PUBLIC INTERNATIONAL LAW

Additional materials on TWEN site for this course (= “TWEN” below)

Part I: Classical Framework

1. **Introduction**  
“History” (1-3); “Sources” (28-30): esp’ly Statute of the ICJ;  
American Declaration of Independence (TWEN); Charter of the United Nations (DOC 1)

2. **States as Primary Subjects**  
“Sovereign State” (472-81); *U.S. v. Netherlands (Island of Palmas)* (TWEN);  
“Recognition” (482-511): esp’ly Tinoco, *Autoceph*, Kadic; “Self-Determin” (514-529);  
*Nottebohm* (374); *Barcelona Traction* (387); “ICRC’s Status” (556);  
“Report on Liechtenstein” (TWEN); “Instructions on the International Red Cross” (TWEN);  
*The Helena* (TWEN); *Rex v. Bottrill* (TWEN); *U.S. (Hilson) v. Germany* (TWEN); *Reparations* (539)  
Vienna Convention on Succession of States, Re: Treaties (DOC 923)

3. **Claims to Jurisdiction and Their Limits**  
“Principles of Jurdxn” (836-849), esp’ly *Am Banana*, *Blackmer*, *Alum. Co.*;  
“Foreign Sovereign Immunities Act” (908-937), esp’ly *Schooner*, *Texas Trading*, *Arg. Rep.*;  
“Act of State Doctrine” (838-955), esp’ly *Underhill*, *Banco Nacional*, *Kirkpatrick*;  
“Lynching in New Orleans” (TWEN); *Bernstein v. N.V. Nederlandsche* (TWEN)  
*Filartiga v. Pena-Irala* (17); *Regina v. Bartle* (TWEN); *Situation in Congo* (463)  
Vienna Convention on Diplomatic Relations (DOC 297); Foreign Sovereign Immunities Act (DOC 340)

4. **Customary Law and Supplementary Sources**  
“Customary” (97-133), esp’ly *Paquete Habana*, *Asylum*, *Lotus*, *Texaco*;  
“General Principles” (134-144); “Natural Law” (145-157), esp’ly *Smith*, *Furundzija*;  
*U.S. (North Am. Dredging) v. Mexico* (TWEN); G.A. Res. on Perm. Sovereignty (DOC 167);  
G.A. Res. On Friendly Relations Between States (DOC 66)

5. **Interpreting Treaties**  
Law of Treaties (61-96), 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” (290-311), esp’ly Alabama, Dogger Bank, Rainbow Warrior; Mexico (Garcia) v. U.S. (TWEN); U.S. (Laura B. Janes) v. Mexico (TWEN); “International Court” (312-361), esp’ly Minquiers, Dip. Staff, W. Sahara, Wall in Palestine; Nicaragua (620); Statute of ICJ (DOC 30); Pacific Settlement of Disputes (DOC 206)

7. **The Law of the Sea**

High Seas (762-67) esp’ly Grotius; Vessels (768-782), esp’ly Muscat, Saiga; Continental Shelf and EEZ (7784-808), esp’ly Truman, Fisheries Case, La Bretagne; Territorial Sea (809-826), esp’ly Keyn; Deep Sea Bed (827-835); Bluefin Tuna (364) Statute of ITLOS (DOC 230); Convention on the Law of the Sea (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” (188-202), esp’ly Foster & Elam, Asakura, Sei Fuji, Whitney, Missouri; Proposed Bricker Amendment (TWEN); Reid v. Covert (TWEN); NRDC v. EPA (TWEN); Senate Res. of Consent to ICCPR (TWEN); Reservations to Genocide Convention (TWEN); General Comment 24 of UN H.Rts. Com’tee (TWEN); Medellin v. Texas (232)

9. **Executive Initiative**

U.S. v. Belmont (213); U.S. v. Curtiss-Wright (216); U.S. v. Guy Capps (TWEN); Dames & Moore v. Regan (224); Johnson v. Eisentrager (TWEN); Ex Parte Quirin (TWEN); Hamdan v. Rumsfeld (586); Boumediene v. Bush (TWEN); War Powers Resolution (TWEN); Clinton OLC Memo on U.S. Forces/ UN Command (TWEN); Obama OLC Memo on Libyan intervention (TWEN); North Atlantic Treaty (DOC 523)

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

Respública v. Longehamns (259); Charming Betsy (265); U.S. v. Alvarez-Machain (TWEN); Sosa v. Alvarez (271); Crosby v. Nat’l Council (203); Hartford Fire Insurance v. Cal. (880); Saudi Arabia v. Nelson (TWEN); Samantar v. Yosuf (TWEN); Torture Conv. Act (DOC 268); Torture Victim Act (TWEN)
Part III: New Visions

11. Human Rights Law: Is Europe the Model – Or the Exception?
   “International Human Rights Law” (404-427), esp’ly Nuremberg. Damian Thomas
   Eur. Conv. on H.Rts. (DOC 437); EU Charter of Fund. Rts (DOC 450)
   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); Comments of UN H.R.Com. (TWEN);
   American Convention on H.Rts. (DOC 470); Michael Domingues (158)

12. European Union: International Organization or Regional Anomaly?
   Van Gend en Loos v. Nederlandse Administratie (TWEN); COSTA v. E.N.E.L (TWEN);
   Inter’l Handelgesellschaft v. Einfuhr (TWEN); Factortame v. Sec. of State (TWEN);
   Kadi v. Council (TWEN); Treaty of Lisbon (excerpts, TWEN); Charter of Org. of Am States (DOC 74)

13. Alternate Approaches to International Trade: NAFTA and WTO
   GATT ’47 (TWEN); Agreement Establishing WTO (TWEN); WTO Dispute Settlement Understanding
   (DOC 240); Thailand-Cigarettes (TWEN); Shrimp-Turtle (726); Conv. on Investment (DOC 217);
   NAFTA Dispute Resolution (TWEN); NAFTA Env. Agreement (TWEN); NAFTA Labor Agmt (TWEN)
   Metalclad v. Mexico (TWEN); Lowen v. U.S. (TWEN)

   “Int’l Env Law” (689-725), esp’ly Trail Smelter, Nuclear Tests, Ozone
   “Env., Comm’ty, Int’l Law” (559-649); “Antarctica” (740-56);
   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
   “Jus ad Bellum” (598-607); “Art. 2(4)” (596-633), esp’ly Henkin, O’Connell, Nat. Sec. Strategy;
   “The UN and Kosovo” (654-662); “Invasion of Iraq” (663-675); “New Challenges” (676-688);
   League of Nations (DOC 503); Kellogg-Briand (DOC 512); “Uniting for Peace” Res. (DOC 514);
   Definition of Aggression Res. (DOC 517); ICC Amendments on Aggression (TWEN)

16. Enforcing Humanitarian Law
   “International Criminal Law” (459-471); “Jus in Bello” (565-585);
   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)