IAS 5013–492: Topics in International Studies: International Law

Course Description:
This course is an advanced graduate survey on the subject of Public International Law. It focuses both on classical topics of International Law such as subjects and sources of International Law, law of treaties, state jurisdiction and responsibility. In addition to this, we will discuss contemporary issues of International Law including the protection of individuals under International Law and the repression of international crimes. This course is designed to provide students with a broad understanding of International Law and the role it plays in international relations.

Course Dates:
August 17 – 30, 2020
Last day to enroll or drop without penalty: July 19, 2020

Site Director:
This is a three-credit hour online course. Please see your local Site Director or email our online site coordinator at aponline@ou.edu

Professor Contact Information:
Course Professor: Giovanna Gismondi
Mailing Address: 1423 12th Fairway Dr.
Concord, NC 28027
E-mail Address: ggismondi@ou.edu
Professor availability: The professor will be available via email to students and other methods by arrangement.

Textbook(s) and Instructional Materials:
Student materials are available at the OU Bookstore Website at https://ou.textbookx.com/institutional/index.php. There is no longer a physical bookstore, the store will remain, but textbooks will not be stocked. The website has book selling, renting, buying, returning, and order tracking capabilities. If you need help with an order, or if you have any questions contact the toll-free phone at 1-(855)-790-6637, agents are available from 9a – 5p (EST) Monday – Friday. For more information or questions about textbooks, feel free to contact apsyllabi@ou.edu. Text prices are available online


2. Materials posted on the OU Canvas system: Access Canvas at http://learn.ou.edu; enter your OU NetID and password, and select course to access material.

OU Email:
All official correspondence from instructors will be sent only to students’ ou.edu address.
Course Objectives:
This course is designed to provide students with a broad understanding of International Law and the role that the law plays in shaping the states’ behavior and their relationship with other International Law actors.

Course Outline:
1. Origins and Foundations of the International Community
2. International Law and Municipal Law
3. Subjects of the International Community
4. State Succession
5. Liability of States for acts of Individuals
6. Immunity of the State and its Agents
7. International Law and the use of force by states
8. Customary International Law v. Treaties
9. The Repression of International Crimes

Class Schedule:
I. Cassese Chapter 1: Main Legal Features of the International Community
II. Cassese Chapter 3: The Fundamental Principles Governing International Relations.
   a. The Sovereign Equality of States, pgs. 46-53
   b. Non-Intervention in the Internal or External Affairs of other States, pgs. 53-55
   c. Prohibition of the Threat or Use of Force, pgs. 55-57
   d. Peaceful Settlement of Disputes, pgs. 58-59
   e. Self-determination of Peoples, pgs. 60-64
III. Cassese Chapter 3 (continued): The Fundamental principles governing International Relations
   c. Case: U.S. v. Alvarez-Machain (Jurisdiction to Enforce)
   d. Case: Nicaragua v. United States of America (Case Concerning the Military and Paramilitary Activities in and against Nicaragua)
   e. Islamic Republic of Iran v. United States of America (Case Concerning Oil Platforms)
IV. Cassese Chapter 4: States as the Primary Subjects of International Law
V. Cassese, Chapter 5: The Spatial Dimension of State activities.
VI. Cassese Chapter 6: Limitations on States’ Sovereignty: Immunities and Treatment of Individuals.
   a. Introduction, pg. 98
   b. Immunity of Foreign States from Courts’ Jurisdiction, pgs. 99-101, 105-110
   c. Immunities of Organs of Foreign States, pgs. 110-113
   d. Immunity of Diplomatic & Consular Agents, pages 115-116
   e. Immunities of Heads of State and Government, pgs. 117-118
   f. Duration of Privileges and Immunities, pgs. 118-119
   g. Personal Immunities and International Crimes, pgs. 119-120
      i. Case: Alejandro v. Republic of Cuba (Terrorist Act)
      ii. Case: U.S. v. Noriega (Head of State Immunity)
      iii. Case: Mexico v. United States (Avena and other Mexican Nationals)
VII. Cassese, Chapter 7: Other International Legal Subjects.
   a. International Organizations, pgs. 135-140
   b. The Individual, pgs. 142-150
      i. Case: Bankovic and Others v. Belgium and Others, European Ct. H.R.
      ii. Case: Saldia de Lopez v. Uruguay, Human Rights Committee
      iii. Case: Soering v. UK, European Court on Human rights
VIII. Creation and Implementation of International Legal Standards
IX. Cassese Chapter 8: International Law-Making: Customs.
    a. Case: The Paquete Habana & The Lola
X. Cassese Chapter 9: Treaties
    a. Domingues v Nevada (Reservation)

XI. Review Session

XII. Final Exam

**Assignments, Grading, and Due Dates:**

**Summary Reports:**

Summary Reports count for 40% of your final grade. There will be 4 summary reports covering 14 cases that will be assigned throughout the course (see chart below). The cases due for summary report will be available on Canvas a month before classes begin. In the reports, students need to summarize the case and demonstrate understanding of the material. There is no length limit; however, summaries of each case must include the facts of the case, position of the parties to the dispute, issue before the Court, and reasoning and conclusion of the Court. Personal opinions about the subject are welcome. I advise you to post your summary reports as early as you can. Take into consideration that some cases are lengthy and time consuming. These reports can be posted at any time, as long as they are posted by the due date.

Additionally, each summary report must be posted on a single document on learn.ou.edu in the drop-box according to the schedule shown below. As you can see, each report consists of several cases. Analyze each case independently. Do not combine the cases as each case deals with different aspect of International Law. All 14 cases are due. Make sure to have a heading for each case under analysis. There is an example of a well-written summary report on learn. I will not accept hard copies. If you experience problems posting your report on learn.ou.edu, e-mail it to me by the due date. Late summary reports will not be accepted.

<table>
<thead>
<tr>
<th>Summary Report</th>
<th>Cases</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>US v. Columba-Collela (Passive Personality)</td>
<td>August 17</td>
</tr>
<tr>
<td></td>
<td>US v. Romeo Galue (Protective Principle)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>US v. Alvarez-Machain (Jurisdiction to Enforce)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nicaragua v. United States of America (Case Concerning the Military and Paramilitary Activities in and Against Nicaragua)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Islamic Republic of Iran v. United States of America (Case Concerning Oil Platforms)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Alejandre v. Republic of Cuba (Foreign Sovereign Immunity Act)</td>
<td>August 20</td>
</tr>
<tr>
<td></td>
<td>U.S. v. Noriega (Head of State Immunity)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mexico v. United States (Avena and other Mexican Nationals)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Saldia de Lopez v. Uruguay, Human Rights Committee (Abduction)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Soering v. UK, European Court on Human Rights (Capital Punishment)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The Paquete Habana &amp; The Lola</td>
<td>August 26</td>
</tr>
<tr>
<td></td>
<td>Domingues v. Nevada (Case on Reservations)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Breard v. Greene (on Prevalence of Federal Law)</td>
<td></td>
</tr>
</tbody>
</table>

**Final Exam:**

There will be one examination, which counts for 50% of your final grade. The final exam will be an open-book exam due on the last day of class. It will cover the entire course material. The exam will include hypothetical cases, short essay questions and/or multiple choice questions. Missing the final exam will be equivalent to failing the course.
Participation:
Class participation will count for 10% of your final grade. This course requires class participation. I will adjust final grades for students who have actively participated in class discussion and who have demonstrated knowledge of the required material.

Document Supplement:
I have compiled a packet to be used in class, which contains relevant treaties to class discussion. All supplemental in-class materials will be posted on Canvas.

Grading:
This is a letter-graded course: A, B, C, D, or F. Grading Scale: 90 to 100% guarantees an A; 75% to 89% is a B; 60% to 74% is a C; 40% to 59% D; below 40% is an F.

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Due Date</th>
<th>Percentage of Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary Reports</td>
<td>See Summary Report Table Above</td>
<td>50</td>
</tr>
<tr>
<td>Class Participation</td>
<td>Not Applicable</td>
<td>NA</td>
</tr>
<tr>
<td>Final Exam</td>
<td>August 30</td>
<td>50</td>
</tr>
</tbody>
</table>

Notice: Failure to meet assignment due dates could result in a grade of I (Incomplete) and may adversely impact Tuition Assistance and/or Financial Aid.

Policy for Late Work:
Please contact the professor regarding his/her policy for late work

Attendance Policy:
In addition to interaction via Canvas and email contact, students are required to contact the instructor via email or telephone before the beginning of the course term for an initial briefing. Although physical class meetings are not part of this course, participation in all interactive, learning activities is required.

Student assignments and student/instructor communications will be conducted via Canvas, although students may contact the instructor via telephone, postal mail, email, or fax as needed

Incomplete Grade Policy:
A grade of “I” is not automatically assigned, but rather must be requested by the student by submitting to the instructor a “Petition for and Work to Remove an Incompleted Grade” form. An “I” can never be used in lieu of an “F” nor can an “I” be assigned because of excessive failure to participate in class activities.

Technical Support Information:
If you experience technical problems, contact Information Technology by visiting their website at: http://webapps.ou.edu/it/ or contacting them by telephone at: (405) 325-HELP (4357).
POLICIES AND NOTICES

Attendance/Grade Policy

Note: Attendance/absences do not apply to online courses. However, participation in all course activities is extremely important to student success in online courses.

Excused absences are given for professor mandated activities or legally required activities such as emergencies or military assignments. It is the policy of the University to excuse absences of students that result from religious observances and to provide without penalty for the rescheduling of examinations and additional required class work that may fall on religious holidays. Unavoidable personal emergencies, including (but not limited to) serious illness; delays in getting to class because of accidents, etc.; deaths and funerals, and hazardous road conditions will be excused.

If you are obtaining financial assistance (TA, STAP, FA, VA, Scholarship, etc.) to pay all or part of your tuition cost, you must follow your funding agency/institution’s policy regarding “I” (Incomplete) grades unless the timeline is longer than what the University policy allows then you must adhere to the University policy. Students who receive Financial Aid must resolve/complete any “I” (Incomplete) grades by the end of the term or he/she may be placed on “financial aid probation.” If the “I” grade is not resolved/completed by the end of the following term, the student’s Financial Aid may be suspended make the student ineligible for further Financial Aid.

Students are responsible for meeting the guidelines of Tuition Assistance and Veterans Assistance. See the education counselor at your local education center for a complete description of your TA or VA requirements.

Academic Integrity and Student Conduct

Academic integrity means honesty and responsibility in scholarship. Academic assignments exist to help students learn; grades exist to show how fully this goal is attained. Therefore all work and all grades should result from the student's own understanding and effort.

Academic misconduct is any act which improperly affects the evaluation of a student’s academic performance or achievement. Misconduct occurs when the student either knows or reasonably should know that the act constitutes misconduct. Academic misconduct includes: cheating and using unauthorized materials on examinations and other assignments; improper collaboration, submitting the same assignment for different classes (self-plagiarism); fabrication, forgery, alteration of documents, lying, etc…in order to obtain an academic advantage; assisting others in academic misconduct; attempting to commit academic misconduct; destruction of property, hacking, etc…; intimidation and interference with integrity process; and plagiarism. All students should review the Student’s Guide to Academic Integrity at http://integrity.ou.edu/students_guide.html

Students and faculty each have responsibility for maintaining an appropriate learning environment. All students should review policies regarding student conduct at http://studentconduct.ou.edu/

Accommodation Statement

The University of Oklahoma is committed to making its activities as accessible as possible. For accommodations on the basis of disability, please contact your local OU Site Director.

Adjustment for Pregnancy/Childbirth-Related Issues

Should you need modifications or adjustments to your course requirements because of documented pregnancy-related or childbirth-related issues, please contact me as soon as possible to discuss. Generally, modifications will be made where medically necessary and similar in scope to accommodations based on temporary disability. Please see http://www.ou.edu/content/eoo/faqs/pregnancy-faqs.html.
Title IX Resources

For any concerns regarding gender-based discrimination, sexual harassment, sexual misconduct, stalking, or intimate partner violence, the University offers a variety of resources, including advocates on-call 24/7, counseling services, mutual no-contact orders, scheduling adjustments, and disciplinary sanctions against the perpetrator. Please contact the Sexual Misconduct Office at smo@ou.edu or (405) 325-2215 (8-5), or the Sexual Assault Response Team at (405) 615 -0013 (24/7) to report an incident. To learn more about Title IX, please visit the Institutional Equity Office’s website at http://www.ou.edu/content/eeo.html

Course Policies

Advanced Programs policy is to order books in paperback if available. Courses, dates, and professors are subject to change. Please check with your OU Site Director. Students should retain a copy of any assignments that are mailed to the professor for the course.

Any and all course materials, syllabus, lessons, lectures, etc. are the property of professor teaching the course and the Board of Regents of the University of Oklahoma and are protected under applicable copyright.

For more information about Advanced Programs, visit our website at: http://www.goou.ou.edu/
INSTRUCTOR VITA
Giovanna Gismondi

Education

- 2015 Doctor of Juridical Science (S.J.D.) candidate
- 2001 Master’s in International Law (LL.M), Georgetown University, USA
- 1994 Law degree, Universidad de Lima, Perú

Additional Academic Training

- 2014 The Erik Castrén Institute of International Law and Human Rights, University of Helsinki; Finland.
- 2011 The International Institute of Human Rights, Strasbourg, France
- 2010 Hague Academy of International Law, The Hague, Netherlands
- 2009 The International Association for Humanitarian Policy and Conflict Research (HPCR International) Harvard University; Cambridge, USA

Current Positions

- University of Oklahoma
- Lecturer, Advanced Programs, College of International Studies (CIS)
- Adjunct Professor, College of Law.

Frequently Taught Advanced Programs Courses

International Law

Major Areas of Teaching and Research Interest

- International Law,
- International Trade, NAFTA, Foreign Investment,
- International Human Rights,
- Comparative Law.

Representative Publications and Presentations

Books:


Papers:

Presentations:


Law Review Articles

- Giovanna Gismondi, Denial of Justice: The Latest Indigenous Land Disputes Before the European Court of Human Rights and the Need for an Expansive Interpretation of Protocol 1. *Yale Human Rights and Development Journal*: Vol. 18, Iss. 1, Article 1. Available at: http://digitalcommons.law.yale.edu/yhrdlj/vol18/iss1/1

Law Review Essays


Encyclopedia Entries


Published Lectures


Major Professional Affiliations

- Member of the International Law Association. (ILA) (American Branch)
- Member of the Lima Bar Association, Lima, Peru.