TUFTS UNIVERSITY
Department of Political Science

INTERNATIONAL LAW
PS-168
Spring 2015
Mondays 2:00 - 4:20pm, Bromfield-Pearson, Room 101

CONTENT AND OBJECTIVES OF THE COURSE

PS 168 is an introductory survey course on international law, which provides a broad overview of the international legal framework. The course covers the structure of international law and the United Nations legal order as well as select areas of international law (e.g., international trade, investment, human rights and criminal law).

By the end of the course, students should have gained an understanding of the overall structure and processes of public international law and of the political context within which international law operates; developed the ability and desire to think critically about international law and its role in international society; and acquired general professional legal skills, in particular the ability to formulate and structure legal argument—both in writing and orally.

BOOKS AND MATERIALS

The textbook for the course will be the 2nd Edition of Sean D. Murphy’s Principles of International Law (West 2012). It is recommended that students obtain the United Nations Charter (United Nations Publications 1985). Both texts are available in the bookstore. Students can use the textbook for background reference, even when the different teachers do not explicitly assign readings from it. Readings from sources other than the textbook will be posted on Trunk.


TEACHING

In general: Members of the faculty at the Fletcher School of Law and Diplomacy teach the course in rotation. Class sessions will involve learning in both large and small groups, depending upon individual faculty member preference. The coordinating instructor and teaching assistant will assist with group work.

Class participation: Each week (except the first), students will be assigned a set of reading and discussion questions/problems. Students are required to read the specified materials prior to coming to class, as well as to actively consider answers to discuss questions or problems. Participation will

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be an important component of your grade.

**Review sessions:** The Coordinating Instructor and Teaching Assistant will hold review sessions where students will review substantive areas of international law. Attendance is voluntary, but highly encouraged.

**Instructors:** The coordinating instructor for this course is Deepti Jayakrishnan. The teaching assistant is Clare O’Hare. Office hours will be held on Tuesdays, 9.30 am in the TA Lounge on the third floor of Packard. Students may also meet the coordinating instructor or teaching assistant by appointment.

**GRADING AND EXAMS**

Grading will be based on the following:
- 20% class participation
- 40% midterm exercise (20% written brief and 20% oral argument)
- 40% final exam

**Class participation:** Class participation will be measured by substantive contributions to class and small group discussions. The quality of what you say is emphasized over quantity.

**Review sessions:** Three optional review sessions will be held throughout the semester.

**Midterm moot court exercise:** The midterm exercise will be a moot court exercise based on a fictitious international law scenario. Students will be assigned different roles and will be required to write a set of pleadings (with plenty of help from the coordinating instructor and teaching assistant). After spring break, one of the classes will be dedicated to simulating the court proceedings. Students will be asked to plead orally in front of two or three “judges.”

The brief for the midterm exercise is due on the date indicated in the course schedule. If the brief is handed in late, the student will be downgraded by 5 percentage points (out of 100) per day of delay. Extensions will not be made absent personal or family medical emergencies, or other extraordinary circumstances and must be requested either in advance or immediately after they arise. Please do not ask for an extension without a compelling reason.

**Final exam:** The final exam will be held on Monday, May 4, 2:00 to 4:00 PM. It will consist of three sections: multiple choice, short answer, and issue spotting essays.

**Attendance:** Students are expected to attend all class lectures and small group sessions. Students are entitled to one excused absence, but will be downgraded by 5 percentage points (out of 100) for any additional absence, unless the coordinating instructor has given special permission in advance. Tardiness may also count against your attendance and class participation grades.

**FACULTY**

Ian Johnstone  
ian.johnstone@tufts.edu  
Michael Glennon  
michael.glennon@tufts.edu
SCHEDULE OF CLASSES

NO CLASSES ON MONDAY, JANUARY 19 (MARTIN LUTHER KING JR. DAY)

WEEK 1 (Wednesday, January 21) Introduction (Jayakrishnan & O’Hare)
Course overview and administrative details.

WEEK 2 (January 26) Nature of International Law: Sources, Custom, Treaties (Glennon)
• Murphy: 3–6, 10–19, 77–106
• Statute of the ICJ, art. 38
• *The Lotus* (1927) [Damrosch et al., p. 68–69]
• Vienna Convention on the Law of Treaties, arts. 18, 26, 27, 46, 60

WEEK 3 (February 2) UN Legal Order (Johnstone)
• UN Charter Articles 1, 2, 7, 10, 11, 23, 24, 25, 27, 94 and 97-100
• Murphy, pp. 47-51, 54-59, 104-106, 141-51, 173-78 and 187-92.
• "A more secure world: our shared responsibility," Report of the High Level Panel on Threats, Challenges and Change, UN Doc. A/59/565 (2 Dec. 04), paras. 244-260 (also available on UN website).

WEEK 4 (February 9) Use of Force/Humanitarian Intervention (Johnstone)
• UN Charter, Article 2(4), Article 2(7), Chapter VI and Chapter VII
• Murphy, pp. 491-515
• Permanent Representative of Brazil to the United Nations, “Responsibility while protecting:
elements for the development and promotion of a concept” UN Document A/66/551–S/2011/701, 11 November 2011

NO CLASSES ON MONDAY, FEBRUARY 16 (PRESIDENT’S DAY)

Wednesday, February 18, 6:00pm: Review Session 1

WEEK 5 (Thursday, February 19) International Law in US Law (Glennon)
• Murphy: 7–10, 26–30, 233–241, 249–253, 253–269
• The Paquete Habana (1900) [Damrosch et al., p. 61–66]
• Diggs v. Shultz, 470 F.2d 461 (D.C. Cir. 1972)
• Executive agreements [Damrosch et al., p. 728–737]
• Self-executing and non-self-executing treaties [Damrosch et al., p. 205–212]
• Additional notes [Damrosch et al., 260, 455]

WEEK 6 (February 23) International Dispute Resolution, Writing Legal Briefs (Jayakrishnan)
• Murphy: 125-170
• United Nations Charter, Arts. 2, 33- 38, 92-96
• Statute of the International Court of Justice
• Moot court assignment will be emailed before class

WEEK 7 (March 2) International Human Rights Law I (Hannum)
What are human rights? Overview of human rights history, development; scope of substantive protections; universality v. relativism
• Murphy: 333-362
• “Universal Bill of Human Rights,” Universal Declaration of Human Rights; Covenant on Economic, Social, and Cultural Rights (Arts. 1-15); and Covenant on Civil and Political Rights (Arts. 1-27)

WEEK 8 (March 9) International Human Rights Law II (Hannum)
How are human rights implemented and enforced? International mechanisms at the UN and regional levels; human rights and politics
• Murphy: 362-378
• Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women
• Chart, Structure of the United Nations Human Rights System
Wednesday, March 11, 6:00pm: **Review Session 2**

**MIDTERM BRIEFS DUE ON FRIDAY, MARCH 13 (NO ACTUAL CLASS)**

**SPRING BREAK—NO CLASSES FROM MARCH 14-20**

**WEEK 9 (March 23) – International Investment (Salacuse)**

- Murphy: 201-220
- Restatement of the Foreign Relations Law of the United States, Section 712
- Simulation assignment will be circulated one week before class

**WEEK 10 (March 30) Moot Court (Jayakrishnan, O’Hare and others)**
3 Hour Simulated Moot Court based on arguments written in briefs submitted March 13.

**WEEK 11 (April 6) International Trade: Institutional Aspects (Trachtman)**

- “The Design of International Trade Agreements,”
  
  http://www.wto.org/english/res_e/booksp_e/anrep_e/wtr07-2c_e.pdf

**WEEK 12 (April 13) International Criminal Law (Aptel)**

  
  - Simulation assignment will be emailed one week before class

**NO CLASSES ON APRIL 20 (Patriot’s Day)**

**WEEK 13 (April 27) TBD**

Wednesday, April 29, 6:00 PM: **Review Session 3**

**FINAL EXAM MONDAY, MAY 4, 2:00 TO 4:00 PM**