

POLS 227

Africa in World Politics

Class 22:

International human rights regime

Recap

- Political protest:
 - In the US, Sudan, and Uganda
 - Lisa Mueller's work on the drivers of political protest in Africa
- Political violence:
 - Barbara Walter's work on repeat civil wars
 - Consequences of child soldiering
 - In the Cameroon, South Sudan, and Uganda → International Criminal Court
- → International human rights regime

What are human rights?

Emergence of the international human rights regime: first generation rights

- Fundamental / negative / civil and political rights:
 - The right to life
 - Equality before the law
 - Freedom of speech
 - The right to a fair trial
 - Freedom of religion
 - Voting rights

HUMAN RIGHTS

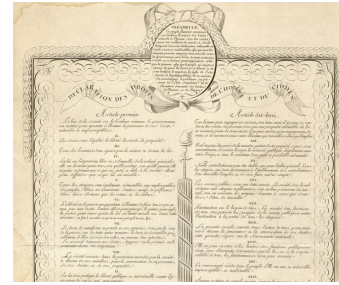
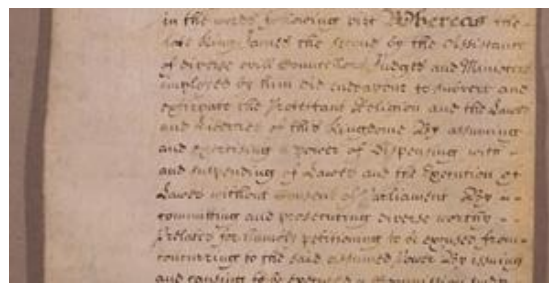
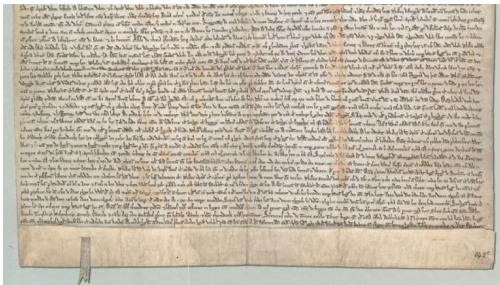


Emergence of the international human rights regime: first generation rights

- Evolution:
 - Magna Carta (1215)
 - German Peasants' War Twelve Articles (1525)
 - English Bill of Rights (1689)
 - French Declaration of the Rights of Man and of the Citizen (1789)
 - Bill of Rights in the United States Constitution (1791)
- Ideas about natural rights, debates about slavery, and national liberation movements
- Combatant and noncombatant protections during war:
 - 1864 Geneva Convention
 - International Committee of the Red Cross

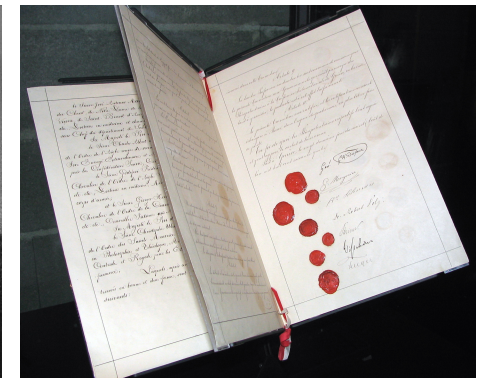
Emergence of the international human rights regime: first generation rights

- National documents:
 - Magna Carta (1215)
 - German Peasants' War Twelve Articles (1525)
 - English Bill of Rights (1689)
 - French Declaration of the Rights of Man and of the Citizen (1789)
 - Bill of Rights in the United States Constitution (1791)
- Ideas about natural rights, debates about slavery, and national liberation movements



Emergence of the international human rights regime: first generation rights

- Combatant and noncombatant protections during war:
 - 1864 Geneva Convention
 - International Committee of the Red Cross
- Human rights movement after WWII →
 - Universal Declaration of Human Rights (1948)
 - International Covenant on Civil and Political Rights (1966)



217 (III). International Bill of Human Rights

A
UNIVERSAL DECLARATION
OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

217 (III). Charte internationale des droits de l'homme

A
DÉCLARATION UNIVERSELLE DES DROITS
DE L'HOMME

PREAMBLE

Considérant que la reconnaissance de la dignité inhérente à tous les membres de la famille humaine et de leurs droits égaux et inaliénables constitue le fondement de la liberté, de la justice et de la paix dans le monde,



International Covenant on
Civil and Political Rights

Emergence of the international human rights regime: second generation rights

- Positive / economic, social, and cultural rights:
 - Right to be employed in just and favorable condition
 - Equal pay for equal work
 - Rights to food
 - Housing and health care
 - Social security and unemployment benefits
 - Rights of the persons with disabilities
 - Free movement of persons and non-discrimination, also the rights of migrant workers

Emergence of the international human rights regime: second generation rights

- Legal basis:
 - International Covenant on Economic, Social, and Cultural Rights (1966)
 - European Social Charter (1961)



**International Covenant on
Economic Social and Cultural Rights**



Emergence of the international human rights regime: third generation rights

- 'Green' rights:
 - Group and collective rights
 - Right to self-determination
 - Right to economic and social development
 - Right to a healthy environment
 - Right to natural resources
 - Right to communicate and communication rights
 - Right to participation in cultural heritage
 - Rights to intergenerational equity and sustainability

Emergence of the international human rights regime: third generation rights

- Legal basis:
 - Rio Declaration on Environment and Development (1992)
 - African Charter on Human and Peoples' Rights (1979)
 - Etc.



**PROTOCOL TO THE AFRICAN CHARTER ON HUMAN
AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH
DISABILITIES IN AFRICA**

Human rights instruments

- Convention on the Prevention and Punishment of the Crime of Genocide (1948/1951)
- Convention Relating to the Status of Refugees (1951/1954)
- Convention on the Elimination of Racial Discrimination (1966/1969)
- Convention on the Elimination of Discrimination Against Women (1981)
- United Nations Convention Against Torture (1984)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- Rome Statute of the International Criminal Court (ICC, 1998/2002)

Refugee Convention

- Refugee: someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion →
- Someone who is fleeing civil conflict, environmental change, starvation or fears persecution because of their gender / sexual orientation != refugee (but law != practice)
- Right to seek asylum, regardless of country of origin
- Several state responsibilities, including prevention of return of refugees who face persecution
- Legally binding, but no compliance-monitoring body

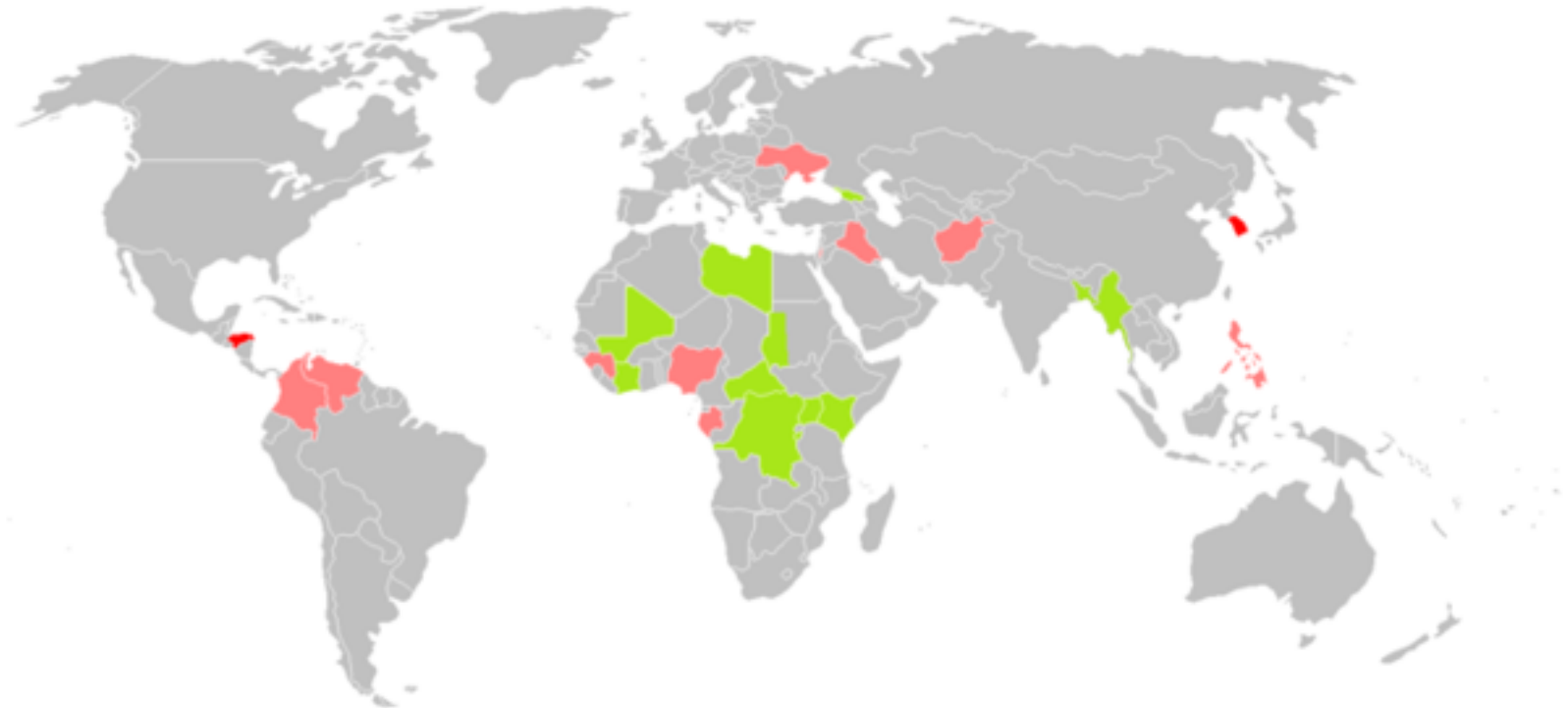
International Criminal Court

- Previous *ad hoc* international tribunals:
 - International Criminal Tribunal for the former Yugoslavia
 - International Criminal Tribunal for Rwanda
- Need for a permanent court
- Rome Statute and creation of the ICC, with jurisdiction to prosecute individuals for:
 - Genocide
 - Crimes against humanity
 - War crimes
 - Crimes of aggression



International Criminal Court

- 12 investigations to date
- Arrest warrants for Kony and his commanders



Which generation(s) of human rights are protected by the Refugee Convention and the ICC?

Why did the NRM regime refer the war in Northern Uganda to the ICC according to Branch?

Which perpetrators of international crimes in Northern Uganda did the ICC indict not name?

Why did the ICC not charge
the Ugandan government?

What have been the effects of
the ICC warrants against
Kony etc.?

Which of its legal obligations has the US violated according to Beaubien?

Under what circumstances is the international human rights regime likely to be more effective as a weapon of the weak?