

SYLLABUS

Spring 2009

Political Science 4183

INTERNATIONAL LAW

CLASS TIME: MWF 12:00-12:50

CLRE 207

PROF. ANITA M. HALVORSSSEN

Office: Ketchum 121A

Office hours: MWF 10:30-11:50am and by appointment

Phone: (303) 492-7871 (departmental office);

(303) 499-2368 (home office) Call anytime between 7am and 8pm (not the night before midterm or final exam).

E-mail: amhalvorss@aol.com (**note: it's an AOL address**)

TA: Melanie Sisson

Office: Ketchum 23B

Office hours: Mondays, 1:00-2:30pm.

E-mail: Melanie.Sisson@Colorado.EDU

This course will introduce the basic concepts, institutions and methodology of public international law. The course will consist of briefing the cases below (see outline and assignments), in addition to examining relevant treaties. Be sure to read the assignments including the relevant treaty provisions prior to the class. Attendance is highly recommended, as International Law consists of building blocks which are all essential to the overall understanding of the field. The first lectures will include how to brief a case until the student becomes familiar with the exercise. Please keep up with the readings or the class will not be beneficial. There will be 5 short quizzes, 4 will count towards your grade. Each quiz will count for 5 points.

As participation is part of your grade, I will be taking a roll-call several times during the semester - not being in class at that time will have consequences for you grade.

The class website is <http://socsci.colorado.edu/~halvorss/>. Power point class notes will be available after each class. However it is not sufficient to have the power point class notes, additional material will be covered in class. It is the students' responsibility to get notes from classmates if they're not able to come to class. The same applies to getting assignments - if they have not yet been posted on the website, they are announced in class. I need you to read everything leading up to the assigned case, in addition to the case or treaty. Also make sure you read the notes at the end of the cases and sections also.

***** Students who have not taken the prerequisite class or are signed up for it this term, have to wait until next semester to take this class.**

Grading:

- Midterm 35 pts.
- Final 40 pts.
- Short quizzes 20 pts.
- Class participation 5 pts.
- Optional paper (5-8% increase in final grade)
- Presentation of optional paper (2% increase in final grade)

Required texts:

- 1. International Law - Janis, Mark W. Noyes, John E West Publishing, 3RD Edition, 2006
- 2. Treaty texts assigned in class. Use the internet: www.un.org, click the links on 'International Law', 'Main Bodies', 'UN News Centre', etc.

Suggested reference: Black's Law Dictionary, West Publishing (also available at the library)

Academic honesty: Any violations of University of Colorado's academic integrity policy, including cheating, plagiarism, academic dishonesty, fabrication, lying, bribery, and threatening behavior is grounds for an automatic F, expulsion from the class, and referral to the Honor Code Council (honor@colorado.edu; 303-725-2273). 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). Cheating specifically includes use of unauthorized materials or others' work during exams (you can only bring your textbook, your chart of the UN System, UN Security Council Resolutions, any treaties you have download off the internet (no commentaries to the treaties), and the Stockholm and Rio Declarations- NO CLASS NOTES or other materials). If you have questions about what is or is not permissible, ask first. Other information on the Honor Code can be found at <http://www.colorado.edu/policies/honor.html> and at <http://www.colorado.edu/academics/honorcode/>.

Turning in work

Normally you will turn in your work (hard copy) at the beginning of class on the day it is due. If you have received special permission to e-mail the assignment, be sure to save a copy of the e-mail as proof that you actually sent the work. It's your responsibility to make sure your assignments are handed in. Use this e-mail: amhalvorss@aol.com. Papers will not be accepted if put under my office door, they need to be handed in to the PSCI Office, if I'm not in the office.

STUDENTS WITH DISABILITIES

If you have specific circumstances or disabilities that require accommodation, please bring me a letter from Disability Services early in the semester so that your learning needs may be appropriately met. You will be required to provide documentation of your special circumstances or disability to the Disability Services Office in Willard 322 (telephone: (303) 492-8671). www.Colorado.EDU/disabilityservices

RELIGIOUS OBSERVANCES

Campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. If applicable, please let me know in a timely manner. http://www.colorado.edu/policies/fac_relig.html

APPROPRIATE LEARNING ENVIRONMENT

Students and faculty each have responsibility for maintaining an appropriate learning environment. Students who fail to adhere to such

behavioral standards may be subject to discipline. Faculty have the professional responsibility to treat all students with understanding, dignity and respect, to guide classroom discussion and to set reasonable limits on the manner in which they and their students express opinions. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender variance, 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

CAMPUS POLICY ON DISCRIMINATION AND HARASSMENT

(<http://www.colorado.edu/policies/discrimination.html>) The University of Colorado policy on Sexual Harassment and the University of Colorado policy on Amorous Relationships applies to all students, staff and faculty. Any student, staff or faculty member who believes s/he has been the subject of discrimination or harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Judicial Affairs at 303-492-5550. Information about the ODH and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://www.colorado.edu/odh>

OUTLINE AND ASSIGNMENTS

Monday, January 12:

Review of syllabus, Admin. issues (questions you might have),
 I. Introduction to International Law p.1-3

Wednesday, January 14:

The McCann v. United Kingdom p.3
 (Please read this case before you come to class)

Friday, January 16:

How to brief cases (hand-out on class website)
 Filartiga v. Pena Irala p.17

Monday, January 19: Martin Luther King Day - NO CLASSES

Wednesday, January 21:

II. Sources of International Law p.27
 Statute of the ICJ, Art.38 p.915
 A. Treaties - Read pages 29-56,
 Vienna Convention on the Law of Treaties p.926

Friday, January 23:

The Reservations to the Genocide Convention Case p.56

Monday, January 26:

Case Concerning the Gabčíkovo-Nagymaros Project p.74
 Eastern Greenland Case p.84

Wednesday, January 28:

- B. Customary International Law
 - The Paquete Habana p.92

Friday, January 30:

- The Asylum Case p.102
- The Lotus Case p.104

Monday, February 2: * QUIZ-1**

- The Texaco/ Libya Arbitration p.117
- Jus Cogens (hand-out on class website)
- Prosecutor v. Furundzija p.148
- The Michael Domigues Case p. 150

Wednesday, February 4

- C. General Principles
 - The AM&S Case p.128

Friday, February 6: Optional research paper TOPIC DUE - (ONLY IF YOU HAVE READ THE RESEARCH GUIDELINES ON CLASS WEBSITE)

- Equity (as part of General Principles)
- The Meuse Case p.158

Monday, February 9:

- III. The Relation of International Law to Municipal Law
 - Foster & Elam v. Neilson p.180
 - Missouri v. Holland p.191

Wednesday, February 11:

- Whitney v. Robertson p.202
- United States v. Belmont p.204

Friday, February 13:

- IV. International Dispute Resolution
 - A. Public International Arbitration p.263
 - The Rainbow Warrior Case pp.274

Monday, February 16:

- B. The International Court pp.260-282,
 - <http://www.icj-cij.org/icjwww/icj002.htm>
 - The Diplomatic and Consular Staff Case p.294

Wednesday, February 18: * QUIZ-2**

- Avisory Opinion on the Western Sahara p.312

Friday, February 20:

- V. States and International Law Read
 - A. The Sovereign State p.424, Montevideo Convention p.428

Monday, February 23: Optional Research Paper - Proposal due

- B. The Recognition and Succession of States and Governments
 - Tinoco Arbitration p.434
 - Kadic v. Karadzic p.453

Wednesday, March 25:

- VI. Individuals and International Law p.339
 - The Nottebohm Case p.340 - Individuals as Objects of International Law
 - A. Individuals as Subjects of International Law p.363
 - International Bill of Human Rights
 - www.unhchr.ch/html/intlinst.htm
 - 1. Universal Declaration of Human Rights p.921
 - 2. International Covenant on Civil and Political Rights
 - 3. International Covenant on Economic, Social and Cultural Rights

Friday, March 27:

- International Bill of Human Rights (continued)
- Review for Midterm**

Monday, March 2: * MIDTERM****Wednesday, March 4:**

- B. European Human Rights Law p.388
- The Soering Case p.403

Friday, March 6:

- C. International Criminal Law p.418

Monday, March 9:

- C. International Criminal Law (continued)

Wednesday, March 11:

- VII. International Organizations, and International Law p.465
 - www.un.org - Main Bodies
 - The Reparations Case p.474

Friday, March 13:

- Non-Governmental Organizations (NGOs) p.503

Monday, March 16: * QUIZ-3**

- VIII. International law and use of force
 - A. The Traditional Laws of War p.538
 - B. Art.2(4) and the Use of Force by States p.547
 - Nicaragua case p.558

Wednesday, March 18:

- C. The UN and the Use of Force p.571

Friday, March 20:

- The Certain Expenses Case p.576

Monday, March 23 - Friday, March 27: * SPRING BREAK *******Monday, March 30:**

- The UN, Ch.VII and the Invasion of Kuwait p.580
- 2003 Invasion of Iraq p.599

Wednesday, April 1: FINAL DRAFT OF OPTIONAL RESEARCH PAPER DUE

- UN Security Council - Proposals for change p.610

Friday, April 3:

- Possible Guest Speaker TBA

Monday, April 6:

- IX. Bases of Jurisdiction pp.767
 - Blackmer v. US p.772

Wednesday, April 8: * QUIZ-4**

Mark Janis - The Doctrine of Forum Non Conveniens and
 Bhopal Case p.824
 The Schooner Exchange v. McFaddon p.830
 FSIA p. 839
 Underhill v. Hernandez p.860

Friday, April 10:

X. International Law, and the Environment p.622
 The Trail Smelter Case p.623

Monday, April 13:

Stockholm Declaration and Rio Declaration p.632
 Stratospheric Ozone Layer p.642
 Find and review the Vienna Convention and Montreal
 Protocol on the internet:
<http://www.unep.org/ozone/treaties.shtml>

Wednesday, April 15:

Stratospheric Ozone Layer (Continued)

Friday, April 17:

The Shrimp-Turtle Case p.654

Monday, April 20:

Climate Change - Find and review the Framework
 Convention on Climate Change (FCCC) and the Kyoto
 Protocol on the internet:
<http://www.unfccc.int/resource/convkp.html>
 Please download the FCCC and bring to class

Wednesday, April 22: * QUIZ-5**

Presentation and discussion of papers

Friday, April 24:

Presentation and discussion of papers

Monday, April 27: Review for Final

Presentation and discussion of papers

Wednesday, April 29:

Review session + Presentation and discussion of papers

Friday, May 1: Last Day of Class:

Presentation and discussion of papers

***** FINAL EXAM: Tuesday, May 6, 7:30am - 10:00am.**

THIS SCHEDULE IS SUBJECT TO CHANGE.