

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

- Coordinator:** Lucy Fiske
Lecturer, Centre for Human Rights Education, Curtin University
Visiting Scholar, Centre for Peace and Conflict Studies
Room 122, Mackie Building K01, University of Sydney
Tel: 9351 3453 Fax: 9660 0862
Email: lucy.fiske@sydney.edu.au or l.fiske@curtin.edu.au
- Course Dates:** 13 weeks, 2 March - 1 June 2011 (no class mid-semester break 27 April)
- Course Times:** Wednesday 3 - 5pm and 6 - 8pm
- Consultation Hours:** Wednesday 10am – 12 noon and 1.30 - 3pm
- 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 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

To pass this unit you must attend and contribute to weekly seminars, and satisfactorily complete all assessments listed below. Students must pass all pieces of assessment for successful completion of the course. Failure to attend at least 80% of classes without reasonable cause is grounds for failure.

Assessment 1: Reading summaries Due: Weekly 25%

Select 1 reading each week and write a one page maximum reflection. Write two or three sentences only summarising the main point of the text, and devote the rest of the page to your critique of the paper (what key concepts did you learn or revisit, which parts of the author’s argument were most compelling, which were weak or you disagree with, what thoughts did the paper stimulate for you, what connections do you see between the papers etc). You do not need to comment on every aspect of the paper, it is better to select a single theme (or perhaps 2) and comment in greater depth about this than to try to respond briefly to the whole paper.

Write the full reference at the top of the page as well as your name. You should hand your weekly reading log to Lucy at the start of each class and marked work will be returned to you in class. No cover sheet is required for this work.

NB: There are no readings for week three. Students must instead submit two reading summaries in week four. Select one reading relating to national human rights protections and one relating to international protections.

Assessment 2: Short Essay Due: Monday 4 April 2011 30%

Select one of the following topics and write a 1500 word academic essay in response.

1. *In your opinion, what is the basis of human rights?*

In your response to this consider the philosophical and theoretical approaches to human rights. Do you agree with essentialist arguments – that there is something unique and special about human beings that endows us with rights? Do you agree with the functionalists – that human rights are not inalienable, but are a necessary construction to prevent humans doing bad things to one another? Rorty, Arendt, Perekh, Donnelly, Kant and Bentham (and many more) will be useful in developing your position. You do not need to reach an ‘answer’, but do need to demonstrate your understanding of the key aspects of the position you take and develop an argument to support your position.

2. *Do you think Australia needs a ‘Bill of Rights’?*

If yes, what sort of model do you advocate and why? If no, explain why not (Do you think rights are adequately protected through existing mechanisms? Do you think human rights don’t need protecting? That codifying human rights will ‘freeze’ them in time, such as the US Right to bear arms?). In your answer consider the interaction of parliament, the judiciary and civil society, consider arguments for and against different models, you may want to use other ‘like nations’ as a comparison. What is important here is not the position you argue, but that you can demonstrate you understand the arguments and have developed your position based on a sound understanding of the issues.

3. *What role do you see that human rights ideas and institutional protections contribute to peace with justice?*

You may want to address this from a philosophical or grounded approach (or perhaps a mix of both). However you approach it, be sure to articulate what you understand ‘human rights’ and ‘peace with justice’ to mean, and how you see they interact – what are the tensions, the complementarities and divergences? Make sure that you support your argument with reference to literature from both fields, you may also want to draw on ‘real life’ examples to illustrate your argument.

Assessment 3: Major Essay Due: Thursday 9 June 2011 45%

Select one of the following topics and write a 3000 word academic essay in response.

1. Discuss the history and development of law, institutions and advocacy relating to one of the following:

- * Women’s rights,
- * Indigenous rights,
- * The right to work,
- * Freedom from torture
- * The rights of the child,
- * The right to life,
- * The right to asylum

Critique the effectiveness and limitations of these measures in the attainment of human rights, peace and justice? Continued over...

In answering this question be sure to engage with theoretical arguments contained in academic literature and with examples from the field.

2. Human rights claim to be universal – applying equally to all peoples, everywhere. They are also criticized as being a form of neo-colonialism and as imposing essentially ‘Western’ values on diverse groups of people at the expense of cultural diversity. What is your position on the universalist/cultural relativist debate? Why do you hold these views? Mount a defense of your position and address arguments both in favour and against your position. Draw on both theoretical and case study examples in supporting your argument.
3. Stuart Rees quotes Mary Robinson (former UN Human Rights Commissioner) as saying
... Our goal should be domestic self-sufficiency in human rights implementation without the necessity for international assistance.

Critically discuss issues of sovereignty and internationalism in regard to both humanitarian intervention and human rights. Use both theory and case study examples to illustrate and support your argument.

Assessment of assignments in this unit will use the following guide:

85-100% (High Distinction)
The assignment demonstrates that the student has a critical and advanced understanding of the subject matter. The assignment demonstrates a sophisticated understanding of key theoretical ideas, and a thorough level of performance in research, argumentation, documentation and expression. The student has integrated different academic sources to develop her/his own position on the topic and has articulated this clearly. Original thought is evident. The paper has a high degree of accuracy in referencing and presentation.
75-84% (Distinction)
The student demonstrates a good understanding of key ideas, through a sound level of performance in research, argumentation, documentation and expression. The assignment is well-presented and demonstrates a perceptive analysis of subject matter. The student has integrated different academic sources to demonstrate her/his understanding of the topic. Referencing is accurate throughout the paper (with some minor inaccuracies such as misplacement of commas accepted). The paper is presented to a high standard – it has been proof read and there are few typographical or syntactical errors.
65-74% (Credit)
This is a soundly researched assignment, which reads fairly well and has a clear structure. The student demonstrates a sound understanding of the concepts discussed but assignments at the lower end of this scale are primarily descriptive, lacking critical

<p>engagement or independent analysis. The paper has some minor errors in referencing and typographical errors, but demonstrates an understanding of what is required in an academic essay.</p>
<p>50-64% (Pass)</p> <p>The assignment has serious problems of structure, fact or argument. The student has not researched adequately beyond the set readings and there is limited evidence that the student has a critical understanding of the key concepts discussed. However, the assignment does demonstrate a basic understanding of the topic. There may also be significant referencing problems, but not amounting to intentional plagiarism.</p>
<p>Not satisfactory</p> <p>A fail grade (0-49%) can be given if the assignment fails to meet the required standards of academic work: explanation of concepts, argumentation within the paper, evidence of research, referencing of works used. A fail will also be given for plagiarism or other forms of academic dishonesty.</p>

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. Essays with insufficient references 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

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

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

The weekly reading summaries do not require a cover sheet and should be handed directly to Lucy at the start of each class. Assignments 2 and 3 must have a completed cover sheet, including a signed plagiarism declaration and be submitted to the CPACS office by the due date.

EXTENSIONS

Completing your work on time is an important academic skill and also has implications for equity between students. However, there are times when this is not possible (due to unforeseen circumstances such as accident or illness). Students can apply online for **Simple Extensions** of less than five working days on the grounds of minor illness or misadventure; **Special Consideration** for serious illness or misadventure; or **Special Arrangements** for essential community commitments. All applications for an extension must be lodged before the due date. For further details about the Faculty policy, and how to apply online, see (http://sydney.edu.au/arts/current_students/assessment_considerations.shtml).

COURSE OVERVIEW

Week	Topic	Date
	Human Rights History, Philosophy and Frameworks	
1	Introduction: Human Rights, Peace and Justice	2 March
2	Philosophical and Political History of Human Rights	9 March
3	War on Wikileaks – Public Forum	16 March
4	International and National Human Rights Regimes	23 March
	Philosophical and Political Tensions	
5	Feminist Critiques of Human Rights	30 March
6	Part 1 - Universalism and Relativism Part 2 – What is Justice?	6 April
7	Humanitarianism, Peace and Justice	13 April
	Contemporary Human Rights Challenges	
8	Human Rights and Status of Women and Children in Iraq and their Representation in Western Media	20 April
NON-TEACHING WEEK NO CLASS - 27 APRIL		
9	A Just Peace in Palestine and Israel	4 May
10	Terrorism	11 May
11	Indigenous Rights as Human Rights	18 May
12	Human Rights of Refugees and Asylum Seekers	25 May
13	Review	1 June

HUMAN RIGHTS HISTORY, PHILOSOPHY AND FRAMEWORKS

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. We will then evaluate 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 One: Introduction: Human Rights, Peace and Justice

2 March

Lecturer: Lucy Fiske

Following introductions and an overview of the course, this week makes some early connections between the ideas of human rights, peace and justice. It also explores the concept of 'human rights' and encourages students to think critically about what are human rights? Where do they come from? Who has human rights? We will outline some basic theoretical frameworks for understanding different models of human rights addressed in subsequent weeks.

Required Readings:

Parekh, S. (2007) 'Resisting "Dull and Torpid" Assent: Returning to the debate over the foundations of human rights' <i>Human Rights Quarterly</i> 29, 754 - 778
Rees, S. (2003) "Understanding and Attaining Human Rights" in <i>Passion for Peace Exercising Power Creatively</i> . Sydney: UNSW Press, pp. 186-221.
Rorty, R. (1999) 'Human Rights, Rationality and Sentimentality' in Savic', O. (ed) <i>The Politics of Human Rights</i> , London, Verso, pp 67 - 83
Kennedy, D. (2004) "The International Human Rights Movement: Part of the Problem?" <i>The Dark Sides of Virtue: Reassessing International Humanitarianism</i> . 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

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

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.

Required Readings:

O'Neill, R., Rice, S. & Douglas, R. (2004) "From Natural Law to Human Rights" in <i>Retreat from Injustice: Human Rights Law in Australia</i> . 2 nd edn, Sydney: Federation Press, pp. 1-26.
Donnelly, J. (2003) "The Universal Declaration Model" in <i>Universal Human Rights in Theory and Practice</i> , 2 nd edn, Ithaca, NY: Cornell University Press, pp. 22-37
Shestack, J. (1998) "The Philosophic Foundations of Human Rights", <i>Human Rights Quarterly</i> , Vol. 20 No. 2, pp. 217-227
Pogge, T. (2002) "How Should Human Rights Be Conceived?" in <i>World Poverty and Human Rights</i> , 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

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

Week Three: War on WikiLeaks - Breaking the Australian Silence 16 March

Speakers: John Pilger, Andrew Wilkie MP, Julian Burnside QC
 Sydney Peace Foundation public forum
 Sydney Town Hall
 Wednesday 16 March - 6.30pm

There are no required readings for this week, but there are several readings required for week 4. Students are encouraged to use the time to progress with week 4 readings.

Week Four: International and National Human Rights Regimes 23 March

Lecturer: Dr Sev Ozdowski, Adjunct Professor 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.

The session then goes on to look at 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:

O'Neill, R., Rice, S. & Douglas, R. (2004) "International Protection of Human Rights" in <i>Retreat from Injustice: Human Rights Law in Australia</i> . 2nd 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 <i>Human Rights in International and Australian Law</i> , Sydney: Butterworths, pp. 22-57.
Terlingen, Y. (2007) "The Human Rights Council: A New Era in UN Human Rights Work?" <i>Ethics and International Affairs</i> . 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]
Human Rights and Equal Opportunity Commission, "How are human rights protected in Australian law?" http://www.hreoc.gov.au/human_rights/human_rights_dialogue/index.html
Byrnes, A., Charlesworth, H., and McKinnon, G. (2009) "Towards an Australian Bill of Rights" in <i>Bills of Rights in Australia</i> . Sydney: UNSW Press, pp. 139-169

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

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

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

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

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

PHILOSOPHICAL AND POLITICAL TENSIONS

Having looked at some of the origins and legal frameworks of human rights, in this section of the course we will look at some critiques of human rights and at some issues faced 'in the field' when attempting to implement human rights protections and justice.

Week Five: Feminist Critiques of Human Rights

30 March

Lecturer: Lucy Fiske

Human rights are said to be held equally by all human beings, but in practice some people get to more fully enjoy their human rights than others. National and international bodies charged with responsibility to protect human rights are often not good at responding to the sorts of human rights violations most commonly experienced by women. A growing body of feminist literature is critiquing the human rights framework and asking some fundamental questions about whether human rights as a framework can in fact articulate and respond to women's rights violations.

Required Readings:

Bunch, Charlotte (1990) "Women's rights as Human Rights: Towards a Revision of Human Rights", <i>Human Rights Quarterly</i> , Vol. 12, No. 4, pp. 486-498
Charlesworth, H. (2005) 'Not Waving but Drowning: Gender mainstreaming and human rights in the United Nations' <i>Harvard Human Rights Journal</i> , 18, pp 1 - 18
Crenshaw, K. (1991) 'Mapping the Margins: Intersectionality, identity politics, and violence against women of color', <i>Stanford Law Review</i> , 43(6), pp 1241 - 1299
Rao, A. "Right in the Home: Feminist Theoretical Perspectives on International Human Rights." In Hayden, P. (ed) <i>The Philosophy of Human Rights</i> , St Paul, Paragon pp.

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

Bell, C. (1999) "Women's Rights as Human Rights: Old Agendas in New Guises" in Hegarty, A. & Leonard, S. (eds) *Human Rights: An Agenda for the 21st Century*. London: Cavendish, pp.139-154

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

Pickering, S. & Lambert, C. (2004) *Global Issues, Women and Justice*. Sydney: Sydney Institute of Criminology/Federation Press. FISHER RESEARCH, U/G 341.4858 1

Week Six: Part I: Universalism and Relativism

13 April

Lecturer: Lucy Fiske

This lecture explores challenges to human rights based on culture. Cultural relativist critiques of human rights claim that human rights cannot be sufficiently divorced from its European liberal roots and that declarations of universalism are in fact a form neocolonialism, that the human subject at the heart of human rights is in fact a Western, male, autonomous subject. Relativists further argue that human rights need to be conceptualised in specific contexts and that to dehistoricise and depoliticize rights is in fact simply to obscure and deny their specificity. This class will briefly outline the issues raised by relativists and explore what this means for human rights based actions in contemporary international relations and examine the specific contexts in which these debates have been raised.

Required Readings:

Donnelly, J. (2003) "Human Rights and Cultural Relativism" in <i>Universal Human Rights in Theory and Practice</i> , 2 nd 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

Part II: What is Justice

Wendy Lambourne

In this session, we will explore different types of justice and their relationship to peace building after mass violence. We will also look at how the creation of the International Criminal Court has highlighted the implications of pursuing accountability for human rights in the context of ongoing conflict - what has been called the 'justice vs peace' dilemma.

Required Readings:

Lambourne, W. (2009) 'Transitional Justice and Peacebuilding after Mass Violence', *The International Journal of Transitional Justice*, 3, pp 28 – 48

Richard J. Goldstone, 'Bringing War Criminals to Justice during an Ongoing War' in Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, Rowman & Littlefield, Lanham, Maryland, 1998, pp. 195-210.

Additional Readings:

Sara Darehshori & Elizabeth Evenson, 'Peace, Justice and the International Criminal Court', Oxford Transitional Justice Research, Research Article 1, 19 March 2010 (<http://www.csls.ox.ac.uk/otjr.php?show=currentDebate10>). This article is adapted from a lengthier Human Rights Watch report, *Selling Justice Short: Why Accountability Matters for Peace*, July 2009, <http://www.hrw.org/node/84264>.

Lisa Schirch, 'Human Rights & Peacebuilding: Towards Justpeace', *International Studies Association Conference*, New Orleans, USA, 24-27 March 2002 (included in PACS6911 course reader, Week 10).

Week Seven: Humanitarianism, Peace and Justice

20 April

Lecturer: Annie Herro, Centre for Peace and Conflict Studies

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

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

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

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", Indigenous peoples, women and children in Iraq, refugees and the protracted conflict in Israel and Palestine. 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 Eight: Human Rights and Status of Women and Children in Iraq and their Representation in Western Media

27 April

Lecturer: Sandra Phelps

Human Rights concerns in Iraq have been complicated by a long and relatively recent history of dictatorship, sanctions and wars. The past eight years of foreign occupation have devastated the infrastructure and the people as well as the landscape and cultural heritage. Thus, while many of the most urgent concerns are a product of the difficult years prior to occupation, many are as a direct consequence of this most recent invasion. This lecture examines human rights issues in Iraq today. Specifically, the focus here is on the rights of women and children as they are seen through the intersecting lens of Western media and local trauma. Complicated by 'Western' eyes the rights of Iraqi people are now largely written for them by others. Since 2003 Iraq has not simply been the geography of incursion – the various fronts of war fought between foreign and local militia – but also Iraq is now a territorial space opened up to the intrusion of a plethora of social, economic and political invasions. International journalists, and investigators are often positioned at the frontier of this occupation. This lecture looks at the sensitive boundaries crossed by international reporters in Iraq when documenting human rights abuses.

Required Readings:

Abu-Lughod, L. (2002) 'Do Muslim Women Really Need Saving? Anthropological reflections on cultural relativism and its others' <i>American Anthropologist</i> , 104(3), pp 783 - 790

Phelps, S. (2010) 'The Limits of Admittance and Diversity in Iraqi Kurdistan: Femininity and the body of Du'a Khalil' <i>Totalitarian Movements and Political Religions</i> , 11(3-4), pp 457 - 472

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: http://www.unhcr.org/refworld/docid/47baaa262.html</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

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</i> 2, 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) <i>Law and Liberty in the War on Terror</i> . 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 <i>Debates in Peace Journalism</i> . 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: Indigenous Rights

18 May

Lecturer: Lynda Blanchard

Case Study: The Gwich'in Nation of Sub-Arctic Canada

The Gwich'in creation story says that the Gwich'in and the caribou lived in harmony and had an agreement. "The Gwich'in would retain a part of the caribou heart and the caribou would retain a part of the Gwich'in heart..." (Gwich'in Niintsyaa website)

In 1992 the Gwich'in Comprehensive Land Claim Agreement was signed under Canadian law. The question is, how do oral traditions negotiate expressions of citizenship in the contest between literate and oral traditions? International human rights offer a blue print for the literate world to engage rights issues and respect expressions of citizenship. However there is little evidence of this application when engaging cultural difference. International human rights also offer oral traditions an aspirational philosophy and language in asserting

citizenship rights. However, the costs of negotiating ‘difference’ and ‘identity’ through government policy and practice can be very high in social, cultural, economic and political terms.

Required Readings:

Behrendt, L. (2003) <i>Achieving Social Justice. Indigenous Rights and Australia’s Future</i> . Federation Press, Leichhardt. Chapter 4, pp 86 - 117.
Dodson, P. (2008) ‘In Search of Change. Robbed in Justice’ <i>City of Sydney Peace Prizer Lecture</i> CPACS Occasional Paper No 08/1

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 www.aph.gov.au/library/pubs/rp/1999-2000/2000rp27.htm

Behrendt, L. (2001) “Introduction” and Jonas, W. & Donaldson, M. “The Legitimacy of Special Measures” in Garkawe, S., Kelly, L. & Fisher, W. (eds) *Indigenous Human Rights*. Sydney: Sydney Institute of Criminology, pp. 3-9 & 10-20.

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

Week Twelve: Refugees and Asylum Seekers

25 May

Lecturer: Lucy Fiske

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:

Chimni, B. (2000) ‘Globalization, Humanitarianism and the Erosion of Refugee Protection’, <i>Journal of Refugee Studies</i> , 13(3), pp 243 - 263
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” <i>International Journal of Refugee Law</i> 13(1/2) pp. 1 - 15

Additional Readings:

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

Fiske, L. (2006) 'Politics of Exclusion, Practice of Inclusion. Australia's Response to Refugees and the Case for Community Based Human Rights Work' *International Journal of Human Rights* 10(3), pp 219-229

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

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

Week Thirteen:

Review

1 June

This week we will review the material covered in the semester, looking for opportunities to make links between key concepts addressed, in particular to make links between human rights, peace and justice. Student will also have the opportunity to discuss the major essay and to develop your own ideas for inclusion in your written work.

GENERAL REFERENCES

Alston, P. (1995) *The United Nations and Human Rights: A Critical Appraisal*. Oxford: Oxford University Press. LAW RESEARCH 341.481 151

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*, 2nd 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

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

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

Merrills, J. G. & Robertson, A. H. (1996) *Human Rights in the World: An Introduction to the Study of the International Protection of Human Rights*. 4th 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

Wright, S. (2001) *International Human Rights, Decolonisation and Globalisation: Becoming Human*. London, New York: Routledge. FISHER RESEARCH 323 73

WEBSITES

Amnesty International	http://www.amnesty.org
Actionaid	http://www.actionaid.org.au/
Australian Human Rights Centre	http://www.ahrcentre.org/
Bayefsky	http://www.bayefsky.com/
Berkeley Human Rights Center	http://www.hrcberkeley.org
Centre for Human Rights Education, Curtin University	http://www.chre.curtin.edu.au
Centre for the Study of Human Rights, Columbia University	http://hrcolumbia.org/
Human Rights and Equal Opportunity Commission	http://www.hreoc.gov.au
Human Rights Library, University of Minnesota	http://www1.umn.edu/humanrts
Human Rights Watch	http://www.hrw.org
International Center for Transitional Justice	http://www.ictj.org
International Committee of the Red Cross	http://www.icrc.org
Office for Democratic Institutions and Human Rights, OSCE	http://www.osce.org/odihr/
United Nations	http://www.un.org
UN High Commissioner for Human Rights	http://www.unhchr.ch

JOURNALS

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

KEY HUMAN RIGHTS DECLARATIONS AND CONVENTIONS

GC-Genocide Convention-Convention on the Prevention and Punishment of the Crime of Genocide (1951) <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 (1951)

<http://www2.ohchr.org/english/law/refugees.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 (1966)

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

ICRSCR-International Covenant on Economic, Social and Cultural Rights (1966)

<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>