

POL340H1F – International Law: Foundations

Course Syllabus Fall 2022

**Department of Political Science
University of Toronto**

**Instructor: David Quayat
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**Mondays 6 – 8pm
(Sidney Smith Hall - 2117)**

TA: TBA

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.

Course Delivery

This course will employ a flipped classroom approach. Lectures for the class will be available online. In-person class time will be used to apply the concepts covered in the online lectures to real-world examples/case studies. This will enhance your understanding of the materials covered in the online lectures. Students are expected to come to class having watched the lectures and read the materials for that particular class. In-class time will not be used to cover the lecture material in detail.

Lectures and 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 Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law* 9th ed (New York: Routledge, 2022). [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. 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

When classes are held in-person, I will remain after class (8pm – 9pm) to meet with students and answer any question they may have. Otherwise, you are free to schedule an appointment (by phone, Zoom or other appropriate platform) with me to discuss your questions or concerns

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

Marking Scheme

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

- 20% - Quiz #1 (To be completed by 11:00pm on October 7, 2021)
- 20% - Quiz #2 (To be completed by 11:00pm on November 4, 2021)
- 20% - Quiz #3 (To be completed by 11:00pm on November 25, 2021)
- 40% - Final Assessment (To be scheduled during the Final Assessment Period: December 10 – 20, 2022)

Quizzes

Students will need to complete three quizzes during the course. Students will have 24 hours to complete each quiz. Students will have the ability to determine when they start/complete each assessment (within a defined range of dates), but each quiz will have a fixed deadline by which all students must complete it.

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

Instructions for each quiz will be provided through Quercus.

Final Assessment

The final assessments will be a take-home exam. Students will have 72-hours to complete the exam. The final assessment will be scheduled during the Final Assessment Period (December 10th – 20th). 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>.

Submission of Course Work / Plagiarism Detection

All course work will be submitted online through Quercus. Students will be required to submit their course assignments to the University's plagiarism detection tool website for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their material to be included as source documents in the University's plagiarism detection tool reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the University's plagiarism detection tool service are described on the company web site.

Students may opt out of the use of the plagiarism detection tool. If you wish opt out, you must contact me by September 16, 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.

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

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. September 12th - Introduction to the Course

I 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:

- Quercus – Videos from the “Course Overview” section.
- Textbook, Chapter 1 (Introduction) - pp. 1 – 17

2. September 19th - International Law and International Relations

Why bother studying international law? How does international law relate to international relations? The readings and lectures this week will tie the historical development of international law to current interdisciplinary issues between international law and international relations. We will launch a discussion on what will be common theme throughout the course, namely whether international law is really “law” or whether it is politics cloaked in the language of law.

Materials:

- Lectures in Quercus
- Textbook, Chapter 2 (History) – pp. 18 - 31
- 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.

3. September 26th – Treaties: Part I

This week’s materials kick-off our study of the sources of international law. Treaties are the primary source of international law. International treaties are the leading source of international law. We will examine the basic framework for the creation of treaties, how they come into force, and how states may try to limit their obligations through what are known as “reservations”.

Materials:

- Lectures in Quercus
- Textbook – Chapter 3 (Sources), pp. 32 – 35; Chapter 12 (Treaties), pp. 269 – 284
- [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](#)
 - [Legal Status of Eastern Greenland \(Den. v. Nor.\), 1933 P.C.I.J. \(ser. A/B\) No. 53](#)

4. October 3rd – Treaties: Part II

This week's materials will examine how treaties are interpreted. Additionally, we will explore how treaties can be suspended or terminated.

- Lectures in Quercus
- Textbook - Chapter 12 (Treaties), pp. 284 - 295
- Markus Lotzur, "Intertemporal Law", Max Planck Encyclopedias of International Law (Updated April 2008) [Oxford Public International Law]
- Court cases/excerpts:
 - [Jadhav Case \(India v. Pakistan\), \[2019\] ICJ Rep](#)
 - [Dispute Regarding Navigational and Related Rights \(Costa Rica v. Nicaragua\), Judgment, ICJ Reports 2009](#)

5. October 17th – Customary International Law / Jus Cogens

What is customary international law? 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.

Materials:

- Lectures in Quercus
- Textbook – Chapter 3.3 (Sources), pp. 35 – 48
- 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

6. October 24th – The State: Cradle to Grave – Part I

What is a state? How does the international law definition of a "state" compare to definitions in other contexts? This week's materials will examine the basis of statehood,

Materials:

- Lectures in Quercus
- Textbook – Chapter 5 (Creation and recognition of States) pp. 77 – 118

- [UN Declaration of on Friendly Relations \(UN Resolution 2625\)](#)

7. November 1st - The State: Cradle to Grave – Part II

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 week's materials will cover, with a particular focus on succession and secession.

Materials:

- Lectures in Quercus
- Textbook - Chapter 14 (State succession) pp. 320 – 348
- Cases/excerpts
 - [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

8. November 14th – 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.

Materials:

- Lectures in Quercus
- Textbook – Chapter 10 (State jurisdiction) pp. 228 – 245

9. November 21nd – 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.

Materials:

- Lectures in Quercus
- Textbook – Chapter 15 – pp. 349 – 361
- Court cases/excerpts:
 - [Nottebohm \(Liechtenstein v. Guatemala\)](#), 1955 ICJ Rep 4

10. November 28th – 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 week's material will explore international law governing the acquisition and loss of territory.

Materials:

- Lectures in Quercus
- Textbook – Chapter 7 (Territory) pp. 131 – 167
- Marcelo G Kohen and Mamadou Hébié, “Territory, Acquisition”, Max Planck Encyclopedias of International Law (Updated March 2011) [Oxford Public International Law]

11. **December 5th – 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 in Quercus
- Textbook – Chapter 8 (The law of sea) pp. 168 – 212.
- [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

12. **December 10th – Review and Final Assessment Preparation**