**UNIVERSITY OF SÃO PAULO**

**FACULTY OF LAW**

**DEPARTMENT OF INTERNATIONAL AND COMPARATIVE LAW**

**Law of International Relations (DIN 0431)**

**Professor:** Alberto do Amaral Jr. – aamaralj@uol.com.br

**Teaching Assistants:** Marcelo Queiroga Lopes Filho – mqueirogafilho@yahoo.com.br

 Wagner Artur de Oliveira Cabral – wacabral@gmail.com

The course will be held in English, on Fridays from 7.20-10am. This course differs from most of the other offerings in the Law School of University of São Paulo not only because it is held in English, but also because it adopts the Socratic Method. The students are strongly encouraged to participate during all classes, since their performance will be assessed continuously during the semester, both from a quantitative and a qualitative perspective.

In the first part of the classes (from 7.20-8.30am), students are expected to discuss relevant case law from different international courts with the teaching assistants. This activity will be supervised by the Professor. In the second part of the classes (8.30-10am), a theoretical discussion regarding the reading assignments will be conducted by the Professor. Both parts of the class will adopt the Socratic Method.

The final grade will be comprised of: 1) Grade 1 – final examination – 50% of the final grade; 2) Grade 2 – written assignment: procedural document (2.500 words) – 20% of the final grade; 3) Grade 3 - participation in class – 30% of the final grade.

1. **Final Examination**

The final examination will be held in June 2016, in a date to be determined by the Department of International and Comparative Law. It consists of a written exam, containing three questions regarding topics discussed in class and/or in the reading assignments. The exams will be evaluated and graded comparatively on a 0-10 scale. There will not be any mid-term examination.

1. **Written Assignment – Procedural Document**

**II.I. Instruction for the written assignment (procedural document):**

1. The procedural document may be written individually or in groups (maximum 3 students), and may be an application for initiating proceedings or a sentence;
2. Length: 2.500 words (maximum);
3. The written assignment is due on April 30th and shall be sent by e-mail to mqueirogafilho@yahoo.com.br and wacabral@gmail.com
4. The procedural document must be persuasive and the product of the work of the author(s) only. Any copy from the internet or any other kind of plagiarism will imply in a grade 0.

**II.II. Criteria for the assessment of the written assignment (paper)**

1. **Formal criteria:** whether the student(s) has / have respected the maximum length of the procedural document (2.500 words) and whether the formal / content requirements have been fulfilled. The format is that of an application for initiating proceedings or a sentence. The format of the text (type of letters, size,..) may be chosen by the student; - 0,3
2. **Linguistic criteria:** whether the student(s) has / have presented a written assignment in accordance with the grammatical rules of the English language, and whether the paper was cohesive, concise and objective; - 0,2
3. **Material criteria:** the depth of the theme, the persuasiveness of the procedural document; - 0,6
4. **Reasoning criteria:** the level of reasoning and arguments presented by the student(s) (factual basis, technical basis, political basis, theoretical basis - jurisprudence and theory of International Relations, and case law, when applicable); - 0,6
5. **Classroom criteria:** whether the arguments raised in the discussions during the classes were used by the student(s) - 0,3
6. **Participation in class**
7. The participation in class will be assessed both from a qualitative and a quantitative point of view. Each criterion will be awarded 50% of the grade 3 – participation in class;
8. The quantitative criterion (1,5) will be calculated proportionally to the participation of the students in class. The maximum grade will be reserved for the top10% of the students with more frequent participation during the classes; this criterion assesses only the number of times that a given student participates in class;
9. The qualitative criterion (1,5) will be calculated in accordance to three aspects with identical weigh (1/3 of the qualitative grade each): a) whether the comments by the students were grounded on the reading assignments of the course (both theory and case law) – 0,5; b) whether the comments by the student were construed in such a way as to provide a personal contribution to the discussed theme – 0,5; c) whether the comments by the student have instigated debate on the theme, or contributed to the interaction with other colleagues, or to the conclusion or organization of the ideas presented – 0,5.
10. All these criteria will be assessed by the teaching assistants at the end of every class and registered for a final grading at the end of the semester.
11. **Schedule and list of reading assignments for the classes**

**Class 1 – February 19th**

Introduction to the course – Law and International Relations

Documentary on Climate Change and discussion with the Teaching Assistants

**Class 2 – February 26th**

International Environmental Law (I)

*Compulsory reading assignment*

VIÑUALES, Jorge E. Main Features of International Environmental Law (Chapter 2), in International Environmental Law, p.23-50.

Presentation of the evaluation requirements by the Teaching Assistants

**Class 3 – March 4th**

International Environmental Law (II)

*Compulsory reading assignment*

VIÑUALES, Jorge E. The Principles of International Environmental Law (Chapter 3), in International Environmental Law, p.51-90.

Trail Smelter Arbitration, available at: http://legal.un.org/riaa/cases/vol\_III/1905-1982.pdf

**Class 4 – March 11th**

International Environmental Law (III)

*Compulsory reading assignment*

VIÑUALES, Jorge E. Implementation: New Approaches (Chapter 9), in International Environmental Law, p.270-294.

WTO. United States. Standards for Reformulated and Conventional Gasoline, available at: https://www.wto.org/english/tratop\_e/envir\_e/edis07\_e.htm

*Recommended reading assignment*

VIÑUALES, Jorge E. Implementation: Traditional Approaches (Chapter 8), in International Environmental Law, p.237-269.

**Class 5 – March 18th**

Sources of International Law

*Compulsory reading assignments:*

BESSON, Samantha. Theorizing the Sources of International Law (Chapter 7), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.163-186.

ICJ. Legality of the threat or use of nuclear weapons, Advisory Opinion, available at: http://www.icj-cij.org/docket/index.php?sum=498&p1=3&p2=4&case=95&p3=5

*Recommended reading assignment:*

LEFKOWITZ, David. The Sources of International Law: Some Philosophical Reflections (Chapter 8), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.163-186.

**Class 6 – April 1st**

Sovereignty

*Compulsory reading assignments*

COHEN, Jean L. Sovereignty in the Context of Globalization: a Constitutional Pluralist Perspective (Chapter 12), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.261-282.

WTO. United States. Import Prohibition of certain shrimp and shrimp products (“shrimp turtle case”), available at: https://www.wto.org/english/tratop\_e/envir\_e/edis08\_e.htm)

WTO. United States. Import Prohibition of certain shrimp and shrimp products. Recourse by Malaysia.

*Recommended reading assignments*

ENDICOTT, Timothy. The Logic of Freedom and Power (Chapter 11), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.245-260.

**Class 7 – April 8th**

International Adjudication

*Compulsory reading assignments*

PAULUS, Andreas. International Adjudication (Chapter 9), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.207-224.

European Court of Human Rights. Lopez Ostra v. Spain, available at: https://www.escr-net.org/docs/i/673084

*Recommended reading assignment*

REGAN, Donald H. International Adjudication: A Response to Paulus – Courts, Custom, Treaties, Regimes, and the WTO (Chapter 10), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.225-244.

**Class 8 – April 15th**

Legitimacy of International Law

*Compulsory reading assignment*

BUCHANAN, Allen. The Legitimacy of International Law (Chapter 3), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.79-96.

WTO. European Communities. Measures prohibiting the importation and marketing of seal products, available at: https://docs.wto.org/dol2fe/Pages/FE\_Search/FE\_S\_S006.aspx?Query=(@Symbol=%20wt/ds400/ab/r\*%20not%20rw\*)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true#

*Recommended reading assignment*

TASIOULAS, John. The Legitimacy of International Law (Chapter 4), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.97-118.

**Class 9 – April 29th**

International Democracy

*Compulsory reading assignments*

CHRISTIANO, Thomas. Democratic Legitimacy and International Institutions (Chapter 5), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.119-138.

Mercosur “ad hoc” arbitral tribunal. Prohibition on the import of remolded wires from Uruguay, available at: http://www.stf.jus.br/arquivo/cms/processoAudienciaPublicaAdpf101/anexo/LaudodoTribunalArbitralAdHocdoMERCOSUL.pdf

*Recommended reading assignment*

PETTIT, Philip. Legitimate International Institutions: A Neo-Republican Perspective (Chapter 6), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.139-162.

**Class 10 – May 6th**

International Responsibility

*Compulsory reading assignment*

CRAWFORD, James; WATKINS, Jeremy. International Responsibility (Chapter 13), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.283-298.

ECJ. Mox Plant, Commission of the European Communities v. Ireland, available at: http://curia.europa.eu/juris/liste.jsf?language=en&num=C-459/03

*Recommended reading assignment*

MURPHY, Liam. International Responsibility (Chapter 14), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.299-320.

**Class 11 – May 13th**

Self-Determination and Minority Rights

*Compulsory reading assignments*

KYMLICKA, Will. Minority Rights in Political Philosophy and International Law (Chapter 18), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.377-396.

NAFTA / ICSID, Metalclad Corp. v. United Mexican States, available at: <http://www.italaw.com/sites/default/files/case-documents/ita0510.pdf>

*Recommended reading assignment*

WALDRON, Jeremy. Two Conceptions of Self-Determination (Chapter 19), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.397-416.

**Class 12 – May 20th**

Humanitarian Intervention

*Compulsory reading assignments*

FRANCK, Thomas M. Humanitarian Intervention (Chapter 26), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.531-548.

ICSID, Santa Elena v. Costa Rica, available at: [http://www.italaw.com/documents/santaelena\_award.pdf](https://exchange.pensomail.com.br/owa/redir.aspx?C=b5ec3a69fa0e4803b5c8cd9ec9d3f178&URL=http%3a%2f%2fwww.italaw.com%2fdocuments%2fsantaelena_award.pdf)

*Recommended reading assignment*

ZOLO, Danilo. Humanitarian Militarism? (Chapter 27), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.549-568.

**Class 13 – June 3rd**

International Economic Law

*Compulsory reading assignments*

POGGE, Thomas. The Role of International Law in Reproducing Massive Poverty (Chapter 20), in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.417-436.

ICSID, TECMED v. Mexico, available at: [http://www.italaw.com/documents/Tecnicas\_001.pdf](https://exchange.pensomail.com.br/owa/redir.aspx?C=b5ec3a69fa0e4803b5c8cd9ec9d3f178&URL=http%3a%2f%2fwww.italaw.com%2fdocuments%2fTecnicas_001.pdf).

*Recommended reading assignment*

HOWSE, Robert; TEITEL, Ruti. Global Justice, Poverty, and the International Economic Order, in in BESSON, Samantha; TASIOULAS, John. The Philosophy of International Law, Oxford, 2010, pp.437-452.

The links provided after the name of each of the cases is for the full content of the decisions. A shorter version of them, with selected excerpts, will be provided at Moodle. All the theoretical reading assignments are already available at Moodle.

A full version of BESSON, Samantha, TASIOULAS, John. The Philosophy of International Law is available at Moodle and online at: <https://iuristebi.files.wordpress.com/2011/07/the-philosophy-of-international-law.pdf>