

## Course Outline

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<b>COURSE:</b>	<b>LAWS 4601A – Transnational Law and Human Rights</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908, 0.5 credit from LAWS 3503 or LAWS 3602, and fourth-year Honours standing.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays 6.05pm – 8.55 pm</b> <b>Room: Online Asynchronous Course</b>
<b>INSTRUCTOR:</b>	<b>Dr. Hembadoon Iyortyer, Ph.D.</b>
<b>CONTACT:</b>	<b>Office:</b> <b>Office Hrs: (<i>Office hours are by appointment</i>)</b> <b>Telephone:</b> <b>Email: <a href="mailto:hembaoguanobi@carleton.ca">hembaoguanobi@carleton.ca</a></b>

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### **CALENDAR COURSE DESCRIPTION**

Examination of the role of law in addressing human rights issues that transcend traditional categories of domestic and international law; the potential and limits of law in addressing human rights issues; the growth of transnational approaches to law and human rights.

### **COURSE DESCRIPTION**

This course will explore the role of Transnational Corporations (TNCs) in societies around the world; how TNCs make profits and whose human rights are violated in the course of TNCs conducting business. In particular, students will unpack contemporary issues/systems/processes that discuss intellectual ideas for border-crossing movements. Further, the course will create a space for students to explore transnational law as a programmatic development of systems; how might we use human rights to resolve issues created by transnational corporations? In this course, we will explore the effects of the activities of transnational corporations on our environment and different communities in society, including children, while paying close attention to social justice issues. By the end of this course, students will be able to: (a) demonstrate an understanding of critical issues around the dynamics of TNCs activities and their impact on human rights; (b) discuss the relevant international strategies aimed at increasing TNCs accountability; (c) explain what due diligence is and why it is necessary to have structures in place to help TNC respect human rights; (d) Show an understanding of a variety of issues as they pertain to pharmaceutical TNCs and the right to health.

**REQUIRED TEXTS**

Course materials are available on ARES, the Carleton Library's online reserve system.

**EVALUATION**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

**ASSESSMENT**

Participation and online Activities	16%	Ongoing
Presentation	15%	Week 5
Equity circles x2	14%	Week 3 and 10
Term essay	15%	Week 8
Final exams	40%	To be announced

*See CuLearn for further information on assessment*

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Assignments submitted after the deadline without good reason will attract a penalty. Assignments will be considered late if submitted 15 minutes after the time and date of the deadline, and a penalty applied based on the time of submission. For example, if the deadline is Tuesday at 11pm, then work submitted after 11.15pm on the Tuesday will be considered late. Assignments that are submitted late will attract a deduction of 2 grades per day. Assignments more than five days late will be graded a Fail. Extensions will only be granted in extreme cases and with appropriate documentation.

**Penalty for poor participation in groupwork participation and equity circles**

Students are expected to take part in groupwork. Failure to engage with these activities will lead to reductions in grades awarded. In some instances, the reduction may be suggested by other group members, in other circumstances I may reduce the grade awarded.

**SCHEDULE**

*Please note the following dates:*

<b>September 6, 2021</b>	Statutory holiday. University closed.
<b>September 8, 2021</b>	Fall term begins. Fall and fall/winter classes begin.
<b>October 25-29, 2021</b>	Fall break, no classes.
<b>December 10, 2021</b>	Fall term ends. Last day of fall term classes. Classes follow a Monday schedule.
<b>December 11-23, 2021</b>	Formally Scheduled Final Exams may be held.

**Week 1: Introduction**  
**14<sup>th</sup> September 2021**

- (i) Valentini, L. (2018). Human rights, the political view, and transnational corporations: An exploration. In *Political and Legal Approaches to Human Rights* (1st ed., pp. 168–185). Routledge.
- (ii) Altwicker, T. (2018). Transnationalizing Rights: International Human Rights Law in Cross-Border Contexts, *European Journal of International Law*, 29 (2), 581–606.

**Week 2: Power Influence and Responsibility**  
**21<sup>st</sup> September 2021**

- (i) Macleod, S., & Lewis, D. (2004). Transnational corporations: Power, influence and responsibility. *Global Social Policy*, 4(1), 77–98. <https://doi.org/10.1177/1468018104040986>
- (ii) Arnold, D. (2010). Transnational Corporations and the duty to respect basic human rights. *Business Ethics Quarterly*, 20(3), 371-399. Retrieved August 23, 2020, from <http://www.jstor.org/stable/25702406>
- (iii) Komanovics, A. (2018). Towards a normative framework: The UN Treaty on transnational corporations, other businesses and human rights. *Corvinus Journal of International Affairs*, 3(3), 28-42.

**Week 3: Gender: Transnational Corporations, Human Rights and Gender Intersections.**  
**28<sup>th</sup> September 2021**

- (i) Simons, P. (2016). Unsustainable International Law: Transnational resource extraction

- and violence against women. *Transnational Law and Contemporary Problems*, 26, 415.
- (ii) Sachseder, J. (2020). Cleared for investment? The intersections of transnational capital, gender, and race in the production of sexual violence and internal displacement in Colombia's armed conflict. *International Feminist Journal of Politics*, 22(2), 162–186.
  - (iii) Banwell, S. (2015). Globalization masculinities, empire building and forced prostitution: a critical analysis of the gendered impact of the neoliberal economic agenda in post-invasion/occupation Iraq. *Third World Quarterly*, 36(4), 705–722.

**Week 4: Addressing Human Rights and Business: Situating the Transnational Responsibilities of Corporation.**

**5th October 2021**

- (i) Oonagh F. (2019) Addressing the human rights conduct of transnational corporations through international institutional bypasses, *Transnational Legal Theory*, 10:3-4, 355-384, DOI: [10.1080/20414005.2019.1651123](https://doi.org/10.1080/20414005.2019.1651123)
- (ii) Bijlmakers, S. (2018). *Corporate social responsibility, human rights and the law* (First edition.). Routledge, an imprint of Taylor and Francis. The legalization of business responsibility for human rights in the evolving field of CSR and business and human rights.
- (iii) UN Guiding Principles on Business and Human Rights, [GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS](https://www.unhcr.org/refugees/pdf/guiding-principles-on-business-and-human-rights.pdf)

**Week 5: Pharmaceutical Companies and the Access to Medicines I**

**12<sup>th</sup> October 2021**

- (i) Moon, S. (2013). Respecting the right to access to medicines: Implications of the UN Guiding Principles on Business and Human Rights for the pharmaceutical industry. *Health and Human rights*, 15(1), 32-43.
- (ii) Hurst, D. J. (2017). Restoring a reputation: invoking the UNESCO Universal Declaration on Bioethics and Human Rights to bear on pharmaceutical pricing. *Medicine, Health Care and Philosophy*, 20(1), 105-117.

- (iii) Lee, J. Y., & Hunt, P. (2012). Human rights responsibilities of pharmaceutical companies in relation to access to medicines. *The Journal of Law, Medicine & Ethics*, 40(2), 220-233.

**Week 6: Pharmaceutical Companies and the Access to Medicines II****19<sup>th</sup> October 2021**

- (i) Hunt, P., & Khosla, R. (2010). Are drug companies living up to their human rights responsibilities? The perspective of the former United Nations Special Rapporteur (2002-2008). *PLoS Medicine*, 7(9).
- (ii) Khosla, R., & Hunt, P. (2018). Human rights responsibilities of pharmaceutical companies in Relation to Access to Medicines. In *Access to Medicines as a Human Right* (pp. 25–45). University of Toronto Press.
- (iii) Wu, C. F. (2012). Transnational pharmaceutical corporations' legal and moral human rights Responsibilities in Relation to Access to Medicines. *Asian Journal of WTO & International Health Law & Policy*, 7, 77 -142

**Week 7: Fall break, no classes.  
25- 29 October 2021**

**Week 8: Indigenous Communities, Human Rights and Corporate Social Responsibility****2<sup>nd</sup> November 2021**

- (i) Gedicks, A. (2015, Fall). Transnational mining corporations, the environment, and indigenous communities. *The Brown Journal of World Affairs*, 22, 129-152. Retrieved from <https://search-proquest-com.proxy.bib.uottawa.ca/docview/1783018513?accountid=14701>
- (ii) Horowitz, L. (2015). Culturally articulated neoliberalisation: corporate social responsibility and the capture of indigenous legitimacy in New Caledonia. *Transactions of the Institute of British Geographers*, 40(1), 88–101.
- (iii) Hanna, P., Langdon, E. J., & Vanclay, F. (2016). Indigenous rights, performativity and protest. *Land Use Policy*, 50, 490-506.

**Week 9: TNC, Human Rights and Environmental Tragedies****9<sup>th</sup> November 2021**

- (i) Eaton, J. P. (1997). The Nigerian tragedy, environmental regulation of transnational corporations, and the human right to a healthy environment. *Business International Law Journal*, 15, 261.
- (ii) Bond, P. (2018). Ecological-Economic narratives for resisting extractive industries in Africa', *Environmental Impacts of Transnational Corporations in the Global South (Research in Political Economy, Volume 33)*.
- (iii) Kavitha, C. (2019), Access to justice under international law: Claims against environmental crimes of transnational corporations", *ELCOP Yearbook of Human Rights*, 2019 ISBN 9789843473721.

**Week 10: Child labour, Human Trafficking and Vulnerability****16<sup>th</sup> November 2021**

- (i) Borges, I. (2016). The responsibility of transnational corporations in the realization of children's rights. *University of Baltimore Journal of International Law*, 5(1), 1-41
- (ii) Deva, S. (2014). Companies Stand at Bay or enter the water?. *Journal of the Indian Law Institute*, 143-174.
- (iii) Ending child labour, forced labour and human trafficking in global supply chains  
Pg. 3-4, 8-15, 17- 26, 33-43

**Week 11: Supply-Chain Human Rights Violations****23<sup>rd</sup> November 2021**

- (i) Global Witness: What is Supply Chain Due Diligence?
- (ii) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas pg. 12-19, 78-98.
- (iii) Nolan, J. (2017). Business and human rights: The challenge of putting principles into practice and regulating global supply chains. *Alternative Law Journal*, 42(1), 42-46.

or

- (iv) Partiti, E., & Van der Velde, S. (2017). Curbing supply-chain human rights violations through trade and due diligence. Possible WTO concerns raised by the EU conflict minerals regulation. *Journal of World Trade*, 51(6).

**Week 12: Transnational law: Unseen and Hidden Elements**  
**30<sup>th</sup> November 2021**

- (i) Papaioannou, A. (2006). The Illegal Exploitation of Natural Resources in the Democratic Republic of Congo: A Case Study on Corporate Complicity in Human Rights Abuses. In O.D. Schutter (Ed.). *Transnational Corporations and Human Rights*(pp. 263–286). London: Hart Publishing.
- (ii) Lawson-Remer, T.E. (2006). A Role for The International Finance Corporation in Integrating Environmental and Human Rights Standards into Core Project Covenants: Case Study of the Baku–Tbilisi–Ceyhan Oil Pipeline Project. In O.D. Schutter (Ed.). *Transnational Corporations and Human Rights* (pp. 393–426). London: Hart Publishing.

**Week 13: Transnational law: Unseen and Hidden Elements**  
**7<sup>th</sup> December 2021**

- (i) Affolder, N. (2019). Transnational law as unseen law. *The Many Lives of Transnational Law: Critical Engagements with Jessup’s Bold Proposal* (Cambridge: Cambridge University Press 2020).

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**COVID-19 PREVENTION MEASURES**

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g., wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not

have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g., directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca)

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

## **ACADEMIC ACCOMMODATIONS**

### **Academic Accommodation**

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**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 [click here](#).

**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](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). 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).

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

### **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: <https://carleton.ca/registrar/academic-integrity/>.

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the need for accommodation is known to exist. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

### **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: <https://carleton.ca/law/student-experience-resources/>.