

**OHIO NORTHERN UNIVERSITY
PETTIT COLLEGE OF LAW**

**INTERNATIONAL AND COMPARATIVE LAW:
INTERNATIONAL NGOs – FALL 2010 (Course # 1350)**

SYLLABUS, POLICIES, AND ASSIGNMENTS

Mondays and Wednesdays 3:20 to 4:50 p.m. (3 credits)

Location: Willis Room 148

Prof. Boris N. Mamlyuk

Tilton Hall #161

Ada, Ohio 45810

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CLASS MATERIALS:

REQUIRED TEXTS: Readers with copies of assigned texts will be distributed each week.

RECOMMENDED TEXT: SERGEY RIPINSKY & PETER VAN DEN BOSSCHE, NGO INVOLVEMENT IN INTERNATIONAL ORGANIZATIONS: A LEGAL ANALYSIS (BIICL, 2007) (ISBN: 978-1-905221-19-6)

COURSE COVERAGE AND OPPORTUNITIES:

Currently, there are over 4000 international non-governmental organizations registered with the UN System and the number continues to rise. Diplomacy has been transformed, partly under the influence of non-governmental organizations. NGOs want more of a role and are approached by States and international organizations seeking their expertise in a context of increasingly complex international negotiations. At the same time, domestic courts and political actors increasingly use “techniques of avoidance” to restrict the legal personality of NGOs, and hence their power, in local contests. How they participate varies according to the area of international law concerned (Human Rights, Environmental Law, Law of Armed Conflict, etc.) and the site of contestation (international organizations, domestic courts, etc.).

This course will examine the role of international NGOs in the world and various attempts to regulate their conduct. The aim of the course is to provide: (1) an overview of the legal environment for non-governmental organizations and the role of NGOs in international relations; (2) a comparison of international and municipal laws relating to the existence and operation of NGOs; (3) an analysis of the legal foundations of NGOs, their structure and governance, economic activities and taxation, and reporting requirements. We shall also unpack emerging trends occurring in civil society which include NGO and government relations, advocacy, ethics and accountability, social partnership and the prevention of foreign NGOs.

The course will be divided thematically; each week we will discuss and analyze the work of NGOs in different sub-fields of international law. An important focus of the course is to acquire a working familiarity with the increasingly complex vocabulary of, and ‘soft’ or ‘customary’ law pertaining to, international NGOs. Accordingly, students are encouraged to submit their own experiences for class discussion. Original student and group presentations are encouraged to supplement the required reading below.

[cont.]

COURSE METHODOLOGY:

The course will follow a seminar format. Students are required to be prepared for active class discussion by completing all reading assignments, preparing written questions for class, and actively participating in oral discussion.

EXAMINATIONS AND GRADING:

Evaluation shall be made on the basis of a written course paper in the length of at least 9000 words (font size 12, Times New Roman, single-spaced and footnoted, approximately 18-20 pages) due on the last day of the exam period. The paper should aspire to be of publishable quality, and I encourage all students to consult with me as early as the second week of class regarding possible paper topics.

Assessment will also be based on a 15-20 minute class presentation covering the legal regulation of NGOs in the domestic context (a country of one's choosing). Students are required to submit a 1-2 page outline of the talk one class day before the presentation to allow for copying and distribution to the class.

Grading

Your grade will be calculated as follows.

Class presentation:	20%
Final paper:	70%.
Participation in class discussion:	10%.
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	100%

OFFICE HOURS:

I encourage you to communicate with me on a regular basis. I expect to maintain the office hours noted below **beginning** Monday, August 30, and **ending** Wednesday, November 24.

Unless you are advised to the contrary, my **office hours** during the 2010 Fall Semester will be from 11:30 a.m. until 2:00 p.m. on Mondays and Wednesdays, and 11 a.m. to 5 p.m. on Tuesdays. Of course, I may be available to meet at other times by appointment. As a courtesy, if you need to cancel a previously scheduled appointment, please email or call beforehand. I encourage office consultations with two or more students. You may contact me via e-mail (b-mamlyuk@onu.edu) or phone (419) 772-3920.

ATTENDANCE, CLASS PARTICIPATION:

With respect to in-class decorum: 1) Please arrive for class on time (a steady stream of late-arriving students during the first ten minutes of class is extremely distracting); 2) please do not use your laptop computer during class for things other than taking notes. This too is extremely distracting.

Attendance in class is mandatory. If you are absent for a class, you must notify me within 24 hours of the missed class for it to be considered an excused absence. If you have more than four (4) unexcused absences your final grade will be dropped a letter grade.

READING ASSIGNMENTS:

To be properly prepared for class sessions, you must complete an appropriate, critical reading and study of the assignments that are listed in the following "Table of Reading and Study Assignments."

TABLE OF READING AND STUDY ASSIGNMENTS

Week	Dates	Topics	Pages
1	Aug. 30	I. INTRODUCTION <ul style="list-style-type: none">Ripinsky & PDB (Chapter 1)Steve Charnovitz, <i>Nongovernmental Organizations and</i>	1 - 17

	Sep. 1	<p><i>International Law</i>, 100 A.J.I.L. 348 (2006).</p> <ul style="list-style-type: none"> • <i>Long-term Suggested Reading [Not Required]</i>: Anna-Karin Lindblom, <i>Non-governmental Organisations in International Law</i> (Cambridge University Press, 2005) (limited preview available here); • Anton Vedder, <i>NGO Involvement in International Governance and Policy: Sources of Legitimacy</i> (Martinus Nijhoff Publishers, 2007), available here. <p>II. INT'L NGOs IN THE UN SYSTEM (INTRO)</p> <ul style="list-style-type: none"> • UN ECOSOC – Ripinsky, Chapter 2 (skim) • Read pages 26-34, browse pages 225-242 	26 - 34 225 - 242
2	Sep-6 and Sep. 8	<p>NO CLASSES – LABOR DAY</p> <p>II. INT'L NGOs & THE ILO</p> <ul style="list-style-type: none"> • Ripinsky, Chapter 4 (pp. 67-82) & Appendix for ILO (249-257) 	67 - 82 249 - 257
3	Sep. 13 and Sep. 15	<p>II. INT'L NGOs & GLOBAL WELFARE</p> <ul style="list-style-type: none"> • 'Structural' Issues (NGOs & WHO): • Ripinsky, Chapter 6 (World Health Org.) • Browse Appendix V (pp. 264-275) <p>III. INT'L NGOs & DISASTER RELIEF (cont.)</p> <ul style="list-style-type: none"> • Policy issues, conflicts between NGOs and domestic institutions in times of crisis/disaster; • Jurisdictional issues; conflict resolution techniques; • <i>Read</i>: Comment, "How International NGOs Killed Civil Society in Developing Countries." – will be distributed; • <i>Read</i>: TBD (discussion will focus on the flood in Pakistan) – please bring materials on an NGO of your choice, covering the chosen NGOs efforts and legal contests, if any, involving the NGO. 	97 - 118 —
4	Sep. 20 and Sep. 22	<p>IV. INT'L NGOs IN ARMED CONFLICT (NON-UN)</p> <ul style="list-style-type: none"> • <u>Recommended Reading</u>: Richard Rogers & Anat Ben-David, <i>The Palestinian-Israeli peace process and transnational issue networks: the complicated place of the Israeli NGO</i>, 10 NEW MEDIA & SOCIETY 497-528 (2008). • Jacqueline Solway, <i>Human Rights and NGO 'Wrongs': Conflict Diamonds, Culture Wars, and the 'Bushman Question'</i> [Botswana], 79 AFRICA 321-346 (2009). <p>IV. INT'L NGOs IN ARMED CONFLICT (cont.)</p> <ul style="list-style-type: none"> • <u>International Committee of the Red Cross (ICRC)</u> • ICRC ANNUAL REPORT 2009, pp. 62-67; 85-96; 482- 	— —

		<p>485</p> <ul style="list-style-type: none"> • Browse National Implementation Database of the ICRC: • http://www.icrc.org/ihl-nat 	
5	<p>Sep. 27</p> <p>and</p> <p>Sep. 29</p>	<p>V. INT'L NGOs & ENVIRONMENT</p> <ul style="list-style-type: none"> • Ripinsky, Chapter 7 • <i>Further Reading [Not Required]:</i> Michele Merrill Betsill, Elisabeth Corell, <i>NGO Diplomacy: the Influence of Nongovernmental Organizations in International Environmental Negotiations</i> (MIT Press, 2008) (limited preview available on Google books here) <p>V. INT'L NGOs & ENVIRONMENT (cont.)</p> <ul style="list-style-type: none"> • Time for Student Presentations • Further Reading [Not Required]: Chiara Giordetti, <i>From Rio to Kyoto: a study of the involvement of non-governmental organizations in the negotiations on climate change</i>, New York University Environmental Law Review • Alison Van Rooy, <i>The frontiers of influence: NGO lobbying at the 1974 World Food Conference, the 1992 Earth Summit and beyond</i>, 25:1 WORLD DEVELOPMENT (1997) 	<p>119 - 133</p> <p>277 - 296</p>
6	<p>Oct. 4</p> <p>and</p> <p>Oct. 6</p>	<p>V. INT'L NGOs & UNDP</p> <ul style="list-style-type: none"> • Ripinsky, Chapter 8; • Browse Appendix VII. <p>V. INT'L ECONOMIC DEVELOPMENT NGOs (cont.)</p> <ul style="list-style-type: none"> • Discussion: survey of major actors & conflicts with domestic/int'l actors; • Browse: <i>Directory of NGOs Active in Sustainable Development</i> (OECD), available here. 	<p>135 – 150</p> <p>—</p>
7	<p>Oct. 11</p> <p>and</p> <p>Oct. 13</p>	<p>V. INT'L NGOs & WB (short chapter)</p> <ul style="list-style-type: none"> • Ripinsky, Chapter 9; • <i>Skim:</i> pp. 170-173; • <i>Read:</i> Conclusion • <i>Further Reading (Not Required):</i> Christopher J. N. Gibbs, Thomas Kuby, Claudia Fumo, <i>Nongovernmental organizations in World Bank-supported projects: Review, Issue 812</i> (World Bank Publication, 1999) (full text available on Google books here) <p>VI. INT'L NGOs & IMF (short chapter)</p> <ul style="list-style-type: none"> • Ripinsky, Chapter 10. • Browse: Appendix IX. 	<p>151 - 169</p> <p>178 – 187</p>
8	Oct. 18	<p>VI. INT'L NGOs & WTO (short chapter)</p> <ul style="list-style-type: none"> • Ripinsky, Chapter 11 	189 – 205

	and Oct. 20	<ul style="list-style-type: none"> • <i>Browse:</i> Appendix X. VI. USAID & INT'L EQUIVALENTS <ul style="list-style-type: none"> • www.usaid.gov (please spend approximately 2 hours) • www.mcc.gov • Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ - http://www.gtz.de/en/) • http://en.wikipedia.org/wiki/List_of_development_aid_agencies • Come prepared to discuss roles of NGOs vis-à-vis the dominant international development agencies 	
9	Oct. 25 and Oct. 27	VII. CLASS PRESENTATIONS VI. PRIVATE PHILANTHROPIC ORGANIZATIONS	
10	Nov. 1 and Nov. 3	VI. DOMESTIC RESISTANCE TO NGOs IX. REPORTING REQUIREMENTS FOR NGOs	
11	Nov. 8 and Nov. 10	IX. NGOs & HUMAN RIGHTS <ul style="list-style-type: none"> • <i>Browse:</i> Council of Europe, <i>A Guide to the role and functioning of non-governmental human rights organisations: proceedings, report from an international conference for non-governmental human rights organisations from Central and Eastern European countries</i> (Ljubljana, 11-13 November 1994) (Council of Europe, 1995) (limited preview available here) IX. NGOs & HUMAN RIGHTS (cont.) <ul style="list-style-type: none"> • Class Discussion Regarding Term Papers 	
12	Nov. 15 and Nov. 17	X. INT'L NGOs – STRUCTURE & GOVERNANCE <ul style="list-style-type: none"> • Readings: TBD X. INT'L NGOs – TAXATION ISSUES <ul style="list-style-type: none"> • Readings: TBD 	
13	Nov. 22	[LAST DAY OF CLASS] XI. CLASS PRESENTATIONS & SUMMARY	
--	Nov. 30 – Dec. 10	FINAL EXAM PERIOD (PAPER DUE DATE Dec. 10, 2010)	
	Dec. 11- Jan. 3	WINTER BREAK (ENJOY)	

