



**UNIVERSITY
of
GLASGOW**

DEPARTMENT OF POLITICS

***Human Rights, Refugees and
Humanitarianism in Global Perspective***

2007-08

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1. CHARACTER OF THE COURSE

This course will investigate the role of human rights and humanitarian issues in global politics today. The course will partially be framed by the debate over the balance between human rights and state sovereignty. It will address both empirical and normative concerns—both the is and the ought. It will introduce the international human rights, refugee, and humanitarian regimes and look at the interrelationships among the three regimes. And, it will examine a variety of issues related to human rights and humanitarianism, such as universality, genocide, the rights of refugees, and the consequences of armed conflict, and how the international community responds to them.

2. AIMS

- To examine critically different approaches to conceptualizing human rights.
- To identify the main elements of the global human rights, refugee, and humanitarian regimes.
- To analyse how human rights are constructed and implemented.
- To assess the extent to which human rights constrain the autonomy of states.
- To explore how human rights and humanitarian issues affect the actions of state and non-state actors.
- To consider implications of human rights for the legitimacy of governance.

3. INTENDED LEARNING OUTCOMES

By the end of the course, students should be able to:

- demonstrate an understanding of the main theoretical approaches to human rights;
- understand the evolution of the human rights, refugee, and humanitarian regimes;
- assess the implications of human rights for a wide variety of actors – including individuals, states, and international organizations;
- advance reasoned and factually supported arguments both orally and in writing;
- develop appropriate research skills.

4. CONTENT

The course introduces the principal theoretical approaches to conceptualizing human rights and places human rights within broader debates within international relations, in particular sovereignty. It also discusses the related issues of refugees and humanitarian action. These will be illustrated by case studies. The course concludes by reflecting on how states and the international community can protect human rights and punish those who violate human rights. More specifically, the course covers:

- The idea of human rights
- The content of human rights
- Conflicts within and between various human rights
- The human rights regime
- The role of non-state actors
- Humanitarian intervention
- Human rights during conflict
- Accountability for human rights abuses
- The definition of a refugee

- The international institutional foundations for addressing human rights and humanitarian issues

5. TEACHING

There will be some lectures, but the primary form of instruction will be by seminar. Students will be expected to take an active part in the course by participating in debates and engaging in class discussion. Note that participants *must* purchase the texts and reading packet to ensure successful participation in the course. Students are encouraged to form reading groups in which they can discuss the readings before class.

The class will meet weekly on Wednesdays, 1100-1300.

6. COURSE REQUIREMENTS

There are three main assessed elements in the course: an essay, a group research project, and a final exam.

This is a seminar based course, so regular and active class attendance and participation is required. Each student will participate in one formal debate. Students are expected to do all of the required reading *before* class, attend all class sessions, and contribute actively to seminars.

For the debates, teams of 2 students will engage in one debate on an issue, using not only the required readings assigned for the week, but also incorporating outside materials where appropriate. Information on the formal aspects of the debates will be provided.

In addition, we will often begin the class with a brief overview of the major human rights stories in the news. You will be required to distill from the week's news the most important issues. You are also expected to react to and discuss the opinions of others on world events. To prepare, you should read a major international newspaper (or other 'serious' news outlet) on a regular basis (this is good practice generally, because it can help inform your views as a politics honours student as well as a citizen). You are not restricted in which news outlet(s) you choose, although a few possible choices, which can all be found on the Web, are: The Times, The Guardian, The International Herald Tribune, Al Jazeera, The New York Times. On most days, 2 or 3 students will be chosen at random to discuss the most important events related to human rights from the previous week, and will be expected to relate these events to the theoretical issues we are discussing in class. Thus, you should come to class each week prepared to discuss at least one human rights issue in the news.

7. ASSESSMENT

Assessment will be by essay, group research project, and final exam. The essay will entail responding to one of a series of questions to be distributed to the class. It should be about 4000 words long and will be due on the date specified in the Department Honours Handbook. The essay will be worth 30% of your final course mark.

The research project will entail groups of about 3 people creating a human rights organisation to deal with a particular issue or set of issues. More details will be

provided. Groups must submit a one page description of the project by **16 January 2008**. Failure to do so will result in the loss of 1 point from your final group project mark. Groups should meet with the instructor at least once after they have turned in their proposal and before they turn in their final product. Each group will give a short presentation on their projects on **27 February**. The final projects will be due on the date specified in the Department Honours Handbook for final essays. This project will count for 20% of your final course mark.

The exam will be worth 50% of the final course mark and will be given during the regular exam period.

N.B. PENALTIES

Penalties apply for the late submission of coursework essays (unless permission for late submission has been approved – see below). The penalty is **1 point for the first two days (or part thereof), and 1 point each day for five days, after which a mark of zero for the essay will apply. Weekends are included in the calculation of penalties.** Extensions present severe equity problems for everyone involved, and thus will only be granted in the direst of circumstances (e.g. significant health issues, death in the family). Having a cold a day or two before the deadline is not sufficient – do not leave your work until the very last minute.

8. METHODOLOGY

To assist participation in, and preparation for, this course, it is useful to make clear in summary form the underlying methodology for this course. By 'methodology' is meant those rules, procedures or postulates that permit valid or – at least – testable claims to be made. It should be noted that methodology is often contested, so that part of what is being studied is methodology itself, and not simply the product of the application of a particular method, or set of methods. Some methods will be common to all branches or sub-disciplines of Politics, while others may be specific to a particular branch or sub-discipline. The main methods employed in this course are:

1. **Conceptual analysis** – the formation and employment of meaningful symbols to denote items in a particular class and the interaction between different items.
2. **Inferential reasoning** – the derivation of valid conclusions from given premises.
3. **Generalization** from particular cases, leading to the articulation of principles.
4. **Idealization** – the use of hypothetical and counterfactual constructs to derive and test principles (not to be confused with utopianism).
5. **Prescriptive analysis** – political philosophy seeks to explain the motivational content of competing principles (i.e. how *should* states act?).
6. **Descriptive analysis** – the identification of empirical conditions that may be relevant to the development of principles (i.e. how *do* states act), and awareness of the continuity and discontinuity between prescription and description (i.e., the distinction between 'ought' and 'is').

9. PLAGIARISM

Plagiarism is the presentation of another person's work as your own. The University Calendar says that it is "considered as an act of academic fraudulence and is an offence against University discipline". The University Calendar sets out the procedure that a Head of Department must follow if plagiarism of assessed work is suspected. The presentation of someone else's essay is obviously fraudulent, but the dividing line

between your own work and that of your sources is less clear. The solution is always to acknowledge your sources and to use quotations when repeating exactly what someone else has said. Generally you should avoid excessive paraphrasing of others' writings, even with acknowledgement; it does not demonstrate that you have understood the material you are reproducing. If in doubt seek guidance from the instructor. Students are strongly advised to consult the University's Statement of Plagiarism which can be found on the Department's Web Page.

10. COURSE TEXTS

The following are **mandatory** purchases for the course:

- David Forsythe, *Human Rights in International Relations*, Cambridge: Cambridge University Press, 2006 (2nd Edition)
- Roy Gutman and David Rieff, eds., *Crimes of War: What the Public Should Know*, W. W. Norton, 2007 (2nd Edition)
- David Kennedy, *The Dark Sides of Virtue*, Princeton: Princeton University Press, 2004
- *State of the World's Refugees 2006: Human Displacement in the New Millennium*, Oxford University Press, 2006.

All of these books are available from John Smith & Sons.

The course also makes extensive use of internet sources and journal articles. Many of the journal articles are available electronically through the Library's website, although some will also be in the required reading packet, which will be available for purchase. I may distribute newspaper articles and other readings by e-mail.

11. OFFICE HOURS

Term 1: Wednesday 3:00-5:00 PM

Term 2: Tuesday 3:00-5:00 PM

Additional times by appointment (see cover for contact details).

12. OTHER POLICIES

E-mail: All class members must check their Glasgow e-mail address regularly. I will distribute announcements and other materials via e-mail.

Class Conduct: This class will be conducted in an open and supportive manner. Please be respectful others in the classroom, and expect the same respect from your classmates. Come to class on time; coming in late disrupts the class discussion.

Essays: All written work is to be typed, double-spaced, in a 12 point font. You are responsible for all errors in your papers, including grammatical and spelling mistakes. They should have footnotes and a bibliography when relevant.

Attendance is required and will be noted every week. Chronic nonattendance (or late attendance) will be referred to the honours coordinator.

Failure to complete an assignment is grounds for failure in the course.

I reserve the right to modify this course guide during the course of the semester.

Participation in this course implies acceptance of all of the policies and requirements stated in this syllabus.

Consult the Department of Politics Honours Course Guide for other regulations.

13. COURSE OVERVIEW

<i>Week</i>	<i>Date</i>	<i>Topic</i>
1	3/10	Introduction to the course
2	10/10	The history and theory of human rights
3	17/10	The content of human rights
4	24/10	Universalism vs. relativism
5	31/10	Communal conflict and self-determination
6	7/11	The human rights regime
7	14/11	Human rights and non-state actors
8	21/11	Accountability I: amnesty, impunity, and truth commissions
9	28/11	Accountability II: genocide, war crimes tribunals, and universal jurisdiction
10	5/12	Torture
11	9/1	The applicability of human rights during war – the Geneva Conventions
12	16/1	The result of war - refugees
13	23/1	Refugee rights and the refugee regime
14	30/1	Case study – genocide and non-intervention in the Great Lakes
15	6/2	Humanitarian intervention
16	13/2	Reassessing human rights activism
17	20/2	Human rights in a globalised, post-cold war, post-9/11 world
18	27/2	Presentation of group research projects

14. DETAILED COURSE OUTLINE

Readings are marked as follows:

Packet: Found in the reading packet (available from the instructor)

Forsythe: David Forsythe, *Human Rights in International Relations* (2nd Edition)

Gutman: Roy Gutman, David Rieff, and Anthony Dworkin, eds., *Crimes of War: What the Public Should Know* (2nd Edition)

Kennedy: David Kennedy, *The Dark Sides of Virtue*

UNHCR: *State of the World's Refugees 2006: Human Displacement in the New Millennium*

HRQ: Human Rights Quarterly (available from the Library's electronic holdings in the Project Muse database)

Electronic: Other articles available from the Library's electronic holdings

Online: Available online, link provided in the online version of the course guide.

The electronic version of this course guide provides links to online articles. A link to the electronic version will be distributed via e-mail.

Everything which is not identified as additional reading is required, and should be read *before* class on the day for which it is assigned.

Other optional resources and readings may be listed to provide you with further background. These lists are not meant to be exhaustive.

1. Introduction

2. The history and theory of human rights

Where do human rights come from? Where do human rights fit within international relations? What is the relationship of human rights and sovereignty?

- Packet:** Kurt Mills, *A New Sovereignty? Human Rights in the Emerging Global Order*, (London, Macmillan, 1998): Chapter 1, "Reconstructing Sovereignty," pp. 9-53
- Forsythe:** Chapter 1, "Introduction: Human Rights in International Relations"
- HRQ:** Jerome J. Shestack, "The Philosophic Foundations of Human Rights, *Human Rights Quarterly* 20 (May 1998): 201-34

•Additional readings and resources:

- Micheline R. Ishay, *The History of Human Rights* (Berkeley: University of California Press, 2004)

3. The content of human rights

What exactly are human rights? What are the main documents that lay out what human rights are? Do these documents tell the whole story? How do various human rights interact with each other?

- Forsythe:** Chapter 2, "Establishing Human Rights Standards"
- HRQ (PCI Full Text):** Rhoda Howard, "The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights?" *Human Rights Quarterly* 5 (November 1983): 467-90
- HRQ:** Rolf Künemann, "A Coherent Approach to Human Rights," *Human Rights Quarterly* (May 1995): 323-42
- Online:** Universal Declaration of Human Rights,
<http://www1.umn.edu/humanrts/instree/b1udhr.htm>
- Online:** International Covenant on Economic, Social, and Cultural Rights,
<http://www1.umn.edu/humanrts/instree/b2esc.htm>
- Online:** International Covenant on Civil and Political Rights,
<http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

•Additional readings and resources:

- HRQ:** Rachel Murray and Steven Wheatley, "Groups and the African Charter on Human and Peoples' Rights," *Human Rights Quarterly* 25 (2003): 213-236
- Online:** UK Foreign Office, "What Are Human Rights?"
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1028302591712>

4. Universalism vs. relativism (Guest Lecturer – Paul Graham)

Are human rights universal? Are they the same among all countries and regions of the world? Are they Western? What does this mean? If human rights are not universal, can they be human rights?

•Debate: Human rights are universal

- Packet:** 'Human Rights and Cultural Relativism' in Jack Donnelly, *Universal Human Rights in Theory and Practice* (2nd ed.): 89-106
- HRQ:** Daniel A. Bell, "The East Asian Challenge to Human Rights: Reflections on an East-West Dialogue," *Human Rights Quarterly* 18 (3 1996): 641-67
- HRQ:** Bonny Ibhawoh, "Between Culture and Constitution: Evaluating the Cultural Legitimacy of Human Rights in the African State," *Human Rights Quarterly* 22 (2000): 838-860
- HRQ:** Heiner Bielefeldt, "Muslim Voices in the Human Rights Debate," *Human Rights Quarterly* 17 (4 1995): 587-617
- Packet:** Abdullahi Ahmed An-Na'im, "State Responsibility Under International Human Rights Law to Change Religious and Customary Laws," in Rebecca Cook, ed., *Human Rights of Women: National and International Perspectives* (Philadelphia: University of Pennsylvania Press, 1994): 167-88
- Online:** Case Study: Laura Dudley Jenkins, Shah Bano: Muslim Women's Rights, Teaching Human Rights Online, <http://homepages.uc.edu/thro/shahbano/allshahbano.htm>

•Additional readings and resources:

- HRQ:** John J. Tilley, "Cultural Relativism," *Human Rights Quarterly* 22 (2000): 501-547
- HRQ:** Michael Goodhart, "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization," *Human Rights Quarterly* 25 (2003): 935-964
- HRQ:** Janet Afary, "The Human Rights of Middle Eastern & Muslim Women: A Project for the 21st Century," *Human Rights Quarterly* 26 (2004) 106-125
- HRQ:** Susan Waltz, "Universal Human Rights: The Contribution of Muslim States," *Human Rights Quarterly* 26 (2004): 799-844
- Ann Elizabeth Mayer, 'Cultural Particularism as a Bar to Women's Rights: Reflections on the Middle Eastern Experience,' in Julie Peters and Andrea Wolper, eds. (Routledge: 1995): 176-188
- Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (4th ed.) (Westview: 2007)
- Alison Dundes Renteln, *International Human Rights: Universalism vs. Relativism* (Sage Publications, 1990)

5. Group rights

What rights do groups of individuals have? On what basis can groups claim these rights? Is there a right to self-determination? If so, what does it entail?

•Debate – Scotland has a right to self-determination

- Packet:** Kurt Mills, *A New Sovereignty?* Chapter 2, "The Quest for Community – Internal Challenges to Sovereignty," pp. 54-94
- Packet:** Jo Eric Murkens, with Peter Jones and Michael Keating, *Scottish Independence: A Practical Guide* (Edinburgh University Press, 2002), Chapter 1, "Preliminary Issues," pp. 9-42

- Online:** David McCrone, "Scotland, Small? Making Sense of Nations in the 21st Century," Institute of Governance (18 October 2002), http://www.institute-of-governance.org/onlinepub/mccrone/scotland_small.html
- Online:** Ralph Peters, "Break Up Iraq Now!," *New York Post* (10 July 2003), <http://www.puk.org/web/html/news/nws/news030710.html>
- Online:** Muwaffaq Rifai, "Commentary: De-nationalising Iraq," *Al-Ahram Weekly* (21-27 April 2005), <http://weekly.ahram.org.eg/2005/739/re10.htm>
- Online:** Timothy Noah, "Kued Sellout Watch, Day 412," *Slate* (27 April 2004), <http://slate.msn.com/id/2099574/>
- Online:** Juan Cole, "The Three-State Solution?" *The Nation* (29 March 2004), <http://www.thenation.com/doc/20040329/cole>
- Online:** Peter W. Galbraith, "Last Chance for Iraq," *The New York Review of Books* (6 October 2005), <http://www.nybooks.com/articles/18297>

•Additional readings and resources:

- Online:** Scottish National Party – www.snp.org
- Online:** Map: Distribution of Major Ethnoreligious Groups and Major Tribes, http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethno_2003.jpg
- Online:** Iraq Maps: Demographic, <http://www.globalsecurity.org/military/world/iraq/maps-demo.htm>

6. The human rights regime

What are the main institutions and actors related to human rights on the global stage? Do they constrain states? Are they effective in protecting human rights?

- Forsythe:** Chapter 3, "Global Application of Human Rights Norms" and Chapter 5 "Regional Application of Human Rights Norms"
- Electronic:** Sonia Cardenas, "Norm Collision: Explaining the Effects of International Human Rights Pressure on State Behavior," *International Studies Review* 6 (June 2004): 213-231
- Online:** Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All* (March 2005), <http://www.un.org/largerfreedom/contents.htm> (Section IV, Freedom to Live in Dignity; Section IV.B, Strengthening the United Nations: The Councils)
- Online:** UN General Assembly, *2005 World Summit Outcome*, <http://www.un.org/summit2005/documents.html> (Section IV, Human Rights and the Rule of Law)
- Online:** Amnesty International, "UN: Governments must act promptly and effectively on important human rights commitments in 2005 World Summit Document," (26 September 2005), <http://web.amnesty.org/library/Index/ENGIOR410622005>
- Online:** List of International Human Rights Instruments, <http://www1.umn.edu/humanrts/instree/ainstls1.htm>

•Additional readings and resources:

- Online:** African Charter on Human and People's Rights, <http://www1.umn.edu/humanrts/instree/z1afchar.htm>
- Online:** American Convention on Human Rights, <http://www1.umn.edu/humanrts/oasinstr/zoas3con.htm>
- Online:** Arab Charter on Human Rights, <http://www1.umn.edu/humanrts/instree/arabhrcharter.html>
- Online:** Cairo Declaration on Human Rights in Islam, <http://www1.umn.edu/humanrts/instree/ainstls1.htm>

- Online:** European Convention for the Protection of Human Rights and Fundamental Freedoms, <http://www1.umn.edu/humanrts/instree/z17euroco.html>
- Online:** Vienna Convention and Programme of Action, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)
- Online:** Human Rights Network International, <http://www.hrni.org/EN/default.html>
- HRQ:** Sir Nigel Rodley, "United Nations Human Rights Treaty Bodies and Special Procedures of the Commission on Human Rights—Complementarity or Competition?" *Human Rights Quarterly* 25 (2003): 882-908
- HRQ:** Sonia Cardenas, "Transgovernmental Activism: Canada's Role in Promoting National Human Rights Commissions," *Human Rights Quarterly* 25 (2003): 775-790
- HRQ:** Lindsay Moir, "Law and the Inter-American Human Rights System," *Human Rights Quarterly* 25 (2003): 182-212
- HRQ:** Mahmood Monshipouri and Claude E. Welch, "The Search for International Human Rights and Justice: Coming to terms with New Global Realities," *Human Rights Quarterly* 23 (2001): 370-401

7. Human rights and non-state actors

What role do non-state actors (and in particular non-governmental organizations) play in protecting human rights? To what extent can NGOs have an effect on the politics of human rights?

- Forsythe:** Chapter 7: "Non-governmental Organizations and Human Rights"
- Packet:** William E. DeMars, *NGOs and Transnational Networks: Wild Cards in World Politics* (London: Pluto Press, 2005): "Your NGO Starter Kit," pp. 6-33 and "Partners in Conflict: A Structural Theory of NGOs," pp. 34-63
- Packet:** Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge University Press, 1999): Thomas Risse and Kathryn Sikkink, "The socialization of international human rights norms into domestic practices: introduction," pp. 1-38 and Sieglinde Gränzer, "Changing discourse: transnational advocacy networks in Tunisia and Morocco," pp. 109-133
- Gutman:** pp. 245-247

•Additional readings and resources:

- HRQ:** Kenneth Roth, "Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization," *Human Rights Quarterly* 26 (2004): 63-73
- HRQ:** Daniel A. Bell and Joseph H. Carens, "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue between Practitioners and Theorists," *Human Rights Quarterly* 26 (2004): 300-329.
- Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton: Princeton University Press, 2001)
- Philip Alston, ed., *Non-State Actors and Human Rights* (Oxford: Oxford University Press, 2005)

8. Accountability I: amnesty, impunity, and truth commissions

How should we address systematic gross violations of human rights? One answer is to help a society find the "truth" of what happened during a particular period in its history so that it can move beyond it. In some cases there may be worries that forces from a previous regime may destabilize a post-conflict/democratic transition if they are

threatened with punishment for their previous actions. Does the greater good of society outweigh letting human rights abusers go free? Are truth and justice irreconcilable?

•**Debate – Truth commissions are antithetical to justice**

- Packet:** Tristan Anne Borer, ed., *Telling Truths: Truth Telling and Peace Building in Post-Conflict Societies* (Notre Dame: University of Notre Dame Press, 2006): Tristan Anne Borer, "Truth-Telling As a Peace-Building Activity: A Theoretical Overview," pp. 1-58 and Juan E. Méndez, "The Human Right to Truth: Lessons Learned from Latin American Experiences with Truth Telling," pp. 115-150.
- HRQ:** Tristan Anne Borer, "A Taxonomy of Victims and Perpetrators: Human Rights and Reconciliation in South Africa," *Human Rights Quarterly* 25 (2003): 1088-1116
- Electronic:** Peter Uvin and Charles Mironko, "Western and Local Approaches to Justice in Rwanda," *Global Governance* 9 (Apr.-June 2003): 219-31
- Gutman:** p. 39

•Additional readings and resources:

- Online:** Report of the South African Truth and Reconciliation Commission, <http://www.info.gov.za/otherdocs/2003/trc/index.html>
- Online:** Transcripts and Policy Documents from the South African Truth and Reconciliation Commission, <http://www.doi.gov.za/trc/trccom.htm>
- Online:** Truth Commission Project, <http://www.truthcommission.org/>
- Online:** Coverage of the Gacaca process in Rwanda by the Fondation Hirondelle, <http://www.hirondelle.org/hirondelle.nsf/caefd9edd48f5826c12564cf004f793d/e50bea4b77a0482bc1256763005ac92a?OpenDocument>
- HRQ:** Joanna R. Quinn and Mark Freeman, "Lessons Learned: Practical Lessons from Inside the Truth Commissions of Guatemala and South Africa," *Human Rights Quarterly* 25 (2003): 1117-1149
- HRQ:** Book review: Juan E. Méndez and Javier Mariezcurrena, "Unspeakable Truths," *Human Rights Quarterly* 25 (2003): 237-256

9. **Accountability II: war crimes tribunals, and universal jurisdiction**

How does the international community address gross violations of human rights? Have the international courts that the UN has set up been successful? Do they provide justice?

•**Debate: The International Criminal Court will not make the world a safer place**

- Forsythe:** Chapter 4: "International Criminal Courts"
- HRQ:** Menno T. Kamminga, "Lessons Learned from the exercise of Universal Jurisdiction in Respect of Human Rights Offenses," *Human Rights Quarterly* 23 (2001): 940-974
- Electronic:** Christopher Rudolph, "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals," *International Organization* 55 (Summer 2001): 655-91
- Packet:** Kurt Mills and Anthony Lott, "From Rome to Darfur: Norms and Interests in US Policy Toward the International Criminal Court"
- Electronic:** Helena Cobban, "International Courts," *Foreign Policy* 153 (March-April 2006): 22-26
- Gutman:** p. 66-75, 132-136, 274

•Additional readings and resources:

- Online:** Crimes of War Project, <http://www.crimesofwar.org>

- Online:** International Criminal Tribunal for Rwanda, <http://www.icttr.org/>
- Online:** International Criminal Tribunal for the Former Yugoslavia, <http://www.un.org/icty/>
- Online:** International Criminal Court, <http://www.icc-cpi.int/>
- Online:** Coalition for an International Criminal Court, <http://www.iccnw.org/>
- Online:** International Center for Transitional Justice, <http://www.ictj.org/>
- Online:** "Rape and Genocide in Rwanda: The ICTR's Akayesu Verdict," Teaching Human Rights Online, <http://homepages.uc.edu/thro/rw/>
- Online:** "International Justice," in *Human Rights Watch World Report 2002*, <http://www.hrw.org/wr2k2/internationaljustice.html>
- HRQ:** William A. Schabas, "The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone," *Human Rights Quarterly* 25 (2003): 1035-1066

10. Torture and the "war on terror"

Does 9/11 and the "war on terror" necessitate a rethinking of certain human rights norms?

•Debate - Torture may be justified in some instances

- Packet:** Fernando Tesón, 'Liberal Security,' in Richard Ashby Wilson, ed., *Human Rights in the 'War on Terror'*, (Cambridge University Press, 2005): 57-77
- Packet:** David Luban, 'Eight Fallacies About Liberty and Security,' in Richard Ashby Wilson, ed., *Human Rights in the 'War on Terror'*, (Cambridge University Press, 2005): 242-257
- Electronic:** Kenneth Roth, 'Getting Away with Torture' *Global Governance* 11 (July-Sept. 2005): 389-406
- Electronic:** Mark Bowden, "The Dark Art of Interrogation," *The Atlantic Monthly* (October 2003): 51-76 (also available online: <http://www.theatlantic.com/doc/200310/bowden>)
- Gutman:** pp. 159-164, 198-204, 396-401
- Some selection of the following:**
 - Online:** Alan M. Dershowitz, "Is There a Torturous Road to Justice?" *Los Angeles Times* (8 November 2001), <http://ontology.buffalo.edu/smith/courses01/rrtw/Dershowitz.htm>
 - Online:** Sanford Levinson, "The Debate on Torture: War Against Virtual States," *Dissent* (Summer 2003), <http://www.dissentmagazine.org/mentest/archives/2003/su03/levinson.htm>
 - Online:** Henry Shue, "Response to Sanford Levinson," *Dissent* (Summer 2003), <http://www.dissentmagazine.org/mentest/archives/2003/su03/shue.htm>
 - Online:** "The Ethics of Torture," *PBS* (20 February 2004), <http://www.pbs.org/wnet/religionandethics/week725/cover.html>
 - Online:** "The Question of Torture," Carnegie Council on Ethics and International Affairs (1 June 2005), <http://www.carnegiecouncil.org/viewMedia.php/prmTemplateID/8/prmID/5207>

•Additional readings and resources:

- Online:** ICRC, "Theme: Detention," *International Review of the Red Cross*, No. 857 (2005), http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/section_review_2005_857
- Online:** Steve Crawshaw, "Not Worth the Paper They're Written On," *The Independent* (13 August 2005), <http://hrw.org/english/docs/2005/08/13/uk11627.htm>
- "The Structure of Torture," in Elaine Scarry, *The Body in Pain: The Making and Unmaking of the Modern World* (Oxford: Oxford University Press, 1985)

11. The applicability of human rights during war

What constraints are there on the conduct of war by states? Do existing international law and institutions actually constrain states and other actors in armed conflict?

- **Debate: The law of war is an oxymoron**

- **Gutman:** rest of book

- **Online:** ICRC, "International Humanitarian Law and International Human Rights Law: Similarities and Differences,"
[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JR8L/\\$FILE/IHL_and_IHRL.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JR8L/$FILE/IHL_and_IHRL.pdf?OpenElement)

- **Online:** Human Rights Watch, "Questions and Answers on Hostilities between Israel and Hezbollah," (31 July 2006),
<http://hrw.org/english/docs/2006/07/17/lebanon13748.htm>

- Additional readings and resources:

- **Online:** Laws of War, *Human Rights Magazine*,
<http://www.abanet.org/irr/hr/winter03/home.html>

- **Online:** ICRC, The Geneva Conventions: the core of international humanitarian law,
<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions>

- **Online:** ICRC, "Special Issue: New Types of Conflicts," *International Review of the Red Cross*, No. 849 (2003),
http://www.icrc.org/Web/eng/siteeng0.nsf/html/section_review_2003_849

- **Online:** Human Rights and Armed Conflict, Human Rights Watch, *World Report 2004*,
<http://hrw.org/wr2k4/>

- Geoffrey Best, *War & Law* (Oxford: Clarendon Press, 1994)

12. The results of war – refugees

What is a refugee? Where do refugees come from?

- **UNHCR:** Chapters 1, 3, 5-8

- Additional Readings and Resources:

- **Online:** U.S. Committee for Refugees and Immigrants, <http://www.refugees.org>

- **Online:** Global IDP Project, <http://www.globalidp.org/>

13. Refugee rights and the refugee regime

What rights do refugees have? Do states and the international community actually protect those rights?

- **UNHCR:** Chapter 2

- **Packet:** Matthew J. Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge: Cambridge University Press, 2004), Chapter 4, "The United Kingdom: the value of asylum," pp. 107-131

- **Packet:** Mary Crock, "The Refugees Convention at 50: Mid-Life Crisis or Terminal Inadequacy? An Australian Perspective," in Susan Kneebone, ed., *The Refugees Convention 50 Years On: Globalisation and International Law* (Ashgate, 2003): 47-89

- Packet:** Robert Illingworth, "Durable Solutions: Refugee Status Determination and the Framework of International Protection," in Susan Kneebone, ed., *The Refugees Convention 50 Years On: Globalisation and International Law* (Ashgate, 2003): 91-107
- Electronic:** Gil Loescher, "The UNHCR and World Politics: State Interests vs. Institutional Autonomy," *International Migration Review* 35 (Spring 2001): 33-55
- Gutman:** pp. 354-356

•Additional readings and resources:

- Online:** UN High Commissioner for Refugees, <http://www.unhcr.ch>
- Online:** European Council on Refugees and Exiles, <http://www.ecre.org>
- Online:** Scottish Refugee Council, <http://www.scottishrefugeecouncil.org.uk/>
- Online:** Erika Feller, Volker Türk and Frances Nicholson, eds., *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge: Cambridge University Press, 2003), <http://www.unhcr.ch/cgi-bin/texis/vtx/publ?id=41a1b51c6>

14. Case study – genocide, humanitarianism and non-intervention in central Africa

How does the international community respond to humanitarian crises?

- Electronic:** Kurt Mills, "Neo-Humanitarianism: The Role of International Humanitarian Norms and Organization in Contemporary Conflict," *Global Governance* 11 (Apr.-June 2005): 161-183
- UNHCR:** Chapter 4
- Packet:** Fiona Terry, "The Rwandan Refugee Camps in Eastern Zaire," in *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca: Cornell University Press, 2002): 155-215
- Packet:** Marc Le Pape, "Democratic Republic of Congo: Victims of No Importance," in Fabrice Weissman, ed., *In the Shadow of 'Just Wars': Violence, Politics and Humanitarian Action* (London: Hurst & Company, 2004): 209-227
- Packet:** Michel Agier and Françoise Bouchet-Saulnier, "Humanitarian Space: Spaces of Exception," in Fabrice Weissman, ed., *In the Shadow of 'Just Wars': Violence, Politics and Humanitarian Action* (London: Hurst & Company, 2004): 297-313
- Packet:** Eric Dachy, "Justice and Humanitarian Action: a Conflict of Interests," in Fabrice Weissman, ed., *In the Shadow of 'Just Wars': Violence, Politics and Humanitarian Action* (London: Hurst & Company, 2004): 314-324
- Gutman:** pp. 126-131

•Additional Readings and Resources:

- Convention on the Prevention and Punishment of the Crime of Genocide, <http://www1.umn.edu/humanrts/instree/x1cppcg.htm>
- Electronic:** Samantha Power, "Bystanders to Genocide," *The Atlantic Monthly* 288 (September 2001)
- Online:** Joel Boutroue, "Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire, July 1994 – December 1996," Massachusetts Institute of Technology, (June 1998), Available: http://web.mit.edu/cis/www/migration/pubs/rwp/1_boutroue.html
- Electronic:** Andrew S. Natsios, "NGOs and the UN system in complex humanitarian emergencies: conflict or cooperation?" *Third World Quarterly* 16 (3 1995): 405-419
- Online:** ICRC, "Special Issue: Contemporary Challenges to Humanitarian Action," *International Review of the Red Cross*, No. 855 (2004), http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_review_2004_855

15. Humanitarian intervention

Armed intervention to protect human rights is one of the most forceful challenges to state sovereignty as traditionally conceived. Are such interventions legal? Or moral? When should states or the international community engage in such activities? What are the successes and failures of humanitarian intervention? Does a responsibility to protect exist?

•Debate – The United Kingdom has a responsibility to stop genocide in Darfur

- Packet:** Kurt Mills, *A New Sovereignty? Human Rights in the Emerging Global Order*, Chapter 4, "Humanitarian Access and Intervention," pp. 126-165
- Online:** Rebecca J. Hamilton, "The Responsibility to Protect: From Document to Doctrine—But What of Implementation?" *Harvard Human Rights Journal* 19 (2006): 289-297, <http://www.law.harvard.edu/students/orgs/hrj/iss19/hamilton.pdf>
- Electronic:** Roberto Belloni, "The Tragedy of Darfur and the Limits of the 'Responsibility to Protect,'" *Ethnopolitics* 5 (4 2006): 327-346
- Gutman:** pp. 136-138, 153-157, 179-84, 192-194, 312-320, 327-329
- Online:** Interview with Michael Ignatieff on "Fresh Air," *National Public Radio* (18 March 2003), <http://www.npr.org/templates/story/story.php?storyId=1195580> (audio)
- Online:** Ken Roth, "War in Iraq: Not a Humanitarian Intervention," in Human Rights Watch, *World Report 2004*, http://hrw.org/wr2k4/3.htm#_Toc58744952
- Packet:** Rüdiger Bittner, "Humanitarian Interventions are Wrong," in Georg Meggle, ed., *The Ethics of Humanitarian Interventions* (Frankfurt: Ontos Verlag, 2004): 207-213
- Gutman:** pp. 146-151, 175-177, 183-185, 227-231

•Additional readings and resources:

- Online:** *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, International Development and Research Centre, 2001 (also online: <http://www.iciss.ca/report-en.asp>)
- Online:** Responsibility to Protect – Engaging Civil Society, <http://www.responsibilitytoprotect.org>
- Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000)
- HRQ:** Tom J. Farer, "The Ethics of Intervention in Self-Determination Struggles," *Human Rights Quarterly* 25 (2003): 382-406
- Online:** Human Rights Watch, "Darfur: Whose Responsibility to Protect," in *World Report 2005*, <http://hrw.org/wr2k5/darfur/index.htm>
- HRQ:** Nsongurua J. Udombana, "When Neutrality is a Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention in Sudan," *Human Rights Quarterly* 27 (2005): 1149-1199
- Online:** Howard Tolley, "President Clinton's Response to Kosovo," Teaching Human Rights Online, <http://homepages.uc.edu/thro/Kosovo/JWMain.html>
- Thomas Cushman, 'The Human Rights Case for the War in Iraq: A Consequentialist View,' in Richard Ashby Wilson, ed., *Human Rights in the 'War on Terror'* (Cambridge University Press, 2005): 78-107.

16. Reassessing human rights activism

Who benefits from human rights activism? Does human rights activism necessarily result in the protection of human rights? Can there be unintended consequences of such action?

- Kennedy:** 1-148, 199-358

17. Human rights in a globalised, post-cold war, post/9/11 world

Are human rights more or less relevant today as we transition from (or occupy simultaneously) a post-cold war world to a post-9/11 world? How does globalisation challenge (or strengthen) human rights?

- Forsythe:** Chapter 9, "The politics of liberalism in a realist world"
- Packet:** Kurt Mills, *A New Sovereignty? Human Rights in the Emerging Global Order*, Chapter 6, "Concluding Observations on the New Sovereignty," pp. 187-195
- HRQ:** Rhoda E. Howard-Hassman, "The Second Great Transformation: Human Rights leapfrogging in the Era of Globalization," *Human Rights Quarterly* 27 (2005): 1-40
- HRQ:** Rosemary Foot, "Human Rights and Counterterrorism in Global Governance: Reputation and Resistance," *Global Governance* 11 (July-Sept. 2005): 291-310

18. Presentation of group research projects