

Course Outline

COURSE:	LAWS 2601B – Public International Law
TERM:	Fall 2016
PREREQUISITES:	1.0 credit from LAWS 1000 [1.0], PAPM 1000 [1.0], PSCI 1100 and PSCI 1200.
CLASS:	Day & Time: Friday 2:35-5:25 Room: Southam Hall 306 Please check with Carleton Central for Current Room Location
INSTRUCTOR:	Betina Appel Kuzmarov, LL.M, PhD
CONTACT:	Office: D386 Loeb Office Hrs: Please contact me to book an appointment Telephone: (613) 520-2600 ext. 8810 Email: betina.kuzmarov@carleton.ca

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: 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: <http://carleton.ca/equity/>

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: <http://carleton.ca/equity/>

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 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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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:

<http://carleton.ca/studentaffairs/academic-integrity/>

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/>

COURSE DESCRIPTION:

This course will provide you with an understanding of what International law is and the role international law plays in ordering international relations. To achieve this goal this course will focus on the key concepts, actors, and institutions of international law: The Sources of International Law, The Subjects of International Law, Jurisdiction, The Laws of War, Human Rights and the Institutions of International Law. You will come away with substantive knowledge about international law, but you will also be able to reflect critically on this knowledge and interpret it. Particularly you will come away with the ability to be an independent learner and to communicate this independent learning to others.

COURSE STRUCTURE

This course may be structured slightly differently than other classes you are used to. My focus is on working with you to gain knowledge, build values and work on skills that you will need in your future (see B Coplin, 10 Things Employers Want You to Learn in College [Berkeley: 10 Speed, 2012]). I want you to see that you have gained substantive knowledge but also the ability to apply that knowledge in a meaningful way – in ways that you can apply to other classes, that you can use in your own research, and that are transferable to the job market. As with all your classes, I will expect that you will have read the materials before class and watch any explanatory videos I may post. You must also do the reading review for each substantive class. After this, to make the best use of your time (and my time) I will give you an overview of the material and open class up to your questions on the main concepts in the readings and I will also ask you to tell me what you found difficult or challenging. This should take about an hour. We will then use the rest of class to work in groups (that you will sign up for on the first class). You will work on exercises and problems to apply the readings. This group work will lead to group written assignments and these written assignments will contribute to your individual final assignment. This will allow us to work on the learning outcomes for the class and for you to build valuable skills.

LEARNING OUTCOMES

Content

By the end of this course you will gain an **understanding** of basic concepts and principles of international law and **knowledge** of the subject matter of international law. You will be able to **explain** and **interpret** this information and **recall** this information when required during this course. This course will prepare you to take other courses in international law.

Skills

By the end of this course, you will be able to take **responsibility** for your learning in public international law. You will be able to **identify** relevant sources, conduct independent **research** on the web and through library holdings and databases and you will be able to **communicate** this research orally (in group work and in class discussions) and in writing (formal written assignments, and informal communication in class). You will also learn skills to **coach** other students through this process, eventually **modeling** these skills. This will often require you to **work** with other students in pairs or teams and to communicate to me their results both in person and in writing.

Values

By the end of this course you will be able to **evaluate** the strengths and weaknesses of arguments in public international law. You will be able to **assess** the effectiveness of these arguments by a variety of techniques including **critiquing**, **comparing** and **defending** various viewpoints, and ultimately you will be able to make **recommendations** as a result of these arguments. You will also be able to **characterize** this information as it applies to new contexts. You will be able to organize your thoughts and you will change your opinions as you develop your thoughts. You will also be able to breakdown these arguments by identifying **assumptions**, **key components** and **internal relationships** in these arguments. You will then be able **apply** these insights to your own original analysis through research.

As you can see I have a lot more emphasis on skills and values. I am confident that, at this stage of your education you have the skills and ability to gain a lot of the substantive knowledge on your own. Where I can add value to your learning is by helping you with areas of difficulty, clarifying concepts and coaching and mentoring you in the skills and values. Please don't hesitate to talk to me if you have any questions or concerns about this approach, I'll be happy to discuss this with you.

COURSE HINTS

My goal for this course is provide you with the knowledge, skills and values (and enthusiasm) to allow you to achieve your best results. So here are some tips for how to do this...

1. Questions: **If you are unsure please ask.** That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. Also, there are many great services available on campus that can provide you with advice, for example there is the Writing Tutorial Service, the Student Academic Success Centre, and the Learning Commons. Please ask me about any of these services.
2. E-mail policy: **I'm always happy to answer e-mails.** I check my e-mail regularly from 8 am to 6 pm (Monday to Thursday) and 8 am to 4 pm on Fridays. I do not check my e-mail regularly after these hours during the week or on the weekend and on holidays. If you send me e-mail during the week I will try to reply to it that same day and after these hours I'll try to reply the next day. If you send me e-mail on the weekend you can expect a reply on Monday.
3. How to address me: I am happy to answer to my formal title, **Professor Appel Kuzmarov**, in class and in e-mails. Betina or Miss is not appropriate in this professional setting.

4. Contesting a grade: If you think you have a reason to contest a ⁴grade on an assignment please follow this procedure. First, wait a week and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Second, contact me with your concerns by e-mail (it helps to set them out in writing) and then set up an appointment to discuss your concerns with me. At this time we'll make arrangements for you to provide me with the graded paper. I am always happy to change grades for valid reasons, but requesting to have your grade reviewed can mean that **your grade may go down**, so please keep that in mind.

TEXTS

The text for this course is: **MN Shaw, *International Law*, 7th ed (CAMBRIDGE, CUP 2014)**. It has been ordered for you through Haven Books, which is located at 43 Seneca St., Ottawa, ON, K1S 4X2. Their website is <http://havenbooks.ca/new/> for further information or to contact them directly. I will also make some additional readings available on ARES.

EVALUATION

The evaluation for the course will be broken down as follows:

Evaluation	%	Due Date	Learning Objectives
Reading Reviews	30%	Each week (10 tests of 3% each)	Understanding, Knowledge, Recall
Group Assignments/ Exercises	40%	Due specific weeks in the semester See weeks noted on syllabus below	Evaluate, Assess, Defend Work, Apply, Characterize, Model, Coach
Briefing Note	30%	December 9, 2016	Evaluate, Assess, Defend, Recommend

READING REVIEWS (10 Reviews of 3% each)

Reading previews will be posted on CU Learn on the Monday BEFORE each class and must be **COMPLETED BEFORE** Thursday evening at 11:59 pm. There will be 10 reviews, one in each week covering the readings assigned for the classes of September 15, 2016. - -November 25, 2016. The reviews must be completed **INDIVIDUALLY** before each class. They will consist of 6 multiple choice questions on each week's readings. They are designed to review your understanding, knowledge and recall of the materials before each class.

GROUP ASSIGNMENTS/ IN CLASS EXERCISES (4 Assignments of 10% each or 40% total)

In our first class we will, as a class, pick a theme for our group-based work for the semester. This theme will form the basis of a treaty negotiation exercise that we will conduct throughout the semester. You will also (at the same time) sign up to be part of a group that you will work with for the entire semester and your group will pick A STATE you will represent at all aspects of the group assignments and in class exercises. The specific exercises can be found on the syllabus under each class. You will also be asked, in advance of four of these exercises, to prepare as a GROUP assignment (listed below) to make sure you are ready for the exercises. You will receive a group mark for these assignments and you will be expected to hand these documents by CU Learn before the start of each class in which they are due. For these group assignments collaboration is permitted and required as I expect each group member to participate in the project, follow direction and help in the research and preparation of work. Each group member should help meet deadlines, communicate with group members as necessary and you add to the group by having a positive attitude. I will rely on you to approach me if conflicts arise that you can resolve.

Assignments should be in a memo format and can be no more than 2 pages in length, double-spaced, in Times New Roman, 12 point font. All assignments must include footnotes and a bibliography in legal citation style. Footnotes count towards the page length your bibliography does not.

Assignment 1: DUE OCTOBER 7 TREATY BRIEF

Please answer these three questions:

Does your state support negotiating a treaty on the topic we have chosen?

Why or why not?

If you do not support a treaty, what would you suggest be done instead? And if you do support a treaty what elements do you think need to be included in this treaty?

Assignment 2: DUE OCTOBER 21 STATEHOOD BRIEF

Please answer these three questions:

How does your state meet the criterion of statehood?

When did it become a state?

Are there any issues related to statehood that are particular to your state?

Assignment 3: DUE NOVEMBER 4 TREATY IMPLEMENTATION BRIEF

Please answer these three questions:

What steps would your state need to take implement/ratify the treaty we are negotiating?

Are there any challenges to ratifying this treaty?

How would you propose overcoming these challenges?

Assignment 4: DUE NOVEMBER 18 ISSUES BRIEF

Please answer the following three questions:

What is your group's final negotiating position on the treaty?

What are your main issues for concern?

What are you willing to negotiate on? What are your non-negotiable issues?

Each group assignment will be marked according to the following criteria

Criteria	Weight
Answers are supported by evidence and are clear	/2
Sources are used accurately and appropriately	/2
Answers display an understanding of the country in question and its unique challenges	/2
Answers are well organized and the assignment has a clear structure that the reader can follow	/2
Answers use proper grammar and spelling and all sources are referenced properly	/2

Group work helps you learn to work in an environment that is much closer to the way many workplaces function. Cooperation and collaboration will allow you to work in teams, apply information, characterize that information and then model behavior, coach others while evaluating, assessing, and defending your positions. This will give you a deeper learning experience of the materials.

BRIEFING NOTE (40%)

For your final assignment you will prepare an **INDIVIDUAL** briefing note for the country you have researched as part of your group work. This final work must be yours alone, as otherwise this is unauthorized collaboration. However, in writing your briefing note you may use the **ORIGINAL SOURCES** your group used in your research. You **MAY NOT** use parts of your group assignment. In your Briefing Note, you are preparing a minister in your State's government to head into treaty negotiations on our class theme. Your job is to prepare a memo of no more than 8 pages in length (double spaced, 12 point font, Times New Roman) that sets out:

1. The background to the Treaty; .5 page
2. Establishing your State’s standing and credentials to participate in the Treaty; 1 page
3. Establishing the issues at stake in this treaty. 1 page
4. Setting out your assessment of your State’s position on this issues. 4 pages
5. Your understanding of how the treaty will be implemented in your State. .5 page
6. Your overall assessment of the viability of the treaty and treaty negotiations 1 page

All assignments must include footnotes and a bibliography in legal citation style. Footnotes count towards the page length your bibliography does not.

Each briefing note will be marked according to the following criteria:

Criteria	Weight
Brief is supported by evidence and is clear	/6
Sources are used accurately and appropriately	/6
Briefs display an understanding of the country in question and its unique challenges	/6
Briefs are well organized and the assignment has a clear structure that the reader can follow	/6
Briefs use proper grammar and spelling and all sources are referenced properly	/6

The Briefing Note will help you to see that the writing and communications skills you are learning in University are directly transferrable to your future work. The ability to evaluate information independently, asses that information, apply it and then defend your choices are key skills you learn in university.

GENERAL ASSIGNMENT TIPS:

ALL ASSIGNMENTS MUST BE HANDED IN ON THE DUE DATE THROUGH cuLEARN. Late assignments will be penalized at a rate of 10% of your mark per day (including a weekend deduction). Please note that for all evaluations marks may be deducted for spelling, grammar and style.

I take plagiarism very seriously. Any ideas you include in your work that are not original to you must be properly referenced. I will explain further in class about what plagiarism is and what academic integrity means at Carleton, but as a good first step you should familiarize yourself with the Department’s policies on proper referencing and citation. Also, you should take a look at the University’s Academic Integrity Policy and the Library’s web page on plagiarism.

To create a consistent and fair policy I grant extensions only in the circumstances approved by the Registrar’s Office, and only for the period up to the due date. If you think you may require an extension please see me BEFORE the assignment is due and I will be able to consider your request. Also, I cannot accept assignments AFTER the assignment has been returned to students (approved extensions aside). If you have not submitted your assignment by the time it is returned you will not receive a grade, and this is important because ALL assignments must be completed to receive a passing grade in this course.

You should also note that I determine standing in the course but my determination is subject to the approval of the Faculty Dean. This means that ALL GRADES (on specific assignments and/or final grades) submitted by me may be revised. No grades are final until the Dean has approved them. This means your grades posted on cuLearn and recorded on your assignments/exams can change at any time until the Dean approves your final grade.

COURSE SYLLABUS:

- September 9 INTRODUCTION (Including Group Assignment)**
- September 16 WHAT IS INTERNATIONAL LAW?**
 Reading: Shaw, Ch 1 (Pp.2-10) and 2
 In Class: How do negotiations work? Introduction to group work.
- September 23 * THE SOURCES OF INTERNATIONAL LAW**
 Reading: Shaw Ch. 3
 D Shelton, "International Law and Relative Normativity" in M Evans, *International Law*, 4th ed (Oxford, OUP) 137.
 In Class: Treaty Subject Matter Intro/Why a treaty?
- September 30 TREATIES**
 Reading: Shaw, Ch. 16
 "Reading a Multilateral Treaty." In SV Scott, *International Law in World Politics: An Introduction*, 2nd ed, (London: Lynne Rienner, 2004) 143.
 In Class: Conference Planning/Prep Treaty Brief
- October 7 STATES**
 Reading: Shaw, Ch. 5 (Pp. 144-158), Ch 9
 A Anghie, "Finding the Peripheries: Sovereignty and Colonialism in 19th Century International Law" (1999) 40 Harv Int'l L J 1.
 In Class: Opening Ceremony/Presentation of Credentials
 Due: Treaty Brief
- October 14 NON-STATE ACTORS AND INTERNATIONAL LAW**
 Reading: Shaw, Ch. 5(Pp. 175-193), Ch. 8
 JJ Paust, "Non-State Actors Participation in International and the Pretense of Exclusion" (2011) 51:4 VA J Int'l L 977.
 In Class: Negotiation: Non State-Actor Participation/Prep Statehood Brief
- October 21 INTERNATIONAL LAW AND DOMESTIC LAW**
 Reading: Shaw, Ch. 4
 K Knop, "Here and There: International Law in Domestic Courts" (1999-2000) 32 NYU J Int'l L & Pol 501.
 In Class: Negotiation: Domestic Interests and Treaty Negotiations/ Prep Treaty implementation Brief
 Due: Statehood Brief
- October 28 Reading Week (No Class)**
- November 4 INTERNATIONAL HUMAN RIGHTS LAW**
 Reading: Shaw, Ch 6.
 M Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights." (2001) 42:1 Harvard International Law Journal 201.
 In Class: Regional Human Rights Organization Exercise
 Due: Treaty Implimentation Brief

- November 11 INTERNATIONAL LAW ON THE USE OF FORCE**
 Reading: Shaw, Ch. 20, (Pp. 814-841) Ch.21
 D Kennedy, "Reassessing International Humanitarianism: The Dark Sides." In A Orford, ed, *International Law and Its Others*, 131–55. Cambridge: CUP, 2006) 131.
 In Class: Jus Ad Bellum/Jus In Bello Exercise/Prep for Issues Brief
- November 18 INTERNATIONAL INVESTMENT LAW**
 Readings: S. S Subedi , "International Investment Law" in M Evans, *International Law*, 4th ed (Oxford, OUP) 727.
 In Class: Structural Adjustment Exercise/Group Work Debriefing
 Due: Issues Brief
- November 25 INTERNATONAL INSTITUTIONS**
 Readings: D Akande, "International Institutions" in M Evans, *International Law*, 4th ed (Oxford, OUP) 240.
 In Clases: UN Reform Exercise/Final Assignment Q & A / Final Assignment Peer Review
- December 2 JURISDICTION**
 Readings: Shaw, Ch. 12
 S Pahuja, "Laws of Encounter: A Jurisdictional Account of International Law" (2013) 1:1 London Rev Int'l L 63
 In Class: Course Wrap Up/Thank Yous
- December 9 BRIEFING NOTE DUE**