

Course Outline

COURSE: LAWS 2601B
PREREQUISITES: 1.0 credit from [LAWS 1000](#) [1.0], [PAPM 1000](#) [1.0], [PSCI 1000](#) [1.0], [PSCI 1001](#), [PSCI 1002](#)
CLASS: **Day & Time:** Thursdays, 11:35-2:25
Room: MACKENZIE BUILDING 3275
INSTRUCTOR: Professor Trevor Purvis
CONTACT: **Office:** D599 LA (Loeb)
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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. 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."

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:

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| 1. One case study, Due March 3, 2011 | 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 WebCT.

I will offer more comments on the assignment in class.

All papers should be handed in personally in class, or 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. 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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**LAWS 2601B - Outline**  
**CLASS SCHEDULE**

**Winter 2010-11**

**WEEK 1 - JANUARY 6**  
**INTRODUCTION**

**WEEK 2 - JANUARY 13**  
**HISTORY OF THE DISCIPLINE/INTERNATIONAL LAW AND THE DOMESTIC ORDER**  
**REQUIRED READING:**  
Shaw, Chs.1, 2 &4

**WEEK 3 - JANUARY 20**  
**THE SOURCES OF INTERNATIONAL LAW/STATES, TREATIES, INDIVIDUALS AND OTHERS**  
**REQUIRED READING:**  
Shaw, Ch.3

**WEEK 4 - JANUARY 27**  
**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 3**  
**INTERNATIONAL PROTECTION OF HUMAN RIGHTS**  
**REQUIRED READING:**  
Shaw, Ch.6  
*Universal Declaration of Human Rights*

**WEEK 6 - FEBRUARY 10**  
**LIMITATIONS ON THE USE OF FORCE I (*jus ad bellum & jus in bello*)**  
**REQUIRED READING:**  
Shaw, Chs.18&20  
Byers

**WEEK 7 - FEBRUARY 1**  
**LIMITATIONS ON THE USE OF FORCE II (*jus ad bellum & jus in bello*)**  
Shaw, Chs. 20&21  
Byers

**WEEK 8 - FEBRUARY 24**  
**READING WEEK – NO CLASS**

**WEEK 9 - MARCH 3**  
**LIMITATIONS ON THE USE OF FORCE III: THE UN AND COLLECTIVE SECURITY**  
Shaw, Chs. 21&22  
Byers  
**NOTE: CASE STUDIES DUE IN CLASS**

**WEEK 10 – MARCH 10**  
**JURISDICTION OVER TERRITORY AND PERSONS/IMMUNITY FROM JURISDICTION**  
**REQUIRED READING:**  
Shaw, Chs.12&13

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**Winter 2010-11**

Selections from the House of Lords decision re. Augusto Pinochet (TBA).

**WEEK 11 - MARCH 17**

**STATE RESPONSIBILITY/STATE SUCCESSION**

**REQUIRED READING:**

Shaw, Chs.14&17

*ILC Draft Articles on State responsibility*

**WEEK 12 - MARCH 24**

**THE LAW OF TREATIES**

**REQUIRED READING:**

Shaw, Ch.16

*Vienna Convention on the Law of Treaties*

**WEEK 13 – MARCH 31**

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

**REQUIRED READING:**

Shaw, Chs.11&15

*UN Convention on the Law of the Sea*