

## Course Outline

<b>COURSE:</b>	<b>LAWS 3603A Public International Law</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000 or LAWS 2005, or PAPM 1000 or a Political Science or History course in international relations</b>
<b>TERM:</b>	<b>Spring 2008</b>
<b>CLASS:</b>	<b>Day &amp; Time: Monday and Wednesday 9:05-11:55 Room: SA 316 (Southam Hall 316)</b>
<b>INSTRUCTOR:</b>	<b>Betina F. Kuzmarov</b>
<b>CONTACT:</b>	<b>Office: Loeb D481 Office Hrs: Wednesday 1:00 pm to 3:00 pm or by appointment Telephone: (613) 520-2600 extension 8810 Email: Please use the WebCT e-mail for this course</b>

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**For Students With Disabilities:** Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is June 13, 2008.

**For Religious Obligations:** Students requesting academic accommodation on the basis of religious obligation should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Students or instructors who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.

**For Pregnancy:** Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

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### **COURSE DESCRIPTION:**

Have you ever wondered what the Security Council is? 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 events in the context of law. Public international law refers to the rules governing 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 how it shapes state interactions. 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 types of international legal obligations and the settlement of international disputes. We will contextualize these events by focusing on aspects of the topic or a current event related to the topic. Further, we will discuss the problems or difficulties with the traditional conceptions of international law. 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. You will also have an ability to critically evaluate both international law and its political nature.

**TEXTS:**

This course has one required text, but I may refer you to the internet 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). I will request that the text be put on reserve at the library but will confirm for you in class if it is available there.

**Required:**

A. Cassese, *International Law*, 2<sup>nd</sup> ed. (Oxford: OUP, 2005).

**EVALUATION:**

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

Paper Topics	5%
Group Class Activity	15%
Midterm Exam	35%
Term Paper	45%

**Paper Topics**

Due Date: May 21

Each student must submit a one paragraph summary of their proposed term paper topic. Topics must analyze a subject raised in class in relation to a current event. I may not accept term papers on topics that I have not approved in advance. Please see the assignment sheet for further details of the expectations for this assignment and how it will be graded.

**Group Class Activity**

Due Date: As signed up for by student

At the first meeting of class students will be asked to sign up for a group to lead a group class activity. There will be a group signed up for every lecture. Each group of students must develop an activity to be carried out by the entire class to highlight the material covered in that class lecture. Examples could include things such as a case scenario, a treaty negotiation or a model UN General Assembly meeting (depending on the topic of the lecture). Not every student must present to receive grades in this assignment however all students must participate in the preparation and running of the activities. For this assignment a mark will be given out of 15. I will award a grade out of 10. You will award yourself a grade out of 2.5 marks and a mark out of 2.5 will be assigned by other group members to you. Please see the assignment sheet for further details of the expectations for this assignment and how it will be graded.

**Midterm Exam**

Date: June 4

The midterm exam will be written in class. It will be comprised of 35 short answer questions designed to take about an hour and a half. More information will be provided in class about the expectations for this exam and how it will be graded.

**Term Paper**

Due Date: June 23

This paper reflects your analysis and discussion of a topic raised in the course. Your topic must be considered in relation to a current event or case study. Term papers should include critical analysis based on research from academic sources. References must include at least one book and three academic journal articles. Papers on

topics not approved prior to submission may not be accepted. This paper should be 8-10 pages in length. Please see the assignment sheet for further details of the expectations for this assignment and how it will be marked.

Please note that for all assignments, spelling, grammar and proper style must be followed or marks may be deducted. Any late paper topics will be penalized at a rate of 3% of the assignment mark a day (that means Saturday and Sunday too). The term paper must be submitted by the last day of class. Any late term papers will not be marked and will receive a grade of 0 unless an extension has been granted. All assignments are due in the Law Department drop box (C473 Loeb) in accordance with drop box policy. 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 due date for 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 has a 'Legal Style Sheet for Term Papers' which can be accessed at [http://www2.carleton.ca/law/current/Legal\\_Style\\_Sheet.pdf](http://www2.carleton.ca/law/current/Legal_Style_Sheet.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. No grades are final until they have been approved by the Dean.

### **COURSE HINTS:**

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

1. Preparation: I believe that regular attendance at class is linked to higher grades. However, to get the most out of class preparation is important. Please do your readings before class as this will help you get the most out of the lecture.

2. Web CT: Please sign up for a WebCT account. I use WebCT regularly. This course outline will be posted on WebCT as are all assignment sheets after they are handed out. WebCT should be a first stop if you have any administrative questions since all the documents for the class (outline, assignment sheets etc.) are posted there. Lastly, the e-mail on WebCT is the e-mail address to use to get in touch with me for this course.

3. Note taking: I post my slides the night before each lecture. You'll notice right away that 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.

4. 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 (Learning Support Services, Room 411 ML), the Student Academic Success Centre (Room 302 Tory) and the Learning Commons (Room 403 ML). I have office hours from 1 pm to 3pm on Wednesdays or by appointment. At this time I will be available to answer your questions.

5. E-mail etiquette: E-mail is a funny thing, it feels like a conversation but it is really a formal way of communicating with me. It is also a written record. Please read your e-mails over before sending them and take the time to consider if this is what you would like me to see in writing. I check my WebCT e-mail once a day usually between 4pm and 6 pm on weekdays. I do not check WebCT on the weekend or on days when the university is closed. Please e-mail me before 4 pm to ensure you get a reply that day. Any e-mails after that time will be answered the next day.

6. Forms of Address: I am pretty flexible on how you address me and I don't mind Betina. If you prefer not using first names I am happy to answer to more formal titles in class and in e-mails.

7. Contesting a grade: If you think you have a reason to contest a grade on assignment please follow this procedure: A. 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; B. contact me with your concerns by e-mail or in writing (it helps to set them out); and then C. set up an appointment to discuss your concerns with me. I am always happy to change grades for valid reasons but requesting to have your grade reviewed can mean that your grade may go down. Please keep this in mind.

## **COURSE SYLLABUS:**

**12 MAY**            **WHAT IS INTERNATIONAL LAW? INTRODUCTION**  
Introduction to Course

**14 MAY**            **WHAT IS INTERNATIONAL LAW? LECTURE TWO**  
Introduction to International Law

**Readings:**

1. Cassese: Pages 5-6; 9-12; 13; 21; 48-60; 61-64; 213-220

**19 MAY**            University Closed

**21 MAY**            **WHAT IS INTERNATIONAL LAW? LECTURE THREE**  
The Sources of International Law

**Readings:**

1. Cassese: Pages 153-165; 167-169; 198-212
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>

\* Note: Paper Topics are due today. May 23 is the last day for registration/changes to Early Summer/Summer Courses

**26 MAY**            **WHAT IS INTERNATIONAL LAW? LECTURE FOUR**  
Sources in Depth: Treaty Law and the Example of the Law of the Sea

**Readings:**

1. Cassese: Pages 84-94; 172-180; 181-182
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)

**28 MAY**            **WHO MATTERS IN INTERNATIONAL LAW? INTRODUCTION**  
The Subjects of International Law: States and the Actors in International Law

**Readings:**

1. Cassese: Pages 71-72; 81-84; 124-130; 133-150; 435-450; 452-462
2. *The Statute of the International Criminal Court* available online at <http://www.icc-cpi.int/about.html>
3. *The Statute of the ICTY* available online at <http://www1.umn.edu/humanrts/icty/statute.html>
4. *The Statute of the ICTR* available online at <http://www.un.org/icttr/statute.html>

**2 JUNE WHO MATTERS IN INTERNATIONAL LAW? LECTURE TWO**  
**Subjects in Depth: Human Rights -The Individual and the Limits of State Power**

**Readings:**

1. Cassese: Pages 331-333; 377-389
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/>

**4 JUNE MIDTERM**

**9 JUNE WHEN DOES INTERNATIONAL LAW COME INTO EFFECT? INTROUCTION**  
**Jurisdiction, Immunity and State Responsibility**

**Readings:**

1. Cassese: Pages 49-52; 98-105; 109-120; 241-245; 450-451

**11 JUNE WHEN DOES INTERNATIONAL LAW COME INTO EFFECT? LECTURE TWO**  
**Jurisdiction in Depth: Changes in Sovereignty and Self-Determination**

**Readings:**

1. Cassese: Pages 73-80; 328-329; 374

\* June 13 is the last day to withdraw from the class and the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations.

**16 JUNE WHERE IS INTERNATIONAL LAW DEBATED, CREATED OR ENFORCED? INTRODUCTION**  
**The United Nations**

**Readings:**

1. Cassese: Pages 320-328; 336-338; 339-353
2. The website of the United Nations available online at [www.un.org](http://www.un.org)

**18 JUNE WHERE IS INTERNATIONAL LAW DEBATED, CREATED OR ENFORCED? LECTURE TWO**  
**Enforcement in Depth: Peaceful Settlement of Disputes – Diplomacy, Negotiation, Adjudication and Arbitration**

**Readings:**

1. Cassese: Pages 278-289; 291-295; 296-313

**23 JUNE HOW DOES INTERNATIONAL LAW TRY TO REGULATE FORCE? INTRODUCTION**  
**Physical Force: The Laws of and in War**

**Readings:**

1. Cassese: Pages: 400-420; 424; 425-427; 429-432; 434
2. The Charter of the United Nations available online at <http://www.un.org/aboutun/charter/>

\* Today the term papers are due.