

Lecture 15
16 November 2010
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- I. News item
 - A. Release of Aun San Suu Kyi (spelling) this week -- why did that occur? How would we think about it?
- II. Readings
 - A. Keck and Sikkink on Transnational advocacy networks
 - B. Donnelly 2008 on universal vs. relative human rights
 - 1. Universal in the sense that:
 - a) “almost universally endorsed by states”
 - b) “increasingly seen to be a political expression of a growing number of comprehensive moral and religious doctrines”
 - c) “widely held to be the best means yet devised to respond to the standard threats to human dignity posed by modern markets and modern states.”
 - 2. Relative in sense that contingent “to states, to the comprehensive doctrines that participate in the overlapping consensus, and to a world of markets and states [and to] particular historical circumstances”
- III. Survey
 - A. United Nations Development Fund for Women (UNIFEM) Promoting Women's Human Rights and Eliminating Violence Against Women http://www.unifem.org/index.php?f_page_pid=24
 - B. Equal rights for women and equal pay: already required by CEDAW: “The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work” Can this be having much effect if many people are not even aware of it?
 - C. State religions [source: Wikipedia: http://en.wikipedia.org/wiki/List_of_state-established_religions, accessed: 11/15/2010]
 - 1. Christian: 14 Roman Catholic; 14 Eastern Orthodox; 2 Oriental Orthodox; 5 Lutheran; 1 Anglican; 3 Reformed
 - 2. Islam: 8 Islamic states and 7 state-sponsored Islam
 - 3. Buddhist: 5
- IV. Facts about Human Rights
 - A. UN Charter (1945) prohibits discrimination based on race, sex, language, or religion (Shelton, 2001, 430) but does not define human rights. Universal Declaration of Human Rights (1948), while non-binding since resolution of United Nations General Assembly, has become the standard against which states behaviors are measured. Also set direction for future work.
 - 1. Conventions on Genocide (1948); Rights of Women (1952); Independence to Colonial Countries (1960); Rights of the Child (1959); Racial Discrimination (1964);
 - 2. Two core treaties: Economic, Social and Cultural Rights and on Civil and Political Rights (1966)
 - 3. Discrimination of Women (1967); Torture and Punishment (1975); Religious Intolerance and Discrimination (1981)
 - B. Civil and political human rights: "negative" or "thou shalt not" to governments
 - 1. Life and liberty, no slavery
 - 2. No arbitrary arrest, presumed innocent, cruel and unusual punishment,
 - 3. Right to assembly, freedom of expression, and participation in government with equal suffrage
 - 4. Freedom of movement within states and freedom to leave own state
 - C. Economic and social human rights: distributive justice; "positive" or "thou must" to governments; costly to provide.
 - 1. Marry and form family
 - 2. Education, work, and leisure
 - 3. Social security
 - 4. Standard of living adequate for health and well-being of self and family including food, clothing, housing and medical care.
- V. NGOs and Transnational Activist Networks in international human rights
 - A. Definition: “A transnational advocacy network includes those actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services” (Keck and Sikkink, 89).

- B. “What is novel in these networks is the ability of non-traditional international actors to mobilize information strategically to help create new issues and categories, and to persuade, pressurize, and gain leverage over much more powerful organizations and governments” (Keck and Sikkink, 89).
- C. What they do
1. Press for creation of NEW international institutions and strengthen EXISTING regimes
 2. Monitor performance
 3. Mobilize public opinion and sympathetic governments to oppose violations
 4. Improve victims' capacity to defend themselves
- D. How they do it
1. **Broaden scope of conflict:** Public audience for initially private conflict. Use credible and impartial information. Hold themselves to demanding standard of evidence and don't publish everything they know.
 - a) Pressure within violating country, through other governments, and from citizens of other countries
 - (1) Boomerang processes: if *your* government is unresponsive, then work through TAN to get citizens of *other* countries to pressure *their* governments to put pressure on *your* government to take the action you couldn't get it to take in the first place.
 - (2) Leverage politics - weak NGOs use their influence with powerful actors (governments) to get those with more power to use their influence with governments or corporations who NGOs can't directly influence. Material leverage and moral leverage
 - b) Information politics - move info to where it will have most influence
 - c) Amnesty International was primarily responsible for publicizing disappearances in Argentina after coup in 1976. This eventually led to UN Working Group on Disappearances and eventually in falling off of disappearances.
 - d) Americas Watch published report on Mexican governments abuses of human rights just before President Salinas de Gortari and Bush were to begin negotiating NAFTA. Salinas established Mexican National Human Rights Commission just four days before meeting to quell international concern.
 2. **Shift terms of debate:** Framing and discourse. Make reference to international norms that are also generally accepted by population at large in many countries.
 - a) Symbolic politics - evocative images -- “charismatic megafauna,”
 - b) Environment vs. development is classic case.
 - c) Human rights vs. law and order, but law and order only plays at domestic level.
 - d) Peru case: First say abuses not occurring; Then say abuses needed in emergency; Then say abuses occurred in past but not today. All three legitimize principle that other countries have the right to dictate its relations with its citizens. Debate is discussed in terms dictated by regime. Must justify actions in terms of international HR, even if this is only lip service.
 - e) Kausikan: "How a country treats its citizens is no longer a matter for its own exclusive determination. Others can and do legitimately claim a concern...[Countries] tend to interpret rather than reject such norms when there are disagreements." (24-25)
 3. **Make principled but pragmatic demands:** Rights claims. Set clear and specific deadlines. Respectful and courteous - undercut ability of opponent to find a means to deny the authority of AI to make such demands.
 - a) Accountability politics - rhetorical entrapment. Countries must “walk the walk.”
- E. Capabilities of NGOs that states lack: Compared to states, lack legal, economic or physical force; usually not violent military force; no official mandate or standing; limited staff and resources BUT HAVE FOLLOWING CAPACITIES
1. Focus on single issue: keep "clean" and "pure"
 2. Collect information within other countries borders in ways that are considered legitimate. Compare to CIA
 3. More willing than states to criticize other governments. Diplomatic deference. NGOs can meddle in affairs of a state, because there is no possibility of reciprocity even on single issue.
- VI. Thinking about human rights
- A. Fundamental tension between sovereignty norm and human rights norms
1. Sovereignty suggests governments can do whatever they want within their territories and to their people

2. Human rights norms suggest there are limits and constraints on what governments can do
 - B. UNIVERSAL human rights but conditioned by societies
 1. Rights that one has simply by virtue of being human.
 2. What constitutes such rights is product of period and culture in which we live.
 - C. How should we define what constitutes human rights in IR?
 1. What do we do when expression of ethnic, cultural, and religious traditions conflict with other values: E.g., women must be veiled in public; female genital mutilation; honor killings
 2. Conflict between sense of "cultural relativism" and recognition that "voice" for a culture usually expresses a dominant subgroups interests rather than the culture as a whole.
 3. Need to balance some rights against others: e.g., intervening to protect human rights vs. right of self-determination.
 4. Donnelly argues for permitting all cultural variance that does not violate basic human rights. But problem is precisely what are basic human rights.
 - D. Once define human rights, how do we go about protecting them when they are violated?
 1. Legal rights and duties of states, not individuals
 2. Enforcement relies on governments, not IOs
 3. Are violations systematic and governmental or non-systematic and "individual," for example, discrimination against women, or racism
 4. What sorts of mechanisms should we use? Recall Nye's spectrum of intervention
 5. How much are we willing to do? Who pays if want long list of economic, social, and cultural rights?
- VII. Break into small groups and identify at least 3 criteria we can use to evaluate the following questions:
- A. Evaluate whether something is a violation of human rights or not?
 1. "Who" commits it? Government, culture, "the economy"?
 2. Views of those whose rights are being violated? If the oppressed say they accept their lot in an oppressive system, should we accept that as evidence that they are not oppressed? Where is the line between the lack of respect for a person's own view of their self-interest (what I would call paternalism) and a higher level of respect that recognizes that people may not have the privilege or opportunity to understand what their own self-interest is.
 3. Other criteria you think are important?
 - B. Determine whether to take action against something we believe is a violation of human rights?
 1. Type of action to be taken?
 2. Magnitude of action?
 3. Cost of action to us?
 4. Other criteria you think are important?
- VIII. My own philosophy: laid out to make sure you are aware of my views and biases, not to influence your own.
- A. Some acts demand a response, even if they would not have any impact, simply because it is sometimes worth taking a stand to say something is wrong even if you can't change it.
 - B. Some actions are clearly violations of human rights, but they aren't awful enough that I am willing to do anything significant about them. It's often difficult to know what to do. I find it difficult to know what to do if it's not a government causing the loss of certain rights
 - C. Some actions that I find extremely distasteful I do not view as human rights violations since I personally am unsure enough that my own views of what is right and what is wrong should be held up for everyone.