

**PACS 6915: HUMAN RIGHTS, PEACE AND JUSTICE**  
Postgraduate Programme in Peace and Conflict Studies University of Sydney

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- Lecturer:** Adjunct Professor Sev Ozdowski  
Centre for Peace and Conflict Studies and former Australian  
Human Rights Commissioner (2000-2005)
- Course Dates:** 13 weeks, 2 March - 1 June 2010 (no class mid-semester break  
6 April)
- Course Times:** Tuesday 3-5pm and 6pm-8pm
- Consultation Hours:** Wednesday 1-5pm
- Location:** Seminar Room 107, Mackie Building, Arundel St  
Centre for Peace and Conflict Studies  
University of Sydney

## RATIONALE

Despite the exponential growth in human rights law, norms and discourses over the past 65 years, human rights are still being abused. Arguments continue over whether human rights are indeed universal, inalienable and indivisible, particularly with regard to their implementation. This unit explores the philosophical development of the idea of human rights and the international human rights regime as a means of promoting peace with justice. The course examines legal instruments, political strategies, humanitarian challenges and moral imperatives that pertain to implementing human rights locally and internationally. We consider debates surrounding universality of human rights, humanitarian intervention, the role of civil society and global responsibilities, as well as specific rights such as those of refugees, indigenous peoples, and women. Throughout the course, we critically analyse strategies for improving the protection and attainment of human rights both locally and globally.

## AIMS & OUTCOMES

1. To explore the meaning and contested origins of human rights
2. To gain an awareness of the range of international and national human rights instruments and to understand the human rights norms they seek to promote.
3. To critically evaluate legal and institutional human rights mechanisms

4. To examine philosophical and political tensions embedded within the protection of human rights, including the perceived dichotomy between universality and cultural relativism and between state sovereignty and the responsibility of the international community to protect populations against gross human rights violations
5. To develop skills to identify human rights and methods for their protection through international and domestic law and through human rights advocacy.
6. To consider connections between the philosophical, political and legal debates about rights, peace and justice and contemporary and controversial cases posed by globalisation such as the “war on terror”
7. To critique the role of human rights in the promotion of peace with justice.
8. To acquire and demonstrate scholarly skills including the ability to grapple with concepts and definitions, shape topics of inquiry, conduct independent research and construct persuasive and well-documented arguments in accordance with prescribed standards.

## ASSESSMENT

### 1. Assignment 1: Case Study Report—25%

*Case Study Report – 1500 words*

**Due Week Six: 13 April**

The assignment will discuss a case study and

- 1) focus on *either* a) a national example where human rights are violated or b) a specific type of human right which is repeatedly violated globally, and
- 2) demonstrate how failure to protect or attain human rights in this case impedes the achievement of peace with justice.

*The criteria for assessment include:*

- Ability to present a study of a specific human rights violation and the legal and institutional measures currently in place to address it. This should include the relevant actors from both government, inter-government organisations and civil society (such as the role of advocacy and humanitarian NGOs)
- A critical analysis of the instruments, mechanisms and actors actually or potentially involved, and
- Examination of strategies to address the human rights violations, i.e. which human rights laws, institutions and actors are best suited, in your view, to promote peace with justice outcomes.

### 2. Assignment 2: Group Presentation—15%

*Group Presentation – 20 mins / group*

**Due Weeks 12 & 13: 25 May & 1 June**

Students are required to work in groups of three to prepare an oral presentation of ONE of their case studies which will last approx 15 minutes/group, followed 5 minutes for questions and discussions.

The audience will be encouraged to ask questions representing different perspectives on the chosen human rights issue. Students should allow time to respond to these questions.

### 3. Assignment 3: Research Essay—60%

*Research Essay – 3000 words*

**Due 14 June**

The second assignment is an essay responding to *one of the set topics listed below*. The aim is to demonstrate a critical understanding of human rights within an international legal, political, social and ethical context. With reference to particular examples and empirical data, the essay should develop a theoretical argument relevant to the promotion of peace with justice through human rights.

**Topic 1: Focus on a specific right or set of rights**

Discuss the history and development of law, institutions and advocacy relating to one particular human right or set of related human rights. How have these mechanisms and processes either contributed to, or detracted from, the attainment of human rights, peace and justice? For example, you may choose to write about the history and development of women's rights, the rights of the child, or indigenous rights, the right to development, the right to life, the right to work, the right to asylum or the right not to be tortured.

### **Topic 2: Focus on ethical dilemmas**

There are numerous theoretical, ethical and political dilemmas relating to both the concept and the practice of human rights in the achievement of peace with justice.

Key debates include:

- the question of the universality of human rights as opposed to the cultural specificity of the context in which they are interpreted and applied
- the question of the responsibility for humanitarian intervention, whether from the point of view of governments, non-governmental organizations or the "intervened"
- the impact of globalisation on the movement of peoples and the best way to manage this from a human rights perspective

Outline and analyse the various facets of one or more related contemporary dilemma(s) or debate(s) related to the achievement of peace with justice through human rights, using examples to illustrate your argument.

### **Topic 3: Focus on human rights in the field**

Identify a set of governmental and non-governmental actors related to the protection of a) a specific set of human rights (e.g.: rights to physical security and health, to freedom of political expression, or the right to asylum) or b) a specific target group or context (e.g.: post-war reconstruction, victims of genocide, etc). Discuss and analyse the different roles and relationships between these governmental, intergovernmental and non-governmental systems and mechanisms in promoting and attaining human rights. Use specific examples to illustrate your argument.

*The criteria for assessment include:*

- ability to present a clear and coherent argument within the set word limit
- ability to identify relevant human rights treaties, institutions and actors
- evidence of analytical and critical thought
- evidence of historical and theoretical understanding
- understanding of the interdependence between theory and practice in the fields of human rights and peace studies
- evidence of wider reading and research, and inclusion of a full reference list of sources

In addition, see the assessment matrix on the back of the Assignment Cover Sheet which must be filled in, signed and attached to all written work.

NB: Students must pass all sections of the assessment (case study report, group presentation and essay) for successful completion of the course. Failure to attend at least 80% of classes without reasonable cause is grounds for failure.

## **REFERENCING, PRESENTATION AND SUBMISSION OF ASSIGNMENTS**

All written work will be presented in accordance with proper scholarly standards. This includes thorough referencing of sources by one of the approved methods and complete bibliography of the sources consulted and utilised. Note that the preferred method of referencing is by footnoting. Essays without any footnotes (or with insufficient footnotes) and/or a bibliography will either be not accepted or severely penalised. It is essential that you consult the detailed information in the CPACS Assignment Presentation and Assessment Guidelines available at [http://sydney.edu.au/arts/peace\\_conflict/teach/assessment.shtml](http://sydney.edu.au/arts/peace_conflict/teach/assessment.shtml)

The Faculty of Arts, the School of Social and Political Studies and the Centre for Peace and Conflict Studies are committed to the principles of academic honesty as set out in the Academic Board policy on *Academic Honesty in Coursework*. Students have a responsibility to familiarise themselves with these principles:

[http://www.usyd.edu.au/ab/policies/Academic\\_Honesty\\_Cwk.pdf](http://www.usyd.edu.au/ab/policies/Academic_Honesty_Cwk.pdf)

The graduate programme encourages critical analysis and independent written work. Plagiarism, which is broadly the copying out, virtually word for word, of passages from other writers, or using their work directly, without proper identification or acknowledgment, is not acceptable. Plagiarism is the theft of intellectual property. If a Lecturer suspects plagiarism, then this will be reported to the Director and discussed with the student in the first instance to determine if it is negligent or dishonest plagiarism. All cases of suspected dishonest plagiarism will be referred to the Head of School. Blatant cases of plagiarism may result in significant penalties. See CPACS Assessment Guidelines for further details

The CPACS Cover Sheet incorporates a declaration requiring your signature, to indicate that you understand and have complied with the University of Sydney coursework policy and procedure on academic honesty and plagiarism. These are available at

[http://www.arts.usyd.edu.au/teaching\\_learning/student\\_support/academic\\_honesty.shtml](http://www.arts.usyd.edu.au/teaching_learning/student_support/academic_honesty.shtml)

## COURSE OVERVIEW

Week	Topic	Date
	<b>History, Philosophy and Politics of Human Rights</b>	
1	Introduction: Human Rights, Peace and Justice	2 March
2	Philosophical and Political History of Human Rights	9 March
	<b>Legal and institutional frameworks</b>	
3	International Human Rights Regime	16 March
4	National Human Rights Regimes	23 March
	<b>Philosophical Tensions</b>	
5	Universalism versus Relativism	30 March
	<b>Non-teaching week</b>	6 April
6	Individual versus Group Rights: Advocating women's rights	13 April
	<b>Political Tensions</b>	
7	Humanitarianism, Peace and Justice	20 April
8	Human Rights and Transitional Justice: the case of Aceh	27 April
	<b>Contemporary Human Rights Challenges</b>	
9	A Just Peace in Palestine and Israel	4 May
10	Terrorism	11 May
11	Human Rights of Refugees and Asylum Seekers	18 May
	<b>Class Presentations</b>	
12	Presentations	25 May
13	Presentations	1 June

### HISTORY, PHILOSOPHY AND POLITICS OF HUMAN RIGHTS

How are human rights conceived as instruments of peace and justice? The first section of the course explores the historical origins of human rights and their evolution towards a comprehensive, universal system of ethical and legal norms.

**Week One: Introduction: Human Rights, Peace and Justice**

2 March

*Lecturer: Annie Herro, Centre for Peace and Conflict Studies*

Following introductions and an overview of the course, this week makes connections between the ideas of human rights, peace and justice and foreshadows some of the tension that will be further explored in subsequent classes.

Discussion Questions:

- What do peace, justice and human rights mean to you?
- What are some of the criticisms of the international human rights movement?
- How do human rights relate to human needs?

**Required Readings:**

Rees, S. (2003) "Understanding and Attaining Human Rights" in *Passion for Peace: Exercising Power Creatively*. Sydney: UNSW Press, pp. 186-221.

Kennedy, D. (2004) "The International Human Rights Movement: Part of the Problem?" in *The Dark Sides of Virtue: Reassessing International Humanitarianism*. Princeton: Princeton University Press, pp. 3-35

**Additional Readings:**

Barash, D. P. (2000) "Human Rights" in Barash, D. P. (ed.) *Approaches to Peace: A Reader in Peace Studies*. New York: OUP, pp. 149-158. FISHER RESEARCH 327.172 116

Barash, D. P. & Webel, C. P. (2002) "Human Rights" in *Peace and Conflict Studies*. London: Sage Publications, pp. 431-459. FISHER RESEARCH 303.6645

Ife, J. (2001) *Human Rights and Social Work: Towards Rights-Based Practice*. Cambridge, UK: Cambridge University Press. Chapter 5 and Intro 1-23; pp 77-88. FISHER RESEARCH 323.01 28

Jeong, H-W. (1999) "Concepts of Peace and Violence" in *Peace and Conflict Studies: An Introduction*. Aldershot, England: Ashgate Publishing, pp. 19-30. CPACS RESOURCE CENTRE (PACS6911 Unit Reader)

Robinson, F. (1998) "The Limits of a Rights-Based Approach to International Ethics" in Evans, T. (ed.) *Human Rights Fifty Years On: A Reappraisal*. Manchester/New York: Manchester University Press, pp. 58-76. FISHER RESEARCH & U/G 323.0904 2

Robinson, M. (2002) *Human Rights at the Heart of Peace: 2002 City of Sydney Peace Prize Lecture*. CPACS Occasional Paper No. 02/2. Sydney: Centre for Peace and Conflict Studies, University of Sydney. CPACS RESOURCE CENTRE

Schirch, L. (2002) "Human Rights & Peacebuilding: Towards Justpeace" Paper presented to the International Studies Association Conference, New Orleans, Louisiana, 24-27 March 2002. CPACS RESOURCE CENTRE (PACS6911 Unit Reader)

**Week Two: History, Philosophy and Politics of Human Rights**

9 March

*Lecturer: Dr Sev Ozdowski, Adjunct Professor Centre for Peace and Conflict Studies*

We discuss key notions such as the indivisibility, inalienability and universality of human rights in light of the development of the international human rights system. We

also consider the contribution that human rights ethics and norms have made to building positive, sustainable peace.

Discussion Questions:

- Are human rights secular or religious and are they inalienable?
- Are rights indivisible or should some be given priority over others?
- What is the difference between a moral and a legal right?
- Does democracy facilitate the pursuit of human rights?

**Required Readings:**

O'Neill, R., Rice, S. & Douglas, R. (2004) "From Natural Law to Human Rights" in *Retreat from Injustice: Human Rights Law in Australia*. 2<sup>nd</sup> edn, Sydney: Federation Press, pp. 1-26.

Donnelly, J. (2003) "The Universal Declaration Model" in *Universal Human Rights in Theory and Practice*, 2<sup>nd</sup> edn, Ithaca, NY: Cornell University Press, pp. 22-37

Shestack, J. (1998) "The Philosophic Foundations of Human Rights", *Human Rights Quarterly*, Vol. 20 No. 2, pp. 217-227

Pogge, T. (2002) "How Should Human Rights Be Conceived?" in *World Poverty and Human Rights*, Cambridge: Polity Press, pp. 52-70

**Additional Readings:**

Cohn, J.L., (2004), "Whose Sovereignty? Empire versus International Law" *Ethics and International Affairs*, Vol 18 No. 3. FISHER ONLINE JOURNALS

Cranston, M. (1973), *What are Human Rights?*, London: Bodley Head. FISHER U/G, RESEARCH & LAW U/G 323.4 118

Henkin, L. (1999), "Human Rights: Religious or Enlightened?" in Gustafson, C. and Juviler, P.H. *Religion and Human Rights: Competing Claims*. New York: M.E. Sharp pp. 65-35. FISHER RESEARCH 291.177 20

Nussbaum, M. (2004) "Capabilities and Human Rights" in Hayden. P., *The Philosophy of Human Rights*. Saint Paul, M.N: Paragon House pp. 212-24. FISHER RESERVE 323.01 30

Minogue, K. (1979), "The History and the Idea of Human Rights" in Laqueur, W. & Rubin, B. (eds), *The Human Rights Reader*. New York: New American Library. LAW U/G 341.481 40 LAW. SHORT LOAN 341.481 40

Rorty, R. (2004), "Human Rights, Rationality and Sentimentality" in Hayden. P., *The Philosophy of Human Rights*. Saint Paul, M.N: Paragon House pp. 241-257. FISHER RESERVE 323.01 30

Stackhouse, M (1999), "Human Rights and Public Theology: The Basic Validation of Human Rights" in Gustafson, C. and Juviler, P.H. *Religion and Human Rights: Competing Claims*. New York: M.E. Sharp pp. 12-30. FISHER RESEARCH 291.177 20

United Nations General Assembly (1948), *Universal Declaration of Human Rights*. United Nations, New York <http://www.un.org/en/documents/udhr/> [accessed: 22 February 2010]

## LEGAL AND INSTITUTIONAL FRAMEWORKS

This section of the course evaluates international human rights regimes from legal, ethical and political perspectives. These lectures consider how human rights laws, norms and institutions can be leveraged to maximise protection of vulnerable groups using Canada and Australia as examples.

### Week Three: International Human Regime

16 March

*Lecturer: Dr Sev Ozdowski, Adjunct Professor Centre for Peace and Conflict Studies and Annie Herro, Centre for Peace and Conflict Studies*

This session traces the development of international human rights law since World War II. It presents the strengths and weaknesses of the current international human rights framework from institutional, legal and ethical perspectives. Specifically it looks at key international conventions and declarations (e.g. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights), the UN treaty monitoring process, the UN Human Rights Council and the other bodies within the UN as well as regional organisations that define and protect human rights.

#### Discussion Questions:

- How effective are international human rights law and UN human rights bodies?
- To what extent do the international remedies for breaches of human rights advance notions of peace with justice?
- What role can civil society play in monitoring of states' human rights commitments?

#### **Required Readings:**

O'Neill, R., Rice, S. & Douglas, R. (2004) "International Protection of Human Rights" in *Retreat from Injustice: Human Rights Law in Australia*. 2<sup>nd</sup> edn, Sydney: Federation Press, pp. 132-164.

Kaye, S. & Piotrowicz, R. (2000) "General Measures for International Human Rights", "Specific Measures for the International Protection of Human Rights" in *Human Rights in International and Australian Law*, Sydney: Butterworths, pp. 22-57.

Terlingen, Y. (2007) "The Human Rights Council: A New Era in UN Human Rights Work?" *Ethics and International Affairs*. Vol 21, Iss, 2, p 167

United Nations General Assembly (1948) *Universal Declaration of Human Rights*. G.A. res. 217A (III), U.N. Doc A/810 <http://www.un.org/en/documents/udhr/> [accessed: 22 February 2010]

**Additional Readings:**

Bayefsky, A. F. (ed.) (2000) *The UN Human Rights Treaty System in the 21st Century*. The Hague: Kluwer Law International. FISHER RESEARCH & LAW RESERVE 341.481 262

Pinheiro, P. S. (2003) "Musings of a UN Special Rapporteur on Human Rights", *Global Governance*, 9:1, January-March 2003, pp. 7-13. FISHER RESEARCH JOURNALS 327.1705 6

Ratner, S. R. & Abrams, J. S. (1997) *Accountability for Human Rights Atrocities in International Law*. Oxford: Clarendon Press. FISHER RESEARCH & LAW RESEARCH 341.481 220

Robertson, G. (2000) *Crimes Against Humanity: The Struggle for Global Justice*. Melbourne: Penguin. LAW U/G, FISHER U/G 341.481 253, FISHER RESEARCH 341.481 253 A

Schultz, W. F. (2001) "When the Birds No Longer Hide: The Role of Human Rights in Promoting Democracy and Peace" in *In Our Own Best Interest: How Defending Human Rights Benefits Us All*. Boston, Massachusetts: Beacon Press, pp. 38-65. FISHER RESEARCH 323 78

Watson, J. S. (1999) *Theory and Reality in the International Protection of Human Rights*. Ardsley, NY: Transnational Publishers. LAW RESEARCH & FISHER RESEARCH 341.481 268

**Week Four: National Human Rights Regimes**

23 March

*Lecturer: Dr Sev Ozdowski, Adjunct Professor Centre for Peace and Conflict Studies and Dr Lynda Blanchard, Centre for Peace and Conflict Studies*

This lecture serves as an example of the domestic application of international human rights law. It explores the strengths and limitations of national human rights frameworks using the Australian and Canadian democracies as examples. We examine how human rights are protected in Australian law, including the role of the Constitution, common law, the parliament and the executive as well as civil society's efforts to create a Bill of Rights. Minority rights will also be considered to further illustrate some of the significant limitations of the Australian and Canadian human rights system.

**Required Readings:**

Human Rights and Equal Opportunity Commission, "How are human rights protected in Australian law?" <a href="http://www.hreoc.gov.au/human_rights/human_rights_dialogue/index.html">http://www.hreoc.gov.au/human_rights/human_rights_dialogue/index.html</a> [accessed: 22 February 2010]
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Behrendt, L. (2001) "Introduction" and Jonas, W. & Donaldson, M. "The Legitimacy of Special Measures" in Garkawe, S., Kelly, L. & Fisher, W. (eds) <i>Indigenous Human Rights</i> . Sydney: Sydney Institute of Criminology, pp. 3-9 & 10-20.
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Byrnes, A., Charlesworth, H., and McKinnon, G. (2009) "Towards an Australian Bill of Rights" in *Bills of Rights in Australia*. Sydney: UNSW Press, pp. 139-169

**Additional Readings:**

Behrendt, L. (2000) *The Protection of Indigenous Rights: Contemporary Canadian Comparisons*. Research Paper No. 1999-2000. Canberra: Department of the Parliamentary Library, Information and Research Services. CPACS RESOURCE CENTRE

Cardenas, S. (2003) "Emerging Global Actors: The United Nations and National Human Rights Institutions", *Global Governance*, 9:1, January-March 2003, pp. 23-42. FISHER RESEARCH JOURNALS 327.1705 6

Charlesworth, H. (2001) "Australia and the International Human Rights System" in Bonavita, H. V. (ed.) *Human Rights: A Fair Go For All: An International Conference*. Perth, WA: John Curtin International Institute, Curtin University of Technology, pp. 159-164. CPACS RESOURCE CENTRE

Hannum, H. (2003) "Indigenous Rights" in Lyons G.M., and Mayall, J. *International Human Rights in the 21<sup>st</sup> Century: Protecting the Rights of Groups*. London: Rowman & Littlefield Publishers, pp 71-99. FISHER RESERVE 323.1 44

Williams, G. (1999) *Human Rights under the Australian Constitution*. South Melbourne: Oxford University Press. LAW & FISHER U/G & SPECIAL RESERVE 342.94085 30

## PHILOSOPHICAL TENSIONS

The next two lectures unpack some of the philosophical tensions within the ever-widening interpretations of human rights in the pursuit of values such as fairness, equality of opportunity and respect for cultural diversity. To explore the broader social and political questions underpinning such tensions, these lectures discuss instruments and strategies designed to protect the human rights of particular social, cultural and ethnic groups.

**Week Five: Universalism vs. Relativism**

30 March

*Lecturer: Annie Herro, Centre for Peace and Conflict Studies*

This lecture asks whether rights as conceived in the Universal Declaration of Human Rights are compatible with different religious, cultural and national traditions. It further explores the ideologies (e.g. liberalism) that underpin some of the universalist and relativist positions on rights and considers the implications for the pursuit of sustainable peace. Taking the normative and institutional development of human rights in Southeast Asia as an example, this class considers whether there are rights particular to certain regions of the world.

Discussion Questions:

- What political ideologies inform some of the perspectives raised in the readings?
- Consider some contemporary cases where different ideologies have been invoked to justify or condemn particular practices in the name of human rights.

**Required Readings:**

Donnelly, J. (2003) "Human Rights and Cultural Relativism" in *Universal Human Rights in Theory and Practice*, 2<sup>nd</sup> edn, Ithaca, NY: Cornell University Press, pp. 89-106

Callaway, R (2007) "Rhetoric of Asian Values" in Rhonda Callaway and Julie Harrelson-Stephens (eds) *Exploring international human rights: essential readings*, Lynne Rienner Publishers, Boulder pp. 112-122

An-Na'im, AA. (2001) "Human Rights in the Muslim World" in Patrick Hayden *The Philosophy of Human Rights: Readings in Context*, Paragon House Publishers MN pp. 315-335

**Additional Readings:**

Bell, D.A. (1996) "The East Asian challenge for human rights", *Human Rights Quarterly* 18.3 pp. 641-667. FISHER ONLINE JOURNALS

Baehr, P. R. (1999) "Universalism versus Cultural Relativism" in *Human Rights: Universality in Practice*. New York: St Martin's Press, pp. 9-19. FISHER RESEARCH 341.481 238

Camilleri, J. (1994) "Human Rights, Cultural Diversity and Conflict Resolution: The Asia Pacific Context", *Pacifica Review*, 6:2, pp. FISHER RESEARCH JOURNALS 327.1705 5

Chandler, D. (2001) "Universal Ethics and Elite Politics: The Limits of Normative Human Rights Theory", *International Journal of Human Rights*, 5:4, Winter 2003, pp. 72-89. CPACS RESOURCE CENTRE

Evans, T. (1998) "Introduction: Power, Hegemony and the Universalisation of Human Rights" in Evans, T. (ed.) *Human Rights Fifty Years On: A Reappraisal*. Manchester/New York: Manchester University Press, pp. 2-23. FISHER RESEARCH & U/G 323.0904 2

Ibhawoh, B. (2007) "Restraining Universalism: Africianist Perspectives on Cultural in the Human Rights Discourse" in Rhonda Callaway and Julie Harrelson-Stephens (eds) *Exploring international human rights: essential readings*, Lynne Rienner Publishers, Boulder pp. 133-139. FISHER SHORT LOAN 341.48 63

McDonald, M. (1992) "Should Communities Have Rights? Reflections on Liberal Individualism" in An-Na'im, A. A. (ed.) *Human Rights in Cross-Cultural Perspectives*. Philadelphia: University of Pennsylvania Press, pp. 133-161. FISHER U/G 323 100

NON-TEACHING WEEK—NO CLASSES

6 April

**Week Six: Individual versus Group rights: Advocating for Women's Rights** 13 April

*Lecturer: Dr Kiran Grewal, Socio-legal Studies and Human Rights*

This session considers different theoretical frameworks through which to advocate for women's rights. It examines the major instruments in place to protect women's rights and empower women more generally by asking: how we can more effectively define and promote strategies which link the local and the global? This section will also consider some of the practical issues encountered by civil society groups in the advocacy for women's rights at the international level.

**Required Readings:**

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|---|
| Brems, E. (2003) "Protecting the Human Rights of Women" in Lyons, G. And Mayall J. (eds) <i>International Human Rights in the 21<sup>st</sup> Century: Protecting Group Rights</i> . Lanham: Rowman and Littlefield Publishing, pp. 100-137 |
| Bell, C. (1999) "Women's Rights as Human Rights: Old Agendas in New Guises" in Hegarty, A. & Leonard, S. (eds) <i>Human Rights: An Agenda for the 21<sup>st</sup> Century</i> . London: Cavendish, pp.139-154                               |

**Additional Readings:**

- Agosin, M. (ed) (2001) *Women, Gender & Human Rights. A Global Perspective*, NJ: Rutgers. FISHER SHORT LOAN 305.42 622
- Ashworth, G. (1999) "The Silencing of Women" in Dunne, T. & Wheeler, N. J. (eds) *Human Rights in Global Politics*. Cambridge, UK: Cambridge University Press, pp. 259-276. FISHER RESEARCH & U/G 323 58
- Bunch, Charlotte (1990) "Women's rights as Human Rights: Towards a Revision of Human Rights", *Human Rights Quarterly*, Vol. 12, No. 4, pp. 486-498. FISHER ONLINE JOURNALS
- Cook, R. J. (1994) "Women's International Human Rights Law: The Way Forward" in *Human Rights of Women: National and International Perspectives*. Philadelphia: University of Pennsylvania Press, pp. 3-36. FISHER U/G 342.08787
- Lerner, N. (1991) *Group Rights and Discrimination in International Law*. Dordrecht: Martinus Nijhoff. LAW RESEARCH 341.481 141
- Pickering, S. & Lambert, C. (2004) *Global Issues, Women and Justice*. Sydney: Sydney Institute of Criminology/Federation Press. FISHER RESEARCH, U/G 341.4858 1
- Stapleton, J. (ed.) (1995) *Group Rights: Perspectives Since 1900*. Bristol: Thoemmes Press. FISHER RESEARCH 323 55

## POLITICAL TENSIONS

This section discusses the evolution of rights in terms of the more recent idea that human rights must include global responsibilities for the attainment of peace with justice. These lectures, which examine the international community's efforts to protect human rights, raise important questions about how such human rights standards are negotiated in light of political interests and the enduring principle of sovereignty in international relations.

### Week Seven: Humanitarianism, Peace and Justice

Lecturer: Annie Herro, Centre for Peace and Conflict Studies

20 April

This lecture explores the emergence of the right to humanitarian intervention, focusing on the impact of the Responsibility to Protect doctrine on the debate. In doing so, it investigates arguments for and against humanitarian intervention vis-à-vis the extent to which it contributes to peace with justice. The class also discusses circumstances in which several key international NGOs working in conflict zones began to embrace a human rights-based approach to aid and development and considers whether this hinders or facilitates sustainable peace.

### Required Readings:

Terry, F. (2002) <i>Condemned to Repeat? The Paradox of Humanitarian Action</i> . Ithaca: Cornell University Press, pp. 1-16
Bellamy, A. (2009) "Sovereignty and Human Rights" in <i>Responsibility to Protect: the Global Effort to End Mass Atrocities</i> , Cambridge: Polity Press, pp. 8-34
International Commission on Intervention and State Sovereignty (2001) <i>The Responsibility to Protect</i> . Ottawa: International Development Research Centre, pp. xi-xiii

### Additional Readings:

Anderson, M. B. (1999) *Do No Harm: How Aid Can Support Peace – Or War*. Boulder, Colorado: Lynne Rienner. FISHER RESEARCH 361.26 2

Chandler, D. (2002) "War: The Lesser of Two Evils" in *From Kosovo to Kabul: Human Rights and International Intervention*. London: Pluto Press, pp. 157-191  
FISHER RESEARCH 341.481 292

Corten, O. (2009). "Human Rights and Collective Security: Is there an Emerging Right of Humanitarian Intervention" in Alston, P. and MacDonald, E. *Human Rights, Intervention and the Use of Force*. Oxford: Oxford University Press, pp. 87-137.  
LAW RESEARCH 341.48 88

Ignatieff, M. (2002) "Intervention and State Failure" in Mills, N. & Brunner, K. (eds) *The New Killing Fields: Massacre and the Politics of Intervention*. New York: Basic Books, pp. 229-244. FISHER RESEARCH 364.151 4

Rieff, D. (2002) *A Bed for the Night: Humanitarianism in Crisis*. London: Vintage.  
CPACS RESOURCE CENTRE, NURSING LIBRARY 361.26 5, FISHER U/G & SR  
361.26 5 A

Slim, H (2001). "Violence and humanitarianism: moral paradox and the protection of civilians", *Security Dialogue*, Vol. 32, Iss. 3, pp. 325-340. FISHER ONLINE JOURNALS

Welsh, J (2002). "From Right to Responsibility: Humanitarian Intervention and International Society", *Global Governance*, Vol 8, pp. 503-521. FISHER ONLINE JOURNALS

Wheeler, N. (2000) *Saving Strangers: Humanitarian Intervention*, Oxford: Oxford University Press, pp. 285-310. FISHER ONLINE JOURNALS

Stahn, C. 2007. 'Responsibility to Protect: Political Rhetoric or emerging legal norm?', *American Journal of International Law* 101(1): 99-118. FISHER ONLINE JOURNALS

**Week Eight: International Human Rights and Transitional Justice** 27 April

*Lecturers: Thushara Dibley, Indonesian Studies and Annie Herro, Centre for Peace and Conflict Studies*

We consider the international community's role in enforcing individual accountability for human rights violations through international law and different transitional justice mechanisms designed to support human rights in the aftermath of violent conflict. Using the case study of the 2005 peace agreement between the armed guerrilla group seeking independence (GAM) and the Government of Indonesia which ended the decades-long war, we explore why the human rights provisions in the agreement have not been implemented and its implications for sustainable peace in Aceh.

**Required Readings:**

Roht-Arriaza, N. (1999) "Institutions of International Justice", <i>Journal of International Affairs</i> , 52:2, Spring 1999, pp. 473-491
Boraine, A. (2006) "Defining Transitional Justice: Tolerance in the search for justice and peace" in Boraine, A. & Valentine, S. (eds) <i>Transitional Justice and Human Security</i> . Cape Town: International Center for Transitional Justice, pp. 22-37
Aspinall, E. (2008) "Peace without Justice? The Helsinki Peace Process in Aceh", Geneva: Centre for Humanitarian Dialogue, pp. 5-11, 27-30 and 36-7

**Additional Readings:**

Aspinall, E. (2009). *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*. Stanford, California, Stanford University Press. ON ORDER FROM FISHER LIBRARY

- Beasley, B. (2009) *The Indictment of Omar Hussan Ahmad al Bashir by the International Criminal Court: Understanding Why African and Leaders Support Bashir*. MPACS dissertation. CPACS RESOURCE CENTRE.
- Bell, C. (2000) *Peace Agreements and Human Rights*. Oxford: Oxford University Press. LAW RESEARCH 341.481 256
- Biggar, N. (ed.) (2001) *Burying the Past: Making Peace and Doing Justice after Civil Conflict*. Washington, DC: Georgetown University Press. FISHER RESEARCH 303.64 23
- Cassese, A. (2003) *International Criminal Law*, Oxford: Oxford University Press. LAW RESEARCH 341.77 62
- Cryer, R. (2005) *Prosecuting International Crimes: Selectivity and the International Criminal Law Regime*. Cambridge, UK: Cambridge University Press. LAW RESEARCH 345.0235 7
- Seils, P. and Wierda, M., (2005). *The International Criminal Court and Conflict Mediation*. New York: International Centre for Transitional Justice <http://www.ictj.org/images/content/1/1/119.pdf> [accessed: 22 February 2010]
- Ratner, S. R. & Abrams, J. S. (1997) *Accountability for Human Rights Atrocities in International Law*. Oxford: Clarendon Press LAW RESEARCH 341.481 220
- Roht-Arriaza, N. (2006) "The New Landscape of Transitional Justice" in Roht-Arriaza, N. & Mariexcurrena, J. (eds) *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge, UK: Cambridge University Press, pp. 8-14. CPACS RESOURCE CENTRE (PACS6927 Unit reader)

## CONTEMPORARY HUMAN RIGHTS CHALLENGES

The final section of the course considers some of the legal, political and philosophical conundrums previously explored in the context of controversial and contemporary cases of human rights violations such as the "war on terror". We discuss how ideological and geopolitical factors engender competing rights and discuss ways such tensions could be negotiated. These classes further consider how activists might use human rights laws and norms to lobby governments to protect the rights of vulnerable groups.

### **Week Nine: A Just Peace in Palestine and Israel**

4 May

*Lecturer: Antony Loewenstein, human rights activist, journalist and author*

This lecture considers how human rights violations in Israel and the Occupied Palestinian Territories impede a just peace in the disputed territory. We specifically explore how activists have used human rights recourses as a means to alleviate the suffering of the Palestinians and consider the legal and geopolitical obstacles that confront such efforts.

**Required Readings:**

Carter, J. (2006) "Prospects for Peace" and "Summary" in <i>Palestine Peace not Apartheid</i> . New York: Simon and Schuster, pp. 11-19 and 205-216
UN Human Rights Council, <i>Human rights situation in Palestine and other occupied Arab territories : report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, John Dugard, 21 January 2008, A/HRC/7/17, available at: <a href="http://www.unhcr.org/refworld/docid/47baaa262.html">http://www.unhcr.org/refworld/docid/47baaa262.html</a> [accessed 24 January 2010]</i>

**Additional Readings:**

Association for Civil Rights in Israel (2009). *The State of Human Rights in Israel and the Occupied Territories: 2009 Report* <http://www.acri.org.il/pdf/state2009en.pdf> [accessed: 28 February 2010]

Chomsky, N. (2003) *Middle East Illusions*. Lanham: Rauman and Littlefield Publishing, pp. 199-216 FISHER RESEARCH 956.04 98

Loewenstein, A. (2009). *My Israel Question*. Melbourne: Melbourne University Publishing. STATE LIBRARY N956.054/13

Keck, M. and Sikkink, K., (1998). *Activists Beyond Borders*. Ithaca, NY: Cornell University Press. FISHER RESEARCH 322.43 32

Khagram, S., Riker, J., and Sikkink, K. (2002). *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*. Minneapolis, London: University of Minnesota Press Pp. 3-23 and 301-317. FISHER SHORT LOAN 303.484 105

Risse, T., Ropp, S.C., Sikkink, K., (1999). *The Power of Human Rights: International norms and domestic change*. Cambridge: Cambridge University Press. FISHER RESEARCH 323 71

**Week Ten: Terrorism**

11 May

*Lecturer: A/Prof Jake Lynch, Director of the Centre for Peace and Conflict Studies*

This lecture examines some recent challenges posed by globalisation to the human rights system in the context of contemporary security issues. We explore the challenges the "war on terrorism" and anti-terrorism legislation have had on civil liberties and to basic rights such as the right not to be subjected to cruel and degrading treatment including torture.

**Required Readings:**

Saul, B. (2005) "Defining Terrorism to Protect Human Rights", <i>Human Rights Defender 2</i> , vol. 14, no. 2.
Saul, B. (2005) "Definition of 'Terrorism' in the UN Security Council: 1985-2004" <i>Chinese Journal of International Law</i> , vol. 4, no.1, pp.141-166.

Dreher, T. (2007) "News Media Responsibilities in Reporting on Terrorism", in Lynch, A., Macdonald, E. & Williams, G. (eds) *Law and Liberty in the War on Terror*. Sydney: Federation Press, pp 211-220.

Lynch, J. (2008) "Active and passive peace journalism in reporting of the 'war on terrorism' in The Philippines" in *Debates in Peace Journalism*. Sydney: Sydney University Press, pp 143-162.

### **Additional Readings:**

Coady, T. & O'Keefe, M. (2002) *Terrorism and Justice: Moral argument in a threatened world*, Carlton South, Vic.: Melbourne University Press. FISHER RESEARCH & SR, LAW RESEARCH 303.625 39

Nowak, M. (2008) *The United Nations Convention against Torture: a commentary*. Oxford: Oxford University Press. LAW RESEARCH 341.48 57

Otterman, M. (2007) *American Torture: From the Cold War to Abu Ghraib and Beyond*. Carlton: Melbourne University Press, pp. 108-116 & 184-199. CPACS RESOURCE CENTRE

Roth, K. (2002) "Misplaced Priorities: Human Rights and the Campaign Against Terrorism", *Harvard International Review*, Fall 2002, vol. 24, pp. 14-19. FISHER ONLINE JOURNALS

Schmid, A.P. (1983) *Political terrorism: a research guide to concepts, theories, data bases, and literature*. Amsterdam: North-Holland; New Brunswick, U.S.A.: Distributors, Transaction Books. FISHER RESEARCH 303.625 2

Sterba, J. P. (ed) (2003) *Terrorism and International Justice*, New York: Oxford University Press. FISHER RESEARCH 303.625 03

Wilson, R. A (ed) (2005), *Human Rights in the War on Terror*, London: Cambridge University Press. FISHER RESEARCH 323.090511 2

### **Week Eleven: Refugees and Asylum Seekers**

18 May

*Lecturer: Lucy Fiske, Curtin University, Western Australia*

This lecture takes the human rights of refugees and asylum seekers as a contemporary case of human rights, justice, and peace. We examine the social, political and legal dimension of "moving peoples" and the current regime in place for their protection.

### **Required Readings:**

Haddad, E. (2004) "Who is (Not) a Refugee?" EUI Working Paper SPS No 2004/6, European University Institute, Florence. Available at <http://cadmus.iue.it/dspace/bitstream/1814/1911/1/sps2004-06.pdf> [accessed 24 January 2010]

Goodwin-Gill, G. (2001) "Asylum 2001 – A Convention and a Purpose" *International Journal of Refugee Law* 13(1/2) pp. 1 - 15

**Additional Readings:**

Crock, M. (2003) "The Refugees Convention at 50: Mid-life Crisis or Terminal Inadequacy? An Australian Perspective", in Kneebone, S. (ed), *The Refugees Convention 50 Years On: Globalisation and International Law*, London: Ashgate, pp. 47-91. FISHER RESEARCH 341.486 26

Crock, M., Saul, B. & Dastyari, A. (2006) Ch. 4 "People Smuggling and People Trafficking", in *Future Seekers II: Refugees and Irregular Migration in Australia*, Sydney, Federation Press. LAW SHORT LOAN 325.210994 40

Freedman, J., (2008) 'Women Seeking Asylum. The politics of gender in the asylum determination process' in *International Feminist Journal of Politics*, 10:2, June, pp. 154 – 172. FISHER ONLINE JOURNALS

Ogata, S. (1997) "Human Rights, Humanitarian Law and Refugee Protection" in Warner, D. (ed.) *Human Rights and Humanitarian Law: The Quest for Universality*. The Hague: Martinus Nijhoff, pp. 135-141. LAW RESEARCH 341.481 221

McMaster, D. (2001) *Asylum Seekers: Australia's Response to Refugees*. Melbourne: Melbourne University Press. FISHER U/G, RESEARCH 325.210994 11

Kneebone, S. (ed.) (2003) *The Refugees Convention 50 Years On*. Aldershot: Ashgate Publishing. LAW RESEARCH 341.486

United Nations High Commissioner for Refugees (1996) *Convention and Protocol Relating to the Status of Refugees and Statute of the Office of the United Nations High Commissioner for Refugees*. UNHCR Public Information Section. CPACS RESOURCE CENTRE

## **STUDENT PRESENTATIONS**

**Weeks Twelve & Thirteen: Student Presentations**

25 May & 1 June

## GENERAL REFERENCES

- Alston, P. (1995) *The United Nations and Human Rights: A Critical Appraisal*. Oxford: Oxford University Press. LAW RESEARCH 341.481 151
- Alston, P. (ed.) (1996) *Human Rights Law*. Aldershot: Dartmouth. LAW & FISHER U/G 341.481 197
- Alston, P. (2001) *Peoples' Rights*. Oxford: OUP. LAW RESEARCH 341.481 263
- Blau, J. (ed) (2005) *Human Rights: Beyond the Liberal Vision*, Rowman & Littlefield. FISHER RESEARCH 323 108
- Donnelly, J. (2003) *Universal Human Rights in Theory and Practice*, 2<sup>nd</sup> edition, Ithaca, NY: Cornell University Press. FISHER RESEARCH 323 11 A
- Dunne, T. & Wheeler, N. J. (eds) (1999) *Human Rights in Global Politics*. Cambridge, UK: Cambridge University Press. FISHER RESEARCH 323 58
- Falk, R. A. (2000) *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*. London/New York: Routledge. FISHER RESERVE 323 87
- Forsythe, D. P. (2000) *Human Rights in International Relations*. Cambridge, UK: Cambridge University Press. FISHER U/G, RESEARCH 341.481 252
- Goldewijk, B. K. & de Graay Fortman, B. (1999) *Where Needs Meet Rights*. Geneva: World Council of Churches. FISHER U/G 323 69
- Hanski, R. & Suksi, M. (eds) (1999) *An Introduction to the International Protection of Human Rights: A Textbook*. Turku/Åbo: Institute for Human Rights, Åbo Akademi University. 2nd edn. LAW RESEARCH, FISHER U/G 341.481 259
- Hartmann, T. (2002) *Unequal Protection: the Rise of Corporate Dominance & the Theft of Human Rights*, Rodale Books. ON ORDER FISHER RESEARCH
- Hegarty, A. & Leonard, S. (eds) (1999) *Human Rights: An Agenda for the 21<sup>st</sup> Century*. London: Cavendish. LAW RESEARCH, FISHER U/G 341.481 245
- Henkin, L. & Hargrove, J. L. (eds) (1994) *Human Rights: An Agenda for the Next Century*, Washington, DC: American Society of International Law. FISHER U/G & LAW RESEARCH 323 31.
- Hocking, B. (ed.) (1998) *International Law and Aboriginal Human Rights*. Sydney: Law Book Company. LAW & FISHER U/G 341.481 116
- Ignatieff, M. (2001) *Human Rights as Politics and Idolatry*. Princeton, NJ: Princeton University Press. FISHER RESEARCH 323 76

- Landman, T. (2005) *Protecting Human Rights: A Comparative Study* (Advancing Human Rights Series), Georgetown University Press. FISHER RESEARCH 323.09045 2
- Merrills, J. G. & Robertson, A. H. (1996) *Human Rights in the World: An Introduction to the Study of the International Protection of Human Rights*. 4<sup>th</sup> edition, Manchester: Manchester University Press. FISHER RESEARCH 341.481 58 C
- Perry, M. J. (1998) *The Idea of Human Rights. Four Enquiries*, New York: Oxford University Press. FISHER RESEARCH 323.01 17
- Ramcharan, B. (2008) *Contemporary Human Rights Ideas*. London/New York: Routledge Fisher Research 323 146
- Sarat, A. & Kearns, T. R. (eds) (2001) *Human Rights: Concepts, Contests, Contingencies*. Ann Arbor, Michigan: University of Michigan Press. LAW U/G, FISHER U/G, RESEARCH 323 70
- Schultz, W. F. (2001) *In Our Own Best Interest: How Defending Human Rights Benefits Us All*. Boston, Massachusetts: Beacon Press.
- Sriram, C.L. et al. (2010) *War, conflict, and human rights: theory and practice*. New York : Routledge. LAW RESEARCH 355.02 100
- Steiner, H. & Alston, P. (eds) (2008) *International Human Rights in Context: Law, Politics and Morals*. 3<sup>rd</sup> edition, Oxford: Oxford University Press. LAW SHORT LOAN 341.481 190 B
- Wright, S. (2001) *International Human Rights, Decolonisation and Globalisation: Becoming Human*. London, New York: Routledge. LAW U/G & FISHER RESEARCH 323 73

## WEBSITES

Amnesty International	<a href="http://www.amnesty.org">http://www.amnesty.org</a>
Actionaid	<a href="http://www.actionaid.org.au/">http://www.actionaid.org.au/</a>
Australian Human Rights Centre	<a href="http://www.ahrcentre.org/">http://www.ahrcentre.org/</a>
Australian Red Cross International Humanitarian Law	<a href="http://www.redcross.org.au/ihl">http://www.redcross.org.au/ihl</a>
Bayefsky	<a href="http://www.bayefsky.com/">http://www.bayefsky.com/</a>
Berkeley Human Rights Center	<a href="http://www.hrcberkeley.org">http://www.hrcberkeley.org</a>
Centre for Human Rights Education, Curtin University	<a href="http://www.chre.curtin.edu.au">http://www.chre.curtin.edu.au</a>
Centre for the Study of Human Rights, Columbia University	<a href="http://hrcolumbia.org/">http://hrcolumbia.org/</a>
Global Action to Prevent War	<a href="http://www.globalactionpw.org/">http://www.globalactionpw.org/</a>
Human and Constitutional Rights, Columbia University	<a href="http://www.hrcr.org">http://www.hrcr.org</a>
Human Rights and Equal Opportunity	<a href="http://www.hreoc.gov.au">http://www.hreoc.gov.au</a>

Commission	
Human Rights Library, University of Minnesota	<a href="http://www1.umn.edu/humanrts">http://www1.umn.edu/humanrts</a>
Human Rights Watch	<a href="http://www.hrw.org">http://www.hrw.org</a>
International Center for Transitional Justice	<a href="http://www.ictj.org">http://www.ictj.org</a>
International Committee of the Red Cross	<a href="http://www.icrc.org">http://www.icrc.org</a>
International Federation of Red Cross/Red Crescent Societies	<a href="http://www.ifrc.org">http://www.ifrc.org</a>
Médecins Sans Frontières	<a href="http://www.msf.org">http://www.msf.org</a>
Office for Democratic Institutions and Human Rights, OSCE	<a href="http://www.osce.org/odihr/">http://www.osce.org/odihr/</a>
United Nations	<a href="http://www.un.org">http://www.un.org</a>
United Nations High Commissioner for Human Rights	<a href="http://www.unhchr.ch">http://www.unhchr.ch</a>
United Nations High Commissioner for Refugees	<a href="http://www.unhcr.org">http://www.unhcr.org</a>
United States Institute of Peace	<a href="http://www.usip.org">http://www.usip.org</a>

## JOURNALS

Ethics and International Affairs  
 Global Responsibility to Protect  
 Human Rights  
 Human Rights Australia  
 Human Rights Defender  
 Human Rights Law Journal  
 Human Rights Quarterly  
 International Journal of Human Rights  
 Journal of Human Rights

## KEY HUMAN RIGHTS DECLARATIONS AND CONVENTIONS

GC-Genocide Convention-Convention on the Prevention and Punishment of the Crime of Genocide (1948) <http://www2.ohchr.org/english/law/genocide.htm>

UDHR-Universal Declaration on Human Rights (1948)  
<http://www.un.org/en/documents/udhr/>

Convention relating to the Status of Refugees (1954)  
<http://www2.ohchr.org/english/law/refugees.htm>

Convention relating to the status of Stateless Persons (1960)  
<http://www2.ohchr.org/english/law/stateless.htm>

CERD-International Convention on the Elimination of Racial Discrimination (1969)  
<http://www2.ohchr.org/english/law/cerd.htm>

ICCPR-International Covenant on Civil and Political Rights (1976)

<http://www2.ohchr.org/english/law/ccpr.htm>

ICRSCR-International Covenant on Economic, Social and Cultural Rights (1976)

<http://www2.ohchr.org/english/law/cescr.htm>

CEDAW-Convention on the Elimination of All Forms of Discrimination Against Women (1979) <http://www2.ohchr.org/english/law/cedaw.htm>

CRC-Convention on the Rights of the Child (1990)

<http://www2.ohchr.org/english/law/crc.htm>