

HUMAN RIGHTS AND CONFLICT

American University, Spring 2011

Thursday 2:10-4:40

Professor Julie Mertus

Room SIS 213

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Office Hours: Tea (Drop-in)

Tues. 10-11; Thurs. 1-2

Office hours on Tues, Wed. & Thurs also
by appointment – sign-up sheet on door
during peak times in the semester

Course Description:

This course explores the dynamic, complex and powerful relationship between human rights and violent conflict. From human rights abuses that precipitate violence, through third-party interventions and humanitarian relief efforts, to the building of accountability mechanisms, this course explores the actors and issues involved and analyzes the attendant dynamics and dilemmas. Among the issues addressed are: the law of war, refugee law, counter-terrorism and civil liberties on the home front, truth commissions and transitional justice. Case studies include: Sierra Leone, the Balkans and the global “war on terror.” Prior classes in human rights and/or peace and conflict resolution is helpful, but not required. There will be one field trip to either the Holocaust Museum or to the new building of the U.S. Institute for Peace.

Desired Learning Outcomes:

After taking this class, students should be able to:

- Identify ways in which human rights is intertwined with peace and conflict studies;
- Make the argument for the inclusion of human rights in peace building and conflict transformation efforts;
- Analyze the benefits and drawbacks of policy decisions involving human rights and conflict;

- Understand the strengths and weaknesses of refugee protections;
- Discuss with authority contemporary issues related to “war law” and “peace law,” such as the role of the state in the global “war on terror;”
- Apply the 5-step “policy analysis tool.”

Books Required

This course has been designed to be as economical as possible by putting nearly all the readings on electronic reserve. The only two paperback books required and not on reserve are:

Julie Mertus and Jeffrey Helsing, *Human Rights and Conflict* (Washington DC: The United States Institute of Peace) ISBN 978-1929-223-763 (if not in bookstore, book can be found on Amazon or directly from USIP) On syllabus this book is abbreviated as “HRC.”

Chandra Sriram, *War, Conflict and Human Rights* (New York: Routledge) ISBN 978-0415-452-069 (if not in bookstore, on Amazon)

Assignments and Grading:

There are two elements to assignments and grading for this course:

- **FOUR ESSAYS, 8-10 pp** (80% grade)
 MAIN TASK: Identifying one main policy application of readings and analyzing according to five-steps (see below).
 Essays will be submitted as indicated on syllabus.
 The first three essays must first be read by a small “reading group” comprised of students giving constructive suggestions.

PARTICIPATION (20% grade) – No student can earn an A in this class without a good participation grade. Please see the professor if you have difficulty participating. All students will have the opportunity to choose a day to co-lead the class discussion and volunteer for additional participation. All students also will participate in their small “reading groups.”

Five step policy analysis:

1. Define and detail the problem.

2. Establish evaluation criteria. Identify cost, net benefit, effectiveness, efficiency, equity, administrative ease, legality, and political acceptability

3. Explore policy power distribution. Identify how the policy will harm or benefit a particular group or groups.

4. Generate alternatives.

5. Consider alternatives under evaluation criteria

SCHEDULE OF CLASSES

Class 1, Jan. 13: Orientation to Class

Film: Death and the Maiden

Class 2, Jan. 20: Peace Law

Julie Mertus and Jeffrey Helsing, “Exploring the Intersection between Human Rights and Conflict,” pp. 3-38 (in HRC)

Chandra Lekha Sriram et al., *War, Conflict and Human Rights*, 3-47

Michael Lund, “Human Rights: A Source of Conflict, State Making, State Breaking,” pp. 39-61 (in HRC)

Abdul Aziz Said and Charles Lerche, “Peace as a Human Right,” pp. 129-149 (in HRC)

Jack Donnelly, Commentary, pp. 151-156 (in HRC)

Class 3:, Jan 27: War Law

Geoffrey Robertson, *Crimes Against Humanity*, pp. 197-238 (War Law)(on electronic reserve)

Chandra Lekha Sriram et al., *War, Conflict and Human Rights*, 48-64

John Cerone, “Holding Military and Para Military Forces Accountable,” pp. 217-238(in HRC)

Film: Military Training Film

Class 4, Feb 3: R2P, Torture and Violation of State Responsibility

Gareth Evans, *The Responsibility to Protect*, 11-76; 223-241 (on electronic reserve)

Jordan Paust, “Executive Plans and Authorizations to Violate International Law, http://www.columbia.edu/cu/jtl/Vol_43_3_files/Paust.pdf

Philip Sands, *Torture Team*, pp. 2-51

Geoffrey Robertson, *Crimes Against Humanity*, pp. 332-371 (the case of General Pinochet)(on electronic reserve)

Film: Standard Operating Procedures

FIRST PAPER DUE TO “READING CIRCLE”

Class 5, Feb 10: The Uprooted

David Hollenbach, *Refugee Rights* 3-26 (on electronic reserve)

William O’Neill, “What we owe to refugees and IDPs,” pp. 27-43 in David Hollenbach, *Refugee Rights* (on electronic reserve)

Hovil and Okello, “The right to freedom of movement,” pp. 77-88 in David Hollenbach, *Refugee Rights* (on electronic reserve)

Loren Landau, “Protection as capacity expansion,” pp. 103-118 in David Hollenbach, *Refugee Rights* (on electronic reserve)

Film: Hopes and Struggles of Mozambican Refugees

FIRST PAPER DUE TO INSTRUCTOR

Class 6, Feb. 17: Human Rights After War

Mohammed Abu-Nimer and Edy Kaufman, “Bridging Conflict Transformation and Human Rights,” pp. 277-302 (in HRC)

Lisa Sirch, “Linking Human Rights and Conflict Transformation,” pp. 63-95 (in HRC)

Christine Bell, “Human Rights, Peace Agreements and Conflict Resolution” (HRC)

Film: Banished

Class 7, Feb 24, Truth Commissions and Other Forms of Accountability

Pricilla Hayner, *Unspeakable Truths*, pp. 7-44; 75-109

Vasuki Nesiah, “Truth vs. Justice? Commissions and Courts” (HRC)

Richard Ashby Wilson, “Commentary” (HRC)

Chandra Lekha Sriram et al., *War, Conflict and Human Rights*, 163-230

Film: War Don Don

SECOND PAPER DUE TO “READING CIRCLE”

**Class 8, Mar. 3: Case Studies and Emerging Issues:
Lessons of the Balkan Wars / Humanitarian Intervention and Ad Hoc
Courts**

*Geoffrey Robertson, *Crimes Against Humanity*, pp. 372-467 (the Balkan Trials and the International Criminal Court (on electronic reserve)

Chandra Lekha Sriram et al., *War, Conflict and Human Rights*, 67-82

Richard Falk, “Humanitarian Intervention After Kosovo” (HRC)

Thomas Weiss, “Commentary” (HRC)

SECOND PAPER DUE TO INSTRUCTOR

MARCH 10 = SPRING BREAK

Class 9, Mar. 17: Sierra Leone, guest

Chandra Lekha Sriram et al., *War, Conflict and Human Rights*, 83-99

Eileen Babbitt and Ellen Lutz, *Human Rights and Conflict Resolution*, pp. 89-184

THIRD PAPER DUE TO “READING GROUP”

**Class 10, Mar. 24: The Global “ War on Terror” -- Militarization for
Security**

Note: Everyone reads first three readings; half the class reads the next two and half reads the remaining last two.

Chandra Lekha Sriram et al., *War, Conflict and Human Rights*, 138-160

Tom Cushman, “The Human Rights Case for the War in Iraq,” pp. 78-106 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve)

Julie Mertus and Maia Carter, “The Human Rights Dimensions of the War in Iraq,” pp. 309-341(in HRC)

Michael Freeman, “Order, Rights and Threats: Terrorism and Global Justice,” pp. 37-54 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve).

Aryeh Neier, “How Not to Promote Democracy and Human Rights,” pp. 137-156 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve).

Richard Goldstone, “The Tension Between Combating Terrorism and Protecting Civil Liberties,”pp. 157—168 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve).

Jennifer Welsh, “The Responsibility to Protect,” pp. 363-381 in Gould and Lazarus, *Security and Human Rights* (on electric reserve)

Sholmit Wallerstein, “The State’s Duty of Self-Defense,” pp. 277-302 in Gould and Lazarus, *Security and Human Rights* (on electric reserve)

Film: Gitmo: The New Rules of War

THIRD PAPER DUE TO INSTRUCTOR

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Class 11, Mar 31: Counter-Terrorism and the Home front

Note: Everyone reads Paust and Stewart; half the class reads the next three; half the class reads the remaining three.

Jordan Paust, “Human Rights, Terrorism and Efforts to Combat Terrorism,” (in HRC)

David Stewart, Comment (in HRC)

Neil Hicks, “The Impact of Counter Terror on the Promotion of Human Rights,” pp. 209-222 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve).

Richard Falk, “Human Rights: A Descending Spiral,” 225-240 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve).

Julie Mertus, “Human Rights and Civil Society in a New Age of American Exceptionalism,” pp. 317-331 in Richard Ashby Wilson, *Human Rights and the War on Terror* (on electronic reserve)

Bernard Harcourt, “Muslim Profiles Post 9/11: Is Racial Profiling an Effective Counter-Terrorist Measure?” pp. 73-95 in Gould and Lazarus, *Security and Human Rights* (on electric reserve)

Kent Roach, “Sources and Trends in Post-9/11 Anti-Terrorist Laws,” pp. 227-254 -95 in Gould and Lazarus, *Security and Human Rights* (on electric reserve)

Lucia Zadner. “Seeking Security by Eroding Rights,” pp. 257-273 in Gould and Lazarus, *Security and Human Rights* (on electric reserve)

Film: The Enemy Within

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Class 12, April 7: FIELD TRIP, Holocaust Museum
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**Class 13, April 14: Tying it together
FOURTH PAPER DUE IN CLASS.**