

Course Outline

COURSE:	LAWS 4605A – Topics in International law: International Refugee Law and Beyond
TERM:	Winter 2014
PREREQUISITES:	Fourth-year Honours standing and LAWS 2601
CLASS:	Day & Time: Friday 11:35-14:25 Room: 3356 Mackenzie - Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Anna Purkey
CONTACT:	Office: B442 Loeb (contract instructors' office) Office Hrs: By appointment Telephone: 514-564-7834 Email: anna_purkey@carleton.ca After the term begins, please direct all email contact through cuLearn

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

Pregnancy: 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://www2.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://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: 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 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*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

PLEASE NOTE: All correspondence with the professor during the term should be carried out through the cuLearn e-mail system ONLY.

Students will be fully responsible for reading and responding appropriately to all information distributed through the cuLearn Course Page. Information provided on this page will be considered to have been provided to all registered student within 24 hours of posting.

COURSE DESCRIPTION

Whether it is a story about a refugee family receiving a warm welcome from the community, claims that “bogus” refugees are flooding our borders, pictures of boats overflowing with migrants capsizing on their way to Europe or pleas for donations issued by relief agencies, barely a day goes by without some discussion of migration in our news. Although human migration is as old as human society, there are few issues that are as current, universal and multifaceted. There are also few issues that are as controversial. The debates surrounding migration involve discussions concerning a wide range of topics: state sovereignty, international obligations, human rights, individual versus group rights, economic interest, international conflict, state security, labour law, distributive justice, and the list goes on.

Although human movement is an important part of human society, not all movements are voluntary. Each year hundreds of thousands of people are forced from their homes. Without the protection of their state or community, these individuals often find themselves in particularly vulnerable situations where their human rights are frequently threatened or violated outright. This course looks at the body of international law that governs forced migration and that protects these migrants.

While a substantial portion of this course will focus on international refugee law, it is increasingly difficult in today's world to draw a clear line between who is or is not a refugee. In addition to refugee-producing conflict and persecution, environmental disasters, catastrophic development programs and devastating economic conditions all contribute to human migration. As such, it is necessary to look beyond international refugee law to the law of forced migration generally.

This course will introduce students to the basic principles of international refugee law, including the refugee definition, determination and non-refoulement, as well as some of the alternative sources of protection for forced migrants, including laws governing internally displaced persons, stateless persons and human trafficking and smuggling. This course emphasizes the ongoing importance of international refugee law and the law governing forced migration, and the political and social values that underlie the regulation of human movement. Specifically, this class will familiarize students with the international legal and policy frameworks surrounding forced migration and introduce them to several of the current debates in this area of study. Students are encouraged to think critically about the principles that they have learned and how they apply in the world today.

This course is an upper-year seminar. Accordingly, students are expected to have read the materials attentively prior to class, to engage fully with these materials and to participate in actively and in an informed manner in class. The course will combine a modified lecture format with small group and class discussions.

REQUIRED TEXTS

LAWS 4605A Coursepack

In deference to student comments received previously, only readings that cannot easily be found online have been included in the coursepack. **Links to the required readings that can be found online will be posted on cuLearn.** Additional readings may be placed on e-reserves (Ares) or posted on cuLearn. You are responsible for reading both the coursepack and online materials as they are compulsory and equally important.

SUPPLEMENTARY TEXTS

Links to additional resources will be posted on cuLearn.

EVALUATION

(All components must be completed in order to get a passing grade)

Class participation: 10 %

Participation is a key requirement for success in any seminar class and presumes that students have read the required materials carefully. Students will be evaluated based on their meaningful, informed and thoughtful contributions to class discussion. Attendance is a prerequisite for participation and will count in the evaluation. Attendance will be taken at the beginning of each class. Short in-class assignments and activities may also count towards class participation.

Class presentation on informal debate topic: 15 %

Students will be required to choose one of the topics proposed for informal debate and, in small groups of 2-3, to present their positions in class in a simplified mock-debate intended to encourage discussion of controversial issues. Students will also be required to hand in their speaking notes at the end of the debate. Although this assignment is a group exercise, students will be marked individually for their contribution to the debate.

Current affairs assignment: 15 %

This assignment involves submitting a short essay (4-5 pages double-spaced) that examines a current affairs story and relates it to the material being covered in a specific class of this course. Essays should demonstrate the student's ability to effectively summarize a complex situation, to recognize forced migration issues in current affairs and to relate a factual situation to the theory being addressed in class. The Current affairs assignment will be due in class on February 7th.

Essay proposal and outline: 10 %

Students are required to submit a brief proposal for their term paper in class by February 28th. The proposal should include a preliminary summary of the thesis and an outline of the main arguments/discussion points as well as a tentative bibliography. Final papers will not be accepted if the midterm outline has not received prior approval.

Mini assignment: 5%

Due to a class cancellation on March 28th, students will be required to provide a short response to a specific reading or video. This assignment is intended to take no more time than is normally allotted for weekly reading and class.

Final paper: 45 %

Students must submit an original term paper of 15-20 pages (excluding bibliography) in class on or before April 4th. **Late term papers will not be accepted without a documented emergency.** Topics and guidelines will be discussed in class within the first few weeks of the term.

More detailed instructions for assignments will be provided in class.

NOTE ON ASSIGNMENT TOPICS:

The three main assignments (current affairs, debate and final essay) may not all be written about the same topic. A minimum of two distinct topics or themes must be addressed in the three assignments.

NOTE ON ASSIGNMENTS:

All assignments must be typewritten, double-spaced, 12pt Times New Roman font with standard 1 inch margins. All assignments must indicate the course code and the student's name and student number. Title pages and bibliographies are not counted in calculating page length for an assignment. Assignments must also include proper footnoting. Students must use the **Legal Style Sheet** available on the Department of Law website.

Plagiarism will not be tolerated. Any ideas included in written work that are not the student's own must be properly referenced, otherwise this is plagiarism. Please familiarize yourself with the Departmental of Law Policy and Procedure Statement. (<http://www2.carleton.ca/law/ccms/wp-content/ccms-files/Policy-July-10.pdf>)

All assignments must be handed in to the instructor **in class** on the due date. Assignments that are not handed in at the beginning of the class period, even if handed in later in the day, **are considered to be late.** Assignments

will not be accepted under the door of the sessional instructors' office. If students cannot attend class on the date an assignment is due, the assignment may be submitted by e-mail (through cuLearn) prior to the beginning of class.

Students must keep a copy of any assignments submitted for marking.

LATE ASSIGNMENTS:

Note: This late assignment policy does not apply to the final paper which must be submitted on time unless there is a documented emergency.

Requests for an extension must be made to the instructor prior to the due date and will only be considered if there is a serious reason (requests must be accompanied by supporting documentation).

A deduction of 5% per day (including weekends) will be imposed on late assignments. Late assignments must be submitted in hard copy at the next class, as well as sent electronically to the instructor. Late assignments are considered to have been handed in on the date on which the instructor receives the electronic copy.

Assignments must be submitted within 7 days of the due date. If they are submitted after 7 days they will receive a grade of 0% (F).

TENTATIVE SCHEDULE AND READINGS (subject to modification – check cuLearn)

If necessary, a revised schedule of readings will be distributed at the beginning of term.

<p>Week 1 – January 10th</p> <p>Introduction</p> <p>Conceptualizing Forced Migration in a State-Centric World</p>	<ul style="list-style-type: none"> - What is forced migration? - What does it mean to be “forced”? - Historical Trends - Causes of migration - The push-pull model of migration - The politics of mobility <ul style="list-style-type: none"> o Jonathon W. Moses, “Chapter 4: The Moral Argument” from <i>International Migration: Globalization’s Last Frontier</i> (Black Point, Nova Scotia: Fernwood Publishing Ltd., 2006), pp. 57-77, 221-224.
<p>Week 2 – January 17th</p> <p>Refugee Definition and Determination in International Law: the <i>1951 Refugee Convention</i></p>	<ul style="list-style-type: none"> - Criteria for granting protection: alienage, well-founded fear, persecution, grounds of persecution - Internal protection alternative, exclusion from convention refugee status, cessation of protection - Content of refugee protection under the <i>1951 Convention</i> and the <i>1967 Protocol</i> <ul style="list-style-type: none"> o <i>1951 Convention and 1967 Protocol relating to the Status of Refugees</i> http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf o <i>Cartagena Declaration on Refugees</i> – http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3ae6b36ec o <i>Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees</i> – http://www.unhcr.org/publ/PUBL/3d58e13b4.pdf
<p>Week 3 – January 24th</p> <p>The role of International Human Rights Law:</p>	<ul style="list-style-type: none"> - Relationship between international refugee law and international human rights law - The role of international human rights law in forced migration - Other forms of international protection: complementary protection,

Complementary Protection	<ul style="list-style-type: none"> - temporary protection, etc. - Asylum <ul style="list-style-type: none"> o Alice Edwards, “Human Rights, Refugees, and The Right ‘To Enjoy’ Asylum”, (2005) 17 Int’l J. Refugee L. 293, pp. 293-330. o Ruma Mandal, “Protection Mechanisms Outside of the 1951 Convention (“Complementary Protection”)", (June 2005) UNHCR Legal and Protection Policy Research Series, http://www.unhcr.org/refworld/pdfid/435e198d4.pdf (Excerpts)
<p>Week 4 – January 31th</p> <p>Non-Refoulement and the New Migration-Security Paradigm</p>	<ul style="list-style-type: none"> - Status and content of the principle of non-refoulement - Interdiction, safe third country, country of first asylum <ul style="list-style-type: none"> o François Crépeau, Delphine Nakache and Idil Atak, <i>International Migration: Security Concerns and Human Rights Standards</i> (2007) 44 Transcultural Psychiatry 311 Library reserves o Guy S. Goodwin-Gill and J. McAdam, <i>The Refugee in International Law – Part 2 Asylum – Chapter 5. Non-Refoulement in the 1951 Refugee Convention</i>, pp. 201-267 http://www.en.refugeelawreader.org/index.php?option=com_content&view=article&id=129&Itemid=100 o Additional reading to be determined
<p>Week 5 – February 7st</p> <p>International Institutions and Humanitarian Intervention</p> <p>Current affairs assignment due</p>	<ul style="list-style-type: none"> - Structure and Mandate of UNHCR - Other organizations: IOM, ICRC, IRC - Humanitarian intervention in instances of forced migration <ul style="list-style-type: none"> o <i>Statute of the Office of the United Nations High Commissioner for Refugees</i>, GA Res. 832, UN GAOR, 9th Sess., Supp. No. 21, UN Doc. A/2890 (1954). http://www.unhcr.org/3b66c39e1.html o Barbara Harrell-Bond, “Can Humanitarian Work with Refugees be Humane?” (2002) 24 Hum. Rts. Q. 51. http://isites.harvard.edu/fs/docs/icb.topic186592.files/Class_13_Humanitarian_Work_Humane.pdf o Corinne Lewis, “UNHCR’s Contribution to the Development of International Refugee Law: Its Foundations and Evolution”, (2005) 17 Int’l J. Refugee L. 67, pp. 67-90.
<p>Week 6 – February 14th</p> <p>Refugee Communities</p>	<ul style="list-style-type: none"> - Protracted refugee situations - Refugee warehousing - Urban refugees - Refugee camps and settlements - Women, the elderly, children, unaccompanied children <ul style="list-style-type: none"> o <i>State of the World’s Refugees 2006: Chapter 5 – Protracted refugee situations: the search for practical solutions</i> http://www.unhcr.org/4444afcb0.html o Ekuru Aukot, “It Is Better to Be a Refugee Than a Turkana in Kakuma”: Revisiting the Relationship between Hosts and Refugees in Kenya. http://www.en.refugeelawreader.org/index.php?option=com_content&view=article&id=125&Itemid=176 o Caroline Moorehead, <i>Human Cargo: A Journey Among Refugees</i>, New York: Picador, 2005, pp. 3-27.
Week 7 – February 21 th	<ul style="list-style-type: none"> - Work on your paper proposal

<p>Winter Break: No Class</p>	
<p>Week 8 – February 28nd</p> <p>Statelessness</p> <p>Essay proposal due</p>	<ul style="list-style-type: none"> - Causes and consequences of statelessness - International protection regime <ul style="list-style-type: none"> o Hannah Arendt, “The Decline of the Nation-State and the End of the Rights of Man” from <i>The Origins of Totalitarianism</i>. Harvest Books, 1973. Pp. 267-302. o M. Lynch (Refugees International), <i>Lives on Hold: The Human Cost of Statelessness</i> http://www.refugeesinternational.org/sites/default/files/LivesonHold.pdf
<p>Week 9 – March 7th</p> <p>Internally Displaced Persons</p>	<ul style="list-style-type: none"> - International protection of internally displaced persons <ul style="list-style-type: none"> o Nils Geissler, “The International Protection of Internally Displaced Persons”, (1999) 11 Int’l J. Refugee L. 451, pp. 451-478. o <i>Report of the Representative of the Secretary-General [...] Guiding Principles on Internal Displacement (11 February 1998)</i> – http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument o <i>African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)</i> -- 23 October 2009, Ext.Assembly/AU/PA/Draft/Decl.(I) Rev.1 http://www.unhcr.org/4ae9bede9.html
<p>Week 10 – March 14th</p> <p>Environmental or Climate-induced and Development-Induced Migration</p>	<ul style="list-style-type: none"> - Environmental migration - Environmental refugees – a misnomer? - Development-induced migration: the link between environmental migration and economic migration <ul style="list-style-type: none"> o Marie Stavropoulou, <i>Forced Migration Review, 31 – Climate Change and Displacement – Drowned in Definitions?</i>, (pp. 11-12) http://www.fmreview.org/FMRpdfs/FMR31/11-12.pdf o Vikram Odedra Kolmannskog, “Future Floods of Refugees – A comment on climate change, conflict and forced migration,” (April 2008) Norwegian Refugee Council. http://www.nrc.no/arch/img/9268480.pdf o W. Courtland Robinson, “Risks and Rights: The Causes, Consequences, and Challenges of Development-Induced Displacement,” (May 2003) The Brookings Institution – SAIS Project on Internal Displacement http://www.brookings.edu/fp/projects/idp/articles/didreport.pdf o <i>Abuse, Poverty and Migration – Investigating Migrants’ Motivations to Leave Home in Burma</i>, Karen Human Rights Group http://www.burma-center.org/en/publications/reports/item/299-abuse-poverty-and-migration-investigating-migrants-motivations-to-leave-home-in-burma/
<p>Week 11 – March 21st</p> <p>Smuggling and Trafficking of Migrants</p> <p>Last day to meet with instructor before final paper is due.</p>	<ul style="list-style-type: none"> - Differentiation between smuggling and trafficking - Link between smuggling, trafficking and forced migration <ul style="list-style-type: none"> o Claire Brolan, “An Analysis of the Human Smuggling Trade and the <i>Protocol Against the Smuggling of Migrants by Land, Air and Sea (2000)</i> from a Refugee Protection Perspective, (2002) 14 Int’l J. Refugee L. 561, pp. 561- 596. o Anne Gallagher, <i>Forced Migration Review, 12(January 2002)</i> – <i>Dilemmas of Development-Induced Displacement – Trafficking, Smuggling and Human Rights: tricks and treaties</i>, (pp. 25-28).

	<p>http://www.fmreview.org/FMRpdfs/FMR12/fmr12full.pdf</p> <ul style="list-style-type: none"> ○ News articles posted on cuLearn
<p>Week 12 – March 28th</p> <p>Durable Solutions</p> <p>Class cancelled – Mini assignment to be completed instead.</p>	<ul style="list-style-type: none"> - Professor absent – class cancelled - Local integration - Resettlement - Repatriation <ul style="list-style-type: none"> ○ B.S. Chimni, <i>From Resettlement to Involuntary Repatriation: towards a critical history of durable solutions to refugee problems</i>, http://www.unhcr.org/cgi-bin/txis/vtx/search?page=search&docid=3ae6a0c50&query=Handbook%20on%20Voluntary%20Repatriation:%20International%20Protection ○ Guy S. Goodwin-Gill and Jane McAdam, <i>The Refugee in International Law</i> (Third Edition), (Oxford: Oxford University Press, 2007), pp. 489-501.
<p>Week 13 – April 4th</p> <p>Durable Solutions (cont'd)</p> <p>FINAL PAPER DUE <u>IN CLASS</u></p>	<ul style="list-style-type: none"> - Local integration - Resettlement - Repatriation <ul style="list-style-type: none"> ○ Same readings as last week