

## Course Outline

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<b>COURSE:</b>	<b>LAWS 2601B — Public International Law</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000 [1.0]</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesday, 11:35 — 14:25</b> <b>This class is entirely online</b>
<b>INSTRUCTOR:</b>	<b>Prof. Umut Özsu</b>
<b>CONTACT:</b>	<b>Office Hours: Tuesday, 11:00 — 12:30 (drop-in office hours via Zoom)</b> <b>Email: <a href="mailto:Umut.Ozsu@carleton.ca">Umut.Ozsu@carleton.ca</a></b>

### 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

Public international law has a complex history, one that lends itself to conflicting interpretations. It has also been the object of a variety of competing theoretical projects, most of which diverge radically on questions of form and substance. This course provides an historically and theoretically reinforced introduction to the basic rules, principles, and institutions of public international law.

You will be introduced to the basic doctrinal and theoretical architecture of the field: statehood and other modes of international legal personality; treaties, customs, and other sources of international law; the nature and assertion of jurisdiction; the relation between domestic and international law; and issues of nationality and immunity.

Students will also be introduced to a number of rapidly developing sub-fields: use of force; international criminal law; state-building and humanitarian intervention; international human rights law; Indigenous peoples and international law; and international environmental law.

**REQUIRED TEXT**

The only required text for this course is Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law*, 8th edition (London: Routledge, 2018) (“Akehurst”). Paperback copies of this text should be available at the Carleton University Bookstore as of 1 September 2021.

**EVALUATION**

There are three formal evaluation components to this course:

**Mid-term exam: 30% (to be held on Wednesday, 13 October 2021)**

**Essay: 35% (due Monday, 8 November 2021 by 4:30 pm)**

**Final exam: 35% (to be held during the formally scheduled exam period in December 2021)**

These evaluation components operate as follows:

**1. Essay**

You are required to prepare an essay on one of three topics that I will provide to you in mid-September. This essay must be approximately 1500 words in total (including notes). It must have a clear thesis, be driven by a structured argument, and draw upon some of the cases, issues, theories, debates, and/or questions that we have examined in the course. Please do not include a bibliography. However, you do need to support your key claims with footnotes.

Be sure to adhere to a consistent style of citation throughout the entirety of your paper. I do not care which style of citation you choose to employ. My own preference tends to be the system set out in the *Canadian Guide to Uniform Legal Citation*, 9th edition (Toronto: Carswell, 2018), known generally as the “McGill Guide”. But I am not sticky on your choice of citation style. Whichever style of citation you employ, be sure to do so correctly and consistently.

The essay is due by 4:30 pm on Monday, 8 November 2021. It must be submitted electronically in advance of this deadline. Please do not submit a hard copy to the Department of Law and Legal Studies’ general office.

**2. Final exam**

We will hold a final exam during the formally scheduled exam period in December 2021. This exam will consist of 50 multiple choice questions. It will be a “cumulative” exam, i.e. you will be responsible for all material covered in class. You will have 90 minutes to complete the exam.

**3. Mid-term exam**

We will hold a mid-term exam on Wednesday, 13 October 2021. This exam will consist of 40 multiple choice questions. You will be responsible for all material covered in class until the date of the exam. You will have 60 minutes to complete the exam.

Please note that standing in a course is determined by the course instructor subject to the approval of the Department of Law and Legal Studies and the Dean of Faculty of Public Affairs. 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 dean.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

If you would like to request an extension for less than seven days, please complete the form at the following link and submit it to me prior to the relevant due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions longer than seven days will typically not be granted. In those extraordinary cases where extensions longer than seven days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of fourteen days).

### **SCHEDULE**

#### **Wednesday, September 8, 2021 — General Introduction**

Optional reading: *Akehurst*, chapters 1 and 2.

#### **Wednesday, September 15, 2021 — Treaties, Customs, and Other Sources of International Law**

Mandatory reading: *Akehurst*, chapter 3.

#### **Wednesday, September 22, 2021 — Statehood, Recognition, and International Legal Personality**

Mandatory reading: *Akehurst*, chapters 5 and 6.

#### **Wednesday, September 29, 2021 — Jurisdiction and Territory**

Mandatory reading: *Akehurst*, chapter 10.

#### **Wednesday, October 6, 2021 — Domestic Law and International Law**

Mandatory reading: *Akehurst*, chapter 4.

#### **Wednesday, October 13, 2021 — Use of Force and International Criminal Law**

Mandatory reading: *Akehurst*, chapters 19 and 20.

### **Wednesday, October 20, 2021 — State-Building and Humanitarian Intervention**

Mandatory reading: Covenant of the League of Nations adopted by the Peace Conference at Plenary Session, April 28, 1919, article 22, reproduced in 13 (1919) *American Journal of International Law Supplement* 128 at 137–38.

Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005) at 115–94.

Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000) at 163–98.

International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001) at 1–18.

### **Wednesday, October 27, 2021 — No Session (Due to Fall Break)**

### **Wednesday, November 3, 2021 — International Human Rights Law**

Mandatory reading: *Akehurst*, chapter 16.

### **Wednesday, November 10, 2021 — Indigenous Peoples and International Law**

Mandatory reading: Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (International Labour Organization Convention No. 107), 26 June 1957, 328 UNTS 247.

Convention Concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization Convention No. 169), 27 June 1989, 1650 UNTS 383.

S. James Anaya, *Indigenous Peoples in International Law*, 2nd ed. (Oxford: Oxford University Press, 2004) at 49–94.

*Sandra Lovelace v. Canada*, Communication No. R.6/24 (29 December 1977), UN Doc. Supp. No. 40 (A/36/40) at 166 (1981).

Declaration on the Rights of Indigenous Peoples, GA Res. 61/295, UN Doc. A/Res/61/295 (2007).

**Wednesday, November 17, 2021 — International Environmental Law**

Mandatory reading: *Akehurst*, chapter 17.

**Wednesday, November 24, 2021 — International Economic and Development Law**

Mandatory reading: *Akehurst*, chapter 18.

**Wednesday, December 1, 2021 — General Concluding Discussion**

No assigned readings.

**Wednesday, December 8, 2021 — No Session****COVID-19 PREVENTION MEASURES**

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca)

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

**ACADEMIC ACCOMMODATIONS**

**Academic accommodation:** 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 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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**Religious obligation:** Please 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 [click here](#).

**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](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

**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/>.

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**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/student-experience-resources/>.