

**LAWS 4601A (Transnational Law and Human Rights)****COURSE:****TERM:** Fall 2017**PREREQUISITES:** Prerequisite(s): one of LAWS 3503, LAWS 3602, and LAWS 4604 (no longer offered)**CLASS:** **Day & Time:** Mondays 2:30-5:30 (*Please refer to the public schedule on Carleton Central*)**Room:** Please check with Carleton Central for current room location**INSTRUCTOR:** Doris Buss**CONTACT:** Office: Loeb D495

Office Hrs: Tuesdays 12:00 -1:30 or by appointment

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Email: [Doris.buss@carleton.ca](mailto:Doris.buss@carleton.ca)**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/>

**Student Services:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://carleton.ca/csas)

## **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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**Required Text:** Course materials are available on ARES.

## **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%
Human Rights Brief assignment:	20%
- due either 2 or 9 October (pick one).	
Group Presentation:	25%
Feedback on Group presentation	5%
Final Essay (due: December 4, MIDNIGHT)	40%

## **ASSESSMENT INSTRUCTIONS:**

You are given a choice of dates for the human rights brief and the group presentation. **When 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.

I cannot guarantee that late assignments will be marked prior to the end of term.

- a. Human rights brief:** more information is available on CU LEARN.
- b. 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.
- c. Group Presentation and Final Essay:** Each student will sign up to do a presentation as part of a group. **YOU ARE RESPONSIBLE FOR SIGNING UP FOR A GROUP AND PARTICIPATING IN THE GROUP PRESENTATION.** The group will present on a specific context (a type of 'case study'), starting with some primary materials listed in the syllabus (usually reports of human rights organizations), supplemented, as needed with **additional research**. The presentation should educate the class about the particular case or issues raised in the reports/ readings (plus extra research), and then use that case/context to explore the arguments and lines of analyses pursued by the authors/readings for that week AND/OR other course readings/themes as relevant.

Further instructions will be made available later in the course.

You will receive a mark for the group presentation AND a mark for the final essay. Your group presentation mark will be comprised of a mark I award (worth 20%) and an additional 5% reflecting the marks given by your peers (more information to be provided).

Your **Final Essay** will be based on the topic of the group presentation but will be written individually and in which you provide additional commentary to address a theme or question provided in the assignment instructions (which will be made available and discussed further later in the class).

### **d. Feedback on Group Presentation**

The quality of your feedback on the group presentations will ALSO be assessed (worth 5%) to ensure that students give fair consideration and thoughtful reasons for awarding marks. **EACH STUDENT IS RESPONSIBLE FOR ENSURING THAT THEY COMPLETE A GROUP EVALUATION AS SCHEDULED.**

## **SCHEDULE AND READINGS**

WEEK	TOPIC	ASS'GTS DUE
WK 1. SEP 11	<b>Introduction to Course; Introduction to transnational dimensions of human rights.</b> <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 Papua New Guinea’s Porgera Gold Mine”, Human Rights Watch report, 2011; pp. 1-34; 38-40; 43-55; 62-72.</li> </ul>	
WK 2. Sept 18	<b>Conceptualizing Transnational Dimension of Human Rights</b> <ul style="list-style-type: none"> <li>Sally Merry. 2006. “New Legal Realism and the Ethnography of Transnational Law”, <i>Law &amp; Social Inquiry</i> 31(4): 975-995.</li> <li>Margaret E Keck and Kathryn Sikkink. <i>Activists Beyond Borders: Advocacy Networks in International Politics</i> Ch. 1, “Transnational Advocacy Network in International Politics: Introduction”, pp. 8-37;</li> <li>Rob Nixon. 2011. <i>Slow Violence and the Environmentalism of the Poor</i>, chapter 3: “Pipedreams: Ken Saro Wiwa Environmental Justice and Micro-Minority Rights”, 103-122;</li> </ul>	
WK 3 Sept 25	<b>Conceptualizing Transnational Dimension of Human Rights Part II: Human Rights and/as Regulation</b> <ul style="list-style-type: none"> <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>Lipschutz, Ronnie D. 2005. <i>Globalization, Governmentality and Global Politics: Regulation for the Rest of Us?</i>, chapter 2: “Globalization, Externalities and regulation”, pp. 25-43.</li> <li>Fact Sheet, International Bill of Rights AND review in particular article 6, ICCPR (CU Learn)</li> </ul>	
WK 4 Oct 2	<b>United Nations human rights system: ‘Charter system’ and special procedures</b> <b>Human Rights Brief 1 DUE</b> <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), 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>	Human Rights Brief 1 DUE

	<ul style="list-style-type: none"> <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> <li>• Jane K. Cowan and Julie Bilaud. 2015. "Between learning and schooling: The politics of Human Rights Monitoring at the Universal Period Review", <i>Third World Quarterly</i> 36(6): 1175-1190</li> </ul>	
WK 5 Oct 9	<p><b>United Nations Human Rights Treaty System Part II: Human Rights Brief 2 DUE</b></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> <li>• "Simple Guide to the UN Treaty Bodies", International Service for Human Rights, pp. 1-35;</li> <li>• Susanne Zwingel. 2013. "Translating international women's rights norms: CEDAW in context", in Caglar, Prugle and Zwingel eds. <i>Feminist Strategies in International Governance</i>. Routledge, Pp111-123.</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></li> <li>• "Concluding observations on the sixth periodic report of Canada", United Nations, International Covenant on Civil and Political rights, 13 August 2015.</li> </ul>	Human Rights brief 2 due
WK 6 OCT 16	<p><b>State Obligations and Human Rights Protections</b></p> <ul style="list-style-type: none"> <li>- Paulina Garcia-del Moral and Megan Alexandra Dernsna. 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>- Fiona Robinson. 2003. "Human Rights and the global politics of resistance: Feminist Perspectives" <i>Review of International Studies</i> 29: 161-175.</li> </ul>	
WK 7 OCT 23	READING WEEK – NO CLASS	
WK 8 OCT 30	<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>- Rob Nixon. 2011. <i>Slow Violence and the Environmentalism of the Poor</i>, Introduction, pp. 1-22;</li> <li>- Anthony Bebbington et al., 2008. "Contention and Ambiguity: Mining and the Possibilities of Development", <i>Development and Change</i> 39(6): 887-893;</li> </ul>	

	<p>897-900.</p> <ul style="list-style-type: none"> <li>- <a href="https://www.theguardian.com/environment/2017/jul/13/the-canadian-company-mining-hills-of-silver-and-the-people-dying-to-stop-it">https://www.theguardian.com/environment/2017/jul/13/the-canadian-company-mining-hills-of-silver-and-the-people-dying-to-stop-it</a></li> </ul>	
WK 9 NOV 6	<p><b>Mining, Human rights and Canada:</b></p> <ul style="list-style-type: none"> <li>• Paula Butler. 2015. <i>Colonial Extractions: Race and Canadian Mining in Contemporary Africa</i>. (U Toronto Press), pp. 21-34; 48-59; 60-63; 72-81</li> <li>• Marc-André Anzueto (Victoria Furio, trans). 2017. "Canadian Human Rights Policy Toward Guatemala" <i>Latin American Perspectives</i>. Issue 216, 44(5): 74-90.</li> <li>• <a href="https://www.theguardian.com/cities/2017/mar/03/toronto-hidden-history-how-city-built-mining">https://www.theguardian.com/cities/2017/mar/03/toronto-hidden-history-how-city-built-mining</a></li> </ul> <p>Group 1 presentation:</p> <ul style="list-style-type: none"> <li>- Amnesty International. 2016. Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada. (full report);</li> </ul>	Group 1 Presentation
WK 10 NOV 13	<p><b>Territoriality and Civil Legal Action</b></p> <ul style="list-style-type: none"> <li>• Philip Liste. 2016. Transnational Human Rights Litigation and Territorialised Knowledge: <i>Kiobel</i> and the 'Politics of Space', <i>Transnational Legal Theory</i> 5(1): 1-19</li> <li>• Re-read: Keck and Sikkink.</li> <li>• Aniket Bhushan "Governing Natural Resources for Africa's Development: Canada and Africa's Natural Resources, Key features", <a href="http://www.nsi-ins.ca/wp-content/uploads/2014/01/Report-Canada-and-Africa%20%99s-Natural-Resources.pdf">http://www.nsi-ins.ca/wp-content/uploads/2014/01/Report-Canada-and-Africa%20%99s-Natural-Resources.pdf</a></li> </ul> <p>Group 2 Presentation Topic</p> <p>Choc v. Hudbay Minerals Inc. &amp; Caal v. Hudbay Minerals Inc:  <a href="http://www.chocversushudbay.com/">http://www.chocversushudbay.com/</a></p> <p>Group presentation 3:  <i>Wiwa v. Shell</i>  <a href="https://www.earthrights.org/legal/wiwa-v-royal-dutchshell">https://www.earthrights.org/legal/wiwa-v-royal-dutchshell</a></p>	Groups 2 and 3 present
WK 11 NOV 20	<p><b>International initiatives on Business and Human Rights: Global Norms and 'corporate social responsibility'</b></p> <ul style="list-style-type: none"> <li>- Ruggie, John G. "Global Governance and 'New Governance Theory': Lessons from Business and Human Rights", <i>Global Governance</i> 20: 5-17;</li> <li>- Hevina S. Dashwerood. 2007. "Canadian Mining Companies and</li> </ul>	Group 4 presents

	<p>Corporate Social Responsibility: Weighing the Impact of Global Norms"  <i>Canadian J of Political Science</i> 129-156;</p> <p>Group 4 Presentation Topic:</p> <ul style="list-style-type: none"> <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> <li>• Guiding Principles interpretive guide: pp. 1-2; 5-18; 23-27; 31-32;</li> </ul>	
WK 12 NOV 27	<p><b>Global Governance, 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>- 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> <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> <li>• Mining Working Group at the UN, "A Rights-Based Approach to Resource Extraction in the Pursuit of Sustainable Development: Advocacy Brief", (<a href="https://miningwg.files.wordpress.com/2014/05/advocacy-brief.pdf">https://miningwg.files.wordpress.com/2014/05/advocacy-brief.pdf</a>)</li> <li>•</li> </ul> <p>Group 5 Presentations: (both groups draw from the context of 'conflict minerals' as outlined in this Global Witness report</p> <ul style="list-style-type: none"> <li>- Global Witness. 2009. "Faced with a gun, What can you do?": War and the militarization of mining in eastern Congo'. (<a href="https://www.globalwitness.org/en/campaigns/democratic-republic-congo/faced-gun-what-can-you-do/">https://www.globalwitness.org/en/campaigns/democratic-republic-congo/faced-gun-what-can-you-do/</a>)</li> <li>- OECD Due Diligence Guide for Responsible Supply Chain of Minerals from Conflict-Affected and High Risk Areas, 3d ed. <a href="http://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf">http://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf</a></li> </ul> <p>Group 6 – mandatory disclosure:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.publishwhatyoupay.org/our-work/mandatory-disclosures/">http://www.publishwhatyoupay.org/our-work/mandatory-disclosures/</a></li> <li>• Global Witness. <i>Shell Knew</i> April 2017. <a href="https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/shell-knew/">https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/shell-knew/</a></li> </ul>	Groups 5 and 6 present

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