

International Responses to Humanitarian Crises and Human Rights Violations

Curso de posgraduação
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Course description

After the failure of the international community to prevent genocides and massacres in Rwanda and Srebrenica, the Responsibility to Protect was adopted at the UN international summit in 2005, referring to the responsibility of both every state to protect its citizens and the responsibility of the international community to intervene when states are unwilling or unable to do so. In practice, however, the protection of the fundamental human rights of endangered populations faces a lot of obstacles. This is vividly illustrated by the current refugee crisis in Europe. As recent contestations about the cases of Libya and Syria have shown, international interventions on behalf of human rights remain controversial, too. The same holds true for international attempts to come to terms with human rights violations *ex post*, applying various judicial and non-judicial instruments summarized under the term of 'transitional justice'. Yet, despite being both theoretically (see dominant interest-based approaches) and empirically (blockades in the UN Security Council, for instance) highly unlikely phenomena, international interventions based on humanitarian reasoning do happen (in form of large scale peace operations, for instance), even if they are prone to failure.

This course will present a multifaceted assessment of the implications of the international human rights regime. It will familiarize students with a mixture of theoretical approaches, the study of current global debates about human rights, and case studies. It will look at both the establishment and the challenges of implementation of human rights standards.

Organization of teaching

The course will explore a wide range of international responses to humanitarian crises and human rights violations, looking in particular at enforcement, protection, and accountability. It will be conducted as a seminar that relies on plenary or group discussions and presentations and is therefore reliant on active participation. It is hence crucial that students read the required readings in advance. The readings listed in the final course program will be made available via Dropbox.

To lay the foundations, the course will start with theoretical perspectives on the role and status of human rights in international relations and international law, as well as with an overview of empirical approaches to the measurement and explanation of human rights violations. The seminar will then elaborate on the pathologies and complexity of international agenda-setting, decision-making and planning of international actions and interventions in response to humanitarian crises and human rights violations by studying three focal topics:

- 1) The enforcement of human rights, as evidenced by the practice of humanitarian interventions and the 'Responsibility to Protect' principle. Here, we will study successful and more controversial cases of humanitarian intervention as well as cases where the international community refrained from using force to protect human rights.
- 2) The protection of human rights, as evidenced by the international administration of humanitarian crises and relief. Case studies might refer to the protection of civilians in conflict zones or refugee protection.
- 3) Accountability for human rights violations, as evidenced by the prosecution of individuals for crimes against humanity and war crimes by international tribunals, or by other internationally supported, non-judicial attempts to come to terms with human rights violations.

Course requirements

- Regular attendance, preparation of the required readings, and active participation in the sessions -- (15%)
 - o Attendance of at least 70% of the sessions is mandatory to pass the course.
 - o There will occasionally be short tests to check your understanding of the readings.
- **Presentation** on a case -- (25%)
 - o The presentation should go well beyond a mere description of your case. It should situate it in the wider debate on the topic and show the significance and implications of the case for the fate of international responses to human rights violations. For example, if you study a case of failure to intervene, you should expound the reasons for failure – or, if that assessment is contested, evaluate the arguments of both sides – and the resulting consequences for the practice of humanitarian intervention.
 - o To avoid spending too much time narrating general facts on the country and the history of the conflict, you are encouraged to bring along a *handout* that presents a timeline and any other item you might consider helpful to provide the audience with the essential background information.
 - o Depending on the number of presentations per session, the duration should be about 30-45 minutes including Q&A. You are responsible not only for your talk, but also for moderating the discussion that follows.
 - o You are also responsible for the reading assignments in the session where you present! Select *one or two* key articles or book chapters that you consider particularly useful and that you'd like the other participants to read. If you select two articles, they should clearly cover different aspects or represent divergent opinions. Upload the readings to the Dropbox no later than one week in advance of your presentation!
 - o Discuss your presentation with the professor one week in advance of the session and send the PPT slides no later than two days before class.
- **Seminar paper outline** (due 14 June 2016): The outlines will be discussed during our conference session(s). A peer review system will be used, meaning that each participant will present and comment on someone else's outline. If you don't submit an outline, it will be assumed that you don't plan to submit a seminar paper.
- **Seminar paper** (due 31 July 2016): Length: 6000-7000 words. -- (60 %)

Program

Readings listed in the program are made available via Dropbox:

https://www.dropbox.com/sh/f9m5nrqin65r8af/AABsp0vdprBI4gyAvdIQ6_jKa?dl=0

Foundations	
22 March 2016	<p>Theoretical Perspectives on Human Rights in International Relations</p> <p>Readings:</p> <ul style="list-style-type: none"> • Dunne, Tim & Hanson, Marianne 2013: "Human Rights in International Relations", in: Goodhart, Michael (ed.): Human Rights. Politics and Practice. Second edition, Oxford: Oxford University Press, 42-57. • Langlois, Anthony J. 2009: "Normative and Theoretical Foundations of Human Rights", in: Goodhart, Michael (ed.): Human Rights. Politics and Practice. Oxford: Oxford University Press, 11-25. • Smith, Rhona K. 2009: "Human Rights in International Law", in: Goodhart, Michael (ed.): Human Rights. Politics and Practice. Oxford: Oxford University Press, 26-44. • Sriram, Chandra Lekha, Martin-Ortega, Olga & Herman, Johanna 2010: War, Conflict and Human Rights. Theory and Practice. London: Routledge, chapter 3 (pp. 30-47).

29 March 2016	<p>Empirical Representations and Explanations of Human Rights Violations</p> <p>Readings:</p> <ul style="list-style-type: none"> • Carey, Sabine C., Gibney, Mark & Poe, Steven C. 2010: <i>The Politics of Human Rights. The Quest for Dignity</i>. Cambridge: Cambridge University Press, chapters 4-5 (pp. 103-161). • Hafner-Burton, Emilie M. & Ron, James 2009: "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes." <i>World Politics</i> 61 (2), 360–401. • Landman, Todd 2004: "Measuring Human Rights: Principle, Practice, and Policy." <i>Human Rights Quarterly</i> 26 (4), 906–931.
Enforcement	
5 April 2016	<p>From Humanitarian Intervention to the Responsibility to Protect</p> <p><i>Guest: Prof. Dr. Wolfgang Seibel, University of Konstanz</i></p> <p>Readings:</p> <ul style="list-style-type: none"> • Hehir, Aidan 2010: <i>Humanitarian Intervention. An Introduction</i>. Houndmills, Basingstoke: Palgrave Macmillan, chapters 1-8 (pp. 11-164). • ICISS 2001: <i>The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (ICISS)</i>, Ottawa: International Development Research Centre.
7 April 2016	<p><i>Additional activity</i></p> <p>Guest Lecture</p> <p>The Politicization of International Organizations</p> <p>Wolfgang Seibel, University of Konstanz</p> <p>Seminários de Pos-Graduação – DCP</p> <p>17h30, Sala 14, Prédio das Ciências Sociais (FFLCH-USP)</p>
19 April 2016	<p>Major Interventions</p> <p>Potential topics for presentations:</p> <p>Iraq (1991), Somalia (1992-3), Bosnia (1992-), Sierra Leone (1997-), Kosovo (1999), Timor-Leste (1999-), Haiti (1993-1996, 2004-), Libya (2011)</p> <p>Readings:</p> <ul style="list-style-type: none"> • Paris, Roland 2014: "The 'Responsibility to Protect' and the Structural Problems of Preventive Humanitarian Intervention." <i>International Peacekeeping</i> 21 (5), 569-603. • Texts recommended by presenters
26 April 2016	<p>Failure to Intervene</p> <p>Potential topics for presentations:</p> <p>Rwanda (1994), Darfur (2003-), Syria (2011-)</p> <p>Readings:</p> <ul style="list-style-type: none"> • Binder, Martin 2015: "Paths to Intervention: What explains the UN's selective response to humanitarian crises?" <i>Journal of Peace Research</i> 52 (6), 712-726. • Texts recommended by presenters

3 May 2016	<p>Alternative and critical perspectives on Humanitarian Intervention and R2P</p> <p>Potential topics for presentations:</p> <p>Africa and R2P, Brazil and the Responsibility While Protecting, China and R2P</p> <p>Readings:</p> <ul style="list-style-type: none"> • Chomsky, Noam 2000: A New Generation Draws the Line. Kosovo. East Timor, and the Standards of the West. London/New York: Verso, chapter 1. • Orford, Anne 1999: "Muscular Humanitarianism: Reading the Narratives of the New Interventionism." <i>European Journal of International Law</i> 10 (4), 679-711. • Texts recommended by presenters
Protection	
10 May 2016	<p>Humanitarian Action: Logics and Actors</p> <p><i>Guest: Bruno Cerqueira, UN Office for the Coordination of Humanitarian Affairs</i></p> <p style="text-align: center;">Aula Aberta</p> <p style="text-align: center;">Humanitarian Aid: Logics, Actors and Scenarios</p> <p style="text-align: center;">Bruno Cerqueira, UN Office for the Coordination of Humanitarian Affairs</p> <p style="text-align: center;">14-16h, Sala 12, Prédio das Ciências Sociais (FFLCH-USP)</p> <p>Readings:</p> <ul style="list-style-type: none"> • Calhoun, Craig 2008: "The Imperative to Reduce Suffering. Charity, Progress, and Emergencies in the Field of Humanitarian Action", in: Barnett, Michael & Weiss, Thomas G. (eds.): <i>Humanitarianism in Question. Politics, Power, Ethics</i>. Ithaca/London: Cornell University Press, 73-97. • Weiss, Thomas G. 2013: <i>Humanitarian Business</i>. Cambridge: Polity Press, Introduction and chapter 1 (pp. 1-55).
17 May 2016	<p>Humanitarian Action: Scenarios</p> <p><i>Guest: Bruno Cerqueira, UN Office for the Coordination of Humanitarian Affairs</i></p> <p>Potential topics for presentations:</p> <p>Democratic Republic of the Congo, Sudan, Haiti, Afghanistan, Syria, Sri Lanka (for current refugee situations, consult www.unhcr.org)</p> <p>Readings:</p> <ul style="list-style-type: none"> • Texts recommended by presenters
Accountability	
24 May 2016	<p>The Institutionalization of Transitional Justice at the International Level</p> <p>Readings:</p> <ul style="list-style-type: none"> • Nagy, Rosemary 2008: "Transitional Justice as Global Project: critical reflections." <i>Third World Quarterly</i> 29 (2), 275-289. • Teitel, Ruti G. 2003: "Transitional Justice Genealogy." <i>Harvard Human Rights Journal</i> 16, 69-94. • Teitel, Ruti G. 2008: "Editorial Note - Transitional Justice Globalized." <i>International Journal of Transitional Justice</i> 2 (1), 1-4. • UN Security Council 2004: The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary-General, UN Doc. S/2004/616, New York: United Nations Security Council.

	<p style="text-align: center;"><i>Additional activity</i></p> <p style="text-align: center;">Guest Lecture</p> <p style="text-align: center;">Reforming institutions for peace - beyond the liberal peace-building approach</p> <p style="text-align: center;">Sabine Kurtenbach, German Institute of Global and Area Studies</p> <p style="text-align: center;">Seminários de Pos-Graduação – IRI</p> <p style="text-align: center;">10h30, Sala de Congregação, Instituto de Relações Internacionais (IRI-USP)</p>
7 June 2016	<p>Judicial measures: From the UN international criminal tribunals to the ICC</p> <p>Potential topics for presentations:</p> <p>ICTY, ICTR, Special Court for Sierra Leone, Special Panels for Serious Crimes in East Timor, Extraordinary Chambers in the Courts of Cambodia</p> <p>ICC involvement in: Uganda, Darfur (Sudan), Central African Republic, Democratic Republic of the Congo, Kenya, Mali, Cote D'Ivoire, Libya</p> <p>Readings:</p> <ul style="list-style-type: none"> • Sriram, Chandra Lekha, Martin-Ortega, Olga & Herman, Johanna 2008: War, Conflict and Human Rights. Theory and Practice. London: Routledge, chapters 10-13 (pp. 163-231). • Texts recommended by presenters
14 June 2016	<p>International support for non-judicial measures</p> <p>Potential topics for presentations:</p> <p>Internationally sponsored truth commissions: El Salvador, Guatemala, Timor-Leste, Sierra Leone, Liberia</p> <p>International actors supporting transitional justice: United Nations, International NGOs (International Center for Transitional Justice, Human Rights Watch, Amnesty International, Center for Justice and Accountability, etc.)</p> <p>Readings:</p> <ul style="list-style-type: none"> • Subotić, Jelena 2012: "The Transformation of International Transitional Justice Advocacy." <i>International Journal of Transitional Justice</i> 6 (1), 106-125. • Texts recommended by presenters
Outlook	
21 June 2016	Conference (presentation of research paper outlines) and final discussion
28 June 2016	Conference (presentation of research paper outlines) and final discussion <i>Supplementary session (depending on number of participants etc)</i>

Recommended readings

De Vos, Christian, Kendall, Sara & Stahn, Carsten (eds.) (2015): *Contested Justice. The Politics and Practice of International Criminal Court Interventions*. Cambridge: Cambridge University Press.

Forsythe, David (2012): *Human Rights in International Relations*. Third edition, Cambridge: Cambridge University Press.

Hehir, Aidan (2008): *Humanitarian Intervention after Kosovo. Iraq, Darfur and the Record of Global Civil Society*. Houndmills, Basingstoke: Palgrave Macmillan.

Hehir, Aidan & Murray, Robert (eds.) (2013): *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*. Houndmills, Basingstoke: Palgrave Macmillan.

Holzgrefe, Jeff L. & Keohane, Robert O. (eds.) (2003): *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*, Cambridge: Cambridge University Press.

Knight, Andy W. & Egerton, Frazer (eds.) (2012): *The Routledge Handbook of the Responsibility to Protect*. London: Routledge.

Labonte, Melissa (2013): *Human Rights and Humanitarian Norms, Strategic Framing, and Intervention. Lessons for the responsibility to protect*. London/New York: Routledge.

Landman, Todd & Carvalho, Edzia (2010): *Measuring Human Rights*. London: Routledge.

Pattison, James (2010): *Humanitarian Intervention and the Responsibility To Protect. Who Should Intervene?* Oxford: Oxford University Press.

Rotmann, Philipp, Kurtz, Gerrit Kurtz & Brockmeier, Sarah (eds.) (2014) Major powers and the contested evolution of a responsibility to protect, Special issue, *Conflict, Security & Development* 14 (4), <http://www.tandfonline.com/toc/ccsd20/14/4>.

Schabas, William A. (2006): *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone*. Cambridge: Cambridge University Press.

Serbin, Andrés & Serbin Pont, Andrei (eds.) (2015): Latin America and the Responsibility to Protect: Divergent Views from the South? Special issue, *Pensamiento Propio* 41, <http://www.cries.org/wp-content/uploads/2015/09/pp41-web-FINAL-Corr.pdf>.

Thakur, Ramesh & Maley, William (eds.) (2015): *Theorising the Responsibility to Protect*. Cambridge: Cambridge University Press.

Weiss, Thomas G. (2012): *Humanitarian Intervention. Ideas in Action*. Second edition, Cambridge: Polity Press.

Welsh, Jennifer M. (ed.) (2004): *Humanitarian Intervention and International Relations*. Oxford: Oxford University Press.

Wheeler, Nicholas J. (2000): *Saving Strangers. Humanitarian Intervention in International Society*. Oxford: Oxford University Press.