

Course Outline

COURSE: FYSM 1502 C – Global Governance and Human Rights

TERM: Fall/Winter 2008/09

CLASS: Day & Time: Monday & Wednesday 1:05-3:25 pm
Room: Fall - 313 SA (Southam Hall)
Winter - 502 SA (Southam Hall)

INSTRUCTOR: Nick E. Milanovic
(CONTRACT)

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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

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;

FIRST SEMESTER (FALL, 2008)**Sep 8 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. 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.

Sep 10 What is 'international'? What are 'human rights'?

Readings: Daniel Madar, *Canadian International Relations* (Scarborough, Ont: Prentice Hall, 2000), pp. 97-100; 118-121.
Darren J. O'Byrne, 'Thinking About Human Rights' in MacLean, George A. & O'Neill, Brenda, *Ideas, Interests, And Issues: Readings In Introductory Politics* (Toronto: Pearson Prentice Hall, 2006) pp. 346-361.

Sep 15/17 The United Nations System

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.
Paul, Kennedy, *The Parliament Of Man: The Past, Present, and Future Of The United Nations* (Toronto: Harper Collins Publishers Ltd., 2006) pp. 3-47.
Department of Public Information, *Basic Facts About The United Nations* (New York: United Nations, 2004) pp. 3-64

Sep 22/24 Nongovernmental Organisations: Their role in human rights

Readings: Gerd, Oberleitner, *Global Human Rights Institutions* (Cambridge, U.K.: Polity Press 2007) pp. 152-163.
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.

Sep 29/Oct 1 Introduction to International Human Rights

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).

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. 2008) 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 8, 2008.***

Oct 6/8 United Nations Human Rights System

Readings: Gerd, Oberleitner, Global Human Rights Institutions (Cambridge, U.K.: Polity Press 2007) pp. 23-40.
 Amnesty International, 'What are Treaty Bodies?'
 Department of Public Information, Basic Facts About The United Nations (New York: United Nations, 2004) pp.227-249.
 Paul, Kennedy, The Parliament Of Man: The Past, Present, and Future Of The United Nations (Toronto: Harper Collins Publishers Ltd., 2006) pp 177-205

Oct 13 No class, statutory holiday**Oct 15/20 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, 'United States: Getting Away with Torture? Executive Summary', 2005;
 Human Rights Watch, 'Afghanistan: Killing and Torture by US Predate Abu Ghraib' no date
 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 22/27 International Covenant on Civil and Political Rights: A focus on Torture (con't)

Readings: Philippe Sands, "The Green Light" *Vanity Fair* (May 2008) printed from <http://www.vanityfair.com> originally published in *Vanity Fair*.
 U.S. Department of Defense, *Counter-Resistance Techniques*, by William J. Haynes II, (Washington D.C.: General Counsel of the Department of Defense, 2002)
 Secret Orcon, "Interrogation Log Detainee 063" *Pentagon Joint Task Force*, (23 November 2002)

Research, Using the library and introduction to group work assignment

****The class on October 27 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 International Covenant on Civil and Political Rights: A focus on Torture (con't)

**** 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. 5, 2008.**

Nov 3/5 International Covenant on Civil and Political Rights: A focus on Torture (con't)

Readings: Scott Shane, David Johnston and James Risen, "Secret U.S. Endorsement of Severe Interrogations" *The New York Times* (4 October 2007) printed from <http://www.nytimes.com> originally published in *The New York Times* Memorandum for Alberto R. Gonzales Counsel to the President, from John C. Yoo Deputy Assistant Attorney General, *Office of Legal Counsel, U.S. Department of Justice* (August 1, 2002) pp. 1-50
Clyde H. Farnsworth, "Torture by Army Peacekeepers in Somalia Shocks Canada" *The New York Times* (27 November 1994)
Paul Koring, "What Ottawa doesn't want you to know" *Globe & Mail* (25 April 2007)

Nov 10/12 Group Presentations

Nov 17/19 Group Presentations

Nov 24/26 Group Presentations

Dec 1 Essay Due - Hand it in to the Law Department Office, 4th floor, Loeb Bldg. by the end of the business day.

SECOND SEMESTER (WINTER, 2009)

Jan 5 Globalisation and Human Rights

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

Jan 7/12 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; xviii-xxii; 44-49; 90-101; 164-167.
'After the Massacre', Ed Vulliamy, *Manchester Guardian Weekly* (2005) May 20-25, p.19.
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 14/19 **Yugoslavia (cont'd)**

Readings: Erna, Paris The Sun Climbs Slow: Justice In The Age Of Imperial America (Toronto: Alfred A. Knopf Canada, 2008) pp. 194-232
 David Charter and Bojan Pancevski, "War Crimes fugitive Radovan Karadzic arrested in Serbia" *The New York Times* (22 July 2008)
 'Karadzic on Trial', New York Times Staff, *The New York Times* (24 July 2008)
 Marlise Simons and Graham Bowley, "Karadzic Makes Court Appearance" *The New York Times* (1 August 2008)
 Letter to the Pre-trial-Chamber from Radovan Karadzic IT-95/18-I D11344-D11337 (1 August 2008)

Jan 21/26 **International Humanitarian Law and 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.

Jan 28 **International Humanitarian Law and Genocide (cont'd)**

Readings: Gregory Stanton, 'Bloodbath in the Making: Ten years after Rwanda, the world must not abandon Sudan', *Globe and Mail*, 2 April 2004, A 17.
 Daoud Hari, The Translator: A Tribesman's Memoir of Darfur, (Toronto: Penguin Group Canada: 2008) Ch. 1
 Samantha Power, "A Problem From Hell" America And The Age Of Genocide (New York: Harper Perennial, 2003) pp. 1-14; pp. 47-60.
 Helene Cooper, 'Waiting for Justice' *The New York Times* (27 July 2008)

Feb. 2/4 **Criminal Enforcement of Human Rights**

Readings: Philippe Sands, *Lawless World: America and the Making and Breaking of Global Rules* (London: Allen Lane, 2005), 23-44;
 Gerd, Oberleitner, Global Human Rights Institutions (Cambridge, U.K.: Polity Press 2007) pp.152-163
 Erna, Paris The Sun Climbs Slow: Justice In The Age Of Imperial America (Toronto: Alfred A. Knopf Canada, 2008) pp. 233-262
 Stephanie Nolen, 'Africa's unjust deserts' *The Globe & Mail* (14 June 2008)
 The New York Times Staff, 'From Karadzic to Omar al-Bashir' (24 July 2008)

**** Please note: the class for Feb 4 will be held in the library.****

Feb 9/11 **Civil Enforcement of Human Rights**

Readings: 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.

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 9.
The assignment will be due in class February 25, 2009.

Feb 16/20 READING WEEK – NO CLASSES**Feb 23/25 Civil Enforcement of Human Rights (con't)**

Readings: 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.
 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.
Bil'in (Village Council) v. Green Park International Inc., Motion Introducing A Suit (7 July 2008)

March 2/4 Civil Enforcement of Human Rights (con't)

Readings: *Bill C-492 An Act to amend the Federal Courts Act*, (Ottawa: House of Commons, 2007)
 Peter Julian M.P., "International Promotion and Protection of Human Rights Act: Frequently Asked Questions" (Ottawa: unpublished, 2007)
Torture (Damages) Bill, (London: House of Lords, 2007)
Torture (Damages) Bill, 'Explanatory Notes' (London, House of Lords, 2007)
 Amnesty International, 'Universal Jurisdiction: The scope of universal civil jurisdiction' (London: Amnesty International, 2007) pp.1-10

Mar 9/11 Children's Rights

Readings: P. W. Singer, *Children at War* (New York: Pantheon Books, 2005), 3-8; 37-56.
 Ishmael Beah, *A Long Way Gone: Memoirs of a Boy Soldier*, (New York: Farrar, Straus and Giroux, 2007) Ch.1
 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;
 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 16/18 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 23/25 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 30/April 1 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;
- Wendy Berliner, 'School is a Feminist Issue,' *The Guardian Weekly*, 2005;
- Madeline Bunting, 'Humiliated Once More', *The Guardian*, Monday 4 July 2005;
- 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
- Joseph E. Stiglitz, *Globalization And Its Discontents* (New York: W.W. Norton & Company, 2002). pp. 21-52.

Writing Assignment: Choose 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 23, 2007.***

April 6 Review & Conclusions

Essay due April 6; submit the paper to the Law Department office, 4th floor, Loeb. Bldg. before the end of business day.

- Readings:** Jennifer Welsh, *At Home In The World: Canada's Global Vision For The 21st Century* (Toronto: Harper Collins Publishers Ltd., 2004) pp. 187-234.