

Course Outline

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<b>COURSE:</b>	<b>LAWS 2601 B – Public International Law</b>
<b>TERM:</b>	<b>WINTER 2019</b>
<b>PREREQUISITES:</b>	<b>1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays, 6:05 – 8:55 p.m. Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Dr. Trevor Purvis</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: Wednesdays 2:35 – 5:00 p.m. Telephone: 613-520-2600, ext. 3673 Email: trevor_purvis@carleton.ca</b>

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**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 introduces students to core concepts of public international law. We examine the emergence of these ideas, situating them in respect to their historical development, the geopolitical realities they have mediated, and the institutions and instruments through which they have been/are realized and/or contested. At the end of the course, students should be well acquainted with these ideas and their contexts. Just as importantly, students will also be expected to appreciate the ways public international law has been shaped by, and has itself contributed to the shaping of, various social, economic, and political aspects of a world that is being transformed by the forces of ‘globalization’, the geo-political restructuring of the post-Cold War era, and the myriad challenges to core aspects of the post-WWII international legal order since 9/11 and the advent of the “Global War on Terror.”

**REQUIRED TEXTS**

The one compulsory text is:

Shaw, Malcolm (2014) *International Law* (7th ed.) Cambridge: Cambridge University Press.

Books have been ordered through the University Bookstore, but as the order was late, there is some confusion as to when it will arrive. When it does, it may arrive in the 8<sup>th</sup> edition. For our purposes, the 6<sup>th</sup>, 7<sup>th</sup> or 8<sup>th</sup> editions should effectively meet our purposes. The Library has full online access to the 6<sup>th</sup> edition. You should be able to find used copies of the 7<sup>th</sup> edition. I’d strongly suggest trying Haven Books on Sunnyside.

**SUPPLEMENTARY TEXTS**

I also strongly recommend reading Byers, Michael (2007) *War Law: Understanding International Law and Armed Conflict*. New York: Grove/Atlantic. Because of printing issues with the publisher, Octopus cannot order large numbers for the course. You can, however, find new copies through Amazon.ca, or better yet, second-hand copies (cheap) online at abebooks.com. It is not a required text, but is very worthwhile as a supplement to the core course readings from Shaw.

**EVALUATION**

**(All components must be completed in order to get a passing grade)**

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.

All other articles, cases and treaty materials can be found either on CULearn or online.

**Course Evaluation:**

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|----|--|------------|
| 1. | <b>One case study, due in class (at the beginning of class),<br/>February 26, 2019</b><br>(Roughly 3000 words before footnotes & bibliography) | <b>40%</b> |
| 2. | <b>Final Exam</b>  | <b>60%</b> |

**A Note on Case Studies**

These should take the form of a brief critical paper. The final product should demonstrate a thorough reading of the case and an ability to extract, contextualize and evaluate its most crucial elements.

The purpose of this exercise is to give you (and you should demonstrate):

1. an understanding of the historical and theoretical backdrop against which the case emerged;
2. a clear grasp of the key concepts at play in the case;
3. an understanding of the importance of the case to international law;
4. an appreciation of the possible future implications for international law in the principal areas touched on in the case.

There is NO winning 'formula' for this paper. You are expected to read with care, and thoughtfully discuss the case, its foundations, and its implications. But you must always bear in mind that this is a course in public international law. So whatever 'approach' you take to the paper must be able to significantly engage the principal concepts of international law at stake in the case.

You should be able to write an excellent paper with just the case assigned and the course text. A careful reading of each should offer you enough material to write a top-notch paper. That being said, this term's assigned case has given rise to a very significant literature. Should students wish to incorporate other materials external to the required course readings, you are encouraged to do so. It is, however, not required. And note, long bibliographies are no substitute for serious engagement.

This term's case study will focus on the International Court of Justice's 2004 advisory opinion regarding Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

The case is available for download on CULearn

I will offer more comments on the assignment in the lectures.

**Papers should be printed and submitted in class.** DO NOT submit papers via email, and NEVER leave papers under my office door. If unable to submit papers in class, please submit them in the Departmental drop-box outside the Law Department's main office (C Tower, 4<sup>th</sup> floor of the Loeb Building). Papers submitted through the drop-box are date stamped at the end of the working day.

**Note: Unless accompanied by a medical certificate late papers will be penalized one grade-point for each day they are submitted beyond the due date** (i.e. a B- will be assigned a C+ if submitted one day late).

**You are strongly advised to regularly back up working files and to retain a copy of all papers submitted.**

All submitted work must be original! Papers should be properly referenced. Either in-text or footnote citations are acceptable, just ensure you use one citation method, and do so consistently. Each paper *must also include a complete bibliography* of all materials cited, regardless of whether bibliographic details are provided in footnotes. For guidance on these issues you may either refer to a style guide or use a book or an article as a guide. *Thoroughness and consistency* should be your aim. Students are also responsible for familiarizing themselves with the Departmental Policy and Procedure, most particularly in relation to regulations regarding due dates and plagiarism, as well as the University's general regulations regarding instructional offences.

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.

## **SCHEDULE**

### **WEEK 1 – JANUARY 8, 2019**

#### **INTRODUCTION**

### **WEEK 2 - JANUARY 15, 2019**

#### **HISTORY OF THE DISCIPLINE/INTERNATIONAL LAW AND THE DOMESTIC ORDER**

##### **REQUIRED READING:**

Shaw, Chs.1, 2 &4

Neff, Stephen C. (2006). A Short History of International Law. In M. D. Evans (Ed.), *International Law* (Second ed., pp. 29-55). Oxford: Oxford University Press. Available online at:

<http://9jalegal.com.ng/downloads/Cases/International%20Law/A%20Short%20History%20of%20International%20Law%20Stephen%20C%20Neff.pdf>

### **WEEK 3 – JANUARY 22, 2019**

#### **THE SOURCES OF INTERNATIONAL LAW**

##### **REQUIRED READING:**

Shaw, Ch.3

### **Week 4 – JANUARY 29, 2019**

#### **International Legal Personality/Subjects of International law**

##### **Required Reading:**

Shaw, Ch.5

*Montevideo Convention on Rights and Duties of States*  
*Universal Declaration of Human Rights*

**Week 5 – February 5, 2019**

**Limitations on the Use of Force I *jus ad bellum***

**Required Reading:**

Shaw, Chs.20& 21

Supplementary: Byers

**Week 6 – February 12, 2019**

**Limitations on the Use of Force II *jus in bello***

Shaw, Chs.21&22

Supplementary: Byers

**Week 7 – February 19, 2019**

**Reading Week – No class**

**Week 8 – February 26, 2019**

**INTERNATIONAL PROTECTION OF HUMAN RIGHTS/INTERNATIONAL CRIMES**

**REQUIRED READING:**

Shaw, Chs. 6 & 8

*Universal Declaration of Human Rights*

*Rome Statute of the International Criminal Court*

*Principles of the Nuremberg Tribunal*

**Week 9 – March 5, 2019**

**Recognition & Territory**

Shaw, Chs.9&10

**Week 10 – March 12, 2019**

**Jurisdiction over Territory and Persons/Immunity from Jurisdiction**

**Required Reading:**

Shaw, Chs.12&13

**Week 11 – March 19, 2019**

**State Responsibility/State Succession**

**Required Reading:**

Shaw, Chs.14&17

**Week 12 – April 2, 2019**

**THE LAW OF TREATIES**

**REQUIRED READING:**

Shaw, Ch.16

*Vienna Convention on the Law of Treaties*

**Week 13- April 9, 2019**

**SUMMARY**

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**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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**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](mailto: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) [www.carleton.ca/pmc](http://www.carleton.ca/pmc)

### **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/>

### **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: [carleton.ca/sexual-violence-support](http://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:  
[students.carleton.ca/course-outline](http://students.carleton.ca/course-outline)

**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/>