

P0650/GGOV641/GV760

International Human Rights, the Law, and Global Governance

Wilfrid Laurier University

Fall 2016

Instructor: Alistair D. Edgar

Lecture: M 2:30-5:20pm

Classroom: BSIA 2-33

Email: aedgar@wlu.ca

Office Hours: Monday 9:30-12:30am, Tuesday 9:30-10:30am (or by appointment)

Office: BSIA Rm 207

*Wilfrid Laurier University uses software that can check for **plagiarism**. Students may be required to submit their written work in electronic form and have it checked for plagiarism.*

*Students with disabilities or special needs are advised to contact Laurier's **Accessible Learning Office** (<https://www.wlu.ca/accessible-learning/index.html>) for information regarding its services and resources. Students are encouraged to review the Academic Calendar for information regarding all services available on campus.*

Additional information on Foot Patrol, Counselling Services the WLUSU Food Bank can be found on the last page out this outline.

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*been granted by the instructor. Failure to follow these instructions may be in contravention of the university's Code of Student Conduct and/or Code of Academic Conduct, and will result in appropriate penalties. **Participation in this course constitutes an agreement by all parties to abide by the relevant University Policies, and to respect the intellectual property of others during and after their association with Wilfrid Laurier University.***

Course Description

During this course, students will have the opportunity to learn more about international human rights and in particular, the interactions of international human rights, international law, and global governance. We will look at, discuss, and evaluate the meaning(s), content and scope of international human rights, their historical development, and their post-war institutionalization within the United Nations system. An underlying theme for the course is the need to understand the political and social or societal contexts that inescapably shape, support, constrain, and sometimes defy or deny humans the capacity to enjoy and to exercise those rights.

The first half of the course looks at the historical emergence of human rights and international human rights law, including issues of universality and particularity (or relativism), guarantees and obligations, and the problems of compliance, complaint and enforcement. We also will examine international human rights law, international humanitarian law, and international criminal law, including exploring some of the debates regarding the complementarities and differences between these bodies of law. In the second half of the course, we will focus on the application of law in practice –that is, situations involving mass violations of human rights and humanitarian law such as genocide, war crimes, and crimes against humanity; the challenges of promoting democracy and development; and the denial of human rights, such as discrimination based on political ideology, economic interest, race, gender, or sexual identity. We will conclude our course with a discussion of recent ‘real world’ issues of human rights, humanitarianism and global governance, which we will identify closer to the time – these may include (but are not limited to): the Syrian humanitarian crisis, especially the international response to Syrian refugees and internally displaced persons; religious

extremism, terrorism, and counter-terrorism; and the implications of the use of Unmanned Aerial Vehicles or Remotely Piloted Vehicles ('drones') in war-fighting.

Course Objectives

By the end of the course students should:

1. Have a greater general understanding of international human rights law, international humanitarian law, international criminal law, and their relationships to each other;
2. Be able to identify core concepts and theoretical approaches used to explain key questions in the field;
3. Have improved their familiarity with several cases of challenges to these forms of international law, and with current efforts to remediate these challenges in the practices of global governance;
4. Have been challenged to think critically and constructively about the political context of the law, especially as experienced in these cases;
5. Have strengthened their academic foundation for further graduate level study of politics;
6. Have further developed core academic skills, including: critical reading and comparative analysis of secondary studies and selected primary sources; developing and delivering short verbal presentations of a researched topic, and responding to questions about the presentation; listening to, and offering constructive questions and suggestions about, colleagues' research presentations; and preparing and submitting by the assigned due date, a written research proposal and full research paper on a topic of the student's choice that meets or exceeds the expectations and requirements of the course instructor.
7. You will receive a hand-out in the first class with details of expectations and requirements for the proposal and paper.

Required Texts and Additional Materials

1. Dinah L. Shelton, *Advanced Introduction to International Human Rights Law* (Cheltenham: Edward Elgar Publishing, 2014).
2. Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition (Ithaca: Cornell University Press, 2014).
3. Additional readings will be assigned by the course instructor from online sources;
4. Students making research presentations will be required in the week prior to their presentation, to identify, and provide an online link to, a relevant academic article, paper or other similar source.

Course Evaluation

Assignment	Due Date	% of course grade
Seminar Preparation / Participation	Ongoing – each week beginning in Week 2	25%
Seminar Presentation	As assigned or selected	25%
Research Paper Proposal	October 17, 2016	10%
Research Paper	December 5, 2016	40%

Seminar Preparation / Participation

This is a graduate seminar: students are expected to attend each class, and to make regular quality contributions to the discussions during each seminar. Simply ‘showing up’ and sleep-

talking or checking Facebook will not be sufficient – your attendance is expected and will be noted, but it is not rewarded as such by a grade. What will be assessed and graded is your participation. Your active and constructive participation in seminar discussions should demonstrate a high standard of critical engagement with the assigned readings, and any other related materials, as well as high quality communication skills. Communication skills include, but are not limited to, the ability to convey complicated ideas in a clear, coherent and organized manner; the use of appropriate professional scholarly ideas and language; the ability to listen to, understand, consider, and respond to other participants' contributions and our general discussion, effectively and with relevant ideas and examples.

If you will be absent, you should notify the course instructor in advance, by email. Absences cannot be made up through other assignments: if you are not there, you cannot participate and contribute to the seminar discussion.

Seminar Presentation

Beginning in Week 9, each student will give a 15-minute research presentation, followed by leading a 30-minute discussion that will focus on the topic and reading materials (including any additional material that you have identified for your presentation) for the class. Depending on final enrolment numbers, there will be 2 or 3 presentations in each of Weeks 9-13 inclusive. We will discuss the format of the presentations in more detail at the beginning of our course; as a note for now, they should be analytical in approach and thematic in content, rather than simply descriptive. We will agree on the schedule of presentations and presenters, by our class in Week 5.

Once you are scheduled, you cannot miss or re-schedule your presentation week except with a medical note or similar documentation, which must be provided to the course instructor in advance; otherwise, you will receive a grade of zero (0%) for your presentation.

Research Paper Proposal

Each student will prepare a research paper proposal, in close consultation with the course instructor. Normally, the expectation would be that your research paper proposal, final paper, and seminar presentation all will focus on the same topic; however, it is possible to have the presentation topic be different from the proposal and paper if the student wishes (and in prior consultation with the course instructor).

The research paper proposal must include the following elements: a working title, plus a description and an explanation of the research topic, research question, and the main issues or subthemes to be addressed. At this early stage, you may not have a hypothesis, but if you do then it should be noted and explained. This portion of the proposal should be approximately 500 words in length. A short bibliography also must be included, indicating that you have found sufficient relevant scholarly sources (books, articles, other research papers) as well as any other materials such as documents, technical reports, and posts. You are not expected to have read each source, but you should have consulted each one to evaluate its relevance to your paper. A reasonable initial bibliography should include at least 8-10 scholarly sources, which can include your assigned course books and other materials.

The research paper proposal should be submitted in printed form, directly to the course instructor at the start of our class on 17 October. Papers not submitted at the beginning of class on 17 October will be subject to a penalty of 2% immediately that will be deducted from the final grade (out of 10%) for the proposal, and an additional 2% per day until Wednesday 19th at noon, after which the proposal still must be submitted but will receive a grade of zero (0%). The only exception will be by provision of a medical note or similar documentation, which must be provided to the course instructor.

Keep your research paper proposal after it is handed back to you, as you also will need to submit it in its original form with my written comments, when you submit your final research paper.

Research Paper

The final research paper should be an expansion from, and continuation of, the proposal, clearly and demonstrably taking into account any comments and suggestions received from the course instructor. As a graduate research-based paper, your paper should be critical and thematic, not simply descriptive. Your analysis should engage the existing literature critically; you should provide an original argument, and not simply repeat or reaffirm one of the text books; and you must identify, organize, and use convincing evidence to support your line of argument. You should use proper citation and bibliography styles; this normally would be the Chicago Manual of Style, but may be another such as MLA Style, as long as it is used consistently. The final research paper should be 20 pages in length (+/-10%), plus bibliography. See submission guidelines below for more details.

This assignment must be submitted directly to your course instructor at the beginning of class in Week 12, 5 December 2016. Remember to include as well, your original research paper proposal which should be attached to the final paper. Papers not submitted at the beginning of class on 5 December will be subject to a penalty of 3% immediately that will be deducted from the final grade (out of 40%) for the proposal, and an additional 3% per day until Wednesday 7th December at noon. After that, the assignment will be given a final grade of zero (0%). The only exception will be by provision of a medical note or similar documentation, which must be provided to the course instructor.

Course Policies

Academic Misconduct and the Need for Academic Integrity:

Academic integrity is greatly valued in this course. Academic misconduct occurs in a variety of forms. Students are required to familiarise themselves with the University policies on Plagiarism and Academic Dishonesty as well as the associated penalties which can be severe.

Plagiarism:

According to the Academic Calendar (2016-17), plagiarism “involves using the thoughts, ideas, or writings of another person and passing them off as your own (adapted from the Oxford English Dictionary definition). It can involve taking credit for ideas that were not your own or using the words of others without properly citing them.” Further information can be found at <https://students.wlu.ca/academics/academic-integrity/index.html>. Should you have any questions about these issues please feel free to discuss them with me.

Your course instructor is really good at recognizing work that does not reflect what we have been discussing in our class. If you have problems that are even making you think about plagiarism as a deliberate short cut – don’t do it. Instead, come and talk to your instructor.

Submission:

Written work should be presented in a scholarly fashion, double spaced with one inch margins using a 12pt. Times New Roman font or equivalent. Work must be submitted as both an electronic and hardcopy. Electronic copies must be submitted by midnight on the date the assignment is due. Papers submitted after this will incur late penalties. Late penalties will be Succinct and lucid writing is a skill. Papers that substantially exceed the page limit will be subject to penalty.

Late penalties:

Late penalties for each component of the course, are detailed in the descriptions of those components. Make sure that you know the assignment dates, and the penalties – and put them into your calendar.

Communication:

An active WLU or UW e-mail account is required as a means of communication. Please ensure that your account is active and check it regularly. The course also uses mylearning space – important messages will be posted here, and also sent directly as a class group to your email account. I encourage students to come and see me in office hours at the Balsillie School with specific questions or more general issues. If you require clarification on any aspect of the course please arrange to see me. I recommend that you contact me in advance by email, to arrange a specific time to come and speak with me. Of course, outside of my posted office hours, if you are at the BSIA and I am in my office, you always are welcome to stop in to discuss class-related questions.

University Resources:

The University provides a large selection of professional, academic and personal support services to assist students to succeed in their academic careers. Please consult the University website for available resources.

Weekly Class Schedule:

Week 1: Introduction: international human rights, and related bodies of international law
(September 12)

- Shelton, Preface, Chapter 1, and Chapter 4 pp. 74-89.
- Donnelly, Preface, Introduction, and Chapter 1.

Week 2: The 'evolution' of human rights in international law and practice (September 19)

- Shelton, Chapter 2, and Chapter 4 pp. 89-120.
- Donnelly, Chapter 5.

Week 3: A model of human rights, and its institutional network (September 26)

- Donnelly, Chapters 2-4
- Shelton, Chapter 3.
- Consult online copies of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

Week 4: Universality, relativity, and particularity (October 3)

- Donnelly, Chapters 6-10.

---Thanksgiving and Reading Week, October 10-14th---

Week 5: Rights guarantees, and obligations (October 17)

- Shelton, Chapters 5-6.
- Donnelly, Chapter 11.

Week 6: Compliance, complaint, and enforcement (rectification) (October 24)

- Shelton, Chapters 7-9.
- Donnelly, Chapter 12.

Week 7: Achieving economic and social rights (October 31)

- Donnelly, Chapter 14
- Online, read – the Declaration on the Establishment of a New International Economic Order (A/RES/S-6/3201), UN General Assembly, 1974; the Declaration on the Right to Development (A/RES/41/128), UN General Assembly, 1986; and look through the website for the UN Sustainable Development Goals.

Week 8: Human rights, democracy, and development: complementary goals? (November 7)

- Donnelly, Chapter 13.
- Online, go to the UN Development Program (UNDP) Practitioner's Portal on Human Rights-Based Approaches, found at www.hrbportal.org then under the 'Resources' header, choose 'Case Studies', and read into 2 or 3 case studies of your own choice.

Week 9: Minority Rights and Non-discrimination (November 14)

- Donnelly, Chapter 16.
- UN Declaration on the Rights of Indigenous Persons – online, find and read the UNDRIP.
- Truth and Reconciliation Commission of Canada – online, find and read the TRC report "Calls to Action" (20 pages).

Week 10: Genocide, mass atrocity crimes and international intervention (November 21)

- Donnelly, Chapter 15
- The Responsibility to Protect – online, go to www.globalr2p.org, follow the 'About R2P' header, and then read R2P Background Briefing (under 'Key Documents'), and the 2016 UN Secretary-General's Report, "Mobilizing collective action".
- Online, read Ramesh Thakur, "R2P's 'Structural' Problems: A Response to Roland Paris", *International Peacekeeping*, 22:1 pp. 11-25, which is available for download through Taylor & Francis www.tandfonline.com

Week 11: Transitional justice – global standards and local modes of justice (November 28)

- I will direct you to a number of select current online resources at the International Criminal Court, the United Nations, The International Center for Transitional Justice, Human Rights Watch, and The Hague Institute for Global Justice.
- Online, find Luc Huyse and Mark Salter (Eds.), *Traditional Justice and reconciliation after Violent Conflict: Learning from African Experiences* (Stockholm: International IDEA, 2008). Read the Preface, and Chapters 1, 4, and 7. Of course, you are welcome to read the full report if you wish.

Week 12: The 'new' global refugee crisis and international responses (December 5)

- I will direct you to a number of select current online resources, including the September 2016 UN Summit for Refugees and Migrants, the UN High Commission for Refugees, the United Nations inter-agency Global Migration Group, the International Committee of the Red Cross, and Amnesty International for materials on contemporary cases, and on relevant law (treaty law, customary law, and domestic law).

Week 13: Advance or regression? (December 12)

- Online, read and review Human Rights Watch, "World Report 2016" chapter 1 by Ken Roth; and Amnesty International 2015-2016 Report, Foreword and Regional Overviews pp. 14-56.

On behalf of WLUSU (wlusu.com)

Foot Patrol Walk Home Service:

1.519.886.FOOT x3668

Foot Patrol is a volunteer operated walk-home service, available daily during evening hours. Male-female, radio-dispatched teams trained in Emergency First Aid are available on request to escort students to and from campus as well as to off-campus destinations, either by foot or by van.

Counselling Services and Peer Help Line:

1.886.281.PEER x7337

Counselling Services are available to help students deal with emotional, psychological and social challenges of university. Counselling, consultation or referrals are available at the Student Wellness Centre. Peer Help Line, a confidential listening, referral, information and support line, is available during evening hours to provide support.

Student Food bank

All Laurier students are eligible to use the Student Food Bank. Anonymous requests can be made online at wlusu.com under the Services tab. All dietary restrictions are accommodated, and food hampers typically last up to a week.