



# EXTENDED CAMPUS

COLLEGE of PROFESSIONAL  
and CONTINUING STUDIES

## IAS 5940-502: 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:

October 1 – 13, 2019

Last day to enroll or drop without penalty: September 2, 2019

### 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](mailto:aponline@ou.edu)

### Professor Contact Information:

Course Professor: Giovanna Gismondi  
Mailing Address: 1423 12<sup>th</sup> Fairway Dr.  
Concord, NC  
28027

E-mail Address: [ggismondi@ou.edu](mailto: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](mailto:apsyllabi@ou.edu). Text prices are available online

1. Cassese A. (2005). *International law* (2<sup>nd</sup> ed.). New York: Oxford University Press. ISBN 9780199259397.
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
  - a. Case: *U.S. v. Columba-Collela* (Passive Personality)
  - b. Case: *U.S. v. Romeo Galue* (Protective Principle)
  - 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)
- 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: *Alejandre 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)
  - b. *Breard v. Greene* (Treaty – Federal Law conflict)

- 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.

<b>Summary Report</b>	<b>Cases</b>	<b>Due Date</b>
1	US v. Columba-Collela (Passive Personality) US v. Romeo Galue (Protective Principle) US v. Alvarez-Machain (Jurisdiction to Enforce) Nicaragua v. United States of America (Case Concerning the Military and Paramilitary Activities in and Against Nicaragua) Iran v. US	October 1
2	Alejandro v. Republic of Cuba (Foreign Sovereign Immunity Act) U.S. v. Noriega (Head of State Immunity) Mexico v. United States (Avena and other Mexican Nationals)	October 4
3	Bankovic and Others v. Belgium and Others, European Ct. H.R. (Extraterritoriality of Human Rights Treaties) Saldia de Lopez v. Uruguay, Human Rights Committee (Abduction) Soering v. UK, European Court on Human Rights (Capital Punishment)	October 7
4	The Paquete Habana & The Lola Domingues v. Nevada (Case on Reservations) Breard v. Greene (on Prevalence of Federal Law)	October 10

**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.

Assignment	Due Date	Percentage of Grade
Summary Reports	See Summary Report Table Above	50
Class Participation	Not Applicable	NA
Final Exam	<b>October 13, 2019</b>	50

**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 making 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](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](mailto: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/eoo.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:

- Borzu Sabahi; Ian A. Laird and Giovanna E. Gismondi, *International Investment Law and Arbitration: History, Modern Practice, and Future Prospects*, Brill Research Perspectives in International Investment Law and Arbitration, Volume 1, Issue 1, 2018.

#### Papers:

- Gismondi, Giovanna (2014). *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 Law Journal, Fall 2014. (*forthcoming*). Available at: [http://works.bepress.com/giovanna\\_gismondi/1/](http://works.bepress.com/giovanna_gismondi/1/)
- Gismondi, G. & Patterson, R. (2011). *The University of Oklahoma - International Human Rights Clinic and the United Nations Human Rights Council: Towards cooperation for the protection of indigenous peoples rights around the world*. The Sovereignty Symposium XXIV – 2011 – Seeds of Sovereignty.
- Gismondi, G. (2009). *Cases presented by Latin American States before the International Court of Justice* (Spanish). Gobernanza Global, Instituto Latinoamericano de Derecho Internacional y Relaciones Internacionales-ILADIR, Revista Trimestral, Lima – Peru.
- Gismondi, G. (2007). *The Inter-American System and the Protection of Indigenous Peoples' Rights* (Spanish). Revista Athina N. 3, Universidad de Lima, Facultad de Derecho; Peru. Also available at [http://jay.law.ou.edu/faculty/gismondi/gismondi\\_article\\_1.pdf](http://jay.law.ou.edu/faculty/gismondi/gismondi_article_1.pdf)

#### Presentations:

- Panelist, "10 Years after Torres v. State: International Human Rights, Death Row, and Oklahoma", The University of Oklahoma – Constitutional Studies Students Association, April 14<sup>th</sup>, 2014.
- Organizer and Moderator, The Santiago Atitlan massacre and issues of Justice in Guatemala. The Sovereignty Symposium XXIV- 2011. Oklahoma City, OK. June 1, 2011.
- Panelist, "The Struggle Against Impunity for Serious Crimes in Guatemala and the concept of Universal Jurisdiction." The Sovereignty Symposium, XXIII-2010 Oklahoma City, OK. June 2, 2010.
- Lectured on Human Rights and Recent Developments of Protection under International Law. 2009 Oklahoma Statewide Conference. Amnesty International USA. Norman, OK April 4, 2009
- "Mary and Carrie Dann v. United States at the Inter-American Commission Human Rights", International Law Panel, Sovereignty Symposium XX, Oklahoma City, OK, May 2007.
- "Human Rights and the Rights of Indigenous Peoples: the strengthening of indigenous people's rights under International Law", Universidad de Buenos Aires, School of Law, Buenos Aires, Argentina, March 2007.
- "Government Procurement and the North American Free Trade Agreement", Second International Conference on Government Procurement, Universidad de Lima, School of Law, Lima, Peru, July 2006.

#### 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

- Gismondi, Giovanna, "The Renco Group, Inc. v. Republic of Peru: An Assessment of the Investor's Main Contentions in the Midst of Environmental Degradation", 59 Harv. Int'l L. J. Online 1 (2017). Available at: <http://www.harvardilj.org/wp-content/uploads/Renco-Group-Article-1.pdf>
- Gismondi, G. (2009). *Cases presented by Latin American States before the International Court of Justice* (Spanish). Gobernanza Global, Instituto Latinoamericano de Derecho Internacional y Relaciones Internacionales-ILADIR, Revista Trimestral, Lima – Peru. Available at: [http://works.bepress.com/giovanna\\_gismondi/3/](http://works.bepress.com/giovanna_gismondi/3/)
- Gismondi, G. (2007). *The Inter-American System and the Protection of Indigenous Peoples' Rights* (Spanish). Revista Athina N. 3, Revista de Derecho, Universidad de Lima, pp.152-170. Available at: [http://jay.law.ou.edu/faculty/gismondi/gismondi\\_article\\_1.pdf](http://jay.law.ou.edu/faculty/gismondi/gismondi_article_1.pdf)
- Gismondi G. (2006), *Free Trade Agreement [FTA] Peru-United States* (Spanish). Revista Athina N. 1, Revista de Derecho, Universidad de Lima, pp. 201-210.

#### Encyclopedia Entries

- Gismondi, Giovanna, *Free Trade Areas of the Americas (FTAA) in IBERIA AND THE AMERICAS: CULTURE, POLITICS, AND HISTORY: A MULTIDISCIPLINARY ENCYCLOPEDIA*. Vol. 1, ABC-CLIO 2006 Ed.

#### Published Lectures

- Gismondi, G. & Patterson, R. (2011). *The University of Oklahoma - International Human Rights Clinic and the United Nations Human Rights Council: Towards Cooperation for the Protection of Indigenous Peoples Rights Around the World*. The Sovereignty Symposium XXIV –2011– Seeds of Sovereignty

#### Major Professional Affiliations

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