

POLS 435G – INTRODUCTION to INTERNATIONAL LAW, Spring 2021

Instructor: Vincent Auger

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Virtual Office Hours: **Tue** 4-5 pm; **Wed** 11 am- 1pm; **Thurs** 3-4 pm

(I will be responding to emails and discussion board posts in real time during these hours;

I will try to reply to emails and posts sent at other times within 24 hours)

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:

David J. Bederman and Chimene I. Keitner, *International Law Frameworks*, fourth edition. Foundation Press/West Academic. 2016. (Bederman and Keitner)

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

III. COURSE REQUIREMENTS and POLICIES

1) **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.

2) **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.

3) **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.

4) **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>.

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

6) **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 Bederman and Keitner textbook, any additional readings posted on Western Online, and a set of power point slides equivalent to what I would discuss in class if we were meeting in-person (everything except the textbook readings will be posted by module on the course Western Online site). There is an exam at the end of each module.

The dates listed with the title of each module are designed to help you stay on track to complete the course work. Some of you may be interested in completing the course more quickly, which is certainly permitted.

While there is not an overwhelming quantity of reading for the course, the reading may be challenging because of legal terminology and distinctions which require close study. I would suggest that you arrange your schedule so that you can dedicate at least 4-5 hours each week to reading and reviewing the course materials. Some students may need less time, others may need more, depending on how quickly you read and whether you already have some knowledge of the subject matter. Weeks when exams are due will likely require additional time.

Module 1: The International Legal System (Jan. 19-Feb. 11)

a: The Development of International Law

- Powerpoint slides

- **Bederman and Keitner**, ch. 1

b: The Role of International Law in World Politics: Differing Perspectives

- Reading Guide

- Powerpoint slides

Western Online:

- **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: General Principles and Customary International Law

- Reading Guide

- Powerpoint slides

- **Bederman and Keitner**, ch. 2

d: Treaties as a Source of International Law

- Reading Guide

- Powerpoint slides

- **Bederman and Keitner**, ch. 3

e: Other Sources of International Law

- Reading Guide

- Powerpoint slides

- **Bederman and Keitner**, ch. 4

f: International Dispute Resolution

- Reading Guide

- Powerpoint slides

- **Bederman and Keitner**, ch. 5

Western Online:

- **N. Hong**, “The South China Sea Arbitration”

- **R. Cruz de Castro**, “After Four Years, the Philippines Acknowledges the 2016 Arbitral Tribunal Award!”

- **H. Pant**, “A Landmark Ruling on the Chagos Islands”

- **S. Allen**, “U.K.’s Intransigence on Chagos Islands Dispute Is Self-Inflicted Wound”

******* EXAM # 1 DUE by Thursday, Feb. 11 at 4 pm *******

Module 2: Subjects of International Law (Feb. 15-Mar. 12)

a: States as Subjects of International Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 6

b: State Responsibilities

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 7

c: International Organizations and International Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 8

Western Online:

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

d: Individuals in International Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 9

Western Online:

- **H.N. Haddad**, “The International Criminal Court was established 20 years ago. Here’s how.”
- **E. Londono and M. Simons**, “Neighbors Refer Venezuela to Criminal Court in ‘Historic’ Rebuke”
- **A. Green**, “The International Criminal Court Is in Danger of Being Bullied Into Irrelevance”
- **K.M. Clarke**, “Negotiating Racial Injustice: How International Criminal Law Helps Entrench Structural Inequality”
- **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”
- **D. Schmidt**, “A special Kosovo war crimes court will try its ex-president”

e: Human Rights and International Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 10

Western Online:

- **J. Vannette**, “How human rights gained international support”
- **J. Mchangama and G. Verdirame**, “The Danger of Human Rights Proliferation”
- **L. Reinsberg**, “China’s Forced Sterilization of Uyghur Women Violates Clear International Law”
- **L. Reinsberg and S. Paoletti**, “The US Bears International Responsibility for Forced Sterilization of Women in ICE Detention”

******* EXAM # 2 DUE by Friday, Mar. 12 at 4 pm *******

Module 3: Objects of International Law (Mar. 15-Apr. 9)

a: Territorial Claims and Common Areas

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 11

Western Online:

- **I. Kershner**, “Are West Bank Settlements Illegal? Who Decides?”
- **S. Zunes**, “Trump’s Deal on Morocco’s Western Sahara annexation risks more global conflict”
- **The Economist**, “Space law is inadequate for the boom in human activity there.”
- **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 Seas

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 12

Western Online:

- **The Economist**, “Who owns the Northwest Passage?”
- **A. Kluth**, “International Law Can’t Solve the Greco-Turkish Island Problem”

c: International Environmental Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 13

Western Online:

- **O. Hathaway and A. Phillips-Robins**, “COVID-19 and International Law Series: WHO’s Pandemic Responses and the International Health Regulations”
- **J. Kraska**, “China is Legally Responsible for COVID-19 Damage and Claims Could be in the Trillions”
- **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

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 14

e: The Use of Military Force and International Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 15

f: Laws of War

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, ch. 16

Western Online:

- **R. Noack**, “The disturbing history behind Trump’s threat to target Iranian cultural sites”
- **B. Docherty**, “Ban ‘killer robots’ to protect fundamental moral and legal principles”
- **D. Lewis**, “An Enduring Impasse on Autonomous Weapons”
- **D. Johnson and H. Tregle**, “The Treaty on the Prohibition of Nuclear Weapons and its Limited Impact on the Legality of their Use”

******* EXAM # 3 DUE by Friday, Apr. 9 at 4 pm *******

Module 4: International and Domestic Law (Apr. 12- May 7)

a: International Law and US Law

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, chs. 17 and 18

Western Online:

- **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

- Reading Guide
- Powerpoint slides

- **Bederman and Keitner**, chs. 19 and 20

Western Online:

- **S. Kleiner and J. Beach**, “Suing Foreign States in US Courts”
- **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”

******* EXAM # 4 DUE by Friday, May 7 at 4 pm *******

PAPER DUE: No later than Friday, April 23 by 5 pm