

**PS 123A: The Politics of International Law
Course Syllabus
Spring 2011**

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Teaching Assistants:

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LOCATION and TIME:

HAINES 39
MW 8:00 AM-9:15 AM

Office hours for Professor Johns: Monday and Wednesday, 9:30 am – 10:30 am

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 political factors that affect 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.

Quizzes: 15%

Short quizzes will be administered most weeks in section. These will consist of simple questions about the section 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 (April 27): 30%

Final exam: 40%

There will be no make-up exams. If you miss an exam, you will receive a grade of zero. There will be no exceptions to this policy.

TEXTS

Required text:

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

New copies of this text in paperback sell for \$50.00-80.00. 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. A copy of the textbook will be placed on reserve in Powell College Library.

Other required readings:

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

<http://classes.sscnet.ucla.edu/course/view/11S-POLSCI123A-1>

TOPICS AND READINGS

Week 1: Sources and institutions (Mar 28 & 30)

Readings: Shaw (2005), Chapter 3: "Sources" -- read the full chapter. You may skim pages 72-93 (the section on "Custom").

Shaw (2005), Chapter 19: "The International Court of Justice"

Section: No discussion materials. Sections will be administrative.

Week 2: Law of treaties (Apr 4 & 6)

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)

Quiz #1.

Week 3: Custom and codification (Apr 11 & 13)

Readings: Shaw (2005), Chapter 3: “Sources” -- Pages 72-93 (the section on “Custom”).

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)

Quiz #2.

Week 4: Interaction of domestic and international law (Apr 18 & 20)

Readings: 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 of 2001
- *Avena and Other Mexican Nationals* (Mexico v. United States of America) – Redacted Judgment of 2004
- Text of the Vienna Convention on Consular Relations of 1963 (for reference)

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

Section: 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)

Quiz #3.

Week 5: Midterm Review (Apr 25) / Midterm Exam (Apr 27)

Readings: None. Review session in lecture on Monday.

Week 5, Wednesday: Midterm Exam (Apr 27)

Section: None. TAs will hold extra office hours early in the week for midterm prep.

Week 6: Foreign investment law (May 2 & 4)

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.

Quiz #4.

Week 7: Trade law (May 9 & 11)

Readings: Van den Bossche, Peter. (2005) *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)

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.

Quiz #5.

Week 8: Human rights law (May 16 & 18)

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. – Read pages 217-246 only.

Section: Hafner-Burton, Emilie. (2005) "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression." *International Organization*. 59: 593-629. – Read pages 593-614 only.

Quiz #6.

Week 9: International criminal law (May 23 & 25)

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. – Read pages 935-943 and 951-958 only.

Section: Gary J. Bass. (2003) "Milosevic in the Hague." *Foreign Affairs*. 82 (3).

Quiz #7.

Week 10: Memorial Day Holiday (May 30) / NO LECTURE (Jun 1)

Week 10, Wednesday: Lecture Cancelled (Jun 1)

Section: Final exam review session.

Final Exam on Friday, June 10, 2011, 11:30am-2:30 pm