

International Law
INTL 4210 Summer 2009, Short Session II
Marie V. Milward

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Class: **weekdays** 9:15-
11:30
Location: SLC 247

Course description and objectives:

This course is an introductory survey of international law and its role in international politics. International Law is commonly defined as the rules, principles, and norms which govern the interaction among states. Indeed, International Law (IL) is not something separate from International Relations (IR). The traditional corpus of IL provides a set of rules safeguarding the basic foundations of the international system of states such as state sovereignty and territorial integrity...

As we will see in this course, the scope of IL has increased as the issues confronting IR have expanded. Therefore, in addition to national security and conflict issues, both fields now also focus on international political economy, human rights, environmental issues...

This course will be divided into two parts: the first half of the course will be dedicated to the foundational theories and concepts of international law; in the second half of the course, we will emphasize the application of these theories and concepts to a sample of substantive areas of IR and IL.

During the course of this class, we will consider the following questions: what is international law? What role does IL play in the interactions among states and international relations in general? What are the limitations to the effectiveness of international law? Is IL always effective or is it more effective when regulating specific issue areas? Why do states comply with international law? In an international system characterized by anarchy, who is in charge of enforcing IL? Etc...

The course syllabus is a general plan for the course; deviation announced to the class by the instructor may be necessary.

Important dates:

Classes begin: Monday, July 6

Mid term: July 17

Classes end: July 30

Final exams: Paper due July 31 (Friday) at **5pm**

Grades due: August 3

Materials:

Scott, Shirley V. 2004. *International Law in World Politics: An Introduction*. Lynne Rienner Publishers. ISBN: 1-58826-199-9 (This short textbook will be available at the UGA bookstore but you can also find it used on the main book websites: Amazon, Barnes and Noble...)

A course packet available at Bel-Jean (Broad Street Downtown Athens)

UGA Learning Commons: Electronic Journal articles for second part of the course (issue areas)

UGA Learning Commons:

I will be using UGA learning commons for this class. Please check it at least once a day. I will post most electronic journals there for easy access.

<https://www.elc.uga.edu/webct/urw/lc5122011.tp0/logout.dowebct?insId=5122011&insName=University%20of%20Georgia&glcid=URN:X-WEBCT-VISTA-V1:0df1e5b9-80c0-5f6f-01db-6d8523325f04>

Course requirements- Assignments:

1- Pop-quizzes: 20%

There will be a number of pop quizzes over the course of this class. There is not predetermined number so you should **always** come prepared.

2- Midterm: 30%

The midterm will test your knowledge and understanding of the first part of the course (i.e. weeks 1 and 2). I will let you know the format closer to the date.

3- Topic presentation –group assignment: 20%

During weeks 3 and 4 of this course we will focus on applying the concepts and theories studied in the first part of the course to specific issue areas of international affairs. You will be asked to sign up for one of these issue areas. As a group you will be responsible to present the issue area assigned and to lead class discussion on that day.

4- Final paper: 30%

For this course, I am asking that you write a final paper (12-15 pages double spaced maximum) about the applications of IL concepts to a specific area of international relations. You can stick to the issue you presented in class or choose another.

Participation:

Be aware that your participation can lower or increase your final grade.

This class will involve both lecture and discussion. Students who do not volunteer to participate in class discussion can expect to be asked to do so. **You should ALWAYS come to class having already read the assigned reading material for that session.**

As you read the assignments for each session—especially the course packet readings—please think about the following questions:

- What is the author's main argument? What are the competing arguments?
- What evidence does the author present to support this argument?
- Do you agree or disagree with the argument?
- What other evidence support the argument? Or support competing arguments?
- What are the policy prescriptions that follow? Do these make sense?

Rules:

- The use of cell phones, iPods, or any other electronic device is not permitted. You can use your laptop to take notes. You **CANNOT** use the internet in class unless otherwise indicated. I will not tolerate the use of your laptop for anything else than note-taking: that excludes: chatting, facebook, myspace, emailing...
- Attendance: Attendance is required: we are talking about 19 days of classes. I will not check attendance everyday but keep in mind that there will be unannounced pop quizzes on a regular basis.
- Participation in class: you are required to participate actively in the class. During lectures, I will pause to ask/answer questions. This is a good time for you to get involved in the class. A portion of every class meeting will be dedicated to class discussion so please make an effort to speak at least once every day.
- Make-up quizzes & exams: I will not authorize a make up of a quiz or an exam unless the absence is justified and documented (i.e. illnesses or injuries). If you know you will miss an exam (i.e. the midterm), you need to let me know ahead of time and we will figure out a time.
- Grading: If you believe that an error or incorrect judgment (other than numerical mistake) have been made in grading an exam, assignment, or quiz, you may appeal to the instructor in writing, but the entire exam/quiz/assignment will be regarded and a new grade assigned, which may be lower than the original grade. Such appeals to the instructor must be made not later than 7 days after the grades are posted.
- Things I refuse to discuss with you, so don't even ask me:
 - Your Hope standing
 - Extra Credit: there will be no extra credit for this class
- I will not respond to "anonymous," unreadable and/or inappropriate emails. Please sign your emails and watch your writing!
- All academic work must meet the standards contained in "A Culture of Honesty." Students are responsible for informing themselves about those standards before performing any academic work. Please see <http://www.uga.edu/ovpi/honesty/acadhon.htm>

Schedule: Reading assignments:

Week 1: Origins and Foundations of International Law (IL)

(What is international law? Where does international law come from? Why does international law matter? What are the jurisdiction and standing of IL?)

Monday 7/6: Introduction (please try to come prepared for the first class)

Scott (2004): Chapter 1, *International Law and World Politics Entwined*
Course Packet (CP): Slaughter Burley, Anne-Marie. 1993. "International Law and International Relations Theory: A Dual Agenda." *American Journal of International Law* 87(2): 205-239

Tuesday 7/7: Foundations of International Law: what is it?

CP: Akehurst, Michael (1987) *A Modern Introduction to International Law*. Allen and Unwin. pp. 1-11 and 12-22
CP: Henkin (1968) pp. 3-28

Wednesday 7/8: States as the primary subjects of international law – The spatial dimension of state activities

Scott (2004): Chapter 2, *States in International Law*
CP: Akehurst (1987) pp. 53-69

Thursday 7/9: Limitation on state sovereignty: international organizations

Scott (2004): Chapter 3, *Intergovernmental Organizations in International Law*

Friday 7/10: Limitation on state sovereignty continued: immunities and treatment of individuals

Scott (2004): Chapter 4, *Non state Actors in International Law*
CP: Akehurst (1987) pp. 70-87

Week 2: Creation and implementation of international legal standards and breaches of international law and their consequences

Monday 7/13: International law formation: Custom

CP: Goldsmith Jack L. and Eric A. Posner. 1999. "A Theory of Customary International Law." *The University of Harvard Law Review* 66(4): 1113-1177

Tuesday 7/14: International law formation: Treaties

Scott (2004): Chapter 5, *The Logical Structure of International Law*

Scott (2004): Chapter 7, *Reading a Multilateral Treaty*

Scott (2004): Chapter 8, *The Evolution of a Multilateral Treaty*

Wednesday 7/15: Compliance

CP: Henkin. *How Nations Behave* pp. 29-83

CP: Chayes, Abram, and Antonia Chayes. 1993. "On Compliance." *International Organization* 47(2) 175-205

Thursday 7/16: Legalization and Regime design

CP: Abbott, Kenneth W. and Duncan Snidal. 2000. Hard and Soft Law in International Governance. *International Organization* 54(3) 421-456

Friday 7/17: (Mid-term)

Week 3: Contemporary issues in international law

Monday 7/20: Conflict: *Jus ad Bellum*: IL governing the rights to use force in IR: the initiation of war and settlements of conflict (legality of unilateral resort to force)

Scott (2004) Chapter 11, *International Humanitarian Law*

Student Presentations: TBD

Tuesday 7/21: Conflict: *Jus in Bello*: IL governing the conduct of warfare:

Scott (2004), Chapter 9, *International Law and Arms Control*

Student Presentations: TBD

Wednesday 7/22: International Institutions and International Law: the United Nations

Charter of the United Nations

EJ: Brook, Stephen G, and William C. Wohlforth (2009) "Reshaping the World Order." *Foreign Affairs* March/April 88(2) pp. 49-63

Student Presentations: TBD

Thursday 7/23: International Institutions and IL (cont.): the International Court of Justice

Statute of the International Court of Justice

EJ: Power, Emilia J. and Sara McLaughlin Mitchell (2007) "The International Court of Justice and the World's Three Legal Systems" *The Journal of Politics* 69(2) 397-415

Student Presentations: TBD

Friday 7/24: International Institutions and IL (cont.): the International Criminal Court

Rome statute of the international criminal court

EJ: Wedgwood, Ruth (1998) "Fiddling in Rome: America and the International Criminal Court." *Foreign Affairs* November/December, pp 20-25

EJ: Roth, Kenneth (2001) "The Case for Universal Jurisdiction." *Foreign Affairs* September/October, pp. 150-154

Student Presentations: TBD

Week 4: Contemporary issues in international law (cont.)

Monday 7/27: The protection of human rights

Scott (2004) Chapter 10, *International Human Rights Law*

EJ: Hafner-Burton, Emilie M. (2008) "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem" *International Organization* 62: 689-716

Student Presentations: TBD

Tuesday 7/28: Protection of the environment:

Scott (2004) Chapter 12: *International Law and the Environment*

EJ: Downs, George. 2000. "Constructing Effective Environmental Regimes." *Annual Review of Political Science* 3: 25-42

Student Presentations: TBD

Wednesday 7/29: Conclusions and student presentations

Scott (2004) Chapter 13: *The Future Role of International Law in World Politics*

Student Presentations: TBD

Thursday 7/30: TBD

Friday 7/31: Papers due:

Final papers are due at 5pm in my office