

**Course Outline**

**COURSE:** LAWS 4903A - Weapons of Mass Destruction and International Law

**TERM:** Fall 2008/09

**PREREQUISITES:** Fourth Year Honours Standing

**CLASS:**           **Day & Time:** Thursday 14:35-17:25  
                          **Room:** 210 CO (Residence Commons)

**INSTRUCTOR:** T. Ashtakala  
**(CONTRACT)**

**CONTACT:**           **Office:** D482 LA (Contract Instructors' Room)  
                          **Office Hrs:** By appointment  
                          **Telephone:** 613-297-1183  
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"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/law/accommodations.htm>.

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**COURSE DESCRIPTION**

It is hard to understand how the most indiscriminate and disproportionate killing machines developed by humankind could be regulated under the larger body of rules that govern the normal, peaceful interactions among States. Yet such weapons have profound implications for international law and security, not only in terms of the obvious belligerent effects of their use, but also with regard to the fact that efforts to eliminate such weapons will depend upon both the evolution of the law and the security perceptions of states. The adoption of a number of global treaties has contributed substantially to the rules of arms control and of armed conflict. This course will: 1) examine the major international instruments and negotiations that have attempted to control and disarm countries of their arsenals of weapons that cause massive destruction, as well as 2) look at current civil society campaigns and legal actions to curb the effects of military armaments that are presently deemed "legal". It is hoped that this course will help the student gain a better understanding of current situations in the news relating to WMD (such as North Korea and the nuclear non-proliferation regime, Iraq's WMD history and the use of cluster bombs in the recent Israel-Lebanon conflict), and ultimately appreciate how international law offers the best means for preventing, regulating and eliminating such global confrontations

**REQUIRED TEXTS**

Required Readings will be posted on WebCT. Some additional articles, as well as case study exercises, will be distributed in class

**EVALUATION**

**All 3 components of the evaluation must be completed in order to get a passing grade**

This course has been described as an exercise in "advocacy for the advocate": while the primary goal is to impart to the student a substantive knowledge of a specialized topic of international law, it also affords an introduction to legal practice, through a combination of fulfillment of the evidentiary burden and the use of marketing techniques. In this regard, the main component of evaluation will be the production by the student of a campaign to advocate for the elimination (or promotion) of a particular weapon. The campaign will consist of an audiovisual and verbal

presentation (an original video, power point, pamphlet, poster or any other promotional material commonly found in advocacy campaigns AND a verbal lecture given by the student explaining his/her project) of: 1) the legal arguments advocating for the elimination, restriction or use of a particular weapon; 2) a persuasive, non-legal message, based on anecdotes, witness accounts, medical information, etc; and 3) a detailed plan as to the steps that will be taken to effect the sought ban (or promotion). The student can use as a model a campaign undertaken by non-governmental organizations and other groups that have or are seeking to eliminate existing weapons of mass destruction; similarly, those students who choose to promote a weapon can refer to case studies of arms manufacturers and their promotional sales material.

**(1) Legal opinion- 40% of final mark**

- topic for opinion and presentation must be selected by 25 September
- paper due in class on 27 November
- Length: 10 pages double-spaced, excluding bibliography
- Format: the paper will generally consist of two sections:
  - ◆ description of the existing legal regime regulating the weapon
  - ◆ deficiencies (or strengths) of the existing legal regime and what needs to be rectified to make the weapon illegal (or legal) under international law

**(2) Presentation of advocacy piece - 50% of final mark**

- sign-up sheet for dates will be circulated at first class
- no less than 15 minutes in duration
- you must respond to questions and comments of your colleagues after the presentation; if no one is saying anything, you are expected to generate discussion yourself, so it is in your interest to prepare your own questions for the class!
- audio-visual or other material is essential; you are invited to be as creative as possible!
- presentations will start on 2 October and finish by 27 November

**(3) Class participation - 10% of final mark**

Completion of the case study in each class will count for attendance; additionally, each student is expected to ask questions of/offer feedback on at least one presentation by a fellow classmate in each class session.

**SCHEDULE**

04 Sep	Means and methods of warfare: the rules of International Humanitarian Law
11 Sep	Means and methods of warfare: Arms Control and Disarmament Principles
18 & 25 Sep	Nuclear Weapons and International Law: <ul style="list-style-type: none"> <li>- arms control regimes</li> <li>- ICJ Advisory Opinion on the Legality of Nuclear Weapons</li> <li>- North Korea, Iran, Bunker Busters and other issues</li> </ul>
02 Oct	Biological Weapons
09 Oct	Chemical Weapons
16 Oct	Land Mines and the Ottawa Treaty
23 & 30 Oct	Conventional Weapons: <ul style="list-style-type: none"> <li>- The Conventional Weapons Convention</li> <li>- Explosive Remnants of War and Cluster Munitions</li> </ul>
06 Nov	Small Arms: the Real WMD
13 Nov	Old Dogs and New Tricks: the legality of new uses of old weapons
20 Nov	Cyber warfare, the weaponization of space and the future of weapons use
27 Nov	wrap up and special event