Course Information

Course Number: INTA 650  
Course Title: Intersection of National Security Law and International Law  
Section: 001  
Time: Wednesdays 6:30pm  
Location: DC Campus  
Credit Hours: 3.0

Instructor Details

Instructor: Andrea Harrison  
Office: Virtual  
Phone: 214-326-6988  
E-Mail: andreajoyharrison361@gmail.com  
Office Hours: By appointment

Instructor: Jonathan Horowitz  
Office: Virtual  
Phone: 917-518-3772  
E-Mail: jthorowitz@gmail.com  
Office Hours: By appointment

Course Description

An introduction to the nature and sources of U.S. national security law and how it intersects with international law including such topics as counterterrorism, use of force, security detention, cyber warfare, new technologies, and sanctions and export controls. In order to expose students to the world of national security, most weeks will include a guest lecture by a practitioner specializing in a specific area of national security or international law.

Course Prerequisites

None.

Special Course Designation

None.

Course Learning Outcomes

Students will be able to recognize the basic principles of national security law and international law and understand how they intersect in the real world. In addition, students will be able to:

• Describe the applicable legal frameworks and specific legal rules of use of force, detention and other key issues;
• Critically assess the development of different rules and competing interests in national security law and international law; and
• Identify the issues and legal rules and apply them to contemporary events.

Textbook and/or Resource Materials


Grading Policy

• The final paper will constitute 100% of the final grade unless the student chooses to provide a first draft, in which case the draft paper will be graded at 25% of the final grade and the final paper will count towards 75% of the final grade.

<table>
<thead>
<tr>
<th>Focus (30%)</th>
<th>Exceptional (A)</th>
<th>Acceptable (B)</th>
<th>Unsatisfactory (C)</th>
<th>Fail (F)</th>
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<tbody>
<tr>
<td>Clear</td>
<td>Paper topic or main idea is clearly stated and establishes a clear, insightful, possibly original point of view. The paper demonstrates a thorough understanding of the context, audience and purpose of the assignment.</td>
<td>Paper topic or main idea is clearly stated and is relevant and consistently linked throughout the paper. The paper completes the task specified by the assignment and includes all of the assignment’s required components.</td>
<td>Paper topic or main idea is present but may be unclear, too narrow or too broad. Parts of the assignment are undeveloped, missing, or not linked to the assignment.</td>
<td>The paper has no clear topic or main idea. Substantive portions of the assignment are undeveloped, missing, or not linked to the assignment.</td>
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<tr>
<td>Topic/Main Idea</td>
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<tr>
<td>Context, Audience and Purpose</td>
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<td>Meets Assignment</td>
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<td>Evidence/ Analysis/ Synthesis (30%)</td>
<td>Paper is supported by high quality and relevant sources, as well as comprehensive research. Reasoning is clear, insightful and compelling with substantiating evidence. Alternative perspectives are comprehensively addressed.</td>
<td>Paper is supported by relevant and appropriate sources and effective research. Reasoning is valid and well-conceived. Minimal/minor errors of fact. Alternative perspectives are partially represented. Conclusions</td>
<td>Paper topic is only partially supported by relevant sources. Quality and quantity of research are superficial. Reasoning lacks sufficient rigor. Contains significant inaccuracies, or misrepresentation of source materials. Limited alternative perspectives.</td>
<td>Paper is not adequately supported; and research is inadequate; minimal use or inclusion of valid sources; evidence and reasoning are weak, inaccurate and/or irrelevant.</td>
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<td>Sources and Reasoning Analysis</td>
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<td>Alternative Perspectives</td>
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<td>Conclusion</td>
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synthesize the main ideas of the paper.  

Minimal analysis reflected in the paper.

| Organization (30%) Logical Flow of Ideas | Paper is inherently logical in structure; reader can easily follow the reasoning from introduction to conclusion. Skillful transitions effortlessly link ideas within and between paragraphs. Consistently strong paragraph construction referencing topic sentences. | Paper flow is mostly continuous; individual sections are coherent. Adequate transitions guide the reader within and between paragraphs. For the most part, paragraph structure is solid throughout. | Logical flow of ideas is interrupted, broken, or non-existent. Writer’s thoughts are difficult to follow throughout; transitions are not used, abrupt, confusing, or unclear. Paragraph structure is nonexistent. Digressions and irrelevancies consistently distract the reader from the reasoning and flow of the paper. |
| Transitions | | | |
| Paragraph Structure | | | |
| Digressions and Irrelevancies | | | |

| Mechanics and Style (10%) Command of English Writing Quality Need for Revision | Displays excellent command of standard written English. Well-crafted sentences throughout. Virtually error free in syntax, grammar, mechanics, word choice, and spelling. | Demonstrates sound command of standard written English. Contains few errors in syntax, grammar, mechanics, word choice, or spelling that might distract the reader. | Demonstrates a rudimentary command of standard written English. Contains many errors in spelling, punctuation, capitalization, sentence structure, and/or word choice that interfere with communication. | Demonstrates minimal command of standard written English. Contains extensive errors in spelling, punctuation, word choice, capitalization and/or sentence structure that hinder and/or severely degrade communication. |
| | | | |

The assignments will be graded with letter grades: A, A/B, B, B/C, C, D, F. Those letter grades will be converted into numerical equivalents for calculation of the final grade on the following 100 point scale: A=95, A/B=90, B=85, B/C= 80, C=75, D=65, F=0. Final grades will be assigned according to the following scale: A=90-100, B=80-89, C=70-79, D=60-69, F=below 60.

Late Work Policy

- Late papers will be accepted but will be deducted 5 points per day after the due date.
Exceptions may be considered on a case-by-case basis in line with Student Rule 7, but these exceptions should be requested well in advance or for unforeseen occurrences, the professors should be made aware as soon as possible.

Course Schedule

<table>
<thead>
<tr>
<th>Activity</th>
<th>Due Date</th>
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<tr>
<td>Paper topic</td>
<td>February 9th</td>
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<tr>
<td>Feedback from professor on topic</td>
<td>February 16th</td>
</tr>
<tr>
<td>Paper outline &amp; schedule time to discuss with professor</td>
<td>(Optional) March 2nd</td>
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<tr>
<td>Draft Paper</td>
<td>(Optional) March 30th</td>
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<tr>
<td>Feedback from professor on drafts (if submitted)</td>
<td>April 6th</td>
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<tr>
<td>Final Paper</td>
<td>May 5th</td>
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CLASS 1. COURSE INTRODUCTION/ FOUNDATIONS OF INTERNATIONAL LAW AND NATIONAL SECURITY LAW (January 19th)

Learning objectives: Understand the sources and frameworks under international law and; understand the sources and mechanisms of U.S. domestic/national security law and be able to assess how these two areas of the law intersect and conflict. Recognize the difference between the jus ad bellum and the jus in bello.

Required Reading:

i) International Law


(Recommended reading)

If you have not previously had an international law course, we would recommend perusing this overview of the international human rights framework and reading any documents with which you are unfamiliar: https://ijrcenter.org/ihr-reading-room/overview-of-the-human-rights-framework/

**Required Reading:**

ii) Domestic/National Security Law


*(Recommended reading)*

NSL: 59-157 (Chapter 4-6 may be useful background reading on separation of powers under U.S. constitutional law)


**CLASS 2. GEOGRAPHICAL, TEMPORAL AND PERSONAL SCOPE OF THE LAW (January 26*)

CASE STUDY: AL NASHIRI AND THE U.S.S. COLE BOMBING

**Learning objectives:** Be able to identify which international and domestic legal frameworks apply to a given situation, and how to identify the territorial, personal, and temporal aspects of the law.

**Required Reading:**

i) Geographical scope: Classification of Conflicts & Extraterritorial Jurisdiction


ii) Temporal Scope: When does a conflict begin and end?

Geneva Convention I, Art. 5; Geneva Convention III, Art. 5; Geneva Convention IV, Art. 6; Additional Protocol I, Art. 3; Additional Protocol II, Art. 2(2)

http://avalon.law.yale.edu/20th_century/warpower.asp


Rule of Law in Armed Conflicts (RULAC), Classification of armed conflicts (read the following tabs: “Overview,” “International armed conflicts,” “non-international armed conflicts.” Optional reading: “Contemporary challenges for classification,”), available at: https://www.rulac.org/classification#collapse3accord

iii) Personal Scope: Combatants, Civilians, Unprivileged Enemy Belligerents and Terrorists

GC I, Art. 13; GC II, Art. 13; GC III, Art. 4; GC IV, Art. 4; AP I, Arts. 43, 44, and 50.


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**CLASS 3. USE OF FORCE & TARGETING** (February 2nd)

**GUEST LECTURE:** TBD

**Learning objectives:** Understand the difference between the various legal frameworks on the use of force by States against other States, non-state actors, and individuals. Understand the basic principles of use of force and targeting rules, including self-defense.

**Required Reading:**

i) Use of Force and Self-Defense (jus ad bellum) and Targeting (jus in bello)

NSL: 240-302 (Ch. 9 War Powers Resolution and Ch. 10 Unilateral Self Defense and Rescue and Ch. 11 Collective Self-Defense)


ICRC, Study on Customary International Humanitarian Law, Rules 1, 6 - 21 (just read the rules), available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul


ii) Use of Force under International Human Rights Law


(Recommended reading)

NSL: 303-317 (Ch. 11 Preemptive Self-Defense)


CLASS 4. DETENTION AND TORTURE: GUANTANAMO AND BEYOND (February 9th)

GUEST LECTURE: CHRIS JENKS, PROFESSOR, SMU DEDMAN SCHOOL OF LAW

Learning objectives: Differentiate between the legal regimes governing detention in peacetime and armed conflict, identify the specific rules on treatment, legal grounds and transfers.

Required Reading:

i) Legal authorities for security/military detention

NSL: 703-757 (Chapter 17: Military Detention)


Detention, How Does Law Protect in War, available at: https://casebook.icrc.org/glossary/detention (read the summary and peruse the outline)

ii) Treatment and Torture

NSL: 759-812 (Ch. 27: Interrogating Terrorist Suspects)

Report of the Senate Select Committee on Intelligence Committee Study of the CIA’s Detention and Interrogation Program, (Dec 2014), Executive Summary (read only) pp. 1-19 as printed on bottom of page - i.e. findings #1-20), available at: https://www.intelligence.senate.gov/sites/default/files/publications/CRPT-113srpt288.pdf

Rule 90 of the ICRC’s Customary IHL Study, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule90

CLASS 5. TERRORISM/COUNTERTERRORISM LEGAL ISSUES (February 16th)

GUEST LECTURE: TBD

Learning objectives: Identify the many legal frameworks criminalizing various aspects of terrorism and regulating counterterrorism operations and identify the legal and political issues arising from such regulations.

Required Reading:

NSL: 465-476 (Ch. 17: Defining Terrorism); 817-844 (Ch. 28: Criminalizing Terrorism and Material Support)


(Recommended Reading)


For reference: See this database of various UN Conventions on Terrorism: https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml

CLASS 6. NEW TECHNOLOGIES & WEAPONS: TREATIES, ARTICLE 36 REVIEWS (February 23rd)

GUEST LECTURE: CHRIS JENKS, PROFESSOR, SMU DEDMAN SCHOOL OF LAW

Learning objectives: Understand how international law and U.S. domestic law regulates new technologies and weapons to be used in warfare or in law enforcement operations, from the research and development phase to deployment.
**Required Reading:**

1. **New Technologies**
   


2. **Weapons Reviews**

   **Art 35, API**

   **Art. 36, Additional Protocol I**


   ICRC Commentary to Art 35, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/1a13044f3bba5b8ec12563fb0066f226/2f157a9c651f8b1dc12563cd0043256c](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/1a13044f3bba5b8ec12563fb0066f226/2f157a9c651f8b1dc12563cd0043256c)


CLASS 7. CYBER WARFARE (March 2nd)

GUEST LECTURE: GARY BROWN, ASSOCIATE DEAN, COLLEGE OF INFORMATION AND CYBERSPACE, NATIONAL DEFENSE UNIVERSITY

Learning objectives: Analyze how the rules of international law and national security law apply in the cyber domain, and how current practice is influencing the development of specialized rules and definitions in cyberspace.

Required Reading:


(Recommended Reading)


CLASS 8. SURVEILLANCE LAW (March 9th)
GUEST LECTURE: TBD

Learning objectives: Understand the basic principles of the right to privacy under international and domestic law, and how surveillance or other forms of data collection is regulated.

Required Reading:

NSL: 337-366 (Ch. 14: Origins and Evolving Limits of Intelligence Operations); 506-552 (Ch. 19: Congressional Authority for National Security Surveillance)


NSL: 640-658 (Ch. 23: Surveillance Abroad)


CLASS 9. ACCOUNTABILITY MECHANISMS (March 23rd)

GUEST LECTURE: TBD

Learning objectives: Understand the sources and mechanisms of accountability and liability under international law and how it intersects with U.S. law and policy.

Required Reading:


*(Recommended reading)*


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*(March 16th – Spring Break)*

**CLASS 10. SANCTIONS AND EXPORT CONTROLS** (March 30th)

GUEST LECTURE: TBD

*Learning objectives:* Understand both the international and U.S. domestic sanctions and export control regimes and recognize how these regimes may conflict with other bodies of law such as the laws of armed conflict or international human rights law.

*Required Reading:*


**CLASS 11. HUMANITARIAN RELIEF AND HUMANITARIAN ACCESS/OBLIGATIONS OF NON-STATE ACTORS UNDER INTERNATIONAL LAW** (April 6th)

GUEST LECTURE: TBD
Learning objectives: Introduce students to the role of non-state actors – including armed actors, civilians or humanitarian organizations – in the delivery of humanitarian aid or medical assistance during armed conflict and other situations of violence and identify how legal obligations may differ between State and non-actors engaged in humanitarian action.

Required Reading:

NSL: 318-335 (Ch. 13 Humanitarian and Peace/Stability Operations)


CLASS 12. REFUGEES, IDPS, MIGRATION (April 13th)

GUEST LECTURE: TBD

Learning objectives: Learn the definitions of different categories of migrants under international law and identify some of the basic principles and rules of U.S. immigration law, particularly as it relates to migratory flows resulting from conflict or climate crises.

Required Reading:

A Primer on Refugee Law: https://www.lawfareblog.com/primer-refugee-law


Syrian Refugees: A Primer on International Legal Obligations https://freedomhouse.org/blog/syrian-refugees-primer-international-legal-obligations
CLASS 13. CLIMATE AND CONFLICT (April 20+)

GUEST LECTURE: TBD

**Learning objectives:** Understand how international law regulates the environment, especially during situations of armed conflict, and critically assess how climate crises may intersect with broader national security concerns.

**Required Reading:**


CLASS 14. HUMAN RIGHTS INVESTIGATIONS (April 27+)

**Learning objectives:** Learning objectives: States are primarily responsible for engaging in investigations into alleged human rights and international humanitarian law violations. In the absence of, or alongside, such investigations, the United Nations, civil society, and others also often engage in fact-finding activities. This class focuses on how these activities are conducted, how they differ from State-led investigations, and how new technologies may be changing how these investigations work.

**Required Reading:**


University Policies

Attendance Policy

The university views class attendance and participation as an individual student responsibility. Students are expected to attend class and to complete all assignments.

Please refer to Student Rule 7 in its entirety for information about excused absences, including definitions, and related documentation and timelines.

Makeup Work Policy

Students will be excused from attending class on the day of a graded activity or when attendance contributes to a student’s grade, for the reasons stated in Student Rule 7, or other reason deemed appropriate by the instructor.

Please refer to Student Rule 7 in its entirety for information about makeup work, including definitions, and related documentation and timelines.

Absences related to Title IX of the Education Amendments of 1972 may necessitate a period of more than 30 days for make-up work, and the timeframe for make-up work should be agreed upon by the student and instructor” (Student Rule 7, Section 7.4.1).

“The instructor is under no obligation to provide an opportunity for the student to make up work missed because of an unexcused absence” (Student Rule 7, Section 7.4.2).

Students who request an excused absence are expected to uphold the Aggie Honor Code and Student Conduct Code. (See Student Rule 24.)

Academic Integrity Statement and Policy

“An Aggie does not lie, cheat or steal, or tolerate those who do.”

“Texas A&M University students are responsible for authenticating all work submitted to an instructor. If asked, students must be able to produce proof that the item submitted is indeed the work of that student. Students must keep appropriate records at all times. The inability to authenticate one’s work,
should the instructor request it, may be sufficient grounds to initiate an academic misconduct case” (Section 20.1.2.3, Student Rule 20).

You can learn more about the Aggie Honor System Office Rules and Procedures, academic integrity, and your rights and responsibilities at aggiehonor.tamu.edu.

Texas A&M at College Station
You can learn more about the Aggie Honor System Office Rules and Procedures, academic integrity, and your rights and responsibilities at aggiehonor.tamu.edu.

Americans with Disabilities Act (ADA) Policy

Texas A&M University is committed to providing equitable access to learning opportunities for all students. If you experience barriers to your education due to a disability or think you may have a disability, please contact the Disability Resources office on your campus (resources listed below). Disabilities may include, but are not limited to attentional, learning, mental health, sensory, physical, or chronic health conditions. All students are encouraged to discuss their disability related needs with Disability Resources and their instructors as soon as possible.

Disability Resources is located in the Student Services Building or at (979) 845-1637 or visit disability.tamu.edu.

Title IX and Statement on Limits to Confidentiality

Texas A&M University is committed to fostering a learning environment that is safe and productive for all. University policies and federal and state laws prohibit gender-based discrimination and sexual harassment, including sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.

With the exception of some medical and mental health providers, all university employees (including full and part-time faculty, staff, paid graduate assistants, student workers, etc.) are Mandatory Reporters and must report to the Title IX Office if the employee experiences, observes, or becomes aware of an incident that meets the following conditions (see University Rule 08.01.01.M1):

- The incident is reasonably believed to be discrimination or harassment.
- The incident is alleged to have been committed by or against a person who, at the time of the incident, was (1) a student enrolled at the University or (2) an employee of the University.

Mandatory Reporters must file a report regardless of how the information comes to their attention – including but not limited to face-to-face conversations, a written class assignment or paper, class discussion, email, text, or social media post. Although Mandatory Reporters must file a report, in most instances, a person who is subjected to the alleged conduct will be able to control how the report is
handled, including whether or not to pursue a formal investigation. The University’s goal is to make sure you are aware of the range of options available to you and to ensure access to the resources you need.

**Texas A&M at College Station**

*Students wishing to discuss concerns in a confidential setting are encouraged to make an appointment with Counseling and Psychological Services (CAPS).*

*Students can learn more about filing a report, accessing supportive resources, and navigating the Title IX investigation and resolution process on the University’s Title IX webpage.*

**Statement on Mental Health and Wellness**

Texas A&M University recognizes that mental health and wellness are critical factors that influence a student’s academic success and overall wellbeing. Students are encouraged to engage in healthy self-care by utilizing available resources and services on your campus

**Texas A&M College Station**

*Students who need someone to talk to can contact Counseling & Psychological Services (CAPS) or call the TAMU Helpline (979-845-2700) from 4:00 p.m. to 8:00 a.m. weekdays and 24 hours on weekends. 24-hour emergency help is also available through the National Suicide Prevention Hotline (800-273-8255) or at suicidepreventionlifeline.org.*