

SOSC 1270 International Law

Spring 2014, Tu Th 12:00-13:20, LTD, Barry Sautman, Room 2378, x7821, sobarrys@ust.hk

Office Hour: Tu: 11:00-11:50. TAs: Dai Yue (tutor; ydaiac@ust.hk); Chen Bijia (exams; bchenag@ust.hk); Leta Hong Fincher (papers; letahong@ust.hk). Course materials: <http://lmes2.ust.hk>

Public international law (IL) is based on rules that govern relations among states and the human rights of persons. It covers almost every aspect of human endeavor and It is mainly studied through analyzing international agreements (treaties) and international court decisions. The topics in an introductory IL course are the same in every country and the cases used are the “classics.” Most topics concern current events of world-wide importance.

Intended Learning Outcomes (ILOs)

HKUST has outcome-based education, with courses having measureable goals: ILOs. Students in large Common Core courses vary in their interests and the amount of work they are willing to do; thus, there should be different ILOs for different kinds of students. Here are the kinds of students who take IL, their rough proportions in the course over the years, their characteristics, and the ILOs for each category of student. The percentages are **not** the same as the course distribution of grades, but are based only on the amounts of work students typically do.

Poor Students	Ave./Good Students	Very Good Students	Excellent Students
about 15% of class	About 60% of class	About 15% of class	about 10% of class
miss most lectures never reads not interested in doing a paper	attends most lectures reads little or nothing may be interested in doing a paper	attends most lectures reads sometimes interested in doing a paper	Attends almost all lectures; reads a lot very interested in doing a paper
ILO (#1): get a grade and have some idea of what topics are covered by IL	ILO (#2): same as 1, + at end of course, able to understand newspaper articles about IL topics.	ILO (#3): same as 1 and 2, + can basically discuss key social issues as affected by IL, in writing or orally	ILO (#4): same as 1,2 and 3, + has basically grasped how legal reasoning works

It is difficult, with a large class, to assess (measure) whether or not all ILOs are being achieved. We will however attempt to assess whether the ILO for the majority of students (average/good students) is being met. Early in the course, a group of student volunteers (who will get a reward of 1 mark for participating) will read a newspaper article about an IL topic and answer a few multiple choice questions about the article (the results will not be relevant to their grade in the course). Near the end of the course, the same students will read another article, of the same level, about an IL topic and answer a few MC questions (the results will not be relevant to their grade). The total scores achieved by the students, early and late in the course, will be compared. We will then have some idea of whether the ILO for most students in the course has been met.

Course Requirement

The only requirement is to take bilingual (each question in both English and Chinese) multiple-choice exams totaling 100 questions. About 87 questions will be based on lectures and 13 on student presentations (see below).

For most students, the exams are 100% of their course grade. You may however **choose** to also write and present in class a research paper on a current IL topic. Papers should be 12-15 pages (double-spaced). The paper

must be written using almost entirely your own words: plagiarism (copying any work of others and pretending it is your own) can result in failing the course or worse. The paper must have *footnotes* indicating the sources you have used for each bit of information, and not just a bibliography. You may work on the paper alone, but are strongly urged to do so in a team of two (but not more than two) students. If you present a paper, it will be 50% of your final grade; your exam marks will be the other 50%. **On average, grades on papers are one full grade higher than the average grade based on exams alone.**

Nine papers will be presented; thus, the paper option is available to as many as 9 individuals or as many as 9 teams of two students, but because there are so few slots available, an individual who signs up to do a paper must be willing to accept a partner if another student seeks to partner with that individual. They will present their papers in class during the last three course meetings. Each presentation is 25 minutes, with 7 minutes of that for questions. Students can apply to a designated TA to do the paper, beginning on 6 Feb. at 13:30 and ending at 13:30 on 17 Feb. A list of suggested topics is in this syllabus, but you can also propose another topic. Only one group can select a particular topic, first come, first served. If more than 9 groups want to do a paper, a lucky draw will be held just at the end of class on 18 Feb.

If you do a paper, you **must** meet with the instructor between 18-21 Feb. to agree on a topic; after 21 Feb., you can change topics, but must do a paper or fail the course. A one-page outline listing 4-6 points you will cover in your paper **must** be given to me by 28 Feb. Two seminars will be set up for paper writers: one on how to research a paper in IL (7 March, 4-5 PM) and the other (later in March) on how to write one. A few excellent sample papers will be put on reserve. If at least one student in a group of paper writers is literate in Chinese, a bilingual .ppt must be used during the presentation. Students will present in reverse order of the date and time they sign up to do a paper; thus those who sign-up earlier get more time to prepare to present. Papers are due on 8 May, in a soft copy sent directly to the instructor.

You are encouraged to ask questions or make comments at any time in class. Ask a TA about administrative matters, not the instructor. Please do not talk above a whisper to friends in class, turn off your cell phone and do not waste your time in class by checking email, playing computer games, etc. To do well in this class, you should pay attention to lectures and presentations, which have bilingual .ppts.

Course Readings

All exam questions are drawn from lectures and student presentations, but as with any “technical” subject, you can understand the materials presented in class much better if you also read a textbook. **You only need to read one textbook, either in English or Chinese.** Textbooks in English: Peter Malanczuk, *Akehurst's A Modern Introduction to International Law*, 7th ed. (London: Routledge, 1997) (“Akehurst”; in e-book and hard copy); Jan Klabbbers, *International Law* (Cambridge: Cambridge University Press, 2013) (“Klabbbers”); Martin Dixon, *Textbook on International Law*, 7th ed. (Oxford: Oxford University Press 2013) (Dixon). Textbooks in simplified Chinese: 董秀丽, 国际法教程 (北京:北京大学出版社, 2006) (“Dong”); 白桂梅, 国际法 (北京:北京大学出版社, 2010) (“Bai”); 杨泽佳 国际法 (第二版) (北京:高等教育出版社, 2012) (“Yang”). The traditional Chinese character text is 魏靜芬, 國際法 (台北市:五南圖書出版公司, 2011) (“Wei”). For an outline of topics see Stephen Allen, *International Law* (London: Pearson, 2013). For topics in great detail, use Malcolm Shaw, *International Law*, 6th ed. (Cambridge: Grotius 2008) (or 马尔科姆· N· 肖, 国际法: 第六版 (北京:北京大学出版社, 2011)). These textbooks are on reserve. The library has many other English and Chinese language IL textbooks. The campus bookstore will stock the Klabbbers and Yang texts (Yang is much cheaper than Klabbbers).

You should come to class and take notes. If there is a qualified tutor, a **voluntary** tutorial will be arranged for students to ask questions and discuss sample exam questions.

Whatever your course grade is, it is your **final** grade. Please do not ask for a higher one: no student's grade in this course has ever been raised, as to do so would be unfair to other students.

Tentative Schedule of Topics and Readings

A=Akehurst; B = Bai; Di=Dixon; Do= Dong; K= Klabbers; Y= Yang

(Note: Not every book covers every topic; use more than one book where needed)

What is IL? *not* covered in lectures. Read A Ch 1 or pages 1-7 in B) and the lecture notes.

4 Feb: Historical Development of IL (A Ch 2; D Ch. 1; K Ch1; Y Ch 1-2)

6, 11, 13 Feb.: Customs and Treaties (A Ch 3-4; B Ch. 2, 7; Di Ch 2-3; Do Ch 9; K Ch 2-3; Y Ch 12)

18, 20, 25 Feb., 4 Mar: States and International Organizations (A Ch 5-8, 17, 21; B Ch. 4, 6, 8, 9, 11, 16; Di Ch 5-7; Do Ch 3-4, 8, 10; K Ch 4-5, 7; Y Ch 3,-6, 10-11)

27 Feb.; 6, 11 Mar: International Human Rights (A Ch 14; B Ch 10; Di Ch 12; Do Ch 7; K Ch 6; Y Ch. 9)

13 Mar. **First Exam** (in class; about 48 bilingual MC questions covering History, Customs & Treaties, States and International Organizations, and International Human Rights)

18, 20 Mar: Sea, Air, Space Law (A Ch 12-13; B 12-13; Di Ch 8; Do Ch 5-6; K Ch 13; Y, Ch 7-8)

25, 27 Mar: Environmental Law (A Ch 16; B Ch 14; K Ch 14)

1, 3, 8, Apr: The Use of Force (A Ch 19-20; B 5, 18; Di Ch 11; K Ch 10-11; Y Ch 14);

10, 15 Apr: Peaceful Settlement of Disputes (A Ch 18; B Ch 17; 16; Di Ch 12; Do Ch 11; K Ch 8; Y Ch 13)

22, 24, 29 Apr Presentation of student papers (3 class sessions, 3 groups per session)

8 May: **Second Exam** (in class; about 52 MC questions, covering Sea, Air & Space Law, Environmental Law, the Use of Force and the Peaceful Settlement of Disputes)

Videos: Videos on IL topics at the Library Media Resources, each about 30 minutes, are Law of Treaties: KZ1301.L39; Sources of International Law: JX68.L37; States: KZ4002.S73; Use of Force: KZ6355.U84; International Dispute Settlement: KZ5538.I58. A revision source is Susan Breau, *International Law 2013 and 2014: Questions and Answers* (Oxford: Oxford University Press, 2013).

Appendix: **International Law [IL] Suggested Paper/Presentation Topics**

Human Rights Law

1. States demanding compensation from other states for slavery
2. The International Criminal Court and sovereignty

3. Is the “responsibility to protect” (R2P) an excuse for Western domination?
4. Should the death penalty be banned in China?
5. IL and racial discrimination in Hong Kong.
6. Suing multi-national corporations for human rights violations.
7. Killing Osama Bin Laden: lawful under IL?
8. IL and the right to food
9. Can national laws on free speech be enforced on the internet?
10. Deprivation of the rights of refugees in Hong Kong
11. Extraordinary rendition: sending “terrorists” to another country to be tortured
10. Can (and should) states ban the advocacy of secession?
11. Suing foreign officials who have committed crimes against humanity
12. The United Nations Convention on the Rights of People with Disabilities
13. Hong Kong’s foreign domestic helpers and the Migration of Labor Convention
14. US opposition to the Cultural Diversity Convention
15. The UN Declaration on the Rights of Indigenous Peoples
15. The International Labor Organization’s human rights conventions
16. Harsh penalties in the US and extradition
17. US targeted killings of “terrorists”
18. Are there any non-human (animal) rights under IL?

Environmental Law

1. States demanding compensation from other states for environmental damage
2. China’s attitude toward IL regulation of natural resources
3. China and the criminalization of trade in elephant tusks
4. The proposed treaty to control sales of tobacco.
5. Can an international timber organization save the world’s forests?
6. Obstacles to implementing climate change treaties
7. The continuing battle over the Bhopal chemical disaster of 1984
8. Chinese dams and Southeast Asian floods and droughts
9. International regulation of the export of electronic waste
10. China’s obligations to curb pollution under IL
11. Dealing with rising sea levels through IL
12. Global warming and the Canada/US dispute over the Northwest Passage
13. Problems of the Antarctic Treaty
14. Depleted uranium and IL
15. Global warming, the scramble for Arctic resources and IL.

Sea, Air & Space Law

1. China’s Air Defense Identification Zone: IL dimensions
2. Space junk falling to Earth, under international and national law
3. China’s “Nine Dash Line” in the South China Sea and IL
4. China, the US, IL and the conduct of military ship at sea
5. Can transnational internet racism be regulated?
6. IL and the problem of sea pirates.
7. The China/US dispute about permitted naval activities Exclusive Economic Zones
8. The” New Cod War”: the European Union sanctions against over-fishing
9. IL and US naval incursions into the Yellow Sea
10. Do governments have a “duty to warn” of an impending tsunami?
11. Providing a share for poor countries from the riches of the seabed
12. The US-Hong Kong quarrel about “open skies”
13. The “weaponization of space”

14. Remote sensing from space and the right to privacy
15. Diaoyutai: the China/Japan quarrel that won't go away
16. Updating compensation for air passengers' death, injury or lost baggage
17. The China-Japan East China Sea exclusive economic zones quarrel
18. The China-Philippines "island" conflict and the UN Convention on the Law of the Sea
19. Why hasn't the US ratified the UN Convention on the Law of the Sea?
20. China's regulations allowing seizure of illegal intruders into territorial waters
21. Does IL makes going to the Moon useless?

Law of the Use of Force and Peaceful Settlement of Disputes

1. Would Hong Kong sanctions against the Philippines be legal?
2. Would an attack on Syria be an unlawful act of reprisal?
3. Punishing companies that do natural resources business in war zones
4. The US reaction to the UN's inclusion of Palestine
5. Should all states ratify the treaty against land mines?
6. The International Criminal Court, the US and the Crime of Aggression
7. IL and the development of nuclear weapons by North Korea.
8. Is the pre-emptive use of force against terrorism lawful?
9. The US use of civilian "contract employees" to circumvent the laws of war
10. IL and the US detention of "enemy combatants" in the "war on terrorism."
11. China's disputes with other countries about islands in the South China Sea
12. The failure to comply with the IL against torture in post-war Iraq
13. The United Nations treaty on the international sale of arms
14. Continuing detention of prisoners: are the wars in Iraq and Afghanistan really ending?
15. The effort to form a treaty banning cluster bombs
16. IL and the dispute about Iran's nuclear development
17. The Cambodia/Thailand conflict over the Preah Vihear Buddhist temple
18. Legality of the US use of the Stuxnet computer worm against Iran

Miscellaneous

1. Diplomatic immunity and the case of India's deputy consul-general in the US
2. Restrictive and absolute immunity of states in the Hong Kong vultures fund case
3. Patents, AIDS and IL
4. How much can states restrict freedom of speech on the internet?
5. Reckless driving diplomats and immunity from prosecution
6. Is the war in Afghanistan legal?
7. Is electronic surveillance of foreign leaders and diplomatic missions lawful?
8. IL and the protection of intellectual property in China
9. China's use of extradition to catch corrupt officials who have fled abroad
10. International lawsuits to obtain compensation for Japanese war crimes
11. China's rare earth minerals trade practices and WTO
12. The "independence" of Kosovo and IL
13. Is Tibet a state under IL?
14. Is Taiwan a state under IL?
14. Edward Snowden's situation under IL
15. Prosecuting corrupt Chinese officials in foreign courts
16. Problems of Wikileaks head Julian Assange's embassy asylum
17. Can international law be used to end offshoring of wealth?
18. What IL consequences can we expect if Scotland votes for independence?