

ST. LOUIS UNIVERSITY  
DEPARTMENT OF POLITICAL SCIENCE  
POLS-3640 International Law  
3 CREDIT HOURS, Spring 2017

Dr. Emmanuel Uwalaka  
OFFICE: McGannon 150  
Phone: 977-3035/3039  
Class Room: MCG 270

MWF 10:00-10:00 am.  
HOURS: MWF 1 - 2 p  
TH 10:00- 11:00 am  
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

## **111. 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
- C. Develop critical thinking, including respect and tolerance of different perspectives in an argument
- D. Evaluate evidence to test theories and to make persuasive arguments

## **III. REQUIRED TEXTS**

- A. Von Glahn, Gerhard, and Taubee, J, Larry.2013. 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.**

**IV. 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 two unexcused and undocumented class absences after which a student must provide documentation or explanation for being absent from class. Failure to do this will affect points for class participation.

**EVALUATION**

**A. Methods**

Examinations, a research proposal, 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. The research proposal will be on a topic agreed upon between student and instructor. A guide to writing the proposal will come as a separate document. The proposal will be due May 1.
4. 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 | 35% |
| 2. Final Examination    | 35% |
| 3. Research Proposal    | 20% |
| 3. Class Participation  | 10% |

The numerical equivalents of letter grades are:

93-100 = A	83-86 = B	
90-92 = A-	80-82 = B-	73-76 = C
87-89 = B+	77-79 = C+	60-69 = D
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 POLICY ON ACADEMIC HONESTY**

### **Academic Integrity and Honesty**

*The University is a community of learning, whose effectiveness requires an environment of mutual trust and integrity. Academic integrity is violated by any dishonesty such as soliciting, receiving, or providing any unauthorized assistance in the completion of work submitted toward academic credit. While not all forms of academic dishonesty can be listed here, examples include copying from another student, copying from a book or class notes during a closed book exam, submitting materials authored by or revised by another person as the student's own work, copying a passage or text directly from a published source without appropriately citing or recognizing that source, taking a test or doing an assignment or other academic work for another student, securing or supplying in advance a copy of an examination without the knowledge or consent of the instructor, and colluding with another student or students to engage in academic dishonesty.*

*Any clear violation of academic integrity will be met with appropriate sanctions. Possible sanctions for violation of academic integrity may include, but are not limited to, assignment of a failing grade in a course, disciplinary probation, suspension, and dismissal from the University. Students should review the College of Arts and Sciences policy on Academic Honesty, which can be accessed on-line at <http://www.slu.edu/colleges/AS/> under "Quicklinks for Students" or in hard copy form in the Arts and Sciences Policy Binder in each departmental or College office.*

### **Students with Special Needs - Disability Services**

*Any student who feels that he/she may need academic accommodations in order to meet the requirements of this course - as outlined in the syllabus - due to presence of a disability, should contact the Office of Diversity and Affirmative Action. Please telephone the office at 314-977-8885, or visit DuBourg Hall Room 36. Confidentiality will be observed in all inquiries.*

## 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.**

## **V. COURSE OUTLINE**

- Jan. 18**      **Course Overview**
- Jan. 20, 23,**   **Historical Development**  
 Early Development of International Law  
 Impact of Westphalia (1648)  
 The Nineteenth Century  
 Rochester, 24-48
- Jan. 25, 27, 30**   **Nature of International Law**  
 Visions of international politics  
 Why do states obey international law?  
 Extralegal factors that promote compliance  
 Von Glahn and Taulbee, 1-10  
 Rochester, 59-64
- Feb. 1, 3**      **Sources of International Law**  
 International Treaties (Convention)  
 International Custom  
 Case: The Scotia, 57-58  
 Von Glahn & Taulbee, 50-70  
 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, 62-71
- Feb. 6, 8, 10**   **Visions of International Politics**  
 Realism  
 Idealism  
 Constructivism, and  
 Others schools  
 Von Glahn & Taulbee, 10-15  
 Rochester, Chap. 2
- Feb. 13**      **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?**
- Feb. 15, 17, 20**   **International Agreements**  
 Types to declarations 72-75  
 Formation to special problems, 79-91  
 Termination, 95-99
- Feb. 22**      **Guide in Writing a Research Proposal**

- Feb. 24, 27, Mar. 1**     **Relationship between International Law and Municipal Law**  
 Monism and Dualism: What is the relationship between international and domestic law? 117-118  
 Applying international law, 118-133  
 Case: The Paquete Habana, the Lola, 121-122  
 Case: Asakura v. City of Seattle, 130-131
- Mar. 3, 6**     **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
- Mar. 8**     **Writing Research Proposal, contd**
- Mar. 10**     **Mid Term EXAMINATION**
- Mar. 13, 15, 17** **SPRING BREAK**
- Mar. 20, 22**     **Subject of International Law**  
 Recognition to special cases, Von Glahn & Taulbee, 142-150  
 Case: The Sapphire, 146-147  
 Case: Republic of China v. Merchants' Fire Assurance Corp., 168-169  
 State succession, 172-177
- Mar. 24, 27**     **The Allocation of Competence in International Law**  
 Modes of acquisition  
 Ways of losing nationality  
 Multiple nationalities  
 Statelessness  
 Nationality of other entities  
 Von Glahn & Taulbee, 208-230  
 Case: US v. Wong Kim Art, 212-213  
 Case: US ex rel Steinworth v. Watkins, 226-227
- Mar. 29, 31**     **State Responsibility: Responsibility for Injuries to Aliens: Apr. 7**  
**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
- April 3, 5, 7**     **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

**Apr. 10, 12, 19 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

**Apr. 14, 17 EASTER BREAK**

**Apr. 21, 24 Human Rights: What happened to Sovereignty?**

Treatment of aliens  
Treatment of citizens  
Human rights challenges in the twenty-first century  
Rochester, chap. 5

**Apr. 26 Final Questions on Research Proposal**

**Apr.28, International Environmental Law**

**May 1** Protecting the biosphere  
Rochester, chap. 8

**RESEARCH PROPOSAL DUE**

**May 3, 5 The Future of International Politics, International Law, and Global Governance**

Rochester, chap. 9

**May 8 Last Day of Class**

**May 10 8 - 9:50am FINAL EXAMINATION**