

POL340H1F – International Law: Foundations

Course Syllabus Spring 2022

Department of Political Science
University of Toronto

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Mondays / Wednesday 6 – 8pm (Online)

Course Description and Objectives

This course will provide students with an introduction into public international law – the law that governs the relationship between states and as between the states and other actors on the international stage (i.e., international organizations). In addition, the course will examine the intersection of international law and politics, and tackle the question of whether international law is really law or merely politics cloaked in the language of law.

This course will explore a number of foundational concepts of international law, including the sources of law (i.e., treaties and customary international law), and the attributes of the core actor in international law (and international relations): the state. This will include the factual and legal definitions of statehood, as well as dominion over territory and the sea.

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

Textbooks and Readings

The textbook for this course will be Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law* 8th ed (New York: Routledge, 2019). [It is available electronically](#) through the Robarts Library. Additionally, the textbook can be ordered through the Bookstore and online through Amazon.

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. This syllabus lists the readings that are anticipated. However, new readings are occasionally added to supplement or assist in exploring a particular topic.

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

Meet-Ups / Office Hours / Email Communication

This is an online course. Online course materials will be delivered asynchronously (meaning there is no set lecture schedule). However, there will be online meet-ups on Mondays / Wednesdays from 6:00pm – 8:00pm EST. These meetups will take place via Zoom. During these online meet-ups, we will discuss the prior week's materials, articles or issues in the news related to the course materials, or student questions.

In addition to the online meet-ups, students are free to contact the instructor to schedule one-on-one meeting to discuss any questions or concerns. These meetings will be scheduled at a mutually convenient time.

Students are free to communicate with the instructor about the course via email. However, an email response may not always be appropriate. Where an email response is not appropriate, the instructor may propose an online meeting with a student, or address the question through an announcement on Quercus.

Students need not have video capabilities in order to participate in online meetups or to speak to the instructor for office hours. The ability to access Quercus is essential.

Marking Scheme

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

- 25% - Assessment #1 (To be completed by May 27, 2022 at 10pm EST)
- 25% - Assessment #2 (To be completed by June 10, 2022 at 10pm EST)
- 50% - Final Assessment (Exam Period: June 22 – 29, 2022)

Assessments

Students will need to complete two written assessments during the course. Students will have 24 hours to complete the assessment. Students will have the ability to determine

when they start/complete each assessment (within a defined range), but each assessment will have a fixed deadline by which all students must complete it.

Assessments will challenge students to take concepts learned in the course and apply them to scenarios or real-world legal problems. The assessments are designed for students to demonstrate an understanding of the materials presented in the course. Assessments will, generally speaking, require students to submit 500 – 750 words in response to one or more questions.

Instructions for each assessment will be provided through Quercus.

Final Assessment

The mid-term and final assessments will both be take-home exams. Students will have 72-hours to complete the exam. Scheduling during the exam periods will be addressed during the course.

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>.

Submission of Course Work / Plagiarism Detection

Normally, students will be required to submit their Final Assessments 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 essays 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 May 20, 2022 to make alternate arrangements.

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 ROSI.

Penalty for 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.

COURSE OUTLINE

Week 1: (Week of May 9th) – International Law and International Relations

This introductory week will have two broad objectives. The first will be to situate students to the class, how instruction will be delivered and how student will be evaluated. Particular attention will be given familiarizing students with the online environment in which the course will be delivered.

The second objective will to set the stage for the course by exploring the interplay between international law and international relations. The course materials will tie the historical development of international law to current interdisciplinary issues between international law and international relations. This week will launch what will be a common theme in the course: is international law is really law or is it politics cloaked in the language of law.

Required Materials For this Week:

- Lectures Available Through Quercus
- Textbook, Chapters 1 and 2 - pp. 1 – 29
- Beth Simmons, “International Law and International Relations” in Gregory A. Caldeira et. al., eds, *The Oxford Handbook of Law and Politics* (Oxford University Press, 2018)
- Sir Arthur Watts QC, “The Importance of International Law” in Michael Byers, ed., *The Role of Law in International Politics* (Oxford University Press, 2000), 5 - 16.

Week 2: (Week of May 16th) – Treaties

Treaties are a central source of international law. We will examine the basic framework for the creation of treaties, how they come into force, and how states try to limit their obligations through what are known as “reservations”. We will also consider how, to whom, where, and when treaties apply. Finally, we will learn about how treaties are interpreted and terminated.

Required Materials For this Week:

- Lectures Available Through Quercus
- Textbook – Chapter 3 (Sources), pp. 31 – 33; Chapter 12 (Treaties), pp. 251 – 276.
- [Vienna Convention on the Law of Treaties, 23 May 1969, UN Doc. A/Conf 39/29](#)
- [Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 UNTS 277](#)
- Court cases / excerpts:
 - [Anglo-Iranian Oil Company Case \(UK v. Iran\) \(Preliminary Objections\), \[1952\] ICJ Rep 93](#)
 - [Case Concerning Maritime Delimitation and Territorial Questions \(Qatar v. Bahrain\) \(Decision on Jurisdiction\), \[1994\] ICJ Rep 112](#)
 - [Jadhav Case \(India v. Pakistan\), \[2019\] ICJ Rep](#)
 - *Dispute Regarding Navigational and Related Navigational and Related Rights (Costa Rica v. Nicaragua)* [Excerpts to be posted on Quercus]

- Handout – Analysis of US Reservations to the *Genocide Convention* (To be posted on Quercus)

Week 3: (Week of May 23th) – Customary International Law / States: Cradle to Grave - Part I

The first part of the week will focus on customary international law, including what is customary international law. We will ask questions like what is the difference between custom and habit? How widespread does the custom have to be in order to be legally binding on states? In this week's materials, we explore how states can become subject to international obligations through their conduct. We also explore the concept of *jus cogens* norms.

The second part of the week will focus on the state. We will explore what is a state, and how the international law definition of a "state" compares to other contexts? This week's materials will examine the basis of statehood, both legal and factual.

Required Materials For this Week:

- Lectures in Quercus
- Textbook – Chapter 3.3 (Sources), pp. 33 – 56; Textbook – Chapter 5 (Creation and recognition of States) pp. 72 – 110
- [UN Declaration of on Friendly Relations \(UN Resolution 2625\)](#)
- Court cases/excerpts:
 - [North Sea Continental Shelf \(Norway v. Germany\), \[1969\] ICJ Rep 3](#)
 - [Military and Paramilitary Activities in and against Nicaragua \(Nicar. v. U.S.\), 1986 ICJ 14](#)
 - [Anglo-Norwegian Fisheries, \(U.K. v. Norway\), 1951 ICJ 117](#)
 - [Nevsun Resources Ltd. v. Araya, 2020 SCC 5](#), paras.1 – 26; 60 – 84

Week 4: (Week of May 30th) – States: Cradle to Grave – Part II / Territory Jurisdiction

States do not exist forever. How do states come to an end and what are the legal consequences of the demise of old states and creation of new ones? These are the questions this this week's materials will cover, with a particular focus on succession and secession.

The material will then shift to territory. Territory is an indispensable component of being a sovereign state. While our digital world may be eroding borders, humans still need space to live, grow food, breathe clean air and live life. This material will explore international law governing the acquisition and loss of territory.

Required Materials For this Week:

- Lectures Available Through Quercus
- Textbook – Chapter 5 (Creation and recognition of States) pp. 72 – 110; Chapter 14 (State succession) pp. 299 – 326; Chapter 7 (Territory) pp. 122 – 156

- Marcelo G Kohen and Mamadou Hébié, “Territory, Acquisition”, Max Planck Encyclopedias of International Law (Updated March 2011) [Oxford Public International Law]
- Cases/excerpts [all related to States – Part II]
 - [Reference re Secession of Quebec, \[1998\] 2 S.C.R. 217](#), paras. 1-2, 19-23, 109-156
 - [Territorial Dispute \(Libya v. Chad\)](#), 1994 ICJ 7
 - [Frontier Dispute \(Burk. Faso v. Mali\)](#), 1986 ICJ 554
 - [Gabcikovo-Nagymaros Project \(Hung. v. Slov.\)](#), 1997 ICJ 7

Week 5: (Week of June 6th) – Nationality / Jurisdiction

Accepting that states are the primary actors in the international legal order, what are the limits of a state’s power? What authority do states have to regulate activities on their own territories or on the territories of other states? During this week, we will examine the concept of jurisdiction, and the bases upon which states can regulate and enforce laws.

The material will then shift to nationality. Individuals, while not a core actor in the international legal system, nonetheless play a role. International law attaches significant importance to an individual’s nationality. This week’s materials explores the concept of nationality.

- Lectures in Quercus
- Textbook – Chapter 10 (State jurisdiction) pp. 213 – 227; Chapter 15 – pp. 327 – 338
- Court cases/excerpts:
 - [Nottebohm \(Liechtenstein v. Guatemala\)](#), 1955 ICJ Rep 4

Week 6: (Week of June 13th) - The Law of the Sea

Territory is an indispensable component of being a sovereign state. While our digital world may be eroding borders, humans still need space to live, grow food, breathe clean air and live. And approximately 71% of the earth is covered by water, including the oceans. During this week, we will explore international law governing the acquisition and loss of territory as well as international law regulating the oceans.

Required Materials For this Week:

- Lectures in Quercus
- Textbook – Chapter 8 (The law of sea) pp. 157 – 195.
- [United Nations Convention on the Law of the Sea \(10 December 1982\)](#)
- Court cases/excerpts:
 - [Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge \(Malaysia/Singapore\)](#), 2009 ICJ Rep 12