

HUMAN RIGHTS AND INTERNATIONAL LAW PROGRAM COURSE DESCRIPTION

B.SC REQUIREMENT IN HUMAN RIGHTS AND INTERNATIONAL LAW

Human Rights and International Law Program Course List

Course Descriptions

9105101 Introduction to Human Rights

What are humans and what count as rights? Where does the idea of rights come from? What is the “reality” of human rights in the world? This course offers an introduction to contemporary human rights discourses in their broader historical and theoretical contexts. The course examines the philosophical background of the contested categories making up the terms, “human” and “rights”. It explores the political, social, cultural, and aesthetic dimensions of the claims made by these terms. Students consider the foundations of rights claims, the legal and violent ways of advancing, defending and enforcing rights, and human rights instruments and institutions. The course explores debates over the universality of rights, humanitarian intervention and international crimes, terrorism and democracy and links between human rights and globalization. Using media sources, including screenings and the internet, students will examine and solve specific cases in relation to these contemporary challenges to the classical human rights discourse.

9105201 Public International Law and International Organization

Is there such a thing as “international law”? Can international rules and standards be enforced in an anarchical world? This course offers a comprehensive introduction to the law in inter-state, and supranational, relations. It acquaints students with the legal features of the “international community”: the subjects of international law, states, non-state actors and international organizations, the place of individuals in international law; the notion of state sovereignty; sources of international legal norms, treaties and custom; the implementation of international rules in domestic systems; violations of international law and their consequences; enforcement of international rules through the use of force and through judicial means, namely national and international courts and tribunals. The course touches upon contemporary issues of international law, such as the role of the UN in settling international disputes, the concept of collective security, legal restraints on violence in armed conflict, the growth of the international criminal legal system, and the international measures for the protection of the environment. The course considers the use of international legal discourses in the Palestine-Israel conflict, where international law itself has become a site of conflict, a means for gaining legitimacy and a forum for mounting acts of resistance.

9105202 Human Rights in Armed Conflict

The manner of applying human rights to situations of armed conflict has been a topic of heated debate in academia and in international and national courts. Modern warfare continues to contribute to the distortion of traditional legal norms that are often seen as unsuitable to the present day realities. This course offers an introduction to the law of armed conflict, known as international humanitarian law. It critically examines the role of law in guiding the conduct of hostilities and the relevance of its ultimate objective of protecting civilians. It reviews situations of (prolonged) occupation and the impact of terrorism on the law of armed conflict, particularly the invocation of the “state of emergency” paradigm. The ways in which international tribunals, regional and national courts have applied human rights law to compliment international humanitarian law in times of armed conflict, along with the traditional legal foundations of the convergence between human rights and the

law of war, will be examined. The use of the human rights discourse in times of armed conflict will be examined through a number of case studies looking at practical sources such as NGO and IGO reports, amongst others.

9105203 Politics of Human Rights

Why human rights differ from one society, or culture, to another? Is there such a concept as global or universal human rights? How have human rights been used to intervene in the internal affairs of certain countries? This course explores human rights in international relations at the turn of the twenty-first century. By reviewing cases in which human rights are estimated according to power interests, the course surveys contemporary history commencing from the inter-war period after World War II, within and post the Cold War, and after the September 11, 2001 attacks. The course sheds light on the use of human rights in foreign policy, including the human rights approaches of the world's superpowers towards dictatorial regimes. It considers similarly the manipulation of human rights by regimes as a pretext to the preservation of power, reflecting on the divide between south and north or west and east. The course enables students to view the current events in the world from an informed position, offering an understanding of human rights issues at both the global and domestic level.

9105204 Immigration, Refugees and Citizenship

Political upheaval throughout the world has made problems of asylum, refugees and immigration far more visible and controversial issues, leading in turn to a constantly-evolving body of policies. Since refugee and immigration issues emanate from the relationship between the individual and the state and the regulatory system in these fields is premised on the preservation of state sovereignty and socio-cultural integrity, they give rise to countless debates and political conflicts both locally and regionally. This course examines the various international attempts to meet the problem of forced migration due to persecution, armed conflict and great economic instability. The course introduces the history of the international protection of refugees and examine the definition of refugee status in international

and regional instruments. The discussions will consider the role of UN High Commissioner for Refugees and other UN agencies in protecting and assisting refugees, immigrants and non-nationals. The concept of open borders is also addressed and contextualized to the present day global demographical reality of immigration control policies and the growing influence of the human rights discourse.

9105205 United Nations Human Rights System

What role has the UN played in articulating human rights law and monitoring its implementation? In the last fifty years or so, the international community has agreed on extensive human rights standards set forth in more than a thousand legal texts and instruments, including treaties and declarations, covering civil and political as well as economic, social and cultural rights. While states carry the primary responsibility under international law for the implementation of human rights law, several international and regional organizations have instituted an increasing number of monitoring institutions to scrutinize national performance. The course introduces the UN system for the protection focusing particularly on its principle objective of ensuring international peace and security, namely through the promotion of human rights and democracy. The system includes “treaty bodies”, the committees that monitor the core human rights treaties, particularly the UN Human Rights Council, and a selection of “special procedures”. It touches upon the other means by which the UN has been involved in global human rights crises, e.g. the Security Council’s role in peacekeeping operations, the Economic and Social Council’s work around the globe and the work of UN specialized agencies. Students will critically evaluate the effectiveness of this system and analyze (by reading numerous reports produced by UN bodies) its notable achievements and existing drawbacks in both the political and legal field.

9105206 Palestine-Israel Conflict

The framing and definition of the Palestine-Israel conflict on both the international and regional levels is one of the greatest challenges of this time. The

course surveys the historical developments of the use of various legal, political and historical narratives and substantive terminology in the conceptualization of the conflict. For instance, it normatively assesses both the benefits and detriments of framing the conflict in terms of international humanitarian law whilst acknowledging the relevance and significance of the apartheid and colonialism frameworks in international law. Students will evaluate the availability of different legal and political mechanisms for reparation and reconciliation of historical wrongs and their prospective application to the conflict, assessing their efficiency and effectiveness. Being a trans-substantive course, students will consider various aspects of the conflict – including the right of return and the status of Palestinian refugees, the right to self-determination and the rights that flow from statehood status in international law, including the people's right to sovereignty and control over their natural resources – from a legal, historical, political and spatial (urban studies) perspective. The material for the course includes a selection of historical primary documents and a variety of secondary political and legal texts.

9105207 Freedom of Expression

What is “freedom of expression”? Is there a right to say anything? What powers does speech have, who has the power and right to speak and for what? The right to freedom of expression, or the freedom of expression as such, is one of the fundamental pillars of the civil liberties movement, and is located at the very root of the historical origins of most human rights systems. This right has been curtailed by various socio-political regimes across the globe for varying interests, including the alleged protection of other rights ranging from national security to the right to privacy and home. The limits of the freedom of speech, as case studies and theoretical examples demonstrate, are often distorted and are thereby left to the mercy of the meekest and most indeterminate legal principles in the field of human rights, i.e. the principle of proportionality, reasonableness and other balancing mechanisms. The course investigates the nature, basis and limits of the right to freedom of speech, the legitimacy or otherwise of this right as associated with multiculturalism, freedom of the press and freedom of religion. The course will

examine the ways in which rights, language and public space intertwine in ideas about democracy by tackling the politico-philosophical debates surrounding this incendiary, contentious subject matter, through theoretical texts and a selection of case studies.

9105208 Theories of Human Rights

Behind the practical problems underlying the use of human rights as a tool lie many unresolved theoretical and philosophical questions. How do we establish which human rights exist? How can we connect human rights practices to theories of state and society and to the concerns of justice? Who is responsible for the protection of human rights? These debates raise many philosophical questions, both about rights in general and about the nature and content of specific rights, and the study of theories of the various notions of rights is both inherent and inseparable to the modern uses of the term. The course is based on intensive reading of classic and contemporary texts that explore the central questions concerning the relationship between power and rights, justice and law, and morality and interest, which lie at the heart of what is known today as the universal human rights discourse. It covers critical legal and political thinkers ranging from Dworkin, Raz, and Hart to Hegel, Engels, Schmitt and Heidegger and over to more radical contemporary strings of intellects such as Foucault, Derrida and Zizek.

9105209 Human Rights and the Media

What role does the media play in documenting and reporting on human rights violations? How can the media influence policies and shape public opinion on human rights situations? Why do different news agencies cover the same human rights cases differently? How can politics, power, interests and ideologies influence the way human rights events are covered? Why do some news agencies extensively cover certain human rights situations while ignoring sometimes equally serious human rights situations in other regions? This course will allow students to research and critically analyze human rights situations through the eyes of the media in order to understand the ways in which different media networks – national, regional and

international – cover these cases. By considering the role of the media in historical developments, wars and consequential political transitions, students will evaluate the power politics involved in the news industry as well as the overall level of authenticity found in the daily news.

9105210 Human Rights in the Arab World and in Islam

The course introduces students to discourses on Islamic law and human rights, examining the areas of tension between the competing paradigms of universalism and relativism, ranging between the religious and the secular. It critically examines the proposed Islamic human rights schemes, and engages with the arguments of their proponents and critics. The course focuses on the controversial issues of Islamic law (the Sharia) – including women rights, family law (marriage, divorce and inheritance), capital, corporal punishments, freedom of region and minority rights – and analyzes them under international human rights. The course explores major human rights abuses in the Arab world and considers how religion has been used to promote political and personal interests for both regimes and their opposition groups. It comparatively observes the modern constitutions of Arab countries with the purpose of evaluating interpretation techniques (of Sharia) used in the jurisprudence of national courts and national laws.

9105211 Three Generations of Human Rights

The 1948 Universal Declaration of Human Rights makes no distinction between “civil and political rights” and “economic and social rights” as do the two covenants that came after it. In fact, all human rights are envisaged as interdependent and interrelated, so that there is no hierarchical structure for rights. What is the theoretical importance and practical relevance of these divisions? The first two generations of rights have provoked different justifications and arguably differ in the normative formulation and practical measure of state obligations. Economic and social rights have often been undermined for being perceived as overly ambitious objectives often unrealizable by states? What can be understood from the peculiarities of third generation rights such as the right to an environment,

to development and to self-determination? What are the remaining obstacles to their enforcement – are these rights actionable and justiciable? Through the study of cases of the interpretation and implementation of various rights, the course engages with some of the technical issues surrounding the enjoyment of rights, the scope of state obligations, and the difficulties incumbent in the classification of rights subject to their normative scope and definition.

9105212 Transitional Justice

The course deals with legal, moral, social and political questions that arise in countries emerging from massive conflict or from periods of authoritarian or repressive rule. It examines the strategies available to new democratic governments in order to confront a legacy of human rights abuse. These strategies include prosecutions, truth commissions, reparation programs, institutional reforms and reconciliation programs. The course explores the international law obligations that arise from the commission of gross violations of human rights and the constraints embryonic democracies face in attempting to comply with these obligations. It covers a historical period starting from the Nuremberg Trials until recent efforts to pursue accountability by the International Criminal Court and in domestic jurisdictions with universal jurisdiction laws. The course will provide students with knowledge and understanding of the rules, principles and machinery of international criminal justice, familiarize them with the customary and conventional sources of international criminal law; and provide them with the applicable concepts of criminal law and the principles established in the case law of international tribunals.

9105213 International Criminal Justice and Human Rights Tribunals

The course introduces students to the subject of international criminal law and the ways in which it acts as an enforcement mechanism for human rights law. During the course, students will explore the history and development of international criminal law, the definition of international crimes, the mechanisms of international criminal justice and the general principles of international criminal law. The course also explores the variety of international courts and tribunals functioning

at the inter-state level and addresses a range of theoretical and practical issues relating to their operation. It concentrates in particular on systematic concerns common to all existing tribunals and on doctrinal issues related to the work of specific tribunals. The course will also explore the institutional structures of international criminal justice by looking at the establishment of different types of international tribunals, including the permanent International Criminal Court, as well as the role of national courts in complementing and cooperating with international institutions in accordance with the underlying premise of the international criminal justice system, the principle of complementarity.

9105214 Business and Human Rights

The course engages post-graduate students with the topic of business and human rights, exploring the extent to which multinational corporations have become subjects of international law, by being both rights and duty-bearers under international human rights law. The course will also consider the role of business in conflict, the exploitation of resources in conflict areas, and the instrumentalization of business actors by aggressor states. It considers developments at the international and domestic level to promote accountability and ensure compliance with emerging international standards and seeks to examine the available mechanisms for redress for victims of violations of human rights committed by companies. The course will explore the current debates concerning the responsibility and role of companies with regards to human rights protection and promotion in the countries in which they operate. The recent developments in the field include the UN Ruggie framework for business and human rights, litigation against corporations complicit in war crimes under domestic legislation and the investigation of corporations by the International Criminal Court. By examining the legal, economic, political and sociological aspects of the human rights obligations of companies, students will become familiar with the international and domestic efforts at enforcing accountability of companies, as non-state actors, for failure to comply with human rights.

9105215 Regional and National Human Rights Systems

Regional human rights systems, being at the forefront of human rights enforcement, have become a catalyst for the dynamic evolution of human rights standards and protection mechanisms. The jurisprudence of the European Court of Human Rights, the Inter-American Human Rights Court and the African Court on Human and People's Rights have shaped the face of the international legal framework for the protection of human rights. The course familiarizes students with the procedural avenues available at the regional level and their accessibility to groups and individuals. It explores the case law of these courts and examines the uniqueness of their interpretation techniques and legal rationales. By surveying the work of these remarkable judicial bodies, the discussions seek to capture the role and contribution made by these institutions in the supranational arena and the effects they have had on national judiciaries and government practices. The course also undertakes to study a number of national human rights systems in order to explore the availability of domestic remedies for victims of human rights violations. While being remarked for its ability to alleviate and sometimes even end violations in individual cases, national human rights litigation not only often falls short of redressing policy and structural problems responsible for systematic violations, but is also known for lending legitimacy and even empowering abusive regimes.

9105216 Human Rights and Development

This course provides an overview of the connections between human rights and development. It examines the contribution that each field has made to the other and explores in detail some of the key substantive aspects of development and rights. Beginning with an introduction to the historical, political and social interrelation between these concepts, it explores the legalistic understandings of human rights versus economic understandings of development, highlighting the issue of key North-South tensions in concept and practice. In interrogating the program, process and vector of development – often implemented through the rights to food, health, education and environment – the course strives to examine the theories and discourses related to the democratization of development and the humanization of rights. The agendas of rights and development overlap and

converge. Development theories have contributed to the field of human rights through human development theories and tools that measure, monitor and evaluate human rights. The course will explore the future of the 'right' to development in a globalized world through debates about economic growth, poverty, inequality and human needs, as well as the inescapable problem of environmental justice and resource limits.

9105217 Human Rights Remedies and Enforcement

In a horizontal international system, the problem of enforcement of human rights and international law more generally has received much attention in recent years. When and how international actors deploy legal argumentation in contrast to other arguments that might convince a violating entity to comply? What are the different, official and unofficial, avenues for presenting such arguments? Why do they differ in their persuasiveness, and how can we measure their effectiveness? Despite the deficiencies in the implementation of international law on the domestic level, national authorities and jurisdictions are often the only arena for the effective enforcement of international law. The course will present students with the different national, regional and international, judicial and administrative mechanisms for human rights enforcement, as well as the type of remedies available to victims of human rights violations. The course also considers the available international and regional instruments for the protection of rights, asking whether some rights should have special enforcement mechanisms and involve international supervision or involvement to ensure their proper protection by states. By introducing students to the practical means of seeking enforcement of international human rights standards through litigation in domestic and international courts, the course will explore and seek to draw conceptual conclusions about the role and effectiveness of the different means and methods of deployment of human rights law.

9105219 Special Topic in Human Rights

9105301 Human Rights Documentation and Reporting

This course focuses on the development of practical professional skills. It seeks to equip students with tools required for professional documentation and reporting on human rights and international law violations for a variety of purposes and for different types of institutions. Students would become familiar with the basic elements needed for any proper human rights document and be able to structure and plan the research for the documentation of human rights violations. The course will explore the differences between a range of institution reports – regional and UN bodies, including national and international judicial bodies – and the role of fact-finding missions in accountability for human rights violations. Technical documentation methodology and tools for specific types of violations will be examined, considering the materiality of forensic evidence and documentation; for example, the type of evidence that needs to be submitted in cases of torture and violence, or the analysis that needs to be undertaken in cases of destruction and targeting in time of armed conflict. The course also seeks to develop students' formative skills by teaching the methods and techniques necessary to conduct international law research and make an oral presentation based on legal memoranda. In addition to the readings and in-class exercises, students will undertake group research and documentation projects and submit a report on a human rights violation or a case study as their final project. The course will be conducted in part by external experts and practitioners in the field.

9105302 Internship

The Human Rights program requires students to undertake voluntary work in the form of an internship with an NGO, civil society or international organization based in Palestine. They will report on and critically analyze their practical experience in light of the theoretical framework they develop throughout their studies.

9105303 Human Rights After 9/11

What is "terrorism"? Is torture ever justified to combat terrorism? Can suspected terrorists be held in preventive detention? What is the significance of

calling the current struggle against global terrorism a “war”? Is security versus rights a “zero sum game”? What role do human rights play in combating terrorism? Is terrorism a human rights violation? How has the global fight against terrorism impacted the promotion of human rights and the role of human rights defenders? These questions reflect the essence of the new paradigm of the “war on terror” in the reality that is characterized by post-September 11 human rights dilemmas. This course will examine the tensions between political and legal efforts to combat terrorism and preserve the standing and influence of human rights vis-à-vis other interests and rights. The course will explore critical issues that have emerged in the wake of this ‘war’, such as the very lens and set terminology that characterizes debates about the use of torture against terrorists, the creation of legal vacuums to violate fundamental rights, including due process, and the de facto denationalization of those suspected of acts of terrorism.

9105304 Women’s and Minorities Rights

This course addresses the challenges of achieving the international legal protection of the human rights of women and minority groups. It analyzes core themes and issues of women’s rights through feminist theories of rights and law, engaging in a comparative cultural, national, and historical study of women’s movements. It explores the ways in which international and regional human rights conventions define such rights to prevent, punish and remedy their violation in different legal and political contexts, and how these legal definitions have been utilized to promote the interests and agendas of rights movements and groups in different countries. In doing so, the course also interrogates the way in which that law responds to and creates gender inequalities and relations, the place of feminist theories within other critiques of law and the significance of different feminist theories for equality theory and law reform strategies, as well as the possibilities and limitations of law as a strategy for social transformation. The course also explores the evolution of the concepts of minority rights from the nineteenth century to the present, by exploring the protection of the rights of ethnic, religious, and linguistic

minorities and the articulation of the rights of indigenous peoples, as well as the relevance of the principle and right of self-determination of peoples.

9105305 Constitutions and Human Rights

Basic human rights notions exist in most constitutions. The incorporation of human rights norms in national constitutions is often seen as the principal tool for the protection of human rights on the national level. The different techniques for the incorporation of human rights into constitutions have strongly influenced the development of international human rights law. Varying theories of constitutional interpretation have been offered over the years by different judiciaries around the world. The course explores the ways in which the enforcement of rights through constitutive mechanisms re-draws the relations between the judiciary and the other branches of government, as well as the manner and form of redress that can be sought by victims from the state. By examining different constitutional structures and their political contexts, the course seeks to explore the effectiveness of different mechanisms and conceptual understandings of rights through constitutional values and structures on the protection of international human rights.

9105308 Contemporary Problems in Human Rights

The course explores contemporary problems in human rights law and theory, depending on the year and the global current affairs context in which the course is being offered.

9105309 Legal Anthropology

The course provides students with an introduction to the main theoretical debates, concepts and methodological questions of legal anthropology as a specific field of research and scientific inquiry. Starting with introductory section on the history of legal anthropology, the course will proceed to discuss different case studies where law, and its ideological premises, its performances and practices, can be analyzed through ethnography, fieldwork research and direct observation. Transcending and problematizing legalistic approaches to law, the course will explore: the relationship between law, culture and political power; situations of legal

pluralism; law and its relation to colonialism and state formation; and law, citizenship, the state and national identity. A specific section of the course will be dedicated to the relationship between law, human rights and politics. Anthropology is gradually developing fundamental research tools and analysis for situations of human rights violations and their related legal-political debates and associated practices (e.g. international criminal trials, truth and reconciliation commissions, humanitarian interventions, human rights campaigns, and different forms of institutionalized advocacy). The course will expose students to an in-depth understanding of the traditional and contemporary theories of legal anthropology.

9105310 Human Rights Law & Moral Philosophy

Human rights do not operate as purely legal or social rules but rather as moral entitlements. Indeed, the idea that human rights have a moral character has gradually settled in legal and philosophical thought, making the task of justifying their existence a matter of moral philosophy or meta-ethics. In such cases, moral philosophy is a discourse that tries to answer questions such as, for instance, what is meant by the premise 'killing is wrong'? Or, are there mechanisms for rationally and inter-subjectively settling moral disagreements? The course will provide insights into the main moral-philosophy stream of thoughts trying to give answers to this meta-ethical problematic and, by the same token, it will offer answers to two kinds of questions: first, the conceptual question of what are human rights? Second, the theoretical question of how we might justify them; what kind of rational and inter-subjective arguments can we invoke in support of the validity of rights, their meaning and scope? The course also seeks to develop students' logical argumentation skills and their ability to formulate and articulate critiques and arguments in support of the concept of human rights, as well as evaluate human rights theories and practices.

9105401 Senior Project I (4 credits)

All fourth-year students at Al-Quds Bard are expected to complete a Senior Project. The senior project is a year--long project in which students work individually

with their advisors on a topic of their choosing. In the social science division, senior projects involve advanced research, reading, and writing, and culminate in a long written work or project that must be defended in front of a committee. Senior projects are typically at least forty-five pages in length and reflect the skills developed over the course of an Al-Quds Bard education.

9105402 Senior Project II (4 credits)

See Senior Project I.

400 LEVEL COURSES

CORE

9114401 Senior Seminar I

9114402 Senior Seminar II