Carleton University **Department of Law and Legal Studies**

Course Outline

COURSE:		**LAWS 5603W/INAF 5505F – International Law: Theory and Practice**
TERM:		**Winter 2022**
CLASS:	**Day & Time:**	**Wednesday 11:35-14:25**
	Room:	**Please check Carleton Central for current Class Schedule. Please note that as per current health restrictions the classes on January 12, 19, and 26 will be held online for a synchronous zoom class. The link for the class will be posted in Brightspace.**
INSTRUCTOR:		**Betina Appel Kuzmarov**
CONTACT:	**Office:**	**C473 LA**
	Office Hrs:	**Wednesday 14:35-14:25**
	Telephone:	**x 8069**
	Email:	**betina.kuzmarov@carleton.ca**

CALENDAR COURSE DESCRIPTION

Legal principles governing international relations; emphasis on different theoretical, historical and political perspectives, such as Natural Law, Positivism, Critical Legal Studies, TWAIL, Feminism, Marxism. Specific case studies or topics are examined to critically interrogate the foundations and practices of international law.

COURSE DESCRIPTION

This course is designed to provide an understanding of a variety of approaches to international law and the role these theories play in understanding and ordering international relations. To achieve this goal, this course will require detailed reading of 5 books that approach international law a variety of theoretical perspectives including (but not limited to): An introduction to international law, TWAIL, Feminist Perspectives, Marxism and IR/IL.

COURSE STRUCTURE

I was hoping that I would be able to meet you all in person on January 12. Unfortunately, the pandemic has had other plans, and we will be meeting online for the first few classes at least. I will post the Zoom link for these classes in Brightspace. I will run these first few classes synchronously by Zoom, and then I hope we can all be together in the classroom after that. We will make the best of this!

In class my focus will be working with you to gain knowledge, build values and skills that you will need in your future (see B Coplin, 10 Things Employers Want You to Learn in College [Berkley: 10 Speed, 2012]). I want you to see that you have gained substantive knowledge but also the ability to apply your knowledge in a meaningful way – in ways that you can apply to other classes, that you can use in your own research, and that are transferable to the job market. As with all your seminar classes, I will expect that you will have reviewed the assigned materials before class. For 8 of the classes you will be asked you to complete an assignment summarizing the main concepts in the materials for that week. This will be submitted the night before class. This short "warm up" will ask you to tell me what you found difficult or challenging in the readings and will help me know where to focus our class discussions. In addition, twice in the semester you will be responsible to present to the class one of the readings. Another student will be tasked with responding to your presentation as a way to launch some in class discussion. This should take about 2 hours of our class. I will then use the last hour of class to work on some case studies that you will have also been given in advance in the readings. The aim of these case studies is to further apply the readings and to solve problems from the readings. This will allow us to use the learning outcomes to work on the skills and values outlined there. I will then wrap up with some "take aways" and preparation for the next class, to ensure that you have context for the class. I will be assessing participation for this course. I know that people have varying comfort levels and ability to participate either online or in person. So, participation may be evidenced by you asking during live sessions, participating in discussion fora on various topics and arranging to meet with me 1:1 for personal check ins twice during the semester.

LEARNING OUTCOMES:

Content

By the end of this course students will gain **understanding** of basic concepts and principles of international law and **knowledge** of the variety of theoretical approaches to international law. You will be able to **explain** and **interpret** these sources and **recall** this information when required during this course. This course will prepare students to take other graduate level courses in international law.

Skills

By the end of this course, students will be able to take **responsibility** for their own learning in public international law. They will be able to **identify** relevant sources, conduct independent **research** both on the web and through library holdings and databases and they will be able to **communicate** this research orally (one on one, in groups and in presentations) and in writing (formal written assignments, and informal emails and updates to me). You will also learn skills to **coach** other students through this

process, eventually **modeling** skills such as **peer editing**. This will often require students to **work** with other students in pairs or teams and to communicate with me about their results both in person and in writing.

Values
By the end of this course students will be able to **evaluate** the strengths and weaknesses of theoretical arguments in public international law. You will be able to **assess** the effectiveness of these arguments by a variety of techniques including **critiquing, comparing** and **defending** various viewpoints, and ultimately they will be able to make **recommendations** as a result of these arguments. You will also be able to **characterize** this information as it applies to new contexts. They will be able to organize their thoughts and when necessary and they will change their opinions as they develop their thoughts. Students will also be able to breakdown these arguments by identifying **assumptions, key components** and **internal relationships** in these arguments. Students will then **apply** these insights to their own original analysis through original research.

As you can see I have a lot more emphasis on skills and values. I am confident that, at this stage of your education you have the skills and ability to gain a lot of the substantive knowledge on your own. Where I can add value to your learning is by helping you with areas of difficulty, clarifying concepts and coaching and mentoring you in the skills and values. Please don't hesitate to talk to me if you have any questions or concerns about this approach, I'll be happy to discuss this with you.

COURSE HINTS

My goal for this course is provide you with the knowledge, skills and values (and enthusiasm) to allow you to achieve to your best. So here are some tips for how to do this…

1. Questions: **If you are unsure please ask**. That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. I have set up a discussion forum for all course related questions. Please ask all of your course related questions there, because if you have the question, I am pretty sure someone else will also benefit from my answer. This is only fair. If your question is personal in nature, please don't hesitate to email me. Also, there are many great services available on campus that can provide you with advice, for example there is the Writing Tutorial Service, the Student Academic Success Centre, and the Learning Commons. Please ask me about any of these services.

2. E-mail/Brightspace policy: Self-care is important for everyone during these times. If you can try to put boundaries around your time. One way I do this for myself is that I generally try to limit my email hours. I check my **e-mail and Brightspace** regularly from **9 am to 5:00 pm Monday to Friday**. I do not check my e-mail or Brightspace regularly after these hours during the week or on the weekend and on holidays. If you send me an e-mail or contact me by Brightstpace after these hours I'll reply the next day. If you try to get in touch with me on the weekend you can expect a reply by Monday.

3. How to address me: As this is a graduate level course, and I expect to learn as much from you as you do from me, I am pretty flexible on this. **I don't mind Betina**. If you don't like using first names, I am happy to answer to more formal titles, like Dr. Appel Kuzmarov or Dr. Kuzmarov, in class and correspondence.

4. Contesting a grade: If you think you have a reason to contest a grade on an assignment please follow this procedure. First, wait a few and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Second, contact me with your concerns by e-mail (it helps to set them out in writing) and then set up an appointment to discuss your concerns with me. At this time, we'll arrange for you to provide me with the graded paper. I am always happy to change grades for valid reasons.

REQUIRED TEXTS

Readings in this course can be found on Ares the system or on the Brightspace module for that week. If you don't see a reading or material on Brightspace, please check Ares. Ares will direct you to the library reserves for the readings. The materials for each week are set out week by week in the syllabus below. The five main books we will be reading in this course are:

1. Anthea Roberts, *Is International Law International?* (OUP, 2017)
2. BS Chimni,*International Law and World Order: A Critique of Contemporary Approaches* (CUP:2017)
3. Sundhya Pahuhja, *Decolonizing International Law: Development, Universality and the Politics of International Law* (CUP, 2011)
4. Gina Heathcote, *Feminist Dialogues on International Law: Success, Tensions, Futures* (OUP, 2019)
5. Kamari Clarke, *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback* (Duke, 2019)

All these books are available online.

EVALUATION

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.

The evaluation for the course will be broken down as follows:

Evaluation	%	Due Date	Learning Objectives
Warm Up	16%	Eight per Semester	Understanding, Knowledge, Recall Assess, Identify
Presentation	20%	Two Per Semester	Communicate, Characterize, Evaluate
Response	20%	Two Per Semester	Evaluate, Critique
Literature Review	24%	April 12 2022	Identify, Apply, Recommend
Class Participation	20%	Ongoing	Work, Characterize, Model, Coach

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

At this point in the pandemic, you may be feeling tired, vulnerable, and in need of some flexibility. You may be facing big challenges. I understand. So, please just keep me informed of how you are doing and I will do my best to make this course work for you. Assignments should not become barriers, but they should guide your work throughout this course and, in that sense, they are cumulative. I set due dates, because this is most fair for everyone and it can help you plan your work and semester. All written assignments are meant to be submitted, through Brightspace, by midnight on the due date. Warm ups are due at midnight the night before class (Tuesdays at midnight). If you are finding a particular due date challenging or are simply in need of some support please always reach out to me.

I will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to me prior to the assignment due date: https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

TECHNOLOGY:

This course will be run primarily through in class discussion (starting in February), but I also will be using Brightspace and its tools, including discussion boards and assignments. Brightspace should be your first stop for questions about the course (through our course discussion board), as well as links to course materials. For the first few classes we will be online, through Zoom, so this will require some additional technology on your part. I am committed to equity around technology and feel that this is one of the unspoken barriers of the pandemic, so I am here to support you as much as I can around technology challenges and limitations.

SCHEDULE

JANUARY 12 – COURSE INTRODUCTION No assignments due.

JANUARY 19 – INTRODUCTION TO INTERNATIONAL LAW

- Neff, Stephen C. "A Short History of International Law." *International Law,* 5th ed. (2018)
- Video: Anghie, Antony ."History and International Law." Audiovisual Library of International Law. https://legal.un.org/avl/ls/Anghie_IL.html#
- Case Study:
  Collaborative Indigenous Learning Bundle: Indigenous Law and Conceptions of Human Rights

JANUARY 26 – INTERNATIONAL ORGANIZATIONS

- Pahuja, Sundhya. "Inaugurating a new rationality." In *Decolonizing International Law: Development, Universality and the Politics of International Law*. Cambridge: Cambridge University Press, 2011.
- Podcast:
  Benvenisti, Eyal. "Towards Global Governance: What Role for International Law?" University of Oxford, https://podcasts.ox.ac.uk/toward-inclusive-global-governance-what-role-international-law
- Case Study:
  Dollars and Sense The Brookings Institution Podcast, "Ngozi Ikonjo-Iwaela's Vision for the WTO." Apple Podcasts, https://podcasts.apple.com/us/podcast/ngozi-okonjo-iwealas-vision-for-the-wto/id1442325838?i=1000491961594

FEBRUARY 2 – INTERNATIONAL ORGANIZATIONS

- Heathcote, Gina. "Institutions." In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 133-172. Oxford: Oxford University Press, 2019.
- Allotey, Pascale. "Challenges and priorities for delivering on the Beijing Declaration and Platform fro Action 25 years on." The Lancet.
  https://www.thelancet.com/journals/lancet/article/PIIS0140- 6736(20)32004-3/fulltext

- Case Study:
  Hardt, Heidi, and von Hlatky, Stéfanie. "NATO's About-Face: Adapting to Gender Mainstreaming in an Alliance Setting." *Journal of Global Security Studies* 5, no.1, 136-159.

FEBRUARY 9 – STATES

- Podcast:
  Bragg, Melvyn, "In Our Time: Sovereignty." BBC Radio 4.
  https://www.bbc.co.uk/programmes/b07hhvxx
- Podcast:
  Matters of State, "Unrecognized Countries" Matters of State.
  https://podcasts.apple.com/us/podcast/unrecognized-countries/id1038292563?i=1000381463295
- Case Study:
  International Court of Justice, "Kosovo: ICJ Case Unilateral Declaration of Independence."
  https://www.icj-cij.org/en/case/141

FEBRUARY 16– STATES

- Heathcote, Gina. "Sovereignty." In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 103-131. Oxford: Oxford University Press, 2019.
- Chimni, B.S. "Towards an Intergraded Marxist Approach to International Law" In *International Law and World Order: A Critique of Contemporary Approaches.* Second edition. 462-524. Cambridge: Cambridge University, 2017.
- Case Study
  Menshawy, Mustafa. "Constructing State, Territory and Sovereignty in the Syrian Conflict" *Politics* 39, no.3 (2018): 332-346.

FEBRUARY 23- WINTER BREAK - NO CLASS

MARCH 2 – PEOPLES

- Heathcote, Gina. "Sovereignty." In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 173-200. Oxford: Oxford University Press, 2019.
- UN Charter, "Article 1: Self Determination." United Nations
  https://legal.un.org/repertory/art1.shtml
- Case Study:
  Collaborative Indigenous Learning Bundle: Indigenous-Canada Relations

MARCH 9 – PEOPLES

- Clarke, Kamari. "Formations, Dislocations, and Unravelings." In *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback.* 1-47. Durham: Duke University Press, 2019.
- Yusuf, Abdulqawi . "Pan-Africanism and the jus publicum Europaem." In *Pan-Africanism and International law.* Hague: Hague Academy of International Law, 2014.

MARCH 16 – NATIONS

- Koskeniemi, Martti. "National Self-determination today: Problems of theory and Practice." *The International and Comparative Law Quarterly* 43, no.2 (1994): 241-269.
- Podcast:

  "Self-determination in the 21st Century: The Experience of the Unrepresented Nations and Peoples Organization." UCLA Burkle Centre for International Relations. https://www.international.ucla.edu/burkle/article/215563
- Case Study:
  "Reference Re: Secession of Quebec." Supreme Court of Canada (1998) *https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do*

MARCH 23 – INDIVIDUALS

- Clarke, Kamari. "Component Parts of the International Criminal Law Assemblage." and "Affects, Emotional Regimes, and the Reattribution of International Law" In *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback.* 76-256. Durham: Duke University Press, 2019.
- Podcast:
  "Episode 2 – It's not about the money, says Lorraine Smith van Lin." asymmetrical haircuts. https://www.asymmetricalhaircuts.com/episodes/episode-2-its-not-about-the-money-says-lorraine- smith-van-lin/

MARCH 30 – LAWYERS

- Roberts, Anthea. "The Divisible College of International Lawyers." In *Is International Law International?* 1-19. Oxford: Oxford University Press, 2017.
- Heathcote, Gina. "Expertise." In *Feminist Dialogues on International Law: Success, Tensions, Futures*. 30-70. Oxford: Oxford University Press, 2019.

APRIL 6 – WRAP UP

APRIL 12 - LITERATURE REVIEW DUE

Winter 2022 Sessional Dates and University Closures	
Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/	
January 5, 2022	University Reopens.
January 10, 2022	Winter term classes begin.
January 31, 2022	Last day for withdrawal from winter term and winter portion of fall/winter courses with full fee adjustment. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
February 18, 2022	April examination schedule available online.
February 21, 2022	Statutory holiday. University closed.
February 22-25, 2022	Winter break, no classes.
March 29, 2022	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
April 12, 2022	Winter Term Ends. Last day of fall/winter and winter term classes.
April 13, 2022	No classes or examinations take place.
April 14- 28, 2022	Final examinations in winter term and fall/winter courses may be held. Examinations are normally held all seven days of the week.
April 15, 2022	Statutory holiday. University closed.
April 28, 2022	**All 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.

University and Departmental Policies

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/.

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/.

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

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

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 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

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/.