**Globalisation and International Protection of Human Rights**

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**Description**

The main purpose of the course is to give the students an overview of the effect that globalisation has to the international human rights. The course will cover both the positive and negative aspects of the globalisation especially in the matter of the international consent about the human rights. How can the human rights benefit from the globalisation, and in which ways are they threatened by this phenomenon.

The course deals with the national identity changing. Nowadays, the national politics are, to a great extent, influenced by international political solutions and decisions, in the sense of for example international administrations. How does this effects the human rights?

The course also targets to what extent the national values and how they affect the international consensus of the human rights. An important question to be raised is if we can justify our claim that human rights are universal rights, when some say they are highly affected by the history and development by the western culture. In light of this question, the course will deal and analyse the national failure of protection of the human rights, especially linked in regards to sovereignty, cultural specifics and religion.

The course will put attention to some specific decisions by the International Court of Justice, and also the weaknesses regarding the implementation of the human rights in national law-systems. For instance, how the fact that the implementation of the human rights are based on the free will of the states to ratify may and will affect their international effectiveness.

**Schedule**

1. Wednesday:

Definition of globalisation: a multidimensional phenomenon. Study of the notion of globalisation from different perspective: sociological, economical, political, industrial and finally from a law perspective. It is revealing of new elements phenomenon: new markets, new actors, new rules, new instruments of faster and cheaper communication. Globalisation as a set of shocks, of challenges and of fears: Human, commercial, Industrial, financial, technological shocks.

## Raise of new problems from globalisation: questions raised by globalisation, Relations between economy and Human rights; The Human Right’s place in the globalisation phenomenon.

## 2. Thursday

Globalisation and the notions of unity and diversity. Does globalisation constraint to standardisation or is there still place for the diversity? Should we aim to have the same rights all over the world ? Or is tolerance to what is different, a value superior than the aim of insuring the “minimum standard” of the ECHR for example to all human beings despite different cultures? Globalisation and the controversial universality of the rights.

3. Friday:

Globalisation and international protection of human rights: failure of the institution of an effective international system of protection of human rights; Reasons of failure: universality confronted with pluralism of the cultures; the weakness of the international law: principle: the will of the state, the exception: the *jus cogens.*

## 4. Monday:

Embryo of an international protection of human rights; The Charter of the United Nations; the Universal Declaration of Human Rights; The international Covenants (1966): their juridical strength, their content and their mechanism of control.

5. Tuesday

The embryo of international justice: Permanent Court of International Justice, International Court of justice, Special international criminal courts: criminal courts *ad hoc* *(TPIY, TPIR)* and internationalised courts: the Special Court for the Sierra Leone; the High Iraqi criminal court ; the extraordinary Chambers in the Cambodian jurisdictions ; the special court for the Lebanon.

**Materials**

***Literature on Globalisation:***

-AUDRETSCH (David B.) & SANDERS (Mark), [« **Globalization and the Rise of the Entrepreneurial Economy**](http://ideas.repec.org/p/use/tkiwps/0821.html) », [Working Papers](http://ideas.repec.org/s/use/tkiwps.html) 08-21, Utrecht School of Economics, 2008.

-LANE (Ph.), MILESI- FERETTI (G.-M.), “Financial globalization and exchange rates”, *Dollars, Debt, and Deficits: Sixty Years after Bretton Woods* International Monetary Fund, 2005.

-LANE (Ph.), MILESI- FERETTI (G.M.), *The external wealth of nations, mark II: revised and extended estimates of foreign assets and liabilities*, 1970–2004, Journal of International Economics 73, 2007, p. 223–250.

-SCHOLTE (Jan Aart), [Globalization: A Critical Introduction](http://www.amazon.co.uk/dp/0333977025/ref%3Drdr_ext_tmb), Mac Millan Press LTD, 2000.

***Literature on Human Rights International protection:***

- ASSENZA (Conrado M.), « The Procedural Capacity of the Individual as subject of International Human Rights Law : recent developments »,

<http://www.egov.ufsc.br/portal/sites/default/files/1_6.pdf>

- CANNIZZARO (Enzo), The present and future of jus cogens, Sapienza università editrice, Roma, 2015.

- GAJA (Giorgio), *Jus cogens beyond the Vienna convention*, cop. Leiden 2008.

- KOLB (Robert), *Peremptory international law-Jus cogens: a general inventory*, Hart Publishing, 2015, Oxford.

- TOMUSCHAT (Christian), THOUVENIN (Jean Marc), “The fundamental rules of the international legal order: jus cogens and obligations erga omnes”, M. Nijhoff, cop., Leiden, 2006.

**Assessment**

* Written exam (3-4 essay type questions)
* active participation during the course will be appreciated