

POLS 435G – INTRODUCTION to INTERNATIONAL LAW, Spring 2022

Instructor: Vincent Auger

Email: VA-Auger@wiu.edu

Office Hours: Tue, Thurs 12:30-1:30 pm; Wed 12-2pm

I. COURSE DESCRIPTION AND GOALS

This course is designed to provide an introduction to international law and how that law influences, and is influenced by, international politics. As such, it combines insights from the fields of law and international relations, and provides a broad overview of significant topics in international law as well as some current debates in the field.

II. COURSE MATERIALS The following book will be used for the course:

Chimene I. Keitner, *International Law Frameworks*, fifth edition. Foundation Press/West Academic. 2021.

Other readings will be posted on **Western Online**.

III. COURSE REQUIREMENTS and POLICIES

1) **Class Attendance:** The following procedures are required by the University:

- a) all persons **must wear face coverings** in the classroom (see the University Policy at: http://www.wiu.edu/policies/covid_facecovering.php)
- b) faculty conducting on-campus classes must **maintain a seating chart** and **take attendance** in all class sessions.

Attendance at class meetings is strongly encouraged. However, while attendance will be taken as required by the University, students will not be penalized for missing class if they have health concerns. If you are feeling ill in any way, or have been exposed to someone with COVID-19, please do not come to class.

2) **WRITTEN ASSIGNMENTS:** There will be **four exams** (including the final exam) on the readings and lectures. Exams will have a mixture of short-answer and essay questions. Exams will be worth 100 points each.

You will write **one required paper** (approximately 6-8 pages for undergraduate students, 12 pages for graduate students). The assignment instructions will be available on Western Online by mid-February. The paper will be worth 100 points.

3) **Academic Honesty:** Plagiarism, cheating and other forms of academic dishonesty will not be tolerated and may result in a failing grade for the course. Please refer to the WIU Student Academic Integrity Policy at <http://www.wiu.edu/policies/acintegrity.php>. It is your responsibility to follow this policy; please ask me if you have questions.

4) **ADA Statement:** In accordance with University values and disability law, students with disabilities may request academic accommodations where there are aspects of a course that result in barriers to inclusion or accurate assessment of achievement. To file an official request for disability-related accommodations, please contact the Disability Resource Center at 309-298-2512, disability@wiu.edu or in 143 Memorial Hall. Please notify the instructor as soon as possible to ensure that this course is accessible to you in a timely manner.

5) **Title IX:** University values, Title IX, and other federal and state laws prohibit sex discrimination, including sexual assault/misconduct, dating/domestic violence, and stalking. If you, or someone you know, have been the victim of any of these offenses, we encourage you to report this to the Title IX Coordinator at 309-298-1977 or anonymously online at: http://www.wiu.edu/equal_opportunity_and_access/request_form/index.php. If you disclose an incident to a faculty member, the faculty member must notify the Title IX Coordinator. The complete Title IX policy is available at: <http://www.wiu.edu/vpas/policies/titleIX.php>.

6) **Student rights and responsibilities:** <http://www.wiu.edu/provost/students.php>

7) **COURSE GRADE** - The course grade will be based on the following point totals:

Undergraduates:

466-500: A
450-465: A-
433-449: B+
416-432: B
400-415: B-
383-399: C+
366-382: C
350-365: C-
333-349: D+
316-332: D
300-315: D-
Below 300: F

Graduate Students:

450-500: A
400-449: B
350-399: C
300-349: D
Below 300: F

III. CLASS SCHEDULE: The course is divided into **4 modules**, roughly corresponding to the organization of the textbook. Each module (or sub-module) will have a variety of material: a reading guide, assigned reading from the Keitner textbook, any additional readings posted on Western Online, and a set of power point slides (everything except the textbook readings will be posted on the course Western Online site). There is an exam at the end of each module.

Module 1: The International Legal System (Jan. 20-Feb. 14)

a: The Development of International Law (Jan. 20)

- Keitner, ch. 1

b: International Law in World Politics: Differing Perspectives (Jan. 25)

- S. Walt, "There's Still No Reason to Think the Kellogg-Briand Pact Accomplished Anything"
- O. Hathaway and S. Shapiro, "What Realists Don't Understand About Law"
- T. Franck, "The Strategic Role of Legal Principles"

c: Treaties as a Source of International Law (Jan. 27)

- Keitner, ch. 2

d: Customary International Law (Feb. 1)

- Keitner, ch. 3

e: General Principles and Other Sources of International Law (Feb. 3)

- Keitner, ch. 4

f: International Dispute Resolution (Feb. 8, 10)

- Keitner, ch. 5

- R. Williams, "Tribunal Issues Landmark Ruling in South China Sea Arbitration"
- N. H. Thao and N. T. L. Huong, "The South China Sea Arbitration Award: 5 Years and Beyond"
- P. Jakhar, "Whatever happened to the South China Sea ruling?"
- H. Pant, "A Landmark Ruling on the Chagos Islands"
- S. Allen, "U.K.'s Intransigence on Chagos Islands Dispute Is Self-Inflicted Wound"
- K. DeYoung, "Tiny Mauritius learns the limits of Biden's invocation of the international 'rules-based order'"

******* EXAM # 1 DUE by Monday, Feb. 14 at 11:59 pm *******

Module 2: Subjects of International Law (Feb. 15-Mar. 11)

a: States as Subjects of International Law (Feb. 15)

- Keitner, ch. 6

b: State Responsibilities (Feb. 17)

- Keitner, ch. 7

c: International Organizations and International Law (Feb. 22, 24)

- Keitner, ch. 8
- M. Pillinger, I. Hurd, M. Barnett, “How to Get Away with Cholera: The UN, Haiti, and International Law”

d: Individuals in International Law (Mar. 1)

- Keitner, ch. 9
- A. Green, “The International Criminal Court Is in Danger of Being Bullied Into Irrelevance”
- J. Hernandez, “ICC Won’t Investigate China’s Detention of Muslims”
- Al-Monitor, “International court finds UK war crimes in Iraq but will not open investigation”
- K.M. Clarke, “Negotiating Racial Injustice: How International Criminal Law Helps Entrench Structural Inequality”

e: Human Rights and Migration (Mar. 3, 8)

- Keitner, ch. 10
- J. Vannette, “How human rights gained international support”
- J. Mchangama and G. Verdirame, “The Danger of Human Rights Proliferation”
- A. Liptak, “Supreme Court Limits Human Rights Suits Against Corporations”
- K. Donato, et.al., “As more climate migrants cross borders seeking refuge, laws will need to adapt”

******* EXAM # 2 DUE by Friday, Mar. 11 at 11:59 pm**
(no class meeting on Thursday Mar. 10)*****

SPRING BREAK

Module 3: Objects of International Law (Mar. 22-Apr. 15)

a: Territorial Claims and Common Areas (Mar. 22)

- Keitner, ch. 11
- I. Kershner, “Are West Bank Settlements Illegal? Who Decides?”
- The Economist, “Space law is inadequate for the boom in human activity there.”
- T. Aganaba, “If a satellite falls on your house, space law protects you – but there are no legal penalties for leaving junk in orbit”
- M. Williams, “Trump Signs an Executive Order Allowing Mining the Moon and Asteroids”
- D. Fidler, “The Artemis Accords and the Next Generation of Outer Space Governance”

b: Law of the Sea (Mar. 24)

- Keitner, ch. 12
- **The Economist**, "Who owns the Northwest Passage?"
- **A. Kluth**, "International Law Can't Solve the Greco-Turkish Island Problem"
- **A. Serdy**, "HMS Defender incident: what the law of the sea says"

c: International Environmental Law (Mar. 29)

- Keitner, ch. 13
- **R. Varady, et.al.**, "Megadrought along border strains US-Mexico water relations"
- **S. Patrick**, "Geoengineering Is Coming, Whether It's Governed or Not"
- **O. Hathaway and A. Phillips-Robins**, "COVID-19 and International Law Series: WHO's Pandemic Responses and the International Health Regulations"
- **R. Miller and W. Starshak**, "China's Responsibility for the Global Pandemic"
- **J. B. Bellinger III**, "Suing China over the coronavirus won't help. Here's what can work."
- **R. Bratspies**, "Trail Smelter Arbitration Offers Little Guidance for COVID-19 Suits against China"

d: International Economic Law (Mar. 31)

- Keitner, ch. 14

e: Countermeasures and the Use of Force (Apr. 5, 7)

- Keitner, ch. 15

f: The Law of Armed Conflict (Apr. 12)

- Keitner, ch. 16
- **R. Noack**, "The disturbing history behind Trump's threat to target Iranian cultural sites"
- **A. Satariano, et. al.**, "Killer Robots Aren't Science Fiction. A Push to Ban Them Is Growing"
- **B. Docherty**, "Ban 'killer robots' to protect fundamental moral and legal principles"
- **D. Johnson and H. Tregle**, "The Treaty on the Prohibition of Nuclear Weapons and its Limited Impact on the Legality of their Use"
- **S. Sagan and A. Weiner**, "The Illegality of Targeting Civilians by Way of Belligerent Reprisal: Implications for U.S. Nuclear Doctrine"

******* EXAM # 3 DUE by Friday, Apr. 15 at 11:59 pm**
(no class meeting on Thursday Apr. 14) *****

Module 4: International and Domestic Law (Apr. 19-May 5)

a: International Law and US Law (Apr. 19, 21)

- Keitner, chs. 17 and 18
- J. Trachtman, “Michigan’s clean energy standards violate international trade law”
- A. Singh and C. Amirfar, “Good Governance Paper No. 12: Treaty Withdrawals”

b: Jurisdiction and Immunities (Apr. 26, 28)

- Keitner, chs. 19 and 20
- L. Morris, “Why Germany is becoming a go-to destination for trials on the world’s crimes”
- A. Liptak, “Sudan Must Pay Billions to Terrorism Victims, Supreme Court Rules”
- M. Flynn and K. Adam, “US refuses to return American diplomat’s wife to Britain to face charges of killing a teen in collision”

c: Contemporary Challenges and Conclusions (May 3, 5)

- Keitner, ch. 21

******* EXAM # 4 DUE by Thursday, May 12 at 11:59 pm *******

PAPER DUE: No later than Friday, April 29 by 11:59 pm