

PROBLEMS IN INTERNATIONAL LAW AND ORGANIZATIONS
POLITICAL SCIENCE 473

SPRING 2011
OLDFATHER 207
T-TH 9:30-10:45

INSTRUCTOR INFO

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COURSE DESCRIPTION AND OBJECTIVES

This course is designed to provide an overview of one of the fastest growing areas of international politics: international law and organizations. Throughout the course, we will focus on the intersections of domestic and international law and law and politics more generally. We will consider the degree to which state sovereignty is impermeable and whether or not international law and the institutions that govern it can have a meaningful impact on state practice. Through our focus on these institutions, we will examine a wide range of issue areas, from international security and the environment to trade and human rights. By the end of the course, students will be familiar with a number of international, regional and domestic institutions for the adjudication and governance of international law and be able to apply general principles of compliance, enforcement and adjudication to a variety of institutions and issue areas. More generally, students in this course will examine the problems and possibilities in the governance of international law.

This course proceeds in four parts. The first section of the course is dedicated to understanding what we mean by “international law” and competing theoretical frameworks in the study of international relations and international law. The second section aims to take those theoretical lessons and apply them to international judicial and quasi-judicial bodies, and the third section turns to regional institutions. The fourth and final section of the course examines the domestic enforcement of international law and explores the relationship between international law and state sovereignty.

In keeping with the Department of Political Science’s core objectives, by the end of the semester students should: 1) understand the core theoretical frameworks in international relations and international law and be able to apply these frameworks to contemporary political and legal problems; 2) be familiar with the main concepts, ideas and actors in international law and organizations and international relations; and 3) be able to use evidence-based analysis to both form and evaluate arguments about the pursuit of power in law and politics.

COURSE REQUIREMENTS

This course is designed to introduce students to the main theories, themes and concepts in international law and politics and to sharpen students' analytical and writing skills. As such, our work primarily will consist of a large research project that will build on students' application of key concepts to contemporary problems in the governance of international law. Peer-review sessions and a chance to revise their scholarship will provide students with an opportunity to improve their research, writing and analytical skills, as well as their comprehension of the core concepts. The requirements of the course follow:

- **International Law Research Project (80%):**

- **Paper 1 (20%)—Summary of Research Question and Literature Review:** For this first paper, students should choose a question to explore in depth over the course of the semester. The options are nearly limitless. Students might choose to examine how the ICC determines which suspected war criminals to indict or how the European Union manages states' different immigration policies. The papers should have three parts: 1) a 1-2 page summary of the main research question; 2) a 2-4 page review of the existing literature on this topic; and 3) a 1-2 page outline of the rest of the paper (please read the requirements for Papers 2 and 3). We will discuss how to write scholarly literature reviews in class. All students should include an annotated works cited list. Paper 1 is due in class on 2.15.11.
- **Paper 2—Theoretical Framework and Research Methodology (20%):** The second paper will consist of three main components: 1) Students will develop a hypothesis or set of hypotheses about their research question. Students should use the theoretical frameworks we discuss in the first part of class and those that are developed in the existing literature (see Paper 1) as a guide for the development of their framework. The second part of the paper will be a summary of the methodology and data they will use to test these hypotheses (e.g. analyses of court rulings, case studies, statistical data, etc.) The third part of the paper will be a brief history/summary of the institution/case. Each part of the paper should be approximately 2-3 pages, and this paper should be 6-8 pages in length. In addition, students should include a works cited list. Paper 2 is due in class on 3.10.11.
- **Paper 3—Empirical Analysis (20%):** In this paper, students should use the methods and data they propose in Paper 2 to test their hypotheses (also in Paper 2). This is the analytical and empirical “meat” of the projects and should carefully consider the evidence in support of/against the proposed hypotheses. Paper 3 should be 5-7 pages long and is due in class on 3.31.11.
- **Paper 4—Executive Summary (5%):** Students should compile all of their research into a two-page (single-spaced) executive summary. The summary is due on the last day of class, 4.14.11.
- **Project Materials for Research Fair (10%):** Each student will have an opportunity to discuss his or her research at our research fair during the last week of class. This means that students should prepare a poster, hand-outs, or other materials to use to guide their peers through their work during the research fair. More details will follow.
- **Revisions and Explanation of Revisions (5%):** Students will have an opportunity to revise their projects, incorporating comments from their peers and the instructor. Students should submit their original papers, the revised version of the project and a brief, 1-2 page summary, of the changes they made on 4.28.11.

- **N.b.** All papers should be double-spaced with standard font and margins. It's remarkably easy to tell when students try to fudge the font/borders, so please don't try!
- **Participation (20%)**: Attendance is mandatory. Our course will be run as a seminar, and your daily contribution to discussion is crucial. This means coming to class having read and thought about the readings. Come prepared to participate actively. Our meetings will be punctuated with discussions of current events, and I expect you to keep up with contemporary politics.
- **Readings**: You should complete the assigned readings for the week prior to our Tuesday class meetings. We will rely on a variety of texts this semester, including four books for purchase (listed below and available at the UNL Bookstore) and articles/chapters available online and on our course Blackboard page. The following books are required for our course:

Goldhaber, Michael D. 2009. *A People's History of the European Court of Human Rights*. Rutgers University Press.

Kent, Ann. 2010. *Beyond Compliance: China, International Organizations, and Global Security*. Stanford University Press.

Staab, Andreas. 2008. *The European Union Explained: Institutions, Actors, Global Impact*. Indiana University Press.

Weiss, Thomas G., et al. 2009. *The United Nations and Changing World Politics*. Sixth Edition. Westview Press.

COURSE POLICIES

- **Academic Honesty**: I have a zero-tolerance policy for academic dishonesty. Please refer to the Student Handbook, the University's Code of Conduct and the Office of Undergraduate Studies' document on academic integrity for the University's policies on plagiarism, cheating and other forms of academic dishonesty. If you have any questions concerning the proper use of citations or sourcing, I would be more than happy to answer them.
- **Communication**: The best way to get in touch with me is via email (chillebrecht2@unl.edu) or during office hours. This semester I will hold office hours from 12:00-1:00 on Tuesdays and Thursdays. I also am available by appointment.
- **Deadlines**: I expect that all students submit their work in a timely fashion and always by the given deadlines. I will return your graded work in an equally timely manner. Late papers will be penalized with a ten-point deduction from your assigned grade for each 24-hour period past the deadline, including weekends and holidays. Please note that I do not give incompletes for this course.
- **Emergencies**: If an emergency should arise during the course of the semester that prevents you from attending class or completing your work, please be in touch as soon as possible.
- **Learning Assistance**: If you need learning assistance, please follow the appropriate University policies: "Students with disabilities are encouraged to contact the instructor for a confidential discussion of their individual needs for academic accommodation. It is the policy of the University of Nebraska-Lincoln to provide flexible and individualized accommodation to students with documented disabilities that may affect their ability to fully participate in course activities or to meet course

requirements. To receive accommodation services, students must be registered with the Services for Students with Disabilities (SSD) office, 132 Canfield Administration, 472-3787 voice or TTY.”

COURSE OUTLINE

International Law: An Overview

Week 1: What is International Law and How to Read Cases (1.11.11 & 1.13.11)

Week 2: Sovereignty, Compliance and the Challenge of Enforcement, I (1.18.11 & 1.20.11)

- Slaughter, *A New World Order* (2005). (Chapter 1). Available on Blackboard.
- Simmons, “Compliance with International Agreements,” in *Annual Review of Political Science* (1998). Available on Blackboard.

International and Transnational Approaches

Week 3: The United Nations, I: The General Assembly and Security Council (1.25.11 & 1.27.11)

- Weiss, et. al., *The United Nations and Changing World Politics* (2009). (Introduction, Chapters 1, 3, 4, 6 and Conclusion).

Week 4: The United Nations, II: The International Court of Justice (2.1.11 & 2.3.11)

- Please browse through the ICJ’s website (www.icj-cij.org), paying particular attention to the section named, “The Court.”
- ICJ Case Concerning East Timor (Portugal v. Australia) (June 30, 1995). Available on Blackboard.
- ICJ Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (July 9, 2004). Available on Blackboard.

Week 5: The International Criminal Court & Peer Review Session (2.8.11 & 2.10.11)

- Bass, *Stay the Hand of Vengeance* (2001). (Chapters 1 and 6). Available on Blackboard.

Week 6: Universal Jurisdiction (2.15.11 & 2.17.11)

- Kissinger, “The Pitfalls of Universal Jurisdiction,” in *Foreign Affairs* (July/August 2001). Available on Blackboard.
- Roth, “The Case for Universal Jurisdiction,” in *Foreign Affairs* (September/October 2001). Available on Blackboard.
- House of Lords, Case of Ex Parte Pinochet (March 24, 2009). Available on Blackboard.
- **Paper 1 Due 2.15.10**

Regional Approaches

Week 7: The European Union, I (2.22.11. No Class 2.24.11)

- Staab, *The European Union Explained: Institutions, Actors, Global Impact* (2008). (Chapters 1-9).

Week 8: The European Union, II (3.1.11 & 3.3.11)

- Staab, *The European Union Explained: Institutions, Actors, Global Impact* (2008). (Chapters 10-16, Conclusion).

Week 9: The European Court of Human Rights (3.8.11 & 3.10.11)

- Goldhaber, *A People's History of the European Court of Human Rights* (2009). (Introduction, Chapters 2, 4, 9, 12, 14, 16, 17).
- **Paper 2 Due 3.10.11**

Week 10: Peer Review of Papers (3.15.11. No Class 3.17.11)

- More information to follow.

Week 11: No Class—Spring Break (3.22.11 & 3.24.11)**Week 12: Regional Institutions in Africa and the Americas (3.29.11 & 3.31.11)**

- “The Role of Africa’s Regional Organizations in Conflict Prevention: A Conversation with Uganda’s Permanent Representative to the United Nations, Ruhakana Rugunda,” Brookings Institute (11/23/2010). Please read the summary and listen to the first hour of the event. The MP3 is available here: http://www.brookings.edu/events/2010/1123_africa_conflict_resolution.aspx
- The Organization of American States and the Honduran Crisis. Please read the following news articles:
 - Toiba and Zissis, “The Honduran Crisis,” (Nov. 12, 2009). *Americas Society/Council of the Americas*. Available online: <http://www.as-coa.org/article.php?id=2008>
 - Luhnow and Spiegel, “Crisis Tests Relevance of America’s Group,” (Aug. 1, 2009). *WSJ.com*. Available online: <http://online.wsj.com/article/SB124908999380498605.html>
 - Schumacher-Matos, “Inflaming Honduras,” (July 26, 2009). *Washington Post*. Available online: <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/24/AR2009072403101.html>
 - Shifter, “The Crisis in Honduras,” (July 10, 2009) *Inter-American Dialogue*. Available online: <http://www.thedialogue.org/page.cfm?pageID=32&pubID=2028&s=>
- **Paper 3 Due 3.31.11**

Domestic Approaches to Adjudication**Week 13: The Domestic/International Law Nexus (4.5.11 & 4.7.11)**

- Weinthal, *State Making and Environmental Cooperation: Linking Domestic and International Politics in Central Asia* (2002). (Chapter 3). Available on Blackboard.
- Hathaway, “The Promise and Limits of the International Law of Torture,” in *Torture: A Collection* (2006). Available on Blackboard.

Week 14: The United States and International Law (4.12.11 & 4.14.11)

- Kirgis, “International Agreements and U.S. Law,” in American Society of International Law, *Law Insights* (1997). Available online: <http://www.asil.org/insigh10.cfm>.

- Hathaway, “Hamdan v. Rumsfeld: Domestic Enforcement of International Law,” in *International Law Stories* (2007). Available online: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1009621.
- Feldman, “When Judges Make Foreign Policy” in *New York Times Magazine* (Sept. 28, 2008). Available online: http://www.nytimes.com/2008/09/28/magazine/28law-t.html?_r=2&oref=slogin&ref=magazine&pagewanted=print.
- Posner, “Think Again: International Law,” in *Foreign Policy* (2009). Available on Blackboard.

Week 15: China and International Law (11.30.10 & 12.2.10)

- Kent, *Beyond Compliance; China, International Organizations and Global Security* (2010). (Introduction, Chapter 1, Conclusion and read two of the following: Chapters 2, 3, 4 and/or 5).
- ***Executive Summary and Research Fair Materials Due 4.14.11***

Week 16: Research Fair (4.26.11 & 4.28.11)

- Students will present the research they conducted over the course of the semester to their peers. More information to follow.
- ***Final Version of Research Project Due 4.28.11.***