I. INTRODUCTION TO THE COURSE

International law is the system of rules and principles that govern relations among sovereign states, international organizations, and other subjects of international law. International law covers almost every facet of inter-state activity, including the security of nations, use of the sea, and international trade. Although states are the principal actors in the international legal process, modern international law also seeks to regulate the conduct of individuals (for example, through international criminal law) and the conduct of states towards individual citizens (through the growing body of human rights treaties). Naturally, disputes often arise regarding the meaning and alleged breaches of obligations under international law. According to the Charter of the United Nations, “All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” Members of the UN are also obligated to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” (U.N. Charter, Art. 2.) Of course, newspapers are full of incidents in which these and other rules of international law are violated, leading some to question its relevance. In fact, the majority of international law rules are obeyed most of the time (and the day-to-day observance of these rules is frequently taken for granted). Yet it must be acknowledged that international law is more difficult to enforce than national law, largely because it seeks to regulate the conduct of legal equals (states), which may or may not consent to participate in international enforcement proceedings. It is thus essential that the obligation to peacefully settle international disputes be supported by effective dispute resolution processes and institutions.

This course begins with a general introduction to the principles and sources of international law and the differences between international and national law. We will then study the mechanisms for enforcing international law and resolving international disputes, including international courts and tribunals, centers of arbitration, and mediation. The course also introduces students to selected substantive areas of international law, including the law of the sea, human rights, and international criminal law. We will also examine the theory of international autonomy as a means of reconciling claims of self-determination and territorial integrity.

I hold a joint appointment in the Matsunaga Institute for Peace and the William S. Richardson School of Law. My office is in Saunders 523; telephone: 956-6940 (office)
or 342-6441 (cell). Please feel free to contact me if you have questions regarding the course: carolep@hawaii.edu.

II. TEXTBOOKS and READING ASSIGNMENTS

The textbooks for this course are:

Martin Dixon, *Textbook on International Law* (Oxford University Press 2007). It has been ordered for the university bookstore and is also available from on-line bookstores. (Used copies are less expensive but make sure that you get the 2007 edition if you buy a used copy.) The author is British and I think it is an advantage to study this topic from the perspective of someone outside the United States. However, there are a few chapters in which the author delves rather deeply into the law of the United Kingdom (e.g. state immunity under UK law) and I will substitute other material when we discuss those topics.

William Zartman (editor), *Peacemaking in International Conflict: Methods & Techniques* (U.S. Institute for Peace, revised edition 2007). This is an edited collection of recent research on international conflict resolution. About half of this book will be required reading; certain other chapters will be recommended but not required. It has been ordered for the university bookstore; it also can be ordered from the USIP and other on-line bookstores.

I will also assign some additional reading, including selected treaties, cases, and articles on controversial issues in international law. Thus, while the reading assignments in the book are the essential “background” reading, you should expect to receive some additional readings. Although I will give some “mini-lectures” to introduce topics, many topics will be taught through class discussion of the assigned readings.

III. ASSESSMENT

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

(1) 60% of the grade is determined by the final examination.

(2) 30% of the grade is determined by your performance on three short assignments. The first assignment will be a short research exercise, which will teach you how to locate and use international legal materials. The second assignment will teach you how to read an international law judgment. The third assignment will be a short essay question, which should help you to prepare for the final examination. All assignments must be typed.

(3) 10% of the grade is determined by your participation in class discussions. The goal is to have a lively discussion, one that is respectful of different views and not
dominated by the teacher or a few students. Enthusiasm and willingness to volunteer will be rewarded in your class participation mark. I do not expect you to have the “right answer” all the time. I do, however, expect you to demonstrate familiarity with the assigned readings. I will frequently assign “panels” of students to certain topics and I encourage you to prepare for these panel discussions as they contribute significantly to your class participation mark.

IV. STUDENT LEARNING OBJECTIVES

Upon successful completion of this course, students should be able to:

(i) Discuss the structure of the international legal system, including states, international organizations, and the main institutions of international dispute resolution.

(ii) Identify and discuss the basic principles underlying legal relations among states (including the concepts of statehood, sovereignty, and jurisdiction); explain the evolution of these concepts with the development of the United Nations and the “Charter order”.

(iii) Identify and conduct basic research regarding the major sources of international law, including international customary law, treaties, and other international instruments.

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

(v) Locate and read judgments of certain international and regional courts.

(vi) Identify the main sources and discuss the core principles of certain substantive areas of international law, including the law of the sea, international criminal law, and international human rights law.

V. PROVISIONAL SCHEDULE (final schedule will be distributed in January)

Week 1 (Jan 13 & 15): Introduction to international law and the international legal system.

Reading Assignment: Dixon, ch. 1 and distributed materials.

Week 2 (Jan 20 and 22): The sources of international law; introduction to treaties.

Reading Assignment: Dixon, ch. 2-3 and distributed materials.
Week 3 (Jan 27 and 29): Treaties continued; the relationship between international and national law.

Reading Assignment: Dixon, ch. 4 (pages 87-97) and distributed materials.

Week 4 (Feb 3 and 5): Who are the “actors” in international law? Introduction to the concepts of personality in international law, statehood, and recognition.

Reading Assignment: Dixon, ch. 5 and distributed materials.

Week 5 (Feb 10 and 12): Jurisdiction and sovereignty; the principle of self-determination; the theory of international autonomy as a means of reconciling claims of self-determination and territorial integrity.

Reading Assignment: Dixon, ch. 6 and distributed materials.

Week 6 (Feb 17 and 19): Introduction to international dispute resolution: diplomacy, negotiation, mediation, inquiry, and conciliation.

Reading Assignment: Dixon, ch. 10 (pages 275-280 only); Zartman, ch. 3 and 4 (ch. 1 and 6 of Zartman are also recommended but not required).

Week 7 (Feb 24 and 26): International adjudication and arbitration; principles of state responsibility.

Reading Assignment: Dixon, ch. 9 (pages 242-255) and ch. 10 (pages 280-30); Zartman, ch. 5.

Week 8 (Mar 3 and 5): Economic and political sanctions.

Reading Assignment: Zartman, ch. 10 and distributed materials.

Week 9 (Mar 10 and 12): Is the use of force ever “legal” in international law?

Reading Assignment: Dixon, ch. 11; Zartman, ch. 11.

Week 10 (March 17 and 19): Introduction to the Law of the Sea Convention and dispute settlement

Reading Assignment: Dixon, ch. 8; and distributed materials.

Spring Break: March 23-27 (NO CLASSES)
Week 11: (March 31 and Apr 2): Introduction to international human rights; the role of nongovernmental organizations (e.g. women’s and disability rights groups) in drafting and promoting modern human rights treaties.

Reading Assignments: Dixon, ch. 12 and distributed materials.

Week 12 (Apr 7 and 9): International enforcement mechanisms for human rights treaties; the role of international monitoring bodies (e.g. the UN Committee on the Elimination of All Forms of Discrimination Against Women).

Reading Assignments: distributed materials.

Week 13 (Apr 14 and 16): Regional enforcement mechanisms and human rights; the role of the European Court of Human Rights.

Reading Assignments: distributed materials.

Week 14 (April 21 and 23): International criminal law; ad-hoc tribunals and the International Criminal Court; the introduction of a “gendered perspective” in international criminal law.

Reading Assignments: distributed materials.

Week 15 (April 28 and April 30). The role of truth and reconciliation commissions.

Reading Assignments: distributed materials.

Week 16 (May 5) FINAL CLASS: Reserved for review

Final Examination: Thursday, May 14, 12:00-2:00 p.m., Webster 102.

Please feel free to email me if you have any questions regarding this provisional syllabus.

Professor Carole Petersen (Dec. 5, 2008)
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