

## **LGST 224 HUMAN RIGHTS AND GLOBALIZATION FALL TERM 2013 -- BACKGROUND INFORMATION AND SYLLABUS**

### **Course Description and Requirements:**

This course examines the problems involved in applying international human rights law to international business, with a special focus on how human rights impact the operations of transnational corporations (TNCs). These problems are placed in the general context of the globalization forces that are altering the landscape in which business and governance functions are carried out.

The Global Compact adopted by the UN in July 2000 provides one impetus for studying this topic. This breakthrough UN agreement is designed to bring TNCs into the UN system and to establish universal standards to guide their operations around the globe. Setting up this compact involved input from a variety of constituencies, including UN officials, executives from fifty major TNCs, unions, and NGOs. The compact stipulates that the companies will henceforth adhere to universal standards in the area of human rights, labor -- a subset of human rights, the environment, and corruption. Thousands of TNCs have subsequently joined the compact. The compact was followed by the Draft 2003 UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, a proposal that has not been adopted but that would, if ever accepted, clarify that: Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfillment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups.

TNCs are being recognized by the UN as actors with an important role in the international human rights system, which signals a dramatic change; international law has traditionally been made by and for governments of nations. Many applaud this development, believing that it is high time for the UN to acknowledge the enormous power and influence of TNCs, which far exceed the wealth and power of most UN member states, meaning that TNCs have greater potential to impact human lives and welfare than do all but a few nations.

These UN initiatives remain controversial. Whether the incorporation of TNCs as members of the UN human rights system will be a plus or a minus for international human rights law is debated. Critics insist that TNCs should not take on what they see as being essentially public governmental functions, worrying that their commitments to human rights are often superficial or hypocritical. Skeptics point out that TNCs are meant to be profit-making entities, arguing that, as such, they are not responsible for carrying out a human rights mission. Charges are made that requiring TNCs to uphold human rights serves the interests of capital exporting countries at the expense of the interests of emerging economies. People in emerging economies may see requiring compliance with international human rights law as a threat to their national sovereignty and/or to their chances for achieving rapid economic progress. On the other hand, persons in emerging

economies who are harmed by TNCs' operations may demand that TNCs be exposed to sanctions for non-compliance with human rights law.

Meanwhile, other developments indicate the relevance of human rights for TNCs' operations. For example, frustrated at the lack of clear legal authority to guide them in their international operations, many TNCs have decided to incorporate human rights principles in their own corporate codes of conduct. Constituencies like shareholders and human rights activists have similarly pressed TNCs to conform to human rights. Various lawsuits have been brought that have attempted to hold TNCs liable for human rights violations. TNCs have shown an increasing sensitivity to the harms to their images that implication in or association with human rights violations can entail.

Conflicting perspectives on the pros and cons of requiring TNCs to conform to human rights standards will be examined in this course. Skeptical assessments of the merits of imposing human rights obligations on business will be discussed, as will positions taken by those favoring this development. Students should feel assured that in this course they will be left free to assert any positions along the spectrum of the controversies in this area, but in all cases and regardless of their viewpoints, they must be prepared to offer informed and reasoned justifications for their positions.

In sum, with the debates about TNCs' responsibilities vis-a-vis international human rights law having expanded from the theoretical to the practical level, it is urgent to understand the arguments pro and con regarding whether and how international human rights law should apply to TNCs. This course attempts to equip students to study the problems in this area and to formulate their own educated conclusions on how to resolve them.

#### Course objectives:

The course aims to provide students with the background to think critically about both the legal and policy implications of requiring business to comply with international human rights law.

Students should come away from this course with a grasp of relevant international human rights principles, typical scenarios where issues of human rights and globalization have been raised and the particular problems that these have presented, the historical context that shapes perceptions of these problems, the programs of institutions and groups that are pressuring TNCs to adhere to international human rights law, the range of responses on the part of various TNCs, and lawsuits based on the theory that TNCs are liable for noncompliance with human rights.

#### Course pack and other assignments:

With the exception of a book in the first assignment - Adam Hochschild, King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa (Boston: Houghton

Mifflin, 1998) on reserve in the Lippincott and Annenberg Libraries - the assigned readings will be found in the course pack, which will be assembled in several parts and will be available in the study.net system handled by Wharton Reprographics. Numerous handouts will also be distributed in class. In addition, students may be asked to consult various Internet websites. The materials listed on the syllabus may be updated and the topics altered to reflect current developments and new publications.

Potential modifications of/additions to listed assignments:

The assignments listed on the syllabus should be regarded as tentative. Because we are discussing current developments and new materials are constantly appearing, we may need to add subjects and/or substitute newer materials during the semester. Students will be told well in advance if new readings will be substituted for those currently on the syllabus. Depending on what materials are added and the length of class discussions, we may well fall behind the schedule proposed on the syllabus, meaning that materials listed at the end of the syllabus may not be covered.

Course prerequisites:

Junior or senior standing or the special permission of the professor is called for. Previous training in law, human rights, or international business is definitely not required.

Aspects of international human rights law will be introduced in segments throughout the course. Students who are eager to immerse themselves in the basics of international human rights law may want to read the 3<sup>rd</sup> edition of Thomas Buergenthal's short book International Human Rights or consult websites such as:

<http://www2.ohchr.org/english/law/>

[http://www.ehl.icrc.org/images/resources/pdf/ihl\\_and\\_ihrl.pdf](http://www.ehl.icrc.org/images/resources/pdf/ihl_and_ihrl.pdf)

For overviews of developments in the area of business and human rights, consult

<http://www.business-humanrights.org/>

ADVISORY: Excellent verbal skills -- including the ability to read easily with good comprehension and to communicate ideas in writing clearly and effectively -- are essential in this course!! Please do not risk taking this course if your training in English or your written communication skills are in any way deficient!

Format:

A combination of lectures and discussions will be used. Students will be expected to come to class prepared for discussing issues raised in the materials and any problems that the professor has assigned. The quality of classroom participation will be counted in the course grades.

### Grading:

Grades will be calculated with the midterm counting 40% and the final 50%. Class participation will count 10%. If the class prefers take home exams, this may be accommodated. In past semesters, the take home format has been preferred. It is important for students to be mindful of the fact that the professor is committed to upholding the Penn Code of Academic Integrity and that any breaches will be referred to the Penn Committee on Student Conduct.

### The importance of student input:

Students' inputs are valued and are strongly encouraged. Feedback from class members will be welcomed at all stages! Useful ideas for improving the course and enhancing the learning experience are solicited. If class members decide that a current development not on the present syllabus deserves attention, this can be taken into account. Among other things, when students identify informative source materials, websites, and speakers, they are invited to bring these to the attention of the class and the professor. Students who have relevant experience with human rights and globalization are likewise urged to share what they have learned.

### Optional project:

With the advance approval by the instructor, students may write papers assessing problems of human rights and international business, the instructions for which are on two pages at the end of the syllabus. As the instructions indicate, the papers must be problem-oriented assessments that are based on original research and that offer reasoned conclusions about the problems being assessed. To get a project approved, students wanting to do papers must submit outlines of their proposed papers with a specific listing of the sources that will be utilized. Under no circumstances should students proceed without getting the professor's approval. The completed paper must be turned in by the last day of class, or it will be graded down one full grade. When students submit the optional project, the course grade will be based on an adjusted version of the normal scheme, with the paper counting for 30% of the course grade, the midterm 30%, and the final exam 30%. Consult the professor about any questions pertaining to the project and for more details about the format.

### Contact information:

The professor can be reached at [mayera@wharton.upenn.edu](mailto:mayera@wharton.upenn.edu) or at 215 898 5717.

UNIVERSITY OF PENNSYLVANIA  
The Wharton School  
Fall 2013  
LG ST 224 – Dr. Ann Mayer

Human Rights and Globalization

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Syllabus

- Topics are indicated in the order that they will be covered, but a session may last well beyond one class period

**Sessions 1-2. Historical background of discussions on the relationship of the West with the developing world. Western imperialism and its historical legacy. A case of egregious abuses by European business ventures in Africa in the era before international human rights law. A current case that exemplifies how similar issues persist.**

An international supply chain scandal in the nineteenth century and present day parallels. The infamous schemes of King Leopold of Belgium (ruled 1865-1909) to extract maximum profits from trade and investment in the Congo. Related patterns of exploitative business practices by Europeans becoming historically associated with European colonialism/ imperialism and with treating “natives” as less than full human beings. The outraged responses in the United States and Europe to the exposes of how Belgians abused Africans. The impact of journalism, humanitarian investigations, and appeals to Christian morality in an era before the establishment of international human rights law. Comparison with recent exposes of child slavery in cocoa production in the Ivory Coast and the reactions to these.

*Please note that this book will be on reserve in Lippincott and Annenberg libraries for students who do not want to order their own copies: Adam Hochschild, King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa (Boston: Houghton Mifflin, 1998): 115-23, 167-81, 209-13, 235-65, 300-306.*

Articles from the June 2001 Philadelphia Inquirer on slavery in cocoa production in the Ivory Coast.

Recent developments in Africa.

**Session 3-4. Continuation of previous material. Introduction to international law and its precursor, the law of nations.**

The system of international law as it has traditionally been conceived – laws based on the consensus of states and focused on the rights and duties of states vis-à-vis other states. The sources of international law. How this law emphasized issues of broad political concern to the nations of the world and largely sidestepped the conduct of international business operations. Problems of emerging international custom and soft law.

Peter Malanczuk, Akehurst's Modern Introduction to International Law, 7<sup>th</sup> ed (New York: Routledge, 1997): 1-8, 35-39, 42-44, 48-62.

Anthony D'Amato, ed. International Law Anthology (Anderson Publishing, 1994): 73-75, 81-84, 93-94, 148-54.

### **Session 5-6. International law concerning human rights.**

Historical background. The international campaigns to ban slavery and the slave trade as precursors of current efforts to extend international human rights law to cover exploitative business operations in emerging economies. Background on the emergence of international human rights law under UN auspices.

A.Yasmine Rassam, Contemporary Forms of Slavery and the Evolution of the Prohibition of Slavery and the Slave Trade under Customary International Law, 39 Virginia Journal of International Law (1999): 303-09, 316-37.

Jack Donnelly, Universal Human Rights in Theory and Practice (Ithaca: Cornell University Press, 1989): 9-19, 23-27.

Richard A. Falk, A Half Century of Human Rights: Geopolitics and Values in The Future of International Human Rights, Burns H. Weston and Stephen P. Marks, ed., (Ardsley, New York: Transnational Publishers, 1999): 1-15.

Louis Henkin, The Universal Declaration at 50 and the Challenge of Global Markets, 25 Brooklyn Journal of International Law (1999): 17-25.

### **Session 7-9. Continuation of previous material. Relations of civil and political rights to other human rights categories; the principles of economic, social and cultural rights and the right to development.**

The dichotomy between civil and political rights, the so-called first generation rights, and second and third generation rights. Do some rights deserve a higher priority than others, or are they all interlinked? Are the rights provided in the second category actually “rights” or more abstract concepts of social entitlements – and what are their implications for the conduct of international business? Is the right to development correctly classified as a “right” – and, if so, what kind of duties should flow from recognizing this right?

What does recognizing a right to development potentially mean for international business operating in developing countries?

Henry Steiner and Philip Alston, International Human Rights in Context: Law, Politics, Morals (Oxford: Clarendon Press: 2000): 237-25, 254-60, 265-71, 274, 286-304, 1315-26.

Isabella D. Bunn, The Right to Development: Implications for International Economic Law, 15 American University International Law Review 1425 (2000): 1425-67. Note that in section C, the most important subsections are 3 and 6; the other subsections can be briefly skimmed.

Louis Henkin, The Age of Rights [edited excerpt reprinted in Louis Henkin et al, Human Rights (New York: Foundation Press, 1999): 68-71.

#### **Session 10. Case studies on the new roles of TNCs and related human rights controversies.**

Materials on water privatization and controversies over treating access to water as a human right. Illustrations of how TNCs become implicated in human rights controversies.

Materials on South African anti-AIDS drugs controversies; pressures on governments and TNCs to supply drugs either free or at cost to prevent HIV/AIDS transmission and to treat HIV/AIDS sufferers.

#### **Session 11. The International Labor Organization and its role in setting standards for workers' rights. Special issues in the domain of the rights of indigenous peoples.**

The role of the ILO, an organization that antedates the UN, and the ILO conventions affecting human rights in the world of work. The unique characteristics of the ILO, and the relevance of ILO standards for the conduct of international business. Materials on the notorious 2013 case of the lethal fire at the Rana Plaza complex in Bangladesh will be provided. A special part of the ILO's mandate: the human rights of indigenous peoples, who now frequently challenge business projects as being in conflict with their human rights.

Class members are encouraged to check the ILO website < [www.ilo.org/public](http://www.ilo.org/public) > for information on the ILO, rules affecting the world of work, and current projects.

International Labor Organization, in Edward Lawson, Encyclopedia of Human Rights, 2d ed. (Taylor & Francis: Washington DC, 1996): 853-866.

ILO Declaration on Fundamental Principles and Rights at Work – Declaration: Text of Declaration and Reports: Executive Summary

Harry Arthurs, Reinventing Labor Law for the Global Economy, 22 Berkeley Journal of Employment and Labor Law 271 (2001).

Benedict Kingsbury, The Applicability of the International Legal Concept of “Indigenous Peoples” in Asia, in The East Asian Challenge for Human Rights (Cambridge: Cambridge University Press, 2000): 336-70.

### **Sessions 12-13. The human rights of women and children.**

In what ways do the problems of women’s and children’s human rights warrant being places in separate/special categories? How do standards protecting their human rights relate to problems facing businesses in an era of globalization? What can examinations of international sex tourism and international sex trafficking reveal about how the globalization of business affects women? Given the vast differences in economic systems around the world, does it make sense to try to impose uniform rules regarding child labor?

Christine Chinkin, Gender and Globalization, United Nations Chronicle, Online Edition, vol. 37, no. 2, 2000  
<http://www.un.org/Pubs/chronicle/2000/issue2/0200p69.htm>

Barnali Chaudhury, The Façade of Neutrality; Uncovering Gender Silences in International Trade 15 William & Mary Journal of Women & Law (2008):113-159.

Selections from Sun, Sex, and Gold: Tourism and Sex Work in the Caribbean, Kamala Kempadoo, ed. (Lanham, Md.: Rowman and Littlefield, 1999): Beverly Mullings, Globalization, Tourism, and the International Sex Trade, 55-80; Joan L. Phillips, Tourist-Oriented Prostitution in Barbados, 183-200.

Nancie Caraway, Human Rights and Existing Contradictions in Asia-Pacific Human Trafficking Politics and Discourse. 14 Tulane Journal of International & Comparative Law (2006): 295-316.

William E. Myers, The Right Rights? Child Labor in a Globalizing World, 575 The Annals (May 2001): 38-55; Geeta Chowdhry and Mark Beeman, Challenging Child Labor: Transnational Activism and India’s Carpet Industry, 575 The Annals (May 2001): 158-175; Rachel Baker and Rachel Hinton, Approaches to Children’s Work and Rights in Nepal, 575 The Annals (May 2001): 176-193.



#### **Session 14. Midterm examination – subject to being moved based on students’ vote.**

This placement of the midterm is only tentative. At what point we fix the midterm will be set by majority vote after class members discuss whether they prefer a take home exam or one to be held in class, after which a date that is most suitable in terms of students’ schedules will be selected by a vote in class.

#### **Session 15. Cultural relativism and developmentalism as grounds excusing non-compliance with international human rights law.**

Are human rights standards “too Western” to be properly applied to TNCs’ operations outside OECD countries? Is the insistence that international business in non-Western societies follow international human rights standards a form of cultural imperialism?

Do Western calls for emerging economies to adhere to international human rights law constitute a ploy to preserve Western power and economic advantages and to protect jobs in the West? Is there a distinctive Asian version of human rights? Can the emerging economies legitimately prioritize development concerns and downgrade human rights? How does the “Asian values” debate relate to developmentalism?

Xin Chunying, Can the Pluralistic World Have a Unified Concept of Human Rights? in Human Rights: Chinese and Dutch Perspectives, Peter van Baehr, et al., eds. (The Hague: Kluwer Law International, 1996): 43-56; Liu Nanlai, Developing Countries and Human Rights in Human Rights: Chinese and Dutch Perspectives: 103-17.

Ozay Mehmet, Errol Mendes and Robert Sinding, Cultural Relativism and Human Rights in Towards a Fair Global Labour Market: Avoiding a New Slave Trade (New York: Routledge: 1999): 170-93.

Karen Engle, Culture and Human Rights: The Asian Values Debate in Context, 32 New York University Journal of International Law and Politics (2000): 291-94, 303-333.

Michael J. Sullivan, Developmentalism and China’s Human Rights Policy in Debating Human Rights: Critical Essays from the United States and Asia, Peter Van Ness, ed. (New York: Routledge, 1999): 120-143.

Human Rights Standards Relevant for Assessing the Role of Culture

#### **Session 16. Debates about globalization, international business, and traditional principles of national sovereignty.**

At a time when globalization is weakening states and enhancing the power of TNCs, TNCs are being pressed to take on responsibilities that many claim are inherently governmental and/or that infringe national sovereignty. Have globalization and the mounting power of TNCs already dealt a fatal blow to principles of national sovereignty? Should the world accept the idea that state sovereignty is becoming outmoded, or are the modern democratic state and national sovereignty essential for protecting human rights and human welfare? Can/should the world adjust to a system where free markets decide all issues?

Clyde Summers, *The Battle in Seattle: Free Trade, Labor Rights, and Societal Values*, 22 University of Pennsylvania Journal of International Economic Law (2001): 61-90.

David J. Saari, Global Corporations and Sovereign Nations: Collision or Cooperation? (Quorum: Westport, CT: 1999): 46-65.

Louis Henkin, *That "S" Word: Sovereignty and Globalization and Human Rights*, Et Cetera, 68 Fordham Law Review (1999): 1-14.

**Session 17. Views pro and con regarding whether TNCs should incorporate social responsibility policies like furthering human rights as part of their missions.**

Debates over demands that businesses assume major responsibilities as agents of the UN human rights system are relatively recent and are far from being resolved. Arguments are made that protecting human rights can and should be the sole responsibility of governments and concerned NGOs, that imposing such responsibility on TNCs involves fundamental distortions of their functions. In response, claims are made that the peculiar circumstances of globalization not only mean that business must follow international human rights law but that it must undertake affirmative steps to ensure its implementation. Students will be asked to decide which arguments seem most persuasive.

Milton Friedman, *The Social Responsibility of Business is to Increase its Profits*. [Originally published in The New York Times Magazine, September 13, 1970, 32, this famous essay has been reprinted in many publications subsequently.]

Milton Friedman, *Economic Freedom, Human Freedom, Political Freedom*, lecture delivered at the Smith Center, November 1, 1991, from [www.sbe.csuhayward.edu/~sbesc/frlect.html](http://www.sbe.csuhayward.edu/~sbesc/frlect.html)

Robert L. Heilbroner, *The Road to Selfdom* [review of Free to Choose: A Personal Statement by Milton and Rose Friedman], The New York Review of Books, 27 no. 6, April 17, 1980.

Robert B. Reich, Supercapitalism: The Transformation of Business, Democracy, and Everyday Life (New York: Vintage, 2007): 168-208.

Chris Marsden, Dealing with Joel Bakan's Pathological Corporation: A strategy for campaigning human rights and environmental NGOs, Global Policy Forum July 2004 from <http://www.globalpolicy.org/socecon/tncs/2004/07pathological.htm>

Noreena Hertz, New ethic: Just do it right – Smart firms know acting socially helps the bottom line, May 15, 2005 [http://www.business-humanrights.org/Categories/Individualcompanies/U/UnocalpartofChevron?&&&batch\\_start=31](http://www.business-humanrights.org/Categories/Individualcompanies/U/UnocalpartofChevron?&&&batch_start=31)

Mark A.A. Warner, Globalization and Human Rights: An Economic Model, 25 Brooklyn Journal of International Law (1999): 99-112.

Capitalism and Ethics. A series of articles taken from The Economist, January 20, 2005.

Globalization and Human Rights, a speech given by Amnesty International Secretary General Pierre Sané, February 2, 2000.

Amartya Sen, An enduring insight into the purpose of prosperity, Financial Times, September 21, 2004.

### **Sessions 18-19 The 2000 UN Global Compact and the 2003 UN Norms on the Responsibilities of Transnational Corporations.**

A milestone in the UN system comes as many major TNCs agree to join in partnership with the UN in supporting and upholding standards affecting human rights, labor, and the environment. Differing assessments of the significance of this historic initiative. Critical perspectives on the Global Compact. How should we assess guidelines for companies produced by the UN Commission on Human Rights? What is the significance of the 2003 Norms on the Responsibilities of Transnational Corporations?

Materials on the Global Compact. Class members are encouraged to check additional information available on the Global Compact website [www.unglobalcompact.org](http://www.unglobalcompact.org)

UN Sub-Commission on the Promotion and Protection of Human Rights, Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, E/CN.4/Sub.2/2003/12/Rev.2 2003.  
<http://www1.umn.edu/humanrts/links/norms-Aug2003.html>

Corporate complicity materials

### **Session 20. The role of human rights NGOs.**

Examination of how non-governmental organizations came to play a central role in the human rights domain and in the monitoring of TNCs' compliance with international human rights law. Debates on the roles they can/should they play in regulating the conduct of international business. Can the work of human rights NGOs and TNCs be cooperative, or is their relationship necessarily adversarial?

Selections from NGOs and Human Rights: Promise and Performance, Claude E. Welch, ed. (Philadelphia: University of Pennsylvania Press, 2001): Claude E. Welch, Amnesty International and Human Rights Watch: A Comparison, 85-118; Makau Mutua, Human Rights International NGOs: A Critical Evaluation, 151-163; Claude E. Welch, Conclusion, 261-280.

Kenneth Anderson, Review Essay: What NGO Accountability Means – and Does Not Mean, 103 American Journal of International Law (2009): 170-178.

Materials on the controversy on the Enron plant in Dabhol, India, sparked by the Human Rights Watch report charging Enron with complicity in human rights violations in Dabhol, Report links Enron to abuses, etc.

Lauren Bartlett, NGO Update, 12 Human Rights Brief (2005): 40-41.

### **Session 21. Using national courts to impose civil and/or criminal liability on TNCs for human rights violations.**

What are TNCs' current levels of exposure to legal liability in courts of countries like the USA for human rights violations in their overseas operations? What obstacles stand in the way of persons seeking to recover for injuries caused by the overseas activities of TNCs that violate human rights law? Questions raised by the Kiobel case.

Rachel Chambers, The Unocal Settlement: Implications for the Developing Law on Corporate Complicity in Human Rights Abuses 13 Human Rights Brief 14 (Fall, 2005).

### **Session 22. Mechanisms for promoting TNCs' adherence to human rights. Pros and cons of using corporate codes of conduct and/or national legislation with extraterritorial reach to promote compliance with human rights.**

What is the range of options for promoting TNCs' compliance with human rights? For making non-compliance costly? What can past experience tell us about the utility of non-binding guidelines designed to promote TNCs' compliance with human rights standards? Can TNCs' internal codes of conduct steer them away from involvement in human rights abuses or operations that make them complicit in others' human rights violations? Are other mechanisms more effective?

Ralph G. Steinhardt, Soft Law, Hard Markets: Competitive Self-Interest and the Emergency of Human Rights Responsibilities for Multinational Corporations 33 Brooklyn Journal of Int'l Law (2008): 933-953.

Amnesty International, Human Rights Principles for Companies: A Checklist.

**Sessions 23-26. Case studies examining the actual experiences of TNCs in a variety of countries and contexts where human rights issues have been raised.**

If time permits, we may examine a few case studies. What do the cases that have arisen to date teach us about the consequences of TNCs undertaking human rights responsibilities or becoming involved in human rights violations? What can we learn from such experiences about the merits and/or effectiveness of various schemes designed to enforce compliance with international human rights law? What are the responsibilities of TNCs operating in countries where the governments either violate human rights or accommodate business practices that violate human rights? When do patterns of governmental human rights abuses become so serious that TNCs must abstain from investing? When and in what forms is constructive engagement appropriate? To what extent can TNCs' policies compensate for governmental indifference or hostility towards human rights?

Depending on what issues are most current, case studies will be examined on subjects like the following using recent materials.

*Sudan*

The problems of investment in countries where human rights violations are especially egregious and pervasive. Is constructive engagement justifiable in countries like Sudan?

*Textile manufacturing operations and the sweatshop controversies – problems in countries such as Cambodia and Mexico*

Human rights issues peculiar to light manufacturing and the garment industry. In what circumstances does salaried employment approximate slavery so that it must be condemned? What remedies have been proposed, and how effective are they likely to be?

*TNCs' Potential Liability for Harms Caused to Indigenous Peoples*

Suits have been brought against TNCs for violating the rights of indigenous peoples in cases where TNCs are charged with destroying or polluting their ancestral lands, ignoring their protests, allowing security forces to abuse them, or failing to ensure that they benefit from economic development.

### *China*

An irresistibly attractive market for TNCs and one where human rights violations are widespread and often egregious. What has been the experience of TNCs to date operating in this environment where the government seeks to rush rapid development regardless of the human rights consequences? How successfully have they coped with the challenges of operating in China? What is the significance of the growing Chinese movements calling for TNCs to respect human rights in their Chinese operations?

### *Nigeria*

The problems that the extractive industries have faced in a nation where the central government is mired in corruption and indifferent to harms to members of minority communities adversely affected by foreign investment.

### *Cuba*

Assessing a US economic boycott that is designed as a means of compelling improvements in Cuba's human rights performance.

### DESCRIPTION OF OPTIONAL PROJECT:

This project consists of a paper done in accordance with these instructions. The purpose of the paper is to provide students with the opportunity to demonstrate that they can do competent research and original analysis on topics of globalization and human rights.

Students electing to do the optional project must notify the professor no later than September 18, and by that date they must submit an acceptable outline of at least one page of the proposed paper along with a list of representative sources that they intend to use. The outline must have the professor's approval for the paper to qualify as a fulfillment of the paper option. **The final paper must be submitted to the professor in BOTH hard copy AND electronic format no later than our last class on December 9.** Papers submitted after that date and time will be graded down one full grade, and no papers will be accepted if submitted after noon on December 13.

The paper must be typewritten, double-spaced. Although quality of research and analysis will ultimately be more important than quantity of pages, students should aim for a paper of at least 16 pages (a minimum of 4,000 words), excluding tables, bibliography, and the footnotes/ endnotes. The paper must be completed in accordance with the honor code, including accurate attributions of material to any works that are being quoted or paraphrased. Papers must be documented with appropriate citations to the sources relied on. Warning: Students who do not know how to document papers should not attempt this project!!

Students are asked to investigate a problem involving human rights and globalization and to offer a reasoned assessment as to how it should be dealt with. Mere description of the information available on a topic will not be sufficient! Instead, students will be required to define a problem that they want to address, to present a critical analysis of the problem that shows that they have thoughtfully explored the relevant information and possibilities for resolving the problem, and to lay out intelligent and informed conclusions about the best solution.

The most successful papers are overwhelmingly ones dealing with problems in which the student authors have a personal interest or that pertain to students' career objectives. They might be on topics like assessing the kinds of human rights issues facing foreign investors in a particular country, examining whether a particular proposal designed to encourage or mandate compliance with international human rights law on the part of TNCs is practical or realistic, exploration of recent controversies about shareholder activism or litigation aimed at punishing TNCs for noncompliance with international human rights law, or investigation of whether a human rights NGO's critique of a TNC's policies on overseas sweatshop labor is on solid ground. Students will be required to take a position on the issue being researched and to justify their conclusions via coherent reasoning. They should aim for balance and insight rather than simply pressing a particular point of view or relying on preconceptions.

Students should use materials like law review articles, scholarly studies, and articles written by reputable experts, interviews or speeches given by leaders in governmental or business positions, case reports, UN documents, reports by well-regarded international human rights NGOs, and statements issued by TNCs regarding their human rights policies. Serious journalism, like articles in the Economist, the Financial Times or the Wall Street Journal, may also be used. Compilation of materials in textbooks, USA TODAY, and other mass media sources will not constitute adequate research. Business and Human Rights Resource Centre <http://www.business-humanrights.org/> is a widely trusted website. There are many sources on the Internet that students will find helpful, but care must be used avoid being ensnared by Internet sites that disseminate low-quality information. Information on websites established to promote particular political agendas needs to be treated skeptically. Students need to remember that their footnotes/ bibliography must include correct and complete references to their Internet sources.

As the project should ideally test the student's ability to work independently on an aspect of globalization and human rights, those taking the paper option are expected to exercise initiative and be able to work largely on their own. The professor is available, however, for any consultations that could prove helpful (choosing a topic, reviewing paper outlines, identifying and locating sources, etc.). Consultations can be arranged during office hours or at other mutually convenient times.

Please consult the professor promptly with regard to any preliminary questions or difficulties. Call 898-5717 or send emails to <mayera@wharton.upenn.edu>.

**PLEASE NOTE: ANY FAILURE TO COMPLY WITH THESE GUIDELINES  
MAY MEAN THAT YOU WILL NOT GET CREDIT FOR YOUR PAPER!**

#### SOURCES AND GUIDES THAT YOU MAY FIND HELPFUL:

<http://www.lib.berkeley.edu/TeachingLib/Guides/Internet/Style.html> -- guidelines on documenting papers.

<http://owl.english.purdue.edu> -- Purdue University's On-Line Writing Lab, with links to many useful "handouts" on a wide range of writing issues.

[http://www.columbia.edu/cu/cup/cgos/idx\\_basic.html](http://www.columbia.edu/cu/cup/cgos/idx_basic.html) -- The Columbia Guide to Online Style.

<http://nutsandbolts.washcoll.edu/nb-home.html> -- Michael Harvey, The Nuts and Bolts of College Writing, with coverage of most aspects of paper writing in a clear format.