

# International Law

Political Science 373  
Winter 2009  
Mon. and Wed., 12:30-1:50  
280 Kimball Tower

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Office Hours: M 3:30-4:30, T 1-2, W 11-12

## Course Objectives:

- ☐ *To teach and discuss the important doctrines of international law.*
- ☐ *To help students understand both the legal and political aspects of international decisions and events.* It is my belief that international law cannot be discussed or understood without taking into account the political realities that surround every international dispute. Similarly, the outcome of many international political disputes is profoundly affected by international law.
- ☐ *To encourage students to think more analytically, write more clearly, and present themselves effectively in class discussions and presentations.* Specifically, I expect students to learn to read a text carefully as is required of anyone who works with legal documents. Students should also improve their presentation skills in this class, and they should become better at explaining and defending their ideas to a group. Each student is also expected to write clearly and effectively.

## Tentative Schedule of Classes and Readings:

Each chapter of the textbook has a corresponding section in the course packet that has the same number as the text chapter. We will cover material in numerical order, reading the packet materials before we read the corresponding text chapter. For example, we will first read section 1 from the course packet and then read chapter 1 from the text. We will then read section 2 from the course packet and then chapter 2 from the text. In addition, we will have mock legal proceedings (Activities 1-10) during some class periods. You should plan on reading the activity description for class days in which we have an activity scheduled. Below is a tentative schedule of when we will cover readings in class and have mock legal proceedings. This schedule will be adjusted each day, depending on how much ground we covered in the previous class. If you miss a day, you should contact another student to find out what we will be doing in the next class period. This tentative schedule will often be inaccurate as we will often get behind this schedule because of class discussions.

January 5 <sup>th</sup>	Introduction to the Course, Packet and Chapter 1
January 7 <sup>th</sup>	Packet and Chapter 2
January 12 <sup>th</sup>	Packet and Chapter 2
January 14 <sup>th</sup>	Packet and Chapter 3
January 21 <sup>st</sup>	Packet and Chapter 3
January 26 <sup>th</sup>	Packet and Chapter 4
January 28 <sup>th</sup>	Packet and Chapter 5, Activity 1
February 2 <sup>nd</sup>	Packet and Chapter 6
February 4 <sup>th</sup>	Packet and Chapter 7,

February 9 <sup>th</sup>	Packet and Chapter 7, Activity 2
February 11 <sup>th</sup>	Packet and Chapter 8
February 17 <sup>th</sup>	Packet and Chapter 9 (this is a Tuesday, but it is a Monday instruction day), Activity 3
February 18 <sup>th</sup>	Packet and Chapter 10, Activity 4
February 23 <sup>rd</sup>	Midterm exam held in class.
February 25 <sup>th</sup>	Packet and Chapter 11
March 2 <sup>nd</sup>	Packet and Chapter 12, Activity 5
March 4 <sup>th</sup>	Packet and Chapter 13
March 9 <sup>th</sup>	Packet and Chapter 14
March 11 <sup>th</sup>	Packet and Chapter 14, Activity 6
March 16 <sup>th</sup>	Packet and Chapter 15
March 18 <sup>th</sup>	Packet and Chapter 16, Activity 7
March 23 <sup>rd</sup>	Packet and Chapter 17, Activity 8
March 25 <sup>th</sup>	Packet and Chapter 18, Activity 9
March 30 <sup>th</sup>	Packet and Chapter 19, Activity 10
April 1 <sup>st</sup>	Packet and Chapter 20
April 6 <sup>th</sup>	Packet and Chapter 20
April 8 <sup>th</sup>	Packet and Chapter 21
April 13 <sup>th</sup>	Packet and Chapter 22, research papers are due
April 17 <sup>th</sup>	Final Exam held in class 11 am to 2 pm

## Course Requirements:

### Readings

The required course readings consist of one text and a packet of photocopies. The text is Akehurst's Modern Introduction to International Law, 7th Revised Edition, by Peter Malanczuk. The photocopied readings are in a packet that can be purchased at the bookstore. I expect students to have read the assigned readings **before** the lecture and discussion on the readings. Because we use the readings in class, students should purchase their own copy of the readings that they can bring to class. This class combines lectures with discussion; much important material will come out in class discussion which I will summarize at various points in the discussion. As part of my effort to train students to understand legal reasoning, we will approach each new topic from a case or problem. Only after we are done with discussion will an outline of the law develop. This method is usually very frustrating to students, but it is through this process of reasoning that the law is interpreted and developed. There are no shortcuts in developing this skill. Students who are uncomfortable with this type of a learning format should consider taking a different course.

### Participation in Class Discussion

This class is not about simply learning the rules of international law. Through discussion and questioning, students will develop skills of expressing their views to a group and defending those views. Students will also learn through practice how to read and understand a complex legal text. A student who does well on an exam may still not have learned these skills. Thus, I

create incentives for students to attend class, to prepare the readings for class and to participate in discussion. Students who work at developing these skills will be rewarded.

In evaluating class participation, I will consider:

*-the quality of the comment.* I reward comments that show insight and thought.

Do not restate what someone else has already said. Do not raise tangential issues just for the sake of saying something. Think about what we are talking about and how it relates back to a section that we have previously studied. A good comment raises hypothetical, historical, or current events examples of points that we are making and asks how what we are learning applies to these situations. Questions should reflect critical thinking about my lectures or another student's comment or presentation. Were we correct? What assumptions did we make? Are our assumptions correct?

*-talking too much.* I will penalize students who talk too much in class. If you make several comments in every class period, you are talking too much. Sit back and let someone else have the floor.

*-talking too little.* If you never once volunteer a comment in class, you will receive a zero for class participation. I have no minimum number of good comments that I require, and in fact I expect fewer comments from quieter students. I also expect each student to make an effort to contribute to class discussion. Students who do not make this effort will receive a zero for class participation.

*-attendance in class.* Though I do not take attendance in class, a student who noticeably misses many classes will receive a lower class participation grade, even if that student participated well on the days that he or she attended class.

## Preparation

*Purpose:* I will call on students to answer questions that are given at the end of this syllabus. Many of these questions are simply to be able to talk intelligently about the assigned cases. I will spend some time in class going over how best to prepare a case for class discussion. I call on students to help them develop important skills expressing and defending their views. If you intend to go to law school, this will be important practice for you, but in any occupation, it is important to be able to present your opinions and answer questions about them with eloquence and confidence.

*Evaluation:* I evaluate student preparation not by whether students have the right answer but by whether they can at least begin a discussion about the assigned readings. Thus, it is important to be prepared each day to discuss the assigned cases and questions. Each student can expect to be called on multiple times during a semester. If a student is called on two times and is only prepared to answer one of those times, that student will receive a 50 percent for his or her preparation score. In Appendix 1 I list the questions that I will ask in class. You should come to class each day having prepared all of the questions up to those listed on the syllabus schedule for that class day (including reading scheduled activities). Even if we are behind on our schedule, you should prepare all the scheduled questions because I will try to catch up if we are behind, and we might have a day that we run through a lot of topics. I have arranged the questions according to their corresponding readings. For example, Questions 1-4 should be answered after

reading Section one of the packet.

It is also important to bring the packet readings that we will discuss that day to class. Sometimes you will have prepared a reading more than a week before we actually discuss it in class. It is not appropriate to answer my questions about that reading by saying “I read that last week and I forgot what that case was about.” Instead, review your notes on the reading sometime before class. In addition, bring your reading to class to help you remember and to answer specific questions that might come up about the case during our class discussion. The number of pages in a case reading is actually are fewer than would be assigned for readings in a comparable political science class, but you will often need to read a case twice for it to start making sense. We read the assigned cases closely (as all lawyers do), and it will help if you have the readings in front of you when we discuss them in class.

*An alternative method to gain credit for preparation.* Occasionally I have students who object to being called on in class. For these students, there is another option for them to receive their preparation grade. For each section in the list of questions given in Appendix 1 I have put a question number or case name in bold. Students may write an answer or case description for each bolded item and turning it in at the beginning of class on the day that topic is assigned to be discussed in class. In some class periods there may be no bolded questions assigned. In others, there could be two or three assigned. All bolded questions and cases must be turned in on the assigned days to receive full credit. The writing for these assignments is informal and need not be grammatically correct or even typewritten as long as it is legible. However, it must be turned in at the beginning of class on the day it is assigned. Students may turn in such assignments earlier than the day assigned, but they may not (without an excused absence) turn in such assignments after they have been discussed. I will evaluate the effort put into these assignments. I do not expect students to have all the correct answers, but written assignments that reflect little effort to understand the readings will be graded down accordingly. I will also evaluate the number of assignments turned in. In order to receive an “A” grade, a student must write a paper on every or nearly every bolded item, and nearly every paper must reflect a consistent effort to understand the readings and answer the question asked.

## Activity Presentation/Paper:

*Description.* Each student must participate in one of the ten activities that will be conducted throughout the semester. Participation in an activity includes a grade for the oral presentation to the class and a grade for the written paper submitted after the oral presentation. The actual presentation and writing requirements for each activity are given in Appendix 3. My expectations for both the presentation and the papers are quite specific and demanding. Please read carefully the guidelines for these assignments that are in Appendix 3.

*Due dates and presentation dates.* I will do my best to have the presentations occur during the last 25 minutes of class on the days that they are scheduled in the syllabus. I might approach a group about delaying one class day if we are behind, but I won’t make a group move to a new date if that presents a problem for any student in that group. The papers are due several days after the presentation. If you presented on a Monday, your paper is due on the following Friday. If you presented on a Wednesday, your paper is due on the following Monday. Papers are due at any time on the day that they are due. If you come during regular hours you may turn them in at the Political Science Department front desk. If you come after 5 p.m. and the office is closed, you may put them under the Department door. If you come so late that the building is

locked, you will need to turn the paper in the next day with a late penalty. I assess a 10 percent late penalty for every day that a paper is late. If you e-mail the paper to me, I assess a 5 percent penalty, in addition to any relevant late penalties.

*Timing and grading of presentations.* If there are two groups presenting in an activity, each group will have 6 minutes to present, with 8 minutes allocated for questions from the class after both groups have presented. If only one group is presenting in an activity, that group will have 10 minutes to present with 10 minutes allocated for questions from the class. Presentations (including questions) will last for 20 minutes. At the conclusion of the presentation, I will ask the presenters to step out of the room and we will discuss the quality of the presentation for about 5 minutes at the end of class.

Presentations will be graded according to the standards outlined in Appendix 3. Please read these standards and think about them as you prepare your presentation. I am also happy to watch you present your presentation before you actually do it in class and give you suggestions. Don't hesitate to ask me if we can meet sometime to have me watch your presentation before you actually do it. Please also note that the first two presentations get slight bonuses for going first or second and not having as much time to prepare or to learn from the other presentations.

*Signing up for presentations.* There are only about 36 spaces for presentations. I will try my best to accommodate student preferences for activity topics. If an activity requires that students divide into two groups and present each side, that activity should have 4 students, with two working on each side of the issue. Each side will write a separate paper that will be graded separately. The presentation grade, however, will be a joint grade for all four students. For activities that have just one presentation group, the maximum number of student participants is three. Only one paper is required and all three students will receive the same grade for their paper and their presentation. Students should give me their preferences for which activity that they would like to do by e-mail to ray\_christensen@byu.edu. Please notify me of your preferences by January 7<sup>th</sup>. It is best to list several topics in preference order in case your topic has too many people wanting to do it and I am unable to accommodate all student preferences. After January 7<sup>th</sup> I will make assignments taking into account the preferences that I have received.

*Group work.* I understand that some students intensely detest group work. I actually share those feelings about group work that I have to do in my job. If you are in a group and you are worried about your grade being ruined by an inadequately prepared group member, I encourage you to do what most of us do when we encounter these same situations in the workplace, make sure that your work is quality work, even if that means taking over from the less prepared group member. In an extreme case, I will make some exceptions to the rule that the entire group receives the same grade for its collective work. For example, if one group member is prepared and gives a well-polished presentation but another member of the group fails to show up for the presentation, I will consider giving two different grades to the same members of the group. I will be less likely to give separate grades on group papers. It is each member of the group's responsibility to make sure that the entire paper reflects a consistent and quality effort.

I will also allow students who agree in advance to all submit their activity papers as individual papers. This decision, however, must be made at the beginning of the semester. I will not allow students to opt for writing individual activity papers one week before the activity is to occur. If a group would like to write individual papers, it must let me know its decision by January 14<sup>th</sup>. Even if a groups decides to write individual papers, group must still present as a group and share their group presentation grade.

## Analytical Paper

I require 20 pages of quality writing from each student in this class. Depending on the length of the activity paper, you will be expected to turn in an additional research paper at the end of the semester that adds up to 20 pages of writing in addition to what you submitted as your group activity paper. I will assign the number of pages that a paper receives credit for (I won't count bibliographies or title pages, and if I feel that the margins or font is extreme, I will assign, for example, only five pages of credit for a seven page paper.) Thus, if your activity paper was graded as 8 pages long, you are required to write one or more research papers that total at least 12 additional pages. You may choose to write more than 20 total pages and then I will grade only the 20 best pages of your writing. You may write one additional research paper or several additional research papers. My expectations for these papers are also quite specific and demanding. Please carefully read the guidelines for this assignment in Appendix 2.

## Policies for Exams

### *Missing an exam*

If you miss an exam for a medical or family emergency, you will be allowed to make up the exam without a penalty. If you need to miss the final exam for a very good reason that is not a medical or family emergency (weddings, family reunions, plane tickets home, and starting new jobs are not "emergencies"), you should either take a different class or take an incomplete for the course and make up the final exam sometime after the final exam is given. University policy prevent my giving the exam before the date of the final exam. My policies for the midterm exam are less strict. If you know that you will have a problem taking the midterm exam, please come and see me before the exam is given. Students who miss an exam without a documented family or medical emergency will be allowed to take the exam the following day if they contact me on the day of the exam. They will receive a 20 percent penalty for taking the exam late. Students who fail to contact me the day of the exam will not be allowed to take the exam late. They will receive a zero for the exam. Students who come late to the final exam and wish to stay beyond the ending time of the exam may do so with a 10 percent penalty. Similarly, students who take the midterm exam and exceed the time limit for the exam will also receive a 10 percent penalty.

### *Content of the exams*

Exam questions will be based on both the readings and class discussions. Though I do not provide a study guide for the exams, the list of questions given for each class and the cases assigned will be a useful framework for review. The midterm exam will cover the material up until the date of the exam. The final exam will be comprehensive. **You will not be allowed to use any materials in the exam. The exams are not open book or open note exams.** The exam consists entirely of essay questions. The essay questions will be in a traditional law school exam format. I will give you a hypothetical set of facts and ask you to write a judicial decision or an argument for one of the parties to the dispute that applies your interpretation of relevant law to the facts of the hypothetical case. Alternatively, I could ask you to answer an essay question about a legal issue.

Because law school exams are quite different than the type of essay exam you might be familiar with, you may want to consider looking at this website <<http://lib.law.washington.edu/ref/lawexams.html>> There are links to exams given at other schools (though unfortunately the Harvard Law School website is no longer open to non students), and there is an excellent essay

on how to write good law school exams.

## Grading

Participation in class discussion	5%
Preparation for class discussion	5%
Activity Presentation	10%
Writing (activity + research Paper)	20%
Midterm Exam	20%
Final Exam	40%

Grades are assigned as follows: 92.5-100% as an "A," 90-92.5 as an "A-," 87.5-90% as a B+, etc. I will "curve up" grades as needed to match the average grades given in an upper division political science class. Course grades are weighted heavily towards exams. This is consistent with law school practice where course grades are often determined only by the final exam. I have modified this practice to better fit the expectations of an undergraduate class.

## A Message from the Dean

The Dean of the College of Family, Home, and Social Sciences has asked that the following information be included in every course syllabus in the College: (I have made some modifications to the statements.)

### **UNIVERSITY STATEMENTS ON PLAGIARISM, DISCRIMINATION, AND ACCESS**

(Some of these statements the Dean of the College has requested be in every syllabus)

#### Plagiarism:

While all students sign the honor code, there are still specific skills most students need to master over time in order to correctly cite sources, especially in this new age of the internet; as well as deal with the stress and strain of college life without resorting to cheating. Please know that as your professor I will notice instances of cheating on exams or plagiarizing on papers. See <http://www.byu.edu/honorcode> for specific examples of intentional, inadvertent plagiarism, and fabrication, falsification.

Writing submitted for credit at BYU must consist of the student's own ideas presented in sentences and paragraphs of his or her own construction. The work of other writers or speakers may be included when appropriate (as in a research paper or book review), but such material must support the student's own work (not substitute for it) and must be clearly identified by appropriate introduction and punctuation and by footnoting or other standard referencing.

The substitution of another person's work for the student's own or the inclusion of another person's work without adequate acknowledgment (whether done intentionally or not) is known as plagiarism. It is a violation of academic, ethical, and legal standards and can result in a failing grade not only for the paper but also for the course in which the paper is written. In extreme cases, it can justify expulsion from the University. Because of the seriousness of the possible consequences, students who wonder if their papers are within these guidelines should visit the Writing Lab or consult a faculty member who specializes in the teaching of writing or who

specializes in the subject discussed in the paper. Useful books to consult on the topic include the current Harbrace College Handbook, the MLA Handbook, and James D. Lester's Writing Research Papers.

In this class, you should be careful to avoid the following examples of plagiarism:

(1) Turning in work or portions of work that are identical or very close to work submitted by another student. If two paragraphs of different papers are identical or are nearly identical with only a few words changed, I will assume that plagiarism occurred and will treat the incident as a serious violation of the Honor Code

(2) Using work from past semesters as anything other than a guide or supplement. If work is submitted for this semester which follows the format or instructions of a previous semester, I will assume that plagiarism occurred.

(3) Using work that is identical or nearly identical to work that is publicly available, either on the Internet or in books and journal articles. If you ever use more than three words in a row from another source, you must put those words in quotation marks and give the proper citation to that source. Failure to properly place borrowed wording in quotation marks, even if you give a citation later, is plagiarism and will result in a failing grade and reporting to the Honor Code Office.

I encourage you to work with other students and even consult work done in previous semesters. However, the work you turn in must be entirely your own work. Because of the simplicity of “cut and paste,” it is easy to pass off another person’s work as your own. It is your responsibility to make sure that your work is entirely your own.

#### Discrimination:

Title IX of the Education Amendments of 1972 prohibits sex discrimination against any participant in an educational program or activity that receives federal funds. The act is intended to eliminate sex discrimination in education. Title IX covers discrimination in programs, admissions, activities, and student-to-student sexual harassment. BYU’s policy against sexual harassment extends not only to employees of the university but to students as well. If you encounter unlawful sexual harassment or gender based discrimination, please talk to your professor; contact the Equal Employment Office at 422-5895 or 367-5689 (24-hours); or contact the Honor Code Office at 422-2847.

#### Access:

Brigham Young University is committed to providing a working and learning atmosphere which reasonably accommodates qualified persons with disabilities. If you have any disability which may impair your ability to complete this course successfully, please contact the Services for Students with Disabilities Office (422-2767). Reasonable academic accommodations are reviewed for all students who have qualified documented disabilities. Services are coordinated with the student and instructor by the SSD office. If you need assistance or if you feel you have been unlawfully discriminated against on the basis of disability, you may seek resolution through established grievance policy and procedures. You should contact the Equal Employment Office

at 422-5895, D-282 ASB.

# APPENDIX 1

## QUESTIONS FOR THE ASSIGNED READINGS

### Packet 1:

1. Be able to describe the facts, events in the Italian-Ethiopian conflict.
2. Know what powers the League of Nations had in this conflict.
3. What did the League do? Why did it take that action?
4. What arguments were presented by whom to justify different actions to stop Italian aggression?

### Chapter 1:

5. What makes something a "Law"?
6. Does International Law fit your definition of a law?
7. What are the inherent weaknesses of International law?

### Packet 2:

8. In what ways are the Kellogg-Briand pact, League Charter and PCIJ weak? In the debate about the PCIJ, which nations favored this weakening and which opposed it?
9. Why did the Lytton Commission recommend negotiation rather than sanctions against Japan?
10. What arguments did the Japanese use to justify their actions in Manchuria?

### Chapter 2:

11. Define Positivism and Natural law. What are the dangers inherent in both approaches to international law.
12. Is the current international legal system fair? just? good? What other alternatives are there?

### Packet 3:

13. Know the facts, arguments of each side, and findings of each of the five cases. (**Habana**, Italy, Tanaka dissent, Cayuga, Chorzow factory)
14. What was the source of the law used to reach a decision in each case?
15. How is international law created by customary practices?

### Chapter 3:

16. What are the several sources of international law and their relative importance?
17. What is necessary to find a practice is customary international law?
18. What are the dangers of expanding the ease by which international law is created by custom or equity?

### Packet 4:

19. What were Mortensen's grounds for appeal of his conviction?
20. What were the rationales for each of the three judges to uphold Mortensen's conviction?
21. What are the facts and holding of Sabbatino and CEP vs. Sensor.
22. How does the Foreign Sovereign Immunities Act change the Supreme Court's ruling in Sabbatino?

### Chapter 4:

23. What is the difference between private international law and public international law?
24. What conflicts can occur between municipal (domestic) law and international law and how are these conflicts resolved?

**Packet 5:**

25. Know the facts, positions of each side and findings of cases (Tinoco, Latvian Cargo).
26. What has been the US policy on recognizing other states at different times?
27. How do you reconcile the fact that non-recognition didn't matter in Tinoco claims, but non-recognition was the deciding issue in the Latvian case?

**Chapter 5:**

28. What different standards do states use in deciding whether or not to recognize another nation?
29. What is the standard under which states are recognized as existing under international law?
30. What are the consequences of being recognized or not recognized?

**Packet 6:**

31. Know reparation of injuries case.
32. In what ways do the US and other nations violate the standards of the Declaration on Minorities and the Draft Declaration on Indigenous Peoples?
33. Are these declarations international law?
34. If the two declarations were signed conventions, how would they change the international legal system?

**Chapter 6:**

35. In what ways do things other than states have some legal personality under International Law?
36. What would be the consequences of giving individuals broader rights under International Law?

**Packet 7:**

37. Know the facts, arguments, and holdings of the cases (**Lotus**, Eichmann, Columba-Collela, Libya).
38. Is the universal jurisdiction used by the Israeli court a good or desirable position?

**Chapter 7:**

39. What are the different sources of jurisdiction and what are their different levels of acceptance?
40. When is extradition possible, when is it required?

**Packet 8:**

41. Know Schooner Exchange, **Victory Transport**, Kasenkina, and Seizure of arms.
42. Was the US justified in entering the USSR consulate in Kasenkina?
43. In Schooner, why did a US court find that the French government was not accountable for its actions, even if they were illegal?

**Chapter 8:**

44. What people, places and things are exempt from local jurisdiction because of the principle of sovereign immunity?
45. Why are these exemptions made?
46. Under what circumstances might sovereign immunity be taken away?
47. What is the act of state doctrine?

**Packet 9:**

48. Know the cases, Power, Genocide reservations, Techt, Loadline, Bremen.
49. Why in the Bremen case were the changed circumstances not sufficient to change the treaty?

**Chapter 9:**

50. When do treaties have to be ratified and when don't they have to be ratified?
51. Are coerced treaties valid?
52. Is a treaty valid if it was signed by a drunken diplomat and it doesn't require ratification?
53. What can you do when another state violates a treaty provision, can you void the treaty?

**Packet 10:**

54. Know facts, arguments and holdings of the cases (Palmas, Clipperton Island, E. Greenland, **W. Sahara**).
55. Any conclusions that you draw about what are important factors in deciding boundary disputes and territorial claims?

**Chapter 10:**

56. What are the ways states can acquire territory?
57. Will these rules work if it becomes possible to settle and claim portions of the moon and Mars?
58. Should boundaries decided by means that are now illegal be accepted or rejected as illegitimate?

**Packet 11 and Chapter 11:**

59. Under what situations do state succession problems arise?
60. What international law obligations continue to exist when a state changes or transforms?
61. Why are boundary agreements given special treatment?
62. Be able to state in your own words Articles 8-15, 24:1, 26:1, 30:2, 31:1, 34, 39, and 40.

**Packet 12:**

63. Know facts and arguments of the cases (Corfu Channel, Pulos).
64. How did the law of the sea conference redefine the continental shelf the rights of states to use it?
65. What were the US's objections to the original deep sea bed proposal and how did the compromise change the original proposal?

**Chapter 12:**

66. What are the different areas of the sea, how do rules and rights differ with each of these areas?

**Packet 13:**

67. Know cases (inquiry into KAL disaster, Netherlands and Germany incidents, **Eck**, Warsaw Convention, Chumney, Powers, Hijacking, and Cuba).
68. Describe how the law covering airplanes developed.
69. What does the Hijacking convention (Hague convention) require states to do, and what happens in practice?

**Chapter 13:**

70. What are the rules for outer space?

**Packet 14 and Chapter 14:**

71. Evaluate the International Declaration of Human Rights. Would you sign the Declaration if it were a binding treaty?
72. Evaluate the convention on discrimination against women. Does it go far enough?

Too far? Would you sign it?

73. What is the mission of an NGO such as Amnesty International?

74. Know the Boumediene Case

**Packet 15:**

75. What arguments did each side use in the US-Mexico expropriation debates. Which were more persuasive?

76. Know the US vs. Mexico arbitration decision (WTO)

**Chapter 15:**

77. Know the differences between Gatt, IMF and World Bank.

78. What are the main principles of Gatt?

79. How does the WTO change the Gatt regime?

**Packet 16:**

80. Know the Trail Smelter case?

81. What is needed to find environmental damage caused by a state under international law?

82. Is acid rain crossing boundaries a violation of international law?

83. What is your opinion of the biodiversity and climate change conventions?

84. Will Palmer's solution for creating better binding international environmental law work?

**Chapter 16:**

85. Give examples of soft law, customary international law, and Treaties that deal with the environment, which type is most common?

86. How does the South's agenda for the environment differ from the North's?

**Packet 17:**

87. Know Hilson, Nottebohm, and **Schwarzkopf**.

**Chapter 17:**

88. Under what circumstances can a state press a claim against another state on behalf of an individual?

89. What situations (preliminary objections) prevent a state from pressing such claims?

**Packet 18 and Chapter 18:**

90. Know ICJ charter and **certain Norwegian loans case**.

91. Analyze different types of acceptances of compulsory jurisdiction, especially the US acceptance.

92. What role did the ICJ play in the US-Iranian dispute?

**Packet 19:**

93. Know the arguments raised on each side about Czechoslovakia, Afghanistan, and South Vietnam.

94. Know Black case.

95. Analyze two UN declarations, especially for internal consistency.

96. Evaluate claims of East Timor for self determination.

**Chapter 19:**

97. What are the rules on Self Defense?

98. Why is the UN accused of having a double standard on self determination?

99. Should self determination rights be extended to all minorities that are capable of secession?

**Packet 20:**

100. Know the cases, Llandovery Castle, Admiral Doenitz
- 101.** What defenses were raised in the Nuremberg Tribunals and what was the Tribunal's responses?
102. Does international law forbid the use of nuclear weapons?
103. Evaluate the statute of the ICC. Why did the US refuse to sign it?
104. Review the "Torture Memo" authored by Bybee. Compare it with the revised memo authored by Levin. After authoring his memo (but before it was made public) Bybee was appointed to a federal judgeship. If you were a Senator, would you have voted to consent to Bybee's appointment after reading his memo?
105. Review the list of interrogation procedures approved at various times by the Bush administration.

**Chapter 20:**

106. How have the views as to what actions constitute war crimes changed with time?
107. Are wars becoming more savage or humane?
- 108.** Are war crimes trials effective? Do they deter future violations?

**Packet 21:**

- 109.** Know the certain expenses case
110. Evaluate the UN Charter, specifically, how did the Charter envision UN enforcement actions and peace making?

**Chapter 21:**

- 111.** What methods are there in resolving disputes over the UN Charter—What sources should you look to for answers?
112. Is the UN powerful or powerless? Significant or a sham?

**Packet 22:**

113. Be able to describe the disputes and UN reaction in Congo, Egypt, and Southern Rhodesia.
- 114.** How did the US justify its actions regarding the embargo against Southern Rhodesia?

**Chapter 22:**

115. What are the differences between peacekeeping efforts during the cold war and post cold war UN peacekeeping efforts?
- 116.** Analyze the legal basis for actions taken in Kosovo, Bosnia, Somalia, Haiti, and in Iraq in support of the Kurds.

## APPENDIX 2

### GUIDELINES FOR ANALYTICAL PAPERS

#### *Analytical Component of the Paper and Expectations of Length.*

The papers that you turn in may be of any length, though a two-page paper will probably be too short to count as analysis or research. You will be graded on 20 pages of writing. You can reach this amount through any combination of papers and paper length that seems appropriate. You should pick any topic that is related to international law and then write an analysis of the *international law* aspects of the situation. You should also briefly summarize events and other factors that influenced the outcome; however, the bulk of the paper should focus on international law issues of the topic. For example, a student might choose to write about US garment manufacturers using sweatshops in third world nations to produce clothing for the US market. This paper should give an overview of recent events on this topic, but this portion of the paper should only be 10 to 20 percent of the entire paper. Then the paper should explore in detail any treaties or international agreements that relate to this issue. The paper should also include an analysis of how pressure is being applied to these manufacturers and how ideas of international law play a role in this pressure. Here are some specific ideas that you might use to help you come up with topics for legal analysis:

*International Court of Justice paper.* Pick one ICJ case that is not included in our packet. Summarize the case and any decisions that have been rendered (either a pending or decided case is acceptable for this assignment). Analyze the decision given or speculate as to the likely decision. Evaluate the decision. Evaluate the role of the ICJ in this dispute.

*European Court of Human Rights paper.* Describe and analyze a complaint brought to the European Court of Human Rights. Discuss the standing necessary to bring such a complaint. Tell of the complaint and the final disposition of the cases. Evaluate the quality of the decision as well as the political implications of the decision.

*Treaties.* Choose a treaty that is not included in our packet. Report on the history of the treaty's drafting and ratification status. What are the main clauses of the treaty? What are the strengths and weaknesses of the treaty? What changes should be made to the treaty? Will the treaty be effective or not effective? What factors account for the treaties effectiveness or lack of effectiveness?

*U.S. case in international law paper.* For this paper, please select a case with international law implications that was either heard in an American court. The case must not be a case that is already included in our packet of readings. Analyze the case. Describe the issues and decision rendered. Evaluate the decision as well as the impact of the case (if any) on international law.

*WTO paper.* Choose a dispute that has come before the World Trade Organization or its predecessor, GATT. Analyze the case. Was it correctly decided? What factors influenced the outcome of the dispute. Familiarize yourself with negotiations that occurred outside

of the WTO dispute resolution procedure. Was the outcome the correct outcome? Explain and support your conclusion.

*International Law Topic.* This is more like a traditional research paper. Select a question of international law and research law review articles on the topic. Select an analytical question relevant to that topic and choose a position in answer to that question that you would like to defend. That position should be your thesis statement and you should use law review articles, international law documents, and other facts and logic to defend your position.

*Obvious Expectations.*

The paper must be typed and double spaced. There should be no spelling, typographical, or grammatical errors.

*Comprehensiveness of the discussion.*

Your paper should include a comprehensive discussion of all relevant issues and arguments. Obviously, in short paper a student cannot go into great detail on all of the relevant international law issues of a complex dispute. However, it is important to lay out for the reader what the important issues are and briefly discuss them. If you find that there are just too many issues to discuss in such a short paper, then narrow the topic of the paper. For example, instead of talking about international law issues of the Vietnam War, focus on international law issues of the US bombing of North Vietnam. In grading a paper I will not look at page length; rather I will consider how thoroughly you have covered your chosen topic.

*Have a clear thesis statement at the beginning of the paper.*

I am a firm believer that conclusions should be stated at the beginning of the paper and not saved for the end of the paper. The reader should be able to read the first page of your paper and know essentially what your thesis statement is and what your main arguments are. The rest of the paper is to develop and support those arguments and not to spring new arguments on the reader. A thesis statement may be more than one sentence. A thesis statement should not only give your conclusion, it should also tell the reader what the main arguments will be that will be discussed in the paper. These main arguments must be related to and support the conclusion that is the core of the thesis statement.

*Present your ideas in a coherent structure.*

Each paragraph to the paper should fit into an overall structure, and the reader should be able to easily figure out the structure. If a paragraph or an idea does not fit into this structure, the structure should be changed, or the paragraph or idea should be left out. The structure should be easily identifiable. This is best done by laying out the structure in the first paragraph or two. Give the reader a roadmap. Tell the reader what the thesis of the paper is and what the supporting arguments are. Then begin each section with a clear indication of what section it is. Use transitions to signal a change in sections or a change within sections. For example, "In addition to treaty limitations on China's range of action in Mongolia, customary international law also limits China's ability to

intervene.” This sentence tells the reader that the previous section was about treaties and the next section will be about customary international law. Another good method is enumeration. “There are four treaties that directly affect the legality of the US’s seizure of General Noriega in Panama.” Such cues really help a reader to understand and follow your arguments.

*Anticipate counter arguments and address them.*

A paper is much more persuasive and effective if you take the time to anticipate what are the weaknesses of your arguments. Then take a paragraph or two and give your response to the most likely counter arguments. For example, If you are writing about the negative effects of apartheid, you should include something like this: “It is sometimes asserted that apartheid in South Africa was actually beneficial for the black and colored population because it raised education levels and living standards (Smith and Jones, 1990). This argument, however, is flawed because it assumes that . . .” Do not be afraid to directly address what you see as some of the weaknesses in your arguments. A student is usually better off just tackling these issues head on. Usually if you are aware of the counter arguments, the reader will think of them also.

*Your thesis statement must be based on an analytical question.*

Do not write a descriptive paper. The question might be quite simple--“Did Canada violate international law when it seized Spanish fishing trawlers?” This question should then be turned into your thesis and presented at the beginning of the paper. For example “There are three grounds under international law that justify Canada’s seizure of Spanish fishing trawlers.” This analytical portion of the paper must be 80 percent of your paper. In your analysis you can have description, but it must be description that is directly related to your thesis and its arguments. An example of a descriptive (and unacceptable) question would be “What are the main events of the Canada–Spain fishing dispute.” To answer this question you do not need to think, you only have to find information and transcribe it into your paper.

*Each paragraph must also have a clear, internal structure.*

Develop one idea per paragraph, and tell the reader what that idea is in the first sentence of the paragraph, the topic sentence. The rest of the paragraph should be related to that first sentence. For example, if a paragraph begins with “Public opinion in France made it difficult for the French government to send large numbers of troops in support of the Chad government in its dispute with Libya,” then everything else in the paragraph should deal with public opinion in France. Half way through the paragraph do not switch and start talking about how aid to the Chad government was being wasted by official incompetence or corruption. If you want to put both ideas in the paragraph, change the leading sentence to “Corruption in Chad and public opinion in France both made it difficult for the French government to assist Chad in an effective manner.”

*Your audience is an educated reader.*

Do not expect them to know all the details of the events that you are writing about. On the other hand, you can just make simple reference to historical or international events that the educated reader should know about. It would be appropriate to say “just as the

assassination in Sarajevo sparked World War I, some fear that the war in Bosnia will spread throughout the Balkans and will eventually involve the great powers of Europe.” You do not need to explain how the events in Sarajevo led to World War I.

*Use a consistent and acceptable style of citation.*

In the political science department, Turabian is the standard. Turabian allows for using footnotes, endnotes, or parenthetical citations with a works cited page at the end of the paper. I prefer the use of parenthetical citations but any of the three styles is acceptable.

*Do not plagiarize.*

You must cite anytime you use someone’s words or ideas. Arguments borrowed from other writers (even if they are paraphrased in your own words) and disputed statements of fact must be cited to their sources. You should also cite facts that are not common knowledge. You do not need to cite when an author makes an argument that many others make or cites a fact that could be found in many other books. For example, you would not cite someone who claimed that war causes suffering or someone who pointed out that China is the most populous country in the world.

*Avoid the excessive use of quotations.*

You should use quotations when (1) you are examining the exact text, such as an analysis of the wording of a treaty, or (2) the author’s wording is so superior that a paraphrase of the author’s point would be inferior. In all other situations you should paraphrase the author’s point with a citation. For example, if the original quotation says “China has long feared encroachment by what it terms hegemonic powers. In the early part of this century it was the European powers, later it was Japan and then the Soviet Union. China’s latest fears seem to center on the United States.” There is nothing spectacular about this quote, so don’t quote it. Paraphrase the information in your own words—“The twentieth century has been a time of fear for China, fear of intervention by foreigners. First it was the Europeans, then the Japanese, then the Soviets, and now China fears the United States (Hoople 1997, p. 26).” Your paper will read better if it isn’t just a string of quotations put together.

*Check your writing style by following these tips.*

- (1) Count the number of words in each of your sentences. You should have sentences of varied lengths. If this is not the case, revise the length of some of your sentences to give some variety to your writing.
- (2) Count the number of state of being verbs in your sentences (is, are, was, were, be, being, been). If most of your verbs are state of being verbs, revise.
- (3) Read your paper aloud. As you read it you will stumble across awkward or garbled sentences or sentences that are too long. Revise those sentences.

*Avoid packing your paper with fluff in order to lengthen the paper.*

The paper should be tight and organized. If I come across a paragraph, a sentence, or a page that could be deleted without detracting from your arguments, I will indicate that on your paper. You should anticipate such comments from me and revise your paper accordingly before you turn it in. Similarly, do not try to include all of your research just

because you have spent the time doing the research. You will come across many interesting and important facts, but they may not be directly relevant to your thesis. Do not make the mistake of including discussion or argument that does not fit into the overall structure of your paper.

*Avoid the passive voice.*

Do not say “The box was shown to us by the professor” Say instead “The professor showed us the box.” You can identify the passive voice if you notice that the subject is missing “it is argued that short people are cranky” (who is doing the arguing is missing), or if the subject follows the verb “it is argued by some that short people are cranky.” There are some times when the passive voice should be used, but most writers use it too much. Unless you have a good reason to say something in the passive voice, revise the sentence to eliminate the passive voice.

*Cut out all unnecessary words.*

Do not say “It is my opinion that the United States is a democracy” In a paper that you write the reader knows that everything that you say is your opinion. Just say “The United States is a democracy.” Similarly, do not say “The Russians were unaware and did not have knowledge with regards to the fact that . . .” Say instead “The Russians did not know that . . .”

*Avoid colloquial language.*

Papers should not read like a telephone conversation. Do not say “It really stinks that government is so big” Say instead “Government has grown too big” Do not say “The prisoners flew the coop” Say instead “The prisoners escaped.” You should try to avoid slang words or words that are common in informal speech. Using more formal speech does not mean, however, that you have to use big or complex words. Use the best word for the situation. It may be short or it may be long, but use the best word.

*Do not use jargon or vague language.*

If I read “the transcendent modalities of bureaucratic reifications” I will have no idea what you are trying to say unless you have previously defined what these terms mean in your context. Similarly, It is also better to use concrete or specific language rather than abstract or general terms.

*Use active verbs whenever possible.*

Rather than saying “A third proposal put forth by the committee is that courses should only be taught on Tuesdays” say instead “The committee also proposed that courses be taught only on Tuesdays” The first sentence’s verb is “is” the second sentence’s verb is “proposed.” “Proposed” is an active verb in contrast to a state of being verb such as “is.” A good test of active verbs is to circle every state of being verb in your paper (is, are, was, were, be, being, been). If most of your verbs are state of being verbs, there is probably a need to revise some of them to more active verbs.

*Know grammar rules.*

For example, “it’s” means “it is.” The possessive form of “it” is “its.” Two independent

clauses are usually joined by a semicolon or ,and ,nor ,for ,but ,so ,yet ,or. “i.e.” is used for exhaustive lists; e.g. is used for examples. Compound subjects and predicates require parallel structures.

*Use the best word.*

If you say “economic growth is reverberating,” I will suggest that you reword the phrase. A better choice of words might be “growth rates are fluctuating.” Good writing is not just using correct grammar. It is using the best words and phrases to convey your message unambiguously.

*Avoid chopiness in paragraphs and between paragraphs.*

It is important to use transitions to link paragraphs. It is also necessary to link the sentences in a paragraph with transitions. Though the repetition of words is usually undesirable, sentences in a paragraph can be linked together by repeating a key word. Another way to link sentences in a paragraph is to use transition words. Some examples are and, also, besides, further, furthermore, in addition, moreover, next, too, first, second, for example, for instance, to illustrate, in fact, specifically, also, in the same manner, similarly, likewise, but, however, on the other hand, in contrast, nevertheless, still, even though, on the contrary, yet, although, in other words, in short, in summary, in conclusion, to sum up, that is, therefore, after, as, before, next, during, later, finally, meanwhile, then, when, while, immediately, above, below, beyond, farther on, nearby, opposite, close, if, so, therefore, consequently, thus, as a result, for this reason, since.<sup>1</sup> If your writing is choppy, consider using some of these or other transition words to link your sentences together better.

*Back up your claims or arguments with examples (real or hypothetical) or sound logic.* Without support you are “arguing by assertion.” For example, a person could claim that affirmative action programs are bad because that person doesn’t like them. Most people are not persuaded by such arguments. Use analogies, examples, and logic to support your points.

*Writing grammatically correct sentences is not necessarily good writing.*

A paper could be written without any errors but still be marked down to a C grade because phrasing is awkward or paragraphs are unstructured or wordy. Do not be offended because I tell you that you can write better. Every semester I have students who tell me that they have always received A grades on their papers and I am the first professor to give them a B. I had the same experience when I was a student at BYU, and I am grateful to the professor who forced me to improve my writing by pushing me beyond simply writing grammatically correct sentences.

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<sup>1</sup> Diana Hacker, *A Writer’s Reference*, 4<sup>th</sup> ed. (Boston: Bedford/St. Martins, 1999), 35.

## APPENDIX 3

### GUIDELINES FOR ACTIVITY PRESENTATIONS AND PAPERS:

#### Expectations for the activity paper

Most of the guidelines for the analytical paper also apply to activity papers. One difference is that the activity paper must be written in character. If you are assigned to give a decision in a dispute, write in an impartial manner as a judge would. If you are asked to write a brief in support of one side's claim, write as an advocate for that party. If you are asked to give recommendations, try to be thorough and objective as you analyze options and give suggestions. Do not however, make the mistake of trying to write in a "legal" style that you assume to be using big words and ponderous phrases. Do not try to imitate bad legal writing. Students writing group papers often divide up a group paper into sections and have each person write a section. This is a fine strategy to use for a group paper, but be aware that I will grade the paper as a single unified paper. Make sure that the paper is pulled together and that it flows coherently.

The activity papers should be much more detailed and referenced than the oral presentations. Points and evidence that would be too detailed for a presentation are necessary for the supporting papers that are to be written to accompany the activity. The papers should not be identical to the presentation. A paper that merely repeats what was said in the presentation without any additional argumentation or evidence will not be evaluated highly. The papers are due after the presentations to allow students a chance to revise their arguments after their presentations. I expect papers to reflect learning that occurred during the presentation.

#### Expectations for the activity presentation

*Practice the timing of your presentation.*

If you only have six minutes for your presentation, make sure that you practice your presentation and can say everything that you want to say in six minutes. Going over time will hurt your presentation grade significantly. Going over or under by one minute will lower your grade to a B even if the rest of the presentation is flawless. Please develop the skill of learning to tailor your presentation to the time allotted. If you were arguing before the US Supreme Court, you might have only 1 minute to respond to a complex question. It is a skill and a talent to be able to adjust your presentation to fit external time requirements. Please take this requirement seriously. You must practice and time your presentation in advance. **The easiest way to get a bad grade on your presentation is to ignore this advice and go overtime.**

*Stay in character for the presentation.*

Act like you are a representative to the United Nations if that is what you are supposed to be. Acting in character is one of the easiest and effective ways to make your presentation lively and interesting.

*Make sure that your dress does not detract from your presentation.*

You don't have to wear a dress or a suit and tie, but shorts, thongs and a T shirt will make

it difficult to imagine that you are a lawyer for a country arguing a case at the International Court of Justice.

*Do not read your presentation.*

Practice so that as you talk you can engage your listeners. It might be a good idea to write out your presentation, but you must practice the presentation sufficiently so that you can talk with only occasionally glancing down to your notes. **Ninety percent of the time you should be making eye contact** with the audience. If you fail to do this, your presentation will be graded down accordingly. Also beware of the trap of looking at your powerpoint slides, looking at the other members of your group, or looking at your notes. Remember that 90 percent of the time I expect you to be looking at the audience.

*Do not grope for words or stumble on phrases.*

If you decide to talk off of notes rather than writing out your speech, make sure that you practice making your speech off of those notes enough times that you are comfortable and have the set phrases in mind that you will use. Do not grope for the correct word while you are doing your presentation. Make sure that you know how to correctly pronounce all the words that you are going to say. You are giving a formal presentation; practice your speech so that you use powerful, concise phrases. Think through how you want to say things and then practice saying them that way.

*If appropriate, liven up your presentations with a handout or visual aid.*

However, make sure that your prop does not detract from your discussion. An example of a bad visual aid would be a presentation on Africa in which a map of Africa is put on the overhead and it is kept on through the entire discussion and it is never referred to in the discussion. Put the overhead up, refer to it, and then turn the overhead off so that your listeners will concentrate on what you are saying rather than looking at some irrelevant overhead. Similarly, long, multi-page handouts often distract listeners. Make sure that all of your handout is relevant and important. It is also important that if you make an overhead or handout that it be visually appealing and easy to read. An overhead of an important clause in a treaty should be larger than the typical 12 point font. If you use powerpoint, insert blank slides between your relevant slides so that we look back at you rather than staring at the old slide. Legal arguments focus on the speaker and not on the powerpoint slides. Be careful that you do not overuse powerpoint slides in your presentation.

*Use your imagination and have a sense of humor.*

Liven up your presentation with an illustrative anecdote, a provocative question, a joke, a moving photograph, or an illustrative graph or figure. If you have a lot of information to go through, it is essential that you help the listener remember and understand what you are saying by illustrating your points and presenting examples. The more interesting your examples, the better your presentation. Remember that your goal in an oral presentation is to engage your listeners and help them remember key points. Do not make the mistake of cramming a ton of information into a six-minute presentation. That will just ensure that the listener remembers nothing. It is better to cull out less important information and then use some of your time with illustrations or examples that will liven up your

presentation and help the listeners remember the points that you are making.

*If you have a lot of technical or confusing information to cover, outline the information.*

An outline or enumerating points helps the listener keep track of your arguments.

Overhead, visual aid, or handouts can also help. If you tell the audience at the beginning that you have three main points and then summarize them at the end, I guarantee that the audience understanding and retention of your presentation will double.

*Be prepared to respectfully answer questions.*

Never ridicule the question or the questioner. Try to help questioners feel that you appreciate their questions and that their concern or question is natural or to be expected.

*Be aware of distracting habits that you might have.*

Do not chew gum. If you always tap your foot when you speak, try to stop doing it. Try to minimize the number of “uh” “kay” “uhm”s that are in your speaking. While other members of your group are presenting do not do anything distracting such as look at your watch, whisper to another member of your group, or stare off into blank space looking bored.

*Begin your presentation at a basic level.*

Make sure that all the listeners understand what the main issues are and what your answers are to those problems or questions. Every student should have read and thought about the activity sheet in advance. However it is good to start off by restating what the problem or issues are. Even if you are just to give a speech as a country’s representative to the UN, make sure the first speech of the presentation gives an in character summary of the issue. For example “Respected members of the United Nations, I am honored to take a few moments of your time to discuss the terrible plight of the East Timoran people. As you all know, the East Timoran people have suffered for centuries, first under the imperialistic colonial rule of Portugal and since the 1970s under the oppressive military dictatorship of the neighboring country of Indonesia. We have convened this special conference to address this terrible tragedy that is going on in East Timor, and as the representative from Thailand, I would like to present for your approval a compromise that not only preserves Indonesia’s recognized interests in the area but also allows for self determination of the East Timoran people.” Starting out in such a manner reminds everyone what the activity is about and what kind of role play will be occurring.

*Feel free to divide up work for your presentation in whatever manner works for your group and is consistent with the specific activity assignment.*

For example, it is fine to have only one group member do all of the speaking in a presentation. Similarly, if you want to divide up your ten minutes so that each of you speak each for three minutes, that is OK too. Make sure that if you do have multiple speakers that you practice the transitions so that there is no dead time as we watch speakers play musical chairs at the front of the room.

The following is the list of Activities for this class. The topic given in parentheses is the topic most related to the activity. A student doing an activity should first read the text and packet materials on that topic before doing any other research on that activity

Activity 1  
(Packet and Chapter number 5)

Frustrated Washingtonians declare the District of Columbia to be an independent nation. They convert the existing municipal government into a national government and begin issuing stamps, collecting taxes, etc. The President and other federal officers flee to Bethesda, Maryland. The US government decides against taking any military or forceful action against the D.C. revolt in order to avoid any further international embarrassment. The new nation is quickly recognized by 50 African nations as well as 13 nations in Latin America and 9 countries in Asia. The US has blocked its admission to the UN by using its veto. After 8 months of failed negotiations between the US and D.C., the US begins a strict economic and financial embargo against the District. Not only does the United States prohibit trade with the former District, but it also blocks any other nations from trading with the District. As food supplies run short, the situation in the District becomes acute. Togo, as one of the District's allies, puts the District's cause on the agenda of the United Nations. Togo introduces a proposal for a UN resolution that would condemn the United States for its acts of aggression against District. It calls for the US to immediately lift its blockade of the District. The proposed resolution also calls for the immediate recognition of the District as a free and independent nation and calls for the establishment of an international arbitration panel to decide remaining issues of contention between the United States and the District.

Those presenting on this topic will divide into two groups. One represents the Republic of South Africa which favors the resolution, and the other group represents Canada which opposes the resolution. During the debate on the proposed resolution by Togo, each group will give a six-minute speech to the UN General Assembly explaining how your nation will vote on the Togo resolution and why your nation is voting in that manner. Remember that you are a diplomat. You want to be persuasive without being offensive. At the conclusion of the speeches, you will entertain a few questions from the class (the other members of the General Assembly) about your positions on this issue.

Your papers for this activity will be a recommendation back to your country's foreign ministry explaining the position that you think that your country should take on the Togo resolution and why. This memo back to your own country will not be made public and is simply an internal policy analysis. Because this is the first presentation, all presenters will receive a 3 percent bonus to their actual grade. This reflects the difficulty of going first and the less time that you have to prepare. The maximum that you can receive with the bonus is a grade of 95. The bonus applies only to the presentation, not the paper.

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Activity 2  
(Packet and Chapter number 7)

Former President Bush travels to Iraq for a long needed holiday after a grueling eight years in office. While enjoying his time boating on the Euphrates and shopping in bazaars, Iranian authorities make an official request to the Iraqi government to arrest Mr. Bush and extradite him for trial in Iran on a variety of charges. Specifically, Iran claims that Mr. Bush was

responsible for his actions while president of the United States for

(1) Aiding Kurdish terrorist groups operating inside the sovereign boundaries of the country of Iran.

(2) Interference in the internal affairs of Iran in contravention of the United Nations Charter and other international agreements.

(3) Insulting Iran and the Iranian people.

(4) Threatening the use of force and use of nuclear weapons against Iran.

(5) Destruction of the Iranian economy through illegal sanctions.

(6) Insulting Islam

(7) The illegal detention, torture, and murder of Iranian citizens being held in Afghanistan, Iraq, and Guantanamo Bay.

Iraq has an extradition treaty with Iran that requires extradition. This treaty makes no exception for politicians or military leaders. In addition, Iran has a broad jurisdictional statute which says that Iran has jurisdiction over all crimes international or domestic which adversely affect Iran, its territory, or its people.

The case will be heard by an Iraqi judge (the class) which has been asked to rule on Iran's claim of jurisdiction over the alleged crimes of Mr. Bush. This initial hearing is to decide whether Iran's claim of jurisdiction would be an internationally recognized claim of jurisdiction. The court will not examine the merits of the claims against Mr. Bush in this hearing. For example, it is irrelevant at this point in the case to discuss whether Mr. Bush was actually responsible for the illegal detention, torture, and murder of Iranian citizens. The court will only rule on Iran's claim of jurisdiction and whether that claim of jurisdiction would be internationally recognized. The court need not accept Iran's claim of jurisdiction unless it is satisfied that a similar claim of jurisdiction would be recognized either internationally or by Iraqi law.

The students presenting will divide into two groups. One group will represent Iran and present arguments before the court. The other group will represent Mr. Bush and present arguments before the court. Each side will have 5 minutes to present to the class. The remaining 10 minutes of class will be used by the class members to pose questions to each side. Each side will write a legal brief to support their oral arguments, explaining in detail the arguments either in favor of or against Iranian jurisdiction. Even though you take one side, a good argument will recognize the likely arguments of the other side and respond to them in the paper. Those presenting for this activity will receive a 1.5 percent bonus to their actual grade. This reflects the difficulty of going second and the less time that you have to prepare. The maximum that you can receive with the bonus is a grade of 95. The bonus applies only to the presentation, not the paper.

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### Activity 3

(Packet and Chapter number 9)

The Indian economy is faltering. A radical, Hindu revolution is sweeping the country. The incumbent government is in serious trouble. Public opinion polls indicate that in the next election radical Hindu religionists will take control of the government, and this new party promises to remake India into a Hindu state. Special protections for other religions, especially India's Muslim minority will be eliminated. Many radical Hindus plan on eliminating Islam

from India by destroying most of India's 2000 mosques and Islamic holy sites.

More secular political leaders are worried. They need international assistance to jumpstart the Indian economy, and they want to stop or at least slow the tide of Hindu fundamentalism that they feel will destroy the peace and stability of the Indian state. Saudi Arabia offers to give India 800 million dollars in foreign aid to help the Indian economy. Shortly after this aid package is announced India and 28 Muslim nations announce that they have negotiated and will sign a "Islamic-Hindu Religious Sites Preservation Agreement." The Agreement is promptly signed by all 29 states. The terms of the Agreement provide for the following:

(1) To respect and protect existing Hindu and Islamic religious sites in all 29 nations. The Agreement provides a list of protected sites. There are 2000 Muslim sites and 5000 Hindu sites listed as protected in India. In the other 28 Muslim states, there are 2000 Muslim sites and only 7 Hindu sites listed. The seven Hindu sites located in Islamic countries are all in Pakistan and Bangladesh.

(2) No ratification of the Agreement is necessary. Constitutional requirements of ratification do not apply to this Agreement because it is a binding, executive agreement negotiated between the leaders of each country.

(3) Failure to adequately protect the listed sites automatically gives authorization to the other signatory states to enter the violating country with police or military personnel from another country who may take any action necessary to protect the threatened religious site. In addition, any country failing to protect a listed site must also pay a fine to the Religious Sites Preservation Board. This fine is equal to one percent of that state's GNP for the year previous to the violation.

(4) Determination of violations will be made solely by the International Court of Justice ruling in response to a complaint issued by one of the signatories. All signatories accept the automatic and compulsory jurisdiction of the ICJ in determining violations of the Agreement and all other disputes arising from the Agreement.

(5) A signatory may withdraw from the Agreement only after ten years notice. A Religious Sites Protection Fee will be assessed against any nation withdrawing from the Agreement. The fee will equal one percent of that state's GNP for the year prior to when the withdrawal is to become effective.

Seven months after signing the Agreement, a Hindu fundamentalist government comes to power in India. One of the first laws passed by the new government is called the "Non-Ratification of the Religious Sites Agreement Act." The law simply states that the government of India never ratified the Religious Sites Agreement. The government also attaches a reservation to the Agreement stating that "all determinations of penalties and violations of the treaty will be made by the Indian government alone and not the ICJ." The government then proceeds to raze 1300 Mosques across India. Pakistan brings suit under the terms of the Agreement to the ICJ. The new Indian government replies that the ICJ has no jurisdiction over India in this dispute, and India is not a signatory to the Agreement. India concedes that the clause in its Constitution requiring the ratification of treaties does not apply to this Agreement.

## ASSIGNMENT

Each of you as a group represents India before the ICJ. Presenters will prepare a ten-minute presentation of your argument to present to the court. Be prepared to answer questions

from the court. The group paper will outline in detail arguments as to why the provisions of this Agreement should not be applied against India.

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Activity 4  
(Packet and Chapter number 10)

Russia and Japan finally agree to submit their boundary dispute (in the Southern Kurile Islands) to an arbitration panel. The class will serve as the arbitration panel. Presenters will divide into two groups, one side representing Russia and the other representing Japan. Each side should prepare the best arguments to justify their nation being awarded control over all of the disputed islands. Each side will have six minutes each to present. The remaining eight minutes of presentation time will be for questions from the arbitration panel (the class.) Each side will prepare a legal brief (their paper) to support their oral arguments in greater detail.

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Activity 5  
(Packet and Chapter number 12)

Fishery scientists in the United States have developed the ultimate fish bait. By coding the bait genetically, they are able to attract a specific variety of fish to the location of the bait across hundreds of miles of ocean. Using this discovery, U.S. fishers are able to become the master fishers of the world. They attract Canadian cod, halibut, and salmon out of Canadian waters and into US waters where sustainable numbers of the fish are caught, the rest being allowed to return to their usual waters to replenish the stock.

Canadian fishers are outraged. Because U.S. techniques are so efficient, Canadian fishers are left with the choice of either fishing the stocks to extinction or giving up the Canadian fishing industry. Canada protests are ignored by the United States because other than salmon stocks, the fish being taken are not governed by specific international quotas, and the U.S. salmon catch is arguably still within the maximums allowed by US-Canadian salmon fishing agreements.

You are noted professors of international law who have no allegiance or bias to either the Canadian complaint or the U.S. defense. Interested parties in this dispute and in other fishery disputes have asked you to help draft a new international regime to help improve the management of fishery resources, especially in light of U.S. technological advances. Your goal is to create new rules of international law that will stop the overfishing of shrinking fish stocks in the open seas and reduce the incentives that nations have to take the maximum fish possible, regardless of the consequences of such actions on the fishing industries of other countries. You are aware of specific agreements to help manage the conservation of specific species of fish, but the U.S. development has made it imperative that an overall plan be created that covers all marine life.

Please draw up such a new legal regime. You want to draw up a regime that will work and yet will be acceptable to the majority of nations. The presenters will present their plan to the United Nations (the class) which will question them about the feasibility of their suggestions. The presentation should last ten minutes. Be prepared to answer questions about the presentation for the remaining ten minutes.

The paper will explain arguments in greater detail.

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## Activity 6

(Packet and Chapter number 14)

Former Secretary of Defense, Donald Rumsfeld, has been arrested in Canada and is being tried for torture based on procedures that he approved for the enhanced interrogation techniques used by the United States in the War on Terror. Assume that Canada has jurisdiction to try Mr. Rumsfeld because of universal jurisdiction for the crime of torture. Please review the list of procedures approved by Rumsfeld (in Packet 14) and also consider any other evidence of torture by the United States that Rumsfeld could arguably be responsible for.

You will divide into two groups. One group will represent the Canadian government, bringing the charge of torture against Mr. Rumsfeld. The other group will be the defense attorneys for Mr. Rumsfeld. Each group will have six minutes to present to the class which will represent the Canadian court. After the presentations, both groups will answer questions from the class, acting as the court for eight minutes. The papers will be more detailed briefs, supporting the oral arguments made during the hearing.

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## Activity 7

(Packet and Chapter number 16)

The Japanese government repudiates all international whaling and fishing treaties that it has signed. In response Japanese boats take to the oceans with a vengeance. In their first year of operation they catch 83,000 whales and seriously deplete the tuna population. It is estimated that if the Japanese continue for two more years, whales, dolphins, and tuna will become extinct. The UN seriously condemns the Japanese action. Several resolutions are passed in the General Assembly by wide margins denouncing the Japanese actions as "Ecocide." The US leads an economic boycott of many Japanese goods in hopes of prodding the Japanese to abandon their policies. However, all these efforts fail, and the Japanese ships continue to "harvest the ocean." The United States finally takes the extreme action of seizing Japanese fishing vessels that are fishing in international waters (200 miles beyond the coast of the United States) and trying the crews of the vessels under a new US law that makes it a crime to capture or kill whales or dolphins. The law provides a \$100,000 penalty for every whale or dolphin that is captured or killed. This fine can be levied against an individual or the company that employs the individual. In addition, company officials, or the actual fishers can also be imprisoned for two years for every dolphin or whale that is captured or killed.

The Japanese government is enraged by this US action. It hires lawyers to represent its citizens who are on trial in the United States. The Japanese government does not dispute that dolphins or whales were killed or captured. The government contends that the United States has no jurisdiction to try Japanese citizens for acts done in international waters. Furthermore, because Japan has repudiated all relevant fishing and whaling treaties, its citizens are not in violation of any international treaties. The United States argues that the Japanese threat to marine life and the environment justifies this extension of jurisdiction.

## ASSIGNMENT

Presenters will divide into two groups. One team will be the lawyers for the United States, the other, the lawyers representing the Japanese fishers. Each team will present its arguments in class. Each presentation will last no more than six minutes. After this initial

twelve minutes of presentations, a panel of judges (the class) will have the opportunity to ask additional questions of each team of lawyers. The papers are legal briefs written in support of the oral arguments made in the court.

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### Activity 8

(Packet and Chapter number 17)

Gawilda Van Blaacht is a Dutch citizen who came to the United States seven years ago on a student visa. While studying in the United States she became involved with a radical right wing group that wanted to destroy the United States government. This group assassinated the President. Ms. Van Blaacht was arrested and tried along with other members of the group for the crime. There was, however, an enormous backlog of cases in the court in which Ms. Van Blaacht was tried and she had to wait 2 years for her case to finally come to trial. During that period she alleged that she was repeatedly beaten by guards and that authorities failed to protect her from the other inmates who stole her diabetes medication that she needed to take daily. As a result her condition worsened to the point that she had to have both of her legs amputated. In her trial she was convicted of murder and was sentenced to death. Ms. Van Blaacht claimed that she was a political prisoner. She said that she had nothing more than a social connection to some of the members of the radical group. She claimed that she knew nothing about the plot and was not involved in the plot. She was convicted and sent to a penitentiary which required all inmates to work in the hot sun and only provided subsistence rations and one thin blanket for bedding. Fortunately, Ms. Van Blaacht's medical condition stabilized, and medical authorities agreed that she could endure the privations of her imprisonment without any further adverse medical consequences. After seven additional years of imprisonment under such difficult conditions, an appeals court releases Ms. Van Blaacht when one of the group members who testified against Ms. Van Blaacht recants his testimony and admits that he only testified against Ms. Van Blaacht out of spite. The two were involved in a personal dispute. Ms. Van Blaacht is quickly released from prison and she returns to her native country.

The Dutch government has decided to present a claim to the US government on behalf of Ms. Van Blaacht. You are all member of a team of international lawyers that the Dutch government has hired to pursue this claim on behalf of Ms. Van Blaacht. Her claim is that the United States violated international law in its treatment of Ms. Van Blaacht. You have a scheduled appointment with a team of US State Department lawyers to present your claims. The class will represent the State Department lawyers. The presenters will have ten minutes to present their case for compensation of Ms. Van Blaacht. The remaining ten minutes will be used to answer questions from the State Department lawyers. Though you should want to persuade the State Department to recognize this claim, do not be too compromising. Your first and foremost duty is to be an advocate for the Dutch government and Ms. Van Blaacht. Your paper is a detailed statement of your arguments, including additional information and argument that was not appropriate for the oral presentation.

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### Activity 9

(Packet and Chapter number 18)

Aliens have landed on earth. They are shocked and appalled at our system of international relations. They offer to give us a special machine that they call the "Neutralizer." It

can be programmed to destroy anything, anywhere on earth. For example, if the machine is set on (1) U.S. and (2) weapons of war, it will disintegrate all tanks, military vehicles, military uniforms, fighter planes, spare parts, bullets, bombs etc. of the United States. If the machine is set on (1) Canada and (2) human rights abuses, it will destroy the jail cells of all political prisoners, files of the secret police, bugging devices, rubber hoses etc. in Canada. If the machine is not given a geographic setting it will destroy whatever is designated everywhere in the world. The machine can be set to any imaginable use, either good or bad.

The aliens give one condition. They will give us the neutralizer only if all the nations of the earth agree on the rules of its use: (1) An initial set of ground rules, or constitution which lays out under what circumstances the "Neutralizer" will be used against what nations or groups, and (2) What will be the rules for settling controversies about the use of the "Neutralizer"--How will day to day operational decisions that are not covered in part (1) be decided?

The United Nations has formed a committee of several nations to draft a proposal of rules to govern the use of the "Neutralizer" and rules to govern how decisions are to be made. Each presenter should select a nation to represent on the committee. As a committee, you are to create a draft proposal. The presenters will present their proposal to the United Nations (the class) where they will be questioned about their proposal. The proposal will be voted on (it must be unanimously approved). If it is not approved amendments will be made to the proposal by either members of the class or the committee. Please take only ten minutes to outline your proposal to the rest of the class. Then answer any questions and then vote on your proposal. If it is rejected, try working with members of the class to modify the proposal so it can be unanimously accepted. Each member of the class will be a country's representative to the United Nations. The entire activity (your presentation, voting, discussion of possible amendments, additional voting, etc) will last a maximum of 20 minutes. Try to move the discussion and voting along in a timely manner. Do not take more than ten minutes for your initial presentation of your proposal or you will be penalized for going over time. Your paper will give a more detailed discussion of your proposal. Your paper should also include a discussion of why this proposal has the best chance of acceptance, and it should explain other alternatives that were considered and why they were rejected. I expect the discussion of alternatives that were rejected and their analysis of why they think that their proposal will be accepted to be quite sophisticated.

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### Activity 10

(Packet and Chapter number 19)

The Dalai Lama has died, and when Tibetan monks picked the new Dalai Lama, Chinese authorities seized the new Lama and insisted that only China could pick the new spiritual leader of Tibetans. Tibet has erupted into a violent war for independence with many atrocities occurring as Chinese troops attempt to put down the revolt. The matter has been referred to the United Nations Security Council.

The Security Council is conducting hearings on whether Tibet has a right to be an independent nation. You will divide into two groups, one a delegation of Tibetans arguing that Tibet has a right to be independent, and one a delegation of Chinese arguing that Tibet is an integral part of China with no right to independence.

Each group will present to the Security Council for 6 minutes. After the presentations, the presenters will answer questions from the Security Council (the class). Your paper should be a more detailed version of your oral presentation.

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