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Diplomacy Syllabi

School of Diplomacy and International
Relations

Spring 2016

DIPL 3104 AB Public International Law

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PUBLIC INTERNATIONAL LAW
DIPL 3104 AB
Professor Moremen

Spring, 2016

SYLLABUS

COURSE REQUIREMENTS

This course explores the nature and content of the law governing relations between states and relations between states and non-state actors. The first part of the course examines the building blocks of international law; the second part applies this knowledge to particular topics, such as the use of force, human rights and international humanitarian law. By the end of the course, students will possess an understanding of the operation of the international legal system and the role of international law in international affairs.

Students will also develop their critical thinking skills and gain an introduction to legal reasoning and to legal concepts. The course requires students to read closely, to think logically and rigorously, and to become skilled in developing and critiquing arguments. The course will explore methods of legal reasoning, emphasizing principles of logic that apply to legal analysis. Students will apply and learn these legal reasoning skills throughout the course in assignments and class discussion and in a class specifically devoted to legal reasoning. The ability to think critically and analytically, and to communicate an analysis clearly, are crucial skills not only for lawyers, but for practitioners of diplomacy and for all professionals.

In terms of the learning goals and student outcomes the School's Faculty have identified as key for students, students will:

- increase their knowledge and understanding of
 - key concepts, models, theories, and debates in international relations
 - the institutional backdrop underpinning international politics, including international organizations and international law
 - the normative aspect of international relations as reflected in international law, including human rights
 - an in-depth knowledge of a particular functional area and/or region of the world
- develop skills to
 - collect, sort, and evaluate information
 - analyze complex situations and synthesize information
 - communicate effectively in oral and written form
- develop a sense of global citizenship and to employ a global perspective to:
 - recognize and understand differences among a diversity of cultures and viewpoints
 - employ a global perspective and self-awareness regarding their own culture and responsibility as world citizens
 - demonstrate leadership qualities and other essential skills of diplomacy.

COURSE REQUIREMENTS

This course will include several requirements, more fully described below: (a) completing assigned readings before class and participating in class discussions and exercises; (b) preparing several case briefs; (c) participating in a mock argument before the ICJ and submitting an 8 page paper; (d) taking a mid-term exam; and (e) taking a final examination. **Class participation and the case briefs together will be worth 15% of your grade, the ICJ Exercise will be worth 20%, the midterm 30%, and the final 35%.** No incompletes will be given except for medical or other serious emergency. I encourage you (1) to prepare an outline of the course as we go along as an aid to studying for the exams and (2) to form study groups to review the materials and issues.

- a. Readings and Participation. Class attendance and participation are a required part of the course, and will be considered in determining your grade. I will expect you to read the assigned readings before class and to be prepared to discuss them in class. I will select a few students to lead discussion for each class.
- b. Case briefs. You will submit a number of case-briefs on the dates indicated in the syllabus. **Please submit briefs through Safe Assign before class. Late briefs will be penalized ½ a mark; briefs that are more than a week late will not be accepted.** Each brief will be approximately a page in length, and will consist of the following information:
 - The title of the case, the court deciding the case, and the date of the decision.
 - A brief, one to three sentence summary of the facts.
 - A brief, one-sentence statement, in question form, of the issue(s) in the case.
 - A brief description of the court's decision, or "holding," on each of the issues and a brief summary/analysis of the legal basis for the decision and of the court's reasoning, including basic legal principles or relevant legal requirements.
- c. Mid-Term Exam. **There will be one in-class mid-term exam on Tuesday, February 23.**
- d. ICJ Exercise. You will participate in a mock argument before the ICJ. You will be graded on the 8 page paper you prepare and on your oral presentation. **The exercise is scheduled for Tuesday, April 19. Please make sure you can participate that day and in group preparation work the previous week.** The paper will be due the same day as the argument through Safe Assign. If you are having difficulties with Safe Assign, you may send the paper to me by email to beat the clock, but must also submit through Safe Assign as soon as possible.
- e. Final Exam. The final exam will be on Tuesday, May 10, during exam period 4, from 2:30 to 4:30. You will be expected to take the exam during the scheduled time, barring extreme circumstances. Please do not make conflicting travel arrangements.

COURSE MATERIALS: The required casebook will be Janis & Noyes, International Law: Cases and Commentary (5th. ed). An optional, but strongly recommended, text is Janis, International Law (6th or 5th ed.). A number of assigned readings will come from this text; it also will serve as a useful resource. Additional readings will be placed the

course Blackboard site and other readings are available online. The reading assignments listed below are subject to modification.

GRADING SCALE: The grading scale used for most assignments will be: 93 and above=A; 90-92=A-; 87-89=B+; 83-86=B; 80-82=B-; 77-79=C+; 73-76=C; 70-72=C; 67-69=D+; 63-66=D; 60-62=D-; Below 60=F. Case briefs will be graded on a check, check minus, and check plus basis.

OFFICE HOURS AND CONTACT INFORMATION. My office hours are Wednesday 10-12 and Tuesday 4-5, or by appointment. I am also available after class. Please do not hesitate to come talk to me. My extension is 2517 and my e-mail address is philip.moremen@shu.edu.

PLAGIARISM AND OTHER SERIOUS ABUSES OF ACADEMIC INTEGRITY. All forms of dishonesty, whether by act or omission, including, but not limited to, cheating, plagiarism, and knowingly furnishing false information to the University, are prohibited. Work submitted in courses must be the product of the efforts of the student presenting the work, and contributions of others to the finished work must be appropriately acknowledged. The presentation of another's work as one's own is a serious violation of the academic process. Plagiarism and other forms of academic dishonesty will be reported to the School of Diplomacy's administration, and may result in a lowered or failing grade for the course and up to possible dismissal from the School. See university and school standards for academic conduct here:

<http://www.shu.edu/offices/student-life/community-standards/community-standards.cfm>

<http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>

Plagiarism. In a paper, where you quote language word for word from a source, you must place it in quotation marks or in a block quote and give the exact source for each quoted passage. Where you paraphrase something, you must cite the source. Where you refer to or use an author's insight or idea, you must cite the source. Lifting or paraphrasing language from a web site without indication and citation is plagiarism. Exception: in a case brief, you may quote the language of the case itself without a citation.

Any indication of plagiarism on a case brief will result in a failing grade for the assignment and a reduction in the participation grade for the class; ***any indication of plagiarism in the ICJ Paper*** will result in a minimum reduction of 10 points in the score for the assignment, will likely result in a failing grade for the assignment, may result in a failing grade for the course, and will be reported to the School's administration. A repeated incident of plagiarism (i.e., more than one) is likely to result in a failing grade for the class and will be reported to the administration.

STUDENTS WITH DISABILITIES

Under the Americans with Disabilities Act and Section 504 of the Civil Rights Restoration Act, students at Seton Hall University who have a disability may be eligible for accommodations in this course. Should a student require such accommodation, he or

she must self-identify at the Office of Disability Support Services (DSS), Room 67, Duffy Hall, provide documentation of said disability, and work with DSS to develop a plan for accommodations. The contact person is Ms. Diane Delorenzo at (973) 313-6003.

CURRICULUM AND READINGS

Text = Janis & Noyes, International Law: Cases and Commentary.

Janis = Janis, International Law.

Blackboard = The course Blackboard site.

Online = Various readings available on the web or through SHU library databases.

Introduction. [For assignment 2 only, readings from Janis are also on Blackboard. Please read in the order assigned.]

1. [1/12] Introduction
2. [1/19] History of International Law.
 - Janis: 167-171 [5th ed.165-169];
 - Text: 1-3, 33-37.
 - Blackboard: Akehurst, Modern Introduction to Int'l Law, 15-18.
 - Janis: 62-64 [5th ed. 62-65].Introduction to Sources of Int'l Law.
 - Janis: 4-8 [5th ed., 4-8].
 - Text: 29-31; 1099-1100 (UN Charter Arts. 92, 93, 94).

Sources of International Law

3. [1/21] Law of Treaties I. Text: 46 (note 5)-65. U.S. Constitution, Art. II (Text: 1074).
4. [1/26] Law of Treaties II. Text: 65-75; Blackboard: The Gabcikovo-Nagymaros Case. **Please brief the Gabcikovo case.**
5. [1/28] Custom 1. Text: 107-122.
6. [2/2] Custom 2. Text: 18-28; 136-149. **Please brief the Texaco-Libya Arbitration.**
7. [2/4] General Principles & Jus Cogens: Text: 149-160; Janis: 65-72 [5th ed. 65-72].
8. [2/9] Soft Law; Equity; Logic for Lawyers.
 - Text: 180-183; 190-209.
 - Blackboard: Aldisert, *et al.*, Logic for Law Students.

International Law and Municipal Law

9. [2/11] Treaties in Municipal Law 1. U.S. Constitution Art. 6 (Text: 1075); Text: 211; 214-228.
 - Online: John Jackson, Status of Treaties in Domestic Legal Systems, 310-319 only. [Available here, or in JSTOR through SHU library databases].
 - Suggested: Janis: 87-92 [5th ed. 87-92]
10. [2/16] Treaties in Municipal Law 2.
 - Text: 234 (n. 1)-255. **Please brief the Curtiss-Wright case.**Customary Law in Municipal Law:
 - Janis, 105-112 [5th ed. 105-112]

States and Allocation of Authority among States.

11. [2/18] States and Recognition
-Text: 554-566; 588- 600.
12. [2/23] **MIDTERM**
13. [2/25] Self-Determination
-Blackboard: Dunoff, et al, Int'l Law (4th ed., 2015), pp. 105-130.
-Recommended: Text: 614-620 (more on the Kosovo case).

SPRING BREAK!

14. [3/8] Jurisdiction: Head of State Immunity.
-Text: 122-136
-Blackboard: Epps, International Law, 93-111. **Please brief the Eichmann case.**
-Blackboard: Dunoff, et al., Int'l Law (3rd ed., 2011) pp. 622-625; 637-646.

State Responsibility and State Protection.

15. [3/10] In general.
-Blackboard: Henkin et al., International Law, (3rd ed.) 544-549.
-Text: 441-457; 171 (n.7)-158; 176 (n. 1)-179 (n.3).
16. [3/15] Responsibility for Injuries to Aliens. Blackboard: Henkin, et al.
International Law (3rd ed.) 677-682; 693-695; 708-717; 725-727.

Human Rights.

17. [3/17] Human Rights. Text: 475-501.
-Blackboard: International Covenant on Civil and Political Rights (Skim the ICCPR, paying special attention to articles 2-7).
-Blackboard: U.S. Reservations to the ICCPR.
18. [3/22] Human Rights (continued)
-Text: 501-503; 514 (n. 2)-534.

EASTER BREAK—NO CLASS 3/24

The United Nations and War and Peace.

19. [3/29] The Use of Force. UN Charter, Art. 2 (Text: 1078). Text: 731-743; 622-631; 763-764 (note 5); 800.
20. [3/31] The U.N. and the Use of Force. UN Charter, Articles 24, 25, and Chapters VI, VII, and VIII (Text: 1084, 1085-1090). Text: 751-774.
21. [4/5] Post-Cold War Use of Force: The War in Iraq; Terrorism; Humanitarian Intervention.
-Text: 774-789; 792 (n.3)-812.

War on Terror and Jus in Bello

22. [4/7] War on Terror and Jus in Bello

- Blackboard: Geneva Convention Relative to the Treatment of POWs (III) [Common Articles 2-3, Articles 4-5, and for reference]. Note especially the distinction between international conflicts (art. 2) and non-international conflicts (art. 3).
- Blackboard: Dunoff et al., Int'l Law (3rd ed. 2010) 946-949.
- Text: 701-708; 716 (n.2)-730.

23. [4/12] Organization for ICJ Exercise
-Read background materials for ICJ argument.
24. [4/14] **Group Meetings in class to Prep ICJ Argument**
25. [4/19] **ICJ Exercise. Paper due.**

International Criminal Tribunals.

26. [4/21] Text: 534-549. Blackboard: Statute of the International Criminal Court [review the first 20 articles].

Torture

27. [4/26]
- Online: Kirgis, Distinctions between U.S. and Int'l Law Regarding Treatment of Terrorists
 - Blackboard: Dunoff, et al., Int'l Law (3rd ed. 2011): Ch 7, pp. 406—417; 423-430; Ch. 9, 583-594.
 - Blackboard: Levinson, "Precommitment" and "Postcommitment": The Ban on Torture in the Wake of September 11, 81 Tex. L. Rev. 2013 (2003) (excerpt).
 - Blackboard: Excerpts from Memorandum for Alberto Gonzales, Aug. 1, 2002[Suggested]; NY Times articles [Required]; Relevant U.S. Statutes [Required]
 - Blackboard: Relevant provisions of Convention against Torture and ICCPR [For reference].
 - Blackboard: Geneva Convention Relative to the Treatment of POWs (III) [For reference].
28. [4/28] Torture (cont'd) and Review

Seton Hall University School of Diplomacy & International Relations

DIPL 3104AA, INTERNATIONAL LAW AND POLICY

Professor Catherine Tinker

Spring, 2016 - Duffy Hall, Room 62, MONDAYS 11:00 - 1:30 pm

Syllabus 1-11-16 (subject to revision)

This course explores the history and nature of international law and the structure of international institutions as they address particular issues confronting the global community, with a focus on the creation and implementation of international law, global governance, and relations between states and non-state actors. The first part of the course examines the sources of international law; the second part applies this knowledge to particular topics, such as the use of force, human rights, and international environmental law. The course will explore multilateral agreements; treaties; “soft law” resolutions and declarations of the United Nations Security Council, General Assembly, ECOSOC and its working groups and expert committees; and outcome documents of UN conferences on human rights and sustainable development, including the formulation of a new post-2015 sustainable development agenda. The course will explore the roles of state and non-state actors in international law and organizations, including the growing role of the private sector in the United Nations system. By the end of the course, students will possess an understanding of the operation of the international legal system, the difficulties of negotiating and implementing agreements that form its rules, and the role of international law in international affairs.

Students will develop critical thinking through an introduction to legal reasoning and concepts in international law. The course requires students to read closely, to think logically, and to become skilled in formulating convincing positions while understanding opposing arguments. Students will apply these legal reasoning skills throughout the course in assignments and class discussion. The ability to think critically and analytically, and to communicate an analysis clearly, are crucial skills not only for lawyers, but for practitioners of diplomacy and for all professionals.

OFFICE HOURS AND CONTACT INFORMATION:

Office hours will be from 2:15-3:00 pm on Mondays in McQuaid Hall, Room 101C, or by appointment for a meeting in person through email to Prof. Tinker at catherine.tinker@shu.edu or through "class email" on Blackboard directly to Prof. Tinker. I will try to respond within 24 hours.

COURSE REQUIREMENTS:

This course will include several requirements, more fully described below:

- (a) Completing assigned readings before class and participating in class discussions;
- (b) Preparing seven case briefs;
- (c) Taking a mid-term exam;
- (d) Participating in an in-class exercise and submitting a 6-8 page position paper as part of this exercise; and
- (e) Taking a final exam.

Class participation and the case briefs together will be worth 20%; the in-class exercise, the two-page position paper and the 6-8 page assessment will be worth 20%; the midterm exam will be worth 30%; and the final exam will be worth 30% of your grade. Failure to complete each assignment on time will be reflected in the grade. **No incompletes will be given except for medical or other serious emergency.**

DETAILS OF COURSE REQUIREMENTS:

- (a) **READINGS AND PARTICIPATION:** Class attendance and participation are a required part of the course, and will be considered in determining your grade. I will expect you to read the assigned readings before class and to be prepared to discuss them in class. I will feel free to call on you to contribute even if you have not raised your hand. You are expected to answer. After the first few classes, I will select several students to lead discussion in each class.
- (b) **CASE BRIEFS:** For six of the cases assigned on the dates indicated in the syllabus, you will submit a one- to two-page typed, double-spaced, 12-point font case brief as described below. **You should submit a paper copy (double-sided printing preferred) of your case briefs in class on the day**

the case is assigned in the syllabus, and through Blackboard (go to this course, then choose "Assignments" in the menu bar on the left; from the drop-down menu choose "assessments" and then choose "assignments". Look for the correct assignment labelled "Case brief 1", "Case brief 2", etc.) If you will be absent, you still must submit your case brief through Blackboard. Late entries will be penalized ½ a mark; entries not submitted before the next class will not be graded.

Each case brief will be approximately one page but not more than two pages in length, and will consist of the following information:

- (1) The title of the case, the court deciding the case, the date of the most recent decision, and the procedural status of the most recent decision;
 - (2) A brief, one- to three-sentence summary of the facts;
 - (3) A brief, one-sentence statement, in question form, of the issue(s) in the case;
 - (4) A brief description of the court's decision, or "holding," on each of the issues and a brief summary/analysis of the legal basis for the decision and of the court's reasoning, including basic legal principles or relevant legal requirements.
- (c) **MIDTERM EXAM:** You will take an hour-long mid-term exam in class on **February 22, 2016.**
- (d) **IN-CLASS EXERCISE:** **Please be prepared to participate in the exercise scheduled for class on APRIL 11th and to participate in preparations during the previous week; please plan your schedule accordingly to be sure to participate on April 11th and the preceding week. By April 4th at 11:00 am** you will submit a two-page initial non-graded individual analysis of your position for your role, your expected allies and opponents, and your goals for the Security Council meetings resulting in the designated resolutions (SC RES 660, 661, 678, 687, and 1441). On the day of the exercise, April 11th, you will participate in the simulated SC meetings (1 hour for RES 660-678; 30 min. on SC RES 687; then 30 minutes for SC RES 1441 and 15 minutes for debriefing; there may be time out for caucuses or discussion by SC members). Afterwards, **due by APRIL 18th** (submitted through Blackboard and the class email) you will write a 4-6 page paper incorporating your initial two pages about your strategy and anticipated goals plus a description of what happened in class and your own personal evaluation of

the outcome from the point of view of your role plus any personal comment on the process and experience. You will be graded on this 4-6 page paper you prepare plus credit for your oral participation in the in-class exercise. The rules of procedure will be those for Model UN simulations and the on-line UN Security Council documents on the UN website.

- (e) **FINAL EXAM:** The final exam will be an in-class examination on a date in May to be determined by Seton Hall University. Everyone must take this exam as scheduled or receive a failing grade for the exam, absent compelling medical or similar extraordinary reasons under university policy.

CURRICULUM AND READINGS:

The required casebook is Janis & Noyes, **INTERNATIONAL LAW: CASES AND COMMENTARY (5th ed., 2014)**. All students are expected to purchase this book.

Assignments from this casebook are noted below as “text”. Reading assignments are from the 5th edition, not from earlier editions of this text.

Optional but recommended texts are Bederman, **INTERNATIONAL LAW FRAMEWORKS**, 3rd ed. 2010; and Janis, **INTERNATIONAL LAW (6th ed.)**. Either one will serve as a useful resource for extra readings. Two additional optional readings are Crossing the Divide: Dialogue Among Civilizations and A World in Need of Leadership: Tomorrow’s United Nations, on reserve in Walsh Library.

For the in-class exercise, you will use the UN website and Security Council documents relevant to the resolutions assigned from 1990-1991 and 2002-2003. The rules of procedure will be those from the Model UN and the Security Council.

Supplemental information and documents will be posted on the course Blackboard site and/or will be available on-line. Useful websites are www.un.org; www.icj-cij.org; www.asil.org; www.sustainabledevelopment.un.org and www.untreaty.un.org. Treaty bodies have separate websites, as do non-governmental organizations.

You are responsible for checking Blackboard every few days and before every class, and for checking your email for information about the class, assignments and reminders. You will be expected to know any information that is posted on Blackboard in an announcement or other class information.

No taping or recording in class is permitted. Anyone who violates this rule and tapes or records the class sessions or any part of the classroom time will be subject to discipline, including reduction in grades. The school's honor code applies.

Electronic equipment such as laptops, notebooks or tablets can only be used to take notes in class or to access information at the instructor's direction during class hours. Anyone found misusing this equipment to read emails, search the internet, play games or anything other than participating in classroom work will be subject to discipline, including reduction in grades. The school's honor code applies.

The reading assignments listed below are subject to modification. Some reading assignments may be shortened as the semester progresses. You will be notified in advance in class and on Blackboard of any changes. Be sure to check Blackboard for announcements and check your emails each week to confirm the assignment and receive any other information before each class.

NOTICES:

"Plagiarism and other forms of academic dishonesty will be reported to the administration, and may result in a lowered or failing grade for the course and up to possible dismissal from the School of Diplomacy. See university and school standards for academic conduct here:

<http://www.shu.edu/offices/student-life/community-standards/community-standards.cfm>

<http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>."

*** Under the Americans with Disabilities Act and Section 504 of the Civil Rights Restoration Act, students at Seton Hall University who have a disability

may be eligible for accommodations in this course. Should a student require such accommodation, he or she must self-identify at the Office of Disability

Support Services (DSS), Room 67, Duffy Hall, provide documentation of said disability, and work with DSS to develop a plan for accommodations.

The contact person is Ms. Diane Delorenzo at [\(973\) 313-6003](tel:9733136003). ***

CLASS ASSIGNMENTS:

I. FOUNDATIONS OF INTERNATIONAL LAW

JANUARY 11: Introduction and discussion of syllabus.

Introduction to nature and history of international law and international organizations. Read the Preamble and Article 1 of the UN Charter and Text, pp. 1-3; Statute of the International Court of Justice, Article 38, on the ICJ website at www.icj-cij.org. How to brief a case (ICJ & U.S. Supreme Court).

JANUARY 13: Amb. Samantha Power, US Ambassador to the United Nations, will lead a discussion in Jubilee Hall at 2: 30 pm. Be sure to pre-register with the School of Diplomacy and International Relations. Students in Public International Law are expected to attend.

JANUARY 18: No class—Dr. Martin Luther King, Jr. Day

JANUARY 25: Sources of International Law: Treaties, text, pp. 29-64, and selected international treaties: CEDAW, UN Convention on Biological Diversity, UNFCCC -- skim preamble, first three operative articles and final articles on entry into force of these three treaties on-line; and read Vienna Convention on the Law of Treaties, Art. 1-57, Text, pp. 1125-1155. Brief Paquete Habana, Text, pp. 107-116.

FEBRUARY 1: Sources of International Law: Customary International Law and the role of the UN International Law Commission in codification and progressive development of international law; text, pp. 107-149. Brief Filartiga v. Pena Irala, Text, pp. 18-28.

FEBRUARY 8: Sources of International Law: General Principles, read text, pp. 149-159. Natural Law and Jus Cogens, read text, pp. 160-179; “soft law” and role of UN resolutions and declarations, read text, pp. 180-182. Brief Gabcikovo-Nagymoros Project (Hungary/Slovakia), 1997 and separate opinion of Judge Weeramantry on ICJ website at www.icj-cij.org; see also Text, p. 96.

II. SUSTAINABLE DEVELOPMENT AND THE UNITED NATIONS

FEBRUARY 15: SUSTAINABLE DEVELOPMENT as a general principle of international law. New UN "Sustainable Development Goals" on website www.sustainabledevelopment.un.org. Brief Pulp Mills on the River Uruguay (Argentina v. Uruguay, 2010) case in Text, p. 182 and use the press release on the ICJ website at www.icj-cij.org. International law on transboundary watercourses and aquifers, regional agreements and European Union law.

Powerpoint in class on Sustainable Development Goals and the United Nations: States and Non-state Actors: NGOs, Civil Society & International and Regional Organizations, and climate justice. Read article by Tinker

FEBRUARY 22: MIDTERM EXAM IN CLASS.

FEBRUARY 29: NO CLASS - SPRING BREAK

III. "ACTORS" OF INTERNATIONAL LAW AND EVOLVING HUMAN RIGHTS REGIMES

MARCH 7: DISCUSS MIDTERM EXAM AND REVIEW ANSWERS. Assign roles for in-class exercise on Security Council resolutions on Iraq.

INTERNATIONAL HUMAN RIGHTS LAW: empowerment of women and girls, women's rights and equality, violence against women, and economic, social and cultural rights affecting women and girls. Read Convention Against All Forms of Discrimination against Women ("CEDAW") and the Optional Protocol on UN treaty website; information on the UN Commission on the Status of Women on website for UN Women; read the Universal Declaration of Human Rights and the two covenants on-line; Read text, pp. 475-500. Note: March 8th is International Women's Day.

MARCH 14: STATES UNDER INTERNATIONAL LAW: sovereignty, recognition and succession, self-determination, text, pp. 551-620. Brief Sosa v. Alvarez-Machain, 542 U.S. 692 (2004), available on-line, especially majority opinion by Justice Roberts and Justice Breyer's concurring opinion based on different reasoning (read Part III and Part IV). Text, p. 255;

NON-STATE ACTORS UNDER INTERNATIONAL LAW: civil society, NGOs, international organizations, private sector; text, pp. 621-662, and see Blackboard. Skim A World in Need of Leadership: Tomorrow's UN, in Walsh Library.

INDIVIDUALS UNDER INTERNATIONAL LAW:

Listen to lecture by ICJ Judge Antonio Augusto Cancado Trindade, "The Human Person and International Justice," available on-line at www.legal.un.org/avl/lis/Cancado-Trindade_HR_video_3.html (30 minutes) on the *right of individuals to petition for justice* by victims of human rights violations in international and regional tribunals; the "*humanization of international law*".

MARCH 21: REFUGEES AND MIGRANTS:

Read UN Convention Relating to the Status of Refugees (1951) (Refugee Convention) and its protocol (1967) on website for UN High Commissioner for Refugees (UNHCR), available at www.unhcr.org. See also website for UN High Commissioner for Human Rights at www.unhchr.org.

Read 2015 European Migration Agenda, FAQs at http://e.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm; and Tinker and Sartoretto, "New Trends in Migratory and Refugee Law in Brazil: The Expanded Refugee Definition" on reserve in Walsh Library and at: <http://www.panoramaofbrazilianlaw.com/index.php/BrLaw/issue/current>.

See also Advisory Opinion on the Rights of Undocumented Migrant Workers, IACtHR (OC-18/03 of 17 September 2003)

Regional courts of human rights on *jus cogens* norms:

European Court of Human Rights [Read *Case of Jones and others v. UK* (Applications nos. 34356/06 and 40528/06), judgment of 14 January 2014];

Inter-American Court of Human Rights [Read case of *Michael Domingues v. United States* (Case 12.285), Report on the Merits No. 62/02 (October 22, 2002)]; and African Charter on Human and Peoples' Rights.

MARCH 28: NO CLASS - EASTER BREAK

IV. USE OF FORCE AND HUMANITARIAN LAW

APRIL 4: GENOCIDE, WAR CRIMES TRIBUNALS AND THE INTERNATIONAL CRIMINAL COURT (ICC): Text, pp. 535-550. Read Nuremburg judgment and Rome Statute of the ICC.

LAWS OF WAR: history, Article 2(4) of the UN Charter. Text, pp. 701-764; the Geneva Conventions, doctrines of humanitarian intervention (responsibility to protect ("R2P") and "responsibility while protecting"), text, pp. 785-812. See www.ssrn.com/abstract=2375935 site for article by Lt. Col. Shane Reeves of the US Military Academy at West Point and David Lai to read before class.

APRIL 11: IN-CLASS SIMULATION EXERCISE: UN SECURITY COUNCIL MEETINGS on international law and the use of force in Iraq, 1991, 2002-03, and 2014. Text, pp. 764-784 (topic and procedure to be discussed in advance). UN SC RES. 660, 661 and 678 (1990); SC RES. 687 (1991). **WORK ON YOUR INDIVIDUAL ROLE AND DECIDE YOUR ROLE'S GOALS AND STRATEGY; MAKE ALLIANCES WITH OTHERS; DEBATE THE ACTUAL RESOLUTIONS; AND DRAFT A FOLLOW-UP OR ALTERNATIVE RESOLUTION TOGETHER WITH CLASSMATES TO PRESENT AT THE END OF CLASS.** The assessment due a week later on April 18th is your individual account and response to the exercise, including your opinion of the outcome and suggestions.

APRIL 18: ASSESSMENT DUE OF IN-CLASS EXERCISE. Discussion of legal analysis and reasoning. Aldisert, *et al*, "Logic for Law Students: How to Think Like a Lawyer," available on SSRN website, abstract no. 966597 (Aldisert, Ruggero J. and Clowney, Stephen and Peterson, Jeremy, Logic for Law Students: How to Think Like a Lawyer (2007). University of Pittsburgh Law Review, Vol. 69, No. 1, 2007. Available at SSRN: <http://ssrn.com/abstract=966597>.)

APRIL 25: International Law in National Law and Courts: questions of jurisdiction, interpretation, remedies, text, pp. 284-314; brief Kiobel v. Royal Dutch Petroleum (2013), Text, pp. 315-330. Dispute Settlement: negotiations, arbitration, and litigation in international tribunals, read the Rainbow Warrior arbitrations (1986 & 1990), Text, p. 344-359; negotiations, arbitration, and litigation in international tribunals, read text, pp. 359-361; and 422-439.

MAY 2: LAST CLASS: REVIEW

MAY ___: FINAL EXAM

SETON HALL UNIVERSITY POLICIES:

1. LEARNING GOALS AND STUDENT OUTCOMES:

In terms of the learning goals and student outcomes the School’s Faculty have identified as key for students, students will:

- ❖ Increase their knowledge and understanding of:
 - Key concepts, models, theories, and debates in international relations
 - The institutional backdrop underpinning international politics, including international organizations and international law
 - The normative aspect of international relations as reflected in international law, including human rights and sustainable development
 - The prevailing global issues, such as international conflict, global health, water and sanitation, and environmental challenges;
- ❖ Develop skills to:
 - Collect, sort, and evaluate information
 - Analyze complex situations and synthesize information
 - Integrate different fields of study in analysis of a complex world
 - Communication effectively in oral and written form;
- ❖ Develop a sense of global citizenship and how to employ a global perspective to:
 - Recognize and understand differences among a diversity of cultures and viewpoints
 - Employ a global perspective and self-awareness regarding their own culture and responsibility as world citizens
 - Demonstrate leadership qualities and other essential skills of diplomacy.

2. PLAGIARISM AND OTHER SERIOUS ABUSES OF ACADEMIC INTEGRITY:

All forms of dishonesty, whether by act or omission, including, but not limited to, cheating, plagiarism, and knowingly furnished false information to the University, are prohibited. Violation of this policy may result in a failing grade on the assignment in question, a failing grade for the class, or suspension and dismissal from the University. Work submitted in courses must be the product of the efforts of the student presenting the work, and contributions of others to the finished work must be appropriately acknowledged. The presentation of another's work as one's own is a serious violation of the academic process. In a paper, where you quote language word for word, you must place it in quotation marks or in a block quote and give the exact source for each quoted passage. Where you paraphrase something, you must cite the source. Where you refer to or use an author's insight or idea, you must cite the source. **Lifting language from a web site without indication and citation is plagiarism.**

3. STUDENTS WITH DISABILITIES:

Students who have a physical, medical, learning, or psychiatric disability, either temporary or permanent, may be eligible for reasonable accommodation. In order to receive such accommodation, students must identify themselves at the Office of Disability Support Services (DSS), provide appropriate documentation and collaborate with the development of an accommodation plan. The DSS phone number is 973-313-6003. Further information is available at the DSS website at <http://www.shu.edu/offices/disability-support-services/>.

4. GRADING SCALE

The grading scale used for most assignments will be:

93 AND ABOVE = A; 90-92 = A-; 87-89 = B+; 83-86 = B; 80-82 = B-; 77-79 = C+; 73-76 = C; 70 -72 = C-; 67 – 69 = D+; 63 – 66 = D; 60 – 62 = D-; BELOW 60 = F.

