

University of Illinois - Chicago
INTERNATIONAL LAW: AN AMERICAN PERSPECTIVE
POLS 329 – Spring 2014
Prof. Sarah Dávila-Ruhaak
Tuesdays and Thursdays 12:30-1:45pm
Class meets: BSB 1115
Office Hours: Tuesdays 11:00am-12:00pm
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Course Overview

This course is an introductory course to international law. The course is designed to provide students with an introduction to the international legal system and how norms and institutions have real world impact in our lives. Students will become familiar with benchmark cases, treaties, and judicial bodies and institutions that shape international law. I hope that throughout the course, you can always keep present that most, if not all of the legal principles that we will study have had an impact in people's lives.

“A good motivation is what is needed: compassion without dogmatism, without complicated philosophy; just understanding that others are human brothers and sisters and respecting their human rights and dignities. That we humans can help each other is one of our unique human capacities.” - *Tenzin Gyatso, 14th Dalai Lama*

Course Materials

The required text for the course is: *Law Among Nations: An Introduction to Public International Law*, by Gerhard Von Glahn and James Larry Taulbee, 10th Edition. Any further required readings will be provided in electronic format via blackboard. All students will be responsible for keeping up with the supplemental required readings.

Course Requirements and Grading

The course has the prerequisite(s) of POLS 101 and POLS 200, which must be taken prior to the registration in this course.

Given the interactive nature of the course, attendance and meaningful participation takes a central role in the learning process. All class members will be required to read all materials before attending class, actively attend and participate in the individual and group exercises, presentations, and discussions. It will be assumed that students will have thoroughly read the readings, taken notes, prepared the assignments, and contribute meaningfully to the daily discussion.

Class discussion will center around the course topics and outside relevant materials and sources. Students will be expected to read the international news and keep up with current affairs on a weekly basis. It is imperative that students understand what is happening in the world and at home, to understand how the international legal system impacts us all. It is also important to note that we will be discussing some potentially controversial topics. It is expected that all students will be respectful of others, and that the discussions will be based on the legal and political arguments discussed within

the particular topic(s). As part of our need to have an engaged class, there will be no cell phone usage or surfing the internet during class.

All written submissions must be original thought and all sources used must be clearly cited and referenced. It is therefore unacceptable to submit any work that is in part or in full, plagiarized. Any student who plagiarizes will be subject to the UIC Student Disciplinary Policy.

All papers are required to have 1-inch margins, 12-point and Times New Roman font. All papers are to be submitted in printed form and stapled in class. Tardy papers will receive significant point reductions or not be accepted, except for a medical or otherwise justified and documented reason.

The course grading will be as follows: the attendance and participation represents 20%, individual/group presentation 20%, and four papers will represent 60% (15% each one), all totaling 100%.

Grade percentages and letter grades

100% - 90% = A

89% - 80% = B

79% - 70% = C

69% - 67% = D

59% - 0% = F

Students with disabilities who require accommodations for full access and participation, please contact me or speak with me and we will make the appropriate arrangements.

Week 1: January 14-16 – Introduction to the course

- I. Introductory remarks about the course
 - A. What will students learn from the course and the course expectations.
 - B. Review of the syllabus, assignments, presentations and grading policy.
- II. *Readings*: Ch. 1, pp. 1-23
 - A. Introduction to our study of international law
 - i. International law “consists of rules and principles of general application dealing with the conduct of states and of international organizations and with their relations inter se, as well as with some of their relations with persons, whether natural or judicial.” (*Restatement (Third)*, para.101)
 - B. International Law and Politics
 - C. Obeying International Law

Week 2: January 21-23 – Sources of International Law

- I. *Readings*: Ch. 3, pp. 50-71
- II. Sources of International Law
 - A. “Source” refers to the law-making process in which the law is created.
 - B. Article 38 of the Statute of the International Court of Justice provides
 - i. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
 1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
 2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognized by civilized nations;
 4. Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means of the determinations of rules of law.
- C. What are the sources of international law?
- i. What are treaties? Are they binding? Why are they important?
 - ii. What is Custom? Why is Custom important in international law?
 - iii. What are General Principles of Law? Why are they important?
 - iv. Why are Judicial Decisions important in international law?
 - v. Who are Learned Writers and why are they important in international law?
 - vi. What is “soft” law? Why is it important in the international legal system?
 - vii. What is “Equity” and how is it relevant in international law?
- D. Hierarchy of sources
- i. *lex posterior derogat priori* – a later law repeals an earlier law
 - ii. *lex posterior generalis non derogat priori speciali* – a later law, general in nature, does not repeal an earlier law which is more special in nature
 - iii. *lex specilis deroga legi generali* – a special law prevails over a general law
 - iv. *Ius cogens* – peremptory norms of general international law
 - v. *Erga Omnes* – obligations which apply to all states

Week 3: January 28-30 – International Agreements

- I. *Readings*: Ch. 4, pp. 72-100
- II. Types of Agreements
 - A. Bilateral Treaties
 - B. Multilateral Treaties
 - C. Declarations
 - D. Executive Agreements
- III. Treaty Formation and Validity
- IV. *Presentations*: January 30 – What is the purpose of the treaty? At what stage is it in regards to the United States? Explain in what scenarios the treaty would provide protections? Why would we need or not for the treaty to be fully implemented?
 - A. Convention on the Rights of the Child
 - B. Convention on the Rights of Persons with Disability

Week 4: February 4-6 – Subjects of International Law: Recognition

- I. *Readings*: Ch. 7, pp. 138-157
- II. International Juridical Personality
 - A. Recognition
 - B. Controversies
- III. *Paper #1*: February 6
 - A. Research a national liberation movement. Describe the movement/organization, what they have engaged in, whether you believe that under the core principles of recognition they can be granted international legal personality. Explain all applicable principles and how they apply to your case study.

Week 5: February 11-13 – Principles of Jurisdiction

- I. *Readings:* Ch. 10, pp. 233-270
- II. Principles of International Jurisdiction
 - B. In general
 - C. Treason
- III. Extradition
- IV. Political Asylum
- V. *Presentations:*
 - A. February 11 on Snowden. Who is Snowden? Present the core applicable principles and how they apply to his case? Explain both sides of the argument.
 - B. February 13 on Pinochet. Who was Pinochet? What was he responsible for? Discuss why the principle of universality is so important in his case?
 - C. February 13 on Charles Taylor. Who is Charles Taylor? What was his involvement in Sierra Leone? Discuss how the principle of Extradition applied to him. Where is he now?

Week 6: February 18-20 – State Responsibility

- I. *Readings:* Ch. 11, pp. 271-298
- II. Responsibility of States
 - A. ILC Draft Convention on the Responsibility of States
 - i. Article 1: Every international wrongful act of a State entails the international responsibility of that State.
 - ii. Article 2: There is an internationally wrongful act of a State when conduct consists of an action or omission:
 1. Is attributable to the State under international law; and
 2. Constitutes a breach of an international obligation to the state
 - B. Wrongfulness
 - C. Expropriation
- III. *Presentations:*
 - A. February 18 on the August 7, 1998 bombings of US embassies in Kenya and Tanzania in regards to the doctrine of State Responsibility.
 - B. February 20 on Venezuelan expropriation of US companies or subsidiaries in regards to the State Responsibility and Expropriation concepts.

Week 7: February 25-27 – The Individual and International Law

- I. *Readings:* Ch. 15, 404-422
- II. The United Nations and Human Rights
- III. Human Rights Theory and Practice
- IV. International Instruments
 - A. International Covenant on Civil and Political Rights
 - B. International Covenant on Economic, Social and Cultural Rights
 - C. Universal Declaration of Human Rights
 - D. Charter of the United Nations
- IV. *Presentations:*
 - A. February 25 on the structure of the United Nations, including human rights bodies. Explain why we look at the UN to deal with human rights issues. Explain what are the most important bodies to raise human rights concerns or cases. Discuss concrete examples.

- V. *Group Exercise*
 - A. February 27 on international instruments and human rights violations

Week 8: March 4-6 – The Individual and International Law cont.’

- I. *Readings:* Ch. 15, pp. 422-435
- II. Immigration and Asylum
- III. *Presentation:*
 - A. March 4 on Jessica Gonzalez – incident, process in US Courts, process in the Inter-American Commission. Explain her arguments in front of the Inter-American Commission on Human Rights.
- IV. *Paper #2:* Research who is Djamel Ameziane, what has happened to him, describe the case brought to the Inter-American Commission on Human Rights. Explain the legal arguments in favor and against Djamel Ameziane in his case in front of the Inter-American Commission on Human Rights. Explain which international legal instruments provide support for his arguments.

Week 10: March 11-13 – War Crime Tribunals

- I. *Readings:* Ch. 22, pp. 645-674
- II. Nuremberg
- III. After Nuremberg
 - A. Former Yugoslavia
 - B. Rwanda
 - C. Sierra Leone

Week 10: March 18-20 – International Criminal Law

- I. *Readings:* Ch.16, pp. 436-477
- II. Crimes Against Humanity and Genocide
 - A. Slavery
 - B. Torture
- III. Piracy
- IV. Alien Tort Claims Act (Alien Tort Statute)
 - I. Terrorism
 - II. *Presentations*
 - A. March 18 on Doe v. Karadzic (ATS) and Kiobel v. Royal Dutch Petroleum (ATS) (two separate presentations).
 - B. March 20 on Turkey and Gezi Park (Terrorism claims v. Human Rights)

Week 11: March 25-27 – Spring Break – NO Classes

Week 12: April 1-3 – The Use of Force

- I. *Readings:* Ch. 20, pp. 574-612
- II. War
- III. Regulating the Use of Force
- IV. The United Nations
- V. Terrorism and Self-Defense
- VI. *Paper #3:* April 3 - Afghanistan– Terrorism and the Right to Self-defense
 - A. In class exercise on Afghanistan and the right to intervention.

Week 13: April 8-12 – International Humanitarian Law

- I. *Readings:* Ch. 21, pp. 613-644
- II. The Law of War
- III. Prisoners of War
- IV. Limiting the Means of War
- V. *Presentation* on April 12 in favor and against the use of drones (two separate presentations. One presentation on each point)

Week 14: April 15-17 – International Law and Protection of the Environment

- I. *Readings:* Ch. 18, p. 508-539
- II. Traditional International Law
- III. Organizations and Regimes
- IV. The UN Conference on Environment and Development
- V. Treaties
- VI. *Presentation:* April 17 on Climate Change – whether International Law provides sufficient protections or whether domestic law should supplement in regards to climate change. Explain the US position on this.

Week 15: April 22-24 – International Economic Law

- I. *Readings:* Ch. 19, pp. 540 – 574
- II. Economic Theory and Economic Law
- III. The International Monetary Fund
- IV. Tariffs and Trade
- V. World Trade Organization
- VI. *Presentations*
 - A. April 22 on the process of a product coming from another country and entering the US market. Explain the difficulties throughout the process. Use concrete examples.
 - B. April 24 on the free trade debate. Use an example of free trade agreements to illustrate arguments in favor and one against.

Week 16: April 20, May 1: Final Remarks and Final Paper due

- I. *Final Paper:* May 1, 2014. Instructions will be provided via blackboard.