INTERNATIONAL LAW (FALL 2007)

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Syllabus
(As of August 15, 2007)

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WELCOME TO INTERNATIONAL LAW

Today is high time that we studied and even agonized over international law. This survey course will address various issues, aspects and implications of international law and institutions ranging from the Iraqi War to the World Trade Organization. The textbook (TB) for the course is DUNOFF, RATNER & WIPPMAN, INTERNATIONAL LAW: NORMS, ACTORS, PROCESS (2d ed., 2006). You can purchase the textbook at the school bookstore (Concourse level).

Please email me (scho1@kentlaw.edu) if you have any questions.

I look forward to meeting and working with each of you during the semester.

GENERAL INSTRUCTIONS

1. This course produces THREE credit hours.

2. Students are required to READ all class assignments, including any handouts. Students are also required to consult any relevant primary sources (statutes or treaties) which will be provided by the instructor.

3. Students should consult the COURSE WEBSITE regularly for revised/additional reading assignments, various announcements and other helpful information.

4. Students should heed any ADMINISTRATIVE regulations which regard add/drop, pass/fail, exam, etc. The Registrar will assist you with any questions.

5. Final grades will be determined by a combination of two factors: FINAL EXAM (70%) and ATTENDANCE/CLASS PARTICIPATION (30%).

6. If students (will) MISS a class, they may inform the instructor verbally or via email, in advance or later, to avoid any negative effect on grades.

7. Students are strongly encouraged to email or talk to the instructor for any CONCERNS or suggestions regarding the course.

8. There are no pre-scheduled OFFICE HOURS. Students may freely email the instructor to make an appointment at their convenience.

9. This syllabus is current as of AUGUST 15, 2007. There may be some adjustments or changes in the syllabus as the course proceeds, in which case the instructor will distribute revised syllabi.

10. The instructor reserves some space for any prolonged class discussions or other relevant special GUEST LECTURES.
READING ASSIGNMENTS

PART I: THE SYNTAX AND GRAMMAR OF INTERNATIONAL LAW

Class 1: Introduction

TB pp 1-12

Class 2: Evolution of International Law

TB pp 12-32;

Class 3: The Sources of International Law (I): Treaties (I)

Read *Treaties and Other International Agreements: The Role of the United States Senate: A Study* (2001) pp 290-291;

Class 4: The Sources of International Law (II): Treaties (II)

Read the *Vienna Convention on the Law of Treaties*
Read the U.S. government’s official position on the Convention,
http://www.state.gov/s/l/treaty/faqs/70139.htm. (Think why)

Class 5: The Sources of International Law (III): Customs (Customary International Law) and Soft Law

TB pp 74-85, 92-102;
Read the Introduction: International Law Commission,
http://untreaty.un.org/ilc/ilcintro.htm (“Origin and Background” only)

PART II: INTERNATIONAL LAW AND DOMESTIC LAW

Class 6: Overview
Class 7: Making and/or Breaking International Law

TB pp 273-279, 293-305, 404-408, 286-292, 311-312

Class 8: The Charming Betsy Doctrine

Melissa A. Waters, Creeping Monism: The Judicial Trend Toward Interpretive Incorporation of Human Rights Treaties, 107 Colum. L. Rev. 660-68, 679-86 (2007);
Arwel Davies, Connecting or Compartmentalizing the WTO and United States Legal Systems?: The Role of the Charming Betsy Canon, 10 J. INT'L ECON. L. 117-23, 133-49 (2007)

**PART III: STATE RESPONSIBILITY**

Class 9: State Responsibility (I)

*ILC Draft Articles on State Responsibility,*
Arts. 1-27;
Commentaries,
Arts. 2,3, 21, 22

Class 10: State Responsibility (II)

*ILC Draft Articles on State Responsibility,*
Arts. 28-59;
Commentaries,
Arts. 32, 49, 51, 52, 55, 56, 58

**PART IV: UNITED NATIONS**

Class 11: Basic Structure / The Use of Force: The Gulf War I & II
Skim The UN in Brief, http://www.un.org/Overview/brief.html;
Skim The UN Charter http://www.un.org/aboutun/charter/ (Peruse Preamble, Chapters I, VI, VII);
TB pp 879-884, 887-890, 891-892, 897-900, 859-61, 904-915

Class 12: International Court of Justice (ICJ)

The Court at a Glance
http://www.icj-cij.org/icjwww/igeneralinformation/icjgnnot.html;
ICJ Statute
http://www.icj-cij.org/icjwww/ibasicdocuments/ibasictext/ibasicstatute.htm
(Skim Chapters II and III);
The Nicaragua Case
- ICJ 1986 Decision (TB pp 918-924)

PART V: (INTERNATIONAL) HUMAN RIGHTS

Class 13: Overview

History of Human Rights
http://www.universalrights.net/main/histof.htm;
Creation of the Universal Declaration of Human Rights
http://www.universalrights.net/main/creation.htm;
The Universal Declaration of Human Rights
http://www.un.org/Overview/rights.html

Class 14: The Kadic Decision (I)


Class 15: The Kadic Decision (II)

Read the Rest of the Decision.

Class 16: International Criminal Tribunal for the Former Yugoslavia (ICTY)

UN Security Council Resolution 827
http://www1.umn.edu/humanrts/icty/resolution28.html;
ICTY Statute
http://www1.umn.edu/humanrts/icty/statute.html (Skim);
Read Claus Kress, Versailles—Nuremburg—The Hague Germany and
International Criminal Law, 40 INT'L LAW. (2006)

Class 17: International Criminal Court (ICC)

Skim Rome Statute,
Ruth Wedgwood, Address to the Cornell International Law Journal Symposium:
Milosevic & Hussein on Trial, 38 CORNELL INT'L L.J. (2005)

PART VI: JURISDICTION, SOVEREIGN IMMUNITY, AND THE ACT OF STATE
DOCTRINE

Class 18: Various Bases for Jurisdiction


Class 19: Sovereign Immunity

TB pp 415-435
Read 28 U.S.C. §§ 1602-1605

Class 20: The Act of State Doctrine

TB pp 340-353
Also read Underhill v. Hernandez

PART VII: INTERNATIONAL ECONOMIC LAW AND INTERNATIONAL
ORGANIZATIONS

Class 21: Research Guide for International Law and Institutions

A Special Lecture by a Chicago-Kent Law School Librarian
(No Reading Assignment; Attendance Required)
Class 22: World Trade Organization

WTO, WTO In Brief: http://www.wto.org/english/res_e/dol_e/inbr_e.pdf;
WTO: Understanding the WTO (Basics),
http://www.wto.org/english/thewto_e/whatis_e/tif_e/utw_chap1_e.pdf;
WTO: Settling Disputes,
http://www.wto.org/english/thewto_e/whatis_e/tif_e/utw_chap3_e.pdf;
A Handout on GATT Article XXIII, Italian Tractor, and Superfund.

Class 23: International Monetary Fund (IMF) / World Bank (WB)

What is the IMF?
WB: What is the World Bank,
Sisters at 60 (by Kenneth Rogoff)
http://post.economics.harvard.edu/faculty/rogoff/papers/Sisters_at_60.pdf#search='sisters%20at%2060';

Class 24: North American Free Trade Agreement (NAFTA) and the Foreign Investment Law (Chapter 11)

J.H.H. WEILER & S. CHO, THE LAW OF REGIONAL ECONOMIC INTEGRATION IN THE AMERICAN HEMISPHERE, Unit XIV (Investment),
http://www.jeannonnetsprogram.org/nafta/Units/index.html
Read Sections 1-1, 2-2-2-3, 2-2-2-4, 2-2-2-5

Class 25: International Labor Organization (ILO)

ILO History, http://www.ilo.org/public/english/about/history.htm;

PART VIII: INTERNATIONAL ENVIRONMENTAL LAW

Class 26: The Kyoto Protocol
PART IX: WRAP-UP

Class 27: Summary and Prospects