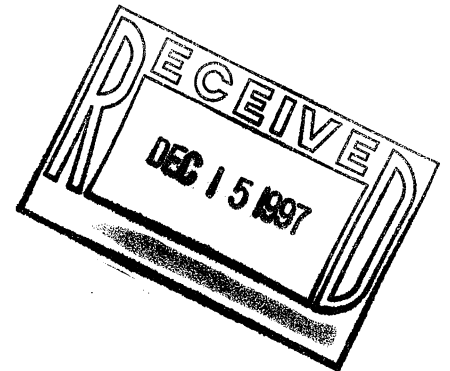


THE UNIVERSITY OF IOWA



MEMORANDUM



DATE: December 9, 1997
TO: Karen Chappell
Director, International Center
FROM: Ann Donovan
SUBJECT: 1998-99 Major Projects in International Studies

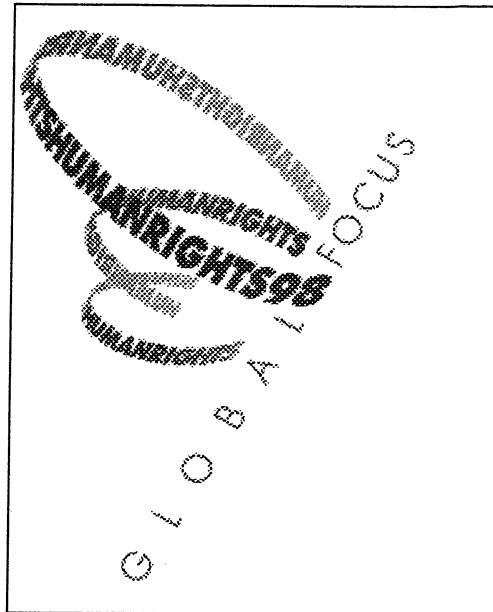
I am forwarding a draft version of the *Global Focus* proposal for the 1998-99 Major Projects in International Studies competition. Burns and I would be most grateful for any suggestions you can provide us for improving the proposal in advance of your February 17 deadline. (As Burns has a very ambitious travel docket for the coming months, you may wish to e-mail or call me with your feedback.)

Thank you in advance for your input. We look forward to submitting a formal proposal early next year.

c: B. Weston

Burns —
Only substantive changes since last draft
appear on pg. 5. Some formatting may have changed
due to switching b/w word + wp. ad

GLOBAL FOCUS: HUMAN RIGHTS '98
A University of Iowa Commemoration of UDHR 50



[Draft] Proposal to
The University of Iowa
International Programs'
Major Projects in International Studies
1998-99 Competition

SUBMITTED BY

Burns H. Weston
Bessie Dutton Murray Professor of Law and Associate Dean
International and Comparative Legal Studies

on behalf of

The University of Iowa Global Focus: Human Rights '98 Advisory Committee

Introduction

An impending major historical benchmark -- the 50th anniversary, on December 10, 1998, of the Universal Declaration of Human Rights (UDHR) -- presents the University with a unique opportunity to build stronger public awareness of the extent of human suffering that exists worldwide, and to build support for causes relating to the rights of women, minorities, the economically disadvantaged, refugees, and migrants.

The catalog of rights set out in the Universal Declaration of Human Rights, which was adopted without dissent by the General Assembly on December 10, 1948, is scarcely less than the sum of all the important traditional political and civil rights of national constitutions and legal systems, including equality before the law; protection against arbitrary arrest; the right to a fair trial; freedom from ex post facto criminal laws; the right to own property; freedom of thought, conscience, and religion; freedom of opinion and expression; and freedom of peaceful assembly and association. Also enumerated in the Universal Declaration are such economic, social, and cultural rights as the right to work, the right to form and join trade unions, the right to rest and leisure, the right to a standard of living adequate for health and well-being, and the right to education.

Although originally conceived to proclaim "a common standard of achievement for all peoples and all nations" rather than to articulate enforceable legal obligations, the Universal Declaration has acquired a status juridically more important than originally intended. It has been widely used, even by national courts, as a means of judging compliance with human rights obligations under the United Nations Charter and to shape the drafting of new national constitutions, especially in the post-Cold war era. One may, therefore, safely characterize the Universal Declaration as one of the most profoundly influential global instruments to emerge from the last half century.

Global Focus: Human Rights '98, an initiative of the College of Law's International and Comparative Law Program in association with International Programs and faculty from the Colleges of Business Administration, Engineering, Education, Liberal Arts, Medicine, and Nursing, is intended to commemorate critically and creatively the adoption of this historically significant instrument, and, in doing so, to facilitate a dialogue of international significance concerning human rights in anticipation of the twenty-first century. We envision organizing -- indeed, already have begun to organize -- what we believe to be the premier University-based celebration of this important benchmark in the United States, perhaps even the world.

Global Focus: Human Rights '98

The University's commemoration, entitled *Global Focus: Human Rights '98* ("HR98") will comprise a series of academic, cultural, and other events to take place during the 1998-99 academic year, beginning even in Spring 1998. The aim of this tribute is both to celebrate the advancements of human rights since the promulgation of the UDHR and to further their promotion and protection within a multicultural framework that recognizes them to be economic, social, and cultural as well as civil and political rights. All need to be taken very seriously if ever they are to be substantially realized.

Global Focus will be a cross-disciplinary program (see Attachment A, HR98 Committee members) of teaching, research, and action of The University of Iowa and its surrounding communities designed to consider, in constructive and critical fashion, the problems and prospects of human rights at home and abroad as we embark on the twenty-first century. The celebration will feature distinguished speakers, scholarly lectures, panel discussions, published research, curricular innovations, community fora, radio broadcasts, artistic displays, theatrical events, musical offerings, and other activities of scholarly and general interest.

Two Nobel Peace Prize winners, Rigoberta Menchu and Elie Wiesel, have already committed to speak at the University during the Fall of 1998, as has also Harry Wu, the celebrated Chinese dissident, this coming Spring 1998. We are optimistic, too, about visits by Corazon Aquino, Mary Robinson, Desmond Tutu, and Wei Jingsheng.

In addition, *Global Focus* has established a presence on the World Wide Web to keep the UI, Iowa City and statewide and national communities up-to-date on planning for the commemoration. The site includes several scholarly and educational resources as well as links to other sites on issues in human rights and may be accessed at <http://www.uiowa.edu/~hr98>. The site will survive the commemoration as a resource and database for Global Studies faculty and students as well as other students and faculty who are researching human rights.

HR98 Continuing Symposium on the Future of Human Rights

A central element of the commemoration, the *HR98 Continuing Symposium on The Future of Human Rights* will feature a diverse and distinguished group of human rights scholars, practitioners, and activists from throughout the world (see attachment B, Speakers and Tentative Topics and attachment C, Speaker Bibliography). It is this component of *Global Focus* for which we are seeking funding from the Major Projects in International Studies Program, for it is this element of the commemoration that promises to be most internationally visible and of greatest scholarly importance.

We envision a highly interactive and intellectually stimulating exchange among these human rights specialists and University faculty and students. In addition to presenting lectures in fora that provide for faculty, student, and community discussion, participants will, in most cases, guest-lecture in classrooms, conduct workshops in human rights activism, and assist faculty in designing and reshaping courses to account for human rights concepts and issues.

The impact of the *HR98 Continuing Symposium on The Future of Human Rights* will extend far beyond these on-campus activities. Each symposium will be broadcast over the Iowa Communications Network (ICN). In addition, at least two scholarly publications will result from the Symposia: (1) a paper symposium, co-edited by Burns Weston and Professor Stephen Marks of Columbia University, to appear in the Fall 1998 issue of *Transnational Law and Contemporary Problems*, a student-faculty journal of the College of Law; and (2) a collection of essays based on the *HR98 Continuing Symposium* to be co-edited by Weston and Marks and published in 1999-2000 by a leading academic press, (most probably Cambridge University Press or Oxford University Press).

Below we present the historical foundation that informs current debates surrounding human rights and that serves as a point of departure for the *HR98 Continuing Symposium*.

Historical Conceptions of Human Rights*

Today, the vast majority of legal scholars, philosophers, and moralists agree, particularly in the liberal West and in cultures sympathetic to its jurisprudential traditions, that every human being is entitled, at least in theory, to some basic rights. Heir to the Protestant Reformation and to the English, American, French, Mexican, Russian, and Chinese revolutions, the last half of the 20th century has seen, in the words of human rights scholar Louis Henkin, "essentially universal acceptance of human rights in principle" such that "no government dares to dissent from the ideology of human rights today." Indeed, except for some essentially isolated late-19th-century and early-20th century demonstrations of international humanitarian concern, the last half of the 20th century may fairly be said to mark the birth of the international as well as the universal recognition of human rights. In the treaty Charter establishing the United Nations, all members pledged themselves to take joint and separate action for the achievement of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

* This section is derived from Burns H. Weston, *Human Rights*, forthcoming in 1998 in Britannica Online of the ENCYCLOPAEDIA BRITANNICA in Spring 1998 (copyright © 1997 by Burns H. Weston) which, in turn, is a revision of Burns H. Weston, *Human Rights* in 20 ENCYCLOPAEDIA BRITANNICA 656-664 (15th ed., 1998 printing) (copyright © 1985, 1998 by Encyclopaedia Britannica, Inc.). All rights reserved.

In the Universal Declaration of Human Rights (1948), representatives from many diverse cultures endorsed the rights therein set forth "as a common standard of achievement for all peoples and all nations." And in 1976, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, each approved by the UN General Assembly in 1966, entered into force and effect.

To say that there is widespread acceptance of the principle of human rights on the domestic and international planes, however, is not to say that there is complete agreement about the nature of such rights or their substantive scope--which is to say, their definition. Some of the most basic questions have yet to receive conclusive answers.

Whether human rights are to be viewed as divine, moral, or legal entitlements; whether they are to be validated by intuition, culture, custom, social contract theory, principles of distributive justice, or as prerequisites for happiness; whether they are to be understood as irrevocable or partially revocable; whether they are to be broad or limited in number and content--these and kindred issues are matters of ongoing debate and likely will remain so as long as there exist contending approaches to public order and scarcities among resources.

Despite this lack of consensus, however, a number of widely accepted--and interrelated--postulates may be seen to assist, if not to complete, the task of defining human rights. Five in particular stand out, although not even these are without controversy.

First, regardless of their ultimate origin or justification, human rights are understood to represent both individual and group demands for the shaping and sharing of power, wealth, enlightenment, and other cherished values in community process, most fundamentally the value of respect and its constituent elements of reciprocal tolerance and mutual forbearance in the pursuit of all other values. Consequently, they imply claims against persons and institutions who impede realization and standards for judging the legitimacy of laws and traditions. At bottom, human rights qualify state sovereignty and power, sometimes expanding the latter even while circumscribing the former.

Second, human rights are commonly assumed to refer, in some vague sense, to "fundamental" as distinct from "nonessential" claims or "goods." In fact, some theorists go so far as to limit human rights to a single core right or two--for example, the right to life or the right to equal freedom of opportunity. The tendency is to emphasize "basic needs" and to rule out "mere wants."

Third, reflecting varying environmental circumstances, differing worldviews, and inescapable interdependencies within and between value processes, human rights refer to a wide continuum of value claims ranging from the most justiciable to the most aspirational. Human rights partake of both the legal and the moral orders, sometimes indistinguishably. They are expressive of both the "is" and the "ought" in human affairs.

Fourth, most assertions of human rights--arguably not all--are qualified by the limitation that the rights of any particular individual or group in any particular instance are restricted as much as is necessary to secure the comparable rights of others and the aggregate common interest. Given this interdependency, human rights are sometimes designated *prima facie* rights, so that ordinarily it makes little or no sense to think or talk of them in absolutist terms.

Finally, if a right is determined to be a human right it is understood to be quintessentially general or universal in character, in some sense equally possessed by all human beings everywhere, including in certain instances even the unborn. In stark contrast to "the divine right of kings" and other such conceptions of privilege, human rights extend in theory to every person on earth without discriminations irrelevant to merit, simply for being human.

Current Debates**

In several critical respects, however, all of the postulates set forth in the previous section raise more questions than they answer. Granted that human rights qualify state power, do they qualify also private power? If so, when and how? What does it mean to say that a right is fundamental? Does it entail some bare minimum only, or, more plausibly, does it admit to something greater? If the latter, how much greater and subject to what standards of importance or urgency? What is the value of embracing non-justiciable rights as part of the jurisprudence of human rights? Does it harbor more than rhetorical significance? If so, how? When and according to what criteria does the right of one person or group of people give way to the right of another? What happens when individual and group rights collide? How are universal human rights determined? Are they a function of culture or ideology, or are they determined according to some transnational consensus of merit or value? If the latter, a regional consensus? A global consensus? In other words, though accurate, the five foregoing postulates are fraught with questions about the content and legitimate scope of human rights and about the priorities, if any, that exist among them.

These are but a few of a myriad of questions to be explored by the human rights scholars, practitioners, and activists who will visit The University of Iowa and participate in the *HR98 Continuing Symposium on The Future of Human Rights*.

Budget

The vast majority of *Global Focus* activities will be separately undertaken and funded by the various colleges, departments, and other units of the University that wish to give public expression to this historical moment. Most notably, the College of Law, via its Levitt Distinguished Lectureship Fund, will underwrite the costs of the Menchu and Wiesel visits, as well as those of such other well-known human rights figures as Corazon Aquino, Mary Robinson, Desmond Tutu, and Wei Jingsheng should they accept invitations extended.

Funds are requested from the Major Projects in International Studies Program to support the *HR98 Continuing Symposium on The Future of Human Rights*. The financial requirements for the Symposia are presented on the following page.

** This section is derived from Burns H. Weston, *Human Rights*, forthcoming in 1998 in Britannica Online of the ENCYCLOPAEDIA BRITANNICA in Spring 1998 (copyright © 1997 by Burns H. Weston) which, in turn, is a revision of Burns H. Weston, *Human Rights* in 20 ENCYCLOPAEDIA BRITANNICA 656-664 (15th ed., 1998 printing) (copyright © 1985, 1998 by Encyclopaedia Britannica, Inc.). All rights reserved.

**HR98 Continuing Symposium on The Future of Human Rights
Budget**

Roundtrip Airfare: ***

| | |
|--|--------------------|
| Chicago, IL | \$ 150 |
| New Delhi, India | -1,970 <i>-500</i> |
| Johannesburg, South Africa | 3,000 |
| Dacca, Bangladesh | 2,600 |
| Vienna, Austria | 800 |
| Santiago, Chile | -1,300 <i>0</i> |
| Bangkok, Thailand | 1,200 |
| London, England | 900 |
| Sydney, Australia | -1,700 <i>-150</i> |
| Boston, MA | <u>450</u> |
| | \$14,070 |
| | |
| 10 honoraria @ \$2,000 | \$20,000 |
| | |
| ICN connection (10 events @ \$320 per event) | \$ 3,200 |
| | |
| Food and lodging (10 participants @ \$1,500) | \$15,000 |
| | |
| TOTAL COST: | \$52,270 |
| | |
| Contributed from other sources**** | (\$12,270) |
| | |
| TOTAL AMOUNT REQUESTED: | \$40,000 |

Future Funding

The HR98 Advisory committee intends to pursue several sources of funding to expand and enhance *Global Focus* activities. Funds will be sought from: The Ford Foundation, Human Rights and International Cooperation program; The Joyce Mertz-Gilmore Foundation, International Human Rights and Refugee Rights program; Carnegie Corporation of New York, Preventing Deadly Conflict program; The Charles Stewart Mott Foundation, Civil Society program; Pew Charitable Trusts; The John M. Olin Foundation; The John D. and Catherine MacArthur Foundation, Peace and Human Rights program; The Samuel Rubin Foundation; and The U.S. Institute of Peace.

The Advisory Committee is also exploring the possibility of seeking funds for the creation of a *Human Rights Institute* at the University of Iowa and for the establishment of an *Iowa Human Rights Prize*.

*** Based on estimates from Shorts Travel (11/24/97).

**** Vice President for Research, individual contribution

ATTACHMENT A
GLOBAL FOCUS: HUMAN RIGHTS 1998 COMMITTEE MEMBERS

| | |
|--|---|
| Dudley Andrew Professor of Film Studies | James Leaven Administrative Assistant, Sponsored Programs |
| Joel Barkan Professor of Political Science | Brett Lorenzen Research Associate, College of Law Webmaster of HR98 Website |
| Clark Blaise Professor and Director International Writing Program | Gina McGee Associate Director, Sponsored Programs |
| Kathleen Buckwalter Associate Provost Professor of Nursing | Michael McNulty Associate Provost |
| Patt Cain Director, Corporate and Foundation Relations UI Foundation | Allison Miller President, Student Government |
| Karen Chappell Director International Center | Judy Morrison Nursing Assistant, Obstetrics and Gynecology |
| Rev. Jason Chen Wesley House | Dorothy Paul United Nations Associate Iowa Division |
| Marcella David Associate Professor of Law | Liz Pearce-Burton Program Associate, International Programs |
| Monique DiCarlo Coordinator, Women's Resource Action Center | Sarah Pettinger Student Government Representative |
| Stephen Foster Professor of Art & Art History | Rabbi Jeff Portman Agudas Achim Congregation |
| David Grady Director of Campus Programs & Student Activities | Ann Rhodes Vice President for University Relations |
| Lois Gray Program Associate, International Programs | Shirin Sadeghi UI Lecture Committee |
| Paul Greenough Professor of History | Jerry Schnoor Professor of Civil-Environmental Engineering |
| David Hamilton Professor of English | Heather Shank Iowa City Human Rights Coordinator |
| Greg Hamot Assistant Professor of Curriculum & Instruction | Mark Sidel Visiting Lecturer, Law |
| Brian Harvey Director, Sponsored Programs | Jael Silliman Assistant Professor of Women's Studies |
| Scott Hauser Associate Editor, University Relations | Kenneth Starck Professor of Journalism & Mass Comm. |
| Nancy Hauserman Professor of Management & Organizations | Jim Throgmorton Associate Professor of Urban & Regional Planning |
| Vicki Hesli Associate Professor of Political Science | Robert Weir Professor of Medical Ethics |
| Rex Honey Associate Professor of Geography | Burns Weston Professor of Law |
| Mary Hussman Editor, English | Adrien Wing Professor of Law |
| | Joan Winship The Stanley Foundation |
| | Fred Woodard Associate Prof. & Chair of African American World Studies |

ATTACHMENT B

SPEAKERS AND TENTATIVE TOPICS FOR THE PROPOSED HR 98 HUMAN RIGHTS SYMPOSIA

on

"The Future of Human Rights"

Among the following listed persons, identified in alphabetical order, Upendra Baxi, John Dugard, Vitit Muntabhorn, Chidi Anselm Odinkalu, and Ann Orford have agreed in principle to come to the UI campus during 1998-99

Cherif Bassiouni

Human Rights and Crimes Against Humanity: Closing the Impunity Gap

Professor Bassiouni, an Egyptian, is a Professor of Law at DePaul University, President of the International Law Human Rights Institute, former Vice-Chair of the UN Preparatory Committee on the Establishment of a Permanent International Criminal Court, and former Chair of the Commission of Experts established by the UN Security Council to investigate violations of international humanitarian law in the Former Yugoslavia. The author and editor of over 37 books on criminal law and human rights, he is one of the world's leading authorities on international criminal law and particularly as it applies to the protection of internationally guaranteed human rights.

Upendra Baxi

Voices of Suffering and the Human Rights Agenda for the 21st Century

Professor Baxi is a former Vice Chancellor of Delhi University (India's premier university) who specializes in the comparative sociology of human rights and law, science and technology. His most recent books include *Inhuman Wrongs and Human Rights: Some Unconventional Essays* (1994), *Mambrino's Helmet? Human Rights in a Changing World* (1994), *The Rights of the Subordinated Peoples* (1994), and a trilogy of works on the Bhopal catastrophe. I believe Professor Baxi visited our campus as an Ida Beam lecturer on behalf of the School of Religion five to ten years ago.

John Dugard

Reconciliation and the Duty to Prosecute: Reflection from the South African Experience

Recently a "Distinguished Visitor" at Cambridge University's Research Centre for International Law, Professor Dugard is a member of the Faculty of Law at the University of Witwatersrand in South Africa, an advisor to President Nelson Mandela, and one of the most widely respected human rights scholars in the world today. Were it not for current ANC politics in South Africa, Professor Dugard, doubtless would have been named to South Africa's new and somewhat unique Constitutional Court (along with, for example, Judge Richard Goldstone, former Chief Prosecutor of the international criminal tribunals for the Former Yugoslavia and Rwanda). Among Professor Dugard's numerous books and articles are *International Criminal Law and Procedure* (1996), *Last Years of Apartheid: Civil Liberties in South Africa* (1992), *Human Rights and the South African Legal Order* (1978), and *South West Africa-Namibia Dispute: Documents and Scholarly Writings on the Controversy* (1973).

2580

Kamal Hossain

Economic Globalization and Human Rights

Kamal Hossain, along with his wife, is probably the best known human rights advocate in Bangladesh where, as a Senior Advocate of the Supreme Court of Bangladesh and former Vice Chairman of the Bar Council of Bangladesh, he has played a significant role in starting the two foremost legal services and public litigation groups in Bangladesh. A former member of the Bangladesh Ministry of Justice and Ministry of Foreign Affairs, he has served on The Commonwealth Human Rights Committee and partly for this reason become among the best known and most respected human rights practitioners on the South Asian subcontinent generally. He currently is teaching at the University of Amsterdam, with a particular emphasis on the dark side of economic globalization and how this phenomenon relates to the promotion and protection of internationally guaranteed human rights.

Peter Leuprecht

Innovations in the European System of Human Rights Protection: Is Enlargement Compatible with Reinforcement?

Peter Leuprecht, an Austrian, is Deputy Secretary General of the Council of Europe (Strasbourg), a position to which he was elected by the Council's Parliamentary Assembly for a five-year term starting in June 1994. A civil servant of the Council of Europe since 1961, he has taught at the Institute of Political Studies and the Institute of Advanced European Studies of the University of Strasbourg and the European Centre of the University of Nancy. Dr. Leuprecht, holder of a doctorate in law from the University of Innsbruck, is widely regarded as one of the world's foremost experts on the highly developed European human rights system established under the 1950 European Convention on Human Rights and Fundamental Freedoms.

Cecilia Medina

The Effectiveness of Human Rights Protection Through the OAS

Cecilia Medina, a native of Chile, is a member of the Inter-American Commission of Human Rights, an organ of the Organization of American States (OAS) and the Inter-American Court of Human Rights that works to investigate and correct human rights abuses in the Americas. An outspoken critic of the former military junta in Chile, she also has written extensively on the legal status of indigenous peoples in Brazil, Colombia, Guatemala, and Paraguay.

Vitit Muntabhorn

Reflections on the State of Human Rights in Asia

Vitit Muntabhorn is a professor of international human rights law and policy at Chulalongkorn University in Bangkok. Educated in Thailand and England (I believe Oxford or Cambridge), he heads a major project funded by the United Nations concerning the rights of the child in Asia. Professor Vitit is the author of many books and articles in the human rights field and is widely known as one of the foremost spokespersons for human rights in Southeast Asia (and, indeed, beyond).

Chidi Anselm Odinkalu

The African Commission on Human and Peoples' Rights: A Preliminary Assessment

Chidi Odinkalu, a Nigerian living and working in London at Interights (Great Britain's leading international human rights NGO) where he is Legal Officer in charge of African affairs. The author of *Behind the Wall: A report on Prison Conditions in Nigeria and the Nigerian Prison System* (1991) and *Justice Denied: The Area Courts System in the Northern States of Nigeria* (1992), he is widely known as one of the world's leading experts on the emerging human rights system established under the aegis of the Organization of African Unity (OAU).

Ann Orford

A Feminist Critique of Human Rights Discourse

Ann Orford is a member of the Faculty of Law of Australian National University in Canberra. Relatively new on the international scene, she already has established herself in her numerous writings and other professional activities as a brilliant new star on the horizon of international law and affairs. A feminist scholar, she is especially well known for her penetrating insight into the rights of women worldwide.

Amartya Sen

Human Rights in a Multicultural World

Amartya Sen is Lamont University Professor and Professor of Economics and Philosophy at Harvard University. Born in India, he was educated in Calcutta and earned his Ph.D. from Trinity College, Cambridge University. He has held many visiting professor appointments, including at M.I.T., Berkeley, and Cornell, and has written widely and extensively. Among his many books may be noted his emphasis on human rights and the social impact of economic decisions, especially *Collective Choice and Social Welfare* (1970) and *Inequality Reexamined* (1994). Many of his works have been translated into several languages, most notably *On Ethics and Economics* (1987). He also has co-edited three volumes of *the Political Economy of Hunger*.

ATTACHMENT C

SPEAKER BIBLIOGRAPHY

Cherif Bassiouni

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