

Course Title:

International Law

Course Number:

IAS 5013-490

Course Description:

This course is an advanced graduate survey on the subject of Public International Law. It focuses both on classical and contemporary topics of International Law. We will discuss the sources of International Law, the State as the main subject of International Law, state jurisdiction and responsibility. In addition to this, contemporary issues of International Law including the protection of individuals under International Law, the repression of international crimes and the role of International Law in the US legal system will be covered. This course is designed to provide students with a broad understanding of International Law and the role it plays in international relations.

Course Dates:

September 1- December 31, 2017

Last day to enroll or drop without penalty: August 3, 2017

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: 2111 Jefferson Davis Hwy 918N
 Arlington VA 22202
Email Address: ggismondi@ou.edu
Virtual Office Hours: By appointment
Professor availability: The professor will be available via email to students during the above
 listed Virtual Office Hours and other methods by arrangement.

Textbook(s) and Instructional Materials:

Student materials are available at the OU Follett Bookstore located at 1185 Asp Avenue; Norman, OK, and can be ordered online, by phone, by email, or by fax. Ordering online at <http://www.bkstr.com/oklahomastore/home> is strongly recommended – students can track the status of their order within 48 hours. If an order has not been shipped within three days, students can contact the Follett textbook manager by phone (405) 325-3511, (800) 522-0772 (toll-free) or email 0831mgr@fheg.follett.com. Phone orders (ask for the textbook manager and identify yourself as an Advanced Programs student) can be placed 8 a.m. to 6 p.m. Monday through Thursday; 8 a.m. to 5 p.m. on Friday; 10 a.m. to 4p.m. on Saturday (CST). Summer hours: 9 a.m. to 5 p.m. Monday through Friday (CST). Fax orders can be placed 24 hours a day at (405) 325-7770. Text prices are available online.

1. Cassese A. (2003). *International Law* (2nd ed.). New York: Oxford University Press. ISBN 9780199259397.
2. Materials posted on the OU Canvas learning management system: Access Canvas at <https://canvas.ou.edu>, enter your OU NetID and password, and select course to access material. If you require assistance with Canvas, please click on the Help icon. You can search the Canvas guides, chat with Canvas support, or contact OU IT.

- a. **Course Document Supplement.** It consists of a compilation of treaties posted on Canvas. Make sure to have this document available at hand since they are helpful to grasp full understanding of the subject matter discussed.

Note: Follett is the Advanced Programs contractual textbook provider. Should text changes become necessary after publication of the course syllabus, Advanced Programs will facilitate text returns/refunds only for texts purchased through Follett.

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 Organizations
8. International Law and the Protection of Human Rights
9. Sources of International Law: Customary International Law v. Treaties
10. International Law and its interaction with US laws

Assignments, Grading, and Due Dates:

To be prepared for this class, students should consider the following:

1. Read the assigned chapters in the Cassese textbook according to the schedule below.
2. Follow the PowerPoint and listen to the Lecture Recordings posted on Canvas. There is a Lecture Recording to go with each PowerPoint. They clarify and expand upon the readings in the Cassese textbook.
3. Read and summarize the cases posted on Canvas, which are due for Summary Reports.

Readings: All cases are posted on Canvas

Read: Cassese Chapter 1

- Origins and Foundations of the International Community
 - Main Legal Features of the International Community.
- **Recording and Powerpoint for Ch. 1 open on September 4th.**

Read Cassese Chapter 3

- The Fundamental Principles governing International Relations, Cassese Ch. 3
 - The Sovereign Equality of States, pgs. 46-53
 - Non-Intervention in the Internal or External Affairs of Other States, pgs. 53-55
 - Prohibition of the Threat or Use of Force, pgs. 55-57
 - Peaceful Settlement of Disputes, pgs. 58-59
 - Self-determination of Peoples, pgs. 60-64
- Cases
 - Case: *U.S. vs. Columba-Collela* (Passive Personality)
 - Case: *U.S. vs. Romeo Galue* (Protective Principle)

- Case: *U.S. vs. Alvarez-Machain* (Jurisdiction to Enforce)
- Case: *Case Nicaragua v. United States of America* (Concerning the Military and Paramilitary Activities in and against Nicaragua)
- Islamic Republic of Iran v. United States of America (Case concerning Oil Platforms)

- **Recording and Powerpoint for Ch. 3 open on September 29th.**

Read Cassese Chapter 4

- States as the Primary Subjects of International Law, Cassese Ch. 4
- **Recording and Powerpoint for Ch. 4 open on October 9th**

Read Cassese Chapter 5

- The Spatial Dimension of State Activities, Cassese Ch. 5
- **Recording and Powerpoint for Ch. 5 open on October 20th**

Read Cassese Chapter 6

- Limitations on States' Sovereignty: Immunities and Treatment of Individuals, Cassese Ch. 6
 - Introduction, pg. 98
 - Immunity of Foreign States from Courts' Jurisdiction, pgs. 99-101, 105-110
 - Immunities of Organs of Foreign States, pgs. 110-113
 - Immunity of Diplomatic & Consular Agents, pgs 115-116
 - Immunities of Heads of States and Government, pgs. 117-118
 - Duration of Privileges and Immunities, pgs. 118-119
 - Personal Immunities and International Crimes, pgs. 119-120
- Cases
 - Case: *Alejandro v. Republic of Cuba* (Terrorist Act)
 - Case: *U.S. vs. Noriega* (Head of State Immunity)
 - Case: *Democratic Republic of the Congo v Belgium* (Case Concerning the Arrest Warrant)
 - Case: *Mexico v. United States* (Avena and other Mexican Nationals- case on consular relations)
- **Recording and Powerpoint for Ch. 6 open on November 10th**

Read Cassese Chapter 7

- Other International Legal Subjects, Cassese Ch. 7
 - International Organizations, pgs. 135-140
 - The individual, pgs. 142-150
- Cases
 - Case: *Bankovic and Others v. Belgium and Others (PART I and II)* (Right to life/ European Court on Human Rights)
 - Case: *Saldias de Lopez v. Uruguay* (abduction/UN Human Rights Committee)
 - Case: *Soering v. UK* (capital punishment/ European Court on Human Rights)
- **Recording and Powerpoint for Ch. 7 open on November 24th**

Read Cassese Chapter 8

- Creation and Implementation of International Legal Standards
- International Law-Making: Customs, Cassese, Ch. 8
 - Case: *The Paquete Habana & The Lola* (U.S. Supreme Court)
- **Recording and Powerpoint for Ch. 8 open on December 12th**

Read Cassese Chapter 9

- Treaties
- Cases
 - Case: Domingues vs. Nevada (Case on Reservations)
 - Case: Breard v. Greene (treaty – Federal law conflict)
- **Recording and Powerpoint for Ch. 9 open on December 12th**

Document Supplement:

I have compiled a packet to be used in class, which contains relevant treaties to class discussion. All supplemental in-class materials are posted on Canvas. Be sure to have the packet at hand while covering the audio recordings.

Summary Reports:

Summary Reports count for 50% of your final grade. There will be 4 summary reports covering 15 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 cases and demonstrate understanding of the material. Case study analysis 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, but do not substitute the case analysis. 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 Canvas in the drop-box according to the schedule shown below. Each report consists of several cases. While there is no length limit, analysis of each case typically consists of 1½ - 2 pages. Analyze each case independently. Do not combine the cases as each case deals with different aspect of International Law. All 15 cases are due. Make sure to have a heading for each case under analysis. Also, write your name on the top of each Summary Report. There are two examples of summary reports on Canvas. If you experience problems posting your report on Canvas, e-mail it to me by the due date. Late summary reports will not be accepted. Feel free to email me your report for a feedback before the due date.

Summary Report	Cases	Due Date
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) Islamic Republic of Iran v. United States of America (Case concerning Oil Platforms)	September 28th
2	Alejandro v. Republic of Cuba (Foreign Sovereign Immunity Act) U.S. v. Noriega (Head of State Immunity) Democratic Republic of the Congo v. Belgium (Case Concerning the Arrest Warrant) Mexico v. United States (Avena and other Mexican Nationals)	November 9th
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)	November 23rd
4	The Paquete Habana & The Lola Domingues v. Nevada (Case on Reservations) Breard v. Greene (on Prevalence of Federal Law)	December 11th

Final Exam:

There will be one examination, which counts for 50% of your final grade. The final exam will be an open-book exam held on **Thursday December 28th from 6 p.m. to 8 p.m.** It will cover the entire course material. The exam will include hypothetical cases & short essay questions. Missing the final exam will be equivalent to failing the course.

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
Online Final Exam	December 28, 2017	50%
Summary Reports	See schedule	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, 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

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/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, Georgetown University, USA
- 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

OU Advanced Programs professor since 2009

Frequently Taught Advanced Programs Courses

IAS 5013 International Law

Other Courses Taught at the University of Oklahoma

- International Law
- Indigenous Peoples in International Law
- International Trade & NAFTA.
- International Human Rights
- Comparative Law

Representative Publications and Presentations

Papers:

- Gismondi, Giovanna E., *The Renco Group, Inc. v. The Republic of Peru: An Assessment of the Investor's Contentions in the Context of Environmental Degradation* (January 3, 2017). *Harvard International Law Journal*, Forthcoming. Available at SSRN: <https://ssrn.com/abstract=2911960>
- Gismondi, Giovanna E., *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* (2016). *18 Yale Human Rights and Development Law Journal* 1, 2016. Available at SSRN: <https://ssrn.com/abstract=2846255>
- 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

Presentations:

- Panelist, "10 Years after *Torres v. State*: International Human Rights, Death Row, and Oklahoma", The University of Oklahoma – Constitutional Studies Students Association, April 14th, 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.

Major Professional Affiliations

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