

Syllabus

IR 729 Fall 1994, Boston University – Brussels - Headquarters in Europe,
Dr. Luise Drüke, LL.M.

Graduate Seminar on Humanitarian Issues in International Relations

Graduate Seminar on “Humanitarian Issues in International Relations”
(I also gave this seminar in Fall 1993 at Boston University Brussels, in an evening program)

Lecturer: Dr. Luise Drüke, LL.M.

COURSE OBJECTIVE

The objective of this class is to give students a historical and analytical overview of the evolution and application of humanitarian strategies in international relations. This course will try to develop a framework for the analysis of humanitarian issues, taking into account the political determinants and constraints upon them. It consists of four sections, divided into 13 sessions. The first section will provide the general framework of humanitarian issues and examine regimes of international protection of human rights, refugees and war victims. The second section will focus on challenges to humanitarian strategies for solving old and preventing new humanitarian problems. After reviewing new references for humanitarian aid and preventive diplomacy, international as well as regional efforts of conflict and crisis management are studied. Newly developed early warning systems, military involvement in protection and human rights monitoring will be reviewed.

The mid-term exam of one hour at the beginning of the 7th session will cover material covered during the first 6 sessions of the course.

Case studies on pilot regional projects for new approaches to humanitarian operations in Central America and South-East Asia will serve as examples for comprehensive and pragmatic solutions in current humanitarian affairs. The cooperation between the European Community and the UNHCR is examined in order to study its potentials for a coordinated continuum of emergency preparedness activities, durable solutions and development. The last section will focus on the new architecture of Europe, the European Union and the cooperation in asylum and refugee matters since 1984. Special emphasis will be placed on the evolution of cooperation between the Member States of the European Community and the Schengen Group. The work of regional bodies, such as the Council of Europe and the CSCE will be part of the regional perspective. The cooperation of Member States under the Treaty on European Union will concentrate on questions of safeguards and judicial control of European asylum rules, as for example concerning the treatment of manifestly unfounded asylum applications, the so-called host/third safe country rule and the safe country of origin concept. The course will conclude with a brief examination of the possible remedies to ensure effective harmonization of the interpretation and application of asylum rules, with particular reference to persons needing protection for humanitarian reasons.

COURSE REQUIREMENTS

Class participants are expected to complete the required readings mentioned under the respective dates for each class session. The mid-term and final exam will be one and 3 hours respectively. Each student is required to make two class presentations: one on a topic covered in the class materials, and the other on a topic of free choice related to the humanitarian field. Instead of the usual 20-page paper, each class participant is required to submit an executive summary of 5 pages on a topic of free choice on the day of the final exam.

Course grades are based on: mid-term (20%), final exam (30%), two class presentations (20%), executive summary (15%), and class participation (15%).

Section 1: General introduction and legal regimes of protection

Saturday, 24 September 1994, AM, 1st Session

Introduction and legal regimes for protection of human rights
The work of Amnesty International

Saturday, 24 September 1994, AM, 2nd Session

Protection under international humanitarian law, ICRC
The work of the International Committee of the Red Cross

Saturday, 8 October 1994, AM, 3rd Session

International protection for refugees
The work of the UN High Commissioner for Refugees

Section 2: Solution and prevention of humanitarian problems

Saturday, 8 October 1994, PM, 4th Session

New reference for humanitarian aid and preventive diplomacy
Humanitarian intervention, Agenda for Peace, Agenda for Development

Saturday, 22 October 1994, AM, 5th Session

International conflict and crisis management
The UN General Assembly and the Security Council

Saturday, 22 October 1994, PM, 6th Session

Regional conflict and crisis management; Case study: Ex-Yugoslavia
The work of the EU/WEU, NATO, Council of Europe, CSCE

Section 3: New approaches for humanitarian aid and cooperation

Saturday, 05 November 1994, AM, 7th Session

Mid-term examination (1 hour)
Cooperation between the European Community and UNHCR
Case studies on: Central America (CIREFCA) and Vietnam (CPA)

Saturday, 05 November 1994, PM, 8th Session

Partnership between the EC Humanitarian Office (ECHO) and UNHCR and non-governmental organizations
Convention of LOME IV: Human rights, emergency and refugee aid

Saturday, 19 November 1994, AM, 9th Session

Introduction to the European Unions legal and institutional framework
Treaty establishing the European Community (in part)
Single European Act and Treaty on European Union (in part)

Section 4: Asylum and humanitarian protection within the UN Member States

Saturday, 19 November 1994, PM, 10th Session

First generation cooperation among EC States and Schengen States
Proposals of the European Commission and the European Parliament

Saturday, 3 December 1994, AM, 11th Session

Second generation cooperation under the Treaty on European Union

First experience with the implementation of the Third Pillar Provisions on Cooperation in Justice and Home Affairs

Saturday, 3 December 1994, PM, 12th Session

Role of the European Court of Justice for asylum and immigration?
Case-law on free movement of Community- and third country citizens
Guest lecturer
Class review

Saturday, 17 December 1994, PM, 13th Session

Final Examination: 3 hours

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Contents of Notebook on IR 729: Humanitarian Issues in International Relations
Boston University, Brussels

Section 1: Introduction and regimes of protection

Saturday, 24 September 1994, AM, 1st Session

Topic:

- Introduction to international human rights
- The work of Amnesty International

Texts:

- Commission confronts new realities, June 1994
- Commission on Human Rights (March 1994 session), Nov. 1993
- Vienna Declaration and Programme of Action, July 1993
- Collection of International Instruments Concerning Refugees, UNHCR, 1990
- International Bill of Human Rights:
 - a) Universal Declaration of Human Rights and Commentary by M. Kjaerum
 - b) International Covenant on Civil and Political Rights, with the Optional Protocol to the Int'l Covenant on Civil and Political Rights
 - c) International Covenant on Economic, Social, and Cultural Rights
- Convention against Torture, adopted by GA RES 39/46, 10 Dec.1984
- European Convention on Human Rights, (Council of Europe 1950), Nov. 1990
- Commission Communication on Community Accession to the ECHR, Nov. 1990

Saturday, 24 September 1994, PM, 2nd Session

Topic:

- Protection under international humanitarian law, ICRC
- The work of the International Committee of the Red Cross

Texts:

- Geneva Convention Relative to the Protection of Civilian Persons in Times of War of 12 August 1949
- Additional Protocol I to the 1949 Geneva Convention (int'l armed conflicts)
- Additional Protocol II to the '49 Geneva Convention (non-int'l conflicts)

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Humanitarian Issues in International Relations

Saturday, 8 October 1994, AM, 3rd Session

Topic:

- International protection for refugees
- The work of the UN High Commissioner for Refugees

Texts:

- Resolutions and Decisions adopted by the UN General Assembly:
 - 319 (IV), 1949; Refugees and stateless persons
 - 428 (V), 1950; Statute of the Office of the UNHCR
- Guy S. Goodwin-Gill, The Refugee in International Law, Oxford University Press, New York, 1983, 312 pages
- Human Rights and Refugees, Centre for Human Rights, June 1993, incl:
 - * Regional Instruments, Africa, Asia/Africa, Latin America, Rights of refugees
 - * OAU Conv. Gov. the Specific Aspects of Refugee Problems in Africa, 1969
 - * Council of Europe, Declaration on Territorial Asylum, 18 Nov. 1977
 - * Convention relating to the Status of Refugees, adopted 28 July 1951
 - * Protocol relating to the Status of Refugees, entry into force on 4 Oct. 1967
- 1655 (LII) Assistance in the relief, rehabilitation and resettlement
- 1705 (LIII) Assistance to southern Sudanese refugees returning from abroad
- 1799 (LV) Assistance to south Sudanese returnees and displaced persons, 1972
- 1978/39 Humanitarian assistance programmes of UNHCR in the Horn of Africa
 - * Principles concerning Treatment of Refugees, 1966. (Asian-African C.Cttee)
 - * Humanitarian strategy
 - * UNHCR at a glance
 - * RO Brussels
 - * UNHCR and the UN System
 - * EXCOM conclusions starting with 1989 problems of refugees and asylum-seekers

Section 2: Solution and prevention of humanitarian problems

Saturday, 8 October 1994, PM, 4th Session

Topic:

- New reference for humanitarian aid and preventive diplomacy
- Case studies: Iraq, Ex-Yugoslavia and Somalia

Texts:

- Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping
- GA res. A/RES/47/120, 18 Febr. 1993: An Agenda, for Peace: An Agenda for Peace: preventive diplomacy and related matters
- GA res 43/131, 8 Dec 1988: Humanitarian assistance to victims of disasters
- GA A/C.3/42/2, 16 November 1987: A new international humanitarian order
- GA res 45/100, 14 Dec 1990: Humanitarian assistance to victims of disasters
- GA res 46/120, 10 Feb 1993: An Agenda for Peace: Preventive Diplomacy

- S/Res/688, 5 April 1991: ...access by int'l humanitarian org's in IRAQ
- S/RES/820
- S/RES/816, 31 March 1993: ...acting nationally or through regional org's
- S/RES/794, 3 December 1992: ...establish secure environment.
- Humanitarian War: Military intervention and human rights, A. Roberts
- The new United Nations and former Yugoslavia, R. Higgins, both arts. from *International Affairs* 69.3 (1993) 429-449 and 465-483.
- Return to normal life in Sarajevo urged

Saturday, 22 October 1994, AM, 5th Session

Topic:

- International conflict prevention and conflict management

Texts:

- Looking into the 1990's, S. Aga Khan, *IRLJ*: 14-28; 1990
- Conflict prevention by the UN, Executive Summary, Helsinki, June 1992
- The UN in Conflict Prevention, L.Drüke, Brassey's: 22-72, 1994

Saturday, 22 October 1994, PM, 6th Session

Topic:

- Regional conflict prevention and crisis management

Texts:

- The Role of the CSCE, H. Vetchera, Brassey's: 72-112, 1994
- The NATO Approach, J. Barrett, Brassey's: 113-136, 1994
- The EC and Conflict Management, S. Keukeleire, Brassey's: 137-179, 1994
- Role of Western European Union, E. Remacle, Brassey's: 180-192, 1994
- The Int'l Organization of Conflict Prevention, Luc Reychler and Werner Bauwens, Brassey's: 193

Section 3: New approaches for humanitarian aid and cooperation

Saturday, 05 November 1994, AM, 7th Session: Mid-term examination (1 hour)

Topic:

- Emergency Preparedness Activities, Concepts of Operations Continuum
- Review of comprehensive regional approaches and UNHCR Evaluation Activities, A/AC.96/827. 20 July 1994 Executive Committee. GA

Texts:

- Central America (CIREFCA) and Vietnam (ODP, DISERO, CPA)
- "Orderly Departure from Vietnam: A Humanitarian Alternative", Judith Kumin, Diss., The Fletcher School, 1987, pp. 1-4, 244-248.
- The ODP, the 1979 and the 1989 Meeting and the CPA, Luise Drüke, Diss., in Preventive Action for Refugee Producing Situations, Lang, 1993.

Saturday, 05 November 1994, PM, 8th Session

Topic:

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- Cooperation between the EC Humanitarian Office (ECHO) and UNHCR and non-governmental organizations

Texts:

- Framework Partnership Agreement (sample)
- Convention of LOME IV: Human rights, emergency - and refugee aid

Saturday, 19 November 1994, AM, 9th Session**Topic:**

- Introduction to European Union legal and institutional framework

Texts:

- Treaty establishing the European Community (in part)
- Single European Act and Treaty on European Union (in part)
- The new Commission under President Santer, from January 1995.

Debate

Section 4: Asylum and humanitarian protection within the EU Member States**Saturday, 19 November 1994, PM, 10th Session****Topic:**

- First generation cooperation between EC and Schengen States, 1984-92
- Contributions of the European Commission and the European Parliament

Texts:

- Ten years harmonization process: by EC and Schengen States, Aug. 1994
- The Palma Document by the Coordinators, Free Movement of Persons, 1989
- The Dublin (asylum) Convention, 15 June 1990

- The Schengen Implementation Agreement, 19 June 1990 (part on asylum)
- Current Asylum Issues, UNHCR, 1992

Article: First generation cooperation, Pre-Maastricht 1984-1992, by L.Driike

Saturday, 3 December 1994, AM, 11th Session**Topic:**

- Second generation cooperation: The Treaty on European Union (TEU)
- First experience with the implementation of the Third Pillar. Provisions on Cooperation in Justice and Home Affairs

Texts:

- TEU Articles C, 100c, K. 1-9, Declaration on Asylum
- The London Resolutions on asylum, 1992
- Briefing on UNHCR's Position on the London Resolutions, 1992
- Overview of Readmission Agreements in Central Europe, UNHCR, 1993
- Implementation of Title VI of the TEU, 1993
- Defence of common positions in int'l organizations on asylum, 1994
- Commission Proposal for a Decision on convention of ext. borders, 1994

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- Note of meeting by External Frontiers Group of this proposal, 1994
 - Draft Convention setting up a European Information System (EIS), 1994
- Article: Second generation Cooperation, Post Maastricht, from 1992, by L.Drüke

Saturday, 3 December 1994, PM, 12th Session**Topic:**

- Role of the European Court of Justice for asylum and immigration?
- Case-law on free movement of Community- and third country citizens

Texts:

- Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities and record of formal sittings in 1993.
Class review in preparation of the final examination
Field trip to the European Institutions and a refugee centre in Brussels, details to be announced asap.

Saturday, 17 December 1994, PM, 13th Session**Final Examination: 3 hours**