

RUTGERS, THE STATE UNIVERSITY
DIVISION OF GLOBAL AFFAIRS
DR RICHARD M. O'MEARA

COURSE SYNOPSIS
SELECTED ISSUES IN CONTEMPORARY INTERNATIONAL LAW

International law is the system of rules and principles that govern relations among sovereign states, international organizations, and other participants in the international community. International law covers almost every facet of inter-state activity, including security of nations, use of sea and air lanes, international commercial relations, and the environment. Although states are the principal actors in the international legal system, modern international law also seeks to regulate the conduct of individuals and the conduct of states towards individual citizens. Further, while there are numerous examples of states and other entities violating and in some cases ignoring the precepts of international law, the vast majority of global interactions are conducted within the parameters of the law and disputes are routinely adjudicated by institutions created to insure that violence is the last resort.

This course begins with a general introduction to the principles and sources of international law and the differences between international and national law. We will look at the processes which exist to articulate, institutionalize and enforce rules and precepts. Finally, we will introduce students to selected substantive areas of international law including human rights, the law of war, the law of the sea and the environment.

Standard texts will provide students with a general history of international law development and the state of international institutions and enforcement mechanisms. In addition students will be required to review applicable documents, including treaties, charters, and draft proposals. Students will read and review selected articles provided by the Professor and prepare a research paper regarding a specific international law concern.

Doctor O'Meara is a retired Brigadier General, USA, and trial attorney who presently serves as a Professor of Global and Homeland Security Affairs. He has received a PhD in Global Affairs from Rutgers University and a Juris Doctorate from Fordham University. He has also received two Masters Degrees in History and International Affairs and graduated from the US Army War College and the Command and General Staff College amongst other schools. He presently teaches in the Division of Global Affairs at Rutgers University and has developed and taught in the first Homeland Security Studies Program in New Jersey. In the days and months following 9/11, O'Meara worked as an EMT and Red Cross Responder at the World Trade Center Site. His interests are reflected in courses he has taught and developed over the years at various institutions including *War, Genocide, and International Law*, *Nationalism and Ethnic Violence*, *Intelligence Law and Function*, *US Security Interests in Sub-Saharan Africa*, *US Security Interests in the North Pacific*, *Human Rights Law and Practice*, *Nuremberg: the Trial and It's Legacy for the International Legal Community*, and *The American Way of War*.

As an Adjunct Faculty member of the Defense Institute for International Legal Studies, O'Meara has traveled to such diverse locations as Moldova, Bosnia-Herzegovina, Ukraine, Slovenia, the

Philippines, Thailand, Vietnam, Cambodia, Peru, El Salvador, Panama, Guinea, Rwanda, Chad, Sierra Leone and Iraq where he has taught rule of law and governance issues to civil and military stakeholders and helped to develop programs designed to strengthen constructive relationships between members of civil and military society.

As a Fellow in the Stockdale Center for Ethical Leadership, United States Naval Academy, O'Meara worked with colleagues towards the adaption of military ethics to emerging technologies and he has written and presented widely in the area of the use of robotics and other technologies as tools of war. He continues this work as a member of CETMONS, Consortium for Emerging Technologies, Military Operations and National Security, The International Society for Military Ethics, the International Association of Genocide Scholars and CIVIC, Campaign for Innocent Civilians in Conflict.

O'Meara is particularly interested in the development of short and long-term curricula for presentation throughout the world in order to bind various elements of developing nations into strong workable organizations capable of directing resources in constructive ways.

His recent work includes *Governing Military Technologies in the 21st Century, Ethics and Operations* (Palgrave/Macmillan); chapters in *Robot Ethics, The Ethics and Social Implications of Robotics* (MIT Press) and *Routledge Handbook of Ethics and War, Just War Theory in the twenty-first century* (Routledge); and articles *JUS POST BELLUM: Reflections on the Right Way to End a War, Journal on Terrorism and Security Analysis* (Syracuse University) and *International Governance of Autonomous Military Robots, Columbia Science and Technology Law Review* (Columbia University School of Law).

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CONTEMPORARY ISSUES IN INTERNATIONAL LAW
SPRING 2015
26:478:504: 90:19040
ON LINE COURSE

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REQUIRED READING:

Malcolm N. Shaw, *International Law*, Cambridge University Press, 6th ed (2008)

Jack L. Goldsmith, Eric A. Posner, *The Limits of International Law*, Oxford University Press (2005).

Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, University of California Press, ISBN: 9780520256415 (2008).

Michael L. Gross, *Moral Dilemmas of Modern warfare, Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict*, Cambridge University Press, ISBN:978-0-521-68510-8(2009).
Articles and Documents as assigned

SUGGESTED READING LIST:

www.yale.edu/lawweb/avalon/avaln.hm (historical documents)

<http://untreaty.un.org/> (UN treaty site)

www.un.org/indx.lhtml (UN Human Rights)

www.amnesty.org/ (Amnesty International)

www.iccnw.org/ (International Criminal Court)

www.oceanlaw.org/ (Law of the Sea)

<http://unfccc.int/> (UN Framework Convention on Climate Change)

www.icrc.org/ (International Committee of the Red Cross, IHL)

www.imo/home.asp (International Maritime Organization)

Mecheline R. Ishay, ed. *The Human Rights Reader*, London: Routledge (1997)

Scott Barrett, *Environment and Statecraft: The Strategy of Environmental Treaty-Making*. New York: Oxford University Press (2003).

David Kennedy, *The Dark Sides of Virtue*, Princeton: Princeton University Press (2005)

REQUIREMENTS: Students are required to read selected chapters of the assigned texts; research a paper regarding a selected international law issue (20 pages); summarize and respond to assigned articles and documents (10 Assignments/5 pages each) and take a final examination (10 pages). Mastery of the subject will be assessed by a combination of written assignments, research and final examination as follows:

EXAMINATION: 40%

ARTICLE/DOCUMENT SUMMARIES: 30%

ISSUE PAPER: 30%

GOALS: Students will be able to:

- a. Understand the basis of the human project of international law:
- b. Assess and critique contemporary efforts towards the articulation, institutionalization, and enforcement of international laws and norms;
- c. Consider the success and failure of international law efforts in specified areas.
- d. Become knowledgeable regarding international law issues in order to sit for Comprehensive Examinations.

GENERAL NOTES: All students are expected to abide by the University's policy on academic honesty. Cheating and plagiarism are unacceptable and will be punished. Each student is expected to work separately towards the goals listed above.

All written material submitted will be consistent with your status as university scholars. It will not be hand written and it must answer the question asked, contain appropriate footnotes, and otherwise be presented in an organized fashion. Poorly communicated answers will be graded accordingly. CORE principles regarding academic writing provide a minimum standard regarding all submissions. (C=cite to the text/documents; O=organize before you write; R=respond to the questions asked; E=edit all work.). **I expect each Written Assignment to reference the documents which are provided so that I may determine that they have, indeed, been reviewed and considered.** Given the on-line nature of the class, all written work must be submitted on or before the due date using the Blackboard.

GRADING:

A-91-100
B+-88-89
B-84-87
B—80-83
C+-78-79
C-70-77
D-65-69
F-64 and below

CLASS SCHEDULE; ASSIGNMENTS ARE LISTED SEPARATELY

WEEK ONE: (ENDS JAN 25) PERSONAL ASSESSMENT DUE

WEEK TWO: (ENDS FEB 1) WA#1 DUE (WHAT IS THE LAW?)

WEEK THREE: (ENDS FEB 9) WA#2 DUE (INTERNATIONAL LAW GENERALLY)

WEEK FOUR: (ENDS FEB 16)

WEEK FIVE: (ENDS FEB 23) WA#3 DUE (THE SUBJECTS OF INTERNATIONAL LAW)

WEEK SIX: (ENDS MAR 1)

WEEK SEVEN: (ENDS MAR 8) WA#4 DUE; (THE UNITED NATIONS AND OTHER INTERNATIONAL INSTITUTIONS); **OUTLINE FOR RESEARCH PAPER DUE**

WEEK EIGHT: (ENDS MAR 15)

WEEK NINE: (ENDS MAR 22) WA#5 DUE (INTERNATIONAL HUMANITARIAN LAW (IHL) AND THE RESPONSIBILITY OF STATES REGARDING THE USE OF FORCE)

WEEK TEN: (ENDS MAR 29) WA#6 DUE (INTERNATIONAL ENVIRONMENTAL LAW)

WEEK ELEVEN: (ENDS APR 5) WA#7 DUE (THE LAW OF THE SEA)

WEEK TWELVE: (ENDS APR 12) WA#8 DUE; (THE HUMAN RIGHTS REGIME)
RESEARCH PAPER DUE

WEEK THIRTEEN: (ENDS APR 19) WA #9 DUE (STRENGTHS AND WEAKNESSES OF INTERNATIONAL LAW)

WEEK FOURTEEN: (ENDS APR 26) WA#10 DUE (WHEN AND WHY DO STATES FOLLOW INTERNATIONAL LAW?)

WEEK FIFTEEN: (ENDS MAY 4) FINAL EXAMINATION DUE