

UNIVERSITY OF WISCONSIN - MILWAUKEE
DEPARTMENT OF POLITICAL SCIENCE

POL SCI 316 – Spring 2022

Dr. Robert J. Beck

rjbeck@uwm.edu

Office Hours: By Appointment

TA: Aleksander Henson
aphenson@uwm.edu
Office Hours: By Appointment

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 (a) analytical ability and (b) capacity for legal argument through a modified form of the "**case method**" typically followed in law schools.

For this 3-credit course, to achieve its learning objectives, students are expected to view all weekly online lecture and reading assignments (roughly 2-2.5 hours per week), and to devote an **additional 6 hours** per week studying and working on reading and written assignments.

Required Readings (all readings will be available in Canvas; textbook purchase is not required)

1. Essays and Other Materials in Electronic Format

- All materials are available in the course's Canvas site.

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

- Available as a Virtual Casebook in Canvas.
- 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 to Legal Resources" in the "Legal Resources" section of this course's Canvas site.

Course Requirements and Important Dates

1. **Briefing of all 30 assigned cases.** 30 case briefs must be submitted on time via Canvas (see below, and the Course Resources Module in Canvas for details)
2. **Viewing of assigned, online multimedia materials and weekly identification of "Muddiest Point"** (see below, and the Course Resources Module in Canvas for details)
3. Active participation in **Online Discussion** (see below, and the Course Resources Module in Canvas for details)
4. **Two examinations** – March 3, 2022 and April 7, 2022
5. **Final examination** - Tuesday May 17, 2022
6. Week of March 20–27, 2022 - Spring Recess, no class materials
7. Please note the Add/Drop Deadlines for this course:
<https://uwm.edu/onestop/dates-and-deadlines/interactive-adddrop-calendar/>

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 CASE BRIEFS 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 Canvas, weekly identification of a unique " MUDDIEST POINT " 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 Canvas online discussion board, WEEKLY DISCUSSION of the given week's assigned cases and substantive materials presented in online 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	EXAM 1 (20 possible points)	20
Application of case (and other) international law rules and principles to new hypothetical scenarios	EXAM 2 (20 possible points)	20
Application of case (and other) international law rules and principles to new hypothetical scenarios	EXAM 3 (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 ("curve") for Pol Sci 316 has historically proven fairly generous. Examples are offered here **only** as a reference. This semester's final grade scale could prove quite different.

The last three times this course was taught, the average "lowest point total" to earn a "B-" was "73" out of 100 possible points.

The last three times this course was taught, the "lowest point total" to earn a "C-" was "63" out of 100 possible points.

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 LAW AND THE USE OF FORCE

- A. The UN Charter Framework – Challenges and Current Status

VII. ENFORCEMENT AND IMMUNITY FROM JURISDICTION

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

	Course Week beginning	Lectures - Part 1	Lectures - Part 2 Available Thursday 12pm (Noon)	Muddiest Points Submission Wednesday 12 pm (Noon)	Cases to Brief - Submit to Canvas by Thursday 12pm (Noon)	Online Discussion Post Thursday 12pm (Noon)	Online Discussion Response Sunday (following week) 12pm (Noon)
		Online Lectures		Assignments			
Week 1	1/24/2022	1. Introduction to the Course 2. Introduction to the Instructor 3. Introduction to the Course Canvas Site	1. Is International Law "Law?"		No cases Reading: Britain and the 1933 Refugee Convention - Article		
Week 2	1/31/2022	1. Streaming Video: "Operation Urgent Fury" Video	1. How to Brief a Case? 2. Grenada Lecture	WK 2- Muddiest Point - 2/2/22	No cases Reading: Beck, "Grenada's Echoes in Iraq"	WK 2 Discussion	WK 2 Response
Week 3	2/7/2022	1. Custom	1. The ICJ Statute 2. Custom 3. How is Customary Law Created? 4. Paquete Habana 5. The S.S. Lotus and Custom as Law	WK 3- Muddiest Point - 2/9/22	1. Paquete Habana 2. S.S. Lotus	WK 3 Discussion	WK 3 Response
Week 4	2/14/2022	1. Treaties and Other IL Sources	1. Sources of International Law 2. Missouri v. Holland 3. Foster and Elam v. Neilson	WK 4 - Muddiest Point - 2/16/22	3. Western Sahara 4. Missouri v. Holland 5. Foster and Elam v. Neilson	WK 4 Discussion	WK 4 Response
Week 5	2/21/2022	1. IL and Municipal Law - 3 parts	1. Executive Agreements 2. Charlton v. Kelly 3. Whitney v. Robertson 4. US v. Belmont	WK 5 - Muddiest Point - 2/23/22	6. Whitney v. Robertson 7. Charlton v. Kelly 8. U.S. v. Belmont	WK 5 Discussion	WK 5 Response
Week 6	2/28/2022	1. States, Governments, and Recognition	1. Governments and Recognition 2. Tinoco Claims 3. Salimoff & Co. v. Standard Oil of NY	WK 6 - Muddiest Point - 3/2/22	9. Tinoco Claims 10. Salimoff v. Standard Oil	WK 6 Discussion	WK 6 Response

Exam 1: 3/3/2022
Covers Material from Weeks 1-5

Week 7	3/7/2022	1. Government Recognition 2. Non-state Entities as Subjects of IL	1. Upright v. Mercury Business Machines 2. NPC of Iran v. M/T Stolt Sheaf 3. The UN Reparations 4. Mavrommatis Palestine Concessions	WK 7 - Muddiest Point - 3/9/22	11. Upright v. Mercury Business Machines 12. NPC of Iran v. M/T Stolt Sheaf 13. U.N. Reparations 14. Mavrommatis Palestine Concessions	WK 7 Discussion	WK 7 Response
Week 8	3/14/2022	1. Land and Territorial Sovereignty	1. Island of Palmas 2. Eastern Greenland 3. Western Sahara 4. Burkina Faso v. Mali 5. El Salvador v. Honduras	WK8 - Muddiest Point - 3/16/22	15. Island of Palmas 16. Eastern Greenland 17. Burkina Faso v. Republic of Mali 18. El Salvador v. Honduras	WK 8 Discussion	WK 8 Response
3/20/2022 – 3/27/2022 NO CLASS - SPRING BREAK							
Week 9	3/28/2022	1. Treaty General Principles & Reservations 2. Treaty Interpretation, Invalidity, & Termination	1. Vienna Convention on the Law of Treaties 2. Treaty Interpretation 3. Reservations to Treaties 4. Reservations to the Genocide Convention	WK 9 - Muddiest Point - 3/30/22	19. Reservations to the Genocide Convention	WK 9 Discussion	WK 9 Response
Week 10	4/4/2022	1. Jurisdiction: General Principles	1. General Principles Overview 2. ICJ and Jurisdiction 3. US v. ALCOA 4. Blackmer v. US	WK 10 - Muddiest Point - 4/6/22	20. U.S. v. ALCOA 21. Blackmer v. U.S.	WK 10 Discussion	WK 10 Response
Exam 2: 4/7/2022 Covers Material from Weeks 6-9							
Week 11	4/11/2022	1. Conflicts of Jurisdiction	1. Bases of Jurisdiction 2. US v. Fawaz Yunis; and Revisited 3. The Bank of Nova Scotia 4. Wilson v. Girard	WK 11 - Muddiest Point - 4/13/22	22. U.S. v. Fawaz Yunis 23. Wilson v. Girard 24 - U.S. v. Bank of Nova Scotia	WK 11 Discussion	WK 11 Reponse

Week 12	4/18/2022	1. Use of Force - 1-2 of 4 parts	1. Use of Force - 3-4 of 4 parts	WK 12 - Muddiest Point - 4/20/22	25. U.S. v. Alvarez Machain 26. United States v. Iran Reading: Arend & Beck "International Law and the Use of Force" excerpt	WK 12 Discussion	WK 12 Response
Week 13	4/25/2022	1. Enforcement Jurisdiction and Extradition 2. Jurisdiction over the Irregularly Obtained	1. US v. Alvarez-Machain 2. Diplomatic Immunity	WK 13 - Muddiest Point - 4/27/22	27. Schooner Exchange 28. Dralle v. Czechoslovakia	WK 13 Discussion	WK 13 Response
Week 14	5/2/2022	1. Immunity of State Representatives - Diplomatic Immunity	1. The Schooner Exchange 2. Dralle v. Czechoslovakia	WK 14 - Muddiest Point - 5/4/22	29. Argentina v. Weltover 30. Argentine Republic v. Amerada Hess Shipping	WK 14 Discussion	WK 14 Response
Week 15	5/9/2022	1. Sovereign Immunity	1. Argentina v. Weltover 2. Argentine Republic v. Amerada Hess Shipping 3. Republic of Austria v. Altmann		No Cases		

FINAL EXAM – 17 May, 2022

GENERAL UNIVERSITY, DEPARTMENT, AND INSTRUCTOR COURSE-RELATED POLICIES

1. **Academic conduct.** In our course's Canvas site, please view my statement on "Proper Academic Conduct." Policies for addressing students cheating on exams or plagiarism can be found at the following: <https://uwm.edu/deanofstudents/conduct/academic-misconduct/overview/>
2. **Students with disabilities.** The University of Wisconsin Milwaukee supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform faculty of their need for instructional accommodations by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. Faculty [I], will work either directly with the student or in coordination with the Accessibility Resource Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student's educational record, is confidential and protected under FERPA. Verification of disability, class standards, the policy on the use of alternate materials and test accommodations can be found at the following: <https://uwm.edu/arc/>
3. **Religious observances.** Policies regarding accommodations for absences due to religious observance are found at the following: <https://apps.uwm.edu/secu-policies/storage/other/SAAP%201-2.%20Accommodation%20of%20Religious%20Beliefs.pdf>
4. **Students called to active military duty.** Accommodations for absences due to call-up of reserves to active military duty should be noted. <https://uwm.edu/onestop/students-called-to-active-duty/>
5. **Incompletes.** The conditions for awarding an incomplete to graduate and undergraduate students can be found at the following: <https://apps.uwm.edu/secu-policies/storage/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: <https://uwm.edu/equity-diversity-services/policies/discriminatory-conduct-policy/>
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. Sara Benesh <sbenesh@uwm.edu, 414-229-6468 .
8. **Grade appeal procedures.** Procedures for student grade appeal appear at the following: <https://uwm.edu/letters-science/advising/answers-forms/policies/appeal-procedure-for-grades/>
9. **Final examination policy.** Policies regarding final examinations can be found at the following: <https://apps.uwm.edu/secu-policies/storage/other/SAAP%201-9.%20Final%20Examinations.pdf>
10. **Instructor's General examination policy.** Students are required to take course examinations at scheduled times. Makeup examinations will typically be given only under **extenuating circumstances**. Such circumstances could include: (1) physical illness of student; (2) death of family member; and (3) religious observance. Please contact the instructor if extenuating circumstances present themselves.
11. **Add/Drop procedures.** Please consult for university procedures and for the Spring 2022 deadlines chart: <https://uwm.edu/onestop/dates-and-deadlines/interactive-adddrop-calendar/>

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.

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 the discussion of "International Law Tech Requirements 2022" 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.

16. **Campus Safety & Health:** See the dedicated website at <https://uwm.edu/health-safety/> for information on emergency and routine safety and communications. All students are encouraged to enroll in the S.A.F.E. Alert system to receive emergency-information text message alerts. All students are automatically signed up to receive email alerts at their uwm.edu email accounts.

Please take special note that this semester, UWM has reopened campus with modifications due the COVID-19 pandemic. Many new procedures are now in place. Please review the following UWM-wide policies with great care to ensure your effective completion of the course and safety for all:

Panther Community Health and Safety Standards

UWM has implemented reasonable health and safety protocols, taking into account recommendations by local, state and national public health authorities, in response to the COVID-19 pandemic. As a member of our campus community, you are expected to abide by the Panther Community Health and Safety Standards and the Interim COVID-Related Health & Safety Rules (SAAP 10-12), which were developed in accordance with public health guidelines:

- <https://uwm.edu/coronavirus/wp-content/uploads/sites/515/2020/06/Panther-Community-Health-and-Safety-Standards.pdf>
- <https://uwm.edu/generalstudies/wp-content/uploads/sites/490/2020/08/HealthandSafetyPolicy.pdf>

17. **Navigate Student Success Platform and Mobile App:** Students are encouraged to use a tool called Navigate. This tool can help you learn about academic resources, set up study groups in your courses, make appointments with your academic advisor, get reminders on important dates, and much more. In addition, Navigate allows instructors to send Progress Reports to students throughout the term, allowing for updates on your academic progress in a course in addition to your grade. You can log into the platform here: <https://uwmilwaukee.campus.eab.com/> or by finding the Navigate link under the "Current Students" tab on the UWM home page. More information on how you can use Navigate and the app, including tutorials, can be found on UWM's Navigate website:

- https://uwm.edu/academicaffairs/academic_priorities/student-success/navigate/

18. **Meetings:** All individual student meetings with faculty and teaching assistants will be conducted **online**.