

PUBLIC POLICY 495 Course Title:**Dangerous Peacemaking: Managing Political Transitions, Social Justice and Democratic Systems****Case Studies – South Africa, Syria, the DRC and Colombia****Instructor:** Yazier Henry

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Office Hours: Tuesday 4:00 to 5:00 pm

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Class Times: Tuesday and Thursdays – 1 – 2:20 pm**Class Venue: 1210 Weill Hall****Course Overview: Nature and Description**

The international law of individual accountability for human rights atrocities, which emerged after World War II, has evolved rapidly since the 1990s. A variety of mechanisms has been used to bring justice for atrocities committed by people, groups and governments against those under their political control. These mechanisms include investigatory commissions such as the South African Truth and Reconciliation Commission; United Nation's *ad hoc* tribunals for trying perpetrators of human rights atrocities such as the International Criminal Tribunal for Rwanda (ICTR); and a hybrid national-international court such as the Special Court for Prosecuting Atrocities in Sierra Leone; United Nations Peacekeepers and externally supported Electoral Commissions in the DRC.

What has been the role and use of transitional justice policy frameworks, instruments, and mechanisms such as truth commissions, special courts and tribunals for shaping reparative frameworks as part of the democratic state's quest for greater social cohesion and peace after conflict? How are conflicting interests sometimes the cause of the preceding conflict addressed systemically? How are the legacies of power abuses and violent social control effectively redressed after new democracies are inaugurated? What are the political, legal, economic and social policy challenges faced by nations who have experienced internal conflict? How do such nations recover after extended periods of administrative violence during oppressive systems? How do the politics inherent to collective, institutional and group interests strategically influence such political systems, policy frameworks and their corresponding social, political and economic outcomes? What trials, tribulations and hopes play into peacemaking, nation-building, plural systems and democratic consolidation over time? Why do seemingly stable states slide into civil war? What is the political meaning of the concept and term sustainable peace?

This course will focus on four transitional societies in Africa, South America and the Greater Middle East in the throes of national political conflicts: South Africa, Democratic Republic of the Congo, Syria and Colombia. Considering the political realities in each country, this course will explore the opportunities and limitations of the different forums,

and the dilemmas they present for enforcement, for sovereignty, for justice and for Democracy. We will explore the comparative principles of International Humanitarian Law and how these principles have been implemented in each of the cases. The course will briefly look at the structure and functions of the United Nations Organization and the International Criminal Court, and their potential as both theaters and instruments for ensuring global accountability for the most serious crimes. We will explore how local, national and international politics affect the successes and failures; the winners, losers, beneficiaries and perpetrators of such conflicts.

This course will provide an overview of the conflicts experienced in the four countries under discussion. We will look at the policy challenges to democracy, justice and peace. This course will develop students' awareness of the complex nature of politics, war and morality. This course will develop students' understanding of how human rights struggles after the founding of the United Nations Charter in 1945 have impacted politics, law, policy and the understanding of modernity and democracy over the last two centuries.

Readings will be supplemented with films which support our ability as intellectuals and future leaders to derive more in depth (practical) understandings of the conflicts and peace processes we are studying.

Key Themes

- o Democracy, Conflict and Transitional Justice
- o Human Rights, Reparations and Reconciliation
- o Social Rights, Interests, Policy and the Nature of Politics
- o Morality, Law and Politics
- o Social, Political, Economic Conflicts and Peace Building
- o Democratic Systems, Institutional and Cultural Politics
- o Violence, Political, Administrative and Socio- Structural Systems
- o Reparations Policy, Social and Political Advocacy
- o Conflict Resolution, Civil War and Intergroup Violence
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- o Thinking Politically, Systemically and Strategically
- o Independent Research, Group Work, Facilitation and Leadership
- o Case Studies: South Africa, (Rwanda), DRC, Egypt and Syria

Class Participation

This course consists of several components. Students will gain a working knowledge of policy that relates to IHL. Students will gain a working knowledge of complexities of peacemaking and transitional justice mechanisms. These research and working groups will study and analyze South Africa, DRC, Syria and Colombia respectively. Students will also conduct independent research, applying to a specific geographical case. The beginning portion of the semester will include a general survey of IHL and International Transitional Justice Processes. The middle portion of the semester will include research to prepare students for the final portion of the semester, which will include a written research essay, group presentations, a comparative study of cumulative findings

informing your final group projects. Weekly students can expect Tuesdays to consist of a lecture and discussion; and, Thursday's concept and policy work; group work; and discussions. From time to time we will conduct relevant research and fact-finding. This structure may change from time to time.

Students will be expected to have completed, reflected upon the readings and to have given thought to handouts/emails containing topics for class discussion prior to class contact sessions. Students are expected to complete all research and discussion assignments. Readings and other resources are designed to provide a foundation of thematic/theoretical knowledge to be worked through during lectures, discussions, group work and research. If you do not do the readings regularly you will not be able to follow the class.

Prerequisites:

There are no prerequisites. The course presumes very little prior experience with the course themes and questions.

Course readings:

1. The following books are required texts for this course:

Maogoto, Jackson. *War Crimes and Realpolitik: International Justice from World War I to the 21st Century*. Colorado: Lynne Rienner Publishers, 2004. This book is on order.

Roy Gutman, David Rieff, and Anthony Dworkin (eds.) *Crimes of War: What the Public Should Know*, New York: W.W. Norton & Co., Second Edition (revised) 2007. This book is on order.

Smith, Dan. *State of War and Peace* (Penguin, Latest Edition – Amazon)

2. Useful websites include the following:

International Criminal Tribunal for Rwanda: <http://www.ictr.org>

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

South Africa: *South Africa Truth and Reconciliation Commission Final Report* (5 Vols.)

<http://www.info.gov.za/otherdocs/2003/trc/>

<http://www.doj.gov.za/trc/report/finalreport/>

International Criminal Court: <http://www.icc-cpi.int/home.html>

United Nations Organization: <http://www.un.org/en/>

UNHCR: <http://www.un.org/en/documents/udhr/>

Grades and Assignments:

Midterm I: 10%	The midterm will consist of short questions about the assigned readings. (In Class - September 28 th).
Midterm II: 10%	The midterm will include essays from a list of essay questions that will be pre-circulated. (In Class - October 24 th).
In Class Exam:	<i>To be determined.</i>
Reflection Paper 10 %	Students will write a 2-page reflection paper (Due November 3 rd)
Short Research Paper: 15%	Students will write a 3/4 page paper on a topic of relevance to the course. Details will be provided at least one month before the draft paper is due. (Due Due Date TBA)
Final Group Project Presentations: 20% - See Syllabus	
Final Group Projects: 25%	Date TBA
Final Reflection Paper: 10%	Students will be expected to reflect on what they learned during the semester. A 2 Page Reflection Paper will be due at the end of the semester. Date will be announced.

Class Participation and Office Hours: 10%

Final Exam: *To be determined. Exam dates can be found on the university calendar.*

Presentations:

Final Presentations: See Syllabus

Mini-Presentations will be ungraded and prepare for your your final presentations when you have grades at stake – dates TBD in class)

Please Note: 1, this is a 4 credit seminar; and 2, this is Seminar and not a full lecture i.e. students will be expected to do more work than in a 3 credit seminar, prepare for class and contribute to the class discussions.

Class Schedule and Readings:

Week 1 –

(Thurs) January 10th: Class Introduction

No readings: Class Introductions, Course Overview and Expectations

Discussion: What is the state of our world?

No readings.

Week 2 -

(Tues) January 15th: Class Introduction

Discussion: What do you understand about the field of International Humanitarian Law (IHL)? Why do people, groups and states go to war?

Reading: Read and analyze the course syllabus; Complete introductory reading on p. 3 of Assignment 1

(Thurs) January 17th:

No Readings: Clarifying Concepts; Locating Ourselves; Setting Course Tone. (**Course Overview and Background**) [Catch up on reading for classes we missed in Week 1]

Discussion: How do you view international humanitarian law? How do you conceive of a global and universal humanity?

Week 3 –

(Tues) January 22nd: Sources and nature of international law

Read: Maogoto, Introduction pp. 1-12

Documents: UN Declaration on Human Rights <http://www.hrweb.org/legal/udhr.html>

Discussion: What do you understand by sovereign rights and inalienable rights? What is the universal principle of equality?

(Thurs) January 24th:

Read: *Crimes of War*, eds. Roy Gutman, David Rieff and Anthony Dworkin. New York: W.W. Norton & Co., Second Edition (revised) 2007. pp. 37-39; 132-142; 186-197 and 430-434; Maogoto, Part 1 pp. 15-33

Discussion: What are the relevant sources of international law? What is international humanitarian law? What is aggression? What are crimes against humanity? How is genocide defined?

Week 4 –

(Tues) January 29th: Nature of international law (continued)

Read: *Crimes of War*, eds. Roy Gutman, David Rieff and Anthony Dworkin. pp. 165-170; 216-230. Review Maogoto pp. 1-30 and 77-109

Discussion: How does international law protect victims? What are due process rights? What is universal jurisdiction? How does humanitarian intervention challenge notions of sovereignty?

**Course Introduction: Consolidation – Democracy, Colonialism and Rule of Law
(Thurs) January 31th:**

Documentary Film: Ken Burns Disc 3 Episode 4 in The West

Read: State of War and Peace Atlas

Week 5 – South Africa

(Tues) February 5th: Mid Term 1

Read: Wayne McWilliams & Harry Piotrowski, *The World Since 1945 A History of International Relations* Chapters 5 and 6.

(Thurs) February 7th: Goals of accountability following serious violations of international human rights and humanitarian law

Read: Kiss, Elizabeth, “Reflections on Restorative Justice.” In *Truth v. Justice: The Morality of Truth Commissions*, eds. Robert I. Rotberg and Dennis Thompson, 68-98. Princeton: Princeton University Press, 2000.

Tutu, Desmond, *No Future Without Forgiveness*. New York: Doubleday, 1999, Chapter 2 (Nuremberg or National Amnesia? A Third Way), 15-32, Chapter 3 (In the Fullness of Time), 35-46.

Discussion: What is the relationship of accountability with the political dynamics within a state? What are the advantages and disadvantages of criminal vs. non-criminal forms of accountability?

Week 6 –

(Tues) February 12th: Truth Commissions, Peacemaking and “Soft” Law

Read: Boraine, Alex. *A Country Unmasked*. New York: Oxford University Press, 2000. Chapters 1, 2 (The road to reconciliation: The genesis of the TRC; Consultation and legislation: The Promotion of National Unity and Reconciliation Act), 11-75.

South Africa: South Africa Truth and Reconciliation Commission Final Report (5 Vols), selected pages. <http://www.info.gov.za/otherdocs/2003/trc>

Discussion: What political and practical challenges would make it hard to pursue criminal prosecutions? In what ways does a commission's inquiry resemble judicial proceedings? What are the opportunities and challenges for investigatory commissions?

(Thurs) February 14th: Accountability and Getting to the Truth

Read: Boraine, Chapter 4 (Breaking the silence: The TRC hearings) 98-144.
South Africa Truth and Reconciliation Commission Final Report, selected pages.

Film: Where truth lies.

Discussion: How did the TRC interpret "gross violations of human rights"? How did the commission secure statements from victims? Did the commission sufficiently take into account due process when it allowed victims to name perpetrators? In what ways were the hearings of the Amnesty Committee different from those of the Human Rights Violations Committee?

Week 7 – Dangerous Peacemaking

(Tues) February 19th: Amnesty in exchange for truth; Prosecutions

Read: Coetzee, Martin, "An Overview of the TRC Amnesty Process." In Villa-Vicencio and Doxtader, 181-194.

Bizos, George, "Why Prosecutions are Necessary." In Villa-Vicencio and Doxtader, 5-9.

Sarkin, Jeremy, "To Prosecute or Not to Prosecute." In Villa-Vicencio and Doxtader, 237-264.

Selected amnesty decisions TBA, available at http://www.doj.gov.za/trc/trc_frameset.htm

Discussion: What is the relationship between amnesty and the stated goals of truth and reconciliation? What is the relation of amnesty to justice? Should the government prosecute those who did not apply for amnesty, or who applied but were refused?

(Thurs) February 21st: Making reparations and achieving reconciliation

Read: Andrews, Penelope. "Reparations for Apartheid's Victims: The Path to Reconciliation?" DePaul Law Review 53 (2004): pp. TBA

Hamber, Brandon, "Repairing the Irreparable: dealing with the double-binds of making reparations for crimes of the past," Ethnicity & Health 5, no. 3/4 (2000): 215-226.

Discussion: How does a society make reparations to countless victims? How is the determination of a victim made? What counts as reparations? What did the report of the

Truth and Reconciliation Commission do for reconciliation? Was the commission established to bring about reconciliation? Can a commission make reconciliation a reality? How do we understand reconciliation?

**Week 8 –
(Tues) February 26th:**

Read: TBA

Discussion: What is the political meaning of the concept ‘The Peace’? What are the core underlying values of democratic systems? What are the institutional and systemic interrelationships between the concepts of politics, law and morality? What is so dangerous about making peace?

(Thurs) February 28th: Midterm II: In-Class Exam

Spring Break Mar 2-10

**Week 9 –
(Tues) March 12th: International Criminal Tribunals**

Read: TBA

Film: My Neighbor My Killer

Discussion: Was the creation of an international tribunal the best available choice for responding to the 1994 genocide in Rwanda?

Discussion: What are the potential advantages and difficulties of international criminal tribunals?

(Thurs) March 14th: The Politics of the International Criminal Court

Read: TBA

Discussion: What are the United States’ principal objections to the ICC? Who should fear the ICC? What is the principle of “complementary” jurisdiction?

Congo (DRC)

Week 10 –

**(Tues) March 19th: Research Analysis and Consolidation
Catch up on reading. Reading TBA**

(Much of the reading for this section will be obtained from online sources)

(Thurs) March 21st: Conflict Zones, States of Conflict, UNO Peacekeeping Missions and Electoral Commissions

Read: TBA
Discussion: TBA

Cases: Colombia

Week 11 – (Much of the reading will be from online sources)

(Tues) March 26th:

Read: TBA
Discussion: TBA

Films: TBA

(Thurs) March 28th:

Read: TBA
Discussion: TBA

Cases: Syria

Week 12 –

(Tues) April 2nd:

Read: TBA
Discussion: TBA

(Thurs) April 4th:

Read: TBA
Discussion: TBA

Conclusion I

Comparative Analysis and Evaluation; Working on Student Presentations and Group Projects

Week 13 – (Much of the readings will be from online sources)

(Tues) April 9th:

Read: TBA
Discussion: TBA

Movie: TBA

(Thurs) April 11th:

Read: TBA

Discussion: TBA

Conclusion II

Comparative Analysis and Evaluation; Working on Student Presentations and Group Projects

Week 14 –

(Tues) April 16th

Read: TBA

Discussion: TBA

Movie: TBA

(Thurs) April 18th: Group Presentations and Final Projects

Week 15

(Tuesday) April 23rd: Class Conclusion and Class Reflections

Final Exam: To be decided.