

Course Outline

COURSE: LAWS 5603W / INAF 5505W - Topic: International Law in Theory and Practice

TERM: Winter 2010-11

CLASS: Day & Time: Monday: 8:35am – 11:25am
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Mahmoud Masaeli
(CONTRACT)

CONTACT: Office: C476 LA (Loeb Building)
Office Hrs: Monday: 12:00-3:00 pm
Email: mmasaeli@connect.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 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

EVALUATION PROCEDURES – All Components must be completed in order to pass this course**1. Critical Comment: 15%** - Due February 14

Select one reading from one of the weeks and write a 5-7 page essay on that reading. In your essay set out the author's argument and then consider how the author's argument pertains to, challenges, reinforces, questions, complicates the course themes and particularly the RELATED themes emerging from that week's material. In some cases, the article under review may more directly engage with readings from an earlier week. In that case, a good critical commentary will reflect on those readings.

2. Book Review: 25% - Due March 21

Write a 5-8 page critical book review from the list below. The book review should set out the book's themes/arguments, situate the book within the context of the subject area more generally, relate the book's themes/arguments to the course, and provide a critical analysis.

3. Book Review presentation: 10%

You are required presenting your book review in class (orally at a date to be determined). Presentations will be around 30 minutes long and raise three main questions arising out of the book you reviewed and the readings/themes discussed in the class that day. Please forward your questions to me at least three days prior to your presentation. I will forward these questions to all in class. The aim is to have read the questions in advance for more discussion in class.

4. Take-home exam 50% due Monday 11 April 2011.

The exam will be distributed in class, Monday 21 March 2011.

Note:

1. Please submit all assignment in class
2. Late assignments will be deducted 2 marks/per day.
3. Any assignment submitted 7 days after the due date will be given a mark of „0“ .

Book Review Options

J. Hagan. 2003. *Justice in the Balkans*

L. Melvern. 2000. *A People Betrayed: the Role of the West in Rwanda's Genocide*

Tobias Kelly, 2006. *Law, Violence and Sovereignty Among West Bank Palestinians*

Richard Wilson, 2001. *The Politics of Truth and Reconciliation in South Africa*

Brooke Ackerly, 2008. *Universal Human Rights in a World of Difference*

Arturo Escobar, 1995. *Encountering Development: the Making and Unmaking of the Third World*

Sally Engle Merry. 2006. *Human rights and Gender Violence: Translating international law into local justice*

Makau Mutua, *Human Rights: A Political and Cultural Critique*, U Pennsylvania Press.

Anne Orford. 2003. *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law*. Cambridge U P.

Antony Anghie. 2004. *Imperialism, Sovereignty and the Making of International Law*. Cambridge UP.

Gerry Simpson. 2004. *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order*, Cambridge UP.

Richard Falk. 1995. *On Humane Governance: Toward a Just Global Politics*. Pennsylvania UP.

Nicholas Greenwood Onuf. 1989. *World of our Making: Rules and Rule in Social theory and International Relations*. U of South Carolina Press.

CLASS SCHEDULE:

- Week 1: Introduction to course and general administration**
- Week 2: The (colonial) nature and origins of international law**
- Currie, *Public International Law*, 2d ed., pp. 1-19; 83-94 [KZ3410.C89]
 - Rothermund, *The Routledge Companion to Decolonization*, pp. 15-20; 41-52 [on-line]
 - Anghie, Antony, 1999. "Finding the Peripheries: Sovereignty and Colonialism in 19th century International Law" *Harvard International Law Journal* 40:1 [on-line]
- Week 3: Statehood and state sovereignty doctrine**
- Rajagopal, B. 2003. "International Law and Social Movements: Challenges of Theorizing Resistance in International Law" *Columbia Journal of Transnational Law* 41: 397 [on line]
 - Charlesworth and Chinkin, 2000. Chapter 5, "The idea of the state" in *The Boundaries of International Law: A Feminist Analysis*, pp. 124-170. [KZ3225.C45]
 - Boyle and Chinkin, *The Making of International Law*, pp. 41-74; 80-97 [KZ 3410.B69]
- Week 4: Women's Rights are Human Rights – the evolution of legal norms**
- Charlesworth and Chinkin, chapter 7, "Human Rights", in *The Boundaries of International Law: A Feminist Analysis*, pp. 201-249 [KZ3225.C43 2000]
 - Orford, Anne. 1999. "Contesting Globalization: A Feminist Perspective on the Future of human rights" in Weston and Marks, eds. *The Future of International Human Rights*, pp. 157-185 [JC571.F79]
 - Kapur, Ratna. "Provisioning the Role of Law in women's human right struggles", in S. Meckled-Garcia and Basak Cali, *The Legalization of Human Rights: Multidisciplinary perspectives on human rights law*, pp. [K3240.L445]
- Week 5: International Humanitarian Law**
- Mégret, F. 2006. "From Savages to Unlawful Combatants: A postcolonial look at international humanitarian law's other", in A. Orford, ed. *International Law and its Other*, Cambridge UP [KZ3410.I576]
 - Helen M. Kinsella. 2006. "Gendering Grotius: Sex and Sex Difference in the Laws of War" *Political Theory* 34(2): 164-173; 175-76; 180-184 [on line].
 - Catherine Niarchos. 1995. "Women, War, and Rape: Challenges Facing The International Tribunal for the Former Yugoslavia", *Human Rights Quarterly* 17(4): 649-690 [on line].
- Week 6: Prosecuting Rape – The establishment of (new) international legal**
- ICTY home page: About ICTY
 - Updated Statute of the International Criminal Tribunal for the Former Yugoslavia" ,Security Council Resolution 808 (1993) at:
http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept08_en.pdf
 - "Comment on background to the *Tadic* litigation before the International Criminal Tribunal for the Former Yugoslavia" Steiner et al *International Human Rights in Context*, 3d ed. Pp 1256-1261 [K3240.S74.2000]
 - *Prosecutor v. Tadic*, Appeals Chamber decision At:
<http://www.ijl.org/courses/documents/Prosecutorv.Tadic.pdf>
 - *Prosecutor v. Akayesu*, Trial Chamber decision, paragraphs 79-129; 416-452; 494-524
 - Campbell, Kirsten. 2007. The Gender of Transnational Justice *International Journal of Transitional Justice* 1: 411-432 [on-line].

Week 7: The Limits of International Criminal Law

- Sands, Philippe. 2003. "International Law Transformed? From Pinochet to Congo...?" *Leiden J of International Law* 16(1): 37-53 [on line].
- Kamari Clarke, 2007. "Global Justice, Local Controversies: The International Criminal Court and the Sovereignty of Victims" in *Paths to International Justice*, pp.134-158 [K2100.P38]
- Wilke, Christiane. 2009. "Deconsecrating the Temple of Justice: Invocations of Civilization and humanity in the Nuremberg Justice Case" *Canadian Journal of Law and Society* 24 (2): 181-201 [on line].

Week 8: Winter break, no class**Week 9: Refugees and Citizens (the proliferation of a new norm?)**

- Lisa Alfredson. 2009. "Introduction: The Sex Persecution Campaigns" in *Creating Human Rights: How Noncitizens Made Sex Persecution Matter to the World*, Philadelphia: University of Philadelphia Press, pp. 1-16 [HV6593.C2.A55]
- Liisa Malkki. 1996. "Speechless Emissaries: Refugees, Humanitarianism, and De-historicization" *Cultural Anthropology* 11(3): 377-404 [on-line]
- B. McSherry and Kneebone. 2008. "Trafficking in Women and Forced Migration: Moving Victims Across the Border of Crime into the Domain of Human Rights" *The International Journal of Human Rights* 12: 67-87 [on-line]

Week 10: Domestic Law, International Law and Legal Pluralism?

- John Currie, *Public International Law*, pp. 218-248;
- Karen Knop, 2000. "Here and There: International Law in Domestic Courts" *NYU J International Law & Politics* 50 [on line];
- Paul Schiff Berman. 2007. "Global Legal Pluralism" *Southern California Law Rev* 80 [on line].

Week 11: International Economic Law

- Claire Cutler, 2008. "Toward a radical political economy critique of transnational law" in S. Marks, ed. *International Law on the Left: Re-examining Marxist Legacies*, pp. 199-219.
- Rajagopal, B. "From resistance to renewal: Bretton Woods institutions and the emergence of the „new“ development agenda“ , in Rajagopal, B *International Law From Below: Development, Social Movements and Third World Resistance*, pp. 95-134 [KZ1242.R35].
- Buchanan, Ruth. "Perpetual peace or perpetual process: Global civil society and cosmopolitan legality at the World Trade Organization" *Leiden J of International Law* 16, issue 4: 673-699 [on-line].

Week 12: Is there a future for international law?

- Hilary Charlesworth. May 2002. "International Law: A Discipline of Crises", *Modern Law Review* 65, no. 3: 377-392 [on-line];
- S, Marks. 2008. "Exploitation as an International Legal Concept" in S. Marks, ed., *International Law on the Left*, pp. 281-307.

Week 13: Review week and conclusion