

LAW 311
International Law
Sabancı University

Instructor: Oya Yeğen

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Office hours: Thursday 9.00- 11.00
and by appointment (FASS 2116)

Class schedule: T 12.40-14.30 R 12.40-13.30

This course is an introduction to the field of international law (IL). It is primarily designed for students of international relations and political science who have not previously studied the subject. It aims to provide a comprehensive understanding of how IL functions and provide an overall study of the basic concepts and issues of IL and how they relate to international relations and governance.

The course is organized into two parts. It begins with a general introduction to what IL entails and examines to what extent international law is relevant and examines international relations approaches to the study of IL. We then study the key actors and sources of IL and the relation between international law and domestic law. We examine how IL is applied and discuss why states commit to international legal obligation and why/to what extent they comply. We then examine and discuss other elements of IL such as the prohibition of use of force and peaceful settlement of disputes before we proceed to specialized issue areas of IL such as international humanitarian law, international criminal law, human rights and law of the sea. We conclude by addressing contemporary challenges to international legal order and discuss the future of IL in the face of technological developments and changing political, economical and environmental concerns.

As we examine issue areas we will focus on specific cases from history and contemporary developments in international politics as they relate to how IL operates. In order to illustrate how IL concerns factor into aspects of international relations, we will devote 10-15 minutes to discussing current events.

Course Objectives:

- 1) to develop an understanding of how IL is a mixture of rules, customs, norms, trace its origin and evolution;
- 2) to evaluate the role of IL and organizations in global governance;
- 3) to achieve an understanding of how IL is applied and its effects in domestic politics;
- 4) to gain a deeper understanding of specialized areas of IL and contemporary issues in international relations and law.

Required Readings:

All the readings are uploaded on SuCourse. In addition to this, I will be sharing contemporary readings from international law blogs and other sources.

Course Policies:

There is not going to be an extension unless a student has a written official documentation of an emergency (i.e. medical notice from a doctor documenting your illness). Late papers will be penalized a letter grade per day.

It is imperative that students follow the standards and provisions set by Sabanci University. Students' cheating, plagiarism and other academic offences will not be tolerated.

Please always feel free to e-mail me at any time or talk to me during class breaks or after class. If you have a matter that requires extended discussion, please see me during my office hours or arrange to meet me at a convenient time. I will do my best to respond to your emails within 24 hours.

Course Requirements:

Attendance/Participation: 20% The attendance/participation grade, as indicated, will consist of two parts. I will make note of your attendance at lectures and active participation in class discussions. Contribution to SuCourse discussion board will also count towards your participation grade. The lectures will provide an opportunity for you to ask questions about the readings and for us to discuss them in context. Please inform me of any scheduled absences.

Reflection Paper: 10% Each student will write a reflection paper on a contemporary international law development, 2-3 pages in length. Further instructions will be posted on SuCourse.

Case Study Discussion Leader/s: 10% Each student as part of group will lead a discussion of a case listed for that particular topic. The discussant/s are required to familiarize themselves with the case and understand how it is relevant to that week's topic. Instructor will help guide the preparations a week in advance. Discussant/s are also expected to come having prepared discussion question in order to engage with fellow classmates.

Midterm Exam: 30% In-class exam, students are responsible for class lectures and readings. March 17, 2020.

Final Take Home Exam: 30% Final exam date is to be announced later in the semester. The format of the exam will include identification and short essay questions.

Course Schedule:

Week 1- What is International Law? How Relevant is International Law?

- Henderson, Conway W. 2010. "The Rise of International Law;" *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell, pp. 3-24.

- Menand, L. “What Happens When War is Outlawed,” *The New Yorker*, September 18, 2017. <https://www.newyorker.com/magazine/2017/09/18/what-happens-when-war-is-outlawed>

Week 2 - Historical Overview and International Relations Theories to IL

- Keohane, Robert O. 1997. “International Relations and International Law: Two Optics,” 38 *Harvard International Law Journal*. 487.
- Adamson, Fiona B. and Chandra Lekha Sriram. 2010. “Chapter 2: Perspectives on International Law in International Relations” in Başak Çalı ed. *International Law for International Relations*. New York: Oxford University Press. pp. 25-45.

Week 3- Sources of International Law

- Henderson, Conway W. 2010. “The Sources of International Law Creating Law without Government;” *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell, pp. 57-84.
- Abbott et. al. 2000. “The Concept of Legalization,” *International Organization*, Vol. 54, No. 3, Legalization and World Politics, pp. 401-419

Week 4 – Subjects of International Law: States and Sovereignty- issues of Recognition, Jurisdiction and Responsibility

- Murphy, Sean D. 2012. Chapter 2 (33-47), chapter 6 (201-219) and chapter 8 (276-292), *Principles of International Law*. West Academic Publishing.
- Case study: Somaliland: Keating, J. “When is a nation not a nation? Somaliland’s dream of independence,” *The Guardian*, July 20, 2018 <https://www.theguardian.com/news/2018/jul/20/when-is-a-nation-not-a-nation-somalilands-dream-of-independence>

Week 5- Subjects of International Law: International Organizations and Other Non-State Actors

- Malanczuk, Peter. 1997. *Akehurst's Modern Introduction to International Law*, “International organizations, individuals, companies and groups,” Routledge pp. 91-108.
- Hanhimäki, Jussi M. 2008. *The United Nations A Very Short Introduction* (Very Short Introductions), Oxford University Press, USA (copy to be distributed by the instructor)
- Abbott, Kenneth W., and Duncan Snidal. 1998. “Why States Act through Formal International Organizations.” *The Journal of Conflict Resolution*, vol. 42, no. 1, pp. 3–32.
- Case study: ISIS: “ISIS has changed international law,” *The Conversation*, March 1. 2016 <https://theconversation.com/isis-has-changed-international-law-56781>

Week 6 - Theories of Commitment and Compliance

- Hathaway, Oona A. 2005. "Between Power and Principle: An Integrated Theory of International Law," *The University of Chicago Law Review*, Vol. 72, No. 2. 469-536
- Chayes, Abram and Antonia Handler Chayes. 1993. "On Compliance," *International Organization*, Vol. 47, No. 2 , pp. 175-205.
- Simmons, Beth. 2009. "Theories of Commitment" in *Mobilizing for Human Rights, International Law in Domestic Politics*. Cambridge University Press, pp. 57-111.

Week 7 – The Relationship between International and Domestic Laws

- Denza, Eileen. 2004. "The Relationship between International and National Law," in Malcolm D. Evans, *International Law*, pp. 415-442.

MIDTERM March 17, 2020.

Week 8 – Prohibition on the Use of Force and its Exceptions

- Henderson, Conway W. 2010. "Law to Constrain Force;" *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell, pp. 211-246.
- Kress, Claus "On the Principle of Use of Force in Current International Law," *Just Security*, September 30, 2019. <https://www.justsecurity.org/66372/on-the-principle-of-non-use-of-force-in-current-international-law/>
- Case: Operation Peace Spring, Hathaway, O. "Turkey is violating international law. It took lessons from the U.S." *Washington Post*. October 22, 2019. <https://www.washingtonpost.com/outlook/2019/10/22/turkey-is-violating-international-law-it-took-lessons-us/>

Week 9 – Issues of Enforcement and Methods of Dispute Settlement

- Giumelli, F. 2015. "Understanding United Nations Targeted Sanctions: an Empirical Analysis", *International Affairs*, 91(6), 1351-1368.
- Malanczuk, Peter (1997) "Peaceful settlement of disputes between states," in *Akehurst's Modern Introduction to International Law*, Routledge, pp. 273-305.
- Case: WTO, Gray, Julia and Philip Potter "The WTO might return to diplomatic settlements for trade disputes. Here's why". *Washington Post*, December 20, 2019. <https://www.washingtonpost.com/politics/2019/12/20/wto-might-return-diplomatic-settlements-trade-disputes-heres-why/>

Week 10 – The Laws of War -IHL

- Griffin, Elizabeth and Başak Çalı, 2010. "Chapter 11- International Humanitarian Law," in Başak Çalı ed. *International Law for International Relations*. New York: Oxford University Press. pp. 234-257.
- Solis, Gary D. 2010. *The Law of Armed Conflict: International Humanitarian Law in War*, Cambridge University Press, pp. 3-27.

- Case study: Targeted Killings: O’Connell, M. E “The Killing of Soleimani and International Law,” EJIL: Talk January 6, 2020, <https://www.ejiltalk.org/the-killing-of-soleimani-and-international-law/>

Week 11 - Human Rights

- Çalı, Başak in Başak Çalı. 2010.“ Chapter 13-International Human Rights Law” ed. *International Law for International Relations*. New York: Oxford University Press, pp. 281-305.
- Case study: Human Rights in Turkey: Çınar, O.H. 2014. *The Right to Conscientious Objection to Military Service and Turkey’s Obligations under International Human Rights Law*. Palgrave Pivot, chp 5 and 6.

Week 12 - International Criminal Law

- Gaeta, Paola, “Chapter 12- International criminal law,” in Başak Çalı ed. *International Law for International Relations*. 2010. New York: Oxford University Press, pp. 258-279.
- Case study: ICC in depth Ginsburg, Tom. 2009. “The Clash of Commitments at the International Criminal Court”, *Chicago Journal of International Law*. Vol. 9, No 2, pp. 499-514.

Week 13 – Law of Sea and other specialized issue areas

- Murphy, Sean D. 2012 “Chapter 11- Law of the Sea,” in *Principles of International Law*, West Academic Publishing, pp. 383-413.
- Posner, Eric and Alan O. Sykes. 2010. “Economic Foundations of the Law of the Sea,” *American Journal of International Law*, Vol 104, Issue 4, pp. 569-596.
- Case study: EEZ in the Cyprus drilling dispute

Week 14: Challenges to International Law

- Selection of readings on contemporary challenges to be later announced.