

Course Outline

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| COURSE: | LAWS 3604-B – LAW OF INTERNATIONAL ORGANIZATIONS |
| TERM: | WINTER 2021 |
| PREREQUISITES: | <u>LAWS 2601</u> and 0.5 credit in LAWS at the 2000 level or <u>PAPM 1000</u> . |
| CLASS: | Day &Time Friday 14:30-17:30 All courses during the Winter 2021 semester will be delivered online. The lectures in this course will be delivered “live” online every week during our regularly scheduled class time using the Zoom conferencing platform |
| INSTRUCTOR: (CONTRACT) | Tara Ashtakala |
| CONTACT: | Office: Room B442 Loeb Building Office Hrs: By appointment Telephone: 613-520-3690 Email: Tara.Ashtakala@carleton.ca |

CALENDAR COURSE DESCRIPTION

Nature, character, legal status and jurisdiction of intergovernmental international organizations. Rights and duties of states arising from membership in international organizations. Distinction between international and supra-national institutions, including in times of crisis.

COURSE DESCRIPTION

The notion that human beings are better equipped to survive and to meet their needs collectively, rather than individually, has been embraced by international law, so much so that a separate branch, dealing with the norms, principles and rules of international organizations, has been elaborated. Solving global problems is beyond the capacities of individual States under general international law, and so governments have found it efficient to delegate the administration of their international legal and juridical relations to bodies that they create. Those creations, however, can take on a legal life of their own that was not anticipated by the traditional, primary subjects of international law; thus, international law and lawyers need to observe whether international organizations can claim greater space as subjects of international law and, ultimately, whether other non-State actors will be able to exploit that opening

as well. This course will examine the origins, structure, types, powers, obligations, responsibilities and immunities of international organizations, primarily through the case law, in this *lex specialis* of public international law.

REQUIRED TEXTS

You will need to purchase the online textbook for LAWS 3604 B, provided by the Top Hat classroom response system. You will be sent an email invitation at the beginning of the semester that contains the links to enroll.

This interactive online resource contains text, the links to all assigned readings and questions after every assigned reading. **You will be able to write lecture notes in the online textbook itself, using Apple or Android smartphones and tablets, laptops, or through text message. You will receive 5% of your final mark in the course for participation by attempting to answer the questions in the text .** The correct answers will be discussed during lecture.

The purchase cost consists of the text “Law of International Organizations” as well as the subscription fee for the Top Hat system.

You can visit the Top Hat Overview (<https://success.tophat.com/s/article/Student-Top-Hat-Overview-and-Getting-Started-Guide>) within the Top Hat Success Centre, which outlines how you will register for a Top Hat account, as well as providing a brief overview to get you up and running on the system.

Should you require assistance with Top Hat at any time, due to the fact that they require specific user information to troubleshoot these issues, please contact their Support Team directly by way of email (support@tophat.com), the in app support button, or by calling 1-888-663-5491 or by the online chat function.

COURSE DELIVERY:

- The text for each chapter in the interactive text indicates readings to be done ahead of lecture and contains questions that help the student focus on the most important concepts from each reading.
- **Lectures will be delivered synchronously via Zoom, at the time and on the day indicated above for the particular course section. It is during lecture that the answers to the pre-lecture questions in the text will be discussed.**
- **Case study exercises, involving groups discussions, will also be conducted during the synchronous lecture session.**
- The synchronous portion of the lectures will be of approximately 2 – 2.5 hours duration.
- The presentation and research paper components of evaluation in the course will be submitted by students as per the deadlines indicated in the “Evaluation” section below.

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.

1. Audio-visual Presentation - 20% of final grade

- The task is to choose a global problem of interest to the student and to analyze the how a specific international organization addresses this problem
- Duration: 5 minutes.
- The video must be an **original** creation.
 - you can act out a skit with friends or film yourself portraying multiple characters
 - you cannot use illustration software
 - you cannot use existing clips or stock photos
- The first one-third of the video must:
 - Creatively illustrate and describe a global problem and how a selected international organization is attempting, but failing, to address it.
- The remainder of the video must describe:
 - the law by which the organization selected has, up to now, addressed the global problem.
 - the defects in relevant international law that are causing the problem; and
 - plausible solutions, based on law and case law, to improve the ability of the international organization to address the problem.

VIDEO SUBMISSION DATES: EMAIL ME THE YOUTUBE LINK FOR YOUR VIDEO BY THE FOLLOWING DATES:

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| ○ IF YOUR SURNAME STARTS WITH A: | JANUARY 29 |
| ○ IF YOUR SURNAME STARTS WITH B: | FEBRUARY 5 |
| ○ IF YOUR SURNAME STARTS WITH C: | FEBRUARY 12 |
| ○ IF YOUR SURNAME STARTS WITH D-H (incl): | FEBRUARY 19 |
| ○ IF YOUR SURNAME STARTS WITH I-J (incl): | FEBRUARY 26 |
| ○ IF YOUR SURNAME STARTS WITH K-M (incl): | MARCH 5 |
| ○ IF YOUR SURNAME STARTS WITH N-R (incl): | MARCH 12 |
| ○ IF YOUR SURNAME STARTS WITH S-T (incl): | MARCH 19 |
| ○ IF YOUR SURNAME STARTS WITH U-Z (incl): | MARCH 26 |

2. Term Essay - 30% of final grade

- essay due on **14 April 2021**; upload to CULearn
- Length: 12-15 pages double-spaced, proper legal citation and bibliography required
- **Canadian spelling only; this is not a joke.** if you are going to use spell-checking applications to review your text, you should first ensure that the language settings on your computer are set to Canadian (English or Multilingual Standard).
 - The task for the Term Essay is to conduct an in-depth scholarly examination of the problem outlined in the video, ie analyze the ability of an existing international organization to solve an international problem and propose solutions, based in international or domestic law, to improve the organization's ability to address the particular issue, supported by law and case law.

3. Open book final examination - 45% of final grade

- **To be scheduled during formal exam period: 16-27 April 2021.**

- the goal of the final exam is to apply the course content to 1) solve a legal problem for a fictitious international organization and to 2) thoroughly discuss a thematic issue

Please note that tests and examinations in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring/>.

4. Attempting/participation in questions in online text: 5% of final grade

LATE PENALTIES AND REQUESTS FOR EXTENSIONS:

- Penalties for late submission of assignments will be 1 point/mark per day. This is based on fairness to the class members who turned in the assignment on time.
- The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension.
- For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.
- **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

LECTURE TOPIC SCHEDULE

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| 15 Jan | Introduction: history and concepts basic to all international organizations Read: Introduction and Chapter #1 |
| 22 Jan | Legal Personality of International Organizations |

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| | Read: Chapter #2 |
| 29 Jan | Structure and Membership Read: Chapter #3 |
| 5 Feb | Legal Powers of International Organizations Read: Chapter #4 |
| 12 Feb | Decisions made by International Organizations Read: Chapter #5 : section I “Non-Judicial Decisions” only |
| 19 Feb | Winter Reading Week, no class. |
| 26 Feb | Decisions made by International Organizations Read: Chapter #5: section II “International Judicial Institutions” only |
| 5 Mar | Obligations of International Organizations Read: Chapter #6 |
| 12 Mar | Responsibility of International Organizations Read: Chapter #7 |
| 19 Mar | Immunities and Privileges of International Organizations Read: Chapter #8 |
| 26 Mar | The International Organization as Employer Read: Chapter #9 |
| 2 Apr | The Multinational Corporation Read: Chapter #10 |
| 9 Apr | Review of Course |

DIVERSITY AND INCLUSION IN COURSE CONTENT AND EXECUTION:

Lawyers need to be able to read statutes, in order to apply them in the courtroom. It is equally important to the success of a lawyer’s case to know what the statute does not say.

In international law cases, the litigants are primarily States and in the branch of public international law that covers international organizations, it is these particular non-State actors that are the primary subjects. Although organizations are comprised of individuals, the latter’s voices are subsumed by those institutions, particularly when those bodies are created by States to achieve their specific goals. Some organizations are less “international” than others, especially when the negotiations that led to the

creation of those institutions were dominated by the richer, more powerful countries. The appointment of eminent people from the developing world as administrative leaders and jurists of these international organizations has helped to some extent to represent their home countries or regions, but it is the legal challenges fought by international organizations to gain standing in international law for themselves that has more successful at cracking open the door for ordinary individuals to occupy greater space in public international law as a whole.

You will notice from this Outline that the vast majority of readings in this course are cases, from both international and domestic courts, rather than academic articles. I ask students to read case law so that we can together glean from it the basic concepts of the law of international organizations. It is whilst reading a case that students also have the opportunity to think critically about whose concerns are not addressed and about what impact that omission of voices has on the development of the basic concepts of international law that the whole international community operates by today; indeed, the questions in the pre-lecture notes for this course will require you to do so. It is also expected that students will include those insights in their presentation and research paper assignments, as well as express them in the honest, yet respectful, debates that comprise the live case study discussions following each lecture.

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

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

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) 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

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

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/>