

International Organization and Law: Integrating the Disciplines

**Thomas G. Weiss
Jarat Chopra
Watson Institute
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Course Requirements

Students should already have taken the introductory course on international relations, PS 40, before entering this course and also receive the permission of the instructors.

Course Description

Building on the fundamentals of international relations, this mid-level course is designed to introduce students in some depth to the conceptual "building blocks" and essential materials of international organization and international law. The sub-title indicates that students will be obliged to integrate political and legal perspectives, to appreciate their fundamental differences but understand how they can fit together.

Study of the United Nations (UN) will be situated within the context of changing world politics. Students should determine the extent to which the world organization is a dependent or independent variable in international relations—that is, as an arena for states and a tool of their foreign policies, or alternatively as a semi-autonomous actor. The treatment of international organization in this course will span the tension between what international relations theory calls "realism" and "liberal institutionalism." Today's problems and prospects for the UN are rooted in: the Second World War from which it was born; the Cold War during which it developed norms, procedures, and programs; and the early post-Cold War era, which has raised and then dashed expectations about formal multilateralism through the United Nations, even if more informal varieties of multinationalism are evolving in the form of globalization and transnational civil society.

International law concerns the mechanics of the international system. Students need to understand the nature of each component of this machine, how each fits with all other parts, and then how the system functions as a whole in specific cases. For instance: the relationship between sources of law and shifts in legal personality from the exclusivity of the state to the inclusion of the individual affects the scope of human rights. Do human rights exist by the grace of sovereignty or do they challenge the notion of sovereignty? Such alternatives in the application of international law will constitute an overall framework, arranged around jurisprudential opposites like "positivism" and "Natural Law." Particular focus will be placed on the changing nature of international law and the different world views and systems that can result from making jurisprudential choices.

This course, therefore, will focus on the history, administration, and politics of international organization and the machinery of international law, and in so doing it will address three functional areas: human rights and humanitarian relief; the environment and sustainable human development; and international peace and security. Also, there will be consideration of the activities and legal standing of nongovernmental and regional organizations, in addition to the political behavior towards the United Nations and use of law by individual states. Ultimately, students should contemplate the kind of international society that is emerging from the 1990s.

Course Assignments

All students enrolled in this course are expected to attend every class and to arrive punctually. Each session of the course will approximate the pattern of a 45-minute lecture and 30 minutes of questions and discussion. Thorough reading and active participation are expected.

Students will be graded in this course in the following manner: Attendance and Participation: 15%; Mid-Term Examination: 35%; and Final Essay Assignment: 50%. These will place a premium on a student's ability to integrate both political and legal materials, and demonstrate sustained argument, original thought, and mastery of materials. Both grade options are available.

Course Reading

The first two books listed below are comprehensive overviews and should be followed closely; the third is an interesting complementary set of essays; and the fourth provides an outline of pressing issues being discussed at the United Nations. Although single copies will be available on reserve, students probably should purchase their own at the Brown Bookstore—for students planning to continue work in this field, the first two items listed are particularly essential:

1. M. N. Shaw, *International Law* (Cambridge: Cambridge University Press, 1997), fourth edition.
2. Thomas G. Weiss, David P. Forsythe, and Roger A. Coate, *The United Nations and Changing World Politics* (Boulder: Westview, 1997), second edition.
3. Adam Roberts and Benedict Kingsbury, eds., *United Nations, Divided World* (Oxford: Clarendon Press, 1993), second edition.
4. United Nations Association of the USA, *A Global Agenda: Issues Before the 52nd General Assembly of the United Nations* (Boulder: Rowman and Littlefield, 1997).

Required reading materials not included in these texts, as indicated on the syllabus, will be available on reserve.

Additional sources to guide further reading for interested students will be suggested throughout the lectures. Doing well in the course requires undertaking some additional reading; but students are welcome to test this hypothesis.

There are many bibliographic resources related to the institutional perspectives on the United Nations system. For example, there is a good selective annotated bibliography edited by Joseph P. Baratta, *United Nations System* (Oxford: Clio Press, 1995) and a recent selection of course syllabi with readings on specialized subjects related to international organization and law, *More Teaching About International Organization: Selected Syllabi* (Providence: Academic Council on the United Nations System, 1995). The internet is an important and growing source of primary documentation. Students should consult the home page of the Academic Council on the United Nations System (<http://www.brown.edu/Departments/ACUNS/>) which contains links to all major UN sites including the UN's own home page (<http://www.un.org>). Some comprehensive sources of data on recent UN activities include: the yearly "Report of the Secretary-General on the Work of the Organization"; and for humanitarian, social development, and economic matters, the annual publication of the UNHCR's *State of the World's Refugees 1997-98*, the UNDP's *Human Development Report 1997* and the World Bank's *World Development Report 1997* (all from Oxford University Press).

While there are *relatively* fewer cases in international law than in national law, there are nevertheless landmark decisions by the World Court which establish important obligatory principles of international behavior. Students should be aware of the general facts of cases and relevant principles of law on which the Court has adjudicated. For further reading and research, the full cases of the PCIJ and the ICJ are available on the fourth floor of the Rock. For full texts of treaties on-line, see the collection on the Fletcher School web site (<http://www.tufts.edu/fletcher/multilaterals.html>). Lexus/Nexus resources are also available in the library.

Course Schedule

Session 1 (22 Jan: Weiss/Chopra): **Course Introduction**

I. The Evolution of International Organization

Session 2 (27 Jan: Weiss): **Early International Institutions**

Session 3 (29 Jan: Weiss): **The United Nations System**

Session 4 (3 Feb: Weiss): **Changing World Politics**

for sessions 2, 3, 4:

Weiss/Forsythe/Coate, Introduction and chapter 1.

Roberts/Kingsbury, chapter 1.

Harold Jacobson, *Networks of Interdependence* (New York: Knopf, 1979), chapters 2-4.

II. The Sphere of International Law

Session 5 (5 Feb: Chopra): **The Nature of International Law**

Shaw, chapters 1 and 2.

Session 6 (10 Feb: Chopra): **Sources of International Law**

Shaw, chapter 3.

Session 7 (12 Feb: Chopra): **International Law and Municipal Law**

Shaw, chapter 4.

Session 8 (19 Feb: Chopra): **International Legal Personality and Recognition**

Shaw, chapters 5 and 8.

III. Human Rights and Humanitarian Assistance

Session 9 (24 Feb: Chopra): **International Human Rights Law**

Shaw, chapters 6 and 7.

Session 10 (26 Feb: Weiss): **Human Rights and Humanitarian Assistance: Theory**

Weiss/Forsythe/Coate, chapter 5.

Session 11 (3 March: Weiss): **Human Rights and Humanitarian Assistance: Practice**

Weiss/Forsythe/Coate, chapters 6 and 7.

Roberts/Kingsbury, chapter 8.

UNA, pp. 177-228 and 267-287.

Session 12 (5 March): **Mid-Term Examination**

The mid-term will occur at the regular meeting time of the course. There will be one question related to international politics and one to international law.

IV. The State, Its Space and The Environment

Session 13 (10 March: Chopra): **Territorial Sovereignty**

Shaw, chapters 9 and 10.

Session 14 (12 March: Chopra): **Jurisdiction and Immunities from Jurisdiction**

Shaw, chapters 12 and 13.

Session 15 (17 March: Chopra): **State Responsibility and Succession**

Shaw, chapters 14 and 17.

Session 16 (19 March: Chopra): **International Environmental Law**

Shaw, chapter 15.

Session 17 (31 March: Weiss): **Origins of Development and Ecodevelopment**

Weiss/Forsythe/Coate, chapters 8 and 9.

Roberts/Kingsbury, chapter 9.

Session 18 (2 April: Weiss): **Prospects for Sustainable Development**

Weiss/Forsythe/Coate, chapter 10

Roberts/Kingsbury, chapter 10.

UNA, pp. 107-176.

Session 19 (7 April: Weiss): **UN Links to Nongovernmental Organizations**

Leon Gordenker and Thomas G. Weiss, "Pluralising Global Governance: Analytical Approaches and Dimensions" and "NGO Participation in the International Policy Process," *Third World Quarterly* 16,

no. 3 (September 1995), pp. 357-387, 543-555. (Also available in Thomas G. Weiss and Leon Gordenker, eds., *NGOs, the UN, and Global Governance* (Boulder: Lynne Rienner, 1996), pp. 17-47.

Peter Spiro, "New Global Communities: Nongovernmental Organizations in International Decision-Making Institutions," *Washington Quarterly* 18, no. 1 (winter 1995), pp. 45-56.

V. International Security

Session 20 (9 April: Chopra): **Pacific Settlement of Disputes**

Shaw, chapter 18.

Session 21 (14 April: Chopra): **The Use of Force**

Shaw, chapter 19.

Session 22 (16 April: Weiss): **UN Security Operations, 1945-1989**

Weiss/Forsythe/Coate, chapter 2.

Roberts/Kingsbury, chapter 2.

Session 23 (21 April: Weiss): **UN Security Operations in the 1990s**

Weiss/Forsythe/Coate, chapters 3 and 4.

Roberts/Kingsbury, chapters 3 and 7.

UNA, pp. 1-78.

Session 24 (23 April: Weiss): **The UN, the US and Regional Organizations**

S. Neil MacFarlane and Thomas G. Weiss, "The United Nations, Regional Organizations, and Human Security: Building Theory in Central America," *Third World Quarterly* 15 (April 1994), pp. 277-295.

Jarat Chopra and Thomas G. Weiss, "Prospects for Containing Conflict in the Former Second World," *Security Studies* 4, no. 3 (Spring 1995), pp. 552-583.

George Soros, Chairman, *American National Interest and the United Nations* (New York: Council on Foreign Relations, 1996).

UNA, pp. 299-321.

VI. Conclusion

Session 25 (28 April: Chopra/Weiss): **International Society**

Shaw, chapter 21.

Weiss/Forsythe/Coate, Conclusion.

Roberts/Kingsbury, chapter 12.

Session 26 (1 May): **Final Take-Home Essay Assignment**

Essay questions will be passed out at the end of session 25. This final writing assignment will be designed to permit students to demonstrate their capacity to integrate legal and political perspectives in their choice of substantive areas. They will be due at 2 Stimson Avenue no later than 3 pm on Friday, 1 May. Grades will be reduced one full letter grade for any lateness. Papers will not be accepted after 5 pm. No exceptions, no excuses.

Additional Materials:

As mentioned earlier, students may wish to pursue subjects in more depth than in the required texts. A few suggestions are made here to guide prospective readers under each of the main subject headings.

I. The Evolution of International Organization

Inis L. Claude, Jr., *Swords Into Plowshares* (New York: Random House, 1971).

Craig N. Murphy, *International Organization and Industrial Change* (Oxford: Polity Press, 1994).

James N. Rosenau, *The United Nations in a Turbulent World* (Boulder: Lynne Rienner, 1992).

Erskine Childers with Brian Urquhart, *Renewing the United Nations System* (Uppsala: Hammarskjöld, 1994).

II. The Sphere of International Law

Ian Brownlie, *Principles of Public International Law* (Oxford: Oxford University Press, 1990), fourth edition.

D. J. Harris, *Cases and Materials on International Law* (London: Sweet & Maxwell, 1991), fourth edition.

Martin Dixon and Robert McCorquodale, *Cases and Materials on International Law* (London: Blackstone Press, 1995), second edition.

III. Human Rights and Humanitarian Assistance

David P. Forsythe, *The Internationalization of Human Rights* (Lexington, MA: Heath, 1991).
Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 1989).

Hurst Hannum, *Autonomy, Sovereignty and Self-Determination* (Philadelphia: University of Pennsylvania Press, 1990).

Morton H. Halperin and David J. Scheffer, *Self-Determination in the New World Order* (Washington, DC: Carnegie Endowment, 1992).

Louis Henkin and John Lawrence Hargrove, eds., *Human Rights: An Agenda for the Next Century* (Washington: American Society of International Law, 1994).

Human Rights Watch, *The Lost Agenda: Human Rights and U.N. Field Operations* (New York: Human Rights Watch, 1993).

Larry Minear and Thomas G. Weiss, *Humanitarian Action in Times of War: A Handbook for Practitioners* (Boulder: Lynne Rienner 1993).

Thomas G. Weiss and Cindy Collins, *Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help* (Boulder: Westview, 1996).

Nigel Rodney, ed., *To Loose the Bands of Wickedness* (London: Brassey's, 1992).

IV. The State, Its Space, and the Environment

Antonio Cassese, *International Law in a Divided World* (Oxford: Clarendon Press, 1986).

James Crawford, *The Creation of States in International Law* (Oxford: Oxford University Press, 1979).

James Crawford, ed., *The Rights of Peoples* (Oxford: Oxford University Press, 1988).

D. W. Bowett, *The Law of International Institutions* (London: Steven & Sons, 1975), third edition.

Philip Allott, *Eunomia: New Order for a New World* (Oxford: Oxford University Press, 1990).

V. International Security

Alan James, *Peacekeeping in International Politics* (London: Macmillan, 1990).

William Durch, ed., *The Evolution of UN Peacekeeping* (New York: St. Martin's, 1993), and *UN Peacekeeping, American Policy and the Uncivil Wars of the 1990s* (New York: St. Martin's, 1996).

United Nations, *The Blue Helmets* (New York: United Nations, 1996), 3rd edition.

George W. Downs, ed., *Collective Security Beyond the Cold War* (Ann Arbor: University of Michigan Press, 1994).

Thomas G. Weiss, ed., *The United Nations and Civil Wars* (Boulder: Lynne Rienner, 1995).

Steven R. Ratner, *The New UN Peacekeeping* (New York: St. Martin's, 1995).

Paul Diehl, *International Peacekeeping* (Baltimore: Johns Hopkins University Press, 1994).

Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics* (Boulder: Westview, 1995).

Michael E. Brown, ed., *The International Dimensions of Internal Conflict* (Cambridge: MIT Press, 1996).