

## **ARIZONA STATE UNIVERSITY**

### **School of Politics and Global Studies**

POS 465: International Organization & Law

**Coor Hall, Rm. 120**

**Schedule Line #: 32107**

Additional class details: Component: Lecture; **Session C**; Dates: **01/10/23 - 4/27/23**

Instruction Mode: In-Person; **SB & G**

Prof. Okey Iheduru

**Spring 2023**

**T Th 12:00 - 1:15 PM**

Office Hours: **6714 Coor Hall**

Office Hours: **1:30 P.M. – 2:30 P.M., Tuesday & Thursday; & by appointments.**

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### Course Description

This course focuses on one of the major sources of controversy among students of international relations, i.e., why nation-states obey or comply with laws or standards set by international organizations or by states themselves, despite their claims to legal sovereignty. It seeks to introduce students to the substance of the field of international organization and law, its sources and development, and cross-cutting themes of international human rights, laws of armed conflict, international criminal law, environment, and economic relations.

The potential and frustration with international organization and law have acquired new saliency since the mid-1990s (but particularly after September 11, 2001 and even in the era of BREXIT; former President Donald Trump’s “America First” agenda (characterized by ranging retaliatory sanctions, tariffs, and populist challenges to globalization and “cosmopolitanism”); President Joseph Biden’s “America Is Back” and “Build Back America” mantra; a resurgent Russia and a more assertive China as well as the still raging COVID-19 global pandemic --- all of which make it indeed a fascinating time to study this subject. We have seen, and are currently witnessing, a breakdown of state sovereignty in some states (including an explosion in domestic terrorist threats and concerted efforts by many Republican Party ruled states to restrict voting rights in the United States), while scores of states have begun to redefine themselves and their relationships with their citizens and other non-state actors. Some states have already disintegrated into several new states, some of which have further splintered into smaller entities, just as others are on the verge of doing so. Ethnic cleansing and other conflicts have become commonplace, while non-state actors have increasingly used lethal force against states and across state boundaries, even as they have become influential in the realm of human rights, “new wars” and compliance with other global regimes. The United Nations and some regional organizations are increasingly intervening in domestic conflicts, either to keep, make or enforce peace. Criminal activities as well as responses to them are increasingly becoming global. More astonishingly, these developments are now facilitated by an international information superhighway, jet-speed international transport, and an increasingly digital world economy (particularly and new social media) linking public/private, urban/rural, and local/regional communities throughout the world.

At the same time, we are witnessing the renewal of interest in regional economic integration and the globalization of production, finance, and labor with, on one hand, their attendant assault, or at least constraints, on state sovereignty; and, on the other, worldwide attempts by states to rein in the forces of globalization following the global financial crisis that began in the summer of 2008. Yet, the march towards a unified Europe has been jolted by BREXIT, matched by former President Trump's renegotiation of NAFTA now replaced with USMCA—the United States-Mexico-Canada Free Trade Area, and the World Trade Organization (WTO), withdrawal from TPP and other multilateral organizations and on-going attempts or promises by the Biden Administration to reverse some of these developments. Added to these is the recent activities of private persons and corporations in what international law currently defines as "*the common heritage of humankind*", namely tourism and/or "colonization" of outer space and mining in the deep sea. The anxieties of a liberal global order in flux caused by these factors now pale in comparison to the trauma caused by the COVID-19 pandemic and the global phenomenon of Black Lives Matter and anti-racism movement and rethinking of seemingly "settled" identities and historical narratives, following the murder of George Floyd in May 2020.

And so, we couldn't have asked for a better time to interrogate the history, practical political significance, and future of international institutions, transnational regimes, and international law in global affairs. On one hand, the above developments increasingly entail that cooperation with the laws, norms, rules, standards, guidelines and recommendations of international institutions is not only imperative for global order, but that cooperation is no longer the exclusive preserve of states. On the other hand, there are challenges to the very nature, history and propriety or verity of these laws, norms, rules, standards, guidelines and international institutions. In some cases, sovereignty-based laws and cooperation arrangements have proved inadequate or irrelevant in responding to these problems. Indeed, international organization and law have not only changed tremendously, but they are implicated in the current traumas and transformations. Yet, we can only barely scratch these changes in a survey course like this one.

The course is divided into three parts, the first being a review of the nature, theories, and the historical development of international law, especially its centrality in shaping an *unequal and racialized global order*. We will also discuss the sources of international law—including their colonial and racist and white supremacist pedigree, as well as the main subjects of international law, namely states, governments, international organizations, and individuals—both natural and corporate. In Part II, we focus on the "common problems" of international law which include jurisdiction; immunity from jurisdiction and international diplomacy; the law of the sea, air law and the law of outer space; treaties, state responsibility and state succession. Part III deals with problems of international organization and law focusing on topics such as peaceful settlement of disputes, the use of force, international human rights law, and international humanitarian law or law of armed conflict (LOAC). We will conclude the course with a focus on "cross-cutting" themes in international organization and law, namely international environmental law; international criminal law; and laws guiding international economic relations. Of particular interest here will be an examination of the impact of globalization and the WTO on the development and legitimacy of international law.

### Approach and Objectives

Because this course explores the dynamics of contemporary developments connecting the past and future of international organization and law, our approach will be "eclectic," in that we will be studying "cases" and reading the accompanying "treatise." A *casebook* approach uses a collection of edited judicial opinions and statutes, while a *treatise* is a descriptive statement of principles that form the content of international law. It does not contain the original text of the prominent international cases; instead, the treatise presents legal norms in a descriptive or narrative format and may or may not offer questions or exercises to test application. By contrast, the *eclectic* approach adopted for this course is a composite of the above teaching tools designed to give students a blend of cases, narrative commentary, and real-world problems. It integrates the most useful features of the various academic approaches to introduce the essential doctrines of international organization and law, and to encourage classroom and out-of-classroom interaction.

Another pedagogical feature of this course is its goal to enable students to incorporate more economics, history, and political science into international law, and to more fully appreciate the content and evolution of the field. The course also deliberately maintains a "foreign flavor" to the extent that it incorporates more perspectives than those embraced by just one nation of the nearly 200 members of the community of nations. By synthesizing the salient features of a discipline spawned by diverse legal systems, radically different cultures, numerous political variables, and centuries of evolution, students will more fully appreciate the complexity of international affairs and their place in it. Finally, the assignments and exercises stress ***role-playing, group debates, and collaborative learning*** as techniques of maximizing active learning, classroom interaction, and testing the application of legal theory and cases.

More broadly, the course will use readings, writing assignments, individual and group research and discussion projects, debates, and other forms of active learning in discussions to realize the following objectives:

- read closely and comprehend a text;
- write a coherent and sound legal theory and judicial decisions based on actual cases;
- conduct legal research, writing, and oral and written legal arguments; etc.

### Course Requirements

There are three main requirements on which the course grade will be based.

**A. Discussions, Attendance and Effective Participation:** You will be expected to attend all scheduled classes, guest lectures, film/video shows, participate in all in-person and online discussion assignments, etc. ***You are also expected to read the assigned chapters and cases well ahead of class meeting and to participate in class and Group discussions and assignments effectively and to do all assignments and examinations on schedule.*** Attendance roll will be taken by a variety of means and strategies; and your normal class activities, contribution to group projects/assignments and oral presentations will all be graded.

Discussions, Attendance and Effective Participation is worth **20 percent** of the course grade.

**B. Group and Individual Case Reports:** The class will be divided into groups of 5-8 students each who will work on specific problems and/or cases by the week, or in class. The group will **collectively** present solutions to the problems to the class and may be asked to lead debates on the subject(s) of their assignment. Since this activity may require additional reading or research on the part of the group beyond the course text or readings, students should feel free to consult the instructor if they have difficulty locating and/or obtaining relevant reading or case materials. You must cite relevant treaties and other legal documents, and *demonstrate extensive use of statistics and primary documents* in your paper.

Case Reports are worth **20 percent** of the course grade. Students' final grades for this activity will be affected by observed active participation during the in-class presentations and on the *anonymous rating or evaluations of each individual Group member's overall performance by other Group members*.

**C. Examinations:** There will be one **mid-semester examination of 20 percent** and a *non-cumulative* **final examination of 20 percent**. Fifty percent of both examinations will be based on the **readings and cases**, while the other half will be based on class discussions, debates, guest lectures, films/videos, etc. All examinations **MUST** be taken by all students on the announced dates.

### **Exam Proctoring**

**This course uses the Respondus lockdown online proctoring.** Online proctoring records both computer screen activity and physical room environment in order to mimic in-person proctoring conditions. The recordings are captured to help ensure academic integrity.

**Note:** Students are **NOT** allowed to bring to or have around the exam room any notes, books, flash cards or any other papers, cell phones or other digital devices other than the computer on which the exam is being taken

**Note About Scan of the Entire Exam Environment:** If the room scan does not show your entire work environment, you will be in violation of the exam instructions and you may be in violation of ASU's Academic Integrity Policy. Exam points may be deducted for exam violations.

### **Grading System & Scale:**

|   |             |
|---|-------------|
| Midterm Exam  | 20%         |
| Final Exam  | 20%         |
| Individual and Group Case Reports/Analysis          | 20%         |
| Quizzes   | 20%         |
| Discussions, Attendance and Effective Participation | 20%         |
| <b>TOTAL</b>  | <b>100%</b> |

**A** = 90-100, **A-** = 88-89, **B+** = 85-87, **B** = 80-84, **B-** = 78-79, **C+** = 75-77, **C** = 70-74, **D**=60-69; **E**=0-59.

**Warning!** You **MUST** fulfill each course requirement (including participation) *satisfactorily* in order to earn a grade in this course. Also, you can see that **I DO NOT grade on a curve**; however, you should be aware that performance indicating average knowledge or mastery of

course materials will be assigned a grade of 2.5 on a 4.0 scale. In order to earn a grade of 4.0 in this course, you must demonstrate exceptional mastery of the materials and sophisticated insight into course topics beyond class discussion and the readings.

## STATEMENT OF CLASS POLICIES

### Individual Responsibilities

The instructor will conduct this class with the highest levels of professionalism. He will come prepared to every class and intends to create a mutually respectful classroom environment. The instructor accepts that it may not always be your fault if you do not understand the material. By the same token, the instructor expects every student to come prepared to every class. You should also accept that it is not always the instructor's fault if you do not understand the material. It would therefore be helpful if you develop the habit of asking questions when you are unclear about any point or issue. More importantly, we will have a great experience if we endeavor to treat everyone in the class with respect and professional courtesy.

The Professor is happy to meet students during his regularly scheduled office hours noted above or, if need be, by previously scheduled appointment. Students can also contact the professor at their email addresses to pose questions, indicate an upcoming absence, or remark upon any aspect of the course. Please be patient, allowing a day or so turnaround for replies. Also, please remember that email is not the best medium for intellectual exchanges or for catching up on missed materials. A question posed in a sentence or two (e.g., "I was absent yesterday. What did I miss?") would very often require a multiple-paragraph essay for a complete reply.

### Attendance

Attendance is required and will be monitored. Students are expected to attend class regularly and arrive on time. Accommodations will be made for (1) a serious documented illness, (2) excused absences related to religious observances/practices that are in accord with University Policy ([ACD 304-04](#)), or (3) University sanctioned events/activities that are in accord with ASU policy ([ACD 304-02](#)). If you need to miss a class session for one of these three sanctioned reasons, please send me an email with Class Attendance in the subject line. An accommodation will not excuse a class requirement, but it could include an extended deadline for an assignment. *A student may not miss more **than three (3) class sessions** for excused and unexcused reasons.*

### Note on Participation

Your overall commitment and attitude toward this course, and your daily active *verbal* participation (speaking and listening) in classroom discussions, will be closely monitored. *Active participation* means making a sincere effort to contribute to the overall quality of the learning experience for yourself *and others* in the class. It means contributing to class discussions in a way that helps everyone in the class to gain new knowledge. *Always come prepared to discuss the questions and themes provided for each day's/week's readings.* In grading class participation, we will look at both the quantity and quality of your class contributions/interventions in the following dimensions:

- *Relevance*—does the comment bear on the subject at hand? Comments that do not link up with what the discussion is focusing on can actually detract from the learning experience.
- *Causal Linkage*—are the logical antecedents or consequences of a particular argument traced out? Comments that push the implications of a fact or idea as far as possible are generally superior.
- *Responsiveness*—does the comment react in an important way to what someone else has said?
- *Analysis*—is the reasoning employed consistent and logical?
- *Evidence*—have data from the case, from personal experience, from general knowledge been employed to support the assertions made?
- *Importance*—does the contribution further our understanding of the issues at hand? Is a connection made with other cases we have analyzed?
- *Clarity*—is the comment succinct and understandable? Does it stick to the subject or does it wander?

### **Extra Credit Policy**

The instructor will notify students *if* there will be extra credit opportunities in the course.

### **Honors Contract Option**

Honors Contract option will be available in this class. The requirements include but are not limited to students doing additional readings or projects beyond class texts and meetings with the instructor to discuss the material. There will be an additional term paper on a topic or an exceptionally challenging academic or creative work, or practical experience or activity approved by the instructor. Interested students should contact the instructor by Week 2 of the semester.

**Note:** Participants in the Honors Contract option are expected to demonstrate outstanding performance at every stage of the class. Only those who meet this requirement and who obtain a grade of 3.5 or higher in the course are eligible to receive an "H" for the honors option class.

### **Policy on Written Assignments**

Unless otherwise specified (e.g., Group Power Point Presentations or short-writes in class), all writing assignments must be typed, double-spaced, accompanied by a cover page, 1-inch margins, 12-font, and paginated.

### **Late Papers and Make-Up Exams and Quizzes**

Please note that late papers and discussion submissions will NOT be accepted and/or graded for all individual and/or Group assignments, except in extremely compelling circumstances (such as approved religious accommodations). Also, the instructor will NOT grade any papers or assignments that fail to follow all instructions as stipulated. Do not hesitate to ask questions when you are in doubt. You **MUST** take all examinations and quizzes and/or submit all discussion posts on the announced dates. There will be no make-up exams/quizzes or "incompletes", except in extremely compelling circumstances as specified above.

**NB:** *If granted, ALL make-up exams/quizzes must be taken on the same date as the final exam!*

## **Grade Appeals**

ASU has formal and informal channels to appeal a grade. If you wish to appeal any grading decisions, please see <http://catalog.asu.edu/appeal>.

## **Incompletes**

A mark of "I" (incomplete) is given by the instructor when you have completed most of the course and are otherwise doing acceptable work but are unable to complete the course because of illness or other conditions beyond your control. You are required to arrange with the instructor for the completion of the course requirements. The arrangement must be recorded on the Request for Grade of Incomplete form (<http://students.asu.edu/forms/incomplete-grade-request>).

## **Academic Integrity and Anti-Plagiarism Policy**

Academic honesty is expected of all students in all examinations, papers, and laboratory work, academic transactions and records. The possible sanctions include, but are not limited to, appropriate grade penalties, course failure (indicated on the transcript as a grade of E), course failure due to academic dishonesty (indicated on the transcript as a grade of XE), loss of registration privileges, disqualification and dismissal. For more information, see <http://provost.asu.edu/academic-integrity>.

**Plagiarism of any kind will not be tolerated.** Students must take the exams independently without assistance from other students. Students may not submit papers written by persons other than themselves. Students must submit original work for this course and may not submit papers previously submitted to (an) other class (es). The ASU student academic integrity policy lists violations in detail. These violations fall into five broad areas that include but are not limited to: (1) Cheating on an academic evaluation or assignment; (2) Plagiarizing; (3) Academic deceit, such as fabricating data or information; (4) Aiding academic integrity policy violations and inappropriately collaborating; (5) Falsifying academic records. See <https://provost.asu.edu/academic-integrity>.

***You are forewarned that School and College policies will be strictly enforced in this class.***

## **Disruptive, Threatening, or Violent Behavior**

In the classroom and out, students are required to conduct themselves in a manner that promotes an environment that is safe and conducive to learning and conducting other university-related business. All incidents and allegations of violent or threatening conduct by an ASU student will be reported to the ASU Police Department (ASU PD) and the Office of the Dean of Students. Such incidents will be dealt with in accordance with the policies and procedures described in Section 104-02 of the *Student Services Manual*, available at <http://www.asu.edu/aad/manuals/ssm/ssm104-02.html>.

## **Student Conduct/Classroom Behavior**

Course discussion messages should remain focused on the assigned discussion topics. Students must maintain a cordial atmosphere and use tact in expressing differences of opinion. Inappropriate discussion board messages may be deleted if an instructor feels it is necessary. Students will be notified privately that their posting was inappropriate. Student access to the



course *Send Email* feature may be limited or removed if an instructor feels that students are sending inappropriate electronic messages to other students in the course.

***Videos/audio recordings during the class (NOT during exams) may be acceptable, but you must ask for my permission first.***

Indeed, critical thinking – including nearly every aspect of our conversations in this course – must be conducted according to a certain ethos of mutual respect. **Needless to say, such an ethos rules out behavior that is plainly disrespectful of others involved.** Some obvious examples would be: *the using of cell phones or pagers (or failing to make them inaudible); the digital recording of others involved (including the instructor) without their knowledge and consent; any behavior demonstrating inattentiveness to or prompting distraction from others who are speaking (e.g., whispering or mumbling to seatmates, texting, surfing the web, doing homework for other classes, or noisily packing to leave while others are still speaking and listening toward the end of class); belittling or rude remarks directed toward others as persons (as opposed to appropriately critical remarks or questions directed toward others' assertions or claims); any heckling while others are speaking; or any violent, threatening, or disruptive behavior, whether physical or verbal (in which instances, the students will be asked to leave the classroom immediately and then meet the instructor in his office later).* The list of examples could go on.

Our ethos of mutual respect is an essentially collaborative effort directed toward the possibility of *mutual* understanding. For that reason, you are discouraged from contributions intended only to parade your individual mastery or assert your ideological commitments, especially when this seems to involve an indifference to others' contributions. Even in a classroom where everyone observes this ethos of mutual respect, it is inevitable that, sooner or later, things will be said or done to which some students might take offense.

### **Accommodation for Religious Practices**

The university community should, in all its activities, be sensitive to the religious practices of the various religious faiths represented in its student body and employees. Faculty are asked to recognize the obligations of their students who may be participating in the observance of religious holidays. Students should notify faculty at the beginning of the semester about the need to be absent from class due to religious observances. For more information, visit <http://www.asu.edu/aad/manuals/acd/acd304-04.html>.

### **Missed Classes Due to University-Sanctioned Activities**

Students who participate in university-sanctioned activities that require classes to be missed, shall be given opportunities to make up examinations and other graded in-class work. Normally, the made-up work will be due on the class day immediately after the absence. Absence from class or examinations due to university-sanctioned activities does not relieve students from responsibility for any part of the course work required during the period of the absence. For more information, visit <http://www.asu.edu/aad/manuals/acd/acd304-02.html>.



### **Accommodating Students with Disabilities**

Students who feel they will need disability accommodations in this class but have not registered with the Student Accessibility and Inclusive Learning Services office should contact SAILS immediately. The SAILS Tempe office is located on the first floor of the Matthews Center Building. SAILS staff can also be reached at **(480) 965-1234 (V) or (480) 965-9000 (TTY)**. For additional information, visit: [www.asu.edu/studentaffairs/ed/drc](http://www.asu.edu/studentaffairs/ed/drc).

### **Prohibition Against Discrimination, Harassment, and Retaliation**

Title IX is a federal law that provides that no person be excluded on the basis of sex from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity. Both Title IX and university policy make clear that sexual violence and harassment based on sex is prohibited. An individual who believes they have been subjected to sexual violence or harassed on the basis of sex can seek support, including counseling and academic support, from the university. If you or someone you know has been harassed on the basis of sex or sexually assaulted, you can find information and resources at <https://sexualviolenceprevention.asu.edu/faqs>.

As a **mandated reporter**, I am obligated to report any information I become aware of regarding alleged acts of sexual discrimination, including sexual violence and dating violence. ASU Counseling Services, <https://eoss.asu.edu/counseling>, is available if you wish discuss any concerns confidentially and privately.

### **Prohibition of Commercial Note Taking Services**

In accordance with ACD 304-06 Commercial Note Taking Services, written permission must be secured from the official instructor of the class in order to sell the instructor's oral communication in the form of notes. Notes must have the notetaker's name as well as the instructor's name, the course number, and the date.

### **Copyright**

Students must refrain from uploading to any course shell, discussion board, or website used by the course instructor or other course forum, material that is not the student's original work, unless the students first comply with all applicable copyright laws; faculty members reserve the right to delete materials on the grounds of suspected copyright infringement. For more information, see the *Computer, Internet, & Electronic Communications Policy* at <http://www.asu.edu/aad/manuals/acd/acd125.html>.

Additionally, course content, including lectures, are copyrighted material and students may not sell notes taken during the conduct of the course (see [ACD 304-06](#), "Commercial Note Taking Services" for more information).

### **Email Communications**

All email communication for this class will be done through **your ASU email account**. You should be in the habit of checking your ASU email regularly as you will not only receive important information about your class(es), but other important university updates and information. **You are solely responsible for reading and responding if necessary to any information communicated via email.** For help with your email go to:

[http://help.asu.edu/sims/selfhelp/SelfHelpHome.seam?dept\\_pk=822](http://help.asu.edu/sims/selfhelp/SelfHelpHome.seam?dept_pk=822) and file a help desk ticket by clicking on “My Help Center.”

### **Changes to this Syllabus**

The information in the syllabus, other than grade and absence policies, may be subject to change with reasonable advance notice.

### **Required Reading**

Students are advised to purchase the following book which **will be read in its entirety**.

Leslie Jones, *Politics of International Law: Making, Breaking, and Upholding Rules* (Cambridge: Cambridge University Press, 2022). ISBN-13: 978-1-108-98665-6.

### **Weekly Reading Assignments**

#### **I. DEVELOPMENT OF, AND ACTORS IN, INTERNATIONAL LAW**

Jan. 10 & 12: Introduction: The Nature and Development of International Law

- A. Concepts, Definitions and Scope & Overview of Most Important Elements
- B. Why Study International Law?
- C. Evolution of International Law

#### Reading:

- 1. Jones, *Politics of International Law*, Chapter 1, pp. 1-36.
- 2. US Outdated Criminal Justice System Readings (**Handout on Canvas**).

**Syllabus Quiz Due on before 11: 59 p.m. on Sunday, Jan. 15<sup>th</sup>, 2023**

#### **Week 1 Discussion (You and Evolution of International Law)**

**Discussion #1 Due Date: on or before 11:59 a.m. on Wednesday, Jan. 11<sup>th</sup>, 2023**

Jan. 17 & 18: Sources of International Law

- A. Sources: International Treaties (Convention)
- B. International Custom
- C. Hierarchies of Sources: Beyond Article 38 of the Statute of the International Court of Justice (ICJ)
- D. International Law and Municipal Law and Issues of Enforcement
- E. Dilemmas of the Post-Cold War Era: Notions of Justice and Stability/Order vs. State-Centric International Law

**Read:** 1. Jones, *Politics of International Law*, Chapter 1, pp. 35-102;

2. Dapo Akande, Antonio Coco and Talita de Souza Dias, “Old Habits Die Hard: Applying Existing International Law in Cyberspace and Beyond” *EJIL:Talk!*

*Blog of the European Journal of International Law*, January 5, 2021;

<https://www.ejiltalk.org/old-habits-die-hard-applying-existing-international-law-in-cyberspace-and-beyond/>. (January 6<sup>th</sup>, 2023).

3. Heike Krieger, "Populist Governments and International Law," *The European Journal of International Law* Vol. 30 no. 3 (2019), pp. 971–996; doi:10.1093/ejil/chz046 (**Handout on Canvas**).

**Individual Case Analysis #1:** *ASAKURA V. CITY OF SEATTLE*  
**Due on Thursday, Jan. 19<sup>th</sup>, 2023 IN CLASS**

**Group Case Analysis #1:** (a) *MORTENSEN V PETERS* and (b) *DIGGS V. SCHULTZ*  
**Due on or before 11: 59 p.m. on Sunday, Jan. 22<sup>nd</sup>, 2023**

Jan. 24 & 26: **Race and Racism and the Evolution of International Law**

1. T. D. Harper-Shipman, K. Melchor Quick Hall, Gavriel Cutipa-Zorn, and Mamyrah A. Dougé-Prosper (2021), "FORUM: Stripping Away the Body: Prospects for Reimagining Race in IR," *International Studies Review*, 23, 2019–2047; <https://doi.org/10.1093/isr/viab034>.

2.. Katie Lockwood, "Is the International System Racist?" 3 March 2019.

<https://www.e-ir.info/2019/03/03/is-the-international-system-racist/>

<https://www.e-ir.info/2019/03/03/is-the-international-system-racist/>; **Handout.**

3. Guruminder K. Bhambra et al., "Why Is Mainstream International Relations Blind to Racism?," *Foreign Policy*, 3 July, 2020. [HTTPS://FOREIGNPOLICY.COM/2020/07/03/WHY-IS-MAINSTREAM-INTERNATIONAL-RELATIONS-IR-BLIND-TO-RACISM-COLONIALISM/](https://foreignpolicy.com/2020/07/03/why-is-mainstream-international-relations-ir-blind-to-racism-colonialism/). **Handout**

4. Angela P. Harris, "Where Is Race in Law and Political Economy?," 30 Nov. 2017.

<https://lpeproject.org/blog/where-is-race-in-law-and-political-economy/>. **Handout**

5. Srdjan Vucetic & Randolph B. Persaud, "Ch. 3 Race in International Relations," in Persaud & Alina Sajed (Eds.), *Race, Gender, and Culture in International Relations: Postcolonial Perspectives* (London: Routledge, 2018). **Handout**

**\*\*\*QUIZ #1 ON 01/26/23 IN CLASS\*\*\***

**Discussion #2 The Racial Origins of International Organization & Law**

**Due Date:** on or before 11:59 p.m. on Sunday, Jan. 29<sup>th</sup>, 2023.

Jan. 31 & Feb. 2: **Actors in the International Legal System I: States and Governments, State Responsibility, and Immunity From National Jurisdiction and Diplomatic Protection**

- A. Legal Personality of States, Territorial Entities
- B. Legal Personality of Special Cases/Legal Entities Other Than States
- C. The Right of All Peoples to Self-Determination & Criteria for the Creation and Recognition of New States
- D. Governments in International Law
- E. The Acquisition, Nature & Consequences of Legal Personality
- F. Sovereign (State) Immunity
- G. The Act of State Doctrine
- H. International Diplomacy and Diplomatic Immunity
- I. Immunities of International Organizations
- J. Extraterritoriality and Asylum
- K. Immunity and Abuse of Immunity

**Read:** 1. Jones, *Politics of International Law*, Chapter 4, pp. 103-137; pp. 152-161.  
2. Henriksen, *International Law*, Chapter 6, pp. 95-115 (**Handout**).

**Individual Case Analysis #2:** (a) *HAILE SELASIE v. CABLE & WIRELESS LTD.*  
(b) *KASHIN V. KENT* (2004)

**Due on Thursday, February 2<sup>nd</sup>, 2023 IN CLASS**

**Group Case Analysis #2:** (a) *CALLEGO V. BANCOMER, SA & THE SAPHIRE*;  
(b) *RADWAN V. RADWAN* (1972); and (c) *UNITED STATES V. IBRAHIM AHMED AL-HAMDI* (2004)

**Due: on or before 11: 59 P.M. on Sunday, February 5<sup>th</sup>, 2023 ON CANVAS**

Feb. 7 & 9: Actors in the International Legal System III: International Organizations

- A. Legal Personality of International Organizations
- B. Classification of Organizations
- C. The United Nations
- D. The European Union
- D. Other Organizations (NATO, OAS, Arab League & OIC, African Union)
- E. Organizational Immunity

Read: Henriksen, *International Law*, Chapter 4, pp. 57-79;  
David J. Bederman and Chimène J. Keitner, *International Law Frameworks*.  
4<sup>th</sup> Ed. (St. Paul, MN: West Academic Press, 2016), pp. 113-123) (**Handout**);

**Discussion #3 Due Date: on or before 11:59 p.m. on Sunday, February 12<sup>th</sup>, 2023.**

Feb. 14 & 16: Actors in the International Legal System IV: Individuals, Corporations, and Other Entities; or *Private International Law*

- A. Legal Personality
- B. Nationality, Statelessness, and Refugees
- C. Corporate Nationality
- D. Injury to Aliens

Read: 1. Henriksen, *International Law*, 3<sup>rd</sup> Ed. (Oxford University Press, 2021),  
Chapter 4, pp. 74-79; (**Handout**);  
2. David J. Bederman and Chimène J. Keitner, *International Law Frameworks*.  
4<sup>th</sup> Ed. (St. Paul, MN: West Academic Press, 2016), pp. 125-139) (**Handout**).

**\*\*\*Quiz #2 on 2/16/23 IN CLASS\*\*\***

Feb. 21 & 23: Extraterritorial Jurisdiction & International Criminal Law

- A. Definitions and Forms of Jurisdiction/Jurisdictional Principles
- B. Criminal Jurisdiction of National Courts
- C. Conflicts of Jurisdiction
- D. Extradition and Mutual Legal/Judicial Assistance

Read: Jones, *Politics of International Law*, Chapter 4, pp. 152-172 & Chapter 11, pp. 393-429.

Video: *The Jungle Grows Back* (YouTube Video)

**Individual Case Analysis #3:** (a) *PRESHPIJA V. GONZALES*; (b) *US V. WONG KIM ARK*

Due on Thursday, February 23<sup>rd</sup>, 2023 IN CLASS

**Group Case Analysis #3:** (a) *AVENA AND OTHER MEXICAN NATIONALS*  
(b) *(CANADA) IMMIGRATION ACTION AND HANA*  
Due: 11: 59 P.M. on Sunday, February 26<sup>th</sup>, 2023 ON CANVAS

Feb. 28                      Mid-Semester Exam Review  
Mar. 2                      Mid-Semester Examination  
                                 *Exam will be taken remotely on Canvass*

March 5 – 12 **SPRING BREAK**  
**Classes Excused/University open**

## II. COMMON PROBLEMS IN INTERNATIONAL ORGANIZATION & LAW

Mar. 14 & 16: The Range of Sovereignty I: Law of the Sea

- A. Categories of Territory & Dominion Over Land
- B. Internal waters & the Territorial Sea
- C. International Straights
- C. The Contiguous Zone & Exclusive Economic Zone
- D. The High Seas and Continental Shelf
- E. The International (Deep) Seabed
- F. Maritime Boundaries and Settlement of Disputes

Read:

1. Jones, *Politics of International Law*, Chapter 5, pp. 175-203.
2. Surabhi Ranganathan, "Ocean Floor Grab: International Law and the Making of an Extractive Imaginary," *The European Journal of International Law* Vol. 30 no. 2 (2019), pp. 573–600; doi:10.1093/ejil/chz027 (**Handout**).
- Bianca Haas et al., "The Future of Ocean Governance," *Review of Fisheries Biology and Fisheries* (2022) 32:253–270; [https://doi.org/10.1007/s11160-020-09631-x\(0123456789\(\).,-volV\(\) 0123458697\(\).,-volV\)](https://doi.org/10.1007/s11160-020-09631-x(0123456789().,-volV() 0123458697().,-volV) (Handout) (**Handout**).
- 3.. Ana K. Spalding and Ricardo de Ycaza, "Navigating Shifting Regimes of Ocean Governance: From UNCLOS to Sustainable Development Goal 14," *Environment and Society: Advances in Research* 11 (2020): 5–26; doi:10.3167/ares.2020.110102. (**Handout**).

**Group Case Analysis #4: The Chagos Islands—UNITED KINGDOM V. MAURITIUS**  
Due: 11: 59 P.M. on Sunday, March 19<sup>th</sup>, 2023 ON CANVAS

Mar. 21 & 23: The Range of Sovereignty II: Air and Outer Space Law  
A. Air Law: Theories, Structure, and Practice (National vs. International)  
B. The Law of Outer Space: Delimitation and Regime  
C. Telecommunications Law in the Age of Globalization  
D. Outlook on Space Law of the Future (including the

### ***C. The United States Space Force branch of U.S. Armed Forces)***

Read:

1. Elina Morozova and Yaroslav Vasyanin, "International Space Law and Satellite Telecommunications," **OXFORD RESEARCH ENCYCLOPEDIA, PLANETARY SCIENCE** (oxfordre.com/planetaryscience) (New York: Oxford University Press USA, 2020); <https://doi.org/10.1093/acrefore/9780190647926.013.75>.
2. Matt Craven, "'Other Spaces': Constructing the Legal Architecture of a Cold War Commons and the Scientific-Technical Imaginary of Outer Space," *The European Journal of International Law* Vol. 30 no. 2 (2019), pp. 547–572; doi:10.1093/ejil/chz024 (**Handout**).
3. Tim Ventura, "The Space Force Is a Transformative Victory for American Leadership in the 21st Century" (& Other Short articles), *Medium*, 25 July 2020. <https://medium.com/predict/the-space-force-is-a-transformative-victory-for-american-leadership-in-the-21st-century-61f2e16a7fa5>.

**\*\*\*Quiz #3 on 03/23/23\*\*\* IN CLASS**

**Discussion #4: Race, White Supremacy & Acquisition of Territory: King Leopold II & the Congo**

**Due Date: 11:59 P. M. on SUNDAY, March 26<sup>th</sup>, 2023.**

Mar. 28 & 30: The Law of Treaties

- A. Classification, the Making, and Entry into Force of Treaties
- B. Application and Invalidation/Cessation & Consequences
- C. Treaties between States and International Organizations
- D. United States Treaty Practice & Executive Agreements
- E. Treaties (dealing with rights over territory and other types)
- F. Recent Practice (Secession, Dismemberment & Unification)
- G. International Claims

**Read:** 1. Jones, *Politics of International Law*, Chapter 2, pp. 36-65.

2.. Clare Wenham, Mark Eccleston-Turner and Maike Voss, "The Futility of the Pandemic Treaty: Caught Between Globalism and Statism," *International Affairs* (London) 98: 3 (2022) 837–852; doi: 10.1093/ia/iia023.

**Group Case Analysis #5: Space Tourism and Space Mining**

**Due Date: 11:59 P. M. on SUNDAY, March 26<sup>th</sup>, 2023.**

Apr. 4 & 6: The Settlement of Disputes by Peaceful Means (International Courts & Tribunals)

- A. The Nature of Disputes
- B. Diplomatic Methods of Dispute Settlement
- C. Arbitration & National Court Adjudication
- D. Judicial Settlement - The International Court of Justice
- E. International Criminal Courts

F. Regional Court Adjudication

G. National Court Adjudication

**Read:** 1. Jones, *Politics of International Law*, Chapter 4, pp. 141-152.

2.. Maryam Khalid, Mark McMillan, and Jonathan Symons, "Is a Pedagogy of Indigenous Solidarity: Possible in the International Relations Theory Classroom?," *International Studies Perspectives* (2021) 0, 1–20. **Handout**

### **Group Case Analysis #6: Indigenous Peoples and International Law**

**Due Date: 11:59 P. M. on SUNDAY, April 9<sup>th</sup>, 2023.**

Apr. 11 & 13: The Use of Force and the Law of Armed Conflict (LOAC)

A. Principles of Lawful and Unlawful Wars, and Means of Waging War

B. Self-Defense

C. Civil Wars

D. Self-Determination and the Use of Force

E. Peacekeeping and Humanitarian Intervention

F. Laws of War or "International Humanitarian Law"

G. Laws of War: Post-9-11 US Application

Read: Jones, *Politics of International Law*, Chapter 9, pp. 310-352 & Chapter 10, pp. 353-392.

Video: **BBC HARDTalk Interview with former ICC President, Judge Chile Eboe-Osuji**

**\*\*\*Quiz #4 on 04/13/23\*\*\***

### **III. CROSS-CUTTING THEMES IN INTERNATIONAL LAW**

Apr. 18 & 20: International Human Rights Law

A. Nature/Concept of Human Rights

B. Historical Development: From Slavery to Human Rights

B. Ideological Approaches to Human Rights in International Law

C. Development of International Human Rights Law

D. Nationality and Self-Determination

E. The United Nations System and Human Rights

F. Regional Human Rights Organizations & Approaches

G. Non-State Human Rights Actors

Read: Jones, *Politics of International Law*, Chapter 8, pp. 263-309

### **Discussion #5: Human Trafficking/Modern-Day Slavery**

**Due Date: 11:59 P. M. on SUNDAY, April 23<sup>rd</sup>, 2023.**

Apr. 25 & 27: International Economic Law

A. Promoting International Trade: Concepts & Evolution

B. Major Obligations: Market Access & Treatment Standards

C. Major Exceptions:

*Preventing Unfair Trade*

*Safeguarding Economies from Unexpected Shocks*

*Protecting Competing Values*

*Preserving National Security*

D. Protecting Foreign Investment: Concepts & Evolution



E. Foreign Investor Rights:

*Expropriation, Treatment Standards, Limits on Performance Requirements; Legal Remedies*

F. Preserving State Authority:

*Police Powers Doctrine; Backlash to Investment Law*

Read: Read: 1. Jones, *Politics of International Law*, Chapter 6, pp. 204-231; and Chapter 7, pp. 232-259.

**XXXX:** International Environmental Law

A. The Scope and Nature of International Environmental Law

B. State Responsibility and the Environment

C. International Liability Standards

D. Marine Pollution

E. The UN Conference on Environment and Development

F. United States Environmental Legislation

Read: Jones, *Politics of International Law*, Chapter 12, pp. 433-466.

**FINAL EXAMINATION**

**Date:** Tuesday, May 2<sup>nd</sup>, 2023

**Time:** 12:10 – 2:00 p.m.

**Venue:** Coor Hall, Rm. 120

*\*Exam will be taken online on Canvas\**

**ASSIGNMENT DEADLINES/DUE DATES**

| S/N | Assignment  | Due Date (on or before)                               | Where    |
|-----|---|---|----------|
| 1   | Discussion #1   | 11: 59 p.m., Sun., 1/15/2023                          | Canvas   |
| 2   | Syllabus Quiz   | 11:59 p.m., Mon., 1/15/2023                           | Canvas   |
| 3   | Individual Case Analysis #1 <i>ASAKURA v. CITY OF SEATTLE</i>   | 12 p.m., Thursday, 1/19/2023                          | In Class |
| 4   | Group Case Analysis #1: (a) <i>MORTENSEN V PETERS</i> and (b) <i>DIGGS V. SCHULTZ</i>   | 11: 59 p.m., Sun., 1/22/23                            | Canvas   |
| 5   | Discussion #2 The Racial Origins of International Organization & Law  | 11:59 p.m., Sun., 1/29/2023                           | Canvas   |
| 6   | Quiz #1   | 12 p.m., Thursday, 1/26/2023                          | In Class |
| 7   | Individual Case Analysis #2: <i>HAILE SELASIE v. CABLE &amp; WIRELESS LTD.</i> ; (b) <i>HASHIN V. KENT (2004)</i>                                       | 12 p.m., Thursday, 2/2/2023                           | In Class |
| 8   | Group Case Analysis #2: <i>CALLEGO v. BANCORER, SA &amp; THE SAPPHIRE</i> ; <i>RADWAN V. RADWAN (1972)</i> ; <i>US V. IBRAHIM AHMAD AL-HAMDI (2004)</i> | 11:59 p.m., Sunday, 2/5/2023                          | Canvas   |
| 9   | Discussion #3   | 11:59 p.m., Sun., 2/12/2023                           | Canvas   |
| 10  | Quiz #2   | 12 p.m., Thursday, 2/16/23                            | In Class |
| 11  | Individual Case Analysis #3: (a) <i>PRESHPIA V. GONZALES</i> ; (b) <i>UNITED STATES V. WONG KIM ARK</i>   | 12 p.m., Thursday 2/23/2023                           | In Class |
| 12  | Group Case Analysis #3: (a) <i>AVENA AND OTHER MEXICAN NATIONALS</i> ; (b) <i>(CANADA) IMMIGRATION ACTION AND HANA</i>                                  | 11: 59 P.M., Sunday, February 26 <sup>th</sup> , 2023 | Canvas   |
| 13  | Mid-Semester Examination Review   | 12: 00- 1: 15 p.m., Tue., 2/28/2023                   | In Class |
| 14  | Mid-Semester Examination  | 12: 00-1: 15 p.m., Thur., 3/2/23                      | In Class |

|    |   |   |                 |
|----|---|---|-----------------|
| 15 | Group Case Analysis #4: The Chagos Islands Case— <i>UNITED KINGDOM V. MAURITIUS</i>   | 11: 59 p.m., Sunday, March 19 <sup>th</sup> , 2023        | Canvas          |
| 16 | Quiz #3   | 12 p.m., Thursday, 3/23/23                                | In Class        |
| 17 | Discussion #4: Race, White Supremacy & Acquisition of Territory: King Leopold II & the Congo  | 11:59 P. M. Sunday, March 26 <sup>th</sup> , 2023         | Canvas          |
| 18 | Group Case Analysis #5: Space Tourism and Space Mining  | 11:59 P. M. Sunday, March 26 <sup>th</sup> , 2023         | Canvas          |
| 19 | Group Case Analysis #6: Indigenous Peoples and International Law ( <b>Native Americans (USA)</b> ; <b>First Nations</b> (Canada); <b>Aborigines</b> (Australia); the <b>Maori</b> (New Zealand), etc. | 11:59 P. M. on Sunday, April 9 <sup>th</sup> , 2023       | Canvas          |
| 20 | Quiz #4   | 12 p.m., Thurs., 4/13/2023                                | In Class        |
| 21 | Discussion #5: Human Trafficking/Modern-Day Slavery   | 11:59 P. M. on SUNDAY, April 23 <sup>rd</sup> , 2023      | Canvas          |
| 22 | <b>FINAL EXAMINATION</b>  | <b>12:10 - 2:00 PM, Tuesday, May 2<sup>nd</sup>, 2023</b> | <b>In Class</b> |

**Notes:**