

COURSE LIST WINTER 2010

<u>Course code</u>	<u>Title</u>
CML 4116	Advanced Refugee Law
CML 3355	Armed Conflict
CML 4163	Comparative Indigenous Rights
CML 4150	Globalization and Law
CML 3397B	Immigration Law
CML 3130	International Criminal Law
CML 3231B	International Law
CML 4125	International Trade Remedies
CML 4107B	Studies in Business Law: International Corporate Governance and Social Responsibility
CML 4109A	Studies in Human Rights : Introduction to African Women's Law and Politics
CML 4108B	Studies in international Law: International Contracts
CML 4108P	Studies in International Law: International Investment Law
CML 4108C	Studies in International Law: The North American Free Trade Agreement (NAFTA)

COURSE DESCRIPTIONS – WINTER 2010

CML 3130 - International Criminal Law (3 credits)
Professors Joseph Rikhof and Elizabeth Williams

Winter 2010

- Prerequisite(s):** None but a prior course on public international law or international human rights law is strongly recommended
- Teaching method:** Seminar
- Method of evaluation:** **Undergraduate students**
Students are expected to participate in interactive seminar discussions, make a short presentation on their selected paper topics and submit a paper.
Final paper: 70% (qualifies as a Major Paper)
Presentation: 20%
Participation: 10%
- Graduate students**
Students are expected to participate in interactive seminar discussions, make a short presentation on their selected paper topics and submit a paper which needs to be longer and a more in-depth analysis than the undergraduate paper.
Final paper: 70%
Presentation: 20%
Participation: 10%
- Course objective(s):** The course will examine the evolution of international criminal law from a historical perspective, the groundbreaking institutions such as the Security Council Tribunals, hybrid tribunals and the International Criminal Court, definitions of international crimes and general principles of international criminal law and procedure. The course will also examine related issues such as jurisdiction, immunity and humanitarian interventions. This course will involve a series of interactive seminars, followed by a series of short presentations by students on their paper topics, with class discussion.
- Materials used:** An Introduction to International Criminal Law and Procedure, Robert Cryer, Hakan Friman, Darryl Robinson and Elisabeth Wilmhurst, Cambridge University Press, 2007
- Maximum enrolment:** 20
- Schedule:** Monday and Wednesday, 19:00 to 21:00

CML 3231B - International Law (3 credits)
Professor Penelope Simons

Winter 2010

Prerequisite(s):	None Students that have taken CML 1105E – International Law during their first year may not register in CML 3231
Teaching method:	Interactive lecture format
Method of evaluation:	Optional paper 50% (25-30 pages) qualifies for major paper, due end of classes. Exam 50% (or 100% if paper option not chosen), 2 hours, open book
Course objective(s):	This survey course will provide students with a systematic and critical introduction to the international legal system. No prior knowledge of international law will be assumed. Topics to be covered include: the origins and nature of the international legal system; the formation, sources and application of international law; the law of treaties; international legal personality; the institutional framework of international law; the relationship between international law and municipal law; the relationship between states and territory; law of the sea; state jurisdiction; jurisdictional immunities of states; state responsibility; and a selection of substantive international legal topics including, as time permits, human rights, the use of force by states, international humanitarian law and/or international criminal law.
Materials used:	Required: J. Currie, C. Forcese & V. Oosterveld, <i>Public International Law: Doctrine, Practice and Theory</i> (Irwin Law, 2007). Recommended: J.H. Currie, <i>Public International Law</i> 2 nd edn (Irwin Law, 2008).
Maximum enrolment:	59
Schedule:	Wednesday 15:00 to 17:00 and Friday 12:30 to 14:30

Prerequisite(s):	Strongly recommended: CML 3231 - International Law or CML 3531 - Droit international public
Teaching method:	Interactive lecture
Method of evaluation:	Students must choose one of two methods of evaluation: Option 1: A paper (25-30 pages) worth 50% and a two-hour open-book examination worth 50%. The paper qualifies as a major paper. Option 2: A two-hour open-book examination worth 100%.
Course objective(s):	The course will introduce students to the international legal regulation of the use of force and armed conflict. The course will have two main components. The first, addressing the so-called <i>jus ad bellum</i> , will focus on international legal obligations with respect to the peaceful settlement of disputes; the general ban on the use of force in international relations and the related prohibition of forcible intervention in internal conflicts; the international legal concept of "aggression"; recognized and controversial exceptions to the general ban on the use of force (e.g. self defence, humanitarian intervention, etc.); and the collective security architecture of the <i>UN Charter</i> . The second part of the course, addressing the so-called <i>jus in bello</i> , will introduce international legal regulation of specific conduct during armed conflict, including treatment of civilians, combatants and prisoners of war (so-called "Geneva law"); permissible and impermissible means and methods of warfare (so-called "Hague law"); and, time permitting, aspects of the law of belligerent occupation and/or rules applicable in non-international armed conflict.
Materials used:	Case book prepared by instructor; Sassòli & Bouvier, <i>How Does Law Protect in War?</i> , 2 nd ed. (Geneva: ICRC, 2006); other materials to be determined.
Maximum enrolment:	30
Schedule:	Tuesday and Wednesday, 15:00 to 17:00

Prerequisite(s):	Strongly recommended to have taken CML 2212 - Administrative Law or CML 2512 – Droit administratif
Teaching method:	Lecture and Practical exercises (problem solving)
Method of evaluation:	Final exam (100%, 3 hours, open book). Some problem solving exercises involving student participation is also required.
Course objective(s):	This course will provide an overview of immigration law in Canada with emphasis on immigrant selection and refugee determination. Subject matter includes: history of immigration to Canada; temporary and permanent admissions; family class; business immigrants and skilled workers; exclusion and removal; humanitarian and compassionate applications; Convention refugees and persons in need of protection; appeals and judicial reviews; Ethics; the Charter. The emphasis is on providing students with both a practical and analytical approach to Immigration and Refugee Law.
Materials used:	To be determined
Maximum enrolment:	60
Schedule:	Wednesday, 13:00 to 15:00 and Friday, 11:00 to 13:00

CML 4107B – Studies in Business Law: International Corporate Governance and Social Responsibility (3 credits)

Professor: Oonagh E. Fitzgerald, BFA, LLB, LLM, MBA, SJD

Winter 2010

Prerequisite(s):	None
Teaching method:	Seminar
Method of evaluation:	1) Research Paper 70% - 20 pages on a subject to be agreed between student and instructor AND 2) Classroom Joint Presentation 20% - 20 minutes with 10 page PowerPoint on a subject to be agreed between the 2 students and the instructor OR Classroom Debate 20% - 20 minutes with 10 page PowerPoint arguing opposing positions on a subject to be agreed between the 2 students and the instructor AND 3) Classroom Discussion 10% - this includes participation in class discussion of materials that will be assigned on a weekly basis and presentations and debates by colleagues.
Course objective(s):	<p>The course teaches law and business students to recognize, risk manage and solve a range of international corporate governance and social responsibility issues relevant to successful business practice in both the domestic and international context.</p> <p>Particular focus will be on the role of the corporation under domestic and international law, in society, as citizen and as ambassador, and the role of corporate counsel in pro-active risk management and corporate governance.</p> <p>The course will also examine regulator, investor, financial analyst, employer, accountant, employee, and community stakeholder perspectives on corporate responsibility. Students will have an opportunity to study the environmental protection and sustainability, human rights and labour protections, anti-corruption and corporate governance dimensions of business law and practice.</p> <p>The knowledge gained and skills developed through this course are cutting-edge assets for the evolving world of international business law.</p>
Materials used:	Legal and Business Case Method, Journal Articles, Multi-Media
Maximum enrolment:	24
Schedule:	Tuesday, 19:00 to 21:00 and Thursday, 17:00 to 19:00

Prerequisite(s):	None
Teaching method:	Seminar
Method of evaluation:	Class participation –15% Problem preparation and presentation – 50% Take home exam – 35%
Course objective(s):	The principal objective of this course is to introduce the student to the rules applicable to international sales contracts. The focus of the course in this regard is the United Nations Convention on the Contracts for the International Sale of Goods (CISG). The course will provide students with an understanding of the rules of the CISG as they have been interpreted by courts throughout the world. Students will also acquire the skills needed to research sources of CISG law for the purpose of constructing arguments based on the convention. The course will emphasize how to deal with practical issues for lawyers including contract interpretation and drafting exclusion clauses.
Course description:	<p>Most of this course will deal with the CISG, a convention in force throughout Canada and more than 60 other nations, though other international contracts instruments, including the UNIDROIT Principles for International Contracts will also be discussed. The CISG provides a distinct legal regime for international sales contracts that is a merger of civil law and common law doctrine and theory. Though not widely known in Canada, almost all major trading states are signatories to this Convention (including the USA and almost all of Europe and Asia). As a result, understanding the CISG is important for any lawyer hoping to work on international commercial transactions.</p> <p>This course will comprehensively explain and analyze the Convention as a whole and treat in an in-depth manner the Convention's key provisions. By comparing the CISG with anglo-Canadian common law, students will gain further insight into Canadian common law as well as the international standards that the CISG sets. Particular subjects will include</p> <ul style="list-style-type: none">• Scope of the CISG• Interpretation of the CISG• Contract formation• Implied obligations• Remedies <p>A significant amount of time in the course will be devoted to working on problems that will provide students with an opportunity to apply the CISG to a variety of fact situations.</p>
Materials used:	Course supplement.
Maximum enrolment:	25
Schedule:	Monday, 17:00 to 19:00 and Wednesday, 19:00 to 21:00

CML 4108C - Studies in International Law: The North American Free Trade Agreement (NAFTA) (3 credits)

Professor J. Anthony VanDuzer

Winter 2010

Prerequisite(s):	None
Teaching method:	Seminar
Method of evaluation:	Class participation –15% Problem preparation and presentation – 50% Short Paper – 35%
Course objective(s):	The principal objective of this course is to introduce the student to the operation of the North American Free Trade Agreement (NAFTA) in the context of both the international trading system and the North American economy. A second objective is to allow students gain experience in the application of NAFTA's provisions in real world situations through work on a series of problems that will be distributed at the beginning of the course. Finally, by providing an opportunity to work and interact with students from the United States and Mexico, it is hoped that students will develop a better understanding of the nature of the North American economic community.
Course description:	<p>The course will begin with a discussion of the background for and history of NAFTA followed by sessions covering all of the main substantive areas of the agreement (including trade in goods and services, non-tariff barriers, investment, intellectual property, as well as dispute settlement related to anti-dumping and countervailing duties, state to state and investor-state disputes). Sessions on the North American Agreements on Labour Cooperation and Environmental Cooperation and the social dimensions of NAFTA will also be held.</p> <p>Part of this course will be jointly taught by teleconference with professors from the University of Houston Law Center and the Centro de Investigación y Docencia Económicas (CIDE) in Mexico City. Some of the sessions will be held by teleconference and some exercises will require students to work cooperatively with students in Houston and Mexico City. All work will be conducted in English.</p>
Materials used:	Course supplement.
Maximum enrolment:	25
Schedule:	Monday and Wednesday, 15:00 to 17:00 The Wednesday lecture will be by videoconference.

CML 4108P – Studies in International Law: International Investment Law
(3 credits)
Professor Debra Steger

Winter 2010

- Prerequisite(s):** None, but public international law is advised.
- Teaching method:** Seminar – lectures and class discussion.
- Method of evaluation:** Undergraduate students: class participation (10%), presentation in class (20%), and “take home” research project (70%).
Graduate students: class participation (10%), presentation in class (20%), and research paper (70%).
This is a seminar course, regular attendance and class participation are mandatory. Each student will be required to make a presentation (a case study) to the class on a specific investor-state arbitration award. The final examination will take the form of a “take home” research project.
- Course objective(s):** The purpose of this course is to provide an overview of the principles shaping the law of foreign investment, as they have been defined in investment treaties and by the jurisprudence of international tribunals. It will also examine the procedures of state-state and investor-state arbitration under bilateral investment treaties and NAFTA, Chapter 11.
- Course description:** International investment law is an increasingly important area of public international law which directly affects governments and businesses. It is estimated that there are over 2,000 bilateral investment treaties (BITs) in the world, free trade agreements often include investment obligations, and many new agreements are in the process of being negotiated. Canada has several Foreign Investment Protection Agreements (FIPAs), and is presently negotiating major new investment treaties with India and China. NAFTA, Chapter 11 on investment has been a model for other investment treaties. Jurisprudence under NAFTA, Chapter 11 and BITs under the aegis of the International Convention for the Settlement of Investment Disputes (ICSID) and UNCITRAL has been growing at a rapid pace as more businesses become aware of the possibilities of making claims against governments for damages under these treaties.
This course outlines the principles underlying the international law of foreign investment. The main focus is on the law established by bilateral and multilateral investment treaties, including NAFTA Chapter 11, as it has been interpreted by international investment tribunals. The course traces the purpose, context and evolution of the key provisions of international investment treaties and analyzes the case law interpreting the standard provisions. In addition, it examines the functioning and operation of the dispute settlement mechanisms of these treaties, with particular emphasis on investor-state and state-state mechanisms.
- Materials used:** **Principles of International Investment Law**
Rudolf Dolzer and Christoph Shreuer
Oxford University Press paperback 978-0-19-921176-0
- Maximum enrolment:** 25
- Schedule:** Monday, 10:30 to 12:30 and
Wednesday, 13:00 to 15:00

CML 4109A - Studies in Human Rights : Introduction to African Women's Law and Politics (3 credits)

Professor Josephine Asmah

Winter 2010

Prerequisite(s):	None
Teaching method:	Seminar
Method of evaluation:	100% Paper, Due date: April 12 th (last day of class) at 12:00 (noon)
Course objective(s):	<p>This course will allow students to explore legal and political issues raised by African women's inequality, and explore potential remedies and strategies through which to advance African women's human rights. Various sources of human rights law relating to African women, including international, regional and national sources of law, and human rights implementation machineries will be discussed. A particular focus of the course will include the contributions women made to African societies prior to colonialism, and how and why colonialism affected African men and women differently. The course will also provide an introduction to the study of how to translate equality theory into practice so as to address the concrete manifestations of African women's inequality, such as the feminization of HIV/AIDS. How to deal with the challenges associated with addressing experiences of women's inequality in the African context of pluralistic and complex legal systems will be discussed. Course materials will include legal and political texts and journal articles, autobiographical and fictional accounts of African women's experience with inequality, and films. During the course, students will meet advocates and experts on African women's law and politics.</p> <p>The course will serve as a prerequisite for students to volunteer with the African women's equality clinic (POWER – Progress & Opportunities for Women's Equality Rights: Africa/Canada).</p>
Materials used:	To be determined
Maximum enrolment:	25
Schedule:	Tuesday and Thursday, 19:00 to 21:00

Prerequisite(s):	Immigration Law and Refugee Law (CML 3397) or permission
Teaching method:	Seminar
Method of evaluation:	Open book 7 hour take-home exam or paper (20 pages) with permission of the professor: 80%; Class participation: 20%
Course objective(s):	A successful student will have a thorough knowledge of the various grounds for refugee protection and will have the fundamental advocacy skills and knowledge necessary to represent a refugee claimant before the Immigration and Refugee Board.
Course description:	This is an advanced course for students who have already studied immigration and refugee law. The course is about understanding and applying refugee law principles and case law in the refugee claim process. It includes a detailed analysis of the Convention refugee definition and the practical advocacy skills of representing a claimant during the refugee claim process. Throughout the term, the class will have a refugee claimant as a client. The term concludes with a mock hearing in which each member of the class will participate. The mock hearing itself is a learning experience; performance is not evaluated. Active class participation is expected and problem-based learning methods will be used.
Materials used:	Various materials on class website and handouts. There is no casebook.
Maximum enrolment:	25
Schedule:	Wednesday and Friday, 09:00 to 11:00

Prerequisite(s):	None. Suggested: CML3231 - Public International Law or CML3531 - Droit international public
Teaching method:	½ Lecture / ½ Seminar
Method of evaluation:	5% Paper Proposal 20% Presentation 25% Class Participation 50% Research Paper/Case Comment (25-35 pages) (qualifies as a Major Paper)
Course objective(s):	The objective of this course is to provide students with a comprehensive understanding of the law and practice of domestic and international trade remedies.
Course description:	<p>The course will provide the necessary background, through readings and lectures, on major areas of practice in international trade remedies, including: safeguard measures, anti-dumping duties, countervailing duties, customs valuations and tariff classifications, export and import controls, government procurement challenges, judicial reviews, investor-state disputes, WTO dispute procedures, and trade remedies and competition policy. Students will also engage in problem-based case studies and work through cases with senior practitioners from the bar and government agencies.</p> <p>Each lecture will begin with an overview of the WTO rules, which apply to the specific topic. Students will be assigned WTO and secondary source materials to provide the essential background. Students will also be assigned the corresponding domestic legislation pertaining to each issue area to review. The material will be synthesized during lectures on each subject area presented by the course instructors to illustrate how the international trade regime is being implemented in Canadian law.</p> <p>Students will also be given the facts of a problem to be discussed in class. After the requisite lecture, a senior practitioner will be invited to lead students through the practical exercise of navigating through a trade remedy case using the fact pattern.</p> <p>Two classes will be dedicated to student presentations on areas of interest. Students are permitted to present on their paper topic so that they may receive feedback and discussion from their peers. Length of presentation will depend on class size but shall be limited to ensure both comprehensiveness and time for classroom discussion.</p>
Materials used:	Most materials are available on Virtual Campus. Additional materials will be discussed in the first class.
Maximum enrolment:	25
Schedule:	Tuesday and Thursday, 17:00 to 19:00

Prerequisite(s):	No prerequisites, except a general interest in global issues and challenges that are facing the world today.
Teaching method:	Seminar and guest lectures from government, law firms, private sector, NGO and international organizations practitioners.
Method of evaluation:	Students will be asked to write a Paper (which qualifies as a Major Paper) on a topic of their choosing in one of the four areas outlined. After an overview of the four areas by the instructor in the first three weeks, students will be asked to keep a course journal. Class discussion, presenting of the paper outline and keeping of the journal will account for 25% of the total grade. The paper will account for 75% of the total grade. There will be a globalization and law scholarship of \$1,000 for the top paper in the course by a student who has demonstrated interest in a career in one of the four areas covered by the course.
Course objective(s):	<p>To prepare students for the globalization of law and its impact on society in selected areas. The course will seek to prepare students to take positions in international institutions, international law firms, international non-governmental organizations and government departments that are involved in the four areas of globalization:</p> <ol style="list-style-type: none">1. Globalization and Human Rights2. Globalization, International Trade, Environment and the Global Labour Market3. Globalization and the Global Private Sector4. International Finance and Capital Markets
Materials used:	Errol P. Mendes & Ozay Mehmet, "Global Governance, Economy and Law, Waiting for Justice" Routledge, New York and London, 2003.
Maximum enrolment:	25
Schedule:	Monday, 13:00 to 15:00 and Tuesday, 15:00 to 17:00

CML 4163 – Comparative Indigenous Rights (3 credits)
Professor Bradford Morse

Winter 2010

Prerequisite(s):	Recommended: CML 2301 – Aboriginal Peoples and the Law [but not required]
Teaching method:	Seminar & Videoconference
Method of evaluation:	Course evaluation will be based upon class participation, oral presentations and the submission of a research paper, which meets Faculty requirements for a Major Paper.
Course objective(s):	<p>This seminar, offered since Winter 2001, is a joint endeavour with University of Oklahoma School of Law (with Professor Lindsay Robertson). Since 2003 it has included Monash University School of Law (with Professor Melissa Castan), with Victoria University of Wellington in New Zealand (Professor Catherine Iorns and colleagues) joining in 2004 and 2005. Since 2006 the seminar has included the law schools of University of Saskatchewan (Professors Paul Chartrand or Ruth Thompson), University of Queensland (Professor Margaret Stephenson), and University of Auckland (Professors Nin Thomas and Khylee Quince) along with Oklahoma, Monash and Ottawa. Our course consists of a 2 hour component solely amongst us in Ottawa and 2 hours per week through videoconference involving students and professors from all the law schools involved. The students and professors will participate live via our Videoconferencing facility in Room 102. A chat group will be established to foster increased interaction among the students in the Faculties outside of the formal class sessions. All teaching materials are posted through a course website that I manage hosted by University of Ottawa.</p> <p>The seminar will concentrate upon a selection of critical issues arising among the participating countries in which the similarities and differences in domestic law, as well as the objectives of Indigenous peoples in these countries, will be explored in detail from a comparative perspective. In the past, the seminar has included sessions on: the discovery doctrine, aboriginal and treaty rights, constitutional structuring of the relationship, fiduciary/trustee obligations, community recognition processes, self-determination and jurisdiction, economic development, taxation, land claims processes and agreements reached, statutory land title, religious freedom and international Indigenous rights. The precise topics for this year will be determined in consultation with the other participating law schools and students participating in this course.</p>
Materials used:	A special course website will be used for all reading assignments, paper topic outlines, draft and final student research papers, as well as additional legislative and other materials of interest.
Maximum enrolment:	20
Schedule:	Wednesday, 17:00 to 21:00