

## Course Outline

COURSE:	LAWS 2601A - Public International Law
PREREQUISITES:	<a href="#">LAWS 1000</a> or <a href="#">LAWS 2005</a> , or <a href="#">PAPM 1000</a> or <a href="#">PSCI 1000</a> or <a href="#">PSCI 1001</a> , <a href="#">PSCI 1002</a>
TERM:	Fall 2010
CLASS:	Day & Time: Monday 8:35- 11:25 Room: Please check Carleton Central for room assignment
INSTRUCTOR:	Dr. Betina Kuzmarov
CONTACT:	Office: Loeb D481 Office Hrs: Tuesday 10:00 am to 12:00 pm or by appointment Telephone: (613) 520-2600 extension 8810 Email: Please use the WebCT e-mail for this course

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION:**

Have you ever wondered what exactly the Security Council is and what it can do? Or what the meaning of a UN resolution is? Or what the law says about use of force? Then this course will help place these real world institutions and actions in the context of law. Public international law refers to the law concerning the interactions between states. It is a specific way of structuring and understanding events in international relations. The purpose of this course is to examine both what public international law is and what it is not. We will do this by asking questions about international law such as: What is international law? Who matters in international law? When does international law come into effect? Where is international law created, debated or enforced? How does international law try to regulate force? Through these questions we will examine the subject matter of international law such as the sources of international law, the subjects of international law, the structure of international law, the settlement of international disputes and the restrictions on use of force. Further, we will contextualize each of these events by focusing on specific aspects of the topic. Lastly, we will discuss the problems or difficulties with the traditional conceptions of international law that we study. By the end of the course you will come away with a good understanding of international law concepts and how that law relates to real world events and institutions. You will also have an ability to critically evaluate both international law and its political nature.

**COURSE OBJECTIVES:**

1. Knowledge of basic concepts and principles of international law
2. Knowledge of the relationship between these basic principles and the institutions of international law
3. Ability to critically evaluate the principles and institutions of international law
4. Ability to apply international law to current events
5. Ability to understand how researchers approach the scholarship of international law

## **TEXTS:**

This course has one required text but I also refer you to the internet or to the Shaw textbook on reserve at the library for readings in specific lectures. The text has been ordered for purchase at the Carleton University Bookstore. Appropriate used versions are also an option (just check they are the right edition). Also, I have requested that the text be put on reserve at the library.

### **Required:**

John H. Currie, *Public International Law*, 2<sup>nd</sup> ed (Essentials of Canadian Law Series) (Toronto: Irwin Law, 2008) [Currie]

### **Materials On Reserve at the Library:**

Excerpts From Malcom N. Shaw, *International Law*, 6<sup>th</sup> ed (Cambridge: CUP, 2008) [Shaw].

## **EVALUATION:**

The evaluation for the course will be broken down as follows:

Issue Papers	25% per paper (Students must submit 2 papers for a total of 50% of the final mark)
Final Exam	40%
Class Participation	10%
TOTAL	100%

### **Issue Paper**

Date: Students will submit 2 issue papers in weeks chosen by the student, although one paper must be submitted by October 25, the other by November 29.

Students will be asked to submit 2 issue papers throughout the semester. These papers will be a maximum of 5 pages (Times New Roman /12 pt font/double spaced) each in length. Each issue paper should include an assessment of the legal issues raised in the assigned readings for the class chosen. Students will then link these legal issues to assess a current event found in the newspaper. Issue papers must be submitted at the class in which these readings are discussed and a copy of the article discussing the current event chosen must be provided. Late papers (papers not handed in for the class chosen) will not be accepted unless I have given approval in advance of the class in which paper should be handed in.

**Final Exam** - Date: Exam period

The final exam will be written during the December exam period. It will be 2 hours and it will be comprised of 40 short answer questions.

**Class Participation** - Due Date: Throughout the course

This mark reflects more than a student's attendance, it assesses preparation as well as participation in class.

More information will be provided in class about the expectations for the assignments and the exam, as well as information about how the assignments and exam will be graded.

Please note that for all assignments, spelling, grammar and proper style must be followed or marks may be deducted. All assignments are due in class. WebCT or e-mail submissions will NOT be accepted. **ALL ASSIGNMENTS MUST BE COMPLETED TO PASS THIS COURSE.** Extensions are only granted in the circumstances approved by the Registrar's office. All extensions must be discussed with me PRIOR to the date on which you will be submitting the assignment.

Plagiarism will be punished. All written work must be yours alone, and any ideas you include in your work which are not original to you should be properly referenced. As a good first step you should familiarize yourself with the department's policies on proper referencing and citation. For example, the Department of Law's website has links to a 'Legal Style Sheet' which can be accessed at [http://www.library.carleton.ca/howdol/uniform\\_legal\\_style.pdf](http://www.library.carleton.ca/howdol/uniform_legal_style.pdf). Also you should be aware of the Departmental Course-Related Policy and Procedure Statement and the University's academic integrity policy.

Standing in this course is determined by the course instructor subject to the approval of the Faculty Dean. This means that any grades submitted by me may be subject to revision. ALL GRADES may be changed until they have been approved by the Dean.

### **COURSE HINTS:**

My goal for this course is to provide you with the knowledge, skills (and enthusiasm) to allow you to achieve your best. Here are some tips for how to achieve this...

1. Preparation: Attendance at lecture and preparation for class are necessary to succeed in this course (plus there are attendance marks). This requires you to do your readings BEFORE class as this helps you get the most out of each lecture. I also (see WebCT below) post my slides before each lecture to help you come prepared.
2. Web CT: Please check your WebCT account regularly. This course outline will be posted on WebCT as will all assignment sheets after they are handed out, so you can always find them there. You should always look on WebCT first if you have any questions. Also, as mentioned I post my lecture slides on WebCT before each class. Lastly, the e-mail on WebCT is the e-mail address to use to get in touch with me for this course.
2. Note taking: You'll notice right away the slides I post are a good OUTLINE to what I am saying, but not the whole story, so attending class and writing your own notes is necessary.
3. Questions: If you are unsure please ask. I am here to answer your questions. That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. Also, there are many great services available on campus that can also provide you with advice, for example there is the Writing Tutorial Service, the Student Academic Success Centre and the Learning Commons.
4. E-mail etiquette: E-mail is a funny thing. E-mail feels like a conversation but it is really a formal way of communicating to your instructor. So please read your e-mail over before sending it and take the time to consider if this is what you would like me to see in writing. You should note that e-mail is a formal record of communication.
5. E-mail policy: I'm always happy to answer e-mails. I check my e-mail regularly during business hours (9 to 5) on work days (Monday to Friday). I do not check my e-mail after 5 pm during the week or on weekends (and holidays). If you send an e-mail during a week day (9-5) I try to reply to it that same day, after 5 pm I'll try to reply the next day. If you send an e-mail on the weekend you can expect a reply on Monday.
6. How to address me: I am pretty flexible on this and I don't mind Betina. If you don't like using first names, I am happy to answer to more formal titles, like Dr. Kuzmarov, in class and in e-mails.
7. Contesting a grade: If you think you have a reason to contest a grade on an issue paper please follow this procedure: 1. Wait a week and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Grades can be changed only for valid reasons. 2. Contact me with your concerns by e-mail (it helps to set them out in writing) and then we can arrange for you to drop off the marked assignment and set up an appointment to discuss your concerns. 3. We will then meet to discuss your paper. You should know that I am happy to change grades for valid reasons. However, requesting to have your grade reviewed can also mean that YOUR GRADE MAY GO DOWN, so please keep that in mind.

**COURSE SYLLABUS:**

- 13 SEPTEMBER**      **WHAT IS INTERNATIONAL LAW? INTRODUCTION**  
**Introduction to Course**
- 20 SEPTEMBER**      **WHAT IS INTERNATIONAL LAW? LECTURE TWO**  
**Introduction to International Law**  
Readings:      1.    Currie: Pages 1-17, 218-246, 261-262
- 27 SEPTEMBER**      **WHAT IS INTERNATIONAL LAW? LECTURE THREE**  
**The Sources of International Law**  
Readings:      1.    Currie: Pages 80-83, 95-121, 185-217  
                         2.    *Vienna Convention on the Law of Treaties* available online at  
[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)  
                         3.    *Statute of the International Court of Justice*, especially Article 38,  
available online at  
<http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>
- 4 OCTOBER**            **WHAT IS INTERNATIONAL LAW? LECTURE FOUR**  
**Sources in Depth: Treaty Law and the Law of the Sea**  
Readings:      1.    Currie: Pages 123-184, 286-318  
                         2.    *Vienna Convention on the Law of Treaties* available online at  
[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)
- 11 OCTOBER**         **STATUTORY HOLIDAY (NO CLASS)**
- 18 OCTOBER**         **WHO MATTERS IN INTERNATIONAL LAW? INTRODUCTION**  
**The Subjects of International Law**  
Readings:      1.    Currie: Pages 21-56, 66-79  
                         2.    UN System Chart available online at  
[http://www.un.org/aboutun/chart\\_en.pdf](http://www.un.org/aboutun/chart_en.pdf)  
                         3.    Statute of the International Criminal Court  
<http://untreaty.un.org/cod/icc/index.html>
- 25 OCTOBER**         **WHO MATTERS IN INTERNATIONAL LAW? LECTURE TWO**  
**Subjects in Depth: Human Rights**  
Readings:      1.    Currie: Pages 412-439, 444-447  
                         2.    Human Rights (a page on the UN website) focus particularly on the  
                         High Commissioner for Human Rights and the Human  
                         Rights Council at [www.un.org/rights/](http://www.un.org/rights/)  
                         3.    The Council of Europe at [www.coe.int](http://www.coe.int)  
                         4.    The Organization of American States at  
<http://www.oas.org/main/english/>  
                         5.    The African Union <http://www.africa-union.org/>
- 1 NOVEMBER**         **WHEN DOES INTERNATIONAL LAW COME INTO EFFECT? INTRODUCTION**  
**Jurisdiction, Immunity and State Responsibility**  
Readings:      1.    Currie: Pages 332-362, 363-374, 381-391, 403-411, 536- 558, 560-  
                         573
- 8 NOVEMBER**         **WHEN DOES INTERNATIONAL LAW COME INTO EFFECT? LECTURE TWO**  
**Jurisdiction in Depth: Changes in Sovereignty and Self-Determination**  
Readings:      1.    Currie: Pages 56-66, 268-285

- 15 NOVEMBER**            **WHERE IS INTERNATIONAL LAW DEBATED, CREATED OR ENFORCED? INTRODUCTION**  
**The United Nations**  
Readings:            1.    Shaw: Pages 1204-1256, 1268-1281  
                                 2.    The website of the United Nations available online at [www.un.org](http://www.un.org)
- 22 NOVEMBER**            **HOW DOES INTERNATIONAL LAW TRY TO REGULATE FORCE? INTRODUCTION**  
**Physical Force: The Laws of and in War**  
Readings:            1.    Currie                            Pages 448-450, 453-457, 458-520  
                                 2.    The Charter of the United Nations available online at <http://www.un.org/aboutun/charter>  
                                 3.    The Declaration on Friendly Relations available online at <http://www.unhcr.org/refworld/topic,459d17822,459d17a82,3dda1f104,0.html>  
                                 4.    The Geneva Conventions available online at <http://icrc.org/ihl.nsf/webCONVFULL?OpenView>
- 29 NOVEMBER**            **HOW DOES INTERNATIONAL LAW TRY TO REGULATE FORCE? LECTURE 2**  
**Non-physical force: International Economic Law and International Environmental Law**  
Readings:            1.    Shaw: Pages 844-871, 1284-1287, 1295-1318, 1329-1331
- 6 DECEMBER**            **EXAM REVIEW**