

**Spring Semester 2022 – These are extraordinary times, which may necessitate frequent shifts in the syllabus. I will provide as much advance warning as possible when changes are necessary, and will be flexible as possible with your response to these changes.**

**MC 362: Public International Law**

Tuesday/Thursday 10:20-11:40am, Room 331 Case Hall, but online via [Zoom](#) in January

Professor: Mark Axelrod (email: [axelrod3@msu.edu](mailto:axelrod3@msu.edu) or phone: 517-258-0248)

Office Hours (via [Zoom](#) until further notice): Tuesdays 2-4pm & Wednesdays 11am-noon. **PLEASE SIGN UP IN ADVANCE FOR REMOTE OFFICE HOURS SLOTS AT <https://jmc.msu.edu/fastpass> and please email if you prefer a mode of communication other than Zoom.** I have set aside these times for student meetings, and it is helpful for me if you can meet during those hours. However, I understand that these slots do not fit everyone's schedule. If these times do not work for you, please email to arrange a different time.

**Course Description**

Public international law regulates interactions between nation-states, building upon the concept of sovereign state independence. The principle of sovereignty allows governments to operate unconstrained within their own borders, subject to certain limits. Legally speaking, such autonomy can be narrowed only by the government's consent (treaties) or in response to widely accepted norms (custom). This course provides an introduction to these constraints, focusing on tensions between legal commitments and national sovereignty. Throughout the semester we will explore areas in which this friction is most evident, assessing conditions that drive states to comply with – or avoid – their legal responsibilities.

During the first half of the semester, we address the design and sources of public international law, and the conditions under which these provisions are implemented. We subsequently explore a variety of issue areas, starting with rules on the use of force across national borders. Limitations on the use of military force follow directly from the notion of sovereign state independence, and serve as the basis for most other international law provisions. Once we clarify the conditions under which military action is legally acceptable, we focus on laws regulating the conduct of war and governments' behavior towards their own citizens, as well as the punishment of individuals who violate international criminal law. While the laws of war restrict border incursions, other international legal provisions are designed to solve collective action problems such as unfair trade practices and access to limited natural resources. These relationships are often handled by private actors, but we explore the rules constraining state behavior in this realm. The course concludes by examining the broader international legal system and concerns raised by it.

**Learning Objectives**

By the end of this course, you will be able to:

- Identify and analyze sources of international law
- Recognize the scope of international law and conditions under which it has been effective
- Read, summarize, and grasp the significance of individual judicial decisions
- Assess the conditions under which states comply with legal commitments
- Craft legal and strategic arguments on the basis of existing international law sources

**Course Meetings**

We will meet twice every week in person or via zoom. Class will focus on discussion of the readings for that week, and their application to current events. This class is designed to enhance your verbal, as well as written, communication skills. It is essential that all class members contribute to the conversation so that we can learn from different points of view. **You are expected to prepare, be “present”, and participate every time we meet. I recognize, however, that our current circumstances may present substantial challenges for attendance (whether remote or in-person). If possible, please contact me in advance if you are unable to join a particular session.**

**THE SYLLABUS OR D2L PAGE WILL BE UPDATED TO REFLECT IN PERSON COURSE REQUIREMENTS ONCE WE KNOW MORE ABOUT UNIVERSITY PLANS/REQUIREMENTS**

**Other Details Regarding Class Sessions:**

We will have animated discussions about many controversial topics. You should be prepared to support your position *with evidence*, and are encouraged to disagree with me and with each other, but **you must pay attention to, and be respectful of, each other's views and experiences**. Moreover, this course addresses many contentious and difficult topics – including details of wartime violence, and it is essential to recognize that experiences (yours and others') may shape the way in which one confronts these topics. The College Statement of Values (below) provides a useful model for engaging in respectful discourse, and we will develop additional group expectations (including for use of video during our sessions) together for the online and classroom environments.

Finally, although you will of course need to be online in order to participate in remote class sessions, electronic devices can also provide a major distraction. Please make sure you are “present” to the extent possible and focused on the content of our class meetings. In addition, recent research shows that handwritten class notes may be more effective (see “Take Notes by Hand for Better Long-Term Comprehension,”

<http://www.psychologicalscience.org/news/releases/take-notes-by-hand-for-better-long-term-comprehension.html>), so I recommend keeping pen and paper with you during zoom or in-person discussions.

**James Madison College Statement of Values:** “As Madisonians, we affirm the necessity of compassion, conscientiousness, and curiosity in our community. We acknowledge our academic and moral responsibility to always seek to learn from one another, approaching our scholarly endeavors with respect and humility. We understand that this process can be uncomfortable, and that it often requires challenging closely held beliefs. Nevertheless, we strive to always participate in discussions in good faith, and to build a community conducive to the intellectual growth of all.”

**Grading and Assignments (further details will be provided separately):**

Assignment	Due Date	% of Overall Grade
Attendance, Preparation, and Quality Participation	Every class period (will recalculate this portion multiple ways to account for technology and context)	20%
Weekly Reading/Decision Notes	Due before Thursday class sessions via email or D2L, starting January 20	5%
Judicial Decision Brief	Beginning of relevant class period (revisions accepted via D2L until <b>Friday, February 25, 5pm</b> )	7%
Case Study Strategy Response Paper	Beginning of <u>class period following discussion</u>	3%
Legal Effectiveness Paper	Beginning of class, <b>Thursday, April 21</b> (decision brief and consultation before Friday, <b>March 18</b> )	20% (0.5 grade deduction for no brief/consultation)
Midterm Exam	<b>During class period, Tuesday, March 1</b>	20%
Final Exam	<b>Friday, May 6, 7:45-9:45am</b>	25%

You are strongly encouraged to discuss all assignments with Professor Axelrod during office hours.

You will receive a grade for each item on the 4.0 scale. At the end of the semester, those grades will be weighted and averaged as identified above. Weighted averages of greater than 3.75 will result in a 4.0 reported grade for the semester; 3.25-3.75 = 3.5 reported grade; 2.75-3.25 = 3.0 reported grade; 2.25-2.75=2.5 reported grade; 1.75-2.25=2.0 reported grade; and so forth.

**For all assignments, late submissions (unless accompanied by doctor’s note or other verified excuse) will receive a reduction of one grade point for every two days after the deadline (i.e., 1 minute to 48 hours late reduces grade by 1.0; 48-96 hours late reduces grade by 2.0). I do recognize that difficulties arise outside of the course, and I will therefore allow a single “life happened” extension on one written assignment (not the midterm or final exam). If something happens and you need an extension, you may use this option for a three-day extension, no questions asked. Please email me before the deadline so I know you are using the extension. However, you can only use this option once during the semester, so plan accordingly. The “life happened” extension may not be used to reschedule exams, which require advance notice and verification.**

**Given our unique circumstances this semester, I only ask that you let me know in advance of class sessions you will miss, if possible (further details in assignment sheet for attendance/participation).**

**PLEASE NOTE THAT THIS COURSE WILL BE CONDUCTED IN LINE WITH MADISON COLLEGE AND MSU POLICIES ON ACADEMIC DISHONESTY. Among other requirements, that means that you must cite the source of any and all facts or ideas in your written assignments.** The Student Handbook states:

*“Academic Honesty: [Article 2.III.B.2](#) of the Academic Freedom Report states: “The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards.” In addition, James Madison College adheres to the policies on academic honesty specified in General Student Regulation 1.0, [Protection of Scholarship and Grades](#); the all-University Policy on [Integrity of Scholarship and Grades](#); and [Ordinance 17.00](#), Examinations. Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. You are expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Also, you are not authorized to use the [www.allmsu.com](#) Web site to complete any course work in this course unless explicitly authorized by the professor. Students who violate MSU regulations on Protection of Scholarship and Grades may receive a failing grade in the course or on the assignment and be reported for academic integrity violations.”*

**Please also remember that the internet is a powerful source of information. While it may help research, it can also lead you to non-reputable resources and help to identify your use of other people’s work. Violations of academic dishonesty principles will result in punishments up to and including a 0.0 grade for the course. Under MSU guidelines, I must report all such incidents to the University.**

**IF IN DOUBT, I WILL BE HAPPY TO DISCUSS THE PROPER COURSE OF ACTION. Past experience has shown that most errors are easily avoidable with a short discussion.**

### **Needed Accommodations for Course Activities and Assignments**

Requests for accommodations may be made by contacting the Resource Center for Persons with Disabilities (RCPD) at 517-884-RPCD or on the web at [rcpd.msu.edu](http://rcpd.msu.edu). Once your eligibility for an accommodation has been determined, you will be issued a Verified Individual Services Accommodation (VISA) form. Please present this form to me as soon as possible so we can develop a plan that works best for your learning opportunities. The remote environment may result in challenges you have not encountered previously in face-to-face settings, so I encourage you to consult with RCPD if you experience new challenges in this context.

### **MSU Limits to Confidentiality** [statement by Dr. Paulette Granberry Russell (2015)]

“[All] materials submitted for this class are generally considered confidential pursuant to the University’s student record policies. However, students should be aware that University employees, including instructors, may not be able to maintain confidentiality when it conflicts with their responsibility to report certain issues based on external legal obligations or that relate to the health and safety of MSU community members and others. As the instructor, I must report the following information to other University offices if you share it with me:

- Suspected child abuse/neglect, even if this maltreatment happened when you were a child,
- Allegations of sexual assault or sexual harassment when they involve MSU students, faculty, or staff [even if they happened outside the MSU context], and
- Credible threats of harm to oneself or to others.

These reports may trigger contact from a campus official who will want to talk with you about the incident that you have shared. In almost all cases, it will be your decision whether you wish to speak with that individual. If you would like to talk about these events in a more confidential setting you are encouraged to make an appointment with the MSU Counseling Center.”

Please note: I understand that gender-based violence and the other experiences listed above can undermine students’ academic success and I am committed to supporting survivors. In addition to the Counseling Center, additional confidential resources now exist, and I am happy to help you connect.

**Honors Option:** Interested students may participate in an honors option, for which we will likely read recent scholarship on COVID-19 and international relations. To receive H-credit, you will participate in all group meetings and prepare a short written exercise. As per Madison College and MSU rules, you must maintain at least a 3.5 grade in the course to be eligible for honors credit. The Honors option will begin during the week of January 31. Please contact Professor Axelrod as soon as possible if you would like to participate.

### **Course Readings**

The study of law requires that you think critically about complex issues. ***Please do not accept all course readings at face value. I have not chosen them because I agree with everything written, nor do I expect that you agree with their conclusions.*** Indeed, many of the judicial opinions are delivered as dissents towards the majority opinion, so you could not possibly find both to be correct. Rather, the assigned materials generally identify the interesting issues and arguments on each side of those topics. Therefore, ***you should approach readings (and class discussions) with a healthy degree of skepticism. When you confront an argument, I hope you will start by asking what evidence is available to support that argument.*** That approach will help you gain a better understanding of the subject matter and will strengthen your legal analysis skills as well.

Relatedly, please make sure evidence is drawn from reputable sources that have an incentive to provide accurate information. For suggestions on identifying valid news sources, in particular, see Professor Melissa Zimdars’ guidelines ([https://docs.google.com/document/d/10eA5-mCZLSS4MQY5QGb5ewC3VAL6pLkT53V\\_81ZyitM/edit](https://docs.google.com/document/d/10eA5-mCZLSS4MQY5QGb5ewC3VAL6pLkT53V_81ZyitM/edit)).

Please read all assigned materials *before* the session for which they are listed in this syllabus. I realize that there is a significant amount of reading assigned. I have tried to reduce the length of readings where possible, but the remaining material is necessary to grasp a broad range of perspectives while simultaneously understanding the nuance provided by each. Class discussion will center around primary source texts, such as judicial decisions and other case materials. As a result, you will need to be familiar with these events and ideas *before* coming to class, and you are also strongly encouraged to bring the textbook with you for reference. If you ever have difficulty locating assigned readings, please contact me immediately so that I can help everyone find the material.

1) The following book serves as our class textbook. It is available at MSU bookstores or online: Dunoff, Jeffrey L., Steven R. Ratner, and David Wippman. *2015. International Law: Norms, Actors, Process: A Problem-Oriented Approach. 4<sup>th</sup> Edition*. New York: Wolters Kluwer Law & Business. (ISBN: 1454849513) **PLEASE MAKE SURE TO GET THE 4<sup>TH</sup> EDITION, even though a newer one is now available**

The authors provide updated material for some chapters on their website (<https://www.law.umich.edu/facultyhome/drwcasebook/Pages/Updates.aspx>). These updates are also required reading, as noted throughout the syllabus.

2) As you will note, many of the readings are drawn from journals, magazines, newspapers, or primary sources. These readings are equally, if not more, important for our class discussions. The D2L version of this syllabus contains hyperlinks to all available news articles [*NY Times* articles, beyond the monthly allotment, can be accessed by signing up for a free account through the ASMSU Readership Program (<https://asmsu.msu.edu/home/services/717-2/>)] and other sources. Other materials are available online or through the MSU library website ([www.lib.msu.edu](http://www.lib.msu.edu)), as noted [search by article title in the search box]. Case study materials, including primary source documents, news articles and discussion questions, will be posted on, or linked directly from, our course D2L page. Book chapters and other readings will be available on reserve, or linked from the D2L page as well.

3) You are expected to be aware of news and current events about international relations. We will use these current stories to explore how past legal decisions may be applied, and to better understand whether and how state behavior is constrained by international law. *The New York Times* (see above regarding access via ASMSU) has extensive coverage of these topics, and you are expected to be aware of current events reported there. I encourage you to also look at other US and foreign news resources available online. The *Guardian* (UK), *Agence France Presse*, and *The Hindu* (India) tend to provide comprehensive coverage of international law from a range of perspectives, but please feel free to get your information from other reputable news sources as well. In addition to newspapers, I highly recommend academic legal blogs such as *EJIL: Talk!* ([www.ejiltalk.org](http://www.ejiltalk.org)) and *Opinio Juris* ([www.opiniojuris.org](http://www.opiniojuris.org)). Many news articles are included in our case studies, and I will often forward additional articles as well. These items are part of your required class readings. You are expected to read them before, and be prepared to discuss them during, class.

4) Finally, I will of course be happy to recommend supplementary readings on topics that interest you, or on which you are writing one of the assigned papers.

## **Schedule and Readings [subject to change with reasonable notice]**

### **I. Introduction to International Law, Sources, and Stakeholders**

Tuesday, January 11 – Introduction

- Dunoff/Ratner/Wippman (hereinafter DRW), pp. 3- 4, 11-13 and 16-29 [pp. 3- 4, 11-15 and 17-31 in the version posted on D2L]
- If you have not taken MC220 or MC221 recently, you should also read a basic introduction to IR schools of thought. I highly recommend: Joseph Nye & David Welch. 2013. *Understanding Global Conflict and Cooperation: An Introduction to Theory and History*, 9<sup>th</sup> edition. Pearson (ISBN: 0205851630). Older versions are available at the MSU library and on Google Books. At the very least, I recommend their section on “Paradigms and Theories” in chapter 2 (pp. 62-71), available at: <https://www.pearsonhighered.com/assets/samplechapter/0/2/0/5/0205851630.pdf>

Thursday, January 13 – Public International Law as a form of law

- DRW, remainder of chapter 1 (pp. 4-10, 14-16, and 29-31) [pp. 4-11 and 15-17 in the version posted on D2L]
- Selection from: Damrosch, Lori F. 2001. *International Law: Cases and Materials*. 4th ed, *American Casebook Series*. St. Paul, Minn.: West Group. (“International Law As Law”, pp. 16-40) [D2L]
- Recommended:
  - o BBC News, “Antony Blinken: US tells Russia to cease 'reckless and aggressive actions',” BBC News, 6 May 2021. <https://www.bbc.com/news/world-us-canada-57002792>
  - o Damrosch, “Historical Introduction”, pp. xxvii-xxxvi [reserve]

## MC362 Syllabus (Spring 2022 – Public International Law)

- Hurd, Ian. 2015. The International Rule of Law and the Domestic Analogy. *Global constitutionalism* 4(3): 365-95.
- Chimni, B.S. 2004. International Institutions Today: An Imperial Global State in the Making. *European Journal of International Law* 15(1): 1-37. <http://www.ejil.org/pdfs/15/1/334.pdf>
- Ip, Eric C. 2020. "The constitutional economics of the World Health Organization." *Health Economics, Policy and Law*:1-15.

Tuesday, January 18 – Sovereignty and Anarchy: Classic notions, realism, and other ways to imagine a state system [all readings on D2L or elsewhere online]

- Krasner, Stephen D. 1999. *Sovereignty: Organized Hypocrisy*. Princeton, NJ: Princeton University Press, pp. 9-25 [available online: search “Krasner sovereignty” on lib.msu.edu]
- Selections from: Herbst, Jeffrey Ira. 2000. *States and Power in Africa: Comparative Lessons in Authority and Control, Princeton Studies in International History and Politics*. Princeton, N.J.: Princeton University Press. [D2L]
- King, Hayden. 2018. "Discourses of conquest and resistance: International Relations and Anishinaabe diplomacy." In *Race, Gender, and Culture in International Relations: Postcolonial Perspectives*, ed. R. B. Persaud and A. Sajed. London: Routledge. [D2L]
- Rushe, Dominic. 2012. US pressured Spain to implement online piracy law, leaked files show. *The Guardian*, January 5. <http://www.guardian.co.uk/technology/2012/jan/05/us-pressured-spain-online-piracy>
- Tavernise, Sabrina. 2013. Tobacco Firms’ Strategy Limits Poorer Nations’ Smoking Laws. *New York Times*, December 13. <http://www.nytimes.com/2013/12/13/health/tobacco-industry-tactics-limit-poorer-nations-smoking-laws.html>
- Sengupta, Somini. 2016. United Nations Chief Exposes Limits to His Authority by Citing Saudi Threat. *New York Times*, June 9. <http://www.nytimes.com/2016/06/10/world/middleeast/saudi-arabia-yemen-children-ban-ki-moon.html>
- Recommended:
  - Jackson, Robert H. 1990. *Quasi-States: Sovereignty, International Relations, and the Third World, Cambridge Studies in International Relations*. Cambridge [England] ; New York: Cambridge University Press, chapter 1 [reserve]
  - Pardini, Chelsea A., and Ana Espinola-Arredondo. 2021. "Violence, coercion, and settler colonialism." *Journal of Theoretical Politics* 33 (2):236-73.
  - Gretchen Whitmer. 2019. [Executive Directive on State-Tribal Relations \(2019-17\)](https://www.michigan.gov/whitmer/0,4570,7517_7518_7519_7520_7521,00.html), October 31, State of Michigan.

Thursday, January 20 – Treaties and the delegation of sovereignty [discussion spillover to Weds, Feb 3]

- DRW, 33-37, 40-42, 45-56, 60-68
- Sengupta, Somini. 2016. U.N. Drafts Agreement on Refugees and Migrants. *New York Times*, August 2. <http://www.nytimes.com/2016/08/03/world/un-united-nations-refugees-migrants-agreement.html>
- Recommended: Krasner, *Sovereignty: Organized Hypocrisy*, pp. 25-40

Tuesday, January 25 – Customary International Law vs. Soft Law and Legal Principles

- DRW, 68-92

Thursday, January 27 – States

- DRW, 101-115, 119-120 (Commission Opinion No. 2), 127-134
- Mary Williams Walsh, “Puerto Rico’s Financial Woes Revive Calls for Independence,” *New York Times*, August 16, 2016 (<http://www.nytimes.com/2016/08/17/business/puerto-rico-rafael-cancel-miranda.html>)
- Frank Langfitt, “Support For Scottish Independence Is Growing, Partly Due To U.K.'s COVID-19 Response,” *NPR News*, December 15, 2020 (<https://www.npr.org/2020/12/15/946242592/support-for-scottish-independence-is-growing-partly-due-to-u-k-s-covid-19-respon>)
- Livia Albeck-Ripka, “The Indigenous Man Who Declared His Own Country,” Sept. 13, 2019 *New York Times*, <https://www.nytimes.com/2019/09/13/world/australia/indigenous-walubara-yidinji.html>
- Recommended:
  - Moore, Margaret. In press. "Territorial Rights in Unoccupied Places." *American Journal of Political Science*.
  - Ashley Westerman, “Trying To Form The World's Newest Country, Bougainville Has A Road Ahead,” Dec. 30, 2019, *NPR News*, <https://www.npr.org/2019/12/30/789697304/trying-to-form-the-worlds-newest-country-bougainville-has-a-road-ahead>
  - Carrie Dunn, “Why you won't see Team Great Britain compete in soccer during the Olympics,” *ESPN.com*, August 3, 2016 (<http://www.espn.com/espn/sports/article/17205295/why-see-team-great-britain-compete-soccer-olympics>)
  - Film (fictional): *Passport to Pimlico* (1949)

[First possible in-person session] Tuesday, February 1 – Inter-governmental Organizations/Courts

- DRW, 151-154, 162-167, and [online update](#)
- *Van Gend en Loos v Netherlands Inland Revenue Administration* (Case 26-62, E.C.R. 3 (1963) [edited, on D2L]
- [May shift to recommended, depending on available time]:
  - o Benvenisti, Eyal. 2020. "The WHO—Destined to Fail?: Political Cooperation and the COVID-19 Pandemic." *American Journal of International Law* 114 (4):588-97.
  - o Ana Swanson, "Trump Cripples W.T.O. as Trade War Rages," Dec. 8, 2019 *New York Times*, <https://www.nytimes.com/2019/12/08/business/trump-trade-war-wto.html>
- Recommended:
  - o Larsson, Olof, and Daniel Naurin. 2016. Judicial Independence and Political Uncertainty: How the Risk of Override Affects the Court of Justice of the EU. *International Organization* 70(2): 377-408.

Thursday, February 3 – State Compliance

[Please note importance of this material in preparation for the legal effectiveness assignment]

- Helfer, Laurence R., and Erik Voeten. 2014. International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe. *International Organization* 68(1): 77-110 (available from [lib.msu.edu](http://lib.msu.edu)) **[READ ONLY 77-91 and 105-107]**
- Oliver Milman, "Japan cuts Antarctic whale quota after UN court ruling," *The Guardian*, 18 November 2014 (<https://www.theguardian.com/environment/2014/nov/18/japan-cuts-antarctic-whale-quota-after-un-court-ruling>)
- Daniel Victor, "Japan to Resume Commercial Whaling, Defying International Ban," *New York Times*, Dec. 26, 2018 (<https://www.nytimes.com/2018/12/26/world/asia/japan-whaling-withdrawal.html>)
- Selam Gebrekidan, "The World Has a Plan to Fight Coronavirus. Most Countries Are Not Using it." *New York Times*, March 12, 2020 (updated April 16) (<https://www.nytimes.com/2020/03/12/world/coronavirus-world-health-organization.html>)
- Lynnley Browning, "Companies Struggle to Comply With Rules on Conflict Minerals," *New York Times*, September 7, 2015 (<http://www.nytimes.com/2015/09/08/business/dealbook/companies-struggle-to-comply-with-conflict-minerals-rule.html>)
- Recommended:
  - o Guzman, Andrew T. 2008. *How International Law Works: A Rational Choice Theory*. Oxford [UK]; New York: Oxford University Press.
  - o Kucik, Jeffrey, and Krzysztof J. Pelc. 2016. "Do International Rulings have Spillover Effects?: The View from Financial Markets." *World Politics* 68 (4):713-51.
  - o Appel, Benjamin J. 2018. "In the Shadow of the International Criminal Court: Does the ICC Deter Human Rights Violations?" *Journal of Conflict Resolution* 62 (1):3-28.
  - o Búzás, Zoltán I. 2017. "Evading international law: How agents comply with the letter of the law but violate its purpose." *European Journal of International Relations* 23 (4):857-83.
  - o Stiansen, Øyvind. 2021. "Directing Compliance? Remedial Approach and Compliance with European Court of Human Rights Judgments." *British Journal of Political Science* 51 (2):899-907.

Tuesday, February 8 – Non-state actors: Non-governmental organizations and individuals

- DRW, 169-191 and [online update](#)
- "Five Years After Rana Plaza Disaster, Trade Officials Review Sustainability Compact Results," 5 July 2018 *BRIDGES Weekly Trade News Digest* (<https://www.ictsd.org/bridges-news/bridges/news/five-years-after-rana-plaza-disaster-trade-officials-review-sustainability>)
- Liz Ford, "Global Witness quits Kimberley Process in protest at 'diamond laundering,'" *The Guardian*, December 5, 2011. <http://www.guardian.co.uk/global-development/2011/dec/05/kimberley-process-global-witness-withdraws>
- Recommended:
  - o Eilstrup-Sangiovanni, Mette, and Teale N. Phelps Bondaroff. 2014. From Advocacy to Confrontation: Direct Enforcement by Environmental NGOs. *Int'l Studies Quarterly* 58 (2): 348-361.
  - o Tallberg, Jonas, Thomas Sommerer, Theresa Squatrito, and Christer Jönsson. 2014. Explaining the Transnational Design of International Organizations. *International Organization* 68(4): 741-74.
  - o Tallberg, Jonas, Lisa M. Dellmuth, Hans Agné, and Andreas Duit. 2018. "NGO Influence in International Organizations: Information, Access and Exchange." *British Journal of Political Science* 48 (1):213-38.
  - o Squatrito, Theresa. 2018. "Amicus Curiae Briefs in the WTO DSM: Good or Bad News for Non-State Actor Involvement?" *World Trade Review* 17 (1):65-89.
  - o Phillips, Andrew, and JC Sharman. 2020. "Company-states and the creation of the global international system." *European Journal of International Relations* 26 (4):1249-72.

## II. How is International Law Made and Implemented?

Thursday, February 10 – International and Domestic Law/Politics: Negotiating/Joining Int'l Agreements

- DRW, 205-207, 215-221, 225-233, and Update: “[Note on Allocation of Constitutional Authority over Foreign Affairs](#)” [READ ONLY 1<sup>st</sup> page of Update; *Zivotofsky* decision is not required reading]
- News update: Nathan Rott, “Biden Moves To Make It Illegal (Again) To Accidentally Kill Migratory Birds,” *NPR Environment and Energy Collective*, March 9, 2021 (<https://www.npr.org/2021/03/09/975376670/biden-moves-to-make-it-illegal-again-to-accidentally-kill-migratory-birds>)
- The White House – Office of the Press Secretary, “Veto Message from the President -- S.2040,” September 26, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/09/23/veto-message-president-s2040>
- Jennifer Steinhauer, Mark Mazzetti and Julie Hirschfeld Davis, “Congress Votes to Override Obama Veto on 9/11 Victims Bill,” Sept. 28, 2016 *New York Times*, <https://www.nytimes.com/2016/09/29/us/politics/senate-votes-to-override-obama-veto-on-9-11-victims-bill.html>
- Recommended:
  - o Mayer, Frederick. 1998. *Interpreting NAFTA: the science and art of political analysis*. New York: Columbia University Press, especially Chapter 7.
  - o DeSombre, Elizabeth R. 2000. *Domestic sources of international environmental policy: industry, environmentalists, and U.S. power*. Cambridge, MA: MIT Press.

Tuesday, February 15 – International and Domestic Law: incorporation, compliance, and conflicting provisions

- DRW, 209-214, 233-249
- Coral Davenport, “Supreme Court’s Blow to Emissions Efforts May Imperil Paris Climate Accord,” *New York Times*, February 10, 2016 (<http://www.nytimes.com/2016/02/11/us/politics/carbon-emissions-paris-climate-accord.html>)

Thursday, February 17 – Jurisdiction: General Principles

- DRW, 273-288 and 292-298
- Bryant Rousseau, “Cold Cases: Crime and Punishment in Antarctica,” Sept. 28, 2016 *New York Times*, <https://www.nytimes.com/2016/09/29/world/what-in-the-world/antarctica-crime.html>
- Interlude on International Criminal Law: DRW, 475-476, 524-525, 528-542
- Recommended: [update](#) materials

Tuesday, February 22 – Jurisdiction: criminal law and sovereign immunity

- DRW, 298-308, 310-312, 314-328, 330-34
- **Case study 1**: Prosecuting Somali pirates [posted on D2L]
- Recommended:
  - o David Welna, “Interpol Sends Lebanon Notice About Fugitive Auto Exec Carlos Ghosn,” January 2, 2020 *NPR News*, <https://www.npr.org/2020/01/02/793111828/interpol-sends-lebanon-notice-about-fugitive-auto-exec-carlos-ghosn>
  - o Savannah Maher, “Supreme Court Rules Tribal Police Can Detain Non-Natives, But Problems Remain,” *NPR News*, June 9, 2021. <https://www.npr.org/2021/06/09/1004328972/supreme-court-rules-tribal-police-can-detain-non-natives-but-problems-remain>
  - o Update materials (<https://www.law.umich.edu/facultyhome/drwcasebook/Pages/Chapter-6-Problem-IV-Bank-Markazi-v-Peterson.aspx>)

Thursday, February 24 - no new reading assigned; reserved for catching up where behind and summarizing course so far

Friday, February 25 – **revised decision briefs posted by Spm to D2L discussion board**

Date/Time/Location TBD – **Midterm review session** [we will walk through sample exam question response]

Tuesday, March 1 – **Midterm Exam** during class (covering all material through February 24)

## III. International Law in Selected Issue Areas

Thursday, March 3 – Use of Force I

- DRW, 713-746 and page 752 (only the section of the decision on “Use of Force by the United States”)
- Megan Specia and Rick Gladstone, “Border Agents Shot Tear Gas Into Mexico. Was It Legal?,” Nov. 28, 2018 *New York Times*, <https://www.nytimes.com/2018/11/28/world/americas/tear-gas-border.html>



**[March 8 and 10 – NO CLASS, SPRING BREAK]**

Tuesday, March 15 – Use of Force II: Extended Self-Defense and Applying Principles to New Contexts

- DRW, 746-761, 766-768, 828-831
- Merrit Kennedy and Jackie Northam, “Was It Legal For The U.S. To Kill A Top Iranian Military Leader?,” January 4, 2020 *NPR News*, <https://www.npr.org/2020/01/04/793412105/was-it-legal-for-the-u-s-to-kill-a-top-iranian-military-leader>
- Deborah Pearlstein, “The Raids in Somalia and Libya – Theories of Self Defense?” *Opinio Juris Blog*, <http://opiniojuris.org/2013/10/06/raids-somalia-libya-theories-self-defense>
- **Case study 2:** Russian efforts to influence US and other countries’ elections (includes DRW [update](#))
  - o Eric Lipton, David E. Sanger, and Scott Shane, “The Perfect Weapon: How Russian Cyberpower Invaded the U.S.,” Dec. 13, 2016 *New York Times*, <https://www.nytimes.com/2016/12/13/us/politics/russia-hack-election-dnc.html>
  - o Additional material posted on D2L

Thursday, March 17 – Use of Force III: Interventions

- DRW, 771-784 (and [update](#)), 790-793
- Recommended:
  - o Chesterman, Simon, and Michael Byers. 1999. Has US Power Destroyed the UN? *London Review of Books* 21(9).
  - o Annan, Kofi. 18 September 1999. Two Concepts of Sovereignty. *The Economist*.

**[Before Friday, March 18, please select decision for Legal Effectiveness paper, prepare decision brief and discuss with Axelrod]**

Tuesday, March 22 – Use of Force – no new readings assigned; complete discussion of the topic

Thursday, March 24 – Humanitarian Law I

- DRW, 335-337, 415-430, 434-435 (through note #2), and [update](#)
- Dave Philipps, “Trump’s Pardons for Servicemen Raise Fears That Laws of War Are History,” Nov. 22, 2019 (updated) *New York Times*, <https://www.nytimes.com/2019/11/16/us/trump-pardon-military.html>
- Eyder Peralta, “Weighing The Good And The Bad Of Autonomous Killer Robots In Battle,” *NPR*, April 28, 2016 (<http://www.npr.org/sections/alltechconsidered/2016/04/28/476055707/weighing-the-good-and-the-bad-of-autonomous-killer-robots-in-battle>)
- Missy Ryan, “Trump administration: Syria probably continuing to make, use chemical weapons,” Feb. 1, 2018 *Washington Post*, [https://www.washingtonpost.com/world/national-security/trump-administration-syria-probably-continuing-to-make-use-chemical-weapons/2018/02/01/23064386-0785-11e8-b48c-b07fea957bd5\\_story.html](https://www.washingtonpost.com/world/national-security/trump-administration-syria-probably-continuing-to-make-use-chemical-weapons/2018/02/01/23064386-0785-11e8-b48c-b07fea957bd5_story.html)

Tuesday, March 29 – Humanitarian Law II

- DRW, 436-448
- Shuaib Almosawa and Rod Nordland, “Bombing of Doctors Without Borders Hospital in Yemen Kills at Least 15,” *New York Times*, August 15, 2016 (<http://www.nytimes.com/2016/08/16/world/middleeast/yemen-doctors-without-borders-hospital-bombing.html>)
- Owen Bowcott, “Rules of cyberwar: don't target nuclear plants or hospitals, says NATO manual,” *The Guardian*, 18 March 2013 (<https://www.theguardian.com/world/2013/mar/18/rules-cyberwarfare-nato-manual>)
- Lara Jakes, “Defenders of History Take Aim at Trump’s Threat to Strike Iran’s Cultural Sites,” Jan. 5, 2020 *New York Times*, <https://www.nytimes.com/2020/01/05/world/middleeast/trump-cultural-sites.html>
- “UN chief welcomes Security Council resolution on Israeli settlements as ‘significant step’,” Dec. 23, 2016 *UN News*, <https://news.un.org/en/story/2016/12/548512-un-chief-welcomes-security-council-resolution-israeli-settlements-significant>
- Tom Bowman, “[The Rise Of The Drone, And The Thorny Questions That Have Followed.](#),” Sept. 8, 2016, *NPR Morning Edition*
- Recommended:
  - o Ramtin Arablouei and Rund Abdelfatah, “Drone Wars,” *NPR Throughline Podcast*, November 4, 2021. <https://www.npr.org/2021/11/03/1051947725/drone-wars>
  - o Gregory Warner, Jess Jiang, and Quil Lawrence, “Home/Front: How Marla Ruzicka Changed War In Iraq And Afghanistan,” *NPR Rough Translation Podcast*, July 9, 2021. <https://www.npr.org/2021/07/09/1014598150/home-front-marlas-list>

Thursday, March 31 – Human Rights I (Civil and Political Rights) [session may change due to International Studies Association conference]

- DRW, 339-341, 344-357
- Andrew V. Pestano, “U.N. review of human rights in U.S. focuses on police brutality,” *UPI*, May 11, 2015 ([http://www.upi.com/Top\\_News/US/2015/05/11/UN-review-of-human-rights-in-US-focuses-on-police-brutality/4441431347202/](http://www.upi.com/Top_News/US/2015/05/11/UN-review-of-human-rights-in-US-focuses-on-police-brutality/4441431347202/))
- Andrew E. Kramer, “European Court Faults Russia in High-Profile Murder Case,” *New York Times*, Aug. 31, 2021. <https://www.nytimes.com/2021/08/31/world/europe/russia-murder-ruling-natalya-estemirova.html>
- Recommended:
  - o Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge; New York: Cambridge University Press.
  - o von Stein, Jana. Making Promises, Keeping Promises: Democracy, Ratification and Compliance in International Human Rights Law. *British Journal of Political Science* 46(3): 655-79.
  - o Milewicz, Karolina M., and Robert E. Goodin. 2018. Deliberative Capacity Building through International Organizations: The Case of the Universal Periodic Review of Human Rights. *British Journal of Political Science* 48(2): 513-533.
  - o Nick Cumming-Bruce, “Torture Is ‘Common Practice’ in Sri Lanka, U.N. Panel Finds,” Dec. 7, 2016 *New York Times*, <https://www.nytimes.com/2016/12/07/world/asia/sri-lanka-torture.html>
  - o Oscar Lopez, “International Court Rules in Favor of Trans Rights in Honduras,” *New York Times*, June 28, 2021. <https://www.nytimes.com/2021/06/28/world/americas/honduras-trans-rights-ruling.html>

Tuesday, April 5 – Human Rights II (Civil and Political Rights, continued)

- Serena Maria Daniels, “U.N. officials tour Detroit to assess impact of water shutoffs,” *Reuters*, October 20, 2014, <http://www.reuters.com/article/us-usa-water-detroit-idUSKCN0I925820141020>
- Oliver Holmes, “Palestine files complaint against Israel under anti-racism treaty,” 23 Apr 2018 *The Guardian*, <https://www.theguardian.com/world/2018/apr/23/palestinians-file-complaint-against-israel-under-anti-racism-treaty>
- Marlise Simons, “Myanmar Genocide Lawsuit Is Filed at United Nations Court,” Nov. 11, 2019 *New York Times*, <https://www.nytimes.com/2019/11/11/world/asia/myanmar-rohingya-genocide.html>
- Livia Albeck-Ripka, “Their Islands Are Being Eroded. So Are Their Human Rights, They Say.” May 12, 2019 *New York Times*, <https://www.nytimes.com/2019/05/12/world/australia/climate-change-torres-strait-islands.html>
- Michelle Innis, “Australia Allows Abuse of Refugees to Deter Others, Rights Groups Say,” *New York Times*, August 3, 2016 (<http://www.nytimes.com/2016/08/04/world/australia/nauru-refugees-abuse-conditions.html>)
- Norimitsu Onishi and Melissa Eddy, “A Forgotten Genocide: What Germany Did in Namibia, and What It’s Saying Now,” *New York Times*, May 29, 2021. <https://www.nytimes.com/2021/05/28/world/europe/germany-namibia-genocide.html>

Thursday, April 7 – International Criminal Law and Tribunals

- DRW, 475-485, 490-491, 494-508
- Dave Philipps, “Pentagon Begins Independent Inquiry Into Special Ops and War Crimes,” Jan. 28, 2021 *New York Times*, <https://www.nytimes.com/2021/01/28/us/military-special-ops-investigation.html>
- David Smith, “ICC chief prosecutor shelves Darfur war crimes probe,” *The Guardian*, 14 December 2014 (<https://www.theguardian.com/world/2014/dec/14/icc-darfur-war-crimes-fatou-bensouda-sudan>)
- Norimitsu Onishi, “South Africa Reverses Withdrawal From International Criminal Court,” March 8, 2017 *New York Times*, <https://www.nytimes.com/2017/03/08/world/africa/south-africa-icc-withdrawal.html>
- Amanda Khoza, “South Africa should have arrested Al-Bashir – ICC,” 2017-07-06 *News24*, <https://www.news24.com/SouthAfrica/News/south-africa-failed-to-arrest-al-bashir-icc-20170706>
- Marlise Simons, “Prison Sentence Over Smashing of Shrines in Timbuktu: 9 Years,” *New York Times*, Sept. 27, 2016 (<http://www.nytimes.com/2016/09/28/world/europe/ahmad-al-faqi-al-mahdi-timbuktu-mali.html>)
- Recommended:
  - o Jackson, Robert H. 1949. Nuremberg in Retrospect: Legal Answer to International Lawlessness. *American Bar Association Journal* 35: 813-16, 81-87. <http://www.roberthjackson.org/files/thecenter/files/bibliography/1940s/nuremberg-in-retrospect.pdf>
  - o Alter, Karen J., James T. Gathii, and Laurence R. Helfer. 2016. Backlash against International Courts in West, East and Southern Africa: Causes and Consequences. *European Journal of International Law* 27(2): 293-328.
  - o Daa Hadid and Khwaga Ghani, “I Remember Them Screaming’: Afghans Detail Alleged Killings By Australian Military,” *NPR News*, April 25, 2021. <https://www.npr.org/2021/04/25/989546260/i-remember-them-screaming-afghans-detail-alleged-killings-by-australian-military>
  - o Josie Fischels, “How 165 Words Could Make Mass Environmental Destruction An International Crime,” *NPR News*, June 27, 2021. <https://www.npr.org/2021/06/27/1010402568/ecocide-environment-destruction-international-crime-criminal-court>

Tuesday, April 12 – International Criminal Law – Venue and Jurisdiction

- DRW, 508-515, 520-539 and “[Update on the ICC](#)”
- Rachel Martin, “After The Genocide, Author Witnessed How Rwandans Defined Forgiveness,” April 9, 2019 *NPR Morning Edition*, <https://www.npr.org/2019/04/09/711314421/after-the-genocide-author-witnessed-how-rwandans-defined-forgiveness>
- Jonathan M. Katz, “U.S. Wants Former Salvadoran Ally to Face Justice in 1989 Massacre,” *New York Times*, Sept. 13, 2015, <https://www.nytimes.com/2015/09/14/world/americas/us-wants-former-salvadoran-ally-to-face-justice-in-1989-massacre.html>
- Rod Nordland, “U.S. Military Suspends Members Over Kunduz Hospital Strike,” *New York Times*, November 25, 2015, <http://www.nytimes.com/2015/11/26/world/asia/afghanistan-kunduz-hospital-airstrike.html>

Thursday, April 14 – Human Rights III (Economic, Social, & Cultural Rights and Rights Balancing)

- DRW, 379-406 and [update](#)
- David Smith, “Ethiopia, 30 years after the famine,” *The Guardian*, 22 October 2014 (<https://www.theguardian.com/world/2014/oct/22/-sp-ethiopia-30-years-famine-human-rights>)
- Declan Walsh, “In a Victory for Women in Sudan, Female Genital Mutilation Is Outlawed,” *New York Times*, April 30, 2020 (<https://www.nytimes.com/2020/04/30/world/africa/sudan-outlaws-female-genital-mutilation-.html>)
- Recommended: Uzma S. Burney, ASIL Insights - European Court of Human Rights Upholds France's Ban on the Full-Face Veil (<https://www.asil.org/insights/volume/19/issue/3/european-court-human-rights-upholds-frances-ban-full-face-veil>)

Tuesday, April 19 – Law of the Sea (possible guest speaker, which may change reading assignment/schedule)

- DRW, 543-562, 564-574, and [update](#)
- Recommended:
  - o Beckman, Robert, and Clive Schofield. "Moving beyond disputes over island sovereignty: ICJ decision sets stage for maritime boundary delimitation in the Singapore Strait." *Ocean Development & International Law* 40.1 (2009): 1-35
  - o Phillippe Sands, “Opinion: Britain Holds On to a Colony in Africa, With America’s Help,” *New York Times*, April 1, 2021. <https://www.nytimes.com/2021/04/01/opinion/uk-mauritius-china-us.html>

#### **IV. Conclusion: Structure and Function of the International Legal System**

Thursday, April 21 – Global Health and Pandemic Governance

**[Legal Effectiveness Paper due at the beginning of class]**

- World Health Organization, “Public health emergencies: preparedness and response International Health Regulations (2005),” [https://apps.who.int/iris/bitstream/handle/10665/328559/A72\\_8-en.pdf?sequence=1&isAllowed=y](https://apps.who.int/iris/bitstream/handle/10665/328559/A72_8-en.pdf?sequence=1&isAllowed=y)
- Bill Chappell, “The ‘Time Has Come’ For A Global Pandemic Treaty, WHO’s Tedros Says,” *NPR News*, May 31, 2021. <https://www.npr.org/sections/coronavirus-live-updates/2021/05/31/1001943709/the-time-has-come-for-a-global-pandemic-treaty-whos-tedros-says>
- Capicchiano Young, Sophie. 2021. "State Responsibility for COVID-19: Does International Contagion Constitute Transboundary Harm?" *Asian Journal of International Law* 11 (2):372-90.
- Megan Twohey, Keith Collins and Katie Thomas, “With First Dibs on Vaccines, Rich Countries Have ‘Cleared the Shelves’,” Dec. 15, 2020 (updated Dec. 18) *New York Times*, <https://www.nytimes.com/2020/12/15/us/coronavirus-vaccine-doses-reserved.html>
- Recommended:
  - o Fazal, Tanisha M. 2020. "Health Diplomacy in Pandemical Times." *International Organization*:1-20.
  - o Morin, Jean-Frédéric, Sikina Jinnah, and Amandine Orsini. 2021. "Pandemics and Environmental Crises: Similar Problems; Different Governance Systems." In *Pandemics: A Multidisciplinary Approach*, ed. P. Bourbeau and J.-M. Marcoux. Oxford: Oxford University Press. [on D2L]
  - o von Bogdandy, Armin, and Pedro Villarreal. 2020. "The Role of International Law in Vaccinating Against COVID-19: Appraising the COVAX Initiative." In *Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper*: <https://ssrn.com/abstract=3733454>

Tuesday, April 26 – Challenges, Perspectives, and Conclusion

- DRW, 795-803, 815-820, 863-876, and 892-904
- Steven Erlanger, “Council of Europe Restores Russia’s Voting Rights,” June 25, 2019 *New York Times*, <https://www.nytimes.com/2019/06/25/world/europe/council-of-europe-russia-crimea.html>
- Recommended:
  - o Desautels-Stein, Justin. International Legal Structuralism: A Primer. *International theory* 8(2): 201-35.
  - o Conrad, Courtenay R., and Emily Hencken Ritter. 2013. Treaties, Tenure, and Torture: The Conflicting Domestic Effects of International Law. *The Journal of Politics* 75(02): 397-409.

Thursday, April 28 – No new readings assigned: Catching up, semester conclusion and final exam review

**Final Exam Period – Friday, May 6, 7:45-9:45am**