

PLSC 340 International Law and Organization

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Office: Welles 3E; Hours: W 12:30 – 2:30 & TH 1:30 – 3:00

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Description, Goals and Objectives

This course examines the nature and functioning of international law and organizations – two institutions that represent an evolving body of norms about how states conduct themselves in international "society." While each field can be studied independently, we make a more general attempt to examine key issues in international relations through the lens of collective action aimed at generating and upholding norms of state behavior.

The course begins by examining the historical and theoretical evolution of international order. How do we account for the existence of law and organization in an "anarchical" international society? What are the historical roots of international order? What role does state power play in the creation, maintenance, and change in international institutions? This is followed by discussion of the structure and functioning of the international legal system and inter-governmental organizations and regimes. Thus, the first half of the course will be largely "process" oriented. We need to examine how international society operates before examining the political issues addressed by legal rules and organizations. I know some of this might be a bit dry, but don't fall asleep or cruise around Facebook during class because we will be having a mid-term.

The second half of the course looks at several key issue areas in international relations from this "international order" perspective. First we address the issues of when states go to war, how they behave in war, and the role of international institutions in justifying, preventing or ending violent conflict. This is followed by a discussion of several discrete issue-areas where international law and organization operate to help states address common issues and concerns, including: trans-boundary environmental threats, the promotion of human rights, and refugee protection.

The pre-requisite for this course is PLSC 140, International Politics. As I will assume familiarity with political analysis and international relations issues, no exceptions will be granted to this requirement. If you have not completed this course prior to this semester, you should see me immediately.

Required Texts/Readings

- David J. Bederman, International Law Frameworks, 2nd Ed. (2006)
- Nigel White, The United Nations System: Toward International Justice (2002).
- Additional readings are posted on Mycourses.
- *Primary documents (listed in italics) are easily found online.* THESE CONSTITUTE PART OF THE REQUIRED WEEKLY READING

I also encourage you to subscribe to the UN Wire, a daily e-mail briefing regarding various happenings relevant to the United Nations system and international legal order. You can subscribe at: http://www.smartbrief.com/un_wire

Course Requirements

Exams: There will be a mid-term and a final exam. Typically, the mid-term is comprised of either or both an in-class and take-home component. The final will be a take-home hypothetical case.

Paper: You will write a spectacular 15 page (MAX!) deliberative argument on the effectiveness of international law/organization in response to a given issue area that we cover in the class. The core question should address whether international rules and/or organizations play a useful role in helping states manage a common problem. You should work closely with me throughout the process of writing the paper. You will schedule an appointment to meet with me by **September 30** to kick around ideas. Based on this consultation, you will submit a paper proposal by **October 15**. If you do not submit a proposal by the deadline, I will not accept your paper. I dock late papers one full grade per day (including weekends) that it is late (A to B etc).

Good papers require considerable research (beyond Google and Wikipedia) and sufficient time to properly frame and address a question. Those who wait until the last week of the semester to start a paper generally do not do very well in this course. Good papers also require good writing. If I cannot follow your argument because of confusing sentence structures, poor organization, or bad style, I cannot give the paper a good grade. I encourage you pick up a copy of Strunk and White's Elements of Style.

My grading criteria for written work is as follows:

- "A" paper—contains well developed and relevant thesis that is defended systematically using citations drawn from the relevant literature; demonstrates a sophisticated understanding of the course material and concepts; is elegantly organized and written; is thoroughly proofread.
- "B" paper—proves a coherent thesis which is articulated and defended; solid research base that reflects important works in the discipline relevant to the thesis; demonstrates an understanding of the course material; is well written.
- "C" paper—provides a somewhat coherent thesis; research and citations are minimally acceptable; demonstrates a basic understanding of the course material; is readable... but not necessarily a pleasure to read.
- "D" paper—provides a basic argument; uses minimal or no citations; demonstrates minimal understanding of the course material; is poorly written
- "F" paper—Paper is turned in but does not meet basic requirements (no discernable or coherent thesis, too short, does not answer the question, shoddy or no research, etc.).

Presentations: Each student will be responsible for writing and presenting a case brief, an overview of an issue or institution, or a debate position. Case briefs should be akin to a legal case brief, and are suited to students contemplating law school. Overviews are analytic or argumentative reviews of a particular international legal/organizational issue. Debate positions are exactly what the term implies. Students are responsible for making a 10-15 minute presentation and submitting, by e-mail, a two page written overview of the presentation on the Monday of the week assigned.

Case Brief: Prepare a 15 minute presentation and a two page (max) overview that addresses:

1. Court/Forum – where case was adjudicated; basis of jurisdiction; parties to the conflict.
2. Facts – clearly and concisely state what happened.
3. Question(s) – legal issue/question(s) at stake?
4. Reasoning – How did the Court answer the legal question?
5. Significance – Why is the case important/relevant to this week’s topic?

Overview: Prepare a 15 minute presentation and a two page (max) overview that addresses:

1. Background/Facts
2. Issues confronting the organizational response
3. Evaluation of the organizational response
4. Significance

Debate Position: Prepare a 15 minute presentation and a two page (max) overview that makes a well-considered and informed argument in regards to the assigned topic.

Participation: I also hand out points for your regular participation in class. Take this seriously. If you never participate, I hand out zero points; that’s a big blow to your grade. The quality of your participation in the simulation will strongly affect your participation grade. Please come to class having carefully read and considered the assigned readings, and prepared to contribute to class discussions.

Grading: I use the following scale to calculate your final grade: 94-100 = A; 90-93.9 = A-; 87-89.9 = B+; 84-86.9 = B; 80-83.9 = B-; 77-79.9 = C+; 74-76.9 = C; 70 – 73.9 = C-; 60-69.9 = D; 0 – 59.9 = F.

Assignment	Points
Mid-term	25
Final	25
Paper	30
Presentation	10
Participation	10
TOTAL	100

Academic Honesty: I have zero tolerance for academic dishonesty. I will flunk the paper, flunk you for the course, and refer the matter to the Dean of Students for disciplinary action. For more information, consult the university bulletin or schedule a meeting with the college Writing Center. The PLSC department has a subscription to turnitin.com. By remaining in the course, you agree that your work will be submitted to turnitin.com.

This is not an idle threat. I have consistently followed this policy, referring an average of one student per year to the Dean’s office. And more than one student has been expelled from the university as a result.

Accommodations: SUNY Geneseo will make reasonable accommodations for persons with documented physical, emotional or learning disabilities. Students should consult with the Director in the Office of Disability Services (Tabitha Buggie-Hunt, 105D Erwin, tbuggieh@geneseo.edu) and their individual faculty regarding any needed accommodations as early as possible in the semester.

WEEK 1: 9/1 – NATURE & SOURCES OF INTL LAW AND GLOBAL GOVERNANCE

Readings Bederman, 1; Krauthammer, "The Curse of Legalism."

WEEK 2: 9/8 – REGIMES, INSTITUTIONS, AND OUTCOMES IN INTERNATIONAL RELATIONS

Readings Makinda, "Recasting Global Governance;" Mearsheimer, "The False Promise of Intl. Institutions;" Keohane & Martin, "The Promise of Institutional Theory."

WEEK 3: 9/15 – SOURCES OF INTL RULES

Readings Bederman, 2, 3, 4; Gamble, "The Treaty/Custom Dichotomy."

Primary Doc *Skim: Vienna Convention on the Law of Treaties*

- Case Brief: *Case Concerning the Gabčíkovo-Nagymaros Project* (ICJ, 1997)
- Case Brief: *Reservations to the Genocide Convention* (ICJ, 1951)

WEEK 4: 9/22 – THE UNITED NATIONS: LEGAL AND INSTITUTIONAL FRAMEWORK

Reading White, 1, 2, 4; Bederman, 6

Primary Doc *Charter of the United Nations (Preamble, Chs. 1-8, 15)*

- Case Brief: *Reparations for Injuries Suffered in the Service of the UN* (ICJ, 1949).
- Debate: Expanding the Security Council: New Permanent Members Should Be Added.
- Debate: Expanding the Security Council: A Pandora's Box best Left Unopened.

WEEK 5: 9/29 – INTERNATIONAL DISPUTES

Readings White 5; Bederman, 21

Primary Doc *Statute of the ICJ (Ch. II); UN Charter (Ch. 14)*

- Case Brief: *Armed Activities on the Territory of the Congo (DR Congo v. Rwanda): Jurisdiction of the Court and Admissibility of Application* (ICJ, 2006)
- Case Brief: *Global Witness v. Afrimex Ltd.: Decision Applying OECD Guidelines on Corporate Responsibility for Human Rights* (ICSID, 2008)
- Overview: The European Court of Justice: Structure, Jurisdiction, and Efficacy
- Overview: The Role of the Secretary General in Resolving International Disputes

WEEK 6: 10/6 – INTERNATIONAL LAW AND THE UNITED STATES

Readings Bederman 14, 15; Rivkin and Casey, "The Rocky Shoals of International Law." Slaughter, "Leading Through Law."

- Case Brief: *Case Concerning Avena and Other Mexican Nationals* (ICJ, 2004)
- Case Brief: *Medellin v. Texas* (US Supreme Court, 2008)
- Overview: The United States and UN Dues
- Overview: The United States Changes Course on the Law of the Sea?

WEEK 7: 10/15 (THURS ONLY) –MID TERM & PAPER PROPOSALS DUE

- Fall Break: No Class Tuesday

WEEK 8: 10/20 – USE OF FORCE

Reading Bederman 18, 19, 20; White 6.

Primary Docs *GA Resolution A/Res/60/1; SC Res 167; OAS Resolution 930*

- Case Brief: *Case Concerning Military and Paramilitary Activities in and Against Nicaragua* (ICJ, 1986).
- Case Brief: *Armed Activities on the Territory of the Congo (DRC v. Uganda)* (ICJ 2005)
- Overview: UNSC Resolutions: Iraq/Kuwait 1990-2001.
- Overview: The Widening Conception of Chapter VII Powers

WEEK 9: 10/27 – TERRORISM: PRE-EMPTION, PREVENTION, AND ANTICIPATION

Reading Farer, "The Prospect for International Law and Order in the Wake of Iraq;" Glennon, "Why the Security Council Failed;" Yoo, *International Law and the War in Iraq*;" Byers, "Letting the Exception Prove the Rule;" Gardner, "Neither Bush nor the Jurisprudes."

Primary Docs *SC Resolutions 1368, 1373, and 1441.*

- Overview: The Israeli Raid at Entebbe.
- Overview: The 2008 Colombian Incursion in Ecuador
- Debate: Regime Change in Iraq was Illegal.
- Debate: Regime Change in Iraq was Legal.

WEEK 10: 11/3 – PEACE-KEEPING AND ENFORCEMENT

Reading *Report of the Panel on United Nations Peace Operations (Brahimi Report) Executive Summary*; Durch and England, "The Purposes of Peace Operations."

Primary Docs *General Assembly Resolution 377 (Uniting for Peace); SC Resolutions 1279, 1386, 1509, 1701.*

- Overview: MONUC – DR Congo
- Overview: ISAF – Afghanistan
- Overview: UNMIL – Liberia
- Overview: UNIFIL II - Lebanon

WEEK 11: 11/10 – HUMAN RIGHTS

Reading Bederman 9; White 9

Primary Docs *Skim: International Covenant of Civil and Political Rights.*

- Case Brief: *Vladimir Petrovich Laptsevich V Belarus (HRC, Communication No. 780/1997).*
- Case Brief: *Caesar v. Trinidad and Tobago (Inter-Am. Court of Human Rights, 2005).*
- Overview: The African Court of Human and Peoples' Rights.
- Overview: The New and Improved Human Rights Council.

WEEK 12: 11/17 – INTERNATIONAL HUMANITARIAN LAW (ICRC COURSE)

Reading White, 8; Additional handouts to be distributed

Primary Docs *Skim: Genocide Convention; Rome Statute of the International Criminal Court*

WEEK 13: 11/24 (ONLY) – SIMULATION

- Thanksgiving, no class Thursday
- I will introduce and launch the simulation on Tuesday

WEEK 14: 12/1 – REFUGEE LAW

Reading Byrne, "Changing Paradigms in Refugee Law;" Loescher, "UNHCR at Fifty: Refugee Protection and World Politics;"

Primary Docs *Convention Relating to the Status of Refugees; The Guiding Principles on Internal Displacement*

- Case Brief: *Sale v. Haitian Centers Council, Inc.* (Supreme Court of the United States, 1993)
- Case Brief: *Rreshpja V Gonzales* (U.S. Court of Appeals, 6th Circuit. 2005).
- Overview: The Organizational Structure and Mandate of the UNHCR.
- The Guiding Principles on IDPs: The Relevance of "Soft Law."

WEEK 15: 12/8 – SIMULATION

- Papers Due: Tuesday Dec 8

Fall 2009 Final Exam for PLSC 340: Block E1, Tuesday, December 22, 8:00-11:00