

## Course Outline

**COURSE:** LAWS 4601 A (Transnational Law and Human Rights)

**TERM:** Winter Term 2017

**PREREQUISITES:** Prerequisite(s): one of [LAWS 3503](#), [LAWS 3602](#), and LAWS 4604

**CLASS:** **Day & Time:** Tuesdays 2:30-5:30  
**Room:** **\*\*check with Carleton Central for current room location)**

**INSTRUCTOR:** DORIS BUSS  
**(CONTRACT)**

**CONTACT:** **Office:** D495  
**Office Hrs:** Mondays 12:30-2:00 or by appointment  
**Telephone:** 613 520 2600 EXT 8011  
**Email:** Doris.buss@carleton.ca

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

## Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://carleton.ca/studentaffairs/academic-integrity/>

## Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures.  
Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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**\* Students transferring into this class after the first lecture (or later) MUST ENSURE THEY HAVE READ ALL RELEVANT INSTRUCTIONS IN THIS COURSE OUTLINE, and must ensure they have completed all missed readings.**

**Required Text:** Course pack, compiled by Doris Buss, for purchase at Octopus Books, 116 Third Ave, Ottawa, ON: Tel (613) 233-2589.

## **CELL PHONE/LAP TOP POLICY**

Cell phones **MUST BE** turned OFF and stowed away in a bag during class. They **CANNOT** be on your desk or in a pocket on your person. Lap tops maybe used in the classroom but students are required to use good laptop etiquette; surfing the web, playing on social media distract you and your fellow students

## **ASSESSMENTS:**

Participation:	10%
- On line Participation:	4%
- In- class attendance:	6%
Human Rights Brief assignment:	15%
- due either Jan 24 or 31 (pick one).	
Mid-Term Quiz: (Feb. 28)	20%
Critical Comments (due various times):	15%

**ASSESSMENT INSTRUCTIONS:**

**Human rights briefs and critical comments** are due at the start of the class on the week specified (the brief) or when the reading is scheduled (critical comment) and must be submitted via CU learn. Late submissions within 24 hours will be accepted but with a 3 mark deduction. Submissions more than 24 hours late will not be accepted.

Both the brief and critical comments provide students with a choice of dates on which to submit their assignments. Where a student chooses not to complete an assignment by an earlier deadline and then finds themselves unable to make a later deadline – for any reason – NO EXTENSION WILL BE GIVEN. Students wishing to avoid the possibility of receiving a ‘0’ for either of these assignments should ensure they opt to submit their assignments at the earliest possible date. The choice is yours.

**HUMAN RIGHTS BRIEF:**

Select ONE of the assignments below; Brief 1 is due January 24 (at the start of class); Brief 2 is due January 31 (at the start of class).

**BRIEF 1 (Due 24 January):**

Assume you are an intern in the office of a Member of Parliament who has an interest in human rights and legal issues. The MP is new to the topic of international human rights processes and wants to know more about what these are and how they work. The MP is considering posing questions in Question Period about Canada’s human rights record and is trying to decide which issues to push for more parliamentary attention and discussion.

Select ONE of the following shadow reports, submitted by a Canadian NGO to the Human Rights Committee and provide a 4-6 page brief for the MP, in which you outline the following information:

- Briefly outline for the MP the UN human rights process at issue and why Canada’s human rights record is being discussed and the function of the NGO’s report to this process;
- what are the key issue(s) the NGO is seeking to bring to the attention of the Committee. What particular human rights guarantees are said to have been violated and how;
- Who is the NGO and how credible are they as a body writing a report on these particular issues?
- How does the Human Rights Committee address this issue/s in its Concluding Observations? Do you think the NGO’s report was important to the Committee’s work? Why or why not?
- How serious are the issues raised by this NGO report to Canada’s record on human rights? Would you recommend that the MP pursue these issues further? Do you think these issues merit discussion by our elected representatives? Why or why not?

Choose from ONE of the following reports (all uploaded to CU Learn):

- a. Native Women’s Association of Canada(NWAC) and Feminist Alliance for International Action (FAFIA), “Murders and Disappearances of Aboriginal women and girls: Report to

- the Human Rights Commission on the occasion of the Committee's consideration of the sixth Periodic Report of Canada", 2015;
- b. University of Toronto, Human Rights Program, "Arbitrary Imprisonment and cruel treatment of migrants with mental health issues in Canada" submission to the UN Human rights Committee to assist in its review of Canada, 2015;
  - c. Canada without Poverty, "Alternative Report Raising Issues Related to Articles, 19, 22 and 6", 2015;

Brief 2 (due 31 January 2017):

Assume you are an intern in the office of a Member of Parliament who has an interest in human rights and legal issues. The MP is new to the topic of international human rights processes and wants to know more about what these are and how they work. The MP is considering posing questions in Question Period about Canada's human rights record and is trying to decide which issues to push for more parliamentary attention and discussion.

Select ONE of the following reports of a United Nations special rapporteur visit to Canada and provide a 4-6 page brief for the MP, in which you outline the following information:

- Briefly outline for the MP the UN human rights process that gives rise to country visits;
- what are the key issue(s) issue(s) that the Special Rapporteur outlines in his report? What particular human rights guarantees are said to have been violated and how;
- Who is the Special Rapporteur and why/not is he credible as an expert in this area;
- How serious are the issues raised by this report to Canada's record on human rights? How serious (if at all) is it that a UN special rapporteur visited Canada and wrote this report? Should Members of Parliament pay attention to this report?
- Would you recommend that the MP pursue further the issues raised in this report? Do you think these issues merit discussion by our elected representatives? Why or why not?

Choose from ONE of the following reports (all uploaded to CU Learn):

- a. Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, UNGA, 2014
- b. Report of the Special Rapporteur on the right to food, Olivier De Schutter, Mission to Canada, UNGA A/HRC/22/50/Add.1, 24 December 2012;
- c. Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living...", UNGA, A/HRC/7/16/Add.4, 28 February 2008.

**PARTICIPATION:** Effective participation in and outside the classroom contributes to your own and other’s learning. All students should attend as many classes as possible, having done all the readings, and having given some thought to the readings and themes of the course. Out of class discussions, attendance at events (speakers, forums) and on-line exchanges where ideas and concepts about the transnational dimensions of human rights are considered, can also be important to the learning process.

In this course, and to underscore the importance of participation, students can earn participation marks in two ways: by attending classes regularly (maximum 6 marks); and by contributing to online discussion forums (see participation prompts scattered throughout the course syllabus – maximum 4 marks),

**CRITICAL COMMENT** (choose from one of the articles marked with an asterix. The assignment is DUE the week that reading appears in the syllabus).

A critical comment on a reading is an essay that puts a particular reading in conversation with ALL THE OTHER MATERIAL required for reading that week AND other readings/material covered in the class to date. It should be 4-5 pages long (but no more than 6), and provide a succinct and accessible overview of the article, identifying first: the author’s main point, the underlying problem that gave rise to the author’s intervention, and the means by which the author makes their argument (what tools of analysis do they draw upon; what subjects/material do they explore): about approximately 2 pages. Second: raise and then explore questions and analytical lines of inquiry stemming from the article: what are the implications of the author’s arguments for other readings and discussions in this course? What are the implications of the author’s analysis for the other readings set for that week’s class? And/or how does the article relate to/trouble themes discussed in class? (this section should be the heart of your assignment: about 2-3 pages).

**Final Essay:** The topic of the final essay will be set by me and made available to the class in March. The final essay will be due the last day of the semester: April 7, 2017, 4:00 pm. No extensions will be given except for medial or personal emergencies and with supporting documentation. No exceptions to this rule will be made. The final essays must be submitted on CU Learn.

**SCHEDULE AND READINGS**

WEEK	TOPIC	ASS’GTS DUE
WK 1. JAN 10	<p><b>Introduction to Course; Introduction to transnational dimensions of human rights.</b></p> <ul style="list-style-type: none"> <li>▪ “The Impact of Canadian Mining in Latin America and Canada’s Responsibility: Executive Summary of the Report submitted to the Inter-American Commission on Human Rights” , Working Group on Mining and Human Rights in Latin America, pp. 1-5; 10-24;</li> <li>▪ “Gold’s Costly Dividend: Human Rights Impacts of Papau New Guinea’s Porgera Gold Mine”, Human Rights Watch report, 2011; pp. 1-34; 38-40; 43-55; 62-72.</li> </ul>	

	<ul style="list-style-type: none"> <li>▪ Patrick William Kelly. 2013. "The 1973 Chilean coup and the origins of transnational human rights activism" <i>Journal of Global History</i> (2013), 8, pp. 165–186 [excerpts of the article have been compiled into a separate word document available on CU Learn)</li> </ul>	
WK 2. JAN 17	<p><b>Making Sense of Human Rights</b></p> <p>READINGS:</p> <ul style="list-style-type: none"> <li>• Marie-Benedicte Dembour. 2010. "What are Human Rights: Four Schools of Thought" <i>Human Rights Quarterly</i> 32: 1-20 (online).</li> <li>• Mark Goodale, 2007. "Locating Rights: Envisioning Law Between the Global and the Local" in Goodale and Merry, eds. <i>The Practice of Human Rights: Tracking Law Between the Global and the Local</i>, pp. 1-24 (course materials)</li> <li>• Rhuks Ako. "A Lega(l)cy unfulfilled: Reflections of the Wiwa-led MOSOP and the Localisation of human rights, <i>The Extractives Industries and Society</i> 2: 625-634;</li> <li>• Fact Sheet, International Bill of Rights.</li> </ul>	On-line participation: which of Dembour's '4 schools' resonates most with you and why? where would you place Goodale inn Dembour's typography?
WK 3 JAN24	<p><b>United Nations human rights system: 'Charter system' and special procedures</b></p> <p>READINGS:</p> <ul style="list-style-type: none"> <li>• "International Human Rights and the International Human Rights System", handbook produced by Asia Pacific Forum, (uploaded and available on CU LEARN), <ul style="list-style-type: none"> <li>i. READ: Chapters 4 ("The United Nations charter-based system: An Overview") pp. 19-26; Ch. 5 ("Human Rights Council") pp. 27- 32; Ch. 6 ('Universal Periodic Review), pp. 37-44; Ch. 7 Special Procedures, pp. 47-54.</li> </ul> </li> <li>• Bertrand G. Ramcharan. 2016. "Normative human rights cascades, North and South', <i>Third World Quarterly</i> 1234-1251;</li> <li>• Hilary Charlesworth, 2010. Kirby Lecture in International Law: Swimming to Cambodia: Justice and Ritual in human rights after conflict', <i>Australian Yearbook of International Law</i> 29: 2-16;</li> <li>• Michael Kirby. 2010. 'United Nations Special Procedures: A Response to Professor Hilary Charlesworth', <i>Australian Yb of Int Law</i> 29: 22-25.</li> </ul>	<b>Reflection Essay 1 DUE</b>
WK 4 JAN31	<p><b>International Human Rights Treaty System</b></p> <p>READINGS:</p> <ul style="list-style-type: none"> <li>• "International Human Rights and the International Human Rights System", handbook produced by Asia Pacific Forum, (uploaded and available on CU LEARN), <ul style="list-style-type: none"> <li>○ READ: Chapter 10: "The treaty-based system: An Overview", pp. 63 – 67;</li> </ul> </li> </ul>	<b>Reflection Essay 2 DUE</b>  Do you think Claire Moon would find it significant that NGO reports to Human rights committees are called 'shadow'

	<ul style="list-style-type: none"> <li>• “Simple Guide to the UN Treaty Bodies”, International Service for Human Rights, pp. 1-35;</li> <li>• “UN Report Slams Canada’s human rights record”. <a href="https://www.thestar.com/news/canada/2015/07/23/anti-terror-bill-not-in-keeping-with-canadas-international-obligations-un.html">https://www.thestar.com/news/canada/2015/07/23/anti-terror-bill-not-in-keeping-with-canadas-international-obligations-un.html</a> [ACCESS ON-LINE];</li> <li>• “Concluding observations on the sixth periodic report of Canada”, United Nations, International Covenant on Civil and Political rights, 13 August 2015.</li> <li>• Claire Moon. 2012. “What one sees and how one files seeing: Human rights reporting, representation and action”, <i>Sociology</i> 46(5): 876-890</li> </ul>	reports? Why are they called ‘shadow’ reports and what ideas about human rights ‘actors’ are conveyed?
WK 5 FEB 7	<p><b>State obligations and human rights protections</b> <b>Case Study: Violence against women.</b></p> <p><b>READING</b></p> <ul style="list-style-type: none"> <li>• Christine Chinkin. 2014. “Addressing violence against women in the Commonwealth within states’ obligations under international law” <i>Commonwealth Law Bulletin</i> 471-501;</li> <li>• Paulina Garcia-del Moral and Megan Alexandra Dernasnah. 2014. “A Feminist challenge to the gendered politics of the public/private divide: on due diligence, domestic violence and citizenship” <i>Citizenship Studies</i> 19(6-7): 661-675;</li> <li>• Makau Mutua. 2001. ‘Savages, Victims and Saviors: The Metaphor of Human Rights’, <i>Harvard International Law Journal</i> 201-237</li> </ul>	On-line participation: Do you think governments/states should be responsible for systematic forms of human rights violations? Why or why not?
WK 6 FEB 14	<p><b>Mining and Human Rights: Setting the context</b></p> <ul style="list-style-type: none"> <li>- *James Ferguson. 2006. “Governing Extraction: New Spatializations of Order and Disorder in Neoliberal Africa”, ch. 8 in <i>Global Shadows: Africa in the Neoliberal World Order</i> Durham and London: Duke University Press), pp. 194-210.</li> <li>- Amnesty International. 2016. Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada. (full report);</li> <li>- *Devin Holterman. 2011. “Slow Violence, extraction and human rights defence in Tanzania: Notes from the field” <i>Resources Policy</i> 40: 59-65;</li> <li>- Aniket Bhushan and Pablo Heidrich, “Canadian Mining in Africa and Latin America: A comparison based on mine output and asset valuation” background note, The North-South Institute, July 2013, excerpted.</li> </ul>	On-Line Participation:  Do you think the situation in northeastern BC, as described by Amnesty International are ‘human rights’ issues as defined under international law?
WK 7 FEB 21	READING WEEK – NO CLASS	
WK 8 FEB 28	MID-TERM QUIZ (DETAILS TO BE ANNOUNCED IN CLASS)	

<p>WK 9 MAR 7</p>	<p><b>Domestic Remedies and ‘home –state’ responsibility:</b>  Choc v. Hudbay Minerals Inc. &amp; Caal v. Hudbay Minerals Inc  Guest Lecture: Prof Penelope Simmons, Faculty of Law, University of Ottawa (to be confirmed)</p> <ul style="list-style-type: none"> <li>- Website for the legal action(s): Choc v. Hudbay Minerals Inc. &amp; Caal v. Hudbay Minerals Inc: <a href="http://www.chocversushudbay.com/">http://www.chocversushudbay.com/</a> <ul style="list-style-type: none"> <li>▪ Reading through the website including:</li> <li>▪ Craig Scott. 2010. “Brief Remarks on the Intersocietal Responsibility and Canada’s Honour in the case of <i>Angelica Choc v. Hudbay Minerals Inc.</i> (3 pages)</li> <li>▪ Summary of the law suits ...</li> </ul> </li> <li>- Report to the UN Committee on the Elimination of Discrimination against Women, October 2016, submitted by Earth Rights International, Mining Watch Canada, Human Rights Research and Education Centre (University of Ottawa) (22 pages – course pack)</li> </ul>	<p>On-line discussion:  what responsibility do you think the Canadian government should have for the behavior of corporations abroad?</p>
<p>WK 10 MAR14</p>	<p><b>International initiatives on Business and Human Rights: Global Norms and ‘corporate social responsibility’</b></p> <ul style="list-style-type: none"> <li>- Guiding Principles interpretive guide: pp. 1-2; 5-18; 23-27; 31-32;</li> <li>- Global Witness. 2007. <i>Oil and Mining in Violent Places: Why Voluntary codes for companies don’t guarantee human rights.</i> Report, October. Pp. 1-13;</li> <li>- *Hevina S. Dashwood. 2007. “Canadian Mining Companies and Corporate Social Responsibility: Weighing the Impact of Global Norms” <i>Canadian J of Political Science</i> 129-156;</li> <li>- ACCESS the following ON-LINE: <ul style="list-style-type: none"> <li>▪ Voluntary Principles on Security and Human Rights; READ website at: <a href="http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/">http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/</a></li> <li>▪ <a href="http://www.international.gc.ca/development-developpement/priorities-priorites/security_human_rights-initiative-securite_droits_homme.aspx?lang=eng">http://www.international.gc.ca/development-developpement/priorities-priorites/security_human_rights-initiative-securite_droits_homme.aspx?lang=eng</a></li> <li>▪ <a href="https://eiti.org/videos">https://eiti.org/videos</a></li> <li>▪ <a href="https://eiti.org/about/board">https://eiti.org/about/board</a></li> </ul> </li> </ul>	<p>On-line participation:  Why does it matter if norms ‘diffuse’ internationally? How significant, if at all, is this for international human rights and social justice considerations?</p>
<p>WK 11 MAR21</p>	<p><b>Global Governance continued: Supply Chains and Due Diligence</b></p> <ul style="list-style-type: none"> <li>• *Lena Partzsch and Martijn C. Vlaskamp. “Mandatory due diligence for ‘conflict minerals’ and illegally logged Timber and emergence cascade of a new norm on foreign accountability” <i>The Extractive Industries and Society</i> 3: 978-986;</li> <li>• *Michael D. Beevers. 2015. “Governing Natural Resources for Peace: Lessons from Liberia and Sierra Leone”, <i>Global Governance</i> 21: 227-246</li> <li>• Human Rights Watch. 2016. <i>Human Rights in Supply Chains: A Call for Binding Global Standard on Due Diligence</i>; Brief, May 2016; 2-16;</li> </ul>	<p>LAST chance for on-line participation marks:  What supply chains do YOU participate in? What is or should be your responsibility for human rights violations that</p>



	<ul style="list-style-type: none"> <li>• Sophia Pickles. 2016. "Managing the Risk of Illegal Mining and Conflict Minerals in Global Supply Chains" BLOG post, 1 December 2016, ACCESS ON-LINE: <a href="https://www.globalwitness.org/en-gb/blog/managing-risk-illegal-mining-and-conflict-minerals-global-supply-chains/">https://www.globalwitness.org/en-gb/blog/managing-risk-illegal-mining-and-conflict-minerals-global-supply-chains/</a></li> </ul>	occur in making products you buy?
WK 12 MAR 28	<p><b>What does corporate responsibility mean for human rights?</b></p> <ul style="list-style-type: none"> <li>▪ *Iris Marion Young. 2005. "Responsibility and Global Justice: A Social Connection Model" <i>Anales de la Catedra Francisco Suaraz</i> 39: 709-726</li> <li>▪ *Christian Scheper. 2015. "'From naming and shaming to knowing and showing': Human rights and the power of corporate practice", <i>The International Journal of Human Rights</i> 19 (6): 737-756.</li> </ul>	