

**PSCI 4183: INTERNATIONAL LAW**  
**KETCHUM 1B87**  
**TTH 12:30 - 1:45**  
**SPRING 2017**

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Office hours: Tuesday and Thursday, 2:00-3:00pm

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Office hours: Tuesday 2:00pm - 4:00pm

Tim will be responsible for grading assignments and keeping records, so all grade inquiries should first be directed to him.

**Class Description**

Does international law change how countries behave? If so, how? People have strong opinions about the effectiveness of international law. Some say that international law changes how countries act, and that countries will even do what's not in their interest so that they can honor international law. Others say that countries only act in their own interest, and that international law has little ability to meaningfully change how countries behave. Who's right? This class explores if and how countries abide by legal principles in a world where no government can force them to do so.

Some of the questions we address have clear answers: such as, does international law allow countries to provide assistance to rebel groups during civil wars? Other questions have less clear answers: for example, is it legal for countries to ban headscarves to foster secularism and religious freedom? This class will teach you how to read, interpret, and apply legal principles to a wide variety of political situations; some straightforward, others more complex.

It is important to study the power of international law, because it provides us with insight into human nature. Can human beings sometimes forgo their own interests to follow rules, norms, and principles for the good of the world? Can we adhere to laws that provide and protect common global resources? Or, are we so self-interested that international cooperation is impossible?

**What This Class Promises to You**

This class introduces you to the study of international law. You will read legal decisions made by international actors, courts, and arbitration panels. From these decisions and from class discussion, you will learn and understand the legal principles that govern global cooperation on issues such as human rights and the use of force. You will be able to apply these principles and assess the legality of ongoing events in the world. By semester's end, you will have a solid understanding of the power and limits of international law. You will also have experience in reading legal decisions and understanding their implications for domestic and international politics.

## What You Bring to the Class

As part of the University of Colorado community, we strive to find truth. We are a learning community that seeks to understand the world around us. CU cannot achieve those goals without the engagement of its undergraduate students. That means your participation in this class is valuable. You have unique gifts, skills, and insights that advance our search for truth and knowledge. If you withhold participation, it stifles and hinders the ability of the community to learn.

By enrolling in this class, you have the opportunity to develop, enhance, and contribute knowledge in political science. As members of this class, you and I commit to:

- Being in class, and being on time
- Doing the readings in advance
- Engaging in class discussion and using technology only to further that discussion

This class stresses active learning and is taught in a seminar style as much as possible. We engage in a great deal of discussion in small groups and as a class.

## Required Materials

- Textbook: Epps, Valerie. 2013. International Law, 5th edition. Durham: Carolina Academic Press. ISBN: 978-1611632286.
- All other required readings are posted to D2L.
- Clicker, which can be purchased from CU bookstore. Register the clicker at <http://www.colorado.edu/oit/tutorial/cuclickers-iclicker-remote-registration>.

## Grades and Policies

### *Attendance and Participation, 10% of overall grade*

Your participation is highly valued in this class. We will begin assessing attendance and participation with clickers on Tuesday, January 24th. Attendance will be taken by clicker every class meeting. You are given two free clicker days during the semester. These days will cover any unforeseen circumstances that cause you to miss class, including illness and travel. Participation points can be gained by asking questions, contributing to the class discussion, coming to office hours, and being engaged in small groups. Participation points can be lost by using laptops and cellphones for purposes other than taking notes, failing to engage in small group discussion, arriving late consistently, and leaving early consistently.

### *Three Written Legal Briefs, 20%*

You will be responsible for carefully reading three legal cases, and teaching the cases to a small group. This assignment requires you to write a two-page legal brief summarizing the case. You also must be present in class to teach your case to the group to receive credit, and distribute copies of the brief to your group. Your brief must also be posted to the appropriate folder on D2L by 12:00pm the day of class. No late briefs will be accepted.

### *Midterm Writing Assignment, 15%*

We have a writing assignment in the middle of the term that will help you understand the material. It will be around 5 pages, and is due Thursday March 16th. You will have the opportunity to receive feedback on the written assignment and rewrite it for a higher grade.

### *Quizzes on D2L, top 6 grades, 10%*

We will have eight quizzes posted on D2L that are designed to help you understand the material before coming to class that day. The quiz will be posted 48 hours before class, and will be available until 12:15pm the day of class. Once you begin the quiz, you have 30 minutes to complete it.

You may take as many of the quizzes as you would like throughout the semester, and the top 6 quizzes will count towards your grade. You may use your book or notes when taking the quizzes.

#### *International Moot Court, 20%*

We will simulate an international legal trial. Each student will represent a different actor in the simulation. To prepare for the simulation, you will research and write a paper. The paper accounts for 15% of your overall grade. The simulation also requires you to work with a group to draft legal arguments. Your participation in the group and the overall simulation accounts for 5% of your grade. Students who participate often in the moot court, as well as represent the law accurately, earn higher grades for participation.

#### *Final Examination, 25%*

The final exam is comprehensive. It is a take-home exam that requires the use of class notes and case summaries. It will be posted to D2L at 5:00pm on Friday, May 5th. A printed copy must be turned in by Tuesday May 9th at 7:00pm.

#### *Written Work Policy*

Written work turned in late will be docked one letter grade for each day late, beginning at the end of class on the day the written work is due. The exception is written case briefs, because no late case briefs are accepted.

#### *Clicker Policy*

Clicker questions are graded for participation only, and there is no penalty for getting a clicker question wrong. Don't panic if your clicker dies, but fix it quickly because this an important way to earn participation credit. You get two free clicker days to account for necessary absences or clicker malfunctions. If you forget your clicker but you are in class, you may write down your name and answers on a sheet of paper and give it to Tim. However, you may not do this repeatedly throughout the semester.

#### *Grading Scale*

|            |            |            |            |          |
|------------|------------|------------|------------|----------|
|            | B+ 89 - 87 | C+ 79 - 77 | D+ 69 - 67 |          |
| A 93 - 100 | B 86 - 83  | C 76 - 73  | D 66 - 63  | F 59 - 0 |
| A- 92 - 90 | B- 82 - 80 | C- 72 - 70 | D- 62 - 60 |          |

#### *The Grade of A*

The grade of A is given to work that expresses clear, cogent, and logical arguments. Work that receives an A uses evidence and logic from the class readings to back up its conjectures. Work receiving an A is clearly written and organized, in a manner that is accessible to people outside of the class. Someone on the street should be able to read the argument and know exactly the story that is being told.

A student receiving an A grade is able to clearly identify and discuss legal principles. The student can apply those principles to events in international politics, and discuss what implications the principles have for international politics. The student can also compare legal principles across a number of cases.

An A grade for participation is given to students who are on time to class, and frequently and fully engage in class discussion. The student consistently demonstrates strong understanding of the assigned readings and behaves in a professional manner. The student is not distracted from the class discussion by technology.

### *The Grade of B*

The grade of B is given to work that makes arguments, but the argument is not logically consistent. It provides some evidence for its conjectures, but the evidence is not always relevant. It is not able to fully and clearly explain the reasoning and logic behind rulings of legal cases.

A grade of B can identify and explain legal principles, but exhibits confusion over the implications of those principles. It is not able to critically assess the limits of international law. B work may also be somewhat confused about the extent to which legal principles apply to particular events.

A grade of B for participation is given to students who are not always on time to class and only occasionally participate in class discussion. The student often demonstrates understanding of the assigned readings, but may at times offer factually inaccurate insights. The student occasionally uses a laptop or cell phone for purposes other than class.

### *The Grade of C*

The grade of C is given to work that expresses unclear and muddled arguments. It avoids taking a definite position and tries to straddle a number of different stories. The work does not provide evidence for its conclusions. It relies on emotions or personal opinion to support its conjectures. Finally, the writing is unclear and disorganized.

Work receiving a C has trouble identifying and applying legal principles. It does not engage in much critical assessment of the assigned readings and legal cases. It contains numerous errors regarding the facts and circumstances of legal cases.

A grade of C for participation is given to students who are often late to class, are unengaged, and do not often behave professionally. A C grade reflects general lack of knowledge about the readings. The student often uses a laptop or cell phone for purposes other than class. If you attend every class, but never say a word, you can expect a C for participation.

### *The Grade of D*

Work receiving a grade of D is unable to identify legal principles. It may give facts or information received in class, but it cannot relate that information to particular cases. Like a grade of C, work receiving a grade of D uses emotions and personal conjectures rather than facts or evidence to support a particular argument.

### *The Grade of F*

The grade of F is given to work that makes no attempt to incorporate information from this class to answer puzzles or questions. It bases its argument solely on emotions or opinions that were not developed through research. It uses street knowledge or conventional wisdom to make a case. F work may also be factually inaccurate. Taking another scholar's direct words and passing them off as one's own (plagiarism) also constitutes F work. Finally, a grade of F is given to work that is not turned in or completed.

## **Academic Integrity**

Both you and I are responsible for upholding academic integrity. By my writing this syllabus, and by your enrolling in this course, we agree to uphold the CU Academic Honor Pledge, which says:

*As citizens of an academic community of trust, CU-Boulder faculty and students do not lie or cheat whether they are on campus or acting as representatives of the university in surrounding*

*communities. Neither should they suffer by the dishonest acts of others. Honor is about academic integrity, moral and ethical conduct, and pride of membership in a community that values academic achievement and individual responsibility. Cultivating honor lays in the foundation for lifelong integrity, developing in each of us the courage and insight to make difficult choices and accept responsibility for actions and their consequences, even at personal cost.*

All incidents of academic misconduct should be reported to the Honor Code Council (honor@colorado.edu and 303-735-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion).” Other information on the Honor Code can be found at <http://honorcode.colorado.edu>.

### **Attendance and Religious Observances**

Campus policy requires that faculty deal reasonably with students who, because of religious obligations, will miss scheduled exams, assignments or required attendance. Please discuss with me in advance if you will miss class because of a religious obligation.

### **Classroom Behavior**

Students and faculty each have responsibility to respect and maintain an environment conducive to learning. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veterans status, sexual orientation, gender, gender identity and gender expression, age, disability, and nationalities. Class rosters are provided to the instructor with the student’s legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. See policies at <http://www.colorado.edu/policies/classbehavior.html> and at [http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student\\_code](http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code).

### **Discrimination and Harassment**

The University of Colorado Boulder (CU Boulder) is committed to maintaining a positive learning, working, and living environment. CU Boulder will not tolerate acts of sexual misconduct, discrimination, harassment or related retaliation against or by any employee or student. CU’s Sexual Misconduct Policy prohibits sexual assault, sexual exploitation, sexual harassment, intimate partner abuse (dating or domestic violence), stalking or related retaliation. CU Boulder’s Discrimination and Harassment Policy prohibits discrimination, harassment or related retaliation based on race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy. Individuals who believe they have been subject to misconduct under either policy should contact the Office of Institutional Equity and Compliance (OIEC) at 303-492-2127. Information about the OIEC, the above referenced policies, and the campus resources available to assist individuals regarding sexual misconduct, discrimination, harassment or related retaliation can be found at the OIEC website.

### **Schedule of Lecture Topics and Readings**

The reading schedule will be modified as needed to reflect the pace of the course, so you’ll want to check it frequently on D2L. Readings may be added or subtracted. Complete the readings listed for each day before coming to class. When a chapter is assigned, you should read the content ‘in between cases.’ Then, you should thoroughly read the cases that are specifically

listed and assigned. Skim the other cases unless otherwise noted.

### **Introduction to International Law**

Tue Jan 17

- Review Syllabus
- Can we follow laws without an authority to make us do so?

Thu Jan 19

- McCann v United Kingdom [Reading posted on D2L]

### **How to Read and Write About Legal Cases**

Tue Jan 24

- Kerr, “How to Read a Legal Opinion” [Reading posted on D2L]
- American Bar Association ”How to Read a Supreme Court Opinion [Reading posted on D2L]

### **Sources of International Law**

Thu Jan 26

- Textbook, Ch 1
- Case: The Paquete Habana, pp 6-12 [Quiz on D2L]

### **Customary International Law**

Tue Jan 31

- Textbook, Ch 1, review pp 21-24
- Case: Abdullahi v Pfizer, pp 12-20 [Case Brief due]

Thu Feb 2

- Case: North Sea Continental Shelf, pp 24-29 [Quiz on D2L]

### **Treaties in International Law**

Tue Feb 7

- Textbook, Ch 3, pp 59-88
- Case: Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, pp 62-68 [Case Brief Due]

Thu Feb 9

- Textbook, Ch 3, pp 88-106
- Avena and Other Mexican Nationals, pp 71-82 [Case Brief due]
- Medellin v Texas [Reading posted on D2L]

### **Relationship between International and Domestic Law**

Tue Feb 14

- Textbook, Ch 4
- Case: Attorney General of the Government of Israel v Eichmann, pp 122-129 [Case Brief due]

Thu Feb 16

- Case: United States v Bin Laden, pp 117-121 [Quiz on D2L]
- Case: United States v Fawaz Yunis, pp 112-116

### **Legal Personality of Actors Under International Law**

Tue Feb 21

- Textbook, Ch 7
- Reference regarding secession of Quebec, pp 274-284 [Case Brief due]

Thu Feb 23

- Case: Nottebohm (Liechtenstein v Guatemala), pp 287-292 [Quiz on D2L]

Tue Feb 28

- Midterm Writing Assignment given
- Case: Reparations for Injuries Suffered in the Service of the United Nations, pp 293-301 [Case Brief due]

### **Peaceful Settlement of Disputes and International Law**

Thu Mar 2

- Textbook, Ch 9
- Case: Norwegian Loans, pp 390-393 [Quiz on D2L]

Tue Mar 7

- Case: Military and Paramilitary Activities in and Against Nicaragua, pp 393-401

### **Human Rights Law**

Thu Mar 9

- Textbook, Ch 8
- Case: El Hagog v Libya, pp 315-322
- Case: Llantoy Huaman v Peru, pp 322-327 [Case Brief Due]

Tue Mar 14

- Midterm Writing Assignment Due
- Case: Atala Riffo and Daughters v Chile [Quiz on D2L]

Thu Mar 16

- Case: Leyla Sahin v Turkey [Case Brief due]

### **International Criminal Law**

Tue Mar 21

- Rome Statute of International Criminal Court [Reading posted on D2L]
- Prosecutor v Drazen Erdemovic, pp 451-464 [Case Brief due]

Thu Mar 23

- Prosecutor v Aloys Simba, pp 465-472 [Case Brief due]
- Prosecutor v Akeysu [Reading posted on D2L]

Tue April 4

- Koomen, Jonneke. "Without These Women, the Tribunal Cannot Do Anything," [Reading posted on D2L; Quiz on D2L]

### **Law and the Use of Force**

Thu April 6

- Textbook, Ch 10
- Case: Legality of the Threat or Use of Nuclear Weapons, pp 415-417 [Quiz on D2L]

Tue April 11

- Case: Military and Paramilitary Activities in and against Nicaragua, pp 417-425 [Case Brief due]

- Case: Military and Paramilitary Activities in and against Nicaragua, pp 433-439 [Case Brief due]

### **International Law of Israeli Occupation**

Thu April 13

- ICJ Advisory opinion on the wall

Tue April 18

- Geneva Conventions

### **Moot Court Simulation, April 25 - May 4**

**Final Examination:** The final examination is take-home. It will be posted to D2L at 5:00pm on Friday, May 5th. A printed copy must be turned in by Tuesday, May 9th, at 7:00pm.