

Course Outline

COURSE: LAWS 2601 C – Public International Law

TERM: WINTER 2021

PREREQUISITES: 1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000

CLASS: Day & Time: Mondays from 2:35 pm to 5:25 pm (EST – i.e. Ottawa time)

Course Format: Asynchronous online delivery. Each week’s pre-recorded lecture will be released at the above time to cuLearn, and available to view afterwards.

INSTRUCTOR: Dr Sean Richmond

CONTACT: Office: D497 Loeb Building
Office Hrs: Virtual “office hours” Thursdays 2pm - 4pm or by appointment
Telephone: 613-520-2600 x. 2082
Email: sean.richmond@carleton.ca

Note: please use your Carleton account for email communication. 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 TAs during regular business hours, and well in advance of assessment dates. All times listed here are Eastern Standard Time.

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, court cases, and short video clips will also be employed to help students critically analyze and apply the theoretical perspectives and legal rules that they learn to the real world of foreign affairs. Respectful and thoughtful class discussion and questions (e.g. through cuLearn) will be encouraged throughout the term. Guest speakers from government and non-governmental organizations will provide additional insight on contemporary issues such as Canada’s Arctic policy, and the law of armed conflict. 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 ideas and 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 in world affairs, and the inequalities associated with it;
- 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.

COVID-19: LEARNING AND TEACHING CHALLENGES

Throughout the term, please remember that the unprecedented situation caused by COVID-19 creates potential learning and teaching challenges for students, instructors and Teaching Assistants (e.g. access to technology; potential child and elder care responsibilities; less opportunity for connecting with each other and our support networks; possible financial hardship and mental health; work space; different time zones, etc.).

As we navigate these challenges together, and do our best to teach and learn online, please remember to be patient and understanding with yourselves and others. If you have a question or need help, you are warmly encouraged to reach out to me, your TA, or the many other support services provided by Carleton: <https://carleton.ca/student-support/wp-content/uploads/Student-Referral-Form-with-Map.pdf>

HOW TO SUCCEED WITH ONLINE LEARNING

Taking courses online can be difficult, so here are a few tips that will help you succeed:

Stay on top of the course schedule: watch the recorded lectures during the week they are released, take notes, and review the lectures and your notes leading up to the mid-term and final exam. Set up a viewing schedule for yourself, ideally the existing time slot for this course (Monday 2:35 pm - 5:25 pm) or another regular time that works. A consistent viewing schedule will help ensure you keep up with the material, and get the most out of the course. It will also help you manage multiple online courses and commitments.

Watch the whole lecture: the lectures include important content from the instructor, but also interesting class discussions, student questions, exciting guest speakers, practice problems, video clips, and advice about the assignments and exams. So try your best to watch the whole recording. ****Note: we have worked hard with CUOL to edit the lectures so they are ready for this year. But please be patient if we missed something (e.g. wrong due dates), and let us know. I will then send a class update via cuLearn.****

Stay on top of the readings and quizzes: read the assigned readings in advance of the relevant lecture, and take notes or flag questions. There are five short online reading quizzes – described below – to complete throughout the term that will help you stay caught up. Try your best to complete the quizzes.

If you have questions, please ask! Your TA and instructor are happy to respond to email, and if you need a more thorough explanation, you are warmly encouraged to connect with us by phone or Zoom audio during the virtual “office hours” or by appointment (e.g. for international students in different time zones).

Manage your expectations: this course was designed for online delivery, and offers flexibility that many students will appreciate. But online courses can also be challenging. The level of interaction will not be comparable to traditional in-person classes, and you will need to work harder to stay organized and motivated. Understanding these limits will help you avoid frustration, and get the most out of the class.

REQUIRED TEXTS

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

Hard copy is available for purchase or rent from the Carleton bookstore. E-version is also on reserve through the university library and Ares link on the course website.

In addition to this book, further required readings and case studies 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.

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

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

To help ensure a positive online learning experience, it is imperative that students regularly check the course website and read the update emails sent by the instructor and TAs. If you have questions about how to use cuLearn, there is a support site for students: <https://carleton.ca/culearnsupport/students/>

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 learning aims described earlier, performance in the course will be evaluated as follows:

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|---|-------------------|
| 1. Five online reading quizzes for weeks 2, 4, 7, 9, and 11 | 15% (5 x 3% each) |
| 2. Case brief - due Tuesday February 9 by 5 pm | 20% |
| 3. Take-home mid-term exam - due Tuesday March 2 by 11 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, 7, 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 Wednesday at 12 pm the week before the applicable lecture, until 2 pm on the day of the lecture (Monday).

For example, the first quiz for week 2 readings will be available from Wednesday January 13 at 12 pm, until Monday January 18 at 2 pm. The second quiz for week 4 readings will be available from Wednesday January 27 at 12 pm, until Monday February 1 at 2 pm. The third quiz for week 7 readings will be available from Wednesday February 17 at 12 pm, until Monday February 22 at 2 pm.

The fourth quiz for week 9 readings will be available from Wednesday March 3 at 12 pm, until Monday March 8 at 2 pm. The fifth and final quiz for week 11 readings will be available from Wednesday March 17 at 12 pm, until Monday March 22 at 2 pm.

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. The provision of 20 minutes is meant to accommodate students who may need extra time for assessments, and to allow all students adequate time to think about the questions and their answers. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the quiz in 10 minutes.

Because the timing of the quizzes is already flexible, missed quizzes cannot be retaken. Please do not ask to do so. However, the final quiz grade will be based on your best four completed quizzes. This means that you can miss one, for whatever reason, without penalty. You do not need to inform the instructor if you do miss a quiz, as the "best four" policy will be implemented when final marks are being calculated. Further information about the quizzes will be provided in the lectures.

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 the lectures, and students will be given a marking rubric on Monday January 18 that reflects the above instructions. The brief will be due **Tuesday February 9 by 5 pm**, 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, briefs submitted past the due date will incur a late penalty of -1 mark (out of 20) per day, including weekends.

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 Monday March 1 at 11 am. Completed responses are due 36 hours later by **11 pm on Tuesday March 2**. They will be submitted online through cuLearn. As requested by students in prior years, there will be no lecture on Monday so that you can use this time to work on the mid-term.

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 the lectures.

4. Final exam:

The final exam is worth 40% of the overall grade. It will be completed online through cuLearn, and held during the exam period of April 16 to 27, 2021. The exact date and time will be scheduled by Examination Services later in the term. Until then, please keep this exam period clear in your schedules.

The exam will be two hours long, and will comprise multiple-choice 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:

January 11, 2021 - Winter term classes begin

February 15-19, 2021 - Winter Break – No Classes

April 2, 2021 - Statutory holiday - University closed

April 14, 2021 – Last day of winter classes and classes follow a Friday schedule

April 15, 2021 – No classes or examinations take place

April 16-27, 2021 – Formally scheduled final exams

Please note that the following schedule may change slightly as the term progresses. Any changes will be announced via cuLearn.

Week 1: Monday January 11, 2021

Course Overview

Required reading: the course syllabus

Week 2: Monday January 18

Introduction: the Nature of International Law

Required reading: Currie, chapter 1

*Note: the first quiz for week 2 readings will be available from Wednesday January 13 at 12 pm, until Monday January 18 at 2 pm.

Week 3: Monday January 25

Sources of International Law: Custom

Required reading: Currie, chapters 3 (pages 80-83, 95-99) and 5 (pages 185-199)

Week 4: Monday February 1

Sources of International Law: Treaties

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 Wednesday January 27 at 12 pm, until Monday February 1 at 2 pm.

Week 5: Monday February 8

The Use of Force

Required reading: Currie, chapter 11 (pages 448-450, 458-462, *469, 482-492, *498-504, 508-512)

*Note: the case brief is due Tuesday February 9 by 5 pm.

Week 6: Reading Week is February 15-19

There are no classes this week

Week 7: Monday February 22

International Legal Personality: The Subjects of International Law

Required reading: Currie, chapter 2 (pages 21-40, and 56-61)

*Note: the third quiz for week 7 readings will be available from Wednesday February 17 at 12 pm, until Monday February 22 at 2 pm.

Week 8: Monday March 1*Take-home mid-term - No lecture*

*Note: the mid-term will be uploaded to cuLearn on Monday March 1 at 11 am. Completed responses are due 36 hours later by 11 pm on Tuesday March 2.

Week 9: Monday March 8*Law of the Sea and Outer Space*

Required reading: Currie, chapter 7 (pages 286-290, 297-298, 304-314, 318-324)

Guest Speaker: Alison Mitchell, Nordic and Polar Relations Division, Global Affairs Canada

*Note: the fourth quiz for week 9 readings will be available from Wednesday March 3 at 12 pm, until Monday March 8 at 2 pm.

Week 10: Monday March 15*International Law of Armed Conflict*

Required reading: David Turns, "The Law of Armed Conflict", ch. 27 in Evans (ed.), *International Law*, available through Ares library reserve link on course website.

Guest Speaker: Catherine Gribbin, Senior Legal Advisor, IHL for the Canadian Red Cross

Week 11: Monday March 22*International Court of Justice*

Required reading: Ian Hurd, "International Court of Justice", ch. 8, in *International Organizations: Politics, Law, Practice*, available through Ares library reserve link on course website.

*Note: the fifth and final quiz for week 11 readings will be available from Wednesday March 17 at 12 pm, until Monday March 22 at 2 pm

Week 12: Monday March 29*International Criminal Law*

Required reading: Ian Hurd, "International Criminal Court", ch. 9 in *International Organizations: Politics, Law, Practice*, available through Ares library reserve link on course website.

Week 13: Monday April 51) *The United Nations*

Required reading: none

2) *Conclusion and Course Review*

Required reading: review your notes and send questions to your TA and the instructor

*Note: to ensure students have adequate time for exam study, the Conclusion and Review lecture will also be released this week.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Religious 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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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>

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://studentsupport/svpolicy>

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://students.carleton.ca/services/accommodation/>

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

REQUESTS FOR EXTENSIONS

In recent years, requests have been increasing for extensions that do not meet one of the recognized Academic Accommodation categories above. When responding to such requests, instructors aim to support the individual circumstances of each student, while also maintaining fairness to other students and academic integrity for our courses. Please keep this in mind if you are considering requesting an extension.

Such requests are determined by the instructor, who will confirm whether the request is granted and, if so, the length of the extension. For requests less than seven days, please complete the self-declaration form below, and submit it to the instructor and your TA *prior* to the assignment due date:

<https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

Extensions longer than seven days will normally not be granted. In those extraordinary cases where more

time is needed, the student must provide additional information to justify this (up to a maximum of 14 days).

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/>