

Selected Topics in Law and Justice II: International Law

Prof.: Dr. Julian Hermida

Course number: JURI 4826 E: Selected Topics in Law and Justice II

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COURSE DESCRIPTION

This course is an exploratory adventure into the fascinating world of International Law. In this globalized and interconnected world, International Law has gained an unprecedented importance. International Law governs the most significant issues affecting states such as wars, international trade, and diplomatic relations. But International Law has also an effect on everybody's life. No matter how local an activity may seem, it is probably affected by some International Law norm, as International Law may also govern



the purchase of an international airline ticket, a cash deposit in a local bank, or even sex relations with certain classes of people right across the border. We will immerse in a captivating examination of International Law problems such as global sex trade, human trafficking, and money laundering, among other equally fascinating topics.

PREMISES

CONCEPT OF KNOWLEDGE AND LEARNING

- Knowledge is a constantly evolving process, which can be produced personally and collectively.
- From an individual perspective, knowledge is personal, socially and historically contextualized, and dependent on psychological variables.
- From the class perspective, knowledge is a collective production, where all participants can make their contribution.
- In the process of producing knowledge, there is a dialectic relationship between action and reflection, where one feeds the other and vice versa.
- Successful learning is based on a personal involvement of students in their own learning.
- The learning environment, including the teaching methods, the teacher's attitude, and the class atmosphere, among other factors, is determinative of the students' approach to learning, as well as, the learning outcomes.
- The role of the teacher is that of a facilitator and tutor rather than a lecturer.
- Student peers are a powerful source of learning.
- Evaluation is conceived mainly as formative.

LEARNING OBJECTIVES

This course is conceived so that you can:

- understand the concept and elements of International Law.
 - analyze the different conceptions of justice at the international level.
 - understand the concept of international law
 - understand the main elements of international law, including actors and sources;
- develop analytical tools to understand the major contemporary international conflicts;
 - critically assess the role of international organizations.
- appreciate and critically examine selected problems in International Law;
 - appreciate and critically examine global sex tourism and human trafficking issues;

LEARNING OUTCOMES

Upon successful completion of this course, you will be able to:

- Identify the main actors and sources of International Law.
- Classify, categorize, and analyze basic international legal problems.
- Critically reflect on media reports and cultural products concerning International Law issues.
- Demonstrate appreciation for the problems faced by victims of human trafficking and global sex trade.
- Communicate effectively, both orally and in writing, basic arguments on International Law.

METHODOLOGY

Classroom activities will be designed to encourage you to play an active role in the construction of your own knowledge and in the design of your own learning strategies. We will combine lectures with active teaching methodologies such as group discussions, cooperative group solving problems, analysis of video segments depicting scenes relevant to International Law issues, debates, construction of web sites, and interpretation and production of audiovisual materials (media literacy). Class participation is a fundamental aspect of this



course. You will be encouraged to actively take part in all class activities and to give oral presentations throughout the course. Students will be expected to interact with media resources such as web sites, videos, DVDs, and digital photography. Class participation also includes doing the reading assignments. I have prepared reading guides to help you navigate through the texts and to help you focus on the fundamental issues of each text. In line with the postulates of Writing Across the Curriculum, writing will be integrated in all class assignments. Many class activities, assignments, and projects require extensive outside class preparation. Preparation for these activities, as well as the completion of the audiovisual classes, also constitutes a fundamental part of the course and is considered an integral part of class instruction. When appropriate, in class time will be used for preparation for activities and assignments. You are expected to print and bring to class the activities posted on the website.

EVALUATION AND FEEDBACK

Evaluation is conceived mainly as formative and feedback will be provided all throughout the course. There will be plenty of opportunities to experiment, try, fail, and receive formative feedback in advance of and separate from summative evaluation. I will also help you develop the metacognitive tools and strategies so that you can assess your own learning progress. Because students have different learning styles, are in different positions of development, and have different perceptions of knowledge, evaluation tools include and combine various assessment types. While strictly respecting Senate, Division, and Department standards and policies, reasonable efforts will be made to include shared evaluation practices, i.e., a process where students have an active role in their own evaluation. The evaluation of your achievement of the objectives of the course will be based on the following components: 1 class-room test, class participation, 1 essay assignment, a report on audiovisual classes, and a final global take-home evaluation. The class-room test accounts for 20% of the final grade. The essay assignment accounts for 10% and the report on the audiovisual classes accounts for 5% of the final grade. Class participation accounts for 40% of the final grade, and the final global take-home evaluation accounts for 25% of the final grade.

Successful attainment of objectives depends mainly on class attendance and active class participation.

Class participation is the single most important aspect of the course. You are expected to actively participate in every class with a positive attitude and to treat your classmates and instructor with respect. You are expected to get actively involved with the class activities, to critically analyze the proposed problems and situations, to actively participate in small group discussions, to contribute your analysis to the whole class, and to complete all reading and written assignments. You will also conduct oral presentations throughout the course. Class participation also entails asking questions in the lectures, answering questions, and volunteering comments related to the content of the lectures and the class activities. I will also call on you throughout the course to answer questions or to provide your opinion. We will resort to a broad range of class activities. Some will be conducted individually and others in small groups. Each of you is expected to write down your answers to the class activities, even if you work in small groups, and to keep all activities. Many class activities will include the writing and editing of short essays. Other activities will deal with projects and audiovisual presentations. You are expected to be prepared for every class, i.e., you need to do the required readings for each class, and to complete the reading guides and other homework assignments, which you must bring

to class. You must also bring a printed copy of the class activities or your laptop to class, as well as the textbook, the journal articles, the course outline, and your class notes to work on the class activities. You have to keep all your class activities, together with these materials in a portfolio and bring the portfolio to every class. You will not get marks for class participation when you do not bring these materials to class, as you will be unable to work. Even if you have a laptop, you must also bring a notebook and pens and be prepared to hand in written class assignments to me when required.

On several occasions throughout the course, I will ask you to hand in the class activities or the entire portfolio for me to grade and/or to give formative feedback. In general, I will give you formative –rather than summative- feedback after every activity. You are required to come to my office during my office hours to discuss your class performance several times throughout the course. Your class participation must reflect that you have done the required readings and that you have critically thought about what you read. Simply talking in class is not enough to get a good grade under this evaluation component. But, if you do not talk and participate in class, you will not receive any credit at all. Please note that the written assignments and reading quizzes are conceived to help you prepare to talk in class and fully participate in the class activities. **You will not get a passing grade under class participation if you only do the written assignments but do not contribute to class discussions and class activities.** I expect that active class participation will foster, among many other skills, your oral communication and presentation skills. Class attendance is a prerequisite to obtain the corresponding percentage of the grade under this category. I will evaluate your participation every class. If you miss class you will not receive credit for that missed class regardless of the reason for your absence, even if you decide to complete the written class activity.

Passing requirements and scale of evaluation: all the evaluation criteria have the same value.

1. Does the student actively and meaningfully participate in every class?
2. Are the student's contributions productive? Does the student participate in an appropriate manner that contributes to class discussions?
3. Does the student show a positive attitude toward his or her classmates, the instructor, and the activities? Does the student work productively in small groups?
4. Is the student prepared for every class? Does the student show every class that he has read the assigned texts and that she has critically reflected about the required readings? Are the student's homework assignments complete? Do they discuss problems by reference to theoretical issues learned during the course? Do they show an understanding of the appropriate readings, class activities, and class discussions?
5. Does the student volunteer to lead activities, debates or debriefs?
6. Does the student ask useful questions that contribute to the development of the class?
7. Do the student's participation and involvement in class foster collective understanding?

8. Are the student's in-class written assignments, including essays and other written activities, complete? Do the student's in class written assignments, including essays and other written activities, critically discuss problems by reference to theoretical issues learned during the course? Do the in class written activities show an understanding of the appropriate readings, class activities, and class discussions?
9. Does the student's participation show a good command of academic oral and written skills?
10. Is the student's class participation exceptional?

CLASS-ROOM TEST

The class-room test will aim at testing your knowledge of the topics discussed in class, your academic reading and writing skills, and your ability to apply theories to legal problems. The test include questions that I will formulate and questions from the test bank that you will propose. Generally, I will select half of the questions from the test bank and I will create the rest. You will discuss and propose good-faith questions for each of the tests based on the topics dealt with in the course. Questions for the test bank should require students to produce a short text, such as essay questions or scenarios, and should aim at testing a range of learning objectives, including complex thinking and problem-solving skills. If the questions have a general consensus they will be part of a test bank.

Passing requirements and scale of evaluation The definitive evaluation criteria for the test will be given to the students once the test bank has been completed.

1. Did you answer the question comprehensively? Are all relevant problems discussed? Was the answer readable and well organized? Did you make connections between issues discussed in your answer? Did your answer show an understanding of the topic dealt with?
2. Did your answer discuss problems by reference to theoretical issues learned during the course? Did your answer show an understanding of appropriate readings? Did your answer make reference to and elaborate upon the required readings?
3. Did your answer show an understanding of the discussions and issues arisen in class? Did your answer make reference to and elaborate upon class discussions, activities?
4. Is there a critical personal assessment of the topic discussed? Does the personal assessment show some originality?
5. Did your answer show an exceptional analysis of the topic discussed?

ESSAY

The purpose of the essay is to let you get familiar with the conventions of writing styles in the International Law field and to provide you with an opportunity to apply theoretical debates to a range of situations. You will be introduced to writing organization, styles, and techniques in class. The topic of the essay assignment, together with style and organization instructions, is posted on the course web site and will be announced in class. The deadline to hand in the essay is March 19, 2009 in class. You must submit your essay personally.

Passing requirements and scale of evaluation: a positive response must be given to the following questions in order to approve the essay. The criteria are formulated in the form of questions. All these criteria have the same value.

1. Does the essay adequately deal with the assigned topic? Does the essay show an understanding of the topic?
2. Does the essay show a clear, coherent, and comprehensive treatment of the assigned topic?
3. Does the essay integrate knowledge acquired throughout the course? Does it make specific reference to theories and issues discussed in class?
4. Does the essay integrate and discuss the required readings?
5. Does the essay make reference to and elaborate upon class discussions and activities?
6. Does the essay follow the style, language, citation method, and organization analyzed in class?
7. Is the essay exceptional? In other words, does the essay show strong evidence of original thinking around a clearly articulated thesis? Does the essay demonstrate a superior grasp of the topic with sound critical evaluations?

REPORT ON AUDIOVISUAL CLASSES

The main goal of the report is to critically reflect on the audiovisual classes. You will need to produce a report about all the audiovisual classes posted on the web. You do not need to work on these classes before the scheduled dates. The deadline to hand in the report is March 19, 2009 in class.

Passing requirements and scale of evaluation: a positive response must be given to the following questions in order to approve the report. All these criteria have the same value, except for the last one, which will normally be 10% of the grade in order to recognize an exceptional and truly superior work that greatly exceeds course expectations.

- 1) Is the report complete?
- 2) Does the report integrate knowledge acquired throughout the course? Does it make specific reference to theories and issues discussed in class?
- 3) Does the report show evidence of critical thinking about the audiovisual classes?
- 4) Does the report integrate and discuss the required readings?
- 5) Does the report make reference to and elaborate upon class discussions and activities?
- 6) Is the report exceptional? In other words, does the essay show strong evidence of original thinking around a clearly articulated thesis? Does the essay demonstrate a superior grasp of the topic with sound critical evaluations?

GLOBAL TAKE-HOME EVALUATION

The purpose of the global take-home evaluation is to assess your performance on the whole course. It will examine your attainment of all course objectives. Failure to attend the class when the final take-home is distributed may seriously jeopardize your performance in the final take-home. You will have to submit the take home personally as set out in the schedule.

Passing requirements and scale of evaluation: A positive response must be given to the following questions in order to obtain full grade for each question or problem. The criteria are formulated in the form of questions. The global take-home evaluation will include the value of each evaluation criteria.

1. Did you answer the question comprehensively? Are all relevant problems discussed? Was the answer readable and well organized? Did you make connections between issues discussed in your answer? Did your answer show an understanding of the topic dealt with?
2. Did your answer discuss problems by reference to theoretical issues learned during the course? Did your answer show an understanding of appropriate readings? Did your answer make reference to and elaborate upon the required readings?
3. Did your answer show an understanding of the discussions and issues arisen in class? Did your answer make reference to and elaborate upon class discussions, activities?
4. Is there a critical personal assessment of the topic discussed? Does the personal assessment show some originality?
5. Did your answer show an exceptional analysis of the topic discussed?

Summary of the assessment

Evaluation tool	Grade weight	Length	Deadline
Class participation	40%	Extensive, positive, and active participation	Every class
Classroom test	20%	60 minutes	March 5, 2009
Essay	10%	8 double-spaced pages max	March 19, 2009 in class
Audiovisual class report	5%	3 to 5 double-spaced pages	March 19, 2009 in class.
Final Global essay	25%	8 double-spaced pages	March 31, 2009 in class (early submission March 24, 2009 in class).

GRADING SYSTEM

Grade	Percentage of Grade Value	Definition	
A	80-100	Exceptional Performance	Comprehensive knowledge in depth of the principles and materials treated in the course, fluency in communicating that knowledge and originality and independence in applying material and principles.
B	70-79	Good Performance	Thorough understanding of the breadth of materials and principles treated in the course and ability to apply and communicate that understanding effectively.
C	60-69	Satisfactory Performance	Basic understanding of the breadth of principles and material treated in the course and an ability to apply and

			communicate that understanding competently.
D	50-59	Minimally Competent Performance	Adequate understanding of most principles and material treated in the course, but significant weakness in some areas and in the ability to apply and communicate that understanding.
F	0-49	Inadequate Performance	Inadequate or fragmentary knowledge of the principles and material treated in the course, or failure to complete the work required in the course.

CLASS SCHEDULE

This is a tentative calendar of readings and class activities. If class discussions or class activities take longer than originally estimated because everybody gets involved, I will not cut them short to follow this schedule. I will simply put them off for the following class or I will reschedule them. Additionally, I may substitute new topics for some of the ones included in this schedule, particularly if most of you show an interest for some topics not planned to be covered. Changes to this schedule will be announced in class and posted on the course website.



Class	Topic	Readings
Class 1	Introduction and orientation	
	Content of the course: Public	

Jan 6	and Private international law, as well as international measures taken by states	
Class 2 Jan 8	Global sex trade	Chapter Five: Extraterritorial Jurisdiction from the International Law book. Extraterritorial accountability by Naomi Svensson.
Class 3 Jan 1.3	Global sex trade	Extraterritorial accountability by Naomi Svensson.
Class 4 Jan 15	International actors UN reform	Chapters 1, 2, and 3 from International Law book.
Class 5 Jan 20	International sources	Chapters 1, 2, and 3 from International Law book.
Class 6 Jan 22	Foreign legal research	
Class 7 Jan 27	Foreign legal research	
Class 8 Jan 29	Private International Law	The relationship between Private International Law and Public International Law by John Stevenson.
Class 9 Feb 3	Private International Law	The relationship between Private International Law and Public International Law by John Stevenson.
Class 10 Feb 5	Jus in bello vs. jus ad bellum War rape	Chapter Ten: Use of Force from the International Law book.
Class 11 Feb 10	International state responsibility Nuremberg	Chapter Ten: Use of Force from the International Law book.
Class 12 Feb 12	International Criminal Court	The International Criminal Court. Better than Nuremberg? By Tonya Boller.

Class	Review for test	
Feb 24		
Class 14	Guest speaker: Dr. Luis Rene Fernandez Tabio	Montreal Convention by Michael Milde and The New Montreal Convention: The International Passenger's Perspective by Julian Hermida
Feb 26	International Air Law Practice for test	
Class 15	Responsibility to act	
March 3	Humanitarian intervention Human security Responsibility to act	
Class 16	Test	
March 5		
Class 17	Extradition	
March 10		
Class 18	Space Law	International Space Law by Julian Hermida
March 12		
Class 19	Space Law	International Space Law by Julian Hermida
March 17		
Class 20	Space Law	
March 19	HAND IN THE ESSAY HAND IN THE A/V REPORT DISTRIBUTION OF FINAL TAKE HOME	
Class 21	EARLY SUBMISSION OF FINAL TAKE HOME	
March 24		
Class 23	SUBMISSION OF FINAL TAKE HOME	
March 31		

REQUIRED TEXTBOOK

- Fundamental Perspectives on International Law by William Slomanson (Wadsworth Publishing, 2004) ISBN 978-0534573874.

WEB SITE

A web site for the course is available at <http://www.julianhermida.com> You will be able to consult the course outline, test bank, class activities, reading guides, and other useful information. The website also includes the journal articles which you must read in addition to the course textbook. **You must regularly check both the course website and your Algoma U email account.**

OFFICE HOURS POLICY

I do hope you will visit during my office hours. Come individually or with friends. It is a chance to get to know each other and to talk about the course, assignments, tests, study strategies, or whatever else you would like to discuss. I am also available to write letters of reference and to help you plan for future graduate studies or a professional career. Also, if you find yourself having difficulty with anything in the course, please do come. But, remember, you do not have to have a problem to visit. If my office hours are impossible for you, please let me know so that we can make an appointment for another time. In addition to regular office hours and seeing me by appointment, I will every so often end class 5 minutes early, and invite students who have questions to meet with me right then and there.

WRITTEN ASSIGNMENT POLICY

Unless otherwise authorized by me in writing, all writing assignments must be submitted personally in hard copy IN CLASS on the due date, followed by an electronic copy sent by email if so requested. For further clarification, written assignments submitted to the Faculty Secretaries, left in my mailbox, sent only by email, or slid under my office door, will not be accepted for marking, and students will not receive any credit. Unless I have approved an extension in writing, at my discretion, written assignments submitted after the deadline will either not be accepted for marking, or will be accepted for marking with late penalties. Late penalties will be as followed. If the written assignment is submitted the class following the deadline, a 25% late penalty will be deducted from the mark. A 50% late penalty will be applied to those assignments submitted two classes after the deadline, and no mark will be given if submitted after two classes following the deadline. In those exceptional cases where I grant an extension, you will have to submit your assignment personally IN CLASS on the new specified date.

I will return all written assignments as soon as possible given the number of students registered in the course. Whenever feasible, I will try to return tests and other written assignments the class following the scheduled date for the test or the deadline for submission, respectively. You are expected to get the assignments back from me that class. If you did not come to class, you will have to come to my office during my office hours to get your test or written assignment back. I will presume you did not attend class if you did not get your assignment from me when I distributed them. It is your responsibility to keep a backup copy of each assignment that you submit.

UNIVERSITY ATTENDANCE POLICY

The general regulations of the university require punctual and regular attendance at the various academic exercises. If there are extenuating circumstances related to an absence, the instructor should be notified in writing. Absences in excess of 20% may jeopardize receipt of credit for the course. **Given the nature of the course, I will strictly enforce this policy.**

ATTENDANCE POLICY FOR THIS COURSE

Your presence and participation in every class is an essential part of the learning process for you and your classmates. Therefore, attendance will be taken at all classes and is mandatory. I will take attendance in a variety of ways, including, sign-up sheets, submission of written activities, and return of assignments. I may also simply write down the names of those students that I noticed that were absent. Arriving late or leaving early without a proper justification will count as an absence. Forgetting to sign the attendance sheet will constitute an absence. **Students that have an absence in more than 20% of the classes will NOT receive credit for this course regardless of the reason for the absence,** including without limitations absences due to medical reasons, sports competitions, and employment obligations. If you missed classes because you were not registered in the course, those classes that you missed will count as absences in order to calculate this 20% rule. This is because I firmly believe that the class constitutes a unique learning environment and most of what you will learn takes place in class, not in solitude. For further clarification, participation in sports competitions does not exempt you from attending class or for complying with other course requirements. If your sports activities prevent you from regularly attending class, please consider dropping this course as your grade may be seriously affected. As a matter of courtesy, I may permit a student athlete to write a test on a different day if there is a conflict with one of their sports obligations, provided the student has regularly worked hard in class. But this will be considered on a case-by-case basis. I will not normally authorize you to reschedule more than one test in the course. I will not authorize student athletes or any other student to reschedule, or extend the deadline for, the final global take-home. **Under no circumstances will a student that missed a class receive credit under the class participation evaluation component for that class.** Written class activities not done in class on the day originally conducted will not be rescheduled or accepted for marking. Homework assignments not submitted personally in class on the due date will not be accepted for marking either.

PRIVILEGES: EXTENSIONS, WAIVERS, AND OTHER AUTHORIZATIONS

Extensions, waivers, reschedules, rewrites, make-ups, and extra-credit activities are considered privileges, given on a case by case basis and as a matter of courtesy. For further clarification, I may or may not grant them or I may grant them to some students and not to others, depending on a number of factors. You must request a privilege, such as an extension in writing. Under exceptional circumstances, I may grant a privilege. If so, you must keep a copy of the privilege given by me in writing. Privileges not requested in writing and not given in writing are not valid. The following are examples of circumstances that may never be considered exceptional: internet outages, computer or

printing problems, compliance with a job supervisor's request to do overtime or an extra shift, or sports commitments. You must plan ahead in order to comply with all the course requirements. This means, among other things, not starting your work the night before the deadline. Occasionally, I may give you the possibility of rewriting a written assignment or some questions from a test. If so, you will forfeit that possibility if you did not attend the class when I returned the original tests or the written assignments. Also, you must rewrite the questions from a test – or hand in the rewritten assignment- on the very next class IN CLASS. Otherwise, you forfeit your privilege to rewrite the questions from a test or to hand in the assignment. Under exceptional, extenuating, and extraordinary circumstances, I may give you as a final grade a grade that is more than the sum of each evaluation component or I may waive a course requirement other than class participation. I may also give you the possibility of doing activities for extra-credit. If you do not come to class when I distribute the questions or problems for the extra-credit activities, you may not do the extra-credit activities, regardless of the reason for your absence. I may post further rules for extra-credit activities on the course website, which rules may change from time to time.

STUDENTS WITH DISABILITIES

Students with disabilities who would like to discuss classroom and/or exam accommodations should contact me as soon as possible.

ACADEMIC DISHONESTY

The University takes a very serious view of such offences as plagiarism, cheating, and impersonation. Penalties for dealing with such offences will be strictly enforced. Please read the Student Code of Conduct (Academic) on plagiarism and other offences against academic honesty. Please note that any self-misrepresentation in order to avoid attendance, meeting of assignment deadlines, writing of tests or examinations and/or completion of assignments, constitutes academic dishonesty.