

Course Outline

COURSE:	LAWS 2601C – PUBLIC INTERNATIONAL LAW
TERM:	WINTER 2020
PREREQUISITES:	1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000 [1.0].
CLASS:	Day & Time: Thursday, 11:35 am to 2:25 pm
	Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Prof. Umut Özsu
CONTACT:	Office: D498 Loeb Building
	Office Hrs: Thursday, 2:30 to 4:30 pm
	Telephone: 613-520-2600 x 3682
	Email: Umut.Ozsu@carleton.ca

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 TEXTS

The principal required text for this course is Phillip M. Saunders et al., eds., *Kindred's International Law, Chiefly as Interpreted and Applied in Canada*, 9th ed. (Toronto: Emond Montgomery, 2019) ("Kindred"). Copies of the text and its accompanying supplement are available at the university bookstore.

Electronic copies of all other required texts will be made available to students.

EVALUATION

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.

There are three formal evaluation components to this course:

Essay: 35% (due by midnight on Thursday, March 26, 2020)

Final exam: 35% (during the formally scheduled exam period in April 2020)

Mid-term exam: 30% (Thursday, February 13, 2020)

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-January. This essay must be approximately 2000 words in total (excluding notes), with 1000 words being the specified minimum and 2200 words being the specified maximum. It must have a clear thesis, be driven by a structured argument, and draw upon 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 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*, 7th edition (Toronto: Carswell, 2010),

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 midnight on Thursday, March 26, 2020. It must be submitted electronically via cuLearn in advance of this deadline. Please do not submit a hard copy to the Department of Law and Legal Studies’ general office.

Please do not submit the research paper late. A grade reduction of 5% will apply for every 24 hours that the paper is late. (This includes weekends.) Extensions will be accorded only under appropriate circumstances, such as serious illness or death of a family member. Whenever applicable, appropriate documentation must accompany requests for extensions.

2. Final exam

We will hold a final exam during the formally scheduled exam period in April 2020. This exam will be held at a date, time, and location to be determined later. The final exam will consist of 75 multiple choice questions. It will be a “cumulative” exam, which is to say that you will be responsible for all material covered in class. You will have two hours to complete the exam.

3. Mid-term exam

We will hold a mid-term exam on Thursday, February 13, 2020. This exam will be held in our ordinary classroom. It 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 75 minutes to complete the exam.

SUPPLEMENTARY NOTE

Please note that there will be no “make-up” or “grade-booster” assignments under any circumstances. Deferrals are granted by the Registrar’s Office.

Please also note that 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.

COMMUNICATION

The primary means of communication outside of class will be cuLearn. However, I am always happy to answer any questions you may have or to discuss your research and writing. If you would like to talk to me in person, please stop by my office during office hours. I make every effort to respond to email queries within 48 hours.

SCHEDULE

January 9 — General Introduction

No assigned readings.

January 16 — Treaties, Customs, and Other Sources of International Law

Mandatory reading: Kindred, chapter one.

Optional further reading: Hilary Charlesworth, “Law-making and Sources” in James Crawford and Martti Koskenniemi, eds., *The Cambridge Companion to International Law* (Cambridge: Cambridge University Press, 2012) 187–202.

January 23 — Statehood, Recognition, and International Legal Personality

Mandatory reading: Kindred, chapter two.

Charter of the United Nations, appendix A in Kindred.

Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, appendix B in Kindred.

Optional further reading: Matthew Craven, “Statehood, Self-Determination, and Recognition” in Malcolm Evans, ed., *International Law*, 4th ed. (Oxford: Oxford University Press, 2014) 201–47.

January 30 — Jurisdiction

Mandatory reading: Kindred, chapter four.

Optional further reading: Fleur Johns, “Guantánamo Bay and the Annihilation of the Exception” 16 (2005) *European Journal of International Law* 613–35.

February 6 — Domestic Law and International Law

Mandatory reading: Kindred, chapter three.

Optional further reading: Anthea Roberts, “Comparative International Law? The Role of National Courts in Creating and Enforcing International Law” 60 (2011) *International and Comparative Law Quarterly* 57–92.

Roger Cotterrell, “What Is Transnational Law?” 37 (2012) *Law & Social Inquiry* 500–24.

February 13 — Use of Force and International Criminal Law

Mandatory reading: Kindred, chapter six.

Charter of the United Nations, appendix A in Kindred.

Rome Statute of the International Criminal Court, appendix D in Kindred.

Optional further reading: Christine Gray, “The Use of Force and the International Legal Order” in Malcolm Evans, ed., *International Law*, 3rd ed. (Oxford: Oxford University Press, 2010) 615–47.

February 20 — No Session (Due to Winter Break)

February 27 — 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.

Optional further reading: Harold Hongju Koh, “Syria and the Law of Humanitarian Intervention” *Just Security* blog, available in two parts at <https://www.justsecurity.org/1158/koh-syria/> (26 September 2013) and <https://www.justsecurity.org/1506/koh-syria-part2/> (2 October 2013).

Marcelo Kohen, “The Principle of Non-Intervention 25 Years After the Nicaragua Judgment” 25 (2012) *Leiden Journal of International Law* 157–64.

March 5 — International Human Rights Law

Mandatory reading: Universal Declaration of Human Rights, appendix F in Kindred.

International Covenant on Economic, Social, and Cultural Rights, appendix G in Kindred.

International Covenant on Civil and Political Rights, appendix H in Kindred.

Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights” 42 (2001) *Harvard International Law Journal* 201–45.

Susan Marks, “Human Rights and Root Causes” 74 (2011) *Modern Law Review* 57–78.

March 12 — 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).

Umut Özsu, “Genocide as Fact and Form” 21 (2020) *Journal of Genocide Research*, available at <https://www.tandfonline.com/doi/abs/10.1080/14623528.2019.1682283>.

March 19 — International Environmental Law

Mandatory reading: Kindred, chapter ten.

March 26 — Exam Preparation

No assigned readings.

April 2 — General Concluding Discussion

No assigned readings.

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: 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, 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 Carleton 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. Please see: <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/>.