

POSC 4470 INTERNATIONAL LAW

FALL 2021

SECTION 001: TUES/THURS 12:30-1:45PM

211 BRACKETT

PROFESSOR: Dr. Amber Curtis

EMAIL: acurti2@clermson.edu¹

CLASS ZOOM MEETING ID: 930 2101 9740

COURSE WEBSITE: <https://canvas.clemson.edu>

OFFICE: 230-C Brackett

OFFICE HOURS: By appointment²

ZOOM PASSWORD: 898971

***** Students are strongly urged to have passed POSC 1020 before taking this course!*****

THE OBVIOUS: These are difficult and unpredictable times for us all. Flexibility and personal responsibility are going to be key! No matter the course format, I am 100% invested in making this as much of an interactive, engaging, and successful experience as it can be. Toward that end, I ask for your understanding, participation, perseverance, and communication. We've got this!



COURSE DESCRIPTION: What is international law? How has it come about? Who and what does it govern? How effective is it? What obstacles does it face? How can it be improved? This course employs both a positive and normative approach to surveying issues and developments in international law. While not all-inclusive, it introduces students to the main concepts, institutions, and methodology that serve as the foundation of current international legal practice. Through detailed analysis of international conventions, customs, cases, and current events, students will acquire an understanding of the sources of international law, the relationship between international and domestic law, principles of jurisdiction, international dispute resolution, state sovereignty and responsibility, human rights law, international criminal law, international organizations, the legal use of force, and international environmental law. More importantly, once a firm understanding of the international legal process has been established, students will then assess for themselves how *effective* international law is in various policy areas, devise specific suggestions for ways it could/should be improved, and identify obstacles that prevent its theoretical benefits from being maximized.

WHAT TO EXPECT: Though University guidelines may change, **plan to meet in person** unless you have secured proper documentation for a medical exemption (see <https://www.clemson.edu/academics/studentaccess/>). **If you are sick on a particular day, please stay home and join in via Zoom** during our normal class time. (Our Zoom Meeting ID is 930 2101 9740 and the passcode is 898971; you should also be able to access meetings directly

¹ Email is the best way to get ahold of me. Always allow up to 48 hours for a response, then follow up if you haven't heard back.

² Office hours will be primarily virtual this semester so please email me to set up a specific meeting time and I'll send you a private Zoom link! To request an in-person meeting with me, please send me an email. Students will be asked to wear a mask in my office, otherwise we will move our meeting to another location where proper social distancing is possible.

from Canvas by clicking the “Zoom” tab on the left-hand side of our Canvas webpage.) Class format will vary between lecture, various multimedia presentations, small breakout groups, class discussion, and other miscellaneous activities. While I cannot guarantee audio or visual quality, all meetings will be recorded and posted to Canvas under Modules > Zoom Recordings. *Note that this cannot begin to substitute for the full value of in-person instruction.*

CRITICAL THINKING: This course is part of the Clemson Thinks² (CT2) program and, as such, is designed to not only convey the necessity and utility of thinking critically, but also to measurably improve students’ critical thinking abilities to make them independent thinkers, judicious consumers, attractive employees, and effective world citizens. To this end, we will clearly delineate what critical thinking means and students will complete multiple assignments to refine their personal critical thinking skills. (These assignments will then comprise a series of artifacts demonstrating their CT proficiency.) For more information on the CT2 initiative, see <http://www.clemson.edu/academics/programs/thinks2/>.

OBJECTIVES: Through active engagement in class, students will:

- Comprehend the basic principles, practices, and instruments of international law
- Evaluate the strengths and weaknesses of the international law process
- Assess the effectiveness of international law in today’s global system
- Build digital literacy and storytelling skills through use of Adobe Cloud programs in order to convey (in professional audiovisual form) an original answer to an existing legal question
- Develop practical, transferrable skills such as reading comprehension, critical thinking, analytical research, and persuasive writing
- Articulate clear and evidenced-based arguments while acknowledging applicable counterarguments
- Cooperate and communicate with one another to share knowledge and expertise
- Recognize where the course material fits into scholarly dialogue and analyze strengths/weaknesses within an argument
- Identify applicability of course material to personal interests and real-world events
- Learn to differentiate between extrinsic and intrinsic motivations/value/etc.
- Cultivate a strong sense of personal responsibility and the associated pride that results from setting clear goals, being challenged beyond comfort and pushed to excel, overcoming “obstacles”, and truly *earning* the outcome they receive

STUDENT RESPONSIBILITIES: Personal responsibility is imperative. All readings and assignments should be done before class on the day they are listed to facilitate lecture and discussion. Though heavy, it’s a good idea to bring your textbook to class. Please check Canvas and your Clemson email daily for important updates and announcements, as you will be accountable for all information transmitted via these electronic resources. Everyone is expected to pay attention, take good notes, participate actively during class discussions, and be courteous to others. In addition, a portion of this course entails group work, requiring you to communicate effectively and respectfully with fellow students.

REQUIRED TEXTS:

- Janis, Mark W., and John E. Noyes. 2020. *International Law: Cases and Commentary. Sixth Edition*. St. Paul, MN: Thomson West Publishing. ISBN: 978-1642425864.
- Selected treaties (accessible in book or online—see links below).
- Other assigned readings accessible through Canvas.

OPTIONAL TEXTS: For those who need more clarification or want to pursue the information in greater depth...listed in order of recommendation:

- Garner, Bryan A. 2006. *Black's Law Dictionary*. Pocket Edition. St. Paul, MN: Thomson West. ISBN: 978-0314275448. [available at Clemson bookstore or from your online vendor of choice]
- Henriksen, Anders. 2017. *International Law*. New York: Oxford University Press.
- Bradley, Curtis A. 2015. *International Law in the U.S. Legal System*. Second edition. Oxford University Press. ISBN: 978-0190217778.
- Epps, Valerie. 2013. *International Law*. Fifth Edition. Durham, NC: Carolina Academic Press. ISBN: 978-1611632286.
- Ohlin, Jens David. 2015. *The Assault on International Law*. Oxford University Press. ISBN: 978-0199987405.

REQUIREMENTS: The course is structured as follows:

Attendance & Participation (0%)

Note well that there is no “grade” for attendance or participation in this course. That said, it is *impossible* to do well without coming to class every day and being actively engaged. I do not need to know why you are gone on any given day. Just know that missing even a single class can have an extremely detrimental effect on your final course grade via its impact on your comprehension of the course material. When you cannot be there in person, you are still expected to Zoom in (if possible) during class time, watch the Zoom recording if you missed it, and get notes from a classmate. Class format will vary between discussion, group activities, multimedia presentations, case studies, and lecture. Preparation and participation are critical as the course builds cumulatively upon all earlier material.

Case Discussion Leadership & Brief (5%)

In this “flipped classroom” exercise, students will work in small groups to demonstrate that they comprehend complicated, hard-to-read legal cases by leading class on one of the cases designated by the professor. Two days before their case is due, each group must email me a typed case brief (format to be provided) as well as a minimum of five thought-provoking discussion questions. I will make copies to distribute to the rest of the class. Groups should then be fully prepared to summarize their case and answer classmates’ questions about it in lecture.³ Part of your grade will be determined by your groupmates’ assessment your contributions (i.e., peer grading).

³ It is entirely YOUR responsibility to remember the date for which you sign up to present. No reminders will be sent and no rescheduling or makeups will be allowed without a legitimate, documented, University-approved excuse.

Digital Position Project (20%)

Students will research an international legal issue that applies class concepts to a new subject not directly covered in class. (See suggested topics on Canvas; first come, first served!) Students are strongly encouraged to meet with me ahead of time to discuss their ideas. After selecting a topic, they will 1) identify a specific legal issue associated with it; 2) analyze both sides of the issue (affirmative v. negative); 3) make a clear, efficacious argument in favor of one side; and 4) make specific recommendations for how international law can—and *should*—be improved in order to clarify the legal boundaries surrounding this topic and prevent similar issues from arising in the future. A stapled hard copy of your initial outline proposal (using required format; worth 5%) is due by 12:30pm on Thursday, September 23rd. Your final findings and argument must then be conveyed in the form of a digital Adobe Spark Page. (More detailed instructions to follow.) To underscore the importance of this assignment, there are three “Project Work Days” where students are expected to use class time to work on the project in place of normal lecture. Final position projects (worth 15%) must be uploaded to Canvas by 5:00pm on Tuesday, November 23rd. A -10 points per day late penalty will be strictly enforced for both components.

Personal Opinion Paper (5%)

International law exists in many different forms covering many different areas. But how effective and efficacious is it really? Do sovereign states abide by it, or do they ultimately just do what they want? At the end of the day, *does international law matter???* Should it? Why or why not? At the end of the semester, students will submit a short reflection paper illuminating their own individual stance on this debate. There is no “correct” answer, but students are required to engage class readings and use a minimum of 3 pieces of evidence to support their opinion. Hard copies are due by 2:00pm on Thursday, December 2nd. Further instructions to be provided.

Quizzes (15%) & Exams (55%)

There will be four short multiple choice quizzes; the lowest score will be dropped (making the remaining three each worth 5% of your final course grade). Quizzes may not be made up; dropping the lowest score is designed to automatically account for absence or poor performance. The midterm (worth 25%) will take place on Tuesday, October 5th; the cumulative final exam (worth 30%) will take place in our normal classroom at the University-scheduled time of Monday, December 6th from 3:00-5:30pm. Mark your calendars now, as exams may only be made up in the rare event of a legitimate, University-approved, and appropriately documented circumstance.⁴ (See more on this below.)

⁴ Be sure to reference the Undergraduate Announcements for more detail, particularly the section on what constitutes a “medical” excuse. Note also the Undergraduate Class Regulations: “In the event of an emergency, the student should make direct contact with the course instructor, preferably before a class or an exam takes place. Students should speak with their course instructors regarding any scheduled absence as soon as possible and develop a plan for any make-up work. It is the student’s responsibility to secure documentation of emergencies, if required. A student with an excessive number of absences may be withdrawn at the discretion of the course instructor.”

GRADE RECAP:

Attendance & Participation – 0%
Case Discussion Leadership & Brief – 5%
Best 3/4 Quizzes – 15%
Midterm I – 25%
Project Proposal – 5%
Final Digital Position Project – 15%
Personal Opinion Paper – 5%
Cumulative Final Exam – 30%

GRADING POLICY: This is a letter-graded course. At the very end of the semester, grades ending in .5 to .9 will be rounded up to the nearest whole number; those below .5 will not.

- 90-100 = A; 80-89 = B; 70-79 = C; 60-69 = D; 0-59 = F

CLASSROOM POLICY: It should go without saying students are to adhere to proper and respectful conduct at all times, particularly if/when sensitive material is presented and/or conflicting opinions arise.

BEWARE: YOU are responsible for holding yourself accountable for being prepared, paying full attention, and seeking help as you need it. Succumbing to the temptation to “multi-task” by checking social media or browsing the internet during class time will have a severely negative impact on your grade.

EXAM POLICY: Exams may only be made up under extreme circumstances and require appropriate documentation presented to the instructor prior to the date of absence. In cases where advance notification is not feasible (e.g. unanticipated illness, accident, or emergency) documentation must be provided upon return to class. For illness, documentation should include an official note from a doctor or clinic. If the instructor approves a make-up exam, it must then be taken within one week of the original test date listed in the syllabus, except under extreme circumstances approved by the instructor.

CANCELLATION POLICY: If class or office hours need to be cancelled unexpectedly, I will send an email and post a notice on Canvas in advance. If for some reason I am more than 15 minutes late to class, you may assume class that day is canceled. In the event of inclement weather or power outages, we will follow the University’s protocol as follows: “Any exam that was scheduled at the time of a class cancellation due to inclement weather, University power outage, etc. will be given at the next class meeting unless contacted by the instructor. Any assignments due at the time of a class cancellation due to inclement weather will be due at the next class meeting unless the instructor contacts students. Any extension or postponement of assignments or exams must be granted by the instructor via email or Canvas within 24 hours of the weather-related cancellation.”

MASK POLICY: As with all things, we will follow official University guidelines which, as of the beginning of the semester, require everyone to wear a mask while indoors on campus. If/when that changes, the University will let you know. However, for the good of all I highly, *highly* encourage you to always wear a mask in class.

COVID-19 POLICY: For a student who reports testing positive or is being asked to quarantine/isolate because of exposure to the virus, it will be up to the student to inform the instructor that they will be moving to online only instruction for at least the next two weeks. Students are directed to use the Notification of Absence link in Canvas to initiate this notification, which can be found under the “Help” button on the left navigation. (For courses where Canvas is not used, the direct link to the Notification of Absence form can be found through the Division of Student Affairs site: <https://www.clemson.edu/campus-life/student-health/class-absence.html>.) Additional communication via email is encouraged; students should follow up with their instructor to develop a continued plan of study for each course. Students cannot be penalized in their grade for needing to move to online instruction.

ACCESSIBILITY POLICY: Clemson University values the diversity of our student body as a strength and a critical component of our dynamic community. Students with disabilities or temporary injuries/conditions may require accommodations due to barriers in the structure of facilities, course design, technology used for curricular purposes, or other campus resources. Students who experience a barrier to full access to a class should let the professor know, and make an appointment to meet with a staff member in Student Accessibility Services as soon as possible. You can make an appointment by calling 864-656-6848 or by emailing studentaccess@lists.clemson.edu. Students who receive Academic Access Letters are strongly encouraged to request, obtain and present these to their professors as early in the semester as possible so that accommodations can be made in a timely manner—**ideally no later than Friday, September 10th**. It is the student’s responsibility to follow this process each semester. You can access further information here: <http://www.clemson.edu/campus-life/campus-services/sds/>.⁵

Student Accessibility Services
Suite 239
Academic Success Center Building
836 McMillan Rd.
Box 344060
Clemson, South Carolina 29634-4060
Phone: 864-656-6848
E-mail: studentaccess@lists.clemson.edu
Website: <https://www.clemson.edu/academics/studentaccess/index.html>

⁵ Note that if your documented accommodations include extended time on exams, it is your responsibility to schedule and complete your exam with the University Testing and Education Center (UTEC) **at or before the exact same time as the in-class exam is given**. See <https://www.clemson.edu/academics/studentaccess/test-center.html> to sign up and note that the UTEC recommends students make these arrangements *at least* 5 business days in advance of the test date.

EXTENDED TIME FOR EXAMS: Note that if your documented accommodations include extended time on exams, it is your responsibility to *complete* your exam with the University Testing and Education Center (UTEC) **at or before the exact same time as the in-class exam is given**. See <https://www.clemson.edu/academics/studentaccess/test-center.html> to sign up and note that the UTEC recommends students make these arrangements *at least 5* business days in advance of the test date. [Should the exam format shift during the semester from in-person to online exams, this step will not be necessary.]

TITLE IX POLICY: Clemson University is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender, pregnancy, national origin, age, disability, veteran’s status, genetic information or protected activity in employment, educational programs and activities, admissions and financial aid. This includes a prohibition against sexual harassment and sexual violence as mandated by Title IX of the Education Amendments of 1972. This [Title IX policy](#) is located on the Campus Life website. Ms. Alesia Smith is the Clemson University Title IX Coordinator, and the Executive Director of Equity Compliance. Her office is located at 223 Brackett Hall, 864.656.0620. Remember, email is not a fully secured method of communication and should not be used to discuss Title IX issues.

ACADEMIC HONESTY POLICY: Violations of academic honesty, including cheating or plagiarism, are unacceptable and will be seriously prosecuted. Plagiarism includes—but is not limited to—borrowing ideas and paraphrasing them within a paper without properly citing them, copying passages directly from sources without enclosing them in quotation marks, purchasing or stealing another person’s paper to turn in, or having someone else write an assigned paper. Note that I also consider plagiarism to include submitting your own identical work for more than one assignment or course (aka “double dipping” or “self-plagiarism”) without prior approval from both instructors. Note that I also consider plagiarism to include submitting your own identical work for more than one assignment or course (aka “double dipping” or “self-plagiarism”) without prior approval from both instructors. I highly recommend that you review the “Plagiarism Packet” posted in the “Resources” folder on Canvas, as well as the plethora of information on Clemson Library’s “Avoiding Plagiarism” website.⁶ If you have any further questions, you should consult Clemson University’s current Undergraduate Announcements catalog for information on rules and regulations related to academic integrity. If you have any doubt about what is or is not permissible, ask first.

Clemson University’s official statement on academic integrity is as follows: “As members of the Clemson University community, we have inherited Thomas Green Clemson’s vision of this institution as a “high seminary of learning.” Fundamental to this vision is a mutual commitment to truthfulness, honor, and responsibility, without which we cannot earn the trust and respect of others. Furthermore, we recognize that academic dishonesty detracts from the value of a Clemson degree. Therefore, we shall not tolerate lying, cheating, or stealing in any form.” See <https://www.clemson.edu/academics/integrity/plagiarism.html> for more information.

⁶ <http://clemson.libguides.com/AvoidingPlagiarism>

CLASS SCHEDULE & ASSIGNMENTS

(Subject to change. Please check Canvas & your Clemson email daily for important updates!

All readings refer to the Janis, Noyes, & Sadat textbook unless otherwise noted; most other things are accessible through the Modules > Readings section on Canvas. All reading should be completed prior to class on the day it's listed!)

Thursday 8/19: Introduction to International Law (IL)

- Review: Syllabus, Canvas, Plagiarism Packet
- Read:
 - “Our Conception of Critical Thinking”
(<http://www.criticalthinking.org/pages/our-conception-of-critical-thinking/411>)
 - “A Brief History of the Idea of Critical Thinking”
(<http://www.criticalthinking.org/pages/a-brief-history-of-the-idea-of-critical-thinking/408>)
- Ponder: What does it mean to think critically? In what kinds of areas does critical thinking come easily for me? What are some of my personal biases? For what kind of topics do I find it more difficult to be “critical” (i.e., objective)? How can I apply and improve my critical thinking skills in this particular course?

Tuesday 8/24: Sources of International Law

- Last day to register or add a class and declare Audit or Pass/No Pass*
- Read:
 - “How to Brief A Case” handout (on Canvas)
 - “The History of Int’l Law” (p. 1-3)
 - McCann v. United Kingdom (p. 3-17)
- Ponder: What is international law (IL)? How is it made? Who are the main subjects of international law? What are the differences between public and private IL? Has international law seemed to become more or less important over time?

Thursday 8/26: Sources of International Law, Cont’d

- FILARTIGA CASE BRIEF DUE (hard copy at beginning of class)
- Read:
 - Filartiga v. Pena-Irala (p. 17-27)
- Review: ICJ Statute Art. 38(1)(a-d) (p. 1189)
- Ponder: What are the main sources of international law? How many different kinds are there? Which are binding or not? Is there a ‘hierarchy’ of international law sources? What are the pros/cons of each source?

Tuesday 8/31: Treaties

- Last day to drop a class or withdraw from the University without a W*
- Read:
 - “Treaties” (p. 29-68)
 - Reservations to Genocide Convention Case (p. 68-78)
- Ponder: How do treaties come about? What law/instrument governs treaties? May states opt out of (parts of) a treaty? If so, when?

Thursday 9/2: NO CLASS; AT HOME WORK DAY

- Sign up for a research project topic (only 1 person per topic; 1st come, 1st served)
- Read:
 - Gabcikovo-Nagymaros Case (on Canvas)
- Review: Vienna Convention on the Law of Treaties (p. 1209)
- Ponder: How are treaties validly terminated?

Tuesday 9/7: Treaties, Cont'd

- Read:
 - Eastern Greenland Case (p. 102-112)
- Ponder: Must treaties be in written form? Who may conclude a treaty?

Thursday 9/9: Customary International Law

- QUIZ 1
- Read:
 - Paquete Habana (p. 113-126)
 - Asylum Case (p. 126-130)
- Ponder: How do we find evidence of an international “custom”? What different types/levels of custom are there? How many states must participate in a custom and for how long before it is considered binding? Can states ever opt out of CIL? How?

Tuesday 9/14: Customary International Law, Cont'd

- Read:
 - Lotus Case (p. 130-142)
 - Prosecutor v. Furundzija (p. 177-179)
 - Michael Domingues Case (p. 179-185)
- Review: Jus Cogens handout (on Canvas)
- Ponder: Are all customs equal, or are some more important than others? What are erga omnes obligations, and how are they related to jus cogens norms?

Thursday 9/16: General Principles of International Law & Soft Law

- Read:
 - AM&S Case (p. 156-166)
 - Corfu Channel Case (on Canvas)
 - “Soft Law” (p. 185-188)
- Ponder: Who’s considered a “civilized nation”? How do general principles differ from CIL? What are some established principles? What is equity?

Tuesday 9/21: The Relationship between International & Domestic Law

- Read:
 - Foster & Elam v. Neilson (p. 222-228)
 - Missouri v. Holland (p. 236-240)
 - Whitney v. Robertson (p. 241-243)
 - United States v. Belmont Case (p. 243-247)
- Ponder: Why does domestic law matter for IL? How can we categorize different states’ participation in and willingness to incorporate IL? What is the United States’ relationship to IL? What happens when IL and domestic law conflict?

Thursday 9/23: Jurisdiction

- PROJECT PROPOSALS DUE (hard copy at 12:30pm)
- Read:
 - “The Principles of Jurisdiction” (p. 987-988)
 - American Banana v. United Fruit Co. Case (p. 988-992)
 - Blackmer v. United States Case (p. 992-995)
 - U.S. v. Aluminum Co. of America (p. 995-1001)
 - “Other Principles of Jurisdiction” (p. 1001-1003)
- Ponder: What are the various bases or principles of jurisdiction? Are they mutually exclusive? When they conflict, which principle(s) prevail? Why does jurisdiction matter? Has the weight placed on certain principles of jurisdiction changed over time?

Thursday 9/28: State Sovereignty & Recognition

- QUIZ 2
- Read:
 - “States and International Law” (p. 573-583)
 - “The Recognition and Succession of States and Governments” (p. 583-587)
 - Tinoco Claims Arbitration (p. 607-618)
- Review: Montevideo Convention (p. 584-587)
- Ponder: How do we define a “state”? What are the different theories of statehood? To what extent is recognition by other states required? When a government is contested, is IL made by that government still legally valid and binding?

Tuesday 9/30: International Dispute Resolution; State Responsibility

- In-class review for midterm
- Read:
 - “Public International Arbitration” (p. 339-353)
 - Rainbow Warrior Case (p. 358-374)
- Review & Print:
 - ILC’s Draft Articles on State Responsibility (on Canvas)
- Ponder: How can IL help states resolve their issues with one another? When and why will states choose one particular type of dispute resolution over others? Are states always responsible for the actions of their nationals and governments? What obligations do states have towards one another?

Tuesday 10/5: MIDTERM (Bring Bluebook)

Thursday 10/7: NO CLASS; PROJECT WORK DAY #1

Tuesday 10/12: NO CLASS; FALL BREAK

Thursday 10/14: The International Court of Justice

- Read:
 - “The International Court” (p. 374-376)
 - Diplomatic & Consular Staff Case (p. 389-407)
 - “Advisory Opinions at the International Court” (p. 410)
 - “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” (p. 410-430)
- Review: ICJ Website www.icj-cij.org/en

- Ponder: What does the ICJ do? How is it organized? What are advisory opinions? Are they effective? Why or why not?

Tuesday 10//19: International Organizations & International Law

- Read:
 - “International Organizations” (p. 661-673)
 - Reparations Case (p. 673-686)
 - “Nongovernmental Organizations” (p. 686-700)
- Review: <https://www.un.org/en/> (see ‘About Us’ > ‘Main Bodies’ section)
- Review & Print: UN Chart (on Canvas)
- Ponder: Where do international organizations (IOs) fit in IL? Which IOs have international personality? What are the main differences between intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs)? Does IL apply equally to both? Should it?

Thursday 10/21: NO CLASS; PROJECT WORK DAY #2

Tuesday 10/26: Individuals & International Law

- Last day to drop a class or withdraw from the University without receiving a final grade*
- Read:
 - “Individuals as Objects of International Law” (p. 465)
 - Nottebohm Case (p. 465-476)
 - “Individuals as Subjects of International Law” (p. 491-495)
 - “International Human Rights Law” (p. 495-508)
 - Soering Case (p. 536-554)
- Review & Print:
 - International Bill of Human Rights: <http://www.un-documents.net/a3r217.htm>
- Ponder: Why do we have human rights law? Which types of states protect human rights (HR)? What can IL do if a state violates its citizens’ HR? Where do individuals fit in IL? How has their position changed/evolved over time? Is current IL regarding individuals sufficient? Why or why not?

Thursday 10/28: International Criminal Law

- QUIZ 3
- IN-CLASS MOVIE
- Read:
 - “International Criminal Law” (p. 554-560)
 - The info at <https://www.un.org/en/chronicle/article/responsibility-protect>
- Review & Print:
 - ICISS’s Responsibility to Protect (on Canvas)

Tuesday 11/2: The International Criminal Court

- Read:
 - “Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo” (p. 560-571)
- Review & Print:
 - Rome Statute of the ICC: on Canvas)⁷
- Ponder: Why was the ICC established? How is the ICC different from the ICJ? What cases have been referred to the ICC? Which cases are the ICC currently investigating?

Thursday 11/4: The ICC, Cont’d

- Read:
 - Scheffer (1999): “The United States & the ICC” (on Canvas)
 - Goldsmith (2003): “The Self-Defeating ICC” (on Canvas)
 - Thompson-Flores (2010) update on ICC (on Canvas)
- Ponder: What objections does the United States have to the ICC? Should the US join?

Tuesday 11/9: International Law & the Use of Force

- Read:
 - “International Law & the Use of Force” (p. 739-754)
 - “Traditional Limits on Resort to Force” (p. 768-770)
 - Caroline Dispute (p. 775-779)
 - “Article 2(4) and the Use of Force” (p. 779-787)
 - Nicaragua Case (p. 790-807)
- Ponder: When is the use of force permitted in IL? Who may use force and when? What qualifications must be met to claim self-defense? What happens when states are *not* justified in using force? What are the differences between *jus ad bellum* and *jus in bello*?

Thursday 11/11: NO CLASS; PROJECT WORK DAY #3

Tuesday 11/16: International Law & the Use of Force, Cont’d

- Read:
 - UN & Use of Force (on Canvas)
 - “Security Council Practice After the Cold War: Iraq (p.807-823)
- In what way(s) was the 2003 war in Iraq justified under IL or not?

Thursday 11/18: International Environmental Law

- QUIZ 4
- Read:
 - Trail Smelter Case (on Canvas)
 - Shrimp Turtle Case (p. 431-447)
- Review & Print:
 - “Stockholm Declaration” (on Canvas)
 - “Rio Declaration” (on Canvas)
 - Montreal Protocol (on Canvas)
- Ponder: How has international environmental law (IEL) evolved over time? What areas does it predominantly cover? Is most IEL binding or not?

⁷ You’ll want to print ALL 65 pages, however feel free to print front/back & multiple pages per sheet—just make sure you can still read it. ☺

Tuesday 11/23: NO CLASS BUT...

- PUBLISHED DIGITAL POSITION PROJECT LINKS MUST BE UPLOADED TO CANVAS BY 5:00PM**

Thursday 11/25: NO CLASS; THANKSGIVING BREAK

Tuesday 11/30: International Environmental Law, Cont'd

- COMPLETE COURSE EVALUATIONS ON CANVAS
- Read:
 - Hufbauer & Kim (2010): "Reaching a Global Agreement on Climate Change: What are the Obstacles?" (on Canvas)
- Review & Print:
 - UN Framework Convention on Climate Change: <http://unfccc.int/resource/docs/convkp/conveng.pdf>
 - Kyoto Protocol: <http://unfccc.int/resource/docs/convkp/kpeng.pdf>
 - Paris Agreement (on Canvas)
- Ponder: What kinds of countries does current IEL (e.g., the Kyoto Protocol) cover? Why has the U.S. not joined the Kyoto Protocol? What does the future of international environmental law look like (e.g., what does the Paris Agreement aim to do)? Will it be effective? Why or why not?

Thursday 12/2: Debating the Effectiveness of International Law

- PERSONAL OPINION PAPERS DUE BY 2:00PM
- Last day of class
- Review for Final
- Read:
 - Goldsmith & Posner (2005): *The Limits of International Law* (on Canvas)
 - O'Connell (2008): *The Power and Purpose of International Law* (on Canvas)
 - Findley, Nielson, & Sharman (2014): "Causes of Noncompliance with International Law" (on Canvas)
 - Ohlin (2015): *The Assault on International Law* (on Canvas)
- Ponder: Does IL matter? When and why? Who abides by IL? What punishment(s) do states incur if they violate IL?

FINAL EXAM: Monday, 12/6 from 3:00-5:30pm

**PLEASE REMEMBER TO EMAIL ME ASAP
WITH ANY QUESTIONS OR CONCERNS!**

Looking forward to a great semester,
Dr. Curtis