

**Transitional Justice 3001G/  
Political Science 3001G  
Studies in Transitional Justice and Post-Conflict Reconstruction**

Winter Term 2022

Time: To be Assigned

Location: To be Assigned

**Course Delivery:**

This course will be delivered in-person. The hope is that by January 2022, the COVID19 crisis will be behind us. However, the class will be moved to zoom if the university decides to shut down in-person classes due to a spike in COVID19 cases.

**Course Description**

This course explores issues inherent to regions facing the aftermath of large-scale events of social violence, including war, genocide, and authoritarian rule, with an emphasis on questions of justice and post-conflict reconstruction. Students will examine specific cases of recent attempts to establish just responses to conflict within affected communities.

**Course Materials**

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 will find in the “Course Readings” on this course OWL’s page. You are responsible for accessing them yourself.

**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.

## **How to think about this course**

This course is designed to reinforce ideas and theories in the field of transitional justice and post-conflict reconstruction, by tracing the contours of what scholars are thinking about, by outlining the major debates and issues currently underway, and by setting out the major themes and approaches of the field.

The assignments and your evaluation in this course are designed to help you develop your critical thinking skills in ways that relate to your interests in specific areas or theories in the field of transitional justice and post-conflict reconstruction. We will cover a range of debates and issues, and while you may not agree with all of them, you should be able to discuss all of them intelligently. Your ability to accomplish these objectives will be assessed using the assignments and work outlined below.

It is also important to note that the field of transitional justice and post-conflict reconstruction is interdisciplinary, by its very nature. Your colleagues in this class come from different scholarly traditions and disciplines. This presents us with an exciting opportunity to look at different issues and events through the eyes of all of those traditions and disciplines. Sometimes this might mean that your colleagues seem to be speaking a foreign language! But if we take the time to listen, we can learn a lot from those other perspectives.

## **Objectives**

This course has three main objectives:

First, this course is designed to reinforce students' knowledge of the important theories, perspectives and issues that shape the context and nature of the field of transitional justice and post-conflict reconstruction. This body of ideas will continue to add to students' foundation in the field for any future interests and research in this area and establish a comparative basis for further study.

Second, the assignments in this course are designed to help students further develop critical thinking skills. These skills will be applied to specific issues and case studies in transitional justice and post-conflict reconstruction.

Third, the course aims to help students appreciate how power, culture and history condition and influence how you understand issues and events. These questions are of real consequence to the field of transitional justice and post-conflict reconstruction, but also to an understanding of the world in which we live.

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

## **Course Content Note**

The field of transitional justice and post-conflict reconstruction deals with disturbing events like war crimes, crimes against humanity, and genocide, and sometimes we will be discussing historical events that some students may find troubling. If you think specific material could be emotionally challenging for you, I would be happy to discuss any concerns you may have before the subject comes up in class. And if you ever wish to discuss your personal reactions to course material with the class or with me individually afterwards, I welcome these discussions as an appropriate part of our scholarly work.

If you ever feel the need to step out of the classroom during a class discussion, you may always do so without academic penalty. You will, however, be responsible for any material you miss. If you do leave the room for a significant time, please make arrangements to get notes from another student or see me individually to discuss the situation.

## **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 can not 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.

Non-medical absences from lectures and tutorials will be noted. Absences will affect students' performance in the course. In particular, participation grades will be affected, since a student cannot "participate" if they miss a class; therefore, no participation grade may be earned on a day that a student is absent. The same is true of weekly reflections. 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>.

## Methods of Evaluation

Participation	20%
Presentation	20%
Essay	40%
Advocacy Assignment	20%

### - Participation (20%)

This assessment will be based on regular contributions to the class discussion, reflecting some grasp of the relevant materials and some analytical abilities in applying those materials in the discussion. This is not an attendance mark; you will be evaluated on your in-class discussion and participation. Students should consult the handout “Student Participation” on page 11, below, for criteria.

### - Presentation (20%)

Each week, one or two students will present the main points and arguments pertaining to that week’s case study, and also relating to that week’s main theme, to the class; whether there are one or two presenters, there will only be one presentation that week. Each week’s presentation should be approximately 20 minutes in length, and must include a one-page, single-sided hand-out for students in the class as well as questions for discussion. As the presentation is expected to be a joint project between the students involved, all students in the group will receive the same grade.

### - Essay (40%)

You will be required to write one essay of 2250-2500 words (excluding footnotes and bibliography), presented as typed, double-spaced pages, using 12-point Times New Roman font with one-inch margins. The topic of the paper must be selected in consultation with, and with the approval of, the instructor.

#### Late Penalty

The completed paper must be submitted **at the beginning of class on the assigned due date. A late penalty of 10% per day will be applied to papers submitted at any point after that.**

#### Turnitin

Essays must be submitted to Turnitin.com, using the “Assignments” link on OWL.

#### 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>.

#### 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.

### 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.

### **- Advocacy Assignment (20%)**

Students will prepare a 1000-word brief to Amnesty International on the Rohingya crisis in Myanmar. In their capacity as scholars of the subject of transitional justice and post-conflict reconstruction, students are expected to draw on the lessons learned throughout the term, and, using examples from each of the cases studied in class, to make a forceful argument for what should be done in this case. At the end of the assignment, students may choose to send their assignment to Amnesty International.

### **Turnitin**

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> ).

### **Attendance**

A student who, in the opinion of the instructor, is absent too frequently from class will be reported to the Dean of the Faculty of Social Science after due warning has been given.

### **Completion of Course Components**

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.

### **Etiquette**

Discussion and debate are an important component of this course. However, at times, we will be dealing with sensitive and controversial topics. Therefore, our interactions in each forum must be guided by an ethic of respect. Uncivil, disrespectful, abusive, or other inappropriate behaviour will not be tolerated. This includes the respectful use of electronics, as detailed below.

### **Electronics**

Electronics are increasingly an important component of the learning process. But the scholarly literature is quite clear that laptops distract from learning, both for users and for those around them. The use of electronics also undermines learning in classrooms and hurt productivity in seminars. As such:

- All cellphones (and similar technologies) must be turned off, or set to silent 'vibration' mode during the duration of the class. The instructor reserves the right to ensure that you are not text-messaging, surfing the internet, or distracting any students; spot-checks may be conducted during class time.
- No digital taping (either voice or image) of the lectures is allowed.
- Disruptive behavior will be dealt with on a case-by-case basis.

### **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](http://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>

### **Students with Disabilities**

Any student with a disability is advised to contact the Coordinator for Services for Students with Disabilities in order that arrangements can be made through them 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](mailto:ssc@sdc.uwo.ca), or on the web at <http://www.sdc.uwo.ca/ssd/>

### **Mental/Emotional Distress**

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

### **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](mailto: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](mailto:dbwref@lib.uwo.ca), or on the web at <http://www.lib.uwo.ca/weldon/#>.

**Course Outline by Topic** (The dates are preliminary, you should get the final dates by December)

January 08     **Introduction**

January 15     **Rwanda**

Roméo Dallaire, *Shake Hands with the Devil* (Toronto: Random House Canada, 2003), chapters 3 and 4.

United Nations Department of Peacekeeping Operations and Department of Field Support, "Capstone Doctrine: UN Peacekeeping Operations: Principles and Guidelines," (2008), 1-58; available from [https://peacekeeping.un.org/sites/default/files/capstone\\_eng\\_0.pdf](https://peacekeeping.un.org/sites/default/files/capstone_eng_0.pdf).

January 22     **Democratic Republic of Congo**

Kimberly Theidon, "Transitional Subjects: The Demobilization, Demilitarization and Reintegration of Former Combatants in Colombia," *International Journal of Transitional Justice* 1.1 (2007): 66-90.

Coalition for the International Criminal Court, "Thomas Lubanga Dyilo," available from [www.coalitionfortheicc.org/cases/thomas-lubanga-dyilo](http://www.coalitionfortheicc.org/cases/thomas-lubanga-dyilo), (read all drop down menu pieces).

January 29     **Nepal**

Orlovsky, Kate and Naomi Roht-Arriaza. "Reparations and Development." A paper presented at the ISA Annual Meeting, 2009.

Daniel Aguirre and Irene Pietropaoli, "Gender Equality, Development and Transitional Justice: The Case of Nepal," *International Journal of Transitional Justice* 2.1(2008): 356-377.

February 05    **Latin America**

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

Ruth Rubio-Marín and Pablo de Greiff, "Women and Reparations," *International Journal of Transitional Justice* 1.3 (2007): 318-337.

February 12     **Uganda**

Joanna R. Quinn, "Constraints: The Un-Doing of the Ugandan Truth Commission," *Human Rights Quarterly*, 26.2 (May 2004): 401-427.

Tristan Ann Borer, "Truth Telling as a Peace-Building Activity," in *Telling the Truths: Truth Telling and Peace Building*, ed. Tristan Ann Borer (Notre Dame, Indiana: Notre Dame University Press, 2006), 1-58.

**\*\* ESSAY DUE AT BEGINNING OF CLASS \*\***

February 19     **Reading Week**

February 26     **Cambodia**

Ben Kiernan, "The Cambodian Genocide, 1975-1979," in *Centuries of Genocide*, eds. Samuel Totten and William S. Parsons (New York: Routledge, 2003), 317-353.

Kieran McEvoy and Lorna McGregor, "Transitional Justice from Below: An Agenda for Research, Policy and Praxis," in *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, eds. Kieran McEvoy and Lorna McGregor (Portland, OR.: Hart Publishing, 2008).

March 04        **Post-War Germany**

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.

March 11        **ISIL**

Samar El-Masri, "Prosecuting ISIS for the sexual slavery of the Yazidi women and girls," *The International Journal of Human Rights* 22.8 (2018): 1047-1066.

Coalition for the International Criminal Court, "Sexual and Gender-Based Crimes," available from [www.coalitionfortheicc.org/fight/strong-icc/sexual-and-gender-based-crimes](http://www.coalitionfortheicc.org/fight/strong-icc/sexual-and-gender-based-crimes); (read all drop-down menu pieces).

March 18        **Canada**



Truth and Reconciliation Commission of Canada, "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada," (Ottawa: Truth and Reconciliation Commission of Canada, 2015).

Truth and Reconciliation Commission of Canada, "Calls to Action," (Ottawa: Truth and Reconciliation Commission of Canada, 2015).

Luc Huyse, "Chapter Two: The Process of Reconciliation," in *International IDEA Handbook on Reconciliation After Violent Conflict*, eds. Stef Vandeginste, David Bloomfeld, Teresa Barnes, Desmond Tutu (Stockholm: International IDEA, 2003).

March 25      **\*\* ADVOCACY ASSIGNMENT \*\***

April 01      **Concluding Discussion**

United Nations Secretary General, S/2004/616, *Report of the Secretary General: The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, 2004.

United Nations Secretary General, S/2011/634, *Report of the Secretary General: The rule of Law and Transitional Justice in Conflict and Post-Conflict Situations*, 2011.

## ESSAY GRADING GUIDE

Argument	
Organization of the Essay	
Quality of evidence	
Communication Skills	
Use of quotations and footnotes	
Other Comments	
Grade	

### PARTICIPATION GRADING GUIDE

Grade	Attendance	Discussion	Reading
13-15	Always	<u>Excellent</u> : leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions	Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion
10-12	Almost always	<u>Very Good</u> : thoughtful comments and questions for the most part; willing, able and frequent contributor	Has done most readings; provides competent analysis of reading when prompted by others
7-9	Frequent	<u>Good</u> : has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions	Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material
4-6	Occasional	<u>Somewhat Poor</u> : remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic	Actual knowledge of material is outweighed by improvised comments and remarks
0-3	Rare	<u>Poor</u> : rarely speaks; parrots text or comments of others	Little or no apparent familiarity with assigned material