

**Course Outline**

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<b>COURSE:</b>	<b>LAWS 2601 B – Public International Law</b>
<b>TERM:</b>	FALL 2022
<b>PREREQUISITES:</b>	1.0 credit from LAWS 1001 and LAWS 1002, or PAPM 1001 and PSCI 2003
<b>CLASS:</b>	<b>Day &amp; Time:</b> Wednesdays from 11:35 am to 2:25 pm
	<b>Course Format:</b> Synchronous in-person lectures and discussion.
<b>INSTRUCTOR:</b>	Dr Sean Richmond
<b>CONTACT:</b>	<b>Office:</b> D497 Loeb Building <b>Office Hrs:</b> Thursdays 2pm - 4pm or by appointment <b>Telephone:</b> 613-520-2600 x. 2082 <b>Email:</b> sean.richmond@carleton.ca

Note: please use your Carleton account for email communication. Questions will not be answered on the weekends, or 24 hours before the case brief is due, the mid-term is due, and the final exam date. Students are warmly encouraged to consult with the instructor and TAs during regular business hours, and well in advance of assessment dates. All times listed here are Eastern Standard Time.

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**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**

This course provides an interdisciplinary introduction to public international law, and some of the key principles, theories and institutions associated with the international legal system. It addresses core topics such as the nature, sources and subjects of international law, and examines important contemporary legal challenges such as the use of force by states and the International Criminal Court.

Throughout the lectures, the role and limits of international law in international relations will be discussed from a legal, political and historical perspective. Practice problems, court cases, and short video clips will also be employed to help students critically analyze and apply the theoretical perspectives and legal rules that they learn to the real world of foreign affairs. Respectful and thoughtful class discussion and questions will be encouraged throughout the term. Guest speakers from government and non-governmental organizations will provide additional insight on contemporary issues such as the war in Ukraine. They will also discuss potential volunteer and employment opportunities in international law, to inspire students to think about their broader career aims.

Learning objectives: at the end of the course, students should be able to:

- 1) demonstrate an introductory level of knowledge of the key principles, theories, institutions and challenges that are discussed;
- 2) identify international legal issues and apply relevant ideas and rules to the case studies and challenges that they encounter in and outside of the class;
- 3) critically reflect on the political and historical context in which international law operates in world affairs, and the inequalities associated with it;
- 4) read, summarize and evaluate an international judicial decision; and
- 5) construct arguments in support of particular positions in international law, and show an awareness of alternative views to these positions.

### **COVID-19: LEARNING AND TEACHING CHALLENGES**

Throughout the term, please remember that the ongoing effects of COVID-19 create potential learning and teaching challenges for students, instructors and Teaching Assistants (e.g. access to technology; potential child and elder care responsibilities; less opportunity for connecting with each other and our support networks; possible financial hardship and mental health, etc.). As we navigate these challenges and do our best to learn together in-person this term, please remember to be patient and understanding with yourselves and others. If you have a question or need help, you are warmly encouraged to reach out to me, your TA, or the many other support services provided by Carleton: <https://carleton.ca/student-support/wp-content/uploads/Student-Referral-Form-with-Map.pdf>

Further University statements on pandemic measures and student mental health are included later below.

### **TIPS FOR SUCCESSFUL LEARNING**

Juggling university studies with life can be challenging. So here are a few tips that will help you succeed:

**Stay on top of the course schedule:** attend the lectures, ask questions, take notes, and review the lectures and your notes leading up to the mid-term and final exam. Chat with your TAs and the instructor during office hours. Regular attendance and participation will help ensure you keep up with the material, and get the most out of the course. It will also help you manage multiple courses and commitments.

**Engage with the material:** the lectures include important content from the instructor, but also interesting class discussions, student questions, exciting guest speakers, practice problems, video clips, and advice about the assignments and exams. So actively listen to and think about this material.

**Stay on top of the readings and quizzes:** read the assigned readings in advance of the relevant lecture, and take notes or flag questions. There are five short online reading quizzes – described below – to complete throughout the term that will help you stay caught up. Try your best to complete the quizzes.

**If you have questions, please ask!** Your TA and instructor are happy to respond to thoughtful emails. If you need a more thorough explanation, you are warmly encouraged to connect with us during office hours. This year will hopefully offer more opportunities to interact with one another, so try to make the most of this.

**Stay flexible and positive:** we are all adapting to the ongoing effects of the pandemic, and doing our best to learn in-person together this year. But there may be unexpected challenges, and we will manage them together. I will provide regular updates about how things are going, and flag any adjustments that

need to be made (e.g. if a topic has to be rescheduled). Your TAs and instructor are excited for a great term! We hope you are as well.

### **REQUIRED TEXTS**

John H. Currie. *Public International Law*, 2nd ed. (Irwin Law, 2008).

Hard copy will be available for purchase or rent from the Carleton bookstore. E-version will also be on reserve through the university library and Ares link on the course website.

In addition to this book, further required readings and case studies will be uploaded to the course website on Brightspace, or identified as available online.

### **SUPPLEMENTARY TEXTS**

For students seeking supplementary information and additional perspectives on the course topics, the following two texts are available for purchase from the Carleton bookstore.

Malcolm D. Evans (ed.). *International Law*, 5th ed. (Oxford University Press, 2018).

Michael Byers. *War Law: Understanding International Law and Armed Conflict* (Douglas and McIntyre, 2005).

### **WEBSITE**

The lecture summary slides, updates and other important materials will be posted on the course website on Brightspace. Announcements and grades will also be communicated this way. Visit <https://brightspace.carleton.ca> and login with your MyCarleton1 username and password. You must be registered in the course to access the course website.

\*\*To help ensure a positive learning experience, it is imperative that students regularly check the course website and read the update emails sent by the instructor and TAs.\*\* If you have questions about how to use Brightspace, there is a support site for students: <https://carleton.ca/brightspace/students/>

### **EVALUATION**

Note: 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.

Recalling the five learning aims described earlier, performance in the course will be evaluated as follows:

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|---|-------------------|
| 1. Five online reading quizzes for weeks 2, 4, 6, 9, and 11 | 15% (5 x 3% each) |
| 2. Case brief - due Friday October 7 by 5 pm                | 20%               |
| 3. Take-home mid-term - due Thursday October 20 by 11 pm    | 25%               |

4. Final exam – to be held in the final exam period 40%

All evaluation components must be completed in order to be eligible to receive a passing grade.

1. Five online reading quizzes:

To provide students with early and ongoing assessment, and to recognize the importance of keeping up with the course material, there will be five 20 minute online quizzes administered on Brightspace that evaluate student's understanding of the readings covered in weeks 2, 4, 6, 9 and 11. Each of the five quizzes is worth 3%, for a total of 15% of the final grade.

Each quiz will comprise five multiple choice questions. Students can complete them anytime from Thursday at 12 pm the week before the applicable lecture, until 11 am on the day of the lecture (Wednesday). For example, the first quiz for week 2 readings will be available from Thursday September 8 at 12 pm, until Wednesday September 14 at 11 am. The second quiz for week 4 readings will be available from Thursday September 22 at 12 pm, until Wednesday September 28 at 11 am. The third quiz for week 6 readings will be available from Thursday October 6 at 12 pm, until Wednesday October 12 at 11 am.

Because of reading break, the fourth quiz for week 9 readings will be available from Thursday October 20 at 12 pm, until Wednesday November 2 at 11 am. The fifth and final quiz for week 11 readings will be available from Thursday November 10 at 12 pm, until Wednesday November 16 at 11 am.

Once the quiz is started online, students will have 20 minutes to complete the five questions. They will be marked automatically, and students will receive their result through Brightspace. The provision of 20 minutes is meant to accommodate students who may need extra time for assessments, and to allow all students adequate time to think about the questions and their answers. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the quiz in 10 minutes.

Because the timing of the quizzes is already flexible, missed quizzes cannot be retaken. Please do not ask to do so. However, the final quiz grade will be based on your best four completed quizzes. This means that you can miss one, for whatever reason, without penalty. You do not need to inform the instructor if you do miss a quiz, as the "best four" policy will be implemented when final marks are being calculated. Further information about the quizzes will be provided in class.

2. Case brief:

This written assignment is worth 20% of the final grade. It will be up to 1,100 words long, not including short case citation footnotes. Students will read, summarize and contextualize the following order for provisional measures from the International Court of Justice (ICJ) on 16 March 2022, which is part of an ongoing case entitled *Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, available here: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

No further external research beyond the course materials is permitted or required.

The brief should include five elements. The third, fourth, and fifth elements are most important. As such, they should comprise the majority of the brief. First, the assignment should provide a short *background*

to the order (e.g. who asked the ICJ to get involved and why?). Second, it should tell the reader what the main *legal issue* was (e.g. what question was the ICJ addressing?).

Third, the brief should summarize what major *rules or areas of international law* were seen to address the above issue (e.g. what treaties and/or customary law were seen to apply?). Fourth, the brief should tell the reader what the overall *conclusion* of the Court was regarding the main legal issue, including whether the judges agreed. Finally, the brief should reflect on *why* the ICJ concluded the way it did, and how the order demonstrates some of the *theories* of international law that have been covered so far in the course.

Further information will be provided in class, and students will be given a marking rubric on Wednesday September 14 that reflects the above instructions. The brief will be due **Friday October 7 by 5 pm**, and submitted online through Brightspace.

You are strongly advised to save your work regularly in multiple ways, and to retain a copy of all submitted assignments. Absent prior approval, briefs submitted past the due date will incur a late penalty of -1 mark (out of 20) per day, including weekends.

### 3. Take-home mid-term exam:

To help decrease the stress of mid-term writing, and to provide students with an opportunity to clearly and effectively demonstrate their understanding of the course material and learning aims, the mid-term assessment will be a take-home. It is worth 25% of the overall grade. Students will be responsible for all of the readings, lectures and guest speakers covered in the first half of the course.

The questions and instructions will be uploaded to Brightspace on Wednesday October 19 at 11 am. Completed responses are due 36 hours later by **11 pm on Thursday October 20**. They will be submitted online through Brightspace. As requested by students in prior years, there will be no lecture on Wednesday so that you can use this time to work on the mid-term.

Students must work alone. No additional research beyond the course materials is permitted or required.

The assessment will be open book, and will comprise short-answer and essay questions. Students will choose to answer three of four short-answer questions, and one of two essay questions. Each short-answer must be 300 words or less, and the essay must be 600 words or less. The total word count for the mid-term will thus be 1,500 words (i.e. 3 short answers x 300 words = 900, plus 600 words for the essay).

The provision of 36 hours to complete the mid-term is meant to accommodate students who may have other tests and external commitments during this period, and to allow all students adequate time to think about the questions, write thoughtful and legible answers using word processing software, and proof-read their work. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the assessment in three hours.

Late submissions are not allowed unless they have been previously arranged. You are strongly encouraged to upload your completed response before the deadline. Because this is a mid-term, and you are being given more time than needed to complete it, late submissions will be penalized by -1 mark (out of 25) per *hour* past the deadline. Further information will be provided in class.

### 4. Final exam:

The final exam is worth 40% of the overall grade. It will be completed in-person on campus, and held during the university exam period of December 10 to 22, 2022. The exact date and time will be scheduled by Examination Services later in the term. Until then, please keep this exam period clear in your schedules.

The exam will be two hours long, and will comprise multiple-choice and short answer questions. Students will be responsible for all of the required readings and cases, as well as the material covered by the lectures and guest speakers. However, greater emphasis will be placed on material covered in the second half of the course. You should therefore prepare for the exam with this in mind.

Further information will be provided later in the term.

## **SCHEDULE**

### Key Dates:

September 7, 2022 – Fall term classes begin

October 24 - 28, 2022 – Fall Reading Break – No Classes

December 9, 2022 – Last day of Fall classes

December 10 – 22, 2022 – Formally scheduled final exams

Please note that the following schedule may change slightly as the term progresses. Any changes will be announced in class or via Brightspace.

### **Week 1: Wednesday September 7, 2022**

*Course Overview*

Required reading: the course syllabus

### **Week 2: Wednesday September 14**

*Introduction: the Nature of International Law*

Required reading: Currie, chapter 1

\*Note: the first quiz for week 2 readings will be available from Thursday September 8 at 12 pm, until Wednesday September 14 at 11 am.

### **Week 3: Wednesday September 21**

*Sources of International Law: Custom*

Required reading: Currie, chapters 3 (pages 80-83, 95-99) and 5 (pages 185-199)

### **Week 4: Wednesday September 28**

*Sources of International Law: Treaties*

Required reading: Currie, chapter 4 (pages 123-133, 140-150, 153, 162-164)

Guest Speaker: Melanie Bejzyk, Environment and Aerospace Law Division, Global Affairs Canada

\*Note: the second quiz for week 4 readings will be available from Thursday September 22 at 12 pm, until Wednesday September 28 at 11 am

### **Week 5: Wednesday October 5**

*The Use of Force*

Required reading: Currie, chapter 11 (pages 448-450, 458-462, 469, 482-492, 498-504, 508-512)

\*Note: the case brief is due Friday October 7 by 5 pm.

**Week 6: Wednesday October 12**

*International Legal Personality: The Subjects of International Law*

Required reading: Currie, chapter 2 (pages 21-40, and 56-61)

\*Note: the third quiz for week 6 readings will be available from Thursday October 6 at 12 pm, until Wednesday October 12 at 11 am.

**Week 7: Wednesday October 19**

Take-home mid-term - No lecture

\*Note: the mid-term will be uploaded to Brightspace on Wednesday October 19 at 11 am. Completed responses are due 36 hours later by 11 pm on Thursday October 20.

**Week 8: Reading Break – October 24-28**

No class

**Week 9: Wednesday November 2**

*Law of the Sea and Outer Space*

Required reading: Currie, chapter 7 (pages 286-290, 297-298, 304-314, 318-324)

\*Note: because of reading break, the fourth quiz for week 9 readings will be available from Thursday October 20 at 12 pm, until Wednesday November 2 at 11 am.

**Week 10: Wednesday November 9**

*International Law of Armed Conflict*

Required reading: David Turns, "The Law of Armed Conflict", ch. 27 in Evans (ed.), *International Law*, available through Ares library reserve link on course website.

Guest Speaker: Sophie Rondeau, Senior Legal Advisor, IHL for the Canadian Red Cross

**Week 11: Wednesday November 16**

*International Court of Justice*

Required reading: Ian Hurd, "International Court of Justice", ch. 8, in *International Organizations: Politics, Law, Practice*, available through course website.

\*Note: the fifth and final quiz for week 11 readings will be available from Thursday November 10 at 12 pm, until Wednesday November 16 at 11 am

**Week 12: Wednesday November 23**

*International Criminal Law*

Required reading: Ian Hurd, "International Criminal Court", ch. 9 in *International Organizations: Politics, Law, Practice*, available through course website.

**Week 13: Wednesday November 30***The United Nations*

Required reading: Ian Hurd, "The United Nations II: international peace and security", ch. 6 in *International Organizations: Politics, Law, Practice*, available through course website.

**Week 14: Wednesday December 7***Conclusion and Course Review*

Required reading: review your notes and send questions to your TA and the instructor

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

**Religious 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 [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>

**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/>

### **REQUESTS FOR EXTENSIONS**

In recent years, requests have been increasing for extensions that do not meet one of the recognized Academic Accommodation categories above. When responding to such requests, instructors aim to support the individual circumstances of each student, while also maintaining fairness to other students and academic integrity for our courses. Please keep this in mind if you are considering requesting an extension.

Such requests are determined by the instructor, who will confirm whether the request is granted and, if so, the length of the extension. For requests less than seven days, please complete the self-declaration form below, and submit it to the instructor and your TA *prior* to the assignment due date:

<https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

Extensions longer than seven days will normally not be granted. In those extraordinary cases where more time is needed, the student must provide additional information to justify this (up to a maximum of 14 days).

### **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/>.

### **UNIVERSITY 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. Here is a list that may be helpful:

**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://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

**COVID Update**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).