International Law.

Fall 2015.

GOVT 331. Wesleyan University
Syllabus.

TU/TH: 2:40 – 4:00 pm, PAC 104

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Office Hours:
Tuesday 11a – 12n
Wednesday 2 – 3p
Or by appointment

Course Website: http://internationallaw.site.wesleyan.edu/

Overview

...in relations between nations, the progress of civilization may be seen as movement from force to diplomacy, from diplomacy to law.

Louis Henkin, How Nations Behave (1979)

International law plays an increasingly important role in global politics. This course will examine the interaction of law and politics at the international level and how each influences the other. The course will examine the sources of international law; the roles played by international organizations such as the United Nations, the World Trade Organization, and the International Criminal Court; and the roles played by various participants in global governance, including both state and nonstate actors. Today it is impossible to completely grasp global politics without an understanding of international law. This course is offered to bridge that gap.

This semester, we will especially focus on three key issue areas: international environmental law, human rights law, and economic governance. Other issues we will touch on include the use of force, war crimes, and terrorism.

Schedule and General Directions

General Directions

• 1. This course will use one book, available for purchase in the student bookstore:
• Dunoff, Ratner, and Wippman. 2015. International Law: Norms, Actors, Process: A Problem-Oriented Approach. Aspen Publishers. FOURTH EDITION. The syllabus below refers to this as DRW. You MUST use this edition! There are MAJOR differences from all previous editions.
• 2. All other texts are available via hyperlink. Please note that many, if not all, are only available to students via login.
• 3. This is a reading-intensive course. All readings should be read in the order presented. That is also their order of priority.
• 4. All readings should be read prior to class.
• 5. Required readings are required. Recommended readings will not be directly referred to on exams but primarily are provided to (a) clarify issues/concepts/theories discussed in the required reading or class lecture; and (b) guide those of you who want to deepen your knowledge on a specific issue.
• You will encounter legal terms as you do some of your readings. Occasionally, it may be helpful to consult a legal dictionary. Our library has online access to several. I would consider consulting either of the following:
• http://www.credoreference.com/book/acblaw
Part One: Introduction; theory

Class 1

What is International Law and why do we care about it? What is this course all about and what do I have to do to get an A?

Course Activities: Introductions

Readings:

DRW. Chapter 1: Tracing the Evolution of International Law Through Two Problems.

Class 2

The Legalization of International Relations; Theories of international relations and international law

Course Activities:

Readings:


Recommended:


Class 3

What are the sources of international law? Treaties and Hard Law.

Course Activities: Lecture

Readings:

DRW. Read pages 33 – 68. Chapter 2: Making Law in a Decentralized System. Focus is on the Whaling Regime


Recommended:

Vienna Convention on the Law of Treaties [PDF]

Class 4

Sources of International Law: Soft Law.

Course Activities: Lecture

Readings:

DRW. Read pages 68 – 104. Chapter 2: Making Law in a Decentralized System.


Class 5

Compliance with International Law

Course Activities: Lecture

Readings:


**Recommended:**


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Part Two: Participants and Structures of Global Governance

Class 6: Paper proposal due

- **Course Activities:** Lecture
- **Readings:**
  - *DRW.* Read 105-142 from Chapter 3.

Class 7

- **Course Activities:** Lecture
- **Readings:**
  - *DRW.* 142 – 167. “International Organizations as Global Actors” from Chapter 3
  - *DRW.* Chapter 4, “The Challenge of Non-State Actors”. *Concentrate on NGOs and Corporations*

Class 8

- **Course Activities:** Lecture
- **Readings:**
  - *DRW.* Chapter 5, International Law in the Domestic Arena

Class 9

- **Course Activities:** Lecture
- **Readings:**
  - *DRW.* Chapter 6, The Reach of Domestic Law in the International Arena

Class 10

- **Course Activities:** Catching Up
- **Readings:** SAME AS PREVIOUS DAY

Class 11

**MIDTERM EXAM**

Part Three: Human Dignity

- **General Readings of Note (this list is provided for those of you who are interested in these issues; they are not assigned readings):**

Class 12

- **Civil and Political Rights**
  - **Course Activities:** Lecture.
  - **Readings:**
    - DRW. 335 – 378, from Chapter 7

- **Recommended:**
  - DRW. 379 – 390, from Chapter 7 (on the “right to food”)

Class 13

- **Women’s Rights**
  - **Course Activities:** Lecture.
  - **Readings:**
    - DRW. 391 – 413. “…Women’s Rights…”, from Chapter 7

- **Recommended:**
  - Convention on the Elimination of All Forms of Discrimination Against Women

Class 14

- **Individual Accountability**
  - **Course Activities:** Lecture.
  - **Readings (in order of importance):**
    - Readings for this day and the next may change.
    - DRW. Chapter 9

- **Recommended:**
  - DRW. 820 – 875, on “The US Military Response to Transnational Terrorist Groups” (we will return to this later)

- **Rome Statute of the International Criminal Court**

Class 15

- **International Law & Genocide**
  - **Course Activities:** Lecture/Discussion
  - **Readings:**
    - Readings for this day and the previous may change.

- **Recommended:**

Class 16
Part Four: Use of Force

General Readings of Note (this list is provided for those of you who are interested in these issues; they are not assigned readings):


Class 17

- The Gulf Wars and Afghanistan
- Course Activities: Lecture/Discussion
- Readings:
  - DRW. 713 – 791, from Chapter 13.
  - DRW. 795-876, from Chapter 14.
- Recommended:
  - St. Thomas Aquinas. 1269 – 1272. “Part II, Question 40. Of War,” The Summa Theologica. Focus on the first section “Whether it is always sinful to wage war?”

Class 18

- More Humanitarian Law: Use of nuclear weapons; protection of non-combatants
- Course Activities: Lecture/Discussion
- Readings:
  - DRW. Chapter 8

Part Five: International Environmental Law

General Readings of Note (this list is provided for those of you who are interested in these issues; they are not assigned readings):

- Speth, James Gustave and Peter M. Haas. 2006. Global Environmental Governance. Island Press. The history chapters (3 and 4) might be particularly useful.

Class 19

- Global Environmental Governance; Transboundary Pollution and Environmental Harm
- Course Activities: Lecture/discussion
- Readings:
  - DRW.Chapter 10.
- Recommended:

Class 20
- International Waters, the Law of the Sea
  - **Course Activities:** Lecture/discussion
  - **Readings:**
    - DRW. 603 – 625. "Nile"
  - **Recommended:**

Class 21
- Ozone; Begin Climate Change
  - **Course Activities:** Lecture/discussion.
  - **Readings:**
    - DRW. 626 – 651. “Ozone”
  - **Recommended:**

Class 22
- **FINAL DRAFT OF PAPERS DUE**
  - Climate Change
  - **Course Activities:** Lecture/Discussion.
  - **Readings:**
    - DRW. 651-663. “Climate Change”
    - Possibly one other reading will be added here.
  - **Recommended:**
    - Intergovernmental Panel on Climate Change

Part Six: Governing the Global Economy
- **General Readings of Note (this list is provided for those of you who are interested in these issues; they are not assigned readings):**
Class 23
• **Governing Global Trade (I)**
  • **Course Activities:** Lecture/Discussion.
  • **Readings:**
    - **DRW.** Chapter 12
  • **Recommended:**
  • WTO, “Dispute Settlement Gateway.” Website.

Class 24
• **Governing Global Trade (II)**
  • **Course Activities:** Lecture/Discussion.
  • **Readings:**
  • **Recommended:**
    - WTO. EU-US Hormone Disputes. DS26, DS48, DS320.
    - Wilson, Bruce. 2007. “Compliance by WTO Members with Adverse WTO Dispute Settlement Rulings: The Record to Date.” Journal of International Economic Law. 10 (2). 397 – 403.

Class 25
• **African States in Global Governance**
  • **Course Activities:** Lecture and Discussion.
  • **Required:**
  • **Recommended:**
    - **DRW.** 876-892. “The AIDS Pandemic”

Class 26
• **Conclusion and Summary**
  • **Course Activities:** Final Lecture and Exam Review
  • **Readings:**
    - **DRW.** 892-904.
  • end of classes

15 December 2015. Tuesday. 7 – 10 pm
Location: Our Classroom
FINAL EXAM

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**Course Assignments & Grading Plan**

**Overview**
- Coursework will be weighted as follows:
  1. Classroom Engagement (10 pts)
  2. Midterm (25 pts)
The Grading Scale
I will be using the following grading scale in this course:

- 98-100 A+
- 94-97 A
- 90-93 A-
- 87-89 B+
- 84-86 B
- 80-83 B-
- 77-79 C+
- 74-76 C
- 70-73 C-
- 69/below D
- 59/below F

Note on Late Assignments:
Late assignments will be graded down 5 points for each day late, to a maximum of 50% off the credit for the assignment. No matter how late an assignment is, it will always be worth submitting (you can always get up to 50% credit).

1. Classroom Engagement: Participation, Attendance (10%)
- This course requires not only attendance but also active participation. This entails doing the readings before class, thinking critically about them, and the topics we are discussing. Active participation can significantly help your grade in the course, non-participation can significantly lower your grade, and non-attendance WILL significantly lower your grade.
- Attendance and active participation
  - You must attend class. Think of it as if you are a pilot learning to fly. You have to put in a number of hours in the cockpit to qualify.
  - You must be active in class. This can take a variety of forms, including: speaking in class, asking questions, emailing me questions, and participating on the course blog.
  - You can miss two classes without any serious consequence. If you miss more than 5 classes you will receive no credit for classroom engagement.
  - You must visit my office hours at least once during the term.
- Course Blog
  - You may create blog posts for participation credit.

2. Midterm Exam (25%)
- October 13th, in-class.

3. Final Exam (35%)
- Day/Time: December 15, Tuesday, 7 – 10 pm

4. Paper (30%)
- Your paper grade includes performance on the following assignments:
  - Paper Proposal
  - Paper Rough Draft
  - Paper Peer Review
  - Paper Final Draft
- Paper Proposal
  - You will prepare a one-page description of your proposed research question. The question should be substantively interesting and relevant. Moreover, it should be a question that can be answered using evidence, given the time and resource constraints of the course. You should be prepared to discuss your question during the class session.
  - 1. Length: 300 words (include word count)
  - 2. Include the following information:
  - State the main question you plan to answer. State it as a question!
  - Briefly explain why it is important.
  - Suggest possible answers to your question.
  - List 2 sources you might use
  - 3. Turn in via email
- Due Tuesday, September 22 @ class time
- Paper Rough Draft & Peer Review
  - 1. Submit to the professor one copy using turnitin.com. Instructions will be provided
  - 2. Bring 1 copy to class for peer editing.
  - 3. Should be about 75% complete.
- Due November 3.
- Paper Final Draft
• 1. Submit to turnitin.com.
  2. Due November 24.
  3. Length: 4000 words (include word count on the last page), not including bibliography

**In writing the paper, you must do the following things:**

• Your research question **must** be either the title or the first sentence of the paper.
• Clearly articulate your answer to the question. These are argumentative papers.
• Explain the significance of the question.
• Support your answer.
• Evaluate alternative answers.
• Use at least 8 outside sources (see note on sources below)
• Use at least 1 source from class readings.
• Use concepts from the course. For example: norms, *terra nullius*, natural law…
• Include a bibliography (Does not count as part of your word count.)

**Sources:**
• I strongly encourage you to use at least one of each of the following sources:
  1. Books
  2. Academic Journals (articles from political science or public policy journals are likely to be most relevant)
  3. Law Review Article
  4. Newspapers (it is suggested that you stick to major national papers such as the New York Times, Washington Post, and Wall Street Journal) or Magazines (again, use major magazines, such as Newsweek or The Economist)
  5. Primary sources: Government documents, for instance.
• Don’t rely on Wikipedia.
• If you have a question about a source, just ask!
• How to cite your sources:
  Citations should be short-format footnotes. The guidelines I want you to follow are those used by the journal *International Organization*. They can be found here: [http://www.editorialmanager.com/io/accounts/info_for_authors/183-187.pdf](http://www.editorialmanager.com/io/accounts/info_for_authors/183-187.pdf). Articles from that journal are useful examples.

**The Rules of the Game**

**Class Protocol**

• **I reserve the right to change all policies, assignments—anything related to the course—at any time.**
  1. Class will start on time. If you are more than 10 minutes late you will be marked as absent.
  2. No talking during class, no reading material during class, and no inappropriate use of electronic equipment (cell phones, laptops, etc.) during class.
  3. I reserve the right to make new rules and changes to the course.
  4. **I assume all class activities are governed by the university's honor code.**
  5. *Diversity in discussion.* Throughout the course of the semester, we will be addressing a variety of issues on which people will have strong and diverse opinions. It is critical that we respect one another’s thoughts, and address our comments at the ideas, not the person. Our class is not a forum for demeaning or threatening language.
  6. *Academic Integrity.* Plagiarism and Cheating. Plagiarism and cheating will not be tolerated. I feel especially strong about this when it comes to student writing. Please remember that the consequences for any kind of cheating or plagiarism can result in an “F” for the class and possibly other actions by the university.
    o Wesleyan’s policies can be found online at: [http://www.wesleyan.edu/studenthandbook/3_honorsystem.html](http://www.wesleyan.edu/studenthandbook/3_honorsystem.html)
    o If you have any questions about the appropriate way to use or cite a source, please do not hesitate to ask me before you hand in your paper.

**Disability-Related Accomodations**

• It is the policy of Wesleyan University to provide reasonable accommodations to students with documented disabilities. Students, however, are responsible for registering with Disabilities Services, in addition to making requests know to me in a timely manner. If you require accommodations in this class, please make an appointment with me as soon as possible, so that appropriate arrangements can be made. The procedures for registering with Disabilities Services can be found at [www.wesleyan.edu/deans/disability-students.html](http://www.wesleyan.edu/deans/disability-students.html)