

Course Outline

COURSE:	LAWS 2601C — PUBLIC INTERNATIONAL LAW
TERM:	WINTER 2023
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003
CLASS:	Day & Time: Friday, 14:35 to 17:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Prof. Umut Özsu
CONTACT:	Office: D597 Loeb Building Office Hrs: Thursday, 14:30 to 16:00 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 me 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 me 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:

Mid-term exam: 30% (Friday, March 3, 2023)

Essay: 35% (due by midnight on Monday, March 13, 2023)

Final exam: 35% (during the formally scheduled exam period in April 2023)

These evaluation components operate as follows:

1. Mid-term exam

We will hold a mid-term exam on Friday, March 3. It will consist of 40 to 50 multiple-choice questions. You will be responsible for all material covered in class (and on accompanying slides) until the date of the exam. You will have 90 minutes to complete the exam.

2. 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 1500 words in total (not including footnotes), with a maximum upper limit of 2000. It must have a clear thesis, be driven by a structured argument, and draw upon at least 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 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 midnight on Monday, March 13, 2023. It must be submitted electronically via Brightspace in advance of this deadline. Please do not submit a hard copy to the Department of Law and Legal Studies’ general office.

3. Final exam

We will hold a final exam during the formally scheduled exam period in April 2023. This exam will be held at a date, time, and location to be determined later. The final exam will consist of anywhere between 50 and 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.

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 me, subject to the approval of the department chair and faculty dean. This means that grades I submit may be subject to revision. No grades are final until they have been approved by the department and faculty.

COMMUNICATION

The primary means of communication outside of class will be Brightspace. 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.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by me. For requests for extensions of less than two days, please send me an email. For requests for extensions of more than two days, please complete [this form](#) and send it to me with an accompanying email prior to the relevant deadline.

SCHEDULE

January 13 — General Introduction

No assigned readings.

January 20 — Treaties, Customs, and Other Sources of International Law

Mandatory reading: Kindred, chapter one.

January 27 — Statehood, Recognition, and International Legal Personality

Mandatory reading: Kindred, chapter two.

Charter of the United Nations, appendix 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 in Kindred.

February 3 — Jurisdiction

Mandatory reading: Kindred, chapter four.

February 10 — Domestic Law and International Law

Mandatory reading: Kindred, chapter three.

February 17 — Use of Force and International Criminal Law

Mandatory reading: Kindred, chapter six.

Charter of the United Nations, appendix in Kindred.

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

February 24 — No Session (Due to Winter Break)

March 3 — 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.

March 10 — International Human Rights Law

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

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

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

March 17 — 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).

March 24 — International Environmental Law

Mandatory reading: Kindred, chapter ten.

March 31 — Exam Preparation

No assigned readings.

April 7 — General Concluding Discussion

No assigned readings.

Winter 2023 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>	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

ACADEMIC ACCOMMODATIONS

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/>

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: 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: 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 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 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 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/>.