



Course and Examination Fact Sheet: Spring Semester 2019

8,492: Foreign Relations Law in Comparative Perspective

ECTS credits: 4

Overview examination/s

(binding regulations see below)

Decentral - Presentation (individual) (33%)

Decentral - examination paper written at home (individual) (67%)

Attached courses

Timetable -- Language -- Lecturer

[8,492,1.00 Foreign Relations Law in Comparative Perspective](#) -- Englisch -- [Portmann Roland](#)

Course information

Course prerequisites

Interest in foreign affairs issues; basic knowledge of international law and constitutional law (introductory course level is sufficient).

Course content

The future direction of the international legal order has become more uncertain in recent times. To what extent will existing international and domestic legal principles guide foreign policy decisions by the United States, the EU and Switzerland in the next couple of years? This course aims to answer this question about the role of law in foreign affairs. It will start from concrete foreign policy issues facing the United States, the European Union, and Switzerland, and will determine what domestic and international legal principles are applicable to them and how they affect the decision-making process of governments.

The 3-day seminar will be structured in four parts. While parts 1 and 2 will be dealt with during the first day of the seminar, parts 3 and 4 will be the focus for the remaining two days.

1. Selected Current Foreign Policy Issues in the United States and Europe
2. Basic Principles of Foreign Relations Law in the United States, the European Union and Switzerland
 - a. The Character and Sources of International Law
 - b. The Status of International Law in Domestic Law
 - c. The Powers of the Executive Branch in Foreign Affairs
 - d. The Role of the Legislature in Foreign Affairs
 - e. Courts and Foreign Affairs
 - f. Federalism as a Limiting Factor?
3. Foreign Relations Law in Practice: Selected Current Issues
 - a. The Use of Military Force in Syria and Iraq against ISIS: Who is authorized to decide on questions of 'war and peace' and what substantial legal principles are applied?
 - b. The Conclusion and Termination of Treaties: Brexit, the Paris Climate Accord and the Iran Deal
 - c. Economic Sanctions against Individuals: Does human rights law limit the power of the United Nations Security Council and of individual states to enact sanctions?
 - d. The Extraterritorial Application of United States Law: Are there limits to the United States' power to regulate commercial affairs beyond its shores?
 - e. The role of soft law in international relations and its consequences for the domestic legal process



4. Conclusion: The role of law in shaping the foreign affairs powers of governments

Course structure

The course is taught as a 3-day block seminar in the semester break. The room number will be announced in the course directory.

Course literature

Required reading will consist of selected chapters from textbooks as well as from relevant parts of case-law and legal opinions by governments. All required reading will be made available electronically to students via StudyNet. Although students are not required to do the reading before the start of the 3-day seminar, it will be helpful to at least scan through it before the seminar starts.

Additional course information

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Examination information

Examination sub part/s

1. Examination sub part (1/2)

Examination time and form

Decentral - Presentation (individual) (33%)

Remark

Presentation on 1st day of 3-day seminar

Examination-aid rule

Practical examination

No examination-aid rule is necessary for such examination types. The rules and regulations of the University of St. Gallen apply in a subsidiary fashion.

Supplementary aids

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Examination languages

Question language: English

Answer language: English

2. Examination sub part (2/2)

Examination time and form

Decentral - examination paper written at home (individual) (67%)

Remark

10-pages to be submitted by the end of the term

Examination-aid rule

Term papers

- Term papers must be written without anyone else's help and in accordance with the known quotation standards, and they must contain a declaration of authorship.
- The documentation of sources (quotations, bibliography) has to be done throughout and consistently in accordance with the APA or MLA standards. The indications of the sources of information taken over verbatim or in paraphrase (quotations) must be integrated into the text in accordance with the precepts of the applicable quotation standard, while informative and bibliographical notes must be added as footnotes (recommendations and standards can be found, for example, in METZGER, C. (2017), Lern- und Arbeitsstrategien (12th ed., Cornelsen Schweiz).



- For any work written at the HSG, the indication of the page numbers both according to the MLA and the APA standard is never optional.
- Where there are no page numbers in sources, precise references must be provided in a different way: titles of chapters or sections, section numbers, acts, scenes, verses, etc.
- For papers in law, the legal standard is recommended (by way of example, cf. FORSTMOSER, P., OGOREK R. et SCHINDLER B. (2018, Juristisches Arbeiten: Eine Anleitung für Studierende (6. Auflage), Zürich: Schulthess, or the recommendations of the Law School).

Supplementary aids

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Examination languages

Question language: English

Answer language: English

Examination content

Students will give a presentation on the first day of the seminar on one of the basic principles of foreign relations law (e.g. on the powers of the Presidency according to United States law). This will account for 1/3 of their overall grade. The presentation will last for 10-15 minutes and will provide the basis for the subsequent discussion of the principle in class. In addition, students will write a 10-page paper on one particular practical issue of foreign relations law by the end of the term (e.g. on the authority of the European Union to issue economic sanctions against members of the Russian government). This will account for 2/3 of the overall grade.

Examination relevant literature

The literature to be considered for the presentation will be specifically assigned. The literature for the written examination paper consists of the overall reading list and additional sources as appropriate for dealing with the assigned topic.

Please note

We would like to point out to you that this fact sheet has absolute priority over other information such as StudyNet, faculty members' personal databases, information provided in lectures, etc. When will the fact sheets become binding?

- Information about courses and examination time (central/decentral and grading form): from the start of the bidding process on 24 January 2019
- Information about decentral examinations (examination-aid rule, examination content, examination relevant literature): after the 4th semester week on 18 March 2019
- Information about central examinations (examination-aid rule, examination content, examination relevant literature): from the start of the enrolment period for the examinations on 08 April 2019

Please look at the fact sheet once more after these deadlines have expired.