

IGA-365: Human Rights and Foreign Policy

Michael Ignatieff

Fall Semester 2015

Tuesdays and Thursdays 2:45-4:00 PM

Classroom: L-230

Course Outline:

This course offers students a critical evaluation of the role of human rights as law, ethics and politics in the foreign policy of contemporary states. It is designed to help future foreign service officers, serving military, human rights activists and politicians understand how human rights NGO's, UN and regional human rights bodies and media-driven human rights narratives shape the conduct of modern states, large and small.

The course will focus on what is controversial and contested about the role of human rights in modern foreign policy.

Some states use human rights as a guiding principle in their aid and foreign policy; other states relegate it to a side-constraint in the pursuit of their national interest, while a third group of states reject human rights as an illegitimate interference in their internal affairs. Using concrete case studies, we will examine the competing, contradictory and contested impacts of human rights law and discourse on the conduct of 21st century states.

The course is designed for human rights skeptics and believers alike and no previous experience or knowledge of human rights law is required.

Biography:

Michael Ignatieff (Harvard, PhD History, 1976) is the author of *The Rights Revolution* (2000); *Human Rights as Politics and Idolatry* (2001). *The Lesser Evil: Political Ethics in an Age of Terror* (2004) and editor of

American Exceptionalism and Human Rights (2005). Between 2000 and 2005 he was Professor of Human Rights and Director of the Carr Center for Human Rights Policy, Harvard Kennedy School.

Between 2006 and 2011, he served as an MP in the Parliament of Canada and became leader of the Liberal Party and Leader of the Official Opposition. He is the Edward R. Murrow Professor of the Practice of the Press, Politics and Public Policy, Shorenstein Center, Harvard Kennedy School.

Admission:

Cross-registrants from other schools and programs, undergraduates and auditors will require the instructor's permission to participate in the course. Priority goes to HKS students.

Grading:

The Academic Council, with the support of the Dean, has issued recommendations on grading policy including the following suggested curve: A (10-15%), A- (20-25%), B+ (30-40%), B (20-25%), and B- or below (5-10%). Grading will follow this HKS grading curve.

Evaluation and Assignments:

1. Assignment 1 (10%): All students will complete a 500 word analysis, identifying the human rights abuse in their own country that they'd most like to stop and how they would go about doing so. The due date is **Friday September 11th at 5:00 PM.**

2. Class Presentations (30%): Classes marked with a * are available as student presentation sessions. Students can sign up on the Canvas course page to present as a group on these days. The objective is *not* to rehash the reading material, but to widen the frame of discussion, to focus on a key human rights and policy dilemma and to take the class into new and challenging areas. A meeting between the instructor and the group is mandatory before each session. The group can be as small as 2 and as large as 4.

3. Assignment 2 (30%): Students who do *not* do a group class presentation will write a 1000 word policy memo. The due date is **Friday November 6th by 5:00 PM.**

4. Assignment 3 (40%): All students will complete a 3000 word policy analysis paper, critically evaluating a state's response—or failure to respond—to a particular human rights challenge. The due date is **Friday December 4th by 5:00 PM.**

5. Class Participation (20%): The class combines lecture and discussion. Come to class prepared. You are expected to read approximately 40 pages for each class. Be ready for questions and challenges. Your participation in class will be assessed and will figure in your final grade.

Deadlines and Extensions:

All assignments should be submitted to the Canvas course page as Word documents. No PDFs or Printouts please. Deadline extensions must be requested from the instructor. Late papers will be penalized.

Plagiarism:

Students are expected to do all their assignments themselves and to footnote ideas, quotations, facts, data and other material that they take from any other source. Failure to do so is theft and constitutes an act of professional dishonesty. If plagiarism is proven, students may be asked to withdraw or face expulsion. Please avoid any possibility of penalty by consulting with the instructor in advance to clarify the guidelines you need to follow.

**General Office Hours (by appointment):
Mondays and Wednesdays 2:00-4:00 PM
Taubman 240, Shorenstein Center**

Students are encouraged to use office hours to discuss memos, assignments, presentations, paper topics, as well as any other matter, including their future professional development. Appointments will be scheduled on other days as needed.

Please arrange all appointments with my Faculty Assistant:
brandon_ward@hks.harvard.edu

The Course Assistant is also available, by appointment, to advise in respect of assignments and class presentations.

Course Assistant: Ilke Kiral
Ilke_Kiral@hks16.harvard.edu

Readings:

All reading materials are available on the Canvas course page. If students experience any difficulty accessing material, they should contact the instructor immediately.

Syllabus:

1. Foundations: Law, Ethics and Politics

1. Thursday September 3: Human Rights as Ethics

What are human rights? How did they come to shape the foreign policy of states after 1945?

Michael Ignatieff, *Human Rights As Politics*, ch. 1.

Jack Donnelly, "The Social Construction of Human Rights" in Dunne and Wheeler (eds.) *Human Rights in Global Politics*, (Cambridge, 1999), ps.71-102.

2. Tuesday September 8: Human Rights as Law

What do human rights treaties require states to do?

Universal Declaration of Human Rights, 1948
<http://www.un.org/en/documents/udhr/index.shtml>

International Covenant on Civil and Political Rights, 1966
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Andrew Clapham, *Human Rights: A Very Short Introduction* (Oxford University Press, 2007), ch.3 "Human Rights Policy and the role of the United Nations".

3. Thursday September 10: Human Rights as Law

Why do states sign up to human rights treaties? Do they ever keep human rights commitments?

Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge University Press, 2009), chapter 9, ps. 348-80.

****First Memo Assignment -- 500 words --
due Friday September 11th by 5:00 PM****

4. Tuesday September 15: Human Rights as Politics

**How do citizens and NGO's put pressure on states?
Is human rights politics just 'slacktivism' ?**

Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, Cornell University Press, 2013), ch. 5 "Human Rights and American Power."

2. American Foreign Policy and Human Rights

5. Thursday September 17: American Exceptionalism and Human Rights

Why does the US promote human rights while refusing to sign on to major human rights treaties? Is the US really that exceptional?

Michael Ignatieff, "Introduction" in Michael Ignatieff (ed.) *American Exceptionalism and Human Rights*, (Princeton University Press, 2005), ps.1-27.

6. *Tuesday September 22: US National Interests and Foreign Policy*

**Is human rights just window-dressing for national interests?
Does the Iran nuclear deal sacrifice Iranian human rights?**

Tom Malinowski, "Human Rights and National Security: A Value Based Foreign Policy," speech to the Truman National Security Project, Washington, DC, May 2014.

National Security Strategy of the United States, 2010, excerpts.

Azadeh Moaveni, "Would an Iranian Nuclear Deal Be Good for Human Rights?"

http://www.slate.com/articles/news_and_politics/foreigners/2014/11/iran_s_nuclear_negotiations_with_the_west_would_a_deal_be_good_for_human.html

Suzanne Nossel, "Don't Let Iran Off the Hook for Human Rights," <http://foreignpolicy.com/2015/03/17/iran-human-rights-nuclear-rouhani/>

7. *Thursday September 24: Human Rights and Democracy*

Should democracies promote democracy?

Thomas Carothers, "The Backlash Against Democracy Promotion," *Foreign Affairs*, 85, 2006, ps. 55-68.

Noah Feldman, "The Fall of the Arab Spring", The Dallah Albaraka Lecture, Yale Law School, Occasional Papers, 2013, ps. 9-29.

Joshua Kurlantzick, "Democracy Goes Into Reverse" in *Democracy in Retreat* (New Haven, Yale University Press, 2013), ps. 1-33.

8. *Tuesday September 29: Human Rights and the War on Terror*

What limits do human rights impose on states combating terrorism?

Gabriella Blum and Philip Heymann, *Laws, Outlaws and Terrorists: Lessons from the War on Terrorism* (Cambridge, MIT Press, 2010) "Law and Policy of Targeted Killing".

Kathryn Sikkink, "Is the US Immune from the Justice Cascade?" *The Justice Cascade* (Norton, 2011), ch. 7, ps. 189-222.

Aharon Barak, *The Judge in a Democracy* (Princeton University Press, 2008), "Terrorism and Democracy," ch. 16, ps. 283-298.

9. *Thursday October 1: Human Rights and Terrorist Emergencies*

When we balance liberty and security, must human rights always be the loser?

Michael Ignatieff, "The Ethics of Emergency" in *The Lesser Evil: Political Ethics in an Age of Terror* (Princeton, 2004).

David Cole, "Civil Liberties after 9/11,"
<http://bostonreview.net/forum/david-cole-civil-liberties-after-911>

3. International Justice and Human Rights

10. *Tuesday October 6: Peace, Justice and Human Rights*

Should states promote international justice for human rights violations?

Jack Goldsmith and Stephen D. Krasner, "The Limits of Idealism," *Daedalus*, Winter 2003, ps. 47-63.

Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing the World*, (Norton, 2011), Introduction.

Michael Ignatieff and Zeid Ra'ad Al Hussein, "Is the international community abandoning the fight against impunity?"
<https://www.ictj.org/debate/impunity/opening-remarks>

11. *Thursday October 8: Peace and Justice in South Africa*

Did South Africa sacrifice justice for peace?

Michael Ignatieff, "Introduction" in Jillian Edelstein *Truth and Lies: Tales from the Truth and Reconciliation Commission* (London, Granta, 2002).

South African Truth and Reconciliation Commission, *Report*, vol. 5
ps. 1-14; ps. 271-303.

<http://www.justice.gov.za/trc/report/finalreport/Volume5.pdf>

4. Economic, Social and Cultural Rights

12. *Tuesday October 13: Economic, Social and Cultural Rights*

Are these rights or just aspirations? Do rights actually help poor people?

Asbjorn Eide, "Economic, Social and Cultural Rights as Human Rights" in A. Eide, C. Krause, A. Rosas (eds.) *Economic, Social and Cultural Rights: A Textbook* (Amsterdam: Nijhoff, 1995), ps. 9-36.

"The Constitutional Right to Housing in South Africa",
HKS Case C14-01-1627.0, 2001.

"The Constitutional Right to Housing in South Africa" - Sequel
HKS Case C14-01-1627.1, 2001.

****[DATE CHANGE: THURSDAY'S (10/15) CLASS RESCHEDULED FOR FRIDAY OCTOBER 30th – Class location is still TBD]****

13. *Tuesday October 20: Human Rights and Trade Policy*

Buying oil from autocrats makes us complicit in their human rights abuses. Can 'clean trade' policy end our complicity?

Leif Wenar, *Blood Oil* (New York, Oxford University Press, 2015),
ch. 16-17, ps. 469-547.

Gerald Knaus, "Europe and Azerbaijan: The End of Shame,"
Journal of Democracy, 26, 1, 3, July 2015.

5. Human Rights in Europe

14. *Thursday October 22: The European Court of Human Rights*

Why do European states obey rulings of the European human rights court? Why does the UK want to opt out?

Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Post-war Europe," *International Organization*, 54, 2, Spring 2000, ps. 217-252.
<https://www.princeton.edu/~amoravcs/library/origins.pdf>

John Henley, "Why is the European Court of Human Rights Hated by the UK Right?" *The Guardian*, December 22, 2013.
<http://www.theguardian.com/law/2013/dec/22/britain-european-court-human-rights>

15. *Tuesday October 27: Women's Rights and Religious Freedom*

How should states decide when commitments to respect religious pluralism conflict with women's rights?

'Sahin v Turkey' *European Human Rights Court Judgment*, November 2005, excerpts.

Joan W. Scott, *The Politics of the Veil* (Princeton University Press, 2007), Introduction.

Daniel Philpott, "Why Religious Freedom is Good Foreign Policy," *Religion and Conflict: Responding to the Challenges*, 2014, ps. 23-26.

7. Human Rights and Global Migration

16. *Thursday October 29: Migration Along the Mexico-US Border*

How do you balance the rights of citizens against the rights of migrants?

UNHCR, "Children on the Run," May 2014, Exec. Summary, pgs. 1-13.

http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf

Robin Reineke & Daniel E. Martinez, "Ch. 2: Migrant Deaths in the Americas," *Fatal Journeys: Tracking Lives Lost during Migration*, International Organization for Migration, 2014.

http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf

Sarah Stillman, "Where are the Children?" *The New Yorker*, April 27, 2015.

<http://www.newyorker.com/magazine/2015/04/27/where-are-the-children>

Jacqueline Bhabha, *Child Migration and Human Rights in a Global Age*, (Princeton University Press, 2014), 238-281.

17. *Friday October 30: Europe's Migration Crisis*

What are the international human rights obligations of states to rescue migrants?

Jeanne Park, "Europe's Migration Crisis," Council on Foreign Relations, April 23, 2015.

<http://www.cfr.org/migration/europes-migration-crisis/p32874>

Matthias Schwartz, "The Anchor," *The New Yorker*, April 21, 2014.

<http://www.newyorker.com/magazine/2014/04/21/the-anchor>

NY Times video of Syrian refugees arriving in Greece (8 mins):

<http://www.nytimes.com/video/world/europe/100000003757489/migrants-overwhelm-island-of-lesbos.html?emc=eta1>

18. *Tuesday November 3: Refugee Crises in Myanmar and Syria*

Why are Asian states indifferent to the suffering of refugees?

International Crisis Group, "The Dark Side of Transition: Violence Against Muslims in Myanmar," October 1, 2013.

[http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/251-the-dark-side-of-transition-violence-against-muslims-in-myanmar.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/burma-myanmar/251-the-dark-side-of-transition-violence-against-muslims-in-myanmar.pdf)

Jason Szep & Andrew R.C. Marshall, "Special Report- Thailand secretly dumps Myanmar refugees into trafficking rings," *Reuters*, December 5, 2013.

<http://uk.reuters.com/article/2013/12/05/uk-thailand-rohingya-special-report-idUKBRE9B400920131205>

BBC video of Rohingya on a stranded boat (2 mins):

<http://www.bbc.com/news/world-asia-32737146>

7. Gender Rights in a Global Age

18. *Thursday November 5: Gay Rights*

What should democracies do when discrimination against gays is defended as a cultural or religious norm?

Jack Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed. (Cornell University Press, 2012) ch. 16, "Non Discrimination for All: the Case of Sexual Minorities" ps. 277-291.

****1000 word Policy Memo Due—for students not making presentations—Friday, November 6th by 5:00 PM****

19. * Tuesday November 10: Missing Women*

What should democracies do when women choose boys over girls?

Kavita Ramdas "What's Sex Got to Do With It" *Stanford Development Review*, 2012.

Amartya Sen "More than 100 Million Women Are Missing", *New York Review of Books*, 37, 20, December 1990.

Mara Hvistendahl *Unnatural Selection: Choosing Boys Over Girls and the Consequences of a World Full of Men* (New York, Public Affairs 2011), prologue, xiii-xix; ch. 1, ps. 1-16.

8. Human Rights and the New Authoritarianism

20. *Thursday November 12: China and International Human Rights*

Is China a spoiler in international human rights?

Sonya Sceats, Shaun Breslin, *China and the International Human Rights System*, (London, Chatham House, October 2012), ps. 3-32, 55-56.

http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/International%20Law/r1012_sceatsbreslin.pdf

21. *Tuesday November 17: Internet Censorship and Dissidence*

Can China keep human rights out of China?

Rebecca MacKinnon "China's Networked Authoritarianism" *Journal of Democracy*, 22, 2, 2011, ps 32-46.

<http://www.ou.edu/uschina/gries/articles/IntPol/mackinnon.JO.D.China.pdf>

22. *Thursday November 19: Russia*

How can democracies support human rights defenders in authoritarian states?

The case of 'Memorial', the Russian human rights organization.
<http://www.memo.ru/eng/>

Michael Birnbaum, "Russia's Justice Ministry targets Memorial, a human rights defender," *Washington Post*, October 13, 2014.

https://www.washingtonpost.com/world/europe/russias-justice-ministry-targets-memorial-a-human-rights-defender/2014/10/13/8d20755a-52e0-11e4-b86d-184ac281388d_story.html

DW, "Russian court slams Kremlin bid to close Memorial human rights group," January 28, 2015. <http://www.dw.com/en/russian-court-slams-kremlin-bid-to-close-memorial-human-rights-group/a-18220969>

Michael Ignatieff, "The World After Crimea," *The Ditchley Lecture*, Ditchley Foundation, July 12, 2014.

<http://www.ditchley.co.uk/conferences/past-programme/2010-2019/2014/the-ditchley-foundation-50th-annual-lecture>

23. Tuesday November 24: End Times for Human Rights?

Is the human rights era coming to an end?

Stephen Hopgood, *The Endtimes of Human Rights*, (Ithaca, Cornell University Press, 2013), ch. 8, "The Neo-Westphalian World."

Samuel Moyn in *The Last Utopia* (Cambridge, Harvard University Press, 2010), "Epilogue: The Burden of Morality."

Thursday November 26: NO CLASS (Thanksgiving Recess)

24. Tuesday December 1: Evaluation

25. Thursday December 3: No class

****Final paper -- 3000 words --
due Friday December 4th by 5:00 PM****