

George Mason University School of Law
International Law
Section 248-001
Timothy J. Feighery
Spring 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 explore 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 221. 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. Active participation in class is strongly encouraged.

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 April 27th 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: Carter, Trimble, and Weiner, International Law (5th Edition)
- Required Document Supplement: Carter, Trimble, and Weiner, International Law – Selected Documents 2007-2008 Edition.
- Required Hornbook: Murphy, Sean D., Principles of International Law
- 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 those matters, such as the *New York Times*, the *Wall Street Journal*, the *Financial Times*, or the *Washington Post*.

Assignments:

Following below are the materials from the course materials I expect us to cover in each class. 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.

Chapter 1 – “What is International Law?”

1. January 8 (Th) Overview Lecture and Discussion of Purposes and Organization of the Course: Casebook, Preface/Fifth Edition; Casebook, Chapter 1, pp. 1-23; Murphy pp. 10-18.
2. January 13 (T) Chapter 1, pp. 64-92.

Chapter 2 – “The Creation of International Norms”

3. January 15 (Th) Casebook, Chapter 2, pp. 93-112; Documentary Supplement; skim Vienna Convention on the Law of Treaties, pp. 49-75.
4. January 20 (T) Casebook, Chapter 2, pp. 113-137 (stop at beginning of Section C).
5. January 22 (Th) Casebook, Chapter 2, pp. 137-156; Chapter 3, pp. 159-170.

Chapter 3 – “International Law in the United States”

6. January 27 (T) Casebook, Chapter 3, pp. 170-194; *Medellín v. Texas*
7. January 29 (Th) Casebook, Chapter 3, pp. 194-224; *Iraq SOFA*
8. January 31 (T) Casebook, Chapter 3, pp. 224-249 (through Notes and Questions).
9. February 3 (Th) Casebook, Chapter 3, pp. 249-284.

Chapter 4 – “International Dispute Resolution”

- 10. February 10 (T) Casebook, Chapter 4, pp. 285-291, pp. 295-335.
- 11. February 12 (Th) Casebook, Chapter 4, pp. 335-339; Regional Courts, pp. 339-350, pp. 353-357; Arbitration, pp. 357-359, pp. 363-375 (but not the problem).
- 12. February 17 (T) Casebook, Chapter 4, pp. 378-419, pp. 424-429, pp. 424-426 (through Note 12); pp. 433-437, Notes & Questions at 438-442 (but not the problem)

Chapter 5 – “States and Other Major International Entities”

- 13. February 19 (Th) Casebook, Chapter 5, pp. 443-468, pp. 473-474, pp. 480-489, pp. 496-502, pp. 509-517.
- 14. February 24 (T) Casebook, Chapter 5, pp. 520-539, pp. 541-550.

Chapter 6 – “Foreign Sovereign Immunity and the Act of State Doctrine”

- 15. February 26 (Th) Casebook, Chapter 6, pp. 559-587 (stop at Section 7)
- 16. March 3 (T) Casebook, Chapter 6, pp. 587-598, pp. 600-615, pp. 620-628 (stop at Section B).
- 17. March 5 (Th) Casebook, Chapter 6, pp. 628-653, Chapter 7, pp. 657-668.
- March 10 (T) No Class – Spring Break
- March 12 (Th) No Class – Spring Break

Chapter 7 – “Allocation of Legal Authority Among States”

- 18. March 17 (T) Casebook, Chapter 7, pp.668-689 (Just 1st three lines), pp. 691-696.
- 19. March 19 (Th) Casebook, Chapter 7, pp. 703-714, pp.721-722 (Notes 3-6), pp. 722-724, pp. 737-751.

Chapter 8 – “State Responsibility: Injuries to Aliens and International Human Rights”

20. March 24 (T) Casebook, Chapter 8, pp. 753-766, pp. 777-785, pp. 793-802.

Chapter 9 – “Law of the Sea”

21. March 26 (Th) Casebook, Chapter 9, pp. 847-854, pp. 857-861, pp. 867-877; pp. 879-882, pp. 916-919.

Chapter 10 – “International Environmental Law”

22. March 31 (T) Casebook, Chapter 10, pp. 923-942, pp. 944-948, 951-954, pp. 963-965 (Notes & Questions 1-3, 5-7, 10)

Chapter 12 – International Criminal Court”

23. April 2 (Th) Casebook, Chapter 12, pp. 1130-1141, pp. 1186-1192, pp. 1195-1205).

Chapter 11 – “Use of Force and Arms Control”

24. April 7 (T) Casebook, Chapter 11, pp. 969-993.
25. April 9 (Th) Casebook, Chapter 11, pp. 993-1009, pp. 1015-1021, pp. 1024-1036.
26. April 14 (T) Casebook, Chapter 11, pp. 1037-1053, pp. 1061-1069.
27. April 16 (Th) Casebook, Chapter 11, pp. 1069-1077, pp. 1098-1107 and Course Review.

Exam will be Tuesday, April 27 at 6:00 pm.