

IRAC Assignment PSCI 0237

International Law, Professor Winslett

Four Case Options

1. Human Rights: *Ireland v. United Kingdom* (due Thursday Week 4)
2. Gender: *In re Fauziya Kasinga* (due Thursday Week 5)
3. Trade: *The Banana War* (due Thursday Week 6)
4. Investment: *The Loewen Litigation* (due Thursday Week 7)

Parameters

3-4 pages single-spaced. 12-pt Times New Roman Font. 1-inch margins.

Submit it via email as a PDF and turn in a hard copy on the appropriate due date.

Late penalty: 1 point per day (out of 15).

Instructions

-Explain what the most important legal issues are in the given case. Review the most relevant rules. Analyze the reasoning behind the decision that was made. Discuss the conclusion of the case.

-Do not feel that you must use an 'essay' format with introduction, transitions, etc. In fact, it's probably better if you don't.

-You should not rely solely on what class readings say about these cases. Look them up and read about them to get a full understanding. Don't be lazy.

Grading Rubric

This assignment is graded out of 15 as it is worth 15 percent of the grade in this class.

- Formatting/Attention to Detail (1 point)
 - Did you follow the parameters of the assignment?
 - Was the assignment well written and free of typographical errors?
- Issues (3 points)
 - Were you able to correctly identify significant *legal* issues at stake in the case?
 - Were you able to explain how the case in question connects to those issues?
- Rules (3 points)
 - Did you correctly identify the most important rules and their legal sources with respect to the issues you discussed?
- Analysis (4 points)
 - Did you properly understand the legal argumentation underpinning the decision?
 - Were you able to effectively analyze how the evidence available and other considerations led to the result?
- Conclusion (4 points)
 - Did you properly understand the decision that was made?
 - Did you take a clear position on the conclusion and effectively defend your position?

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HLPPC Legal Analysis Paper

Due November 10th, in class and via email.

Four Case Options

1. Human Rights: *Ireland v. United Kingdom*
2. Gender: *In re Fauziya Kasinga*
3. Trade: *The Banana War*
4. Investment: *The Loewen Litigation*

If you did Ireland or Kasinga for your IRAC paper, you must choose between Banana War and Loewen Litigation for the HLPPC paper.

If you did Banana War or Loewen Litigation for your IRAC paper, you must choose between Ireland and Kasinga for the HLPPC paper.

Parameters

5,000-5,500 words (including citations). Include a word count at the end of your paper.

Double-spaced. 12-pt Times New Roman Font. 1-inch margins.

Submit it via email as a Word document or PDF and turn in a hard copy.

Late penalty: 8 points per day (out of 100).

Use proper legal citations. (NYU Int. Law citations guide- it's linked to in Canvas)

Instructions

Analyze your case of choice using the HLPPC approach (history, language, purpose, precedent, and consequences).

You will need to do outside research to complete this assignment. There is no minimum number of sources or citations but you will definitely need to review the relevant factual background and legal research that applies to your case.

Creativity is always a plus. Think for yourself.

There is no single place anywhere where you will find the "right" answer. There is no one right answer to any of this. Searching and searching for the "right" answer will be futile and frustrating.

Two suggestive hints: 1) you may want to do an informal IRAC exercise for yourself at the outset of this assignment. Understanding the issues and rules being fought over is foundational to working through what is important and what isn't when doing the various parts of HLPPC.

2) you are not required to do this, but may want to use concepts from earlier in class such as OPD, sovereignty, etc. in your analysis.

Grading Rubric

History (15%)

Did you effectively examine the history behind the case?

At minimum, you should highlight and analyze the legally-relevant facts, the political and social context, the motivations of the actors, and the institutional setting of the case at hand.

Language (15%)

Did you sharply and accurately discuss the language of the relevant laws, statutes, and rulings? This section should also delve into debates and disagreements about what the relevant language actually means.

Purpose (15%)

Given that international law is usually softer than domestic law and given that states may have a wide berth to circumvent or ignore the international law in a given area, understanding the purpose of the given jurisprudence and domestically-relevant laws is vital. So what is the purpose of the international laws in a given dispute? Do the states in questions agree with the purpose? Do they have widely divergent understandings of what the purpose of various provisions in the relevant statutes and decisions are? You need to examine these.

Precedent (15%)

What have past cases said about the relevant issues here? How were they applied in this particular case? How might they have been applied differently? In your view, what other cases that were not used as precedents could have been used as precedents here and would that have changed the direction and shape of the decision? Feel free to bring any other aspect of precedent that you contend is relevant to the legal questions in the case.

Consequences (15%)

Analyze and remark on the consequences of the decisions.

Questions that you may want to think about include but are not limited to:

What were the consequences of the decision and were they the intended consequences? How did the narrowness or broadness of the decision play into this? What sort of language or provisions could have been added to the decision that would be legally sound and produce a better outcome?

Evidence (15%)

Your arguments are only as strong as your evidence. Did you provide strong evidence for your arguments in each of the five sections?

Writing/Citation (10%)

- Did you use proper legal citation?
- Was the writing clear, persuasive, and legally precise?
- Did you follow all of the formatting parameters?

PSCI 0237- International Law, Professor Winslett

Take-Home Final Exam

Due via email by noon EST on Friday December 11th.

The late penalty is 6 points per day (out of 100). Lateness will be pro-rated by the half day.

Instructions

-Please put a cover sheet with your name on it as the first page of your exam. Please do not put your name on any other sheet of the exam. I would like to be able to grade these exams blinded. (There will be a three-point penalty for failing to do this)

-Answer 2 of the 3 questions in 1,500-2,000 words each (this word count does not include footnote citations or bibliography). If you need to go 100-200 words over that's fine, but please don't go way over.

-No outside research is necessary. Class readings and notes are sufficient to answer the questions.

-Use the same citation protocol as on the IRAC. Make sure all the info, including pages numbers, are there in the footnotes but I'm not going to get persnickety on formatting.

-This Take-Home Final is open-book and open-note. It is also open-internet if you want though I don't imagine the internet will do you that much good here.

-Working with anyone else on this assignment, or even conversing about the exam with another student before you turn it in, is a violation of the Honor Code and will be treated as grounds for failing the course and for disciplinary action to the fullest extent allowed by Middlebury College. If you have any questions, ask me, not your classmate.

-12 pt Times New Roman font. Single-spaced. 1-inch margins.

Some General Advice

-Be specific.

-Use case material as evidence.

-Make an outline before you start.

-Use headings.

-There is not a specific answer that I am looking for. Creativity is a plus!

Grading Rubric

Each answer is worth 50 points and will be graded according to the following criteria.

Depth of Analysis (30 points)

Use of Evidence (15 points)

Writing/Citation (5 points)

Questions

Question 1: Intellectual Property, Use of Force, and the Global North/Global South Divide

As we discussed in our class, a number of policy areas in international law have a Global North/Global South dimension to them. Two such areas are intellectual property and use of force. Compare and contrast the Global North/Global South divide in these two areas of IL- how are they similar and how are they different? What factors complicate or mitigate this North/South divide in each of these areas? Finally, pretend that you are an international lawyer

hired by the UN: based on your answers to the above questions, what one-two recommendations would you give on how international institutions can foster greater cooperation between the Global North and Global South?

Question 2: Use of Force, Environmental Law, and Sovereignty

Some legal actors and legal scholars argue that states have a responsibility to protect (R2P) civilians from atrocities and that this responsibility to protect justifies and may even necessitate armed intervention. Some legal actors and legal scholars argue that states have a responsibility to protect individuals fleeing the effects of climate change by accepting them as climate change refugees. In what ways do the legal arguments in favor of R2P and humanitarian intervention support the case for climate change refugees becoming a new core concept in international law? In your view, what parts of the legal case for R2P do not or should not apply to climate change or climate change refugees? Finally, sovereignty is at the heart of use of force law, immigration law, and the politics of climate change; if you were international human rights lawyer, how would you try to convince states to accept new rights and obligations in these areas and thereby relax their preoccupation with sovereignty?

Question 3: Intellectual Property, Environmental Law, and Legalization

As we discussed, the extent of legalization is based on three concepts (obligation, precision, and delegation). Compare and contrast the extent of legalization in intellectual property law and international environmental law. How are they similar and how are they different? Assume that you are an environmental lawyer and you would like to increase the extent to which international environmental law is legalized so as to better combat climate change. What are the biggest obstacles in your way and what lessons from intellectual property law would you take in order to overcome these obstacles? Be sure to address all three aspects of legalization.

Good luck!