INTRODUCTION

Professor Petersen will teach this course during Professor Barnes’ absence, which we anticipate will be from Week 6 to the end of the semester. We will cover much of the same material that Professor Barnes planned to cover but with a different organization of topics. As we agreed in class on February 15, there will also be fewer assessments than Professor Barnes had planned. So please review this Revised Syllabus carefully and let me know, in class on February 22, if you have any concerns or questions.

In Weeks 6-8, we will review some of the general concepts that were assigned by Professor Barnes for Weeks 1-5, just to make sure that you have the grounding that you need for your Midterm Paper and that we are all “on the same page” before we start new topics. Please do speak up if you have questions or are confused by any of the concepts or terminology used in class or in the readings.

TEXTBOOK & ADDITIONAL READING MATERIALS

Sanford R. Silverburg (editor), INTERNATIONAL LAW: CONTEMPORARY ISSUES AND FUTURE DEVELOPMENTS (Westview Press 2011)


I will also post certain additional materials and links to videos in the “Resources” section of our Laulima course website.

STUDENT LEARNING OBJECTIVES

Upon successful completion of this course, students should be able to:
(i) Identify the main subjects of international law (including states, international organizations, and international organizations) and explain the structure of the international legal system. Explain the key differences between international and domestic (national) law.

(ii) Identify and discuss the basic principles underlying legal relations among states (including the concepts of statehood and sovereignty) and explain how these concepts have evolved since the development of the United Nations (UN).

(iii) Identify the powers and functions of the major organs of the UN (including the Security Council, General Assembly, and International Court of Justice).

(iv) Identify and the major sources of international law, including international customary law, treaties, and other international instruments.

(v) Identify and discuss the mechanisms for enforcing international law and resolving international disputes, including international negotiation, mediation, and adjudication.

(vi) Discuss the core principles of certain substantive areas of international law, including international humanitarian law (the law of armed conflict); international human rights law; law of the sea; and international environmental law.

(vii) Develop an understanding of the different approaches to dispute resolution in selected areas of international law by analyzing actual and/or simulated disputes.

ASSESSMENT

The final grade (which includes “plus and minus” grades) is determined as follows:

20% by the “Take-Home Quiz” (distributed in class on February 15 and due on February 22).

20% by attendance and class participation (including two short written reflections on assigned films).

30% by your mid-term paper, due Monday, April 3 at 2:00 p.m.

30% by your final paper, due Monday, May 8 at 2:00 p.m.
**Instructions for submitting assessments:** Please type and save your answers as a word document or a pdf file (and include your name in the name of the document, which helps me to locate your paper on my computer). Then email your paper as an attachment to: carolep@hawaii.edu. Make sure that you “cc” yourself on the email so that you have a record of submitting the paper on time. Please also ensure that your name is on your actual paper (the attachment) and not just in your email. **Note:** The grade on a late paper will be lowered by one-third (e.g. B+ to a B) for every two hours of lateness unless there is a documented serious health condition or other emergency beyond your control.

**PROVISIONAL SCHEDULE**

**Week 6: Wednesday, Feb. 15** - Part I: Review of sources of international law and the structure of the United Nations. Discussion of rules for interpreting resolutions of the UN Security Council (e.g. how to determine when Security Council Resolutions create binding obligations for states). Part II: Film: The Reckoning: The Battle for the International Criminal Court (https://www.youtube.com/watch?v=OmvVCRx9uag); article on possible withdrawal of African nations from the ICC (see https://justiceinconflict.org/2016/12/21/in-withdrawal-africa-and-the-international-criminal-court/). Distribution of take-home quiz worth 20% of the final grade; due on February 15).

Note: no new reading was assigned for this class. But if my review lecture on sources of international law did not sound familiar to you then I highly recommend that you review *The Sources of International Law* (by Hugh Thirlway; Ch. 4, pp 91-116, in the Evans volume), which was previously assigned by Professor Barnes.

**Week 7: Wednesday, Feb. 22** – Part I: Review of new syllabus and of the topics and grading criteria for the Mid-Term Paper and the Final Paper. Part II: Prohibition on the use of force (Article 2 of the UN Charter); powers of the Security Council; states’ inherent right of self-defense; the evolving doctrine of Responsibility to Protect (R2P).

*Reading:* no new reading was assigned for this class. But I recommend reviewing (now or when you are writing your Midterm Paper) the following chapters, which were previously assigned by Professor Barnes: *The Use of Force and International Legal Order* (by Christine Gray, Ch. 21, pp 618-646, in the Evans volume); and *Responsibility to Protect: New Perspectives to an Old Dilemma* (by Giulherme Dias, Ch. 4, pp 50-62, in the Silverberg volume); and *Peace Unkempt* (by Bjorn Sorenson, Ch. 13, pp 257-268, in the Silverberg volume).

*Additional optional reading* (not required for class but will provide useful material, for your midterm paper): *The Responsibility to Protect* (by Spencer Zifcak; Ch. 17, pp 509-531 in the Evans volume); and/or *Responsibility to Protect & the North-South Divide* (by Ramesh Thakur; Ch. 3, pp 32-45 in the Silverberg volume).
Week 8: Wednesday, Mar. 1 – Part I: Introduction to the principles of international humanitarian law (also referred to as “the law of armed conflict” or the “law of war”) and its relationship to international criminal law. Part II: Institutions of enforcement: the role of domestic courts; ad-hoc war crimes tribunals; and the International Criminal Court (ICC). Feedback discussion on the take-home quiz that you submitted on Feb. 22.

Reading (complete at least one of these chapters before class): The Law of Armed Conflict (International Humanitarian Law) (by David Turns; Ch. 27, pp 821-51, in the Evans volume); and Modern International Humanitarian Law (Stefan Kirchner; Ch. 12, pp 231-252, in the Silverberg volume)

Additional optional reading (not required for class but may provide useful material, for your midterm paper): International Criminal Law (by Robert Cryer; Ch. 25, pp 752-778 in the Evans volume)

Week 9: Wednesday, Mar. 8 – Part I: The concept of statehood; the decolonization movement; principles of territorial integrity and UtI Possidetis Juris. Does international law provide a “right” to self-determination outside the context of decolonization? Part II: watch film and write short (no more than one page) reflection on the film (email to carolep@hawaii.edu by March 10).

Reading (complete before class): Statehood, Self-Determination, and Recognition (by Mathew Craven; Ch. 8, pp 201-243, in the Evans volume)

Additional optional reading (not required for class but may provide useful material, for your midterm paper): The Flawed Foundations of Post-Colonial State Borders: UtI Possidetis Juris and Self-Determination (by Andrew A. Rosen; Ch. 24, pp 513-526, in the Silverberg volume)

Week 10: Wednesday, Mar. 15 – Methods of Dispute Resolution in International Law: diplomatic methods; arbitration and litigation; the jurisdiction of the International Court of Justice and other formal courts and tribunals.

Reading (complete before class): The Means of Dispute Resolution (by John Merrills; Ch. 19, pp 563-584, in the Evans volume); The International Court of Justice (by Hugh Thirlaway; Ch. 20, pp 589-616, in the Evans volume)

Additional optional reading (not required for class but may provide useful material, for your midterm paper): Countermeasures and Sanctions (by Nigel White and Ademola Abass; Ch. 18, pp 539-559 in the Evans volume)

Note: If you want comments on an outline or draft of your Midterm Paper, you should email it to me by midnight on Wednesday, March 15. I will email you comments that you can take into account when revising your Midterm Paper, due by April 3.
Week 11: Wednesday, Mar. 22 – No class today. Work on your Midterm Papers. I also recommend watching at least one of the following films, available at:

Students who watch at least one of these recommended films and email (to carolep@hawaii.edu) a short (no more than one page) reflection on the film will receive extra points towards their Class Participation grade.

SPRING BREAK (no class on March 31)

Midterm Papers Due by 2:00 p.m. on Monday, April 3 - Please type and save your paper as a word document or a pdf file (and include your name in the name of the document, which helps me to locate your paper on my computer). Then email your paper as an attachment to: carolep@hawaii.edu. Make sure that you “cc” yourself on the email so that you have a record of submission. Please also ensure that your name is on your actual paper (not just in the email). Note: The grade on a late paper will be lowered by one-third (e.g. B+ to a B) for every two hours of lateness unless there is a documented serious health condition or other emergency beyond your control.

Week 12: Wednesday, Apr. 5 – Part I: International Human Rights Law (which is distinct from “international humanitarian law”). Enforcement mechanisms for violations of international human rights law during times of peace.

   Reading: International Human Rights Law (by Nigel Rodley; Ch. 26, pp 783-813 in the Evans volume)

Week 13: Wednesday, Apr. 13 - Law of the Sea

   Reading: The Law of the Sea (by Malcolm Evans; Ch. 22, pp 651-684 in the Evans volume)

Week 14: Wednesday, Apr. 19 – Case Study of disputes in the South China Sea

   Reading: Selected materials on disputes concerning the South China Sea on Laulima

Week 15: Wednesday, Apr. 26 - International Environmental Law and Climate Change

   Reading: International Environmental Law (by Catherine Redgwell; Ch. 23, pp 688-722 in the Evans volume) and selected materials on Climate Change on Laulima.

Week 16: Wednesday, May 3 – Case Study of Disputes Related to Climate Change

   Reading: Selected materials on Laulima
**FINAL PAPER is due by Monday, May 8, at 2:00 p.m.** Please type and save your paper as a word document or a pdf file (and include your name in the name of the document, which helps me to locate your paper on my computer). Then email your paper as an attachment to: carolep@hawaii.edu. Make sure that you “cc” yourself on the email so that you have a record of submission. Please also ensure that your name is on your actual paper (not just in the email). **Note:** The grade on a late paper will be lowered by one-third (e.g. B+ to a B) for every two hours of lateness **unless** there is a documented serious health condition or other emergency beyond your control.

**ADDITIONAL UH POLICIES & SERVICES**

**Content warning:** This course includes discussion of difficult issues, including violent conflicts, genocide, and war crimes. Some of the materials covered may be upsetting or remind you of upsetting experiences. If you would like to talk to someone in confidence, there are University resources available, such as the Counseling and Student Development Center (telephone: 808.956.7927).

**Students with disabilities:** KOKUA provides services to UH Mānoa students who voluntarily disclose their disability status. A student’s disability status is considered confidential information and is only disclosed to faculty with the student’s permission. For more information, you may telephone (808) 956-7612 or email: kokua@hawaii.edu. The KOKUA website address is: http://www.hawaii.edu/kokua/.

**Respectful learning environment:** UH Mānoa recognizes the inherent dignity of all individuals and promotes respect for all people. Discrimination, sexual harassment, and other forms of harassment are not tolerated. If you have been the victim of discrimination, sexual harassment, or sexual misconduct, I encourage you to report this matter promptly. As a faculty member, I have an obligation to promote a safe and healthy educational environment. Should I learn of any sexual misconduct I must report the matter to the Title IX Coordinator, who oversees the University’s centralized review, investigation, and resolution process for reports of sexual misconduct, and also coordinates the University’s compliance with Title IX. If you want direct services offered by confidential resources within the University, you are encouraged to contact the following resources:

| University Health Services Mānoa | 808.956.8965 | 1710 East-West Road |
| Counseling & Student Development Center | 808.956.7927 | 2600 Campus Road |
| Office of Gender Equity | 808.956.9977 | 2600 Campus Road QLCSS 210 |

These are only a few of the many resources available. For a more comprehensive list, please see the following link: [http://manoa.hawaii.edu/genderequity/resources/](http://manoa.hawaii.edu/genderequity/resources/)