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Diplomacy Syllabi

School of Diplomacy and International
Relations

Fall 2021

Public International Law, On-Line Course

Catherine Tinker PhD

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Seton Hall University School of Diplomacy & International Relations

DIPL 6005, Public International Law, On-Line Course

Dr. Catherine Tinker

SYLLABUS 8-30-2021 (may be subject to revision)

Introduction:

This course explores the history and nature of international law and how international law and courts address selected issues currently challenging the global community. The course will focus on the creation and implementation of international law; global governance; relations between and among states; and relations between states and non-state actors, including individuals and international organizations.

The course introduces and examines the traditional sources of international law and the actors of international law through history and today. Students will be encouraged to examine issues where new international law and policy is being made in response to global challenges -- sustainable development, refugees and migration, access to scarce water resources, individual international criminal responsibility. Students will read cases and materials and engage in online class discussions of how rules developed and are observed between and among states and through courts and international organizations like the United Nations. A look at the evolution of laws of war and humanitarian law governing international armed conflicts will prepare students to consider the applicability of historical norms and rules to current crises worldwide and the use of new technological forms of warfare. The last part of the course considers how international law claims are addressed in national and in international courts and tribunals, examining specific cases at the International Court of Justice, arbitrations and national court decisions based on international law.

Course Goals:

By the end of the course, students will:

- Discuss the elements and operation of the international legal system;
- Explain the difficulties of drafting, negotiating and implementing the various forms of agreements that are the rules and principles of international law;
- Analyze the role of international law in international and national courts and tribunals;
- Develop critical thinking through an introduction to legal reasoning and concepts in international law;
- Develop the skills necessary to read closely, think logically, and formulate convincing positions while understanding opposing arguments through written assignments and online discussion posts.

In Person and Virtual Student Hours and Contact Information:

Professor Tinker's virtual student hours will be available upon email request for a specific time and day. 3:00-4:00 pm EST on Wednesdays when she will be available on campus in McQuaid

Hall unless otherwise notified. You may also send questions by email (using your SHU email account only) to the professor at catherine.tinker@shu.edu. You may expect a response to an email using your SHU account within 24-48 hours, except for weekends and holidays (within 60 hours). No email will be read from a non-SHU account.

Details of Course Requirements:

1. Discussion Board: Class participation through Discussion Board posts is a required part of the course during each week, and will be considered in determining your grade. This assignment represents peer-to-peer learning as if you had each other as a study group to share your ideas and interpretations of the course materials and readings. The professor will not post each week, other than to share overall comments as necessary.

I will expect you to read the assigned readings and post a "Comment" of up to 200-250 words each week (questions are provided for each week) as well as a "Reply" of 100-125 words to a Comment from another participant through Blackboard discussion board. You may post your "Comment" regarding one of the questions posted by the professor and post your "Reply" to a classmate regarding a different question. Rubrics are below. Comments are due on Wednesday no later than 11:59 pm (Eastern Standard Time) every week and Replies are due on Sunday no later than 11:59 pm (Eastern Standard Time) every week.

2. Journal Entries: The six Journal Entries assigned are due by Sunday at 11:59 pm (Eastern Standard Time, USA) at the end of week assigned in the syllabus through Blackboard. Each Journal Entry submitted should be typed, double-spaced, 12-point font, with one-inch margins and be approximately 250 words (one page) minimum up to 500 words (two pages) maximum. This assignment is meant for you to record your responses/reactions to the readings and other course material for the unit assigned in more depth than the discussion board post, and analyze the ideas presented. You should consider applying the traditional doctrines in the casebook to a current situation in the world or raise questions about gaps in how the traditional international law doctrines fit today's crises. Use one of the Chicago Manual of Style citation formats, either Author-Date in the text or Notes and Bibliography. Rubrics are below.

3. Case Briefs: The three case briefs assigned are due by Sunday at 11:59 pm (Eastern Standard Time, USA) at the end of week assigned in the syllabus through Blackboard. Each case brief submitted should be a Word document, 1.5 spaced, 12-point font, with one-inch margins, **in outline form** using the headings below, and should be one page minimum up to one and a half pages maximum.

Each case brief will consist of the following information:

- The title of the case, the court deciding the case, the date of the most recent decision ("TITLE");
 - A brief, one- to three-sentence summary of the most important facts of the case; ("FACTS")

- A brief, one-sentence statement, in question form, of the issue(s) in the case ("ISSUE"); and
- "HOLDING": A brief description of the court's decision, or "holding," answering the legal question on each of the issues with a brief summary/analysis of the basis for the decision. Look at the basic legal principles, sources of law, or relevant facts relied on by the judge(s) deciding the case as contained in the published court decision. What did the court decide, and why (the rationale)? Be sure to use the final decision of the court or tribunal.

4. Oral or Video Presentation:

- Each student will submit by email to the professor an outline of a proposed topic to be approved. Once the topic is approved, each student will develop the material through research and critical thinking about the chosen subject, with analysis of the challenges. The presentations will be posted on Blackboard for access by students registered for this course and the professor.
- Each student will prepare a 15-minute presentation for the class in one of two formats: either a PowerPoint slide presentation with recorded voice, OR a self-recorded video (see links below). There are TWO options for this assignment. You can either:
 - (a) Make a PowerPoint recording of your presentation. See this resource from Microsoft Office for more information: <https://support.office.com/en-us/article/Record-your-screen-in-PowerPoint-0b4c3f65-534c-4cf1-9c59-402b6e9d79d0>

OR

 - (b) Record yourself using a webcam with the use of visual aids like PowerPoint slides (via your Seton Hall OneDrive through PirateNet or via Youtube by sharing a link). Tutorials here:
 See this resource for the OneDrive option: https://shuprod.service-now.com/selfservice/kb_main.do?sysparm_kb=4a4f8f534f6d92008fcaecce0210c7ae
 See this resource for the YouTube option: <https://support.google.com/youtube/answer/57409?hl=en>
- Any student is welcome to complete this assignment and post their presentation *at any time during the course* once the topic and outline is approved by the professor. The **presentation due date is 11:59 pm of the Wednesday of Week 14** of the course. Any presentations posted on Blackboard *after* the due date but *prior to* 11:59 pm of the Sunday at the end of Week 14 if an extension is requested for a late submission (which may lower the grade) will be given credit for the final assignment. Any presentations posted on Blackboard after 11:59 pm of the Sunday at the end of Week 14 will not receive credit and will fail this assignment absent notification and proof of emergency acceptable to the professor (worth 30% of the final grade).

5. Deadlines: All Discussion Board Comments are due by Wednesday at 11:59 pm EST each week (except Week 2 and Week 9) and all Discussion Board Replies are due no later than Sunday at 11:59 pm EST each week (except Week 2 and Week 9) on Blackboard. All Case Briefs and Journal Entries assignments are due on Sunday no later than 11:59 pm Eastern Standard Time (NY/NJ, USA) in the week assigned, submitted

through Blackboard as a MS Word document. The due date for the Oral/Video Presentation is 11:59 pm on Sunday of Week 14, submitted through Blackboard.

6. Late Policy: Late submissions will not be read at all and will not receive credit. failing that assignment. No incompletes will be given except for medical or other serious emergency with satisfactory proof provided to the professor and approved in advance of the final week of the course.

7. Extra Credit: No extra credit will be given in this course.

8. Grading Criteria:

- Discussion Board (12): 30% of final grade;
- Journal Entries (6): 25% of final grade
- Case Briefs (3): 15% of final grade.
- Oral or Video Presentation (1): 30% of final grade.

Rubrics:

Grading criteria include:

- depth and uniqueness of thought;
- relevance of ideas;
- efficiency of writing; and
- objectivity of agreement or disagreement.

a. Journal Entries: Assessment of student journal entries will evaluate

- how closely the postings are related to the subject and the discipline and whether the position is supported by facts and professional experience or application to real world situations;
- how well the writing is edited to be short and to the point while including substantive ideas;
- whether the journal entries are based on original thinking or simply repeat earlier posts by other students; and
- whether the journal entries are edited and use correct grammar.
- Lower grades may be given if the journal entries simply state a position without any explanation or defense. It will not be acceptable in this course for any student to submit a journal entry that is stream-of-consciousness, rambling, mere opinion without any substance, or plagiarized using others' ideas without proper citation.
- Higher grades may be given for journal entries containing original or new ways of thinking, a synthesis of ideas, professional quality writing, or finding a solution to resolve disagreements among others on the issues.
- Proper citations must be given to sources and material directly quoted is in quotation marks with the source properly identified using the Chicago Manual of Style format.

b. Case Briefs: Assessment of student case briefs will evaluate how accurately the brief has identified:

- the title, court and parties;

- the most relevant facts;
- the precise legal issue(s) to be answered by the court; and
- the court's holding on the issue(s) with a short description of the legal reasoning relied upon by the court in the final judgment or decision.

Successful case briefs will reflect:

- a careful reading of the judgment of the court;
- an ability to separate out only those facts and legal theories which in the end were relied upon by the court in its holding; and
- an ability to write a clear and concise statement of the international law applied by the court, linking the legal issue(s) to the final judicial opinion.
- While this represents a successful case brief, grades may be lower if a brief erroneously identifies any of the elements, including the title, court and parties, the relevant facts, the issue(s), or the holding and the reason given by the court for the holding.
- It will not be acceptable to use any briefs prepared by anyone else from any source.
- Higher grades may be given for case briefs clearly formulating the legal issue(s) raised in a sophisticated manner showing insightful analysis of the international law principles and rules involved, and for succinctly stating the holding and the court's reasoning.

c. Discussion Board: Assessment of student discussions online will evaluate:

- whether ideas are clearly related to the subject and the discipline;
- whether the position is supported by facts and professional experience or application to real world situations;
- how well the writing is edited to be short and to the point while including substantive ideas;
- whether the postings are based on original thinking; and
- how well students both listen and "talk."
- While this represents successful participation in a discussion online, grades may be lower if a comment or reply restates or repeats what another student has said, relies on irrelevant ideas, is not edited or fails to use correct grammar, or simply states a position without any explanation or defense.
- It will not be acceptable in this course for any student to submit a Discussion Board Post that is stream-of-consciousness, rambling, mere opinion without any substance, or plagiarized using others' ideas without proper citation. Netiquette must be observed.
- Higher grades may be given for original or new ways of thinking, synthesis of ideas, professional quality writing, or resolving disagreements among others on the issues.
- Proper citations must be given to sources and material directly quoted is in quotation marks with the source properly identified using the Chicago Manual of Style format.

Adapted from Dr. Fredline A. O. McCormack-Hale, School of Diplomacy and International Relations, Seton Hall University

d. Oral or Video Presentation: Assessment of student presentations will reflect:

- Preparation (5 points); concepts/theory engagement (5 points); presentation skills (5 points); time control (5 points). [*Part of the final grade for this assignment is based on timely submission of an outline for the professor's approval and response to suggestions.*]
- Introduction of the topic.
- Use of the concepts/theories learned from the class and the readings.
- Critical examination of the policy implications.
- Use of Powerpoint to highlight main points.

Adapted from Professor Yanzhong Huang, School of Diplomacy and International Relations, Seton Hall University.

Seton Hall University Policies:

1. Learning Goals and Student Outcomes:

In terms of the learning goals and student outcomes the School of Diplomacy'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. Policy on Plagiarism:

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://www13.shu.edu/offices/student-life/community-standards/upload/Seton-Hall-University-Student-Code-of-Conduct.pdf>; <http://www.shu.edu/diplomacy/academic-conduct.cfm>

3. Policy and practice of Seton Hall University to promote inclusive learning environments.

If you have a documented disability you may be eligible for reasonable accommodations in compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please self-identify with the Office for Disability Support Services (DSS) at the beginning of the semester and register for services. Contact DSS at (973) 313-6003 or by e-mail at DSS@shu.edu.

4. Policy on Incompletes:

Incompletes will be given only in exceptional cases for emergencies. Students wishing to request a grade of Incomplete must provide documentation to support the request accompanied by a Course Adjustment Form (available from the Diplomacy Main Office) to the professor before the date of the final examination. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Students who fail to submit the missing course work within this time period will receive a failing grade for all missing coursework and a final grade based on all coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation (whichever comes first) automatically becomes an "FI" (which is equivalent to an F). It is the responsibility of the student to make sure they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on your transcript will impact financial aid and academic standing.

5. Netiquette Policy: (this is really not a university policy but it is helpful)

"Netiquette" refers to the good manners we use when communicating online.

For online discussion netiquette: Think of your comments as printed in the newspaper or heard on your job. Your online comments will be seen, heard and remembered by others in this class. Before you make an emotional, outrageous, or sarcastic remark on-line, think about whether or not you would care if it was seen in your local newspaper or overheard at work. Furthermore:

Don't be overcome by your emotions. Take a few breaths and step away from your computer if need be.

Sign your real name. It is easier to build a classroom community when you know to whom you are responding.

Avoid self-centered comments. If you have a great idea, great. If you want to contribute to an ongoing discussion, terrific. But, don't just tell others about your problems ("I'm frustrated", "My audio doesn't work today") unless it contributes in some way to the class.

Avoid negativity. You can disagree. You should disagree. You can challenge ideas and the course content, but avoid becoming negative online. It will impact you negatively, hinder the class discussion, and may give the wrong impression of you to others.

There is no need to be aggressive online. No flaming, all caps, or !!!!, or ????

Be polite, understate rather than overstate your point, and use positive language. Using bold, frank, overstated language conveys an emotional aggressiveness that hinders your message.

Disagree politely. When you disagree politely, you stimulate and encourage great discussion. You also maintain positive relationships with others with whom you may disagree on a certain point.

Don't disrupt. Online dialogue is like conversation. If there is a dialogue or train of thought going on, join in, add to it, but, if you have something entirely different to bring up, wait or post it in another thread.

Don't use acronyms that not everyone would understand and know.

Adapted from University of St. Louis, School of Professional Studies. <http://www.albion.com/netiquette/introduction.html>

6. Academic and Professional Integrity Policy:

Students are expected to follow the Academic and Professional Integrity Policy outlined in the Seton Hall University Student Handbook in addition to any specific Academic and Professional Integrity Policy of the School of Diplomacy and International Relations:

Dependability: candidates are reliable, timely, and consistent in their presence and preparation for online courses at the university.

Respect & Empathy: candidates are respectful in their address, writing, language, and physical space toward faculty, university staff, school personnel, peers, and students in the field.

Open-mindedness: candidates respect the context and experience of others; developing the skills to use that information in classroom conversation, writing, and lesson planning.

Integrity: candidates submit original work, fully cite all sources associated with the development of their work (including information from the internet), and recognize that the university fully supports the use of anti-plagiarism software in support of academic integrity. (Original student work is expected. Any work containing plagiarized material will result in an automatic "0" for the assignment.)

Passion for the profession: candidates display in action, word, and commitment their passion for the profession of diplomacy, international relations and respect for international law.

Grading scale:

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. Grades will be posted generally 7 days after assignments are due.

Blackboard:

We will use Blackboard 9.1 for the course. Additional guidance on individual assignments and discussion questions will be posted there. Use the Blackboard assignment drop box to submit your work for grading. Please visit our Blackboard site regularly. Technical Help: The first point of contact for any technology related question or problem is Seton Hall University's Technology Service Desk. Contact the Technology Service Desk by phone by calling (973) 275-2222 or via e-mail at servicedesk@shu.edu. The Technology Service Desk is staffed by IT professionals Monday through Friday from 8 a.m. through 11 p.m. Outside of these hours, the Technology Service Desk phone is answered by an external technology support service that provides phone support for most University applications, including the Blackboard Learning Management System, Microsoft

Windows, and the Microsoft Office suite. For more tips and technical information, go to Seton Hall's Tech Help Community .

Special Library Resources for Online Students:

Seton Hall online students have electronic access to vast information resources of the University Libraries. Students have immediate access to collections of databases, articles, journals, and e-books from the library homepage. Access to most electronic materials requires the use of a Seton Hall PirateNet ID and password. If the Seton Hall University Library does not include a certain article, the library will obtain a digital copy from another library and email it within 24 to 48 hours of request. Additionally, online instructors post items from the library's collection to the course's Blackboard site. Online students and faculty receive personal assistance from our expert library faculty, with general queries handled by the Reference Desk at (973-761-9437) or through our "Ask a Librarian" page. Subject librarians offer in depth assistance via phone by appointment in addition to their specialized research guides to finding subject-specific electronic materials.

Expectations:

Students are expected to:

- Use their Seton Hall University email address when emailing the professor.
- Review the "how to get started" information located in the course content area of Blackboard.
- Introduce yourself to the class during the first week by posting a self-introduction in the appropriate discussion forum on Blackboard.
- Interact professionally online with the professor and peers.
- Review and follow the course calendar.
- Submit assignments through Blackboard by the corresponding deadline each week:
 1. Journal Entries (4) due by 11:59 pm EST on Sunday in the week assigned.
 2. Case Briefs (4) due by 11:59 pm EST on Sunday in the week assigned.
 3. Discussion Board Comments posted Wednesday by 11:59 pm EST each week.
 4. Discussion Board Replies posted Sunday by 11:59 pm EST each week.

The professor will:

- Respond to emails within 24-48 hours, except on weekends and holidays (within 60 hours).
- Expect you to use the questions regarding the reading assignments that are posted as threads on Discussion Board each week as the subject of your "Comment" and "Reply" for that week that you will post on Blackboard Discussion Board.
- In the role of moderator, I will read the Discussion Board posts of student Comments and Replies, but insert my comments only when necessary to challenge or correct discussion.
- Read and grade the 3 Case Briefs and 6 Journal Entries within 7 days of submission due dates.

Readings:

The required casebook is Janis & Noyes, INTERNATIONAL LAW: CASES AND COMMENTARY, 5th ed., West Publishing, 2014, ISBN 978-0-3142-8041-1. Assignments from this casebook (5th ed.) are noted below as "text". You may purchase this book or see it on "e-reserve" through the SHU Library. There is a new 6th edition of this casebook you may consider,

but the page number assignments will be made from the 5th ed. since it is widely available as electronic, new or used texts.

A recommended text for additional reading is Bederman and Keitner, *INTERNATIONAL LAW FRAMEWORKS*, 4th ed., Foundation Press, West Academic, 2017; ISBN 978-1-63459-293-2.

Where the assignments include treaties and decisions from various courts that are available online, those links will be posted on Blackboard so you can read the primary texts directly. Additional readings, books or articles in academic journals that would be helpful will be posted on Blackboard with links to e-reserves, databases such as Hein On-line available through the Seton Hall University Library, or websites.

Useful websites are <http://www.un.org/> , <http://www.icj-cij.org/> ; <https://www.asil.org/> ; and <https://treaties.un.org/>. Helpful Research Guides prepared by Seton Hall University Librarian Lisa De Luca are posted on Blackboard and are available at: <https://library.shu.edu/diplomacy> (Diplomacy); <https://library.shu.edu/un> (UN); <https://library.shu.edu/intrela> (international relations); and <https://library.shu.edu/sdg> (sustainable development).

You are responsible for checking Blackboard before each week begins and submitting assignments by the end of the week Sunday before 11:59 pm EST. Also check your Seton Hall University email under which you are registered for this course for changes or additional information about the class, assignments and reminders. You will be expected to know any information that is posted on Blackboard.

Course Schedule

I. INTRODUCTION TO THE COURSE

Week 1: Review of the syllabus and assignments. Introduction to nature and history of international law and international organizations. Instruction on how to brief a case.

- Every student will post on Blackboard a brief introduction about themselves, where they are from and where they are now, what interest or experience they have with international law, international relations or diplomacy, etc.

READING ASSIGNMENTS:

- Read the Preamble and Article 1 of the UN Charter.
- Read Text, pp. 1-3.
- Read Statute of the International Court of Justice, Article 38, on the ICJ website at <http://www.icj-cij.org/>.
- Read Aldisert, *et al*, “Logic for Law Students: How to Think Like a Lawyer,” Vol. 69, No. 1, University of Pittsburgh Law Review, 2007. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=966597 .
- Read/watch video “How to Brief a Case.”
- Supplemental reading: Bederman, Ch. 1, pp. 3-14; SHU Library Research Guides.
- Discussion Board: Post one comment and one reply.

Week 2: Familiarize yourself with the course on Blackboard, materials and case book, technology, and due dates of all assignments. Organize your schedule for the semester now. Reading ahead and submission of any assignments before the deadline is permitted.

II. THE TRADITIONAL SOURCES OF INTERNATIONAL LAW

Week 3: TREATIES AND HOW TO FIND AND READ THEM.

READING ASSIGNMENTS:

- Read Text, pp. 29-74.
- Read Art. 1-3 and Art. 77-78 of the UN Convention on the Law of the Sea (UNCLOS), available at <http://www.un.org/depts/los/> or the UN treaty website at <https://treaties.un.org/>.
- Read the Vienna Convention on the Law of Treaties, Art. 1-57, Text, pp. 1125-1155.
- Supplemental reading: Bederman, Ch. 3, pp. 27-43.
- Supplemental reading: article by Dr. Catherine Tinker, "Guarani Aquifer Accord: Cooperation in South America Towards Prevention of Harm and Sustainable, Equitable Use of Underground Transboundary Water," Vol. 15:2, Law and Practice in International Courts and Tribunals, (Brill/Martinus Nijhoff, 2016), p. 249 et seq. (posted in WEEK 10 tab on Blackboard)
- **Journal Entry #1 due.**
- Discussion Board: post one comment and one reply.

Week 4: CUSTOMARY INTERNATIONAL LAW

The role of the UN International Law Commission (ILC) in codification and progressive development of international law. Evidence of the existence of customary international law.

READING ASSIGNMENTS:

- Read Text, pp. 107-149 (*Paquete Habana*, *Asylum*, and *The Lotus* cases).
- Read Text, pp. 196-205, North Sea Continental Shelf cases (ICJ, 1969) and questions, pp. 205-208.
- Watch videos posted on Blackboard on "Introduction to International Law" and "ICJ and Article 38 Sources."
- Supplemental reading: Bederman, Ch. 2, pp. 15-26.
- **Case brief #1 due:** *Pulp Mills on the River Uruguay* (Argentina v. Uruguay) on EIAs. Use link to ICJ Press Release summary of judgment at (case mentioned in Text, p. 182; ICJ press release available at <http://www.icj-cij.org/files/case-related/135/15873.pdf>)
- Discussion Board: post one comment and one reply.

Week 5: GENERAL PRINCIPLES OF INTERNATIONAL LAW AND SOFT LAW

Secondary sources of international law: writings of jurists and eminent publicists. "Soft law" and the role of UN resolutions and declarations.

READING ASSIGNMENTS:

- Read text, pp. 149-160 (*AM & S* case).

- Read ICJ press release/summary of *Gabcikovo-Nagymoros Project* (Hungary v. Slovakia) cited on p. 96 in the text, and Separate Opinion of Judge Weeramantry.
- Read Text, pp. 180-183.
- Watch video posted on Blackboard on "UN Law, Soft law and Sustainable Development."
- Read the 2015 UN Sustainable Development Goals and preamble to the 2030 Agenda for Sustainable Development, available at <https://sustainabledevelopment.un.org/>
- Read book chapter by Dr. Catherine Tinker, "Creation of International 'Soft Law' Formation and Effect of the 'Sustainable Development Goals' in the Post-2015 Development Agenda at the United Nations, in *Globalização e as Novas Perspectivas no Direito Ambiental Econômico*, Cristiane Derani and Mariana Caroline Stolz, org., Curitiba, Brazil, Multideia Ed., 2015, pp. 81-93; available as an e-book.
- Supplemental reading: Bederman, Ch. 4, pp. 45-56.
- **Journal Entry #2 due.**
- Discussion Board: post one comment and one reply.

Week 6: Catch up on reading and assignments, review sources of IL, start next chapters. Think about your topic for the final presentation and begin some research.

III. "ACTORS" OF INTERNATIONAL LAW

Week 7: STATES under International Law: sovereignty and its limitations; recognition and succession of states; state responsibility.

READING ASSIGNMENTS:

- Read Text, pp. 551-566.
- Read Text, pp. 647-653.
- Watch video posted on Blackboard on "Compliance."
- Supplemental reading: Bederman, Ch. 6, pp. 83-95; Ch. 7, pp. 97-111.
- **Case Brief #2 due:** *Rainbow Warrior Arbitration* (second tribunal decision, 1990) on state responsibility.
- Discussion Board: post one comment and one reply.

Week 8: NON-STATE ACTORS AND ALL STAKEHOLDERS under International Law: NGOs, civil society and the private sector, and international organizations. UN Convention on Biological Diversity (CBD) Conference of the Parties in China, 11-24 October 2021.

READING ASSIGNMENTS:

- Read Text, pp. 574-577, Notes 1-5.
- Read Text, pp. 659-663, and Notes for discussion.
- Supplemental reading: Bederman, Ch. 8, pp. 113-123; Ch. 9, pp. 125-139.
- **Journal Entry #3 due.**

- **Watch parts of the meetings on the UN Convention on Biological Diversity Conference of the Parties (COP) in Kuoming, China 11-24 October.**
LINK TO LIVE VIDEOS/ON DEMAND COVERAGE: UN Web TV: <https://media.un.org/en/webtv/> (go to this site for many UN meetings broadcast live and on demand).. Watch the opening ceremony and first plenary of the Conference of the Parties to the biodiversity treaty (Day 1, Oct. 11, 2021) plus at least one panel of experts and general discussion plus at least one side event (organized by states, international organizations, or civil society or some combination of all stakeholders) any time through the closing session on Oct. 24th. Note who is present and what is being said and reflect on this in your journal. Comment on participation of non-state actors in the meetings along with states party to the treaty and protocols. Find a commentary, report or analysis of the participation of non-state actors at the COP from an NGO, official government or media source, or international law organization like the American Society of International Law and add the link to your post in the Discussion Board for others to share. Include your thoughts on the subject of stakeholders and participation with states in your Journal.
- Read the Preamble to the **2030 Agenda for Sustainable Development and Annex with the 17 Sustainable Development Goals**. Note especially SDG 6 (water and sanitation), 14 (oceans and marine biodiversity) and 15 (terrestrial biodiversity), SDG 17 (partnerships)
- Read the **Preamble and first 4 articles of the UN Convention on Biological Diversity and the Aichi Targets to the Nagoya Protocol**. Look for the objectives of the treaty and the protocol, definitions, and duties or obligations of the states party to each.
- Skim *Advisory Opinion* OC-23 (2017), Inter-American Court of Human Rights, requested by Colombia on obligations of states on the environment and the rights to life of future generations. Link at https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf.
OPTIONAL: panel discussion on the Advisory Opinion (2018) at <https://www.iucn.org/news/world-commission-environmental-law/201806/environment-and-human-rights-new-perspective-inter-american-court-human-rights>
- Discussion Board: post one comment and one reply.

Week 9: Topic selection and draft outline due with short working bibliography for final presentation: All students must arrange to meet with the professor to discuss and obtain approval for final project. Make an appointment by e-mail to catherine.tinker@shu.edu. This may be done virtually or in person earlier in the course but *no later than* Week 9.

IV. INTERNATIONAL COOPERATION FOR SUSTAINABLE DEVELOPMENT

Week 10: CLIMATE CHANGE AND INTERNATIONAL POLICY AND LAW

International law on transboundary watercourses and aquifers; regional agreements and implementation of environmental and sustainable development law. Litigation in international courts and tribunals, international arbitration between or among states, and soft law on sustainable development in national law and practice. Introduction to principles of duty to prevent harm to

other states or to the environment, the precautionary approach, cooperation, common but differentiated responsibility, sustainable consumption and production, etc. UN Framework Convention on Climate Change (UNFCCC) and Paris Agreement Conference of the Parties (COP) in Glasgow, Scotland, Nov. 1-12, 2021. SDG 13 with targets and indicators.

READING ASSIGNMENTS:

- Read the Preamble and first 4 articles of the **UN Framework Convention on Climate Change and the Paris Agreement**. Look for the objectives of the treaties, definitions, and duties or obligations of the states party to each.
- Read SDG 12 (sustainable consumption and production) and SDG 13 (climate change): goals, targets and indicators.
- Read summary of current litigation on climate change and the rights of future generations in national courts (the Netherlands, Germany, Costa Rica, Philippines, New Zealand, etc.) to be posted in Blackboard.
- **Journal Entry #4** due.
- **Watch parts of the UNFCCC Conference of the Parties and the Paris Agreement** (Nov. 1-12, 2021), plus at least one panel of experts and general discussion with states and all stakeholders, plus at least one side event (organized by states, international organizations, civil society or some combination of all stakeholders) any time through the closing session Nov. 12th. **LINK TO LIVE VIDEOS/ON DEMAND COVERAGE: UK Government site:** "Uniting the World to Tackle Climate Change" at <https://ukcop26.org/>; or UN Web TV: <https://media.un.org/en/webtv/> (go to this site for many UN meetings broadcast live and on demand); or *NY Times* Climate Hub at <https://climatehub.nytimes.com/> (requires tickets). Watch the opening ceremony and first plenary of the Conference of the Parties to the climate change treaty (Day 1, Nov. 1, 2021) plus at least one panel of experts and general discussion plus at least one side event (organized by states, international organizations, or civil society or some combination of all stakeholders) any time through the closing session on Nov. 12th. Note who is present and what is being said and reflect this in your Discussion Board post. Find a commentary or analysis of the COP and outcome from an NGO or international law organization like the American Society of International Law and add to your post in the Discussion Board for others to share.
- Supplemental reading: Bederman, Ch. 11, pp. 169-181; Ch. 13, pp. 199-213.
- Discussion Board: post one comment and one reply.

V. LAWS OF WAR AND HUMANITARIAN LIMITS

Week 11: Laws of War and Use of Force (*jus ad bellum*); history of "just war" theory. New forms of warfare such as cyberattacks and armed conflict with non-state actors.

READING ASSIGNMENTS:

- Read Article 2(4) of the UN Charter.
- Read Text, pp. 751-764.
- Read article by Lt. Col. Shane Reeves of the US Military Academy at West Point and David Lai, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2375935.
- Supplemental reading: Bederman, Ch. 16, pp. 251-262.

- **Journal Entry #5 due.**
- Discussion Board: post one comment and one reply.

Week 12: Humanitarian Law (*jus in bello*): history and development. The Geneva and Hague Conventions. Rules of conduct by military during international armed conflict. Doctrines of humanitarian intervention, responsibility to protect ("R2P") and "responsibility while protecting." Accountability.

READING ASSIGNMENTS:

- Read Article 2(4), Chapter VI, and Chapter VII of the UN Charter.
- Read Text, pp. 751-764.
- Read article by Lt. Col. Shane Reeves and David Lai, above.
- Supplemental reading: Bederman, Ch. 15, pp. 229-249.
- **Journal Entry #6 due.**
- Discussion Board: post one comment and one reply.

Week 13: Natural law or *jus cogens* obligations. International Criminal Law. special criminal tribunals and International Criminal Court for prosecution of individuals for war crimes, crimes against humanity, genocide, and crimes of aggression.

READING ASSIGNMENTS:

- Read Text, pp. 160-176 and questions, pp. 176-179 (natural law - *jus cogens*).
- Read Nuremberg Judgment, Text, pp. 478-487.
- Read Reservations to the Genocide Convention case, Text, pp. 65-75.
- Read Text, pp. 534-549 (International Criminal Court).
- Watch video posted on Blackboard on "Genocide and Crimes Against Humanity."
- Supplemental reading: Bederman, Ch. 20, pp. 309-329.
- **Case Brief #3 due:** *Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo*. Final Judgment in Text.
- Discussion Board: post one comment and one reply.

VI. THE ROLE AND FUNCTION OF INTERNATIONAL LAW IN DIPLOMACY AND INTERNATIONAL RELATIONS: CASE STUDIES IN FINAL PRESENTATIONS

WEEK 14: FINAL PRESENTATIONS DUE WED. DEC. 1st

Submission of final presentation through Blackboard as video or audio recording with powerpoint. Extension upon request to Sunday, Dec. 5th No other extensions of time absent notice of emergency and permission of professor.

Conclusion: final posts on Blackboard Discussion Board due Dec. 5th with your response and thoughts on the following goals of the course:

- Understanding the basic documents and sources of international law in order to meet the challenges of the present and the future.

- Gaining a context or "framework" for the implementation of principles of rights and responsibilities, and articulation of aspirations for the international community and all of its stakeholders applicable to various issues: human rights, climate change, war, peace, etc.
- Developing the tools necessary for policy innovation and development of new international law addressing new technologies, scientific developments, and new global challenges.
- Considering critiques of traditional international law as a Western construct and suggestions for new global law and institutional developments.