

Course Outline

COURSE:	LAWS 3603B – Public International Law
PREREQUISITES:	LAWS 1000OR LAWS 2005, OR PAPM 1000 OR A POLITICAL SCIENCE OR HISTORY COURSE IN INTERNATIONAL RELATIONS.
TERM:	Fall 2008
CLASS: Day & Time:	Wednesday, 18:05– 20:55
Room:	447 TB (Tory)
INSTRUCTOR: (Contract)	Christina Harrison Baird
CONTACT: Office:	Contract Instructors' Office, C476 LA (Loeb)
Office Hrs:	Please email to make an appointment
Email:	cmharris@connect.carleton.ca

"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

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

J.H. Currie, *Public International Law*, 2nd edition, (Toronto: Irwin Law, 2008).

Students may wish to refer to the following optional text, available in the Course Reserves at the Library:
J.H. Currie, C. Forcese & V. Oosterveld, *International Law: Doctrine, Practice, and Theory* (Toronto: Irwin Law, 2007).

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 may 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. Thematic Assignment = 40%
- II. Analytical Assignment = 60%
- III. The **Thematic Assignment** will have two elements: 1) an individual essay and 2) a group presentation. The evaluation of this assignment will have two components: 1) an individual mark out of 20 for the essay and 2) an individual mark out of 20 for the presentation.

Each **essay** will be a maximum of 5 pages double-spaced (i.e. approximately 1250 words or 8 500 characters, including spaces). The essays will be due at the *beginning* of class in Week 5 (8th October 2008). The **presentation** will be prepared and presented by students in groups of about five, depending on the class size. The presentations will take place in class during Weeks 6 and 7 (15th and 22nd October 2008). Each presentation will be approximately twenty minutes long, including discussion time.

The research subjects for the Thematic Assignment will be chosen from the list below, or in consultation with the Instructor. 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.

Thematic Assignment – Suggested Research Subjects

- a) The law of the sea
- b) The law of air space and outer space
- c) International law and indigenous 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 (choose a right or a treaty, e.g. the right to work, or the Convention on the Elimination of Racial Discrimination)
- 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, e.g. in 2007 one group chose the development of human rights in the Arab world)
- m) International criminal law
- n) International humanitarian law (also known as the law of armed conflict)
- o) International protection of human rights (choose a protected population, e.g. children, persons with disabilities)

- IV. The **Analytical Assignment** will comprise a series of questions based on the readings, class discussions (*including student presentations*), critical theory, international treaties and case law covered in the course. It is to be completed by each student independently. The Analytical Assignment will be distributed in class in Week 9 (5th November 2008) and will be due back at the *beginning* of the last class in Week 12 (26th November 2008).

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 two informal occasions for students to provide constructive anonymous feedback to the instructor through <http://www.getfast.ca/>: by 10th October and by 14th November. Further details will be provided in class.

CLASS SCHEDULE

- Week 1**
10th Sept **Introduction to the discipline of international law**
Reading: Currie Chapter 1, pp. 1-20
- Week 2**
17th Sept **International legal personality**
Reading: Currie Chapter 2, pp. 21-79
- 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>
 - 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 3**
24th Sept **Sources of international law**
Reading: Currie Chapter 3, pp. 80-122
- 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
<http://www1.umn.edu/humanrts/instree/viennaconvention.html>
- Week 4**
1st Oct **The Law of treaties**
Reading: Currie Chapter 4, pp. 123-184
- Vienna Convention on Diplomatic Relations
http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf
 - Vienna Convention on the Law of Treaties
http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
 - International Covenant on Civil and Political Rights (ICCPR)
<http://www2.ohchr.org/english/law/ccpr.htm>
 - Ratifications, Declarations & Reservations for ICCPR
<http://www2.ohchr.org/english/bodies/ratification/4.htm>
 - Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
 - Ratifications, Declarations & Reservations for CEDAW
<http://www2.ohchr.org/english/bodies/ratification/8.htm>
- Week 5**
8th Oct **Thematic Assignment: Individual Papers due at beginning of class**

Customary International Law
Reading: Currie Chapter 5, pp. 185-217
- Week 6**
15th Oct **Thematic Assignment: Group Presentations**

Reception of International Law in Domestic Law
Reading: Currie Chapter 6, pp. 218-264
- Week 7**
22nd Oct **Thematic Assignment: Group Presentations**

States and Territory
Reading: Currie Chapter 7, pp. 265-331

Week 8
29th Oct

State Jurisdiction

Reading: Currie Chapter 8, pp. 332-362

Week 9
5th Nov

Jurisdictional Immunities

Reading: Currie Chapter 9, pp. 363-411

Week 10
12th Nov

International Protection of Human Rights

Reading: Currie Chapter 10, pp. 412-447

Week 11
19th Nov

The Use of Force in International Relations

Reading: Currie Chapter 11, pp. 448-532

- 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>
- Geneva Conventions I-IV (1949) and their Protocols I & II (1977)
<http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView>

Week 12
26th Nov

Analytical Assignment: Individual Papers due at beginning of class

State Responsibility

Reading: Currie Chapter 12, pp. 533-573