11: prosecutions**

-*The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York: W.W. Norton. Kathryn Sikkink. Chapter 4: "The streams of the justice cascade" and chapter 6: "Global deterrence and human rights prosecutions".

Danilo Zolo, *Victors' Justice: from Nuremberg to Baghdad* (2010), Chapter 7: "From Nuremberg to Bagdad", pp. 138-166.

Jo-Marie Burt. 148-174. Chapter 6: "The paradoxes of accountability. Transitional Justice in Peru". In *The Human Rights Paradox, Universality and its discontent*, edited by Steve J. Stern and Scott Straus.

### **Week 12: review of the course**

### **Evaluation :**

The grade for this course will be distributed the following way:

-50 %: participation to discussion. Students will be assessed over the number and quality of interventions. One week before each class, the instructor will provide students with some questions. Students should have these questions in mind when doing the readings, as the former will guide the discussion.

-10 %: students will be expected to provide feedback on the draft research paper of one of their classmates. Such feedback should consist in one or two pages (single-spaced, font Times New Romans 12) of constructive feedback on the strengths of the paper and on areas that can be improved. Drafts research papers are expected on week 9 and feedback on week 10. Students will be paired by the instructor.

-40% research essay. The research essay can be on any topic covered by the course. Students are advised to consult with the instructor prior to engaging in research. Word limit: 5000 words (including references).

Plan – Séances :

From week 1 to week 11: discussion of the assigned readings (questions will be provided by the instructor one week beforehand)

-Week 9: draft research papers due (no grade will be attributed to the draft)

-Week 10: students will be asked to provide feedback on one of their classmates' research paper.

-Week 12: review of the course, no new readings.

Research essays will be due according to the marking calendar of the IEP.

Bibliographie : please see syllabus