

POLITICAL SCIENCE 446
THE INTERNATIONAL LAW AND POLITICS OF HUMAN RIGHTS
Winter 2024

Prof. Fernando G. Nuñez-Mietz

Office: Leacock Building 536

Lectures: Mcdonald Engineering Building 280
Wednesdays and Fridays 4:05 - 5:25
** Lectures will end at 4:55 after January 22, when conferences start*

Office Hours: Tuesdays 3:00 - 4:00, or by appointment (*Zoom*)
** No office hours on March 5, April 16 and 23*

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Course description

The main purpose of this course is to provide students with a theoretically and empirically rich understanding of the relationship between state behaviour and individual rights recognized by international law. The course is divided into three parts. The first part introduces and critiques the concept of human rights and explores the institutional framework of human rights law. The second part surveys the current international human rights regime's most important entitlements for individuals and groups. The third part focuses on the politics of human rights, highlighting

Assignments and grading

Attendance and participation in discussions (15%)

This grade is based on attendance at the ten conference sessions (5%) as well as the quantity and

COURSE SCHEDULE

Part 1 – Human Rights: Concept, History, Law and Institutions

Friday

January 5

[recorded]

The idea and history of human rights

Donnelly, Jack (2013, 3rd edition). *Universal Human Rights in Theory and Practice*. Cornell University Press. Chapters 1 & 5.

Universal Declaration of Human Rights

Further reading:

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 2-4.

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapter 1.

Verdirame, Guglielmo (2013). "Human rights in political and legal theory." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 3.

Osiatynski, Wiktor (2013). "The historical development of human rights." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 2.

Simmons

*International Covenant on Civil and Political Rights and Optional
Protocols adopted in 1976 and 1989*

International Covenant on Economic, Social and Cultural Rights

Further reading:

Smith, Rhona (2020). *Texts and Materials on International Human Rights*.
Routledge. Chapters 4, 6 & 7.

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press,
Chapters 5 and 10.

Smith, Rhona (2016). "The United Nations Human Rights System." In Mashood
Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six
Decades after the UDHR and Beyond*, Routledge. Chapter 11.

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and
Practice*. Cambridge University Press. Chapters 4 & 5.

Miloon Kothari (2013). "From Commission to the Council: Evolution of UN Charter
Bodies." In Dinah Shelton (ed.), *The Oxford Handbook of International Human
Rights Law*, Oxford University Press. Chapter 11.

Wednesday
January 24
4:05 - 4:55

International human rights regimes: Europe

Human and Peoples' Rights." *African Human Rights Law Journal* 20:1,
pp. 1-40.

Wednesday
January 31
4:05 - 4:55

Quiz 1

Helfer, Laurence, and Alice M. Miller (1996). "Sexual Orientation and Human Rights: Toward a United States and Transnational Jurisprudence," *Harvard Human Rights Journal* 9, pp. 61-103.

Bob, Clifford (2012). *The Global Right Wing and the Clash of World Politics*. Cambridge University Press.

Feb. 26 –
Mar. 1

Conference #6: Children's rights

TBD

Wednesday
February 28
4:05 - 4:55

Group rights

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapters 19 and 25.

Donnelly, Jack (2013, 3rd edition). *Universal Human Rights in Theory and Practice*. Cornell University Press. Chapter 15.

Convention on the Prevention and Punishment of the Crime of Genocide

Further reading:

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapter 10 (pp. 409-451).

Hannum, Hurst (1996). *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. University of Pennsylvania Press. Chapters 1-6 & 19.

Beissinger, Mark (2015). "Self-determination as a Technology of Imperialism: The Soviet and Russian Experiences." *Ethnopolitics* 14:5, pp. 479– 487.

Giuliano, Elise (2015). "The Social Bases of Support for Self-determination in East Ukraine." *Ethnopolitics* 14:5, pp. 513–522.

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 17 & 21.

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 18.

Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 11.

Falk, Richard (1999). "The Challenge of Genocide and Genocidal Politics in an Era of Globalization." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 177-194.

Friday
March 1

No class

Mar. 11-15

Conference #7: Women's rights

TBD

Wednesday
March 13
4:05 - 4:55

Persecution and human rights: The rights of asylum-seekers and refugees

Onuora-Oguno, Azubike (2014). "Migration, Refugees, Asylum and Uprooted Peoples' Rights." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 15.

Convention relating to the Status of Refugees and Protocol

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 27.

Wouters, Cornelis (Kees) (2013). "International refugee and human rights law: partners in ensuring international protection and asylum." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 14.

Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 13.

Nash, Kate (2015). *The Political Sociology of Human Rights*. Cambridge University Press, Chapter 7.

Loescher, Gil (1999). "Refugees: A Global Human Rights and Security Crisis." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 233-258.

Friday
March 15
4:05 - 4:55

War, terrorism and human rights: International humanitarian law

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapters 14 (pp. 567-599) and 15 (pp. 613-655).

ARC Summary of the Geneva Conventions of 1949 and Protocols.

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 25.

Kretzmer, David (2005). "Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?" *The European Journal of International Law* 16:2, pp. 171-212.

Moeckli, Daniel (2008). *Human Rights and Non-Discrimination in the 'War on Terror'*. Oxford University Press.

Hampson, Françoise J. (2013). "The relationship between international humanitarian law and international human rights law." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 12.

Scheinin, Martin (2013). "Counter-terrorism and human rights." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 32.

Hurd, Ian (2017). *How to Do Things with International Law*. Princeton University Press.

Mar. 18-22

Conference #8: Sexual orientation and gender identity

Case of

J. Dunoff and M. Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press, pp. 345-370.

Helfer, Laurence, and Erik Voeten (2014). "International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe." *International Organization* 68:1, pp. 77-110.

Holzgrefe, J. L., and Robert Keohane (eds.), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press.

Friday
April 5
4:05 - 4:55

Explaining compliance with international human rights: Constructivism

Goodman, Ryan and Derek Jinks (2004). "How to Influence States: Socialization and International Human Rights Law." *Duke Law Journal* 54:3, pp. 621-703.

Hafner-Burton, Emilie and Kiyoteru Tsutsui (2005). "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110:5, pp. 1373-1411.

Further reading:

Stagno Ugarte, Bruno (2013). "Human rights and foreign policy: syntheses of moralism and realism." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 9.

Ratner, Steven (2013). "Persuading to Comply: On the Deployment and Avoidance of Legal Argumentation." In J. Dunoff and M. Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press, pp. 568-590.

Hurrell, Andrew (1999). "Power, Principles and Prudence: Protecting Human Rights in a Deeply Divided World." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 277-302.

Burgstaller, Markus (2005). *Theories of Compliance with International Law*. M. Nijhoff.

Crawford, Neta (2004). *Argument and Change in World Politics*. Cambridge University Press.

Krebs, Ronald R. and Patrick Thaddeus Jackson (2007). "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric." *European Journal of International Relations* 13:1, pp. 35-66.

Schimmelfennig, Frank (2001). "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the E

