SA.650 (INTERNATIONAL LAW)

SA.650.700. Fundamentals of International Law. 4 Credits.
A general introduction to international law, surveying such areas as
(among others) the sources of law, the law of treaties and customary
international law, statehood and sovereignty, refugees and human rights,
the laws of armed conflict, dispute resolution, international organizations,
the role of NGOs, international economic law, and the law of
international trade. The course will consider the differences and
similarities between international and national law, regimes, and
how the two systems interact in theory and in practice. Considerable
emphasis will be placed on legal reasoning, exposition, and advocacy.
The course is intended for students of all fields of concentration, since
it will introduce them to the grammar and syntax of international law:
a language with which they will surely need some familiarity whatever
their intended career paths. It should be of special interest to potential
International Law concentrators, since it will lay the foundation for the
exploration of more specialized areas. Examination or paper option, with
mid-term writing assignment.

SA.650.709. Law of Armed Conflict. 4 Credits.
Addresses the history, ideals and dilemmas of the law of armed conflict
and its enforcement in its traditional and modern settings, including the
impact of human rights law, adaptation to new technologies, special
difficulties posed by guerrilla conflicts and asymmetric warfare and
current debates over the conflict with ISIS and modern terrorism. Looks
at modalities of controlling behavior, including the real difficulties in
recruitment of international peacekeeping forces, rules of engagement
and the classical role of reciprocity. Examines the history of war crimes
prosecutions, including the U.N. tribunals for Yugoslavia and Rwanda,
the special tribunals for Sierra Leone, Cambodia and Lebanon, and the
International Criminal Court. Among the anguishing issues in this field
are how to shelter civilians from the effects of conflict, how to fight an
opponent who doesn't follow the rules of modern warfare and whether
the law should consider the purpose of a war as well as its means. Briefly
discusses the use and place of truth commissions after conflicts. This
course may be particularly useful to students interested in strategic
studies, human rights and conflict resolution.

SA.650.710. International Crises and International Law. 4 Credits.
This seminar will examine how the norms of international law and
multilateral structures can contribute to the resolution of acute security
crises — and also how they fail. The role of alliances as instruments of
deterrence and commitment, the role of national and pooled intelligence,
the function of the United Nations in convening negotiations and
imposing sanctions, and the unapologetic survival of great power
diplomacy and national military strength, will be addressed. We will
also look at how atavistic differences — national economic ambition,
ethnic competition, and ideological rivalries — can instigate and prolong
conflicts. Seminar participants can prepare research papers or take an
examination. Contribution to classroom discussions is required. The
course will be taught by Jeffrey Pryce, Esq., former senior advisor to
the Pentagon's Undersecretary for Policy and counsel at the law firm
of Steptoe and Johnson in the field of international arbitration.Close
analysis of the role and strategy of international and national institutions
in security crises is one way to avoid repeating the mistakes of the past —
in the destabilized global situation so much in evidence now.

Sovereignty. 4 Credits.
This course explores contemporary issues in refugee and migration
policy through the competing lenses of international human rights
and the state’s construction of national interest. The class provides
an introduction to the role of displaced persons in state formation; the
concepts of refugee, migrant, and internally displaced person; and
the evolution of rules and institutions regarding forced migration. Through
historical and contemporary case studies (e.g., Syria, SE Asia), we
consider the relative success or failure of global, regional and national
attempts to address forced migration. We look at how refugees and
migrants have been both used and perceived as security threats (e.g.
Kosovo, DRC). We examine the risks facing the displaced today and
in the future, and consider the implications of US and other nations’
immigration policies for the growing migration challenge. Students will
participate in an international negotiation exercise seeking solutions
to forced migration in the 21st

SA.650.713. Transitional Justice and the Rule of Law. 4 Credits.
In the wake of large-scale human rights abuses, can the rule of
law become (re)instituted? Will perpetrators be held accountable?
Can victims feel “restored”? Is it possible for peace and justice to
coexist? These are some of the questions addressed in the field of
transitional justice. Transitional justice includes judicial and non-judicial
mechanisms, such as criminal prosecutions (international and domestic),
truth and reconciliation commissions, memorialization, lustration,
institutional reforms, and reparation plans that are used to address past
wrongs. This course will examine the goals, tactics, and challenges
of transitional justice with particular attention to how politics shapes
the viability of legal responses. Through various case studies, we will
explore the use of amnesties and pardons as a tool, tensions between
the international community and domestic responses, reintegration
of perpetrators, capacity building, and the nature of justice itself. The
goal of the course is to provide students with the tools to identify and
apply transitional justice approaches to active conflict or post-conflict
situations, and to promote the rule of law, reconciliation, and long-term
stability.

SA.650.730. International Environmental Law: Crisis and Cooperation. 4
Credits.
Explores international environmental law, including human health.
Examines international regimes on managing natural resources and
controlling pollution—including the international institutions
designed to promote cooperation and resolve disputes—and addresses
reconciling the interests of developed and developing countries.
Examines international watercourses, biodiversity and genetically
modified organisms; global warming and the relation between trade/
investment and environment; and human rights and the environment.
Each student makes an oral presentation of an environmental treaty in
class. Paper. (This is a cross-listed course offered by the International
Law and Organizations Program that also can fulfill a requirement for the
International Policy Program.) Limited to 15 students.
SA.650.732. Constitutional Development & Democratization. 4 Credits.
The spread of human rights and constitutional, representative
government based on the rule of law, as either spurs for development or
desirable outcomes of development, seems both possible and urgently
necessary and yet we appear to be in a phase where many countries
are undergoing a democratic retrogression. This course examines
the nature, fate and prospects for constitutional development and
democratization across the globe. Employing both the diachronic and
synchronic methods of analysis typical of comparative constitutional
law, the course addresses topics such as constitution-making and
constitutional amendment; forms of state and forms of government
as well as the role and functions of constitutional and supreme courts
with the aim of understanding how a given institutional framework
may facilitate or obstruct transitions to democracy. The experience
of so-called ‘consolidated’ democracies will often be used to examine
the transition to democracy of other countries. 2020 will of course
be remembered for the terrible effects of Covid-19. From a legal and
constitutional perspective some scholars have been debating whether
we might be in the presence of ‘pandemic backsliding’ i.e. democratic
retrogression and decay caused by the measures taken in many countries
across the globe to tackle the coronavirus. For this reason, this year’s
class will have the specific task of monitoring the judgments handed
down by Constitutional and Supreme Courts worldwide and to verify how
the latter, in their role of guardians of the constitution, are reacting to the
emergency measures that have been adopted.
SA.650.740. International Investment Law. 4 Credits.
Suitable for non-lawyers, this course analyzes the legal framework for
private international investment. It considers: sources of international
investment law; conditions for admission of foreign direct investment
and its treatment; political risks involved such as expropriation; risk
mitigation techniques such as political risk investment insurance; and
the settlement of investment disputes between states and investors.
We review the rights and responsibilities of foreign direct investors,
shareholders’ rights and joint ventures. Given the professors’ professional
focus, we take a particular look at project finance and sovereign wealth
funds. The privatization-expropriation cycle is analyzed. The course
delves into international anti-corruption treaties and relevant domestic
laws. Aspects of the One Belt One Road initiative are discussed. Active
class participation is encouraged.
SA.650.743. International Trade Law. 4 Credits.
Examines the law and institutions of the WTO, including its regulation of
trade in goods and services, its dispute-settlement system and how it
deals with policy issues (such as environment and labor standards) that
may affect trade. Provides an overview of the main features of the WTO
system and an in-depth examination of critical issues that have emerged in
the dispute-settlement process or in negotiations.
SA.650.752. United Nations and International Security. 4 Credits.
What is the role of the United Nations in maintaining minimum public
order? Is it capable of effective action in crisis, and how should it work
with other multilateral structures such as NATO and regional groups?
The course looks at the crisis in Kosovo, the Dayton process in Bosnia
and recent wars in Africa, as well as the work of the United Nations on
weapons of mass destruction and human rights law. Discusses the
current reform process, the competition for power between the General
Assembly and Security Council and the role of the secretary-general
and International Court of Justice. (This is a cross-listed course offered
by the International Law and Organizations Program that also can
fulfill a requirement for the Conflict Management and Strategic Studies
programs.)

SA.650.755. International Human Rights. 4 Credits.
This is a survey course on international human rights (law) and existing
mechanisms to promote and protect them, with particular focus on the
more developed European norms and their interpretation in the extensive
jurisprudence of the European Court of Human Rights. It deals with the
history and philosophy of human rights and their place within the global
legal and political system. Using case studies and practical examples, it
clarifies the meaning of selected individual and collective human rights.
It introduces into the methods and principles of the practical application
of human rights. It also deals with the interaction between international/
regional and national implementation of such rights. Course requirements
include regular class attendance, active participation in class discussion
and 2 papers (approx 15 pages each). Class time will be divided between
lectures and discussion. Each topic will be introduced by the instructor.
The final grade will be determined in the light of the two papers (80%) and
of participation in class and discussion (20%).

SA.650.760. Fundamentals of International Law. 4 Credits.

SA.650.765. U.S. Constitutional Law and the International System. 4
Credits.
The American tradition of judicial review by independent courts has had
an enormous influence on the international development of the rule of
law in newly emerging democracies. This seminar, taught by a practicing
lawyer, reads some of the classic cases of the American constitutional
tradition, including cases on school desegregation, separation of powers,
foreign affairs, freedom of religion and speech, control of immigration
and the right to be left alone. Looks at the indeterminacy of the original
constitutional document and how it has developed through the processes
of both political and judicial interpretation.

SA.650.766. Business and Human Rights: Whose Responsibility is it?. 4
Credits.
This course will examine the complexities of transnational and cross-
political business practices and strengthen students’ ability to counsel
corporate clients effectively in a transnational business environment. The
class will touch on the legal dimensions of international business and
human rights, starting with postwar prosecutions of business leaders
in the Nuremburg trials, and continuing through contemporary human
rights challenges against corporations and corporate executives based
upon their alleged complicity in human rights violations. It will focus on
the increasing importance of corporate social responsibility, the
creation of shared value for business, and the crucial role of the financial
sector, advocacy groups and the internet in rewarding (and penalizing)
businesses that do not take human rights and sustainability into account.
The class will cover a few sectors that pose specific challenges in the
business environment, namely: extractive industries, internet privacy,
human trafficking, and health.
SA.650.780. International Human Rights Law Clinic. 4 Credits.
The HR Clinic is a practicum designed to provide hands-on experience in legal mechanisms for the promotion and protection of internationally-guaranteed human rights. The classroom portion of the course will seek to provide students with a solid grounding in human rights principles, treaties, enforcement procedures, and caselaw. The course culminates in a significant report on a case study that will be the principal focus of the entire academic year. The specific topic and subject country for the study will be announced at or shortly before the first class session, but the project this year will explore ways in which domestic legal systems internalize, implement, and enforce human rights norms, making them into legally-enforceable obligations. Students will research more developed systems, to analyze their successes and shortcomings, and will report based on their observation of the subject country, having researched its legal system and conducted interviews with government officials, lawyers, and individuals complaining of human rights violations. There will be an organized fact-finding mission to the subject country during Winter Break, with the report ready for publication by late spring. Students enrolled in the course must register as auditors in the fall semester—meaning that this class will not count towards their full-time status for the fall, but will be in addition to a full course load. They will receive four credits and a grade for the course, in the spring semester. This class has limited enrollment and is by application only. Second year MA ILaw students will be given preference, but all are encouraged to apply. Interested students should email saisilo@jhu.edu for application information and instructions to be sent in August.

SA.650.800. International Criminal Court Moot Competition. 4 Credits.
A moot court team competition provides an introduction to legal research, analysis and advocacy. The course will begin with seminar-style discussions on International Criminal Law with specific attention to the International Criminal Court. The moot court team will write three short memorials requiring research and arguments based on the three participants in ICC prosecutions, typically, the Prosecution, the Defense and the Victims’ Advocate. As the teams prepare their written memorials, the course shifts to discussion of legal research and writing techniques. Per the competition rules, academic coaches “are not allowed to give any instruction or information specific to the problem.” Once the memorials have been submitted, the class prepares for oral arguments. Each school team will participate in three rounds of oral arguments and have the opportunity of arguing from all three perspectives. Enrollment in the ICC Course is limited to five students. However, each team can only consist of three oralists. Two additional students are permitted by the competition organizers if they are associated with the team as “researchers.” “Researchers” can help draft and write the memorials and sit as co-counsel during the competition arguments, but will have a non-speaking role. The problem and the brief schedule for the 2018 competition has not been released yet, but information should be available by November. Oral arguments will be heard in White Plains, NY at Pace Law School on the weekend of March 16 – March 18, 2018.

SA.650.802. Jessup Moot Court. 4 Credits.
The Philip C. Jessup International Law Moot Court Competition is the largest and most prestigious moot court in the world. Begun in 1959, the Jessup currently attracts competitors in over 100 countries, representing well over 600 law schools on six continents. SAIS is one of the only non-law schools in the United States to field a Jessup team. The Competition is based on a fictitious legal dispute between two fictitious countries, which is presented to the International Court of Justice. The dispute generally raises four substantive issues of international law. Teams are responsible for preparing written memorials (briefs) for both sides and on all issues in the case, and to represent both sides in oral pleadings before three-judge panels at the regional level. This course exposes students to the skills and methods of legal research, analysis, and written oral advocacy. It begins with a survey of legal reasoning and institutions, and explores international law from the perspective of an advocate tasked with presenting a client’s case to a neutral adjudicator. Students will draft the two memorials for submission in mid-January, which means that there will be work to do over Winter Break. Once the briefs are filed, the next month will feature a very intense schedule of oral advocacy drills, culminating in the regional competition in mid-February. The course is counted for credit in the fall semester, although class requirements will stretch at least several weeks into the spring. Enrollment is limited to 5 students, according to Jessup rules. Second year MA ILaw students will be given preference, but all are encouraged to apply. Interested students should email saisilo@jhu.edu for application information and instructions to be sent in August.