

PS 123A: The Politics of International Law
Course Syllabus
Fall 2009 – Updated 9/29/09

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LOCATION and TIME:

Dodd 161
TR 12:30 PM-1:45 PM

Office hours for Professor Johns: Wednesdays, 10:00 – 11:00 am and by appointment

COURSE DESCRIPTION:

This course will blend legal and political science approaches to the study of international law. In addition to surveying the major principles, issue-areas, and institutions of international law, we will also examine the political factors affecting the development and creation of international law, and the willingness of states to engage in compliance and enforcement.

ASSIGNMENTS and GRADING

Your grade in this course is based on the following:

Participation: 15%

Attendance at lectures, active participation in discussion sections, and demonstrated preparation and understanding of readings.

Weekly quizzes: 15%

Short quizzes will be administered each week in either section or lecture. These will consist of simple questions on the week's readings. The two lowest quiz grades will be automatically dropped. Make-up quizzes are not permitted: students who do not attend the section or lecture in which the quiz is administered will be given an automatic zero grade for that week's quiz.

Midterm Exam (October 29): 30%

Final exam: 40%

TEXTS

Required text:

Shaw, Malcolm. (2009). *International Law*. Cambridge: Cambridge University Press. 6th Edition.

New copies of this text in paperback sell for \$67.50. Cheaper used copies are widely available from internet retailers. Please be aware that content in textbooks can sometimes change when the publisher issues a new edition. You will be held responsible for material in the 6th edition (dated 2009). If you choose to buy an earlier version of the textbook, you do so at your own risk.

Other required readings:

These will be made available on the course web-site at:

<http://classes.sscnet.ucla.edu/course/view/09F-POLSCI123A-1>

TOPICS AND READINGS

Week 0: Syllabus overview (Sept 24)

Week 1: Sources and institutions (Sept 29 & Oct 1)

Readings:

Shaw (2005), Chapter 3 "Sources" -- read the full chapter. For the 5th edition, you may skim pages 68-88. For the 6th edition, you may skim pages 72-93.

Shaw (2005), Chapter 19. For the 5th edition, read pages 959-1005 only. For the 6th edition, read the entire chapter.

Section:

No discussion materials. Sections will be administrative.

Week 2: Law of treaties (Oct 6 & 8)

Readings:

Abbott, Kenneth W., and Duncan Snidal. (2000) "Hard and Soft Law in International Governance." *International Organization*. 54: 421-456.

Shaw (2005), Chapter 16: "The law of treaties"

Section:

Materials on legal status of unilateral declarations: *Nuclear Tests*

- Summary of order of provisional measures
- Redacted majority opinion (on the merits)

Week 3: Custom, codification, and the Law of the Sea (Oct 13 & 15)

Readings:

Shaw (2005), Chapter 3 "Sources" -- For the 5th edition, read pages 68-88. For the 6th edition, read pages 72-93.

Goldsmith, Jack L., and Eric A. Posner. (1999) "A Theory of Customary International Law." *The University of Chicago Law Review*. 66(4): 1113-1177. – Read pages 1113-1135 and 1158-1167 only.

Section:

Materials on custom in maritime delimitations: *North Sea*

- Summary of case in *Rosenne's*
- Redacted majority opinion
- Redacted dissenting opinion of Judge Lachs
- Text of the Geneva Convention on the Continental Shelf of 1958 (for reference)

Week 4: Diplomatic and consular relations (Oct 20 & 22)

Readings:

Goldsmith, Jack L., and Eric A. Posner. (1999) “A Theory of Customary International Law.” *The University of Chicago Law Review*. 66(4): 1113-1177. – Read pages 1151-1158 only.

Materials on consular notification cases:

- *Vienna Convention on Consular Relations* (Paraguay v. United States of America) – Summary of Order, Provisional Measures (1998)
- *LaGrand* (Germany v. United States of America) – Redacted Judgment on the Merits (2001)
- *Avena and Other Mexican Nationals* (Mexico v. United States of America)
- Text of the Vienna Convention on Consular Relations of 1963 (for reference)

Section:

Materials on Iran hostage crisis case: *Case Concerning United States Diplomatic and Consular Staff in Tehran*

- Redacted majority opinion
- Text of the Vienna Convention on Diplomatic Relations of 1961 (for reference)

Week 5: Midterm Review (Oct 27) / Midterm Exam (Oct 29)

Readings:

None. Review session in lecture on Tuesday.

Section:

None. TAs will hold extra office hours early in the week for midterm prep. No quiz.

Week 6: Foreign direct investment (Nov 3) / NO LECTURE on Nov. 5

Readings:

Sornarajah, M. (2004). *The International Law on Foreign Investment*. Cambridge: Cambridge University Press. Chapter 5, “Bilateral investment treaties.” – Read pages 217-268 only.

Guzmann, Andrew. (1998) “Explaining the Popularity of Bilateral Investment Treaties: Why LDCs Sign Treaties that Hurt Them.” *Virginia Journal of International Law*. 38: 639-688.

Section:

Krauss, Michael I. (2000) "NAFTA Meets the American Torts Process: *O'Keefe v. Loewen*." *George Mason Law Review*. 9: 69-98. –
Read pages 69-91 only.

Week 7: Trade (Nov 10 & 12)

Readings:

Van den Bossche, Peter. *The Law and Policy of the World Trade Organization*. Cambridge: Cambridge University Press.

- WTO law and principles: section 1.3 (pages 35-44)
- WTO dispute settlement: sections 3.1-3.2 (pages 173-182)
- General exceptions: sections 7.1-7.2 (pages 596-624)

Milner, Helen V., B. Peter Rosendorff, and Edward D. Mansfield. (2004) "International trade and domestic politics: the domestic sources of international trade agreements and institutions." In *The Impact of International Law on International Cooperation*. Cambridge: Cambridge University Press.

Section:

Shaffer, Gregory. (1999) "United-States-Import Prohibition of Certain Shrimp and Shrimp Products. WTO Doc. WT/DS58/AB/R." *American Journal of International Law*. 93: 507-514.

Week 8: Human rights (Nov 17 & 19)

Readings:

Shaw (2005), Chapter 6 "The international protection of human rights"

Moravcsik, Andrew. (2000) "The Origins of International Human Rights Regimes: Democratic Delegation in Postwar Europe" *International Organization*. 54: 217-252.

Section:

Hafner-Burton, Emilie. (2005) "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression." *International Organization*. 59: 593-629.

Week 9: International criminal law (Nov 24) / Holiday (Nov 26)

Readings:

Schabas, William A. (2004) *An Introduction to the International Criminal Court*. Cambridge: Cambridge University Press. Chapter 1.

Gilligan, Michael J. (2006) "Is Enforcement Necessary for Effectiveness? A Model of the International Criminal Regime." *International Organization*. 60: 935-967.

Section:

None. Quiz will be administered in lecture on Nov 25.

Week 10: Interaction of international and domestic law (Dec 1 & 3)

Readings:

Feldman, Noah. (2008) "When Judges Make Foreign Policy." *New York Times*. September 28.

Materials on U.S. Supreme Court response to *Avena*:

- ---. (2005) "U.S. Strategy for Responding to ICJ's *Avena* Decision." *American Journal of International Law*. 99: 489-492.
- *Medellin v. Texas* (2008), U.S. Supreme Court majority opinion
- *Avena and Other Mexican Nationals* (Mexico v. United States of America) --- Redacted request for interpretation of the judgment

Materials on the use of international law in U.S. Supreme Court rulings:

- *Roper v. Simmons* (2005), U.S. Supreme Court
 - Majority opinion – skim entire opinion, but focus on section IV (pages 21-25)
 - Scalia dissent – skim entire opinion, but focus on section III (pages 16-23)
- *Lawrence v. Texas* (2003), U.S. Supreme Court majority opinion – skim entire opinion, but focus on pages 12 and 16

Section:

Final exam preparation.

Quiz will be administered in lecture on Dec 3.