

GVPT 808C
Spring 2010
Dr. Ken Conca

Selected Topics in Functional Problems in International Relations:
International Law and Organizations

Tuesdays 3:30-6:15 PM
Tydings 1111

Prerequisite: GVPT 708 or equivalent, or permission of instructor

Description: This course is an advanced IR doctoral seminar that focuses on international law (IL) and international organization (IO). It is designed to provide a broad, if selective, overview of both IL and IO as important phenomena in world politics. Some important questions we will address:

--What is international law? Is it best understood as a legal system, a social system, an expression of the dynamics of interstate diplomacy, or an expression of the normative fabric of world politics? Can we relate these different ways of understanding what IL is?

--Where does international law come from? Is world politics embedded in IL, or vice versa? Who makes law, and via what processes and mechanisms? Who 'takes' law, in the sense of having their actions shaped by it, and via what processes and mechanisms?

--How has international law changed over time?

--What are international organizations? Why have they proliferated in number, size, and mandate in the past century or so? Why do states create them, and what do they do?

--Are international organizations better understood as an agent in world politics, a setting in which the agents of world politics operate, or both?

--What factors govern the behavior of IOs? When and why do states delegate responsibility to them? Are the sources of their behavior found primarily inside or outside the organization itself? Is it useful to study them as bureaucracies to understand their behavior?

Prerequisite: GVPT 708 (or a comparable graduate-level course in IR theory) is a prerequisite. If you do not have the prerequisite, we should discuss whether this is a suitable class for you.

Requirements: There are three requirements:

(1) (30%) **Participation in weekly discussions**, based on thorough preparation and active engagement with the material. You must read all the material thoroughly and be ready to discuss it in detail.

(2) (30%) **Occasional turns as session organizer and/or discussion facilitator**. Each week, a few members of the seminar will take primary responsibility for facilitating discussion. We'll discuss different models of doing so during the first/organizational session, and experiment with different approaches during the semester.

(3) (40%) **A semester research paper** that identifies and examines a researchable puzzle related to ILO. You will submit the following as the semester proceeds:

(a) *A one-page description* of your research topic and research strategy, due on Thursday, March 11. This should include a clear and specific statement of the research question and a brief discussion of sources, methods, indicators, and data, as appropriate to your topic and approach. Expect to keep revising this until you get it right.

(b) *A detailed progress report*, due on Friday, April 9. This should contain an annotated bibliography (meaning a list of sources, with full citation and a quick sketch of what the source contains and how it is useful) and an outline that divides the paper into sections, provides a heading/title for each section, and bullet-points what the section will accomplish.

(c) A finished draft of the paper, due on Monday, May 10. We will organize into panels and each student will present the paper to the class and a discussant during a session held at some times to be determined during the week of May 10.

(d) If necessary, a revised and resubmitted paper.

Office hours: Tuesdays 11:00-12:15 and Thursdays 2:00-3:15, or by appointment. Be warned that my office hours are often crowded with undergraduates--for a serious conversation likely to last more than 10-15 minutes, it usually makes sense to schedule an appointment for a different time. When possible, please schedule with me one week in advance. My office is 3114-J Tydings; e-mail kconca@gvpt.umd.edu; phone 405-4125. E-mail is best.

SCHEDULE OF TOPICS AND READINGS

1. (Jan 26) Organizational session—please review this syllabus in advance

2. (Feb 2) International law: background, theory, core concepts

--Robert O. Keohane, "International Law and International Relations: Two Optics,"

Harvard International Law Journal vol. 38 no. 2 (Spring 1997): 487-502.

--Richard H. Steinberg and Jonathan M. Zasloff, "Power and International Law," *American Journal of International Law* 100 no. 1 (January 2006): 64-87.

--Dinah Shelton, "Normative Hierarchy in International Law," *The American Journal of International Law* vol. 100 no. 2 (April 2006): 291-323.

--Jack L. Goldsmith and Eric A. Posner, "Customary International Law," Part One of *The Limits of International Law* (New York: Oxford University Press, 2005). Read chapters 1 and 2, pp. 21-78.

3. (Feb 9) International law and cooperation theory: mechanisms and processes of formation and influence

--Barbara Koremenos, "If Only Half of International Agreements Have Dispute Resolution Provisions, Which Half Needs Explaining?" *The Journal of Legal Studies* 36 no. 1 (January 2007): 189-212.

--George W. Downs, David M. Rock and Peter N. Barsoom, "Is the Good News about Compliance Good News about Cooperation?" *International Organization* 50 no. 3 (Summer 1996): 379-406.

--Harold Hongju Koh, "Why Do Nations Obey International Law?" *Yale Law Journal* 106 (1997): 2599-2659.

--Judith Kelley, "Who Keeps International Commitments and Why? The International Criminal Court and Bilateral Nonsurrender Agreements," *American Political Science Review* 101 no. 3 (August 2007): 573-589.

--Xinyuan Dai, "Why Comply? The Domestic Constituency Mechanism," *International Organization* 59 no. 2 (Spring 2005): 363-398.

--Kenneth W. Abbott, Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter and Duncan Snidal, "The Concept of Legalization," *International Organization* 54 no. 3 (Summer 2000): 401-419.

--Martha Finnemore and Stephen J. Toope, "Alternatives to 'Legalization': Richer Views of Law and Politics," *International Organization* 55 no. 3 (Summer 2001): 743-758.

*****Please note: The seminar will not meet on Tuesday, February 16 due to the annual meeting of ISA.**

4. (Feb 23) International law: Historical trajectories of development

--Paul F. Diehl, Charlotte Ku and Daniel Zamora, "The Dynamics of International Law: The Interaction of Normative and Operating Systems," *International Organization* 57 no. 1 (Winter 2003): 43-75.

--Eyal Benvenisti, "'Coalitions of the Willing' and the Evolution of Informal International Law" (January 2006). *Tel Aviv University Legal Working Paper Series. Tel Aviv University Law Faculty Papers. Working Paper* 31.

--Thomas Buergenthal, "The Evolving International Human Rights System," *American Journal of International Law* 100 no. 4 (October 2006): 783-807.

--Peter H. Sand, "The Evolution of International Environmental Law," in Daniel Bodansky, Jutta Brunnée and Ellen Hey, eds., *The Oxford Handbook of International Environmental Law* (Oxford: Oxford University Press, 2007).

--Beth A. Simmons, "The Legalization of International Monetary Affairs," *International Organization* 54 no. 3 (Summer, 2000): 573-602.

5. (Mar 2) Sovereignty in international law

--*Montevideo Convention on the Rights and Duties of States*, signed at Montevideo, Uruguay, December 26, 1933. Available at http://www.cfr.org/publication/15897/montevideo_convention_on_the_rights_and_duties_of_states.html

--Stephen D. Krasner, "The Hole in the Whole: Sovereignty, Shared Sovereignty, and International Law," *Michigan Journal of International Law* 25 (2004): 1075-1102.

--Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World* (Cambridge: Cambridge University Press, 1990). Read Chapter Two, "A New Sovereignty Regime (pp. 32-49) and Chapter Three, "Sovereignty Regimes in History" (pp. 50-81).

--Andres Osiander, "Sovereignty, International Relations, and the Westphalian Myth," *International Organization* 55 no. 2 (Spring 2001): 251-287.

--Amitai Etzioni, "Sovereignty as Responsibility," *Orbis* 50 no. 1 (Winter 2006): 71-85.

6. (Mar 9) Self-determination and succession in international law

--Jan Klabbbers, "The Right to be Taken Seriously: Self-Determination in International Law," *Human Rights Quarterly* 28 no. 1 (2006): 186-206.

--Martti Koskenniemi, "National Self-Determination Today: Problems of Legal Theory and Practice," *International and Comparative Law Quarterly* 43 no. 2 (April 1994): 241-

269.

--Frederic L. Kirgis, Jr., "The Degrees of Self-Determination in the United Nations Era," *American Journal of International Law* 88 no. 2 (April 1994): 304-310.

--International Court of Justice, *Western Sahara: Advisory Opinion of 16 October 1975*. Available at <http://www.icj-cij.org/docket/files/61/6195.pdf>

--Mtendeweka Owen Mhango, "Recognizing a Right to Autonomy for Ethnic Groups under the African Charter on Human and Peoples' Rights: Katangese Peoples Congress v. Zaire," *Human Rights Brief* 14 no. 2 (Winter 2007): 11-15.

*****Please note: The seminar will not meet on Tuesday, March 16, due to spring break.**

7. (Mar 23) International adjudication

--Jamie Mayerfeld, "Who Shall Be Judge? The United States, the International Criminal Court, and the Global Enforcement of Human Rights," *Human Rights Quarterly* vol. 25 no. 1 (Feb 2003): 93-129.

--William W. Burke-White, "Proactive Complementarity: The International Criminal Court and National Courts in the Rome System of International Justice," *Harvard International Law Journal* 49 no. 1 (Winter 2008): 53-108.

--Emilia Justyna Powell and Sara McLaughlin Mitchell, "The International Court of Justice and the World's Three Legal Systems," *The Journal of Politics* 69 no. 2 (2007): 397-415.

--Colter Paulson, "Compliance with Final Judgments of the International Court of Justice since 1987," *American Journal of International Law* 98 no. 3 (July 2004): 434-461.

--Eyal Benvenisti, "Reclaiming Democracy: The Strategic Uses of Foreign and International Law by National Courts," *American Journal of International Law* 102 no. 2 (April 2008): 241-274.

8. (Mar 30) International law beyond the state

--Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance* (Cambridge: Cambridge University Press, 2003). Read "Introduction" (pp. 1-5) and "Decolonizing resistance: human rights and the challenge of social movements" (pp. 163-232).

--Steve Charnovitz, "NGOs and International Law," *American Journal of International Law* 100 no. 2 (April 2006): 348-372.

--Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton University Press, 2004). Read Chapter Two, "Judges: Constructing a Global Legal System" (pp. 65-103).

9. (Apr 6) International Organization: Key questions and conceptual frameworks

--José E. Alvarez, "International Organizations: Then and Now," *American Journal of International Law* 100 no. 2 (April 2006): 224-247.

--Barbara Koremenos, Charles Lipson, and Duncan Snidal, "The Rational Design of International Institutions," *International Organization* 55 no. 4 (Winter 2001): 761-799.

--Inis L. Claude, Jr. Collective Legitimization as a Political Function of the United Nations," *International Organization* 20 no. 3 (Summer 1966) 367-379.

--Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* vol. 52 no. 4 (Autumn 1998): 887-917.

--John W. Meyer, John Boli, George M. Thomas, and Francisco O. Ramirez, "World Society and the Nation-State," *American Journal of Sociology* vol. 103 no. 1 (July 1997): 144-181.

--Craig Murphy, *International Organization and Industrial Change: Global Governance since 1850* (NY: Oxford University Press, 1994). Read Chapter One, "The Promise of Liberal Internationalism" (pp. 13-45).

10. (Apr 13) IOs as arenas: The UN Security Council

--David Malone, *The International Struggle Over Iraq: Politics in the UN Security Council 1980-2005* (New York: Oxford University Press, 2007).

11. (Apr 20) IOs as organizations

--Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca, NY: Cornell University Press, 2004).

--Craig Murphy, *The United Nations Development Programme: A Better Way?* (Cambridge: Cambridge University Press, 2006). Read Chapter One, "Not the Standard Image" (pp. 1-26).

12. (Apr 27) IOs as Ideas: Intellectual History of the UN

--Jean Krasno, "The Founding of the United Nations: International Cooperation as an Evolutionary Process." *Academic Council of the United Nations System, Occasional Papers* 2001 no. 1.

--UN pictorial history timeline <http://www.un.org/UN50/Photos/intro.html>

--Selected interviews from the United Nations Intellectual History Project, *The Complete Oral History Transcripts from UN Voices* (New York: Ralph Bunche Institute for International Studies, 2007).

--Richard Jolly, Louis Emmerij, and Thomas G. Weiss, *The Power of UN Ideas: Lessons from the First Sixty Years* (New York: UN Intellectual History Project, 2005).

13. (May 4) IOs as network structures and agents: The UN, IGOs, states, and civil society

--Jan Aart Scholte, "Civil Society and Democratically Accountable Global Governance," *Government and Opposition* 39 no. 2 (2004): 211-233.

--Marina Ottaway, "Corporatism Goes Global," *Global Governance* 7 no. 3 (July-September 2001): 265-292.

--United Nations, *We the Peoples: Civil Society, the United Nations and Global Governance*. Report of the Panel of Eminent Persons on UN-Civil Society Relations. June 2004.

--United Nations Global Compact web page: <http://www.unglobalcompact.org/index.html>

--Joint Civil Society Statement on the Global Compact and Corporate Accountability. July 2004.

14. (week of May 11) Paper presentations—2 sessions, one during regular class time on Tuesday May 11, the other at a time TBD later that week.