IRGN490 – Human Rights: Law, Policy and Politics

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Seminar: Monday and Wednesday, 11:00am – 12:20pm
RBC 1428

Violations of human rights are insidious. While there are many strategies for reform, people everywhere are repressed. This research seminar is designed to prepare graduate students in international affairs and public policy to analyze the causes of human rights abuse and the effectiveness of various policy interventions and strategies for human rights promotion. It applies insights from a variety of disciplines to explore conflicts among peoples competing for power, resources, and autonomy in various contexts. Attention will be focused on developing the tools to evaluate the design, implementation, and effectiveness of human rights policy, including international laws, democracy and elections, trade and investment, and social movement advocacy. We will consider core intellectual arguments and puzzles as they concern various forms of violations against various groups—including children, voters, women and workers. We will consider these arguments in the context of specific cases and countries—including Chile, China, Egypt, Indonesia, Iraq, Mexico, Senegal, Sudan, Syria, Tunisia, the United States, Vietnam and Zimbabwe. The course emphasizes the development of critical thinking, analytical writing and formal presentational skills.
**Course requirements:** Attendance is mandatory. This is a seminar: all students are required to come to class prepared to discuss the assigned readings and will be called on to share their views. Class participation, 3 memos (2-3 double spaced pages each), 3 group debates, an in-class presentation and a final paper (10-15 double spaced pages) are required. This course is reading, writing and speaking intensive; we will work to build your critical thinking skills and sharpen your analytical and presentational skills.

**Reading Assignments:** Approximately 150 pages per week. To help you focus your preparation for the in-class discussion, this syllabus lays out questions for every session. You should come to class prepared to discuss these questions.

**Course Materials:** All course materials are on reserve or are available electronically.

**Grading:** Final grades will reflect individual class participation (30%), an in-class group presentation (15%), an in-class group debate (15%), 3 individual memos (15%) and a final paper in lieu of a final exam (25%).

Memos are due by email (to: ilar@ucsd.edu) 5pm the day before class and should be carefully edited. They are not to exceed 3 double spaced pages, with one-inch margins. Memos must follow all conventions of attribution and notation. Quotes and paraphrasing must be explicitly cited. Violation of these rules is plagiarism.

In addition, each student will be responsible for developing a 10-minute group presentation on one of the case studies and then leading a class discussion for approximately 20 minutes. Signups for this task will occur on Wednesday, April 11th. The presentation should not be a summary of the assigned material. Rather, the presenters should outline how the case should be considered within the analytical approaches described in the unit's theoretical readings and then pose a few central questions and lead a class discussion. I highly recommend that all presenters see me in advance to discuss their assignment and approach.

Each student will also participate in a formal debate as part of an assigned team.

The final paper (10-15 double-spaced pages) is a policy memo to the Obama administration analyzing the effectiveness of the international human rights system to protect human rights and recommending a policy strategy to protect human rights in the country of your choice. The memo must focus on one type of human rights violation (such as torture, discrimination, or political imprisonment) and one country. Papers are due on Friday, June 8th, 2012, at 12:00pm to: ilar@ucsd.edu.

**Writing Development:** Written work will be graded for substance as well as for quality of writing, so be sure to make use of our writing coaches. Students having difficulty writing in the classroom are encouraged to set appointments with the Director of Academic Degree Programs at IR/PS, Dr. Nancy Gilson at ngilson@ucsd.edu.
UNIT ONE - AN INTRODUCTION TO HUMAN RIGHTS

Wednesday, April 4th: An Introduction to Human Rights: Law, Policy and Politics


Syria’s Assad in firm control after a bloody year, Associated Press, March 22, 2012: http://www.google.com/hostednews/ap/article/ALeqM5jq9vueFg3UB52b1bMuHN5i-S2XPg?docId=9d4da05d8a4a41dcaa4411184a4508ae

Discussion Questions:

1. What is a “human right”? What does it mean that human rights are “universal”? Are they? Why have Asian countries been especially vocal in claiming that human rights must be considered in the context of national and regional particularities and various historical, cultural and religious backgrounds?

2. Are all human rights equally important to protect, or do some human rights trump others in importance? Which are most important? Why?

3. Why are human rights increasingly institutionalized in international relations? Are they a way to “legitimize power”? Spread norms? Shape behavior? Create peace?


5. Is there too much emphasis on civil and political rights and not enough on economic, social and cultural rights? If so, why? Which rights are most/least emphasized? Why?

6. Which human rights are most abused? Why? Are some rights easier to protect?

7. What kinds of policies are most effective in stopping human rights abuses?

8. Forsythe argues that the pursuit of international human rights standards through hard law decisions is not likely to happen regularly. Why not? Is he correct?

9. How effective are NGOs in the human rights area? What other “private” actors play a role in the protection of human rights? How?

10. Should the international community disregard claims to state sovereignty when gross violations of human rights are at issue? How? Why? To what effect?

Writing Assignment: None
Monday, April 9th: Fact-finding and Data on Human Rights Abuse


For more on data sources, visit:
http://www.state.gov/g/drl/rls/hrrpt/2009/frontmatter/135934.htm
http://ciri.binghamton.edu/. Click on FAQ and DOCUMENTATION.
http://www.freedomhouse.org/. Click on PUBLICATIONS.

Discussion Questions:

1. Where does information on human rights abuse come from? How do sources affect the legitimacy or accuracy of the information?

2. Why does the US government collect information and print annual reports on human rights around the world? Why does Amnesty International, a leading NGO? Is one source more credible or accurate than the other? Why? How do you know?

3. In what ways do the reports produced by the US State Department on human rights abuse differ from reports produced by Amnesty International? Why do they differ? What are the implications of these differences?

4. In what ways do reports produced by Amnesty International differ from reports produced by Freedom House, another leading NGO? Is one source more credible or accurate than the other? Why? How do you know?

5. What drives NGO agendas? Are western-based private human rights organizations, like Amnesty International, part of western cultural imperialism? Should they appreciate the political context within which governments take decisions that impact human rights? How?


7. Where do “data” on human rights violations come from? How do scholars translate reports into numbers? Are the numbers objective facts?

8. What are some of the problems associated with using a standards-based (as opposed to an event data) approach to measuring human rights violations?

Writing Assignment: None
UNIT TWO – THE CAUSES OF HUMAN RIGHTS ABUSE

Wednesday, April 11th: Political and Social Context.
Case Study: Syria (2011/2012)


Discussion Questions:

1. What are the main structural causes that motivate human rights abuse (i.e., under what conditions are abuses most likely)? How do these conditions motivate repression?

2. Which structural motivations are the most important? Where? For which rights? Which people?

3. Which structural motivations can most easily be remedied? How?

4. Are there trade offs involved in trying to remedy different structural motivations? What are the implications for public policy?

5. What happened in Syria in 2011/2012 that led to so much violence? Why were there so many human rights violations? What structural factors played a role?


7. Navi Pillay, the U.N. High Commissioner for Human Rights, has repeatedly called for Syria to be referred to the International Criminal Court to hold government officials accountable for "crimes against humanity" committed by security forces against opposition members. The crimes included shelling civilians, executing deserters and torturing detainees. Should Syria be referred to this Court? Why?

Signup for in class presentations.
Monday, April 16th: Psychological Rationales.  
*Case Study: Abu Ghraib Prison, Iraq (2003)*


Assignment: Take the slide show by clicking on the “Take the Slide Show” button: http://www.prisonexp.org/.


Discussion Questions:

1. What are the main lessons of the Stanford Prison Experiment?

2. In 2003 U.S. soldiers abused Iraqi prisoners held at Abu Ghraib, 20 miles west of Baghdad. The prisoners were stripped, made to wear bags over their heads, and humiliated while the guards laughed and took photographs. How are these events similar to or different from what took place in the Stanford Prison Experiment?

3. What are the psychological factors that prompt human rights abuse? How could intelligent, mentally healthy, "ordinary" men and women become perpetrators of evil so quickly in the prison study? In Abu Ghraib? Are these lesions applicable in other circumstances? Which?

4. Can the psychological factors that motivate human rights abuse be changed? Which can be changed? How would you design a public policy to change them?

5. Do the psychological and contextual causes of abuse relate to each other? How? What are the implications for public policy?

6. Who, if anyone, should be held responsible for Abu Grahib? Why? How would you design a policy of accountability?

1st Memo Assignment, due Sunday, April 15th by 5pm to ilar@ucsd.edu: You are an expert on the causes of human rights abuse. Watch the BBC video, US woman soldier unrepentant over Abu Ghraib. Write a 2-3 page double spaced policy memo addressed to Attorney General of the United States, Eric Holder, analyzing why the repression at Abu Ghraib happened. Consider the various explanations for repression that are covered in the reading for this and last week and related them to what happened in Abu Grahib. Conclude your memo with a recommendation of who, if anyone, should be held responsible for the abuses in Abu Ghraib and why. Cite your references. Come to class prepared to discuss your memo: you will be called upon to present your views.
UNIT THREE – INTERNATIONAL LEGAL SOLUTIONS

Wednesday, April 18th: The International Human Rights System.
Case study 1: Iran’s 2010 bid for a seat on the UN Human Rights Council
Case study 2: Sudan and the ICC


ICC vs. Sudan: The Complexities Behind the al-Bashir Case, Spiegel International. 5 March 2009.


Discussion Questions:

1. Why did states build the international human rights system? What role do non-state actors play in this system?

2. How is international criminal law different from international human rights law?

3. When states consent to human rights treaties, is this a sincere commitment that they are sometimes unable to implement in specific situations? Or hypocrisy? Why do states join the international criminal legal system? Are the motives the same as treaties?

4. Why do some governments refuse to join human rights treaties when they protect those rights anyway? Why does the US government refuse to join the Rome treaty establishing the ICC? Should the US join the ICC? Why? What would happen if it did?

5. Why do some governments join treaties even though they abuse human rights? Should those governments be encouraged to join more treaties? Why? What would happen?

6. Should China be encouraged to ratify more treaties? Why?

7. Iran is not currently a member of the UN Human Rights Council, though it is seeking a seat. Should Iran be elected a member?


In-class presentations and discussion on Iran and Sudan in the human rights system

Writing Assignment: None
Monday, April 23rd: Mechanisms of Influence.
*Case Studies: Chile’s Transition to Democracy (and the CAT)*


Assignment: Read the introduction (pp. 3-17) and Chapter 7 (pp. 256-296).


**Discussion Questions:**

1. What do we mean by coercion and persuasion? How do coercion and persuasion work? How long do they take? Who do they affect and how?

2. What role does legitimacy play? Can coercion ever lead to persuasion?

3. How do the mechanisms of influence in Simmon’s book (agenda setting, litigation, social pressure) map onto coercion and persuasion?

4. Can coercion and persuasion work everywhere? Where are they most likely to work? Is any single mechanism likely to work better than the others? How would you know?

5. What are some of the problem associated with using coercion? When is it justified? When is it likely to fail? To backfire? What are some of the problems associated with persuasion?

6. Are these mechanisms compatible or incompatible? Can they work together? Or do they involve trade offs?

7. What does the statistical evidence show about the effectiveness of international human rights law? Who is least/most likely to be helped by the international human rights regime? Why? What are the public policy implications?

8. Why is it so hard to assess whether laws cause better/worse human rights behavior?

9. Which mechanism (if any) explains the influence of the Convention Against Torture (CAT) in Chile? In Israel? Are these experiences relevant (and generalizable) to other countries?

10. Do the UN treaties, international criminal courts and regional legal systems all have the same kind and degree of influence on human rights? Why?

**In-class presentation and discussion on Chile**

**Writing Assignment:** None
Wednesday, April 25th: Limitations of Law.

Case Study: Mexico.


Discussion Questions:

1. Why do Goldsmith and Posner think that the international human rights system is limited in its power to influence human rights? Are they right? How would Simmons respond to their arguments? How would Navi Pillay, the U.N. High Commissioner for Human Rights, respond?

2. From the point of view of practitioners, what are the main problems that prevent the full effectiveness of international law? Which present the most severe problems?

3. What lessons should policymakers draw from this evidence, if any?

4. Can the problems that afflict human rights law be fixed? Which ones? How?

5. What human rights treaties has Mexico ratified? Why? Which has Mexico not ratified? Why?

6. Does Mexico hand in its reports on time to the treaty bodies?

7. What does the Heyns and Vilijoen analysis of human rights in Mexico suggest about the country’s engagement with the international human rights system? Has that system had much impact on policy in Mexico? On public opinion? Judicial decisions? Advocacy by NGOs? Why? Which of the problems in today’s readings most characterize the situation in Mexico? Why?

8. The Heyns and Vilijoen study on Mexico is more than a decade old. Do you have reason to believe that their findings have changed in the last decade?

9. What can be done to encourage Mexico to engage more strongly with the international human rights system? Would more engagement with that system help protect more human rights in Mexico? Why?

In-class presentation and discussion on the impact of human rights law in Mexico

Writing Assignment: see next page
Memo Assignment, due Tuesday, April 24th at 10am toilar@ucsd.edu: You are an expert on international law. Choose one type of violation (e.g., torture, discrimination against women or minorities, etc.) in one country of your choice. Write a 2-3 page double spaced memo to Amnesty International’s International Executive Committee explaining the problem and (1) the conditions under which international law can be helpful in that country in protecting people from the abuse – give concrete examples, (2) the limitations of the law – give examples, and (3) what policies Amnesty International should therefore advocate in their campaign against that abuse in that country. Consider the mechanisms of influence that are covered in the reading and relate them to your argument. Cite your references. Come to class prepared to discuss your memo: you may be asked to present your views.

NOTE: this is an especially important memo because it serves as the basis for your final paper.
UNIT FOUR: POLICY SOLUTIONS

Monday, April 30th: Reforming the Human Rights System
Debate: US and UN Human Rights Council Engagement


Discussion Questions:

1. What reforms (if any) would help to fix the human rights system and better protect human rights?

2. Who would undertake these reforms? How would they do it?

3. Who would be helped by these reforms?


5. Should the laws be universal, open to all governments? Why or why not?

6. Is it helpful to create more international courts in an effort to boost enforcement?

7. Would you recommend to Congress and the Obama administration that the US change policy and join more UN human rights laws? Why or why not? Should the US push other governments to join more laws? Which governments?

8. Can nongovernmental actors successful attain legal reform? Why or why not?

9. Is the UN Human Rights Council capable of being reformed? What reforms would make the Council more effective?

Debate Assignment: Should the US be an active participant in the UN Human Rights Council? The Bush administration voted against the resolution creating the Council and decided not to seek a seat at the Geneva-based Council in 2006. The Obama administration recently reversed Bush administration policy by participating in Council deliberations and seeking a Council seat, which it won – part of its justification was to reform the Council. Still, there is a strong push inside the US government, including by Democrats, to disengage from the Council – part of that justification is skepticism about reform. Team #1 will represent the Obama administration’s policies of engagement with (and prospects for reform of) the UN Human Rights Council. Team #2 will represent the policy of disengagement (including prospects for reform). Team #3 will act as an objective audience responsible for asking questions and judging.
Wednesday, May 2\textsuperscript{nd}. Democratization and Military Intervention.

Case study: Operation Iraqi Freedom


Discussion Questions:

1. Are democracies more likely to protect human rights than other types of governments? Why or why not? How? All of them? Do any non-democratic countries protect human rights? Why?

2. Do “all steps lead to peace”? What does it mean that the relationship between democracy and the violation of human rights is non linear? Why is this the case? How should this conclusion shape human rights policy?

3. What is the difference between democracy and democratization when it comes to protecting human rights?

4. Is democratization through military intervention a good policy to improve protections for human rights? Why or why not? Where? What are some examples? Alternatives?

5. Is there such a thing as a policy of democratization without military intervention? What would that policy look like? Can you think of any real examples?

6. Would you advise the Obama administration to push for democracy in countries that are guilty of abusing human rights? Where? Through military intervention or other means? Where is a policy of democratization through intervention likely to be most effective? Least effective?

7. What are the lesions we’ve learned about democracy and human rights in Iraq? Where do those lessons apply?

8. Assess David Beetham’s argument. Is he correct that the project of imposing democracy from outside by force is inherently contradictory and likely to fail? Suppose you had to argue against him in a debate. On what grounds would you challenge his argument?

In-class presentation and discussion on Operation Iraqi Freedom

Writing Assignment: None
Monday, May 7th: Elections.

Case Study: 2008 Zimbabwe Presidential Election


Assignment: Visit http://www.sokwanele.com/map/electionviolence


Discussion Questions:

1. Constitutional liberalism has led to democracy, but democracy does not seem to bring constitutional liberalism. Why? Why are there so many “illiberal democracies”? What problems do these regimes present for protecting human rights?

2. Are the problems that Fareed Zakaria identifies more prevalent in some regions than others? Where? Why?

3. What role does ethnicity play, according to Zakaria, in this problem? Is he correct? Why?

4. Under what conditions do elections bolster human rights protections? Under what conditions do they incite human rights violations? What can we do to reduce the chances of election violence?

5. Should elections be encouraged everywhere? Are there some places where holding elections is not a desirable policy for promoting human rights? Where?

6. What are the implications of Zakaria’s argument for policy on democratization?

7. What happened in Zimbabwe? Why does President Robert Mugabe keep holding elections? Why are there spikes in violence at election time?

8. Is there a way to ensure that elections – as part of democratic government – do not undermine human rights?

9. What policy should steward governments adopt in Zimbabwe? Is that policy the same or different from the policy they should adopt in Iran? Why?

Assignment: see next page
Memo Assignment, due Sunday, May 6th at 5pm to ilar@ucsd.edu: You work for the Carter Center (http://www.cartercenter.org/peace/democracy/index.html) as an election observer. In March of 2010, President of Zimbabwe, Robert Mugabe, announced his intention to stand for another term should his party confirm him. The party will have no choice other than to affirm. It is therefore likely that Mugabe will indeed be Zanu PF's presidential candidate in the seventh presidential election in Zimbabwe since Independence. In February of 2012 Robert Mugabe has said he will definitely call elections this year and described as "cowards" politicians who say polls cannot be held until 2013.

Write a 2-3 page double spaced memo to Secretary of State, Hillary Clinton, proposing a US policy strategy for protecting human rights in Zimbabwe during the next election. Consider the potential legal and democracy solutions that are covered in the reading for this and the previous unit and explain to Secretary Clinton why the US should or should not pursue each solution. Also consider the events in Iran (2009) and explain how the lessons from Iran should or should not inform US policy in Zimbabwe. Cite your references. Come to class prepared to discuss your memo: you will be asked to present your views.
Wednesday, May 9th: International Trade.
Debate: U.S. Trade with China


Discussion Questions:


2. Who supports the use of trade protections for human rights? Who opposes them? Why? How do these views shape the policy of trade protections for human rights? How do trade partners react to this policy?

3. What are the benefits of using trade policy for human rights? What are the problems and trade offs?

4. What trade strategy should the Obama administration follow in China?

5. What trade strategy, if any, should the Obama administration follow in other countries that are guilty of abusing human rights? Why?

6. Which countries are the most likely to be responsive to trade pressures to protect human rights? Why? Which are the least likely? Why?

7. What are the criteria a government should use when making human rights policy? Should effectiveness be a criterion? How important of a criterion should effectiveness be?

Debate Assignment:

A formal debate. The issue is: Should the United States use trade to encourage China to protect human rights? Team #2 will be assigned to argue against and Team #3 in favor of this controversial issue. You will be judged as teams, not individually. Therefore, you must work together to prepare. Team #1 will act as an objective audience for the debate and is responsible for asking questions and judging.
Monday, May 14th: Multinational Corporations and Foreign Investment.

Case Study: Nike and Vietnam


Visit: The United Nations Global Compact: http://www.unglobalcompact.org/


Discussion Questions:

1. Are certain corporate behaviors “detrimental to internationally recognized norms of human rights,” as Monshipouri et al. claim? Which behaviors? Why? Are Monshipouri et al. correct that corporations are often the “wrong doers”?

2. How do corporate human rights abuses differ from government human rights abuses? What are the implications for effective policy against abuse?

3. Are some companies more likely than others to promote human rights standards? Why? Which ones?

4. If you are a stockholder in a TNC/MNC, do you really want your company to pay attention to human rights if it reduces the return on your investment? Why should American and European owners or consumers be concerned about Asian, African or Latin American workers?

5. What is the “spotlight phenomenon”? Where and how does it work?

6. Are companies like Nike and Reebok engaged in public relations maneuvers by joining a legal code of conduct or do they show a real commitment to the human rights of workers?

7. Can private codes of conduct be effective on TNC/MNC policies? How?

8. Given that the ILO has been around for almost a century, why does so much action on labor rights take place outside the procedures of this international organization?
9. Can one make more progress on labor rights by circumventing international law and organizations like the ILO? Or, should we make TNCs/MNCs directly accountable under international law instead? Why?

10. The first prosecutor of the International Criminal Court suggested that he might be inclined to bring indictments against business leaders who are complicit in genocide or other crimes against humanity or major war crimes. For example, in situations like the Democratic Republic of the Congo. Is that a good idea? Why?

11. Is the UN Global Compact the solution to ensure that markets, commerce, technology and finance advance in ways that benefit economies and societies everywhere? Why or why not? How does it work? Who does it affect?

In-class presentation and discussion on Nike and Vietnam

Writing Assignment: None
Wednesday, May 16th

No class: free day to work on your final papers

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Monday, May 21st: Non-Governmental Organizations (NGOs).
Case Study: Tostan and Female Genital Cutting (FMC) in Senegal


Discussion Questions:

1. What is the “spiral model” of human rights? How would you explain this model to an educated lay person (say, an activist) in easy to understand language?

2. What are the implications of the spiral model for policy makers? NGOs? How useful is this model for understanding the effectiveness of human rights policy?

3. What is “localization” of policy? How can NGOs localize human rights policy?

4. How can NGOs most help improve protections for human rights?

5. In what ways are NGOs limited in their ability to improve protections for human rights?

6. Are NGOs likely to be more effective in protecting human rights in some places? In some circumstances? Which ones? Why?

7. Are NGOs the solution to a weak international legal system? Can they strengthen that system? Can they help to enforce it? How?

8. Think back to the article by Ron et al. (that we read for class on Monday, April 9th). What lessons do Ron et al. teach us about NGO reporting? How should those lessons shape NGOs’ strategies? Policy makers’?

In-class presentation and discussion on Tostan's campaign against female genital cutting in Senegal.

Writing Assignment: None
Wednesday, May 23rd: National Human Rights Institutions (NHRIs)
Case Study: the National Human Rights Institutions in the Asia Pacific


Discussion Questions:

1. What is a NHRI? How do they differ from NGOs?
2. Why have they emerged in every continent, in democratic and undemocratic states alike?
3. How does the accreditation system for NHRIs work? Is it reliable?
4. How do NHRIs work to promote human rights? What are some examples?
5. How can NHRIs localize human rights policy?
6. In what ways are NHRIs limited in their ability to improve protections for human rights?
7. Are NHRIs likely to be more effective in protecting human rights in some places? In some circumstances? Which ones? Why?
8. Are NHRIs the solution to a weak international legal system? Can they strengthen that system? Can they help to enforce it? How?
9. What is the relationship between NGOs and NHRIs? Are they always compatible partners? Are they ever at odds? Why?

In-class presentation and discussion on the National Commission on Human Rights in Indonesia (Komnas HAM)

Writing Assignment: None

Monday, May 28th: Memorial Day

*No class*
UNIT FIVE: STRATEGY

Wednesday, May 30th: People Power through Social Networks
Case Study: Tunisia and Egypt uprisings (2011)


Revolution 2.0: How Social Network Sites can Move Social Mountains, online conference on networks, Department of Internet Studies, Curtin University, 23 April, 2011: http://networkconference.netstudies.org/2011/04/revolution-2-0-how-social-network-sites-can-move-social-mountains/


Visit: https://www.facebook.com/unitednationshumanrights
       http://www.youtube.com/UNOHCHR
       http://twitter.com/UNrightswire

Discussion Questions:

1. Why do people join social networking sites? How do social network sites empower ‘the voiceless”? What role can they play in promoting human rights?

2. What role did social network sites play in bringing about the “Arab Spring”?

3. Social media has quickly developed into a powerful tool in the grassroots socio-political movement sweeping across the Arab world. Has it been equally powerful everywhere? Why? Where has it had the most impact? Why?

4. Are social networking sites compatible with government and corporate policy for promoting human rights (such as through military intervention, trade relations, investment practices)? Why?

5. Are social networking sites compatible with more structured forms of advocacy, such as through NGOs and NHRIs? Why? Always?

6. Are there drawbacks to this strategy of promotion amplified by social networking sites? What are the drawbacks and who are they most likely to effect?

7. Should human rights factor into your choice of social network site? Why?

In-class presentation and discussion on the Arab Spring in Tunisia and Egypt.
Monday, June 4th: Triage and Clubs
Debate: Triage


Discussion Questions:

1. Is the universality of human rights norms, which are the core idea of the Universal Declaration of Human Rights, a tenable guide to human rights promotion? Why?

2. What is the “triage” strategy for promoting human rights? On what basis does this strategy say we should make decisions about the allocation of resources for human rights? Why is “coupling” important? How does the triage strategy work? Who could use it? How? Why isn’t the triage strategy already in greater use?

3. Why does “national interest matter”? What are the policy implications of this claim for human rights promotion? For international law? For a triage strategy?

4. What are some of the problems associated with triage?

5. What are some alternative strategies for allocating resources for human rights promotion other than triage? Are they likely to be more effective? Why?

6. What is the “club” strategy for promoting human rights? How does it work? Who could use it? How? Why isn’t the club strategy already in greater use?

7. What are some of the problems associated with a club strategy?

8. What are some alternative strategies for allocating resources for human rights promotion other than clubs? Are they likely to be more effective? Why?

9. Are approaches to promoting human rights that rely on international law and legal institutions compatible with approaches that rely on the policies that project state power? Why?

Debate Assignment:

According to Hafner-Burton, “The universality of human rights norms, which are the bedrock of the international human rights legal system and the core idea of the Universal Declaration of Human Rights, is not a tenable guide to human rights promotion.” To end the course, we will debate the merits of her argument for the strategy she calls “triage”, drawing up the materials, evidence and cases we have discussed throughout the quarter.

Team #3 will be assigned to argue “in support” and Team #1 “against” this controversial statement in support of a triage strategy. You will be judged as teams, not individually. Therefore, you must work together to prepare. Team #2 will act as an objective audience for the debate and is responsible for asking questions and judging.
Wednesday, June 6th: Advocacy


Discussion Questions:

1. According to David Rieff, “the human rights movement seems adrift.” Is he right?

2. Why is it so difficult to create effective human rights policy?

3. What can be done to make more governments comply with international legal norms and laws? Are any of the policies we have considered in this course – the creation and support of international law, democratization and the holding of elections, judicial and legal reform, trade conditionality, corporate social responsibility and NGO advocacy – effective?

4. What can be done to help victims in places where the legal system does not much help?

5. Can there be a truly universal approach to the protection for human rights?

6. Should human rights promoting governments try to protect human rights around the world? What policy strategy should they use?

7. What are the biggest impediments to policymaking in the area of human rights?

8. In 20 years from now, what will be the state of human rights worldwide? What kinds of policies will be used to protect human rights? Will the UN still be the global hub for human rights? Will the UN be effective? What will happen to the regional human rights treaty systems?

Writing Assignment: None

We will conclude the course with a final discussion of what you’ve learned in this course. Please come to class prepared to share the most important insight – something that you learned – about human rights during this course.
Tips for Writing a Policy Memo

Know your audience. This most important first step should not be overlooked. Writing a policy memo to a group of subordinates is very different from writing to peers outside an organization or to superiors.

Analyze the problem or issue and concisely state it at the beginning of the memo. This main idea or problem statement is one of the most important aspects of a policy memo.

Explain why the problem exists and why there is a need for a new/different policy. You need to setup your audience for your recommendations. Elaborate on the problem or issue through logical analysis and presentation of relevant background.

Give recommendations. After analyzing the problem, recommend the policy that will alleviate or solve the problem. If there's room, contrast the policy with other solutions and explain why the recommendation you give is the best.

Edit for style and formatting. Memos should not exceed 3 double spaced pages and they should be formatted for easy reading. You may make your main points bold or bulleted. Use active voice. Proofread and edit your memo more than once.

There's no single formula for writing an effective policy memo because every policy is different. However, here are a few guidelines that may help:

**Be concise**

Remember that being concise does not just mean the memo should be short; it means that it should be no longer *than necessary*. Being concise does not mean leaving important things out; rather, it means don't write a paragraph when a sentence or two will do.

Bad: "Some people will react to the increase in the gas tax by taking taxis, buses or other public transportation since those forms of transportation are now somewhat less expensive than using a private automobile. However, some people may not be willing or able to make such a change: they might live far from public transportation or might have medical conditions that made it necessary for them to drive. These people will continue driving but they would generally be likely to take fewer trips than before the tax."

Problem: Far too many words for the basic points being made.

Better: "A higher gas tax would reduce the amount of driving by people who can easily use other forms of transportation. People who can't switch would continue to drive, although they would probably drive fewer miles than before."
Focus on results rather than methods

You should focus on what you calculated rather than on how you calculated it. The details can be put in a separate report to be circulated to people interested in the technical issues.

Bad: "To calculate the effect of the proposed $5 tax on each new tire sold, it is first necessary to convert the tax to an equivalent percentage change in the price. The average price of a tire is $100 so the tax would raise the price by 5%. Next, the percentage change in the price is multiplied by the price elasticity of demand for the good. The elasticity shows the percentage change in the quantity demanded for a percentage change in the good’s price. Multiplying it by the price change thus shows the percentage change in the amount of the good that will be demanded. The demand elasticity for tires has been estimated to be in the range of -0.2 to -0.4. The 5% increase in tire prices would reduce sales by 1% to 2%.

Problem: The reader does not want to be taught how to do the calculation, she just wants to know the answer.

Better: "The tax would raise tire prices by 5%. Using the best available economic data on tire demand, it is likely that tire sales would fall by 1% to 2%.

Identify the winners and losers

It's very important to figure out who would be helped and who would be hurt by a proposal. After all, the point of public policy is to solve public problems and thereby make people (at least some people) better off. No policy analysis is really complete until the winners and losers have been identified.

Bad: "Eliminating rent control will benefit an average tenant by $75.

Problem: Too little detail; it sounds like everyone gains when really some tenants lose.

Better: "Eliminating rent control will cause rents to rise by $600 for 500 tenants currently in rent controlled apartments. However, it will also bring 300 new apartments on the market. The average value of each new apartment to its tenant will be $1,200 above the amount the tenant pays in rent.

Anticipate questions

Look over your preliminary results and try to anticipate what questions a reader would be most likely to ask, or what additional calculations he might want to do to understand your results fully.

Bad: "The policy reduces the average wages for entry level clerical workers from $6.00 per hour to $5.50 per hour.

Problem: Virtually every reader will mentally convert this to a percentage to gauge how important it is.

Better: "The policy reduces the average wages for entry level clerical workers from $6.00 to $5.50, a decline of 8.3%."
**Don't use unnecessary jargon**

Avoiding jargon will make it easier for your results to be understood by a wide range of readers.

Bad: "The income elasticity of medical care is 1.5 so a 20% increase in average household income would increase the consumption of medical care by 30%.”

Problem: Incomprehensible to anyone not thoroughly trained in economics.

Better: "Statistical evidence shows that a 1% increase in household income leads to a 1.5% increase in expenditure on medical care. Since the proposed policy would raise household income by 20%, it should raise the demand for medical care by 30%.

**Write for an intelligent nonspecialist**

You'll usually know more about the policy problem and the analytical methods you use than the reader of the memo. That makes it easy to inadvertently write the memo as though the reader were ignorant or stupid. The problem is subtle because it usually happens as a result of the best of intentions on your part: in trying to be as clear as possible you end up explaining things that the reader already knows or can easily figure out for herself.

**Allow the reader to reach her own conclusions**

Wherever possible, the memo should include all the facts a policy maker would need to reach her own conclusions. That's true even when the purpose of the memo is for you to present a recommendation.

Bad: "US car manufacturers would gain by $1 billion per year if fuel economy standards were relaxed while US consumers would not be hurt significantly.”

Problem: the reader doesn't know what you consider significant.

Better: "US car manufacturers would save $1 billion per year in costs if federal fuel economy standards were relaxed. The net effect on consumers is much smaller: the reduction in vehicle prices would save a typical household $200 but the drop in fuel economy would increase gas expenditure by $220."
In-Class Debating Procedures

We will hold 3 in-class debates. The purpose of these debates is to explore multiple sides of a controversial issue and to hone your presentational and analytical skills. Some students might be debating positions opposite to their beliefs. This is an important skill for you to learn.

Students will be assigned randomly to 1 of 3 debate teams. You will be with your team members for the duration of the course; there will be no switching teams for any reason.

Rotation

In the first debate – on whether the US should be an active participant in the UN Human Rights Council – Team #1 will argue “for,” Team #2 will argue “against” and Team #3 will be the objective audience responsible for asking questions and judging.

In the second debate – on whether the US should use trade barriers to combat human rights abuses in China – Team #2 will argue that they should not, Team #3 will argue in favor of barriers and Team #1 will be the objective audience responsible for asking questions and judging.

In the final debate – on the strategy of policy triage – Team #3 will argue “for,” Team #1 will argue “against” and Team #2 will be the objective audience responsible for asking questions and judging.

Debate Preparation

You should meet with your team prior to the debate to discuss the issues with your panel members and learn from one another.

During this time, you and your team members should develop a strategy to organize and coordinate your presentations. You should split up responsibilities (e.g., specific arguments and/or points) among the team, making sure that your presentations are linked to, while not being redundant with, one another. The team should be presenting a consistent argument based on the position you have been assigned (not on what you may personally believe).

In preparing for your panel presentation, you may find it helpful to do research and reading beyond that listed on the syllabus. When you refer to information from sources in your presentations, please tell us whose work you are referring to and the source of the information.
Presentation of Arguments during the Debates

Each of the two sides of the team will present a summary of the arguments supporting its position. The “pro” side will start first, followed by the “con” side. Each side will be given 3 minutes for the summary. I will time the presentations and stop each of you after 3 minutes. Thus, you should prepare, practice, and time what you want to say beforehand. This preparation and practice will help you speak clearly while adhering to the time limit. It is much better to talk, in conversational style, from prepared notes, rather than to read verbatim from a script. If you talk (rather than read) it will be easier to listen to you and you will be more engaging and interesting. You may use power point or other visual aids.

Both sides will then be given 2 minutes to confer and prepare for their rebuttal. Each side will be given 3 minutes for the rebuttal, starting with the “con” side and followed by the “pro” side.

Next, the audience will be given the opportunity to direct questions to either team. Questions from the audience must be concise and directed to particular teams or individuals. Answers must be given in 1 minute or less. The other side will be given 30 seconds to respond.

Finally, each side will be given 1 minute for closing statements.

Everyone on the team must participate; it is for you to decide how.

Each debate will take about 30 minutes, followed by a 5 minute debrief.

Role of Professor

The professor’s job is to keep the discussion on track and make sure that everyone has an equal chance to participate. I will try as much as possible to have you rather than me talk in discussions. One of the goals of these debates is for you to gain practice in speaking in groups, and presenting and defending your ideas and arguments.

For each of the debate issues, the professor may also pose questions to the teams which are designed to test your understanding of the subject matter. The professor may choose a particular panel member or open the question up to the whole panel. With this in mind, you will probably want to become well versed in the issue.

Role of Audience

The audience will be asked to identify the strongest and weakest points for each team as well as how well each of the sides performed as a team. While this information will not be used to grade the teams, it will be used to provide helpful feedback to each team on their presentation. Each member of the audience should come prepared with at least two questions for each side. The audience will be asked to vote on who won.
Pointers

Make your presentations clear, interesting, relevant, engaging, and within the time limit. Deliver your presentation to the audience, making a connection with them (e.g., talk to people, making eye-contact with them). State your argument as clearly and as interestingly as possible within the time limit. The keys are to (1) not be boring! (2) be knowledgeable and accurate, and (3) engaging -- get the audience to listen to your presentation. In other words, know what you are talking about and present your knowledge and beliefs in a well-reasoned, interesting, attention-keeping manner. It is often good to provide illustrative examples and/or ask (perhaps rhetorical) questions that are relevant to everyone.

It is essential that each team anticipate the arguments or points which will be made by the opposition. This will enable you to create a more effective argument. All speakers should dress appropriately (to their role).

Grades

The debates constitute 15% of your course grade. You will be graded as a team, not individually: all members of the team will receive the same grade. Thus, it is important to work together to prepare your presentations.

Guidelines and Grading Criteria

These are the items that I will be looking for from each team:

- Grasp of the issue and important related points.
- Ability to make presentation interesting, engaging, and relevant.
- Ability to support arguments.
- Use of constructive criticism and rationale
- Ability to anticipate and/or counter opposing viewpoints.
- Ability to see and challenge flaws in the opposition's arguments and research
- Ability to strongly defend your position against rebuttal from other team and instructor, including anticipating other team's questions
- Strong opening summary of position
- Participation
- Coherent and consistent message supporting your panel's position
- Team coordination

These are the items that I will be looking for from the audience (who will also be graded as a team):

- Grasp of the issue and important related points.
- Ability to ask clear, concise and relevant questions.
- Ability to see and challenge flaws in the teams' arguments and research.
- Participation
Final Paper

The final paper is a formal memo to the Obama administration. The memo has four parts, (1) a one page executive summary, (2) a section analyzing the effectiveness of the current international human rights system as it relates to your policy problem, (3) a section recommending a policy strategy on human rights and (4) a conclusion.

You will focus your analysis on your choice of one type of human rights abuse (e.g., political prisoners, discrimination, torture, unlawful killing, censorship, etc.) in one country of your choice.

Part 1: Executive Summary

Your executive summary should encapsulate the problem you are addressing in your country and the solution you are recommending, including your reasoning for the recommendations. It should be concise, clearly written (no jargon) and state a clear argument about the effectiveness of the current legal regime against the abuse you have chosen as your focus in the country and recommendations to the administration to further protect against that abuse in the country. This is a roadmap to the arguments you will elucidate in Parts 2 and 3 of the memo. This section should be no longer than one double-spaced page.

Part 2: Effectiveness of the human rights system.

First, briefly bring the president up to date on the human rights situation, as regards the issue you have chosen, in your country. Briefly describe the relevant international laws that cover your issue and explain the conditions under which they have or have not been effective in preventing or punishing abuse. Explain why (i.e., relate the mechanisms of legal influence to the cause of the problem at hand). Be sure to explain why the laws are or are not effective. Provide evidence and an explanation. This section should be approximately 4 to 6 double-spaced pages.

Part 3. Recommendations

Given your analysis in Part 2, lay out a serious of policy recommendations to the president. What strategy should the government follow in order to increase respect for human rights in your country? Explain how each strategy will work (i.e., relate the mechanisms of influence to the cause of the problem at hand). Analyze the limitations to each strategy and explain why. Finally, provide the president with an analysis of the politics of your policy recommendations: who is likely to object, who is likely to support your recommendations, and how feasible are your recommendations? If there are trade offs involved in your recommendations, state them clearly and explain why they are necessary and what they will “cost” the administration. This section should be approximately 5 to 7 double-spaced pages.
Part 4. Conclusions

Your conclusion should NOT be a repetition of the executive summary. Rather. It should briefly explain whether or not your recommendations are generalizable to countries in other regions of the world and why or why not. Are you spelling out a coherent US foreign policy strategy or a strategy that is only specific to your country? Explain. This section should not exceed 1 double-spaced page.

The paper must include citations to all sources, including course materials and also secondary research materials that you read outside of class. A typical paper will have 20 to 40 credible sources (i.e., not Wikipedia).

Papers are due on Friday, June 8th, 2012, at 12:00pm to: ilar@ucsd.edu.

It must not exceed 15 double-spaced pages.

The paper is worth 25% of your course grade. Grading criteria include:

- Clarity of argument.
- Analytical rigor. Do not state your opinions. Rather, argue on the facts.
- Support for your argument, by way of evidence and examples.
- Proper attribution to your sources.
- Clarity of prose.
- Clean writing style (i.e., no spelling errors or sloppy mistakes)
- Clean organization of logic
Presentations:

1. Wednesday, April 11th: Political and Social Context.  
   *Case Study: Syria (2011/2012)*

   *Case Study: Abu Ghraib Prison, Iraq (2003)*

3. Wednesday, April 18th: The International Human Rights System.  
   *Case study 1: Iran’s 2010 bid for a seat on the UN Human Rights Council*  
   *Case study 2: Sudan and the ICC*

   *Case Studies: Chile’s Transition to Democracy (and the CAT)*

5. Wednesday, April 25th: Limitations of Law.  
   *Case Study: Mexico.*

   *Case study: Operation Iraqi Freedom*

   *Case Study: 2008 Zimbabwe Presidential Election*

   *Case Study: Nike and Vietnam*

   *Case Study: Tostan and Female Genital Cutting (FMC) in Senegal*

    *Case Study: the National Human Rights Institutions in the Asia Pacific*

11. Wednesday, May 30th: People Power through Social Networks  
    *Case Study: Tunisia and Egypt uprisings (2011)*

Debates:

1. Monday, April 30th: Reforming the Human Rights System  
   *Debate: US and UN Human Rights Council Engagement*

2. Wednesday, May 9th: International Trade.  
   *Debate: U.S. Trade with China*

3. Monday, June 4th: Triage and Clubs  
   *Debate: Triage*

In-class presentations Sign Up:
Please list your top four choices, in your order of preference, for an in-class presentation. We will make every effort to give you one of your preferred topics.

NAME______________________________________________________

CHOICE #1___________

CHOICE #2___________

CHOICE #3___________

CHOICE #4___________

1. Wednesday, April 11th: Political and Social Context.  
   Case Study: Syria (2011/2012)


3. Wednesday, April 18th: The International Human Rights System.  
   Case study 1: Iran’s 2010 bid for a seat on the UN Human Rights Council

4. Wednesday, April 18th: The International Human Rights System.  
   Case study 2: Sudan and the ICC

   Case Studies: Chile’s Transition to Democracy (and the CAT)

6. Wednesday, April 25th: Limitations of Law.  
   Case Study: Mexico.

7. Wednesday, May 2nd: Democratization and Military Intervention.  
   Case study: Operation Iraqi Freedom

   Case Study: 2008 Zimbabwe Presidential Election

   Case Study: Nike and Vietnam

10. Monday, May 21st: Non-Governmental Organizations (NGOs).  
    Case Study: Tostan and Female Genital Cutting (FMC) in Senegal

    Case Study: the National Human Rights Institutions in the Asia Pacific

12. Wednesday, May 30th: People Power through Social Networks  
    Case Study: Tunisia and Egypt uprisings (2011)