

(exercise: what is 'international
society'?)

Politics of Human Rights

Forsythe's four departure points, as a 'pragmatic liberal:

(His focus is on implementing human rights standards, i.e., furthering an international liberal order and not so much on analysing the role of IHR in international politics)

- the notion of human rights is here to stay
- human rights as soft law is important and pervasive
- private actors (not just public) play a very large role
- state sovereignty is not what it used to be

The state as the unit of analysis: reflections on realist v. constructivist perspectives in political science (international relations)

Politics of Human Rights

- (3) Global application:
 - the UN system, or the international mechanisms of implementing HR
 - UN organs and treaty bodies
 - reporting, shaming, sanctioning, ‘legislation’
- ((4) Transitional justice: ICJ, ICTY, ICC, etc.; judicial romanticism v. liberal pragmatism)
- (5) Regional application: Europe, America, Africa
- (6) Human rights and foreign policy: peace v. justice
 - (American) exceptionalism
 - National interest v. obligation to further human rights
- (7) NGOs and human rights
- ((8) transnational corporations and human rights)

Politics of Human Rights

(3) Global application:

- The UN system: the charter, the treaty system, the OHCHR, ICJ and ICC
 - The Charter: Secretary General, General Assembly, Security Council, peace-keeping (Ch. VI) and enforcement (Ch. VII), ECOSOC, UNDP; High Commissioner for Refugees, ILO, UNESCO, UNICEF, FAO, etc.
 - How treaties work: binding texts, self-reporting, international assistance; expert committees, summary comments and general comments; optional protocols, private complaints, state-to-state complaints;
 - OHCHR, HR Council, Universal Periodic Review, Special Procedures (Rapporteurs and Working Groups)
- The World Bank, IMF
- Regional organisations, WTO, NATO, etc.
- NGOs
- International Humanitarian Law
 - Geneva conventions
 - ICRC

(exercise: is support for IHR a form of western imperialism? Is there no better way to legitimise and limit government's power aside from human rights?)

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(5) Regional Application - Europe

- Council of Europe (47 members)
 - European Convention and European Social Charter
 - European Parliamentary Assembly and Committee of Ministers
 - European Court of HR (ECtHR) (Strasbourg)
 - Prevention of Torture (CPT), Protection of Minorities (Framework Convention), Human Rights Education, Venice Commission
- European Union
 - European Court of Justice (ECJ)
 - EU Charter of Fundamental Rights
 - joint foreign policy and membership criteria
 - joint economic regulations (EEA); development, research, education
- OSCE (53 members)
 - High Commissioner for National Minorities

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- Regional Application - Americas
 - Organisation of American States (OAS)
 - American Declaration of Rights and Duties
 - Inter-American Commission on Human Rights
 - Inter-American Court of Human Rights (1979)
- Regional Application – Africa
 - African Charter of Human and People’s Rights (Banjul Charter)
 - African Human Rights Court (a protocol to Banjul Charter) (2004)
 - ECOWAS, SADC
- Other regional initiatives
 - ASEAN
 - Arab League’s HR charter and commission

Politics of Human Rights

(6) Human rights and foreign policy

- Policy instruments
 - Diplomatic means
 - Economic means
 - Military means
- US exceptionalism: involvement v. isolationism (liberal rhetoric v realist hesitation)
 - National economic interest
 - Regional and global security
 - (dilemma for all states; indeed for any democratic government)
- Illiberal states

Politics of Human Rights

(7) Private advocacy for human rights, NGOs and INGOs

- A basis in ‘civil society’: private wealth, modern value structure, leisure time
- Human rights – between development aid and instrumental solidarity (ethnicity, ideology, religion)
- Typical organisations: Amnesty International, Oxfam, HRW as ‘human rights gatekeepers’
- Typical work: reporting, lobbying, education/promotion, relief work
- Influence?
 - Campaigning together / epistemic communities
 - Relief
 - Development
- Human rights based approaches (in UNDP and elsewhere)