

UNIVERSITY OF WISCONSIN - MILWAUKEE  
DEPARTMENT OF POLITICAL SCIENCE

POL SCI 316 – Spring 2014  
Thursday 11:00 AM - 12:15 PM  
PHY 135

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## INTERNATIONAL LAW

### Course Learning Objectives and Assessment

1. To teach the essentials of **positive international law** against the background of the realities of **international politics** and the **normative requirements** of international law.
2. To improve the student's analytical ability and capacity for effective oral presentation through a modified form of the "**case method**" followed in law schools.

For this 3-credit course, to achieve its learning objectives, students are expected to **ATTEND ALL LECTURES**, to view all weekly online assignments (75 minutes per week), and to devote an **additional 6 hours** per week studying and working on written assignments.

### Required Readings

#### 1. Essays and Other Materials in Electronic Format

- All materials available in the course's D2L site.
- Essays available on e-reserve at Golda Meir Library Reserve Section
- Videotapes on reserve at Golda Meir Library Reserve Section

#### 2. Case Excerpts from Henkin, L., R. Pugh, O. Schachter & H. Smit, *International Law: Cases and Materials*, third edition (1993).

- Available in the course's D2L site.
- Available on e-reserve at Golda Meir Library
- Casebook may be checked out of UW system libraries: KZ1242 .I58 1993
- U.S. Supreme Court, ICJ and PCIJ opinions may also be accessed online from the links in the "Links" section of this course's D2L site.

### Course Requirements and Important Dates

1. **Attendance at all face-to-face class meetings.** Dates of face-to-face class meetings are indicated below
2. **Briefing of all 30 assigned cases.** 30 case briefs must be submitted on time to the course's D2L site's appropriate "Drop Box." (see below)
3. **Viewing of assigned, online multimedia materials and weekly identification of "muddiest point"** (see below)
4. Active participation in **online discussion** (see below)
5. **Two examinations** - Thursday, February 27, 2014; Thursday, April 3, 2014
6. **Final examination** - Tuesday, May 13, 2014 at 10:00 AM -12:00 Noon
7. Thursday, January 23, 2014 – first face-to-face class meeting
8. Thursday, May 8, 2014 – last face-to-face class meeting before final examination
9. Thursday, March 20, 2014 – Spring Recess, no class meeting
10. Please note the Add/Drop Deadlines for this course:

[https://www4.uwm.edu/current\\_students/register\\_course\\_info/add\\_drop\\_deadlines.cfm?term=2142](https://www4.uwm.edu/current_students/register_course_info/add_drop_deadlines.cfm?term=2142)

**Final Grades** will be based on the following formula:

Learning Objective	Assessment	% of Final Grade
Understanding of international law case decisions (relevant facts, rules and legal rationales)	On-time submission of <b>CASE BRIEFS</b> of thirty (30) assigned international law cases.  Please see "The 'Case Brief' Assignment" document for more information.	15
(a) Understanding of substantive international law materials presented in online mini-lectures; and (b) identification of "muddiest points" in those mini-lectures	By submission to D2L Drop Box, weekly identification of a unique " <b>MUDDIEST POINT</b> " from that week's mini-lecture.  Please see "The 'Muddiest Point' Assignment" document for more information.	5
By peer group discussion, enhanced understanding of: (a) International law case decisions; and (b) Substantive materials presented in online mini-lectures	Using dedicated D2L online discussion board, <b>WEEKLY DISCUSSION of the given week's assigned cases and substantive materials</b> presented in online mini-lectures.  Please see "The 'Online Discussion' Assignment" document for more information.	10
Application of case (and other) international law rules and principles to new hypothetical scenarios	<b>EXAM 1</b> (20 possible points)	20
Application of case (and other) international law rules and principles to new hypothetical scenarios	<b>EXAM 2</b> (20 possible points)	20
Application of case (and other) international law rules and principles to new hypothetical scenarios	<b>EXAM 3</b> (30 possible points)	30

### Calculation of Final Course Grade

At the end of the semester, a course grade scale (an "A" = \* points, etc.) will be determined. Some basic principles of that determination:

(1) The instructor does not use a "standard" grade scale/distribution. The grade scale will be based on the performance of all enrolled students (i.e., a "curve."). Typically, each semester's scale varies, because student performance usually varies to some degree.

(2) The course grade scale has historically proven fairly generous. Examples are offered here **only** as a reference -- this semester's final grade scale could prove quite different.

The lowest point total to earn a "B-" for Pol Sci 316 was "72" (Spring 2012, Fall 2010, Spring 2009), "77" (Fall 2008), and "73" (Fall 2007).

The lowest point total to earn a "C-" for Pol Sci 316 was "63" (Spring 2012, Fall 2010, Spring 2009), "68" (Fall 2008), and "64" (Fall 2007).

## **Conceptual Outline of Course**

### **I. THE NATURE, SCOPE, AND STATUS OF INTERNATIONAL LAW**

- A. Introduction
- B. Is International Law "Law?"
- C. The Case Method
- D. Custom as a Source of International Law
- E. Treaties, General Principles, and Other Sources
- F. The Relationship of International Law to Domestic Law

### **II. THE SUBJECTS OF INTERNATIONAL LAW**

- A. Statehood and Recognition
- B. Non-state Entities and Self-Determination

### **III. SOVEREIGNTY OVER LAND TERRITORY**

- A. Land and Territorial Sovereignty

### **IV. INTERNATIONAL AGREEMENTS**

- A. General Principles and Reservations
- B. Interpretation
- C. Invalidity and Termination

### **V. JURISDICTION**

- A. General Principles of Jurisdiction
- B. Conflicts of Jurisdiction

### **VI. INTERNATIONAL CRIMES AND HUMAN RIGHTS**

- A. International Criminality and International Courts
- B. The Rwanda Case

### **VII. ENFORCEMENT AND IMMUNITY FROM JURISDICTION**

- A. Enforcement Jurisdiction and Extradition
- B. Jurisdiction over the Irregularly Obtained
- C. Diplomatic Immunity
- D. Sovereign Immunity

**WEEKLY CALENDAR**

2014 School Week Beginning <u>MONDAY</u>	Online Materials To Read or View	Submission of "Muddiest Point"	Cases to Brief	Online Discussion	Face-to-Face Class Meeting
	On <u>MONDAY</u> or <u>TUESDAY</u> of Week	Submit to D2L Before <u>WEDNESDAY noon</u>	Submit to D2L by <u>THURSDAY, 9:30 AM</u> (Monday through Wednesday)	"Initial" posting is due by <u>THURSDAY, 9:30 AM</u>  "Response" is due by <u>FRIDAY at 5 PM</u>	<u>THURSDAY</u> 11:00 AM - 12:15 PM
<b>Week 1</b> January 20	Robert J. Beck, "Britain and the 1933 Refugee Convention"	<i>Not required</i>	January 23 <i>No cases</i>	<i>Not required</i>	January 23 Introduction
<b>Week 2</b> January 27	Robert J. Beck, "Grenada's Echoes in Iraq"  Streaming Video: "Operation Urgent Fury" Video	January 29  Muddiest Point - 1	January 30  <i>No cases</i>	January 30, 31	January 30  "Is International Law "Law?"  The Case Method
<b>Week 3</b> February 3	Does International Law Matter - Grenada?  Custom	February 5  Muddiest Point – 2	February 6  1- <i>Paquete Habana</i> 2- <i>S.S. Lotus</i>	February 6, 7	February 6
<b>Week 4</b> February 10	Treaties and Other International Law Sources	February 12  Muddiest Point – 3	February 13  3 - <i>Western Sahara</i> 4 - <i>Missouri v. Holland</i> 5 - <i>Foster and Elam v. Neilson</i>	February 13, 14	February 13
<b>Week 5</b> February 17	IL and Municipal Law – 3 parts	February 19  Muddiest Point – 4	February 20  6 - <i>Whitney v. Robertson</i> 7 - <i>Charlton v. Kelly</i> 8 - <i>U.S. v. Belmont</i>	February 20, 21	February 20
<b>Week 6</b> February 24	States, Governments, and Recognition	February 26  Muddiest Point – 5	February 27  9 - <i>Tinoco Claims</i> 10 - <i>Salimoff v. Standard Oil</i>	February 27, 28	February 27 <b>FIRST EXAM</b> (Covers material only from weeks of January 20, 27 and February 3, 10, 17)
<b>Week 7</b> March 3	Government Recognition  Non-state Entities as Subjects of IL	March 5 Muddiest Point – 6	March 6  11 - <i>Upright v. Mercury</i> 12 - <i>NPC of Iran v. M/T Stolt Sheaf</i> 13 - <i>U.N. Reparations</i> 14 - <i>Mavrommatis</i>	March 6, 7	March 6

<b>Week 8</b> <b>March 10</b>	Land and Territorial Sovereignty	March 12 Muddiest Point – 7	March 13 15 - <i>Island of Palmas</i> 16 - <i>Eastern Greenland</i> 17 - <i>Burkina Faso v. Republic of Mali</i> 18 - <i>El Salv. v. Honduras</i>	March 13, 14	March 13
<b>Week 9</b> <b>March 24</b>	Treaty General Principles and Reservations  Treaty Interpretation, Invalidity, and Termination	March 26 Muddiest Point - 8	March 27 19 – <i>Reservations to the Genocide Convention</i>	March 27, 28	March 27
<b>Week 10</b> <b>March 31</b>	Jurisdiction: General Principles	April 2 Muddiest Point – 9	April 3 20 - <i>U.S. v. ALCOA</i> 21 - <i>Blackmer v. U.S.</i>	April 3, 4	April 3 <b>SECOND EXAM</b> (Covers materials only from weeks of February 24 and March 3, 10, 24)
<b>Week 11</b> <b>April 7</b>	Conflicts of Jurisdiction	April 9 Muddiest Point – 10	April 10 22 - <i>U.S. v. Fawaz Yunis</i> 23 - <i>Wilson v. Girard</i> 24 - <i>U.S. v. Bank of Nova Scotia</i>	April 10, 11	April 10
<b>Week 12</b> <b>April 14</b>	International Criminality and International Courts Streaming Video: <i>Triumph of Evil</i> : <a href="https://pantherfile.uwm.edu/rjbeck/public/InternationalLawFLV/InternationalLawFLV.html">https://pantherfile.uwm.edu/rjbeck/public/InternationalLawFLV/InternationalLawFLV.html</a>  Optional: <a href="http://www.pbs.org/wgbh/pages/frontline/shows/evil/">http://www.pbs.org/wgbh/pages/frontline/shows/evil/</a>	April 16 Muddiest Point - 11	April 17 25 - <i>U.S. v. Alvarez Machain</i> 26 - <i>United States v. Iran</i>	April 17, 18	April 17
<b>Week 13</b> <b>April 21</b>	Enforcement Jurisdiction and Extradition  Jurisdiction over the Irregularly Obtained	April 23 Muddiest Point - 12	April 24 27 - <i>Schooner Exchange</i> 28 - <i>Dralle v. Czechoslovakia</i>	April 24, 25	April 24
<b>Week 14</b> <b>April 28</b>	Immunity of State Representatives – Diplomatic Immunity  Sovereign Immunity	April 30 Muddiest Point - 13	May 1 29 - <i>Argentina v. Weltover</i> 30 - <i>Argentine Republic v. Amerada Hess Shipping</i>	May 1, 2	May 1
<b>Week 15</b> <b>May 5</b>	<b>Review: Students are strongly encouraged to use online discussion to help prepare for final exam</b>		<b>No cases</b>		May 8 Review for Final Exam
<b>FINAL EXAM WEEK</b>					Tuesday, May 13 10:00 AM - 12:00 PM – <b>FINAL EXAM</b>

## GENERAL UNIVERSITY, DEPARTMENT, AND INSTRUCTOR COURSE-RELATED POLICIES

1. **Academic conduct.** In our course's D2L site, please view my statement on "Proper Academic Conduct." Policies for addressing students cheating on exams or plagiarism can be found at the following: <http://www4.uwm.edu/dos/conduct/>
2. **Students with disabilities.** Verification of disability, class standards, the policy on the use of alternate materials and test accommodations can be found at the following: <http://www4.uwm.edu/sac/SACltr.pdf>
3. **Religious observances.** Policies regarding accommodations for absences due to religious observance are found at the following: <http://www4.uwm.edu/secu/docs/other/S1.5.htm>
4. **Students called to active military duty.** Accommodations for absences due to call-up of reserves to active military duty should be noted. <http://www4.uwm.edu/academics/military.cfm>
5. **Incompletes.** The conditions for awarding an incomplete to graduate and undergraduate students can be found at the following: <http://www4.uwm.edu/secu/docs/other/S31.pdf>
6. **Discriminatory conduct** (such as sexual harassment). Definitions of discrimination. Harassment, abuse of power, and the reporting requirements of discriminatory conduct are found at the following: <http://www4.uwm.edu/secu/docs/other/S47.pdf>
7. **Complaint procedures.** Students may direct complaints to the head of the academic unit or department in which the complaint occurs. If the complaint allegedly violates a specific university policy, it may be directed to the head of the department or academic unit in which the complaint occurred or to the appropriate university office responsible for enforcing the policy. The Department Chairperson of Political Science is Dr. Thomas Holbrook <holbroot@uwm.edu, 414-229-6468>.
8. **Grade appeal procedures.** Procedures for student grade appeal appear at the following: <http://www4.uwm.edu/secu/docs/other/S28.htm>
9. **Final examination policy.** Policies regarding final examinations can be found at the following: <http://www4.uwm.edu/secu/docs/other/S22.htm>
10. **Instructor's General examination policy.** Students are required to take course examinations at scheduled times. Makeup examinations will be given under **documented, extenuating circumstances only**, including: (1) physical illness of student - - doctor's excuse required; (2) death of family member; and (3) religious observance.
11. **Add/Drop procedures.** Please consult for university procedures and for the Spring 2014 deadlines chart: [https://www4.uwm.edu/current\\_students/register\\_course\\_info/add\\_drop\\_deadlines.cfm?term=2142](https://www4.uwm.edu/current_students/register_course_info/add_drop_deadlines.cfm?term=2142)
12. **Urgent contact.** The instructor requests that you do not call him at his home. If you have an **urgent** concern, please send him an e-mail message at [rjbeck@uwm.edu](mailto:rjbeck@uwm.edu).
13. **Mailbox.** By Department policy, student assignments will not be accepted in the Political Science Office.
14. **Technology.** Computer, printer, Internet or digital storage media (e.g., USB memory keys) failures **are not acceptable excuses** for a late assignment. Please **make backup copies** of your computer files, **print out hard copies** of assignments, and **submit assignments early**. See discussion of "The Hybrid Course and Technology Expectations" for further details.
15. **"Extra credit."** The option of extra-credit work is **NOT offered**. The rationale: if an extra-credit option were offered to any one student in my class, that option would need in fairness to be offered to every student in class. In the past, when an extra-credit option has been offered to every student, the students with the highest course grades have typically submitted the extra-credit assignment, too. Because the final grade is curved, though, this has had two *negative* results: (a) every student who submitted the extra credit was NOT helped -- because the curve was simply raised; and (b) persons who did not submit the extra-credit were hurt. Thus, extra-credit became either an "extra assignment" for those students who completed the assignment or a "grade-reducer" for those students who did not complete the assignment.