

Theory of International Relations

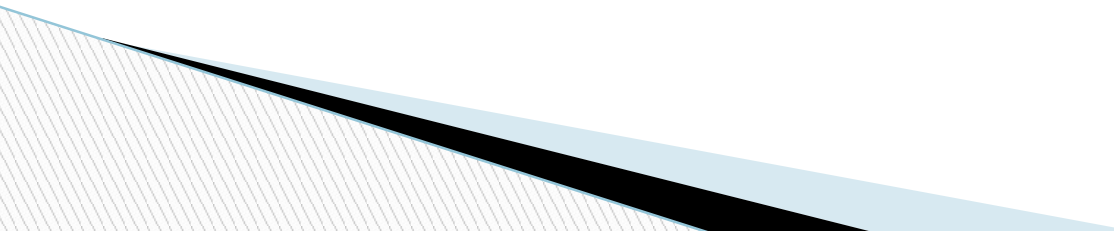
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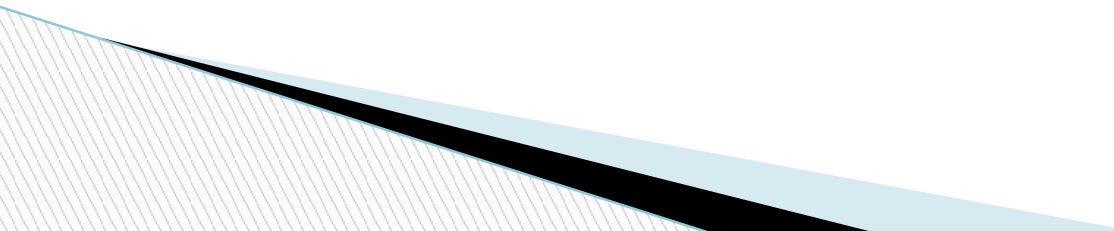


Session 14

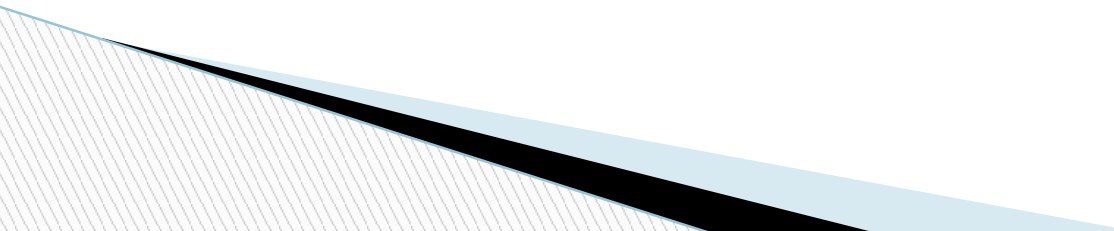
International Relations and Individual: Human Rights, Humanitarian Law and Humanitarian War



- Universal human rights
 - Rights and international law
 - Humanitarian intervention
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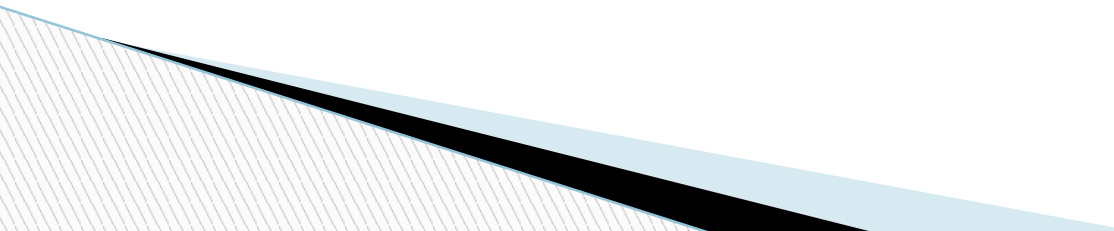
- ▣ States increasingly recognize legal superiors, so undermining their juridical sovereignty, plus the capacities of many if not all states are limited by the processes of globalization.
 - ▣ This leaves individuals both **more vulnerable** and **potentially more powerful**
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Universal human rights


- 1948 - Universal Declaration on Human Rights
 - the Cold War - human rights were often treated as a strategic bargaining tool, to be used to gain concessions from or to embarrass the states of the East.
 - After 1989, the political barriers to the universal spread of human rights came down, NGOs concerned with the promotion of human rights
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Universal human rights

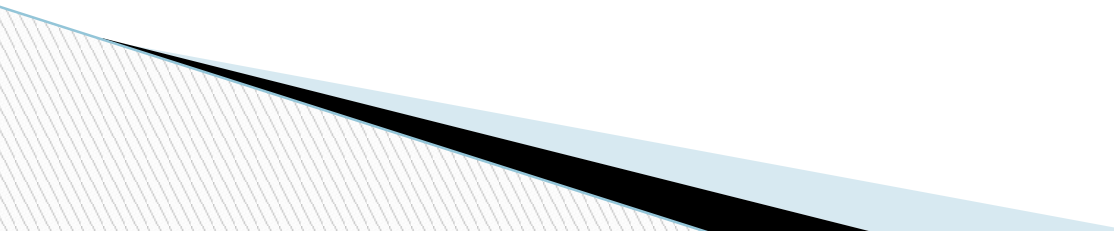
International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights grew from around 90 to nearly 150 during the 1990s, and at the time of writing stand at 159 and 162, respectively.



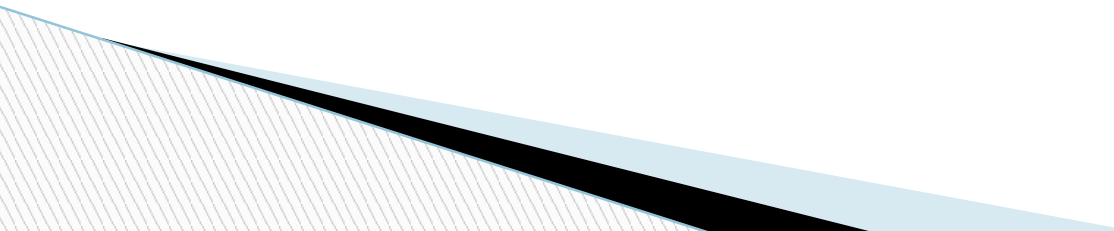
Universal human rights

- 1993 - World Conference on Human Rights in Vienna - over 170 countries
 - Following discussions at the Conference, the UN General Assembly voted unanimously to create the post of UN High Commissioner for Human Rights, charged with co-ordinating the UN human rights programme and promoting universal respect for human rights.
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Universal human rights

- ▣ The 1990s and early years of the twenty-first century - a considerable increase in the number of human rights activities in UN field operations, including the monitoring of human rights violations, education, training and other advisory services
 - ▣ UN missions in El Salvador, Cambodia, Guatemala, Haiti, Burundi, Rwanda, the former Yugoslavia and the Democratic Republic of the Congo
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Universal human rights

- International Committee of the Red Cross (ICRC)
 - Medecins Sans Frontieres (MSF)
 - Oxfam
 - Human Rights Watch and Amnesty International
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- To make human rights the ‘business of business’
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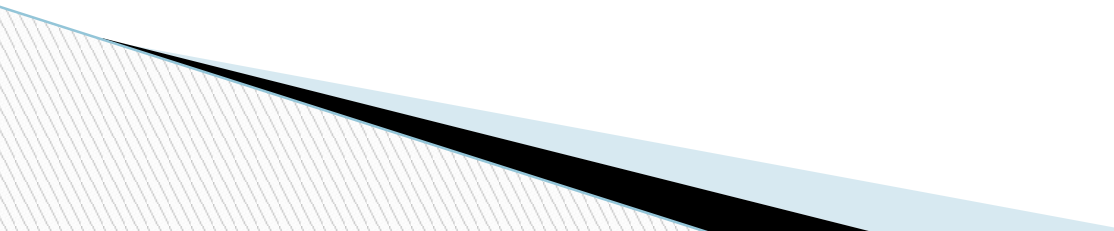
Universal human rights

- Prior to the 1990s, multinational corporations (MNCs) asserted that their correct role in global trade was to stay neutral and avoid getting involved in the politics of the regimes of the states within which they were operating
- By the mid-1990s, major campaigns by Amnesty International in the UK and Human Rights Watch in the USA - Gap, Nike, Reebok and Levi Strauss drastically improving working conditions in their overseas factories, and incorporating internationally recognized human rights standards into their business practices.

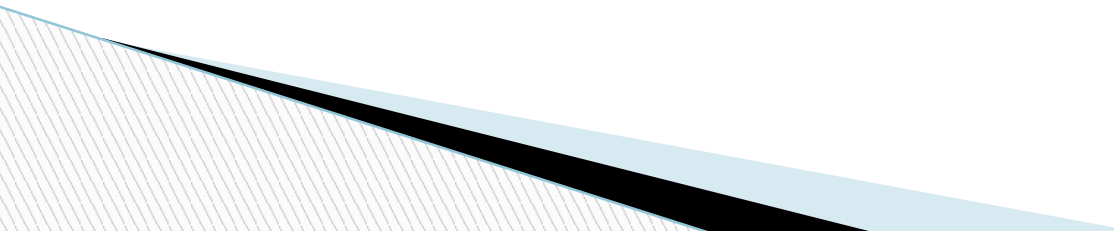
Critiques of the human rights regime

- ❑ Critics: Humans have very little of consequence in common qua humans. Rather, human identities stem from their embeddedness in social relations, and are not established prior to them. The idea of human rights on this account has no legitimate claim to universal validity
- ❑ Feminist critiques of the universal human rights regime
- ❑ 1948 - Universal Declaration was designed to cover the rights of all human beings, male and female: Article 2 that human rights apply to all equally **‘without distinction of any kind such as race, colour, sex, language ... or other status’.**

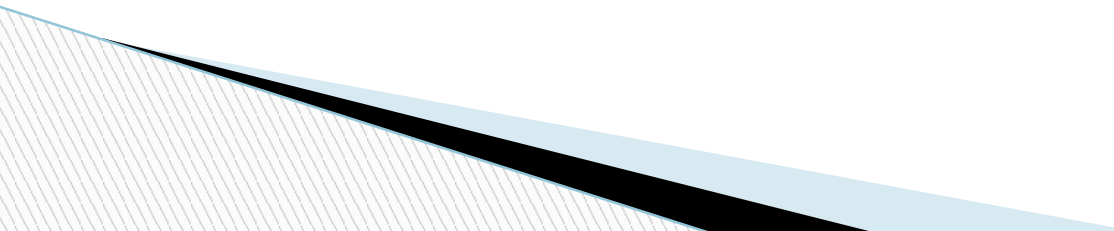
Critiques of the human rights regime

- The remarkable number of states that have ratified international human rights instruments such as CEDAW and the Mine Ban Treaty (156 as of the summer of 2008), combined with the dominance of human rights discourse in the day-to-day workings of not just the UN and its agencies, but international financial organizations such as the IMF and the World Bank, and MNCs, and the unprecedented spread of human-rights-based NGOs would suggest that a global consensus has emerged.
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Rights and international law

- The idea of human rights was made concrete in the 1948 Universal Declaration; the Preamble to the Declaration states that human rights should be protected by the rule of law, but it was not until the 1990s that major shifts towards the emergence of a legal regime that was genuinely capable of protecting those rights took place
 - Treaties, ad hoc tribunals, regional courts and the new International Criminal Court
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Rights and international law

- the First and Second World Wars - calls for the international prosecution of leaders of belligerent states for acts of aggression and gross violations of the laws of war.
 - The **1919 Treaty of Versailles**
 - ad hoc International **Military Tribunals at Nuremburg and Tokyo**
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Rights and international law

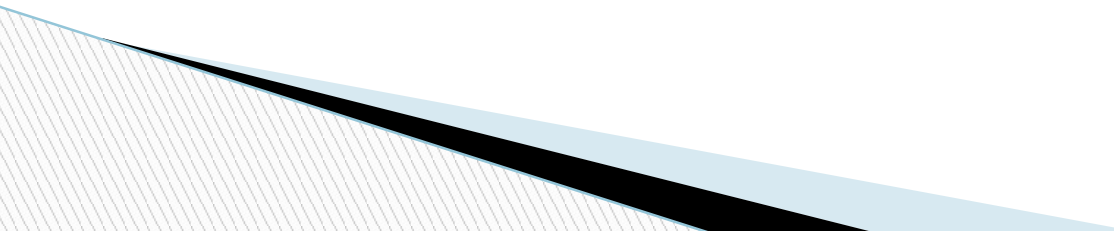
- The Cold War - deep divisions in the UN and its various bodies, and work on international criminal law lay almost dormant for more than thirty years. Only after 1989 did demands for a permanent, centralized system grow again.
- 1993 - the Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY)
- 1994 - International Criminal Tribunal for Rwanda (ICTR)
- In 1998, delegates from 160 states plus 33 IGOs and a coalition of 236 NGOs met in Rome at the UN Diplomatic Conference of the Plenipotentiaries on the Establishment of an International Criminal Court

Rights and international law

- The Rome Statute established a Court with broad-ranging powers to prosecute acts of genocide, crimes against humanity, war crimes and, potentially, aggression
- The role of the Security Council in the Rome Statute is highly controversial, and the relationship worked out between the Court and the Council may be the deciding factor in the success of the Court
- 1994 - the Council of Europe concluded an additional protocol to the 950 Convention, which allowed individual applicants to bring cases before the Court.

Enforcement of International Law

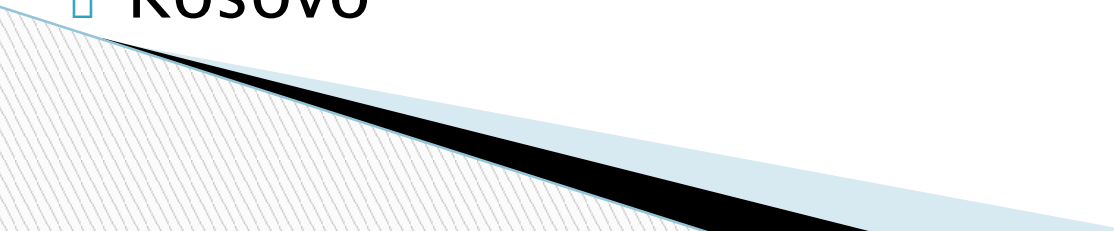
A number of the possibilities are self-help mechanisms that realists rely on:

- Issue diplomatic protests, particularly if the offense is a relatively minor one.
 - Initiate reprisals, actions that are relatively short in duration and intended to right a previous wrong.
 - Threaten to enforce economic boycotts or impose embargoes on both economic and military goods if trading partners are involved.
 - Use military force, the ultimate self-help weapon.
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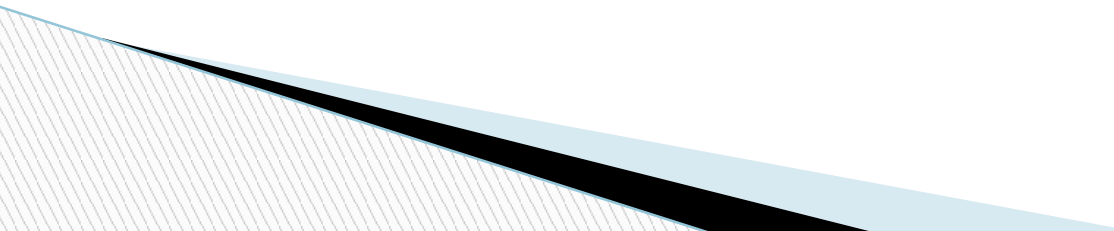
Humanitarian intervention

- The 1990s also saw the birth of a new, more violent, phenomenon of rights protection: 'humanitarian intervention'. The decade started and finished with innovative international action: in 1991, 'Safe Areas' were created for Kurds in Northern Iraq; and in 1999, NATO intervened in Kosovo
- English School and International Society theorists: the Westphalian system can only work if states recognize each other's sovereignty
- Humanitarian intervention - the forcible invasion of sovereign territory by one or more states, with or without the backing of international bodies, motivated supposedly to alleviate suffering within that state.

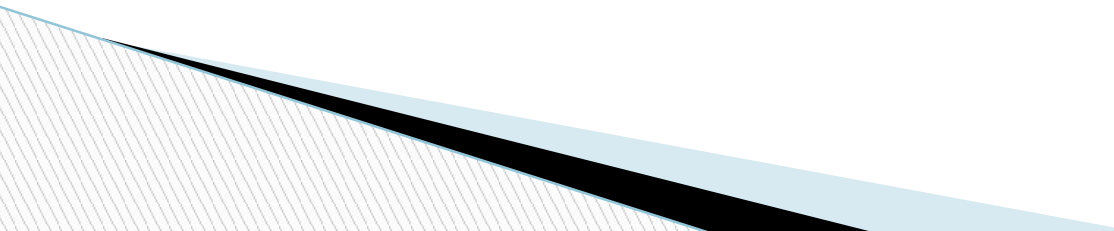
Humanitarian intervention

- After the Second World War, the UN outlawed imperialism and decreed that all states should be self-governing as quickly as possible. The capacity of states to govern - what Robert Jackson would call their 'positive sovereignty'
 - Northern Iraq - Shias and Kurds
 - the insertion into Somalia
 - Kosovo
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The Debate over Humanitarian Intervention

- The Chinese and Russian arguments against intervention do not turn on practical issues such as motivation, decision-making and the likelihood of success.
 - They see humanitarian intervention as either the pursuit of self-interest dressed up as ethical action, or as mistaken policy made possible by the temporary absence of a balance of power.
 - The most prominent liberal theorist to support non-intervention is Michael Walzer
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The Debate over Humanitarian Intervention

- But questions remain: How massive do the violations of human rights have to be to justify intervention? Who decides when to respond to the abuses? Might some states use humanitarian intervention as a pretext for achieving other, less humanitarian goals? Do states have an obligation to intervene militarily in these humanitarian emergencies? How can some interventions be justified (Kosovo) whereas others were not (Rwanda)?
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Recommended Literature

- [Karen A. Mingst](#), [Ivan M. Arreguin-Toft](#). *Essentials of International Relations*. 5th Ed. 2010: New York: W.W. Norton & Co. ISBN 978-0393935295
- [Robert Jackson](#), [Georg Sorensen](#). *Introduction to International Relations: Theories and Approaches*. 4th edition, 2010: Oxford University Press. ISBN 978-0199548842
- [Paul Wilkinson](#). *International Relations: A Very Short Introduction (Very Short Introductions)*. 1st edition. 2007: Oxford Paperbacks. ISBN 978-0192801579

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