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At its core international law is idea about how to use the tools of law to facilitate peaceful and mutually beneficial relations in the world. This course explores how the international legal system works from a legal and political perspective, shaping international relations today.

The course provides an introduction to some aspects of the method and substance of international law, learning some key legal concepts like sovereign immunity, jus cogens, general principles of international law, principles of jurisdiction etc.

But this is not a law course. We cover legal subjects to understand how politics and law interact in shaping international relations today. Substantively, the course examines international laws related to the oceans, the environment, human rights, trade and war. We read treaties, and use case studies to see how international law is made, why national governments and national courts at times contest international law, and why international law can be difficult to enforce. We explore the legal and political issues surrounding contemporary flashpoints in international relations: China's claims to the South China Seas, how civil conflict is fueling the poaching of elephants, the United States Supreme Court's ambivalence regarding international law, how international law regarding torture is and is not politically relevant.

Reading Texts to Purchase

In-class discussions will draw on the readings, and you are expected to have done the readings before class. We refer to texts in class, so please bring relevant texts to class. Also, please consult the Canvas pages for each week. Some of the readings are posted through links on these pages.

1. William Slomanson *Fundamental Perspectives on International Law* Sixth edition

This book links to a website that is different than what the book notes:

<http://www.tjsl.edu/slomansonb/txtcsesite.html>

2. Karen J. Alter *The New Terrain of International Law* (Princeton University Press, 2014)

3. Casebook (can be purchased on line as a case study book- (www.guisd.org search under Alter or [cb422](#)). There are two "Alter coursepacks" on this website, so make sure you have the right one The pdf sells for \$12.00; the paper version \$20.00 plus shipping includes the following case studies:

"The Negotiations Leading to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer." Goodman, Allan. Pew Case Studies in International Affairs, #447

"The Ivory Trade." Mingst, Karen. Pew Case Studies in International Affairs, #154

"The United States and the Law of the Sea Treaty" Steven, David & Peter Digeser. Pew Case Studies in International Affairs #418

"Establishing an International Criminal Court: The Emergence of a New Global Authority" Pew Case Studies in International Affairs #258

Readings online (indicated on the syllabus with a*) will be available on the canvas page for the week

Assignments: All assignments must reflect 100% your own work and writing

The three types of assignments are integrated, with an intentional overlap. If you prepare your briefing book assignments as we proceed, and understand the weekly material that might appear on the quizzes, then studying for the quizzes and the final, and submitting your briefing book will not be onerous.

- 1) **Attendance, Participation + Panel briefing book** (assignments due as noted. Briefing book due **March 9**): (30%). This grade includes attendance, class participation and your preparations for cases discussion and simulations. The *Panel briefing book* is a concrete manifestation of your participation as the class proceeds. Students in the past suggested that I make assignments due in real time—thus I will collect briefing book assignments. See Canvas for a fuller description of the briefing book.
- 2) **Three Quizzes (30%)**: In the past, the course had a cumulative final. I have substituted four on-line quizzes interspersed in the term. Each week's page lists the material that might appear on the quiz. The quiz study guide assembles the material located on the weekly course pages. The on-line quiz draws from these questions, which include I.D.s and short answers. The quiz is administered closed book, in section. You have 25 minutes to complete each quiz, thus you must study in advance. Quiz dates: January 20, February 4,
- 3) **Take-Home Final Exam** (Due at the time of the WCAS scheduled class final) (40%) I will ask you to write on 2 assigned essay questions. Questions require you to draw on material covered during the entire course, comparing across weeks.

Managing the work load to get the most from this course

You will learn a lot about international politics in this course—the material is relevant, topical, practical, and students who invest find this to be one of their favorite courses. That said, this is not a course you can dip in and out of, catching up at the end. If you do the reading before class, the discussions will help you build upon this knowledge. If you stay on top of the material, the first half of the course will fit with the second half, allowing a much deeper understanding of the political questions we examine. The quizzes test your knowledge of the material we have covered, building the deeper platform to apply as the course proceeds. Students asked me to make the briefing book assignments due in class. I will not grade these, but rather will wait until the end of the term when you assemble your briefing book.

Late penalties, academic integrity and other administrative things

- There will be a one third a grade per day penalty for late work (which begins immediately after the due time has passed).
- I do expect us to follow this schedule, but I always say that it is subject to change, with sufficient notice given in advance.
- University rules on academic integrity will be strictly enforced. You may split the work of briefing the assigned legal cases among your panel. All collaborative work should be posted on Canvas, and the name of the contributor should be clear. I expect all quizzes, the briefing book, and the final to reflect your own efforts.

PART I: ATTRIBUTES OF THE INTERNATIONAL LEGAL SYSTEM

Week 1: The sources of international law

(Jan 5-7)

Where does international law come from? We begin with the legal answer to this question. Something to think about: Given that there is no international state, what do you think of this process of law-making? Do you worry that law is not being made by an elected body?

Monday: What is International Law?

How to Brief a Case (On our Canvas page for week 1)

Slomanson *Fundamental Perspectives* 1.1 A, B, C (skim) and contrast to Alter *New Terrain of International Law* (p. 1-10).

Note: Sign-up for panels on Canvas. You might want to spend a little time this weekend researching your country and writing a brief for your briefing book.

Wednesday: The “sources” of international law

Discussion question: Why rely on ‘custom’ as a source of law? What are the advantages and disadvantages of relying on custom? Does ‘custom’ as a source of law concern you?

Slomanson *Fundamental Perspectives* 1.2 sources of int’l law

[Slomanson on line- Chapter 1 1\) Pacquete Habana Decision; 2\) Flores. V. Peru Southern Copper](#)

Also read Slomanson's discussion of Treaties p. 351-377.

Week 2: The politics of creating international law

(Jan 12-14)

We continue with the legal answer to where international law comes from, looking this week at the caveats states add to qualify their international legal obligations. We then consider the political question of how international conventions get made.

Monday: Sources continued- intertwining of state and judge made law (Human Rights)

Continuing with Slomanson *Fundamental Perspectives* 1.2 sources of int’l law

Slomanson on the Genocide Convention: p. 568-572;

[Genocide Convention](#) (esp. Articles I, V, VI)

[Reservations to Genocide Convention](#)

Developments in criminalizing torture (Part I- Customary law to hard law)

Slomanson on Alien Tort Statute, Torture Victims Protection Act and Genocide Accountability Act 637-642 + *Excerpt of Filartiga (Carter et al, p. 242-249)

[Look at CONVENTION AGAINST TORTURE and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)

Figure out if your panel country signed this convention, what its obligations are under the convention, and if there are any reservations to the convention.

ASIL Benchmark regarding the Torture Victims Prevention Act

Briefing book assignment due in class Monday: Submit what your team has collectively begun as a briefing page about your country (see last week's discussion of the briefing book for more). Also,

connect to the links for the Genocide and Torture conventions and identify when your country signed, what your country's obligations are under the treaty, and if there are any reservations.

Wednesday: States making treaty law (Environment)

Slomanson *Fundamental Perspectives* 11.2 (read through the end of the discussion on hard and soft law on p. 669)

*Montreal Protocol case preparation note. **Read this before reading the case!**

Pew Case Study: Goodman, Allan "The Negotiations Leading to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer" *Pew Case Studies in International Affairs*, #447

Briefing book assignment due in class: Figure out your country's position on the Montreal Protocol—did it sign and support this treaty? Did it file any reservations? Why do you think it adopted the position it did?

Week 3: Domestic and international approaches to international law January 18 and 20

Monday- Martin Luther King day

There is no scheduled class Monday. But please watch the on-line video (on our week 3 page) and then read ahead about the international legal system.

Assigned reading: Alter *The New Terrain of International Law* 3-10, 68-77, 81-7, 91-103, the Bahrain-Qatar case study (p. 172-178) and Rape as a war crime (p 319-323)

Wednesday- Jurisdiction from the perspective of domestic law

Slomanson *Fundamental* 5.2 (A-F only). Be sure to read Lotus (in the book) and [Slomanson on line](#) - Blackmer (look under [chapter 5](#))

Jurisdiction from the perspective of international law

The ICJ's jurisdiction: Slomanson 8.4C p. 402-410 (be ready to discuss Norwegian Loans case)

The ICC's jurisdiction: Slomanson 8.5 D p.428-435

*Rome Statute excerpts

The UNSC jurisdiction: [United Nations Charter Chapter 7](#) (For more on UNSC powers see: Slomanson 9.2 B)

Bringing international and domestic legal mechanisms together

Alter *New Terrain Case Study*: Indigenous Land Rights Case (p. 315-319)

The first on-line quiz will be held in section January 20. Please bring a computer with you to section.

Week 4: How international law does not bind a state (January 26-28)

We continue with the relationship between international and domestic law, as it impacts the binding nature of international law. This week we look at international law developing in two directions—erosions of the norm of sovereign immunity and the recent United States Supreme Court retreat from international law.

Monday: Changing views on foreign sovereign immunity & universal jurisdiction

Slomanson *Fundamental Perspectives* 2.5 & 2.6. 2.7E [on state immunities]

[Slomanson on line](#)- Chapter 2 1) [Ex Parte Pinochet](#) and 2) [Arrest Warrant](#). Please also read the “Arrest Warrant” excerpt in Chapter 5, that links this issue more firmly to the question of the practice universal jurisdiction.

Wednesday: Domestic effect of international legal rulings

Slomanson p. 15-19

Alter *The New Terrain of International Law* Chapter 8 On cultures of constitutional obedience p. 290-95

Differing respect for the ICJ's Avena ruling:

Slomanson on line: Avena Diplomatic Relations decision ([Chapter 2](#))

US reaction- *President Bush's order & Medillan v. Texas excerpt

German reaction- * Klaus Garditz summary of Germany's approach to the ICJ's Avena jurisprudence

Section discussion: US Supreme Court Developments regarding the Alien Tort Statute

* [Slomanson on line](#)- Chapter 10 Alien tort cases (Sosa) and Shell Corporate Human Rights (Koibel)

US Upholds conviction of Chuckie Taylor (Charles Taylor Jr). Read the story [here](#).

Week 5: Encouraging Compliance with International Law

(February 2-4)

In most cases, the question of eliciting respect for international law is less about enforcement, and more about state capacity and will to comply. This week we focus on some hard cases involving building respect for international law.

Monday: The challenge of compliance (Environment Case)

*Ivory Trade Case preparation note

Pew Case Study: Mingst, Karen “The Ivory Trade” *Pew Case Studies in International Affairs*, #154. See also part B in the coursepack.

*When CITES Works and Doesn't Work

*Setting the Record Straight: The N v. S view of CITES is a Myth

*Do International Conventions Work? The CITES Debate Rages On

Briefing book assignment due in class: Write a brief that explains your country's position regarding the Ivory Trade? This brief should explain why your country adopted its position.

Wednesday: Pathways towards compliance and the question of democratic accountability

Alter *The New Terrain of International Law: Courts Politics, Rights*: Chapter 4 (p 253-281 only)

Three pathways in action: 1) Women in Combat Support Roles p. 306-310; 2) Foreign Sales corporation p. 253-257; 3) Second use patents p. 257-260.

*Excerpt regarding the Proliferation Security Initiative- from Mette Eilstrup-Sangiovanni, “Varieties of Cooperation: Government Networks in International Security” in Miles Kahler, ed., *Networked Politics: Agency, Power and Governance* (Ithaca: Cornell University Press, 2009), ch. 10 (pp. 194-227).

Second quiz will be this week.

PART II. SUBSTANTIVE ISSUES IN INTERNATIONAL LAW (WITH A FOCUS ON THE US RELATIONSHIP TO INTERNATIONAL LAW)

Week 6: The Law of the Sea (Feb 9-11)

The Law of the Sea is the first truly global convention. It is also the first major effort of developing countries to have international law address their concerns and interests. The convention is so successful that we tend to for granted its many achievements. This week we understand why the US has not joined this convention, and the contributions and limits of the UNLOS III convention.

Monday: The challenges in creating the Law of the Sea convention.

*Law of Seas Case preparation note + Appendix on instruments of LOS

Slomanson *Fundamental Perspectives* 12.4 (on New International Economic Order)

Pew Case study: “The United States and the Law of the Sea Treaty” Steven David and Peter Digeser.

*“Boleslaw Adam Boczek, Ideology and the Law of the Sea: The Challenge of the New International Economic Order, 7 B.C. Int'l & Comp. L. Rev. 1 (1984)



Briefing book assignment due in class: Figure out your country’s position regarding the Law of the Seas. What does your country get from the convention? Does your country want the US to join the convention? Is your country willing to make any concessions to encourage US membership?

Wednesday: The success and limits of the Law of the Sea treaty

Slomanson *Fundamental Perspectives* 6.3 (Law of Seas)

Slomanson on-line: [Camauco prompt release of vessels](#) , and Seabed Chambers [not hyperlinked [chapter 6](#)]

Alter *New Terrain Case Study*: ITLOS “Japan v. Russia seizing of vessels” (178-182)

A stable fissure

*Australian-East Timor Maritime Boundaries: Finding an Equitable Solution + article about the settlement East Timor accepted. For an updated perspective, look [here](#). To see how this looks from the E. Timorian perspective, look [here](#).

Recommended: A more explosive fissure is China’s claims in the South Seas. For a discussion of this issue, look [here](#) and [here](#).

Week 7: International Law on the Use of Force (February 16-18)

This week we will look at how international law tries to regulate the use of force. Monday we look at law on the books, investigating when using force is legal. Wednesday we study the decision to create the ICC. Was it a good idea?

Monday: The Substantive law on the Use of Force

Slomanson *Fundamental Perspectives* 9.1, 9.2 (A-E)

[Slomanson on line](#): British Iraq War legality & Armed Act Congo ([Chapter 9](#)- this is not a hyperlink) + ICJ decision in Military and Paramilitary Activities in and Against Nicaragua (in book), and

Wednesday: *International Criminal Law- The Future of International Law*

Alter New Terrain of International Law – Brief overview of prosecuting mass atrocities (p. 119-126, 144-146) + *Charles Taylor Case Study* p. 267-273

“Establishing an International Criminal Court: The Emergence of a New Global Authority”
Pew Case Studies in International Affairs #258

ICC to Unveil New Investigation Strategy <http://iwpr.net/report-news/icc-unveil-new-investigation-strategy>

[“The Trials and Tribulations of Prosecuting Heads of State: Kenyatta and the ICC”](#) posted on [The Monkey Cage, December 19, 2014](#)

This [NGO page](#) explains the state of the "crime of aggression" which may one day fall under the ICC's jurisdiction:

This [weblink](#) is the official record of the ICC's agreed upon definition of aggression

Briefing book assignment due in class: Did your country support the creation of the ICC? Did your country ratify the Rome Statute? Why did it ratify the Rome Statute? Has your country signed an Article 98 agreement with the US? What is your country's position regarding the ICC's jurisdiction for the crime of aggression?

Weeks 8: The Global Trade Regime

(Feb. 23-28)

Tuesday: The World Trade Organization

Slomanson *Fundamental Perspectives* 12.2 (A-C), 12.3

*Chapter 3: Settling Disputes (short description of the WTO dispute settlement system)

Alter New Terrain Case Study: review Foreign Sales Corporation (p. 253-257), and read Softwood Lumber (p. 222-228)

Thursday: Intellectual Property

Slomanson *Fundamental Perspectives* 12.2 (D)

*Helfer and Austin *Human Rights and Intellectual Property* (16-48)

*Cynthia Ho *Patent Breaking or Balancing*, Bird & Callhoy *The impact of compulsory licensing on FDI*, Vera Zolotaryova *Taking “TRIPS” to Brazil and Expanding Access to HIV/Aids Medications*” excerpted in Helfer & Austin p.127-134

WTO Case study: [Patents, Parallel Importation and Compulsory Licensing of HIV/AIDS Drugs: The Experience of Kenya](#)

Briefing book assignment due in class: Figure out your country's position regarding the WTO. Is your country a member? Who are its major trading partners, and is the WTO useful for dealing with these trade partners? What is your country's position on protecting international property rights? Has it ever used the WTO dispute settlement system?

Third quiz is this week- We will make this on line at home- to be taken either Wednesday or Thursday of this week.

Week 9: Human Rights Issues

March 2-4

Monday: Enforcing Human Rights- The Current International System

Slomanson *Fundamental Perspectives* Get a sense of the contours of the internat'l HR system by skimming 10.1, 10.2, 10.3. Read 8.5D. You might find the historical material (A-C) worth skimming.

Wednesday: Human rights courts v. Human Rights bodies A law in action analysis

Today we look at how the human rights systems deal with legal violations. The first two examples are court based solutions. We then look at how the US has dealt with allegations of torture.

Alter *New Terrain Case Study* Modern Day Slavery (p. 260-267) and Indigenous land rights p. 315-319

Torture readings to be added.

March 7: Make-up MLK Session

Lets decide together if there is a current affairs issue we want to investigate.