

Course Outline

COURSE: LAWS 2601B – Public International Law

TERM: Fall 2014

PREREQUISITES: 1.0 credit from [LAWS 1000](#) [1.0], [PAPM 1000](#) [1.0], [PSCI 1000](#) [1.0], [PSCI 1001](#), [PSCI 1002](#)

CLASS: **Day & Time:** Wednesdays, 11:35-2:25
Room: PLEASE CHECK WITH CARLETON CENTRAL FOR CURRENT ROOM

INSTRUCTOR: Professor Trevor Purvis

CONTACT: **Office:** D599 LA (Loeb)
Tel: 520-2600 x. 3673
Office hrs: Wednesdays – 2:35-5:30
Email: trevor_purvis@carleton.ca

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 more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

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 visit the Equity Services website: <http://www2.carleton.ca/equity/>

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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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:
<http://www.carleton.ca/studentaffairs/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.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE OBJECTIVES & CONTENT:

This course introduces students to both traditional and critical understandings of the nature, history, and content of the field of public international law. Originally viewed as the branch of law that regulates the relations between independent, sovereign states, public international law has come to encompass much more than inter-state relations. The set of relationships that are regulated by public international law has over time been significantly transformed and reconstituted. This course seeks to make sense of this transformation: what it is about, why it has occurred, and where the discipline is headed in terms of its contemporary developmental trajectory. At the end of the course, students should be acquainted with both orthodox understandings of the discipline as well as the basic outlines of the contemporary critiques of such orthodox perspectives. Just as importantly, students will also be expected to appreciate the ways in which public international law has been shaped by, and has itself contributed to the shaping of, various social, economic, and political aspects of a world that is being transformed by the forces of 'globalization', the geo-political restructuring of the post-Cold War era, and the myriad challenges to core aspects of the post-WWII international legal order arising from the fallout of 9/11.

REQUIRED READING:

The two compulsory texts are:

- Byers, Michael (2007) *War Law: Understanding International Law and Armed Conflict*. New York: Grove/Atlantic.
- Shaw, Malcolm (2008) *International Law* (6th ed.) Cambridge: Cambridge University Press.

These texts have been ordered through Octopus Books, 116 Third Avenue (in the Glebe) and should be available at the beginning of term.

All other articles, cases and treaty materials will be placed on WebCT.

COURSE EVALUATION:

(All components must be completed in order to get a passing grade)

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.

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| 1. One case study, Due November 5, 2014 <u>in class</u>
(Roughly 3000 words before footnotes & bibliography) | 40% |
| 2. Final Exam | 60% |

A NOTE ON CASE STUDIES

These should take the form of a brief critical paper. The final products should demonstrate a thorough reading of the case and an ability to extract, contextualize and evaluate its most crucial elements.

The purpose of this exercise is to give you (and you should demonstrate):

1. an understanding of the importance of the case to international law;
2. an understanding of the historical and theoretical backdrop against which the case emerged;
3. a grasp of the key concepts underpinning the case;
4. an appreciation of the possible future implications for international law in the principal areas touched on in the case.

There is NO winning formula for this paper. You are expected to read with care, and thoughtfully discuss the case, its foundations, and its implications. But you must always bear in mind, this is a course in public international law. So whatever ‘approach’ you take to the paper must be able to significantly engage the principal concepts of international law at stake in the case.

You should be able to write an excellent paper with just the case assigned and the course text. A careful reading of each should offer you enough material to write a top-notch paper. That being said, this term’s assigned case has given rise to a very significant literature. Should students wish to incorporate other materials external to the required course readings, you are encouraged to do so. It is, however, not required. And note, long bibliographies are no substitute for serious engagement.

This year’s case study will focus on the International Court of Justice’s 2004 advisory opinion regarding the legal consequences of the construction of a wall in the occupied Palestinian territory. The case is available for

download on cuLearn.

I will offer more comments on the assignment in class.

Papers should be submitted in hardcopy, and handed in personally in class, during my office hours, or (**as a last resort only**) submitted through the drop-off box at the main office at the Department of Law and Legal Studies. **Under no circumstances should papers be left under my office door. You will also be required to submit an electronic copy of your paper to the assignment folder on cuLearn.** DO NOT submit papers via email. All electronic submissions should be made through cuLearn and are not a substitute for your requirement to submit a timely hardcopy.

Note: Unless accompanied by a medical certificate late papers will be penalized one grade-point for each day they are submitted beyond the due date (i.e. a B- will be assigned a C+ if submitted one day late).

You are strongly advised to retain a copy of all papers submitted.

All submitted work must be original! Papers should be properly referenced. Either in-text or footnote citations are acceptable, just ensure you use one citation method, and do so consistently. Each paper *must also include a complete bibliography* of all materials cited, regardless of whether bibliographic details are provided in footnotes. For guidance on these issues you may either refer to a style guide or use a book or an article as a guide. *Thoroughness and consistency* should be your aim.

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**CLASS SCHEDULE**

**WEEK 1 – SEPTEMBER 10**

**INTRODUCTION**

**WEEK 2 - SEPTEMBER 17**

**HISTORY OF THE DISCIPLINE/INTERNATIONAL LAW AND THE DOMESTIC ORDER**

**REQUIRED READING:**

Shaw, Chs.1, 2 &4

**WEEK 3 - SEPTEMBER 24**

**THE SOURCES OF INTERNATIONAL LAW/STATES, TREATIES, INDIVIDUALS AND OTHERS**

**REQUIRED READING:**

Shaw, Ch.3

**WEEK 4 – OCTOBER 1**

**INTERNATIONAL LEGAL PERSONALITY/SUBJECTS OF INTERNATIONAL LAW**

**REQUIRED READING:**

Shaw, Ch.5

*Montevideo Convention on Rights and Duties of States*

*Universal Declaration of Human Rights*

**WEEK 5 - OCTOBER 8**

**INTERNATIONAL PROTECTION OF HUMAN RIGHTS/INTERNATIONAL CRIMES**

**REQUIRED READING:**

Shaw, Chs.6&8

*Universal Declaration of Human Rights*

**WEEK 6 – OCTOBER 15**

**LIMITATIONS ON THE USE OF FORCE I *jus ad bellum***

**REQUIRED READING:**

Shaw, Chs.20& 21

Byers

**WEEK 7 - OCTOBER 22**

**LIMITATIONS ON THE USE OF FORCE II *jus in bello***

Shaw, Chs.21&22

Byers

**WEEK 8 – OCTOBER 29**

**READING WEEK – NO CLASS**

**WEEK 9 – NOVEMBER 5**

**RECOGNITION & TERRITORY**

Shaw, Chs.9&10

**NOTE: CASE STUDIES DUE IN CLASS**

**WEEK 10 – NOVEMBER 12**

**JURISDICTION OVER TERRITORY AND PERSONS/IMMUNITY FROM JURISDICTION**

**REQUIRED READING:**

Shaw, Chs.12&13

Selections from the House of Lords decision re. Augusto Pinochet (TBA)

**WEEK 11 - NOVEMBER 19**

**STATE RESPONSIBILITY/STATE SUCCESSION**

**REQUIRED READING:**

Shaw, Chs.14&17

*ILC Draft Articles on State responsibility*

**WEEK 12 - NOVEMBER 26**

**THE LAW OF TREATIES**

**REQUIRED READING:**

Shaw, Ch.16

*Vienna Convention on the Law of Treaties*

**WEEK 13 – DECEMBER 7**

**THE LAW OF THE SEA**

**REQUIRED READING:**

Shaw, Ch.11