INTERNATIONAL LAW
INR 4401

Spring 2014
Professor Jeff Dambly
Mondays, 6 pm – 8:55 pm
Classroom Building 1, Room 319
3 Credits
Section 1 (0001)

Course Objectives

This is a course about the principles, structures and parties of the public international legal system. As such, this course will focus on the legal powers of states within the international realm, the rights and responsibilities of states in relations one another and to their citizens, and how the international legal system handles conflict. Principles of private international law will be briefly discussed from time to time, but will not be an integral component of this class. These are the major objectives I hope you will reach by the end of the semester:

1. The student will be better prepared for law school or graduate school by way of advanced analysis and application of materials.
2. The student will form an understanding for the general principles, structures and players within the international legal sphere.
3. The student will better understand and appreciate the separate but interconnected relationship between international law and international relations.
4. The student will have an ability to analyze the basic principles from this course, and then apply them anew to unique scenarios.

Finally, you should have a fifth goal in this course:

5. The student will be better situated to determine whether he/she wishes to learn more about international law or any of its components or subject matter areas therein.

Required Text & Assignments

The required text for this class is *Law Among Nations: An Introduction to Public International Law* (10th Ed.), by Von Glahn and Taulbee.

On a weekly basis, you may (probably will) also be provided additional course materials through the course website. These materials will typically be more in-depth versions of case opinions, as well as relevant treaty language. This class will have a great deal of reading on a weekly basis.

Fair warning: it is *always* harder to catch up rather than staying on top of the readings.

While not required, there will also be recommended reading presented on a weekly basis. I also recommend you keep an eye on the news. The *New York Times* International Section, along with the *Opinio Juris* blog, are excellent resources. *Lawfare* is another excellent blog, though it focuses more on the U.S. policy perspective of national security law, international law and international relations.

Finally, "suggested materials" will be provided each week on the course page. You will not be required to read these, however if you wish to further your understanding of the weekly materials, you may find them helpful.

How You Will Be Evaluated

Grading - your final grade will be a composite of three separate scores:

Mid-Term Exam (1/3 of overall grade) – the mid-term (scheduled for the last week before spring break) will involve a series of multiple choice and short answer questions.

Final Exam/Paper (1/3 of overall grade) – the final exam/paper will be a *minimum* of 15 pages double-spaced. After Spring Break, you will be presented with a factual scenario wherein two fictional states take several issues to the International Court of Justice for review. Your assignment will be to argue the merits of the issues on one state's behalf. For your arguments, you will have a "closed universe" of resources (in addition to anything within your text or additional readings.) If you choose to do so, you may submit a draft of your paper ***once*** for general review. Early submission of a draft is not required, but if you do so, be prepared for at least a one-week turnaround period. This will be a cumulative assignment, hitting on multiple topics covered throughout the semester. The final exam/paper will be due to the professor by the scheduled final exam date and time.

Participation (1/3 of overall grade) - each week you have the opportunity to earn 100 participation points through three phases:

i. Pre-Class Formative Checks (30 points/week) – each week you will take a timed, open-book online quiz consisting of 30 questions. The questions will be taken directly from the weekly reading assignments. Each week, the student may take the quiz any time beginning on

Tuesday. The quiz will close at the time class is scheduled to begin on Monday evenings. Students will *not* have the opportunity to make up missed quizzes barring exceptional circumstances.

ii. In-Class Summative Checks (10 points/week) – At the beginning of each class, class will begin with a brief, closed-book quiz consisting of similar questions as the weekly online quiz. If you have an excused absence the previous week, you will be given the opportunity to make up the missed quiz in class.

iii. Class Participation (60 points/week) – in-class discussions amongst students and professor will often guide the trajectory of this class. It goes without saying that prepared and engaged students are critical for this class model to succeed. Each week, several students will sign up to be "on call." When a student is "on call," s/he should be prepared to discuss the readings in class. The student will want to be ready to discuss cases in depth, as well. "Briefing" cases is highly recommended. If you are unprepared, unengaged, or a distraction to those around you, the professor reserves the right to adjust your participation grade accordingly. Conversely, the professor may also positively adjust participation points for those actively engaged in class or for those who demonstrate a genuine desire to learn the material.

iv. Extra Credit – generally, there will not be major opportunities for extra credit in this course. Extra credit points may appear in the form of questions in quizzes or the mid-term.

Student Expectations

Classroom behavior

Very simply, every student should be in class, be prepared, and be engaged on a weekly basis.

Assigned seating

There will be assigned seating beginning the second week of the course. As is standard in most law school classrooms, students should be prepared for Socratic method questioning and should always consider themselves "on call" if others do not volunteer. For

example, if the students who are scheduled to be “on call” in a given week are unprepared, and other students fail to volunteer, then every student in the class is fair game to be questioned.

Absences

Due to the nature of the course, and because we only meet once a week, students are expected to be in class on a weekly basis. Missing an entire evening unexcused has serious consequences. It directly affects your ability to prepare for the course, and it harms your grade directly by the weekly points you lose by not performing in-class assignments. In addition to automatically losing 70% of your weekly points by missing class, students are on notice that by missing more than two class periods without justifiable excuses, their grade will automatically drop 10 total percentage points (i.e., one letter grade) for the third or subsequent absence.

Academic Honesty

Course assignments and tests are designed to have educational value; the process of preparing for and completing these exercises will help improve your skills and knowledge. Material presented to satisfy course requirements is therefore expected to be the result of your own original scholarly efforts.

Plagiarism and Cheating of any kind on an examination, quiz, or assignment will result at least in an "F" for that assignment (and may, depending on the severity of the case, lead to an "F" for the entire course) and may be subject to appropriate referral to the Office of Student Conduct for further action. See the UCF Golden Rule for further information. I will assume for this course that you will adhere to the academic creed of this University and will maintain the highest standards of academic integrity. In other words, don't cheat by giving answers to others or taking them from anyone else. I will also adhere to the highest standards of academic integrity, so please do not ask me to change (or expect me to change) your grade illegitimately or to bend or break rules for one person that will not apply to everyone.

Course Accessibility

This class should be an accessible and welcoming experience for all students, including those with disabilities that may impact learning in this class. If you believe the design of this course poses barriers to effectively participating and/or demonstrating learning in this course, please meet with me (with or without a Student Disability

Services (SDS) accommodation letter) to discuss reasonable options or adjustments. During our discussion, I may suggest the possibility/necessity of your contacting SDS (Ferrell Commons 185; 407-823-2371; sds@ucf.edu) to talk about academic accommodations. You are welcome to talk to me at any point in the semester about course design concerns, but it is always best if we can talk at least one week prior to the need for any modifications.

Technology in the Classroom

The use of laptops/tablets in class is acceptable for educational purposes only. Please do not use cell phones, mp3 players, cameras, microphones, or non-useful items in class. Please avoid the use of texting, chatting, using Skype, Facebook, Twitter, Instagram, or any other social media platform during class.

Respect for the Perspectives of your Fellow Classmates

This course will frequently engage in discussions on various subjects in international law. All viewpoints are to be respected in an academic discussion. In expressing viewpoints, please be considerate and mindful of your fellow classmates; please also have the same considerations when listening to the viewpoints of your classmates.

Use of Unauthorized Class Notes

Third parties may be selling class notes and other materials from this class without my authorization. Please be aware that such class materials may contain errors, which could affect your performance or grade. Use these materials at your own risk.

Office Hours and Professor Contact

As an adjunct professor, I will not have office hours during the week. However, I will make my best effort to be available for questions. Contact through the course page is preferred. You can also email me at Jeffrey.Dambly@ucf.edu, or call me at my office at 850-410-7683.

Tentative Course Outline

I intend to teach this course through a series of sections/modules. I expect those sections will equate to one section per week. Sometimes sections will run over into other weeks; sometimes we may finish a section early. It is best that you stay on top of the readings based on where we are in any given section.

January 6 (Section 1): Introduction and Development of International Law

Focus Questions:

1. *How do the principles of international law fit into traditional Western notions of "the law"?*
2. *What compels parties in the international legal system comply with the legal principles?*
3. *What were the origins of the modern international legal system?*
4. *Is international law actually a legal regime?*
5. *Does the theory of natural law or positive law more appropriately describe today's international legal regime?*

Text Reading: Von Glahn Chapters 1 and 2
Additional Course Materials on Webcourse page

January 13 (Section 2): Sources of International Law (Part 1)

Focus Questions:

1. *What are the sources of law as directed by the Statute of the International Court of Justice?*
2. *How does one determine what is custom?*
3. *Does an international custom bind all states?*
4. *What constitutes a jus cogens norm?*
5. *What effect do international organizations have on creating international law?*

Text Reading: Vohn Glahn, Chapters 3 and 4
Additional Course Materials on Webcourse page

January 20 (Section 3): Sources of International Law (Treaties) (Part 2)

Focus Questions:

1. *When does a treaty bind a state legally?*
2. *What scenarios void a state's obligations under a treaty?*
3. *How far can state alter treaty obligations through reservations and understandings?*
4. *What effect does domestic law have regarding a state's treaty obligations?*
5. *How does an injured state seek remedies for another state's violation of treaty obligations?*

Text Reading: Vohn Glahn, Chapters 3 and 4
Additional Course Materials on Webcourse page

January 27 (Section 4): State Sovereignty, Recognition and Rights

Focus Questions:

1. *What are the generally accepted criteria for a fully independent, sovereign state?*
2. *How do international politics effect state recognition, whether it be de jure or de facto recognition?*
3. *How does the principle of self-determination mesh with notions of sovereignty and recognition?*
4. *How far does state immunity reach?*
5. *What rights and privileges are extended to international organizations?*
6. *What duties do state have to other states?*

Text Reading: Vohn Glahn, Chapters 7 and 8
Additional Course Materials on Webcourse page

February 3 (Section 5): State Jurisdiction

Focus Questions:

1. *How do states resolve jurisdictional conflicts?*
2. *How do states handle issues regarding foreign military personnel?*
3. *What are the weaknesses of the passive personality and universality principles?*
4. *What problems do states face in prosecuting terrorism under the passive personality principle?*
5. *What issues do political offenses create for extradition?*

Text Reading: Vohn Glahn, Chapter 10
Additional Course Materials on Webcourse page

February 10 (Section 6): States and their Citizens

Focus Questions:

1. *How have states limited the granting of nationality or revoked nationality?*
2. *What is the evolution of the granting of nationality?*
3. *What methods of relief exist for stateless persons?*
4. *What exemptions exist to state responsibility of foreign nationals?*
5. *When is a state responsible for the acts of its own nationals?*

Text Reading: Vohn Glahn, Chapters 9 and 11
Additional Materials on Webcourse page

February 17 (Section 7): International and Municipal Law

Focus Questions:

1. *How do states deal with conflicts between domestic and international law?*
2. *How have courts handled the doctrines of incorporation and transformation?*
3. *Do states open themselves to liability for maintaining a domestic law in violation of an international obligation?*

Text Reading: Vohn Glahn, Chapter 6
Additional Materials on Webcourse page

February 24 – Midterm

March 10 (Section 8): International Legal Processes

Focus Questions:

1. *What behavioral factors influence the ability of states to resolve conflicts?*
2. *What are the benefits of choosing adjudication as a resolution when there are no enforcement mechanisms attached?*
3. *How do international judicial decisions factor into creating or determining principles of customary international law? Is the ICJ more influential than other ad hoc courts?*
4. *Was the "optional clause" in the ICJ Statute an effective compromise*
5. *In what ways are war tribunals structured differently from the International Court of Justice?*

Text Reading: Vohn Glahn, Chapters 5, 17 and 22
Additional Materials on Webcourse page

March 17 (Section 9): Law of the Sea and Air

Focus Questions:

1. *Why are the views of certain states more important in the evolution of the law of the sea?*
2. *Given recent events, does the UNCLOS provide an effective mechanism for adjudication?*
3. *How do jurisdictional rules on land compare to jurisdiction on water?*
4. *How are rights to resources divvied up?*
5. *Do states have authority to create air defense zones as they see fit?*
6. *How can radio broadcasts affect international relations?*

Text Reading: Vohn Glahn, Chapters 12 and 13
Additional Materials on Webcourse page

March 24 (Section 10): Human Rights Law

Focus Questions:

1. *How has international law shifted focus from the state to the individual over time?*
2. *What part do NGO's play in monitoring and enforcement of human rights?*
3. *Have regional initiatives been more effective than international conventions in establishing substantive rights?*

Text Reading: Vohn Glahn, Chapter 15
Additional Materials on Webcourse page

March 31 (Section 11): International Criminal Law

Focus Questions:

1. *What specific acts can constitute crimes against humanity? Are there certain elements required to prove crimes against humanity? How do they differ from other acts like genocide or other war crimes?*
2. *What factors have contributed to the lack of prevention measures against genocide since World War II?*
3. *How do the legal definitions for acts such as piracy or terrorism create hurdles for prosecution and enforcement?*

Text Reading: Vohn Glahn, Chapter 16
Additional Materials on Webcourse page

April 7 (Section 12): The Use of Force

Focus Questions:

1. *What are the legal elements of armed conflict?*
2. *How has the metaphorical line shifted regarding the definition of self-defense?*
3. *Could the doctrine of humanitarian intervention realistically existed in the international legal sphere of 1900?*

Text Reading: Vohn Glahn, Chapter 20
Additional Materials on Webcourse page

April 14 (Section 13): Use of Force – Special Topics

Focus Questions:

1. *How do the laws of war apply to cyber attacks? Do they apply at all?*
2. *What are the legal implications and defenses for the use of drone strikes in foreign countries?*
3. *How can the principles of state responsibility affect the legal responsibilities of states regarding terrorist organizations?*

Text Reading: Vohn Glahn, Chapter 20
Additional Materials on Webcourse page

April 21 (Section 14): International Humanitarian Law

Focus Questions:

1. *What were the origins of international humanitarian law?*
2. *How does using the term "unlawful combatant" change a state's requirements under international humanitarian law?*
3. *What is the purpose of attempting to limit the means of war?*

Text Reading: Vohn Glahn, Chapters 21 and 22
Additional Materials on Webcourse page

April 28 – Final Exam due to Professor by 7:00 PM

Please note that I reserve the right to change the syllabus throughout the semester as I deem necessary