

## **POLS 287: INTERNATIONAL LAW (FALL 2018)**

Professor: Marco Bocchese

Class Time: Tuesdays and Thursdays, 11:00 am to 12:15 pm

Class Location: Behavioral Sciences Building (BSB), room # 319

Office Hours: Tuesdays 1.30 - 3.30 pm

Office Location: Behavioral Sciences Building (BSB), room # 1110

Email: bocchese@uic.edu

### **COURSE DESCRIPTION AND GOALS**

#### **1. Course Overview**

The course aims to present a panorama of public international law, which covers principles and rules that govern the relations between States and the latter's interactions with other international actors. The course is designed to give students a global understanding of the rules governing international relations and, ultimately, provide them with practical skills in legal reasoning and arguing, research and writing on international issues.

The course will start with an introduction to the international legal order, including a presentation of the specificities of international law as compared to domestic law. It will then focus on core areas of public international law which involve the following questions: Who are the actors in the international legal system and to whom does international law apply? How is international law created and where can it be found? What are the fundamental principles of public international law, besides the multitude of international rules, with a special focus on one of them, namely the prohibition of the use of force? Finally, in case of breaches of international rules, how does international law react to such breaches?

#### **2. Methodology and textbooks**

The course is taught through lectures and in-class discussions. The relevant materials are indicated for each topic in the course syllabus and will be made available online by the instructor. Students are required to read them carefully before coming to class. Additional readings are also suggested for students who wish to go further on topics of particular interest (see the course Blackboard page).

The only required textbook used for the course is: **Martin Dixon, Robert McCorquodale & Sarah Williams, Cases & Materials on International Law 6th Edition, Oxford University Press 2016.**

Articles are available via the UIC Libraries website, Google Scholar, or the link provided in the syllabus when available. Excerpts from other books will be posted to Blackboard (under either "Files" or "Course Reserves").

Students may also consult [www.icj-cij.org](http://www.icj-cij.org) to access full texts of the judgments and advisory opinions of the International Court of Justice, [www.un.org/documents](http://www.un.org/documents) for any official documents of the United Nations, and other useful websites listed in the course Blackboard page.

#### **3. Assignments and grading criteria**

Grades are based on the following criteria:

**Class participation (10%):** You should complete the assigned readings and actively participate in class discussion. This portion of your grade is based on both quantity (how often you discuss the readings, ask questions, etc.) and quality (comments based on a careful reading of the material vs. unsubstantiated opinions).

**Critical Response Paper (10%):** You will write a critical response paper based on the readings for a class of your choosing. The paper should be 3-5 pages (double-spaced, Times New Roman 12 point font, 1 inch margins). Since the purpose of the response paper is for you to synthesize the readings on your own, you must turn in your response paper before the start of the professor's lecture on that topic.

**Midterm exam (40%):** We will have an in-class midterm exam. The midterm is scheduled for October 18. The midterm will test your understanding of key concepts and policy issues from the readings and lectures. Additionally, you are allowed – and encouraged – to study for the midterm with your fellow students. The exam itself is closed book, closed notes.

**Final exam (40%):** We will have an in-class final exam. The final is scheduled for December 11. The final will focus exclusively on the second half of the course. Like the midterm, the final exam will test your understanding of key concepts and policy issues from the readings and lectures. Once again, you are allowed – and encouraged – to study for the final with your fellow students. The exam itself is closed book, closed notes.

UIC's College of Liberal Arts and Sciences calculates end-of-quarter grades as follows: A = 93-100; A- = 90-92.2; B+ = 87-89.9; B = 83-86.9; B- = 80-82.9; C+ = 77-79.9; C = 73-76.9; C- = 70-72.9; D = 60-69.9; F < 60.

#### 4. Questions

If you have a question about the course, always check the syllabus first. If you are still unsure, please email me at bocchese@uic.edu. For questions about the logistics of the course (e.g., a question about how to find a reading, when an assignment is due, etc.) and the substance of the course (e.g., a question about understanding the readings or lectures), check the syllabus first and only after contact me.

#### 5. Other Policies

**Slides:** I will post the slides from my lectures (when available) on Blackboard within a few days of each lecture. Note that you are strongly encouraged to take your own notes since the slides do not contain all of the relevant information from the lectures/readings.

**Academic Integrity Policy:** As an academic community, UIC is committed to providing an environment in which research, learning, and scholarship can flourish and in which all endeavors are guided by academic and professional integrity. All members of the campus community—students, staff, faculty, and administrators—share the responsibility of insuring that these standards are upheld so that such an environment exists. Instances of academic misconduct by students will be handled pursuant to the Student Disciplinary Policy. For more information, please read: <https://dos.uic.edu/studentconductprocess.shtml>.

**Disabilities:** Concerning disabled students, the UIC is committed to maintaining a barrier-free environment so that individuals with disabilities can fully access programs, courses, services, and activities at UIC. Students with disabilities who require accommodations for full access and participation in UIC Programs must be registered with the Disability Resource Center (DRC). Please contact DRC at (312) 413-2183 (voice) or (312) 413- 0123 (TDD). If you need such accommodations, you

should work with the DRC to provide me with the necessary information. Please give me this information within the first two weeks of the course.

**Grade Appeals:** Grades are not negotiable in general, but if you believe a specific error was made in the grading of your assignment, you may appeal. The appeal process is as follows. First, you must wait 48 hours before you appeal. Second, submit an appeal in writing to your instructor that explains *exactly* why you believe an error was made. Simply stating that you deserved a better grade will result in a failed appeal. Third, if the appeal is granted, your entire assignment will be graded again. Appeals may result in a higher grade, no change, or a lower grade. UIC has adopted an official student academic grievance policy. For more information, please read: <http://policies.uic.edu/educational-policy/student-academic-grievance-policy/>.

**Technology in the Classroom:** As a courtesy to your fellow students, cell phones should be turned off or completely silenced at all times. Laptops are allowed in class for taking notes only. Do not use your computer for checking email, Facebook, or surfing the web. The use of laptops is a privilege that will be taken away if it is abused.

**Ideology:** I do not care *what* you think, I care *that* you think. There are no right or wrong views, but there are better or worse arguments. Good arguments require clear logic, solid evidence, and a consideration of alternative explanations.

## 6. Course Calendar

Week 1, Lecture 1 (08/28):	Introduction
Week 1, Lecture 2 (08/30):	International Law & Norms
Week 2, Lecture 1 (09/04):	The European Origins of International Law
Week 2, Lecture 2 (09/06):	The Nature of the International Legal System
Week 3, Lecture 1 (09/11):	The Sources of International Law
Week 3, Lecture 2 (09/13):	The Law of Treaties
Week 4, Lecture 1 (09/18):	State Compliance with Treaty Obligations
Week 4, Lecture 2 (09/20):	International Law & Domestic Law
Week 5, Lecture 1 (09/25):	Personality and Recognition
Week 5, Lecture 2 (09/27):	Sovereignty Over Territory
Week 6, Lecture 1 (10/02):	State Sovereignty in the Pre-war International Order
Week 6, Lecture 2 (10/04):	State Sovereignty in the Pre and Post-war International Order
Week 7, Lecture 1 (10/09):	Immunities from National Jurisdiction
Week 7, Lecture 2 (10/11):	Law of the Sea
Week 8, Lecture 1 (10/16):	State Responsibility
Week 8, Lecture 2 (10/18):	<b>In-class Midterm Exam</b>
Week 9, Lecture 1 (10/23):	International Environmental Law
Week 9, Lecture 2 (10/25):	International Economic Law
Week 10, Lecture 1 (10/30):	International Trade & International Law
Week 10, Lecture 2 (11/01):	International Human Rights Law
Week 11, Lecture 1 (11/06):	The Laws of War: The Law of Non-International Armed Conflict
Week 11, Lecture 2 (11/08):	The Laws of War: Protection of Cultural Property
Week 12, Lecture 1 (11/13):	Weapons of Mass Destruction & International Law
Week 12, Lecture 2 (11/15):	International Criminal Law 1/2

- Week 13, Lecture 1 (11/20): International Criminal Law 2/2  
 Week 13, Lecture 2 (11/22): **Thanksgiving Holiday: No class**  
 Week 14, Lecture 1 (11/27): Humanitarian Intervention & Lawful Use of Force  
 Week 14, Lecture 2 (11/29): Peaceful Settlement of International Disputes  
 Week 15, Lecture 1 (12/04): Transnational Corporations & Human Rights Violations  
 Week 15, Lecture 2 (12/06): Future Directions: Whither International Law?  
 Week 16, Lecture 1 (12/11): **In-class Final Exam**

## ASSIGNED READINGS

### 1.1 - Introduction:

- JUSTIA: "International Law," available at: <https://www.justia.com/international-law/>
- Scott, Shirley V. *International Law in World Politics: An introduction*, 2nd Edition, Lynne Rienner Publishers, 2010 - Chapter 1: International Law and World Politics Entwined: 1-18.

### 1.2 - International Law & Norms:

- Mazower, Mark. *Governing the World: The History of an Idea, 1815 to the Present*. Penguin, 2012 - Chapter 13: Humanity's Law: 378-405.
- Moyn, Samuel. *The Last Utopia*. Harvard University Press, 2010 - Chapter 5: International Law & Human Rights: 176-211.

### 2.1 - The European Origins of International Law:

- Bowden, Brett. "The Colonial Origins of International Law. European Expansion and the Classical Standard of Civilization." *Journal of the History of International Law* 7.1 (2005): 1-23.
- Gathii, James Thuo. "International Law and Eurocentricity." *European Journal of International Law* 9 (1998): 184-211.
- Benton, Lauren, and Lisa Ford. *Rage for Order: The British Empire and the Origins of International Law, 1800-1850*. Harvard University Press, 2016 - Chapter 1: A Global Empire of Law: 1-27 (recommended, but not required).

### 2.2 - The Nature of the International Legal System:

- Dixon, McCorquodale & Williams: Chapter 1.

### 3.1 - The Sources of International Law:

- Dixon, McCorquodale & Williams: Chapter 2.

### 3.2 - The Law of Treaties:

- Dixon, McCorquodale & Williams: Chapter 3.

### 4.1 - State Compliance with Treaty Obligations:

- von Stein, Jana "The Engines of Compliance" in Jeffrey L. Dunoff and Mark A. Pollack eds *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press (2013): 477-501.

- Simmons, Beth A. "International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." *American Political Science Review* 94.4 (2000): 819-835.
- Kelley, Judith. "Who Keeps International Commitments and Why? The International Criminal Court and Bilateral Non-surrender Agreements." *American Political Science Review* 101.3 (2007): 573-589.

#### **4.2 - International Law & Domestic Law:**

- Dixon, McCorquodale & Williams: Chapter 4.

#### **5.1 - Personality and Recognition:**

- Dixon, McCorquodale & Williams: Chapter 5.

#### **5.2 - Sovereignty Over Territory:**

- Dixon, McCorquodale & Williams: Chapters 7 & 8.

#### **6.1 - State Sovereignty in the Pre-war International Order:**

- Krasner, Stephen D. *Sovereignty: Organized Hypocrisy*. Princeton University Press, 1999 - Chapter 8: "Conclusion: Not a Game of Chess," pp. 220-238.
- The Lotus Case, excerpt in D. J. Harris Cases and Materials on International Law 4<sup>th</sup> ed., Sweet & Maxwell (1991): 253-265.
- *Trail Smelter Arbitration*, excerpt in D. J. Harris Cases and Materials on International Law 4<sup>th</sup> ed., Sweet & Maxwell (1991): 243-249.

#### **6.2 - State Sovereignty in the Pre- and Post-war International Order:**

- Grovogui, Siba N. "Regimes of Sovereignty: Rethinking International Morality and the African Condition," *European Journal of International Relations*, 2002, 8(3): 315-338.
- Kang, David C. "Authority and Legitimacy in International Relations: Evidence from Korean and Japanese Relations in Pre-Modern East Asia," *Chinese Journal of International Politics*, 5(1), (2012): 55-71.
- Krasner, Stephen D. "Sharing Sovereignty: New Institutions for Collapsed and Failing States." *International security* 29.2 (2004): 85-120.

#### **7.1 - Immunities from National Jurisdiction:**

- Dixon, McCorquodale & Williams: Chapter 9.

#### **7.2 - Law of the Sea:**

- Dixon, McCorquodale & Williams: Chapter 10.

#### **8.1 - State Responsibility:**

- Dixon, McCorquodale & Williams: Chapter 11.

#### **8.2 - In-class Midterm Exam**

**9.1 - International Environmental Law:**

- Dixon, McCorquodale & Williams: Chapter 12.

**9.2 International Economic Law:**

- Dixon, McCorquodale & Williams: Chapter 13.

**10.1 - International Law & International Trade:**

- Cottier, Thomas. "Trade and Human Rights: A Relationship to Discover." *Journal of International Economic Law* 5.1 (2002): 111-132.
- Joseph, Sara. "Trade Law and Investment Law," in the Oxford Handbook of International Human Rights Law (2015): 841-870.
- Brotmann, Matthew. "The Clash between the WTO and the ESA: Drowning a Turtle to Eat a Shrimp." *Pace Envtl. L. Rev.* 16 (1998): 321-352 (recommended, but not required).

**10.2 - International Human Rights Law:**

- Dixon, McCorquodale & Williams: Chapter 6.

**11.1 - The Laws of War: The Law of Non-International Armed Conflict:**

- Pictet, Jean. "The Principles of International Humanitarian Law." *International Review of the Red Cross Archive* (1966): 455-469.
- Lamp, Nicolas. "Conceptions of War and Paradigms of Compliance: The 'New War' Challenge to International Humanitarian Law." *Journal of Conflict & Security Law* 16.2 (2011): 225-262.
- Fazal, Tanisha M. "Rebellion, War Aims & the Laws of War." *Daedalus* 146.1 (2017): 71-82.

**11.2 - The Laws of War: Protection of Cultural Property:**

- Francesco Francioni. "Beyond State Sovereignty: The Protection of Cultural Heritage as a Shared Interest of Humanity." *Michigan Journal of International Law*, 25 (2004): 1209-1228.
- Abtahi, Hirad. "The Protection of Cultural Property in Times of Armed Conflict: The Practice of the International Criminal Tribunal for the Former Yugoslavia." *Harvard Human Rights Journal* 14 (2001): 1-32.
- Van Der Auwera, Sigrid. "Peace Operations and the Protection of Cultural Property During and After Armed Conflict." *International Peacekeeping* 17.1 (2010): 3-16.

**12.1 - Weapons of Mass Destruction & International Law:**

- Fidler, David P. "Weapons of Mass Destruction & International Law," ASIL Insights, Volume 8, Issue 3 (February 11, 2003), available at: <https://www.asil.org/insights/volume/8/issue/3/weapons-mass-destruction-and-international-law>
- Tannenwald, Nina. "The Nuclear Taboo: The United States and the Normative Basis of Nuclear non-use." *International Organization* 53.3 (1999): 433-468.
- Paul, T. V. "Taboo or Tradition? The Non-use of Nuclear Weapons in World Politics." *Review of International Studies* 36.4 (2010): 853-863.

- Price, Richard. "A Genealogy of the Chemical Weapons Taboo." *International Organization* 49.1 (1995): 73-103 (choose either this one or the following article on land mines).
- Price, Richard. "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization* 52.3 (1998): 613-644 (choose either this one or the previous article on chemical weapons).

### 12.2 - International Criminal Law 1/2:

- Dixon, McCorquodale & Williams: Chapter 14.

### 13.1 - International Criminal Law 2/2:

- Rudolph, Christopher. "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals." *International Organization* 55.3 (2001): 655-691.
- Sarah Nouwen & Wouter G. Werner. "Doing Justice to the Political: The International Criminal Court in Uganda and Sudan." *European Journal of International Law* 21.4 (2010): 941-965.
- Snyder, Jack, and Leslie Vinjamuri. "Trials and Errors: Principle and Pragmatism in Strategies of International Justice." *International Security* 28.3 (2004): 5-44.

### 13.2 - Thanksgiving Holiday: No class

### 14.1 - Humanitarian Intervention & Lawful Use of Force:

- Dixon, McCorquodale & Williams: Chapter 15.
- Western Jon & Joshua S. Goldstein, "Humanitarian Intervention Comes of Age: Lessons from Somalia to Libya," *Foreign Affairs* 90/6 (November/December 2011): 48-59;
- Valentino Benjamin A. "The True Costs of Humanitarian Intervention: The Hard Truth about a Noble Notion," *Foreign Affairs* 90/6 (November/December 2011): 60-73.

### 14.2 - Peaceful Settlement of International Disputes:

- Dixon, McCorquodale & Williams: Chapter 16.

### 15.1 - Transnational Corporations & Human Rights Violations:

- Wouters, Jan, and Leen Chanut. "Corporate Human Rights Responsibility: A European Perspective." *Northwestern Journal of International Human Rights* 6 (2007): 262.
- Mantilla, Giovanni. "Emerging International Human Rights Norms for Transnational Corporations." *Global Governance* 15.2 (2009): 279-298.

### 15.2 - Future Directions: Whither International Law?

- Hurd, Ian. "The International Rule of Law: Law and the Limit of Politics." *Ethics & International Affairs* 28.1 (2014): 39-51.
- McKeown, Ryder. "International Law and its Discontents: Exploring the Dark sides of International Law in International Relations." *Review of International Studies* 43.3 (2017): 430-452.

### 16.1 - In-class Final Exam