



CAPILANO UNIVERSITY

| COURSE OUTLINE | | |
|---|--|--------------|
| TERM: Fall 2022 | COURSE NO: LAW 460 | |
| INSTRUCTOR: | COURSE TITLE: Public International Law | |
| OFFICE: LOCAL: E-MAIL: @capilanou.ca | SECTION NO(S): | CREDITS: 3.0 |
| OFFICE HOURS: | | |
| COURSE WEBSITE: | | |

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tseil-Waututh people on whose territories our campuses are located.

COURSE FORMAT

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams.

COURSE PREREQUISITES

LAW 101, LAW 110 and LAW 210; OR 45 credits of 100-level or higher coursework

CALENDAR DESCRIPTION

This course will introduce students to international law and explore its basic principles and structures, including its historical development, subjects and sources of international law, international human rights, Indigenous peoples, international trade and environmental law, law of the sea, and war and conflict, and global governance institutions.

COURSE NOTES

LAW 460 is an approved Self and Society course for Cap Core requirements.

REQUIRED TEXTS AND/OR RESOURCES

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

* Note: The instructor will post all additional required readings from treaties, journal articles, websites, etc. on e-Learn in that week's topic field.

Recommended Texts

Alina Kaczorowska, *Public International Law*, 4th ed. (Routledge: New York, 2010).

John H. Currie, Craig Forcese, Joanna Harrington & Valerie Oosterveld, *International Law*, 2nd ed. (Irwin Law: Toronto, 2014)

COURSE STUDENT LEARNING OUTCOMES

On successful completion of this course, students will be able to do the following:

1. Explain the principles and structures underlying international law;
2. Explain the subjects of international law, including states, intergovernmental organizations, non-governmental organizations, individuals and corporations;
3. Identify the sources of international law, including treaties and customary international law, as well as the UN system;
4. Conduct research into areas of international law, including human rights, war and conflict, criminal, environmental, trade, indigenous, and global governance institutions, and apply their research to factual scenarios;
5. Critique and engage in debate about the clarity and effectiveness of international law, in general and in particular in the spheres of human rights, economic relations, and war.

Students who complete this Self and Society course will be able to do the following:

1. Identify potential root causes of local/global problems and how they affect local/global cultures, economies, politics, and policies;
2. Assess and evaluate individual and collective responsibilities within a diverse and interconnected global society;
3. Analyse the impact of colonialism and racism on Indigenous peoples;
4. Synthesize a range of differing community perspectives on ethics and justice and explain how these perspectives can inform structural change; and
5. Explain how contexts (e.g. cultural, historical, colonial, economic, technological) shape identity formation and social structures.

COURSE CONTENT/SCHEDULE

| WEEK | CONTENT |
|------|--|
| 1 | BASICS OF INTERNATIONAL LAW – PART 1: INTRODUCTION <ul style="list-style-type: none"> • Context of and “framing questions” about international law • What is international law? – And who are its “subjects”? • Main “sources” of international law: four official ones plus a bonus source • History and theory of international law |
| 2 | BASICS OF INTERNATIONAL LAW – PART 2: SOURCES Sources of international law: Treaties <ul style="list-style-type: none"> • Definition and types of treaties (1st main source, and by far the biggest) • Creation & amendment of treaties • Reservations to treaties • Performance and interpretation of treaties • Relationship to customary law (codification/crystallization) |
| 3 | BASICS OF INTERNATIONAL LAW – PART 2: SOURCES (CONCLUDED) Sources of international law: Custom + Principles, Declarations, & Soft Law |

| WEEK | CONTENT |
|--|--|
| | <ul style="list-style-type: none"> • Nature of customary international law (2nd & most “powerful” source) • Formation of custom: two elements • Persistent objectors • Examples of customary law • Hierarchy of sources: within custom & among all sources • Other sources: brief overview |
| 4 | BASICS OF INTERNATIONAL LAW - PART 3: “RECEPTION” & “PERSONALITY” Reception & Subjects of international law <ul style="list-style-type: none"> • The reception of international law in “municipal” (domestic, national) law • “International personality”: the subjects of international law • States: the main subjects • International organizations – United Nations • Private actors: NGOs, individuals, and corporations: limited personality |
| 5 | BASICS OF INTERNATIONAL LAW – PART 4: STATE AUTHORITY Territorial Sovereignty <ul style="list-style-type: none"> • State territory: extent and establishment • Special topics: polar regions & space • Jurisdiction over people and events (basic principles) |
| 6 | BASICS OF INTERNATIONAL LAW – PART 5: STATE IMMUNITY + STATE RESPONSIBILITY (ENFORCEMENT of IL) State immunity & responsibility <ul style="list-style-type: none"> • Diplomatic and state immunity & exceptions • State responsibility: direct and indirect wrongs |
| 7 | MID-TERM EXAM |
| <p>After the midterm, the course turns to special topics in international law, and each class from week 9 onward includes presentations by students of their work in progress on their research paper assignment. The first two special topics are set, but others are based on areas in which students express interest at the start of the course—e.g., International criminal law; Crimes against humanity; Environmental law; Israel/Palestine; the Law of the sea; Indigenous peoples & self-determination; Women’s and children’s rights; Economic & social rights</p> | |
| 8 | SPECIAL TOPICS IN INTERNATIONAL LAW: HUMAN RIGHTS |
| 9 | SPECIAL TOPICS IN INTERNATIONAL LAW: USE OF FORCE |
| 10 | SPECIAL TOPICS IN INTERNATIONAL LAW: <i>selected by class from list of topics above</i> |
| 11 | SPECIAL TOPICS IN INTERNATIONAL LAW: <i>from list of topics above</i> |
| 12 – 13 | SPECIAL TOPICS IN INTERNATIONAL LAW: <i>from list of topics above</i> |
| 14-15 | FINAL EXAM PERIOD: NO FINAL EXAM – RESEARCH PAPERS DUE |

EVALUATION PROFILE

| | |
|------------------------------------|----------------|
| Midterm Exam | 25 – 30% |
| Book/article report | 15 – 20% |
| Paper presentation | 10 – 15% |
| Term paper | 35% |
| Participation in class discussions | <u>0 – 10%</u> |
| TOTAL: | 100% |

***Research Paper**

This course will include a research paper on a matter related to international law.

****Participation**

Participation is allocated to the consistency, quality, and frequency of contributions to the on-line discussion forums. Consistency means actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions and participating in all activities with an open and inquisitive mind.

GRADING PROFILE

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|-------------|------------|------------|-----------|
| A+ = 90-100 | B+ = 77-79 | C+ = 67-69 | D = 50-59 |
| A = 85-89 | B = 73-76 | C = 63-66 | F = 0-49 |
| A- = 80-84 | B- = 70-72 | C- = 60-62 | |

Incomplete Grades

Grades of Incomplete "I" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

Late Assignments

Assignments are due at the beginning of the class on the due date listed. There is a 10% penalty for the first day any assignment is late and a further 5% penalty for each subsequent day any assignment is late. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

Missed Exams/Quizzes/Labs etc.

Make-up exams, quizzes and/or tests are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed activities may not be able to be accommodated. Please consult with your instructor.

Attendance

Students are expected to attend all classes and associated activities.

English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

Electronic Devices

Students may use electronic devices during class for note-taking only.

On-line Communication

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or e-Learn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS**Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-life/>

Capilano University Security: download the [CapU Mobile Safety App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Cheating and Plagiarism, Academic Probation, and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;

- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual

Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.