

Course Outline

COURSE: LAWS 5603/INAF 5505 – International Law: Theory and Practice

TERM: Winter 2021

CLASS: **Day & Time:** This course is an online course where there is a mixture of synchronous meetings and asynchronous activities. This means students need to be prepared to meet some of the time online via web conferencing tools at scheduled days and times. We will have a live “Zoom” meeting on Mondays from 11:30-1:00. The asynchronous activities are intended to provide flexibility to students when the class is not meeting synchronously. Students are expected to remain up to date with the deadlines and due dates provided by the instructor. These courses require reliable high-speed Internet access and a computer (ideally with a webcam), and a microphone.

Room: All Courses in the Winter 2021 term are offered online. Please check Carleton Central for current Class Schedule.

INSTRUCTOR: Betina Kuzmarov
(CONTRACT)

CONTACT: **Office:** D495 Loeb

Email: betina.kuzmarov@carleton.ca

OFFICE HOURS: I will be holding office hours on Mondays from 1:00- 1:30 on Zoom or by appointment. For appointments please email me to book a time.

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

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 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>

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://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/>

Copyright

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copyright protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s). Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

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/>

Course Delivery Information

This course will be offered online using a hybrid approach.

The course will take place in the Brightspace Learning Management System as part of the Brightspace Pilot. You will be among the first students to experience the Brightspace environment. Brightspace is the digital learning environment that will replace cuLearn/Moodle at Carleton in May 2021. Brightspace can be accessed from a web browser on most internet-enabled devices, including laptops, Chromebooks, tablets, and smartphones, by going to: www.brightspace.carleton.ca

You can also access your Brightspace course through the regular cuLearn course link. Training materials and resources have been added there for you.

Login to cuLearn using your MC1 credentials. Click on the course link for your Winter 2021 course, read the information about Brightspace, review the introductory video to familiarize yourself with the Brightspace interface, and use the Brightspace link to login to your course in Brightspace.

The [Brightspace Pulse App](#) is also available for iPhone and Android devices. However, the App is best used to review grades and deadlines. The App is not the best way to review the course content. To explore course content, please use a web browser instead.

Brightspace Support is available via phone/email/chat 24 hours a day, 7 days a week, 365 days a year. Information about Brightspace Support is available in your cuLearn course in the FAQ and in the Brightspace course in the D2L support widget.

A Brightspace Student Support website will also be available in Winter 2021:
<https://carleton.ca/brightspace/students/>

For more information about Online Learning, including resources, strategies, and training modules, visit:
Carleton.ca/online/

COURSE DESCRIPTION:

This course is designed to provide an understanding of a variety of approaches to international law and the role these theories play in understanding and ordering international relations. To achieve this goal, this course will focus on one aspect of international law, the actors in international law. In order to achieve this understanding, the detailed reading of 5 books that approach the actors of international law from a variety of theoretical perspectives is required. These perspectives include but are not limited to; an introduction to international law, TWAIL, Feminist Perspective, and Marxism.

TECHNOLOGY:

This course will be run primarily through Brightspace and which include discussion boards, assignments, and links to materials for this course. As well, Brightspace, should be your first stop for questions about the course through our course discussion board. Additionally, for "in person" meetings we will use Zoom.

If you haven't used Zoom before download the app here. I will post additional "netiquette" instructions separately on Brightspace. As mentioned above, this course requires reliable high-speed Internet access and a computer (ideally with a webcam), and access to a microphone. Please contact me if any of these technical requirements are challenging for you.

COURSE STRUCTURE

This course may be structured slightly differently than other seminars 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 your 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 seminar classes, I will expect that you will have read the materials before class, and, given our format, that you have watched all the videos. After this, to make the best use of your time (and my time) I will ask you to submit a warm up exercise on the main concepts of the readings that you are supposed to answer before class and I will also ask you to tell me what you found difficult or challenging. In addition, once in the semester I will ask you to present to me (by video, in advance) a summary of one of the reading as it relates to our case study. One student will be tasked with responding to your presentation as a way to launch some in class discussion. This should take about one hour of our live class. We will use the last half hour of class to work on some problems or exercises related to the readings. The aim of this practical problem/exercise is to further apply the readings and to solve problems from the readings. This will allow us to use the learning outcomes to work on the skills and values outlined there. I will then wrap up with some "take aways" and in order to ensure that you have context for the next class. Please note that I will be assessing participation for this course. I know that people have varying comfort levels and ability to participate in our live sessions. So, participation will be evidenced by you asking questions or making comments in the chat during live sessions, participating in discussion fora on various topics and arranging to meet with me 1:1 for personal check ins twice during the semester.

LEARNING OUTCOMES:

Content

By the end of this course students will gain **understanding** of basic concepts and principles of international law and **knowledge** of the variety of theoretical approaches to international law. They will be able to **explain** and **interpret** these sources and **recall** this information when required during this course. This course will prepare students to take other graduate level courses in international law.

Skills

By the end of this course, students will be able to take **responsibility** for their own learning in public international law. They will be able to **identify** relevant sources, conduct independent **research** both on the web and through library holdings as well as databases. Students will be able to **communicate** this research orally (one on one, in groups and in presentations) and in writing (formal written assignments, and informal emails and updates to me). They will also learn skills to **coach** other students through this process, eventually **modeling** skills such as **peer editing**. This will often require students to **work** with other students in pairs or teams and to communicate with me about their results both in person and in writing.

Values

By the end of this course students will be able to **evaluate** the strengths and weaknesses of theoretical arguments in public international law. They will be able to **assess** the effectiveness of these arguments by a variety of techniques including **critiquing, comparing** and **defending** various viewpoints, and ultimately they will be able to make **recommendations** as a result of these arguments. They will also be able to **characterize** this information as it applies to new contexts. They will be able to organize their thoughts and when necessary they will change their opinions as they develop their thoughts. Students will also be able to breakdown these arguments by identifying **assumptions, key components** and **internal relationships** in these arguments. Students will then **apply** these insights to their own original analysis through original 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, 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 to your best. 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. I have set up a discussion forum for all course related questions. Please ask all of your course related questions there, because if you have the question, I am pretty sure someone else will also benefit from my answer. This is only fair. If your question is personal in nature, please don't hesitate to email me. 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/Brightspace policy: I check my **e-mail and Brightspace** regularly from **9 am to 5:00 pm Monday to Friday**. I do not check my e-mail or Brightspace regularly after these hours during the week or on the weekend and on holidays. If you send me an e-mail or contact me by Brightspace after these hours I'll reply no later than next day. If you try to get in touch with me on the weekend you can expect a reply by Monday.
3. Recording: **Zoom sessions in this course may be recorded** and made available to those within the class. Sessions may be recorded to provide access to students with Internet connectivity problems, students based in different time zones, and/or those who have conflicting commitments. If you do not wish to be recorded, then please leave your camera and microphone turned off. You will be notified at the start of the session when the recording will start, and Zoom will always notify meeting participants that a meeting is being recorded. I cannot disable this notification. Please note that recordings are protected by copyright. The recordings are for your own educational use, but you are not permitted to publish to third party sites, such as social media sites and course materials sites.
You may be expected to use the video and/or audio and/or chat during web conferencing sessions for participation and collaboration. If you have concerns about being recorded, please email me directly so we can discuss these.

4. How to address me: As this is a graduate level course, and I expect to learn as much from you as you do from me, I am pretty flexible on this. **I don't mind Betina**. If you don't like using first names, I am happy to answer to more formal titles, like Dr. Kuzmarov, in class and correspondence.

5. Contesting a grade: If you think you have a reason to contest a grade 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

Readings in this course can be found on Ares the system or on the Brightspace module for that week. If you don't see a reading or material on Brightspace, please check Ares. Ares will direct you to the library reserves for the readings. The materials for each week are set out week by week in the syllabus below.

The five main books we will be reading in this course are:

1. Roberts, Anthea. *Is International Law International?* Oxford: Oxford University Press, 2017.
2. Chimni, B.S. *International Law and World Order: A Critique of Contemporary Approaches*. Second edition. Cambridge: Cambridge University, 2017.
3. Pahuja, Sundhya. *Decolonizing International Law: Development, Universality and the Politics of International Law*. Cambridge: Cambridge University Press, 2011.
4. Heathcote, Gina. *Feminist Dialogues on International Law: Success, Tensions, Futures*. Oxford: Oxford University Press, 2019.
5. Clarke, Kamari. *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback*. Durham: Duke University Press, 2019.

All these books are available online.

EVALUATION

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

Evaluation	%	Due Date	Learning Objectives
Warm Up	16%	Eight Per Semester	Understanding, Knowledge, Recall Assess, Identify
Presentation	20%	One Per Semester	Communicate, Characterize, Evaluate
Response	20%	Two Per Semester	Evaluate, Critique
Literature Review	24%	April 12, 2021	Identify, Apply, Recommend
Class Participation	20%	Ongoing	Work, Characterize, Model, Coach

I'll provide more details on each of these evaluations, including grading rubrics, in an assignment package that will be available at the first class.

ALL ASSIGNMENTS MUST BE SUBMITTED to Brightspace by midnight ON THE DUE DATE. Please note that for written assignments marks may be deducted for spelling, grammar and style. Late Warm Ups will not be accepted and late Literature Reviews will be penalized at a rate of 10% of your mark per day (including a weekend deduction) and I will not (without prior agreement) accept late research memos.

Also, please note that all written work must be yours alone, as this is unauthorized copying, and any ideas you include in your work which are not original to you should be properly referenced, otherwise this is plagiarism. 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 standing in a course is determined by the course instructor 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 Brightspace and recorded on your assignments/exams can change at any time until the Dean approves your final grade

COURSE SYLLABUS:

WEEK 1 – COURSE INTRODUCTION (11 January)

No assignments due.

WEEK 2 – INTRODUCTION TO INTERNATIONAL LAW (18 January)

- Neff, Stephen C. "A Short History of International Law." *International Law*, 5th ed. (2018)
- Video:
Anghie, Antony .“History and International Law.” Audiovisual Library of International Law.
https://legal.un.org/avl/ls/Anghie_IL.html#
- Case Study:
Collaborative Indigenous Learning Bundle: Indigenous Law and Conceptions of Human Rights

WEEK 3 – INTERNATIONAL ORGANIZATIONS (25 January)

- Pahuja, Sundhya. “Inaugurating a new rationality.” In *Decolonizing International Law: Development, Universality and the Politics of International Law*. Cambridge: Cambridge University Press, 2011.
- Podcast:
Benvenisti, Eyal. “Towards Global Governance: What Role for International Law?” University of Oxford, <https://podcasts.ox.ac.uk/toward-inclusive-global-governance-what-role-international-law>
- Case Study:
Dollars and Sense The Brookings Institution Podcast, “Ngozi Ikonjo-Iweala’s Vision for the WTO.” Apple Podcasts, <https://podcasts.apple.com/us/podcast/ngozi-okonjo-iwealas-vision-for-the-wto/id1442325838?i=1000491961594>

WEEK 4 – INTERNATIONAL ORGANIZATIONS (1 February)

- Heathcote, Gina. “Institutions.” In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 133-172. Oxford: Oxford University Press, 2019.
- Allotey, Pascale. “Challenges and priorities for delivering on the Beijing Declaration and Platform for Action 25 years on.” *The Lancet*. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)32004-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)32004-3/fulltext)
- Case Study:
Hardt, Heidi, and von Hlatky, Stéfanie. “NATO’s About-Face: Adapting to Gender Mainstreaming in an Alliance Setting.” *Journal of Global Security Studies* 5, no.1, 136-159.

WEEK 5 – STATES (8 February)

- Podcast:
Bragg, Melvyn, “In Our Time: Sovereignty.” BBC Radio 4. <https://www.bbc.co.uk/programmes/b07hhvxx>
- Podcast:
Matters of State, “Unrecognized Countries” Matters of State. <http://www.mattersofstate.org/unrecognized-countries/>
- Case Study:
International Court of Justice, “Kosovo: ICJ Case Unilateral Declaration of Independence.” <https://www.icj-cij.org/en/case/141>

WINTER BREAK - NO CLASS (15 February)

WEEK 6 – STATES (22 February)

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- Heathcote, Gina. “Sovereignty.” In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 103-131. Oxford: Oxford University Press, 2019.
- Chimni, B.S. “Towards an Intergraded Marxist Approach to International Law” In *International Law and World Order: A Critique of Contemporary Approaches*. Second edition. 440-550. Cambridge: Cambridge University, 2017.
- Case Study
Menshawy, Mustafa. “Constructing State, Territory and Sovereignty in the Syrian Conflict” *Politics* 39, no.3 (2018): 332-346.

WEEK 7 – PEOPLES (1 March)

- Heathcote, Gina. “Sovereignty.” In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 173-200. Oxford: Oxford University Press, 2019.
- UN Charter, “Article 1: Self Determination.” United Nations <https://www.un.org/en/sections/un-charter/chapter-i/index.html>
- Case Study:
Collaborative Indigenous Learning Bundle: Indigenous-Canada Relations

WEEK 8 – PEOPLES (8 March)

- Clarke, Kamari. “Formations, Dislocations, and Unravelings.” In *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback*. 1-47. Durham: Duke University Press, 2019.
- Yusuf, Abdulqawi . “Pan-Africanism and the jus publicum Europaem.” In *Pan-Africanism and International law*. Hague: Hague Academy of International Law, 2014.

WEEK 9 – NATIONS (22 March)

- Koskeniemi, Martti. “National Self-determination today: Problems of theory and Practice.” *The International and Comparative Law Quarterly* 43, no.2 (1994): 241-269.

- Podcast:
“Self-determination in the 21st Century: The Experience of the Unrepresented Nations and Peoples Organization.” UCLA Burke Centre for International Relations.
<https://www.international.ucla.edu/burke/article/215563>
- Case Study:
“Reference Re: Secession of Quebec.” Supreme Court of Canada (1998) <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do>

WEEK 10 – INDIVIDUALS (29 March)

- Clarke, Kamari. “Component Parts of the International Criminal Law Assemblage.” and “Affects, Emotional Regimes, and the Reattribution of International Law” In *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback*. 76-256. Durham: Duke University Press, 2019.
- Podcast:
“Episode 2 – It’s not about the money, says Lorraine Smith van Lin.” asymmetrical haircuts.
<https://www.asymmetricalhaircuts.com/episodes/episode-2-its-not-about-the-money-says-lorraine-smith-van-lin/>

WEEK 11 – LAWYERS (5 April)

- Roberts, Anthea. “The Divisible College of International Lawyers.” In *Is International Law International?* 1-19. Oxford: Oxford University Press, 2017.
- Heathcote, Gina. “Expertise.” In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 30-70. Oxford: Oxford University Press, 2019.

WEEK 12 – WRAP UP (12 April)

LITERATURE REVIEW DUE