UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
SEMESTER YEAR: FALL 2016

Course: International Law & the Use of Force  
LAW 812-511 (4629)

Instructor: Professor Byron D. Franklin  
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Mobile #: (718) 702-2748  
Office Hours: By request, 8th floor Adjunct Office in Angelos Law.

Days/Time: WEDNESDAYS/ 9:00 AM-11:45 AM

Location: ANGELOS LAW. (Room number not listed because room assignments are subject to change until the first day of classes.)

Course Description:

LAW 812 INTERNATIONAL LAW & USE OF FORCE SEMINAR (3)

The course will examine the use of international law both to regulate and reduce armed conflict between states from the inception of the League of Nations in 1919 to current conflicts in Central America, the Middle East, and Southern Africa. The major institutions studied will be the United Nations, including the Security Council and the General Assembly, and the International Court of Justice. The goals of the course are to achieve an understanding of the role of international law in regulating forceful interaction between states, especially with regard to determinations of jurisdiction, legislation, and enforcement by legal and political institutions. [Limited Enrollment]

Course Materials:

Required text: "The Oxford Handbook of the Use of Force in International Law"
Edited by Marc Weller

ISBN: 9780199673049 Available at the UB Bookstore.

Note: The following are links to websites in which you can obtain the text at a discounted price:


2. https://www.google.com/search?q=The+Oxford+Handbook+of+the+Use+of+Force+in+International+Law+used+copy&ie=utf-8&oe=utf-8&q=The+Oxford+Handbook+of+the+Use+of+Force+in+International+Law+used+copy&tbm=shop&spd=5797808940312312484

Student Learning Outcomes:

I. Students will be able to exhibit memory of previously learned material by recalling facts, terms, basic concepts and answers.

II. Students will demonstrate understanding of facts and ideas by organizing, comparing. Translating, interpreting, giving descriptions, and stating main ideas.

III. Students will gain the ability to solve problems to new situations by applying acquired knowledge, facts, techniques and rules in a different way.

IV. Students will be able to examine and break information into parts by identifying motives or causes. Make inferences and find evidence to support generalizations.

V. Students will gain the ability to present and defend opinions by making judgments about information, validity of ideas, or quality of work based on a set of criteria.

VI. Students will be able to compile information together in a different way by combining elements in a new pattern or proposing alternatives solutions.

Grades:

Class participation: 20%
Homework Assignments (i.e. Short summary opinion of a current development): 20%
Final Research Paper: 60%

Course Expectations:
American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

You are expected to complete all reading assignments before class and to participate consistently in class discussion to demonstrate that you have read and reflected on the issues raised in the assignment.

Attendance:
Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

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Course Website:  
This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Computers:  
Students may use laptop computers for class related purposes.

Class Cancellation:  
If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University’s Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:  
Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy:  
The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

Disability Policy:  
If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

COURSE REQUIREMENTS

International Law and the Use of Force is a three-credit Limited Enrollment Elective Course. Class attendance is mandatory. Students are required to write a research paper in partial fulfillment of the course requirements. The paper must have a length of not less than 20 pages plus endnotes and must be typed and double-spaced. Students may submit a first draft for review. Submission of this draft is optional. The first draft must have a length of not less than 15 pages plus endnotes and must be typed and double-spaced. Students may use endnotes or footnotes, whichever they prefer. Those using footnotes should take this into consideration in satisfying suggested page-length guidelines for their papers.

Students may write on any topic of their choice as long as it is within the scope of the subject matter of the course. Students should discuss their research topics with, and must get approval for them from Professor Franklin. Students may request an individual topic discussion meeting. In order to facilitate the selection of topics, a list of suggested subjects will be made available. Topics selected from this list receive automatic approval without request. Submission of a draft is completely optional. For those so inclined, first drafts of papers will be due October 26, 2016. Final papers will be due no later than December 16, 2016 and can be submitted in hard copy form or via E-Mail to bfranklin@ubalt.edu

Late first-draft papers will not be accepted. Late final papers will be accepted but will be reduced by one full letter-grade. There are no exceptions to these rules.
AREAS OF FOCUS

The purpose of this course is to study the policies and methodologies created by the international community that has produced a sophisticated body of law that regulates when countries may resort to significant military force and how they may apply it throughout the world.

Several times during the semester, the students will be divided into legal teams to moot the legal issues presented by current or looming conflicts or legal controversies such as but not limited to:

a. U.S. deployment of troops in 35 countries on the continent of Africa such as Nigeria, Somalia and Ethiopia, and the impact of terrorist groups such as Boko Haram.

b. What is N.A.T.O’s roll in Europe with relation to Russia, The Crimean Peninsula, Ukraine and in the Middle East.

c. The Syrian conflict and the actions of all involved parties including the US, Russia, Turkey, rebel groups and terrorist groups such as “ISIL”.

d. Extrajudicial targeted drone strikes on enemy combatants and American citizens abroad.

e. U.S. policies of Extraordinary Rendition, indefinite detention and torture.

f. The Israeli-Palestinian conflict and the roll of the United States.

g. When is foreign intervention upon a sovereign nation warranted?

The two teams will present their arguments to another group of other students who will sit as the International Court of Justice. This exercise will be an excellent way for students to consolidate what they have learned during the course and to practice their basic legal skills of research, reasoning, writing, and oral argument.

Class Trip

We will also take a class day trip to the United Nations headquarters in New York City (Date to be announced), leaving from the law school on a Wednesday, at approximately 7am and arriving back at the law school at approximately 6pm. Note: If Professor Franklin is able to secure group transportation, students will not incur any transportation fees). Adequate prior notice will be given to the students as to all (nominal) costs involved in the trip.

ASSIGNMENTS

AUGUST 24, 2016: Welcome to the course; Review of syllabus; Media clips; Preliminary discussions.

AUGUST 31, 2016: Introduction: International Law and the Problem of War: Read pages 3-35:

   Feminist Perspectives on the Law on the Use of Force, Gina Heathcote: Read pages 114-128

Outsourcing the Use of Force: Towards More Security Council Control of Authorized Operations?
Niels Blokker: Read pages 202-226

United nations Security Council Practice in relation to Use of Force in No-Fly Zones and Maritime Exclusion Zones, Rob McLaughlin: Read pages 251-271

SEPTEMBER 21, 2016: Military sanctions Enforcement in the Absence of Express Authorization?, Penelope Nevill: Read pages 272-292
The Relationship Between the UN Security Council and General Assembly in Matters of International Peace and Security, Nigel D. White: Read pages 293-313

SEPTEMBER 28, 2016: Regional Organizations and Arrangements: Authorization, Ratification or Independent Action, Erika de Wet: Read pages 314-328
Use of Force: Justifiability and Admissibility, A. Mark Weisburd: Read pages 329-346

Self-defense, Protection of Humanitarian Values and the Doctrine of Impartiality and Neutrality in Enforcement Mandates, Nicholas Tsagourias: Read pages 398-415

OCTOBER 12, 2016: The Ban on the Use of Force in the UN Charter, Nico Schrijver: Read pages 465-487
The Prohibition of the Use of Force and Non-intervention: Ambition and Practice in the OAS region, Jen Michel Arrighi: Read pages 507-532

OCTOBER 19, 2016: Taming the Doctrine of Preemption, Ashley Deeks: Read pages 661-678
Can Non-state Actors Mount an Armed Attack?, Kimberley Trapp: Read pages 679-696

OCTOBER 26, 2016: The Problem of Imminence in an Uncertain World, Noam Lubell: Read pages 697-719
Action against Host States of Terrorist Groups, Lindsay Moir: Read pages 720-736

NOVEMBER 2, 2016: When Does Self-defence End?, Terry Gill: Read pages 737-751
Theatre of Operations, Jean Christophe Martin: Read pages 752-772

NOVEMBER 9, 2016: Humanitarian Intervention, Sir Nigel Rodley: Read pages 775-796
National Liberation in the Context of Post-and Non-Colonial Struggles for Self-Determination, Elizabeth Chadwick: Read pages 841-858

NOVEMBER 16, 2016: Peace Settlements and the Prohibition of the Use of Force, Martin Waelisch, Read pages 962-987
The Implications of the Proliferation of Weapons of Mass Destruction for the Prohibition of the Use of Force, Daniel Joyner: Read pages 1034-1056

NOVEMBER 23, 2016: Remotely Piloted Warfare as a Challenge to the ius ad Bellum, Jordan Paust: Read pages 1095-1109

The Use of Cyber Force and International Law, Michael Schmidt: Read pages 1110-1130

NOVEMBER 30, 2016: Private Military Companies and the ius ad Bellum, Ian Ralby: Read pages 1131-1157