

Geography of Human Rights

GEOG 3640, Fall 2001

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Interest in the protection of human rights has been expanding steadily since the end of WW2, as have social movements and political projects organized around the protection of such rights. And yet while social theorists and political analysts appear to concur that the topic of “human rights” has become, in the last fifty years, a significant feature of global, national and local landscapes, it is also quite apparent that the violation of such rights is widespread. A quality of schizophrenia defines the evolving identity of “human rights.” One of its personalities is a shining success: generating laws, organizing activists, broadening definitions. Another personality reeks of gloomy failure: cataloging attacks, identifying offenders, counting corpses.

This course examines the polemics and paradoxes of the development of international laws, norms and practices concerning war, state violence and human rights. We will examine the way these rules are violated by addressing specific cases: the ex-Yugoslavia, Rwanda, South Africa, Guatemala, and Chile. We will investigate how, where, and under what specific conditions massive violations of human rights occur.

A central theme is to address these debates within the analytical framework of local/global dialectics. We will review local and global mechanisms for addressing human rights violations, and evaluate how international law and national practices are mutually constituted. We will also address contemporary theoretical debates regarding violence and power, memory and history, and the dilemmas of democratic transitions and the construction of civil societies.

REQUIREMENTS:

The majority of class-time will be used for lectures, with time reserved for class discussion and video viewing. All class members are expected to contribute regularly to class discussions. In addition to class participation, grades will be determined as follows: A midterm (40%), final (40%) and a few **short** writing assignments (20%).

REQUIRED TEXTS:

Dorfman, Ariel. *Death and the Maiden*. Nick Hern Books, 1991

Gourevitch, Philip. *We wish to inform you that tomorrow we will be killed with our families; stories from Rwanda*. Farrar Straus and Giroux, 1998

Gutman, Roy and David Reiff, eds. *Crimes of War: What the Public Should Know*. W.W. Norton and Company; New York. 1999

O'Brien, Tim. *The Things They Carried*. Penguin Books: New York, 1990

Robertson, Geoffrey. *Crimes Against Humanity; The Struggle for Global Justice*. The New Press; New York. 1999.

Stover, Eric and Gilles Peress. *The Graves: Srebrenica and Vukovar*. Scalo Edition, Steidl:Germany, 1998

Additional required reading materials are available in a Course Packet for purchase. Copious amounts of recommended readings are available on specific topics—see instructor for more titles.

Three key texts are available in the bookstore as “recommended:”

Hitchens, Christopher. *The Trial of Henry Kissinger*. Verso Books, 2001.

Levi, Primo. *The Drowned and the Saved*. Vintage Books, 1998.

Sewall, Sarah B. and Carl Kaysen, editors. *The United States and the International Criminal Court; National Security and International Law*. Rowman and Littlefield, Publishers. 2000.

CLASS SCHEDULE: (Please be advised that the schedule below provides an outline of the progress of topics, but the professor reserves the right to make changes as necessary. Students are responsible for staying informed as to changes of the schedule, and for completing reading assignments at the beginning of each week. Thank you).

Introduction

Human Rights and Wrongs

Description of course content and requirements, review of syllabus.

Begin Gutman and Reiff, *Crimes of War: What the Public Should Know*. but especially the "Preface," "Forward" (Goldstone), and "International Humanitarian Law: An Overview" (Weschler).

Part One: The Genealogy of Human Rights

Week One: Laws of War, Crimes of War

Hugo Grotius and the laws of war, the historical roots of modern day international humanitarian law. The Hague and Geneva as sites for these developments. The "just war" debate (when it is acceptable to go to war) versus what is acceptable during war. International law develops out of issues surrounding trade and sovereignty rather than concerns for 'rights.' World War Two and the development of the concept of "crimes against humanity." Nuremberg and the Tokyo Trials. Also important developments regarding "individuals" and their rights vis a vi states, and the rights of certain states to protect the rights of people in other places. Transforming conceptualization regarding "boundaries" and "sovereignty." The United Nations, the Universal Declaration of Human Rights (1948, things getting hot, until the chill of) the Cold War.

Readings:

"The United Nations Charter" and the "Universal Declaration of Human Rights" in Robertson (appendices)

Robertson, Chapters 1-6.

Week Two: Human Rights and Global/Local Dialectics

The 1960s, 70s and the development of social movements surrounding the concept of "human rights," more treaties and conventions despite the superpowers, Amnesty International, Human Rights Watch, civilian deaths. Challenging the "optimists' equation," that economic development leads to

political freedom. *Where* is the international community? Its history, its mystery. President Carter and the linkage between economic relations and human rights. Disappearances, Deniability and “The Right to the Truth.” State repression and gross violations of human rights. Bodies and bones. Madres in the Plaza, *donde esta mi hijo*. Psychosocial consequences of disappearance. Democratic transitions and legitimacy. New leaders establishing a break with the past, yet the reality of amnesty. Argentina, Uruguay, Brazil. Nunca Mas. Commissions of Inquiry into the Fate of the Disappeared. Chile, and El Salvador.

Readings:

Dorfman, Ariel. *Death and the Maiden* Penguin Books, 1991

Robertson, Chapter 7.

Movie: “The Official Story”

Part Two: Accounting for Violence. Truth Commissions in Theory and Practice

(NOTE: First short written assignment due, details TBA)

Week Three: Guatemala and “The Commission for the Historical Clarification of Human Rights Abuses and Other Acts of Violence that Have Caused the Suffering of the Guatemalan People”

Background to the 36 years of war, the formation of the rebel armies, the 1970s, the URNG, scorched earth, "democratic transition," negotiations, more negotiations, still negotiating. The accord that mandates the truth commission, the politics of its gestation and birth. Where are we going to get the money to pay for all these experts? Selecting the commissioners, hiring the staff. Organization and chaos. The farther from the main office, the more important the work. Hard hard work. Trauma. Taking testimony. Dueling databases: the challenge from civil society. The challenges of geography. Overcoming overwhelming fear. Things are just so bad here, nunca mas. Lots of advice, none of it useful for this Very Particular Case.

Reading:

“Agreement on the Establishment of the Commission for the Historical Clarification of Human Rights Violations and Incidents of Violence that Have Caused Suffering to the Guatemalan Population” (English translation, Course Reader).

“Guatemalan Death Squad Dossier Uncovered” (Press release and selected pages from document, Course Packet)

Ross, Amy. *The Body of the Truth*, “Chapter 6, The Guatemalan Commission for Historical Clarification” (Course Packet).

Week Four: Critical Issues about the Guatemalan Commission to Clarify

The commission as a site of struggle. The UN dominates, which means that the "center" wins, which means that the majority loses. Yet another missed opportunity. The problematic international involvement. The "caught between the cross-fire" debate. Yet: many other sites of the social theatre on the reconstruction of history. Exhumations everywhere. Pandora's grave has been opened. Will this be truth without consequences? But they called it genocide!

Reading:

“Conclusions” from *Guatemala: Memory of Silence* (Report of the Guatemalan Historical Clarification Commission). (entire document available at <http://hrdata.aaas.org/ceh/report/english>).

Week Five: The South African Truth and Reconciliation Commission

Overview of the history of South Africa. Segregation, apartheid, and resistance. The 1980s, international pressures, the ANC, the negotiations, the specific acts and talks and deals that lead to negotiated transition from apartheid to democracy. The establishment of the Truth and Reconciliation Commission. The negotiations, the influence from Chile, the compromises and creative thinking. Institutional ethnography of the TRC, its mission and its daily practices. Selection of the commissioners, debates and establishment of the offices, the development of a (chiefly) legal identity in the commission. Staff profiles, the budget. Spatial aspects of the TRC, the venues, geographical diversity, rules and procedures.

Video screenings of human rights violation hearings and amnesty hearings.

Readings:

Ross, Amy. *The Body of the Truth*, “Chapter Five, the South African Truth and Reconciliation Commission). (Course Packet).

Also: explore the TRC website, www.truth.org.za

Week Six: Critical issues about the South African Truth and Reconciliation Commission

Truth as social theatre. Making law vs. making history. Who goes to the TRC? Civil society's ambivalence toward the TRC. The TRC, instead of being a "lesser" court, actually looked more powerful than a court! Creative construction/control of space as a progressive strategy. Yet the explicit goals...relief for the victims and deterrence of future violations... much more problematic.

Reading:

Krog, Antjie. Chapters 5 and 6, "The Sound of the Second Narrative," and "The Wet Bag and Other Phantoms," in *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa* Times Books, New York 1998 (Course Packet)

Recommended Reading concerning Truth Commissions (on reserve):

Rotberg, Robert and Dennis Thompson, editors. 2000. *Truth v. Justice: The Morality of Truth Commissions*. Princeton University Press.

Boraine, Alex. 2000 *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*. Oxford University Press.

Week Seven: Review

THURSDAY, OCTOBER 4th: In-Class Midterm (details to be discussed).

Part Three: International Tribunals in Theory and Practice

Week Nine: The International Criminal Tribunal for the ex-Yugoslavia.

The conflict in the ex-Yugoslavia and the nature of the gross violations of human rights. Why a tribunal for a European country? The Post- Cold War context. War crimes, politics and power. Immigration, refugees, and the humanitarian crisis. Kosovo and international intervention. Historical survey of Kosovo, the 'myths and truths' that contributed to the war. Establishing precedents for international human rights law. The political ramifications of an ICTY indictment; how to negotiate with a war criminal?

Readings:

Robertson, Chapter 8.

Bass, Gary Jonathan. 2000. "Introduction" and Chapter 6, "The Hague" in *Stay the Hand of Vengeance; the Politics of War Crimes Tribunals*. Princeton University Press. (Course Packet).

Movie: "A Cry From the Grave"

Week Ten: The ICTY, cont. Corpus Delecti: The Body of Evidence

In a court of law certain information (material and metaphorical) is entered into evidence. This evidence may be oral testimony, or written documents, or forensic remains of dead bodies. What happens to the dead after mass atrocity? How does the narrative of death become evidence?

Video: testimony from the Krstic case at the ICTY.

Reading:

Stover, Eric and Gilles Peress. 1998 *The Graves: Srebrenica and Vukovar* Zurich: Scalo

Mertus, Julie. 2000 "Truth in a Box: the Limits of Justice through Judicial Mechanisms," in *The Politics of Memory: Truth, Healing and Social Justice*, Ifi Amadiume and Abdullahi An-Na'im, editors. Zed Books, London.

Week Eleven: The International Criminal Tribunal for Rwanda.

Background for the conflict in Rwanda. Ethnic conflict, or merely mass murder? Where is the United Nations? When, how, and why to declare genocide. The persistence of instability in the region. Precedents in Africa. The lack of existing systems of justice in Rwanda. How to define, and prove, genocide. The issue of free speech and the use of mass media in the promotion of genocide. Responsibility. International punishment (life in prison) vs. national measures (execution by hanging or gunfire). 96,000+ accused perpetrators in prison, less than 100 judges. Conflicts between the Tribunal and the Rwandan government.

Readings:

Gourevitch, Philip. *We wish to inform you that tomorrow we will be killed with our families; stories from Rwanda* Farrar Straus and Giroux 1998

Morris, Virginia and Michael Scharf. "The Legal and Factual Circumstances which Led to the Establishment of the Rwanda Tribunal" in *The International Criminal Tribunal for Rwanda* Transnational Publishers, 1998 (Course Packet)

Video: "Forsaken Cries: the Rwanda Crisis"

Week Twelve: A Permanent International Criminal Court. Transnational Justice: El Caso Pinochet. Universal Jurisdiction?

Pro's and Con's of an international court. International justice vs. local realities. The debates surrounding the drafting of the treaty establishing the Court. The US vs. everybody else (except Syria, China, Iraq, Libya, and the Sudan!) on the final vote in Italy June 1998. Possibilities for the ratification of the treaty. The Case of General Pinochet: From dictator (1973-1990) to Senator for Life (1990-present) to an international human rights law precedent. Arrested in London, on a warrant from Spain, for crimes committed in Chile. The implications for international human rights law. And will the powerful be prosecuted? The case against Henry Kissinger.

Robertson, Chapters 9-11.

Hitchens, Christopher. "The Case Against Henry Kissinger: Part 1, the making of a war criminal," in *Harpers Magazine* February 2001, vol. 302 no. 1809 (course packet)

Kissinger, Henry. "The Pitfalls of Universal Jurisdiction," in *Foreign Affairs*, July/August 2001. (course packet)

Weschler, Lawrence. 2000. "Exceptional Cases in Rome: The United States and the Struggle for an ICC," in *The United States and the International Criminal Court; National Security and International Law*. Sarah B. Sewall and Carl Kaysen, editors. Rowman and Littlefield Publishers; New York.

Part Four: A Critical Approach to Truth and Justice

Weeks Thirteen and Fourteen:

Trauma (and Speaking)

Psychosocial effects of war. How to be sane in a sick world. Debates concerning post-traumatic stress syndrome, entire nations of survivors. Fixing the "victim" vs. reforming society. The impact of trauma on testimony.

Reading:

Hernan, Judith. 1992 "Introduction" and Chapters 1 and 2 in *Trauma and Recovery: the aftermath of violence --from domestic abuse to political terror*. Basic Books. (course packet)

Moeller, Susan D. "Covering War" in *Compassion Fatigue; How the Media Sell Disease, Famine, War and Death*. Routledge, London. (course packet)

Memory (and History)

The role of memory in the establishment of post-war histories. Truth and memory in the construction of personal and political power. The spatial specificity of multiple truths. Repression, denial, recovered memories and challenges to power. Who has the power to determine the truth about the past?

Readings:

Borges, Jorge Luis. "Funes the Memorious" in *Labyrinths*, New Directions Publishing Corporations, 1962. Pages 59-66. (Course Packet)

Lappen, Elena. "The Man with Two Heads" in *Granta*, Summer 1999 (Course Packet)

Amnesty (and Forgetting)

The politics of memory and forgetting in the construction of the historical narrative of a nation are often written as amnesty legislation. ("Amnesty" has its roots in the word *amnesia*, or forgetting.) Who supports amnesty? What are the practicalities, advantages and disadvantages of amnesty for those responsible for human rights abuses?

(Thanksgiving Recess, November 21-25)

Questions and Conclusions:

Week Fifteen: "How to Tell a True War Story"

How can violence be described? Is it possible to tell the truth of what happened, when that reality is 'unspeakably' horrific? Which testimonies/narratives are to be trusted in the narration of violence and war?

Readings:

O'Brien, Tim. *The Things They Carried* Penguin Books, 1990

Week Sixteen: The Place of Justice. The Space of Justice.

Courts vs. Commissions? How does knowledge of the past contribute to the deterrence of future violence, if that knowledge includes the fact that the perpetrators got away with murder? But... are courts really the right place to (re)construct history? International, national and local mechanisms: what are the relative advantages? And on the relationship between violence and power: Do people come to power *despite* having committed human rights violations, or

because they have? Does punishing offenders contribute to deterrence, and if so, how? Is there such a thing as a "just war," or is all violence deplorable? How might powerful people be brought to trial in an international space, if they are popular at home?

Final Exam: TBA.