

## SYLLABUS

### INTERNATIONAL LAW (LAWS2012.03)

#### Fall Term 2018

Prof. Phillip Saunders Professor Rob Currie  
Schulich School of Law, Dalhousie University

#### A. GENERAL INFORMATION

Class Time/Location: Mon. 11:30-12:50, Room 207 Weldon  
Weds. 11:30-12:50, Room 207 Weldon

##### Contacts:

##### Saunders

Office: Room 447 Weldon  
Phone: 494-1044  
E-mail: [p.saunders@dal.ca](mailto:p.saunders@dal.ca)

##### Currie

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Email: [robert.currie@dal.ca](mailto:robert.currie@dal.ca)

#### B. COURSE DESCRIPTION

Public international law is concerned with the legal relations between states, and to some extent with the individuals within those states. This course is an introductory survey, dealing with the sources, methods and general principles of international law. Given the breadth of the subject matter, the survey is necessarily selective.

The course begins by exploring the structural foundations of the international legal system, including the methods of creating international law and traditional ideas about the legal personality and powers of nation states as the central subjects of the system. This will be followed by reviews of the concepts and application of state jurisdiction and state responsibility. It will then consider the interaction of international law with national law, using the Canadian system as an example. Finally, specialized topics will be explored as examples of the growth

and development of international law in the modern period, including international criminal law, law of the sea and international human rights. The progressive development of these fields of law will permit more in-depth exploration of the evolution of international law and the emergence of new processes and themes.

### **C. COURSE MATERIALS**

#### **Required Text:**

H. Kindred, P. Saunders & R. Currie, eds., *International Law Chiefly as Interpreted and Applied in Canada*, (8<sup>th</sup> ed., 2014 - 1 vol. plus a Documentary Supplement. E-book version comes with the casebook). It is available in the University Bookstore and is supported by a website at <[www.emp.ca/intlaw8](http://www.emp.ca/intlaw8)>. The book has been used in previous years and used copies are likely available. **Please note** – if planning to use e-book version alone, the exam will be open book and you would need to print relevant pages in order to have it available in the exam room.

#### **Selected Reference Books**

There is a great number of good books in the library about international law from many perspectives. The following are a few general works that may be of particular help to students in providing a general overview of the topics covered in this course.

James Crawford, *Brownlie's Principles of Public International Law* (8<sup>th</sup> ed., 2012)

J. Currie, *Public International Law* (2<sup>nd</sup> ed., 2008)

M. Shaw, *International Law* (8<sup>th</sup> ed., 2017)

#### **A Few Essential Websites**

The United Nations: [www.un.org](http://www.un.org)

The International Court of Justice: [www.icj-cij.org](http://www.icj-cij.org)

The International Law Commission: [www.un.org/law/ilc](http://www.un.org/law/ilc)

The Permanent Court of Arbitration: [www.pca-cpa.org](http://www.pca-cpa.org)

## D. ACADEMIC POLICIES

**Please take note of the following policies and procedures:**

### 1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

### 2. Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

### 3. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

## **E. EVALUATION**

### **JD Students and Exchange Students**

There are **two options** available for evaluation of the course: i) a 100% 3 hour open book final exam (Dec. 18, 9:30 AM); ii) 30 % short research paper, 70 % final exam (same exam as for 100% option).

Students wishing to opt for the 30% paper and 70% exam must inform us of their intention by 18 October, **and** discuss and agree with us upon a research topic by 31 October. You can withdraw from this option at any point up until the due date. The paper will conform to law school research standards, and will be no more than 12 pages 1 ½ spaced. The paper is due no later than 4:30 PM on Dec. 4, to be submitted in hard copy and date stamped at the Reception Desk, with an identical electronic copy emailed to either of us.

### **Graduate Students and Students from Other Faculties**

Please contact and consult with either of us regarding the applicable requirements.

**COURSE SCHEDULE – FALL 2018**

References for readings are to Kindred, Saunders & Currie, eds., *International Law Chiefly as Interpreted and Applied in Canada* (8th ed., 2014), and to the Documentary Supplement. In your reading, be sure to peruse cross-referenced documents in the supplement when directed to them in the casebook readings. Handouts and copies of powerpoint slides will be made available through Brightspace.

Detailed readings are included through October 17 – an updated list of readings will be provided in advance for the rest of the term. **Please note** that these readings are indicative, and may change depending on progress.

Date		Topic	Readings
Sept. 5		Introduction	None
<b>Creation and Ascertainment of International Law</b>			
Sept. 10		Sources of International Law: Introduction	1-6
		Customary Law	31-45
Sept. 12		Custom - cont'd	
		General Principles of Law	45-49 [Including paras 88, 89, 91 of <i>North Sea</i> ]
Sept. 17		Other Sources of International Law	49-61 [Including cross-ref to <i>Namibia Case</i> , pp. 120-124]
Sept. 19		The Law of Treaties	6-21 (to end of section E). Including Vienna Convention articles in Doc. Supp.
Sept. 24		The Law of Treaties cont'd	21-30
Sept 26		Review	Handout

<b>The Subjects of International Law</b>			
Oct. 1		International Legal Persons:  States and the Nature of Statehood	73- 106 [Including cross-ref'd <i>Charter</i> articles and <i>Declaration on Friendly Relations – Doc. Supp.</i> ]
Oct. 3		States and Statehood cont'd  International Organizations	112-129 [Including cross ref'd <i>Charter</i> articles, Doc. Supp.]
Oct. 8	Thanksgiving, <b>No Class</b>		
Oct. 10		International Organizations cont'd.  NGOs, Transnational Corporations, “Peoples” & Individuals	129-147 [Including cross ref'd material in Doc. Supp.]
Oct 15		NGOs etc cont'd	
Oct. 17		Review	Handout
<b>Remaining sections (Readings to be distributed for Oct. 22):</b>			
<b>State Jurisdiction</b> (Including state immunity)			
<b>National Application of International Law</b> (especially Canadian Application)			
<b>State Responsibility</b> (Including International Law Commission Draft Articles)			
<b>Selected Topics (tentative)</b>			
<ul style="list-style-type: none"> <li>- International Human Rights Law</li> <li>- International Criminal Law</li> <li>- Public International Law of the Sea</li> </ul>			
Dec. 3		<b>Exam Review Class</b>	Handout