

Course Outline

COURSE: LAWS 3603B – Public International Law
TERM: Fall 2007
CLASS: Day & Time: Wednesday, 11:30 – 14:30
Room: 3269 ME (Mackenzie Building)
INSTRUCTOR: Christina Harrison Baird
CONTACT: Office: By appointment only
Office Hrs: Please email to make an appointment
Email: cmharris@connect.carleton.ca

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 9 November 2007 for December examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

INTRODUCTION:

The objective of this course is to give students a broad introduction to the many facets of public international law. The course will examine the historical development of international law, as well as modern approaches to the discipline. With this foundation, students will be encouraged to think critically and to apply the legal principles they have learned to current situations in international affairs. Students will have the opportunity to develop their skills in research, analysis, writing and oral presentation – both individually and in collaboration with their peers. Lectures will serve to highlight and clarify – and not simply to reiterate – concepts from the required reading. Classroom discussion will be fostered in an environment of mutual respect. Both lectures and discussion will be founded upon the understanding that students have completed the required reading for the week in advance of the class.

REQUIRED READING:

Peter Malanczuk, Akehurst's Modern Introduction to International Law, 7th revised edition, (New York: Routledge, 1997).

This text is available for purchase through the University Bookstore in two forms:

1. Paperback – ISBN 0-415-11120-X \$76.25 Canadian dollars
2. eBook – eISBN 0203735951 *note the digital rights restrictions, i.e. no printing, no copying* \$45.95 US dollars

In addition, students will be required to refer to international treaties and case law cited in the text. Some internet links to this material are provided below. Others will be highlighted for students as the course progresses. From time to time, students will be requested to research and bring to class current articles relevant for the week's discussion.

EVALUATION:**A. Of Coursework –**

Coursework consists of two assignments, both of which must be completed in order to pass the course. **Please note that the late submission of any assignment in this course will be penalized by a deduction of 5 percent for each day after the assignment is due. Work submitted after the appointed time on the day that the assignment is due will be penalized by a deduction of 3 percent.**

- I. Group Assignment = 40%
- II. Individual Analytical Assignment = 60%

I. The **Group Assignment** will be prepared by students in groups of about six, depending on the class size. The Group Assignment will have two elements: 1) a group presentation and 2) a group essay. The evaluation of the Group Assignment will have three components: 1) a mark out of 40 for the presentation, 2) a mark out of 40 for the essay, and 3) a mark out of 20 for a "360 degree" evaluation. All students in a Group will receive the same mark for the presentation and for the essay. The "360 degree" evaluation will consist of an individual evaluation of each student by him or herself, by each of their peers in the Group, and by the Instructor. The Instructor will eliminate the highest and the lowest marks from the "360 degree" evaluations and tabulate the average of the remaining evaluations.

The research subjects for the Group Assignment will be chosen from the list below, or in consultation with the Instructor. The presentations will take place in class during Weeks 6 and 7 (17th and 24th October 2007). Each presentation will be approximately half an hour long, including discussion time. Each essay will be a maximum of 30 000 characters, including spaces and citations (approximately 15 pages double-spaced). Each Group's essay must be e-mailed to the Instructor *by 8 am the day of the presentation* and a hard copy given to the Instructor in class. Sign-up for subjects and presentation dates will take place during the first two weeks of the term and will be on a first come, first served basis.

Group Assignment – Suggested Research Subjects

- a) The law of the sea
- b) The law of air space and outer space
- c) International law and aboriginal peoples
- d) International law governing economic activity
- e) International protection of the environment
- f) International protection of public health
- g) International protection of human rights
- h) International protection from torture
- i) United Nations reform
- j) International law responses to terrorism
- k) International law responses to human trafficking
- l) Regional development of international law (choose a region and a theme)

II. The **Individual Analytical Assignment** will comprise a series of questions based on the readings, class discussions, critical theory, international treaties and case law covered in the course. It is to be completed by each student independently. The Individual Analytical Assignment will be distributed in class in Week 9 (7th November 2007) and will be due back at the *beginning* of the last class in Week 12 (28th November 2007).

B. Of Instruction –

Students will have the opportunity to evaluate the course and the instruction both formally and informally. Formal evaluation will occur toward the end of the course in accordance with Carleton University procedures. In addition, there will be three informal occasions for students to provide constructive anonymous feedback to the instructor through <http://www.getfast.ca/> : by 28th September, by 26th October and by 16th November. Further details will be provided in class.

CLASS SCHEDULE:

Week 1 12 th September	Introduction to the discipline of international law Reading: Akehurst Chapters 1 & 2, pp. 1-34
Week 2 19 th September	Sources of international law & International law and municipal law Reading: Akehurst Chapters 3 & 4, pp. 35-74 <ul style="list-style-type: none"> • Statute of the International Court of Justice, article 38 http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0 • Vienna Convention on the Law of Treaties, article 53 untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
Week 3 26 th September	International legal personality Reading: Akehurst Chapters 5, 6 & 21, pp. 75-108 and 364-384 <ul style="list-style-type: none"> • United Nations System Chart http://www.un.org/aboutun/chart.html • Charter of the United Nations http://www.unhchr.ch/html/menu3/b/ch-cont.htm
Week 4 3 rd October	Jurisdiction & the Law of treaties Reading: Akehurst Chapters 7, 8 & 9, pp. 109-146 <ul style="list-style-type: none"> • Vienna Convention on Diplomatic Relations untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf • Vienna Convention on the Law of Treaties untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf • International Covenant on Civil and Political Rights http://www.ohchr.org/english/law/ccpr.htm • Ratifications, Declarations & Reservations for ICCPR http://www.ohchr.org/english/countries/ratification/4.htm#reservations • Convention on the Elimination of all forms of Discrimination Against Women http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm • Ratifications, Declarations & Reservations for CEDAW http://www.ohchr.org/english/law/cedaw.htm
Week 5 10 th October	Acquisition of territory & State succession Reading: Akehurst Chapters 10 & 11, pp. 147-172 <ul style="list-style-type: none"> • Declaration on Friendly Relations http://www1.umn.edu/humanrts/instatee/principles1970.html • Vienna Convention on Succession of States in respect of Treaties http://www.legislationline.org/legislation.php?tid=11&lid=4296 • Vienna Convention on Succession of States in Respect of States Property, Archives and Debts http://www.legislationline.org/legislation.php?tid=11&lid=4297&less=false
Week 6 17 th October	Group Presentations Readings related to Presentations to be announced
Week 7 24 th October	Group Presentations Readings related to Presentations to be announced
Week 8 31 st October	State responsibility & Peaceful settlement of disputes Reading: Akehurst Chapters 17 & 18, pp. 254-305

<p>Week 9 7th November</p>	<p><i>Jus ad bellum</i> & <i>Jus in bello</i> Reading: Akehurst Chapters 19 & 20, pp. 306-363</p> <ul style="list-style-type: none"> • Charter of the United Nations http://www.unhchr.ch/html/menu3/b/ch-cont.htm • Geneva Conventions I-IV (1949) and their Protocols I & II (1977) http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView
<p>Week 10 14th November</p>	<p>United Nations and peace and security Reading: Akehurst Chapter 22, pp. 385-430</p> <ul style="list-style-type: none"> • Charter of the United Nations http://www.unhchr.ch/html/menu3/b/ch-cont.htm • Declaration on Friendly Relations http://www1.umn.edu/humanrts/instree/principles1970.html
<p>Week 11 21st November</p>	<p>Progress of the International Criminal Court Reading:</p> <ul style="list-style-type: none"> • “ICC at a glance” http://www.icc-cpi.int/about/ata glance/establishment.html • “ICC marks five years since entry into force of Rome Statute” http://www.icc-cpi.int/home.html&l=en • “On cooperation by states not party to the International Criminal Court” http://www.icrc.org/Web/Eng/siteeng0.nsf/html/review-861-p87 • Rome Statute of the International Criminal Court http://www1.umn.edu/humanrts/instree/Rome_Statute_ICC/Rome_ICC_toc.html
<p>Week 12 28th November</p>	<p>International protection of refugees Reading:</p> <ul style="list-style-type: none"> • Forced Migration Review 10, April 2001 (excerpts) http://www.fmreview.org/mags1.htm <ul style="list-style-type: none"> ○ The Convention at 50: the way ahead for refugee protection, E. Feller ○ Global migration and asylum, G. Van Kessel ○ After the Cold War: asylum and the refugee concept move on, G. Goodwin-Gill ○ UNHCR and the erosion of refugee protection, G. Loescher • Refugee Protection in International Law (excerpts) http://www.unhcr.org/publ/41a1b51c6.html <ul style="list-style-type: none"> ○ “1.3 Declaration of States Parties to the 1951 Convention...” ○ “2.1 The scope and content of the principle of <i>non-refoulement</i>” - optional ○ “2.2 Summary Conclusions: the principle of <i>non-refoulement</i>” • Agenda for Protection http://www.unhcr.org/protect/PROTECTION/3e637b194.pdf • Convention relating to the Status of Refugees http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf • Convention against Torture http://www.ohchr.org/english/law/cat.htm