

POLS 3362 – INTERNATIONAL LAW AND POLITICS

MWF: 9:30 – 10:20am in Undergraduate Learning Center Rm 342

INSTRUCTOR: Dr. Rebecca Reid
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OFFICE: 307 Benedict Hall
OFFICE HOURS: MWF 10:30am-12:00pm, or by appointment

COURSE DESCRIPTION

This course provides an introduction to the politics of international law. The class will employ methods that are both traditional (lecture-based) and non-traditional (such as simulations and projects) to enable students to explore and analyze institutions and interactions between law, states, international institutions, and legal systems.

LEARNING OUTCOMES

Over the course of the semester students will have:

- An understanding of the key elements of international law, including treaty law, human rights law, humanitarian law, criminal law, environmental law, regional and international courts.
- Become familiar with basic social science theories and be able to apply theoretical perspectives to explain political behavior and processes.
- Developed and enhanced the skills necessary to understand contemporary political problems as well will have learned to think critically about political issues and articulate arguments.

REQUIRED READING

- Shaw, Malcolm N. 2014. *International Law*, 7th Edition. Cambridge University Press.

RECOMMENDED READING

- Contact instructor with interests as there are too many to recommend here.
- The American Society of International Law offers a lot of material as well at <http://www.asil.org/resources/electronic-resource-guide-erg>, including video panels here: <https://www.youtube.com/user/asil1906/videos?view=0&sort=dd&flow=grid>.
- International Law Commission: <http://legal.un.org/ilc/ilcintro.shtml>.

COURSE REQUIREMENTS AND GRADING

Evaluation in this course will be based on the following components:

Attendance/Participation in Class	10%
First Examination	10%
Second Examination	15%
Third Examination	20%
Final Examination	20%
Group Project Presentations	25%

The grading scale is as follows:

90-100	A
80-89	B
70-79	C
60-69	D
59 and below	F

Examinations: There will be 4 examinations during the course, three midterms and a final. The exams are closed book. All exams are **cumulative** and will cover material learned in the class lectures and the assigned reading. As a general rule, **make up exams will NOT be offered**; although make up exams will be permitted only under the gravest of circumstances, and I reserve the right to alter the questions for make up exams.

Participation: At various points during the semester I will pass around a sign-up sheet to see who is attending class. If you are absent when these sheets are passed out, points will be deducted from your participation score (in lieu of a formal attendance component). I expect students to come to class prepared to intelligently discuss the material. I will rely on a modified Socratic method and classes will consist of a series of questions, which the students are expected to answer. Other times, I will choose specific individuals to answer questions. Students will be graded according to their willingness to participate and their responses. If you are absent from class when your name is called, points will be deducted from your overall participation score.

SPECIAL NEEDS

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. *CASS' Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.* Additionally, students with special needs **must** contact me in order to arrange appropriate accommodations.

ACADEMIC DISHONESTY

Absolutely no form of academic dishonesty will be tolerated. The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students

are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

GENERAL EXPECTATIONS

I expect all students to behave professionally in this class. You will be held responsible for all material covered in the textbooks, articles, videos, and the class discussions. If you miss a class, you are still responsible for the content of that day's information. I will not tolerate disruptive behavior, including (but not limited to) reading newspapers, talking during lectures, using cell phones or pagers, and disrespecting classmates or the instructor. Additionally, I expect all students to attend class prepared and to show up on time. It is disrespectful to the instructor and the other students when individuals show up late or are not prepared to participate in the class discussion. I allow the use of laptops for note-taking purposes only; however, should laptop usage become disruptive, I reserve the right to prohibit laptops.

This class is designed to provide information and challenge students with new, sometimes controversial, ideas and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes.

COURSE SCHEDULE

The following is a list of topics to be covered at each class meeting, and the readings which should be completed in order to fully participate in class that day. I **require** you to read the material prior to the class since you will be expected to participate in the discussion. Articles will be provided in Blackboard whenever possible. Exam material will consist of assigned readings and information covered during assignments and the class discussion. Finally, while I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced.

August	24	Distribute Syllabus and Introduction
	26	The Nature and Development of International Law <i>Reading Due:</i> Shaw, Chapter 1 (pages 1- 30)
	28	International Law Today

		<i>Reading Due:</i> Shaw, Chapter 2 (pages 31- 48),
		Hafner-Burton, Emilie M., and James Ron. 2009 “Seeing Double: The Human Rights Impact through Qualitative and Quantitative Eyes.” <i>World Politics</i> 61 (2): 360-401.
	31	Sources <i>Reading Due:</i> Shaw, Chapter 3 (pages 49- 91)
September	2	Compliance <i>Reading Due:</i> Hathaway, Oona. “Why We Need International Law.” <i>The Nation</i> , Nov 19, 2007.
		Posner, Eric. 2009. “Think Again: International Law.” <i>Foreign Policy</i> . September 19 th .
		Kyl, Jol, Douglas Feith, and John Fonte. 2013. “The War of Law: How New International Law Undermines Democratic Sovereignty.” <i>Foreign Affairs</i> . July/August.
		Koh, Harold Hongju, and Michael Doyle. 2013. “The Case for International Law: a Response to ‘The War of Law’.” <i>Foreign Affairs</i> . November/December.
		Downs, George W., David Rocke, and Peter N. Barsoom. 1996. “Is the Good News About Compliance Good News for Cooperation?” <i>International Organization</i> 50 (3): 379-406.
		Chayes, Abram, and Antonia Handler Chayes. 1993. “On Compliance.” <i>International Organization</i> 47 (2): 175-205.
	4	International Law and Municipal Law <i>Reading Due:</i> Shaw, Chapter 4 (pages 92- 140)
	7	No Class
	9	Subjects of International Law <i>Reading Due:</i> Shaw, Chapter 5 (pages 141- 193)
	11	Review Exam I <u>Due: Group Presentation Proposals</u>
	14	Exam I
	14	International Protection of Human Rights <i>Reading Due:</i> Shaw, Chapter 6 (pages 194- 247)

16	International Protection of Human Rights <i>Reading Due:</i> Hathaway, Oona A. 2007. "Why Do Nations Join Human Rights Treaties?" <i>Journal of Conflict Resolution</i> 51 (4): 588-621. Hathaway, Oona. 2002. Do Human Rights Agreements Make a Difference? <i>The Yale Law Journal</i> . 111(8): 1935-2042. Fariss, Christopher J. 2014. "Respect for Human Rights has Improved Over Time: Modeling the Changing Standard of Accountability" <i>American Political Science Review</i> 108 (2): 297-318. Conrad, Courtenay R., and Emily Hencken Ritter. 2013. "Treaties, Tenure, and Torture: The Conflicting Domestic Effects of International Law." <i>Journal of Politics</i> 75 (2): 397-409.
18	Regional Protection of Human Rights <i>Reading Due:</i> Shaw, Chapter 7 (pages 248- 284) <i>Watch:</i> https://www.youtube.com/watch?v=_Aig1G9e7zg
21	International Criminal Law <i>Reading Due:</i> Shaw, Chapter 8 (pages 285- 320) <i>Watch:</i> https://www.youtube.com/watch?v=2BUsh-vGkSU
23	International Criminal Law <i>Reading Due:</i> Ferenez, Benjamin B. 1998. "International Criminal Courts: The Legacy of Nuremberg." 10 <i>Pace International Law Review</i> : 203-235.
25	Review for Exam II
28	Exam II
30	Recognition <i>Reading Due:</i> Shaw, Chapter 9 (pages 321- 351)
October 2	Territory <i>Reading Due:</i> Shaw, Chapter 10 (pages 352- 400)
5	Law of the Sea <i>Reading Due:</i> Shaw, Chapter 11 (pages 401- 467)

	7	Jurisdiction <i>Reading Due:</i> Shaw, Chapter 12 (pages 468- 505)
	9	Immunities from Jurisdiction <i>Reading Due:</i> Shaw, Chapter 13 (pages 506- 565)
	12	State Responsibility <i>Reading Due:</i> Shaw, Chapter 14 (pages 566- 612)
	14	International Environmental Law <i>Reading Due:</i> Shaw, Chapter 15 (pages 613- 653)
	16	Law of Treaties <i>Reading Due:</i> Shaw, Chapter 16 (pages 654- 692)
	19	Law of Treaties <i>Reading Due:</i> Shaw, Chapter 16 (pages 654- 692)
	21	State Succession <i>Reading Due:</i> Shaw, Chapter 17 (pages 693- 731)
	23	Review Exam III <i>Due: Group Presentations Short Summary</i>
	26	Exam III
	28	Dispute Settlement <i>Reading Due:</i> Shaw, Chapter 18 (pages 732- 765)
	30	International Court of Justice <i>Reading Due:</i> Shaw, Chapter 19 (pages 766- 810)
November	2	International Court of Justice <i>Reading Due:</i> Llamzon, Aloysius. 2007. "Jurisdiction and Compliance in Recent Decisions of the International Court of Justice." <i>The European Journal of International Law</i> 18 (5): 815- 852. Dimitrakos, D. 2014. "The Principle of Universal Jurisdiction & the International Criminal Court." (January 22, 2014).
	4	International Law and Use of Force <i>Reading Due:</i> Shaw, Chapter 20 (pages 811- 846)
	6	International Humanitarian Law

		<i>Reading Due:</i> Shaw, Chapter 21 (pages 847- 874)
	9	United Nations <i>Reading Due:</i> Shaw, Chapter 22 (pages 875- 930) <i>Watch:</i> https://www.youtube.com/watch?v=JznsuNVUWm8
	11	International Institutions <i>Reading Due:</i> Shaw, Chapter 23 (pages 931- 965)
	13	Class Presentation
	16	Class Presentation
	18	Class Presentation
	20	Class Presentation
	23	Class Presentation
	25	Class Presentation
	27	No Class
	30	Class Presentation
December	2	Last Day of Class: Review <u><i>Due: Evaluations of All Group Presentations</i></u>
December	7-11	Final Exams

GROUP PROJECTS

Directions: In groups of 4-6, address one of the topics listed below:

- A) How to make international law more effective (i.e. how to induce greater state compliance)
- B) How to select international court judges so as to better promote international justice fairly
- C) How to increase accessibility to international justice, provided the appropriate balance between state sovereignty and international law
- D) How to better offer dispute settlements between states
- E) How to better provide transitional justice, especially for post-conflict states
- F) Provide a policy proposal of your choosing that introduces, amends, or annuls international law (i.e. what would you like to see become international law, how would you change existing international law, what international law should be eliminated)
- G) Discuss an international case in detail, arguing whether the judgment should be altered, narrowed, broadened, or overturned entirely and based upon what grounds.

For each topic, your presentation must discuss what the problem is, how you propose to fix it, presenting a detailed template for your proposed course of action. Define the problem your group wants to solve, specify recommended solution(s) to the problem, and identify the policymakers who have the power to help you in this process. Be sure to include consequences of implementing your solution, especially potentially unintended consequences, as well as make a persuasive case for why your solution proposal is superior to alternatives (thereby also addressing what the alternatives are).

Presentation should be 25-30 minutes long, with roughly 10 minutes of question and answer afterwards.

Each group will be graded by both the instructor and by classmates following the guidelines below (see page 10 for the Rubric). Each group's grade will be the average of the instructor's score and the averaged classmates' score. For example, if the instructor scores the group presentation at 95% and the classmates' scores averaged 80%, then the final group grade will be the average of 95 and 80--equaling 87.5%.

Due Dates:

September 11: Each group must turn in 1-2 page paper identifying and discussing the problem you will be addressing in your project.

October 23: Each group must turn in a 3-10 page preliminary short summary of the presentation arguments

November 13- 30: Group Presentations (25-30 minutes each)

Group Presentation Responsibilities:

- 1) You must attend class, even if your group is not presenting. You are required to evaluate all groups and turn in your evaluations to me.
- 2) You must be respectful. Do not talk, be on your phone/texting/etc., packing or unpacking your belongings, etc. while the group is presenting. To do so is extremely disrespectful, and I will dock individual grades for disrespect.
- 3) **Presentation evaluations:** As an audience member, you are required to evaluate each group presentation according to the rubric provided in the syllabus. Be sure that you have this rubric during class so that you can take notes. You will turn in all of your evaluations for all groups by **December 2nd**. The collective submission of evaluations allows you to fairly evaluate each group (without judging one more harshly than another, for example) and allows you time to provide extensive comments in your evaluations. ***You must provide justification and explanation in the evaluations. You will receive a grade for the completion and submission of each evaluation.***
- 4) **Group member evaluations:** Each member within a group will individually submit to me a report grading each member of the group. This report must include the completed rubric I have provided as well as written justifications for these scores. The report must include your self-evaluation (consisting of what grade you think you deserve and why) as well as an evaluation of every other group member (including what grade you think each member deserves and why).
This report is a venue to reflect free-riding, possible workload distribution issues, and group dynamic issues. *If any problems of free-riding or group member conflicts arise you MUST inform the instructor immediately. **Group member evaluations are due the day of your presentation and are to be turned in hard copy format by each individual.***
- 5) **Group Appeal:** If the group presentation is unsatisfactory and/or does not adequately fulfill the assignment requirements, each group has an option to submit a research paper version of the work encompassed in the presentation. Should this be necessary, an average of the presentation and paper grades will constitute the final grade (see below: Grading).
- 6.) **Individual Appeal:** Individual appeals may be made, particularly in anticipation to poor group member evaluations. These consist of a short essay paper explaining any extenuating circumstances that I should take into account for anticipated poor reported individual performance. *I strongly recommend scheduling an appointment with me prior to your group's presentation if you believe you or any other member of your group might receive a poor performance report. Individual appeals are accepted at any time. If you believe the average grade you received does not reflect your performance, then you must submit a typed paper explaining and justifying a more appropriate grade by December 2nd. These evaluations do not determine your grade but may influence your individual grade for the group presentation (see below: Grading).*

Grading:

- 1) **You will receive a grade for the completion and submission of the presentation evaluations under participation/attendance.** Each peer evaluation will constitute one point, provided the evaluation is adequately completed. (For example, if there are seven groups, then a maximum of 7 points may be received.) If you are disrespectful during any presentation, points will be accordingly deducted from this grade.
- 2) **You will receive a group participation grade based upon the average of your group member evaluation.**
- 3) **Group Presentation Grade: Your final grade will be constituted as an average of my evaluation of the group presentation and the class average presentation evaluation.** If a research paper is submitted due to unsatisfactory presentations, then the base grade will be constituted by the original presentation grade and the research paper grade.

Presentation Evaluation Guidelines: (100 points)

- 1) To what extent does the group know its audience, providing a clear and persuasive template for policy change?
(15 points)
- 2) To what extent does the group present a coherent theme throughout the presentation?
(10 points)
- 3) To what extent does the presentation exhibit clear organizational structure?
(10 points)
- 4) To what extent does the group exhibit well-researched, specific, and realistic policy proposals?
(20 points)
- 5) To what extent does everyone participate?
(10 points)
- 6) To what extent does the presentation capture the audience and hold their attention?
(10 points)
- 7) To what extent is there a clear 'take away' in the presentation?
(15 points)
- 8) To what extent does the group exhibit familiarity of counter arguments (and are able to preclude/respond to them)?
(10 points)

Group Work Rubric

Directions: Rate each of your group members in each of the categories, then add up the points for their total group score.

Group Member:	All the time 3	Some of the time 2	Never 1
Participated in group work			
Maintained focus on the task at hand			
Offered help to others, or sought help when needed			
Asked questions that moved the discussion along			
Contributed ideas, opinions, and feelings			
Provided positive feedback to other group members			
Total Score =	_____ /18		

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