

POL341H1S – International Law: Foundations

Course Syllabus Winter 2024

**Department of Political Science
University of Toronto**

**Instructor: David Quayat
(david.quayat@utoronto.ca)**

**Thursdays 6 – 8pm
(Emmanuel College - 001)**

TA: TBA

Course Description and Objectives

This course will introduce students to major topics in the operation of the international legal order. This course will explore these topics while considering whether international law is really law or merely politics cloaked in the language of law.

This course will examine major preoccupations of international law, including international trade, human rights, the use of armed force, and international human rights.

The primary objective of this course is to expose students to the major preoccupations of the international legal order in order to help students develop familiarity with the vocabulary of international law. Students will also develop their analytical and writing skills through assessments, assignments and written examinations.

NOTE: This course assumes knowledge of core concepts such as treaties, customary international law and the basic attributes of the state. These concepts will not be reviewed as part of this course. POL340H1F is recommended as prior preparation for this course.

Course Delivery

This course will be conducted in-person. Students are expected to come to class having read the week's materials. Lectures will assume that students have read the assigned materials. In-person class time will be used to apply reading materials to real world case studies and to explore the implications arising out of the readings. In-class time will not be used to cover the lecture/textbook material in serious detail.

Readings will be posted through Quercus. In addition, students should pay close attention to announcements in Quercus for updates on the course. Familiarity with the Quercus learning environment is essential to success in this class.

Students will need to be flexible in terms of class meetings. There is the possibility that in-person classes will be shifted online in the event of public health exigencies, or the availability of the instructor. Close attention to announcements in Quercus is essential.

Textbooks and Readings

The textbook for this course will be Leslie Johns, *Politics and International Law* (New York: Cambridge University Press, 2022).

There are two additional books I recommend consulting throughout the course:

- Malcolm Evans, ed., *International Law*, 5th ed (Oxford University Press, 2018). This is an excellent edited volume that will be a useful reference for those students interested in pursuing a deeper understanding of international law. This book can be purchased through Amazon.ca [it is not presently available electronically though Robarts]
- James Crawford, *Brownlie's Principles of Public International Law*, 9th ed (Oxford University Press, 2019). This is probably the leading text in the field. It is [available digitally](#) through Robarts Library. Though geared to lawyers, this book provides an excellent summary and analysis of international legal principles.

Each week's learning will be based on a mixture of textbook readings, as well as primary and secondary source materials related to each topic. A list of all required readings are on Quercus.

Students will be required to monitor Quercus and their emails for updates on reading lists

Office Hours / Email Communication

Office hours will general be held on Thursdays from 4:30pm – 5:30pm at the sessional instructor officer at the Department of Political Science. If this time is not convenient for you, feel free to schedule an appointment with me (we can meet in-person, by phone, or Zoom) to discuss your questions or concerns.

Students are free to communicate with me via email. I endeavor to respond to all emails within 48-hours. However, an email response may not always be appropriate. Where an email response is not appropriate, I may propose a meeting with you, or address the question through an announcement on Quercus if it is of general interest.

Marking Scheme

The following is a breakdown of the marking scheme for the course. Detailed descriptions follow:

- 15% - Participation (Reflection Pieces)
- 15% - Quizzes

30% - Midterm Assessment

40% - Final Assessment (To be scheduled during the Final Assessment Period:
April 10 - 30, 2024)

Participation (Reflection Pieces)

Each student will need to submit a total of four reflection pieces over the course of the semester. The topic for each reflection piece will be posted. Students will be expected to offer their own insights and thoughts on the topics (which will incorporate current events with course materials). The aim of these pieces is to show that students have read and considered the course materials. Each piece is graded out of 5 points. The lowest score of the four submissions will be excluded. Students may opt to skip one of the reflections.

The due dates for the reflection pieces (max 500 words per piece) are February 2nd, March 1st, March 15th, April 5th. Submissions will be done through Quercus.

Quizzes

Students will need to complete four quizzes during the course. These quizzes, which will be timed at 30mins, are completed through Quercus. The quizzes will include multiple choice/short answer questions. Quizzes will be administered during the following 24-hour windows (students can do the quizzes at any time during each window):

- Quiz 1 – Law of the Sea and Trade – January 29th, starting at 10:00am
- Quiz 2 – Human Rights – February 26th, starting at 10:00am
- Quiz 3 – The Use of Armed Force – March 11th, starting at 10:00am
- Quiz 4 – Law of Armed Conflict – April 1st, starting at 10:00am

Quizzes are designed to ensure students have read and understood the course materials. The lowest of the four scores will be dropped. Students may opt to skip one of the reflections.

Midterm Assessment

The midterm assessment will be a take home test. The midterm will be administered through Quercus. Students will have to respond to a series of questions. Students will have 24-hours to complete the midterm once they view the questions. The midterm will be available starting February 12th at 10:00am and must be completed **by February 16th, at 6:00pm EST**. Submissions

Final Assessment

The final assessment will be an in-person three hour exam. The final assessment will be scheduled during the Final Assessment Period (April 10th – 30th). The exact dates will be announced via Quercus.

Other Class Policies

Plagiarism

Plagiarism is a serious academic offence and will be dealt with accordingly. For further clarification and information on plagiarism please see Writing at the University of Toronto: <http://www.writing.utoronto.ca/advice/using-sources>.

Original

All course work will be submitted online through Quercus. Normally, students will be required to submit their course work to the University's plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their work to be included as source documents in the tool's reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).

Students may opt out of the use of the plagiarism detection tool. If you wish opt out, you must contact me by January 19, 2024 to make alternate arrangements.

Copies of Works

Students are strongly advised to keep rough and draft work and hard copies of their paper before submitting them. These should be kept until the marked assignments have been returned and the grades posted on ACORN.

Late Submission of Course Work

No extensions for the submission of any course work will be granted without proof of medical or other emergency.

Re-Grading

If you wish to have course work re-graded, the following procedure must be followed:

1. You must wait for one week until after the marked work has been returned and/or the grade posted to allow for a "cooling off" period.
2. You must write a well-written paragraph to the instructor as to why you believe the grade was wrong. It is not enough to argue that one could have weighed factors differently and arrived at a different grade – an error in principle must be identified or the grade must otherwise be plainly wrong.
3. The instructor will assess whether a re-grading is warranted and, if so, the result of the re-grading.

Accessibility Services and Religious Accommodations

If you are registered with Accessibility Services and require reasonable accommodation, please have Accessibility Services contact the instructor so that necessary reasonable accommodations can be made.

If you require reasonable accommodation for religious reasons, please speak to the instructor and so that reasonable accommodations can be made.

In either case, you must speak to the instructor as far in advance of the relevant coursework date as possible. Accommodation after-the-fact may not be possible if accommodation could have been sought before-the-fact.

Technology Support for Students

For Quercus and all other technology support, contact the Information Commons Helps Desk: help.desk@utoronto.ca. For more details, visit Info Commons Help Desk, Robarts Library.

Health and Wellness

Students can access a wide range of programs and services to support their health and wellbeing. Many of these programs are listed at:

<https://studentlife.utoronto.ca/department/health-wellness/>

For Students - U of T

- U of T Health & Wellness: uoft.me/5EB
- 416-978-8030
- Support if Students are Feeling Distressed uoft.me/5EC
- U of T My Student Support Program (My SSP) uoft.me/5ED
- Community Safety Office communitysafety.utoronto.ca/ 416-978-1485
- U of T Safety & Support safety.utoronto.ca/

COURSE OUTLINE

The below list of material is what I expect will be covered during the course. The material posted through Quercus should be taken to be the controlling list of assigned readings on material.

1. January 11th - Introduction to the Course

In this class, we will review the syllabus, grading, my approach to teaching, and an overview of key concepts that will be studied during this course. Before this class you should you should review the following:

Materials:

- This syllabus

2. January 18th – The Law of the Sea

Approximately 71% of the earth is covered by water, including the oceans. What laws govern one of our planet's most important resources (i.e., water)? In this week's materials we examine the law of the sea, including its evolution and modern challenges.

Materials:

- Lectures and Slides in Quercus
- Textbook, Chapter 5 – pp. 175 – 203
- Summary of *Arctic Sunrise* (on Quercus)

3. January 25th – Trade Law

The regulation of commerce has been a long-standing preoccupation of international law. This week's materials examine the efforts to promote global trade, including the creation of the World Trade Organization.

Materials:

- Lectures and Slides in Quercus
- Textbook, Chapter 6 – pp. 204 - 231
- Summary of *Shrimp* (on Quercus)

4. February 1st - Human Rights – Part I

The advent of human rights treaties was one of the major international law developments of the 20th Century. This week's materials examines human rights in their historical context and the efforts to prohibit the worst excesses of states, including genocide and torture.

Materials:

- Lectures and Slides in Quercus
- Textbook – Chapters 8.2 (Creating Human Rights) and 8.3 (Physical Integrity Rights), pp. 267 - 288

5. **February 8th – Human Rights – Part II**

This week's materials focus on the two major international rights treaties, the *International Covenant on Civil and Political Rights* as well as the *International Covenant and Economic, Social and Cultural Rights*. We will examine the limits of human rights, and when states can limit rights.

- Lectures and Slides in Quercus
- Textbook – Chapters 8.4 (Civil and Political Rights) and 8.5 (Economic, Social and Cultural Rights), pp 288 – 307
- Case summaries of *Grootboom* and *Manifesting Religion* (Available on Quercus)
- [ICCPR – General Comment No. 29, 31 August 2001, CCPR/C/21/Rev.1/Add.11](#)

6. **February 15th – Use of Armed Force – Part I**

When is it legally permissible for states to use armed force against other states or entities? What constitutes “armed force”? This week we will explore the general prohibitions on the use of force both as a matter of customary law and treaty law (i.e., the UN Charter)

Materials:

- Lectures and Slides in Quercus
- Textbook - Chapters 9.2 (Prohibiting Force) and 9.3 (Using Force with UN Security Counsel Authorization) pp. 313 - 326
- Case summaries of *Nicaragua* and *Oil Platforms* (Available on Quercus)

7. **February 29th – Use of Armed Force – Part II**

International law permits states to defend themselves. This week's materials explores the inherent rights to self-defence. We also explore alternate bases to use force, and the unintended consequences of the prohibition on the use of force.

Materials:

- Lectures and Slides in Quercus
- Textbook - Chapters 9.3 (Using Force in Self-Defence) and 9.4 (Other Justifications for Using Force), pp. 326 - 349
- Case summaries of *Nicaragua*, *Oil Platforms*, and *Nuclear Weapons* (Available on Quercus)

8. March 7th – International Humanitarian Law – Part I

When states (and some non-state actors) decide to use armed force, international law regulates how force can be used. This week, we explore the basics of international humanitarian law, including the important distinction between civilians and combatants.

Materials:

- Lectures and Slides in Quercus
- Textbook - Chapters 10.1 (Case Study), 10.2 (Regulating Armed Conflict), and 10.3 (Protected People), pp. 353 - 369

9. March 14th – International Humanitarian Law – Part II

This week's materials examine the limits placed on how the military can conduct operations on the battlefield, including what can be targeted and what weapon systems can be used. We also examine the rules that govern conflicts between state actors and non-state actors (i.e., ISIS).

Materials:

- Lectures and Slides in Quercus
- Textbook - Chapters 10.4 (Military Conduct), 10.5 (Non-International Armed Conflict), and 10.6 (Case Study Revisited), pp. 369 - 392

10. March 21st – International Criminal Law – Part I

At the end of World War II, the Allies imposed individual criminal liability on members of the Nazi regime. The Cold War froze attempts to develop a permanent international criminal tribunal. However, the genocides of Rwanda and Yugoslavia prompted the international community to renew its efforts, leading to the creation of the International Criminal Court. This week's materials trace the development of international criminal law.

Materials

- Lectures and Slides in Quercus
- Textbook - Chapters 11.1 (Case Study), 11.2 (Creating International Crimes) and 11.3 (Establishing Guilt) – pp. 395 - 418
- Case study materials – *Nuremberg* (Available on Quercus)

11. March 28th – International Criminal Law – Part II

International criminal law, notably the ICC, has faced significant challenges. What constitutes a breach of international law? How is liability for a breach ascribed to state actors? When are states liable for the conduct of non-state actors? This week's materials will examine how breaches of international law are established and attributed to state actors and the consequences of those breaches.

Materials:

- Lectures and Slides in Quercus
- Textbook – Chapters 11.4 (Enforcing International Criminal Law) and 115 (Case Study Revisted), pp. 418 – 432
- Gordon Bardos, “Trials and Tribulations: Politics as Justice at the ICTY”, *World Affairs* Vol. 176, No. 3 (September / October 2013), pp. 15 – 24

12. April 4th - The Future of International Law

This week we will explore cutting edge aspects of the issues raised in the course, and trends in the areas of law canvassed during the course. This class will also give students the chance to ask questions about the course. We will discuss the structure of the final assessment.

Materials:

- Lectures and Slides in Quercus
- Readings TBA