

2020 Winter Term – CML3351 - Legal Research and Writing (Selected Problems): UN's International Law Commission

(Registration by selection only)

Professor(s): Pierre Cloutier de Repentigny

Language: English

Units: 3

Level: Upper year

Class Schedule

Term	Activity	Day	Place
2020 Winter (January 27 - April 5)	REC	-	

Description:

Article 13(1)(a) of the UN Charter tasks the General Assembly with “promoting international cooperation in the political field and encouraging the progressive development of international law and its codification”. The second part of this mandate—the progressive development of international law and its codification—was assigned to a specialised body: the International Law Commission (ILC). The ILC is composed of 34 international law experts elected by the General Assembly representing the 8 UN regions. The ILC had and continues to have a significant impact on international law (e.g. the adoption of the Vienna Convention on the Law of Treaties).

During each of its sessions—usually held in May, July and early August—the ILC debates and adopts several projects on various topics of international law. Selected students will work one or more ILC projects. Students’ work will mainly consist of research leading to the drafting of a memo analysing and critiquing the topic of one of the reports that will be studied by the ILC during its 72nd session. The memos will serve as a basis for the reports and written and oral statements of Dr. Yacouba Cissé, member of the ILC, submitted to the Commission. Students’ work will also include other research and writing tasks linked to the work of the ILC. Students’ work will be supervised by Pierre Cloutier de Repentigny. Potentially, some students may be able to come to Geneva to watch the debates and continue their work during the 72nd session.

The topics that will be studied include (subject to change):

- maritime piracy;
- sea level-rise in relation to international law;

- general principles of law;
- immunity of State officials from foreign criminal jurisdiction;
- provisional application of treaties;
- protection of the atmosphere; and
- succession of States in respect of State responsibility.

Teaching Method:

Directed Research

Additional information on the teaching method delivered in this class:

At the beginning of the term, students will participate in a few general meetings (bilingual) introducing the ILC and its working methods. Subsequently, each student will have an individual meeting with the professor on the subject of their memo. A few other individual meetings may occur, as necessary, during the term to ensure proper supervision of the work. One last general meeting (bilingual) will take place at the end of the term.

Additional Requirements or Recommendations:

Students must have a good understanding of international law and should have taken at least one international law course. The ability to read and write in French is a plus, but it is not a requirement. To be selected, students must send an application to Pierre Cloutier de Repentigny (pclou097@uottawa.ca) comprised of:

- a cover letter of max one page stating why the student wants to take this course;
- a résumé; and
- law school transcript (non-official is fine).

Applications must be received at the latest on January 28, 2020, before 16:00. A maximum of 10 students will be selected. You may contact the professor if you have any questions.

Materials Used:

Mandatory general readings will be sent by email to students, and further individualised readings will be sent to each student in accordance with the topics covered by their work.

Method of Evaluation

Other Type of Evaluation:

Students will be evaluated on the quality and presentation of their work (research, memo, review, and other tasks) (80%) and on their professionalism (respecting deadlines, attending meetings, the capacity to give and receive constructive critiques, etc.) (20%).

Final Exams:

Exam type: None

Exam duration:

Computerized exam: No

Method of evaluation for graduate students (LL.M./Ph.D.):

Graduate students will have greater responsibilities, will have to accomplish more detailed research, and will have to transform their memo, after approval, into a draft declaration (in French) or a draft part of a report.