

# Human Rights and Sovereignty

POL 3: Intro to IR

# I. Development of human rights

- Human rights: individuals (and groups) have protection from their government
- Negative rights → *freedoms from* certain things
  - Limits state power
  - Requires *abstention* from the state
- Positive rights → *rights to* certain things
  - Can expand state power
  - Requires *intervention* by the state

# Three generations of human rights

- First Generation: civil and political rights
  - (negative) human rights to...
    - Life, liberty, and property
    - Slavery and torture
    - Thought and religion
  - Traditional Western conception of human rights
  - Critique: tolerates exploitation of working classes and colonial people

# Three generations of human rights

- Second Generation: social and economic rights
  - (positive) human rights to...
    - Education
    - Work (protection against unemployment)
    - Standard of living
  - Originated in Socialist tradition
  - Essentially, claims to social equality
  - Internationalization of these norms is slow
    - Resistance from free-market capitalism

# Three generations of human rights

- Third Generation: group rights
  - *Collective* rights to...
    - Self-determination (political, economic, cultural)
    - Economic and social development
    - Sustainable environment
  - Includes group rights:
    - Women, disabled, sexual orientation
- Debate whether all three generations are human rights
  - i.e. are some *rights* and others *aspirations*?
- Interdependence of rights may create problems
  - e.g. right to property and others' rights

# The inalienability of human rights

## *Discussion activity*

- *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. (Declaration of Independence, 1776)*
- Discussion Questions:
  - i. Which human rights, if any, are inalienable? (incapable of being transferred or rejected)
  - ii. Based upon your answer, should certain rights have more priority than others? Should any rights not be given priority?
    - Political-civil (e.g. liberty); Socio-economic (e.g. employment); Collective (e.g. clean environment)

## II. Institutionalizing human rights

- IGOs help codify rights through treaties
- Universal Declaration of Human Rights (1948)
  - e.g. rights to: life, liberty, freedom, equal protection under the law
- International Covenant on Civil and Political Rights (1966)
  - codifies rights envisaged in the Universal Declaration
  - 167 states ratified, including U.S.
- International Covenant on Economic, Social, and Cultural Rights (1966)
  - e.g. rights to: work, form trade unions, social security, food, housing
  - 160 states ratified, not U.S.
- Other treaties have been ratified

# III. The paradox of sovereignty

- Sovereignty: a condition under which a state yields to no other authority in matters of religion or power
- Two components:
  - 1) Internal sovereignty: legal and political authority to affairs within a state's borders
    - i.e. relations between state and its citizens
  - 2) External sovereignty: state's status of equal to and independent of other states
    - i.e. relations between state and other states (non-interference)
- Human rights violate *both* concepts of state sovereignty

# The limits of sovereignty?

## *Discussion activity*

- Although international norms concerning human rights are becoming stronger, China and many other states continue to consider human rights an internal affair over which the state has sovereignty within its territory.
- Do you think human rights are a legitimate subject for one state to raise with another?
  - How do you reconcile the tensions between state autonomy and universal rights?
  - Is there a limit to sovereignty?
  - Are certain rights more protected/valued than others?



China vetoes Security Council resolution (2012)

## IV. States as protectors of human rights

- States have different tools to protect
  - 1) Domestic legal systems
    - Use when violator is individual(s)
    - Easy to do within own country, hard to do outside
  - 2) Positive/negative incentives → link HR actions with other interests
    - e.g. concession/cut trade based upon HR abuse; increase/cut foreign aid for human rights
  - 3) Economic sanctions
    - e.g. embargo on China after Tiananmen Square; divest funds from Sudan after Darfur
    - Problem: may hurt population state is trying to protect more than the government
  - 4) Use of force
    - Controversial and states may intervene from self-interest
    - e.g. Vietnam invasion of Cambodia 1978

# V. States as abusers of human rights

- Reasons why states may abuse human rights
  - 1) Regime type
    - Autocratic states more likely to abuse political and civil rights
  - 2) Level of development
    - LDCs less able to fulfill social and economic rights
  - 3) National security
    - States may revoke rights when national security threatened (e.g. WWII Japanese internment)
  - 4) Economic conditions
    - Connections to 1<sup>st</sup> and 2<sup>nd</sup> generations of rights
  - 5) Culture and history
    - History of ethnic violence/hatred and ideologies
    - High degrees of fractionalization

## VI. Role of IGOs

- Setting standards
  - Problem: signing a treaty does not guarantee compliance
- Monitoring
  - Problem: direct monitoring violates state sovereignty
    - Rely of states' self-reporting?
- Promote compliance
  - e.g. Election monitoring
- Enforcement
  - Economic sanctions
  - Use of force
    - UN links HR abuses to threats to state security (justification for humanitarian intervention)