PS 386: International Law

● Summer 2008 ●

9:00am—11:30am Mondays through Thursdays, 203 Transportation Building
First four-week session: May 12—June 6, 2008

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Office Hours: Daily after class or by appointment

Introduction:

Last summer, representatives of the Russian Federation sent a submarine to plant a Russian flag on the ocean floor at the North Pole to stake a symbolic claim to the pole as an extension of the Siberian continental shelf, and to the mineral wealth that is thought to be in that area of the Arctic Ocean. Can they do that? Are the Russian claims legal? Who decides?

Since 2001, the United States has been holding foreign enemy combatants and terrorism suspects in a detention center at its military base in Guantanamo Bay, Cuba, in lieu of due process and against the protests of most other countries. How can they do that?

Over the past year, the European Court of Human Rights has made a series of rulings against the Russian government concerning the disappearance of ethnic Chechen civilians by the Russian military, though Russian compliance with the court and its rulings is completely voluntary. If the court cannot enforce its decision, what then is the point?

At this very moment, former President of Liberia, Charles Taylor, is sitting in a jail cell in the Netherlands awaiting trial on a 650-count indictment for war crimes and crimes against humanity relating to the attacks of rebels in Sierra Leone. How is that possible, and how did he get there in the first place?

These recent developments all hit at the very core of international law. Yet despite the widespread invocation of the concept of “international law,” there is a surprising amount of disagreement as to both its effectiveness, and even some of its foundational principles. The purpose of this course is to explore the general principles of—and current debates surrounding—international law in order to more fully understand its roles both as an instrument of, and a constraint on, state action.

Assignments and Grading:

The grade breakdown for the course is as follows, with each assignment explained in greater detail below:

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<th>Assignment</th>
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<td>Class participation</td>
<td>5%</td>
<td>100—93%: A</td>
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<td>92.9—90%: A-</td>
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<td>89.9—87%: B+</td>
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<td>Mid-term exam</td>
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<td>Case-study</td>
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<td>79.9—77%: C+</td>
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<td>Final exam</td>
<td>30%</td>
<td>76.9—73%: C</td>
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Grading scale: 72.9—70%: C-

69.9—60%: D

Below 60%: F
**Class Participation (5%)**:

Due to the fast-moving nature of an intensive summer course, it is necessary that you regularly attend all classes, as *missing a class does not exempt you from the materials covered on that day*. You may want to exchange e-mail addresses with some of your classmates to get notes and other materials you might have missed. You are expected to come to class having read all of the assigned readings for that week, and had time to think critically about them, as a minimum condition for developing an effective classroom environment.

**Mid-Term Exam (25%)**:

The midterm will be held in class on **Tuesday, May 20, 2008**, and will count for 25% of your final grade. The exam will be a combination of multiple-choice, short answer and a choice of a variety of longer, analytical essay questions that will require you to use the class materials to think critically about a question that may have not been directly addressed in class. Lecture and discussion materials, as well as topics covered in the assigned readings—whether addressed directly in lecture—are all fair game for exam questions. More details will be given as the exam approaches.

If you require additional time to complete the exam due to circumstances as registered with the Division of Disability Resources and Educational Services, or other considerations (such as using English as a second language), I have no problem in accommodating your needs *as long as you contact me at least a week beforehand* so that I can make the necessary arrangements.

*Note:* Make-up exams will only be granted under extreme circumstances, resulting either from 1) genuine family emergencies, 2) travel associated with university obligations (academic or athletic), or 3) severe illness or injury. If you are traveling due to university obligations, you must inform us *at least one week* prior to the event. If you are genuinely ill or injured, you will need proper documentation from your physician. These regulations will be rigorously enforced!!!

**Case Study (10%)**:

Perhaps the most frustrating element of the study of international law is that authors and experts often make references to a myriad of different legal cases in a rather flippant and offhand manner, assuming that you, of course, know all about each of these disputes and the implications of their resolution. I do not expect that you know the ins and outs of every case that you come across in the assigned readings, but this case study assignment will help you to become at least somewhat more familiar with the substance of international law by delving into some detail into *one* particular case of your choice.

This assignment will require you to write a 1-2 page (*single* spaced) executive summary of a major dispute in international law from a list of about 500 such cases that I will provide for you. You may *not* consider a case discussed previously in lecture. The summary should include the following elements:

1) The litigants  
2) A brief background of the dispute  
3) The form of dispute resolution (ICJ, third party arbitration, etc.)  
4) Some discussion of jurisdiction (Why is this court empowered to judge this matter?)  
5) The judgment  
6) Whether (or how) the judgment was enforced  

And most importantly, 7) Why we should care (or alternately, what precedent or lasting impact does this case decision have for the development of international law?)

This case study will help you to develop some expertise in an area of international law of your choosing, and facilitate more in-depth participation in class. The case study will be due in lecture on **Thursday, May 22, 2008**. As will be explained in more detail below, breaches of academic integrity, including plagiarism, will be dealt with severely.
Term Paper (30%):
In addition to an in-class final exam, you will have a choice of two options for an 8-10 page term paper, which is to be handed-in on the last day of lecture (Thursday, June 5, 2008). Regardless of the option chosen, you must submit both a hard-copy and electronic version of your final project. (This is so that I can grade the paper version to be handed back to you, while retaining an electronic copy which can be run through a computer program to uncover possible plagiarism of print and electronic sources, including other students’ submissions in this class and papers from so-called paper “mills” used at other colleges and universities. This may seem like a draconian measure, but I can assure you that it is well-justified.)

A good paper will be both persuasive and factually accurate—meaning that not only should the facts be correct, but also your argument should be comprehensive (meaningfully addressing potential rival explanations), balanced, well-organized and well-written, making appropriate use of a wide range of supporting information and evidence.

Option 1:
Following the midterm, I will distribute a topic question for you to answer. It will not require additional outside research to answer, but it will require combining and synthesizing multiple topics covered in the second half of the course with a substantial amount of original thought and analysis.

Option 2:
The second option is to write a research paper concerning some area of direct relevance to the study of international law, often culled from the topics covered in the second half of the semester. Acceptable research papers will only be conducted under my advisement. This option requires additional outside research, but may be ultimately more rewarding for students who wish to further their interests in a particular aspect of international law.

Additional Deadlines for Research Paper (Option 2)
The research paper will be due in class on the day of the last lecture, Thursday, June 5, 2008, however, to ensure that you are making progress in your research, it is necessary to establish additional deadlines. First, if you chose the research paper, you must submit to me—either in hard-copy form or via e-mail—a statement of your preliminary research topic and thesis question, by Thursday, May 29, 2008. Vague topic declarations such as “I want to study human rights” are too vague—a concrete topic question is required, and can be worked-out in conjunction with the professor. Usually addressing topics with “how” or “why” questions can help: asking instead “how can the international community make economic sanctions more effective?” Supplementing such questions with some notion of how your research question “matters”—in terms of furthering our understanding of international law—is also a plus.

Second, if your research question has been approved, you will need to submit a brief bibliography and conceptual outline of your paper by no later than Monday, June 2, 2008. This should help keep you on schedule, and prevent the sudden appearance of last-minute (and usually highly dubious) research papers. Finally, I cannot stress this enough: if you miss either of these deadlines, it will be assumed that you are no longer engaged in the research paper project, and will be defaulted into doing option #1.

Research Resources
Some useful websites for advanced research on international law include:
   - American Society of International Law (http://www.asil.org/)
   - Foreign Affairs Online (http://www.people.virginia.edu/~rjb3v/il.html)
   - International Court of Justice (http://www.icj-cij.org/)
   - United Nations General International Law (http://www.un.org/law/)
   - Collection of International Law Links (http://www.law.ecel.uwa.edu.au/intlaw/)
   - Harvard University Law School Library’s Foreign and International Law Resources (http://www.law.harvard.edu/library/ref/ils_ref/annotated/)
Final Exam (30%):
The final exam will be held on the Friday following the final class, as per university regulations, 10:00—11:30am, Friday, June 6, 2008, and will count for 30% of your final grade. The final exam will be somewhat similar to the midterm, however as the “analytical” portion will be covered through the term paper assignment, the final will consist solely of multiple-choice and short-answer questions. All the same conditions apply with regards to coverage, make-up exams, and other considerations. The previously-stated regulations as they pertain to the conditions under which make-up exams will be permitted will likewise be rigorously enforced!!

Questions on Assignments:
Invariably throughout the semester, students have questions about the grade they received on a particular assignment that goes beyond the given comments on the paper or exam. If you feel that you did not deserve the grade you received on a given assignment, I am certainly open to discussing the matter. However, I will insist upon the following:

1) A 48-hour “cooling off” period. Please do not approach me with questions about “why did I receive this grade” within 48-hours of having your assignment returned to you. This will allow you time to re-read the comments, and understand whatever shortcomings may be in question.
2) Come to office hours. I will not discuss individual grades during, before or after either discussion section or lecture. Questions about grades will only be considered in face-to-face discussions. In the end, it is exceedingly rare that a grade will be altered—but if you can persuade me that the evaluation was in error, I am not opposed to re-evaluating the grade.
3) You have ten calendar days after an exam or paper to challenge a grade. After that, we will assume that you have accepted the grade.

Late Assignment Policy:
Written assignments turned-in after the due date and time indicated will be penalized one full letter grade (ten points) for each full day that it is late. Therefore, an otherwise “100” quality paper turned-in one day late would become at best a “90” two days late would become at best an “80,” and so forth.

Readings:
The following book is required reading, and is available for purchase:


All additional reading materials will be included in a course reading packet that will be available for purchase, as well as being available on electronic reserve. All readings in the following course outline that are not listed as being in the Ku & Diehl International Law book are to be found in the course pack.

Course Website:
This syllabus, along with relevant class announcements, review materials, reading assignments, and other relevant information will be available on the course website, located at http://compass.uiuc.edu.

Words of Advice:
Keep up!
International law is one of the more difficult courses for students to take, because it spans the divide between two distinct scholarly traditions—one housed in the Department of Political Science, and the other in the Law School. Even students well-versed in one often have troubles with the other. In short, there is a
lot of information to be mastered here, so don’t fall behind in the readings. In fact, it is usually helpful to take notes on each of the assigned readings in addition to the lecture notes.

Also, some international law courses require that you subscribe to the New York Times or Washington Post in order to keep abreast of relevant international developments. While you needn’t go quite that far, it would behoove you to keep up with current events. I would recommend BBC World, Jim Lehrer, or at minimum, checking-in with CNN International.

Keep clean!

Breaches of the University of Illinois Student Code, especially Article 1, Part 4 concerning breaches of Academic Integrity (such as cheating on exams and plagiarism) are serious business. Not only are such activities contrary to your entire purpose in attending college and official university policy, I also consider such breaches a personal affront to me as both an instructor and a competent human being—so consider this your prior warning: when breaches of academic integrity are discovered, they will be dealt with harshly.

Please take a moment to familiarize yourself with the Student Code, available online at: http://www.admin.uiuc.edu/policy/code/ .

The Penalties for Infractions of Academic Integrity (§ 1-403) are steep, and you should be aware of them: at a minimum, you will flunk the assignment or test, and likely, the entire class. Moreover, you may be brought before an ethics review tribunal, where it will be recommended that you be suspended not only from UIUC, but the entire University of Illinois system. Note will be made of your transgressions in your university file—which will be made known to any other college that you may look to enroll in. Needless to say, most universities would be reluctant to accept a known cheater or plagiarizer to their institutions, and many employers would be reluctant to hire someone with such marks in their file. So, long story short: don’t waste my time, don’t waste your time—just don’t do it. Please feel free to contact me with any questions you may have on this issue so that they can be easily resolved before the assignments are completed!

Assigned Readings and Organization of the Course:

Section I: International Law Concepts and Theories
Day 1: Course Introduction: International Law Today
Monday, May 12

Required Readings:
Day 2: International Law: Evolution, Concepts, Sources
      Tuesday, May 13
Required Readings:

Day 3: Approaches to International Law
      Wednesday, May 14
Required Readings:

Day 4: International Law Meets Mainstream International Relations Theories
      Thursday, May 15
Required Readings:

Day 5: Cooperation and Compliance with International Law
      Monday, May 19
Required Readings:
**Day 6: Review and Midterm**
Tuesday, May 20: In-class review/study before midterm exam begins at 10:00am.

**Section II: Topics in International Law, Old and New**

**Day 7: The Problem of Borders and Jurisdiction**
Wednesday, May 21

**Required Readings:**
“Russia Plants Flag on Arctic Floor,” CNN.com, August 2, 2007.

**Day 8: War Initiation and Terrorism**
Thursday, May 22—Case Study Assignment Due!

**Required Readings:**
International Court of Justice. 2004. “Advisory Opinion: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.”

**Day 9: Memorial Day, No class!**
Monday, May 26

**Day 10: Sanctions and Military Intervention**
Tuesday, May 27

**Required Readings:**
Day 11: War Crimes, Crimes against Humanity & Genocide
Wednesday, May 28
Required Readings:

Day 12: Human Rights
Thursday, May 29—Topic statement & thesis question due for those doing Option #2
Required Readings:

Day 13: Prisoners of War
Monday, June 2—Conceptual outline & bibliography due for those doing Option #2
Required Readings:
Recommended:

Day 14: Arms Control
Tuesday, June 3

Required Readings:

Day 15: Environmental Protection

Wednesday, June 4

Required Readings:

Day 16: Free Trade and Intellectual Property Rights

Thursday, June 5—Term Paper Due

Required Readings:

Final Exam:
10:00—11:30am, Friday, June 6, 2008.