

Troy University
Pacific Region

Syllabus
of the course

IR 5552
(IR-5552-JKKA)

on

- International Law -

in Term 5, 2015/6

at

Yongsan Army Garrison.



Instructor

Matthias MAASS

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Office hours: By appointment and before/after classes.

Time and Place

This is a web-enhanced course. It meets on 4 and 5 June, and on 18 and 19 June 2016 at Yongsan Army Garrison, 9:00 – 18:00 hrs. for a total of 36 in-classroom hours.

Web-based component

According to Troy U requirements, an additional 9 hours of instruction will be given via Blackboard, CD/DVD, memory stick, reading/study/writing, and other methods, or a combination thereof.

Course Description

An examination of the sources and development of international law from historical, political, legal, and philosophical standpoints, with emphasis on substantive areas of law.

Course Objective

The course has two key objectives. First, it will describe the nature of International Law and its critical characteristics in the context of world affairs. Second, the course will present a narrative

of the evolution of modern International Law in order to explore causality, trends, and counter-trends in the development of International Law over the course of time. Third, the course will focus on core subject elements of International Law and communicate its fundamental pillars, in terms of its principles and its substance. At the end of the course, the student should be able to understand the larger discourses in International Law and be able to place it in the wider context of international relations and statecraft.

Methods of Instruction

The classes will be held in the forms of lectures and seminars. Class participation (not just attendance) is important. It is assumed that the required readings will be completed before class.

The syllabus lists various **assignments**. These have to be completed and submitted according to the instructions listed.

Each student is required to work on a **research project and paper**. The project must fall within the thematic framework of the course and be approved by the instructor. The assignments, the presentation, and the research paper should all be focused on one research project. Toward the end of the class students will give an oral presentation of their project and submit a final paper shortly after the end of the course.

A multiple-choice final exam will verify key factual knowledge.

Summary of Course Requirements and Weighting

Requirement	% of Course Grade
Class participation (active)	20%
Minor assignments	10%
Web-enhanced assignments (essays on movies)	20%
In-class student presentation	15%
Research Paper	25%
Final Exam	10%

Attendance

100% class attendance is the norm. Attendance will be recorded and excessive absences will be reported to administration and may result in downgrading, the need to drop the course, or a failing grade.

In exceptional cases, such as major family emergencies, catastrophic medical emergencies, official duties, absences can be permitted. However, all such cases have to be documented and coordinated with the instructor at the earliest point-in-time. An excused absence does not waive the assignments; all assignments must be completed in advance (if possible) or ASAP and by a deadline agreed to by the instructor.

Unauthorized absences will result in downgrading of the course grade and may also require the completion of additional requirements.

Submissions

The final paper must be submitted online but requires a formal acknowledgment from the instructor that it has been successfully submitted.

Research paper

Students are required to work towards a research paper (of the same topic as the research proposal). It should be about 5,000 words in length, +/- 20%. Citations and the bibliography should not be included in the word count. This paper must be of graduate-level quality and demonstrate the student's ability to conduct rigorous research and present it in a scholarly format.

Please plan ahead: The paper is due on **June 27, 2016** via email to the instructor. Submissions are not considered complete until the student has a confirmation email from the instructor.

Oral Presentation

At the end of the course, each student will present on his/her research topic orally and in class. The standard for the presentation is proper scientific knowledge distribution, i.e. the task is to communicate the projects hypothesis, methodological challenges, its findings and answers effectively a convincingly.

Each presentation should be timed for 15 minutes and will be followed by a Q&A session. The questions and comments will come mostly from fellow students and are thus a peer review. The comments may be used to further upgrade the project before it is submitted in the form of a research paper a week later.

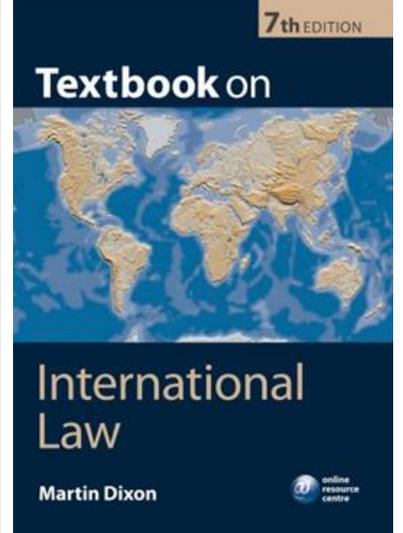
Grading Scale

A	90-100
B	80 – 89
C	70 – 79
D	60 – 69
F	0 - 59

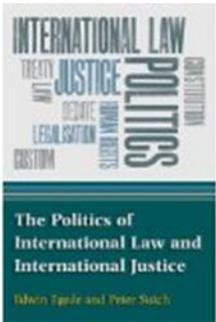
Incomplete Grade Request

If a student is unable to complete all course requirements, the student may be eligible to request the assignment of an incomplete grade. The decision to approve or reject a student's request for an incomplete grade is at the discretion of the instructor; the following criteria apply: First, an "Incomplete Grade Request" form must be submitted by the student (this form can be found at trojan.troy.edu/graduateschool/forms.html); the submission must reach the instructor prior to assignment of a course grade. Second, the instructor considers the student's progress in the course satisfactory. Third, the student is passing the course when the request is made. Fourth, the circumstances that prevented the student's completion of course requirements are beyond the student's control and adequate documentation is provided.

Required Texts

	<p>Martin Dixon. <i>Textbook on International Law</i>. Oxford: Oxford UP, 2013⁷.</p> <p>ISBN-10: 0199574456 ISBN-13: 978-0199574452</p>	<p>This is a widely adopted textbook for advanced students and those with a particular interest in International Law. It is not meant to be a 'fun read' for undergraduate students. However, as far as textbooks go, it is authoritative and concise as possible while still being comprehensive. An excellent book to keep at hand for years to come.</p>
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Highly Recommended Texts

<p>John E. Noyes, Laura A. Dickinson, and Mark W. Janis, eds. <i>International Law Stories</i>. edited by Paul Caron. New York: Foundation Press, 2007.</p>		<p>This is not a textbook, but an excellent collection of essays on key cases and issues in International Law. For anyone interested in seeing how International Law plays out in international affairs, this is an excellent start.</p>
	<p>Edwin Egede, and Peter Sutch. <i>The Politics of International Law and International Justice</i>. Edingburgh: Edingburgh UP, 2013.</p>	<p>An excellent and compact study of International Law in the broader political context of world politics.</p>

Library Resources

Students can access online information resources through the Troy Library Services home page at <https://library/troy.edu>. These resources include a variety of full text databases that provide complete article texts from thousands of journals, magazines and newspapers.

Troy's or any other research library students may have access to will be the key resource for students to investigate their research project. Internet sources (i.e. sources that are not 'filtered' through a university library's online system must be used sparingly and with utmost caution.

The instructor may provide additional readings where needed and appropriate. These may be distributed via email or as hard-copy. Such readings will become part of the required readings for the course (and as such fair game for the final exam).

Students should familiarize themselves with the ways and means of getting access to the library resources. It is assumed that by the time classes commence, each student has access and a reliable email account.

Students are strongly encouraged to stay current with respect to international affairs and develop a personal routine for staying informed about international relations and politics. This will also help with identifying a research project.

Americans With Disabilities Act

Troy University, under the guidelines of ADA and the Rehabilitation Act, makes reasonable accommodations for documented physical and mental limitations of otherwise-qualified individuals with disabilities. To provide the best possible services to students, employees, and visitors, Troy University has designated Disability Services Coordinators and Human Resources representatives on each campus as responsible parties for coordinating accommodations for persons with disabilities. For more information about physical access to building or grounds, academic or workplace accommodations, or other ADA related services, individuals should contact a Disability Services Coordinator or Human Resources representative on their campus of attendance. Specific information regarding the ADA, including contact information for responsible parties, can be found at the following link:

<http://trojan.troy.edu/employees/humanresources/documents/ADAPolicy2003.htm>.

Academic Ethics

Details of Ethical Standards of Reporting Information can be found in the PUBLICATION MANUAL of the AMERICAN PSYCHOLOGICAL ASSOCIATION. Troy University's "Standards of Conduct," published in the TROY UNIVERSITY GRADUATE CATALOG, should also be consulted.

Academic Honesty

By their enrollment, students are responsible for following the "Standards of Conduct" as they apply in the Troy University Pacific Region. It is the student's responsibility to be familiar with these guidelines and to comply therewith. In this course, plagiarism or other forms of cheating, will result in an F for the course, will be reported to appropriate officials, and may subject the

student to further discipline from the University. Please note that no assignment prepared for or submitted in a different course may be used in this course without prior approval of the instructor.

Cell phone and other electronic device statement

Use of any electronic device (cell phone, tablet, laptop, etc.) by students in the instructional environment is prohibited unless explicitly approved on a case-by-case basis by the instructor of record or by the Office of Disability Services in collaboration with the instructor. Cell phones and other communication devices may be used for emergencies, however, but sending or receiving non-emergency messages during a class meeting is forbidden by the University. Use of a communication device to violate the Troy University “Standards of Conduct” will result in appropriate disciplinary action (See pp. 42-52 of the Oracle.)

In order to receive emergency messages from the University or family members, devices must be in a vibration, or other unobtrusive mode. Students receiving calls that they believe to be emergency calls must answer quietly without disturbing the teaching environment. If the call is an emergency, they must move unobtrusively and quietly from the instructional area and notify the instructor as soon as reasonably possible. Students who are expecting an emergency call should inform the instructor before the start of the instructional period.

Miscellaneous

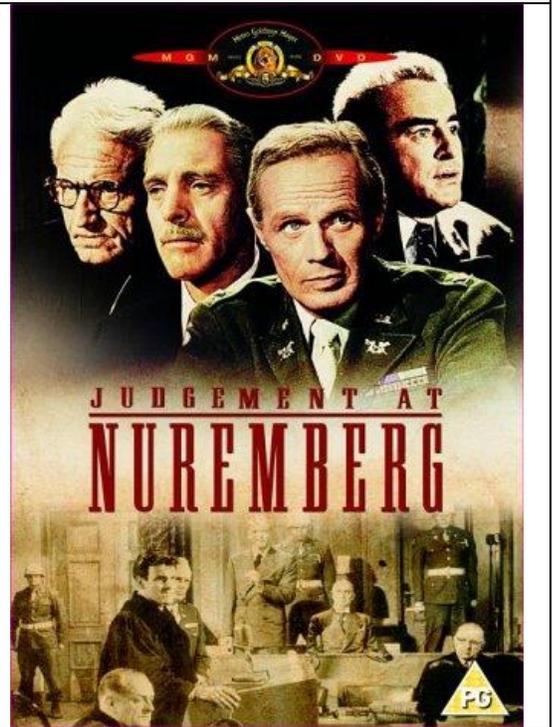
- Recording of the class sessions is not allowed except with the explicit permission of the instructor.
- If a telephone rings – except in cases outlined above, under “Cell phone and other electronic device statement,” the minimum and immediate punishment is: the student who brought the phone to class must sing a song.
- The instructor will make every effort to respond to student emails within a reasonable time; instructor’s email responses will be limited, out of necessity, to an appropriate length.
- For things not brought up in the syllabus, common sense rules and standard academic standards and procedures apply.

Prior to the first day of class meetings

Online Module

<p>Assignment: Email 2 first ideas for research paper topics to the instructor by June 1, 2016.</p>	<p>This assignment is meant to get you started early on your research paper. Everything starts with an idea. Think about two alternative topics you may want to consider for your research paper. A preliminary headline and one or two sentences fleshing it out for each topic will suffice. If a student registers late for the course and after this assignment’s deadline, she/he is required to submit it ASAP, but before the first class session on June 4, 2016</p>
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<p>Assignment: Watch the movie “Judgement at Nuremberg” and write an essay (between 1000 and 1,500 words long) on “The rationale for a legal revolution: What caused the introduction of international criminal law after the end of the Second World War, what problems did it cause, what benefits did it bring?” The movie is available in libraries (on base and at the American Information Center) and possibly on youtube. Please submit your essay via email to the instructor by June 4, 2016.</p>
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<p>web-enhanced part I</p>	<p>Suggested combined time: 4.5 hrs.</p>
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June 4, 2016, am

Module 1: Welcome

	<p>Agenda</p> <ol style="list-style-type: none"> 1. Welcome 2. Administrative Matters 3. Course Outline 4. The research paper requirement 	<p>We will introduce ourselves to the class and then talk about the course, what to expect, how to go about it, etc.</p> <p>Before going to lunch, we will talk about the key written assignment of the course, the research paper.</p>
<p>in-class session</p>		<p>2 hrs.</p>

Module 2: Baselines

<p style="text-align: center;">The English School in IR Theory</p> 	<p>Agenda</p> <ol style="list-style-type: none"> 1. Is IL “law?” 2. International Public Law and International Politics 3. The roots of modern International Law 	<p>Buyers beware! Before analyzing US foreign policy, we need to think about the constructs, tools, and approaches of foreign policy studies out there. This will shield us from accepting or making inappropriate assumptions.</p>
<p>Assignments</p> <ul style="list-style-type: none"> • Have an idea or two for possible research topics. 	<p>Think what you find most interesting and what generally gets your attention when you scan the front page of a newspaper or the homepage of a website.</p>	
<p>Required Readings:</p> <ol style="list-style-type: none"> 1. Dixon, chapter 1 2. Leo Gross. "The Peace of Westphalia, 1648 - 1948." <i>The American Journal of International Law</i> 42 (1948): 20 - 41. (Access it through JStor [online journal database].) 3. Also, have a look at the treaty: The Treaty of Westphalia (1648). (Available online at http://www.yale.edu/lawweb/avalon/westphal.htm.) See especially articles LXIV, LXV, LXVII and LXXI, LXXIII, LXXVI, CI, CXVII. <p>Please read before class.</p>	<p>Suggested Readings:</p> <ol style="list-style-type: none"> 1. Egede and Sutch, ch. 2 	
<p>in-class session</p>	<p>2 hrs.</p>	

June 4, 2016, pm

PACTA SUNT SERVANDA

Module 3: Sources and Conflicts

	<p>Agenda:</p> <ol style="list-style-type: none"> 1. Sources of Law 2. Law of Treaties 3. Politics of Treaties 4. International Law and National Law 	
<p>Required Readings</p> <ol style="list-style-type: none"> 1. Dixon, chapters 2, 3, 4 2. UN Charter / ICJ Statute article 38 	<p><i>Suggested Readings:</i></p> <ol style="list-style-type: none"> 1. Noyes, ch. 6 (“The Paquete Habana: CIL as Part of Our Law”) 2. Noyes, ch. 12 (“The LaGrand Case: A Story of Many Miscommunications”). 	
<p>Assignments: “Landmine Treaty” / “Ottawa Process”</p> <ol style="list-style-type: none"> 1. Please do some online research with the above key words. 	<p>What may be the politics involved in law making at the international stage?</p>	
<p>in-class session</p>	<p>5 hrs.</p>	

June 5, 2016, am

Module 4: Legal Actors

	<p>Agenda:</p> <ol style="list-style-type: none"> 1. Statehood 2. Recognition 3. Personality 4. Jurisdiction 5. Sovereignty 6. Responsibility 	
<p>Required Readings</p> <ol style="list-style-type: none"> 1. Dixon, chapters 5, 6, 9 2. Mayo v Satan http://archive.law.fsu.edu/current_students/documents/fall2011/craig_day1_satancase.pdf 	<p><i>Suggested Readings:</i> Noyes, ch. 10 (“The Reparation for Injuries Case”)</p>	
<p>Assignment – due 13 June, 2016. Submit via email and keep the instructor’s confirmation email:</p> <ol style="list-style-type: none"> 1. Submit a topic for a research project. 2. Submit your project’s research question and, if possible, hypothesis. 	<p>Tip: The more time you spend here, at the early stages of your research question, the easier the later stages of your project will go. Spend quality time on getting the question just right and precise. The you will know exactly where to look for sources and build up your project. A precise research question is the best road map for data gathering.</p>	
<p>in-class session + online component</p>	<p>4 + 1 hrs.</p>	

June 5, 2016, pm

Module 5: The Commons

	<p>Agenda:</p> <ol style="list-style-type: none"> 1. Law of the Seas 2. (Air)space Law 	
<p>Required Readings</p> <ol style="list-style-type: none"> 1. Dixon, chapters 8 2. Text - H.R.2262 - 114th Congress (2015-2016): U.S. Commercial Space Launch Competitiveness Act Congress.gov at https://www.congress.gov/bill/114th-congress/house-bill/2262/text#toc-H4AB6D0823FFB439EA7364CCD3A176A95 		
<p>Assignments:</p> <ol style="list-style-type: none"> 1. Refresh your memory about the South China Sea disputes and the country you studied and its legal claims. 2. Read the act / about the act (above) and think about what international legal issues are raised. 		<p>Be ready to discuss in class.</p>
<p>in-class session + online session</p>		<p>4.5 + 1 hrs.</p>
<p>Research projects (in-class)</p>	<p>We will close the first weekend with a group discussion about further streamlining the research projects, methodologies, and available sources. .5 hrs.</p>	

June 18, 2016, am

Module 6: Responsibilities, Immunities, Accountabilities, and Individuals

	<p>Agenda:</p> <ol style="list-style-type: none"> 1. State Responsibility 2. Immunities 3. International Criminal Law 4. Human Rights Law 	
<p>Required Readings</p> <ol style="list-style-type: none"> 1. Dixon chs. 9, 7, 12 		
<p>in-class session</p>		<p>3.5 hrs.</p>
<p>Research projects: From promise to progress</p>		<p>We will close the morning session with a short and friendly review of each individual's research project. .5 hrs.</p>

June 18, 2016, pm

Module 7: Ius in Bello; Ius ad Bellum

	<p>Agenda:</p> <ol style="list-style-type: none"> 1. Peaceful Dispute Settlement 2. Coercion 3. Use of Force 4. Preemption 5. Drone Wars 	<p>Are bureaucracies implementing policies of the executive only? Are alternative policies evaluated rationally? How can that be done? What dynamics are at play in foreign policy decision-making?</p>
<p>Required Readings</p> <ol style="list-style-type: none"> 1. Dixon, chs. 10, 11 		
<p>in-class session</p>	<p>5 hrs.</p>	

June 19, 2016, am

1. Final Exam

	<p>The final exam will be a multiple-choice exam, consisting of 20 questions. I will pick exam questions from the reading and from our class discussions.</p>	<p>An example question (taken from a different course):</p> <p>The evolution of International Law as a distinct discipline and legal system dates back to (roughly):</p> <ol style="list-style-type: none"> a. The Roman Empire b. The Peace of Westphalia c. The League of Nations d. none of the above
<p>in-class session</p>	<p>2 hrs.</p>	

2. Student Presentations

<p>Student Presentations</p>	<p>Each student presents his research project in class. Each presenter will have about 15 minutes.</p> <p>Each presentation will present the project's idea and research question, lay out approach and methods, the status quo of the research as of today, and the planned next steps.</p>	
	<p>All students take notes about the strengths and weaknesses of each students' presentations.</p>	
<p>in class session</p>	<p>2 + x hrs. (depending on class size); each presentation will be about 15 minutes and be followed by a 15 minutes-long Q&A session</p>	

June 19, pm

<p>Peer review and problem-solving workshop</p>	<p>Fixing problems and learning lessons: reviewing the research projects.</p>
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	<p>We will go through each presentation and discuss its strengths and weaknesses with the help of the notes we made in the morning. We will distill general rules about public presentations and about research design. Most importantly, we will discuss constructively where to take and how to push the individual research projects forward.</p>
<p>in-class session</p>	<p>5 – x hrs.</p>

June 27, 2016

<p>Submit your research paper online.</p>	<p>Insist on a confirmation of receipt from the instructor!</p>
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Putting it all together: Final assignment

<p>Assignment: Research write up in a fact-based essay (between 800 and 1,000 words long) the legal position of a country of your choice (other than the USA) with regard to the South China Sea territorial dispute(s).</p> <p>Please submit your essay via email to the instructor by July 20, 2016.</p>	
<p>web-enhanced part II</p>	<p>Suggested combined time: 4.5 hrs.</p>