



The Rule of Law and European Values in the Modern Ages: Frozen Conflicts in Europe and Transitional Justice

10-hour asynchronous course

Course designed and delivered by
Dr Nasia Hadjigeorgiou

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1. Introduction: Module Aims

This 10-hour asynchronous course looks at frozen conflicts and transitional justice in Europe through a rule of law lens. In order to achieve this aim, it seeks to familiarise students with key concepts regularly being used in the literature and then introduces a series of human rights problems that regularly arise in frozen conflict contexts. The course aims to inform students about best practices when addressing these human rights problems, by critically examining strategies that have been adopted in a range of different settings.

2. Contact Details

Module Leader

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3. Learning Outcomes

On successful completion of this course students will be able to:	
1.	Define key terms used in the literature on transitional justice and frozen conflicts.
2.	Understand in general terms the rule of law and human rights challenges that are created in frozen conflict contexts.
3.	Discuss specific examples of human rights violations that are experienced in frozen conflict contexts, in relation to forced displacement, missing persons and human trafficking.
4.	Critically discuss the contribution of international law, and in particular the European Court of Human Rights, on addressing these violations.
5.	Critically discuss practices and strategies that have been used in different frozen conflict settings in order to address these violations of the rule of law and human rights.

4. Teaching Methods

This is a 10-hour online asynchronous course and is divided into five 2-hour sessions. In addition to this course handbook, each recording is accompanied by two sets of learning resources:

- (a) A seminar handout – this explains the seminar aims, offers an extensive reading list relevant to that seminar’s topic, and a set of questions that students can use in order to test themselves at the end of each seminar (as a form of formative assessment).
- (b) A set of seminar powerpoint slides – these will be used during the seminar itself and provide the key information that the instructor will be referring to during the seminar.

Students should familiarise themselves with the seminar handbook before watching the online recording. They should then watch the seminar recording, which will lay out the basic information that they will need in order to understand the reading. At the end of the seminar, students should already be able to answer the questions set out in the seminar handout. They should then proceed with completing the reading outlined in the handout.

The reading has been divided into themes in order to make it easier for the students to focus on what interests them more. The recommendation is that students read as many of the recommendations as possible, in the order that they have been provided in the seminar handout. The recommendations start from general reading and proceeds with texts that offer more specialised and detailed information.

5. Methodology

The course starts with a 2-hour session that aims to familiarise students with key terms used in the transitional justice and frozen conflicts literature. These include transitional justice, frozen conflicts, de jure states, de facto states, ceasefire agreement, and comprehensive peace settlements. The rest of the course is divided into rule of law challenges that are commonly experienced in frozen conflict settings. Three challenges are discussed in more detail: the need to remedy forced displacement; the need to find, identify and return missing persons to their families; and the need to respond to the phenomenon of human trafficking.

The methodology adopted in each of the themed seminars is a case study approach. Each seminar explains the challenge in abstract terms, explains why such a challenge is exacerbated in frozen conflict contexts and why the challenge is different to what typically exists in societies that are already implementing a comprehensive peace agreement. It then uses examples from different frozen conflict settings to (a) explain the problem in more detail; and (b) discuss solutions that have been offered in frozen conflict contexts to date. Finally, it critically assesses whether these solutions are compatible with rule of law and human rights standards and whether they could be improved in any way.

6. Course Timetable

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Seminar	Approximate Duration	Timetable
1	2 hours	Establishing the basics: frozen conflicts, de facto states, international state responsibility
2	4 hours	Protecting the Rights of Displaced Persons in Frozen Conflicts
3	2 hours	Locating, identifying and returning missing persons in frozen conflicts
4	2 hours	Human Trafficking in Conflict and Frozen Conflict Contexts

7. Recommended Reading

Each seminar is accompanied by its own reading. This is general reading that is useful for the course as a whole.

- UN Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (S/2004/616, New York, United Nations, 2004)
- McAuliffe P, 'Transitional Justice and the Rule of Law: The Perfect Couple or Awkward Bedfellows?' (2010) 2 *Hague Journal on the Rule of Law* 110
- McAuliffe P, *Transformative Transitional Justice and the Malleability of Post-Conflict States* (Cheltenham, Edward Elgar, 2017)
- Sweeney J, 'Restorative Justice and Transitional Justice at the ECHR' (2012) 12 *International Criminal Law Review* 313
- Teitel R, *Transitional Justice* (Oxford, Oxford University Press, 2000)
- Teitel R, 'Transitional Justice Genealogy' (2003) 16 *Harvard Human Rights Journal* 69
- McGregor L, 'International Law as a "Tiered Process": Transitional Justice at the Local, National and International Level' in McEvoy K and McGregor L (eds), *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Oxford, Hart Publishing, 2008) 47-74
- McEvoy K, 'Beyond Legalism: Towards a Thicker Understanding of Transitional Justice' (2007) 34 *Journal of Law and Society* 411
- Baillet CM and Mujezinovic Larsen K, 'Introduction' in Baillet CM and Mujezinovic Larsen K (eds), *Promoting Peace through International Law* (Oxford, Oxford University Press, 2015) 1-18
- Bar-Tal D, 'From Intractable Conflict through Conflict Resolution to Reconciliation: Psychological Analysis' (2000) 21 *Political Psychology* 351
- Bell C, *Peace Agreements and Human Rights* (Oxford, Oxford University Press, 2000)