

INTERNATIONAL LAW AND THE UNITED NATIONS

This syllabus is subject to change at the discretion of the instructor.

All changes will be clearly communicated to students in advance.

Semester: Spring 2018

Course: 16:790:536:90

Format: Online on Sakai (www.sakai.rutgers.edu)

Instructor: Dilafruz Nazarova

Contact: dilafruz.nazarova@rutgers.edu

Online office hours: By appointment via Skype (dilafruz.nazarova) or in person.

COURSE DESCRIPTION

The course on *International Law and the UN* introduces students to the ways in which international law interacts with international politics. The course examines the origin, design, use and consequences of international law for a wide range of actors in the world politics. The main focus of the course, however, is on the United Nations and more specifically, on the role of the United Nations in the development and maintaining of international legal order.

Throughout the course, special attention will be paid to evaluating both the logic and evidence supporting various theories of commitments and compliance with international law, thus, strengthening students' understanding of states' policy decisions at the international arena. Furthermore, students will examine the role of the UN and its specific mechanisms in the formation, operation and enforcement of international law across variety of substantive issues including human rights, armed conflicts, fight against terrorism, environmental issues and economic affairs. Hence, this course is relevant and pivotal to both components of the MA Program – the UN and Global Policy. This course is unique as it offers a combination of theoretical approaches for a broader understanding of international legal order combined with research and practice on the involvement of the UN in addressing current and future issues in the world politics.

Upon completing the course the students will be able to:

COURSE LEARNING OBJECTIVES

CLO 1: Analyze the relationship between international law and international politics and how such interaction shapes international relations.

CLO 2: Evaluate the role of different actors, and specifically the United Nations in the international legal order.

CLO 3: Recognize and define terms and key concepts pertaining to international law and the UN mechanism and use international law as a framework to analyze international issues and disputes.

CLO 4: Assess the prospects and limits of international law and UN involvement for addressing current and future issues in world politics.

CLO 5: Examine the role of the UN and its particular mechanisms in the formation and operation of international law across variety of substantive issues including human rights, conflict resolution, fight against terrorism, environmental issues and economic affairs.

COURSE ASSESSMENT

Assignments and Activities:

- Research paper - 40% (outline 5%, draft 10%, peer review 10%, final paper 15%)
- Referee reports - 15% (three total at 5% each)
- Presentation - 15%
- Ongoing discussion forums - 20%
- Blogging on current events - 10%

Grade scale:

Final grades will be assigned according to the following scale:

A=90; B+=85; B=80; C+=75; C=70; F=0 – 69

Preparation and Participation

This is online course, which means all lectures, assignments and activities are done online. No physical presence on the New Brunswick or MMM campuses is required. All lessons are asynchronous (when teaching and learning is not done at the same time). Depending on the class dynamic however, synchronous lessons (when teaching and learning happens at the same time) can be considered as well.

There is no separate grade for preparation and participation in the course. Preparation and participation will be evaluated on the basis of quantity and quality of student's online activities that include regular signing in into the course Sakai webpage and timely submission of all written assignments. Instructor is able to monitor students' activities on the course webpage as Sakai creates an electronic record of student participation in this course.

Referee Report (15%)

Starting from lesson 3, students have to submit a 2-3 page (double spaced) referee reports based on the assigned readings. The idea of referee reports is to ensure that students read and understand weekly materials of the course. Each student has to write 3 referee reports. Students are free to choose what referee reports to write. Referee reports are due online on Sakai at 2 pm on the day of the lesson for which the report is written. Referee report instructions will be provided by the instructor in a separate handout.

Forum discussions (20%)

Every week students will have to participate in forum discussions that will serve as a platform for debates, expression of views, exchange of information and sharing of knowledge. This assignment consists of two parts: (1) answering a question and (2) posting forum responses to two peers. In total, students will participate in 10-11 forum discussions throughout the course. Instructor will post questions relevant to the lesson's topic at 11:55 pm on Mondays and students will have to respond to questions by 11:55 pm on Thursdays and comment on two other students' responses by 11:55 on Saturdays. Forum discussion instructions will be provided by the instructor separately.

Blogs (10%)

Starting from lesson 2 students will also engage in additional activity that supports student awareness of current news and events, and fosters dialog among peers – blogging. This assignment also consists of two parts: (1) students have to post a news article link relevant to International law and/or UN and provide their own comment or opinion about the piece, (2) students have to comment on two other posts by peers. Blog post is due at 11:55 pm on Thursdays and comments on two other students' blogs are due at 11:55 on Saturdays. In total, students will create about 9 blog posts throughout the semester.

This assignment requires that students regularly read newspapers with good domestic and international political, social and economic coverage in general, and news outlets with global politics in focus. Foreign-language newspapers are also valuable sources. Sharing what students read via Blog, can help comparing different perspectives on the same event.

Presentation (15%)

Starting from lesson 6 students will prepare and record a presentation on a topic relevant to the lesson when it is presented. List of the topics as well as presentation instructions will be discussed and provided by the instructor in a separate handout.

Research paper (40%)

There is no final exam in this course. However, students will be required to write one 15-20 page research paper as their final project. Students will write this paper in several stages – outline, policy paper draft, and policy paper final. In addition, each student will provide peer review that will also be graded. Outline of the research paper and bibliography is due at 11:55 pm, Saturday, February 17 online on Sakai. Instructor will provide a feedback on students' outline. Research paper draft is due on at 11:55 pm Saturday, March 31 online on Sakai. Peer reviews are due at 11:55 Saturday, April 7. Final research paper is due at 11:55 Thursday, May 3 online on Sakai. Details will be provided in a separate handout.

Any papers turned in after the due date will be penalized 10% per day, or any part thereof. Extensions are only available under the direst of circumstances, such as a *documented* illness or debilitating injury spanning much of the time when you could have worked on the assignment. Even in these exceptional cases, you are responsible for informing the instructor ahead of time, when circumstances permit, that an assignment will be late. Unnecessary delays in notification will disqualify students for an extension.

SUPPORT & POLICIES

Communication

I will be available to talk via Skype or in person in Hickman Hall, room 312 upon appointment. All students are encouraged to meet with me in person at least once during the semester. Please, do not hesitate to write me an e-mail at dilafroz.nazarova@rutgers.edu with any questions or concerns. If you experience a legitimate emergency that prevents you from completing required coursework on time, I expect you to communicate with me at the earliest reasonable opportunity. If you have questions regarding this course (eg. deadlines, clarification on assignments, technical problems, etc), please, post them in the General Forum discussion as that is the best and fastest way to get them answered.

Late policy

Late assignments will be deducted 10% per day to a maximum of ten days. Assignments will not be accepted after ten days. It is your responsibility to ensure late work reaches me. Extensions are only available under the direst of circumstances, such as a documented illness or debilitating injury spanning much of the time when you could have worked on the assignment. Even in these exceptional cases, you are responsible for informing me ahead of time, when circumstances permit, that an assignment will be late. Unnecessary delays in notification will disqualify you for an extension.

Academic Integrity Policy

Academic integrity means, among other things that you as a student must:

- Develop and write all of your own assignments.
- Show in detail where the materials you use in your papers come from. Create citations whether you are paraphrasing authors or quoting them directly. Be sure always to show source and page number within the assignment and include a bibliography in the back.
- Do not fabricate information or citations in your work.
- Do not facilitate academic dishonesty for another student by allowing your own work to be submitted by others.

The consequences of scholastic dishonesty are very serious. If you are in doubt about any issue related to plagiarism or scholastic dishonesty, please discuss it with the instructor. Students are also advised to consult the following links that provide more information and plagiarism tutorials:

<http://academicintegrity.rutgers.edu/>

<http://library.camden.rutgers.edu/EducationalModules/Plagiarism/>

http://www.libraries.rutgers.edu/avoid_plagiarism

<http://academicintegrity.rutgers.edu/resources-for-students/>

Student Wellness Services

To access helpful mental health information and resources for yourself or a friend in a mental health crisis on your smartphone or tablet and easily contact CAPS or RUPD go to: *Just In Case Web App*
<http://codu.co/cee05e>

Counseling, ADAP & Psychiatric Services (CAPS)

CAPS is a University mental health support service that includes counseling, alcohol and other drug assistance, and psychiatric services staffed by a team of professional within Rutgers Health services to support students' efforts to succeed at Rutgers University. CAPS offers a variety of services that include: individual therapy, group therapy and workshops, crisis intervention, referral to specialists in the community and consultation and collaboration with campus partners. CAPS contacts are as follows: (848) 932-7884 / 17 Senior Street, New Brunswick, NJ 08901 / www.rhscaps.rutgers.edu/.

Violence Prevention & Victim Assistance (VPVA)

The Office for Violence Prevention and Victim Assistance provides confidential crisis intervention, counseling and advocacy for victims of sexual and relationship violence and stalking to students, staff and faculty. To reach staff during office hours when the university is open or to reach an advocate after hours, call 848-932-1181 / 3 Bartlett Street, New Brunswick, NJ 08901 / www.vpva.rutgers.edu/.

Disability Services

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>. If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

Here are contacts for Rutgers University Disability Services: (848) 445-6800 / Lucy Stone Hall, Suite A145, Livingston Campus, 54 Joyce Kilmer Avenue, Piscataway, NJ 08854 / <https://ods.rutgers.edu/>.

If you do not have documented disability but nevertheless struggling with studies and course requirements due to some health, family or other issues, speak to me sooner rather than later. I cannot help you if I am not aware of your problems.

Scarlet Listeners

(732) 247-5555 / <http://www.scarletlisteners.com/> Free and confidential peer counseling and referral hotline, providing a comforting and supportive safe space.

COURSE STRUCTURE & REQUIREMENTS

The following is a preliminary schedule of topics and readings for the course. The schedule and reading list is subject to change based on the class dynamic. The instructor will clearly announce any changes.

MODULE 1: INTRODUCTION (3 lessons)

MLO 1: Outline the historical development of international law and the UN;

MLO 2: Distinguish and define the sources of international law;

MLO 3: Identify and use resources for more effective reading, researching and understanding of international law materials;

MLO 4: Compare the role of different international actors in the development of international legal regime;

LESSON 1: Historical Development of the UN and International Law (posted January 16)

LO 1: Provide historical overview of the development of international law and discuss importance of international law nowadays;

LO 2: Recall the history of the UN and outline its current place and role in international politics;

LO 3: Review the structure of the UN;

LO 4: Use various databases related to international law materials;

- Forum #1 post (due Thursday, January 18, 11:55 pm)
- Forum #1 replies (due Saturday, January 20, 11:55 pm)

Readings:

- Hanhimäki, Jussi M. 2008. *The United Nations: a very short introduction*. Oxford ; New York : Oxford University Press. (1-49).
- Henderson, Conway W. 2010. Ch.1 "The Rise of International Law." In *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell. (3-24).
- Vinopal, Kelly. 2013. "Researching Public International Law". *E-RG Electronic Resource Guide*, ASIL. (34 pages) - Recommended.

LESSON 2: Sources of international Law and the Role of the UN in International Law making (posted January 22)

LO 1: List, define and give examples of sources of international law;

LO 2: Explain how and by whom international law sources are created;

LO 3: Review the UN Charter and its potential as a world constitution;

- Forum #2 post (due Thursday, January 25, 11:55 pm)
- Forum #2 replies (due Saturday, January 27, 11:55 pm)
- Blog #1 post (due Thursday, January 25, 11:55 pm)
- Blog #1 comments (due Saturday, January 27, 11:55 pm)

Readings:

- Dixon, Martin. 2013. Ch.2 "The Sources of International Law" In *Textbook on International Law*. Oxford, U.K.: Oxford University Press. (24-54).
- Schwindt, C. 2000. "Interpreting the United Nations Charter: From Treaty to World Constitution", *UC Davis Journal of International Law*, 6(2), 194-215.
- Anderson, David. 1998. Law-Making Processes in the UN System – Some Impressions" In *Max Plank Yearbook of United Nations Law*. Vol2. (23-50).

LESSON 3: Actors in International Legal Politics (posted January 29)

LO 1: List various state and non-state actors in the international legal politics;

LO 2: Understand the role of non-state actors in international law making

LO 2: Assess the role of the UN bodies in international law making;

- Lesson 3 Referee report (due Monday, January 29, 2 pm)
- Forum #3 post (due Thursday, February 1, 11:55 pm)
- Forum #3 replies (due Saturday, February 3, 11:55 pm)
- Blog #2 post (due Thursday, February 1, 11:55 pm)
- Blog #2 comments (due Saturday, February 3, 11:55 pm)

Readings:

- Henderson, Conway W. 2010. Ch.2 “A World of Actors: A Question of Legal Standing.” In *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell. (27-55).
- Wouters, J & De Man, Ph. 2009. "International Organizations – as Law Makers", *Working Paper 21*, 1-31.
- Deplano, R. 2015. "The Use of International Law by the United Nations Security Council: and Empirical Framework for Analysis", *Emory International Law Review*, 29, 2085-2112.

MODULE 2: THEORIES OF COMMITMENTS (2 lessons)

MLO 1: Outline the demand for the international law regimes;

MLO 2: Identify and describe the major theories of commitment;

MLO 3: Explain institutional design of international treaties;

LESSON 4: Understanding Commitment to International Treaties (posted February 5)

LO 1: Summarize theories of commitment;

LO 2: Apply theories of commitment to specific cases;

LO 3: Discuss membership in the UN organs as a factor of cooperation

- Lesson 4 Referee report (due Monday, February 5, 2 pm)
- Forum #4 post (due Thursday, February 8, 11:55 pm)
- Forum #4 replies (due Saturday, February 10, 11:55 pm)

- Blog #3 post (due Thursday, February 8, 11:55 pm)
- Blog #3 comments (due Saturday, February 10, 11:55 pm)

Readings:

- Keohane, R. 1982. "The Demand for International Regimes", *International Organization*, 36(2), 325-355.
- Simmons, Beth A. 2009. Ch.3 "Theories of Commitment". In *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge, U.K.: Cambridge University Press. Excerpt from (57-111).

LESSON 5: Institutional Design of International Treaties (posted February 12)

LO 1: Review Vienna Convention on the Law of Treaties;

LO 2: Define RUDs and give examples;

LO 3: Describe and apply the concept of legalization;

- Lesson 5 Referee report (due Monday, February 12, 2 pm)
- Research Paper Outline (due Saturday, February 17, 11:55 pm)

Readings:

- Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal. 2000. "The Concept of Legalization." *International Organization* 54 (3):401-419.
- Koremenos, Barbara, Lipson, Charles and Snidal, Duncan "The Rational Design of International Institutions," *International Organization* 55, 4 Autumn 2001: 761-800.
- Neumayer, Eric. 2007. "Qualified Ratification: Explaining Reservations to International Human Rights Treaties." *The Journal of Legal Studies* 36 (2):397-429.

MODULE 3: THEORIES OF COMPLIANCE AND ENFORCEMENT (2 lessons)

MLO 1: Identify and describe the major theories of compliance;

MLO 2: Discuss the level of state compliance with international law norms;

MLO 3: Examine political, legal and social domestic forces stimulating/impeding compliance with international law;

MLO 4: Evaluate effectiveness of the UN enforcement mechanisms;

LESSON 6: Sources of Compliance (posted February 19)

LO 1: Identify and describe the major theories of compliance;

LO 2: Discuss the level of state compliance with international law norms;

LO 3: Examine global and domestic forces stimulating/impeding compliance with international law

- Lesson 6 topic Presentation (due Monday, February 19, 9 am)
- Lesson 6 Referee report (due Monday, February 19, 2 pm)
- Forum #5 post (due Thursday, February 22, 11:55 pm)
- Forum #5 replies (due Saturday, February 24, 11:55 pm)

- Blog #4 post (due Thursday, February 22, 11:55 pm)
- Blog #4 comments (due Saturday, February 24, 11:55 pm)

Readings:

- Hathaway, Oona A. 2005. "Between Power and Principle: An Integrated Theory of International Law" *University of Chicago Law Review*, 71, 469-536.
- Chayes, Abram, and Antonia H. Chayes. 1993. "On Compliance." *International Organizations* 47(2): 175-205.
- Downs, G et al. 1996. "Is the Good News About Compliance Good News About Cooperation?" *International Organizations*, 50(3), 379-406.

LESSON 7: Enforcing International Law (posted February 26)

LO 1: Identify mechanisms of enforcement of international law;

LO 2: Discuss efficiency of sanctions using specific examples;

LO 3: Argue about enforcement powers of the UN SC;

- Lesson 7 topic Presentation (due Monday, February 26, 9 am)
- Lesson 7 Referee report (due Monday, February 26, 2 pm)
- Forum #6 post (due Thursday, March 1, 11:55 pm)
- Forum #6 replies (due Saturday, March 3, 11:55 pm)
- Blog #5 post (due Thursday, March 1, 11:55 pm)
- Blog #5 comments (due Saturday, March 3, 11:55 pm)

Readings:

- Kyrgis, Frederic. 1996. "Enforcing International Law", *Insights*, 1, January 1996.
- Chesterman, Simon & Pouligny, Beatrice. 2003. "Are Sanctions Meant to Work? The Politics of Creating and Implementing Sanctions Through the United Nations". *Global Governance* 9:503-518.
- Giumelli, F. 2015. "Understanding United Nations Targeted Sanctions: an Empirical Analysis", *International Affairs*, 91(6), 1351-1368.

MODULE 4: INTERNATIONAL LAW REGIMES AND THE UN (7 lessons)

MLO 1: Review the process of formation of various international law regimes;

MLO 2: Identify and critically assess key UN mechanisms responsible for monitoring of various International law regimes and conflict resolution;

MLO 3: Discuss current trends and prospects for the development of international law regimes;

LESSON 8: International Human Rights Law (posted March 5)

- Lesson 8 topic Presentation (due Monday, March 5, 9 am)
- Lesson 8 Referee report (due Monday, March 5, 2 pm)
- Forum #7 post (due Thursday, March 8, 11:55 pm)
- Forum #7 replies (due Friday, March 9, 11:55 pm)

Readings:

- Therien, J-F & Joly, Ph. 2014. “All Human Rights for All: The United Nations and Human Rights in the Post-Cold War Era”, *Human Rights Quarterly*, 36(2), 373-396.
- Heupel, M. 2011. “With Power Comes Responsibility: Human Rights Protection in United Nations Sanctions Policy”, *European Journal of International Relations*, 0(0), 1-24.
- E Silva, M. 2013. “The United Nations Human Rights Council: Six Years On”, *International Journal of Human Rights*, 18, 97-113.

LESSON 9: International Humanitarian Law (posted March 19)

- Lesson 9 topic Presentation (due Monday, March 19, 9 am)
- Lesson 9 Referee report (due Monday, March 19, 2 pm)
- Forum #8 post (due Thursday, March 22, 11:55 pm)
- Forum #8 replies (due Saturday, March 24, 11:55 pm)
- Blog #6 post (due Thursday, March 22, 11:55 pm)
- Blog #6 comments (due Saturday, March 24, 11:55 pm)

Readings:

- Kirchner, Stefan. Chapter 12 "Modern International Humanitarian Law" In *International Law: Contemporary Issues and Future Developments*, edited Silverburg. Westview press (2011): 231-256.
- Hathaway, O et al. 2012. “Which Law Governs During Armed Conflict? The Relationship Between International Humanitarian Law and the Human Rights Law”, *Minnesota Law Review*, 96, 1883-1944.
- Grenfell, K. 2013. “Perspective on the Applicability and Application of International Humanitarian Law: the UN context”, *International review of the Red Cross*, 95 (891/892), 645-652.

LESSON 10: International Law and Terrorism (posted March 26)

- Lesson 10 Referee report (due Monday, March 26, 2 pm)
- Research Paper Draft (due Saturday, March 31, 11:55 pm)

Readings:

- Bianchi, A. 2007. “Assessing the Effectiveness of the UN Security Council’s Anti-Terrorism Measures: The Quest for Legitimacy and Cohesion”, *The European Journal of International Law*, 17(5), 881-919.
- Foot, R. 2007. “The United Nations, Counter Terrorism, and Human Rights: Institutional Adaptation and Embedded Ideas”, *Human Rights Quarterly*, 29(2), 489-514.

LESSON 11: International Environmental Law (posted April 2)

- Lesson 11 Referee report (due Monday, April 2, 2 pm)
- Research Paper Peer-review (due Saturday, April 7, 11:55 pm)

Readings:

- Rochester, J. Martin. 2011. Chapter 8 “International Environmental Law: Protecting the Biosphere.” In *Between Peril and Promise: The Politics of International Law*. Thousand Oaks, C.A.: Sage Publications. (226-258).
- Conway, D. 2010. «The United Nations Security Council and Climate Change: Challenges and Opportunities», *Climate Law*, 1, 375-407.
- Rajamani L. “The 2015 Paris Agreement: Interplay Between Hard, Soft and Non-Obligations”, *Journal of Environmental Law*, 28, 2016, (337-358).

LESSON 12: International Law and Economic Affairs (posted April 9)

- Lesson 12 topic Presentation (due Monday, April 9, 9 am)
- Lesson 12 Referee report (due Monday, April 9, 2 pm)
- Forum #9 post (due Thursday, April 12, 11:55 pm)
- Forum #9 replies (due Saturday, April 14, 11:55 pm)
- Blog #7 post (due Thursday, April 12, 11:55 pm)
- Blog #7 comments (due Saturday, April 14, 11:55 pm)

Readings:

- Duruigbo, Emeka.Ch.9 "Corporations and International Law" In *International Law: Contemporary Issues and Future Developments*, edited Silverburg. Westview press (2011): 173-185.
- Addo, Michael K. 2014. "The Reality of the United Nations Guiding Principles on Business and Human Rights". *Human Rights Law Review* 14 (1): 133-147.
- Halliday, T et al. 2013. «Who Governs? Delegations and Delegates in Global Trade Lawmaking», *Regulation and Governance*, 7, 279-298.

LESSON 13: Is UN accountable under IL? (posted April 16)

- Lesson 13 topic Presentation (due Monday, April 16, 9 am)
- Lesson 13 Referee report (due Monday, April 16, 2 pm)
- Forum #10 post (due Thursday, April 19, 11:55 pm)
- Forum #10 replies (due Saturday, April 21, 11:55 pm)
- Blog #8 post (due Thursday, April 19, 11:55 pm)
- Blog #8 comments (due Saturday, April 21, 11:55 pm)

Readings:

- Freedman, R. 2014. “UN Immunity or Impunity? A Human Rights Based Challenge”, *The European Journal of International Law*, 25(1), 239-254.
- Farrall, J. 2014. “Rule of Accountability or Rule of Law? Regulating the UN Security Council’s Accountability Deficit”, *Journal of Conflict and Security Law*, 19(3), 389-408.

LESSON 14: Future of International Law (posted April 23)

- Lesson 14 Referee report (due Monday, April 23, 11:55 pm)
- Forum #11 post (due Thursday, April 26, 11:55 pm)

- Forum #11 replies (due Saturday, April 28, 11:55 pm)
- Blog #9 post (due Thursday, April 26, 11:55 pm)
- Blog #9 comments (due Saturday, April 28, 11:55 pm)

Readings:

- Higgins, R.2014. "The United Nations at 70 Years: the Impact upon International Law", *International and Comparative Law Quarterly*, 65(1), 1-19.

Research paper due Thursday, May 3, 11:55 pm.