

Course Outline

COURSE:	LAWS 2601 B - Public International Law
TERM:	Fall 2024
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003.
CLASS:	Day & Time: Tuesdays 11:30 – 14:30
	Room: Please check Carleton Central for current Class Schedule
	Delivery: IN-PERSON
INSTRUCTOR:	Tara Ashtakala
CONTACT:	Office Hrs: By appointment
	Email: Tara.Ashtakala@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/290245

UNDERGRADUATE CALENDAR COURSE DESCRIPTION (GENERAL)

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.

INSTRUCTOR COURSE DESCRIPTION (SPECIFIC)

Dutch jurist Hugo Grotius wrote of ``a common law of nations`` in the 17th century, but it was not until over two hundred years later that the first rules describing how the nation states of the world should interact with one another were codified. Since then, the scope of public international law has vastly expanded, both in terms of the areas of activity covered by its norms and with regard to who can be a subject of this legal domain. This course will introduce the student to the nature, sources, subjects, types and judicial operation of public international law, with an emphasis on how law and jurisprudence within Canada is increasingly applying and harmonizing with that evolving at the international level. The ultimate goal of the evaluation activities in this course is to help the student 1) recognize the resonance between local and global legal issues and 2) use that dynamic to strategically resolve problems in practice.

REQUIRED TEXTS

There is no textbook assigned for this course. **Required readings will be posted on Brightspace** in PDF form prior to each week's lecture – the specific pages to be read will be indicated in the pre-lecture notes for that week.

COURSE DELIVERY:

- Pre-lecture Power Point slides will be posted on Brightspace prior to each class, indicating readings to be done ahead of lecture and containing questions that help the student understand the concepts from each reading.
- **Print out the required readings and filled-in Power Point slides after each week's lecture, since these are the only materials that you will be allowed to use for the exam.**
- Lectures will be delivered in-person, at the time and on the day indicated above for the particular course section. It is during lecture that the answers to the questions in the pre-lecture notes will be discussed.
- Case study exercises, involving groups discussions, will also be conducted during lecture.
- The components of evaluation in the course will be submitted by students as per the deadlines indicated in the "Evaluation" section below.

EVALUATION

Generative Artificial Intelligence (AI) tools:

It is **prohibited** in this course to use generative AI tools (eg ChatGPT) to produce assessed content. Any work submitted for evaluation that has been produced using AI will be considered a violation of academic integrity standards.

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 have been approved by the Department and Dean.

All two (2) components must be completed in order to obtain a passing grade in course

1. Audio-visual Presentation – 45% of final grade

- Summary of assignment: illustrate the problem in a pre-recorded creative video, then analyze the problem in a live lecture presentation to the class.
- Duration: 10 minutes - 5 minutes for the video, 5 minutes for the presentation
- Format:
- **IN-PERSON (IN FRONT OF THE CLASS – NO EXCEPTIONS).**

- THE PRESENTATION CONSISTS OF **TWO (2) SECTIONS**:
 - **Creative segment**: the first 5 minutes of your presentation will consist of a **video**, in which you will do the following:
 - film a **FICTIONAL STORYLINE** which illustrates how an issue is a personal inconvenience to you and also how it is a problem for people in other countries, if not worldwide.
 - You must therefore create **ORIGINAL** content and film it. Do **NOT** submit a video of you simply reading off notes.
 - Illustration apps are **NOT** allowed to create your content. Human characters, who speak and interact with one another, is what is required to create your video's content.
 - You can ask fellow students, friends or family members to play characters in your storyline.
 - Note that you do not need special equipment to create videos: filming can be done with mobile phones and video editing apps are usually included with computer operating systems like Windows, or are otherwise available to download for free online.
 - International law tends to address serious topics, so **have fun with this part and try to make your audience laugh about your chosen problem!**
 - **Analysis segment**: the remaining 5 minutes of your assignment will consist of a **formal presentation**, in which you do the following:
 - Describe – briefly - the global problem that derives from your personal problem.
 - Explain the international law that applies to the global problem.
 - Analyze the defects in the relevant law that are causing the problem; and
 - Propose plausible solutions, based on law and case law, international or domestic or both.
 - Since this segment of the assignment is essentially about presenting a lecture to your colleagues and to me, it is recommended that you use presentation slides, such as Power Point, to convey your information.
 - **However, during this presentation, you will NOT be permitted to read from notes, neither written nor off a computer or phone screen.**
 - **THE MAIN POINTS OF YOUR PRESENTATION MUST BE CONFINED TO ONLY ONE BULLET POINT OF TEXT ON EACH SLIDE.** The remainder of each slide can display pictures or graphics to assist in conveying your point.

- The ultimate goal of the exercise is to show me that you 1) can visualize the problem selected and 2) understand the research you have done on your topic. Reading off material that has been cut and pasted onto a screen does nothing to demonstrate your understanding of your research and as such will not merit marks.
- **PRESENTATION SUBMISSION DATES:** The dates for submitting presentations will be determined as of the 1st lecture, when final enrolment in the course can be confirmed.
 - **YOUR PRESENTATION DATE WILL BE ASSIGNED RANDOMLY.**
 - **ONCE ASSIGNED, YOU MAY REQUEST A CHANGE OF DATE, ONLY IF A VACANT SPOT IS AVAILABLE ON THE SCHEDULE AND REQUESTS CAN BE MADE ONLY UP UNTIL 24TH SEPTEMBER.**
 - **ALTERNATIVELY, YOU CAN ARRANGE WITH ONE OF YOUR COLLEAGUES TO SWAP PRESENTATION DATES. IF YOU DO SO, YOU NEED TO INFORM ME OF THE CHANGE RIGHT AWAY. OTHERWISE, I WILL ASSUME YOU ARE PRESENTING ON THE ORIGINAL DATE.**
 - **NO CHANGES TO YOUR PRESENTATION DATE WILL BE ACCEPTED AFTER 24TH SEPTEMBER.**
 - **FAILURE TO GIVE YOUR PRESENTATION ON AN ASSIGNED DATE WILL RESULT IN A GRADE OF “0” FOR THE PRESENTATION, NO EXCEPTIONS.**

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

The goal of the formally-scheduled final exam is to apply the course content to 1) solve a fictitious client’s legal problem and to 2) thoroughly discuss a thematic issue.

- **To be scheduled during the final exam period.**
- **The final exam will be written ON PAPER AND IN-PERSON.**

3. Final research paper – 10% of final grade

The task for the Term Essay is to support the position taken in the presentation with primarily legal research sources.

- **Due on 6 December 2024:** upload to Brightspace
- **Length:** 10 pages, plus bibliography.
- **Use Canadian Guide to Uniform Legal Citation (McGill Guide) at <https://libguides.ucalgary.ca/guides/mcgillguide>**
- **Use Canadian spelling only;** 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.

REQUESTS FOR EXTENSIONS

Extensions can be granted only for the final research paper.

The granting of any extension for the final paper will be determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, you must speak in person to the instructor PRIOR to the submission deadline for the paper.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

LECTURE TOPIC SCHEDULE * assigned readings may change, depending upon their relevance to current events happening at the time of each lecture. Therefore, the most accurate and updated list of readings to be done in this course will always be found on the 1st page of the pre-lecture slides, that will be posted ahead of every class, on Brightspace.

PART 1: BASIC PRINCIPLES

10 Sep INTRODUCTION AND OVERVIEW; NATURE OF INTERNATIONAL LAW

17 Sep INTERNATIONAL LEGAL PERSONALITY

Materials:

- Convention on the Rights and Duties of States , 26 December 1933
- International Commission of Jurists, Report on Aaland Islands dispute
- *Austro-German Customs Union* case
- *Tinoco Arbitration (Great Britain v Costa Rica)*
- *Maduro Board v Guaido Board*
- UN General Assembly Resolution 1514
- *Reference re Secession of Quebec*
- *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*
- *Jurisdiction of the Courts of Danzig*, Advisory Opinion

- Charter of the United Nations
- *Reparation for Injuries Suffered in the Service of the United Nations*
- Charter of the United Nations

24 Sep SOURCES OF INTERNATIONAL LAW

Materials:

- Statute of the International Court of Justice (art. 38) (remember that it is annexed to the United Nations Charter)
- Vienna Convention on the Law of Treaties
- *North Sea Continental Shelf Cases (Federal Republic of Germany v Denmark and The Netherlands)*
- *Military Activities In and Against Nicaragua (Nicaragua v United States)*
- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion
- *Nevsun Resources Ltd v Araya*, Supreme Court of Canada
- *International Status of South West Africa Case*, Advisory Opinion, Separate Opinion of J McNair

1 Oct RECEPTION OF INTERNATIONAL LAW IN NATIONAL LEGAL SYSTEMS

Materials:

- *Trendtex Trading Corp. v. Central Bank of Nigeria*
- Vienna Convention on the Law of Treaties
- *Attorney General (Canada) v Attorney General (Ontario) (Labour Conventions)*
- *R (on the application of Miller and another) (Respondents) v Secretary of State for Exiting the European Union (Appellant)*.
- *Turp v Canada (Minister of Foreign Affairs)*
- *Baker v. Canada (Minister of Citizenship and Immigration)*
- *Reference Re Public Service Employee Relations Act (Alta.)*
- *Canada (Justice) v. Khadr*
- *R v McGregor*
- *Pushpanathan v. Canada (Minister of Citizenship and Immigration)*
- *Reference as to Powers to Levy Rates on Foreign Legations*
- *R. v. Hape*
- Vienna Convention on the Law of Treaties
- *Nevsun v Araya*

PART II: THE LAW APPLICABLE TO NATIONS

8 Oct TERRITORY

Materials:

- *Island of Palmas case (Netherlands v United States)*
- *Case Concerning the Territorial Dispute (Libya v Chad)*
- *Case concerning the Frontier Dispute (Burkina Faso v Mali)*

- *Territorial and Maritime Dispute*
- Antarctic Treaty
- Chicago Convention on International Civil Aviation
- *S v Ukraine International Airlines*

15 Oct JURISDICTION AND IMMUNITY

Materials:

- *The Steamship Lotus (France v Turkey)*
- *The Enrica Lexie*
- *Libman v. The Queen,*
- *Ex Parte Pinochet*
- *United States v Meng*
- *United States v. Burns*
- Vienna Convention on Diplomatic Relations
- Vienna Convention on Consular Relations
- *Luther v Sagor*
- *Italy v Germany,*
- *Trendtex Trading Corp. v. Central Bank of Nigeria*
- *Nevsun Resources Ltd. v Araya.*

22 Oct Fall Reading Week, no class

29 Oct THE LAW OF TREATIES

Materials:

- *Nuclear Test Cases (Australia v France)*
- Vienna Convention on the Law of Treaties
- *Interpretation of Peace Treaties (second phase),* Advisory Opinion:
- *Libya v Chad,* ICJ
- *Legal Consequences for the Continued Presence of South Africa in Namibia*
- *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide,* ICJ, Advisory Opinion
- *Military Activities In and Against Nicaragua (Nicaragua v United States)*
- *Yukos Universal Ltd. v. Russian Federation.*
- *Gabčíkovo-Nagymaros Project (Hungary/Slovakia),* ICJ

PART III: VARIOUS BRANCHES OF INTERNATIONAL LAW

5 Nov INTERNATIONAL HUMAN RIGHTS LAW; INTERNATIONAL LAW OF INDIGENOUS PEOPLES

Materials:

- *Toonen v. Australia*
- Universal Declaration of Human Rights
- ICCPR
- Office of the High Commissioner for Human Rights, General Comment no. 06
- ICESCR
- *Gosselin v. Québec (Attorney General)*
- *Auton (Guardian ad litem of) v. British Columbia (Attorney General)*
- *Roger Judge v. Canada*
- United Nations Declaration on the Rights of Indigenous Peoples
- *Simon v. The Queen*
- American Convention on Human Rights
- *Awas Tingni v Nicaragua*
- *Apirana Mahuika et al. v. New Zealand*
- *Stephen Hagan v. Australia*
- *Sandra Lovelace v Canada*

12 Nov INTERNATIONAL TRADE AND INVESTMENT LAW

Materials:

- GATT 1947
- *Belgian Family Allowances*
- *Canada: Certain Measures Affecting the Automotive Industry*
- *Japan Semiconductors case.*
- *United States – Select Customs Matters*
- *United States-Tuna Dolphin cases*
- *United States: Reformulated Gasoline*
- *United States-Import prohibition Shrimp*
- *EC - Seal products:*
- Canada-US-Mexico Free Trade Agreement
- *Methanex v United States*
- *Pac Rim Cayman v El Salvador*
- *Philip Morris v Uruguay*

19 Nov INTERNATIONAL ENVIRONMENTAL LAW; THE LAW OF THE SEA; THE LAW OF OUTER SPACE

Materials:

- Statute of the ICJ, art.38
- *Urgenda Foundation v The Netherlands*

- *Trail Smelter Arbitration* (USA, Canada)
- Charter of the United Nations
- *Rio Declaration*
- *Stockholm Declaration*
- *Nuclear Weapons Advisory Opinion*, ICJ
- *Inter-American Court of Human Rights Advisory Opinion*
- *Gabcikovo (Hungary v Slovakia)*,
- *Indian Council for Enviro-Legal Action and Ors. V. Union of India* (UOI) and Ors. ,
Supreme Court of India
- *Case concerning Pulp Mills on the River Uruguay (Argentina v Uruguay)*
- UNCLOS
- *Nicaragua v United States*
- *In the Matter of the South China Sea Arbitration (Phillipines v China)*
- *The David*
- *Territorial and Maritime Dispute*
- *Obligations and Responsibilities of States with regard to The Area*
- Outer Space Treaty

PART IV: JUDICIAL SETTLEMENT OF DISPUTES

26 Nov THE WORLD'S COURTS

Materials:

- Military Activities In and Against Nicaragua (*Nicaragua v United States*), (merits)
- *Nottebohm (Leichtenstein v Guatemala)*, Preliminary Objections, Decision of the Court
- Statute of the International Court of Justice
- *Question of the Delimitation of the Continental Shelf*
- *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*,
- *Pulp Mills on the River Uruguay (Argentina v Uruguay)*, Dissenting Opinion of Justices Al-Khasawneh and Simma,
- *Corfu Channel Case* (Merits)
- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* [“*Crime of Genocide*”]

PART V: THE LAST RESORT OF STATES

3 Dec THE LAW OF WAR AND THE USE OF FORCE and REVIEW OF COURSE

Materials:

- Charter of the United Nations
- *The Caroline case*
- *Nicaragua v United States of America*
- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion
- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,

- Advisory Opinion
 - Additional Protocol I to the Geneva Conventions of 1949
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Fall 2024 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 4, 2024	Fall term begins.
September 10, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
September 30, 2024	Last day to withdraw from full Fall and Fall/Winter courses with a full fee adjustment.
October 14, 2024	Statutory holiday. University closed.
October 21-25, 2024	Fall break. No classes.
November 15, 2024	Last day for academic withdrawal from full fall and late fall courses.
November 22, 2024	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
November 30, 2024	Last day for receipt of applications from potential winter (February) graduates.
December 6, 2024	Fall term ends.
	Last day of full fall and late fall classes.
	Classes follow a Monday schedule.

	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for take home examinations to be assigned.
December 9-21, 2024	Final examinations in full fall and late fall courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.
December 21, 2024	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

DEPARTMENT POLICIES AND REGULATIONS:

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, [https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUS A_EmpowerMe_EmpowerMe](https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUS_A_EmpowerMe_EmpowerMe)
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

The following statement must be included in your course outline:

“Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (<https://students.carleton.ca/course-outline>).”

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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://carleton.ca/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that

are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).

End of Course Outline.