

Course Outline for “*The Law and Practice of the United Nations*” 2018

Lecturer: Ms. Alexandra Ivanovic (ivanovic@unu.edu)

TIMING: 2 April 2018 to 28 May 2018 There will be a total of fifteen sessions of 1.5 hours per session with significant reading (estimated at three hours per class) expected in advance of each class.

REQUIRED TEXT: Chesterman, Johnstone, Malone, *Law and Practice of the United Nations*, 2nd ed. (Oxford University Press, 2016) – two copies are available in the Library and the text is also available for purchase through Amazon and other online retailers. **(PLEASE NOTE WE WILL BE WORKING FROM THE 2016 2ND EDITION NOT THE 2008 1ST EDITION)**

COURSE DESCRIPTION: The development of the United Nations as shown by interpretations of the Charter in practice.

AIMS & OBJECTIVES: By examining primary materials focused on the normative context within which the United Nations functions, students will develop an understanding of the interaction between law and practice. This is essential to a proper understanding of the UN Organization, but also to the possibilities and limitations of multilateral institutions more generally.

There are no pre-requisites for this course at UNU, but please note in particular the course requirements identified below.

COURSE CREDITS: 2

COURSE REQUIREMENTS

There is no exam in this course which emphasizes broad participation by the students and not the instructor (who will not be lecturing on the topics assigned). **Students who expect a lecture course or who are not willing to participate every day orally in class should seek a different course.** Students are only expected to read the “required” readings; additional optional readings are only indicated for those who have a deeper interest in a topic but will generally not be the basis of class discussion.

Students’ grades will be based upon:

- Submission of five 1-page reaction papers (no longer than 500 words each) written over the course of the semester in response to the questions presented in the readings (35%).
Reaction papers will be due by e-mail by **6.00pm on Saturday 7 April, Saturday 14 April, Saturday 21 April, Monday 14 May, and Monday 21 May, 2018.** Each of the reaction papers will need to focus on one question assigned for the following class. The first reaction paper will not count towards the final grade. Each reaction paper will require a minimum of three hours of preparation.
- In-class participation which will account for 30% of the grade.

- A final paper of 10 pages (double spaced) on a topic agreed with the instructor will account for 35% of the grade. A 1-page outline will need to be cleared with the instructor before drafting proceeds. The final paper will require a minimum of 30 hours of preparation. **The final paper should be submitted by 17:00 hours on Friday 13 July 2018.**

Depending on how conversation in the course evolves, we may adjust what each week's class will address. As well, please note that we may host one or two relevant guests during the course.

SCHEDULE

Class 1 – Why International Organizations Matter: Perspectives from International Relations and International Legal Theory

Required Reading

Anne-Marie Slaughter, "The Technology: Principal Theories of International Relations", Chapter 1 in *International Law and International Relations* (Ann- Marie Slaughter, Hague Academy of International Law Lectures, 2000), pp. 21-54.

Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (1996), pp. 22-28, and 112-127.

Ian Johnstone, "Security Council deliberations: the power of the better argument", *European Journal of International Law*, Vol. 14(3), pp. 440-451.

Recommended Reading

Oona Hathaway and Harold Koh eds, *Foundations of International Law and Politics* (2005), pp. 191-201.

Robert Keohane, "International Relations and International Law: Two Optics", *Harvard International Law Journal*, Vol. 38(2), Spring 1997, pp. 487-502.

Class 2 – The UN Charter

Required Reading

Chesterman, Johnstone and Malone – Introduction and Chapter 1

Class 3 – Hard Cases (*Reaction Paper 1 due*)

Required Reading

Chesterman, Johnstone, and Malone, Chapter 2

Recommended Reading

Report of the Secretary-General, Implementing the Responsibility to Protect
<http://www.responsibilitytoprotect.org/files/SGRtoPEng.pdf>

Class 4 – Hard Choices

Required Reading

Development Goals:

Chesterman, Johnstone, and Malone Chapter 3

Recommended Reading

Bruce Currie-Alder, Ravi Kanbur, David Malone, and Rohinton Medhora, '*The State of Development Thought*', Connell Working Paper, March 8, 2013

Class 5 – Legal Status (*Reaction Paper 2*)

Required Reading

Chesterman, Johnstone, and Malone, Chapter 4

Ian Johnstone, "Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit", 102 *American Journal of International Law* 275 (2008), pp. 283-308.

Class 6 – The Secretary-General and the Secretariat

Required Reading

Chesterman, Johnstone and Malone, Chapter 5

James Cockayne and David Malone, "Relations with the Security Council" in *Secretary or General?* (Simon Chesterman ed., 2006).

Ian Johnstone, "The Secretary-General as Norm Entrepreneur", in *Secretary or General?* (Simon Chesterman ed., 2006).

Class 7 – Membership & Financing (*Reaction Paper 3*)

Required Reading

Chesterman, Johnstone, and Malone, Chapters 6 & 7

Class 8 – Counter-terrorism and Non-Proliferation of Nuclear Weapons

Required Reading

Chesterman, Johnstone, and Malone, Chapter 8

Nuclear Non-Proliferation Treaty, available at:

http://www.un.org/disarmament/WMD/Nuclear/pdf/NPTEnglish_Text.pdf (5 pages)

J. Cirincione, J. Wolfstahl and M. Rajkumar, "The International Non-proliferation Regime", Chapter 2 of *Deadly Arsenal: Nuclear, Biological and Chemical Threats* (2nd ed, 2005) (16 pages).

David M. Malone, *The International Struggle Over Iraq* (2006), Chapter 6.

Class 9 – Peace Operations

Required Reading

Chesterman, Johnstone, and Malone, Chapter 9

Class 10 – Sanctions

Required Reading

Chesterman, Johnstone, and Malone, Chapter 10

The Kadi Case:

Juliane Kokott and Christoph Sobotta "The Kadi Case – Constitutional Core Values and International Law – Finding the Balance?" *The European Journal of International Law*, 2012, Vol. 23 no. 4, pp. 1015–1024.

Court of Justice of the European Union, Press Release No. 93/13, "The Court dismisses the appeals against the General Court's 'Kadi II' judgment." Luxembourg, 18 July, 2013, available at:

<http://www.google.co.jp/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=0CEgQFjAG&url=http%3A%2F%2Fwww.statewatch.org%2Fnews%2F2013%2Fjun%2Fecj-kadi-ms-appeal-prel.pdf&ei=C5-bVPiGClbUmgWss4HQAaw&usg=AFQjCNG2bDdLQzOsYEaDmrRZwP9musWMdA&bvm=bv.82001339,d.dGY>

Class 11 – Sustainable Development (*Reaction paper 4*)

Required Reading

Chesterman, Johnstone, and Malone, Chapter 11

Class 12 – Human Rights and International Criminal Justice

Required Reading

Human Rights:

Chesterman, Johnstone, and Malone, Chapter 13

International Criminal Justice:

William Schabas, *An Introduction to the International Criminal Court* (2007), Chapter 2 (34 pages)

Article 16 of the Statute of the International Criminal Court

http://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

Security Council resolution 1593 (31 March 2005) (referral of Darfur situation to the International Criminal Court)

Class 13 – Immunity and Responsibility (*Reaction paper 5*)

Required Reading

Chesterman, Johnstone, and Malone, Chapter 15

Class 14 – Accountability in Practice

Required Reading

Chesterman, Johnstone, and Malone, Chapter 16

Recommended Reading

Report of the Secretary-General, *Special measures for protection from sexual exploitation and sexual abuse*, A/69/779, 13 February, 2015, available at:

http://www.un.org/ga/search/view_doc.asp?symbol=A%2F69%2F779&Submit=Search&Lang=E

Office of Internal Oversight Services, *Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, Assignment No.: IED-15-001, 15 May 2015 available at: <https://oios.un.org/page/download2/id/13>

Class 15 – Reform

Required Reading

Chesterman, Johnstone, and Malone, Chapter 17

COURSE ASSESSMENT

Student performance will be assessed by a combination of continuous assessment, active classroom participation, reflection papers and a final paper as follows:

1. Active participation, reading of required material, participation in class debates and **full** attendance (30%).
2. Reflection/reaction paper (35%).
3. Final paper (35%)