

IAS 5013-224: International Law

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.

Class Dates, Location and Hours:

Dates: October 31 – November 5, 2017
Location: Vilseck, Germany. Please contact Site Director for classroom location.
Hours: Tuesday - Friday 6:00-9:30 pm; Saturday and Sunday 8:30 a.m.-4:30 p.m.
Last day to enroll or drop without penalty: October 2, 2017

Site Director:

Email: apvilseck@ou.edu. Phone: CIV 011-49-9662-83-2069; DSN 476-2069.

Professor Contact Information:

Course Professor: Giovanna Gismondi
Mailing Address: 2111 Jefferson Davis Hwy 918N
Arlington VA 22202
Email Address: ggismondi@ou.edu
Professor availability: The professor will be available via e-mail to students before and after the class sessions. On-site office hours are half an hour before and after each class session, by appointment.

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@fhcg.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. (2005). *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://oklahoma.instructure.com/>, enter your OU NetID and password, and select course to access material. Please contact your local Site Director if you require assistance.

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.

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 under International Law
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

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
 - i. Case: *U.S. v. Columba-Collela* (Passive Personality)
 - ii. Case: *U.S. v. Romeo Galue* (Protective Principle)
 - iii. Case: *U.S. v. Alvarez-Machain* (Jurisdiction to Enforce)
 - iv. Case: *Nicaragua v. United States of America* (Case Concerning the Military and Paramilitary Activities in and against Nicaragua)
 - v. Case: *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: *Democratic Republic of the Congo v. Belgium* (Case Concerning the Arrest Warrant)
 - iv. 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.
 - i. Case: *The Paquete Habana & The Lola*
- X. Cassese Chapter 9: Treaties
 - i. Case: *Domingues v Nevada* (Reservation)
 - ii. Case: *Breard v. Greene* (Treaty – Federal Law conflict)
- XI. Review Session
- XII. In-class Final Exam

Assignments, Grading & Due Dates:

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 1 1/2 - 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)	October 31
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)	October 31
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 3
4	The Paquete Habana & The Lola Domingues v. Nevada (Case on Reservations) Breard v. Greene (on Prevalence of Federal Law)	November 3

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 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. 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. Be sure to print the packet and have it in class with you each day, as we will reference it regularly.

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	40
Class Participation	Not Applicable	10
In Class Final Exam	November 5, 2017	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.

POLICIES AND NOTICES

Attendance/Grade Policy

Attendance and participation in interaction, individual assignments, group exercises, simulations, role playing, etc. are valuable aspects of any course because much of the learning comes from discussions in class with other students. It is expected that you attend all classes and be on time except for excused emergencies.

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. Advanced Programs does not provide duplicating services or office supplies.

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.