

PUBLIC INTERNATIONAL LAW

Texts: Janis & Noyes, *International Law*, 3rd ed, 2006 (= unattributed page numbers below)
Damrosch, Henkin et al, *Basic Documents Supplement*, 5th ed, 2009(= "DOC" below)
Additional materials on TWEN site for this course (= "TWEN" below)

Part I: Classical Framework

1. Introduction

"History" (1-3); "Sources": esp'ly Statute of the ICJ (27-28);
"Treaty Sampler": esp'ly Jews-Romans, Westphalia, Paris, Alaska, K-B (29-55);
American Declaration of Independence (TWEN); Charter of the United Nations (DOC 1)

2. States as Primary Subjects

"Sovereign State" (424-29); "Recognition" (433-461): esp'ly *Tinoco*, *Autoceph*, *Kadic*;
Nottebohm (340); *Barcelona Traction* (350); *Schooner Exchange* (830); "ICRC's Status" (503-06);
"Report on Liechtenstein" (TWEN); "Instructions on the International Red Cross" (TWEN);
The Helena (TWEN); *Rex v. Bottrill* (TWEN); *U.S. (Hilson) v. Germany* (TWEN);
Vienna Convention on Succession of States, Re: Treaties (DOC 923)

3. Claims to Jurisdiction and Limits

"Principles" (767-781), esp'ly *Am Banana*, *Blackmer*, *Alum. Co.*;
"Foreign Sovereign Immunities Act" (839-42), esp'ly *Texas Trading*, *Argentine Republic*;
"Act of State Doctrine" (859-75), esp'ly *Underhill*, *Banco Nacional*, *Kirkpatrick*;
"Lynching in New Orleans (TWEN); *Mexico (Garcia) v. U.S.* (TWEN);
U.S. (Laura B. Janes) v. Mexico (TWEN); *Regina v. Bartle* (TWEN)
Vienna Convention on Diplomatic Relations (DOC 297); Foreign Sovereign Immunities Act (DOC 340)

4. Customary Law and Supplementary Sources

"Customary" (92-126), esp'ly *Paquete Habana*, *Asylum*, *Lotus*, *Texaco*;
"General Principles" (128-137); "Natural Law" (138-150), esp'ly *Smith*, *Prosecutor*, *Michael D*;
U.S. (North Am. Dredging) v. Mexico (TWEN); G.A. Res. on Perm. Sovereignty, 1973 (DOC 167);
G.A. Res. On Friendly Relations Between States (DOC 66)

5. Interpreting Treaties

Law of Treaties (56-91), esp'ly *Reservations*, *Eastern Airlines*, *Bagcikovo*, *Greenland*;
Haitian Refugee Centers v. Sales (TWEN); Vienna Convention on the Law of Treaties (DOC 43)

6. Conditions of International Arbitration

“Arbitration” (263-281), esp’ly *Alabama*, *Dogger Bank*, *Rainbow Warrior*;
“International Court” (282-326), esp’ly *Minquiers, Dip. Staff, W. Sahara*;
U.S. v. Netherlands (Island of Palmas) (TWEN);
Statute of the ICJ (DOC 30); Act on Pacific Settlement of Disputes (DOC 206)

7. The Law of the Sea

High Seas (689-694, esp’ly Grotius; Vessels (694-710), esp’ly *Muscat, Saiga*;
Continental Shelf and EEZ (711-740), esp’ly Truman, *Fisheries Case, La Bretagne*;
Territorial Sea (741-57), esp’ly *Keyn*; Deep Sea Bed (758-61);
Statute of ITLOS (DOC 230); Convention on the Law of the Sea, 1982 (DOC 698);
Agmt Relating to Implementation (DOC 810); Proposed Senate Res. of Ratification (TWEN)

Part II: U.S. Law and International Law

8. The Status of Treaties

“Treaties and the Constitution” (180-203), esp’ly *Foster & Elam, Asakura, Sei Fuji, Whitney, Missouri*;
U.S. v. Guy Capps (TWEN); *NRDC v. EPA* (TWEN); Proposed Bricker Amendment (TWEN);
Senate Resolution of Consent to ICCPR (TWEN); Senate Reservations to Genocide Convention (TWEN);
U.S. Genocide Convention Implementing Act (DOC 266)

9. Executive Initiative

U.S. v. Belmont, (204); *U.S. v. Curtiss-Wright* (208); *Dames & Moore v. Regan* (215);
Johnson v. Eisentrager (TWEN); *Hamdan v. Rumsfeld* (TWEN); *Boumediene v. Bush* (TWEN);
War Powers Resolution (TWEN); North Atlantic Treaty (DOC 523)

10. U.S. Courts and U.S. Foreign Policy

Respublica v. Longchamps (227); *Amerada Hess v. Argentine Republic* (232);
U.S. v. Alvarez-Machain (236); *Filartiga v. Pena-Irala* (17); *Sosa v. Alvarez-Machain* (245);
Crosby v. Nat’l Council (194); *Hartford Fire Insurance v. Cal.* (803);
Saudi Arabia v. Nelson (TWEN); *Medellin v. Texas* (TWEN);
Torture Convention Implementation Act (DOC 268); Torture Victim Protection Act (TWEN)

Part III: New Visions

11. European Governance

Eur. Rts. Law 388-423, esp'ly *Sunday Times, Soering*;
Van Gend en Loo v. Nederlandse Administratie (TWEN); *COSTA v. E.N.E.L* (TWEN);
Inter'l Handelgesellschaft v. Einfuhr (TWEN); *Factortame v. Secretary of State* (TWEN);
Kadi v. Council (TWEN); Eur. Conv. on H.Rts. (DOC 437); EU Charter of Fund. Rts (DOC 450)

12. Alternate Approaches to International Trade: NAFTA and WTO

Shrimp-Turtle (654-66); *Metalclad v. Mexico* (TWEN); *Lowen v. U.S.* (TWEN);
GATT '47 (TWEN); Agreement Establishing WTO (TWEN);
WTO Dispute Settlement Understanding (DOC 240); Convention on Investment Disputes (DOC 217);
NAFTA Dispute Resolution (TWEN); NAFTA Env. Agreement (TWEN); NAFTA Labor Agmt (TWEN)

13. International Human Rights

"Human Rights and the UN" (377-87), esp'ly *Damian Thomas*;
Comments of UN Human Rights Committee (TWEN);
Universal Declaration of H. Rts (DOC 356); Covenant on Econ, Social and Cultural Rights (DOC 360);
Covenant on Civil and Political Rights (DOC 365); Convention Against Torture (DOC 396);
Convention on Rights of the Child (DOC 405); American Convention on H.Rts. (DOC 470)

14. International Environmental Regulation

"State Responsibility" (622-641), esp'ly *Trail Smelter, Nuclear Tests*
"Treaty Regimes" (642-653); "Antarctica" (667-83);
Antarctic Treaty (DOC 850); Rio Declaration (DOC 845);
Vienna Convention for Ozone Layer (DOC 857); Montreal Protocol on Ozone (DOC 862);
Framework Convention on Climate Change (DOC 869); Kyoto Protocol on Climate Change (DOC 884);
Convention on Biological Diversity (DOC 8905); Cartagena Protocol on Biosafety (DOC 915)

15. Norms on Resort to Force

"Traditional Limits" (538-546); "Art. 2(4)" (547-570), esp'ly *Nicaragua* and "National Security Strategy";
"The UN and Kosovo" (590-98); "Invasion of Iraq" (599-609); "Future Challenges" (610-21);
League of Nations (DOC 503); Kellogg-Briand (DOC 512); "Uniting for Peace" Res. (DOC 514);
Definition of Aggression Res. (DOC 517)

16. Enforcing Humanitarian Law

"International Criminal Law" (418-24); "Jus in Bello" (513-537), esp'ly *Hamdi, Tadic*;
Hague Convention on the Laws of War (DOC 524); Geneva Convention on POWs (DOC 530);
Additional Protocol I (DOC 548); Nuremberg Charter (DOC 640); Statute of the ICTY (DOC 644);
Statute of the ICC (DOC 654)