

Carleton University Department of Law and Legal Studies

Course Outline

COURSE: LAWS 2601A
PREREQUISITES: 1.0 credit from [LAWS 1000](#) [1.0], [PAPM 1000](#) [1.0], [PSCI 1000](#) [1.0], [PSCI 1001](#), [PSCI 1002](#)
CLASS: **Day & Time:** Tuesdays, 6:05-8:55
Room: PLEASE CHECK WITH CARLETON CENTRAL FOR CURRENT ROOM
INSTRUCTOR: Professor Trevor Purvis
CONTACT: **Office:** D599 LA (Loeb)
Tel: 520-2600 x. 3673
Office hrs: Tuesdays & Wednesdays – 5:00-5:55
Email: trevor_purvis@carleton.ca

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, **613-520-6608**, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website. <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE OBJECTIVES & CONTENT:

This course introduces students to both traditional and critical understandings of the nature, history, and content of the field of public international law. Originally viewed as the branch of law that regulates the relations between independent, sovereign states, public international law has come to encompass much more than inter-state relations. The set of relationships that are regulated by public international law has over time been significantly transformed and reconstituted. This course seeks to make sense of this transformation: what it is about, why it has occurred, and where the discipline is headed. At the end of the course, students should be acquainted with both orthodox understandings of the discipline as well as the basic outlines of the contemporary critiques of such orthodox perspectives. Just as importantly, students will be expected to appreciate the ways in which public international law has been shaped by, and has itself contributed to the shaping of, various social, economic, and political aspects of a world that is being transformed by the forces of ‘globalization’, the geo-political restructuring of the post-Cold War era, and the challenges to existing international law posed by the so-called ‘war on terror’.

REQUIRED READING:

The two compulsory texts are:

- Byers, Michael (2007) *War Law: Understanding International Law and Armed Conflict*. New York: Grove/Atlantic.
- Shaw, Malcolm (2008) *International Law* (6th ed.) Cambridge: Cambridge University Press.

These texts have been ordered through Octopus Books at 116 Third Avenue in the Glebe and should be available at the beginning of term.

All other articles, cases and treaty materials will be placed on WebCT.

COURSE EVALUATION:

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| 1. One case study, Due October 30, 2012 | 40% |
| (Roughly 3000 words before footnotes & bibliography) | |
| 2. Final Exam | 60% |

A NOTE ON CASE STUDIES

These should take the form of a brief critical paper. The final products should demonstrate a thorough reading of the case and an ability to extract, contextualize and evaluate its most crucial elements.

The purpose of this exercise is to give you (and you should demonstrate):

1. an understanding of the importance of the case to international law;
2. an understanding of the historical and theoretical backdrop against which the case emerged;
3. a grasp of the key concepts underpinning the case;
4. an appreciation of the possible future implications for international law in the principal areas touched on in the case.

There is NO winning formula for this paper. You are expected to read with care, and thoughtfully discuss the case, its foundations, and its implications. But you must always bear in mind that this is a course in public international law. So whatever 'approach' you take to the paper must be able to significantly engage the principal concepts of international law at stake in the case.

You should be able to write an excellent paper with just the case assigned and the course text. A careful reading of each should offer you enough material to write a top-notch paper. That being said, this term's assigned case has given rise to a very significant literature. Should students wish to incorporate other materials external to the required course readings, you are encouraged to do so. It is, however, not required. And note, long bibliographies are no substitute for serious engagement.

This term's case study will focus on the House of Lords' 1998 decision regarding Spain's request for the extradition of Senator Augusto Pinochet. The case is available for download on WebCT.

I will offer more comments on the assignment in class.

All papers should be handed in personally in class or during my office hours. **Under no circumstances should papers be left under my office door.**

Note: Unless accompanied by a medical certificate late papers will be penalized one grade-point for each day they are submitted beyond the due date (i.e. a B- will be assigned a C+ if submitted one day late). If you submit papers electronically (**NOT RECOMMENDED**) you are responsible for ensuring it has been received in a timely fashion. Should an electronic submission not be received or arrive late, for whatever reason, you will be penalized for late submission.

You are strongly advised to retain a copy of all papers submitted.

All submitted work must be original! Papers should be properly referenced. Either in-text or footnote citations are acceptable, just ensure you use one citation method, and do so consistently. Each paper *must also include a complete bibliography* of all materials cited, regardless of whether bibliographic details are provided in footnotes. Should you have any questions regarding style requirements for papers you are advised to consult the Department of Law's 'Legal Style Sheet for Term Papers' which can be accessed on the internet at <http://www.carleton.ca/law/style.htm>. Alternatively, you may either refer to a style guide or use a book or an article as a guide. *Thoroughness and consistency* should be your aim. Students are also responsible for familiarizing themselves with the Departmental Course-Related Policy and Procedure Statement which can be found at <http://www.carleton.ca/law/policy.htm>, most particularly in relation to regulations regarding due dates and plagiarism, as well as the University's general regulations regarding instructional offences.

Allegations of an instructional offence may be investigated by instructors and/or departmental chairs and, in all cases, will be reported to the faculty Dean. Any student found to have committed an instructional offence may be:

- a. expelled;
- b. suspended from all studies at the University;
- c. suspended from full-time studies; and/or awarded a reprimand;
- d. refused permission to continue or to register in a specific degree program but subject to having met all academic requirements shall be permitted to register and continue in some other program;
- e. placed on academic probation;
- f. awarded an F or Abs in a course or examination.

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**CLASS SCHEDULE**

**WEEK 1 – SEPTEMBER 11**

**INTRODUCTION**

**WEEK 2 – SEPTEMBER 18**

**HISTORY OF THE DISCIPLINE/INTERNATIONAL LAW AND THE DOMESTIC ORDER**

**REQUIRED READING:**

Shaw, Chs.1, 2 &4

**WEEK 3 - SEPTEMBER 25**

**THE SOURCES OF INTERNATIONAL LAW/STATES, TREATIES, INDIVIDUALS AND OTHERS**

**REQUIRED READING:**

Shaw, Ch.3

**WEEK 4 – OCTOBER 2**

**INTERNATIONAL LEGAL PERSONALITY/SUBJECTS OF INTERNATIONAL LAW**

**REQUIRED READING:**

Shaw, Ch.5

*Montevideo Convention on Rights and Duties of States*

*Universal Declaration of Human Rights*

**WEEK 5 - OCTOBER 9**

**INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

**REQUIRED READING:**

Shaw, Ch.6

*Universal Declaration of Human Rights*

**WEEK 6 – OCTOBER 16**

**LIMITATIONS ON THE USE OF FORCE I (*jus ad bellum & jus in bello*)**

**REQUIRED READING:**

Shaw, Chs.18&20

Byers

**WEEK 7 - OCTOBER 23**

**LIMITATIONS ON THE USE OF FORCE II (*jus ad bellum & jus in bello*)**

Shaw, Chs. 20&21

Byers

**WEEK 8 – OCTOBER 30**

**LIMITATIONS ON THE USE OF FORCE III: THE UN AND COLLECTIVE SECURITY**

Shaw, Chs.21&22

Byers

**NOTE: CASE STUDIES DUE IN CLASS**

**WEEK 9 – NOVEMBER 6**

Shaw, Chs.12&13

**JURISDICTION OVER TERRITORY AND PERSONS/IMMUNITY FROM JURISDICTION**

**REQUIRED READING:**

**WEEK 10 – NOVEMBER 13**

**STATE RESPONSIBILITY/STATE SUCCESSION**

**REQUIRED READING:**

Shaw, Chs.14&17

*ILC Draft Articles on State responsibility*

**WEEK 11 - NOVEMBER 20**

**THE LAW OF TREATIES**

**REQUIRED READING:**

Shaw, Ch.16

*Vienna Convention on the Law of Treaties*

**WEEK 12 – NOVEMBER 27**

**THE LAW OF THE SEA/ INTERNATIONAL PROTECTION OF THE ENVIRONMENT**

**REQUIRED READING:**

Shaw, Chs.11&15

*UN Convention on the Law of the Sea*