SYLLABUS for PACE 485  
(Distributed January 2008)  

Topics in Peace and Conflict Resolution:  

Section 2: HUMAN RIGHTS AND PEACE  

Spring 2008  
Tuesday and Thursday 3:00 – 4:15 p.m.  
Meeting Room: Web. 103  

Instructor  
Carole J. Petersen (carolep@hawaii.edu)  
Office: William S. Richardson School of Law, Room 211  
Office Hours: Monday: 9:00 a.m. – 11:00 a.m. or by appointment.  

I. INTRODUCTION  

The Charter of the United Nations is based upon the “sovereign equality” of members and upholds the principle of non-interference by outlawing the use of force against the territorial integrity of another state. Yet states are also required to promote and respect human rights, thus bringing a state’s treatment of its citizens within the realm of international law. This course begins with a general introduction to the protection of human rights in international law, including the major human rights treaties and relevant principles of customary international law. This part of the course includes international humanitarian law, particularly the role of the International Committee for the Red Cross and the Geneva Conventions on the treatment of prisoners of war and civilians during wartime. We will then focus on other topics in human rights that are particularly relevant to peace studies, including the enforcement processes for human rights treaties, the doctrine of “humanitarian intervention”, and recent controversies concerning the use of UN peacekeeping forces. We will also address examples of potential conflicts between human rights and the maintenance of peace and national security. Examples include: the conflicts between freedom of expression and restrictions on certain types of speech; conflicts between the right to self-determination and national unity; and conflicts between civil liberties and anti-terrorism measures. This is a writing focus course. There is no final examination in the course; the mark is determined by students’ individual research projects and class participation. Each student can either select a research topic from a list of suggested topics or propose a topic for the teacher’s approval.  

I hold a joint appointment in the Matsunaga Institute for Peace and the William S. Richardson School of Law. My office is currently located in the Law School in Room 211 but I expect to move to the 5th floor of Saunders at some point in the academic year. My telephone numbers are 956-9391 (office) or 342-6441 (cell and voice mail). If I am not in the office it is best to contact me by email: carolep@hawaii.edu.
My office hours in the Spring term will be 9:00 a.m.-11:00 a.m. on Mondays, starting on January 21. However, you should feel free to email me to request an appointment at a different time if my office hours are not convenient for you. Please do not hesitate to contact me if you have any questions regarding the course.

II. TEXTBOOK and READING ASSIGNMENTS

The required textbook for this course is:

Rhona K. M. Smith, *Textbook on International Human Rights* (Oxford University Press, third edition, paperback, 2007). This is a thorough and clearly written textbook but it is a bit dry at times. We will supplement the textbook with some distributed materials, including case studies of current human rights controversies. The reading assignments in the book are the essential “background” reading but you should expect additional readings from time to time. Although I will give some “mini-lectures” to introduce topics, most topics will be taught through class discussion of assigned readings.

III. ASSESSMENT

There is no final examination in this course. The final grade is determined as follows:

(1) 50% of the grade is determined by your written research paper, which should be 4,000-4500 words in length (including footnotes and bibliography). At the beginning of the semester I will distribute a list of suggested topics but you may also propose a topic for my approval. The paper must be submitted to me by 3:00 p.m. on May 7, 2008. Your mark on the paper will be based in part on the extent to which you comply with certain deadlines (e.g. submission of your topic proposal by February 5; your working bibliography by February 21; your paper outline by March 13; and your draft paper by April 10). These deadlines are designed to ensure that you do not delay your research. They also give me an opportunity to meet with you and give you comments on the scope of your topic, your research plan, your outline, and your draft.

(2) 25% of the grade is determined by your in-class presentation on your paper topic (or a topic that is related to your paper). The presentations will be held after the final papers are submitted. The presentation can be a “team presentation” if two or more students are doing research on related topics (but your research paper must be your own work).

(3) 25% of the grade is determined by your participation in class discussions. The goal is to have a lively discussion, one that is respectful of different views and not dominated by the teacher or by a few voices from within the class. I expect you to make a good effort to complete the readings but I do not expect you to have the
“right answer” all the time. Indeed, many of the issues that we will discuss in this class have no right answer, but rather are the subject of intense debate. Enthusiasm and a willingness to volunteer will be rewarded in your class participation mark. You can also improve your class participation mark by attending a MIP forum (I will explain more about these in class) and then submitting short (one page) reflection to me on that forum. If the forums are not convenient for you there are alternatives available which will enable you to earn extra credit. For example, you can submit up to 3 one-page reflections on current human rights issues in the national and international press.

IV. STUDENT LEARNING OBJECTIVES

Upon successful completion of this course, students are expected to be able to:

(i) Discuss the historical and theoretical underpinnings of international humanitarian law and international human rights law.

(ii) Identify the major sources of international human rights law, including international customary law, treaties, and other international instruments.

(iii) Identify and discuss substantive rights which are particularly relevant to the study of peace and conflict resolution, including: the right to self-determination, the right to life, the right not to be tortured, the right to liberty and fair trial, and freedom of expression and peaceful assembly.

(iv) Identify and discuss potential conflicts between certain substantive rights and other policy goals, including national security, national unity, public order, the prevention of terrorism, and the prevention of ethnic conflicts.

(v) Apply international human rights law to current issues, including interrogation methods, prolonged detention, and the use of military commissions (as opposed to open courts) to try suspected terrorists.

(vi) Discuss international and regional systems for enforcing human rights and participate in debates on controversial enforcement mechanisms, including political and economic sanctions, international criminal tribunals, United Nations peacekeeping forces, and unilateral military intervention.

(vii) Conduct independent research on a topic that demonstrates the relationship between a particular right recognized in international human rights law and the study of peace and conflict resolution.

(viii) Write a well-organized research paper, properly supported by footnotes and bibliography.
(ix) Present a summary of research findings in class and answer questions from the teacher and fellow students.

V. PROVISIONAL SCHEDULE AND READING ASSIGNMENTS

The basic reading assignments in the Smith textbook are indicated below, together with some additional readings, which will be distributed to you in class. With the exception of the first class, you are expected to complete the reading assignment before class.

Week 1

Introduction to the course and the concept of human rights; the historical development of international humanitarian law and its relationship to international human rights law.

Reading Assignments

Tuesday, Jan. 15: Before class, try to review this Syllabus. During class we will discuss course requirements and the Suggested Topics for Papers (which will be distributed to you).

Thursday, Jan. 17: Familiarize yourself with the website of the International Committee of the Red Cross, at www.icrc.org. At a minimum, you should review the sections on the “History of International Humanitarian Law” (at http://www.icrc.org/Web/Eng/siteeng0.nsf/html/section_ihl_history) and “A Memory of Solferino” (www.icrc.org/web/eng/siteeng0.nsf/html/p0361), the book by Henry Dunant that inspired the international humanitarian movement. I also recommend the section entitled “International Humanitarian Law (IHL) in Brief” (www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_ihl_in_brief).

Week 2

Continued discussion of international humanitarian law and its relationship to modern international human rights law.

Reading Assignments

Tuesday, Jan. 22: Distributed materials on the Geneva Conventions.

Thursday, Jan. 24: Smith, Chapters 1 and 2 (total pages 1-22)
Week 3

The establishment of the United Nations and the “international bill of rights”; the differences between domestic and international law as sources of obligations and rights.

Reading Assignments

Tuesday, Jan. 29: Smith, Chapters 3 and 4 (total pages: 24-48).

Thursday, Jan. 31: Smith, Chapter 11 (pages: 163-73) and excerpts from the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights (distributed materials).

Week 4

The United Nations system for implementing human rights, including the role of the Security Council, international courts and tribunals, and treaty-monitoring bodies. Introduction to the doctrine of humanitarian intervention and controversies surrounding the use of UN peacekeeping troops.

Reading Assignments

Tuesday, Feb. 5: Smith, Chapter 5 (pages: 49-77).

Thursday, Feb. 7: Smith, Chapter 10 (pages: 138-160).

Reminder: the Topic Proposal for your research paper is due on February 5. You may email it to me at: carolep@hawaii.edu.

Week 5

An introduction to regional human rights treaties and enforcement models (in Europe, the Americas, and Africa); the on-going effort to create a regional human rights system in Asia.

Reading Assignments

Tuesday, Feb. 12: Smith, Chapters 6 and 7 (total pages: 80-107)

Week 6

The right to life and genocide as an international crime; introduction to the international criminal tribunals for Rwanda and Former Yugoslavia; the establishment of the International Criminal Court.

Reading Assignment

Tuesday, Feb. 19: Smith, Chapters 11 (pages 163-73) and 13 (pages 194-206).

Thursday, Feb. 21: Distributed materials on the Genocide Convention and the tribunals for Rwanda and Former Yugoslavia and the International Criminal Court.

Reminder: the working bibliography for your research paper is due on February 21. You may email it to me at: carolep@hawaii.edu.

Week 7

The right to be free from torture and inhuman treatment (an absolute and “non-derogable” right in international human rights law).

Reading Assignments

Tuesday, Feb. 26: Smith, Chapter 14 (pages 209-19) and distributed materials on the United Nations Convention Against Torture.

Thursday, Feb. 28: The case of Prabakar v. Secretary for Security (distributed), in which the Hong Kong court held that the Hong Kong government could not deport a person without carefully investigating his claim that he would be subjected to torture in his home country, Sri Lanka.

Week 8

Coercive interrogation techniques in the “war against terrorism”. Does the preservation of peace and national security ever justify coercion and/or torture?

Reading Assignments

Tuesday, Mar 4: Distributed materials on the definition of torture and the treatment of detainees under the Bush administration (includes the famous
memorandum written by former Assistant Attorney General Jay S. Bybee, which argued that the term “torture” only encompasses “extreme acts”).

Thursday, Mar. 6: Distributed materials on the responses to the Bush administration’s policies.

**Week 9**

The right to liberty and the right to a fair and open trial. To what extent can national security (or the “war on terrorism”) justify derogations from these rights?

*Reading Assignments*

- Tuesday, Mar. 11: Smith, Chapter 15 (pages 221-232)
- Thursday, Mar. 13: Smith, Chapter 16 (pages 235-251)

*Reminder:* The detailed outline of your research paper is due on March 13. You may email it to me at: carolep@hawaii.edu.

**Week 10**

The right to liberty and fair and trial continued; case study of U.S. detention centers at Guantanamo Bay and the use of military commissions to try suspected terrorists.

*Reading Assignments*

- Tuesday, Mar. 18: *Hamdan v. Rumsfeld* (excerpts from case will be distributed)
- Thursday, Mar. 20: Distributed materials on military commissions and the impact on the right of the defendant to a fair trial.

*Spring Break: March 24-28 (NO CLASSES)*
Week 11

The right to self-determination in international law and potential conflicts with “territorial integrity” and the preservation of peace. The rights of minorities and indigenous peoples.

Reading Assignments

Tuesday, Apr 1: Smith, Chapter 17 (pages 255-66).

Thursday, Apr. 3: Smith, Chapter 21 (pages 303-14); please also skim Chapter 22 (pages 317-37).

Week 12

Introduction to freedom of expression and assembly; the extent to which these freedoms may be restricted in the name of national security, the preservation of peace, and public order.

Reading Assignments

Tuesday, Apr 8: Smith, Chapter 18 (pages 267-76) and examples of laws in Asia prohibiting the disclosure of “state secrets” and material deemed to be “seditious”, subversive, or advocating secession.

Thursday, Apr 10: Distributed materials on public assembly and restrictions imposed by governments in the name of public safety and public order.

Reminder: The draft of your research paper is due on Thursday, April 10. You may email it to me at: carolep@hawaii.edu.

Weeks 13- end of semester

Short oral presentations by students on their research topics will be scheduled for the classes in April and first week of May. The schedule for these remaining classes will be distributed in February, after students have selected their paper topics and been assigned to a particular presentation day.

The final version of your research paper is due on Wednesday, May 7. You may email it to me at: carolep@hawaii.edu.

Professor Carole Petersen
January, 2008