

# **POL341H1S – International Law: Operation of the International Legal Order**

## **Course Syllabus Winter 2023**

**Department of Political Science  
University of Toronto**

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

**Mondays 6 – 8pm  
(Sidney Smith Hall - 2117)**

**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 institutions, international dispute settlement, 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. POL340H is recommended as prior preparation for this course.

### **Course Delivery**

This course will employ a flipped classroom approach. Lectures for the class will be available online. In-person class time (Mondays from 6pm – 8pm) 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. 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* 9<sup>th</sup> 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*, 5<sup>th</sup> 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*, 9<sup>th</sup> 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 January 27, 2023)
- 20% - Quiz #2 (To be completed by 11:00pm on February 17, 2023)
- 20% - Quiz #3 (To be completed by 11:00pm on March 24, 2023)
- 40% - Final Assessment (72-hour take home to be scheduled during the Final Assessment Period: April 11 – 28, 2023)

## ***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 (April 11 – 28, 2023). 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***

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 January 20, 2023 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

### 1. January 9<sup>th</sup> - 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 – 16

### 2. January 16<sup>th</sup> – International Organizations / The United Nations

States are not the only actor in the international legal system. This week’s materials will explore the legal personality of international organizations and the structure of the United Nations.

Materials:

- Lectures in Quercus
- Textbook – Chapter 6 (Legal personality of non-state actors) pp. 119 – 124; Chapter 22 (The United Nations and Peace and Security) pp. 539 – 551
- Court cases/excerpts:
  - [Reparation for Injuries Suffered in the Service of the United Nations \(Advisory Opinion\), \[1949\] ICJ Rep 184](#)

### 3. January 23<sup>rd</sup> – Dispute Settlement

How do states resolve their disputes under international law? This week’s materials will hone in on the International Court of Justice as a forum for the resolution of international disputes.

Materials:

- Lectures in Quercus
- Textbook - Chapter 23 (Settlement of disputes) pp. 573 – 589
- Court cases/excerpts:
  - [Fisheries Jurisdiction Case \(Spain v. Canada\) \(Jurisdiction\), \[1998\] ICJ Rep 432](#)
  - [Legality of Use of Force \(Serbia and Montenegro v. Canada\) \(Preliminary Objections\), \[2004\] ICJ Rep 429](#)
  - [Questions relating to the Obligation to Prosecute or Extradite, Belgium v. Senegal, General List No. 144, Judgment \(ICJ, Jul. 20, 2012\)](#)

### 4. January 30<sup>th</sup> – State Responsibility for Breaches of International Law

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.

- Lectures in Quercus
- Textbook – Chapter 13 (State responsibility) pp. 296 – 314
- [Articles on the Responsibility of States for Internationally Wrongful Acts](#)
- Court cases / excerpts:
  - [Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights \(Islamic Republic of Iran v. United States of America\) \(Provisional Measures\), \[2018\] ICJ Rep. 623](#)

## **5. February 6<sup>th</sup> – Individual and Collective Remedies Under International Law – Measures Short of Force**

This week's materials explores what remedies, short of force, states may be able to obtain for breaches of international law. Sanctions as a tool of international law will also be examined.

Materials:

- Lectures in Quercus
- Textbook – Chapter 13 (State responsibility) pp. 314 – 318
- [Articles on the Responsibility of States for Internationally Wrongful Acts](#)

## **6. February 13<sup>th</sup> – The Use of Armed Force**

When is it legally permissible for states to use armed force against other states or entities? What constitutes "armed force"? In this lecture we will explore the general prohibitions on the use of force and the law of self-defence. We will explore these issues both as a matter of customary law and treaty law (i.e., the UN Charter)

Materials:

- Lectures in Quercus
- Textbook – Chapter 20 (Use of force) pp. 481 – 503.
- Court cases/excerpts:
  - [Legality of the Threat or Use of Nuclear Weapons Threat of Nuclear Weapons \(Advisory Opinion\), \[1997\] ICJ Rep 226](#)

## **7. February 27<sup>th</sup> – 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 when the rules governing how force use is used on the battlefield applies and the minimum rules of international humanitarian law.

Materials:

- Lectures in Quercus
- Textbook - Chapter 21 (Laws applicable to war and armed conflict) 504 - 517
- Common Articles 2 and 3 of the *Geneva Conventions of 1949*

## 8. March 6<sup>th</sup> - International Humanitarian Law – Part II

International humanitarian law articulates protections for combatants and civilians. However, in the context of armed conflict against terrorists or other non-traditional armed forces, the rules of international humanitarian law (IHL) have come under strain. This week, we examine some of the rules of IHL and how the challenges those rules face.

Materials:

- Lectures in Quercus
- Textbook - Chapter 21 (Laws applicable to war and armed conflict) 517 - 538

## 9. March 13<sup>th</sup> – International Human Rights – Part I

One of the major international law developments of the 20<sup>th</sup> century was the emergence of human rights protections. This week, we examine the evolution of international human rights and the major human rights treaties.

Materials:

- Lectures in Quercus
- Textbook – Chapter 16 (Protected persons and entities: human rights, group rights and self-determination) – pp. 375 - 406
- [Universal Declaration on Human Rights, 10 December 1948, G.A. Res. 217 A \(III\)](#)
- [International Covenant on Civil and Political Rights, 19 December 1966, 999 UNTS 171](#)
- [International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3](#)
- [ICCPR – General Comment No. 31, 26 May 2004, CCPR/C/21/Rev.1/Add.13](#)
- Court cases / excerpts:
  - [S.A.S. v. France \[GC\], no. 43835/11, ECHR 2014](#) (paras. 3, 10-14, 35-39, 75-85, 106-159)

## 10. March 20<sup>th</sup> – International Human Rights – Part II

Human rights are not absolute. This week's materials will examine the concepts and derogation and limitations. In addition, the materials will look at the UN enforcement mechanisms for human rights.

Materials:

- Lectures in Quercus
- [ICCPR – General Comment No. 29, 31 August 2001, CCPR/C/21/Rev.1/Add.11](#)
- Court cases / excerpts:

- [S.A.S. v. France \[GC\], no. 43835/11, ECHR 2014](#) (paras. 3, 10-14, 35-39, 75-85, 106-159)

## **11. March 27<sup>th</sup> – International Criminal Law**

Although individuals are not the principal actors under international law, there have been increased efforts to hold individual liable for breaches of international law, notably for breaches of international humanitarian law. In this class we will examine the historical efforts to hold individuals to account and how those efforts have evolved, particularly since the end of the Cold War.

Readings:

- Textbook – Chapter 19 (International criminal justice) pp. 461 – 480.
- Gordon Bardos, “Trials and Tribulations: Politics as Justice at the ICTY”, *World Affairs* Vol. 176, No. 3 (September / October 2013), pp. 15 – 24
- Court cases / excerpts:
  - *Prosecutor v. Al-Bashir* (Judgment in the Jordan Referall re: Al-Bashir Appeal), May 6, 2019 (ICC Appeal Chamber)
  - *The Situation in the Islamic Republic of Afghanistan*, March 5, 2020 (ICC Appeals Chamber)

## **12. April 3<sup>rd</sup> – Review and Final Assessment Preparation**