

LAW 311
International Law
Sabancı University

Oya Yeğen oya.yegen@sabanciuniv.edu	Office hours: Fridays 9:00- 11:00
Class schedule: Tues 15:40 - 17:30 Thurs 13:40 – 14:30	https://calendly.com/oyayegen
https://sabanciuniv.zoom.us/j/97387373133	

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 Spring 2022, the teaching mode will be physical classes on Tuesdays and online classes on Thursdays.

Attendance is mandatory and unless you have a valid excuse, absences will result in point deductions from participation grade. This means that attendance to Tuesday classes count only if you are physically in class, unless you cannot attend because of a medical situation.

Attendance to Thursday online classes count only if you have your cameras on. 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 on, 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. See the university's policies: <https://www.sabanciuniv.edu/en/academic-integrity-statement>. 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. Late papers will be penalized with one letter grade per day. 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. You need to prepare the presentation draft a week in advance, so please plan accordingly. Discussant/s are also expected to come having prepared discussion questions in order to engage with fellow classmates.

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

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

Course Schedule:

Week 1 (March 1 & 3)- 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>

Recommended:

- Anghie, Anthonie. 2006. "The Evolution of International Law: colonial and postcolonial realities," *Third World Quarterly*, vol. 27, no. 5, pp. 739-753.

Week 2 (March 8 & 10)- 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 15 & 17)- 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 22 & 24) - Enforcement and Compliance

- von Stein, Jana "The Engines of Compliance" in eds. Dunoff and Pollack, 2012. *Interdisciplinary Perspectives of IL and IR*.
- Thompson, Alexander "Coercive Enforcement of International Law" in eds. Dunoff and Pollack, 2012. *Interdisciplinary Perspectives of IL and IR*.
- Downs et. al. 1996. "Is the Good News about Compliance Good News about Cooperation?" *International Organization* , Summer, 1996, Vol. 50, No. 3, pp. 379-406.

Week 5 (March 29 & 31)- 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.
- Ginsburg, Tom; Svitlana Chrenykh; and Zachary Elkins, "Commitment and Diffusion: How And Why National Constitutions Incorporate International Law" *University of Illinois Law Review* 2008: 201-38.
- 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 6 (April 5 & 7)- Subjects of International Law: States - issues of Recognition, Jurisdiction

- Murphy, Sean D. 2012, pp. 35-45 and pp. 319-344, *Principles of International Law*. West Academic Publishing.
- Relitz, Sebastian. 2019. "The stabilisation dilemma: conceptualizing international responses to secession and de facto states", *East European Politics*, 35:3, 311-331.
- 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 7 (April 12 & 14) - 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.
- 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.
- 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)
- Case study: ISIS: Sovereignty Dealing with the Caliphate, *Cases in International Relations*, pp. 3-22.

Week 8 (April 19 & 21)– State Responsibility

- Murphy, Sean D. 2012, pp. 229-251. *Principles of International Law*. West Academic Publishing.
- Case study: Fidler, David. 2020. "COVID-19 and International Law: Must China Compensate Countries for the Damage?," *Just Security*, March 27
<https://www.justsecurity.org/69394/covid-19-and-international-law-must-china-compensate-countries-for-the-damage-international-health-regulations/>

April 19 Midterm Exam

Week 9 (April 26 & 28) – Methods of Dispute Settlement and International Courts

- Malanczuk, Peter. 1997. “Peaceful settlement of disputes between states,” in *Akehurst's Modern Introduction to International Law*, Routledge, pp. 273-305.
- Posner, Erik 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/>

SPRING BREAK

Week 10 (May 10 & 12) – 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. 2019. “On the Principle of Use of Force in Current International Law,” *Just Security*, September 30. <https://www.justsecurity.org/66372/on-the-principle-of-non-use-of-force-in-current-international-law/>
- Jon Western & Joshua S. Goldstein, “Humanitarian Intervention Comes of Age: Lessons from Somalia to Libya,” *Foreign Affairs* 90/6 (November/December 2011): 48-59.
- 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 11 (May 17) - - 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.
- Solis, Gary D. 2010. *The Law of Armed Conflict: International Humanitarian Law in War*, Cambridge University Press, pp. 3-27.
- Fazal, Tanisha M. “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 12 (May 24 & 26)- Protection of Human Rights and International Criminal Law

- 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.
- 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: Kelebogile Zvobgo. “The ICC’s Flawed Afghan Investigation Why the Court Shouldn’t Let America Off the Hook,” *Foreign Affairs*, November 3, 2021, <https://www.foreignaffairs.com/articles/afghanistan/2021-11-03/iccs-flawed-afghan-investigation>

Week 13 (May 31& June 2)- 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: Altınbaş et. al “Deep sea rivals: Europe, Turkey, and new eastern Mediterranean conflict lines,” *ECFR* May 20, 2020.

Week 14 (June 7 &9) – Challenges to International Law

- Crawford, James. 2018. “The Current Political Discourse Concerning International Law,” *Modern Law Review*, Vol. 81 no.1.
- Krieger, Heike. 2019. “Populist Governments and International Law,” *The European Journal of International Law* Vol. 30 no. 3.