

DRAFT – August 17, 2020

**PJS 512/LWIC 543
International Justice & Human Rights (3 Units)
Fall Semester 2020**

Mondays from 17:30 to 20:20
& Friday December 11 From 17:30 to 20:20
Sessions will be conducted via Zoom.¹ Passcode = peacefrog

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Office Hours via Zoom:
Mondays from 14:30 to 16:30
Tuesdays from 12:30 to 15:30

Course Description

In modern history, momentum behind the idea of human rights has grown tremendously. What began as a marginal utopian discourse has today become an important moral and political narrative in domestic and global affairs. At the same time, rights remain controversial and contested, and gaps in enforcement of human rights norms are conspicuous. At the current moment, there is a heavy shadow over the future of human rights as a global project. This course examines the actors, organizations and ideas behind these developments, as well as the vast challenges we face today in attempting to enforce human rights norms globally.

Course Organization

The course begins by examining the philosophical and political bases for the international human rights idea, probing the ongoing debate over universality, culture and human rights. We will also begin to examine the normative pillars of international human rights law. In the second part of the course, we will analyze various challenges and dimensions of human rights enforcement, including the main United Nations and regional systems and the advocacy work of NGOs and human rights activists. In the third part of the course, we will look at the ways in which international law (including both international human rights law and international humanitarian law) addresses (or fails to address) the realities of armed conflict. This will include a discussion of the prosecution of atrocity crimes by the International Criminal Court and the idea of using

¹ And in the KIPJ theatre if Covid conditions ever allow.

armed force to prevent mass atrocities in the first place (involving the so-called “responsibility to protect,” also known as R2P). In the final part of the semester, we will engage in a more in-depth examination of several distinct human rights issues: torture, women’s rights, and the complexities of applying human rights frameworks to non-state actors such as transnational corporations. In all this, the course aims to provide students with a broad working knowledge of human rights at the level of intellectual theory and discourse, as well as a realm of concrete, “real world” action, controversy, and struggle.

Learning Objectives

1. Analyze the legal, political, and institutional frameworks associated with international human rights and humanitarian law.
2. Identify how internationally protected rights overlap or fail to overlap with broader and diverse concepts of ethics, justice, and, crime.
3. Create and defend reasoned arguments for and against varied understandings of human rights both orally and in writing.
4. Analyze and synthesize human rights violations in evolving, real-world contexts, identifying roots and drivers, as well as policy interventions intended to ameliorate human rights abuses; Communicate findings orally and in writing.

Please Note: This syllabus is a road map to get us started, not a final contract carved in stone. The instructor reserves the right to alter requirements and/or course content throughout the semester based on his assessment of student needs and attainment of learning objectives.

Academic Integrity: As part of this class, you are required to read USD’s academic integrity policy: http://home.sandiego.edu/~kaufmann/USD_academic_integrity.html. I am also requiring all students to familiarize themselves with what plagiarism means and take this quiz: <http://library.sdsu.edu/guides/tutorial.php?id=28>. It is your job to understand what plagiarism means. Violations of USD’s academic integrity policy will be dealt with harshly. I will use turnitin.com on your assignments. This means that if you plagiarize, I will catch it, and you will be sanctioned.

Required Textbooks:

- Jack Donnelly, UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE, 3RD EDITION (New York: Cornell University Press, 2013).
- Daniel Moeckli et al eds., INTERNATIONAL HUMAN RIGHTS LAW, 3RD EDITION (New York: Oxford University Press, 2017).

All other course readings will be available on USD’s BlackBoard system.

Course Requirements

(1) Participation (5% of your grade)

Your participation in the (Zoom) classroom is essential to the success of this course. **You are expected to participate in all of our Zoom sessions synchronously.** All reading assignments are to be completed PRIOR to our class each Session. I will regularly “cold-call” students to ask them questions about the readings. Be prepared!

You are expected to thoroughly prepare for and actively engage in weekly discussions, role-plays, debates, and other activities. This means you need to talk, ask questions, and debate issues.

Please make sure you express informed opinions about the subject matter. Ask questions based on your knowledge of the readings, agreeing or disagreeing with the viewpoints of our authors.

You are expected to be in class a few minutes before the start of class so that we may all begin on time with no interruptions.

(2) Country Conditions Monitoring Report (30% of final grade) (MAPJ Portfolio Eligible Assignment).

Within the first two Sessions of the semester, students will need to pair up with another student and together choose a country that they will monitor over the course of the semester. (One student may have to work solo if we have an uneven number of students in class).

While you will both be monitoring the same country as your partner, **you are to do your monitoring work independently and you will turn in separate monitoring reports.** (In contrast, both of you will jointly do the 20-minute oral presentation mentioned in #3 below).

You will in general be monitoring human rights conditions as well as larger developments that affect human rights conditions in the country in question. In our first class together, you will receive a few tips on how human rights researchers generally go about country monitoring when they cannot be present in the country itself. The country that you choose is important because you will have to stick with it for the entire semester and several of the assignments will relate to the country you are monitoring. You are generally free to pick your own country, though you should pick one that has relatively good coverage by existing international NGOs, the UN, and media since these are the principal sources you will use to do your distance monitoring. You should also

consider whether you are going to be able to read much of the information coming out of the country due to language barriers. If not, you will probably not be able to access local newspapers. Student partners are encouraged to discuss their choice with Prof. Sharp to make sure it's a good fit. Please note that **no more than one pair of students will be able to choose any given country**, and reservations are made on a first-come, first-serve basis. As there are some 195 countries in world, there will still be plenty of choices for everyone.

In the course of the semester, each individual student will be required to draft a **2-page country-monitoring report** (single spaced) where you summarize and synthesize issues relevant to human rights conditions during the monitoring period. You will be given a template to use for drafting these reports. You should imagine that these documents will be posted as periodic updates on a human rights NGO's website. We will call the NGO "Rights Watch," a fictitious international human rights organization not unlike Amnesty International or Human Rights Watch. It will be important to draft your monitoring reports with the public eye in mind and **any typos will be heavily penalized**. Please imagine that these reports are placed on the website twice per year. You are therefore free to cover developments going back into July 2020, but you should not be reporting on events prior to that because those events, in theory, would have been covered by Rights Watch's first report of 2020. Note, however, that historical events (atrocities during a civil war five years ago) can become newsworthy again if there is a recent news development (e.g., the establishment of a war crimes tribunal to examine the atrocities committed during the civil war). **You will find a report template, sample reports, and tips for monitoring in a folder on Blackboard. Please use them!**

Your country monitoring report is due to Dr. Sharp by midnight on Sunday, November 15. Please e-mail your reports to me in .doc/docx format (not .pdf. or a Google Docs link).

The title of your file should follow this pattern: Jane Doe Monitoring Assignment.docx

You should **use endnotes** for your sources in your monitoring reports so that I can see that you are drawing on a wide variety of sources. While the actual text of your report should not exceed two pages, endnotes on a third page will not count.

(3) 20-Minute Group Video Presentation. (20% of final grade)

Students will team up in groups of 2 to do a 20-min video presentation based on the countries that you have been monitoring over the course of the semester. Unlike the monitoring assignment where you were to work independently, here you will present as a team and will be jointly responsible for the quality of the presentation. You have freedom to structure your presentation as you wish. However, your presentation should:

- (A) Give your fellow students some limited background into the country in question so that they have enough **context** to try to make sense of the **roots and drivers** of the violations at issue. In other words, help your fellow students understand not just that bad things are happening, but **WHY** they are happening. Please do not confuse this with merely providing a historical timeline and demographic type information. I want bigger picture synthesis and analysis.
- (B) Provide an overview and analysis of some of the principal patterns of human rights violations within the last couple of years (note that this makes your presentation more expansive than the what you covered for your monitoring report because you aren't limited to the last few months); and
- (C) Provide 3-5 well-crafted recommendations to relevant actors for improving the human rights situation in the country. These should relate to the most critical changes you think need to be made. Your recs should be well-targeted, implementable, not overly vague/general, susceptible to assessment at a later date, and well keyed to the patterns of violations you discuss. Consider looking at recommendations from recent reports by Human Rights Watch if you want examples of the general format I am looking for. That said, even if it is something HRW has said, that does not mean it is always well-targeted, implementable, not overly vague/general, and susceptible to assessment at a later date. You still have to think for yourself!

In the past, most student presentations have used PowerPoint (or equivalent).

When I grade oral presentations, I am assigning points based on:

- (A) Whether the presentation provided a generally well-prepared and cogent overview of the topic (approximately 60% of the points)
- (B) Whether the presenter exemplified good presentation skills: not mumbling, making eye contact with the audience, not speaking too quickly, not staring at the screen the whole time, use of PowerPoint slides that can be seen from the back of the room, respecting time limits, not fidgeting, etc. (approximately 30% of the points)
- (C) Whether the presentation showed creativity, or was especially thoughtful or thought provoking. (approximately 10% of the points)

You will need to record your video presentation using software of your choosing and then post a link to your presentation in the dedicated message board section of the course blackboard page. **You need to upload your video on or before Sunday, November 1 at midnight.** Please create a new thread for each presentation so that we can have a separate discussion space for each one.

In addition to recording and uploading your presentation, to get a grade on the assignment all students in class are required to watch all of the presentations. Each student needs to post at least 4 substantive (200+ word) responses to your fellow students' presentations offering feedback, comment, praise, and critique. To be clear, this does not mean that you need to comment on each presentation; only that you respond to at least four of them. All four of your comments should be posted **on or before December 1 at midnight**. I will not be grading your comments individually, but **you will not get a grade** for the video presentation assignment **unless** you have posted four comments.

Please note that a number of Zoom session together (sessions 8-13) of the class will only take around 2 of the 3 allotted hours. I expect that you will be using the time off to watch and comment upon these video presentations (which in a pre-Covid world were done together in class).

A Word on Group Presentations: Every year, at least one student will tell me that they dislike group projects, but I continue to include one in this class for a number of reasons. First, because in the “real world” of practice, it is my experience that most work is inevitably group work, with all of the good and bad that comes with it. Second, having you all to work together on projects allows you to get to know each other, which tends to make for better classroom discussions. Finally, learning to teach and present is a skill that frightens a lot of people, but which is incredibly useful across a range of jobs. In the past, some students have expressed a frustration that they would rather listen to me talk than their fellow students. Please take this as a challenge to demonstrate professionalism and subject mastery. You are in effect co-teachers of the class and the more you all put into these presentations, the more we will all get out of it. For the most part, you will all be getting the same grade for your group presentations. This means that you are all responsible for the quality of the powerpoint slides, etc. The one exception is that if a particular student is a really weak presenter, their final grade might be somewhat lower than those in the group who were strong presenters.

4. Issue-Spotting Exercise (10% of your final grade)

On September 29, I will send you all a hypothetical fact pattern regarding a mythical country via email. The fact pattern describes a range of peace and conflict issues. Some of these issues will constitute violations of international human rights law. Others are egregious social problems, but will not represent violations of international human rights law. Your job will be to identify and analyze all of the likely human rights violations you see with reference to applicable articles in the International Covenant for Civil and Political Rights (ICCPR), and the International Covenant for Economic, Social, and Cultural Rights (ICESCR). **You are email me your completed assignment on or**

before the beginning of class on October 5th. Late assignments will be penalized. The title of your file should follow this pattern: Jane Doe Essay Assignment.docx

5. Short Essay (35% of final grade)

To demonstrate your engagement with the themes of the course, you will be required to turn in a short essay at any time prior to the beginning of the last class of the semester. The essay should be 3500 words maximum, inclusive of references, or roughly 10-12 pages double spaced. Please use your word count function to make sure you do not exceed 3500 words.

The essay is meant to be a vehicle for you to explore ideas and thoughts about the readings we have done in class; or about subjects we have not covered in class so long as they are still human rights or humanitarian law themes. The topic you choose to write on is fully of your own choosing. You might choose to react to a set of readings or ideas from a single class; weave together ideas based on readings and ideas from several classes; or explore a human rights topic we have not covered in class (e.g., refugee rights, children's rights, 3rd generation rights, etc).

In all instances, **you should make sure that your essay has a central point, thesis, or argument, clearly set forth early on in the essay.** Do not simply “describe” or “explore” a problem! The idea is to have an opinion and to develop and defend it through well-reasoned arguments. The reader should very easily be able to complete the following sentence within the first couple of pages: “In this essay, the author argues X and Y.”

The best papers **find a problem or puzzle and something to say about it that is actually interesting.** Arguments should go beyond some version of “Genocide is bad and needs to stop.” While I don't expect you to say something no one has thought of before, you should try to reach beyond the trite and obvious.

Errors of grammar, spelling, etc, will count against you. It is recommended that you proofread very carefully. You should cite the readings and other materials based on a recognized style guide of your choosing (APA, Chicago, Blue Book, etc). This means that you are free to use footnotes, endnotes, in-line citations, etc., based on the style guide you choose.

This assignment is due to me at any time before the beginning of the Session 13 (Dec 7). Because you can turn it in any time before the due date, this means you do not have to wait until the end of our time together to turn your paper in. If you want to avoid pressure towards the end of the semester, consider doing your paper earlier on. The deadline will not be extended.

Please e-mail your reports to me in .doc/docx format (not .pdf. or a Google Docs link).

The title of your file should follow this pattern: Jane Doe Essay Assignment.docx

To Summarize the Assignments and their Due Dates:

Assignment	Due Date
Issue Spotting Assignment	Oct 5
Group Video Presentation	Nov 1
Country Monitoring Report	Nov 15
Comments to Video Presentations	Dec 1
Final Essay	Dec 7

Zoom Rules & Etiquette

I have posted USD’s Zoom Rules for Students on the BlackBoard site. Please read them. I would also highlight the following:

To preserve the feeling of a small, interactive seminar, **you are expected to participate in all of our Zoom sessions synchronously**. If you are unable to connect to Zoom on your computer due to technical difficulties, you can always try doing so on your phone/tablet, and in the worst case, our sessions will have a call in number so that you can at least join via audio.

Please be aware that our sessions together will be recorded for later viewing (from the Panopto folder on Blackboard), or for those unable to participate synchronously due to illness. To protect the privacy of students, students themselves are prohibited from making their own recordings of class sessions, from taking screenshots of class sessions, and from sharing recordings with anyone not in the class. Doing so may be considered a USD Code of Conduct violation.

To facilitate communication, community building, and engagement, please leave your camera on during our sessions, and try to look at the camera when speaking so that we can have some semblance of eye contact. If you need to temporarily turn the camera off due to a disturbance on your end or to go to the bathroom, that is of course fine. Please also try to be present for your session together and avoid the temptation to multitask by checking email and so on.

Please leave your microphone muted until you want to speak. To signal your desire to speak, you can raise your virtual hand, your physical hand, or send me a note in the chat box saying you want to speak. I want to keep our sessions as interactive as possible, so if I miss your signal, please try again.

Professional Courtesy and Conduct

This is a professional degree program, and you are expected to treat your classmates and professors professionally – after all, they will shortly be your colleagues in the peacebuilding field. Nowhere will this be more important than in our discussions. The latter are intended to be helpful, and you are encouraged to critique the ideas of your peers and professors in respectful, constructive, and professional terms.

In our interactions, please try to keep the **Charity Principle** in mind: When listening to a speaker, interpret ambiguous statements in the most generous and least offensive way possible. Do not seek to take offense for the sake of occupying a moral high ground, or look for the most nefarious possible interpretation of what they have said. In responding to arguments, always “steel man” (or “steel woman”) the argument in question rather than responding to a “straw man” version of that argument. That is, even if an argument was not articulated as well as it could have been, try to respond to the strongest possible version of that argument that could have been made. You will find that your own arguments will be all the stronger and more persuasive for it. Try also to adopt a posture of **intense curiosity**, making the goal more to *understand* your classmate’s position than to win a debate. Remember that to truly understand someone’s argument does not mean you have to agree with it. Finally, it is a lot easier to learn from others if you adopt a posture of **intellectual humility**, remembering the importance of questioning everything you think you know, and avoiding the seductions of final answers and absolute certainty.

Use of Office Hours

It has been one of my great joys and privileges as a professor that I teach small classes and really get to know my students well. Because we will not be meeting in person for the time being, I would especially encourage you to schedule one-on-one time with me during office hours so we can chat. You do not need to have some kind of cosmic question about an assignment to do so. I enjoy just hearing a bit about you and getting to know you as a human being. On a more pragmatic level, it’s also a lot easier for me to write letters of recommendation for students I was able to get to know a bit outside the formality of the classroom.

PART I: FOUNDATIONAL CONCEPTS, FRAMEWORKS, AND DEBATES

Session One (Sept 14): Setting the Stage: The Concept of Human Rights.

What are “human rights” and how did they evolve? Is this the best way of conceptualizing and working through issues of social justice? What are the alternatives?

- Philip Alston & Ryan Goodman, INTERNATIONAL HUMAN RIGHTS, pp. 3-17 (human rights snapshots).
- Jack Donnelly, UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE (Chs. 1, 2, & pages 55-62 of chapter 4).
- The Universal Declaration of Human Rights

Recommended Readings:

- Ed Bates, *History*, pp 3-21, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017).
- Samantha Besson, *Justifications*, pp 22-40, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017)
- Marie-Benedicte Dembour, *Critiques*, pp 41-59, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017)
- A Compendium of International Law Terms and Phrases (use as reference resource for course as a whole).

During the first two to 2.5 hours of class or so, we will discuss the assigned readings and go over the course syllabus. In the final 30 minutes or so, I will provide a short tutorial on human rights monitoring in connection with the semester-long human rights monitoring assignment.

Session Two (Sept 21): Culture and Human Rights; The Universality Debate

Is human rights a uniquely Western concept? Does it matter? Who benefits from human rights? What does it mean to say that human rights is an “ideology”? Can human rights advocates avoid being called “cultural imperialists”? Why do we have a human rights movement and not a human duties movement?

- Jack Donnelly, UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE (Chs. 5, 6, 7 & 16).
- New York Times, “Culture Clash Fuels Muslims Raging at Film,” September 16, 2012.
- Deutsche Welle, “Europe’s Rights Court Upholds Burqa Ban,” July 1, 2014.
- “Gay Rights in Tanzania,” hypothetical fact pattern for in-class activity.

Recommended Readings:

- Case of S.A.S. v. France (European Court of Human Rights, Application no. 43835/11, July 2014) [so-called “burqa ban” case]
- Makau wa Matua, “The Ideology of Human Rights,” *Virginia Journal of International Law* 36:3 (Spring 1996), pp. 589-657.
- Jack Donnelly, UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE, ch. 8, 9, 10.

During the first two hours of class, we will discuss the assigned readings. During the final hour, we will do a group exercise based on the hypothetical case study “Gay Rights in Tanzania.” If course enrollments are large, we may need to run this activity as a small group discussion rather than a role-play.

Assignment Due: By the end of class, student pairs should inform Prof. Sharp as to which country they will be monitoring.

Session Three (Sept 28): Normative Pillars of International Human Rights Law

How are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) different? What effects might hierarchies of rights have, as they exist either in theory or in practice? Is poverty a violation of human rights? What is meant by “progressive realization”? Why do we usually need to identify some kind of state action in order to say a human rights violation has taken place?

- Read the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*.
- Philip Alston & Ryan Goodman, *INTERNATIONAL HUMAN RIGHTS*, 157-161 (intro to CPR); 277-78, 284-87, 292-295, 297-299 (intro to ESCR).
- Richard Claude and Burns Weston, *HUMAN RIGHTS IN THE WORLD COMMUNITY*, pp. 162- 179, 191-223.
- *Soobramoney v. Minister of Health*, Constitutional Court of South Africa, Case CCT 32/97, 27 Nov. 1997 (excerpts)
- *Government of South Africa v. Grootboom*, Constitutional Court of South Africa, Case CCT 11/00, 4 Oct. 2000 (excerpts).
- Mac Darrow and Amparo Tomas, *Human Rights and State Obligations Under International Law*.

Recommended:

- Ferderic Megret, *Nature of Obligations*, pp 86-109, in *INTERNATIONAL HUMAN RIGHTS LAW*. (New York: Oxford University Press, 2017).
- Sarah Joseph and Adam Fletcher, *Scope of Application*, pp. 110-131 in *INTERNATIONAL HUMAN RIGHTS LAW* (New York: Oxford University Press, 2017).
- Stephen Marks, *Poverty*, pp 597-618, in *INTERNATIONAL HUMAN RIGHTS LAW* (New York: Oxford University Press, 2017).
- Jack Donnelly, *UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE*, chs. 3, 14.

During the first two hours of class, we will discuss the assigned readings. During the final hour, we will break into groups to work through a series of hypothetical fact patterns that ask you to identify whether a human rights “violation” has taken place. This exercise will help prepare you for the Issue Spotting Exercise that will be due on February 12.

PART II: HUMAN RIGHTS ENFORCEMENT & PROTECTION

Session Four (Oct 5): International Law & The Compliance Debate

How do international norms emerge and what are their sources? When do they become “international law”? What is meant by “hard” and “soft” law, and what is the relative importance of each? Is international law really law?

- Christine Chinkin, *Sources*, pp 63-85, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017)
- John R. Bolton, “Is There Really ‘Law’ in International Affairs?” *Transnational Law and Contemporary Problems* 10 (2000), 1-47.
- Harold Koh, “Transnational Legal Process After September 11th,” *Berkeley Journal of International Law* 22 (2003-2004), pp. 337-354.

Recommended:

- Shirley Scott, *Legal Argument as Political Maneuvering*, pp.121-142, in INTERNATIONAL LAW IN WORLD POLITICS (Boulder: Lynne Rinner, 2010).
- Kenneth Abbott and Duncan Snidal, *Hard and Soft Law in International Governance*, pp 21-48, in INTERNATIONAL LAW; CLASSIC AND CONTEMPORARY READINGS (Boulder: Lynne Rinner, 2009).
- Beth Simmons, *Compliance with International Agreements*, pp 143-62, in INTERNATIONAL LAW; CLASSIC AND CONTEMPORARY READINGS (Boulder: Lynne Rinner, 2009).

For the first two hours of class, we will discuss the assigned readings. For the final hour of class, students will be divided into three groups: international law skeptics, international law promoters, and a group of judges. The judges will be tasked with asking probing questions of both sides and managing a debate based on the importance of international law to solving collective dilemmas relating to peace, justice, and security. If course enrollments are large, we may need to run this activity as a small group discussion rather than a debate.

Session Five (Oct 12): Key Global Human Rights Institutions and Enforcement Mechanisms

What are the central institutions and processes through which international human rights law is enforced? How do you evaluate the strength or deficiency of these mechanisms? Who has access to these mechanisms? What would it take to improve them?

- Jane Connors and Markus Schmidt, *United Nations*, pp 369-410, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017)
- Jack Donnelly, UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE, pp 172-179 (regional human rights systems).
- Andrew Byrnes and Catherine Renshaw, *Within the State*, pp 482-499, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017).

Recommended:

- Jo Pasqualucci, *The Americas*, pp 425-440, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017).
- Steven Greer, *Europe*, pp 441-464, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017)
- Christof Heyns and Magnus Killander, *Africa*, pp 465-481, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017).
- Jack Donnelly, UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE, ch. 11.

For the first part of class, we will discuss the assigned readings. Towards the end, I will ask student groups who have read about the regional system in either Europe, the Americas, or Africa to caucus and then quickly brief the class on the key features of their particular regional system. We will make regional assignments during Session Four. If you have been assigned to a particular reading, please look to the “recommended readings” section for this Session and read the appropriate regional chapter.

Session Six (Oct 19): The Work of Activists and NGOs

What is the role of non-governmental human rights organizations in furthering human rights norm development and norm enforcement? For whom and on behalf of whom do the world's biggest human rights NGOs work? Who is their constituency? To whom are they accountable? When might they cross the line between doing harm and doing good?

- Richard Claude & Burns Weston, eds., HUMAN RIGHTS IN THE WORLD COMMUNITY, pp. 424-433. "What do HR NGOs Do?"
- Philip Alston & Ryan Goodman, INTERNATIONAL HUMAN RIGHTS, 1503-1515 (international non-governmental organizations)
- Margaret Keck and Kathryn Sikkink, *Transnational Advocacy Networks in International Politics*, in ACTIVISTS BEYOND BORDERS, pp 1-38.
- Dustin Sharp/Human Rights Watch, *The Perverse Side of Things: Torture, Inadequate Detention Conditions, and Excessive Use of Force by Guinean Security Forces*, August 2006.

Explore (seriously, do it):

- <http://www.hrw.org>
- <http://www.amnesty.org>
- <http://www.globalrights.org>
- <http://www.humanrightsfirst.org>

Recommended Readings:

- Makau wa Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARV. INT'L L. J 201, 201-245 (2001).
- David Kennedy, *The International Human Rights Movement: Part of the Problem?*, 15 HARV. HUM. RTS. J. 101, 101-125 (2002).

For the first two hours, we will discuss the assigned readings. For the final hour, we will do a group activity based on the hypothetical case study "Oil in Afrikanistan." If course enrollments are large, we may need to run this activity as a small group discussion rather than a role-play.

PART III: WAR, LAW AND ATROCITY

Session Seven (Oct 26): International Humanitarian Law I

To what extent can and should armed conflict be managed and mitigated by international law? What are the core principles of “international humanitarian law” (IHL), when does it apply, and to which actors? Why do the Geneva Conventions make a distinction between international and non-international armed conflict? Is this a useful distinction today? Does IHL seem relevant to the realities of modern conflicts, armed or otherwise?

- Sandesh Sivakumaran, *International Humanitarian Law*, pp 503-520, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017).
- N. Melzer, INTERNATIONAL HUMANITARIAN LAW: A COMPREHENSIVE INTRODUCTION, Chapter I “Introduction to IHL,” 15-47
- Geneva Conventions, Common Art III.
- List of Customary Law Rules (As seen by the ICRC).

Additional Resources I’ve Placed on Blackboard:

- 1949 Geneva Conventions.
- 1977 Additional Protocols to the Geneva Conventions.
- N. Melzer, INTERNATIONAL HUMANITARIAN LAW: A COMPREHENSIVE INTRODUCTION (full volume).

For roughly the first two hours of class (the material for this session may take a little longer than that though), we will discuss the assigned readings. We will then end our group session early to accommodate work on your group video presentations.

Session Eight (Nov 2): International Humanitarian Law II

How does IHL differ from international human rights law (IHRL)? Does IHRL apply during armed conflict? What are the strengths and weaknesses of both legal regimes vis-à-vis the problem of armed conflict and atrocity? How can we enforce IHL? What is the role of the International Committee for the Red Cross (ICRC) when it comes to implementation and enforcement? How does the ICRC differ from the various national Red Cross Societies? How does the ICRC's work differ from the advocacy NGOs we discussed in Session Six?

- Matthew Happold, "International Humanitarian Law and Human Rights Law," in C. Henderson & N. White (eds.), RESEARCH HANDBOOK ON INTERNATIONAL CONFLICT AND SECURITY LAW (Edward Elgar, 2012).
- N. Melzer, INTERNATIONAL HUMANITARIAN LAW: A COMPREHENSIVE INTRODUCTION, Chapter 8 "The Special Role of the ICRC," 311-29.
- Marco Sassoli, *The Implementation of International Humanitarian Law: Current and Inherent Challenges*, 10 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW (2007), 45-73.

Explore (seriously, do it):

- <https://www.icrc.org/en>
- <http://www.redcross.org/about-us/who-we-are/history/global-red-cross-network>
- <https://genevacall.org/>
- <http://www.dcaf.ch/index.html>

For roughly the first two hours of class (the material for this session may take a little longer than that though), we will discuss the assigned readings. We will then end our group session early to accommodate watching and commenting upon group video presentations.

Session Nine (Nov 9):

The International Criminal Court

What is the historic significance of the existence of the International Criminal Court? How well does it contribute to the enforcement of international criminal law? Does the existence of the Court change the behavior of would-be perpetrators? Has the Africa-heavy emphasis of the Court inflicted a fatal wound to the Court's credibility? Does the work of the Court have the capacity to derail peace processes? Should the United Nations Security Council freeze indictments, or let justice "run its course"?

Readings:

- Robert Cryer, *International Criminal Law*, pp 521-538, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017).
- Rome Statute of the International Criminal Court, U.N. Doc A/CONF.183/9 (1998), Articles 1-33.
- Adam Branch, *Uganda's Civil War and the Politics of ICC Intervention*, 21 ETHICS & INTN'L AFF. 179, 179-198 (2007).
- *Liberia: Ecowas Chairman Urges UN to Lift Taylor Indictment*, IRIN (June 30, 2003)
- Louise Arbour, editorial, *Justice v. Politics*, N.Y. TIMES, September 16, 2008
- Sudan: NGO expulsion to hit Darfur's displaced, IRIN (March 9, 2009)
- BBC NEWS, "African Union in Rift with Court." (July 3, 2009)
- Voice of America, *African Union Demands Security Council Suspend ICC Indictment of Bashir* (November 1, 2009).
- John Bolton, editorial, *Goo-Goo Court Boosts Darfur Butchers*, N.Y. POST (August 6, 2009).

For roughly the first two hours of class, we will discuss the assigned readings. We will then end our group session early to accommodate watching and commenting upon group video presentations.

Session Ten (Nov 16): The Responsibility to Protect (R2P) & Jus ad Bellum

Under what circumstances is the use of armed force permitted under international law? Under what circumstances should we use coercive force to stop large-scale atrocities while they are happening? Does it matter if such actions are illegal under the UN Charter? Does the responsibility to protect doctrine present a workable foreign policy framework? What obstacles exist to its actualization? What is the future of R2P after Libya and Syria?

Readings:

- ST. THOMAS AQUINAS, THE SUMMA THEOLOGICA, Second Part of the Second Part, Question 40, Article 1.
- JEAN HATZFIELD, MACHETE SEASON: THE KILLERS IN RWANDA SPEAK (Picador 2006), pp. 88-92.
- Jack Donnelly, UNIVERSAL HUMAN RIGHTS: THEORY AND PRACTICE, ch. 15.
- Responsibilitytoprotect.org, *An Introduction to R2P*.
- David Rieff, R2P, R.I.P., The New York Times, November 7, 2011.
- Martha Hall Findlay, *Can R2P Survive Libya and Syria?*, Canadian International Council Strategic Studies Working Group Paper, November 2011.

For roughly the first two hours of class, we will discuss the assigned readings. We will then end our group session early to accommodate watching and commenting upon group video presentations.

PART IV: ADDITIONAL TOPICS IN HUMAN RIGHTS

Session Eleven (Nov 23): Torture

Can torture ever be justified? How would you respond to those who claim that the information gathered under torture has saved American lives? Should Bush administration officials linked to the authorization of torture be prosecuted? How do you assess President Trump's pledge to reinstate waterboarding and "far worse"?

- The United Nations Convention Against Torture
- Henry Steiner and Philip Alston, INTERNATIONAL HUMAN RIGHTS IN CONTEXT, PP. 224-262 (Torture revisited)
- Susan Sontag, *Regarding the Torture of Others*, N.Y. TIMES MAGAZINE, May 2004.
- Mark Goldblatt, *Sontag Logic: Anti-Americanism Over Logic*, NATIONAL REVIEW ONLINE, May 28, 2004.
- Human Rights Watch, *Getting Away with Torture?* April 2005, Vol. 17, No1(g), pp1-7.
- *Interrogation Memos Detail Harsh Tactics by the C.I.A.*, N.Y. TIMES, April 17, 2009.
- White House Press Office, *Statement of President Barack Obama on Release of OLC Memos*, April 16, 2009.
- *Spain's Attorney General Opposes Prosecutions of 6 Bush Officials on Allowing Torture*, N.Y. TIMES, April 17, 2009.
- *The Memos: Torture Redefined*, N.Y. TIMES, April 16, 2009.
- *No Charges Filed on Harsh Tactics Used by the C.I.A.*, N.Y. Times, August 30, 2012
- Jameel Jaffer & Larry Siems, *America's Real Patriots Fought to Expose and End Torture*, LA Times, August 13, 2014.
- James Risen and Sheri Fink, *Trump Said 'Torture Works.' An Echo Is Feared Worldwide*, N.Y. Times, January 5, 2017.

For roughly the first two hours of class, we will discuss the assigned readings. We will then end our group session early to accommodate watching and commenting upon group video presentations.

Session Twelve (Nov 30): Gender-Based Repression

Is there a global “war on women”? What role can international law play in helping to protect particularly vulnerable populations in times of both peace and conflict? Is “women’s rights” a helpful phrase, or should we use the term “human rights”? To what extent do culturally bound notions of gender complicate efforts to protect women from violence? Why hasn’t the US ratified CEDAW?

- The United Nations Convention on the Elimination of all Forms of Discrimination Against Women
- United Nations Security Council Resolutions 1325 & 1820
- Dianne Otto, *Women’s Rights*, pp. 316-332, in *INTERNATIONAL HUMAN RIGHTS LAW* (New York: Oxford University Press, 2013).
- Kelly Shannon, *The Right to Bodily Integrity: Women’s Rights as Human Rights and the International Movement to End Female Genital Mutilation, 1970s-1990s*, pp 285-310, in *THE HUMAN RIGHTS REVOLUTION: AN INTERNATIONAL HISTORY* (New York: Oxford University Press, 2012).
- 2012 Human Security Report, *Overview*, Human Security Report Project, Simon Fraser University, pp 1-9.
- Darren Rosenblum, *What’s Wrong With “Women’s Rights,” and Why the US Should Ratify CEDAW Anyway*, The Huffington Post Blog, November 29, 2010.

Recommended Readings:

- Rhonda Callaway & Julie Harrelson-Stephens, eds., *EXPLORING INTERNATIONAL HUMAN RIGHTS*, pp 177-200
- Allida Black, *Are Women “Human”? The UN and the Struggle to Recognize Women’s Rights as Human Rights*, pp 133-155, in *THE HUMAN RIGHTS REVOLUTION: AN INTERNATIONAL HISTORY* (New York: Oxford University Press, 2012).

For roughly the first two hours of class, we will discuss the assigned readings. We will then end our group session early to accommodate watching and commenting upon group video presentations.

Session Thirteen (Dec 7): The Challenge of Non-State Actors

In this session we will look at the state-centricity of human rights law and institutions. What are the challenges of trying to apply the frameworks we have been studying in class to non-state actors, including transnational corporations, rebel soldiers, and international criminal networks? Is human rights the right “fit” for these problems? In what ways might human rights frameworks need to be expanded or adapted?

- Andrew Clapham, *Non-State Actors*, pp 557-579, in INTERNATIONAL HUMAN RIGHTS LAW (New York: Oxford University Press, 2017)
- Philip Alston & Ryan Goodman, INTERNATIONAL HUMAN RIGHTS 1461-1497 (transnational corporations and human rights).
- Eduardo Porter, “Motivating Corporations to Do Good,” The New York Times, July 15, 2014.
- Nicole Tuttle, Human Rights Council Resolutions 26/9 and 26/22: Towards Corporate Accountability?, ASIL INSIGHTS, Vol. 19, Issue 20, September 3, 2015.
- Christopher Walter & Hannah Edmonds, “A Step Along the Road to a Legally Binding Treaty on Business and Human Rights,” The National Law Review, August 22, 2018.

For roughly the first two hours of class, we will discuss the assigned readings. We will then end our group session early to accommodate watching and commenting upon group video presentations.

PART V: THE END

Session Fourteen (Dec 11): Taking Stock and Looking Forward ¡FRIDAY SESSION!

Is the international human rights movement “part of the problem”? Have its creative energies been spent? What is its relevance in a post 9-11 “Neo-Westphalian” world where the BRICS are rising? Even with all of this criticism, what role might the various “rights revolutions” have played in the worldwide decrease in violence outlined by Stephen Pinker?

- Stephen Hopgood, Jack Snyder, and Leslie Vinjamuri, “Introduction: Human Rights Past, Present, and Future, in *Human Rights Futures* (Cambridge: Cambridge University Press 2017).
- Karthryn Sikkink, “Chapter Two - Response to the Critics – How to Evaluate the Legitimacy and Effectiveness of Human Rights, in *Evidence for Hope* (Princeton: Princeton University Press, 2017).
- Steven Pinker, *The Better Angels of our Nature, Why Violence Has Declined*. Watch the following video: <http://edge.org/conversation/mc2011-history-violence-pinker>.

We will begin with a discussion of the readings. This will be followed by an open session where students can bring any questions to the table they might have. Please come to the session with a few in mind. Finally, I will allocate some time to allow you to complete the online course review since response rates tend to decline if you are left to do it on your own time.

Assignment Due: Your Short Essay is due to me by email prior to the beginning of this session.