

LAW 311
International Law
Sabancı University

Oya Yeğen oya.yegen@sabanciuniv.edu	Office hours: Thursday 9.00- 11.00
Class schedule: M 10.40-12.30 T 9.40-10.30	https://calendly.com/oyayegen
https://sabanciuniv.zoom.us/j/93812175685	

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.
- 5) to apply theoretical knowledge and develop writing and communication skills.

Course Policies:

For the Fall 2020-2021, the teaching mode will be synchronous lectures and class discussions. These will be recorded and shared with all students through SuCourse+.

Attendance is mandatory and unless you have a valid excuse, absences will result in point deductions from participation grade. Having said that, if you have a foreseeable valid reason for recurring absences, such as a technological problem, you should tell me as soon as possible, so that we can find alternative ways to make up for it.

Please attend Zoom lectures with your SU email account and with camera (as possible), be respectful of your fellow classmates during class discussions and be mindful of zoom etiquette- meaning mute yourself if you are not speaking and do not interrupt one another when speaking.

Electronic recordings of course materials are for personal use only, do not share them outside of the class.

If you feel like you are not able to participate as much as you like during Zoom sessions, you can make up by responding to discussion questions posted for that week or by posing your own questions in the course forum.

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). Please let me know of any excused absences.

It is imperative that students follow the standards and provisions set by Sabancı University. Students' cheating, plagiarism and other academic offences will not be tolerated. Cases of academic misconduct will be reported. Cheating and plagiarism will also result in failing that exam/assessment. If you have any questions about what constitutes an academic offense, you can ask the instructor or TA in advance.

I will keep you updated about the course, including additional short readings through e-mail and communicate any changes to the syllabus or deadlines through Sucourse+ announcement board.

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:

Throughout the course, the main expectation is that the students come to class ready to discuss the readings and comment on the lecture.

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

Additionally, students are expected to follow the current developments relevant to human rights, as we will devote the first 15 minutes of each class to discuss what is happening and how it relates to general theoretical debates.

I encourage you to keep yourself updated about current developments by following reputable newspapers such as those of the New York Times, The Guardian, Washington Post or news agencies such as BBC News, CNN, Al-Jazeera, Reuters and etc. You may keep yourself updated by following related websites and blogs such as Colum Lynch's blog (<https://foreignpolicy.com/author/colum-lynch/>), Just Security (<https://www.justsecurity.org>), EJIL: Talk! (<https://www.ejiltalk.org>) and Opinio Juris (<http://opiniojuris.org>). I encourage you to share what you have read, with your comments on Sucourse+.

Course Assessment:

Grading Scale:

A 93-100	B+ 87-89	B- 80-82	C 73-76	D+ 63-69	F <50
A- 90-92	B 83-86	C+ 77-79	C- 70-72	D 50-62	

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.

Quizzes: 30% There will be three pop quizzes, each worth 10% of your grade. These will be open book exams that include multiple choice and short essay questions. Quizzes are intended to motivate students to keep with the course material, including the readings. They will take place on Mondays through Sucourse+.

Final Exam: 30% Final exam date is to be announced later in the semester. The format of the exam will include short essay questions. Students who fail to show up for the exams indicated in the Syllabus without a valid excuse and not taking the make-up examinations for such exams will receive N/A as their final grade. Your webcam and microphone should be on during the exam. In the case of non-compliance with this and other declared exam procedures, your exam will be void. Make sure to check that your webcam and microphone

function properly before the exam. You must connect to the Zoom link for the exam with your official Sabancı University e-mail account, and not utilize other email accounts.

Course Schedule:

Week 1 (Feb. 22 & 23)- What is International Law? How Relevant is International Law? Its Origin and Nature

- 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 (March 1 & 2)- International Relations and International Law

- 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.
- 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
- Keohane, Robert O. 1997. "International Relations and International Law: Two Optics," 38 *Harvard International Law Journal*. 487

Recommended:

- Chayes, Abram and Antonia Handler Chayes. 1993. "On Compliance," *International Organization*, Vol. 47, No. 2 , pp. 175-205.

Week 3 (March 8 & 9)- 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

Recommended:

- Guzman, Andrew T. *How International Law Works: A Rational Choice Theory* (New York: Oxford University Press, 2008), Chapter 5, "Customary International Law," pp. 183-211.

Week 4 (March 15 & 16) – Subjects of International Law: States - 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 (March 22 & 23)- 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 (March 29 & 30)- 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.
- Tom Ginsburg, Svitlana Chrenykh and Zachary Elkins, "Commitment And Diffusion: How And Why National Constitutions Incorporate International Law" *University of Illinois Law Review* 2008: 201-38

Week 7 (April 5 & 6)– Methods of Dispute Settlement and International Courts

- Peter Malanczuk. 1997. "Peaceful settlement of disputes between states," in *Akehurst's Modern Introduction to International Law*, Routledge, pp. 273-305.
- Erik Posner and Miguel F. P. de Figueiredo "Is the International Court of Justice Biased?" *Journal of Legal Studies*, vol. 34, June 2005.
- 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 8 (April 12 & 13)– Enforcement and Compliance

- Jana von Stein "The Engines of Compliance" in eds. Dunoff and Pollack, 2012. *Interdisciplinary Perspectives of IL and IR*.
- Alexander Thompson "Coercive Enforcement of International Law" in eds. Dunoff and Pollack, 2012. *Interdisciplinary Perspectives of IL and IR*.
- Francesco Giumelli. 2015. "Understanding United Nations Targeted Sanctions: an Empirical Analysis", *International Affairs*, 91(6), 1351-1368.
- Case: WHO, Oona Hathaway and Alasdair Phillips-Robins "Reforming the World Health Organization," *Just Security* Dec. 11 2020 <https://www.justsecurity.org/73793/covid-19-and-international-law-series-reforming-the-world-health-organization/>

Week 9 (April 19 & 20) – Prohibition on the Use of Force and its Exceptions

- Conway W. Henderson, 2010. “Law to Constrain Force;” *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell, pp. 211-246.
- Claus Kress, “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 10 (April 26 & 27) – The Laws of War -IHL

- Elizabeth Griffin 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.
- Gary D. Solis, 2010. *The Law of Armed Conflict: International Humanitarian Law in War*, Cambridge University Press, pp. 3-27.
- Tanisha M. Fazal “Why States No Longer Declare War” *Security Studies*, 21:557–593, 2012.
- 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 (May 3 & 4) – Protection of Human Rights and International Criminal Law

- Başak Çalı, in Başak Çalı. 2010. “Chapter 13-International Human Rights Law” ed. *International Law for International Relations*. New York: Oxford University Press, pp. 281-305.
- Paola Gaeta, “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.
- 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, Ch. 5 and Ch. 6.

Week 12 (May 17 & 18)- Law of Sea and other specialized issue areas

- Sean D Murphy. 2012. “Chapter 11- Law of the Sea,” in *Principles of International Law*, West Academic Publishing, pp. 383-413.
- Eric Posner 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: Altınbaş et. al “Deep sea rivals: Europe, Turkey, and new eastern Mediterranean conflict lines,” ECFR May 20, 2020.

Week 13 (May 24 & 25) – Challenges to International Law

- James Crawford, 2018. “The Current Political Discourse Concerning International Law,” *Modern Law Review*, Vol. 81 no.1.
- Ingrid Wuerth “A Post-Human Rights Era? A Reappraisal and a Response to Critics,” *Lawfare*, March 22, 2019 <https://www.lawfareblog.com/post-human-rights-era-reappraisal-and-response-critics>