

NYU Robert F. Wagner Graduate School of Public Service
Winter 2007/08

Everita Silina

**P 11. 0040 Genocide in the Modern Era:
Through International Law and Human Rights Perspective**

Course Description: Genocide is the most heinous form of violence perpetrated by human beings. In the aftermath of the Holocaust, the world community vowed to 'never again' allow such atrocities to recur. Yet, genocide has remained part of the human experience and its dark shadow has followed us into the new millennium. Its persistence has raised the question, is genocide preventable? Is it an inescapable aspect of human nature or the weapon of the vicious? Can we detect early signs of genocide and prevent it from occurring? Or is punishment after the act of genocide the only viable instrument of international policy? This course will explore these and other questions by examining the phenomenon of genocide in an historic and legal context. Specifically, we will examine the concept of genocide through international human rights law and debates over its interpretation. We will explore these conceptual and legal issues by looking at actual cases, such as Armenia, Ukraine, Cambodia, and the ongoing genocide in Darfur, among others. Finally, the course will focus on how to draft an effective policy for genocide prevention and punishment for those responsible that can be agreed upon by the international community. We will examine the policy suggestions that have accompanied debates on genocide and ask what steps can and should be taken to prevent it from recurring and which actors and levels of governance are most capable of ensuring that it is 'never again' repeated.

Course requirements:

Class Participation (includes in-class discussions and a group project presentation on the last day of classes) - **15%**

Two papers: 1) a short analytical paper. Students should select a debate, a conundrum, associated with the concept of genocide. (i.e. meaning of intent, of a victim group, "hard/narrow" versus "soft/broad" definition, etc.) and write a 3-5 page analysis of the contested issue. The analysis should be couched within the student's own critical argument on the subject and should avoid making a claim based on a historic case. Historic cases may be used simply to elucidate a point or as examples. - **25%**

Due on January 14th at the beginning of the class.

2) longer, case-based paper, 10-15 pages. Students should write an argumentative research paper about an aspect of genocide based on a historic case (except for the on-going genocide in Darfur, Sudan). Students might wish to use the second paper to explore the topic of their first paper by closer study of a particular case, but this is not required. The argument of the second paper does not have to be connected to the argument or the topic of the first paper. - 30%.

Due on January 25th by 5 pm. (subject to confirmation)

Final Exam (in-class) - 30%.

Texts:

Julie Flint and Alex de Waal (2005). Darfur: A Short History of a Long War. London: Zed Books.

Course readings on Blackboard.

Course Schedule:

Part 1: The Origins of Genocide: Perspectives

Day 1: Genocide: Concepts, origins, and debates

-Adam Jones, ed. "Introduction" and Chapter 1, Genocide: A Comprehensive Introduction. Available online: http://www.genocidetext.net/gaci_origins.pdf
-Raphael Lemkin (1944). Axis Rule in Occupied Europe. (Chapter 9). Available online: <http://www.preventgenocide.org/lemkin/AxisRule1944-1.htm>

Day 2: Genocide in International Law (contd.): international human rights

-Michael Freeman (2002). Human Rights: An Interdisciplinary Approach. (Chpt 1, 6)
-Elazar Barkan, "Genocides of Indigenous Peoples: Rhetoric of Human Rights," in Kiernan and Gellately, eds., (2003). The Specter of Genocide.
-Sheri Rosenberg and Everita Silina (forthcoming). Genocide by Attrition. (Chpt.1-3)

Day 3: Genocide in International Law: history and recent developments

(Special attention: sovereign rights of states, new humanitarian century)

-Film: Nuremberg Trials.
-Dina Shelton, ed. (2005). Encyclopedia of Genocide and Crimes Against Humanity. (selection)
-Leo Kuper (1981). "The Sovereign Territorial State: The Right to Genocide," Genocide: Its Political Use in the Twentieth Century.

Part 2: Cases

Day 4: Genocide and the State: The Nazi Germany (1939-1945): The Warsaw Ghetto, The Holocaust, and Nazi's other victims.

(Special attention: psycho-social explanation of genocide, nationalism, the question of "uniqueness")

- Sheri Rosenberg and Everita Silina (forthcoming). Genocide by Attrition. (Chpt.4)
- Samuel Totten et.al. (eds.) (2004). Century of Genocide, (Chps. 4-6).
- David Stannard, (2001). "Uniqueness as Denial: The Politics of Genocide Scholarship," in Alan S. Rosenbaum ed., Is the Holocaust Unique?

Day 5: Genocide and the State (contd.): Famine: Ukraine (1932-33) and Southern Sudan (1983-93). (Special attention: theories of state, ideologies, and group rights)

- David Marcus (2003). "Famine Crimes in International Law," *The American Journal of International Law* 97(2)
- James E. Mace (2004). "Soviet Man-Made Famine in Ukraine," in Century of Genocide.
- Edward B. Rackley (2000). "Displacement, Conflict, and Socio-Cultural Survival in Southern Sudan," *The Journal of Humanitarian Assistance*.
Available: <http://www.jha.ac/articles/a056.htm>

Day 6: Genocide and Forced Displacement: Armenian Genocide (1915-17), Cambodia (1975-79), Iraq (Anfal Campaign against Kurds)

- Adam Jones, (ed.), Chapter 4 and 5, Genocide: A Comprehensive Introduction.
- Ronald Grigor Suny (1993). "Rethinking the Unthinkable: Toward an Understanding of Armenian Genocide," Looking Toward Ararat: Armenia in Modern History.
- Samuel Totten et.al. (eds.) (2004). Century of Genocide (Chp. 11).

Day 7: Genocide and International Genocide Tribunals: Yugoslavia (1992-95) and Rwanda (1994)

(Special attention: Empires and identity politics, sexual violence and rape, ethnic cleansing, role of the international society)

- Film: Srebrenica: A Cry from the Grave.
- Laura Silber and Allan Little, Yugoslavia: Death of a Nation. (selections)
- Rakiya Omar (1995). "The Pathology of Genocide," Rwanda: Death, Despair and Defiance. Revised Edition. London: A Publication of African Rights.
- Kelly D. Askin (1999). "Sexual Violence in Decisions and Indictments of the Yugoslav and Rwanda Tribunals: Current Status," *The American Journal of International Law*.

Part 3: What is to be done?

Day 8: Prevention and Punishment: Early Warning Systems, Intervention and Beyond

- Film: Ghosts of Rwanda (selection)
- International Court of Justice, Application of the Convention on the Preservation and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Summary of the Judgment of 26 February 2007.
- Greg Stanton (2003). "Early Warning," in Dinah Shelton (ed.), Encyclopedia of Genocide and Crimes against Humanity.
- Sheri Rosenberg and Everita Silina (forthcoming). Genocide by Attrition. (Chpt.5-9).

Day 9: Darfur Case study

- Julie Flint and Alex de Waal (2005). Darfur: A Short History of a Long War.
- Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General. Pursuant to Security Council Resolution 1564 of 18 September 2004. Geneva, 25 January 2005.

Group exercise and presentations.

Day 10: Final Exam