

Course Outline

COURSE:	LAWS 3603 B – Public International Law
TERM:	Fall 2009
PREREQUISITES:	LAWS 1000 or LAWS 2005, or PAPM 1000 or a Political Science or History course in international relations
CLASS:	Day & Time: Wednesday – 1805-2055 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Mike Perry
CONTACT:	Office: C476 LA – Contract Instructors' Office Office Hrs: By Appointment Email: mike_perry@carleton.ca

"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 16, 2009 for December examinations** and **March 12, 2010 for April examinations**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

This survey course will give students a broad introduction to public international law. The course will examine the historical development of international law, as well as modern approaches. Principles covered will include the origins and sources of international law, the relationship between international law and national law, as well as the concepts of states and territory, state jurisdiction and immunities. Topics in international law, including the law of the sea, international human rights law and the law governing the use of force, will also be considered. Attention will also be paid to international institutions and organizations. Current events in international relations will be addressed and analyzed from a legal perspective.

COURSE OBJECTIVES

- knowledge and understanding of the fundamental principles of international law, their tensions, limitations and potential;
- knowledge and understanding of international treaties, case law and institutions;
- ability to analyze and think critically about international law;
- ability to identify current issues in international affairs and apply the principles of international law accordingly; and
- enhanced skill in international legal research, writing and advocacy.

REQUIRED TEXT

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

The text book is available at: Octopus Books
116 Third Ave (613) 233-2589
Octopus Books provides extended evening and weekend hours in September.

Two copies of the text are on reserve in MacOdrum Library.

SUPPLEMENTAL READING

Students may also 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).

A copy of this book is on reserve in MacOdrum Library.

ADDITIONAL READING(S)

Students will be required to review international treaties and case law cited in the text. Some Internet links to this material are provided below.

Other readings may be highlighted for students as the course progresses.

CLASS SCHEDULE**Wk 1 16 Sep *Nature and Origins: Is International Law Really Law?***

Reading: Currie, Chapter 1, pp. 1-20

Wk 2 23 Sep *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://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

*Library Research Orientation Session – International Legal Materials

Wk 3 30 Sep *International Legal Personality*

Reading: Currie, Chapter 2, pp. 21-79

Vienna Convention on Succession of States in respect of Treaties

http://untreaty.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf

Vienna Convention on Succession of States in Respect of States Property, Archives and Debts

http://untreaty.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf

United Nations System Chart

<http://www.un.org/aboutun/chart.html>

Charter of the United Nations

<http://www.un.org/en/documents/charter/>

***Deadline:** selection of topic for issue brief and general area of research paper

- Wk 4** **7 Oct** ***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 and Reservations for ICCPR
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
Ratifications, Declarations and Reservations for CEDAW
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en
- Wk 5** **14 Oct** ***Canadian Council on International Law Conference / Student Job Fair***
Department of Foreign Affairs and International Trade
Keynote Address: The Honourable Justice Madam Justice Rosalie Abella
*Details will be provided in class.
Following the conference and reception, an abbreviated class will be held at DFAIT:
Customary International Law
Reading: Currie, Chapter 5, pp. 185-217
***Deadline:** Issue briefs due at the beginning of class.
- Wk 6** **21 Oct** ***Reception of International Law in Domestic Law***
Reading: Currie, Chapter 6, pp. 218-264
- Wk 7** **28 Oct** ***States and Territory***
Reading: Currie, Chapter 7, pp. 265-331
***Deadline:** Research paper outline at the beginning of class.
- Wk 8** **4 Nov** ***State Jurisdiction***
Reading: Currie, Chapter 8, pp. 332-362
- Wk 9** **11 Nov** ***Immunities***
Reading: Currie, Chapter 9, pp. 363-411
- Wk 10** **18 Nov** ***International Protection of Human Rights***
Reading: Currie, Chapter 10, pp. 412-447
***Roundtable Presentations**

Wk 11 25 Nov *The Use of Force*

Reading: Currie, Chapter 11, pp. 448-532
Charter of the United Nations
<http://www.un.org/en/documents/charter/>
Declaration on Friendly Relations
<http://www1.umn.edu/humanrts/instree/principles1970.html>
Geneva Conventions I - IV (1949) and Protocols I & II (1977)
<http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView>

Roundtable Presentations*Wk 12 2 Dec *State Responsibility***

Reading: Currie, Chapter 12, pp. 533-573

***Deadline:** Research papers due on 7 December at 5:00pm (last day of fall term classes).

EVALUATION

Class Participation	10%
Research Paper Outline	10%
Issue Brief	20%
Roundtable Presentation	20%
Major Paper	40%

Class Participation (10%)

Attendance and preparation for class is vital to learning as students' benefit from one another's contributions. Students' presence in class and demonstrated command of the readings will be reflected in the mark for participation. Attendance will be taken each class.

Research Paper Outline (10%)

Students will prepare a two page outline of their research paper, which will be evaluated on the basis of:

- quality of basic structure of paper;
- demonstrated research progress; and
- initial development of main arguments and evidence of preliminary analysis.

A preliminary bibliography must be included (1 page).

Issue Brief (20%)

The ability to convey complex information and concepts in a summary and succinct manner is an increasingly important skill in the practice of law, government work and advocacy in any context.

Students will prepare a 3-page brief on the international law related to a current event, selected from the newspaper. The brief will contain a review of the facts of the event, identification of the relevant international law, application of international law to the facts, and initial assessment of the main legal issues/questions involved. Issue briefs will be evaluated on the basis of:

- suitability of article to topic to international legal issues;
- identification of the key elements of the issue and applicable principles, sources, cases of international law;
- quality of analysis;
- identification and handling of the legal issues arising; and
- ability to convey complex ideas clearly and succinctly within the prescribed format and page limit.

A standard format for the issue brief will be provided. A copy of the newspaper article selected must be

attached to the issue brief.

Note: The subject matter of the issue brief must be different from the general areas of international law of students' research papers.

Roundtable Presentation (20%)

Engagement in international legal writing and research often includes roundtable-style presentations. This exercise will prove useful in further developing and strengthening of students' research papers.

In a presentation, students will provide an introduction to the basic international law and review the legal issues within the general area of international law, including reference(s) to their specific topic, where appropriate.

Students will present in groups, according to which general area of international law their research papers fall under. Given class size, the format of the presentations will be groups of 4-5. A written version of the presentation will not be required to be submitted for grading.

Each student will receive an individual mark for the presentation. Each presentation will be approximately 20 minutes long, including discussion time.

Presentations will be evaluated on the basis of:

- ability to provide an overview of relevant international law and legal issues;
- familiarity with subject-matter;
- coherence of information, issues and ideas being expressed; and
- ability to lead and facilitate discussion.

Note: the Research Paper is to be completed by each student independently.

Research Paper (40%)

The key element of this course is the completion of a research paper examining a specific topic of international law. The preparation of the Research Paper will be an ongoing effort throughout the course, supported by the submission of the outline and the roundtable presentation of the general area of international law related to students' Research Paper topics.

General areas for the Research Paper will be chosen from the list attached. Students' specific topics within these areas will be refined 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.

The research paper will be 10-12 pages, double-spaced (2,500 – 3,000 words, Times Roman Font, 12pt.), plus cover page and bibliography. Specific topics must be approved by the instructor. The research paper will be evaluated on the basis of:

Topic – 10%

- clear articulation of topic; and
- appropriateness of topic to the course (clearly amenable to international legal analysis).

Analysis of the Topic – 70%

- a strong introduction with rationale and objectives of the paper clearly stated;
- clearly articulated and logical argument;
- argument supported by appropriate principles, sources, cases, etc. of international law and academic literature on the topic;
- proper and selective use of quotations and cited sources to support argument;
- accurate and comprehensive use of sources;
- strong concluding comments; and
- well-organized presentation.

Style – 20%

- proper grammar, sentence structure and punctuation;
- complete references and proper use of endnotes/footnotes (students may use the recognized citation style of their choosing);
- appropriate and complete references in a formal style of the student's choice;
- absence of spelling errors and typos;
- inclusion of a title page;
- appropriate length; and
- proper pagination, margins, line-spacing and layout of the paper

ADDITIONAL INFORMATION**Late Policy**

Late assignments will not be accepted. Submissions will be received and graded after the deadlines only upon receipt of a medical note or in cases of personal emergency, as may be confirmed with university administration.

Statement Regarding Plagiarism

The Senate of the university has labeled plagiarism an instructional offence. For the university's purposes, to plagiarize is to "use and pass off as one's own idea or product work of another without expressly giving credit to another." Being caught plagiarizing can result in one being expelled, suspended from all studies at the university, suspended from full-time studies, awarded a reprimand, 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, placed on Academic Warning or awarded an F or ABS in a course or examination.

Writing Tutorial Service

The Writing Tutorial Service can help students learn to write better papers. The tutors are graduate students in many different departments. They are trained to assist students at any stage in the writing process. To make an appointment, simply call: 520-6623, or come in person to Room 215, Patterson Hall (9.00am-4.30pm, Monday-Friday).

Essay General Areas List
LAWS 3603B

1. international law of air space and outer space
2. international law and indigenous peoples
3. international law governing economic activity
4. international protection of the environment
5. international protection of public health
6. United Nations reform
7. international responses to terrorism
8. international responses to organized crime
9. International Humanitarian Law (Law of Armed Conflict)
10. international law and social rights
11. international law and the polar regions
12. critical perspectives on international law (i.e. feminist approaches, critical race theory, developing world, class analysis, queer theory)
13. international law and the death penalty
14. international protection of refugees and internally displaced persons
15. international criminal law