

ST. LOUIS UNIVERSITY
DEPARTMENT OF POLITICAL SCIENCE
POLS-3640 International Law
3 CREDIT HOURS Fall 2018

Dr. Emmanuel Uwalaka
OFFICE: McGannon 150
Phone: 977-3035/3039
Class Room: MCG 121

TR 2:15-3:30 pm.
HOURS: TWR 1-2 pm

And by Appointment

I. COURSE DESCRIPTION

This course examines the nature of the international legal system, how the law is made and applied, and the challenges presented by global society. It studies the main components of this body of law such as jurisdiction, the law of the sea, law of treaties, settlement of disputes and the laws of war.

II. COURSE OBJECTIVES

The objectives of the course are as follows:

- A. To explain how international law has developed over time
- B. To examine the conflicts between theory and practice in the enforcement of international law
- C. To understand the role of power relations in the formation, application and enforcement of international rules
- D. To understand the position of the developing world in the formation, application and enforcement of international law, and
- E. To provide students with the intellectual capability to understand the utility of international law in the conduct of international relations

III. LEARNING OUTCOMES

After taking this course, students will be able to:

- A. Recognize and apply major concepts and theories in the study of international law
- B. Demonstrate an understanding of the role of power relations in the development and application of international law, and
- C. Read carefully and evaluate and construct analytical arguments in clear and logical prose

IV. REQUIRED TEXTS

- A. Von Glahn, Gerhard, and Taubee, J, Larry.2017. Law Among Nations: An Introduction to Public International Law, New York, Pearson. (Required)
- B. Rochester, J. Martin. 2012. Between Peril and Promise: The Politics of International Law. Los Angeles, Sage. (Recommended)

Additional reading assignments will be placed in the reserve collection of the University library.

V. CLASS ATTENDANCE

1. Students are required to attend class sessions regularly and punctually.
2. Students are required to sign the roll at each session and a record of attendance will be maintained.
3. Students will be expected to complete assigned readings before coming to class and participate constructively in class discussions. During class, **cell phones must be turned off or vibrate mode**. If you need to respond to a call, please step outside the room.
4. This instructor allows only three unexcused and undocumented class absences after which a student must provide documentation or explanation for being absent from class. Unexcused and undocumented class absences in excess of seven will warrant an “F” grade for the course.

EVALUATION

A. Methods

Examinations, and class participation will be used in evaluating the performance of students.

1. There will be Midterm and Final Examinations.
2. Students are required to take all examinations as scheduled. Exams are primarily essays. Exams are not cumulative, that is, only the material since the last exam is included.
3. Class participation includes but not limited to class attendance, constructive engagement during lectures, for example, asking and answering questions, respect of other students’ perspectives, “rightful” use of computers and cell phones, etc.

B. GRADING SCALE AND DISTRIBUTION OF PERCENTAGES

- | | |
|-------------------------|-----|
| 1. Mid-term Examination | 40% |
| 2. Final Examination | 40% |
| 3. Class Participation | 20% |

The numerical equivalents of letter grades are:

93-100 = A	83-86 = B	73-76 = C
90-92 = A-	80-82 = B-	60-69 = D
87-89 = B+	77-79 = C+	Below 60 = F

NOTE: Final grades will not be changed unless there is an error in computation.

OFFICE VISITS

Students are encouraged to visit the instructor during office hours in connection with their work in this class, or to discuss any career-related problems. If unable to visit during posted hours, an appointment will be made convenient to both the student and the instructor.

IT IS IMPORTANT THAT YOU GET TO KNOW YOUR TEACHERS AND TO MAKE YOURSELF KNOWN TO THEM. IT IS THE ONLY WAY TEACHERS CAN BE OF HELP TO YOU OUTSIDE THE CLASSROOM.

COLLEGE OF ARTS & SCIENCES POLICIES ON ...

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual misconduct (e.g. sexual assault, sexual harassment, stalking, domestic or dating violence), we encourage you to report this to the University. If you speak with a faculty member about an incident of misconduct, that faculty member must notify SLU's Title IX coordinator, Anna R. Kratky (DuBourg Hall, room 36; akratky@slu.edu; 314-977-3886) and share the basic facts of your experience with her. The Title IX coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK. To view SLU's sexual misconduct policy and for resources, please visit the following web addresses: www.slu.edu/here4you and <https://www.slu.edu/general-counsel>.

Disability Services

Students with a documented disability who wish to request academic accommodations must contact Disability Services to discuss accommodation requests and eligibility requirements. Once successfully registered, the student also must notify the course instructor that they wish to access accommodations in the course.

Please contact Disability Services, located within the Student Success Center, at Disability_services@slu.edu or 314.977.3484 to schedule an appointment. Confidentiality will be observed in all inquiries. Once approved, information about the student's eligibility for academic accommodations will be shared with course instructors via email from Disability Services and viewed within Banner via the instructor's course roster.

Note: Students who do not have a documented disability but who think they may have one are encouraged to contact to Disability Services.

Academic Integrity

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern.

The governing University-level Academic Integrity Policy was adopted in Spring 2015, and can be accessed on the Provost's Office website at: https://www.slu.edu/provost/policies/academic-and-course/policy_academic-integrity_6-26-2015.pdf.

Additionally, each SLU College, School, and Center has adopted its own academic integrity policies, available on their respective websites. All SLU students are expected to know and abide by these policies, which detail definitions of violations, processes for reporting violations, sanctions, and appeals. Please direct questions about any facet of academic integrity to your faculty, the chair of the department of your academic program, or the Dean/Director of the College, School or Center in which your program is housed.

Student Success Center

In recognition that people learn in a variety of ways and that learning is influenced by multiple factors (e.g., prior experience, study skills, learning disability), resources to support student success are available on campus. The Student Success Center assists students with academic-related services and is located in the Busch Student Center (Suite, 331). Students can visit <https://www.slu.edu/life-at-slu/student-success-center/> to learn more about tutoring services, university writing services, disability services, and academic coaching.

University Writing Services

Students are encouraged to take advantage of University Writing Services in the Student Success Center; getting feedback benefits writers at all skill levels. Trained writing consultants can help with writing projects, multimedia projects, and oral presentations. University Writing Services offers one-on-one consultations that address everything from brainstorming and developing ideas to crafting strong sentences and documenting sources. For more information, visit <https://www.slu.edu/life-at-slu/student-success-center/> or call the Student Success Center at 314-977-3484.

SLU faculty have begun to request language for a syllabus statement that acknowledges and points students toward supports for basic needs insecurity for things like food and shelter. The Dean of Students Office developed the following statement for those who wish to include this sort of language into their syllabi.

Basic Needs Security

Students in personal or academic distress and/or who may be specifically experiencing challenges such as securing food or difficulty navigating campus resources, and who believe this may affect their performance in the course, are encouraged to contact the Dean of Students

Office (deanofstudents@slu.edu or 314-977-9378) for support. Furthermore, please notify the instructor if you are comfortable in doing so, as this will enable them to assist you with finding the resources you may need.

COURSE EVALUATION

As part of class participation, during the last week of the semester students will be reminded to complete an on-line course evaluation. Students will be notified when screens will be accessible for students to submit the evaluation.

VI. COURSE OUTLINE

Aug. 28 Course Overview

Aug. 30, Sept. 4 Historical Development

Early Development of International Law
Impact of Westphalia (1648)
The Nineteenth Century
Rochester, 24-48

Aug. 6, 11 Nature of International Law

Visions of international politics
Why do states obey international law?
Extralegal factors that promote compliance
Von Glahn and Taulbee, 2-10
Rochester, 59-64

Aug. 13, 18 Sources of International Law

International Treaties (Convention)
International Custom
Case: The Scotia, 57-58
Von Glahn & Taulbee, 52-64
Rochester, 52-59

Sources of International Law Cont'd

General principles of law
Judicial decisions
Writings of publicists
Equity
Resolutions and declarations of International Organizations
Von Glahn & Taulbee, 64-73

Aug. 20 Visions of International Politics

Realism
Idealism
Constructivism, and
Others schools
Von Glahn & Taulbee, 11-23
Rochester, Chap. 2

Aug. 25 **Discussion: International Law** steering from customs began with the European countries sharing the same culture and religion. The question, then, is how emergent states in Africa and Asia accept international law based on customs?

Aug. 27, Oct. 2 **International Agreements**

Types to declarations 74-81

Formation to special problems, 82-97

Termination, 98-102

Oct. 4, 9 **Relationship between International Law and Municipal Law**

Oct. 11 Monism and Dualism: What is the relationship between international and domestic law? 121-118

Applying international law, 122-139

Case: The Paquete Habana, the Lola,

Case: Asakura v. City of Seattle,

Oct. 16 **Is International Law Really Law, or a Charade?**

The breaking of international law: How is the law enforced?

The adjudicating of international law: Who are the judges?

Rochester, 1-48

Oct. 18 **MID TERM EXAMINATION**

Oct. 23 **Fall BREAK**

Oct. 25 **Subjects of International Law**

Recognition to special cases, Von Glahn & Taulbee, 142-150

Case: The Sapphire, 150-151

Oct. 30 Nov. 1 **The Allocation of Competence in International Law**

Modes of acquisition

Ways of losing nationality

Multiple nationalities

Statelessness

Nationality of other entities

Von Glahn & Taulbee, 203-224

Case: US v. Wong Kim Art, 209

Nov. 6, 8 **State Responsibility: Responsibility for Injuries to Aliens:**

Circumstances precluding wrongfulness

The Rainbow Warrior

International claims

Responsibility of states for the actions of rebels and insurgent governments

Von Glahn & Taulbee, 271-297

Case: Janes Claim, 285-286

Nov. 13, 15, 20 **The Law of the Sea**

Freedom of the sea
The issue of land-locked states
Jurisdiction over vessels
Fishing
Protection of the marine environment
Resources of the deep seabed
Dispute settlement
Von Glahn & Taulbee, 299-333
Case: Regina v. Leslie, 303
Case: Mali v. Keeper of the Common Jail (Wildenhus), 307-308

Nov. 22 **THANKSGIVING BREAK**

Nov. 27, 29 **The Individual and International Law**
Human Rights
Background
Theory and practice
The UN and Human Rights
Difficulty of Implementation (See, the “UN Convention against Torture,”
in the case of Somalia
Case: Caesar v. Trinidad and Tobago, 421-422
Case: Rreshpja v Gonzales, 428-429
Von Glahn & Taulbee, 404-434

Dec. 4 **The Future of International Politics, International Law, and Global Governance**
Rochester, chap. 9

Dec. 6 **Last Day of Class**

Dec. 18 **FINAL EXAMINATION (2:00-3:50)**