This course is an introduction to public international law for students of international relations. The primary purpose of this course is to enhance students' understanding of the ways in which international law orders international (and sometimes domestic) politics. How and to what extent has it been used in resolving conflicts between nations? How and to what extent has it facilitated the achievement of common goals? What is the relationship between international law and states' foreign policies? How does international law interact with domestic politics and legal systems? Emphasis throughout the course is on the relationship between law and politics, developing and assessing theories as to why international law operates as it does, and on historical and recent episodes that illustrate the issues.

A special effort is made to relate the course material to international incidents and conflicts in the past decade or so: the use of force in Iraq, Afghanistan, Libya (and potentially Syria?); the issue of war crimes and the formation of an International Criminal Court; the use of international human rights treaties in domestic law and politics; and the development and elaboration of the World Trade Organization. A few of the readings are drawn from law journals and are therefore in a "legalistic" style. Most of the required readings, however, are by political scientists who are grappling with issues at the intersection of international law and international politics. In this course, students are encouraged to think politically rather than purely legalistically. Sometimes legal cases are provided to illustrate critical points in the development of international law, but should not be approached as legal precedents to be memorized for their own sake.

This is a lecture course with a significant discussion component. Those who take this course agree to treat discussion participation as seriously as they do take home exams. Weekly discussions will largely be an opportunity to explore applications of international law to actual international incidents and issues. Additional reading assignments are made for section discussions. We expect all weekly reading to be completed before attending sections; in turn, we promise to help clarify any confusion resulting from the lectures or readings, and to provide as stimulating a setting as is possible for you to share ideas and analyze cases. Your contribution to sections is as important as any other aspect of this course to its (and your) ultimate success.
Grades will be determined on the basis of:

- Three substantive take home essay exams. The first two should be 5-7 pages; the third should be 8-10 pages (15%, 20%, 25% of your final grade respectively), due by 5 p.m. on October 10, November 7, and December 12.
- Discussion participation (25% of your final grade)
- Three reaction papers, maximum 500 words each, your choice of weeks (worth together 15% of your final grade).

The first two substantive papers will draw primarily on the readings and should require minimal if any outside research. You will be given the questions one week in advance. The third paper will allow for (and indeed may require) additional research. We will therefore provide the questions 10 days in advance.

**Juniors Honors Option:**

If you are a Junior and are potentially interested in exploring a thesis topic related to the contents of this course, you may substitute a *research prospectus* for the final paper. The purpose of this option is to give you an opportunity to think about thesis topics early, and to get some feedback on your ideas. The Professor and the TF will read/grade all research prospectuses and give it the same weight in your final grade as the final exam would have had.

Toward the end of the semester, juniors will have the opportunity to receive feedback from their discussion section classmates on potential research questions concerning international law and politics. This discussion section (Week of November 26) is intended to provide juniors guidance in developing their research topic, and to provide other students the opportunity to learn and think critically about designing an international law and politics research project. Sharing potential research ideas during this section will **not** commit you to a final research prospectus.

**Two course books are available in the Coop:**

Simmons, Beth A. and Richard Steinberg, Eds. 2007. *International Law and International Relations* Cambridge University Press.


All readings are required (unless they are explicitly listed as recommended). Several chapters from legal texts will be posted on the website. Readings that are not in the two course books are available through the course website.

**Course Website:**

The course website is at:  
[http://isites.harvard.edu/icb/icb.do?keyword=k89489](http://isites.harvard.edu/icb/icb.do?keyword=k89489)
Our intention is to post all discussion questions and section assignments for discussion section a week in advance on this site. You will find the syllabus and readings there as well.

All power-point presentations (lectures) will be posted, but typically with a lag of a couple of hours after the lecture.
Schedule of Classes:

Part I: THEORIES OF INTERNATIONAL LAW

September 5: Introduction: What Role for International Law?


Week 1: No sections this week.

September 10: International Law and International Relations Theory


Recommended:

September 12: Explaining the “Legalization” of International Relations

Abbott, Keohane, Moravcsik, Slaughter and Snidal, “The Concept of Legalization.” In Simmons and Steinberg, pp. 115-130.


Recommended:


Week 2 Discussion: Theoretical Approaches to International Law and Politics
Review lecture readings, handout and discussion questions (to be distributed).

**September 17: Explaining Law Compliance**


George Downs, David M. Rocke, and Peter Barsoom, “Is the Good News about Compliance Good News About Cooperation?” In Simmons and Steinberg, pp. 92-114.

*Recommended (good overview):*


**PART II: STRUCTURES AND MECHANICS**

**September 19: Sources of International Law: Treaties and Custom**

Slomanson, 1.2, pp. 26-38; 7.1 and 7.2, pp. 351-372.


**Week 3 Discussion: Compliance with the Convention against Torture – the U.S. and Abu Ghraib**


**September 24: States: Sovereignty, Recognition, and Rights and Responsibilities**

Slomanson, 2.1-2.3; 2.5-2.6: pp. 45-59; 73-82

September 26: International Law and National ("Municipal") Law.
Guest Lecturer: Professor Thomas Lee, Fordham Law School.


Week 4 Discussion: "Quasi-States" and "Failed States" under International Law
The Politics of Recognition – Kosovo


Failed States


See map and rankings at: http://www.foreignpolicy.com/failed_states_index_2012_interactive

October 1: Jurisdiction/Immunity


October 3: International Organizations: Focus on the United Nations
FIRST PAPER TOPICS TO BE DISTRIBUTED.


Recommended (good overview):

**Week 5 Discussion: Universal Jurisdiction and the “African Pinochet”**

Role-play on the case against Hissène Habré. Instructions and assignments to be distributed.

*Background reading:*
“The Pinochet Precedent: How Victims can Pursue Human Rights Criminals Abroad”
http://www.hrw.org/campaigns/chile98/precedent.htm

**October 8: Columbus Day Holiday.  No Class.**

**October 10: International Court of Justice and the Peaceful Settlement of Disputes**
**FIRST PAPER DUE, 5:00 p.m.**

Slomanson, 8.4, pp. 400-417.


*Recommended:*


*Reference:*
United Nations Charter, Chapter XIV: The International Court of Justice
http://www.un-documents.net/ch-14.htm

Statute of the International Court of Justice

**Week 6 Discussion: ICJ Case – Consular Notification and the Death Penalty**

International Court of Justice, Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America), 31 March 2004.
- Response and Repercussions:

Reference: Vienna Convention on Consular Relations

PART III: THE SUBSTANCE OF INTERNATIONAL LEGAL REGULATION:
The Use of Force, Human Rights and International Economic Law

October 15: FORCE1: International Law and Justifications for the Use of Force

David Armstrong et al., “Use of Force.” Ch. 4, pp. 125-160


Reference:
Charter of the United Nations:
http://www.un.org/aboutun/charter/

Guest Lecturer: Robert Schub


Week 7 Discussion: The Use of Force: Libya and Syria


Browse the blog, Opinio Juris for legal arguments for and against military intervention in


**Humanitarian Intervention in Syria:**


**October 22: FORCE3 - The Laws of War, War Crimes, and Individual Criminal Responsibility.**

**Guest Lecturer: Cosette Creamer**


**Optional:**


**October 24: ECON1: From the GATT to the WTO.**


**Recommended:**


**Week 8 Discussion: The International Criminal Court: to Ratify or not to Ratify?**
Role-play instructions and assignments to be distributed.

**October 29: ECON2: Development, Developing Countries, and International Economic Law**

*Guest Lecturer: Adam Chilton*

Slomanson, 12.4, pp. 736-740.


*Reference: UN Declaration on the Right to Development*  

**October 31: ECON3: International Law and the Promotion and Protection of International Investments**

SECOND PAPER TOPICS TO BE DISTRIBUTED


Beth A. Simmons, The International Investment Regime: Sovereignty, Investor Security, and Dispute Settlement since the 1980s (manuscript) 22 April 2010.

**Week 9 Discussion: Development and the Case of Intellectual Property Rights**


“Council debates how and where to handle counterfeited trademarked goods,” *WTO News*, 7 June 2012.


Recommended background:
http://www.wto.org/english/tratop_e/trips_e/intel1_e.htm

http://www.wto.org/english/tratop_e/trips_e/factsheet_pharm00_e.htm

http://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm

http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm

“FAQ: Compulsory Licensing of Pharmaceuticals and TRIPS,” World Trade Organization.  
http://www.wto.org/english/tratop_e/trips_e/public_health_faq_e.htm


November 7: Human Rights 2: The Individual in International Law: International Human Rights
SECOND PAPER DUE, 5:00 p.m.


Human Rights Documents References: http://www.hrweb.org/legal/undocs.html

Week 10 Discussion – Indigenous Rights and Internal Self-Determination


“United Nations adopts Declaration on Rights of Indigenous Peoples,”  

Reference: The UN Declaration on Rights of Indigenous Peoples

Case Study: Brazil and the Belo Monte Dam – role-play on complaint by the Kayapó Indians to the Inter-American Commission on Human Rights. Instructions and assignments to be distributed.

November 12: Human Rights 3: Why Commit?


November 14: Human Rights 4: Why Comply?


Week 11 Discussion: Comparative Case Discussion - Women’s Rights and Freedom from Torture


Instructions and assignments to case studies of Israel, Chile, Colombia and Japan to be distributed.

PART IV:
BROADER CONTEXT: INTERNATIONAL LAW AND INTERNATIONAL POLITICS

November 19: International Law and Islam

*Guest Lecturer: Intisar A. Rabb, The Custodian of the Two Holy Mosques Visiting Associate Professor of Islamic Legal Studies, Harvard Law School*

Universal Islamic Declaration of Human Rights (adopted in Cairo, by the Organization of Islamic conference, 1981) [skim].


November 21: CLASS CANCELED – Thanksgiving travel day

Week 12 – No Discussion Sections

Happy Thanksgiving
*Guest Lecturer: Professor William Alford, Harvard Law School*

Readings to be assigned.

**November 28: International Law and Governance**


**Week 13 Discussion: Designing an International Law Research Project**

Those interested in pursuing the *junior honors option* will distribute 1-page descriptions of their proposed research questions to their section classmates. Further guidelines will be provided. Other students will be expected to provide comments on proposals.

**December 3: Conclusions: US Policy, World Order, and the Future of International Law**

FINAL PAPER TOPICS TO BE DISTRIBUTED

Eric Posner, “Think Again: International Law,” *Foreign Policy*, 17 September 2009. Available at:


Harold Hongju Koh, “The Obama Administration and International Law,” Annual Meeting of the American Society of International Law, 25 March 2010. Available at:
http://www.state.gov/s/l/releases/remarks/139119.htm


**December 12: FINAL ESSAYS DUE** – please hand in hard copies by 5 p.m.