

International Law (POL 340Y) – University of Toronto – 2011/2012

Professor Irvin Studin (School of Public Policy and Governance)

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Lectures: Wednesdays 6pm to 8pm, McLennan Physical Laboratories, Room 203

Office Hrs: School of Public Policy and Governance (Canadiana Building), 3rd Floor, Rm 307; Wednesdays @ 2.30pm to 3.30pm, or by appointment

Teaching Assistants: Mai Taha (mai.taha@utoronto.ca);

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Course Description: This course provides an ambitious survey of the various domains of international affairs treated—at least in some way—by public international law: from war and peace (in its many manifestations) to international economics, the environment and, inter alia, political unions (such as the European Union). The course seeks to have students understand international law and its various institutions (and proposed institutions) in the context of the broader sweep of institutions, players (starting with states) and forces that animate international life. It aims to force students to situate and analyze international legal issues in terms of the ‘law’ or rule of law (international and domestic) and this said broader sweep—all in order to better apprehend why international law ‘works’ in some international scenarios, does not (yet?) work in others, and requires supporting institutions, players and forces in others.

Text:

2 Course Kits (1 per term); available at The Copy Place (720 Spadina Ave.)

Evaluation:

Mid-Term Paper: 30% (November 2, 2011)

Mid-Term Test: 25% (November 30, 2011)

Final Exam: 45% (Date TBD in April 2012)

Lectures:

Fall Term

Lecture 1: Introduction to Course (September 14)

Lecture 2: Sources of International Law (September 21)

Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: MacMillan Press, 1977), Chapter 6

Ian Brownlie, *Principles of Public International Law*, 5th ed. (Oxford: OUP, 1998), Chapter 1

UN Charter: <http://www.un.org/en/documents/charter/>

Constitution Act, 1867 and Constitution Act, 1982:
http://laws.justice.gc.ca/eng/Const/Const_index.html

Lecture 3: States and Sovereignty (September 28)

Brownlie, Chapters 4-5

Kindred and Saunders eds., *International Law, Chiefly as Interpreted and Applied in Canada*, 7th ed. (Toronto: Edward Montgomery Publications Ltd, 2006), Chapter 2

Harold Koh, "Why Do Nations Obey International Law?" (1997) *Faculty Scholarship Series*. Paper 2101 (Yale):

http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2897&context=fss_papers&sei-redir=1#search=%22sources%20international%20law%20thomas%20franck%22

Lecture 4: War and Peace (October 5)

Christine Gray, *International Law and the Use of Force* (Oxford: OUP, 2000), Chapters 1-2.

A.J. Coates, *The Ethics of War* (Manchester: Manchester University Press, 1997), Chapters 5-6.

Lecture 5: War and Peace (cont'd) (October 12)

Gray, Chapters 4 and 6.

Geneva Conventions (1949) and *Additional Protocols*: <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp>

Lecture 6: Individual and Collective Rights (October 19)

John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), pp. 1-88

Steiner and Alston, eds., *International Human Rights in Context* (New York: OUP, 1996), Chapters 2-3.

Khadr v. Canada, 2009 FCA 246:

<http://www.canlii.org/en/ca/fca/doc/2009/2009fca246/2009fca246.html>

Lecture 7: Nationality (October 26)

Kindred and Saunders, Chapter 8.

Lecture 8: Guest Lecturer – Dr. Sven Spengemann (November 2)

Lecture 9: Jurisdiction (November 9)

Brownlie, Chapters 14-15.

Lecture 10: State Responsibility (November 16)

Kindred and Saunders, Chapter 10.

Lecture 11: Select Cases and Term Review (November 23)

Lecture 12: Mid-Term Test (in class) (November 30)

Spring Term

Lecture 13: Introduction to Spring Term (January 11)

Lecture 14: Law of the Sea (January 18)

Currie et al., chapters 4-6.

Kindred and Saunders, chapter 13.

Brownlie, chapters VI-XI.

Michael Byers, "Pax Arctica" *Global Brief* (Winter 2010):

<http://globalbrief.ca/blog/2010/02/19/pax-arctica/>

Lecture 15: Environmental Law (January 25)

Guest Lecturer

Lecture 16: International Economic Regimes (February 1)

Currie et al., chapter 10.

The North American Free Trade Agreement, chapters 1, 11 and 21.

<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/texte/index.aspx?lang=en#PartI>

Joint Report on the EU-Canada Scoping Exercise (March 25, 2009):

<http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/Canada-EUJointReport2009-03-05.pdf>

Lecture 17: Private International Law (February 8)

TBD

Lecture 18: Conflict of Laws (February 15)

TBD

Lecture 19: International Criminal Law (February 22)

Currie et al., chapter 15.

Rome Statute:

<http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>

Convention on the Prevention and Punishment of the Crime of Genocide:

<http://www2.ohchr.org/english/law/genocide.htm>

Benjamin Ferencz, “What of Military Aggression?” *Global Brief* (Fall 2010):

<http://globalbrief.ca/blog/2010/10/13/what-of-military-aggression-in-the-21st-century/>

“On International Criminal Justice” – *Global Brief* Online Interview with Andrew Cayley (September 2011):

<http://globalbrief.ca/blog/2011/09/09/on-international-criminal-justice/>

Lecture 20: Humanitarian Interventions and the Responsibility to Protect (February 29)

Report of the International Commission on Intervention and State Sovereignty (2001):

<http://www.iciss.ca/report-en.asp>

UN Security Council Resolution 1973 (2011) on the Situation in Libya:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>

Global Brief articles:

Definition section from Spring/Summer 2011 issue:

<http://globalbrief.ca/blog/2011/06/27/humanitarian-intervention-is-only-justified-when/>

Two articles from Fall 2011 issue (links to be provided when issue is released)

Lecture 21: Diplomatic Immunities (March 7)

Guest Lecturer

Lecture 22: European Union Law (March 14)

Paul Craig and Gráinne De Búrca, *EU Law: Text, Cases and Materials* (Oxford: OUP, 2008), Chapters 2, 6, 8, 9 and 10.

Sasan Sam Shoamanesh, “The Case for a Union” (*Global Brief*, Winter 2010)

<http://globalbrief.ca/blog/2010/02/19/the-case-for-a-union/>

Lecture 23: Select Cases (March 21)

Lecture 24: Review (March 28)