

Course Outline

COURSE:	FYSM - 1502 C – GLOBAL GOVERNANCE AND HUMAN RIGHTS
TERM:	Fall/Winter 2007-2008
CLASS: Day & Time:	Monday & Wednesday – 2:30 - 4:00pm
ROOM:	208 CO – Residence Commons
INSTRUCTOR:	Nick E. Milanovic
CONTACT:	
Office:	C476 LA (Loeb Bldg.)
OFFICE HRS.:	Monday or Wednesday by appointment
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Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is **November 9, 2007** for December examinations and **March 14, 2008**, for April examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

General Course Objectives

International human rights generally refers to the broad array of internationally agreed standards of conduct between a state and its citizens, as well as the myriad of institutions, that develop, promote and monitor respect for human rights among nations. Traditionally, international law's ability to impose an orderly legal regime has competed with the anarchical relationships between sovereign states that tend to act in their own interest. In this context, states retained an exclusive ability to completely regulate and control their own domestic affairs, including their unilateral right to subject citizens to a wide range of (questionable) behaviour. With recent advent of globalization and the restructuring in geo-political realities since World War II, international human rights law has become a central framework in which discussions on, and decisions about, various matters influence the relationship between states and other actors. In short, international human rights law increasingly shapes and constrains the relations between countries including the way in which governments chose to act within their own domestic sphere. As a result, international human rights law appears to be assuming an important (and not uncontroversial) status dedicated to safeguarding human dignity in the face of ongoing changes to the political, economic, social and cultural affairs of the world.

This course introduces you to some of the key terms and issues in international human rights law and attempts to make some sense of the recent transformation of the law. This course will explore the role of various actors (i.e. governments, corporations and non governmental organizations) in protecting and promoting international human rights law. Seminars in this class will attempt to grapple with the nature of international human rights law, why a change has occurred in its relevance and what the prospect this area of law might hold for the recognition and application of various human rights in the future. Importantly, this course will also provide students an opportunity to investigate a range of human rights issues of interest to them. Using

international human rights as our substantive background, this course will also introduce students to, and develop, a range of skills, including:

- (a) reading and following an argument;
- (b) writing for a specific purpose;
- (c) using a range of research tools;
- (d) introduction to analytical reasoning and writing;
- (e) using computer-based research, discussion and time-planning resources;
- (f) working in groups and engaging in respectful class discussion in different settings;

Evaluation

Writing Assignments:	20 %
Due October 10	5%
Due October 29	5%
Due February 27	5%
Due March 21	5%
2. Group presentation:	20%
• Group plan (due Nov. 7)	
• Presentation handout	
• Presentation	
3. Essay (1st term):	20 %
Due: Dec. 3 in class	
4. Annotated Bibliography:	10 %
Due January 30 in class	
5. Analytical essay (2nd term)	20%
Due: April 2 in class	
6. Participation	10 %

THE 'RULES' on completing and handing in your assignments:

1. Assignments must be handed in on time and at the location specified in the assignment instructions. For assignments due to be handed in DURING CLASS, any assignment handed in after the end of class, WILL BE MARKED LATE.
2. As a rule, I DO NOT GIVE OUT EXTENSIONS unless there is an extreme case and with supporting documentation (a doctor's note, a coroner's certificate, etc).
3. Late assignments will be deducted: 1/2 mark for each day or part day it is late (for writing assignments), and 2 mark/each day or part day for all other assignments such as essays.
4. Any assignment more than 7 days late and without a valid excuse (see #2 above) MUST BE SUBMITTED but will be an AUTOMATIC FAIL.
5. All assignments must be double-spaced and typed, unless otherwise specified.
6. Students must submit all of the graded assignments for this course in order to pass.

Materials:

The reading assignments for this class have been compiled into a 'course pack' which is available for you to buy from Octopus Books, 116 3rd Avenue, Ottawa, ph: 233 2589. The course pack is invaluable and must be purchased.

FIRST SEMESTER (FALL, 2007)**Sept. 10 Introductions & Overview of Course****Assignment to be completed for next class:**

Bring to the next class a newspaper article about an international human rights topic that interests you. The story must come from ONE of the following newspapers only: The Globe and Mail, The Financial Times, The Guardian, The Times, The New York Times, the Washington Post, The Observer or the Guardian Weekly. Come to class prepared to discuss the story you chose, why you chose it and your assessment of the newspaper's coverage of the story. Stories from other newspapers WILL NOT be accepted.

Sept. 12 What is the 'international'?**Readings:**

Steiner and Alston, *International Human rights in Context: Law Politics, Morals*.

Oxford: OUP (ISBN 0198298498, pp.1494), pp. 4-17;

Daniel Madar, *Canadian International Relations* (Scarborough, Ont: Prentice Hall, 2000), pp. 97-100; 118-121.

Sept. 17 The United Nations System: A Parliament of Man?**Readings:**

Margaret P. Karns and Karen A. Mingst, *The United Nations in the Post-Cold War Era*. (Boulder, CO: Lynne Rienner Publishers, 2004), pp. 4-11; 98-106; 110-121; 124-5.

Sept. 19/24 Introduction to International Human Rights

The international 'bill of rights': The Universal Declaration on Human Rights and the two covenants

Readings:

UN, "Fact Sheet 2: The International Bill of Rights,";

'The United Nations Human Rights System,' from the Government of Canada web-site,(in course pack);

Karns and Mingst, *The United Nations in the Post-Cold War Era*. (Boulder, CO: Lynne Rienner Publishers, 2004), 424-435.

Texts of the Universal Declaration on Human Rights; International Covenants on Civil and Political Rights, and Economic, Social, and Cultural Rights (at front of reading pack).

Sept. 26 Human Rights in Canada: Issues and Problems

Readings: Amnesty International, *At Home and Abroad: Amnesty International's human rights agenda for Canada*, October 2003 (17 pp);

Amnesty International, *Canada: Why there must be a public inquiry into the police killing of Dudley George*, 4 September, 2003, AMR 20/002/2003 (in course pack, but available from <http://www.amnesty.org>).

International Human Rights Treaties to which CANADA is a party;

Press Release, 'Louise Arbour Takes up Mandate of High Commissioner,' 1 July 2004;

Amnesty International, 'What are Treaty Bodies?' Amnesty International, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada: A Summary of Amnesty International's Concerns* (London: Amnesty International: 2004)

Writing Assignment: Select a human rights issue concerning Canada that is of interest to you. Locate a newspaper article from the list of newspapers above (published since Sept. 2005) on your issue. Evaluate the article. What is the source? Do you think the article does a good job of

describing and discussing the issue? Do you think the article gives enough/too much information? Are there relevant perspectives missing from the article? ***This assignment is due in class October 10, 2006.***

Oct. 1 Human Rights in Canada: Issues and Problems (cont'd)

Oct. 3 International Covenant on Civil and Political Rights: A focus on Torture

Readings:

Texts of the International Covenant on Civil and Political Rights, and the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (at the front of course materials).

Amnesty International, *Combating Torture – A Manual for Action*, 2003. ACT: 40/001/2003, in course pack but also available from <http://www.amnesty.org> Tim Golden et al.

'In US Report, Brutal Details of 2 Afghan Inmates' Deaths,' *New York Times*, 20 May 2005, p 1;

Julian Borger, 'Report Implicates Top Brass in Bagram Scandal,' *The Guardian* 21 May 2005, p. 4;

Human Rights Watch, 'Afghanistan: Killing and Torture by US Predate Abu Ghraib' no date;

Human Rights Watch, 'United States: Getting Away with Torture? Executive Summary', 2005;

Human Rights Watch, 'Torture Worldwide' 27 April 2005;

Jason Burke, 'Secret World of US Jails,' *The Observer* 31 June 2004;

Tom Malinowski, 'The Logic of Torture,' printed from <http://hrw.org>, originally published in *The Washington Post*.

Oct. 8 No class, statutory holiday

Oct. 10 International Covenant on Civil and Political Rights: A focus on Torture con't

Oct. 15/17 Torture cont'd: Maher Arar

Readings:

- Maher Arar: Timeline, from CBC News Online, 7 July 2004;
- Maher Arar: Statement, from CBC News Online, 4 December 2003;
- 'Maher Arar's story,' *Committee of Organization with Intervenor Status at the Arar Inquiry*;
- "'Diplomatic Assurances" Allowing Torture', Human Rights Watch, April 2005;
- 'Sweden Violated Torture Ban with US help', Human Rights Watch, 2003;
- Amnesty International Canada, 'UN Committee Against Torture Strongly criticizes Canada's position on Torture', pres release, 4 May 2005;
- Scott Shane, 'Suit by Detainee on Transfer to Syria Finds Support in Jet's Log,' 30 March 2005, reprinted in Common Dreams, News Center.

Oct. 22/24 Research, Using the library and introduction to group work assignment

****The class on October 24 will be held in the library.**

This week, we will discuss the group work assignment and organise the groups. In preparation for the group work assignments, this class will also cover some issues around research and the different types of research sources. This session will be very helpful to students in completing the group presentation and essay assignments.

Writing Assignment: For this week's assignment: Pick an international human rights issue of interest to you (it can be anything from a topic we've covered in class (i.e. torture) or anything else of interest (sex trafficking, the death penalty; equality for disadvantaged groups, prisoners of war, women's rights, forced labour, child labour or other international worker's rights issues).

Locate:

- **ONE BOOK**, The book should be relatively recent and located in the Carleton Library. You are not required to READ the book, but provide the following information: Title, author, publisher, ISBN number, year published, the number and titles of the book chapters; AND

- **ONE ELECTRONIC SOURCE** relating to your topic. For the electronic source, tell me the following information: how did you locate the source? What is it (ie. a web page, an uploaded document, research paper, etc). Who is the author and why and from what perspective is the author writing? (ie is it a human right activist? A government department? A journalist?). Why did you choose this source? **The assignment will be due in class October 29th.**

Oct. 29/31 Nongovernmental Organisations: Their role in human rights

Readings:

Karns and Mingst, *International Organizations: The Politics and Processes of Global Governance* (Boulder, CO: Lynne Rienner Publishers, 2004), 211- 217; 224-227; 233-238; 240-246.

Rory Carroll, 'Bubbles of Kabul,' *The Guardian Unlimited*, dates accessed: July 26, 2005.

**** GROUP ASSIGNMENT: Each group must have met at least once (and likely more times!!) as a group and have prepared a draft plan. ALL GROUPS MUST SUBMIT THEIR GROUP PLAN DURING CLASS, Nov. 7, 2007.**

Nov. 5/7 Prison Conditions

Readings:

Philippe Sands, *Lawless World: America and the Making and Breaking of Global Rules* (London: Allen Lane, 2005), ch 7 'Guantanamo: the Legal Black Hole', pp. 143-53.

Human Rights Watch, 'Human Rights Abuses Against Prisoners,' 2004;

Assorted Press Clippings, from <http://www.prisonjustice.ca> (date accessed 26 July 2005);

Human Rights Watch, 'No Escape: Male Rape in US Prisons,' Summary and Recommendations, date accessed July 26, 2005;

Human Rights Watch, 'Inhumane Prison Conditions Still Threaten Life, Health of Alabama Inmates Living with HIV/AIDS, According to Court Filings,' letter, 28 Feb. 2005. **GROUP PLAN DUE DURING CLASS on Nov. 7, 2007.**

Nov. 12/14 Group Presentations

Nov. 19/21 Group Presentations

Nov. 26/28 Group Presentations

Dec. 3th Essay Due - Submit to me in class, or hand it in to the Department of Law Office, 4th floor, Loeb Bldg. (C473 LA) by the end of the business day.

SECOND SEMESTER (WINTER, 2008)**Jan. 7 Globalisation and Human Rights****Readings:**

Robin Cohen and Paul Kennedy. *Global Sociology*. Houndsmith, Basingstoke: Palgrave, 2000, pp. 24-35;

Jan. 9/14 International Humanitarian Law and the Yugoslav Civil War**Readings:**

The Suitcase: Refugee Voices from Bosnia and Croatia, Julie Mertus et al, eds. (Berkeley, CA: University of California Press, 1997), 22-35; 42-43; 45-54;
A Witness to Genocide. Roy Gutman, New York: Macmillan, 1993; vii-xvi; xvii-xxii; 44-49; 90-101; 164-167.
 'After the Massacre', Ed Vulliamy, *Manchester Guardian Weekly* (2005) May 20-25, p. 19.

Jan. 16/21 Yugoslavia (cont'd)**Readings:**

Prosecutor v. Tadic, IT-94-1-T, 7 May 1997; read paragraphs 154-179; 180-193; 194-244 (** you must find and access this decision on your own)

Jan. 23/28 International Humanitarian Law and the Rwandan genocide**Readings:**

Philip Gourevitch, *We Wish to Inform you that Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (New York: Picador, 1998), pp. 15-24, (ISBN 0312243359);
 Roméo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House, 2003), pp. 1-7; 512-522 (ISBN 0769311718);
 Gail Cohen, 'A Morgue for Reconciliation ...' *The Globe and Mail*, 20 April 2004, A17;
 Stephanie Nolen, 'Don't Talk to Me About Justice,' *the Globe and Mail*, 3 April 2004, F6.
 Gregory Stanton, 'Bloodbath in the Making: Ten years after Rwanda, the world must not abandon Sudan', *Globe and Mail*, 2 April 2004, A 17.

Jan. 30 Rwanda (cont'd)**Feb. 4/6 Domestic enforcement and the Pinochet case****Readings:**

Philippe Sands, *Lawless World: America and the Making and Breaking of Global Rules* (London: Allen Lane, 2005), 23-44;
 John Harker, 'Intervention is Served: The US Federal Alien Torts Claims Act and the Irony of Ironies,' (2003) 16(1) *Cambridge Review of International Affairs* 155-164 (students are required to download this using Carleton library's electronic journals service);
 Berger & Montague, PC, Case Brief: *Presbyterian Church of Sudan et al v. Talisman Energy and the Republic of Sudan*;
Presbyterian Church of Sudan et al v. Talisman Energy and the Republic of Sudan, Second Amended Class Action Complaint, excerpts.

**** Please note: the class for Feb 5 will be held in the library.****

Feb. 11/13 Domestic enforcement (con't)**Writing Assignment:**

A short research assignment which will require you to find, summarize and analyse a domestic enforcement case which will be distributed to the class February 14. **The assignment will be due in class February 27, 2008.**

Feb. 18-22 READING WEEK – NO CLASSES**Feb. 25/27 Children's Rights****Readings:**

R. Brian Howe and Katherine Covell, 'Child Poverty in Canada and the Rights of the Child', (2003) 25 *Human Rights Quarterly* 1067-1072; 1074-1082;
P. W. Singer, *Children at War* (New York: Pantheon Books, 2005), 3-8; 37-56.
UNICEF, 'Proportion of children living in poverty continues to increase,' excerpted in *The CCPA Monitor*, May 2005;
Human Rights Watch, 'UN: Governments and Armed Groups Must Comply with New Security Council Resolution,' no date;
Human Rights Watch, *Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia*, 20 June 2005;

Mar. 3/5 Women's Rights**Readings:**

Hilary Charlesworth, 'What are "Women's International Human Rights"?' in Rebecca J. Cook, ed. *Human Rights of Women: National and International Perspectives* (Philadelphia: University of Pennsylvania Press, 1994), 58-84;
Rhonda Copelon, 'Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law,' (2000) 46 *McGill Law Journal* 217
Amnesty International, *Broken bodies, Shattered Minds: Torture and Ill-Treatment of Women*, ACT 40/001/2001 (excerpts);
Human Rights Watch, 'A Dose of Reality: Women's rights in the fight against HIV/AIDS' 21 March 2005.

Mar. 10/12 Economic Social and Cultural Rights**Readings:**

C. Puta-Chekwe and N. Flood. "From division to integration: Economic, Social, and Cultural Rights as Basic Human Rights," in I. Merali and V. Oosterveld, eds. *Giving Meaning to Economic, Social and Cultural Rights*. Philadelphia, PA: University of Pennsylvania Press, 2001, pp 39-45 (ISBN 0812236017, pp. 278);
Kenneth Roth, 'Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,' (2004) 26 *Human Rights Quarterly* 63-73.
Katarina Tomaševski, 'Unasked Questions about Economic, Social, and Cultural Rights from the Experience of the Special Rapporteur on the Right to Education (1998-2004): A Response to Kenneth Roth, Leonard S. Rubenstein, and Mary Robinson,' (2005) 27 *Human Rights Quarterly* 709-720.

Mar. 17/19 World Bank and the IMF**Readings:**

Philippe Sands, *Lawless World: America and the Making and Breaking of Global Rules*. London: Allen Lane, 2005, ch. 5, 95-114;

Margaret Karns and Karen A. Mingst, *International Organizations: The Politics and Processes of Global Governance* (Boulder, CO: Lynne Rienner, 2004), 355-373;

Korinna Horta, "Boundaries in the Field of Human Rights: Rhetoric and Reality: Human Rights and the World Bank", (2002) 15 *Harvard Human Rights Journal* 227

Wendy Berliner, 'School is a Feminist Issue,' *The Guardian Weekly*, 2005;

Madeline Bunting, 'Humiliated OnceMore', *The Guardian*, Monday 4 July 2005;

Writing Assignment: Chose an international human rights policy the World Bank is working on or has completed on an issue and evaluate the Bank's policies on the matter. Also indicate what you think (and why you think it) about the Bank's efforts in this area and comment upon any future development's you think are necessary in light of your research. Also comment upon how Korinna Horta's might view the Bank's work, given her view expressed in the article above, on the rights issue you have chosen and why you agree or disagree with this position. ***This assignment is due March 21, 2007.***

Mar. 24/26 Corporations and Human Rights

Readings:

Steven R. Ratner, 'Corporations and Human Rights: A Theory of Legal Responsibility,' (2001) 111 *Yale Law Journal* 443 (excerpts);

Ingrid J. Tamm 'Dangerous Appetites: human Rights Activism and Conflict Commodities' (2004) 26 *Human Rights Quarterly* 687-704;

Human Rights Watch, *Engine of War: Resources Greed, and the Predatory State*, 2004;

Doe v. Unocal, case brief, Earthrights International;

Human Rights Watch, *Burma in World Report* 2003.

Mar 31/Apr 2 Review & Conclusions: Essay due in class April 2 or submit the paper to the Department of Law office, 4th floor, Loeb. Bldg. (C473 LA) before the end of business day.