

POL340H1F – International Law: Foundations

Course Syllabus Fall 2023

**Department of Political Science
University of Toronto**

**Instructor: David Quayat
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Thursdays 6 – 8pm

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), how breaches of international law are assessed and their repercussions, and how international law is enforced.

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.

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 reading. 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: December 10 – 20, 2023)

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 (in lieu of having the lowest score dropped).

The due dates for the reflection pieces (max 300 words per piece) are October 6th, October 27th, November 17th, December 1st. Submissions will be 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 – The Players of the International Legal Order – October 2nd, starting at 10:00am
- Quiz 2 – Treaties and Customary Law – October 16th starting at 10:00am
- Quiz 3 – Attribution and Responsibility – November 20th starting at 10:00am
- Quiz 4 – International Legal Enforcement – December 4th 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 quizzes (in lieu of dropping the lowest score).

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 October 20th at 10:00am and must be completed by **October 26th at 6:00pm EST**. Submissions

Final Assessment

The final assessment will be a take-home exam. The final assessment will be administered through Quercus. Students will have 72-hours to complete the exam. The final assessment will be scheduled during the Final Assessment Period (December 9th – 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>.

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 September 15, 2023 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 Common 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. September 7th - 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:

- This Syllabus
- 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

2. September 14th – How Did We Get Here? A Brief History of International Law

International law did not just magically fall from the heavens. This week’s material aims to provide some background in the evolution of the modern international legal order. We will also explore how the historical evolution of international law ties into to legal obligations that may arise even today.

Materials:

- Slides in Quercus
- Textbook, Chapter 1.2 (How Did We get Here), pp. 6 – 19
- Stephen C Neff, “A Short History of International Law” in Malcolm Evans, ed., *International Law*, 5th ed (Oxford University Press, 2018) at 3 – 27
- Markus Lotzur, “Intertemporal Law”, Max Planck Encyclopedias of International Law (Updated April 2008) [Oxford Public International Law]

3. September 21st – The Players in the International Legal Order

States have long been the dominant actor in the international legal order. However, non-state actors have and continue to gain a role in the international system, including multilateral institutions like the United Nations, and other non-governmental actors such as corporations and terror groups. This week’s materials introduce provides an overview of the actors on the stage of international law.

Materials:

- Slides in Quercus
- Textbook – Chapter 1.3 (Who Matters in International Law)
- Summaries of *SS Lotus* and *Reparations* cases (Available on Quercus)

4. **September 28th – International Law and International Relations**

International law and international relations are intertwined disciplines. But what is the relationship between the two? Does international law actually affect the conduct of international relations, or is law just a description of the real politics of global power?)

- Slides in Quercus
- Textbook – Chapters 1.1 (Case Study), 1.4 (How Does International Law Influence Politics), and 1.5 (Case Study Revisited)
- 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)

5. **October 5th – 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:

- Slides in Quercus
- Textbook - Chapter 2.2 (Treaties), pp. 37 – 51
- Excerpts from the *Vienna Convention on the Law of Treaties* (Available on Quercus)

6. **October 12th – Treaties: Part II**

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

Materials:

- Slides in Quercus
- Textbook - Chapter 2.2 (Treaties), pp. 51 – 65
- Excerpts from the *Vienna Convention on the Law of Treaties* (Available on Quercus)
- Case study materials – *Jadhav Case (India v. Pakistan)*; *Whaling* (Available on Quercus)

7. **October 19th – Customary International Law**

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.

Materials:

- Slides in Quercus
- Textbook - Chapter 2.3 (Customary International Law)
- Case study materials – *North Sea Continental Shelf*; *Nuclear Tests* (Available on Quercus)

8. October 26th – Other Sources of Law

While treaties and custom are the principal sources of international law, they are not the only sources. Furthermore, some norms of international law stand above others. In this class, we will examine these other sources, and weave together the various sources of international law.

- Slides in Quercus
- Textbook - Chapters 2.1 (Case Study: North Korea Goes Nuclear), 2.4 (Other Important Factors), and 2.5 (Case Study Revisited: Are North Korea's Nuclear Tests Illegal?)
- Case study materials – *Jurisdictional Immunities* (Available on Quercus)

9. November 2nd – Breaching International Law: Responsibility and Consequences

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:

- Slides in Quercus
- Textbook – Chapters 3.2 (Determining Responsibility) and 3.3 (Consequences of Responsibility)
- Excerpts from the *Articles on the Responsibility of States for Internationally Wrongful Acts* (Available on Quercus)
- Case study materials – *Iran Hostages*; *Chagos Archipelago* (Available on Quercus)

10. November 16th – Breaching International Law: Why Do It?

If most states follow most of their international legal obligations most of the time, what motivates states to breach their obligations? In this class, we will interrogate what motivates states to breach their international obligations. 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 and Slides in Quercus
- Textbook – Chapters 3.1 (Estonia’s Virtual War), 3.4 (Why Do States Break International Law), and 3.5 (Case Study Revisited: Is Russia Responsible for the Estonia Cyberattacks)

11. November 23rd – Vindicating International Law: International Legal Enforcement

Who decides if there has been a breach of international law? International law does not have courts or tribunals states can automatically go to for relief. In this class, we examine the international legal mechanisms for having disputes decided by international courts or tribunals.

Materials:

- Lectures and Slides in Quercus
- Textbook – Chapter 4.2 (International Legal Enforcement)
- Case study materials – *Barcelona Traction; Nuclear Weapons; Prosecute or Extradite* (Available on Quercus)

12. November 30th – Vindicating International Law: Domestic / Political Enforcement

Parties to a dispute under international law may sometimes seek redress in domestic courts (particularly where the party claiming injury is a non-state actor), or through non-judicial means (such as political pressure). In this class, we examine the use of domestic courts and non-judicial means to redress international law violations.

Materials:

- Slides in Quercus
- Textbook – Chapters 4.1 (Case Study: Argentina’s \$20 million standoff in Ghana), 4.3 (Domestic Legal Enforcement), 4.4. Political Enforcement, and 5.4 (Case Study Revisited: Who Won the Argentina Debt Dispute)
- Case study materials – *Canada and Iran at the ICJ*