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, international human rights, 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.

As we are currently employed by the U.S. Department of State, it should be noted that any views expressed in this class will be our 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 our travel schedules, 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 from 8:00 pm to 10:40 pm in Room 477 of Founders Hall. Please note that this room may change prior to the start of classes, depending on enrollment; any change will be announced by email.

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.

The syllabus below contains suggested background as well as required reading. It is essential that students do the required readings before coming to class. Background reading assignments are recommended to enhance students’ understanding of key concepts. We will use class sessions to discuss issues that arise from the required readings, supplement the
readings with different perspectives as well as recent and current developments, and respond to questions you may have. We will rely on you to provide your insight on the issues we discuss, and intend to assign responsibility to individuals to discuss 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, 180 minutes in length, and will consist of fairly elaborate fact patterns requiring essay-type responses. Your exam is scheduled for December 15 at 12:00 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”. All students will benefit from discussion based on adequate preparation, so active participation in class discussions may be awarded.

**Contacting Us:** We will try to be available after each class for questions and discussion. We can also be contacted by phone at 202-776-8344 (Ted) or 202-647-1694 (Brian). You may leave voice-mail for either of us at the provided numbers if we are not available, and we will get back to you.

**Course Materials:**


- Additional Materials: Materials relevant to particular classes will be distributed on a regular basis primarily via the course’s TWEN site.

- An awareness of current developments in international affairs is an asset for this class. You are 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*, or the *Washington Post*. We also recommend international law blogs, such as http://opiniojuris.org/ and http://www.ejiltalk.org/.

**Structure of Classes**

Each class section will be divided roughly in half, with a ten-minute break at about 9:15. Many classes will cover two distinct topics, or different aspects of a broader topic.

**Note that this syllabus includes reading assignments through Module III (October 16); a syllabus reflecting assignments for the remaining modules will be distributed in class.**
MODULE I – Sources of International Law

1. August 21  The Nature of International Law

*Suggested Background Reading*

Casebook pp. xix – xxx
Murphy, pp. 1-19

*Required Reading*

Casebook pp. 1-26

**BREAK**

Customary International Law

*Suggested Background Reading*

Murphy, pp. 92-101

*Required Reading*

Casebook pp. 55-90

*Optional Reading: Jurisdictional Immunities of the State (Germany v. Italy: Greece Intervening)* ICJ Judgment of 3 February 2012 (Available on TWEN) ¶¶ 55-78.

2. August 28  The Law of Treaties – Formation and Reservations

*Suggested Background Reading*

Murphy, pp. 77-92

*Required Reading*

*Skim: Vienna Convention on the Law of Treaties (TWEN)*

Casebook Chapter 3, pp. 122-148; 155-159;

The Law of Treaties – Interpretation and Invalidity

Required Reading

Casebook pp. 162-170; 184-218.

3. September 4  General Principles and Subsidiary Sources

Suggested Background Reading

Murphy, pp. 101-104

Required Reading

Casebook pp. 233-265


Review of Sources

Suggested Background Reading

Murphy, pp. 98-101

Required Reading

Casebook pp. 90-104, 108-114

4. September 11  States & Self-Determination

*Suggested Background Reading*

Murphy, pp. 33-47

*Required Reading*

Casebook pp. 299-320; 324-337

*Island of Palmas Arbitration* (TWEN)

*ICJ Kosovo Advisory Opinion (paras. 78-84)* (TWEN)

Skim U.N. Doc. A/63/194 (TWEN)

**BREAK**

Recognition of Governments and State Succession

*Required Reading*

Casebook pp. 348-359; 1518-23; 1531-34

*Tinoco Arbitration 1 U.N.R.I.A.A. 375-82* (TWEN)

Talmon, ASIL Insight on Libya TNC (TWEN)

5. September 18  International & Non-Governmental Organizations

*Suggested Background Reading*

Murphy, pp. 47-72

*Required Reading*

Casebook pp. 403-415; 420-429; 432-436; 439-446

**BREAK**
MODULE III – INTERNATIONAL RESPONSIBILITY AND DISPUTE RESOLUTION


Suggested Background Reading
Murphy, pp. 201-207

Required Reading
Casebook pp. 498-518
Draft Articles on State Responsibility, Articles 1-19; 20-39; 49-54 (TWEN)

BREAK

State Responsibility: Reparations & Circumstances Precluding Wrongfulness

Suggested Background Reading
Murphy, pp. 207-220

Required Reading
Casebook pp. 519-541
Draft Articles on State Responsibility, Articles 20-39; 49-54 (TWEN)
7. October 2  
Institutional Dispute Resolution – The ICJ

_Suggested Background Reading_

Murphy, pp. 140-160

_Required Reading_

Casebook pp. 586 – 96, 598 - 607

ICJ Statute Arts. 36, 41 (TWEN)

*Application of the ICERD* (Georgia v. Russia), Order, 15 Oct. 2008, paras. 1-3; 24 – 29; 33 – 34; 71 – 78; 83 – 86; 104 – 149 (TWEN)

**BREAK**

Institutional Dispute Resolution – The WTO

_Required Reading_

Casebook pp. 644 – 647


8. October 16  
Non-Institutional Dispute Resolution

_Suggested Background Reading_

Murphy, pp. 125-140

_Required Reading_

Casebook pp. 541-544; 544(“D”)-550; 562-569; 572-577; 581-582

Draft Articles on Diplomatic Protection (TWEN)

**BREAK**
Responsibility of International Organizations

Required Reading

Casebook pp. 429 – 432

Case of Al-Jedda v. The United Kingdom (TWEN)
¶¶ 9-15; 55-56; 74-86

Institut de Droit International, 1995 Lisbon Resolution (TWEN)

ILC Draft Articles on the Responsibility of International Organizations (TWEN) – Read Arts. 58-59, 61-33; Skim the rest.

MODULE IV – TRANSNATIONAL ASPECTS & SUBSTANTIVE REGIMES IN INTERNATIONAL LAW

8. October 23
Immunity from Jurisdiction: Foreign Sovereign Immunity

Immunity from Jurisdiction: Head of State & Diplomatic Immunity

9. October 30
International Human Rights Law

Law of the Sea

10. November 6
International Law in Municipal Legal Systems: Municipal Approaches to International Law

International Law in Municipal Legal Systems: International Norms on the Municipal Plane

11. November 13
Use of Force: jus ad bellum

Use of Force: jus in belo and international criminal law

12. November 20
International Economic Law

14. November 27
Review

Exam is scheduled for December 15, 2012 at 12:00 PM