

# Political Science 283

## International Law and Organization

**Ward Thomas**

**Spring 2007**

Fenwick 302

Office x3445; Home 508-835-9744 (before 10 p.m., please)

e-mail: wthomas@holycross.edu

Office Hours: Wednesday 10am-noon, Thursday 1-3 pm, and by appointment

Despite the emphasis often placed upon conflict and discord in the international system, it is clear that states in fact regularly seek to facilitate cooperation and mutual restraint. What motivates these efforts? How successful are they in overcoming the effects of international anarchy? This course will address these questions by examining the institutions through which states attempt to organize their relations with one another. Topics will include the history, functions, and relevance of international law, the role of international organizations (including but not limited to the United Nations), and contending approaches to the problems of world order and conflict management.

Grading for the course will be determined on the following basis:

- Class debate (see below): 25% (20% content; 5% presentation)
- In-class mid-term exam (see below): 10%
- Take-home mid-term essay (see below): 15%
- Cumulative final exam: 35%
- Class participation: 15%

(Class participation means *participation*; regular attendance is a minimum requirement. It is therefore important not only that you attend class, but that you do the readings and come prepared to contribute constructively to discussion.)

*I also reserve the right to administer occasional quizzes on the assigned readings and newspaper reading.* If I do so, these will count marginally in the determination of the “Class Participation” component of the final grade. If class discussion proceeds satisfactorily, these probably will not be necessary.

### **Mid-term Exam**

The mid-term exam will consist of **two parts**: an *in-class exam* to be administered on **Tuesday, February 22**, and a *take-home essay/paper*, the topic for which will be distributed on Tuesday, February 22 and which will be due two days later, on **Thursday, February 24**. As a whole the mid-term accounts for 25% of your final course grade: the in-class segment will count for 10% of your final course grade, and the essay/paper will count for 15% of your final course grade.

## Class Debates

You will notice that five dates on the syllabus are devoted to class debates. The debates will be conducted according to the following format. Each student in the class will be a primary participant in one debate over the course of the semester. Each “side” of the debate topic will be argued by a two- or three-person team. You and your teammate(s) will be responsible for:

- researching the topic thoroughly and constructing a “briefing packet” of materials in support of your position. This packet should be *approximately 20 pages long*, and can consist of any number of different types of sources, including (but not limited to) articles from academic journals, newspapers or magazines. The briefing packet must include a table of contents citing each source, as well as a bibliography listing not only those sources you have included, but also further suggested readings you would recommend to someone wishing to learn more about the issue. *Attached to the front of the packet should be a 1-2 page opening statement framing the issues and summarizing your position. Briefing packets are to be treated as required readings for everyone in the class, and you will be responsible for them on exams.*
- **one week** prior to the debate, distributing four (4) copies of the briefing packet as follows: one to me, one to your debate opponents, and two to the reserve room of the library for your classmates to review. (Label the materials in the reserve packet with the name of the class and the date of the debate – eg. “International Law and Organization, April 17 debate.”) If you are able to save your packet as an electronic document and disseminate it electronically, that would be preferable, but you shouldn’t let that possibility influence your selection of readings.
- arguing your side of the issue in class. Each team will make a 10-minute opening statement, as well as an 8-minute rebuttal to the points raised by the other team. (On a three-person team, there will be two 6-minute opening statements.) Following these statements, ***all members of the class will be expected to participate actively in the debate.***
- Before you begin work on your debate, ***you must carefully read “Debate Guidelines – International Law and Organization,”*** which is available on the ERes site for this course. This document contains more information about the formal requirements for the debate, as well as helpful hints for packet and presentation. If any questions remain, ask me as early as possible.

***Late submissions (either essays/papers or debate materials) will be penalized five (5) points per day, including weekend days.*** Any extenuating circumstances that threaten to cause problems meeting a deadline should be brought to my attention as far in advance as possible. Computer problems are not a valid excuse for missing a deadline - back up your documents frequently. Also, you are required to keep a hard copy of each paper you submit.

For all written assignments, the quality of the writing *does* matter. Essays should be logically structured, tightly reasoned, clearly written, and carefully proofread. Remember (in this class, other classes, and in general) that poor writing is not merely a stylistic problem, but a barrier to getting your ideas across. A poorly written paper is a poor paper, however brilliant conceptually. Before beginning any written assignments, you must read the document “Common Errors in Student Papers,” which I have posted on ERes. These are errors that no Holy Cross student should make. ***Any paper that contains three or more instances of errors on the list will be returned for correction, and a five-point penalty will be applied.*** The corrected paper must be identical to the paper originally submitted except for the corrected errors.

***If you have any questions concerning any assignment for this class, you should talk to me as early as possible.***

The following books and case studies are required and are available for purchase at the bookstore:

- Hedley Bull, The Anarchical Society (Columbia, 1977)
- Martha Finnemore, National Interests in International Society (Cornell, 1996)
- David Armstrong, Lorna Lloyd, and John Redmond, From Versailles to Maastricht (St. Martin’s, 1996)
- Eve N. Sandberg, “The IMF Structural Adjustment Program for Zambia’s Agricultural Sector” (Pew Case Studies in International Affairs, Case no. 213)
- Jolene K. Jesse, “Humanitarian Aid in the Midst of Conflict: The United Nations High Commissioner for Refugees in the Former Yugoslavia” (Pew Case Studies in International Affairs, Case no. 471)

***In addition, students are required to read the international section of a good daily newspaper – The New York Times is recommended.***



= books to be purchased at the bookstore



= case studies to be purchased at the bookstore.



= readings available in the reserve room at Dinand Library.



= readings available online on Electronic Reserves (ERes).

***Instructions for accessing readings on ERes:*** First, go to the Library site on the Holy Cross web page. Then click on “Electronic Reserves (ERes).” Then click on “Electronic Reserves and Course Materials,” then, using either the Political Science listings or my name, find the page for this course. You will be asked to enter a password. The password for this course is **tek33**. Once you have accessed the course page, you should be able to pull up any document by clicking on its title. If there are any problems with accessing documents through ERes, please let me know by email as soon as possible.

## ***Part I -- Theories and Institutions***

### **1. Introduction: overview and theoretical issues (Jan. 18, 23, 25)**

- 📁 Joseph M. Grieco, “Anarchy and the Limits of Cooperation”
- 📁 Helen Milner, “The Assumption of Anarchy in International Relations Theory: A Critique”
- 📖 Bull, chs. 1-3
- 📖 Finnemore, ch. 1

### **2. International Law - foundations, sources, and principles (Jan. 30, Feb. 1)**

- 📖 Bull, ch. 6
- 📁 Thomas M. Franck, The Power of Legitimacy Among Nations, chs 1,2,12
- 📁 Murray Forsyth, “The Tradition of International Law”
- 📁 Stephen A. Kocs, “Explaining the Strategic Behavior of States: International Law as System Structure”

### **3. Development of IOs through 1945 (Feb. 6, 8)**

- 📁 Inis Claude, Swords Into Plowshares, ch. 2
- 📖 Armstrong et. al., Introduction, chs. 1, 2, and ch. 3 thru p. 67

### **4. The United Nations: Organization and Processes (Feb. 13, 15)**

- 📁 Materials on United Nations website (to be specified)
- 📖 Armstrong et. al., chs. 3 (pp. 67-87), 4 & 5 (entire)
- 📁 Ian Hurd, “Legitimacy, Power, and the Symbolic Life of the UN Security Council”
- 📁 Materials on ICJ website re: “Advisory Opinion on the Legal Consequences of a Wall in the Occupied Palestinian Territory” (selections to be specified)

===== ***IN-CLASS MIDTERM EXAM -TUES, FEBRUARY 20***=====

===== ***MID-TERM ESSAY/PAPER DUE – THURS. FEBRUARY 22***=====

## ***Part II – Issue-Areas***

### **5. War, peace, and security (Feb. 22, 27, March 1, 13)**

- 📖 Finnemore, ch. 3
- 📁 Anthony C. Arend and Robert J. Beck, International Law & the Use of Force, chs. 2-3
- 📁 United Nations Charter chs. 6 & 7
- 📁 Materials on Peacekeeping on UN website (to be specified)
- 📁 Gareth Evans and Mohamed Sahnoun, “The Responsibility to Protect”
- 📁 National Security Strategy of the United States of America (selections)

**6. Trade, integration, and development: economic institutions (March 15, 20)**

📖 Armstrong et. al., chs. 6 (pp. 138-154 only), 8 (entire), and 10 (pp. 250-256 only)

📖 Finnemore, ch. 4

📁 Louis W. Pauly, “Promoting a Global Economy: The Normative Role of the International Monetary Fund”

📄 Case study: Eve N. Sandberg, “The IMF Structural Adjustment Program for Zambia’s Agricultural Sector”

**7. Human rights and war crimes (March 22, 27)**

📖 Text of Universal Declaration of Human Rights

📖 Armstrong et. al., pp. 264-271

📖 Susan D. Burgerman, “Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights Principles”

📖 Online exercise: “The International Court of Justice Considers Genocide: Bosnia and Hercegovina vs. Yugoslavia” (details TBA)

📁 Anne-Marie Slaughter, “Memorandum to the President,” in Alton Frye, ed., Toward an International Criminal Court?

**8. Humanitarianism; environmental issues (March 29, April 3)**

📄 Case study: Jolene K. Jesse, “Humanitarian Aid in the Midst of Conflict: The United Nations High Commissioner for Refugees in the Former Yugoslavia”

📁 Ved P. Nanda, “Environment,” in Christopher C. Joyner, ed., The United Nations and International Law

📖 Peter M. Haas, “UN Conferences and Constructivist Governance of the Environment”

**9. Class Debates (April 10, 12, 17, 19, 24)**

Topic 1 (April 10): Does the doctrine of “preemption” *as expressed in the U.S. National Security Strategy document of September 2002* represent a valid reinterpretation of the principle of self-defense under Article 51 of the UN Charter?

Topic 2 (April 12): Should the detainees being held at the U.S. Marine base at Guantanamo be entitled to the rights of prisoners of war under the Geneva Convention?

Topic 3 (April 17): Typically, IMF loans come “with strings attached” - states are required to meet conditions dictated by the IMF, often including the “structural adjustment” of their economies. Is this “conditionality” a fair, equitable, and prudent restriction on IMF loans?

Topic 4 (April 19): Are developing countries justified in violating the patents on vital drugs in order to make lower-cost versions available to their citizens?

Topic 5 (April 24): Is invoking “universal jurisdiction” as a principle of customary international law a valid strategy for prosecuting crimes against humanity, or is it an unacceptable infringement on state sovereignty and the autonomy of state judicial systems?

**10. Conclusions (April 26, May 1)**

📖 Bruce Cronin, “The Two Faces of the United Nations: The Tension Between Intergovernmentalism and Transnationalism”

[1-2 other readings TBA]