

**Course Outline**

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**COURSE:** LAWS 3603A – PUBLIC INTERNATIONAL LAW

**PREREQUISITES:** Law 51.100 or 51.205, or Public Affairs and Policy Management 58.100 or a Political Science or History course in international relations.

**TERM:** Fall 2007-08

**CLASS: Day & Time:** Wednesday, 8:30 a.m. - 11:30 a.m.  
**Room:** 520 SA (SOUTHAM HALL)

**INSTRUCTOR:** Professor Trevor Purvis

**CONTACT: Office:** D599 LA (Loeb)  
**Telephone:** 520-2600 x. 3673  
**Office Hrs:** Wednesdays, 11:30-2:30  
**Email:** tpurvis@ccs.carleton.ca

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**“Students with disabilities requiring academic accommodations in this course are encouraged to 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 at least two weeks prior to the first in-class test or its midterm exam. This is necessary in order to ensure sufficient time to make the necessary arrangements. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008 for April examinations.”**

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**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 are expected to 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’ and the geo-political restructuring of the post-Cold War era.

**REQUIRED READING:**

The one compulsory text is:

- Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.

This text has been ordered through Mother Tongue Books at 1067 Bank Street (between Sunnyside and the Canal) and should be available at the beginning of term.

In previous years we have used Ian Brownlie's classic *Basic Documents in International Law*, now in its fifth edition (Oxford: Clarendon Press, 2003), as a documentary supplement. Given that all of the documents contained therein are now available on the internet there seemed little point in ordering it as a compulsory text for this year. That being said, students may find it a useful reference text for their personal libraries and might want to make arrangements for acquisition of a copy for themselves. Alternatively one can readily find each of the treaties listed in the syllabus at numerous points on the internet – try GOOGLE.

**COURSE EVALUATION:**

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| 1. <b>One case study, Due October 17, 2007</b>       | <b>40%</b> |
| (Roughly 3000 words before footnotes & bibliography) |            |
| 2. <b>Final Exam</b>                                 | <b>60%</b> |

**A NOTE ON CASE STUDIES**

These should take the form of a brief critical paper. The final products should demonstrate a thorough reading of both the case and the treaty, and an ability to extract from these their most crucial elements.

The purpose of these exercises is to give you:

1. an understanding of the importance of the case/treaty to international law;
2. an understanding of the historical and theoretical backdrop against which the case/treaty emerged;
3. a grasp of the key concepts/themes underpinning the case/treaty;
4. an appreciation of the possible future limitations confronting international law in the areas covered by the case/treaty.

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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## CLASS SCHEDULE

### 1. SEPTEMBER 12 INTRODUCTION/HISTORY OF THE DISCIPLINE/INTERNATIONAL LAW AND THE DOMESTIC ORDER

#### REQUIRED READING:

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge. pp.1-34; 63-74.

### 2. SEPTEMBER 19 THE SOURCES OF INTERNATIONAL LAW

#### REQUIRED READING:

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge. pp. 35-62.

### 3. SEPTEMBER 26 INTERNATIONAL LEGAL PERSONALITY

#### REQUIRED READING:

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge. pp.75-108; and pp.364-384.

*Montevideo Convention on Rights and Duties of States*

**4. OCTOBER 3 LIMITATIONS ON THE USE OF FORCE I** (*ius ad bellum & ius in bello*)**REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp. 306-363.

*UN Charter* (especially Articles 2 and 51)

*Rome Statute of the International Criminal Court*

**5. OCTOBER 10 LIMITATIONS ON THE USE OF FORCE II: THE UN AND COLLECTIVE SECURITY****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp.385-430

*UN Charter* (especially Chapters VI and VII)

*Declaration on Friendly Relations*

**6. OCTOBER 17 JURISDICTION OVER TERRITORY AND PERSONS/IMMUNITY FROM JURISDICTION****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp. 109-129;147-160; 198-208.

*Treaty on Outer Space*

*Vienna Convention on Diplomatic Relations*

**7. OCTOBER 24 RECOGNITION/NATIONALITY****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp.82-90; 263-266.

Kindred, Hugh, et al (2000). *International Law: Chiefly as Interpreted and Applied in Canada*, (6<sup>th</sup> ed.) Toronto:  
Emond Montgomery. pp.248-279; 461-506.

**8. OCTOBER 31 STATE RESPONSIBILITY/STATE SUCCESSION****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp.161-172; 254-272.

*ILC Draft Articles on State responsibility*

**9. NOVEMBER 7 THE LAW OF TREATIES****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp.130-146

*Vienna Convention on the Law of Treaties*

**10. NOVEMBER 14 THE LAW OF THE SEA****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp.173-197 and pp.298-300

*UN Convention on the Law of the Sea*

**11. NOVEMBER 21 PEACEFUL SETTLEMENT OF DISPUTES****REQUIRED READING:**

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge. ;  
273-297.

*Statute of the International Court of Justice*

**12. NOVEMBER 28 CURRENT ISSUES IN PUBLIC INTERNATIONAL LAW**

- The International Regulation of Economic Activity
- The International Protection of Human Rights
- The International Protection of the Environment
- The Future of Public International Law

**REQUIRED READING:**

Hurrell, Andrew. 2000. "International Law and the Changing Constitution of International Society." Chapter 16 in  
*The Role of Law in International Politics: Essays in International Relations and International Law*, edited  
by M. Byers. Oxford & New York: Oxford University Press.

Malanczuk, Peter (1997). *Akehurst's Modern Introduction to International Law*, (7<sup>th</sup> ed). New York: Routledge.  
pp.209-253.