

George Mason University School of Law
International Law
Section 248-001
Timothy J. Feighery
Fall Semester 2009

Overview:

This three-credit course provides an introduction to international law and will explore legal elements underlying relations and obligations among nation states and their rights and responsibilities to each other and to their citizens. This course will examine the major issues of international legal studies such as sources and subjects of international law, problems of international jurisdiction, international claims, international organizations, international dispute settlement, environmental protection, the law of the sea, and the use of force in the international system. Every effort will be made to incorporate into our class work the most current issues of international law as they are developing, and from time-to-time renowned experts in the field will be invited to guest lecture for a portion of our class time on a given evening.

As I am currently employed by the U.S. Department of State, it should be noted that any views expressed in this class will be my own and should not in any way be attributed to the Department of State or the U.S. Government. Finally, please note that due to my travel schedule, the syllabus is subject to change with respect to the order in which certain topics are considered.

Class Attendance and Preparation:

Our class will meet Tuesdays and Thursdays from 8:00 pm to 9:15 pm in Room 329. GMUSL academic regulations require regular and punctual class preparation and attendance for academic credit to be earned. The academic regulations further state:

“If a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent for that session.”

The academic regulations also provide that in cases having merit, substitution of work equivalent to class attendance is permissible at the instructor’s sole discretion and within certain parameters. Regular absences from class will significantly limit the benefits you gain from the course, and will most likely diminish your ability to do well in it.

It is *very important* that students do the assigned readings before coming to class. We will use class sessions to discuss issues that arise from the readings, supplement the readings with different perspectives as well as recent and current developments, and respond to questions you may have. I will rely on you to provide your opinions on the issues we discuss, and

intend to assign responsibility to individuals to brief cases, present materials, etc. in class throughout the semester; bear in mind that this is a late evening class and your active participation will help enhance the learning experience.

Methods of Evaluation:

Exam: The examination will be an open-book exercise and will be 180 minutes in length, and will consist of fairly elaborate fact patterns requiring essay-type responses. Your exam is scheduled for Monday December 7, 2009 at 6:00 pm.

Class Participation: Instructors have discretion to add or subtract not more than five points (or a half-step, e.g. B- to B) to a student's grade for "Classroom Performance". I will not subtract points. All students will benefit from discussion based on adequate preparation, so active participation in class discussions may be awarded.

Contacting Me: I will try to be available after each class for questions and discussion. I can also be contacted via email at tfeigher@gmu.edu or by phone at 202-776-8443. You may leave voice-mail for me at the latter number if I am not available, and I will get back to you.

Course Materials:

- Required Casebook: Damrosch, Henkin, Murphy & Smit, International Law Cases and Materials (5th Edition)
- Required Document Supplement: Damrosch, Henkin, Murphy & Smit, Basic Documents Supplement to International Law (Fifth Edition)
- Additional Materials: Materials relevant to particular classes will be distributed on a regular basis.
- An awareness of current developments in international affairs is an immeasurable asset, and you are strongly encouraged to read on a regular basis at least one newspaper that reviews these matters, such as the *The Economist*, *The New York Times*, the *Wall Street Journal*, the *Financial Times*, the *Washington Times* or the *Washington Post*. Regular perusal of international law blogs, such as <http://opiniojuris.org/>, where there is often vigorous and high-quality debate of contemporary international law issues, is also highly recommended

Assignments:

Following below are the materials from the Casebook I expect us to cover in each class; all chapter and page references are to the Casebook -- materials other than the assigned Casebook are noted specifically. You should read or skim, as appropriate, the relevant pages in the Document Supplement as well. The text of the Casebook will usually refer to them.

What is International Law?

1. August 20 (Th) Overview Lecture: Casebook, Chapter 1, pp. 1-37

Sources of International Law – Customary Law

2. August 25 (T) Chapter 2, pp. 55-99

Cases: *The Paquete Habana*
S.S. Lotus
Legality of the Threat or Use of Nuclear Weapons

3. August 27 (Th) Chapter 2, pp. 100-119

Handout: Chertoff, *The Responsibility to Contain: Protecting Sovereignty Under International Law*, 88 Foreign Affairs 130 (Jan/Feb 2009)

Sources of International Law – The Law of Treaties

4. September 1 (T) Chapter 3, pp. 122-159; 162-170. Supplement; skim Vienna Convention on the Law of Treaties, pp. 43-63.

Cases: *Application of the Genocide Convention (Bosnia v. Serbia & Montenegro)*

5. September 3 (Th) Chapter 3, pp. 184-225

Cases: *Fisheries Jurisdiction (U.K. v. Iceland)*
Gabcikovo-Nagymaros Project (Hungary/Slovakia)

Other Sources of International Law

6. September 8 (T) Chapter 4, pp. 233-279

Cases: *Prosecutor v. Tadic*

Corfu Channel Case (U.K. v. Albania)
Filartiga v. Pena-Irala
Sosa v. Alvarez-Machain

States & State Succession

7. September 10 (Th) Chapter 5, pp. 299-337; 348-359 & 1518-1523
Discuss: Kosovo Declaration of Independence

International & Non-Governmental Organizations

8. September 15 (T) Chapter 6, pp. 403-444
Cases: *Certain Expenses of the United Nations*
Prosecutor v. Tadic

Individuals and Corporations

9. September 17 (Th) Chapter 7, pp. 447-490
Cases: *LeGrand (Germany v. United States)*
Nottebohm Case (Liechtenstein v. Guatemala)
Case No. A/18 (Iran/U.S. Claims Tribunal)

State Responsibility in International Law

10. September 22 (T) Chapter 8, pp. 498-551
Cases: *Convention on Genocide (Bosnia v. Serbia)*
Rainbow Warrior (New Zealand v. France)
Gabcikovo-Nagymaros (Hungary/Slovakia)

International Dispute Settlement

11. September 24 (Th) Chapter 9, pp. 558-582
12. September 29 (T) Chapter 9, pp. 582-637
Cases: *Legality of the Threat or Use of Nuclear Weapons*
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

International Law in National Law

13. October 1 (Th) Chapter 10, pp. 652-690
- Cases: *Sosa v. Alvarez-Machain*
Banco Nacional de Cuba v. Sabbatino
Missouri v. Holland
14. October 6 (T) Chapter 10, pp. 692-754
- Cases: *Breard v. Greene*
Medellin v. Texas
Hamdan v. Rumsfeld
Roper v. Simmons
Kadi v. Council & Commission

Bases of International Jurisdiction

15. October 8 (Th) Chapter 11, pp. 755-794
- Cases: *Al-Skeini v. Secretary of State for Defense*
Blackmer v. United States
- October 13 (T) NO CLASS – MONDAY SCHEDULE
16. October 15 (Th) Chapter 11, pp. 798-836
- Cases: *United States v. Vasquez-Velasco*
United States v. Yousef
United States v. Alvarez Machain

Immunity from Jurisdiction

17. October 20 (T) Chapter 12, pp. 851-891
- Cases: *The Schooner Exchange v. McFaddon*
Austria v. Altmann
18. October 22 (Th) Chapter 12, pp. 893-941
- Cases: *Gates v. Syrian Arab Republic*
First National City Bank v. Banco Para El Comercio Exterior de Cuba

Arrest Warrant Case (Congo v. Belgium)

Human Rights

19. October 27 (T) Chapter 13, pp. 956-998
20. October 29 (Th) Chapter 13, pp. 1013-1049

Cases: *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*

Injuries to Aliens and Foreign Investors

21. November 3 (T) Chapter 14, pp. 1051-1066; 1101-1123

Cases: *Fireman's Fund Insurance v. Mexico*
Tecmed v. Mexico

The Use of Force

22. November 5 (Th) Chapter 15, pp. 1129-1176

Cases: *Naulilaa Incident*
The Caroline Case
Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States)

23. November 10 (T) Chapter 15, pp. 1181-1219
24. November 12 (Th) Chapter 15, pp. 1221-1276
25. November 17 (T) Chapter 15, pp. 11276-1305

International Criminal Law

26. November 19 (Th) Chapter 16, pp. 1306-1308; 1327-1340; 1350-1370

The Law of the Sea

27. November 24 (T) Chapter 17, pp. 1372-1379; 1386-1396; 1401-1419; 1429-1441

November 26 (Th) NO CLASS – THANKSGIVING BREAK

International Environmental Law

28. December 1 (T) Chapter 18, pp. 1486-1514; Course Review

Exam is scheduled for Monday, December 7, 2009 at 6 pm.