

PUBLIC POLICY 621
Peacebuilding

Fall 2015 – Weill Hall (Room TBD)
Monday & Wednesday, 2:30-4:00 pm

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This course examines key legal and political issues facing the United Nations and other international policy actors as they endeavor to “build peace” in areas emerging from conflict. The transition from war to peace is a complex, challenging process. Even after warring parties enter into peace agreements, further steps are required to make those agreements durable. International actors are almost always involved to some extent, and not only to advance the welfare of the local population. Failed or war-torn areas also tend to export many of the most pressing threats to international security. It has never been more important for policymakers to understand the potential and the pitfalls of various approaches to peacebuilding.

We will define “peacebuilding” broadly to refer to the various ways in which policymakers seek to stabilize and reconstruct societies ravaged by civil or international conflict. We will focus primarily on three aspects of the process, with particular emphasis on U.N.-led activities in these areas:

1. Enforcing cease-fire agreements and other aspects of peace settlements, often through U.N. or regional peacekeeping operations;
2. (Re)constructing ravaged economies and building stronger public governance institutions; and
3. Dealing with past abuses and promoting reconciliation through war crimes trials, truth commissions, and other means.

Post-conflict societies face daunting challenges. These include the continued threat or occurrence of hostilities, human rights abuses, refugee flows, divided or ineffective government, and widespread economic upheaval and dislocation. During the post-Cold War period, most armed conflict has occurred in the Global South, where the economic and political obstacles to peacebuilding are often particularly formidable. We will use a series of case studies from various regions of the world to examine various international policy approaches to stabilizing and reconstructing afflicted areas.

The course is designed to provide you with a basic understanding of the complexity of the peacebuilding process and an ability to think critically about key aspects of post-conflict stabilization, reconstruction, and transitional justice. We will also seek to build on your policy writing and presentation skills.

COURSE REQUIREMENTS & POLICIES

PARTICIPATION

The first course requirement is your active and enthusiastic participation. Public policies are made by engaging in dialogue and debate. To be effective in that setting, you need to be comfortable and confident asking questions and advancing your views. I encourage you to raise questions and comments and will regularly solicit your opinions. You should come to class prepared to speak and to learn from one another. I will ask a few people to be “on call” to start our discussions each session to help facilitate broad participation. I will also organize a few structured dialogues or simulations, as described later in this syllabus. Your active and informed engagement in all of our class activities counts toward your participation grade.

ASSIGNMENTS

I will ask you to complete three writing assignments and a group presentation, each of which aims to help you hone distinct analytic and communication skills:

1. **Decision Memo** – Your first assignment will be to write a decision memo of up to 2,000 words. You will imagine that you are working in a national or international agency with a major role in a current peacebuilding effort. Your job is to write a memo to the agency head about a key decision facing the agency. Explain the issue, offer relevant background, present alternative courses of action, weigh their respective merits, and recommend one.
2. **Policy Article** – Your second assignment will be an article to a general policy audience of up to 4,000 words. You will identify an important policy proposed or adopted by a key peacebuilding actor (such as the United Nations or U.S. government), critique its merits, and advocate specific changes to improve the policy. Your audience will include policymakers, analysts, and the general public, such as readers of *Foreign Affairs* or *Foreign Policy*.
3. **Team Policy Brief and Presentation** – Your third assignment will be a team policy brief and presentation on a topic germane to the course. I will ask you to work with a team of two or three colleagues to address a current policy challenge. Each team will prepare a written brief of up to 3,000 words including relevant background, analysis, and a detailed proposal for how to tackle the issue. Each team will also prepare a short PowerPoint presentation and lay out their issue and plan of action to the class before responding to questions.

I will post due dates and further guidelines on our website, as well as a list of possible topics. Please let me know if you would prefer to practice writing in another format, such as talking points or a journal article. I want to help you build the skills that matter most to you.

The ability to write concisely and convincingly is a key to effective policy analysis and advocacy. As you write, think about your audience, organize your arguments clearly, marshal appropriate evidence to defend your claims, and address counter-arguments. Start early, seek comments from your peers, and edit carefully before submitting your final drafts to me. Neatness matters, because it affects your reader’s perception of the overall care you took toward your paper. Our excellent Ford School writing tutors can help, and you can sign up for appointments [here](#).

Your papers should properly cite the authorities you use by including endnotes. Any standard system of citation is fine, provided that you use it consistently. I take the rules on plagiarism seriously, and so should you. If I suspect anyone of plagiarizing, I will take appropriate disciplinary measures. If you have questions about what constitutes plagiarism, please see the University guidance [here](#).

Lastly, please turn in your papers on time. In the policy world, meetings happen and decisions are made—late papers are often worthless. I will deduct a half-letter grade for late papers, compounded after each day. I will grant exceptions only if you notify me of an emergency before the deadline. Please plan ahead if you anticipate conflicts.

GRADES

I will base your grades on papers on the substance of your arguments and your effectiveness in communicating them. Your participation grades will reflect your level of evident preparation for class discussions and structured exercises. I will calculate your grade as follows:

- Decision memo 25%
- Policy article 25%
- Group paper & presentation 25%
- Participation 25%

READING

We will read a wide variety of sources, including academic journals, policy papers, and official documents. Required readings are marked with a double asterisk (**) on the syllabus. I have included some optional articles for each session, because I want you to be able to explore areas of particular interest to you and to develop a good sense of the relevant literature as you begin research for your papers. When you do choose to read optional pieces, I encourage you to bring them into our classroom conversations, which enriches the discussion. All of the required reading and most of the optional pieces are available for easy download on our course website.

OFFICE CONVERSATIONS

I encourage you to schedule visits to my office. Discussing policy issues face-to-face is a very useful way for us to get to know one another and explore policy ideas. If you send me email asking questions that require detailed responses, I will usually ask you to come by and talk.

COURSE OUTLINE & READINGS

Session 1 - Sept. 9

Introduction

Discussion Topics:

- What do we mean by “peacebuilding”?
- How did the practice of complex peacebuilding emerge from the peacekeeping operations of the Cold War era?
- In what ways were UN operations in El Salvador emblematic of this shift?

Reading:

** Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge University Press, 2004), chapter 1

Optional further reading:

Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking, and Peacekeeping*, Report of the Secretary General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992 A/47/277-S/24111, 17 June 1992 (NY: United Nations, 1992)

Michael Barnett, “The United Nations Politics of Peace: From Juridical Sovereignty to Empirical Sovereignty,” *Global Governance* 1:1 (1995)

Session 2 - Sept. 14

The “New UN Peacekeeping” in Cambodia

Discussion Topics:

- What was new about the mission for UNTAC? Was UNTAC a success?
- What could have been done better in the Cambodian case?

Reading:

** Steven R. Ratner, *The New UN Peacekeeping* (New York: St. Martin's Press, 1995), chapters 1-3

** Mats Berdal and Michael Leifer, “Cambodia,” in James Mayall, ed., *The New Interventionism, 1991-1994* (Cambridge University Press, 1996)

Optional further reading:

Steve Heder and Judy Ledgerwood, eds., *Propaganda, Politics, and Violence in Cambodia: Democratic Transition under United Nations Peacekeeping* (Armonk, NY: M.E. Sharpe, 1996), chapter 1

Steven R. Ratner, *The New UN Peacekeeping* (New York: St. Martin's Press, 1995), chapters 6-8

Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge University Press, 2004), pp. 79-90

Session 3 – Sept. 16
Peacekeeping Failure and the Rwandan Genocide

Discussion Topics:

- Why didn't UN peacekeepers intervene to stop the genocide?
- What are the key legal and political obstacles to assertive peacekeeping?
- What were the particular challenges in the Rwandan case?
- How could it have been handled differently?

Reading:

** Michael N. Barnett, "Peacekeeping, Indifference, and Genocide in Rwanda," in Jutta Weldes, Mark Laffey, Hugh Gusterson, and Raymond Duvall, eds., *Cultures of Insecurity: States, Communities, and the Production of Danger* (Minneapolis, MN: University of Minnesota Press, 1999)

** Alan Kuperman, "Rwanda in Retrospect," *Foreign Affairs* 79:1 (2000)

** Samantha Power, "Bystanders to Genocide: Why the United States Let the Rwandan Tragedy Happen," *The Atlantic Monthly*, September 2001

Optional Further Reading:

The White House, Press release and background on Presidential Decision Directive 25, May 6, 1994

Michael Barnett, *Eyewitness to Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2002)

Romeo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House, 2003)

Session 4 – Sept. 21
Peacekeeping Lessons and Proposed Reforms

Discussion Topics:

- How do we measure the success or failure of peacekeeping missions?
- What are some reasons why peacekeeping missions succeeded or failed during the 1990s?
- How did the Brahimi report attempt to remedy those problems?
- Were the fixes that report recommended appropriate? Were they realistic?

Reading:

** Duane Bratt, "Assessing the Success of UN Peacekeeping Operations," in Michael Pugh, ed., *The UN, Peace, and Force* (Portland, OR: Frank Cass, 1997)

** Executive Summary, *The Report of the Panel on UN Peace Operations* (the "Brahimi Report"), UN Doc. A/55/305-S/2000/809 (other sections optional)

Optional Further Reading:

Daniel Druckman, Paul Stern, et al, "Evaluating Peacekeeping Missions," *Mershon International Studies Review* 41 (1997)

Michael W. Doyle and Nicholas Sambanis, "International Peacebuilding: A Theoretical and Quantitative Analysis," *American Political Science Review* 94:4 (2000)

Virginia Page Fortna, "Interstate Peacekeeping: Causal Mechanisms and Empirical Effects," *World Politics* 56 (2004)

Kofi Annan, "Challenges of the New Peacekeeping," in Olara A. Otunnu and Michael Doyle, *Peacemaking and Peacekeeping for the New Century* (Rowman & Littlefield, 1998)

Marrack Goulding, *Peacemonger* (London: John Murray, 2002), chapter 18

Paul F. Diehl, "Cases of International Peacekeeping," in *International Peacekeeping* (Baltimore, MD: The Johns Hopkins University Press, 1994)

Michael Lipson, "Peacekeeping: Organized Hypocrisy?" *European Journal of International Relations* 13:1 (2007)

Session 5 – Sept. 23
The UN "Kingdom" in East Timor

Discussion Topics:

- What features differentiated the East Timor intervention from many that preceded it?
- How did the context of the East Timor crisis affect the nature of the resulting peacekeeping mission?
- What were the biggest challenges to UNTAET in preserving and building peace?
- What do we learn from the UNTAET experience?

Reading:

** Jarat Chopra, "The UN Kingdom of East Timor" *Survival* 42:3 (2000)

** Sergio de Mello, Farewell Address from UN Transitional Administrator in East Timor, May 2002 (from *BBC World Broadcasts*)

** James Traub, "Inventing East Timor," *Foreign Affairs* 79:4 (2000)

Optional Further Reading:

Dominick Zaum, *The Sovereignty Paradox* (Oxford: Oxford University Press, 2007), ch. 5

Nicholas J. Wheeler and Tim Dunne, "East Timor and the New Humanitarian Interventionism," *International Affairs* 77:4 (2001)

Sven Gunnar Simonsen, "The Authoritarian Temptation in East Timor," *Asian Survey* 46:4 (2006)

Selver B. Sahin, "Building the State in Timor-Leste," *Asian Survey* 47:2 (2007)

Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge University Press, 2004), pp. 122-28

Session 6 - Sept. 28
UN "Neotrusteeship" in Kosovo

Discussion Topics:

- How did the NATO intervention in Kosovo differ from the INTERFET intervention in East Timor?
- Was the NATO intervention lawful and/or legitimate?
- What particular challenges have UNAMIK and the more recent EU mission faced?
- Is there a way out for the international forces in Kosovo?

Reading:

** Independent International Commission on Kosovo, *The Kosovo Report* (Oxford University Press, 2000), Executive Summary

** Oisín Tansey and Dominik Zaum, "Muddling Through in Kosovo," *Survival* 51:1 (2009)

** Alexandros Yannis, "The UN as Government in Kosovo," *Global Governance* 10 (2004)

Optional Further Reading:

Julie Kim and Steven Woehrel, "Kosovo and U.S. Policy: Background to Independence," *CRS Issue Brief for Congress*, June 20, 2008

Elizabeth Pond, "The EU's Test in Kosovo," *Washington Quarterly* 31:4 (2008)

Steven Woehrel and Julie Kim, "Kosovo and U.S. Policy," *CRS Issue Brief for Congress*, Jan. 10, 2001

Michael J. Matheson, "United Nations Governance of Postconflict Societies," *American Journal of International Law* 95:1 (2001)

Session 7 - Sept. 30
Sharing Sovereignty

Discussion Topics:

- How does shared sovereignty differ from neotrusteeship?
- What are the potential advantages and drawbacks?
- What factors need to be in place for such arrangements to function effectively?

Reading:

** James D. Fearon and David D. Laitin, "Neotrusteeship and the Problem of Weak States," *International Security* 28:4 (2004)

** Stephen D. Krasner, "Sharing Sovereignty: New Institutions for Collapsed and Failing States," *International Security* 29:2 (2004)

** Mark Lacey, "U.S. Troops Patrol Haiti, Filling a Void," *New York Times*, Jan. 20, 2010

Optional Further Reading:

Aila M. Matanock, "Governance Delegation Agreements: Shared Sovereignty as a Substitute for Limited Statehood," *Governance* 27:4 (2014)

Alexander Cooley and Hendrik Spruyt, *Contracting States: Sovereign Transfers in International Relations* (Princeton University Press, 2009), chapter 1

Session 8 – Oct. 5
Leadership and Legitimacy

Discussion Topics:

- How can non-UN actors enhance or undermine the efficacy and legitimacy of peace operations?
- Why have regional organizations taken on added roles? Is this a good thing?
- Is France recreating an unofficial empire in parts of Africa, serving as a vital peace provider, or both?

Reading:

** Alex J. Bellamy and Paul D. Williams, "Who's Keeping the Peace? Regionalization and Contemporary Peace Operations," *International Security* 29:4 (2005)

** "France in Africa: We Can't Help Coming Back," *The Economist*, July 15, 2014

Optional Further Reading:

John J. Hamre and Gordon R. Sullivan, "Toward Postconflict Reconstruction," *Washington Quarterly* 25:4 (2002)

Team Presentation #1

In recent years, French forces have intervened several times in areas under former French colonial control. These include sizable interventions in Mali and the Central African Republic in 2013 and smaller interventions in Chad, Côte d'Ivoire, and elsewhere. Looking at Mali (or one or more of the other key cases), has French intervention been successful? What are its problems or limitations? What specific policies and principles should govern future interventions of this kind?

Session 9 – Oct. 7
Accountability in UN Peace Operations

Topics:

- How far should peacekeepers and other international personnel be allowed to stretch their mandates? What types of threats to the peace justify moving beyond state consent?
- Who holds peacebuilders accountable?
- Why has the United Nations been so slow to take action in cases of sexual abuse by peacekeepers?

Reading:

** Somini Sengupta, "Allegations Against French Peacekeepers Highlight Obstacles in Addressing Abuse," *New York Times*, May 25, 2015

** Stewart M. Patrick, "Sexual Abuse by Peacekeepers: Time for Real Action," *Council on Foreign Relations*, Aug. 6, 2015

More reading TBD

Team Presentation #2

Sexual abuses by peacekeepers have plagued UN peace operations in places such as Haiti, the Democratic Republic of the Congo, and the Central African Republic. In June 2015, Secretary-General Ban Ki-moon commissioned a high-level panel that will soon issue recommendations on how to address the problem. What concrete policy steps should the panel recommend to address the problem more effectively?

Session 10 – Oct. 12
Peacebuilding Quagmires

Discussion Topics:

- Why has the hybrid UNAMID mission in Darfur been unable to stop the violence? Is there a path to mission success?
- Are complex PKOS capable of addressing the needs of states like South Sudan and the DRC? Are exit strategies possible?

Reading:

** Aicha Elbasri, "We Can't Say All That We See in Darfur," *Foreign Policy*, Apr. 9, 2014

** Eric Reeves, "Darfur: The Genocide the World Got Tired Of," *Huffington Post*, Aug. 16, 2014

** David Mickler, "UNAMID: A hybrid solution to a human security problem in Darfur?" *Conflict, Security & Development* 13:5 (2013)

Optional Further Reading:

Somini Sengupta, "U.N. Council Extends Troops' Presence in Darfur," *New York Times*, June 29, 2015

Michelle Nichols, "U.N. extends Darfur peacekeeping mission amid withdrawal calls," *Reuters*, June 29, 2015

Human Rights Watch, "Sudan: Mass Rape by Army in Darfur" (Feb. 11, 2015)

UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2015/378 (May 26, 2015)

UN Department of Peacekeeping, *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, report dated July 2009

Session 11 - Oct. 14
Democratization as a Peacebuilding Strategy

Discussion Topics:

- Is it necessary to build liberal institutions to maintain peace in fragile societies?
- When are democratic elections and capitalism conducive to building the peace? How and when do they undermine peace?
- Why didn't elections yield strong democracy or peace in Iraq? Would other approaches have been more sensible?

Reading:

** Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security* 22:2 (1997)

** Short newspaper readings on Iraq

Optional Further Reading:

Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Cornell University Press, 2004)

Pierre Englebert and Denis M. Tull, "Postconflict Reconstruction in Africa," *International Security* 32:4 (2008)

Session 12 - Oct. 21
Power-Sharing Arrangements

Discussion Topics:

- Are power-sharing arrangements often necessary as bridges toward sustainable peace and democracy?

- What needs to be in place for a power-sharing arrangement to work? What are the principal risks of such a deal?

Reading:

** Michael Barnett, "Building a Republican Peace: Stabilizing States after War" *International Security* 30:4 (2006)

** Newspaper articles on Afghanistan

Optional Further Reading:

Virginia Page Fortna and Reyko Huang, "Democratization after Civil War: A Brush-Clearing Exercise," *International Studies Quarterly* 56 (2012)

Team Presentation #3

In August 2015, the government of South Sudan and principal rebel group signed a peace deal that includes a power-sharing arrangement between forces loyal to President Salva Kiir and rebel leader Riek Machar. The agreement foresees a government of national unity before elections in 2018 or beyond. Does the agreement provide a workable path toward peace and eventual democracy? What are its principal risks and limitations, and what next policy steps need to be prioritized if peace is to hold?

Session 13 – Oct. 26
Reconstructing Economies after War

Discussion Topics:

- What types of economic structures and networks tend to produce conflict and undermine peace?
- How should economic reconstruction policies differ from "normal" development efforts? What should the priorities be?
- How has the World Bank sought to reform institutionally to address the link between conflict and economic development?

Reading:

** Paul Collier, "Post-Conflict Recovery: How Should Strategies Be Distinctive?" *Journal of African Economies* (2009)

** Graciana del Castillo, "UN-Led Reconstruction after UN-Led Negotiations," *Rebuilding War-Torn States: The Challenges of Post-Conflict Economic Reconstruction* (Oxford University Press, 2008)

Optional Further Reading:

Robert Zoellick, "Fragile States: Securing Development," *Survival* 50:6 (2009)

Laurence Chandy, "Ten Years of Fragile States: What Have We Learned?" *Brookings Institution Policy Paper* (2012)

Bretton Woods project, "World Bank, IMF, and Armed conflicts: Helping Peace or Creating the Conditions for War?" Feb. 2004

Independent Evaluation Group, *World Bank Group Assistance to Low-Income Fragile and Conflict-Affected States* (World Bank, 2014)

John D. Ciorciari, "A Prospective Enlargement of the Role of the Bretton Woods Institutions in Post-Conflict Reconstruction," *Fordham International Law Journal* (1998)

Session 14 - Oct. 28
Coordinating Reconstruction

Discussion Topics:

- Why was the "UN Peacebuilding Architecture" created?
- How have the Peacebuilding Commission and related bodies fared to date?
- What institutional changes have occurred within the U.S. government?
- What are the principal advantages of these institutions? What are their main challenges?

Reading:

** Roland Paris, "Understanding the 'Coordination Problem' in Postwar Statebuilding," in Roland Paris and Timothy Sisk, eds., *The Dilemmas of Statebuilding* (Routledge, 2009)

Optional Further Reading:

Government Accountability Office, "Stabilization and Reconstruction," *GAO Report for Congress*, Nov. 2007

Sarah Hearn et al, "The United Nations 'Peacebuilding Architecture': Past, Present and Future," NYU Center on International Cooperation (2014)

Session 15 - Nov. 2
Reconstruction in Resource-Rich States

Discussion Topics:

- What are some special challenges of reconstruction in resource-rich states?
- What international policies can help address the "resource curse" problem in diamond-rich countries like Liberia and Sierra Leone?
- What role can civil society organizations and the private sector play?

Reading:

** Michael Ross, "Blood Barrels: Why Oil Wealth Fuels Conflict," *Foreign Affairs* (May/June 2008)

** Luke Whittemore, "Intervention and Post-Conflict Natural Resource Governance: Lessons from Liberia," *Minnesota Journal of International Law* 17 (2008)

Optional Further Reading:

Erin McCandless, "Lessons from Liberia: Integrated Approaches to Peacebuilding in Transitional Settings," *ISS Paper* 161 (2008)

Steve Radelet, "Reviving Economic Growth in Liberia," *Center for Global Development Working Paper No. 133* (2007)

Session 16 - Nov. 4
The Politics of Post-Conflict Reconstruction

Discussion Topics:

- How do various political actors compete in post-conflict reconstruction zones?
- What does the rebuilding of Lebanon after the 2006 war suggest about the relative strengths and weaknesses of official and non-governmental actors in reconstruction?

Reading:

** Christine Sylva Hamieh and Roger Mac Ginty, "A Very Political Reconstruction: Governance and Reconstruction in Lebanon after the 2006 War," *Disasters* 34 (2010), pp. 103-23.

Optional Further Reading:

Simon Chesterman, "Relief and Reconstruction: The Politics of Humanitarian and Development Assistance," in *You, the People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004)

Session 17 - Nov. 9
Reconstruction amid Conflict

Discussion Topics:

- What strategies have U.S. forces used to address the special challenges of reconstruction in Iraq and Afghanistan? Have they worked well?
- In what ways can reconstruction efforts conflict with other elements of the peace process? How can these tensions be minimized?

Reading:

Peter Mardsen, "Afghanistan: the Reconstruction Process," *International Affairs* 79:1 (2003)

Optional Further Reading:

Barnett Rubin, "Saving Afghanistan," *Foreign Affairs* (2007)

Team Presentation #4

More than a year after Israel's 2014 military intervention in Gaza, reconstruction progress has been slow, in large part because both the Israeli and Egyptian governments have blocked construction materials from entering Gaza, fearing that militants will put them to military use. What specific policy measures could be adopted to address real humanitarian needs for reconstruction in Gaza, as well as legitimate security concerns in neighboring states?

Session 18 - Nov. 11
Civil Society Roles in Reconstruction

Discussion Topics:

- What are some of the prime challenges to the effectiveness of civil society organizations in the aid and reconstruction arena?
- What forms of competition are healthy, and which are corrosive?
- What policies and institutions can help?

Reading:

** Alexander Cooley and James Ron, "The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action," *International Security* 27:1 (2002)

Optional Further Reading:

Laura Zanotti, "Cacophonies of Aid, Failed State Building and NGOs in Haiti: setting the stage for disaster, envisioning the future," *Third World Quarterly* 31:5 (2010)

Organization for Economic Cooperation and Development, "Principles for Good International Engagement in Fragile States and Situations" (Paris: OECD, 2007)

Sarah Kenyon Lischer, "Collateral Damage: Humanitarian Assistance as a Cause of Conflict," *International Security* 28:1 (2003)

Team Presentation #5

After the 2010 earthquake in Haiti, international donors pledged more than \$10 billion to the country in aid, much of which has been delivered by civil society groups including religious organizations and NGOs. More than half of that money has been disbursed, but conditions in Haiti remain dire, and many critics question the efficacy of civil society assistance. Using one or more prominent NGOs as case studies, what are some of the prime obstacles to civil society effectiveness in Haiti? What policies that such organizations or official actors introduce to improve their impact?

Session 19 - Nov. 16
The Politics of Documenting Atrocities

Discussion Topics:

- Is documentation of human rights abuses inherently political? Should it be?
- Who is in the best position to conduct documentation activities?
- What should the principal goals of the documentation and associated truth-telling processes be?
- How effective was the process in Guatemala? What were its shortcomings?

Reading:

** Kate Doyle, "The Atrocity Files," *Harper's Magazine* (2007)

** Jonathan D. Tepperman, "Truth and Consequences," *Foreign Affairs* (2002)

Christian Tomuschat, "Clarification Commission in Guatemala," *Human Rights Quarterly* 23:2 (2001)

Amnesty International, *Justice and Impunity: Guatemala's Clarification Commission Ten Years On* (2009)

John D. Ciorciari, "Archiving Memory after Mass Atrocities," working paper for the University of Texas (Jan. 2012)

Session 20 – Nov. 18
Peace via Truth-telling?

Discussion Topics:

- How can TRCs in theory contribute to reconciliation and peace?
- What were the benefits and limitations of the truth commission in El Salvador?
- Was the South African TRC a greater success?
- What kinds of processes need to accompany a formal TRC to make it effective?

Reading:

** Patricia Hayner, "Fifteen Truth Commissions, 1974-1994: A Comparative Study," *Human Rights Quarterly* 16:4 (1994), pp. 597-655.

James L. Gibson, "Overcoming Apartheid: Can Truth Reconcile a Divided Nation?" *Annals of the American Academy of Social Science* (2006)

Audrey Chapman and Patrick Ball, "The Truth of Truth Commissions," *Human Rights Quarterly* 23:1 (2003)

Joanna M. Quinn and Mark Freeman, "Lessons Learned: Practical Lessons Gleaned from Inside the Truth Commissions of Guatemala and South Africa," *Human Rights Quarterly* 25:4 (2003)

Steven D. Roper and Lillian A. Barria, "Why Do States Commission the Truth? Political Considerations in the Establishment of African Truth and Reconciliation Commissions," *Human Rights Review* 10:3 (2009), pp. 373-91.

Paul Van Zyl, "Dilemmas of Transitional Justice: The Case of the South African Truth and Reconciliation Commission," *Journal of International Affairs* (1999)

Session 21 – Nov. 23
Peace via Justice?

Discussion Topics:

- Why do international trials occur in lieu of domestic proceedings?
- What is the relationship between justice and peace after conflict?
- In what ways have the International Criminal Tribunals for Rwanda and the former Yugoslavia contributed to peace? What are their shortcomings or adverse consequences?

Reading:

** Jack Snyder and Leslie Vinjamuri, “Trials and Errors: Principle and Pragmatism in Strategies of International Justice,” *International Security* 28:3 (2003/04)

Optional Further Reading:

Payam Akhavan, “Justice in the Hague, Peace in the Former Yugoslavia? A Commentary on the United Nations War Crimes Tribunal,” *Human Rights Quarterly* 20:4 (1998)

Miriam Aukerman, “Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice,” *Harvard Human Rights Journal* (2002)

Charles T. Call, “Is Transitional Justice Really Just?” *Brown Journal of World Affairs* 11:1 (2004)

John D. Ciorciari, “Liberal Legal Norms Meet Collective Criminality,” *Michigan Law Review* (review article, 2011)

Wendy Lambourne, “Transitional Justice and Peacebuilding after Mass Violence,” *International Journal of Transitional Justice* 3 (2009)

Session 22 – Nov. 25
Prosecution and Peace Processes

In this class session, we will watch clips from the 2010 movie “Prosecutor” about ICC prosecutor Luis Moreno-Ocampo and the difficulty of reconciling global norms of accountability with the constraints of power politics and needs of peace processes.

Discussion Topics:

- To what extent is the ICC prosecutor able to act “above politics”?
- In what ways do politics shape or constrain his or her work?
- To what extent is the court an instrument of victor’s justice?
- To what extent is it a tool of states emerging from conflict?

Reading:

No new reading

Session 23 – Nov. 30
The International Criminal Court

Discussion Topics:

- To what extent should the ICC prosecutor consider political factors when issuing indictments?
- How have ICC indictments affected the peace processes in Darfur and Northern Uganda? Was the ICC right to indict Omar al-Bashir and Joseph Kony?
- What role has the ICC played in advancing or undermining peacebuilding efforts elsewhere in Africa?

Reading:

** Kenneth A. Rodman, "Justice as a Dialogue Between Law and Politics," *Journal of International Criminal Justice* (2014)

** Payam Akhavan, "Are International Criminal Tribunals a Disincentive to Peace? Reconciling Judicial Romanticism with Political Realism," *Human Rights Quarterly* 31:3 (2009)

Optional Further Reading:

Kamari Maxine Clarke, "Kony 2012, the ICC, and the Problem with the Peace-and-Justice Divide," *Proceedings of the Annual Meeting of the American Society of International Law* (2012)

Catherine Gegout, "The International Criminal Court: Limits, Potential, and Conditions for the Promotion of Justice and Peace," *Third World Quarterly* 34:5 (2013)

Kurt Mills, "'Bashir is Dividing Us': Africa and the International Criminal Court," *Human Rights Quarterly* 34:2 (2012)

Alex de Waal and Gregory H. Stanton, "Should President Omar al-Bashir of Sudan Be Charged and Arrested by the International Criminal Court?" *Genocide Studies and Prevention* 4:3 (2009)

Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (New York: The New Press, revised edition 2002), chapters 8 and 9

Session 24 – Dec. 2
Sharing Sovereignty in the Judicial Domain

Discussion Topics:

- Why did the hybrid model come about?
- What are the advantages and disadvantages of hybrid tribunals?
- What factors best explain the differential performance among hybrid courts in Sierra Leone, Lebanon, East Timor, Kosovo, and elsewhere?

Reading:

** Padraig McAuliffe, "Hybrid Tribunals at Ten: How International Criminal Justice's Golden Child Became an Orphan," *Journal of International Law and International Relations* 7 (2011)

Optional further reading:

David Cohen, "'Hybrid' Justice in East Timor, Sierra Leone, and Cambodia: 'Lessons Learned' and Prospects for the Future," *Stanford Journal of International Law* 43:1 (2007)

Laura A. Dickinson, "The Promise of Hybrid Courts," *American Journal of International Law* (April 2003)

Charles Chernor Jalloh, "Special Court for Sierra Leone: Achieving Justice?" *Michigan Journal of International Law* 32:3 (2011)

Suzannah Linton, "Cambodia, East Timor and Sierra Leone: Experiments in International Justice," *Criminal Law Forum* 12 (2001)

Benedetta Berti and David Lee, "Lebanon and the United Nations Special Tribunal: Between (Un)Accountability and (In)Stability?" *Strategic Assessment* 17:1 (2014)

Session 24 - Dec. 7
Cambodia's Hybrid Tribunal

Discussion Topics:

- How does the ECCC differ from other hybrid courts?
- How have the politics behind the court's creation contributed to its institutional design and its function?
- Is the ECCC contributing to an "illiberal peace" or toward respect for the rule of law in Cambodia?
- Is the ECCC a model to be followed?

Reading:

** John D. Ciorciari and Anne Heindel, *Hybrid Justice: The Extraordinary Chambers in the Courts of Cambodia* (University of Michigan Press, 2014), chapter 1

** John D. Ciorciari and Anne Heindel, "Experiments in International Criminal Justice: Lessons from the Khmer Rouge Tribunal," *Michigan Journal of International Law* 35:2 (2014)

Optional further reading:

Duncan McCargo, "

Session 25 - Dec. 9
Justice Dilemmas in Africa

Discussion Topics:

- Are the new hybrid courts being proposed or created in Senegal, the Central African Republic, and South Sudan a good idea?
- What are the alternatives?
- Does the CAR's model present new possibilities for cooperation with the ICC?
- Would these states be better served by delaying justice or pursuing it in other ways?

Reading:

TBD

Team Presentation #6

In 2013, new "Extraordinary African Chambers" opened in Sénégal to try the former Chadian dictator Hissène Habré. The chambers include a majority of Senegalese judges and personnel with support from nationals of other African countries. Have the chambers been successful to date? What have been their drawbacks? Is this a model that merits emulation?

Session 27 - Dec. 14
NGO Roles in Transitional Justice

Discussion Topics:

- What roles can civil society play alongside formal accountability processes?
- What forms of peace and reconciliation have political elites promoted and delivered in Cambodia?
- What aspects of the peacebuilding process are left for civil society groups to lead?

Reading:

** John D. Ciorciari and Jaya Ramji-Nogales, "Lessons from the Cambodian Experience with Truth and Reconciliation," *Buffalo Human Rights Law Review* 19 (2012-13)

Optional further reading:

John D. Ciorciari and Sok-Kheang Ly, "The ECCC's Role in Reconciliation," in *On Trial: the Khmer Rouge Accountability Process* (Documentation Center of Cambodia, 2009)

Wendy Lambourne, "Justice and Reconciliation: Postconflict Peacebuilding in Cambodia and Rwanda," in *Reconciliation, Justice, and Coexistence: Theory and Practice* (2001)

Team Presentation #7

In many states, civil society organizations have filled gaps where official truth or justice mechanisms have been absent or seen as lacking. Examples include Argentina, Colombia, Sri Lanka, Northern Ireland, and many others. These projects typically involve historical inquiry and dissemination of findings. Looking at one or more of these cases, what are some benefits of unofficial truth-telling projects? What are their constraints and limitations? What policy principles should guide NGOs leading such initiatives?