Carleton University   Department of Law and Legal Studies Course Outline

COURSE:	**LAWS 2601C**
PREREQUISITES:	**1.0 credit from <u>LAWS 1000</u> [1.0], <u>PAPM 1000</u> [1.0], <u>PSCI 1000</u> [1.0], <u>PSCI 1001</u>, <u>PSCI 1002</u>**
CLASS:	**Day & Time: Mondays, 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:	**Mondays & Wednesdays – 5:00-5:55**
	Email:	**trevor_purvis@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 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 in terms of its contemporary developmental trajectory. 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 also 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 Mother Tongue Books at 1067 Bank Street (between Sunnyside and the Canal) and should be available at the beginning of term.

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

COURSE EVALUATION:

1. **One case study, Due March 4, 2013 <u>in class</u>**   **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, 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 year's case study will focus on the International Court of Justice's 2004 advisory opinion regarding the legal consequences of the construction of a wall in the occupied Palestinian territory. The case is available for download on CULearn.

I will offer more comments on the assignment in class.

All papers should be handed in personally in class, during my office hours, or (<u>as a last resort</u>) submitted through the drop-off box at the main office of the Law Department. **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. For guidance on these issues 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.

~~~~~~
CLASS SCHEDULE

WEEK 1 - JANUARY 7
INTRODUCTION

WEEK 2 - JANUARY 14
HISTORY OF THE DISCIPLINE/INTERNATIONAL LAW AND THE DOMESTIC ORDER
REQUIRED READING:
Shaw, Chs.1, 2 &4

WEEK 3 - JANUARY 21
THE SOURCES OF INTERNATIONAL LAW/STATES, TREATIES, INDIVIDUALS AND OTHERS

REQUIRED READING:
Shaw, Ch.3

WEEK 4 - JANUARY 28
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 - FEBRUARY 4
INTERNATIONAL PROTECTION OF HUMAN RIGHTS
REQUIRED READING:
Shaw, Ch.6
Universal Declaration of Human Rights

WEEK 6 - FEBRUARY 11
RECOGNITION & TERRITORY
Shaw, Chs.9&10

WEEK 7 - FEBRUARY 18
READING WEEK – NO CLASS

WEEK 8 - FEBRUARY 25
THE LAW OF THE SEA/ INTERNATIONAL PROTECTION OF THE ENVIRONMENT
REQUIRED READING:
Shaw, Chs.11&15
UN Convention on the Law of the Sea

WEEK 9 - MARCH 4
JURISDICTION OVER TERRITORY AND PERSONS/IMMUNITY FROM JURISDICTION
REQUIRED READING:
Shaw, Chs.12&13
Selections from the House of Lords decision re. Augusto Pinochet (TBA)

NOTE: CASE STUDIES DUE IN CLASS

WEEK 10 – MARCH 11
STATE RESPONSIBILITY/STATE SUCCESSION
REQUIRED READING:
Shaw, Chs.14&17
ILC Draft Articles on State responsibility

WEEK 11 - MARCH 18
THE LAW OF TREATIES
REQUIRED READING:
Shaw, Ch.16
Vienna Convention on the Law of Treaties

WEEK 12 - MARCH 25
LIMITATIONS ON THE USE OF FORCE I (*jus ad bellum & jus in bello*)
REQUIRED READING:

Shaw, Chs.20& 21
Byers

WEEK 13 – APRIL 1
LIMITATIONS ON THE USE OF FORCE II (*jus ad bellum & jus in bello)*
Shaw, Chs.21&22
Byers