

**COURSE:** LAWS 2601B – Public International Law

**PREREQUISITES:** LAWS 1000 OR LAWS 2005, OR PAPM 1000 OR A POLITICAL SCIENCE OR HISTORY COURSE IN INTERNATIONAL RELATIONS.

**TERM:** Fall 2013

**CLASS: Day & Time:** Wednesday, 08:35– 11:25  
**Room:** Please check Carleton Central for current room location

**INSTRUCTOR:** Christina Harrison Baird  
**(Contract)**

**CONTACT: Office:** D199 (Loeb)  
**Office Hrs:** Thursdays from 9:30 to 10:30 or by appointment.  
**Email:** [Christina.Harrison@carleton.ca](mailto:Christina.Harrison@carleton.ca)

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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](mailto: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/>

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## **INTRODUCTION:**

The objective of this course is to give students a broad introduction to the many facets of public international law. The course will examine the historical development of international law, as well as modern approaches to the discipline. With this foundation, students will be encouraged to think critically and to apply the legal principles they have learned to current situations in international affairs. Students will have the opportunity to develop their skills in research, analysis, writing and oral presentation – both individually and in collaboration with their peers. Lectures will serve to highlight and clarify – and not simply to reiterate – concepts from the required reading. Classroom discussion will be fostered in an environment of mutual respect. Both lectures and discussion will be founded upon the understanding that students have completed the required reading for the week in advance of the class.

**REQUIRED READING**

J.H. Currie, *Public International Law*, 2<sup>nd</sup> edition, (Toronto: Irwin Law, 2008).

Students may wish to refer to the following optional text, available in the Course Reserves at the Library:  
J.H. Currie, C. Forcese & V. Oosterveld, *International Law: Doctrine, Practice, and Theory* (Toronto: Irwin Law, 2007).

In addition, students will be required to refer to international treaties and case law cited in the text. Some internet links to this material are provided below. Others will be highlighted for students as the course progresses. From time to time, students may be requested to research and bring to class current articles relevant for the week's discussion.

**EVALUATION:****A. Of Coursework –**

Mandatory coursework consists of one midterm examination and one assignment, both of which must be completed in order to pass the course. **Please note that the late submission of any assignment in this course will be penalized by a deduction of 5 percent for each day after the assignment is due. Work submitted after the appointed time on the day that the assignment is due will be penalized by a deduction of 3 percent.** In addition to the mandatory elements of coursework described above, students will have the opportunity to earn up to twenty participation marks.

- I. Midterm Examination = 50%
- II. Thematic Essay = 30%
- III. Participation = 20%

- I. The **Midterm Examination** will consist of multiple choice, true/false and matching questions on the fundamentals of Public International Law. It is very important to master these in the first several weeks of the course, in order to succeed with the second half of the course, especially with the Thematic Essay. The midterm will be written in class in Week 5 (16<sup>th</sup> October 2013).
- II. The **Thematic Essay** offers individual students the opportunity to conduct research into an international law topic of their choosing and to write up their research in proper legal essay form. It is to be completed by each student independently. Each essay will be a maximum of 8 pages double-spaced (i.e. approximately 2000 words). More specific instructions will be provided in class. The essays will be due at the *beginning* of class in Week 12 (4<sup>th</sup> December 2013).
- III. The **Participation** marks may be earned in several ways, reflecting the different personalities and learning styles of students. Students are invited to challenge themselves by attempting to earn marks using a combination of the following methods:
  - a. *Weekly quizzes* online and in class will give individual students an ongoing opportunity to evaluate their learning progress. A perfect mark on a quiz out of five will earn the student two participation marks up to a possible total of 20 marks. No part marks will be awarded for a quiz evaluated at less than 5/5.
  - b. *Current affairs* presentations may be made by individual students who write to the instructor by Sunday night at 9:00 pm with an international law topic in the news that is related to the topic for the following Wednesday. Each student may take advantage of this opportunity only once during the term. A five-minute presentation can earn the student up to 5 participation marks.
  - c. *Thematic* presentations may be made by a group of up to five students who: a) are writing their Thematic Essay on the same topic and b) wish to share their learning with the class. The group must write to the instructor in Week 7 (23<sup>rd</sup> October 2013) requesting a presentation slot in one of Weeks 8 to 12 (first come, first served). Each presentation will be approximately fifteen minutes long, with an additional five minutes for discussion time with the class. Each member of the group will receive the same grade for the presentation, up to a maximum of 15 participation marks.

The research subjects for the Thematic Essay will be chosen from the list below, or in consultation with the Instructor.

- a) The law of the sea
- b) The law of air space and outer space
- c) International law and indigenous peoples
- d) International law governing economic activity
- e) International protection of the environment
- f) International protection of public health
- g) International protection of human rights [choose a right (e.g. freedom of religion), a treaty (e.g. Convention on the Elimination of Racial Discrimination) or a protected population (e.g. children, women, refugees, persons with disabilities)]
- h) International protection from torture
- i) United Nations reform
- j) International law responses to terrorism
- k) International law responses to human trafficking
- l) Regional development of international law (choose a region and a theme, e.g. development of human rights in the Arab world)
- m) International criminal law
- n) International humanitarian law (also known as the law of armed conflict)

### **B. Of Instruction**

Students will have the opportunity to evaluate the course and the instruction both formally and informally. Formal evaluation will occur toward the end of the course in accordance with Carleton University procedures. In addition, there will be at least one occasion for students to provide constructive anonymous feedback to the instructor through <http://www.getfast.ca/> or through cuLearn. Further details will be provided in class.

### **CLASS SCHEDULE**

<b>Week 1</b> 11 <sup>th</sup> Sept	<b>Introduction to the discipline of international law</b> <u>Reading:</u> Currie Chapter 1, pp. 1-20
<b>Week 2</b> 18 <sup>th</sup> Sept	<b>International legal personality</b> <u>Reading:</u> Currie Chapter 2, pp. 21-79 <ul style="list-style-type: none"> <li>• Vienna Convention on Succession of States in respect of Treaties <a href="http://untreaty.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf">http://untreaty.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf</a></li> <li>• United Nations System Chart <a href="http://www.un.org/en/aboutun/structure/pdfs/un-system-chart-color-sm.pdf">http://www.un.org/en/aboutun/structure/pdfs/un-system-chart-color-sm.pdf</a></li> <li>• Charter of the United Nations <a href="http://www.un.org/en/documents/charter/index.shtml">http://www.un.org/en/documents/charter/index.shtml</a></li> </ul>
<b>Week 3</b> 25 <sup>th</sup> Sept	<b>Sources of international law</b> <u>Reading:</u> Currie Chapter 3, pp. 80-122 <ul style="list-style-type: none"> <li>• Statute of the International Court of Justice, article 38 <a href="http://www.ici-cij.org/documents/index.php?p1=4&amp;p2=2&amp;p3=0">http://www.ici-cij.org/documents/index.php?p1=4&amp;p2=2&amp;p3=0</a></li> <li>• Vienna Convention on the Law of Treaties, article 53 <a href="http://www1.umn.edu/humanrts/instree/viennaconvention.html">http://www1.umn.edu/humanrts/instree/viennaconvention.html</a> or <a href="http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf">http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf</a></li> </ul>
<b>Week 4</b> 2 <sup>nd</sup> Oct	<b>The Law of treaties</b> <u>Reading:</u> Currie Chapter 4, pp. 123-184 <ul style="list-style-type: none"> <li>• Vienna Convention on Diplomatic Relations <a href="http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf">http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf</a></li> <li>• Vienna Convention on the Law of Treaties</li> </ul>

- [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)
- International Covenant on Civil and Political Rights (ICCPR)  
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- Ratifications, Declarations & Reservations for ICCPR  
[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en)
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)  
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- Ratifications, Declarations & Reservations for CEDAW  
[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en)

**Week 5**  
9<sup>th</sup> Oct

### **Customary International Law**

Reading: Currie Chapter 5, pp. 185-217

### **Reception of International Law in Domestic Law**

Reading: Currie Chapter 6, pp. 218-264

**Week 6**  
16<sup>th</sup> Oct

### ***Midterm Examination***

**Week 7**  
23<sup>rd</sup> Oct

### ***Thematic Presentation sign-up for Weeks 8 to 12 (optional)***

#### **States and Territory**

Reading: Currie Chapter 7, pp. 265-331

**Week 8**  
6<sup>th</sup> Nov

#### **State Jurisdiction**

Reading: Currie Chapter 8, pp. 332-362

**Week 9**  
13<sup>th</sup> Nov

#### **Jurisdictional Immunities**

Reading: Currie Chapter 9, pp. 363-411

**Week 10**  
20<sup>th</sup> Nov

#### **International Protection of Human Rights**

Reading: Currie Chapter 10, pp. 412-447

**Week 11**  
27<sup>th</sup> Nov

#### **The Use of Force in International Relations**

Reading: Currie Chapter 11, pp. 448-532

- Charter of the United Nations <http://www.un.org/en/documents/charter/index.shtml>
- Declaration on Friendly Relations <http://www1.umn.edu/humanrts/instreet/principles1970.html>
- Geneva Conventions I-IV (1949) and their Protocols I & II (1977)  
<http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView>

**Week 12**  
4<sup>th</sup> Dec

### ***Thematic Essay: Individual Papers due at beginning of class***

#### **State Responsibility**

Reading: Currie Chapter 12, pp. 533-573