MA OPTIONAL COURSE
GLOBALIZATION OF HUMAN RIGHTS [IS 530 N]

The proposed course is intended to offer an inter-disciplinary perspective on the subject of "globalization of human rights". Apart from introducing the student to the philosophical foundation of rights, it will also familiarize the student with the normative architecture of human rights and the complex processes of implementation through formal international organizations, social movements, and an emerging global civil society. The course will also review contemporary debates relating to cultural relativism, war on terror, the relationship between human rights and development, and the transformative potential of the language of human rights in the era of globalization. Finally, it will address the theme of "dark side of virtue" by looking at debates relating to unilateral armed humanitarian intervention and the concept of responsibility to protect.

Scheme of Evaluation: The grading will be awarded on the basis of a Mid-Semester and an End-Semester Examination.

Course Structure

Theme I - Philosophical Foundations of Human Rights

- Concept of Rights and Duties
- Individual and Society- Idea of Justice
- Cultures and Civilizations
- Globalization and Human Rights

Readings:

Abdullahi Ahmed An-Na'Im (2010) *Islam and the Secular State* New Delhi: Viva Books
Amartya Sen (2012) *Development as Freedom* New Delhi: Oxford University Press
C. J. Nirmal (Ed) (2002) Human Rights in India: Historical, Social, and Political Perspectives
    New Delhi: Oxford University Press.
Henry J. Steiner, Philip Alston and Ryan Goodman (2007) *International Human Rights in Context: Law, Politic, Morals* Oxford: Oxford University Press

Michael Freeman (2011) *Human Rights: An Interdisciplinary Approach,* 2ⁿᵈ edn., (Cambridge, UK: Polity).
Samuel Moyn (2010) *The Last Utopia: Human Rights in History* Cambridge: Harvard University Press
Valerian Rodrigues (2002) *The Essential Writings of B.R.Ambedkar* Oxford: Oxford University Press
M.K. Gandhi (1993) *Hind Swaraj* Cambridge: Cambridge University Press Upendra
Baxi (2012) *The Future of Human Rights* 3ʳᵈ edition New Delhi: OUP.

Theme II - Human Rights Standards

- Sources of Human Rights Law- Treaties, Declarations & Resolutions
- Global, Regional and National Standards
- Individual Rights
- Group Rights

Readings

A.G. Noorani (2008) *Constitutional Questions and Citizens' Rights*, New Delhi: Oxford University Press.
B.S.Chimni, (2000) *International Refugee Law: A Reader* Sage: India
Henry J. Steiner, Philip Alston and Ryan Goodman (2007) *International Human Rights in Context: Law, Politic, Morals* Oxford: Oxford University Press
Ian Brownlie, and Guy S. Goodwin-Gill (2006) *Basic Documents on Human Rights,* 5th edn. New York: Oxford University Pres).
M.P.Jain, *Constitutional Law of India,* 11ᵗʰedn.,Nagpur: Wadhwa& Co. (2011).
Thomas Risse, Stephen Ropp and Kathryn Sikkink (1999) *The Power of Human Rights: International Norms and Domestic Change* Cambridge: Cambridge University Press
Malcolm Shaw (2008) *International Law* Cambridge: Cambridge University Press Chapter 6: The International Protection of Human Rights
Upendra Baxi (2004) 'Rule of Law in India: Theory and Practice' in Randall Peerenboom (ed.), *Asian Discourses of Rule of Law: Theories and Implementation of Rule of Law in Twelve Asian Countries*, London: Routledge (2004).

Theme III - Institutional Mechanisms

- UN Framework

- Principal UN Mechanisms: Human Rights Council, OHCHR, UNHCR
- UN Treaty Bodies (e.g., Human Rights Committee)
- International Courts and Tribunals-e.g. ICJ, ICC, Ad hoc criminal tribunals
- Regional Arrangements
- National Courts and Human Rights Commissions
- Challenges and Limits of Enforcement

Readings

Henry J. Steiner, Philip Alston and Ryan Goodman (2007) International Human Rights   in
     Context: Law, Politic, Morals (OUP), Chapter 9—The United Nations Human Rights
System, 735-835; Chapter 10—Treaty Bodies: The ICCR Human rights   Committee,
pp. 844-918; Chapter 11—Regional Arrangements, pp. 925-1062.
Tony Evans (2011) *Human Rights in the Global Political Economy: Critical Processes*
     New Delhi: Viva Books Chapter 7—International Institutions for the Protection of Human
Rights, pp. 141-170.
Yogesh Tyagi (2011) *The UN Human Rights Committee: Practice and Procedure*
Cambridge: Cambridge University Press University Press.
(See also website links at the end).

Theme IV - Social Movements and Human Rights

- Salience of Social Movements
- Human Rights Movement in India
- Emerging "Global Civil Society"

Readings:

Abdulrahim P. Vijapur (Ed) (2008) *Implementing Human Rights in the Third World* New Delhi:
     Manak.
Ajay Gudavarthy (2009) Human Rights Movement in India: State, Civil Society and Beyond, In:
     Ujjwal Kumar Singh (Ed) *Human Rights Peace: Ideas, Laws, Institutions*
and Movements New Delhi: Sage pp. 252-275.
Flavia Agnes (1999) *Law and Gender Inequality: The Politics of Women's Rights in India*
New Delhi: Oxford University Press.

Gopal Guru (2013) "Freedom of Expression and the Life of the Dalit Mind" *Economic and Political Weekly* http://www.epw.in/perspectives/freedom-expression-and-life-dalit- mind.html

K. Balagopal (2009) "Reflections on violence and non-violence in political movements in India" http://www.sacw.net/article1169.html

K. P. Saksena (Ed) (1999) *Human Rights: Fifty Years of India's Independence* New Delhi: Gyan Publishing House

Sally Engle Merry (2006) *Human Rights and Gender Violence: Translating International Law into Local Justice* Chicago: University of Chicago Press

S. K. Das (2013) *India's Rights Revolution: Has It Worked for the Poor?* New Delhi: Oxford University Press.

T.K.Oommen (2012) "Social Movements" in B.S.Chimni and Siddrth Mallavarapu, *International Relations: Essays for the Global South* New Delhi: Pearson pp.417-434.

Theme V - Globalization and Human Rights: Debates

- Sovereignty
- Cultural Relativism
- Democracy and regime change
- "War on Terror"
- Humanitarian Intervention/Responsibility to Protect
- Development and Human Rights
- Corporate Social Responsibility
- Technology and Human rights
- Judicial Globalization

Readings:

Anne-Marie Slaughter (1999-2000) "Judicial Globalization", *Virginia Journal of International Law,* 40, pp. 1103-1124.

Bard A. Andreassen and Stephen P. Marks (Eds) (2007) *Development as a Human Rights: Legal, Political, and Economic Dimensions* Cambridge, Mass.: Harvard School of Public Health.

B.S.Chimni (1999) The Geopolitics of Refugee Studies: A View from the South *Journal of Refugee Studies* vol.11, No.4 (1998) pp.350-374.

……………"The Sen Conception of Development and Contemporary International Law Discourse: Some Parallels" *The Law and Development Review* Issue 1 (2008) pp.1-22.

C.G. Weeramantry (Ed) (n.d.) The impact of technology on human rights: global case- studies, available at: http://archive.unu.edu/unupress/unupbooks/uu08ie/uu08ie00.htm

C. Raj Kumar (2011) *Corruption and Human Rights in India* Oxford: Oxford University Press

Claudia Meier and C.S.R. Murthy (2011) *India's Growing Involvement in Humanitarian Assistance* Berlin: Global Public Policy Institute pp.1.47.

David P. Forsythe (2009) *Encyclopedia of Human Rights* New York: Oxford University Press.

Henry J. Steiner, Philip Alston and Ryan Goodman (2007) *International Human Rights in Context: Law, Politic, Morals* Chapter 16−Development and Climate Change, pp. 1433-1453; Chapter 14−Massive Human Rights Tragedies: Prosecutions and Truth Commissions, pp. 1243-1344; Chapter 15−Non- State Actors and Human Rights, pp. 1385-1420.

Hilary Charlesworth and Jean- Marc Coicaud eds., (2010) *Faultlines of International Legitimacy* Cambridge University Press: Cambridge (The book addresses the theme of Humanitarian Intervention)

Mark D. Kielsgard (2011) Universal Human Rights and Cultural Relativism: A Fresh View from the New Haven School of Jurisprudence, March 5, available at: http://ssrn.com/abstract = 1778124 or http://dx.doi.org/10.2139/ssrn.1778124

Walzer, Michael (2011) "On Humanitarianism: Is Helping Others Charity, or Duty, or Both?" *Foreign Affairs*, July/August pp.69-80.

Paul Hoffman (2004) "Human Rights and Terrorism", *Human Rights Quarterly*, 26 (4), pp. 932-955.

R. J. Vincent (Ed) (2009) *Foreign Policy and Human Rights: Issues and Responses* Cambridge: Cambridge University Press.

Stiglitz, Joseph (2006) *Making Globalization Work: the Next Steps to Global Justice* London: Allen Lane

Ujjal Kumar Singh (2007) *The State, Democracy and Anti-Terror Laws in India*, New Delhi: Sage.

UNGA (21 March 2011) A/HRC/17/31, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other

business enterprises, John Ruggie: Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework
W. Michael Reisman (1990) Sovereignty and Human Rights in Contemporary International Law, *Yale Law Journal*, Faculty Scholarship Series, Paper, 872; available at: http://digitalcommons.law.yale.edu/fss_papers/872

Major Web Links:

UN Human Rights http://www.un.org/en/rights/
Office of the High Commissioner for Human Rights http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx
Harvard Law School, Human Rights Research http://www.law.harvard.edu/library/research/guides/int_foreign/human-rights-research.html
National Human Rights Commission http://nhrc.nic.in/