

## **Intervention, International Law, and Human Rights**

With Jeff Rice and Will Reno

Thursdays, 6 to 9pm

Parkes Hall, Room 214

(An electronic version of this syllabus is available at Reno's web site,

<http://pubweb.northwestern.edu/~wsr737>)

**Course description:** This course addresses the debate over whether the international community has a duty to intervene in instances of serious human rights abuses. Rooted in Kant's idea that democratic governance and respect for human rights would bring a "perpetual peace", 19<sup>th</sup> century European Great Powers intervened to force new countries to respect minority rights and root out oppressive customs. In the wake of the First World War, this mission confronted the reality of violent gangs, internecine conflict and massive refugee flows. The end of the Cold War raised again the prospect of a "perpetual peace" and along with it the argument for international intervention in conflict zones. Once again, the once-hopeful international community came into direct contact with nasty conflicts on the ground. Some populations proved reluctant to be "saved" and even attacked their supposed benefactors. The course will focus on events and political choices surrounding intervention in Bosnia, Kosovo and Rwanda and the international attempts to prosecute human rights violators. The course will examine how the current intervention in Iraq fits in this debate.

The course will follow a seminar format. There are ten scheduled weekly meetings on the Northwestern University north campus, 214 Parkes Hall, on Thursdays from 6 to 9pm.

### **Course Requirements:**

Response papers: Three one to two page essays focused on books and other weekly readings, 30%

Research paper, 10-12 pages, produced in stages; a statement, a bibliography, a draft, and a final product, 50%

Participation, 20%

Books for this course are available at Beck's Books at 716 Clark Street in Evanston (M-Thurs 10-6, Fri 10-5, Sat 10-3). A course packet of readings is available at Quartet Copies (M-F 8am-6pm, Sat 9-5, Sun noon-5), just down the street at 825 Clark.

## Class Calendar

**30 March:** Introduction, from Westphalia to Kant

No reading due, though it would be useful to look over Francis Fukuyama (1989) "The End of History", *National Interest* (summer).

Video: "Genocide Factor", part I: "Genocide: From Biblical Times through the Ages" (c. 60 min.)

**6 April:** Nineteenth Century Human Rights and Intervention. The European System of Berlin Conferences; Balkans, Africa, etc. and "odious native customs" to Severes

Stephen Krasner (1999) "Minority Rights" and "Human Rights," in his *Sovereignty: Organized Hypocrisy*, 73-126.

Read over the Helsinki Final Act, <http://www.hri.org/docs/Helsinki75.html>, with particular attention to the matter of minority rights vis-à-vis the sovereign prerogatives of the states in which they live.

David Fromkin (1999) *Kosovo Crossing: American Ideals Meet Reality On The Balkan Battlefields*, 115-46.

Video: "White King, Red Rubber, Black Death" (100 min) A description of the documentary: <http://www.africanfilm.com/congo.htm>

**13 April:** Multilateral Intervention, failure and post-conflict justice: Bosnia / Srebrinica, a view from the conflict zone

Jan Willem Honig & Norbert Both, *Srebrenica: Record of a War Crime*, \$15.00

**20 April:** Post-conflict justice, Hague System of ad-hoc courts, a view from the international legal context

Pierre Hazen (2004) *Justice in a Time of War: The True Story Behind the International Criminal Tribunal for the Former Yugoslavia*, Texas A&M, \$18.95.

[www.srebrinica.nl](http://www.srebrinica.nl)

## **27 April:** Kosovo's War

Ivo Daalder & Michael O'Hanlon (2001) *Winning Ugly: Nato's War to Save Kosovo*, Brookings, \$19.95

## **4 May:** Kosovo's Result

Kosovo Report. A full text can be found at the following web site:  
<http://www.reliefweb.int/library/documents/thekosovoreport.htm>. An excerpt of the report and a review are found in the reading packet.

## **11 May:** Cleaning up past messes: Rwanda

Linda Melvern (2004) *Conspiracy to Murder: The Rwanda Genocide and the International Community*, Verso, \$24.00

Video: "Shake Hands with the Devil: The Journey of Romeo Dallaire" (91 min.)  
Also useful is the Frontline documentary, "Ghosts of Rwanda", with clips available at <http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/video/>.

## **18 May:** Rwanda and the Tribunal, versus local justice

Dina Temple-Raston (2005) *Justice on the Grass: Three Rwandan Journalists, Their Trial for War Crimes and a Nation's Quest for Redemption*, Free Press, \$25.00

Benjamin Frommer (2005) "People's Courts and Popular Justice," *National Cleansing: Retribution against Nazi Collaborators in Postwar Czechoslovakia*, Cambridge, 95-141.

## **25 May:** Iraq: Intervention to Protect Human Rights and Other Competing Interests

Essay from Thomas Cushman, ed., *A Matter of Principle: Humanitarian Argument for War in Iraq*.

- Christopher Hitchens, "The Case for Regime Change," 29-38.
- Mehdi Mozaffari, "Just War in an 'Outlaw Region,'" 106-25.
- Ian Buruma, "Wielding the Moral Club," 152-59.
- John Lloyd, "Iraq and the European Left," 223-32.
- Th. Cushman & Adam Michnik, "Antiauthoritarianism as a Vocation," 271-80
- Tony Blair, "The Threat of Global Terrorism," 340-51.

Memorandum for Alberto R. Gonzales, Council to the President (2002) *Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A*.  
[“Torture Memo”]

Action Memo (2002) *Counter-Resistance Techniques*, General Council of the Department of Defense.

Alberto R. Gonzales (2002) *Decision RE Application of the Geneva Convention on Prisoners of War to the Conflict with Al-Qaeda and the Taliban*, Office of the Council to the President.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)], *entered into force* June 26, 1987.

<http://www1.umn.edu/humanrts/instree/h2catoc.htm>

**1 June:** ICC and the ad-hoc tribunal model; tension between the Americans (and Chinese) and everyone else.

[Material to be assigned]

## Class resources:

### Basic Sources

**International Criminal Tribunal for former Yugoslavia:** <http://www.un.org/icty/>

**The Special Court for Sierra Leone:** <http://www.sc-sl.org>

**International Criminal Tribunal for Rwanda:** <http://65.18.216.88/>

**Texts of the Geneva Conventions:** <http://www.genevaconventions.org/>

**Universal Declaration of Human Rights:** <http://www.un.org/Overview/rights.html>

The **Edwin Ginn Library** at the **Fletcher School**, Tufts University, maintains a library of human rights agreements: <http://fletcher.tufts.edu/multi/humanRights.html>.

The **University of Minnesota's Human Rights Library** also provides a comprehensive array of human rights documents at <http://www1.umn.edu/humanrts/>.

**Project Diana** at **Yale Law School** offers a “comprehensive global source of human rights materials available electronically, [providing] documents in a form that ensures that they are accurate copies of the official text.”

<http://www.yale.edu/lawweb/avalon/diana/index.html>.

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### Interested Parties

**Physicians for Human Rights**, [www.phrusa.org](http://www.phrusa.org): “promotes health by protecting human rights. We believe that human rights are essential preconditions for the health and well-being of all people. Using medical and scientific methods, we investigate and expose violations of human rights worldwide and we work to stop them. We support institutions that hold perpetrators of human rights abuses, including health professionals, accountable for their actions. We educate health professionals and medical, public health and nursing students and organize them to become active in supporting a movement for human rights and creating a culture of human rights in the medical and scientific professions.”

**Human Rights Watch**, [www.hrw.org](http://www.hrw.org), defines their mission: We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.”

**International Helsinki Federation for Human Rights**, [www.ihf-hr.org](http://www.ihf-hr.org), “is a unique community of 45 human rights NGOs in the OSCE region, working together internationally to insist on compliance with human rights standards.”

**Amnesty International**, [www.amnesty.org](http://www.amnesty.org), “is a worldwide movement of people who campaign for internationally recognized human rights.”

**The International Crisis Group**, [www.crisisgroup.org](http://www.crisisgroup.org), “is an independent, non-profit, non-governmental organisation, with over 110 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.”