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0521620007 - Human Rights in International Relations

David P. Forsythe

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This new textbook provides an introduction to human rights in international relations at the turn of the twenty-first-century. The book examines the policy-making process that establishes and tries to apply human rights norms through the United Nations, regional organizations, state foreign policy, human rights groups, and transnational corporations. Four themes permeate the book: that human rights are here to stay in international relations, that state sovereignty is being transformed by the human rights discourse, that the “soft” law of diplomacy is as important as the “hard” law of court judgments, and that private actors are highly important in international human rights developments. The book documents the many changes in international human rights during the past half-century, and considers the future of universal human rights. Containing chapter-by-chapter guides to further reading and discussion questions, this book will be of interest to all undergraduate and graduate students of human rights, and their teachers.

DAVID FORSYTHE is Charles J. Mach Distinguished Professor of Political Science at the University of Nebraska, Lincoln. He is the author or editor of fifteen books, among them *Human Rights and US Foreign Policy*, which won the Dauer Prize. His textbook *Human Rights and World Politics* was the first book for students on human rights as part of the political process.

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Preface

This book is intended for students interested in international relations. Rather than do a third edition of an earlier work of similar scope and purpose, I decided to start again from scratch. The changes in international relations have been so momentous, with the end of the Cold War and the collapse of European communism, that mere revisions seemed inadequate.

My emphasis is on political and diplomatic processes. I seek in general to show *how and why* human rights standards come into being, impact the notion of sovereignty, become secondary or tertiary to other values and goals, are manipulated for reasons other than advancing human dignity and social justice, and sometimes change behavior to improve the human condition. I use particular legal cases and material situations mainly to demonstrate the policy-making processes associated with international human rights. I conceive of law and legal cases as derivative from politics and diplomacy, mostly. I make little attempt to summarize the substantive decisions of particular human rights agencies and courts, other than to give an indication of their general importance or irrelevance. My central objective remains that of giving the reader an overview of decision-making processes pertaining to human rights in the context of international relations. I intend to give readers a framework of process, within which, or from which, they can plug in whatever changing particulars seem important.

I seek to show two important trends:

- (1) the extent of changes in international relations pertaining to human rights over the second half of the twentieth century, and
- (2) how difficult it is to mesh personal human rights, based on the liberal tradition, with the state system dominated as it has been by the realist approach to international relations.

Along the way I repeatedly address the distinction between human rights and humanitarian affairs. Legally and traditionally speaking, human rights pertains to fundamental personal rights in peace, and humanitarian affairs pertains to protecting and assisting victims of war

and other victims in exceptional situations. International human rights law and international humanitarian law are different bodies of law, with different histories, and supposedly pertaining to different situations. But in the scrum of international relations, legal categories get blurred. Legal categories sometimes entail distinctions without a difference. Was the situation in Bosnia 1992–1995 an international war, an internal war, both, or neither? Did it matter for practical action on the ground? And Somalia 1992–1995? And Kosovo in 1998–1999? What does the United Nations mean by “complex emergency”? The point I stress is the following: the international community, represented by different actors, is taking an increasing interest in persons in dire straits, whether in peace or war or some mixture of the two. If states cannot maintain a humane order, the international community may take a variety of steps, sometimes referring to human rights, and sometimes to humanitarian law and diplomacy. It is thus important not only to understand the law and diplomacy of human rights, but also – to give a few concrete examples – the Geneva Conventions and Protocols for victims of war, and the International Committee of the Red Cross which is the theoretical and practical guardian of that humanitarian tradition. In other words, I take a broad, practical definition of human rights – including human rights in war and political unrest.

The book is organized according to two concepts that are both useful and imperfect: the idea of levels of analysis; and the idea of organizations that act, or may act, for human rights. As for the first, after an introduction I proceed from the global level (the United Nations), through the regional (in Europe and the Western Hemisphere and Africa), through the national (state foreign policy), to the sub-national (private human rights groups and transnational corporations). This means that I take up global actors like the United Nations and associated international criminal courts; regional organizations such as the Council of Europe, European Union, Organization of Security and Cooperation in Europe, Organization of American States, and Organization of African Unity; state foreign policy in comparative perspective (especially that of the United States); private groups active on human rights (e.g., Amnesty International), relief (e.g., the International Committee of the Red Cross), and development (e.g., Oxfam); and transnational corporations like Nike and Royal Dutch Shell. This structure is useful for organizing an ever-growing body of information into an introductory overview.

The structure is also imperfect. There is nothing magical about four levels of analysis. Other authors have used both more and fewer. Also, one level can intrude into others. The United Nations is made up of

state representatives as well as personnel not instructed by states. So in discussing UN action for human rights, one has to deal with state foreign policy. Likewise in analyzing the impact of transnational corporations on human rights, especially on labor rights, one has to talk about both states and traditional human rights advocacy groups like the Lawyers Committee for Human Rights.

There are other actors for human rights besides the ones emphasized in this work. One could just as well have a separate chapter on religious organizations, rather than dealing with them briefly as part of human rights movements entailing traditional advocacy groups like Human Rights Watch. One could well envisage a separate chapter on the communications media and human rights.

Yet given the purpose of this book, viz., to provide an overview of the status of human rights in contemporary international relations, and the limitation on length imposed by the publisher, the combination of levels of analysis and actors allows a reasonably accurate survey. This is, after all, an introductory overview. It does not pretend to be the definitive word on international human rights.

I have also tried to pull together in this work much of my thinking on international human rights from the past thirty years. If the reader finds that I cite my own previous publications, it is not because I am thrilled to see my name in the reference notes. Like some other authors who have worked in a field for some time, I have tried to put in one publication, in an integrated way, my cumulative – and sometimes revised – thoughts on the subject.

A number of persons have helped me refine my thinking along the long, unusually tortuous path to publication of this book. None has been more helpful than Jack Donnelly, although some might think he and I have been competitors in writing for university students of human rights. I published the first classroom book on the subject for political science students, he then came out with a similar book that pretty much pre-empted my second edition, and now I presume this book will at least compete with his recent edition. But he assigned my first work to his students, I praised and assigned his parallel publication to my students, and I am pleased to acknowledge his helpful role in this work. I am glad to say I think of Jack more as a colleague with shared interests than a competitor.

Special thanks should also go to Peter Baehr who invited me to be a Visiting Fellow at the Research School for the Study of Human Rights based at the University of Utrecht in the Netherlands, which allowed me an excellent opportunity to work on this project. Peter also gave me insightful comments on parts of the book. The University of Nebraska-

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Lincoln, especially my Dean, Brian Foster, was flexible in accommodating my stay in Utrecht. I should also like to thank the Graduate Institute of International Studies of the University of Geneva for inviting me to be a Visiting Professor there, where the final revisions were made. Danny Warner was most helpful in arranging my renewed contacts in a city closely associated with international human rights.

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Ms. Monica Mason was of great assistance in the preparation of final copy.

Mr. John Haslam was a most understanding editor at Cambridge University Press, despite the fact that events beyond my control delayed the publication of the manuscript more than is my custom.