

**STUDIES IN INTERNATIONAL LAW:
TRANSNATIONAL CORPORATIONS, HUMAN RIGHTS AND INTERNATIONAL
ECONOMIC LAW**

CML 4108A/DCL 6121F

Fall 2009

SYLLABUS

Prof. Penelope Simons
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Office Hours: Monday 13:15-14:15, Friday 11:45-12:45

Timetable: Friday 8:30-11:30 FTX 136

COURSE DESCRIPTION

This course examines the intersections between the activities of transnational corporations, international economic law and international human rights law. Students will consider the conceptual, normative and regulatory challenges transnational corporate actors pose to the international legal system; the facilitation of globalized corporate activity through international economic law, in particular the international regulation of trade and investment; concerns about the human rights impact of transnational corporate activity; and the variety of regulatory mechanisms available to promote or ensure corporate accountability for violations of human rights. You will be given the opportunity to explore relevant law, theoretical issues and contemporary debates concerning human rights through the lectures, class discussions and activities, your own reading, and in your assessments.

TEACHING AND LEARNING EXPERIENCE

The course will be taught through introductory interactive lectures, guest lectures, small group and class discussions, as well as student presentations. You will be expected to do the reading before each class. The reading will be designated as 'required' and 'further reading'. The required reading is the minimum necessary for participation in each class. Graduate students are expected to go beyond the required reading.

LEARNING OUTCOMES:

A student successfully completing this course will be able to:

- a. describe the regulatory challenges raised by TNCs in relation to the protection of human rights
- b. describe current human rights issues raised by corporate activity and related international economic law
- c. critically discuss the theories underlying international human rights law and economic globalization and their relationship
- d. demonstrate an understanding of the interaction between international human rights and international economic law
- e. critically assess existing mechanisms to regulate the human rights related activity of TNCs

g. engage in scholarly research, analysis, presentation and writing in relation to a human rights issue raised by TNC activity and international economic law.

READING MATERIALS

Course Pack: Volume 1 of the course pack of reading materials is available for purchase from Office Mart Inc. - 226 Laurier Ave East (613-233-0635). Volume 2 will be available shortly.

The following books are on reserve in the BD Law Library or available in the HRREC:

- Alston, P (ed). *Non-State Actors and Human Rights* (OUP Oxford, 2005) HRC INT I alston/2005
- T Cottier, J Pauwelyn and E Bürgi (eds) *Human Rights and International Trade* (Oxford and New York, OUP 2005) MRT INT V.600 cottier/2005
- De Feyter, K and FG Isa (eds). *Privatisation and Human Rights in the Age of Globalisation*, (Intersentia 2005) K 3240 .P75 2005
- De Schutter, O (ed). *Transnational Corporations and Human Rights* (Hart Publishing 2006) ZZQ 0385
- Evans, MD (ed). *International Law* (2nd edn OUP, Oxford 2006) KZ 3410.I574 2006
- Harrison, J. *The Human Rights Impact of the World Trade Organisation* (Hart Publishing 2007) HF 1713 .H37 2007
- Higgins, R. *Problems and Process: International Law and How We Use It* (OUP, Oxford 1994) KZ 3225 .H54 A37
- Lowenfeld, AF. *International Economic Law* (OUP, Oxford and New York 2008) K 3820 .L69 2008
- Marks, S and A Clapham. *International Human Rights Lexicon* (OUP, Oxford 2005) with a companion website <http://www.internationalhumanrightsllexicon.org> K 3240.M265 2005 and HRC INT I marks/clapham/2005
- Muchlinski, P. *Multinational Enterprises and the Law* (2nd edn Oxford, OUP 2007) K 1322 .M83 2007
- Narlikar, A. *The World Trade Organization: A Very Short Introduction* (OUP 2006) HF 1385 .N37 2005
- Nowak, M. *Introduction to the International Human Rights Regime* (Martinus Nijhoff Publishers, Leiden and Boston 2003) K3240.N6913 2003
- Sornarajah, M, *The international law on foreign investment* (2nd edn CUP, 2004) K 3830.4 .S67 2004
- Steiner, HJ, P Alston and R Goodman. *International Human Rights in Context: Law, Politics and Morals* (3rd edn OUP 2007) K 3240.3 .S74 2008
- Symonides, J (ed). *Human Rights: Concept and Standards* (Ashgate and UNESCO, Aldershot 2000) JC571.H7686 2000
- Symonides, J (ed). *Human Rights: International Protection, Monitoring, Enforcement* (Ashgate and UNESCO, Aldershot 2003) K3240.H365 2003
- Trebilcock, M and R Howse. *The Regulation of International Trade* (3rd edn Routledge, 2005) K 3943 .T737 2005

The following books may also be useful:

- Brownlie, I and G Goodwin-Gill (eds). *Basic Documents on Human Rights* (5th edn OUP, Oxford 2006) K3238.B37 2006
- Busche, J and PT Stoll and K Arend (eds.), *WTO - Trade-Related Aspects Of Intellectual Property Rights* (Leiden and Boston, Martinus Nijhoff Publishers 2009) K 1401 .A41994 T7613 2009

- Jackson, JH. *The World Trading System: Law and Policy of International Economic Relations* (MIT Press 1997) K 4602.2 1997 .J324
- Kirton, JJ and MJ Trebilcock (eds). *Hard Choices, Soft Law : Voluntary Standards in Global Trade, Environment, and Social Governance* (Ashgate 2004) MRT General HC 79 .E5 H3525 2004
- Petersmann, E-U (ed with J Harrison). *Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance* (Oxford and New York, OUP 2005) HF 1385 .R43 2005
- Stoll, PT and F Schorkopf, *WTO: World Economic Order, World Trade Law* (Martinus Nijhoff, 2006) K 4610 .S76 2006
- Wolfrum, R. PT Stoll and M Koebele (eds). *WTO – Trade Remedies* (Leiden and Boston, Martinus Nijhoff Publishers 2008) K 4610 .W7878 2008

COURSE EVALUATION

1/ Class Participation 15%

Class attendance is compulsory and students are expected to complete the required reading and participate actively in small group and class discussions, including following guest lectures and student presentations. As part of their participation mark, graduate students will be required to present a designated reading in one of the classes.

2/ Presentation 25%:

Students are required to make a 45 minute presentation and to participate in discussions following the presentations. Students must submit an 800-word fully referenced typed summary (which may be in point form) of their presentation plus a full bibliography of sources by **12:00 noon on Wednesday preceding a Friday presentation**. The allocation of topics will be decided by Friday, September 25th through online sign-up.

3/ Paper proposal 5%

- The topic can be developed from your presentation
- The topic must link TNC conduct, aspect of international economic law and human rights issue
- The submission date is Monday November 23rd, 12 noon to FTX 105
- Criteria for proposal will be distributed

4/ Paper 55%

CML (LL.B.) students - maximum 25 pages

DCL/LL.M. students - maximum 35 pages

- The **submission date is Friday December 22nd, 2009 by 12 noon. Papers should be delivered to FTX 105.** Late papers will be penalised 10% for each day they are late and papers submitted 5 days late will not be marked. Any requests for an extension must go through the office of the Director of Academic Affairs, Mme Foré.
- All papers must be double spaced, Times New Roman 12 point font, footnotes in 10 point. Long quotations may be single-spaced and must be in minimum 11 point font.
- **Your coursework must be properly referenced.** Quotations and ideas should be clearly identified and attributed to the author. You are expected to use an accepted form of legal citation. Plagiarism and other forms of cheating are considered very serious offences. Please see the University regulations for more information.

Assessment criteria which will be used when marking your presentation, presentation summaries and your papers are set out on the course website.

Presentation Topics:

Critically examine and assess:

- The relationship between the human right to water, international investment law, and TNC activity in Bolivia (Oct 30)
- The Canada-Colombia Free Trade Agreement and its potential for regulating the human rights impact of TNC activity in Colombia in areas of conflict (Oct 30)
- The WTO Dispute Settlement Body as a means of linking trade and human rights – the Right to Adequate Food (Nov 6)
- The effectiveness of NAFTA and the North American Agreement on Labor Cooperation (NAALC) in regulating TNC compliance with internationally recognised labour rights (Nov 13)
- Voluntary self-regulation and the TNC protection of labour rights (Nov 13)
- The relationship between indigenous rights, the protection of traditional knowledge, TNC activity and the WTO Agreement on TRIPs (Nov 27)
- The relationship between the right to health, TNC activity and the WTO Agreement on TRIPS (Dec 4)

FOR STUDENTS IN NEED OF LEARNING SUPPORTS

Students who require accommodations or academic support because of a physical or learning disability, or any condition that affects their ability to learn, are invited to register with ACCESS SERVICE:

Office: UCU 339
Telephone: 613-562-5976
TTY: 613-562-5214
E-mail: adapt@uottawa.ca
Web: www.sass.uottawa.ca/access/

Students can meet with an Access Service specialist to identify their individual needs and to discuss appropriate strategies. All information provided to Access Services and all accommodations received remain strictly confidential.

Deadlines to request accommodations for final exams: **Fall Semester: before 15 November**

For additional information about Access Services you may contact Jessica Simon in Student Services at jsimon@uottawa.ca or at 613.562.5800 x 8891.

SCHEDULE

Date	Theme/Topic
Sept 11	Introduction: Transnational Corporations and International Law Film: The Corporation
Sept 18	Corporate Structures Review of Public International Law Sources
Sept 25	Overview of Universal and Regional Human Rights Law Regimes
Oct 2	Economic Globalization, TNCs and Human Rights
Oct 9	Guest Lecturer: Prof Don McCrae – Introduction to the WTO and the Dispute Settlement Body Introduction to the WTO Agreement on Agriculture
Oct 16	Bilateral Investment Treaties and the Protection of Human Rights Guest Lecturer: Prof Graham Mayeda – BITs, Investment Arbitration and Human Rights
Oct 23	Bilateral Investment Treaties and the Protection of Human Rights (con't) Film: Flow (For the Love of Water)
Oct 30	The Right to Water, International Investment Law and TNC Activity in Bolivia TNCs and the Protection of Human Rights under the Canada-Colombia Free Trade Agreement
Nov 6	Guest Lecturer: Jeremy de Beers – Introduction to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights The WTO DSB – Linking Trade and Human Rights – the Right to Adequate Food
Nov 13	TNCs and the Protection of Labour Rights under NAFTA/NAALC Voluntary Self-Regulation, TNCs and the Protection of Labour Rights
Nov 20	No Class
Nov 27	Indigenous Rights, TNCs Traditional Knowledge and TRIPs Guest Lecturer: Prof Don Hubert - Conflict Diamonds, Human Rights and

	the Kimberley Process
Dec 4	The Right to Health, TNCs and TRIPs

SEPT 11 – INTRODUCTION: TNCs, HUMAN RIGHTS AND THE INTERNATIONAL LEGAL SYSTEM

Required Reading:

DL Barlett and JB Steel, ‘Monsanto’s Harvest of Fear’ (2008) *Vanity Fair*, May Issue, 156

P Muchlinski, *Multinational Enterprises and the Law* (2nd edn Oxford, OUP 2007), Chapter 1, 3-8, Chapter 13, 507-536

Further Reading:

O De Schutter, ‘Transnational Corporations as Instruments of Human Development’ in P Alston and M Robinson, *Human Rights and Development: Towards Mutual Reinforcement* (Oxford, OUP 2005) 403-444.

V Lowe, *International Law* (Oxford, OUP 2007), ‘Chapter 6: The Global Economy’ pp 188-205, 215-233

SEPT 18 – THE CORPORATION -AND - REVIEW OF PUBLIC INTERNATIONAL BASICS

Required reading:

M Friedman, “The Social Responsibility of Business is to Increase its Profits”, *The New York Times Magazine* (September 13, 1970), <http://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html>

M Eroglu, *Multinational Enterprises and Tort Liabilities: An Interdisciplinary and Comparative Examination* (E. Elgar, Cheltenham, UK; Northampton, MA, 2008,) Chapter 3 ‘The Legal Structure of Multinational Enterprises’, 70-94

R Higgins *Problems and Process: International Law and How We Use It* (OUP, Oxford 1994) Chapter 1 ‘The Nature and Function of International Law’, 1-16

H Thirlway, ‘The Sources of International Law’ in MD Evans (ed), *International Law* (2nd edn OUP, Oxford 2006), 115-140

Further Reading:

P Blumberg, ‘Accountability of Multinational Corporations: The Barriers Presented by Concepts of the Corporate Juridical Entity’, (2001) 24 *Hastings Int’l & Comp L Rev* 297

D Millon, ‘Theories of the Corporation’ (1990) *Duke Law Journal* 201

K Green, ‘New Principles for Corporate Law’ (2005) 1 *Hastings Bus L J* 87

JH Currie, C Forcese and V Oosterveld, *International Law: Doctrine, Practice and Theory* (Irwin Law, Toronto 2007)

V Lowe, *International Law* (OUP, Oxford 2007), 5-33 and 34-99.

SEPT 25 - OVERVIEW OF UNIVERSAL AND REGIONAL HUMAN RIGHTS REGIMES

Required reading:

JH Currie, C Forcese and V Oosterveld, *International Law: Doctrine, Practice and Theory* (Irwin Law, Toronto 2007), 'Chapter 9: Respect for International Human Rights', 538-578 and 645-674

The Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(111) (UDHR)

The International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)

The International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR)

Further reading:

M Freeman and G Van Ert. *International Human Rights Law* (Irwin Law, Toronto 2004)

S Marks and A Clapham. *International Human Rights Lexicon* (OUP, Oxford 2005) with a companion website <http://www.internationalhumanrightsexicon.org>

M Nowak, *Introduction to the International Human Rights Regime* (Martinus Nijhoff Publishers, Leiden and Boston 2003)

HJ Steiner and P Alston and R Goodman, *International Human Rights in Context: Law, Politics and Morals* (3rd edn OUP, Oxford 2007)

J Symonides (ed), *Human Rights: Concept and Standards* (Ashgate and UNESCO, Aldershot 2000)

J Symonides (ed), *Human Rights: International Protection, Monitoring, Enforcement* (Ashgate and UNESCO, Aldershot 2003)

OCT 2 – ECONOMIC GLOBALIZATION, TNCs AND HUMAN RIGHTS

Required Reading:

A Gear, *Challenging Corporate Humanity: Legal Disembodiment, Embodiment and Human Rights* (2007) 7 HRLR 511

P O'Connell, 'On Reconciling Irreconcilables: Neo-liberal Globalisation and Human Rights' (2007) 7 HRLR 483

D Kinley and J Nolan, 'Trading and Aiding Human Rights: Corporations in the Global Economy' (2007) 25 Nordisk Tidsskrift For Menneskerettigheter 353-377

UNHRC, 'Protect Respect and Remedy: A Framework for Business and Human Rights: Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Entities' (2008) U.N. Doc. A/HRC/8/5

Further reading:

Daniel Aguirre, *The Human Right to Development in a Globalized World* /. Aldershot, UK; Burlington, VT, Ashgate 2008).

P Allott, *The Health of Nations* (Cambridge, CUP 2002), 'Chapter 3: Globalisation from Above', 70-96

P Alston, 'The "Not-a-Cat" Syndrome: Can the International Human Rights Regime Accommodate Non-State Actors?' in P Alston (ed) *Non-State Actors and Human Rights* (OUP Oxford, 2005) 3-36

W Benedek, K De Feyter and F Marrella (eds) *Economic Globalisation and Human Rights* (Cambridge, CUP 2007)

HJ Steiner, P Alston and R Goodman, *International Human Rights in Context: Law, Politics and Morals* (3rd edn OUP, Oxford 2007), 1387-1396 excerpt on Transnational Corporations and Human Rights

D Shelton, 'Protecting Human Rights in a Globalized World' (2002) 25 BCICL Rev 273JE

JE Stiglitz, *Globalization and Its Discontents* (Norton, New York and Washington 2003) 53-88.

OCT 9 – INTRODUCTION TO THE WTO DISPUTE SETTLEMENT BODY

– AND –

INTRODUCTION TO THE WTO AGREEMENT ON AGRICULTURE

Required reading:

JH Currie, C Forcese and V Oosterveld, *International Law: Doctrine, Practice and Theory* (Irwin Law, Toronto 2007), 'Chapter 10: Constraints on State Regulation of Economic Activity', 693-718 (701-718 only)

D Kinley and A McBeth, 'Human Rights, Trade and Multinational Corporations' in R Sullivan (ed) *Business and Human Rights: Dilemmas and Solutions* (Sheffield: Greenleaf Publishing 2003) 52-68

MJ Trebilcock and R Howse, *The Regulation of International Trade* (3rd edn Routledge 2005), 'Chapter 3: Dispute Settlement', 112-147

Further reading:

W Cragg (ed), *Ethics Codes, Corporations and the Challenge of Globalization* (Cheltenham, Edward Elgar 2005)

L Bartels, 'Social Issues: Labour, Environment and Human Rights', in S Lester and B Mercurio (eds), *Bilateral and Regional Trade Agreements: Commentary, Analysis and Case Studies* (Cambridge, CUP 2008) 342-66

C Dommen, 'Raising Human Rights Concerns in the World Trade Organization: Actors, Processes and Possible Strategies' (2002) 24 HRQ 1-13 only

Harrison, J. *The Human Rights Impact of the World Trade Organisation* (Hart Publishing 2007)

R Howse and M Mutua, 'Protecting Human Rights in a Global Economy: Challenges for the World Trade Organization', *Rights & Democracy*, 2000
<http://www.ichrdd.ca/english/commdoc/publications/globalization/wtoRightsGlob.html>

R Howse, B Langille with J Burda, 'The World Trade Organization and Labour rights: Man Bites Dog' in VA Leary and D Warner, *Social Issues, Globalisation and International Institutions: Labour Rights and the EU, ILO and WTO* (Leiden and Boston, Martinus Nijhoff 2006)

G Marceau, 'WTO Dispute Settlement and Human Rights' (2002) 13 EJIL 753

J Pauwelyn, 'Human Rights in WTO Dispute Settlement' in T Cottier, J Pauwelyn and E Bürgi (eds) *Human Rights and International Trade* (Oxford and New York, OUP 2005) 205-231

OCT 16 – INTRODUCTION TO BILATERAL INVESTMENT TREATIES AND HUMAN RIGHTS

Required Reading:

JH Currie, C Forcese and V Oosterveld, *International Law: Doctrine, Practice and Theory* (Irwin Law, Toronto 2007), 'Chapter 10: Constraints on State Regulation of Economic Activity', 693-718 (693-700 only)

Compañía de Aguas del Aconquija S.A. and Vivendi Universal v. Argentine Republic, ICSID Case No. ARB/97/3 (France/Argentina BIT) -Award, 20 August 2007

LE Peterson, 'Human Rights and Bilateral Investment Treaties: Mapping the Role of Human Rights Law within Investor-State Arbitration' *Rights & Democracy* (International Centre for Human Rights and Democratic Development) 2009

T Vanduzer, P Simons and G Mayeda, 'Modeling International Investment Agreements for Economic Development', in V Qalo (ed) *Bilateralism and Development: Emerging Trade Patterns* (London: Cameron May 2008)

Further Reading:

Canada's New Model Foreign Investment Protection Agreement adopted in 2004

<http://www.international.gc.ca/assets/trade-agreements-accords-commerciaux/pdfs/2004-FIPA-model-en.pdf>

International Institute for Sustainable Development 'IISD Model International Agreement on Investment for Sustainable Development' (2005) http://www.iisd.org/pdf/2005/investment_model_int_agreement.pdf

US 2004 Model Bilateral Investment Treaty <http://www.state.gov/documents/organization/38710.pdf>

R Bachand and S Rousseau, *International Investment and Human Rights: Political and Legal Issues* (Rights & Democracy - Investment in Developing Countries: Meeting the human rights challenge 2003) http://www.dd-rd.ca/site/_PDF/publications/globalization/bachandRousseauEng.pdf

V Lowe, "Changing Dimensions of International Investment Law" (March 2007). Oxford Legal Studies Research Paper No. 4 (2007) <http://ssrn.com/abstract=970727>

H Mann, 'International Investment Agreements, Business and Human Rights: Key Issues and Opportunities, prepared for Prof. John Ruggie, UN Special Representative to the Secretary General for Business and Human Rights (International Institute for Sustainable Development, February 2008) <http://www.iisd.org>

I Odumosu, 'The Law and Politics of Engaging Resistance in Investment Dispute Settlement' (August 1, 2007) <http://ssrb.cin/abstract=1004288>

Oxfam International, 'Signing Away the Future: How Trade and Investment Agreements between Rich and Poor Countries Undermine Development', Oxfam Briefing Paper No. 101, March 2007 http://www.oxfam.org/en/files/bp101_regional_trade_agreements_0703/download

JE Stiglitz, 'Regulating Multinational Corporations: Towards Principles of Cross-Border Legal Frameworks in a Globalized World Balancing Rights with Responsibilities' (2008) 23 *Am U Int'l L Rev* 451

R Suda, 'The effect of bilateral investment treaties on human rights enforcement and realization' in O de Schutter (ed) *Transnational Corporations and Human Rights* (Oxford, Hart Publishing 2006)

UNCTAD, Development Implications of International Investment Agreements, IIA Monitor No. 2 (2007) http://www.unctad.org/en/docs/webiteiia20072_en.pdf

**OCT 16 – BILATERAL INVESTMENT TREATIES AND THE PROTECTION OF HUMAN RIGHTS (CON'T)
TRANSNATIONAL CORPORATIONS AND WATER**

Required reading:

UNHRC, 'Protect Respect and Remedy: A Framework for Business and Human Rights: Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Entities' (2008) U.N. Doc. A/HRC/8/5

Canada's New Model Foreign Investment Protection Agreement adopted in 2004

<http://www.international.gc.ca/assets/trade-agreements-accords-commerciaux/pdfs/2004-FIPA-model-en.pdf>

International Institute for Sustainable Development 'IISD Model International Agreement on Investment for Sustainable Development' (2005) http://www.iisd.org/pdf/2005/investment_model_int_agreement.pdf

C Mann, 'The Rise of Big Water' [2007] *Vanity Fair* 86

**OCT 23 – THE RIGHT TO WATER, PRIVATIZATION, TNCs AND INTERNATIONAL INVESTMENT LAW
–AND–
THE CANADA-COLOMBIA FREE TRADE AGREEMENT, TNCs AND THE PROTECTION OF HUMAN
RIGHTS IN COLOMBIA**

Required reading:

ICESCR, Articles 2, 11 & 12

UN Committee on Economic, Social and Cultural Rights, 'Comment No. 15' UN Doc E/C.12/2000/4

A Kok, 'Privatisation and the Right to Access to Water' in K De Feyter and FG Isa (eds), *Privatisation and Human Rights in the Age of Globalisation*, Intersentia 2005)

Canada, 'Human Rights, the Environment and Free Trade with Colombia' Report of the Standing Committee on International Trade 39th Parliament, 2nd Session (June 2008)

Canada-Colombia Free Trade Agreement <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/colombia-colombie/can-colombia-toc-tdm-can-colombie.aspx>

Canada-Colombia Agreement on Labour Cooperation
http://www.hrsdc.gc.ca/eng/labour/labour_agreements/ccalc/index.shtml

Further reading:

Water

F Costamagna and F Sindico 'The linkage between international economic law and access to water and water scarcity' (2007) International Environmental Law Research Centre (IELRC)

http://www.ielrc.org/activities/workshop_0704/content/d0710.pdf

R Daniels, 'Implementation of the right of access to sufficient water through privatization in South Africa' [2006] 15 Penn St Envtl L Rev 61

SE Draper, 'Limits to Water Privatization' (2008) Journal of Water Resources Planning and Management, Nov/Dec 493

International Conference on Water and the Environment - The Dublin Statement on Water and Sustainable Development (adopted 14 June 1992) <http://www.un-documents.net/h2o-dub.htm>

N Prasad, 'Social Policies and Water Sector Reform', United Nations Research Institute for Social Development, September 2007.

The Democracy Center 'Bechtel vs Bolivia : Cochabamba's water bills from Bechtel' (2003) http://democracyctr.org/bolivia/investigations/water/waterbills_index.htm

The Democracy Center 'Bechtel vs. Bolivia' (2007) <http://democracyctr.org/bolivia/investigations/water/bechtel-vs-bolivia.htm>

UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 14' UN Doc

UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 12' UN Doc E/C.12/1999/5

UNHRC, *Report of the UNHCHR on the Scope and Content of the Relevant Human Rights Obligations Related to Equitable Access to Safe Drinking Water and Sanitation under International Human Rights Instruments* UN Doc A/HRC/6/3 16 Aug 2007

Canada-Colombia FTA

Canada, 'Canada Concludes Negotiations for Free Trade, Labour Cooperation and Environment Agreements with Colombia', News Release (June 7, 2008).

Canadian Council for International Co-operation et al., 'Making a Bad Situation Worse: An Analysis of the Text of the Canada-Colombia Free Trade Agreement (CCIL 2009) <http://www.makepovertyhistory.ca/en/colombia/analysis>

Canada-Colombia Free Trade Agreement Implementation Act, Bill C-23 (First Reading, March 26, 2009).

SG Gross, 'Note: Inordinate Chill: BITS, non-NAFTA MITs, and host-regulatory freedom - an Indonesian case study' [2003] 24 Mich J Int'l L 893

UNHRC, *Report of the UNHCHR on the Situation of Human Rights in Colombia* UN Doc A/HRC/10/32 9 March 2009

NOV 6 – INTRODUCTION TO THE WTO AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY

- AND -

THE WTO DSB – LINKING TRADE AND HUMAN RIGHTS – THE RIGHT TO ADEQUATE FOOD

Required Reading:

DJ Gervais, 'The TRIPS Agreement and the Doha Round: History and Impact on Economic Development' in P. Yu (ed) *Intellectual Property and Information Wealth - Volume 4: International Intellectual Property Law and Policy* (Praeger Publishers 2006)

P Cullet, 'Human Rights and Intellectual Property Protection in the TRIPS Era' (2007) 29 HRQ 403

KH Cross, King Cotton, Developing Countries and the “Peace Clause”: The WTO Cotton Subsidies Decision (2006) 9 J of Int Economic L 149

ICESCR Art 11

UN Committee on Economic, Social and Cultural Rights, ‘General Comment No. 12’ UN Doc E/C.12/1999/5

Further reading:

TRIPs and Human Rights

E Dinopoulos and P Segerstrom ‘Intellectual Property Rights, Multinational Firms and Economic Growth’ (2009) Journal of Development Economics (article in press)

DJ Gervais, ‘Intellectual Property and Human Rights: Learning to Live Together’ in P. Torremans (ed) *Intellectual Property and Human Rights* (Forthcoming, E. Elgar, 2008)

LR Helfer, ‘Toward a Human Rights Framework for Intellectual Property’ (2007) 40 University of California Davis, 971

MT Islam, ‘Protection of Public Interests Through a Human Rights Framework in the TRIPS Agreement: Realities and Challenges’ (2009) J Intellectual Property Law & Practice (in press)

PK Yu, ‘Reconceptualizing Intellectual Property Interests in a Human Rights Framework’ (2007) 40 University of California Davis 1039

WTO DSB and the Right to Food

C Dommen, ‘Raising Human Rights Concerns in the World Trade Organization: Actors, Processes and Possible Strategies’ (2002) 24 HRQ 30-39 only

CG Gonzalez, ‘Institutionalizing Inequality: The WTO Agreement on Agriculture, Food Security, and Developing Countries’ (2002) Columbia J of Env’tl L 433

C Kaufmann and S Heri, ‘Liberalizing Trade in Agriculture and Food Security – Mission Impossible?’ (2007) 40 Vanderbilt J of Transn’l L 1039

S Murphy, ‘Globalization and Corporate Concentration in the Food and Agriculture Sector’ (2008) 53 Development 527

J Pauwelyn, ‘Human Rights in WTO Dispute Settlement’ in T Cottier, J Pauwelyn and E Bürgi (eds) *Human Rights and International Trade* (Oxford and New York, OUP 2005) 205-231

M Ritchie and K Dawkins, ‘WTO Food and Agricultural Rules: Sustainable Agriculture and the Human Right to Food’ (2000) 9 Minn J Global Trade 9

P Simons, ‘Binding the Hand that Feeds Them: Sovereignty, the Agreement on Agriculture, Transnational Corporations, and the Right to Adequate Food in Developing Countries’, in W Shan, P Simons, D Singh (eds) *Redefining Sovereignty in International Economic Law* (Hart Publishing, Oxford 2008), 399-427.

NOV 13 – TNCs AND THE PROTECTION OF LABOUR RIGHTS AND HUMAN RIGHTS UNDER REGIONAL AND BILATERAL FREE TRADE AGREEMENTS

- AND -

VOLUNTARY SELF-REGULATION AND THE TNC PROTECTION OF LABOUR RIGHTS

Required reading:

AA Piquer ‘The North American Agreement on Labor Cooperation: An Effective Compromise between Harmonization of Labor Rights and Regulatory Competition?’ in O De Schutter (ed), *Transnational Corporations and Human Rights* (Oxford and Portland, Hart Publishing 2006) 183-216

L Bartels, ‘Social Issues: Labour, Environment and Human Rights’ in S Lester and B Mercurio (eds), *Bilateral and Regional Trade Agreements: Commentary, Analysis and Case Studies* (Cambridge, CUP 2008) 12-22 only

A Blackett, ‘Corporate Codes of Conduct and the Labour Regulatory State in Developing Countries’ in JK Kirton and MJ Trebilcock, *Hard Choices, Soft Law: Voluntary Standards in Global Trade, Environment and Social Governance* (Aldershot and Burlington VT, Ashgate, 2004), 121-133

B Hepple, *Labour Laws and Global Trade* (Oxford and Portland, Hart Publishing 2005) ‘Chapter 3: Privatising Regulation: Codes, Agreements and Guidelines’ 69-87

Further reading:

BITs and Labour Rights

M Schurtman, ‘Los “Jonkeados” and the NAALC: The Autotrim/Custom Trim Case and Its Implications for Submissions Under the NAFTA Labor Side Agreement’ (2005) 22 *Ariz J Int’l & Comp L* 291

Voluntary Self-Regulation

D O’Rourke, ‘Outsourcing Regulation: Analyzing Nongovernmental Systems of Labor Standards and Monitoring’ (2003) 31 *The Policy Studies J* 1

P Simons, ‘Corporate Voluntarism and Human Rights: The Adequacy and Effectiveness of Voluntary Self-Regulation Regimes’ (2004) 59 *RI/IR* 101

ILO Declaration on Fundamental Principles and Rights at Work, 1998

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