

Course Outline

COURSE:	LAWS 2601 A/T – Public International Law
TERM:	FALL 2019
PREREQUISITES:	1.0 credit from LAWS 1001, LAWS 1002 (Formerly LAWS 1000 no longer offered) PSCI 1100, PSCI 1200, or PAMP 1000
CLASS:	Day & Time: Wednesdays from 11:35 am to 2:25 pm
	Room: For students in the A section, please check with Carleton Central for the current room location
	For students in the T section, there is no classroom and the course is taught online
INSTRUCTOR:	Dr Sean Richmond
CONTACT:	Office: D483 Loeb Building
	Office Hrs: Thursdays from 2 pm to 4 pm or by appointment
	Telephone: 613-520-2600 x. 2082
	Email: sean.richmond@carleton.ca

Please use your Carleton account for all email communication. Note that questions will not be answered on the weekends, or 24 hours before the case brief is due, the mid-term is due, and the final exam date. Students are warmly encouraged to consult with the instructor and Teaching Assistants during regular business hours, and well in advance of the assessment dates.

CALENDAR COURSE DESCRIPTION

Examination of the role of law in contemporary international relations. Nature, history and sources of international law; international personality of states; status of international organizations and individuals; creation and effect of international obligations; importance and functions of law in the settlement of international disputes.

COURSE DESCRIPTION

This course provides an interdisciplinary introduction to public international law, and some of the key principles, theories and institutions associated with the international legal system. It addresses core topics such as the nature, sources and subjects of international law, and examines important contemporary legal challenges such as the use of force by states and the International Criminal Court. Throughout the lectures, the role and limits of international law in international relations will be discussed from a legal, political and historical perspective. Practice problems and short video clips will also be employed to help students critically analyze and apply what they are learning to the real world of foreign affairs. Respectful and thoughtful class discussion will be encouraged throughout the term.

Guest speakers from government and non-governmental organizations will provide additional insight on contemporary issues such as the law governing the Arctic and oceans, armed conflict, and Canadian treaty practice. They will also discuss potential volunteer and employment opportunities in international law, to inspire students to think about their broader career objectives.

Learning aims: at the end of the course, students should be able to 1) demonstrate an introductory level of knowledge of the key principles, theories, institutions and challenges that are discussed; 2) identify international legal issues and apply relevant rules to the case studies and challenges that they encounter in and outside of the class; 3) critically reflect on the political and historical context in which international law operates; 4) read, summarize and evaluate an international judicial decision; and 5) construct arguments in support of particular positions in international law, and show an awareness of alternative views to these positions.

REQUIRED TEXTS

John H. Currie. *Public International Law*, 2nd ed. (Irwin Law, 2008).

This required textbook is available for purchase from the Carleton bookstore. It has also been placed on reserve at the university library.

In addition to this book, further required readings and cases will be uploaded to the course website on cuLearn, or identified as available online.

SUPPLEMENTARY TEXTS

For students seeking supplementary information and additional perspectives on the course topics, the following two texts are available for purchase from the Carleton bookstore. They have also been placed on reserve at the library.

Malcolm D. Evans (ed.). *International Law*, 5th ed. (Oxford University Press, 2018).

Michael Byers. *War Law: Understanding International Law and Armed Conflict* (Douglas and McIntyre, 2005).

WEBSITE

Further course information, lecture summary slides, updates and other important materials will be posted on the course website on cuLearn. Announcements and grades will also be communicated this way. Students are strongly encouraged to regularly check the website.

Visit <https://culearn.carleton.ca>, and login using the same username and password that you use for your email or Connect accounts. You must be registered in the course to access the course website.

EVALUATION

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

Recalling the five main learning aims described earlier above, performance in the course will be evaluated as follows:

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|---|-------------------|
| 1. Five online reading quizzes for weeks 2, 4, 6, 9, and 11 | 15% (5 x 3% each) |
| 2. Case brief - due Monday October 7 by 5 pm | 20% |
| 3. Take-home mid-term exam - due Thursday October 17 by 10 pm | 25% |
| 4. Final exam – to be held in the final exam period | 40% |

All evaluation components must be completed in order to be eligible to receive a passing grade.

1. Five online reading quizzes:

To provide students with early and ongoing assessment, and to recognize the importance of keeping up with the course material, there will be five 20 minute online quizzes administered on cuLearn that evaluate student's understanding of the readings covered in weeks 2, 4, 6, 9 and 11. Each of the five quizzes is worth 3%, for a total of 15% of the final grade.

Each quiz will comprise five multiple choice questions. Students can complete them anytime from Thursday at 10 am the week before the applicable lecture, until 11 am on the day of the lecture (i.e. Wednesday).

For example, the first quiz for week 2 readings will be available from Thursday September 5 at 10 am, until Wednesday September 11 at 11 am. The second quiz for week 4 readings will be available from Thursday September 19 at 10 am, until Wednesday September 25 at 11 am. The third quiz for week 6 readings will be available from Thursday October 3 at 10 am, until Wednesday October 9 at 11 am.

Because of the fall reading break, the fourth quiz for week 9 readings will be available from *Monday* October 28 at 10 am, until Wednesday October 30 at 11 am. The fifth quiz for week 11 readings will return to the usual schedule described earlier above – i.e. it will be available from Thursday November 7 at 10 am, until Wednesday November 13 at 11 am.

Once the quiz is started online, students will have 20 minutes to complete the five questions. They will be marked automatically, and students will receive their result through cuLearn.

Because the timing of the quizzes is already flexible, missed quizzes cannot be retaken. If you need to miss one, for whatever reason, there is no penalty and your grade for this evaluation component will be based on the other four quizzes. If you miss two or more, however, your grade will decrease by 3 (out of 15) for each incomplete quiz after the first missed one. Further information will be provided in class.

2. Case brief:

This written assignment is worth 20% of the final grade. It will be up to 1,100 words long, not including short case citation footnotes. Students will read, summarize and contextualize the following 1996 Advisory

Opinion of the International Court of Justice (ICJ), entitled Legality of the Threat or Use of Nuclear Weapons (see <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>).

No further external research beyond the course materials is permitted or required.

The brief should include five elements. The third, fourth, and fifth elements are most important. As such, they should comprise the majority of the brief. First, the assignment should provide a short *background* to the opinion (e.g. who asked the ICJ to get involved?). Second, it should tell the reader what the main *legal issue* was (e.g. what question was posed to the ICJ?).

Third, the brief should summarize what major *rules or areas of international law* were seen to address the above issue (e.g. what treaties and/or customary law were seen to apply?). Fourth, the brief should tell the reader what the overall *conclusion* of the Court was regarding the main legal issue, including whether the judges agreed. Finally, the brief should reflect on *why* the ICJ concluded the way it did, and how the opinion demonstrates some of the *theories* of international law that have been covered so far in the course.

Further information will be provided in class, and students will be given a marking rubric on Wednesday September 11 that reflects the above instructions.

The brief will be due by **5 pm on Monday October 7th**, and submitted online through cuLearn.

You are strongly advised to save your work regularly in multiple ways, and to retain a copy of all submitted assignments.

Absent prior approval or medical certification, briefs submitted past the due date will incur a late penalty of -1 mark (out of 20) per day, including weekends. Briefs submitted beyond seven days late will be accepted towards course completion, but will receive a mark of 0.

3. Take-home mid-term exam:

To help decrease the stress of mid-term writing, and to provide students with an opportunity to clearly and effectively demonstrate their understanding of the course material and learning aims, the mid-term assessment will be a take-home. It is worth 25% of the overall grade. Students will be responsible for all of the readings, lectures and guest speakers covered in the first half of the course.

The questions and instructions will be uploaded to cuLearn on Wednesday October 16 at 10 am. As requested by students in prior years, there will be no lecture that day so that you can use this time to work on the mid-term. Completed responses are due 36 hours later by **10 pm on Thursday October 17**. They will be submitted online through cuLearn. Students must work alone. No additional research beyond the course materials is permitted or required.

The assessment will be open book, and will comprise short-answer and essay questions. Students will choose to answer three of four short-answer questions, and one of two essay questions. Each short-answer must be 300 words or less, and the essay must be 600 words or less. The total word count for the mid-term will thus be 1,500 words (i.e. 3 short answers x 300 words = 900, plus 600 words for the essay).

The provision of 36 hours to complete the mid-term is meant to accommodate students who may have other tests and external commitments during this period, and to allow all students adequate time to think about the questions, write thoughtful and legible answers using word processing software, and proof-read their work. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the assessment in three hours.

Late submissions are not allowed unless they have been previously arranged. You are strongly encouraged to upload your completed response before the deadline. Because this is a mid-term, and you are being given more time than needed to complete it, late submissions will be penalized by -1 mark (out of 25) per hour past the deadline. Further information will be provided in class.

4. Final exam:

The final exam is worth 40% of the overall grade. It will be two hours long, and held during the exam period of December 9 to 21, 2019. The exact dates will be scheduled by Examination Services later in the term. The exam will be closed book, and will comprise multiple choice, short-answer, and fact-pattern questions.

Students will be responsible for all of the required readings and cases, as well as the material covered by the lectures and guest speakers. However, greater emphasis will be placed on material covered in the second half of the course. You should therefore prepare for the exam with this in mind. Further information will be provided later in the term.

SCHEDULE

Key Dates:

September 4 – Fall term begins
October 14 – Statutory holiday
October 21 – 25 - Fall term break
December 6 – Last day of fall term classes
December 9 – 21 – Formally scheduled exams take place

Please note that the following lecture schedule may change slightly depending on the availability of guest speakers. Any changes will be announced on the course website and in class.

Week 1: Wednesday September 4, 2019

Course Overview, Evaluation and Key Concepts

Required reading: read the course syllabus

Week 2: Wednesday September 11

Introduction: the Nature of International Law

Required reading: Currie, chapter 1

*Note: the first quiz for week 2 readings will be available from Thursday September 5 at 10 am, until Wednesday September 11 at 11 am.

Week 3: Wednesday September 18

Sources of International Law: Part 1 of 2

Required reading: Currie, chapters 3 (pages 80-83, 91-100) and 5 (pages 185-201)

Week 4: Wednesday September 25

Sources of International Law: 2 of 2

Required reading: Currie, chapter 4 (pages 123-133, 140-150, 153, 162-164)

*Note: the second quiz for week 4 readings will be available from Thursday September 19 at 10 am, until Wednesday September 25 at 11 am.

Week 5: Wednesday October 2*The Use of Force*

Required reading: Currie, chapter 11 (pages 448-450, 458-469, 482-492, 498-504, 508-512, 520-523)

*Note: the case brief is due by 5 pm on Monday October 7.

Week 6: Wednesday October 9*International Legal Personality: The Subjects of International Law*

Required reading: Currie, chapter 2 (pages 21-39, and 56-72)

*Note: the third quiz for week 6 readings will be available from Thursday October 3 at 10 am, until Wednesday October 9 at 11 am.

Week 7: Wednesday October 16*Take-home mid-term - No lecture*

*Note: the mid-term will be uploaded to cuLearn on Wednesday October 16 at 10 am. Completed responses are due 36 hours later by 10 pm on Thursday October 17.

Week 8: the fall break is October 21 – 25

There are no classes this week

Week 9: Wednesday October 30*International Criminal Law*Required reading: posted online (Ian Hurd, "International Criminal Court", ch. 9 in *International Organizations: Politics, Law, Practice*)

*Note: because of the fall reading break, the fourth quiz for week 9 readings will be available from Monday October 28 at 10 am, until Wednesday October 30 at 11 am.

Week 10: Wednesday November 6*International Law of Armed Conflict*

Required reading: posted online (David Turns, "The Law of Armed Conflict", ch. 27 in Evans)

Week 11: Wednesday November 13*International Court of Justice*Required reading: posted online (Ian Hurd, "International Court of Justice", ch. 8, *ibid*)

*Note: the fifth quiz for week 11 readings will return to the usual schedule – i.e. it will be available from Thursday November 7 at 10 am, until Wednesday November 13 at 11 am.

Week 12: Wednesday November 20*Law of the Sea and Outer Space*

Required reading: Currie, chapter 7 (pages 286-290, 297-298, 304-314, 318-330)

Week 13: Wednesday November 27*The United Nations*Required reading: posted online (Ian Hurd, "The United Nations I: Law and administration", ch. 5, *ibid*)**Week 14: Wednesday December 4***Conclusion and Course Review* - Required reading: review your notes and bring/send questions

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website:

<https://carleton.ca/equity/accommodation/academic/students/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca 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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable).

<https://carleton.ca/pmc/students/accommodations/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at:

<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit:

<https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>