

**GINS 1010-B
WINTER 2016**

INTERNATIONAL LAW AND POLITICS

**Professor M. Kamari Clarke
Carleton University**

Classroom Location: Mackenzie Building 3380

Weekly Classes: Wednesdays – 9:35-11:25am

Office Hours: Wednesdays 12:00 – 2:00pm

Office Address: Carleton River Building, Room 2408R

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Tutorial Sections:

Section	Day	Time	Location
B1	Thursday	1:35-2:25	River Bldg.1201
B3	Monday	3:35-4:25	Southam Hall 309
B4	Thursday	9:35-10:25	Southam Hall 403
B5	Monday	3:35-4:25	Southam Hall 505
B6	Wednesday	11:35-12:25	River Bldg. 3202

Teaching Assistants by Section:

B1 – Cameron Climie

B5 – Sarah Phinney

B3 – Jenna Dean

B6 – Sarah Phinney

B4 – Jenna Dean

This is an introductory course in international law and politics. The primary aim is for students to develop critically engaged interests and analyses about international law and politics. The goal is to explore both legal and political approaches to the study of states, decision-makers, and non-state actors as well as to examine the afterlife of decisions and the political challenges of conflict, cooperation, and enforcement. Taking international law to be *law that deals with the relationships between states, or between persons or entities in different states* and international politics to be *how states and non-state actors cooperate and compete for resources*, we will begin by examining histories and philosophical foundations related to the emergence and rise of modern state sovereignty, jurisdiction, sources of law, and the growing relevance of the individual in international domains. Through an examination of key documents, we will then examine the role of international law in addressing issues such as human rights, international criminal law, and the management of international trade, humanitarianism and the laws of war.

This is a lecture class. However, depending on the class size I may attempt to periodically break the class into small groups to provide space for active and collaborative learning.

COURSE OBJECTIVES

1. To understand what law is and how it is a product of political processes.
2. To understand the sources and subjects of international law and international relations decision-making
3. To explain how international, national and regional legal systems interact and how various political interests are part of the logic of international legal processes.
4. To examine the scope and structure of national, international and inter-governmental organizations and their reach in decision-making.
5. To identify and apply international legal principles and historical contexts to issues of global importance.
6. To understand the challenges and dilemmas of norm establishment, compliance and the implications for global governance.
7. To assess the limits of legality in political decision-making processes.

GENERAL EDUCATION GOALS

In addition to the above objectives, the more general goals of this course are to provide the student with the following tools to help develop potential:

1. Analytical thinking capabilities through the application of theories and concepts to social problems.
2. Enhancement of literacy skills through assigned readings, discussions, examinations, and other requirements.
3. Preparation for a more advanced study of global and international issues

Format and Expectations

Our classes will consist of one weekly lecture and one discussion tutorial. Lectures will provide a broad contextual, theoretical and historical background for each weekly theme, including clarification of key concepts and explorations of their application. Tutorials will provide an opportunity to review and discuss course material in smaller group contexts. Tutorials will begin in third week of class.

You must be enrolled in a tutorial section. Your participation grade will reflect the extent to which you contribute to class discussions in an informed and critical manner, not only your attendance. If you miss a lecture or a tutorial you will still be held responsible for all course material discussed on that day. If you are absent, please make arrangements to borrow someone else's notes as they are your responsibility to ensure that you catch up on missed material. **Attendance is expected at both lectures and tutorials.**

Office Hours

For questions arising from the readings and classes or for general questions related to your interest in this area, feel free to visit me in my office during my office hours. My office hours are on Wednesdays from 12:00 – 2:00pm. If you have a genuine scheduling conflict, please send me e-mail to set up an appointment for an alternate time.

Submission and Return of Term Work/Take Home Exams

All assignments must be typed and submitted via the cuLearn portal. Please submit assignments as documents in Microsoft Word format in either *.doc or *.docx formats. If you do not have Microsoft Word, it is fine to use Open office or Libre Office. Please submit your assignments on-time. Unless you have a legitimate excuse, all late assignments will receive a 25% grade deduction. Once graded, the assignments will be returned to you by the Teaching Assistant (TA) assigned to your tutorial. He/she will communicate the return of assignment details to you. Final exams are intended solely for the purpose of evaluation and will not be returned.

Grading

Standing in a course is determined by the course instructor, subject to the approval of the faculty dean. Any grades posted on the cuLearn grade portal are unofficial and will not be finalized until the end of the semester. Final standing in courses will be shown by alphabetical grades. The system of grades used, with corresponding grade points, is:

Percentage	Letter grade	12-point scale	Percentage	Letter grade	12-point scale
90-100	A+	12	67-69	C+	6
85-89	A	11	63-66	C	5
80-84	A-	10	60-62	C-	4
77-79	B+	9	57-59	D+	3
73-76	B	8	53-56	D	2
70-72	B-	7	50-52	D-	1

Course Evaluation

- 30% Midterm Examination (open book test with essay questions from weeks 1 - 5)
- 30% Final Take Home Examination (essay questions from weeks 1-12)
- 20% Writing assignments (one 10 page-double spaced response paper)
- 15% Launch Event and Final Group/Section Presentation
- 5% General Participation and Discussion

Breakdown of Course Evaluation Components

(a) Midterm Examination (30%)

All students registered in the class will be expected to write an in-class “open-book” midterm examination. The exam will have essay questions taken from weeks one to five of classroom material and will be scheduled to take place on Wednesday February 10, 2016. Students will be permitted to bring notes and readings to class but exam questions will require that students understand the material, can synthesize multiple arguments, and know how to apply legal concepts and principals where relevant.

(b) Final Examination (30%)

All students must write a final examination based on material from the entire semester. The exam will involve answering two essay questions and will be given to you as a take home exam on Thursday March 31st via cuLearn at 11:55PM. You will be expected to submit your completed exam by Monday April 4th 2016 at 11:55PM via the cuLearn portal.

(c) Writing Assignment (20%)

You will be expected to write a ten-page, double spaced, reflection paper on an issue related to the following **Week 9** theme:

Humanitarianism and the Protection of the Person; The Responsibility to Protect

The response paper should outline the concepts significant to the topic selected and respond to the required readings outlined in Week 9. As you do the required reading and prepare to write the response paper, please be sure to summarize the author’s main points, identify the debates in which he/she is engaged, and indicate whether or not you feel he/she succeeds in supporting and analyzing his/her argument. Focus on how the arguments in the assigned readings are used to support the author’s claims. Look for the unstated assumptions that the author uses: what does s/he assume? It is very rare to find a piece of writing that you agree with entirely. As you come across issues with which you disagree with or find unconvincing write them down and bring them along to section for discussion. Also note when you are surprised by a particular argument. The response paper should raise critical questions and highlight whether and how the author is challenging particular principals. Each response paper should assume that the reader is unfamiliar with the subject matter and therefore should outline what the publication is about (briefly), how it fits into a larger debate, and what the strengths and weaknesses are. Essays are to be uploaded on the cuLearn Portal by 11:55pm on **Friday March 11th 2016**.

(d) Part III - Group Presentations (15%)

Each student will be expected to participate with their tutorial group in: (1) a forty-five minute group presentation and (2) a debate related to international law and politics themes covered in our class. In participating in group work the goal is for you to learn more about a situation by having to teach it to others and to become familiar with the research resources

available. I would also like you to work on your oral presentation skills. This is not intended to be an exhaustive original research assignment. The goal is for you to synthesize information and apply it to your case study.

The topic that each tutorial group will be expected to cover is listed in the Part III weekly assignments. You will see that: Activity (1) can take the form of a trial with legal arguments, a UN general assembly meeting, a United Nations Security Council meeting, a Nongovernmental Organization (NGO) mobilization meeting, a talk show, or an interview with call-in guests and relevant responses. Activity (2) should be presented as a debate.

Participants will be expected to meet outside of their tutorial section to agree to the division of labour and practice the presentation strategy. Each tutorial group member will also be expected to contribute research findings to the final group product. And fifteen percent of your overall course grade will be based on your tutorial group's two presentations.

How you will be graded? In order to receive a grade, your tutorial group will need to work collaboratively and: (1) prepare a brief summary (no more than 1-3pp) to hand out in connection with your presentation. Some of the issues to address can range from: what caused or is causing the controversy? What are the legal issues? What are the political and historical issues? What are the cultural issues/frameworks? Are they beneficiaries of the issue? Please also submit a bibliography to me so that I can see the sources you have consulted. Please list the names of all group participants/contributors. It might help to assign a group leader for each assignment but the division of labour will be up to each group.

(e) Participation and Discussion (5%)

Students are expected to complete all of the required readings. The weekly readings should be completed in advance of the relevant class for which they are assigned. Participation will be based on both attendance, discussion contributions, and **March 15th** participation in the BGIInS Launch event class.

REQUIRED READING

All articles and supplemental readings will be available on the cuLearn website and through ARES. The following two books are required for the course and can be purchased from the Carleton bookstore:

Required Books:

- International Law. Jan Klabbbers. Cambridge University Press. May 2013
- Introduction to Global Politics. Steven Lamy, John Baylis, Steve Smith and Patricia Owens. Third Edition. Oxford UP, 2015

Important Legal Documents (please refer to these over the course of semester)

- Universal Declaration of Human Rights, 1948
- Declaration on the Granting of Independence to Colonial Countries, 1960
- Convention on the Political Rights of Women, 1953
- The Rome Statute for the International Criminal Court, 2001
- International Convention on the Protection of the Rights of All Migrant Workers, 1990
- Freedom of Association and Protection of the Right to Organize, 1948
- Protocol of the American Convention on Human Rights to Abolish Death Penalty, 1990
- OAU Convention on the Specific Aspects of Refugee Problems in Africa, 1965
- Cairo Declaration on Human Rights in Islam, 1990
- Some Economic Foundations of Human Rights, 1968

INTERNATIONAL LAW IN THE NEWS

International law issues are always on the news. I encourage you to regularly read the international section of a good newspaper/magazine or website during the semester. Think about how the news relates to your readings in the course. For generally good international affairs coverage, you may wish to try JURIST, *New York Times*, *The Economist*, and BBC News. All are available online and available free of cost.

WEEKLY COURSE BREAKDOWN

Part I - Foundations in International Law and International Politics

Week 1 – Wednesday January 6

International Law and Politics – Concepts, Frameworks, Defining Developments

Keywords: What is Public International Law? What is International Politics? General Introduction to Treaties and Customary Law, Jurisdiction, State Sovereignty and Consent, Powers and Immunities, The Law of Responsibility.

Required Reading

- International Law. Jan Klabbbers. Cambridge University Press. May 2013.
 - Chapter 1 - The Setting of International Law, pgs. 3-19
 - Chapter 5 – Jurisdiction, powers and immunities 91 - 105
 - Chapter 7 - The Law of Responsibility, pgs. 124-138

Week 2 – Wednesday January 13

Global Actors and the Subjects of International Law: The United Nations, The UN Security Council, General Approaches to the Making International Law and Policy

Keywords: Nation States, Nations, Colonies, Colonialism and Self-Determination, Annexures, Corporations, Nonstate Actors: Non-Governmental Organizations (NGOs), The Individual, Techniques of state building with legitimacy and stability; governance and accountability, Decision Making, Negotiations.

Required Reading

- International Law. Jan Klabbbers. Cambridge University Press. May 2013.
 - Chapter 4 - The Subjects of International Law, pgs. 67-90
- Introduction to Global Politics. Lamy et al. Third Edition. Oxford UP. 2015
 - “Brief History of the United Nations and Its Principal Organs”, pgs. 181-189 (from chapter 6)

Background Reading

- Introduction to Global Politics. Lamy et al. Third Edition. Oxford UP. 2015
 - Chapter 5 - Making Foreign Policy, pgs. 132-169
 - Chapter 7 - Nongovernmental Actors, pgs. 208-243

Week 3 - Wednesday January 20

How International Law Is Made: Sources, Structures, Processes

Keywords: The Making of International Law and the Politics of Law Making, The Law of Treaties, Customary Law, Law-breaking law making and enforcement, General Principles

Required Reading

- International Law. Jan Klabbbers. Cambridge University Press. May 2013.
 - Chapter 2 – The Making of International Law, pgs. 21-40
 - Chapter 3 – The Law of Treaties, pgs. 41-65
- Martti Koskenniemi, “The Politics of International Law” 1 (1990) European Journal of International Law 4-32.

Week 4 - Wednesday January 27

The Substance of International Law #1

Keywords: Overview of Human Security, The Law of War, the Use of Force, the Law of Armed Conflict, Terrorism, the Role of the Military and other Coercive/Justice Institutions, Sanctions, Countermeasures, Collective Security, Dilemmas over the Management of Peace

Required Reading

- International Law. Jan Klabbbers. Cambridge University Press. May 2013.
 - Chapter 9 - Sanctions, Countermeasures and Collective Security, pgs. 165-182
 - Chapter 10 - The Use of Force, pgs. 187-202
 - Chapter 11 - The Law of Armed Conflict, pgs. 203-217

Week 5 – Wednesday February 3 The Substance of International Law #2

Keywords: The Law of the Seas, the Air, Space, and Protecting the Environment

Required Reading

- International Law. Jan Klabbbers. Cambridge University Press. May 2013.
 - Chapter 13 - The Seas, the Air and Outer Space, pgs. 234- 251
 - Chapter 14 - Protecting the Environment, pgs. 252-265

Week 6 – Wednesday February 10 - MID-TERM EXAM

BREAK - Wednesday February 17 – READING WEEK

Part II - Select Topics in Global and International Law and Politics

Week 7 - Wednesday February 24

Keywords: Economic Development and Regional Economic Integration, Bretton Woods; Development and Foreign Assistance; Economic, Social and Cultural Rights,

Required Reading

- International Law. Jan Klabbbers. Cambridge University Press. May 2013.
 - Chapter 15 - The Global Economy, pgs. 266–283
- Introduction to Global Politics. Lamy et al. Third Edition. Oxford UP. 2015
 - Chapter 12 - Global Trade and Finance, pgs. 374-405
 - Chapter 13 - Poverty, Development, and Hunger, pgs. 406-433

Optional Reading

- Robert H. Wade. (2003) “What Strategies are Viable for Developing Countries Today? The WTO and the Shrinking of 'development space.’” Review of International Political Economy. 10(4): 621-44.
- Nehal Bhuta, “Governmentalizing Sovereignty: Indexes of State Fragility and the Calculability of Political Order” in Kevin Davis et al., eds, Governance by Indicators: Global Power through Quantification and Rankings (Oxford University Press, 2012) at 132-62.

- Dani Rodrick, Goodbye Washington Consensus, Hello Washington Confusion? A Review of the World Bank's "Economic Growth in the 1990s: Learning from a Decade of Reform" *Journal of Economic Literature*, Vol. 44, No. 4 (Dec., 2006), pp. 973-987.

Week 8 - Wednesday March 2

International Criminal Law, International Courts and Tribunals

Keywords: What is International Criminal Law? The Development of International Criminal Law, Individual Criminal Responsibility, Irrelevance of Official Capacity, Regional Mechanisms, Adhoc Tribunals, The International Criminal Court, International Cooperation

Required Reading

- International Law. Jan Klabbers. Cambridge University Press. May 2013.
 - Chapter 12 – International Criminal Law, pgs. 219-232
- Hurst Hannum (ed.), International Human Rights: Problems of Law, Policy, and Practice, (Aspen, 2011) Chapter 11, “International Criminal Law,” (pp. 961-975).
- The Statute of the International Criminal Court adopted in Rome on 17 July 1998 and browse the website of the International Criminal Court Coalition (www.iccnw.org).

Optional Reading

- Mirjan Damaska, *What is the Point of International Criminal Justice?* 83 CHI.-KENT L. REV. 329 2008.
- Bass, Stay the hand of vengeance: the politics of war crimes tribunals
- Edwin Bikundo, ‘The International Criminal Court and Africa: Exemplary Justice’ (2012), 23 *Law and Critique*
- Gilligan, Michael J. (2006) “Is Enforcement Necessary for Effectiveness? A Model of the International Criminal Regime.”
- Project on International Courts and Tribunals (www.pict-pcti.org); International Center for Transitional Justice (www.ictj.org); Truth Commissions Digital Collections (www.usip.org/library/truth/html); International Criminal Court for the Former Yugoslavia (www.un.org/icty); International Criminal Court for Rwanda (www.ictt.org); www.sc-sl.org (Special Court for Sierra Leone)

Week 9 - Wednesday March 9

Keywords: Human Rights Law, Humanitarianism and the Protection of the Person, The Responsibility to Protect, Migration, Refugeism, and Gender Violence (CEDAW)

Required Reading

- Introduction to Global Politics. Lamy et al. Third Edition. Oxford UP. 2015

- Chapter 10 - Human Rights and Human Security, pgs. 308-345
- International Humanitarian Intervention in International Law: Chiefly as Interpreted and Applied in Canada. Kindred, Saunders and Currie. Eighth Edition.
 - Chapter 7 – International Humanitarian Law, pgs. 523-574
- Anne Orford, “Lawful Authority and the Responsibility to Protect” in Richard Falk, Mark Juergensmeyer, and Vesselin Popovski, eds., Legality and Legitimacy in Global Affairs (Oxford: Oxford University Press, 2012) at 248-72.

Optional Reading

- Rape and Sexual Abuse of Women in International Law (1994) Feminist Legal Studies 171.
- **Covenants, Doctrines, Declarations: For Reflection**
 - Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>.
 - International Covenant on Economic, Social, and Cultural Rights: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
 - International Commission on Intervention and State Sovereignty, The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (Ottawa: International Development Research Centre, 2001) at 1-18.
 - Covenant of the League of Nations adopted by the Peace Conference at Plenary Session, April 28, 1919, Article 22, reproduced in 13 (1919) American Journal of International Law Supplement 128 at 137-38.

Deadline to Submit Reading Response –Friday March 11th 11:55PM

Part III - Pressing Issues in International Law and Politics

**Week 10 - Wednesday March 16 – Debate – Sections B1, B3, B4, B5, B6
Borders and Humanitarian Interventions: Making Sense of the Responsibility to Protect Doctrine. Visitor: Dr. Orbinski – Former Founder of Doctors Without Borders**

Required Reading

- James Orbinski. An Imperfect Offering: Humanitarian Action in the Twenty-First Century. Part One

Class Assignment Debate Topic: The United Nations Security Council (UNSC) has agreed to review the application of humanitarian assistance, especially the Responsibility to Protect doctrine, in its decision-making about authorizing military-based humanitarian interventions. Recognizing the types of violence or its absence in particular states, you will be asked to make a case for or against the use of R2P in the recommendation or denial of military action in one of the situation countries listed below: As a recent recipient or subject of conversations over the applicability of humanitarian intervention in your assigned country, you will be expected to take a position for or against humanitarian

intervention. Based on your assignment, the argument will involve making a case to the UNSC for or against humanitarian intervention as it relates to whether the international community should engage in the use of force. The arguments should address legal, political, cultural and ethical rationales and should be sensitive to historical and economic issues for determining appropriate action. And each group is to develop a persuasive argument that either supports or denies the importance of state intervention across borders. Two representatives from the group will be selected to debate the group's arguments and positions in a public forum.

Situation Countries from which to Select: Iraq, Afghanistan, The Former Yugoslavia, Rwanda, Ukraine, Sri Lanka, Libya.

Week 11 - Wednesday March 23 - Section B1, B3 Refugee Law and Politics

Required Reading

- Boswell, *Essentials of Immigration Law* (2009). Ch. One, pp. 1–11, 15–26, 33–51.
- UNHCR *Handbook*, paras. 51-60, 66-76, 77-79, 80-86, 167-174
- Shacknove, A. (1985) “Who is a refugee”. *Ethics* 95(2).

Supplemental Resources - Major legal agreements and standards

- 1951 Convention Relating to the Status of Refugees. See http://www.unhcr.ch/html/menu3/b/o_c_ref.htm.
- 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. See http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf.
- 1984 Cartagena Declaration on Refugees. See <http://www1.umn.edu/humanrts/instreet/cartagena1984.html>.
- UNHCR Website - 2014 Statistical Yearbook/14th edition: <http://www.unhcr.org/566584fc9.html>.

Optional Reading

- Martin, D. A. (1991) “The Refugee Concept: On Definitions, Politics, and the Careful Use of a Scarce Resource”. In Adelman, H. (ed.) *Refugee Policy: Canada and the United States*. Toronto: York Lanes Press, pp. 30-51.
- Zetter, R. (2007) “More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization”. *Journal of Refugee Studies* 20(2).
- Gibney, M. (1999) “Kosovo and Beyond: Popular and Unpopular Refugees”. *Forced Migration Review* 5.
- Gibney, M. J. (2003) “The State of Asylum: Democratization, Judicialization and the Evolution of Refugee Policy”. In Kneebone, S. (ed.) *The Refugee Convention 50 Years On: Globalization and International Law*. Aldershot: Ashgate, pp. 19-45.
- Gibney, M. (2004) *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*.

Exercise:

The 14th edition of the Statistical Yearbook reports that 59.5 million people were forcibly displaced worldwide due to persecution and conflict at the end of 2014, the highest number in the post-World War II era. Some 19.5 million people were refugees, 14.4 million under UNHCR's mandate and 5.1 million Palestinian refugees registered by UNRWA. The global figure includes 38.2 million internally displaced persons and 1.8 million asylum-seekers. *In this period of economic crisis and austerity measures, is the admission of displaced Syrians (aka Refugees) to various European countries such as Greece and Germany an international obligation? Why or Why Not? What are the considerations? What laws and principles shape the movement of people and how have they been applied historically? Are there other considerations outside of International Law? What are they and why are they relevant or irrelevant?*

This assignment can take the form of a trial with legal arguments, a UN general assembly meeting, a United Nations Security Council meeting, a Nongovernmental Organization (NGO) mobilization meeting, a talk show, or an interview with call-in guests and relevant responses. Each group should select their desired format, research relevant readings to inform their position, and meet to figure out the logic and order of their presentation.

Week 12 - Wednesday March 30 – Section B4, B5**Are Human Rights Universal? When Cultural Practices & Social Movements Clash****Required Reading**

- Dembour, Marie B. (2010) What are Human Rights? Four schools of thought. Human Rights Quarterly. Volume 32, Number 1, February 2010.
- Donnelly, Jack. (2013) Universal Human Rights in Theory and Practice. Chapter 3. Edition 3. Cornell University Press. Introduction, chapters 1 and 2 (pps. 1-39)
- Mertus, J. 2007. The Rejection of Human Rights Framings: The Case of LGBT Advocacy in the US. Human Rights Quarterly. Vol 29, NO. 4. Pp 1036-1064.

Optional Reading

- Kymlicka, W. (1996) The Good, the Bad and the Intolerable: Minority Group Rights. Summer. Dissent.
- Ahmadu, F. (2000) Rites and Wrongs: An Insider/Outsider Reflects on Power and Excision
- Hodgson, D.L. (2011) "These are not our priorities": Maasai Women, Human Rights and the Problem of Culture.
- Merry, Sally Engle, Changing rights, changing culture. In Cowan, Jane K., Marie-Benedicte, Dembour, and Richard Wilson (eds.). Culture and Rights: Anthropological Perspectives. New York: Cambridge University Press, 2001, pp 31-55.
- The United Nations Charter - www.un.org/Overview/Charter/contents.html
- The Universal Declaration of Human Rights - www.un.org/Overview/rights.htm

Exercise: *What are Human Rights? Are they universal? What – if any - basic rights should be protected? How should we determine what those rights are? Using examples (such as female genital circumcision or honour killing) to explain/justify your decision, make a case for or against the universalization of human rights. In considering your argument, think about the implications for state accommodations of difference and the need to maximize equality and fairness for all.*

This assignment can take the form of a trial with legal arguments, a UN general assembly meeting, a United Nations Security Council meeting, a Nongovernmental Organization (NGO) mobilization meeting, a talk show, or an interview with call-in guests and relevant responses. Each group should select their desired format, research relevant readings to inform their position, and meet to figure out the logic and order of their presentation.

Week 13 – Wednesday April 6 – Section B6 Regionalism, International Criminal Law and the Politics of Immunity

Required Reading

- Schulman, Marc. The African Court of Justice and Human Rights: A Beacon of Hope or a Dead-End Odyssey? *Inkundla: A Student Law Journal of the University of Witwatersrand*.
- Dire Tladi. January 20, 2015. The Immunity Provision in the AU Amendment Protocol: Separating the (Doctrinal) Wheat from the (Normative) Chaff. *J International Criminal Justice*. 2015.
- Donald Deya. Worth the Wait: Pushing for the African Court to Exercise Jurisdiction of International Crimes. March 2012. *Publications Child*.
- Ademola Abass. 2013. Prosecuting International Crimes in Africa: Rationale, Prospects and Challenges. *The European Journal of International Law*. Vol. 24. No 3.
- Max du Plessis, Tiyanjana Maluwa and Annie O'Reilly. Africa and the International Criminal Court. *International Law*. July 2013. Chatham House.

Supplemental Reading

- AU, Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, 2014, available at: http://africancourtcoalition.org/images/docs/legal-texts/Protocol_on_amendments_to_the_Protocol_on_the_Statute_of_the_African_Court_of_Justice_and_Human_Rights%20.pdf
- The Statute of the International Criminal Court adopted in Rome on 17 July 1998 and browse the website of the International Criminal Court Coalition (www.iccnw.org).

Exercise: *Is The African Court for Human Rights Immunity Provision 46Bis a legitimate provision under international law? Is it legally and politically legitimate? Why or Why Not? By considering the distinction between immunity under customary international law*

and the irrelevance of immunity under the various multilateral treaties such as the Rome Statute for the ICC, please explain your considerations/justifications. Also consider the history of universal jurisdiction and the ICC's history of indictments of African leaders.

This assignment can take the form of a trial with legal arguments, a UN general assembly meeting, a United Nations Security Council meeting, a Nongovernmental Organization (NGO) mobilization meeting, a talk show, or an interview with call-in guests and relevant responses. Each group should select their desired format, research relevant readings to inform their position, and meet to figure out the logic and order of their presentation.

FINAL EXAM – 48-HOUR TAKE HOME EXAM

Distributed via cuLearn on Monday April 4th at 11:55pm

due via cuLearn by Wednesday April 6th at 11:55pm

Class Rules and Regulations

Course Conduct

There is an expectation that everyone in this course will be committed to the pursuit of scholarly exploration, knowledge acquisition and intellectual freedom. When there are contentious issues being discussed, it is expected that everyone will comport themselves in a spirit of mutual respect and exchange. Rudeness, disruption, harassment, and threats will not be tolerated.

While laptop computers are encouraged in class, please do not conduct non-course related activities during class time. This includes social media, games, texting, and the general use of digital devices that divert attention from the class content.

Academic Accommodations

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or **Error! Hyperlink reference not valid.** for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your ***Letter of Accommodation*** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

For Religious Observance

Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy

Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Classnotes and Expectations

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s).

Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

Medical Certificates and Illness

In the unfortunate case of illness or injury, only a medical certificate/note signed by a licensed physician and indicating that treatment/counsel was sought on the day of the missed assignment or examination will be accepted. Please note that Doctor's notes for minor illnesses (e.g. colds, flu) and past illnesses that have been resolved or for which there is no documentation are not accepted.

Plagiarism

The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.” This can include:

- reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;

- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings;
- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.

Plagiarism is a serious offence which cannot be resolved directly with the course's instructor. The Associate Deans of the Faculty conduct a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They may include a mark of zero for the plagiarized work or a final grade of "F" for the course.

Intellectual Property

Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

Approval of final grades

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Carleton E-mail Accounts

All email communication to students from Bachelor of Global and International Studies will be via official Carleton university e-mail accounts and/or cuLearn. As important course and University information is distributed this way, it is the student's responsibility to monitor their Carleton and cuLearn accounts.

Official Course Outline/Syllabus

Please note that the course syllabus posted on the BGIInS website is the official course outline.