

Course Outline

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

TERM: Winter 2021-2022

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

CLASS: **Day & Time:** **Thursdays 11:35 – 2:25** (*Please refer to the public schedule on [Carleton Central](#)*)
Room: Via Zoom – details provided in Bright space

INSTRUCTOR: Doris Buss

CONTACT: **Office:** Loeb D86
Online Office Hrs: Mondays 2:45-4:00 pm via zoom OR by appointment
Telephone: Thursdays 2:45 – 3:30 pm via zoom OR by appointment
Email: 613-520-2600 x. 8011 (NB I am not checking messages regularly) Doris.buss@carleton.ca

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. (From the Undergraduate Calendar)

COURSE DESCRIPTION

You are probably reading this course description on your phone or your lap top. Your ability to do so, and my ability to type this, relies on the ongoing extraction – the mining - of rare and precious minerals; gold, tin, tantalum, tungsten, and cobalt, to name a few. When we meet in this class, we will be using technology (our computers; Zoom; phone, etc) that are enabled by these minerals, many of which are mined across the globe as new deposits of minerals are becoming harder to find, requiring deeper mines, and mines in far flung territories, including in much of the global South (sub-Saharan Africa, Asia, Latin and South America, for example), remote regions (Canada's north) and uncharted areas (the deep sea bed, eg).

This course is about mining and human rights. Mining companies, many of which are registered as Canadian corporations, are the focus of growing advocacy concerns, and multi-scalar law and policy interventions to address the human rights abuses, and development limitations linked to resource extraction, such as slavery, killings, sexual and gender-based violence, land grabbing and displacement, armed conflict, and the list goes on. The various initiatives to address the mining-human rights nexus span multiple scales - transnational, global, international, and local - and regulatory types – state laws, international law, norms, rules, best practices, guiding principles, frameworks, to name a view – providing a dynamic context in which 'law' and 'human rights' take on different meanings. This course will explore mining-related human rights abuses, which are important in and of themselves. The readings and the assignments, however, will invite a closer, explicitly interdisciplinary look at the complex contexts of mining, human rights, law and global governance. The readings for this course come not just from legal studies, but also from scholars trained in anthropology, sociology, geography and political science who are also studying resource extraction and mining law and policies using ethnographic, or participant observation in mining communities and/or policy communities. Their research offers a richer, complex, and sometimes challenge account of the ways in which resource extraction and law and governance interact in ways that defy easy stories.

Objectives: By the end of the course, students will be better able to:

- a. Identify and critically analyze the human rights dimensions of resource extraction, and the kinds of legal, political and analytical challenges posed by transnational mining companies;
- b. Critically analyze how transnational law and governance offer different ways of defining, and seeking to address, human rights abuses linked to resource extraction;
- c. Interrogate their assumptions about law (for example, as a unitary source of authority) in relation to human rights, and transnational corporate wrong-doing;
- d. Reflect on the moral politics mobilized through claims about the human rights dimensions of resource excavation; and
- e. Comprehend, evaluate and analyze academic argument, from different disciplinary locations, on human rights and transnational governance.

Outcomes: The course will pursue these objectives through readings and discussions that draw from academic literature but also current examples (as provided in newspaper articles, blogs, video, reports), so that by the end of the course, students will demonstrate their learning and engagement with the materials through:

- a. Focused analysis of scholarly writing that reflects close reading and engagement with academic texts;
- b. Self-reflection on practices of reading and comprehension of scholarly research; and

c. Written analyses in essay format that distill key insights from academic writing to analyze specific policy contexts.

Required Text: Course materials are available on ARES and on web addresses provided (but the readings are also easily found through Carleton Library's online catalogue).

Evaluation: Standing in a course is determined by the course instructor subject to the approval 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 Dean.

ASSESSMENTS (further information on requirements, marking rubrics are provided in a separate assignment instruction document and sample rubrics, uploaded to Brightspace).

Biography of yourself:	3%	
Reading Commentaries:	12%	(2 assignments x 6% each)
**Must be uploaded on Brightspace before class on the week they are due (see Assignment Instructions for more information)		
Re-Reading Commentary:	12%	Due March 3, via Brightspace.
Two Short Essays on Course material	18%	(2 assignments x 9% each). Uploaded to Brightspace by April 11, 2022
Final Essay:	40%	Take home exam due 28 April 2022, 4:00 pm uploaded to Brightspace.
Participation (see below):	15%	
TOTAL:	100	

Global ASSESSMENT INSTRUCTIONS (in addition to those found on Brightspace):

**Assignments handed in more than 15 minutes past the due date and time will be marked late. Late assignments will be deducted 2 grades/day. Assignments more than three days late will be graded "0". Extensions will only be granted in extreme cases and with appropriate documentation. I cannot guarantee that late assignments will be marked prior to the end of term.

TOPICS

Below are the list of topics covered the course. Detailed list of readings and discussion questions are provided in Brightspace.

1. Extractive colonialism and international law
2. Global, national, local, supranational, international, transnational, multi-scalar, state: the difference(s) a word makes

3. Is there a 'resource curse'? Are Mining and Hydrocarbons linked to armed conflict, authoritarian government, poorer development outcomes?
4. The curse of the resource curse label
5. What is a corporation and how do we understand responsibility in transnational business contexts?
6. The Limits and Possibilities of Lawsuits: Suing corporations in domestic courts
7. Due diligence and risk based governance: conflict minerals and beyond
8. The Global Compact: Business and Human Rights; New Governance
9. Corporate Social Responsibility, and the social license to mine
10. Extractive Industries Transparency Initiative and governance through 'transparency':
11. Strengthening Mining Governance

Statement on Plagiarism

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

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 ([click here](#)).

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 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>