

INTD 397– FALL 2021 – McGill University
MIGRATION, BORDERS, AND HUMAN RIGHTS
Draft – Subject to Change

Delivery: In-person.

Classroom: Macdonald Engineering 279

Instructor: Blair Peruniak, Dr.

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Office: 12–4, 3610 McTavish

Office Hours: Tuesdays 2:30–4:30PM or by appointment.

Course description

This course examines the human rights implications of migration and border practices set amidst increasingly contentious territorial politics, complex population movements, and record-shattering climate events. Students will be introduced to the empirical realities and conceptual justifications for competing models of territorial control ranging from communal identity to ecosystem services. We will also draw on moral, legal, and sustainable development policies in consideration of how border regimes and human rights regimes are related to regional and global migration governance strategies. The course is structured by three interrelated and overlapping themes. Theme one considers the challenges of harmonizing the goals of border regimes with human rights aspirations. Theme two compares different models of territorial rights alongside selected case studies and current events that illustrate the range of human rights concerns that emerge from these models. Theme three considers ecological and sustainable development issues that conflict with current border regimes via new and future migration patterns.

Learning Outcomes

The general goal of the course is to stimulate critical thinking about the dynamic relationship between migration, borders, and human rights which have major implications for political and development policies in the remainder of Twenty-First Century and beyond. At the end of this course students should be able to:

- understand the role of border regimes and their justifications in shaping international human rights standards and related legal frameworks of global migration governance.
- compare the strengths and weaknesses of competing models of territorial politics and their respective implications for the human rights of migrants through persuasive written and oral arguments.
- apply critical skills, knowledge, and insights during in-class activities and original research projects to address specific human rights problems in the context of borders and migration.

Teaching Methods

- Lectures
- Theoretical and applied readings
- Audio-visual materials
- Student-led discussions
- In-class activities
- Independent and collaborative research

Required Readings

Required readings are identified in the schedule below and will be available on myCourses.

ASSIGNMENT OVERVIEW

- A. Critical Essay 15%
- B. Student-Led Activity/Discussion /25% (Group Facilitation 15% + Written component 10%)
- C. Mid-term Essay (take home) /25%
- D. Research Paper /35%

INSTRUCTIONS & GRADING CRITERIA

A. Critical Essay /15%

A critical essay (800 words) in response to an essay topic/question based on the required readings and lectures inclusive of Weeks 2–5. Instructions on how to structure your essay will be discussed in class. The essay topic/question will be posted on myCourses on September 08 at 10AM.

Due by 5PM, October 01, to be submitted via myCourses.

Grading Criteria:

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|------------|--|
| 7.5 points | Effective communication <ul style="list-style-type: none">• Clear and logical organization of ideas (structure of paper, explicitly indicated in a concise introduction)• Pertinent examples/clear citation and referencing• Style, grammar and spelling |
| 7.5 points | Analysis and argument <ul style="list-style-type: none">• Understanding and application of relevant concepts, theories and literature• Clear articulation of student's own argument/position• Effective support/evidence provided for the student's argument• Quality and convincingness of argumentation |

***Optional Substitution Essay:** If you are unhappy with the grade you receive on this assignment, you have the option of submitting an entirely new substitute essay on a new question TBD by the instructor upon request. All substitution essays must be confirmed with me within two weeks of receiving your grade on the initial essay. Substitution essays will be **due** by 5PM on November 15 via myCourses. You are not eligible to write a substitute essay unless you have submitted the initial essay on Oct. 01. The grade on your substitution paper will replace (i.e., substitute for) the grade on your first essay regardless of whether it is higher or lower.

B. Student-Led (Group Facilitated) Activity/Discussion /25%

Beginning in Week 4, on Thursday September 23, students in groups of **minimum 3/maximum 4** will be responsible for leading a 30min (max) supplementary in-class activity/discussion based on themes or issues related to the required readings for your facilitation week.

*Instructions on how to form groups will be discussed in class and posted on myCourses. Student-led discussions will take place on Thursdays, except in cases where there is only one class scheduled during the week, in which case an instructor-led lecture will take place.

You may draw from a wide range of supplementary materials and approaches to stimulate discussion or otherwise facilitate student engagement and class participation including, but not limited to:

- recent news or social media coverage of migration, borders, or related human rights issues
- brief segments from films, podcasts, advertising
- PowerPoint slides
- organized debates/small group discussions/problem solving activities

Grading Criteria:

- | | |
|-----------|---|
| 15 Points | Facilitation of in-class activity and discussion |
| 10 Points | 2-3 pages of notes (1 submission per group) briefly outlining your activity/discussion strategy, any supplementary sources or materials relevant to the course themes, and your goals – i.e., what you want other students to reflect on or get out of your activity/discussion). Notes are due by 10AM on the morning of your Group Facilitated Activity/Discussion. |

C. Mid Term Essay (Take Home) /25%

A critical essay (1000 words) in response to ONE of 3 essay question options based on the required readings and lectures inclusive of Week 7. Question options will be posted on myCourses on Wednesday, October 15 at 10AM.

Due by 5PM, October 22, to be submitted via myCourses.

Grading Criteria:

- 12.5 points Effective communication
- Clear and logical organization of ideas (structure of paper, explicitly indicated in the introduction)
 - Pertinent examples
 - Style, grammar and spelling
 - Standardized referencing according to academic conventions
- 12.5 points Analysis and argument
- Clear articulation of student's argument/position
 - Understanding and application of relevant concepts, theories and literature
 - Effective support/evidence provided for the argument
 - Quality and convincingness

D. RESEARCH PAPER /35%

A research paper (3000 words, excluding footnotes and bibliography) that identifies/explains the following:

- i) a specific human rights issue related to the themes of migration and/or borders focusing on **either** an historical, current, or a future/anticipated human rights issue.
- ii) a specific group of migrants (or migrant individual) related to the issue you identify whose human rights are either threatened, are currently being violated, or have previously been violated.
- iii) an original policy, strategy, or approach that you would implement as a means of either preventing, resolving, or otherwise addressing the human rights issue you identify (i.e., one that has a specific and practical goal achievable within a clearly stated time-line). Your strategy may focus on a specific area of policy, law, civic action, or other development proposal including re-drawing an existing border.
- iv) a brief discussion of the main (non-monetary) obstacle or limitation of your strategy.

Research Sources: Your bibliography should identify a minimum of 7 relevant, peer-review sources. Media sources may be referenced but will not count towards your minimum/maximum peer-review source count.

* It is *strongly recommended* that you discuss your chosen topic and the scope of your paper with your instructor well before you submit the final paper.

Due by 5PM, December 06, to be submitted via myCourses.

Grading Criteria:

10 Points Structure, Clarity, and Style

- Clear and concise introduction introducing the topic with a procedural statement outlining the paper's structure.
- Development and communication of a clear and suitably focused human rights issue/problem identifying a specific migrant group/individual.
- Grammar/spelling/references/bibliography/page numbers/etc.

12.5 Points Analysis and Research

- Understanding, application, and critical analysis of relevant empirical or social science literature on your human rights/migration topic
- Rationale for your approach supported by evidence and logical argumentation
- Quality, depth, and integration of sources/research.

12.5 Points Significance of Approach

- Quality of policy recommendations and insightfulness
- Assessment of potential obstacles and limitations of your approach.
- Details regarding the main elements of the strategy or approach including the goal and timeline.

Formatting: All papers are to be submitted on myCourses in word doc. format, 12-point font, double-spaced text with standard margins. All paper must include a title page and bibliography. Please use single spacing for block quotations, footnotes, and bibliographies. References and citations must follow a standard academic format. Students should use in-text citations and include specific page numbers when referencing claims or quoting from academic sources – for example, (Jones 2005: 135). For more details, see the instructions for specific assignments above.

Late Penalties: Written work is due at the times indicated in the instructions for specific assignments above. Late papers will be subject to a 5% penalty per day, starting with the due date/time (except in special cases, with the instructor's prior agreement).

COURSE SCHEDULE

Course materials and scheduling are subject to change

IMPORTANT DATES

September 02	Course begins
September 08	Critical Essay topic posted, 10AM on myCourses
September 23	Student-led discussion/activities begin.
October 01	Critical Essay Due, 5PM on myCourses.
October 12	Study Break - No Class
October 15	Midterm questions posted, 10AM on myCourses.
October 22	Midterm Papers Due, 5PM on myCourses.
November 15	*Optional Substitution Essay due, 5PM on myCourses
December 02	Final Class
December 06	Final Research Papers Due, 5PM on myCourses.

Course Themes:

Theme 1: Border Regimes and Human Rights

Theme 2: Territorial Politics in the Age of Migration

Theme 3: Sustainable Borders, Enduring Rights

Week 1: September 02, *Course Introduction. No required readings.*

Week 2: September 07/09

- Alan Desmond. 2020. "A New Dawn for the Human Rights of International Migrants? Protection of Migrants' Rights in Light of the UN's SDGs and Global Compact for Migration," *International Journal of Law in Context* 16(3): 222–238.
- Mireille Delmas-Marty. 2019. "The Limits of Human Rights in a Moving World—Elements of a Dynamic Approach," In: Bardo Fassbender and Knut Traisbach (eds.) *The Limits of Human Rights*, 331–344. Oxford University Press.
- David Miller. 2013. "Border Regimes and Human Rights," *The Law and Ethics of Human Rights* 7(1): 1–23.

Week 3: September 14/16

- Paulina Ochoa Espejo. 2020. Chapter 2: The Desert Island Model of Territorial Politics.
- Azadeh Dastyari. 2007. "Refugees on Guantanamo Bay: A Blue Print for Australia's 'Pacific Solution'?" *Australian Quarterly* 79(1): 4–8.
- Martin A. Schain. 2019. "Where Are the Gates? The Variable Border and Border Control" In: *The Border: Policy and Politics in Europe and the United States*, 25–44. Oxford University Press.

Week 4: September 21/23

- Ochoa Espejo. 2020. Chapter 5. Natural Borders

- Anatol Lieven. 2020. “A Perfect Storm: Climate Change, Migration, Automation,” In: *Climate Change and the Nation State: The Case for Nationalism in a Warming World*, 35–62. Oxford University Press.

Week 5: September 28/30

- Ochoa Espejo. 2020. Chapter 7. How Place-Specific Duties Make Borders Morally Relevant.
- Eric A. Ormsby. 2017. “The Refugee Crisis as Civil Liberties Crisis,” *Columbia Law Review* 117(5): 1191–1229.

Week 6: October 05/07

- Ochoa Espejo. 2020. Chapter 8. The Watershed: A (Not So) New Model for Territories and Border Placement
- Jochem Marotzke, Dirk Semmann, and Manfred Milinski. 2020. “The Economic Interaction Between Climate Change Mitigation, Climate Migration and Poverty,” *Nature: Climate Change* 518-525.

Week 7: October 14

- Ochoa Espejo. 2020. Chapter 12. What is Wrong with Border Walls?
- Javier Trevino-Rangel. 2017. “Magical Legalism: Human Rights Practitioners and Undocumented Migrants in Mexico,” *The International Journal of Human Rights* 23(5): 843–861.

Week 8: October 19/21

- Martin A. Schain. 2019. “The Politics of Border Control in the United States,” *The Border: Policy and Politics in Europe and the United States*, 177–207. Oxford University Press.
- Daniel Beland. 2020. “Right-Wing Populism and the Politics of Insecurity: How President Trump Frames Migrants as Collective Threats,” *Political Studies Review* 18(2): 162–177.

Week 9: October 26/28

- Martin A. Schain. 2019. “The Politics of Border Control in Europe,” In: *The Border: Policy and Politics in Europe and the United States*, 146–176.
- Flavia Patane`, Maarten P. Bolhuis, Joris van Wijk, and Helena Kreiensiek. 2020. “Asylum-Seekers Prosecuted for Human Smuggling: A Case Study of Scafisti in Italy,” *Refugee Survey Quarterly* 39: 123–152.

Week 10: November 02/04

- Fiona Adamson and Gerasimos Tsourapas. 2020. “The Migration State in the Global South: Nationalizing, Developmental, and Neoliberal Models of Migration Management” *International Migration Review* 54(3): 853–882.
- Tristan Harley. 2014. “Regional Cooperation and Refugee Protection in Latin America: A ‘South-South’ Approach,” *International Journal of Refugee Law* 26(1): 22–47.

Week 11: November 09/11

- Raffaella A. Del Sarto. 2021. “Exporting the European Order Beyond the Border,” *Borderlands: Europe and the Mediterranean Middle East*, Oxford University Press.
- Nora Markard. 2016. “The Right to Leave by Sea: Legal Limits on EU Migration Control by Third Countries,” *The European Journal of International Law* 27(3): 591–616.

Week 12: November 16/18

- Bernard Duhaime and Andréanne Thibault. 2017. “Protection of Migrants from Enforced Disappearance: A Human Rights Perspective,” *International Review of the Red Cross* 99(2): 569–587.
- Daniela J. Restrepo. 2021. “Modern Day Extradition Practice: A Case Analysis of Julian Assange,” *Notre Dame Journal of International & Comparative Law* (11)1: 138–157.

Week 13: November 23/25

- Linda Green. 2009. “The Fear of No Future: Guatemalan Migrants, Dispossession and Dislocation,” *Anthropologica* 51(2): 327–341.
- Antoine Pécoud and Paul de Guchteneire. 2006. “International Migration, Border Controls and Human Rights: Assessing the Relevance of a Right to Mobility,” *Journal of Borderlands Studies* 21(1): 69–86.

Week 14: November 30/December 02

- Cathryn Costello. 2015. “Migrants and Forced Labour: A Labour Law Response,” In: *The Autonomy of Labour Law*, 189–227. Hart/Bloomsbury.
- Libal, et al. 2021. “Human Rights of Forced Migrants During the COVID-19 Pandemic: An Opportunity for Mobilization and Solidarity,” *Journal of Human Rights and Social Work* 6: 148–160.

GENERAL POLICIES

Academic Considerations:

Students in need of academic considerations will be required to self-declare their specific COVID-19-related request for academic considerations through a single online form under the “Personal” Tab, in MINERVA.

Public Health and Safety Measures in the Classroom:

Please note that students must always wear procedural masks in the classroom. In order to ensure the health and safety of yourself and others, you are required to comply with McGill’s health regulations on campus.

For McGill’s updated health guidelines, please visit:

<https://www.mcgill.ca/coronavirus/health-guidelines#preventing>

Academic Integrity:

McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other academic offences under the Code of Student Conduct and Disciplinary Procedures” (see [McGill’s guide to academic honesty](#) for

more information). Note that to support academic integrity, your assignments may be submitted to text-matching or other appropriate software (e.g., formula-, equation-, and graph-matching).”

Language of Submission:

In accord with McGill University’s Charter of Students’ Rights, students in this course have the right to submit in English or in French any written work that is to be graded. This does not apply to courses in which acquiring proficiency in a language is one of the objectives.

Conformément à la Charte des droits de l’étudiant de l’Université McGill, chaque étudiant a le droit de soumettre en français ou en anglais tout travail écrit devant être noté (sauf dans le cas des cours dont l’un des objets est la maîtrise d’une langue).

Extraordinary Circumstances Statement:

In the event of extraordinary circumstances beyond the University’s control, the content and/or evaluation scheme in this course is subject to change.

Content warning: Please be aware that some of the course content may be disturbing for some students. It has been included in the course because it directly relates to the learning outcomes. Please contact the instructor if you have specific concerns about this.

Assessment Policy Statement:

The [University Student Assessment Policy](#) exists to ensure fair and equitable academic assessment for all students and to protect students from excessive workloads. All students are encouraged to review this Policy, which addresses multiple aspects and methods of student assessment, e.g. the timing of evaluation due dates and weighting of final examinations

Inclusive learning Environment:

As the instructor of this course I endeavor to provide an inclusive learning environment. However, if you experience barriers to learning in this course, do not hesitate to discuss them with me and the [Office for Students with Disabilities](#), 514-398-6009.

Mental Health:

All health and wellness services at McGill University have been integrated into our new Student Wellness Hub. Please visit the [Virtual Hub](#) for all health and wellness information, at <https://mcgill.ca/wellness-hub/>.

Land Acknowledgement:

McGill University is on land which has long served as a site of meeting and exchange amongst Indigenous peoples, including the Haudenosaunee and Anishinabeg nations. We acknowledge and thank the diverse Indigenous peoples whose presence marks this territory on which peoples of the world now gather.