



## COURSE DESCRIPTION - FACULTY OF LAW

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**COURSE NUMBER:** 506:B1 **COURSE NAME:** Public International Law

**PREREQUISITE COURSES:** None

**PREREQUISITE FOR:** Jessup International Law Moot Competition

**CREDITS:** 3 **HOURS PER TERM:** 3 **TERM:** 1<sup>st</sup> **MAXIMUM ENROLMENT:** 40

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**INSTRUCTOR:** Professor Joanna Harrington

Further information on Professor Harrington's qualifications, background and experience can be found at:  
<http://www.law.ualberta.ca/facultystaff/staffdirectory.php>

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**METHOD OF PRESENTATION:** lecture    x    seminar                    other

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**METHOD OF EVALUATION:** mid-term examination (20%) and final examination (80%)

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**COURSE DESCRIPTION:** In 2000, Swedish lawyer and ambassador Hans Corell, then serving as the Under-Secretary-General for Legal Affairs and The Legal Counsel of the United Nations (1994-2004), marked the new century by writing an appeal to the Deans of law schools worldwide advising of the unprecedented development in the field of international law and appealing for greater attention to be paid to education in international law to meet these demands. He advised that students should graduate from law school with a basic knowledge of international law. This course is intended to be that foundational course in this rapidly expanding field.

The aim of this foundational course is to cover the key concepts, basic rules, and key institutions of international law. The course may appeal to those looking for just one course in international law during their three years at law school, as well as to those wanting the basics before pursuing further studies. This course is a prerequisite for the Jessup International Law Moot Competition, and a Law 526 paper in international law with Professor Harrington. It is strongly recommended as a prerequisite for other advanced international law courses. (Students usually do better in, for example, International Criminal Law if they take Public International Law first. It is akin to taking Torts before you take an Advanced Torts course.)

The field of public international law (also called "International Law" or the "Law of Nations") is not the same as and distinct from the field of private international law (also known as "Conflict of Laws" or "Conflicts").

Public international law is the collection of rules, customs and procedures that regulate the interaction between states, between states and international organizations such as the United Nations, and increasingly between states and individuals. As such, public international law is concerned with a legal system that is distinct and separate from the domestic legal system studied in your first year of legal studies. It is also a field of increasing

depth and importance given the growing internationalization of legal practice and legal policy development in Canada and elsewhere.

This course deals with the nature and sources of international law and the structure of the international legal system. It considers such topics as the sources of international legal rules, including the law of treaties; the recognition of states and governments; issues of jurisdiction and immunities, including the doctrine of foreign state immunity for those interested in litigation; methods for international dispute resolution; the role of international law in the Canadian legal system; the role of the United Nations; the international protection and promotion of human rights; and the legal regulation of the threat or use of armed force.

It is the practice of this instructor to post a copy of a detailed Course Outline for this course on TWEN at least three weeks before the first day of classes.

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#### TOPICAL OUTLINE:

1. Nature of international law and its historical and theoretical underpinnings
2. Sources of international law: custom, treaties, general principles, and other sources
3. Structure of the international legal system: states, international organizations, and other entities
4. Relationship between international law and Canadian law
5. State jurisdiction over territory
6. State jurisdiction over airspace and outer space
7. State jurisdiction over water, including the Arctic
8. State jurisdiction over persons: criminal and civil jurisdiction
9. Jurisdictional immunities: diplomatic immunity and state immunity
10. Introduction to international human rights law
11. Legal regulation of the threat or use of military force
12. State responsibility for violations of international law

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#### REQUIRED TEXTS:

The required text is John H. Currie, Craig Forcese & Valerie Oosterveld, *International Law: Doctrine, Practice, and Theory* (Toronto: Irwin Law, 2007) or a new edition of this text if it becomes available.

Additional course materials will be posted on TWEN, as well as past exams and other learning aids.

There is no need to rely on a student-authored CAN in this course and such reliance is not recommended. A very helpful guide to the basics of international law written by an expert in the field has been published as part of the Irwin Law “Essentials” series. See John H. Currie, *Public International Law*, 2<sup>nd</sup> ed. (Toronto: Irwin Law, 2008). This is a supplementary text, and not a required text. Note that an e-book version is available from the Law Library.

The *Public International Law* title in the *Halsbury’s Laws of Canada* series may also be of use. It is available in hard copy from the Law Library and online via Quicklaw.

Second-hand copies of the course book may be available from students who previously took this course. As per usual practice, orders will be placed with the University Bookstore. Those keen to start early on the readings can order books directly from the publisher via its website (see: [www.irwinlaw.com](http://www.irwinlaw.com)) or from other book sellers.