

# **HUMAN RIGHTS AND CONFLICT**

## **SIS 519-003; American University, Spring 2008**

**Professor Julie Mertus**

**Email:** mertus@american.edu

**Office:** Clark 203

**Phone:** 202-885-2215 or cell(410-963-4769)

**Research Assistant:** Tazreena Sajjad, tazy101@hotmail.com

### ***Brief Course Description:***

This course explores some of the links between international human rights, humanitarian practice and violent conflict.. It introduces students to many of the ethical and operational issues facing a range of state and nonstate actors responding to today's conflicts. Although human rights advocates, humanitarian aid workers and conflict resolution practitioners share the same fundamental goal of reducing human suffering, they tend to adopt different approaches to conflict that can come into mutual tension. As a result, scholars have traditionally treated these three fields as distinct, although they are increasingly recognizing the links between them.

### ***Structure of Course:***

This course is structured according to three stages of conflict:

- (1) In the pre-conflict stage, human rights and humanitarian practice can serve to incite, prevent or delimit war. The presence of human rights abuses may be seen as justifying humanitarian intervention, self-defense and, more recently, preemptive self-defense.
- (2) During armed conflict (the "hot" conflict stage), human rights and humanitarian norms have given rise to a "duty of protection," prompting the development of human rights field operations and other governmental or nongovernmental organizations. However, protection efforts are often frustrated by problems of accountability (i.e., holding private military companies responsible), the extensive manipulation of international norms in the name of counter-terrorism and the willingness of the general public to accept the existence of a security/ liberty tradeoff.
- (3) In the post-conflict stage, human rights can become either an obstacle to or a facilitator of a just and fairly negotiated, lasting peace. In efforts to prevent new cycles of violence, governmental and nongovernmental actors are cooperating in landmark efforts to carefully document wartime atrocities and acts of political violence and to individualize guilt through truth commissions, courts and tribunals, and other post-conflict reconstruction programs.

### ***Why this Course?***

This course (and the accompanying book) has been developed to fill a void in available courses and to prepare students for many of the jobs that are most open to them today. To the extent that human rights courses address conflict, it is largely confined to humanitarian law and international systems and mechanisms for enforcement. This is out of line with the reality of the human rights field, which relies heavily on extra-legal mechanisms and on the promotion of human rights norms through diplomacy, human rights institution building, education and structural elements in post-conflict reconstruction packages. While peace and conflict resolution courses may mention human rights, it is usually as a peripheral issue so that the human rights dimensions of conflict resolution are never fully and adequately explored.

### **Assignments and Grading:**

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

1. The weekly blog
2. The virtual museum
3. Participation

#### Weekly Blog: (60%)

In this class, students will play the role of a policy analyst involved in a different aspect of the link between human rights and conflict. Students are to refer to the readings for each week in answering the assignment, with only minimal outside research.

The vast majority of your semester grade is based upon completion of this weekly assignment. The assignments are all on the syllabus. Students will post your weekly papers on the Blackboard site for the course. Each week will be a new discussion thread; papers must be posted to the correct discussion thread *prior* to class. For undergraduates, each paper should be *roughly* 1,200 words. The word total increases to 2,000 for students taking this course for graduate credit (including undergraduates enrolled for graduate credit).

In addition to the weekly papers, students should also use the Blackboard Discussion Board to comment on the in-class discussions and lectures, and to respond to the papers and posts from fellow students.

Criteria for grading include: degree of engagement with issues raised in assigned readings; demonstration of understanding of subject matter; effort; creativity; clarity and professionalism. Students will receive a final grade on their weekly blog at the end of the semester. In addition, they will receive feedback at two additional stages: at the three week point and at the halfway marker. *All students may miss one week of blogging for any reason and without penalty.* Final grade will be determined as follows: Each student begins with 90 points. Points are gain or lost according to the following scheme:

Losing points:

\*Missed assignment (after one grace): - 10 points for each

\*Late assignments: -3 points for first, -5 points thereafter

\*Assignments in general incomplete, lacking effort, poor analysis: -3 to -15

Gaining points:

\*Assignments demonstrate superior effort and/or superior effort: +3 to +15

Virtual human rights and conflict museum: 30%

Students are to choose a conflict from the following list:

Sierra Leone

Angola

Bosnia and Herzegovina

Guatemala

Sudan

Mozambique

Other – with approval

Students will be asked to indicate first and second choices. To create a better learning experience, the maximum number of students that can address and one conflict is four.

With reference to their conflict, students are asked to create a “virtual museum” on the “Class Projects” section of Blackboard that should include information on that conflict and human rights and humanitarian efforts. This should be a creative endeavor! Sites are to include visuals, links to other sites, an annotated bibliography, a timeline, and a short analytical paper -- with 2,500 words for undergraduates and 3,500 words for graduate students and law students. *Students will choose from one of three dates to resent their “museum” to the class.*

Participation (10% grade): Students will be asked for a self-assessment of their participation. There are many ways to participate constructively in the class. While some people are comfortable with speaking spontaneously in the course of class discussion, other people are comfortable speaking only if they have time to prepare in advance. Opportunities for both impromptu and prepared contributions to the class will be provided throughout the course of the class. The goal is to create a supportive and challenging environment for all students.

Attendance: Regular attendance is expected and required. However, ill students should not attend class. They should take care of themselves and should ask a fellow classmate to take notes for them. Any student who misses more than two classes *for any reason* must schedule a meeting with the professor to discuss the matter.

### ***Course Materials:***

The following books will be used for this course. Additional readings are posted on Blackboard or available through the Web.

#### Required:

Julie Mertus and Jeff Helsing, eds., *Human Rights and Conflict*, United States Institute of Peace (2006) (“HRC” on syllabus)

Samuel Totten and Eric Markusen, *Genocide in Darfur: Investigating the Atrocities in the Sudan* (2006) (“SHR” on syllabus).

Michael Byers, *War Law* (2007) (“War Law”).

Michael O’Flaherty (Editor), *The Human Rights Field Operation: Law, Theory and Practice*, Ashgate Pub Co; New Ed edition (January 30, 2007) (“HR Field Ops”)

#### Suggested:

A little less than a half of the following book will be used:

Benjamin J. Gould (Editor), Liora Lazarus (Editor), *Security and Human Rights*  
Publisher: Hart Publishing (2007).

### **COURSE SCHEDULE**

*Note: Read the entry for each class carefully. Some of the main issues to consider for each set of readings are in italics. It is advisable to read these questions carefully both before and after you do the readings and complete the assignment.*

BB = Blackboard

#### **Jan. 17: Course Introduction**

#### **Jan. 24: Introduction to Tensions Between Human Rights and Conflict Resolution**

##### Readings:

Julie Mertus and Jeffrey Helsing, “Introduction: Exploring the Interconnection between Human Rights and Conflict” (HRC)

Ellen Lutz, “Understanding Human Rights Violations in Armed Conflict” (HRC)

Michael Lund, "Human Rights: A Source of Conflict, State Making and State Breaking" (HRC)

Julie Mertus and Maia Carter, "The Human Rights Dimensions of the War in Iraq" (HRC)

Human Rights Watch, "Genocide in Iraq," <http://www.hrw.org/reports/1993/iraqanfal/>

Human Rights Watch, "Bureaucracy of Repression: The Iraqi Government in Its Own Words," <http://www.hrw.org/reports/1994/iraq/>

Assignment: *Does human rights justify or condemn the 2003 war in Iraq?* Write a briefing paper explaining both sides to this question.

### **Jan. 31: When HR Violations Justify Armed Intervention: Humanitarian Intervention, Self-Defense and Preemptive Self-Defense**

#### Readings:

"Humanitarian Intervention" (part 3, WAR LAW)

Richard Falk, "Humanitarian Intervention After Kosovo" (HRC)

Thomas Weiss, "Commentary" (HRC)

"Self-Defense" (part 2, WAR LAW)

Film: Saddam's Road to Hell

Assignment: Find three quotes from supporters of the U.S. wars in Afghanistan and/or Iraq justifying the action as humanitarian intervention, self-defense and preemptive self-defense. Analyze the arguments. How are they similar? How do they differ? What kind of evidence would support each? Do these arguments change the nature of human rights advocacy?

### **Feb. 7: A Security / Liberty Trade-off?**

#### Readings:

Ian Loader, "The Cultural Lives of Security and Rights" (SHR)

Bernard Harcourt, "Muslim Profiles Post 9/11" (SHR)

Andrew Ashworth, "Security, Terrorism and the Value of Human Rights" (SHR)

Lucia Zedner, "Seeking Security by Eroding Rights" (SHR)

Liora Lazarus, "Mapping the Right to Security" (SHR)

Films: The Enemy Within, 2006

Spying on the Home Front, 2007

Assignment: How can the demands of security be reconciled with human rights? Why does the quest for security so often entail the erosion of rights?

### **Feb 14: More Human Rights Implications of Terrorism and Counter-Terrorism**

#### Readings:

Jordan Paust, "Human Rights, Terrorism and Efforts to Combat Terrorism" (HRC)

David Stewart, "Commentary" (HRC)

Kent Roach, "Sources and Trends in Post-911 Anti-Terrorism Laws" (SHR)

Human Rights Watch, "U.S. Responsibility for Forced Disappearances" (2007)

<http://hrw.org/backgrounders/usa/ct0607/>

Human Rights First, "By the Numbers Findings of the Detainee Abuse Accountability Project, <http://www.humanrightsfirst.info/pdf/06425-etn-by-the-numbers.pdf>

Films: "Extraordinary Rendition"

"Exposing the Truth," 2006

Assignment: Draft an op-ed on any issue discussed in the readings (for this assignment, roughly 600-800 words)

### **Feb. 21 Problems of Human Rights Accountability During Armed Conflict**

#### Reading:

John Cerone, "Holding Military and Paramilitary Forces Accountable" (HRC)

"International Law During Armed Conflict," (part 4, WAR LAW)

Peter Singer, "Outsourcing War," (2007)

[http://www.brookings.edu/articles/2005/0301usdepartmentofdefense\\_singer.aspx](http://www.brookings.edu/articles/2005/0301usdepartmentofdefense_singer.aspx)

"CRS Report for Congress -- Private Security Contractors in Iraq::Background, Legal Status, and Other Issues, July 11, 2007

<http://search.yahoo.com/search?p=private+military+contractors+accountability&fr=yfp-t-501&toggl=1&cop=mss&ei=UTF-8>)

Center for Constitutional Rights, "CVCR Files Lawsuit against Private Contractors for Torture Conspiracy," <http://ccrjustice.org/newsroom/press-releases/ccr-files-lawsuit-against-private-contractors-torture-conspiracy>

Films: Exposing the Truth

Frontline Episode on Private Warriors

<http://www.pbs.org/wgbh/pages/frontline/shows/warriors/view/>

Assignment: Who should be responsible for the abuses at Abu Ghraib, and how? Should the blame rest on private military companies – why and how? Write your most persuasive argument articulating one opinion on these questions (you need personally support this opinion). Be sure to identify the evidence supporting your argument.

## **Feb. 28: Human Rights Field Operations**

### MUSEUM PRESENTATIONS PART ONE

#### Readings:

Michael O’Flannery, “Human Rights Field Operations: An Introductory Analysis” (HR Field Ops)

Nicholas Howen, “The Fundamental Protection Function of Human Rights Field Operations” (HR Field Ops)

Daniel Moeckli and Manfred Nowak, “The Deployment of Human Rights Field Operations” (HR Field Ops)

Bertrand Ramcharan, “The Human Rights Field Operation in the Partnership for Peace” (HR Field Ops)

William O’Neill, “The Human Rights Field Operation in the Partnership for Security” (HR Field Ops)

Assignment: What is the duty to protect? Identify one “success story” and one “failure story” for the application of this concept. You may use the readings for this class session and/or the case studies at the end of the HR Ops book.

## **March 6: Protection**

### Readings:

Hugo Slim, “Cultivating a Humanitarian Imperative” (HRC)

Michael O’Flaherty, “The Human Rights Field Operation in Partnership for Humanitarian Relief and Reconstruction” (HR Field Ops)

International Commission on Intervention and State Sovereignty, “The Responsibility to Protect” (2001) (focus on chapters 2-5) <http://www.iciss.ca/pdf/Commission-Report.pdf>

Jennifer Welsh, “The Responsibility to Protect” (SHR)

Karin Landgren, “Protection: The United Nation’s Children’s Fund Experience” (HR Field Ops)

Alain Aeschliiman, “Protection: The International Committee of the Red Cross Experience” Liam Mahoney, “Protection: Peace Brigades International”

Film: Sphere Project DVD

Guest: from Peace Brigades International (to be confirmed)

Assignment: What is the “duty to protect”? Identify some of the dilemmas with the application of the concept to intergovernmental organizations (like UNICEF) or nongovernmental organizations (like Peace Brigades International)

## **March 20: Human Rights of Refugees and Displaced People**

### Readings:

Maria Stavropoulou, “Protection: The Office of the United Nations High Commissioner for Refugees Experience” (HR Field Ops)

Susan Martin and Andrew Schoenholtz, “Protecting the Rights of Forced Migrants” (HRC)

Lebanon refugees coerced to return to Iraq dec 4, 2007  
<http://hrw.org/english/docs/2007/12/04/lebano17450.htm>

Human Rights First, “Abandoning the Persecuted – Victims of Terrorism Barred from Asylum,” (2007) <http://www.humanrightsfirst.info/pdf/06925-asy-abandon-persecuted.pdf>

Film: Well Founded Fear, 2007

Assignment: What are the political and legal gaps in protection for refugees and forced migrants? How have these gaps been exacerbated and even exploited in the “war on terror”?

### **Mar. 27: Case Study: Sudan**

NO ASSIGNMENT THIS WEEK. YOU MAY WISH TO WORK AHEAD ON THE EXTRA-LONG ASSIGNMENT NEXT WEEK

Guest Lecturer: Aisha Bain

Reading:

Genocide in Darfur, Part 1 (note: you may wish to read ahead for the next week)

Films: Darfur Diaries  
On Our Watch

### **April 3: Human Rights Fact-Finding in Post-Conflict Scenarios** PLEASE BRING GENOCIDE IN DARFUR TO CLASS!

Reading:

Genocide in Darfur, Parts 2-4

Convention on the Prevention and Punishment of the Crime of Genocide  
[http://www.unhcr.ch/html/menu3/b/p\\_genoci.htm](http://www.unhcr.ch/html/menu3/b/p_genoci.htm)

Assignment: What is the strongest argument in your readings for applying the “convention definition” of genocide to Sudan? Focus on the description of the field work in *Genocide in Darfur*. Is there anything particularly interesting and/or surprising to you? If you could ask the Darfur investigators one thing, what would it be?

### **April 10: Are Human Rights an Obstacle or Opportunity for Conflict Resolution?** MUSEUM PRESENTATIONS – PART TWO

Lisa Schirch, “Linking Human Rights and Conflict Transformation” (HRC)

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

Mohammed Abu-Nimer and Edy Kaufman, “Bridging Conflict Transformation and Human Rights: Lessons from the Israeli-Palestinian Peace Process” (HRC)

Nancy Flowers and Janet Lord, “Human Rights Education and Grassroots Peacebuilding” (HRC)

Assignment: Identify how human rights has been strategically deployed in one of the following peace processes:

- Israeli-Palestinian peace processes
- South African transition from apartheid.
- Sierra Leone’s peace process

### **April 17: Courts and Truth Commissions**

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

Richard Ashby Wilson, “Commentary” (HRC)

Eric Brahm, “Truth Commissions,”

[http://www.beyondintractability.org/essay/truth\\_commissions/](http://www.beyondintractability.org/essay/truth_commissions/)

The International Criminal Court (homepage – read “about the court” (see also sublinks and skim site)

<http://www.icc-cpi.int/home.html&l=en>

The ICTY homepage (read “latest developments” and skim site) <http://www.un.org/icty/>

David Marshall, “The Human Rights Field Operation in Partnership for Transitional Justice” (HR Field Ops)

#### Films:

In the Spirit of Justice

Confronting the Truth

Assignment: Through what mechanisms should truth and justice be sought in (choose one): Iraq, Rwanda, Kosovo, Guatemala, Sudan? With reference to the readings, explain.

### **Apr. 24 Museum Presentations – Part 3**