

International Law

Politics/Legal Studies 160B
Summer 2017

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Course Overview

This course is an introduction to international law. It takes an interdisciplinary approach to the subject, rooted in politics and law.

International law, as a body of law, performs multiple, competing functions. It serves the interests, and seeks to limit the actions, of state actors. It is also a political rhetoric captured by the oppressed, and a foundation for activism and resistance. The purpose of this course is to illuminate this malleable nature of international law, to explain how actors wield it for political influence, and to evaluate the contours of its role as law and discourse.

Learning Objectives

The overall course goal is to introduce students to the basic concepts and theories of international law. The successful student will be organized; read all materials actively; spend time thinking, writing, and revising; submit assignments on time; work independently; and manage time wisely.

Grades:

Your grade will be comprised of your scores on the following: Midterm (40%), Final (40%), and class participation and attendance (20%)

Readings

The following book is required and available for purchase at the Bookshop Santa Cruz (1520 Pacific Ave). Each book is also on reserve at McHenry Library.

Principles of International Law (2ND Ed.) Sean D. Murphy (Thomson-West 2012) [Murphy]

You are also required to read the New York Times (www.nytimes.com/collegerate) Monday-Friday and the article links included in the syllabus. There will be quizzes in each class to make sure you are keeping up.

You are also encouraged to examine the following online resources:

Treaties:	www.un.org/depts/treaty
UN Human Rights	www.unhchr.ch
International Court of Justice	www.icj-cij.org
International Criminal Court	www.un.org/law/icc
Historical documents	avalon.law.yale.edu
Academic and research	www.asil.org www.ridi.org www.mpil.de
African Union	www.africa-union.org
Human Rights Watch	www.hrw.org
Amnesty International	www.amnesty.org

Syllabus

June 26: Effectiveness and Structure of International Law

Guest Speaker Mitch Winick

Murphy Ch. 1, focus pp. 1-31

NY Times

<https://www.nytimes.com/2017/05/19/world/asia/philippines-south-china-sea-duterte-war.html>

- Understand the debates over whether and the extent to which international law is “law.”
- Describe the evolution of international law and its relationship to great powers, weak states, and development.
- Explain the differences between the major approaches to international law.

June 28: State and Non-State Actors & Intro to Sources of International Law

Guest Speaker: Doug Keegan

Murphy Ch. 2 & 3

NY Times

<http://www.newyorker.com/magazine/2011/09/26/membership-dues>

<https://www.theatlantic.com/health/archive/2015/02/has-a-global-tobacco-treaty-made-a-difference/386399/>

- What defines a state and how is a state formed?
- What are international organizations and how are they formed?
- What is the role of NGOs, corporations, and individuals in international law?
- What is customary international law?
- How do rational-choice theorists explain the nature and limits of customary international law?

July 3: Sources of International Law: Custom & Treaties

Guest Speaker Sonja Arndt

Murphy, Chapter 3

The Paquete Habana 175 U.S. 677 (1900)

<https://www.nytimes.com/2016/08/03/world/un-united-nations-refugees-migrants-agreement.html>

<http://www.nytimes.com/2009/06/28/world/28cyber.html>

<https://www.nytimes.com/reuters/2017/06/07/business/07reuters-oecd-tax.html>

- What are treaties, how are they formed, and how do treaties differ from other sources of international law?
- What roles do reservations, understandings, and declarations play?
- How do rational-choice theorists understand the limits of treaties?

July 5: Fidelity to Law, Breach, and Non-Compliance

Guest Speaker Tess Bridgeman

Murphy Ch. 5-6
NY Times

<http://www.newyorker.com/news/news-desk/how-putin-plays-with-the-law>

- Why do most countries obey international law most of the time?
- Critically evaluate theories that explain why countries say they obey international law.
- What obligations do states have to follow international law?
- To what extent do the principles of liberal democracy conflict with the duty to comply with international law?

July 10: MIDTERM

July 12: International Law in Domestic Courts

Murphy Ch. 4 & 7-9
Medellin v. Texas
NY Times

<https://www.theatlantic.com/international/archive/2011/07/in-texas-a-death-penalty-showdown-with-international-law/241480/>

<https://www.theatlantic.com/national/archive/2011/07/constitutional-myth-10-international-law-is-a-threat-to-the-constitution/242683/>

<http://www.nytimes.com/2013/04/18/opinion/the-supreme-courts-setback-for-human-rights.html>

- Explain the structure of powers within the US government and its relationship to international law.
- To what extent can or should international legal issues be litigated in national courts?
- What are the bases of international jurisdiction, and who is immune from domestic jurisdiction?
- Understand the negotiation skills necessary for effective dispute resolution.
- What are the different types of dispute resolution processes?
- How do mediation, arbitration, and adjudication differ, and under what circumstances might a claimant prefer one to the other?

July 17: Approaches to Human Rights & Criminal Law

Guest Speakers Natalie Bridgeman Fields
Murphy Ch. 10 & 13;
NY Times

<http://www.newyorker.com/news/news-desk/does-anyone-in-syria-fear-international-law>

<https://www.nytimes.com/2016/11/17/world/europe/russia-withdraws-from-international-criminal-court-calling-it-one-sided.html>

<https://www.nytimes.com/2017/04/25/opinion/let-the-world-condemn-duterte.html?mcubz=0>

https://www.washingtonpost.com/opinions/the-end-of-human-rights/2014/01/03/7f8fa83c-6742-11e3-ae56-22de072140a2_story.html

- Understand the evolution of global human rights treaties and institutions. How effective are they? What are their philosophical and political sources?
- Why do countries comply with human rights treaties?
- Critically evaluate whether human rights is the only approved language of development and resistance.
- What are the general elements of crimes and international crimes, and how do they differ?
- Explain the differences between available forums for trying international crimes (ICC, ad hoc tribunals, hybrid courts) and the relative advantages and disadvantages of each.

July 19: War, The Use of Force, and Its Limits

Murphy Ch. 14

NY Times

<http://www.newyorker.com/news/news-desk/donald-trump-pirate-in-chief>

<https://www.nytimes.com/2017/05/30/opinion/venezuela-needs-international-intervention-now.html?mcubz=0>

<https://www.nytimes.com/2016/10/13/opinion/how-the-un-can-save-aleppo.html?mcubz=0>

<http://foreignpolicy.com/2011/10/18/the-problem-with-r2p/>

<http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?mcubz=0>

<https://www.nytimes.com/2017/04/21/sunday-review/one-countrys-war-changed-the-world.html?mcubz=0>

- What is force and how does the UN seek to limit its use?
- What are the different rules of engagement in going into, or while fighting, war?
- Critically evaluate rationales for the use of force, including humanitarian intervention.

July 24: International Environmental Law & Summary

Guest Speaker Robert Mazurek

Murphy Ch. 12

NY Times

<https://www.theatlantic.com/science/archive/2017/05/is-the-paris-agreement-stronger-without-the-united-states/528456/>

<http://foreignpolicy.com/2017/03/28/is-the-paris-climate-agreement-dead-trump-energy-coal-clean-power-obama/>

- What are the major principles of international environmental law and how is liability imposed?
- How is “hard” law different from “soft” law and how can soft-law alternatives be effective?
- What explains the successes and failures of international legal efforts to combat the effects of global warming?

July 26: FINAL EXAM