

Transitional Justice 2001F/Political Science 2203F

Problems in Transitional Justice and Post-Conflict Reconstruction

Fall Term 2022

Instructor: Dr. Samar El-Masri

Office Hours: By appointment

Email: selmasr2@uwo.ca

Time: Thursdays 1:30 to 4:30

I-Course Delivery

This course is designated as “blended,” which means that while the lectures will be posted online, we will have a weekly in-person tutorial.

The time allocated for this class is Thursdays from 1:30 to 4:30. Please use the first two hours to listen to my lectures posted on OWL. We will use Thursdays from 3:30 to 4:30 for in-person discussion.

However, I may ask you to attend the class earlier to write a test or to listen to a guest speaker.

The confirmed guest speakers for this term will present on November 24 and December 1. Please come to class at 2:30 on these days.

OWL is used regularly for communication, so make sure before you come to class to check out the “Course Content” page. Regular updates, tips, and announcements are posted there.

II-Course Description

This course introduces students to interdisciplinary studies of transitional justice and post-conflict reconstruction. Students will examine key concepts and explore theoretical problems in confronting and seeking solutions to the aftermath of large-scale events of social violence.

III-How to think about this course

This course may be a valuable addition to your academic year for three reasons: First, it is a crucial building block for your studies in transitional justice and post-conflict reconstruction, as it outlines the major themes and approaches in the field as well as discusses the major issues and debates that are presently examined in the literature. Second, it provides you with ample opportunity to develop your critical thinking in ways that relate to areas that are specifically of interest to you. Finally, it exposes you not only to different debates and approaches that you may not be aware of, but also to different disciplines. One of the special things about this course is that it attracts students from various disciplines and that may have a completely different perspective on issues. Discussing questions in our one-hour tutorials may help enrich your experience in this course.

IV-Objectives

This course is not only designed to outline and assess the major theories and perspectives in the field, but also develop your critical thinking skills, and your understanding of how power, culture and history impact our understanding of particular issues and events. By the end of the course students should be able to:

1. Discuss different approaches to transitional justice and post-conflict reconstruction
2. Describe the key components of the field
3. Evaluate the effectiveness of a transitional justice and post-conflict reconstruction response
4. Discuss a current transitional justice and post-conflict reconstruction issue in historical context
5. Analyze a current policy and political issues in transitional justice and post-conflict reconstruction

V-Required Texts

Because the field of transitional justice and post-conflict reconstruction is new, and because it involves different areas and disciplines, there will be no one textbook that is required for this course. Instead, the reading list will involve academic articles, book chapters, and technical reports, that you can buy in one pack from

the bookstore. I will try to add links to the readings on this course OWL's page ("Course Readings"). You are responsible for accessing them yourself.

VI-Grade Distribution

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|-------------------------------|------------------------------|
| Participation | 5% |
| Midterm Exam (due October 20) | 25% makeup is due October 27 |
| Essay (Nov 17) | 40% |
| Final Exam | 30% |

VIII-Explaining the Components of the Course:

1-Participation

We will conduct a weekly in-person tutorial. The tutorial, which will run for one hour, is designed to help students interact with one another, think about various questions, and try to find solutions with the help of their classmates. The importance of context will be emphasized as we move from one case study to the next. Your attendance is required, and your mark will be based on your contribution in the class.

If for any reason, you feel that you were not able to participate as you would like, or you could have made a different point, then you are more than welcome to send me a one/two double-spaced page paper about that, which will then be corrected and counted towards your participation mark.

As some of the issues that we deal with in this class are extremely disturbing, I encourage students who may have any concerns about a specific topic to discuss them with me before the subject comes up. I will also understand if some students choose to step out of the class as a result. While they will NOT be academically penalized, they will be responsible for any material missed.

All our interactions should be guided by respect. Uncivil, disrespectful, abusive or any inappropriate behavior will not be tolerated.

If you have any concerns or questions, please do not hesitate to contact me in-person (before or after class), or virtually through an email, or an arranged zoom call.

2-Midterm Exam (Due October 20)

The midterm will be most likely a synchronous online exam that takes place during class time (Thursday from 1:30 to 4:30).

If you have a credible reason for missing the exam, you need to talk to your academic counsellor and obtain an accommodation. If an accommodation is granted to you, you can then write your make-up on October 27 (it will take place during class time as well).

If for any reason you missed that too, your final will then be worth 55% of the mark (provided you have a credible excuse accepted by your counsellor).

3-- Final Exam

Students will write their final exam during the final exam period based on all of the material that we covered in this course. More detail about this exam will be given in due time.

4- Essay

You will be required to write one essay between 2250-2500 words (excluding bibliography), double-spaced, and in Times New Roman 12 pt. font. The topic of the paper may be selected from the list of topics under “COURSE OUTLINE BY TOPIC” section of this Syllabus. Students must submit their essay to OWL (under “Assignments”). You need to know few things about this component of the course:

a-Late Penalty: The completed paper must be submitted on November 17 (London Ontario time). A late penalty of 10% per day will be applied to papers submitted at any point after that date.

b-Turnitin: Essays must be submitted to Turnitin.com, using the link on OWL. All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

c-Citation Style: Citations must be formatted using Chicago-style footnotes, not in-text citations. Students are advised to consult a writer’s handbook when

composing their essays in order to see how to format things like bibliography and footnotes. One excellent handbook is *A Manual for Writers of Term Papers, Theses, and Dissertations* by Kate L. Turabian. A useful link may be found at the following url: <http://www.wisc.edu/writing/Handbook/DocChicago.html>

d-Spelling and Grammatical Errors: Grammatical, spelling, and other errors are not acceptable. You are responsible for your own work, and, as such, you must be careful to proofread your work before turning it in.

e-Bibliography: You must attach a Bibliography to your essay. Your bibliography must include a minimum of four academic sources (consult a librarian for clarification on what counts as an academic source (e.g., newspapers, magazines, and encyclopedias do not count). Failure to include at least four academic sources will result in a grade of “F”. The highest grades in this course typically go to students that consult a large number of high-quality source materials. Consulting more than six sources is highly recommended.

f-Academic Dishonesty: Many different types of actions may be considered academically dishonest. These might include, although not exhaustively, the following: cheating, submission of work not authored by you, double submission, fabrication, plagiarism. Scholastic offences are taken seriously, and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence at

www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf. You are advised to familiarize yourself with the guidelines set out in the Academic Handbook, Rights and Responsibilities, Scholastic Discipline - Undergrad.

Students are also advised to utilize the Library’s tools on plagiarism:

<http://www.lib.uwo.ca/tutorials/plagiarism/index.html>

g-Other Resources: There are many resources at Western designed to assist you in your learning. You are strongly advised to utilize these services. The Student Development Centre offers many services, including Effective Writing Programs and Learning Skills Services. The Student Development Centre is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at exams@sdc.uwo.ca, or on the web at <http://www.sdc.uwo.ca/>. You should also become familiar with the services offered by the University Library System. The D.B. Weldon Library may be contacted by telephone at (519)661-

3162 or by email at dbwref@lib.uwo.ca, or on the web at <http://www.lib.uwo.ca/weldon/#> .

h-Non-medical and medical accommodation: Western University requires documentation from the medical community for students who require academic accommodation due to medical illness—even accommodation for medical illness of work worth less than 10% of the total course grade. Students are required to have their physician or health care provider fill out the Student Medical Certificate. Medical certificates will only be considered for students seriously affected by illness, who cannot reasonably be expected to meet his/her academic responsibilities. Medical certificates may NOT be issued for minor illness like colds, non-acute vomiting or diarrhea, menstrual cramps, insomnia, or for past illnesses.

If the requested accommodation is related to a death in the family, please see your Academic Counsellor directly. If a student misses a midterm or final exam for non-medical reasons, accommodation must be sought and obtained from Academic Counselling, or else the student will receive a grade of zero. Late essays will be subject to a penalty of 10% per day unless accommodation is granted by Academic Counselling.

If documentation is required for either medical or non-medical academic accommodation, then such documentation must be submitted by the student directly to the appropriate Faculty Dean`s office and NOT to the instructor. It will be the Dean`s office that will determine if accommodation is warranted.

For further information, please see the Policy on Accommodation for Medical Illness at <https://studentservices.uwo.ca/secure/index.cfm>.

IX-ABSENCES

As per the university policy:

By policy, academic considerations for work totaling 10% or more of the final course grade can be granted only by the student`s Faculty of Registration (typically by their academic counsellors). In such cases, students should be directed as follows.

For work totaling 10% or more of the final course grade, you must provide valid medical or supporting documentation to the Academic Counselling Office of your

Faculty of Registration as soon as possible. For further information, please consult the University's medical illness policy at

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf

The Student Medical Certificate is available at

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf

X-ACCOMMODATION AND ACCESSIBILITY

1-Religious Accommodation

When a course requirement conflicts with a religious holiday that requires an absence from the University or prohibits certain activities, students should request accommodation for their absence in writing at least two weeks prior to the holiday to the course instructor and/or the Academic Counselling office of their Faculty of Registration. Please consult University's list of recognized religious holidays (updated annually) at <https://multiculturalcalendar.com/ecal/index.php?s=c-univwo>

2-Accommodation Policies

Students with disabilities are encouraged to contact Accessible Education, which provides recommendations for accommodation based on medical documentation or psychological and cognitive testing. The policy on Academic Accommodation for Students with Disabilities can be found at:

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic_Accommodation_disabilities.pdf

3- Support Services

Please visit the Social Science Academic Counselling webpage for information on adding/dropping courses, academic considerations for absences, appeals, exam conflicts, and many other academic related matters: Academic Counselling - Western University (uwo.ca)

Students who are in emotional/mental distress should refer to Mental Health@Western (<https://uwo.ca/health/>) for a complete list of options about how to obtain help.

Western is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at

https://www.uwo.ca/health/student_support/survivor_support/get-help.html

To connect with a case manager or set up an appointment, please contact support@uwo.ca

If you have any questions about accommodation, please contact:

http://academicsupport.uwo.ca/accessible_education/index.html

XI-IMPORTANT AND USEFUL INFORMATION:

1- Important Notice re: Prerequisites/Antirequisites: Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites. (Office of the Dean, Faculty of Social Science)

2-Completion of All Requirements: According to the Dean's office, Students who fail to complete all evaluation components of the course, without supporting medical documentation or justifiable and documented extenuating circumstances will be disqualified from appealing the course's final grade.

3-Examinations' limitations: A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations:

- A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year.
- On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course.

4-Students with Disabilities: Any student with a disability is advised to contact the Coordinator for Services for Students with Disabilities in order to ensure that the appropriate arrangements are made to accommodate that student. The Centre for Student Development is located in UCC Suite 210; they can be reached by

telephone at (519)661-2147, by email at ssc@sdc.uwo.ca, or on the web at <http://www.sdc.uwo.ca/ssd/>

5-Mental/Emotional Distress: Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwoom/mentalhealth/> for a complete list of options about how to obtain help.

XII-COURSE OUTLINE BY TOPIC:

September 8 Introduction

Required Readings:

(In this class we will do an overview of the course. There are no assigned readings.)

September 15 Understanding Peace

Required Readings:

Ho-Won Jeong, “Chapter One: Challenges for Peace,” and “Chapter Two: Concepts of Peace and Violence,” in *Peace and Conflict Studies* (Aldershot: Ashgate, 2000), 7-29.

Ximena Davies-Vengoechea, “A Positive Concept of Peace,” in *Keeping the Peace: Conflict Resolution and Peaceful Societies Around the World*, edited by Graham Kemp and Douglas P. Fry (New York: Routledge, 2004), 11-19.

September 22 Transitions and Democracy

Required Readings:

Arthur, Paige. “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly* 31.2 (2009): 321-367

Recommended Reading:

Valerie Arnould. “Transitional Justice and Democracy in Uganda: between impetus and instrumentalization,” *Journal of Eastern African Studies* 9 issue 3 2015, pages 354-374

September 29 Addressing Colonial Harms

Required Readings:

Jennifer Balint, Julie Evans, and Nesam McMillan, "Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach," *International Journal of Transitional Justice* 8.2 (2014): 194-216.

Niezen, Ronald. "The Unfolding." In *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools*. Toronto: University of Toronto Press, 2013, 25-41.

October 06 The Role of the United Nations

Required Readings:

Roger MacGinty and Andrew Williams, "Chapter 5: Post-conflict reconstruction and development," in *Conflict and Development* (London: Routledge, 2009), 122-152.

James Mayall, "Chapter One: Introduction," in *United Nations Interventionism, 1991-2004*, edited by Mats Berdal and Spyros Economides (Cambridge: Cambridge University Press, 2007), 1-31.

Recommended readings to review the basics about the UN:

Paul Taylor and Devon Curtis, "The United Nations," in *The Globalization of World Politics: An introduction to international relations*, 6th ed., eds. John Baylis, Steve Smith, and Patricia Owens (London: Oxford University Press, 2014), 304-319.

October 13 Humanitarian Intervention

Required Readings:

Alex Bellamy and Nicholas J. Wheeler, "Humanitarian intervention in world politics," in *The Globalization of World Politics: An introduction to international relations*, 6th ed., eds. John Baylis, Steve Smith, and Patricia Owens (London: Oxford University Press, 2014), 479-493.

October 20 Peacebuilding

Required Readings:

Stephen Ryan, "The Evolution of Peacebuilding," *Routledge Handbook of Peacebuilding*, ed. Roger MacGinty (New York: Routledge, 2013), 25-35.

Gerald M. Steinberg, "The Limits of Peacebuilding Theory," *Routledge Handbook of Peacebuilding*, ed. Roger MacGinty (New York: Routledge, 2013), 36-53.
(Midterm due)

October 27: Transitional Justice Mechanism: Trials

Required Readings:

Rosalind Raddatz, "Chapter 10: Tempering Great Expectations: Peacebuilding and Transitional Justice in Liberia," in *Transitional Justice and Peacebuilding on the Ground: Victims and Ex-Combatants* edited by Chandra Lekha Sriram, Jemima Garcia-Godos, Johanna Herman, and Olga Martin-Ortega (New York: Routledge, 2013).

Padraig McAuliffe, "Transitional Justice and the Rule of Law: The Perfect Couple or Awkward Bedfellows?" *Hague Journal on the Rule of Law* 2.2 (2010): 127–154.

Recommended:

David Cohen. "Transitional Justice in Divided Germany after 1945." In *Retribution and Reparation in the Transition to Democracy*. Ed. Jon Elster. New York: Cambridge University Press, 2006, 59-88.

November 03 No class today

November 10 Transitional Justice Mechanism: Truth-Telling

Required Readings:

Priscilla Hayner, "Chapter Two: Confronting Past Crimes: Transitional Justice and the Phenomenon of Truth Commissions,"

Priscilla Hayner, "Chapter Three: Why a Truth Commission?" in *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), 10-23, 24-31.

November 17 Transitional Justice Mechanism: Reparations

Required Readings:

Roht-Arriaza, Naomi. "Reparations Decisions and Dilemmas." *Hastings International and Comparative Law Review* 27.2 (2003-2004): 157-220.

Essay due

November 24 Civil Society

Required Readings:

Roberto Belloni, "Civil Society in War-to-democracy transitions," in *From War to Democracy: Dilemmas of Peacebuilding* edited by Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 182-210.

Roger Duthie, "Building Trust and Capacity: Civil Society and Transitional Justice from a Development Perspective," *Transitional Justice and Development Project*, International Center for Transitional Justice Research Unit (New York: International Center for Transitional Justice, Nov. 2009), 1-28.

Guest speaker: from 3:30-4:30 Florence Anfaara, "Women's Mobilization Strategies to end Ebola in Liberia: Implications for Public Health Policy in a Post-conflict context."

December 01 Gender

Required Readings:

Dyan Mazurana, "Gender and the Causes and Consequences of Armed Conflict," in *Gender, Conflict, and Peacekeeping*, eds. Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (Lanham: Rowman & Littlefield, 2005), 29-42.

Tarja Vayrynen, "Gender and Peacebuilding," in *Palgrave Advances in Peacebuilding: Critical Developments and Approaches*, ed. Oliver P. Richmond (New York: Palgrave Macmillan, 2010), 137-153.

Fionnuala Ní Aoláin and Eilish Rooney, "Underenforcement and Intersectionality: Gendered Aspects of Transition for Women," *International Journal of Transitional Justice* 1.3 (2007): 338-354.

Guest Speaker from 3:30 to 4:30: Valerie Oosterveld, "Gender-Based Persecution and the ICC"