INTERNATIONAL AFFAIRS 333: SPRING 2008
INTERNATIONAL LAW

Goals of the Course
In this course students will explore the interplay of international law and politics. We will examine the strength of constructivist, realist and neo-liberal accounts of regime emergence, design and governance in a variety of institutions. Students will leave the course better able to identify the strength and weaknesses of the various theories of international politics as they relate to international law. We will use the War on Terror as our lens through which to view changes and challenges to global governance. Other issues covered include: the role of non-state actors in international law, climate change treaty negotiations, the International Criminal Court’s role in Darfur and the rights of migrant workers.

Course Requirements
Short Paper due on Monday, February 18th ..............................................10%
Midterm #1 on Monday, March 3rd ........................................................20%
Midterm #2 on Monday, April 7th ..............................................................25%
Participation in 3 international tribunals (various dates)..............................15%
Final exam on Thursday, May 8th from 1-4..............................................30%

Required Texts
Please purchase the following books from the College bookstore or from an online bookstore. Additional course readings will be available on the library’s electronic reserves and on our class moodle page.


A Note on the “International Tribunal Requirement” for IA 333
Students are required to participate in 3 of the 5 tribunals that will be held during class time. Students will serve as advocates once and as justices twice. More information regarding these roles, expectations and procedures for the tribunals will be given in class. Sign-ups for dates and roles will take place in class on February 4th and February 11th. Please be aware that these roles/dates cannot be changed. Once you’ve signed up to be a justice or advocate you will be expected to play that role on that date.
Week 1: Intellectual History of IA/IL (1/28)

No reading.

Week 2: What is international law? What are the sources of international law? How do new challenges to sovereignty undermine the system of international law? (2/4)

Janis, Chs. 1-3.


Week 3: Theoretical Approaches to International Law (2/11)

Reus Smit, Ch. 2 (14-44)


Week 4: Is IL really law? Evaluating international law and the use of force (2/18)

Short paper due.

Reus-Smit, Ch. 3


Week 5: Actors in International Law: NGOS and MNCS (2/25)


**International Tribunal #1:** Are the MNCS operating in Saipan violating workers rights to be free from torture (protected by the Convention against Torture)? Or, should Saipan be seen as an economic success story and be left free of labor regulations to promote economic growth? Use the pieces by Smith and Wolf to frame your arguments/questions.

**Week 6: International Law and Domestic Politics (3/3)**

**In –class midterm #1.**

Janis Ch. 4.

Janis pp. 322-338.

Reus-Smit, Ch. 4.

**Week 7: Compliance in International Law (3/10)**


**Week 8: Institutions in International Law: The ICC and Darfur (3/17)**

Reus-Smit Ch. 7.


**International Tribunal #2:** Should the Darfur case be tried in the ICC? Or, should the international community bend to US pressure and refer the case to an ad hoc tribunal set up specifically for Darfur? What are the arguments for and against the ICC as a venue for pursuing international law?

**SPRING BREAK: 3/24-3/28**

**Week 9: The Individual in International Law: Case Study of Migrant Rights (3/31)**

Janis Ch. 8.

Reus-Smit, Ch. 6.


**International Tribunal #3:** Is employment discrimination in the US against migrant workers legal under international law? In May of 2002 Mexico submitted a request for an advisory opinion to the Inter-American Court of Human Rights requesting that the Court comment on the US’s employment discrimination against migrant workers from Mexico. Relying on Berg’s analysis you could argue that the US has the sovereign right to discriminate against migrant workers. Or, you could rely on the Cleveland article and the amicus brief submitted by a group of labor rights organizations to argue that international law prevents such discrimination.

**Week 10: The War on Terror and the Evolution of Alien Rights (4/7)**

**In-class midterm #2.**

Week 11: The Rights of Accused Enemy Combatants in the War on Terror (4/14)


American Civil Liberties Union of Virginia, “Brief Submitted on Behalf of the American Civil Liberties Union of Virginia as Amici Curiae in *Hamdi v. Rumsfeld,*” US Court of Appeals for the Fourth Circuit, No. 02-7338.


**International Tribunal #4:** Yaser Esam Hamdi is an American national who was detained in Chicago for his alleged role as an Al Qaeda terrorist. He was held by the US government for three years without charges. Does Hamdi’s detention violate the Geneva Convention, domestic case law or the Constitution? Use the briefs submitted by the US government and the ACLU to develop your arguments and questions. Use the Aldrich article to understand how the Geneva Convention may or may not apply.

Week 12: Humanitarian Intervention (4/21)

Reus-Smit, ch. 8.


**International Tribunal #5:** It’s March of 2003 and the US is considering invading Iraq in order to protect the individual rights of Iraqi’s who are being abused there. Secretary of State Colin Powell has just given a presentation to the UN arguing that multilateral humanitarian intervention is essential in this case. Advocates representing the US will argue in favor of multilateral humanitarian intervention in Iraq. Additionally, US
advocates should also be prepared to use the Goodman piece to defend unilateral humanitarian intervention. Advocates representing Iraq will argue against humanitarian intervention by explaining the pitfalls associated with humanitarian intervention and with reference to sovereignty.

**Week 13: The Future of International Law, Prospects and Challenges (4/28)**

Reus-Smit, Ch. 11.


**FINAL EXAM: Thursday, May 8th from 1-4**

**Other Issues**

- Attendance policy: students are expected to attend every class. Exam material and paper prompts are drawn from class readings and discussion.

- Final course grades will be reduced following a student’s third absence, regardless of whether the absences are excused or unexcused.

- With the exception of serious emergencies, in class work (including exams) cannot be made up. If you know that you will be unable to attend class on the day of an exam, let the instructor know as soon as possible.

- Unless otherwise noted, papers are always due at the beginning of class. Papers handed in after lecture has commenced will be counted as late.

- You are encouraged to take intellectual risks in your contributions to classroom discussions, make mistakes and develop your analytical reasoning skills in this class. This cannot happen in an environment that is not constructive. Respect for your peers is expected in all classroom discussions.

- Students are required to follow the College’s student code of conduct. Please see the College’s policies on classroom disruptions and academic dishonesty. Both actions disrupt from the learning environment and will be met with punitive action, including grade reductions.

- Students with disabilities are encouraged to seek out the Student Support Services Office at: 768-7156. Please make arrangements to meet with Student Support
Services early in the semester so that the office can contact me regarding your accommodations.