

DEPARTMENT OF POLITICAL SCIENCE

Military and Non-military sanctions within the UN-System (POLS 5130):

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Office Hours: UW: 1:00-2:00 (But you need to book an appointment 24 hours in advance)

Course Description:

This course will provide an overview of different means to respond to breaches to international peace within the UN system.

The course is divided into 3 parts: The first part will provide a brief introduction to the UN's main objective; principles; composition; and decision-making. This will build the groundwork for discussing the general principle of the "*Prohibition of the Use of Force*" to maintain international peace (part 2) as well as means to respond to breaches to international peace within the UN system (part 3).

Here we will look at different legal issues, including the question of whether '*Use of Force*' necessarily has to be physical in nature and carried out by armed forces as originally defined. Assuming the definition is not open for development, does that mean the financial support of a rebel group in a foreign country or cyber attacks do not qualify as '*Use of Force*' because they lack physical impact? How about actual physical attacks carried out by non-state actors, for instance terrorists?

Can the collective international community, namely UN Member states, react to such breaches to international peace? And if so, by employing which means: military or non-military sanctions? Which UN organ decides and approves such collective security measures?

In this course we will find answers to all of the above mentioned questions and examine case studies, including the financial Embargo in Iran in 1979; the ad-hoc tribunals for the former Yugoslavia in 1991 and Ruanda in 1994; the attack of the World Trade Center in New York on 11 September 2001; the US invasion on Iraq in 2003; or the No-Flight-Zone in Libya 2011, just to name a few.

COURSE ASSESSMENT

Midterm	25%
Exam	30%
Attendance and Participation (including active participation in the case analysis)	10%
3 Quizzes	10%
1 Case Analysis	10%
2 case presentation	15%

Examination:

It is not possible to take an exam at any other time: you must arrange your schedule so that you can participate.

Attendance and participation:

University Attendance policy applies, but if you do not attend, you will not get any participation grades. However, attending does not guarantee any of the 10% allocated for participation. The primary benchmark will be your participation in class. Participation Criteria:

- Digestion of the reading material
- Critical Engagement with the reading material
- Critical Engagement with comments made by the instructor and your colleagues.
- Positive and Respectful Demeanor.

If you do not participate in class, expect to get ZERO in the participation grade.

Pop Quizzes

You will be given three pop quizzes and receive grades for the top two. There are no excuses for missing pop quizzes, (including sickness, car accidents and any other reasons).

Case analysis:

- Each student will be asked to submit two written case analyses.
- The case analysis is due, in both hard and soft copy, before the case presentation designated session. There are no excuses for failing to submit the required number of case analyses (including sickness, car accidents and any other reasons)

Case Presentation:

- Each student will be asked to represent one case throughout the semester.
- You cannot write a case analysis of the case you presented.

Grading Policy

A 93-100	B+ 87-89	C+ 77-79	D+ 63-67	F <50
A- 90-92	B 83-86	C 70-76	D 50-62	
	B- 80-82	C- 67-70		

Behaviour:

Students are expected to abide by the *Student Academic Conduct Code* and assist in creating an environment that is conducive to learning and that protects the rights of all members of the University community. Incivility and disruptive behaviour will not be tolerated, will certainly lead to a low participation grade, if not a fail, and may result in a request to leave class and referral to the Office of Student Affairs for discipline.

Plagiarism/Cheating:

Plagiarism and cheating of any kind will not be tolerated. Any assignment which shows evidence of either will receive an immediate fail. See the University guidelines for more details: <http://www.aucegypt.edu/academics/integrity/Students/Pages/default.aspx>

Primary Textbook:

- Bruno Simma et al., *The Charter of the United Nations: A commentary*, 3rd edition (2012)
- Malcolm N. Shaw, *International Law*, 7th Ed. (Cambridge University Press, 2014)
- Malcolm D. Evans (ed.), *International Law*, 3rd Ed. (Oxford: Oxford University Press, 2010)
- David Harris (ed.), *Cases and Materials on International Law*, 7th Ed. (London: Sweet & Maxwell, 2010)
- Gideon Boas, *Public International Law* (Cheltenham: Edward Elgar, 2012)
-> Book can be found as pdf on google
- Max Planck Encyclopedia of Public International Law (MPEPIL) is an online encyclopedia, to be found at: AUC library website -> Database -> MPEPIL -> enter search word, i.e. "Sources of Public International Law"

Session 1 (11/09/2017): Introduction to the course / Introduction to PIL

- Boas, *Public International Law*, p. 1-45
- Shaw, *International Law*, (pp. 2-30)
- Evans (ed.), *International Law*, Ch.1, 2 (pp. 3-53)

Session 2 (18/09/2017): The UN-System: UN organs: mandate, composition and decision-making

- Shaw, *International Law*, Ch.22, pp. 875-896

Session 3 (25/09/2017): Subjects and Sources of Public International Law

- Sources of PIL:
-> read: Ruediger Wolfrum, *Sources of Public International Law*, 2011, Max Planck Encyclopedia of Public International Law (MPEPIL)
MPEPIL is an online encyclopedia, to be found at: AUC library website -> Database -> MPEPIL -> "Sources of Public International Law"
- Subjects of PIL: Gideon Boas, *Public International Law*, p. 155-176; 207-241

Session 4 (02/10/2017): Principle of Prohibition of Use of Force

- Bruno Simma, *The UN Charter: A Commentary*, 2012, Vol. 1, Article 2 (4), p.200 ff

Session 5 (09/10/2017): Principle of Prohibition of Use of Force: Case study

- David Harris, *Cases and Materials on International Law*, (7th Ed.), p. 721-742
- ICJ, Nicaragua vs. USA

Session 6 (16/10/2017): Exceptions to Prohibition of Use of Force: Right to self-defense

- Bruno Simma, *The UN Charter: A Commentary*, Vol. 2, Article 51

Session 7 (23/10/2017): Exceptions to Prohibition of Use of Force: Right to self-defense: Case study 1

- David Harris, *Cases and Materials on International Law*, p. 746-776
- ICJ, Democratic Republic of Congo vs. Uganda, ICJ Rep. 2005, p. 168

- ICJ, Iran vs. US, Oil Platform – Case
- September 11, 2001 and subsequent military intervention in Afghanistan
- US invasion of Iraq 2002

Session 8 (30/10/2017): Midterm

Session 9 (06/11/2017): Exceptions to Prohibition of Use of Force: Non-military collective measures

- Bruno Simma, *The UN Charter: A Commentary*, Vol. 2, Article 39, 41
- Economic Sanctions / Embargo (Iran)
- Diplomatic Sanctions
- Weapon embargo
- No flight zones
- Ad-hoc criminal tribunals (ICTY, ICTR)

Session 10 (13/11/2017): Exceptions to Prohibition of Use of Force: Case study 1

- SC RES 1973 (2011) on “no flight zones over Libya”

Session 11 (20/11/2017): Exceptions to Prohibition of Use of Force: Military collective measures

- Bruno Simma, *The UN Charter: A Commentary*, Vol. 2, Article 39, 42
- David Harris, *Cases and Materials on International Law*, p. 796-832

Session 12 (27/11/2017): Exceptions to Prohibition of Use of Force Military collective measures: Case study 1

- TBT

Session 13 (04/12/2017): Exceptions to Prohibition of Use of Force: Humanitarian Intervention

- David Harris, *Cases and Materials on International Law*, pp. 777-789

Session 14 (11/12/2017): Exceptions to Prohibition of Use of Force: Responsibility to Protect

- Bruno Simma, *The UN Charter: A Commentary*, Vol. 1, Special section, pp. 1201 ff
- David Harris, *Cases and Materials on International Law*, pp. 787-788

16-21.12.2017 Exam week