

**POLITICAL THOUGHT AND HUMAN RIGHT JURISPRUDENCE**

**Objective of the Course:**

It is said that law develops with the development of the nations. That means Law and society develops relatively. In a world under terror and feudalism where mankind is not living a peaceful life, one cannot say this, a stage of development. Hence to ensure human dignity and to claim states' growth, it is the duty of the sovereign to give proper protection along with reasonable rights to the mankind. Being the HR group student one must be aware with the science of Human Right as these are the more scientific legal norms applicable on Humans universally. The purpose of the course in brief is to introduce students about the concept of right in General and the Human Right in particular. All the philosophical and historical notions behind the Human Right Laws have also been investigated in the course.

In this course a detailed historical survey has been highlighted so that understanding can be develop among the student as how these norms of Human right have been arrived at. In a civilized society the growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression those human rights are not different from natural rights envisaged by the natural law school.

**Course Out line:**

**Chapter-1 Introduction**

- a. Unregulated Society and Regulated Society – A contrast and justification of HR
  - b. Concept of Right
  - c. Concept and crux of Human Right
    - Religious Scriptures
    - Natural Law and Devine order
    - Due Process and righteousness
- The Jurisprudence of Human Right Law Edited by Orlin, T.S. Rosas,&Scheinin
  - Islam and Human Rights by Muhammad Amara
  - Taking Rights Seriously by Dworkin, Ronald.
  - Natural Law and Natural Justice by Finnis, John.
  - A Theory of Justice by Rawls, J.
  - Human Rights in Cross Cultural Perspectives: A Quest for Consensus by An-Naim, Ahmed.

**Chapter-1I Theories of Human Right**

- a. Classical and Philosophical theory
  - b. Scientific Theory
  - c. Marxism Theory
  - d. Constructive and realistic theory
  - e. Utilitarian Theory
- The Concept of Human Right by Donnelly
  - International Human Rights in Context-Law Politics, Morals by Steiner, H. & Alston, P.

**Chapter-1II Antecedents of the concept of Human Right**

- a. Magna Charta 1215
  - b. Bill of Rights 1688
  - c. American Declaration of Independence 1775
  - d. French Revolution 1789
- The Bill of Rights by Fernando, E.M.

- International Instruments as above

#### **Chapter-IV Development of Human Right in New World Order**

- League of Nations
  - UNO
  - UDHR and Other Human Right Instruments
  - Regional Arrangements
  - Constitution
- The International Law of Human Rights by Sieghart Paul
  - The International Human Rights Law and Practice Edt. By Tuttle J.C.
  - Constitutions of Different States
  - The Law of International Institutions by Bowett, D.W.
  - Human Rights in Context-Law Politics, Morals by Steiner, H. & Alston, P.
  - Understanding Human Right : A Manual on Human Rights

#### **Chapter-V Fundamental Freedoms and Human Rights**

- Life (Health, Food, Education, Language, Movement, Dignity )
  - Liberty and security (Torture, Exploitation, work, Slavery and forced labour )
  - Equality (Before law, During Protection under law, opportunity, Non-discrimination ) & Fair Trial
  - Private family life
  - Freedom of Expression/Assembly/Association /Religion
  - Political Activity & Free and fair Elections
  - Property
- The World of Science and the Rule of Law by Ziman, Sieghart and Humphrey

#### **Chapter-VI Developing Human Right Jurisprudence**

- Death Penalty
  - Right to Die (Euthanasia )
  - The Right to Privacy
  - Human Rights of Terrorists
  - International Humanitarian Law
  - Other Issues
- ICRC Study on International Humanitarian Law, 2005 Vol.-I (161 Rules)
  - ECOSOC, Human Rights Issues: Terrorism and Human Rights, Second Progress report (July 17, 2002) (E/CN.4/Sub.2/2002/35).
  - Louise Doswald-Beck and Sylvian Vite, IHL and IHRL, IRRC NO 293 (1993).

#### **Suggested Readings:**

- Almqvist, Jessica ;Human Rights, Culture and the Rule of Law, 2005
- Bagshaw, Simon ;Developing a Normative Framework for the Protection of Internally Displaced, 2005 ;
- Carwasaw, Ralph ;Essential Cases on Human rights for the police: reviews and summaries of volume 4, 2006 ;
- Clifford Orwin and Thomas Pangle, the Philosophical Foundation of Human Rights-The Origin of Understanding of Human Rights, pp.3-6.
- Cynthia Price Cohen ;Jurisprudence on the Rights of the Child, 2005
- Eide, Asbjorn ;Article 27: the right to an adequate standard of Living, 2006 ;
- Expanding the Horizons of Human Rights Law: New Authors, New Themes, 2005 ;
- Global Responsibilities Who Must Deliver on Human Rights?, 2005
- Human Rights and Development Towards Mutual Reinforcement,2005
- Jack Donnelly, International Human Rights, The Emergence of International Human Rights Norms, pp. 6-7.

- Josef Chan, *The Asian Challenge to Universal Human Rights: A Philosophical Appraisal*
- Joseph Wronka, *Human Rights and Social Policy in the 21st Century, The Nature of the Rights*, pp.22-31.
- Justiciability of economic and social rights, 2006
- Manfred, Nowak ;*Introduction to the International Human Rights Regime*, 2003 ;
- Martin, Francisco Forrest ;*International Human Rights and Humanitarian Law*, 2006 ;
- Michael Freeman, *Asia and the West, The Universality of Human Rights*, pp.17-23.
- Murray, Rachel ;*Human Rights in Africa From the OAU to the African Union*, 2004 ;
- Nowak, Manfred ;*The Right to Life, Survival and Development*, 2005 K639.N69
- Orlin, Rosas and Martin Scheinin; *Jurisprudence of Human Rights Law:A Comparative Interpretive Approach; From Institute of Human Rights-Turku*
- Oscar M. Garibaldi, *General Limitations on Human Rights-The Principle of Legality*. Vol. 17, No. 3, 1976.
- Ramcharan, B. G. ;*A UN High Commissioner in Defense of Human Rights: No License to Kill or Torture*, 2005 ;
- Ramcharan, Bertrand G. ;*The Protection Role of National Human Rights Institutions*., 2005 ;
- Renteln Alison, *International Human Rights: Universalism Versus Relativism, Human Rights and the Presumption of Universality*, pp.46-47
- Renteln Alison, *International Human Rights: Universalism versus Relativism, Relativism Revisited*, pp.61-68.
- Rowe, Peter ;*Impact of Human Rights Law on Armed Forces*, 2006
- Schulte, Constanze ;*Compliance with Decisions of the International Court of Justice*, 2004 ;
- Shelton, Dinah ;*Remedies in International Human Rights Law (2nd Rev ed.)*, 2005 ;
- Skogly, Sigrun ;*Beyond National Borders: States Human Rights Obligations in International Co-operation*, 2006 ;
- Steiner and Alston, *The International Protection of Human Rights in Context; Law, Politics and Morals*, 1996, pp 26-240.
- The Cairo Declaration on Human Rights, Articles 6, 12, 19, 22, 24, and 25,
- The World Conference on Human Rights: *The Vienna Declaration and Programme of Action of 25 June 1993 ( p.30)*, The Universality, Interdependence, Indivisibility of Human Rights, items 54-56.
- Trechsel, Stefan ;*Human Rights in Criminal Proceedings*, 2006
- *Understanding human rights, manual on human rights education*, 2006
- Vandenhole, Wouter ;*Non-discrimination and equality in the view of the UN human rights treaty bodies*

## INTERNATIONAL HUMANITARIAN LAW

### COURSE OUTLINE

#### Chapter-I      **General Introduction**

- a. Defining IHL
- b. Objectives of IHL
- c. Difference between *jus ad bellum or jus contra bellum* and *jus in bello*
- d. Sources of IHL
- e. Relation between IHL and International Human Rights Law (IHRL)
- f. Fundamental Principles of IHL

#### **Reference:**

- L. Doswald-Beck, the Value of the 1977 Geneva Protocols for the Protection of Civilians, in ARMED CONFLICT AND THE NEW LAW: ASPECTS OF THE 1977 GENEVA PROTOCOLS AND THE 1981 WEAPONS CONVENTION (Michael A. Meyer ed.)
- Dietrich Schindler, The Laws of Armed Conflicts: A Collection of Convention, Resolutions and Other Documents.
- Louise Doswald-Beck and Sylvian Vite, IHL and IHRL, IRRC NO 293 (1993).
- Hans-Joachim Heintze, the European Court of Human Rights and the Implementation of Human Rights Standards during Armed Conflict.
- Theodore Meron, Protection of the Human Person under IHRL and IHL.
- GIAD Draper, the Development of IHL, in INTERNATIONAL DIMENSIONS OF HUMANITARIAN LAW, (Geneva, 1998) pp 67-90.
- Jean Pictet, Development and Principles of IHL (1985).

#### Chapter-II      **Types of Armed Conflicts**

- a. International and Internationalized Armed Conflicts
- b. Non-international Armed Conflict
- c. Internal violence

#### **References:**

- Rosemary Abi-Saab, Humanitarian Law and Non-International Armed Conflicts, ICRC-Graduate Institute Training Seminar on IHL for University Teachers, Geneva 10-15 Aug. 1998.
- Dieter Fleck, Humanitarian Protection against Non-State Actors, available online at <http://edoc.mpil.de/fs/2003/eitel.cfm>.

#### Chapter-III      **Protected Persons and Objects**

- a. Concept of Protected Persons and Objects
- b. Distinction between Civilians and Combatants
- c. Wounded, Sick and shipwrecked
- d. Religious and Medical Personnel
- e. Prisoners of War (POWs)
- f. Civilian Population
- g. Spies, mercenaries and saboteurs
- h. Military Objects, Civilian Objects and Protected objects

#### **Reference:**

- Waldemar A. Solf, Development of the Protection of the Wounded, Sick and Shipwrecked under the Protocols Additional to the 1949 Geneva Conventions.
- Theodore Meron, Prisoners of War, Civilians and Diplomats in the Gulf Crisis, American Journal of International Law, Vol. 85 at 104.

- Gordon Risius & Micheal A. Meyer, The Protection of POWs against Insults and Public Curiosity
- Habib Slim, Protection of the Red Cross and the Red Crescent Emblems and the Repression of Misuse.
- Francois Bugnion, Towards a Comprehensive Solution to the Question of the Emblem (2000).
- ICRC, Model Law Concerning the Use and Protection of the Emblem of the Red Cross and the Red Crescent (1996).

#### **Chapter-IV Means and Methods of Warfare**

- a. Prohibited methods of combat
- b. Prohibited means of combat

#### **Reference:**

- ICRC, Development in Relation to Certain Conventional Weapons and New Weapons Technologies (Geneva, 1991).
- Louise Doswald-Beck & Gerald C. Caudery, The Development of New Anti-Personnel Weapons.

#### **Chapter-V Implementation of IHL**

- a. The Role of the State
- b. Role of the ICRC
  - History and Mandate of ICRC
  - Activities in armed conflicts and Peace time
- c. Occupied territory

#### **Reference:**

- ICRC, The Roots of Behaviour in War: Understanding and Preventing IHL Violations.
- Yves Sandoz, Implementing IHL, in International Dimensions of Humanitarian Law, UNESCO).
- Improving Compliance with IHL, ICRC Expert Seminar (ICRC, 2003).

#### **Chapter-VI Individual Criminal Responsibility**

- a. Obligation of States to Prosecute grave breaches of IHL
- b. International Crimes
- c. International Criminal Tribunals
- d. **Recent Challenges to IHL**

#### **Reference:**

- ECOSOC, Human Rights Issues: Terrorism and Human Rights, Second Progress report (July 17, 2002) (E/CN.4/Sub.2/2002/35).
- Federico Andreu-Guzman, Terrorism and Human Rights No.1 & 2: New Challenges and Old Dangers (International Commission of Jurists, March 2003).
- ICRC, IHL and the Challenges of Contemporary Armed conflicts (Geneva, 2003).

## LAW IN INTERNATIONAL HUMAN RIGHTS STANDARDS

### COURSE DESCRIPTION

Like someone said it so eloquently, “[h]uman rights have emerged as the most paradoxical subject of international [and national] discourse. While it is impossible to find governments baldly advocating the abolition of all human rights, it is impossible to find a government committed to the full and free exercise of all possible human rights. The rhetoric of human rights provides a basis of agreement among nations to support human rights, but the range of definitions of the term and the variety of examples illustrating restrictions on the rights of humans by those same nations would lead even the most naïve observer to level charges of hypocrisy, fraud, chaos, or simple confusion.”

The human rights discourse incorporates a long history of disparities general principles, variant definitions, and contradictory practices. Words like human rights stir emotions; produce elaborate dissent and restraints, and fuel scholarly debates. The term suffers from problems of self-serving definitions, biased interpretation, and questionable practices.

Against this backdrop, the course is intended to provide an introduction to basic human rights philosophy, principles, instruments and institutions, and also an overview of current issues and debates in the field with focus on the problems specific to India.

This course aims to explore some aspects of the diverse and increasingly complex body of human rights law that has both national and international application at a time when virtually all states, including India, proclaim their acceptance of international human rights norms.

### COURSE OBJECTIVES:

At the end of this course, students should:

- Understand the key historical, political, legal and moral influences that have shaped the idea of "human rights", and to analyze the contemporary challenges and trends in human rights theory and practice;
- Identify the major international and regional human rights declarations, treaties, and covenants, and identify mechanisms for monitoring and enforcing human rights standards, they should also have a working knowledge of the major human rights conventions, processes and techniques and be able to identify and use the human rights instruments is a party to and apply those mechanisms in concrete situations;
- Have a strong working knowledge of the legal and institutional framework for the protection of human rights in India; and
- Know how to research, and where to find, human rights materials that will be necessary to future work in the field, and how to construct and advocate effective legal and policy arguments using international human rights norms and discourse.

### Course Outline

#### Chapter-I

Introduction to some basic concepts of International Law

- a. What is International Law?
- b. Sources of International Law
- c. Subjects of International Law

Readings:

- Ian Brownlie, *Principles of Public International Law* (1998).
- Shaw, *International Law* (2003).
- Akehurst, *Modern Introduction to International Law* (1997).

#### Chapter-II

Meaning, nature, theory and History of Human Rights Law

- a. Meaning and properties of Human rights
- b. Historical Development of Human Rights
- c. Philosophical Underpinnings of Human Rights
- d. Universalism vs. Cultural Relativism

**Readings:**

- Ahmed An-Na'im (ed.)(1992) Human Rights in Cross Cultural Perspectives: A Quest for Consensus.
- H. Steiner & P. Alston (2000) International Human Rights in Context-Law Politics, Morals (pp 3-552).
- Paul Sieghart (1993) International Law of Human Rights.
- Karel Vasak(1982) The International Dimension of Human Rights

**Chapter-III** The Normative and Institutional Framework of International and Regional Human Rights Law: Principal Normative Instruments, Institutions and Implementation Mechanisms

- a. The International Bill of Rights
  - i. UDHR
  - ii. ICCPR
  - iii. ICESCR
- b. Other Principal Universal Human Rights Instruments
  - i. CAT
  - ii. CEDAW
  - iii. CRC
  - iv. CERD
- c. Regional Human Rights Treaties
  - i. European System
  - ii. African system
  - iii. Inter-American System
  - iv. Asian -SARC

**Readings:**

- H. Steiner & P. Alston (2000) International Human Rights in Context-Law Politics, Morals (pp 779-936).
- T. Buergenthal (1998) International Human Rights in a Nutshell.
- Rebecca Wallace (1997) International Human Rights-Texts and Materials.
- Jack Donnelly (1989) The Concept of Human Rights.

**Chapter-IV** The Recognition and Protection of Human Rights under the Indian Legal System

- 4.1.Domestication and Status of International Human Rights Instruments in the Indian Legal System
- 4.2. Human Rights Provisions of the Constitution
- 4.3.Institutional Framework for the Protection and Promotion of Human Rights
  - 4.3.1. The Role of the Judiciary in the Protection of Human Rights
  - 4.3.2. The Prosecution and the Police
  - 4.3.3. National Human Rights Institutions
  - 4.3.4. Human Rights NGOs
4. 4. The War Crimes and Crimes against Humanity Trials.

## **HUMAN RIGHTS IN INDIA**

### **Chapter-1 History and Development of Human Rights in the Indian Constitution**

- 1.1 Constitutional Philosophy – Preamble
- 1.2 Fundamental Rights – Right to life, liberty & equality
- 1.3 Directive Principles of State Policy

### **Chapter-1I Judicial Activism and development of Human Rights Jurisprudence**

- 2.1 PIL
- 2.2 Writs
- 2.3 Principle of Basic Structure (Constitution of India)
- 2.4 Consumer Protection
- 2.5 ILO

### **Chapter-III Protection of the Aged and the Disabled under the Indian Legal System**

- 3.1 Constitutional Framework : Fundamental Rights, Directive Principles and Fundamental Duties.
- 3.2 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 : Chapters IV to VIII
- 3.3 Mental Health Act, 1987;
  - Central and State Authorities for Mental Health Services
  - Establishment and Maintenance of Psychiatric Hospitals and Psychiatric Nursing Houses
  - Administration and Detention in Psychiatric Hospitals and Psychiatric Nursing Houses.

### **Chapter-1V Sex Inequality in Inheritance Rights in India**

- 4.1. Feudal institution of joint family - women's inheritance position
- 4.2. Hindu Law
- 4.3. Muslim Law
- 4.4. Matrimonial property
- 4.5. Movement Towards Uniform Civil Code
- 4.6.. Right of women to adopt a child
  - 4.6.1 Problems of women guardianing

### **Chapter-V Discrimination against Female Children**

- 5.1. Amniocentesis,
- 5.2. Deferred infanticide through based nutritional discrimination)
- 5.3. Termination of pregnancy

### **Chapter VI Protection agencies**

- 6.1 National and State Human Rights Commissions and their role
- 6.2 Role of NGOs and public interest litigation

### **Role of India in Implementing International Norms and standards**

#### **Reference books:**

1. D.D. Basu; Human Rights in Indian Constitutional Law
2. B.P. Singh Sehgal; Law, Judiciary and Justice in India
3. Poornima Advani : Indian judiciary – A Tribute
4. Justice Venkateramaiah : Human Rights in changing world.
5. Revasia & Revasia, Women Social Justice & Human Right (1998) PP.H. Publishing, New Delhi
6. Ajnes, Flavia, Law as Gender inequality, N.Delhi, Oxford (1999)
7. Sumithra Vishnu V. Union of India 1985 SC 1618.
8. 42nd Report Law Commission, the Dissenting Note of Justice Anna Chandy on provision of adultery, p.366.

9. Towards Equality - Report of the Committee on the Status of Women (Govt. of India), Chapters IV
10. & Section IV General Conclusions & Recommendations.
11. Balram - Women workers the labour legislation in India 1984(2) I.L.J.1527.
12. Lotika Sarkar, The Law Commission of India (1988).
13. Indian Law Institute, Child and the Law (1979, S.N. Jain ed.)
14. U. Baxi, Law and Poverty: Critical Essays(1988), Eastern, Luknow
15. Students should be encouraged to look at the distinctive legal problems of children in the area where an instruction is imparted. The literature on children's plight is vast and varied. But it is important that the focus of the course be on understanding of the distinctively legal problems in the region and ways in which we can contribute to change.

**INTERSHIP PROJECT WITH NGO AND PROJECT REPORT**

**Tentative Topics for the Projects:**

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

**Guidelines on how to go about writing the Projects**

**When you write your papers, you need to remember that:**

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- c. You must exert a lot of effort to achieve some degree of originality in your work.
- d. You must abide by the rules of citation.
- e. You can seek and get assistance from your instructor.
- f. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

**Your paper must have:**

1. Introduction
2. Discussion

3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

The **Introduction** must:

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview
- Questionnaire

Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.

**The Discussion** (which is the body of the paper) must:

- a. Discuss the issues raised in the introduction.
- b. Show that the objective of the researcher is achieved.
- c. Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- d. Show the writer's method.
- e. Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

#### **Conclusion and recommendation must be:**

- a. Brief
- b. Neatly written.
- c. Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).

\*Make the best of efforts to find practical problems and commensurate solutions.

#### **When you prepare your outline:**

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

#### **When you write the body:**

1. **Keep remembering the ABC of legal writing, i.e.,**
  - A. Accuracy
  - B. Brevity
  - C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous. Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

## **2. Remember that the paper is yours, not of the people you read in books.**

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

**3. Do not forget that your paper is a law student's paper.** It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### **When preparing the Bibliography**

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.
- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

- Patrick Hayden (2001), **The Philosophy of Human Rights**. St Paul, Minn: Paragon House.
- Helen Fenwick (1994), **Civil Liberties**. London, UK: Cavendish Publishing Limited.
- Adrian Hastings (1997), **The Construction of Nationhood: Ethnicity and Nationalism**. Cambridge/New York: Cambridge University Press.

**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### **When Working in Groups (Practical Tips)**

1. Get together quickly.
2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.

4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

**When presenting the paper:**

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.
6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

**Before [and during] the Presentation: Practical Tips:**

1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
2. Set an outline of your speech.
3. Avoid holding papers in your hand, for it betrays your fear and anxiousness.
4. Pitch the tone of your voice at an appropriate level.
5. Avoid mannerisms. (Don't scratch your hair, etc).
6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.

10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know.

Honesty is a better virtue than stubbornness is.

**What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

***Note: Your term paper is going to be marked strictly in accordance with the rules in this guideline.***