International Law

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Public international law (IL) is based on rules for relations among states (countries), as well as the human rights of people. It covers almost every aspect of human activity and is mainly studied by analyzing legal cases and international agreements (treaties). The topics in an introductory IL course are the same everywhere in the world and the cases used are the “classics” that established IL’s principles. Most topics involve current events of world-wide importance.

Intended Learning Outcomes (ILOs)

HKUST has outcome-based education and courses here have goals: ILOs. Students in large Common Core courses vary in their interests and the amount of work they are willing to do. There thus should be different ILOs for different kinds of students. Here are the kinds of students who take IL, their rough proportions in the course over the years, their characteristics, and the ILOs for each category of student. The percentages are not the same as the course distribution of grades. They are based only on the amounts of work students typically do.

<table>
<thead>
<tr>
<th>Poor Students</th>
<th>Ave./Good Students</th>
<th>Very Good Students</th>
<th>Excellent Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>about 15% of class</td>
<td>About 60% of class</td>
<td>About 15% of class</td>
<td>about 10% of class</td>
</tr>
<tr>
<td>miss most lectures never read not interested in doing a paper</td>
<td>attends most lectures reads little or nothing may be interested in doing a paper</td>
<td>attends most lectures reads sometimes interested in doing a paper</td>
<td>Attends almost all lectures; reads a lot very interested in doing a paper</td>
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<tr>
<td>ILO (#1): get a grade and have some idea of what topics are covered by IL</td>
<td>ILO (#2): same as #1, + at end of course, able to understand news articles on IL topics.</td>
<td>ILO (#3): same as #1 and #2, + can basically discuss key social issues as affected by IL, in writing or orally</td>
<td>ILO (#4): same as #1,2 and 3, + has basically grasped how legal reasoning works</td>
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Course Requirements

There are two requirements:

1) to take one multiple choice (MC) exam totaling 100 bilingual questions (each question in both English and Chinese). About 87 questions will be based on lectures and 13 on student presentations

2) to write and present in class a research paper on a current IL topic. The paper will be 50% of your final grade; your exam marks will be the other 50%. You will work on the paper in a team of two students. The papers should be 12-15 pages (double-spaced). It must be written using almost entirely your own words: plagiarism (copying any work of others and pretending it is your own) can result in failing the course. The paper must have footnotes with sources you used for each bit of information, and not just a bibliography.
Teams will present their papers in class on 18 and 20 July. Each presentation is 25 minutes, with 7 minutes of that for questions. Students can apply to the IA to do a particular paper topic. A list of more than one hundred suggested topics is in this syllabus. You can however propose another topic. Only one group can select a particular topic, first come, first served.

You must briefly meet with the instructor in the first week of the course to discuss your topic. Two optional seminars will be set up for paper writers: one on how to research a paper in IL and the other on how to write one. A few sample papers will be put on reserve. If at least one student in a group of paper writers is literate in Chinese, a bilingual.ppt must be used during the presentation. Students will present in reverse order of the date and time they signed up to do a paper; thus those who sign-up earlier get more time to prepare to present. Papers are due on 22 July, in a soft copy sent directly to the instructor.

Discussion Matters

You are encouraged to ask questions or make comments at any time in class. Ask the IA about administrative matters, not the instructor. Please do not talk above a whisper to friends in class and turn off your cell phone. To do well in this class, you should pay attention to lectures and presentations. Please do not waste your time in class by checking social media, playing games, or chatting with friends.

We will have optional tutorials by the IA, with a one-hour Chinese (普通話) and one-hour English tutorial each week. Tutorials are for asking questions and discussing course topics. They are not required, but you may find them helpful to understanding lectures and preparing for the exam.

Course Readings and Videos


Tentative Schedule of Topics and Readings

A=Akehurst; B = Bai; Di=Dixon; Do= Dong; K= Klabbers; K-I = Kaczorowska-Ireland; Y= Yang (Not every book covers every topic; use more than one book where needed)

27, 28 June: Historical Development of IL (A Ch 2; D Ch. 1; K Ch1; K-I Ch 1; Y Ch 1-2) and Customs and Treaties (A Ch 3-4; B Ch. 2, 7; D Ch 2-3; Do Ch 9; K Ch 2-3; K-I Ch. 2-3; Y Ch 12)

29, 30 June: States and International Organizations (A Ch 5-8, 17, 21; B Ch. 4, 6, 8, 9, 11, 16; D Ch 5-7; Do Ch 3-4, 8, 10; K Ch 4-5, 7; K-I Ch 5-7, 11; Y Ch 3,-6, 10-11)

4 July: International Human Rights (A Ch 14; B Ch 10; D Ch 12; Do Ch 7; K Ch 6; K-I Ch 12; Y Ch. 9)

6 July: Sea, Air, Space Law (A Ch 12-13; B 12-13; D Ch 8; Do Ch 5-6; K Ch 13; K-I Ch 8; Y, Ch 7-8)

8 July: Environmental Law (A Ch 16; B Ch 14; K Ch 14)

11, 13, 15 July: The Use of Force (A Ch 19-20; B 5, 18; D Ch 11; K Ch 10-11; Y Ch 14) and Peaceful Settlement of Disputes (A Ch 18; B Ch 17; 16; D Ch 12; Do Ch 11; K Ch 8; Y Ch 13)

18, 20 July: Presentation of student papers (5 groups of presenters, each with two students, per session)

22 July: Exam

Appendix: Suggested IL Paper/Presentation Topics

Human Rights Law

1. States demanding compensation from other states for slavery
2. The International Criminal Court and sovereignty
3. Is the “responsibility to protect” (R2P) an excuse for Western domination?
4. Should the death penalty be banned in China?
5. IL and racial discrimination in Hong Kong
6. Suing multi-national corporations for human rights violations
7. Does the UN Security Council permanent members’ veto power further human rights violations?
8. IL and the right to food
9. Can national laws on free speech be enforced on the internet?
10. Deprivation of the rights of refugees in Hong Kong
11. Is a national government’s ban on women wearing face veils a human rights violation?
12. Can (and should) states ban the advocacy of secession?
13. Suing foreign officials who have committed crimes against humanity
15. Hong Kong’s foreign domestic helpers and the Migration of Labor Convention
16. US opposition to the Cultural Diversity Convention
17. The UN Declaration on the Rights of Indigenous Peoples
18. The International Labor Organization’s human rights conventions
19. Harsh penalties in the US and extradition
20. US targeted killings of “terrorists”
21. Are there any non-human (animal) rights under IL?
22. Conventions on reducing statelessness and the UK’s stripping “terrorists” of their citizenship

Environmental Law

1. States demanding compensation from other states for environmental damage
2. China’s attitude toward IL regulation of natural resources
3. China and the criminalization of trade in elephant tusks
4. The proposed treaty to control sales of tobacco.
5. Can an international timber organization save the world’s forests?
6. Obstacles to implementing climate change treaties
7. The continuing battle over the Bhopal chemical disaster of 1984
8. The UN Watercourses Convention, Chinese dams and Southeast Asian floods and droughts
9. International regulation of the export of electronic waste
10. China’s obligations to curb pollution under IL
11. Dealing with rising sea levels through IL
12. Global warming and the Canada/US dispute over the Northwest Passage
13. Problems of the Antarctic Treaty
14. Depleted uranium and IL
15. Global warming, the scramble for Arctic resources and IL
16. IL factors in the ivory trade between Africa and China

Sea, Air & Space Law

1. China’s Air Defense Identification Zone: IL dimensions
2. Space junk falling to Earth, under international and national law
3. The US/China Dispute in the South China Sea: What Rules Matter?
4. The status in IL of China’s South China Sea “Nine-dashed Line”
5. Can transnational internet racism be regulated?
6. IL and the problem of sea pirates.
7. The effects of South China Sea reclamation projects on ownership of islands
8. The “New Cod War”: the European Union sanctions against over-fishing
9. The South Korea/Japan island dispute (Dokodo/Takeshima)
10. Do governments have a “duty to warn” of an impending tsunami?
11. Providing a share for poor countries from the riches of the seabed
12. The US-Hong Kong quarrel about “open skies”
13. The “weaponization of space”
14. Remote sensing from space and the right to privacy
15. Diaoyutai: the China/Japan quarrel that won’t go away
16. Should compensation for air passengers’ death or injury vary by jurisdiction
17. The China-Japan East China Sea Exclusive economic zones quarrel
19. Why hasn’t the US ratified the UN Convention on the Law of the Sea?
20. China’s regulations allowing seizure of illegal intruders into territorial waters
21. Who gets treasure discovered in historic shipwrecks in international waters?
22. The disappearance of Malaysian Airlines flight 117: what IL can tell us
23. Is IL responsible for poor air services in the US?

Law of the Use of Force and Peaceful Settlement of Disputes

1. The 2014 conflict in Gaza: violations of IL by Israel, Palestinian groups or both?
2. Would an attack on Syria be an unlawful act of reprisal?
3. Punishing companies that do natural resources business in war zones
4. Should all states ratify the treaty against land mines?
5. The International Criminal Court, the US and the Crime of Aggression
6. IL and the development of nuclear weapons by North Korea.
7. Is the pre-emptive use of force against terrorism lawful?
8. The US use of civilian “contract employees” to circumvent the laws of war
9. IL and the US detention of “enemy combatants” in the “war on terrorism.”
10. The failure to comply with the IL against torture in post-war Iraq
11. The United Nations treaty on the international sale of arms
12. The effort to form a treaty banning cluster bombs
16. IL and the dispute about Iran’s nuclear development
17. The Cambodia/Thailand conflict over the Preah Vihear Buddhist temple
18. Legality of the US use of the Stuxnet computer worm against Iran
19. Russia’s annexation of Crimea: IL aspects

Miscellaneous

1. Restrictive and absolute immunity of states in the Hong Kong vultures fund case
2. Is Britain entitled by treaty to monitor Hong Kong’s political system?
3. How much can states restrict freedom of speech on the internet?
4. Criminal diplomats and immunity from prosecution
5. Is civic nomination of Hong Kong’s Chief Executive required by IL?
6. Is electronic surveillance of foreign leaders and diplomatic missions lawful?
7. IL and the protection of intellectual property in China
8. International lawsuits to obtain compensation for Japanese war crimes
9. The Palestinian symbolic effort in the push for statehood
10. Is Tibet a state under IL?
11. Is Taiwan a state under IL?
14. Edward Snowden’s situation under IL
15. Prosecuting corrupt Chinese officials in foreign courts
16. Hong Kong’s territorial dispute with Shenzhen over the Lok Ma Chau loop
17. Can international law be used to end offshoring of wealth?
18. What IL consequences can we expect if Scotland becomes independent?
19. Tensions over who owns what in Arctic
20. East Timor’s challenge to Australia over maritime oil rights
21. Do China’s rare earth minerals practices violate WTO rules?
22. China’s use of extradition to catch corrupt officials who have fled abroad
23. Hong Kong and the United Nations Convention against Corruption