

IDC- Course Title: Bridging Human Rights & Conflict (Spring 2014)

Prof. Edward (Edy) Kaufman (kaufmane@umd.edu)

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Sessions: Tuesdays (11:30 – 13:00) / Room L102.

Course Description:

This course builds the participants' understanding of the connections and tensions of human rights and conflict transformation within a contemporary international context. Participants are introduced to the values, norms, techniques and processes that are affecting policy and action when state and non-state actors are confronted in violent conflict. The course introduces the paradigms of human rights and conflict management and highlights the complexity of their application with concrete cases through simulations. Students are called up to deal the dilemmas of decision-makers and search for common ground solutions.

Grade composition: The final grade will be based on participation in class (30%), and the final exam (70%). Students' voluntary presentations in the analysis of contending positions and common ground covering case studies in classes 8, 9, 10 and 11 will be granted up to an extra 3% of the final grade.

Attendance: Attendance is mandatory to all sessions. More than 3 absences will be considered automatically a failed course. Each session will start at 11:30, and the classroom door will be closed at 11:35, and open back at 11:45. This is a rather small classroom for a normally large enrollment and latecomers are disruptive.

Participation grade: Participation will be graded through the one-minute evaluation form. This method consists in half a page that students will be asked to fill up every class. The grade is composed by 3 points per class (1 point for the mere assistance, and 2 points if the student fill up the form in an acceptable way, showing his interest and understanding of the topics given in the class). People who miss classes for justified reasons (army reserve and/or illness), the absence will not be counted as long as they bring a written justification which must be handled through the IDC authorities.

Laptops: The use of laptops in class is strictly limited to the purposes of the class. Violation of this guideline will result in a request to leave the classroom and an absence in that session.

* **TEXTBOOK:** JULIE A. MERTUS AND JEFFREY W. HELSING, [EDS.], HUMAN RIGHTS AND CONFLICT, (Washington DC, United States Institute of Peace, 2007)
Selected articles

Session 1: The structure and objectives of the course. Pioneering in a cutting-edge field: promise and obstacles. Introducing the conflicting paradigms: humanitarian law and human rights within the legal tradition; conflict resolution and peace studies within the social sciences. Trends in international conflict (PowerPoint at the course's website).

Readings:

J. Joseph Hewitt, Jonathan Wilkenfeld and Ted Robert Gurr, Peace and Conflict 2008 – Executive Summary (www.cidcm.umd.edu)

Session 2: The human rights regime: historical development before and after the Universal Declaration of Human Rights (December 10th, 1948). From “promotion of Human Rights” to the “Responsibility to Protect”

Reading: * Ellen L. Lutz, Understanding Human Rights Violations in Armed Conflicts, 23- 38.

Session 3: The development and limitations of humanitarian law. The Geneva Convention and its application to non-state actors. War Crimes and the International Criminal Court.

Guest speaker: Representative of the International Committee of the Red Cross (ICRC)

Readings:

* Short ICRC publications in website

* Jordan J. Paust, Human Rights, Terrorism and Efforts to Combat Terrorism, 239-266

* David Stewart, Commentator, 267-277.

Session 4: Human Rights norms. An in-depth analysis of the Universal Declaration of Human Rights (handout). First, Second, Third and Fourth [“New Rights”] generations.

Readings:

Universal Declaration of Human Rights

Session 5: The Relevance of the conflict transformation approach- needs versus human rights based approach. Differences between formal and informal settings. Power, Adjudication and Alternative Dispute Resolution Techniques

Reading: *Lisa Schirch, Linking Human Rights and Conflict Transformation: A Peacebuilding Framework, 63- 96.

Session 6: “Peace and Justice” – the catchwords behind the human rights and conflict resolution concepts. Two contending or complementary paradigms? (handout). Early attempts to connect the two concepts: The right to peace. The process of international human rights protection and its impact on democratization and peace.

Readings:

*Abdul Aziz Said and Charles O. Lerche, Peace as a Human Rights: Toward an Integrated Understanding, 129- 150, Jack Donnelly, Commentator, 151- 158.

*Vasuki Nesiah, Truth vs. Justice: Commissions and Courts, 375- 398, Richard Ashby Wilson, Commentator, 399- 404.

Session 7: Toward new approaches--:searching for overlapping areas: a) conflict of rights; b) the changing nature of conflict from inter to intra-state violence; c) strategies for pre-conflict, armed conflict and post-conflict stages;d) human security and terror.

Readings:

*Mohammed Abu-Nimer and Edward (Edy) Kaufman, Bridging Conflict Transformation and Human Rights: Lessons from the Israeli-Palestinian Peace Process, 277 -308.

*Christine Bell, Human Rights, Peace Agreements and Conflict Resolution, Negotiating Justice in Northern Ireland, 345- 374.

Sessions 8: Conflict of Rights at the individual level- Case Study of Interpersonal conflict: Airport security versus profiling. Conflict of Rights at the communal level – Danish caricatures (freedom of expression versus anti-religious incitement). Class discussion

Readings: TFF (Lund, Sweden, March 21, 2006) Materials in English on: THE MUHAMMAD CARICATURES

Sessions 9 & 10: Conflict of rights at the macro level – Search for Common Ground-Case Study: Torture/Extraordinary Interrogation Techniques/Moderate Physical Pressure when the bomb is ticking.

Readings: Course Webpage: Alan Dershowitz, The Case for Torture; Jack Rabbit, Why Torture Doesn't Work: A Critique of Alan Dershowitz' Case for Torture; Amnesty International, No Justification for Torture.

Session 11: Human Rights and Conflict in the Middle East. Domestic and International instruments. The role of civil society, social networks and movements (Lybia, Iran, Iraq, Israel and Palestinian Territories). . Summing up and evaluation.

Readings: International (UN), Governmental (State Dept.) and non-Governmental reports (Amnesty International, Human Rights Watch)

Other Readings:

- “Genocide”. Raphael Lemkin.
- ICRC Brochure: “Distinction: Protecting Civilians in Armed Conflicts”.
- ICRC Brochure: “International Humanitarian Law”.

- Donnelly, Jack. "Progress in Human Rights".
- Maria Cañadas Francesch et al. Alert 2008! Report on conflicts, man rights and peace-building. (Barcelona, Icaria editorial / Escola de Cultura de Pau, UAB, 2008).

International Legal Documents:

- International Covenant on Economic, Social and Cultural Rights.
- International Covenant on Civil and Political Rights
- Universal Declaration of Human Rights
- Hague Convention: Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land.
- Rome Statute of the International Criminal Court.

Note: The Professor may send other readings or materials during the classes, in which case they will be uploaded to the website.

About the Instructor:

Prof. Edward (Edy) Kaufman's work has focused on human rights and conflict resolution on several continents, especially Latin America and the Middle East. He has been instrumental in focusing the work of the Truman Institute on joint research projects with Palestinian academics, and has helped to introduce the teaching of human rights in the social sciences and in military academics in the USA and elsewhere, as well as conflict resolution as a discipline to the Hebrew University and in Egypt.. Edy has been Executive Director of the Truman Institute from 1983-2005 concurrently during 1991-4 as director of the Center for Development and Conflict Management at the University of Maryland) and continuing work at this Center as a Senior Research Associate, teaching at the Dept. of Government and Politics. His e-mail is kaufmane@umd.edu