International School for Humanities and Social Sciences

Syllabus

Conflict Resolution in the Netherlands

2012

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Course Description

We will take advantage of the fact that this course takes place in the Netherlands. We explore issues of conflicts, violence, criminal justice, and dispute settlement in a variety of ways. We will, for example, visit an institution engaged in a uniquely Dutch form of meting out alternative punishment. We will also visit a Dutch prison and learn about the Dutch prison regimes.

The Hague is the center of international courts, with the International Court of Justice, the Criminal Tribunal for the former Yugoslavia and the International Criminal Court. We will visit these courts and learn about the cases that are brought before these judges and the role that these courts play in international conflicts.

We will further examine a particular recent development in the Netherlands: the criminalization of squatting. Whereas for a long time the Netherlands was one of the only countries where squatting had been legalized according to specific conditions, the criminal prohibition of 2010 is transforming the longstanding practice of squatting and bringing up challenges of enforcing the prohibition and the punishment of squatters.

Lastly, we will have a look at the Dutch experiences with war. Specifically, we will reflect on the Dutch responses to the German occupation during the Second World War. And we will analyze and debate the role of the Dutch military during a UN peacekeeping operation in the former Yugoslavia. We will reflect on the “Dutch” approach in Afghanistan to win the “hearts and minds” of the Afghans by “having tea.”

In sum, through this course, the students get unique insight into several key institutions and approaches in the Netherlands towards social problems, crimes and conflicts.

Drawing upon the methodology of Problem Oriented Learning, students will be encouraged to engage actively with specific problems and seek and provide answers to the questions that arise as they try to solve these problems.
Assignments

Students will write two papers and participate in one debate.

For the papers, students will choose a problem. Students work on these problems in groups of 4 students and produce a collective paper. Students will, however, divide the paper in four parts and take charge individually of each such part. Students will receive one grade for their individual part and a grade for the paper as a whole. The individual grade will weigh for 2/3 and the collective grade will be 1/3 of your final grade.

The grading will be as follows:
Debate: 20%
Paper 1: 40%
Paper 2: 40%

Assignments timeline:
First paper: 23rd of July
Debate: 24th or 26th of July
Second paper: 6th of August
Week I – International Courts in the Netherlands

What are the international courts in the Netherlands? What are the differences between them? What are the legal instruments that founded them and according to which they work? What are the cases that come before these courts? What role did they play in actual conflicts?

Monday: Introduction
Tuesday: International Court of Justice: the case of the Wall in Palestine
Wednesday: The basics about the ICTY and the ICC
Thursday: Cases at the ICTY and the ICC
Friday: Visit to the International Court of Justice in The Hague, International Criminal Court and the International Criminal Tribunal of the Former Yugoslavia

ASSIGNMENT WEEK 1

Write a report of 1,400 – 1,500 words on one of the following problems:

- Iraqi prisoner having suffered torture in Abu Graib
  o You work at a human rights organization which is approached by an Iraqi prisoner who has suffered torture in Abu Graib. He is looking for justice. Next week the former prisoner will visit your organization for a consultation about his legal possibilities regarding his case. You are given the task to write an initial paper about the possibilities to bring the case before the international courts in The Hague. This paper should serve as the basis for the consultation with the former prisoner that will take place next week. You should assess the possibilities before the courts, the conditions under which cases can be brought, and the conditions under which the cases could be successful.
  o In your preparation for this report, consider and address the following questions:
    ▪ What kind of “justice” could these courts bring in his case? Which former cases in the international courts shed light on the possible prospects in this case? Who would be the relevant actors before the court? How would the case be framed? What are the questions that you would ask the former prisoner in order to determine how to advance in this case? What do you need to know about the facts of the case in order to proceed? Can the case be brought for any of the international courts? Why (not)? If so, how should the case be framed? Which court would you recommend him to approach? What would be the advantages and the drawbacks? What would you recommend your organization and the former prisoner to do?

- Thousands of Lapindo Brantas mudflow victims from Sidoarjo, East Java
  o You work at a human rights organization which is approached by Indonesian organization JATAM which is concerned with the mudflow victims in Sidoarjo. They are looking for justice. Next week a representative of JATAM will visit your
You are given the task to write an initial paper about the possibilities to bring the case before the international courts in The Hague. You should assess the possibilities before the courts, the conditions under which cases can be brought, and the conditions under which the cases could be successful.

In your preparation for this report, consider and address the following questions:

- Can the case be brought for any of the international courts? Why (not)?
  - What kind of “justice” could these courts bring in his case? Which former cases in the international courts shed light on the possible prospects in this case? Who would be the relevant actors before the court? How would the case be framed? What are the questions that you would ask the organization JATAM in order to determine how to advance in this case? What do you need to know about the facts of the case in order to proceed? Which court would you recommend him to approach? What would be the advantages and the drawbacks? What would you recommend your organization and JATAM to do?

DEADLINE: Monday 23rd of July
**Week II – Dutch Approaches to War and Criminal Justice**

We will discuss two ways in which the Dutch have been affected by war experiences. Firstly, we will visit a museum that deals with the Netherlands during the Second World War and discuss the different ways in which the Dutch responded to the German occupation: collaboration, resistance, hiding, or keeping aloof. Secondly, we will learn about the war in the former Yugoslavia. During this war the Dutch military participated as peacekeepers in a UN intervention. The Dutch failed to save Bosnian men from a massacre which was later called genocidal. We will reflect on the “Dutch” approach currently in Afghanistan to win the “hearts and minds” of the Afghans by “having tea.”

We will further explore criminal justice practices in the Netherlands. What are specific features of criminal justice in the Netherlands? We will visit an institution engaged in a uniquely Dutch form of meting out alternative punishment. We will visit a Dutch prison and learn about the Dutch prison regimes. We will discuss neo-punitivism in the Netherlands and the sharp rise of the prison population. We will touch upon the notion “gedoogbeleid”, Dutch scholars and abolitionism, and look at Dutch crime rates. At the same time, we reflect upon the tendency to categorize conduct as “crimes” and the difference with the perspective to look at events, harmful behavior, or recurrent patterns as “social problems.” We will deconstruct the prevalent notion of Dutch tolerance.

Monday: War in the former Yugoslavia + Video Miss Sarajevo
Tuesday: Debate about Dutchbat and the role of the Dutch military in the genocide in Srebrenica
Wednesday: Visit the Resistance museum
Thursday: Debate about the “Dutch approach” in Afghanistan and an introduction to the Dutch criminal justice system
Friday: Visit to a Dutch prison and Bureau Halt

**ASSIGNMENT WEEK 2**

Tuesday 24th of July and Thursday 26th of July you will participate in one of the following debates:

Topic 1: The Dutchbat battalion could and should have stayed to defend the people of Srebrenica.

Topic 2: The “Dutch” approach currently in Afghanistan “having tea” is an effective way to win the “hearts and minds” of the Afghans.
Week III – Case study: Criminalization of Squatting in the Netherlands

Students will be encouraged to explore all sorts of questions in relation to the recent criminalization of squatting in the Netherlands. What role did squatting play in Dutch society? What were the dispute settlement mechanisms until 2010? How did the criminalization of squatting transform the squatting practices? How did the Dutch municipalities, and specifically Amsterdam, enforce the squatting prohibition? How did the courts punish squatters? How did the encounters between police and squatters transform since the 1980s and after 2010?

Monday: Criminalization of squatting
Tuesday: History of squatting in the Netherlands + film of urban change in Amsterdam
Wednesday: Policing of the new prohibition and developments since 2010
Thursday: Visit “Binnenpret”, an old squat and current socio-political center
Friday: Conclusion of the Summer School

Write a report of 1,400 – 1,500 words on one of the following problems:

- **Legalization of squatting:**
  - You are working for a member of parliament in the state New York. Because of the high number of inhabitants searching for a place to live in New York City, while many buildings and apartments are empty, the Member of Parliament is considering introducing a bill that would legalize squatting under certain specific conditions, requirements and circumstances. She sent you to the Netherlands to investigate the experiences with squatting and also to understand the reasons why the Netherlands reversed its policy in which squatting was legally protected and decided to criminalize this social practice. You are asked to write a paper in which you evaluate the Dutch context in which squatting was made legal, the conditions under which it maintained this legality, and the process in which it became a crime. You should evaluate the possibilities of legalization and its drawbacks, specifying the conditions that could make it work and the requirements that should accompany it. You should also pay attention to the circumstances or context in which squatting turns into a social problem and when legalization only increases that problem. You should advice the Member of Parliament regarding the bill based on the Dutch experience with squatting, its legal protection and its criminalization. Take into account the specifics of the context of a need for housing in New York City, its experiences with squatting, and its current policy regarding squatting. What information is necessary to take into account in your advice?

- **Criminalization of squatting:**
  - You work for an international consultancy firm working on issues of social policy, often hired by governmental agencies. The Dutch Housing Ministry wants an objective evaluation of the Dutch policy regarding squatting, specifically its
criminalization in 2010. Your consultancy firm tasked you with the independent, outside evaluation of the Dutch decision to criminalize this social practice.

In your preparation for this report, consider and address the following questions:

- What has been the experience with the implementation of this law? Has it solved the problem for which the law was created? What has been the effect on squatting and the housing market? What has been the reception by municipalities and the Dutch courts? Take into account the facts that you need to know and the trajectory that led to the criminalization of squatting. Was criminalization the only option that was considered? Why were other options rejected? What was the perceived problem that led to the bill? How was the criminalization supposed to improve this situation? What are the specific consequences that you consider relevant for the Housing Ministry?

DEADLINE: Monday 6th of August