

Department of Law – Selected Topics 2008-2009

LAWS 3509A: The *Canadian Charter of Rights and Freedoms*: Equality Rights

Instructor: Bahaa Sunallah

The purpose of this course is to explore issues surrounding equality rights under the *Charter of Rights and Freedoms (Charter)* in addition to a study of the applicability of the *Charter* and remedies available to the Courts. The course will first examine the entities to which the *Charter* applies under s. 32, followed by the Supreme Court of Canada's analysis of the limitation clause in s. 1 of the *Charter* and the remedies available under s. 52 of the *Constitution Act*.

The course will briefly visit the early division within the Supreme Court of Canada about the application of s.15 of the *Charter* and examine the current approach of the Court to equality. We will then examine the litigation arising under s. 15 in various contexts such as employment, health and social benefits on the grounds of: age, marital /common-law status, sexual orientation, citizenship, and aboriginal status amongst other enumerated or analogous grounds. Consideration will be given to the relationship, and dialogue, between Parliament and the Courts.

The course format is lecture style, with heavy emphasis on class discussions and students' participation based on your readings of the caselaw and the academic views being discussed. You are expected to participate actively in class discussions. It is recognized that the class will include students with various and diverse views, and a respectful dialogue should be maintained at all times. You are, of course, free to disagree with opinions expressed by other students and myself, but should do so in a respectful and non-personalized way. All students should be permitted an equal opportunity to voice their opinions.

Prerequisite: One of LAWS 2004, LAWS 2005 or LAWS 2105

LAWS 3903A: Dispute Resolution, Looking Back and Looking Ahead

Instructor: Derek Bianchi-Melchin

This course will examine the spectrum of dispute resolution alternatives, in terms of their theoretical underpinnings, their impact, and their future development. These range from negotiation to various types of non-binding evaluative processes, including court-connected, community-based, and private programs. We will also examine new developments in dispute resolution, including labour arbitration, collaborative family law, judicial mediation, process design, and evaluation.

Students taking this course should have a basic understanding of social and legal dispute resolution theories. The course will involve lectures, class discussion, small group work, presentations, and case studies. Students will be expected to have read each week's required readings in advance of class and come prepared to offer informed and analytical interventions.

Prerequisite: third-year standing

LAWS 4209B: Government Procurement Law

Instructor: Samuel Schwisberg

A unique body of law has developed in respect of the sale of goods and services to governments around the world, including the Government of Canada. Governments are major purchasers of goods and services, and often use their enormous buying power to influence

public policy and achieve social objectives. Government procurement contracts often include terms and conditions that require private business to implement socially desirable policies. For example, the Government of Canada requires many contractors to implement an employment equity program. Governments may also try to favour businesses located within their own borders.

Such practices, however, may be inconsistent with the objective of securing the best goods at the lowest possible cost. They also run counter to neo-classical and neo-liberal economic thought which posits that free markets and trade liberalization hold the key to global wealth maximization. Governments can also sometimes fail to draw a proper distinction between the promotion of socially desirable objectives and those that serve the narrower interests of the party in power.

Laws, both on an international and domestic level, strive to secure a proper balance among these competing objectives. However, one's sense of the "proper balance" may largely hinge on one's economic philosophy. Similarly, do international conventions covering government procurement, such as those that discourage bribery, corruption and nepotism, reflect universal values, or do they represent a form of cultural imperialism that promotes a Western viewpoint which values efficiency over social relationships?

Canada's government procurement laws and processes, as well as the most relevant international conventions, will be reviewed and analyzed in the context of these issues. A limited review of US procurement laws relevant to Canadians will also be conducted in his context.

The course will include an historical overview of Canadian government procurement controversies from the Pacific Railway Scandal to the Sponsorship Scandal.

Prerequisite: fourth-year Honours standing or permission of the Department

LAWS 4306A & B: Organized Crime

Instructor: Barry Leighton

This course examines the problem of organized crime (OC) from an interdisciplinary and comparative perspective, including a series of key legal, law enforcement and social issues, with a focus on Canadian OC and "enterprise crime" in comparative Perspective. Topics are *expected* to include: the concept and definition of OC; a range of disciplinary and theory perspectives; the relationship between white collar, criminal organized crime, enterprise crime and non-criminal economic activity; historical origins; ethnic connections; international linkages; models of organized crime; major organized crime groups; major organized criminal activities; emerging organized criminal activities; corruption of public officials and institutions; strategies for combating organized crime; tools to implement these strategies; and the future of organized crime.

Note: This course has been approved as a Criminology and Criminal Justice elective.

Prerequisite: fourth-year Honours standing

LAWS 4903A: Weapons of Mass Destruction and International Law

Instructor: Tara Ashtakala

It is hard to understand how the most indiscriminate and disproportionate killing machines developed by humankind could be regulated under the larger body of rules that govern the normal interactions among States. Yet such weapons have profound implications for international law and security, not only in terms of the obvious belligerent effects of their use,

but also with regard to the fact that efforts to eliminate such weapons will depend upon both the evolution of the law and the security perceptions of states. The adoption of a number of global treaties has contributed substantially to the rules of arms control and of armed conflict. This course will examine the major international instruments and negotiations that have attempted to control and disarm countries of their arsenals of all weapons that cause massive destruction, as well as look at current civil society campaigns and legal actions to curb the effects of military armaments that are presently deemed "legal". It is hoped that this course will help the student gain a better understanding of current situations in the news relating to WMD (such as North Korea and the nuclear non-proliferation regime, Iraq's WMD history and the use of cluster bombs in the recent Israel-Lebanon conflict), and ultimately appreciate how international law offers the best means for preventing, regulating and eliminating such global confrontations.

Prerequisite: fourth-year Honours standing