

**SEMESTER AT SEA COURSE SYLLABUS**  
**University of Virginia, Academic Sponsor**

**Voyage: Fall 2015**

**Discipline: Politics and International Relations**

**Course Title: International Law**

**PLIR 3110: International Law: Principles and Politics**

**Division: Upper**

**Faculty Name: Lois Shepherd**

**Credit Hours: 3; Contact Hours: 38**

**A-Day Schedule 2:25-3:40**

**Pre-requisites:** None. This course is open to students from all academic disciplines.

**COURSE DESCRIPTION:** This course introduces students to the role that international law plays within the larger realm of international relations. Where is law important, where is it less important, and why? The course will combine lecture, a law-school oriented case-study approach, and discussion. We will explore how international tribunals function, and how international law is made. We will consider the law of the seas and laws regarding diplomatic interactions. During our exploration of the international legal framework, we will also analyze topics that relate to the countries we will be visiting as well as other international topics of current interest. These include topics are quite varied, and include, among others, the “right to be forgotten,” the restoration of cultural artifacts, torture, drone strikes, gender equality and education, international epidemics, and international research. In addition, students will be introduced to methods of learning how to read and analyze the opinions in a legal case.

Active student participation is required.

**COURSE OBJECTIVES:**

1. To become familiar with the basic tenets and structures of international law.
2. To begin to develop the skills to read, understand, and interpret legal cases to construct a legal argument.
3. To examine practical aspects of applied International Law and ‘real-world’ issues

**REQUIRED TEXTBOOKS:**

**AUTHOR:** Sean D. Murphy  
**TITLE:** Principles of International Law, 2<sup>nd</sup> Edition  
**PUBLISHER:** West, Concise Hornbook Series  
**ISBN #:** ISBN: 978-0-314-26268-4

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DATE/EDITION: 2006/Second Edition

## TOPICAL OUTLINE OF COURSE

### Course schedule:

Please note this schedule below is subject to change; at times we might want to expand further on a topic, or delve into new questions altogether. On occasion we may use some extra time to review concepts, but I will let you know when there are changes to the schedule. After each port, we will reserve some time at the beginning of class to discuss your experiences in the country just visited. The syllabus sometimes contains particular prompts for this discussion.

**Depart Southampton**—September 13

### **A1—September 15: Introduction to the Course**

**READ:** American Society of International Law, Booklet, *International Law: 100 Ways It Shapes Our Lives*

### **A2—September 17: Foundations of International Law**

**READ:** Murphy, chapter 1

**Civitavecchia**—September 19-22

**Naples**—September 23-24

**In Italy:** Think back to our first class. Observe the ways that international law is shaping what you are observing and experiencing in Italy. How many ways can you name that your time in Italy was influenced by international law in a significant way? Bring a story or photo to share about your observation to our next class. (Place this story or photo in your class portfolio, to be turned in near the end of the course.)

### **A3—September 25: Foundations of International Law**

**READ:** The Case of the S.S. Lotus (Fr. V. Turk.), 1927 P.C.K.J. (ser. A) No. 10. (Read two or three times, but don't get hung up on technicalities.)

**HANDOUT:** How to Brief a Case

**WORK:** After discussing the foundations of international law through the Lotus case, we will also learn about how to read a case and then work in groups of 2 or 3 to begin drafting a case brief.

**SHARE:** Observations from Italy.

### **A4—September 27: Refugees—Rights and Responsibilities**

**READ:** *Struggling to Survive: Refugees from Syria in Turkey*, Amnesty International Report, 2014  
Universal Declaration of Human Rights (1948) (skim)  
Convention Relating to the Status of Refugees (1951) (skim)  
*Children on the Run*, Report of United Nations High Commissioner for Refugees Regional Office for the United States and the Caribbean, 2014 (read executive summary)

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**Istanbul**—September 29–October 3

**FIELD LAB: Syrian Refugees in Turkey, Wednesday, 30 September (Day 2)**

**A5—October 4: Cultural Artifacts**

**READ:** Mary Beard, Lord Elgin - *Saviour or Vandal?* BBC, last updated 2011-02-17,

[http://www.bbc.co.uk/history/ancient/greeks/parthenon\\_debate\\_01.shtml#two](http://www.bbc.co.uk/history/ancient/greeks/parthenon_debate_01.shtml#two)

Steven Erlanger, *Greek Statue Travels Again, But Not to Greece*, NY Times, Dec. 5, 2014.

Excerpt from Eric A. Posner, *The International Protection of Cultural Property: Some Skeptical Observations*, 8 Chi. J. Int'l L. 213 (2007).

Abby Seiff, *How countries are successfully using the law to get looted cultural treasures back*, ABA Journal, July 1, 2014.

**DUE: Field Lab Report (due by 5 pm on October 5)**

**DISCUSS:** Field Lab Experience

**Piraeus, Greece**—October 6–10. **In Greece:** While we are in Greece, either (a) learn, through your touring, about one or more returned cultural artifacts or any other disputed cultural properties (other than the Elgin Marbles, which are discussed in your reading); or (b) discuss with at least one person you meet in Greece (e.g., business owner, cab driver) their thoughts on the Greek debt crisis and participation in the Eurozone. We will share these observations in class; prepare a short written observation for your portfolio.

**A6—October 11: The European Court of Justice and the European Union's "Right to Be Forgotten"**

**READ:** Murphy, "The European Union," pp. 63–66.

Charles Arthur, [Explaining the 'right to be forgotten' – the newest cultural shibboleth](#), The Guardian, May 14, 2014.

Wikipedia founder: *EU's Right to be Forgotten is 'deeply immoral'*, August 6, 2014,

<http://www.telegraph.co.uk/technology/wikipedia/11015901/EU-ruling-on-link-removal-deeply-immoral-says-Wikipedia-founder.html>

Julia Powles, *Jimmy Wales is wrong: we do have a personal right to be forgotten*, The Guardian, August 8, 2014.

Press Release of the Court of Justice of the European Union, Judgment in Case C131/12, Google Spain SL, Google Inc. v Agencia Española de Protección de Datos, Mario Costeja González,

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-05/cp140070en.pdf>

**SHARE:** Observations from Greece relating to cultural artifacts and/or debt-crisis.

**A7—October 13: Actors of International Law—States and recent activity around the creation of new states/borders**

**READ:** Murphy, chapter 2, pp. 33–47.

U.K. to Russia: Crimea Isn't Scotland, The Atlantic,

<http://www.theatlantic.com/international/archive/2014/03/uk-to-russia-crimea-isnt-scotland/284455/>

Daniel Runde, Catalonia and the Costs of Independence, Forbes, April 8, 2015 (Opinion),

<http://www.forbes.com/sites/danielrunde/2015/04/08/catalonia-independence-artur-mas/>

Catalonia/Spain [http://www.nytimes.com/2014/11/10/world/europe/catalans-vote-in-straw-poll-on-independence-from-spain.html?\\_r=0](http://www.nytimes.com/2014/11/10/world/europe/catalans-vote-in-straw-poll-on-independence-from-spain.html?_r=0)

**Valencia/Barcelona**—October 15-19. **In Spain:** speak with at least one local person about the Catalonia vote on independence. Bring a written record of your discussion to our next class (also for your portfolio). Also, for **Valencia/Barcelona and/or Casablanca:** After we leave Casablanca, be prepared to share in class a story, picture, or news item from either Barcelona or Casablanca which shows the reach of international law and international relations.

#### **A8—October 20: Terrorism and Counter-terrorism**

**READ:** Human Rights Watch, *“Stop Looking for Your Son,” Illegal Detentions Under the Counter-terrorism Law*, October 2010. (This is long; don’t worry about particular details.)

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment: <http://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf>

(skim); Signatures to the U.N. Convention against Torture:

<http://www.hrweb.org/legal/catsigs.html>

**IN CLASS WRITING ASSIGNMENT:** Writing prompt relating to assigned reading.

**SHARE:** the opinions you heard in Spain about Catalanian independence

**Casablanca**—October 22-26. After we leave Casablanca, be prepared to share in class a story, picture, or news item from either Barcelona or Casablanca which relates to international law issues. (Place in portfolio as well.)

#### **A9—October 27: Rules on State Responsibility**

**READ:** Murphy, Chapter 6 (skim)

Case: Corfu Channel (U.K. vs. Alb.), 1949 I.C.J.

**OPTIONAL:** Wikipedia reading on Nicaragua v. U.S. case

**BRING:** Case brief of the Corfu case to class. (After revising following discussion, place in your portfolio)

**WATCH IN CLASS:**

Nicaragua takes U.S. to World Court (news reel)

<https://www.youtube.com/watch?v=JOsDwFo2EhM>

The United States and the I.C.J. (interview)

<https://www.youtube.com/watch?v=1dqFredITeE>

**SHARE:** Story, picture, or news item from Barcelona or Casablanca

#### **A10—October 29: Global Health Crises**

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**READ:** U.S. News & World Report, *Debate Club: Should the U.S. Implement Travel Restrictions on Countries Impacted by Ebola?* <http://www.usnews.com/debate-club/should-the-us-implement-travel-restrictions-on-countries-impacted-by-ebola> (visited Dec. 13, 2014), including the positions of the five debaters:

- NO – [Ebola Doesn't Abide by Borders](#) by Georges Benjamin
- YES – [Isolate Ebola at Its Source](#) by Renee Ellmers
- YES – [Business As Usual Is Too Risky](#) by Ted Poe
- NO – [Isolate Ebola, Not West Africa](#) by Witney Schneidman
- NO – [Vigilance, Not Bans](#) by Isabelle Nuttall

[Statement of World Health Organization on Senegal and Ebola, Oct. 17, 2014.](#)

World Health Organization, World Health Report, *SARS: Lessons Learned from a New Disease*, 2003.

Excerpt from *Quarantine and Isolation: Lessons Learned from Sars, A Report to the Centers for Disease Control and Prevention*, 2003 (reprinted from Janet L. Dolgin & Lois Shepherd, *Bioethics and the Law*, 3<sup>rd</sup> Edition, 2013).

**IN CLASS WRITING ASSIGNMENT:** Response to readings.

**OPTIONAL:** Polly J. Price, *Ebola and the law: a discussion of public health authority and its practical limits*, October 13, 2014.

**Dakar**—October 31–November 3. What do you observe in Dakar that would affect how that country could manage a global health crisis like Ebola? Bring observations to the next class.

**A11—November 4: Law and Lawlessness of the Seas**

**READ:** Ian Urbina, *Stowaways and Crimes Aboard a Scoffaw Ship*, New York Times, July 17, 2015.

Ian Urbina, *Protecting the Untamed Seas*, New York Times, August 2, 2015.

**OPTIONAL:** Murphy, Chapter 11 (skim)

**SHARE:** Observations from Dakar.

**Study Day**—November 6

**A12—November 7: Human Rights Law**

**WATCH (in class):** *Watchers of the Sky*, a 2014 documentary described as follows: “Four modern stories of remarkable courage while setting out to uncover the forgotten life of Raphael Lemkin, the man who coined the term 'genocide'.”

**DUE: Field Assignment 1**

**A13 –November 10: The Rights of Indigenous Peoples**

**READ:** The “Yanomami Case,” Inter-American Commission on Human Rights, Case 7615 (Brazil), Resolution No. 12/85 (March 5, 1985);

<http://www.cidh.org/annualrep/84.85eng/Brazil7615.htm>

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**OPTIONAL:** Dinah Shelton, *The Inter-American Human Rights Law of Indigenous Peoples*, 35 U. Haw. L. Rev. 937 (2013).

**BRING:** Summary of the Yanomami Case—300-500 words (for your portfolio)

**Salvador**—November 11-16. **In Salvador**, look for and record differences and similarities in how you perceive want, need, or poverty. Consider how these are answered, in each of the countries we have visited (reflecting back on those previous visits) and also in the U.S.

#### **A14—November 17: Rules of War; The Geneva Convention**

**READ:** American Red Cross, Summary of the Geneva Conventions of 1949 and Their Additional Protocols.

**WATCH (in class):** International Red Cross, “Rules of War (in a nutshell)”

<https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

**DISCUSS:** Observations from Salvador

#### **A15—November 19: Torture**

**READ:** “CIA Torture Report Fast Facts,” CNN Library, April 21, 2015.

<http://www.cnn.com/2015/01/29/us/cia-torture-report-fast-facts/>

Wikipedia entry on Senate Intelligence Committee report on CIA torture.

[https://en.wikipedia.org/wiki/Senate\\_Intelligence\\_Committee\\_report\\_on\\_CIA\\_torture](https://en.wikipedia.org/wiki/Senate_Intelligence_Committee_report_on_CIA_torture)

Matt Apuzzo, Haeyoun Park & Larry Buchanan, “Does Torture Work? The C.I.A.’s Claims and What the Committee Found,” New York Times, Dec. 9, 2014.

<http://www.nytimes.com/interactive/2014/12/08/world/does-torture-work-the-cias-claims-and-what-the-committee-found.html>

Julian Borger, “Senate Report on CIA torture could lead to prosecutions of Americans abroad,” The Guardian, Dec. 10, 2014. <http://www.theguardian.com/us-news/2014/dec/10/cia-report-prosecutions-international-law-icc>

<http://www.theguardian.com/us-news/2014/dec/10/cia-report-prosecutions-international-law-icc>

Michael Pizzi, “If Obama Won’t Prosecute CIA Torture, Can the ICC?” Aljazeera America, Dec. 17, 2014. <http://america.aljazeera.com/articles/2014/12/17/icc-cia-torture.html>

<http://america.aljazeera.com/articles/2014/12/17/icc-cia-torture.html>

**WATCH (in class):** John McCain Speaks Out Against Torture, <http://www.c-span.org/video/?c4518950/john-mccain-speaks-torture>

**Study Day**—November 21

#### **A16—November 22: Use of Armed Forces, Drone Strikes and Targeted Killings**

**READ:** Murphy, Chapter 14

Chris Cole, Drone Warfare and International Law: Findings of U.N. Reports on Extrajudicial and Arbitrary Executions, Centre for Research on Globalization,

<http://www.globalresearch.ca/drone-warfare-findings-of-u-n-reports-on-extrajudicial-and-arbitrary-executions/5355601>

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Optional Reading: United Nations General Assembly, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, September 2013.

**A17— November 24: The Right to Education and Gender Equality**

**READ:** Martha Nussbaum, Women's Capabilities and Social Justice, *Journal of Human Development*, Vol 1(2) (2000).

Information on education in Trinidad and Tobago,

[http://en.wikipedia.org/wiki/Education\\_in\\_Trinidad\\_and\\_Tobago](http://en.wikipedia.org/wiki/Education_in_Trinidad_and_Tobago)

["World gender gap index 2013: see how countries compare," The Guardian](#)

**WATCH:** In class, Malala Yousafzai Speech /Nobel Peace Prize Presentation Ceremony

**IN CLASS:** Reflective writing on international education (prompt to be given in class).

**Port of Spain**—November 26-27

**A18— November 28: Ethics of Human Experimentation—International Research Ethics**

**READ:** Susan Lederer, *Walter Reed and the Yellow Fever Experiments*, in Ezekiel J. Emanuel et al., eds., *The Oxford Textbook of Clinical Research Ethics* (2008).

Presidential Commission for the Study of Bioethical Issues, Preface, "Ethically Impossible: STD Research in Guatemala from 1946 to 1948 2011), 2-8.

The Nuremberg Code

**A19— November 30: Ethics of Human Experimentation—International Research Ethics**

**READ:** Emanuel, E, et al., What Makes Clinical Research in Developing Countries Ethical? The Benchmarks of Ethical Research. *Journal of Infectious Diseases*, 2004:189. (1 March).

The Declaration of Helsinki (skim)

Ortega, B. Ethical questions linger in cervical cancer study. *USA Today*. August 31, 2013.

**DISCUSS:** In class activity: Discussion of two case studies prepared by Professor John Arras: Havrix Case & The Surfaxin Trial

**A20—December 3: Environmental Law**

**READ:** Cameron S.G. Jefferies, *Think Globally, Act Locally: How Innovative Domestic American Efforts to Reduce Shark Finning May Accomplish What the International Community Has Not*, 34 U. Haw. L. Rev. 125 (2012).

Optional Reading: Murphy, Chapter 12.

**Puntarenas**—December 5-9

**A21 – December 10: The Diplomatic Framework**

**READ:** Murphy, chapter 9 (skim)

Notice in reading: Case Concerning United States Diplomatic and Consular Staff in Teheran (U.S. v. Iran) 1980 ICJ Rep. 4 (P) (this case is not assigned)

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A brief description of that case can be found here:

<http://www.peacepalacelibrary.nl/2012/12/argo-and-the-follow-up-iran-and-the-united-states/>

René Värk, *Diplomatic asylum: Theory, Practice and the Case of Julian Assange*

[http://works.bepress.com/rene\\_vark/3](http://works.bepress.com/rene_vark/3)

**DUE: Class Portfolios (including Field Assignment 2) (due at 5 p.m. on Dec. 11)**

### **A22—December 12: International Law Compliance, Enforcement, and Influence**

**READ:** Murphy, chapter 5 (skim)

Jeffrey Toobin, *Annals of Law: Swing Shift—How Anthony Kennedy’s Passion for Foreign Law Could Change the Supreme Court*, *The New Yorker*, September 12, 2005.

[http://web.archive.org/web/20110430023239/http://www.newyorker.com/archive/2005/09/12/050912fa\\_fact](http://web.archive.org/web/20110430023239/http://www.newyorker.com/archive/2005/09/12/050912fa_fact)

**WATCH (in class):** US Supreme Court Justice Stephen Breyer: A Presentation on International Law (2009) <https://www.youtube.com/watch?v=o5zalmTF92g>

### **A23—December 14: REVIEW**

**Study Day—December 16**

### **A24—December 17: A DAY-FINAL EXAMS**

**Arrive San Diego—December 21**

### **FIELD WORK**

#### **FIELD LAB— Syrian Refugees in Turkey, Wednesday, 30 September (Day 2)**

The number of Syrian refugees in Turkey is expected to reach 1.7 million in 2015. Most of these refugees have fled conflict in the Syrian provinces bordering Turkey. Half of the refugees from Syria are children. In this field lab we would meet with experts to learn about the international and domestic efforts to aid Syrian refugees in Turkey as well as the international and national legal structures that hinder, facilitate, and generally regulate their treatment.

Field lab attendance is mandatory for all students enrolled in this course. Do not book individual travel plans or a Semester at Sea sponsored trip on the day of your field lab.

In addition to participation in the primary field lab, you will be asked to write up an analysis of what you learned on site with what you have observed in other field settings, in readings, and in classroom discussion. Your field lab participation and your write-up (800 to 1000 words) will count for 25% of your final grade.

### **OTHER FIELD ASSIGNMENTS**

**Field Assignment 1: Current News Coverage of International Law Issue.** You will be asked to summarize and analyze the current news coverage of an international law issue within one of

the countries we visit and to relate it to the theoretical concepts discussed in class in the form of a posting on the electronic discussion board. Your posting should be around 500-800 words. Details on the format and content of your posting will be provided in class. This assignment is due November 7, but I would encourage you to submit it earlier, soon after you identify the news item you wish to discuss. You are encouraged to respond thoughtfully to other students' contribution on the electronic discussion board. Your responses will count towards your participation grade.

**Field Assignment 2:** Throughout the voyage you should create and collect records—photos, news stories, short written descriptions, of your observations relating to international and comparative law. Some of these will come from the prompts in the syllabus. Others you will be responsible for creating or finding on your own. Some (described below in (c)) require you to “interview” (i.e., talk to/ask questions of) a person in port. Near the end of the semester, you will organize these in a section of your class portfolio labelled “Field Assignment 2.” Here is what you should aim to include records of your observations of:

- a. about 20 of the “100 Ways” International Law Shapes Our Lives.
- b. about 10 differences or similarities between the laws of the countries we visit and/or U.S. law (this is not strictly “international law” but “comparative law”)
- c. about 5 “interviews” with people in ports on any of the following topics: justice, freedom, human rights, discrimination, corruption, courts
- d. about 8 examples of the way individuals with disabilities are acknowledged, treated, accommodated, etc.—at least 4 of these should be positive (for more information, see the United Nations Convention on the Rights of Persons with Disabilities (pdf in our reserve folder) and the U.N. website on the subject: <http://www.un.org/disabilities/default.asp?id=150>).
- e. the items you have been asked to bring and share for particular classes

## **METHODS OF EVALUATION / GRADING RUBRIC**

### **1. Field Lab Participation and Paper—25%**

### **2. Field Assignment 1—10%**

### **3. Your Class Portfolio—25% (15% will be allocated to Field Assignment 2)**

You will be preparing several case briefs in this class. In addition, there will be a number of other very short in-class writing assignments, drawing on the readings and your observations in the field (the prompts for these are in the syllabus). These will be collected in class, but you will also submit them as a whole for a classwork portfolio grade at the end of the semester. You will include in your class portfolio Field Assignment 2. Organize your portfolio as follows: (a) Field Assignment 2; (b) case briefs and summaries; (c) in class writing assignments.

### **4. Class Participation—20%**

The class participation grade is based on how often and how well you participate in class discussion or group work during class. You can also earn points toward participation by offering insightful comments on our class intranet discussion board to the field assignments that other students have posted there. Examples of insightful comments would draw on our readings or class discussion, or compare their observations to yours in the same country, or compare their observations to your observations about another country.

### **5. Final Exam—20%**

The final exam will be an open-book exam consisting of short-answer questions (a couple of sentences) and essay questions (several paragraphs). If you keep up with the reading, attend all classes, and participate in class learning and discussion, your exam preparation should not be onerous. There will be some choices in the exam (e.g., answer 4 of the following 6 short-answer questions) so that you have an opportunity to show what you have learned in the course.

### **ADDITIONAL RESOURCES**

Definition of key terms used in the UN Treaty Collection (pdf)

United Nations Convention on the Rights of Persons with Disabilities (pdf)

#### Websites:

1. United Nations (International Law)

<http://www.un.org/en/globalissues/internationallaw/index.shtml>

2. Office of the High Commissioner for Human Rights United Nations (International Human Rights Law) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

3. United Nations Enable (website on the Convention on the Rights of Persons with Disabilities) <http://www.un.org/disabilities/default.asp?id=150>

### **RESERVE BOOKS AND FILMS FOR THE LIBRARY**

Watchers of the Sky, 2014.

### **HONOR CODE**

Semester at Sea students enroll in an academic program administered by the University of Virginia, and thus bind themselves to the University's honor code. The code prohibits all acts of lying, cheating, and stealing. Please consult the Voyager's Handbook for further explanation of what constitutes an honor offense.

Each written assignment for this course must be pledged by the student as follows: "On my honor as a student, I pledge that I have neither given nor received aid on this assignment." The pledge must be signed, or, in the case of an electronic file, signed "[signed]."

International law, principles, legal regimes, legal adjudication, interpretivism, justice. 1. Introduction. Despite their disputed nature, principles play a cardinal role in International Law (IL) and in Courts not only by filling legal gaps, but also as fundamental means for the interpretation of rules and the enhancement of legal reasoning<sup>1</sup>. A canonical way to see principles in IL places them among the sources of law, as stated by art. 38 (1c) of ICJ Statute. It is to be noted, however, that they can surface within more than one source. General principles of law as a source of international law I was pleased, but a little surprised, to discover that Article 38(1)(c) of the Statute of the International Court of Justice<sup>1</sup>, first included in the Statute of the Permanent Court of International Justice and substantially carried over into the Statute of the International Court of Justice, was drafted by an English judge, Lord Phillimore, who was a member of the Advisory Committee of Jurists which drafted the Statute. Baron Descamps, the Belgian delegate, had proposed that the Court should be directed to apply, after treaty and custom Public international law is a combination of rules and customs governing relations between states in different fields, such as armed conflict, human rights, the sea, space, trade, territorial boundaries, and diplomatic relations. The United Nations Charter sets out the fundamental principles of modern public international law, notably: Promotion of human rights<sup>2</sup> One of the fundamental principles of international law provides that any state that violates its international obligations must be held accountable for its actions. More concretely, according to the notion of state responsibility, states that do not respect their international duties are obliged to immediately stop their illegal actions and make reparations to the injured parties.