

Course Outline

COURSE:	LAWS 2601B Public International Law
TERM:	Early Summer 2013
PREREQUISITES:	1.0 credit from LAWS 1000 [1.0], PAMP 1000 [1.0], PSCI 1100[0.5] and PSCI 1200[0.5]
CLASS:	Day & Time: Tuesday & Thursday, 11:35-14:25 Room: Please check with Carleton Central for current room location.
INSTRUCTOR: (CONTRACT)	T. Ashtakala
CONTACT:	Office: Loeb B-442 Office Hrs: By appointment Telephone: 613-520-3690 Email: Tara_Ashakala@carleton.ca

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

Dutch jurist Hugo Grotius wrote of ``a common law of nations`` in the 17th century, but it was not until over two hundred years later that the first rules of how the nation states of the world should interact with one another in certain situations were codified. Since then, the scope of public international law has vastly expanded, both in terms of the areas of activity covered and with regard to who can be a subject of this legal domain. This course will introduce the student to the nature, sources, subjects, types and judicial operation of public international law, with an emphasis on how law and jurisprudence within Canada is increasingly applying and harmonizing with that evolving at the international level. The ultimate goal of the evaluation activities in this course is to help the student recognize the resonance between local and global legal issues.

REQUIRED TEXTS

Required readings will be accessible online. Some additional articles, as well as case study exercises, may be distributed in class. The readings are intended to reinforce or supplement lecture content.

EVALUATION**All four (4) components must be completed in order to obtain a passing grade****1. Term Essay - 10% of final grade**

- **essay due in class on Thursday 6 June 2013**
- Length: 10 pages double-spaced, proper legal citation and bibliography required
- The task for the Term Essay is to take the everyday life issue and to analyze how it is dealt with in international law: what are the international law rules or norms that apply, what defect in those rules is causing, or failing to rectify, the problem and what is the most appropriate remedy in international law to fix it?
- please note that, as per departmental policy, any papers not submitted directly to the instructor or the TA may be considered late, even if they are submitted to the drop box on the same day and receive that day's date stamp. Papers placed in the drop box by **4:00 pm** will be date stamped the same day they are submitted. Papers received after 4:00 pm will be date stamped the following day. Papers submitted over the weekend that are received before **8:30am** the first business day following a weekend, will be date stamped with Saturday's date.

2. Audio-visual Presentation - 10% of final grade

- The task for the Presentation is to create a five (5)-minute video or skit that illustrates the everyday life issue selected. The video or skit must show why the issue is a problem (ie demonstrate its human impact) and summarize how it is reflected in international law.
- A sign-up sheet for presentation dates will be circulated at the first class.
- **You must sign up for your presentation date NO LATER THAN the 14th of May**
- Presentations will commence on the 21st of May and end on the 4th of June

3. Closed book weekly tests – 75% of final grade

- Five (5) one-hour tests, each worth 15% of the final mark, will be held on the preceding week's lecture material. The test will consist of multiple choice or fill-in-the-blank questions and one essay question. The dates of the tests will be: 14 May, 21 May, 28 May, 4 June and 11 June.

4. Final Case Study participation – 5% of final grade

The lecture material of the final two classes, namely: those of 11 June and 13 June, will be learned through preparation for and participation in a moot trial about a fictitious scenario of international law.

PART 1: BASIC PRINCIPLES**7 May INTRODUCTION AND OVERVIEW; THE NATURE OF INTERNATIONAL LAW****9 May INTERNATIONAL LEGAL PERSONALITY**

- Convention on the Rights and Duties of States , 26 December 1933, Organization of American States, at <http://www.oas.org/juridico/english/treaties/a-40.html> (Montevideo Convention)
- International Commission of Jurists, Report on Aaland Islands dispute, at <http://www.ilsa.org/jessup/jessup10/basicmats/aaland1.pdf> read from "Historical Development of Finland" up to "The Aaland Islands Before 1917"
- Austro-German Customs Union case: Customs Régime between Germany and Austria (Protocol of March 19th, 1931), Advisory Opinion, Permanent Court of International Justice, 5 September 1931 at http://www.worldcourts.com/pcij/eng/decisions/1931.09.05_customs.htm; read paras 15-25, 59 ,64,65 and paras. 82-85.
- Tinoco Arbitration (Great Britain v Costa Rica) (1923) 1 R.I.A.A. 375 at http://untreaty.un.org/cod/riaa/cases/vol_1/369-399.pdf pages 375-384.
- Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960 (GA Res 1514) at <http://www2.ohchr.org/english/law/independence.htm>
- International Commission of Jurists, Report on Aaland Islands dispute, at <http://www.ilsa.org/jessup/jessup10/basicmats/aaland1.pdf> read from "The Principle of Self-Determination and the Rights of Peoples" to "Historical Development of Finland"
- Reference re Secession of Quebec [1998] 2 S.C.R. 217 at <http://scc.lexum.org/en/1998/1998scr2-217/1998scr2-217.html> paras. 109-139
- Charter of the United Nations, art. 104, art. 71 at <http://www.un.org/en/documents/charter/chapter16.shtml>

- Reparation for Injuries Suffered in the Service of the United Nations, ICJ Advisory Opinion of 11 April 1949, at <http://www.icj-cij.org/docket/files/4/1835.pdf>. Read p. 176 “The first question asked of the Court is as follows:...” to p. 180 “when necessitated by the discharge of its functions...”.

14 May SOURCES OF INTERNATIONAL LAW

Materials:

- Statute of the International Court of Justice (art. 38) (remember that it is annexed to the United Nations Charter); text found at <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>
- Vienna Convention on the Law of Treaties, 1155 UNTS 331, at http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
- North Sea Continental Shelf Cases (*Federal Republic of Germany v Denmark and The Netherlands*), [1969] I.C.J Rep. 3, at <http://www.icj-cij.org/docket/files/51/5535.pdf>. Paragraphs 1 (on p.12, starting with “By the two special agreements respectively concluded by....”) to 3,6-7,13,25 to 28 up to “then it must be asked why it was that the Federal Republic did not take the obvious step of giving expression to this readiness by simply ratifying the Convention”,37, 60, 62 from “. The status of the rule in the Convention therefore...”, 63,64,69, 70-78.
- Military Activities In and Against Nicaragua (*Nicaragua v United States*), [1986] I.C.J. Rep. 14, at <http://www.icj-cij.org/docket/files/70/6503.pdf>
 - paragraphs 172-179; 183-190
- Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of 8 July 1996, at <http://www.icj-cij.org/docket/files/95/7495.pdf>
 - Paragraphs 64-73
- International Status of South West Africa Case, Advisory Opinion [1950] ICJ Rep. 128 at <http://www.icj-cij.org/docket/files/10/1895.pdf> read page 148

16 May RECEPTION OF INTERNATIONAL LAW IN NATIONAL LEGAL SYSTEMS

Materials:

- Trendtex Trading Corp. v. Central Bank of Nigeria 1975 T. No. 3663 at <http://www.uniset.ca/other/css/19772WLR356.html> read from “The two schools of thought...” to “Has there been a change?”
- Vienna Convention on the Law of Treaties at http://treaties.un.org/doc/Treaties/1980/01/19800127%2000-52%20AM/Ch_XXIII_01p.pdf
- Attorney General (Canada) v Attorney General (Ontario) (Labour Conventions) [1937] UKPC 6 (28 January 1937) at http://www.bailii.org/uk/cases/UKPC/1937/1937_6.html read pp. 1-2 (up to “...viz property and civil rights in the Province”) and p. 5 (from “...Their Lordships”) to p.6 (up to “...competent legislature or legislatures”).
- Baker v. Canada (*Minister of Citizenship and Immigration*) [1999] 2 SCR 817 at <http://scc.lexum.org/en/1999/1999scr2-817/1999scr2-817.html>, paras 1-11 and 67-75
- Reference Re Public Service Employee Relations Act (Alta.), [1987] 1 S.C.R. 313 read summary of facts in headnote and read paras 57-60, at <http://scc.lexum.org/en/1987/1987scr1-313/1987scr1-313.html>
- Canada (Justice) v. Khadr, [2008] 2 S.C.R. 125, 2008 SCC 28, at <http://www.canlii.org/en/ca/scc/doc/2008/2008scc28/2008scc28.html>
- Pushpanathan v. Canada (Minister of Citizenship and Immigration), [1998] 1 S.C.R. 982, read paras 1-4 and 51-53 at <http://scc.lexum.org/en/1998/1998scr1-982/1998scr1-982.html>
- Reference as to Powers to Levy Rates on Foreign Legations, [1943] S.C.R. 208 <http://scc.lexum.org/en/1943/1943scr0-208/1943scr0-208.html> read judgement of Duff CJ from “THE CHIEF JUSTICE: His Excellency in Council has been pleased to refer to us certain questions”... to “...And he adds at page 471”... ; judgement of Hudson J, from “We next come to the larger and more difficult question”... to end; judgement of Taschereau J.
- Suresh v. Canada (Minister of Citizenship and Immigration), 2002 SCC 1, [2002] 1 S.C.R. 3, at <http://scc.lexum.org/en/2002/2002scc1/2002scc1.html>, read paras 7-23, 59-78.

PART II: THE LAW APPLICABLE TO NATIONS**21 May TERRITORY**

Materials:

- Acquisition of territory: *Island of Palmas case* (Netherlands v United States) (1928), 2 R.I.A.A. 829 at http://untreaty.un.org/cod/riaa/cases/vol_II/829-871.pdf p. 835 (from “the subject of the dispute...”) to 840 (“the sound and natural criterium of territorial sovereignty”, 842 (from “The title alleged by the United States...”) to “disposing of the rights of independent Third Powers”, 854 (from “In the last place there remains to be considered” to 855 (“inhabited exclusively by natives”), 866 (from “the conclusions to be derived...”) to 869 (“therefore holds good”).
- Principles in disputes over land boundaries:
 - *Case concerning the Frontier Dispute* (Burkina Faso v Mali), ICJ Reports 1986 p. 554 at <http://www.icj-cij.org/docket/files/69/6447.pdf>, paras. 17, 20, 23-26, 29-30
- Jurisdiction over res communis and common heritage of mankind areas – polar regions:
 - Loukacheva, N. “Legal Challenges in the Arctic”, at http://www.nrf.is/Open%20Meetings/Oulu%20Lulea%202006/Position%20Papers/Leukacheva_4th%20NRF%20PP.pdf
 - Antarctic Treaty at http://www.ats.aq/documents/ats/treaty_original.pdf
 - “Claiming the last global frontier: overlapping geographical claims of Antarctic territory”, S. Naidu, Jr., *Transnational Law & Contemporary Problems*. 17.2 (Spring 2008) p529 go to Carleton’s Library web page, click on Databases, click on Legal Trac and enter the name of the article or the author in the search line
- Jurisdiction over Airspace:
 - Chicago Convention on International Civil Aviation at <http://www.mcgill.ca/files/iasl/chicago1944a.pdf>
 - “Aerial Intrusions by Civil and Military Aircraft in Times of Peace”, Phelps (1985) 107 *Military L.R.* 255 at http://www.loc.gov/rr/frd/Military_Law/Military_Law_Review/pdf-files/27786D~1.pdf pp. 291-295

23 May JURISDICTION AND IMMUNITY

Materials:

- *The Steamship Lotus (France v Turkey)* (1927) PCIJ Ser. A., No. 10 at http://www.icj-cij.org/pcij/serie_A/A_10/30_Lotus_Arret.pdf read p. 12, 13, 14 from “Article 6 of the Turkish Penal Code, Law No. 765 of March 1st”, 15, 16 from “Having determined the position resulting from” to “Powers, be decided in accordance with the principles of international law.”, 18-24 up to “this reading of the conception of the offence of manslaughter.”, 31 from “The Court, having arrived at the conclusion” to “contrary to the principles of international law within the meaning of the special agreement”,
- *Libman v. The Queen*, [1985] 2 S.C.R. 178 at <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/79/index.do?r=AAAAAQAGTGlibWFuAAAAAQAQ> read paras. 2-6, 10-11, 17, 21, 42-43, 59-60, 65-68, 74, 77-78.
- *Luther v Sagor* [1921] 3 K.B. 532 at <http://www.uniset.ca/other/buttes/19213KB532.html> read judgements of Bankes LJ and Warrington LJ
- *The Schooner Exchange v. M’Faddon* 11 U.S. 116 (1812) at <http://supreme.justia.com/us/11/116/case.html>, scroll down to verdict of Chief Justice Marshall
- *Trendtex Trading Corp. v. Central Bank of Nigeria* [1977] 2 W.L.R. 356 at <http://www.uniset.ca/other/css/19772WLR356.html> read judgement of Lord Denning from “Has there been a change?...” to “there is no immunity in respect of commercial transactions, even for a government department”
- Vienna Convention on Diplomatic Relations at http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf
- Vienna Convention on Consular Relations at http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf

28 May THE LAW OF TREATIESMaterials:

- Nuclear Test Cases (Australia v France), ICJ, Judgement of 20 December 1974 <http://www.icj-cij.org/docket/files/58/6093.pdf>, paras 16-20,34-41,42-46
- Vienna Convention on the Law of Treaties at http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
- Interpretation of Peace Treaties (second phase), Advisory Opinion: I.C. J. Reports 1950, p. 221 at <http://www.icj-cij.org/docket/files/8/1875.pdf> read from p. 226 from “Having stated, in its Opinion of March 30th, 1950” to p. 227 “extended to the situation which now exists”; from p.228 “In these circumstances, the appointment of a third member” to p.229” would be contrary to their letter and spirit...”
- Libya v Chad, ICJ, at <http://www.icj-cij.org/docket/files/83/6897.pdf> para 41 only
- Special Court for Sierra Leone Prosecution argument 6: <http://www.sc-sl.org/scsl/Public/SCSL-03-08-Norman/SCSL-03-08-PT-116/SCSL-03-08-PT-116-II.pdf>. Read paras 33-43, and 51.
- Gabčíkovo-Nagymaros Project (Hungary/Slovakia), ICJ, Judgement of 25 September 1997 at <http://www.icj-cij.org/docket/files/92/7375.pdf> paras. 15, 72-74, 77,78, 87-89, 92, 94-100,102-104.

PART III: DIFFERENT AREAS AND SUBJECTS OF INTERNATIONAL LAW**30 May INTERNATIONAL HUMAN RIGHTS LAW; LAW OF ABORIGINAL PEOPLES**Materials:

- International Covenant on Civil and Political Rights at <http://www2.ohchr.org/english/law/ccpr.htm>
- Toonen v. Australia, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994), paras 1, 3.1-4.2, 8.1-8.4,8.6 at <http://www1.umn.edu/humanrts/undocs/html/vws488.htm>
- Universal Declaration of Human Rights at <http://www.un.org/en/documents/udhr/>
- Office of the High Commissioner for Human Rights, General Comment no. 06 The Right to Life, (art. 6) : . 04/30/1982 at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/84ab9690ccd81fc7c12563ed0046fae3?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/84ab9690ccd81fc7c12563ed0046fae3?Opendocument)
- International Covenant on Economic, Cultural and Social Rights at <http://www2.ohchr.org/english/law/cescr.htm>
- Committee on Economic, Social and Cultural Rights, General Comment No.03, UN Doc. E/1991/23; (1994) 1-1 I.H.H.R. 6 at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument)
- Gosselin v. Québec (Attorney General), 2002 SCC 84, [2002] 4 S.C.R. 429 read paras. 93-94, 330-333, 417-420 at <http://scc.lexum.org/en/2002/2002scc84/2002scc84.html>
- Auton (Guardian *ad litem* of) v. British Columbia (Attorney General), [2004] 3 S.C.R. 657, 2004 SCC 78 at <http://scc.lexum.org/en/2004/2004scc78/2004scc78.html>, read headnote only
- Roger Judge v. Canada, Communication No. 829/1998, U.N. Doc. CCPR/C/78/D/829/1998 (2003), 10.2-10.8 at <http://www1.umn.edu/humanrts/undocs/829-1998.html>
- United Nations Declaration on the Rights of Indigenous Peoples, at http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf see art. 1, 3, 26,43,46
- Simon v. The Queen, [1985] 2 S.C.R. 387, at <http://scc.lexum.org/en/1985/1985scr2-387/1985scr2-387.html>, read paras 1-5, 33
- The Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Judgement of August 31, 2001, Inter-Am. Ct. H.R., (Ser. C) No. 79 (2001) at <http://www1.umn.edu/humanrts/iachr/AwasTingnicase.html> read paras. 142-149,151

4 June INTERNATIONAL TRADE LAWMaterials:

- GATT 1947 at <http://www.worldtradelaw.net/uragreements/gatt.pdf>
- GATT, Belgian Family Allowances case (1952) at http://www.wto.org/gatt_docs/English/SULPDF/91850313.pdf
- GATT 1994 and Agreement establishing the WTO: at <http://www.jus.uio.no/lm/wta.1994/ii.html> articles I, III, XX, XXI,XXIV
- US-Tuna Dolphin cases: at <http://www.worldtradelaw.net/reports/gattpanels/tunadolphi.html> paras 2.1-2.6, 5.22-5.34,6.1-6.4

- United States: Reformulated Gasoline at http://docsonline.wto.org/imrd/gen_searchResult.asp?RN=0&searchtype=browse&q1=%28%40meta%5FSymbol+WT%FCDS2%FCAB%FCR%2A+and+not+RW%2A%29&language=1 download HTML Preview of Appellate Body report
- United States-Import prohibition of Shrimp (1998/2000) at http://docsonline.wto.org/GEN_highLightParent.asp?qu=%28%40meta%5FSymbol+WT%FCDS58%FCAB%FCR%2A+and+not+RW%2A%29&doc=D%3A%2FDDFDOCUMENTS%2FT%2FWT%2FDS%2F58ABR%2EDOC%2EHTM&curdoc=3&popTitle=WT%2FDS58%2FAB%2FR download “Appellate Body HTML Preview”. Read paras. 113-186
- North American Free Trade Agreement, articles 1102 and 1103 at <http://www.nafta-sec-alena.org/en/view.aspx?conID=590&mtpID=142#A1102>
- Case comment on Methanex v United States at http://www.iisd.org/pdf/2005/commentary_methanex.pdf

6 June INTERNATIONAL ENVIRONMENTAL LAW; THE LAW OF THE SEA

Materials:

- Statute of the ICJ, art.38 at http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_II
- Trail Smelter Arbitration (USA, Canada) at http://untreaty.un.org/cod/riaa/cases/vol_III/1905-1982.pdf read p.1912 (last paragraph)-1913, p.1962 (“Part Three”)-1964 (up to “sovereignty inherent in the Constitution of the United States”), 1965 (“The Tribunal, therefore,...”)-1966 (up to “Part Four”).
- Stockholm Declaration at <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503>
- Rio Declaration at <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163>
- Nuclear Weapons Advisory Opinion, ICJ, read paras. 27-29 (pp.241-242) at <http://www.icj-cij.org/docket/files/95/7495.pdf>
- Gabcikovo case (Hungary v Slovakia), read para 140 (p.77-78), at <http://www.icj-cij.org/docket/files/92/7375.pdf>
- EC Beef Hormones case, read C. Arguments by Canada-Appellee, 2. The Precautionary Principle at http://docsonline.wto.org/GEN_highLightParent.asp?qu=%28%40meta%5FSymbol+WT%FCDS26%FCAB%FCR%2A+and+not+RW%2A%29&doc=D%3A%2FDDFDOCUMENTS%2FT%2FWT%2FDS%2F26ABR%2EWP%2EHTM&curdoc=3&popTitle=WT%2FDS26%2FAB%2FR%3Cbr%3EWT%2FDS48%2FAB%2FR
- Case concerning Pulp Mills on the River Uruguay (Argentina v Uruguay) (2010) read paras. 204-205 at <http://www.icj-cij.org/docket/files/135/15877.pdf>
- UNCLOS at http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
- Nicaragua case at <http://www.icj-cij.org/docket/files/70/6503.pdf> read paras 212,213,214
- MV Saiga case (Saint Vincent and the Grenadines v Guinea) at http://www.worldcourts.com/itlos/eng/decisions/1999.07.01_Saint_Vincent_v_Guinea.pdf ; read paras 116-121,127, 130-136, 155
- Panama and José C. Monteverde (Panama) v. U.S (The David), (1933) 6 RIAA 382 http://untreaty.un.org/cod/riaa/cases/vol_VI/382-386_Compania.pdf read pp. 384-386

PART IV: JUDICIAL SETTLEMENT OF DISPUTES

11 June THE WORLD’S COURTS: ICJ, ICC, ITLOS, WTO PANELS

Materials:

- Military Activities In and Against Nicaragua (*Nicaragua v United States*), (merits) [1986] I.C.J. Rep. 14, at <http://www.icj-cij.org/docket/files/70/6503.pdf> para 31
- Statute of the International Court of Justice, art. 36; text found at <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>
- Nottebohm (Leichtenstein v Guatemala), Preliminary Objections, Decision of the Court , Judgement of 18 November 1953, at <http://www.icj-cij.org/docket/files/18/2057.pdf>; read from p.121 “the Court is not concerned with defining...” to p.122 “that it lacks jurisdiction or that the claim is inadmissible”
- Nicaragua para 30
- WTO *Argentina: Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items—Report of the Panel* [25 November 1997] WT/DS56/R at http://docsonline.wto.org/GEN_highLightParent.asp?qu=%28%40meta%5FSymbol+WT%FCDS56%FCR

%2A+and+not+RW%2A%29&doc=D%3A%2FDDFDOCUMENTS%2FT%2FWT%2FDS%2F56R%2EWP
F%2EHTM&curdoc=3&popTitle=WT%2FDS56%2FR go to Section VI Findings, B. Article II of GATT,
2. THE APPLICATION BY ARGENTINA OF SPECIFIC MINIMUM DUTIES, (a) Burden of proof and
nature of the evidence required

- Statute of the ICJ articles 48-52
- Rules of the International Court of Justice, at <http://www.icj-cij.org/documents/index.php?p1=4&p2=3&p3=0>, read articles 49 (1), 49 (2), 50, 56, 57, 61, 62, 63,65,66-69
- Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, I.C.J. Reports 2005, p. 168 at <http://www.icj-cij.org/docket/files/116/10455.pdf> read paras 59-61
- Nicaragua para 63
- Corfu Channel Case (Merits), Judgment of April 9th, 1949, I.C. J. Reports 1949, p.4 at <http://www.icj-cij.org/docket/files/1/1645.pdf>
 - Read p.18 from “It is clear that knowledge of the minelaying cannot be imputed...” to “relevant to the question of connivance.”.
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide [“Crime of Genocide”] (Bosnia Genocide case), ICJ 2008, at <http://www.icj-cij.org/docket/files/91/13685.pdf> read paras 370-376, 438.

PART V: THE LAST RESORT OF STATES

13 June THE LAW OF WAR AND THE USE OF FORCE

Materials:

- Charter of the United Nations arts. 2(4) and 51, at <http://treaties.un.org/doc/Publication/CTC/uncharter.pdf>
- Geneva Conventions of 1949 and the Additional Protocols 1977
 - GCI: <http://www.icrc.org/ihl.nsf/FULL/365?OpenDocument>
 - GCII: <http://www.icrc.org/ihl.nsf/FULL/370?OpenDocument>
 - GCIII: <http://www.icrc.org/ihl.nsf/FULL/375?OpenDocument>
 - GCIV: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>
 - AP I: <http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>
 - AP II: <http://www.icrc.org/ihl.nsf/FULL/475?OpenDocument>
- Summary of articles covered in lecture and in readings:
 - Art. 2 of GC I,II,III,IV and API; art 1 APII
 - Art. 3 of GC I,II,III,IV; art. 4 and art. 5,APII
 - Art. 43,44,48 and 50 API; art. 4 GC III
 - Art. 5 GC III
 - Arts. 35- 52 API