**PUBLIC INTERNATIONAL LAW**

**Texts:** Janis & Noyes, *International Law*, 4th ed, 2011 (= unattributed page numbers below)  
Additional materials on TWEN site for this course (= “TWEN” below)

**Office Hours:** Wed., 2:00 – 3:30 pm, Hazel Hall Room 320  
By appointment: Tel: (703) 993-8972  Email: jrabkin@gmu.edu

**Aug. 19:** **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)

**Part I: Classical Framework**

**Aug. 21:** **What is a State?**  
“Sovereign State” (472-81); *The Helena* (TWEN); *U. S. v. Netherlands (Island of Palmas)* (TWEN);  
“Report on Liechtenstein” (TWEN); “Instructions on Red Cross” (TWEN); “ICRC’s Status” (556);  
“Recognition” (482-506): esp’ly *Tinoco, Autoceph, Kadic*

**Aug. 26:** **Who Belongs to Which State?**  
*U. S. (Hilson) v. Germany* (TWEN); *Rex v. Bottrill* (TWEN); *Nottebohm* (374); *Reparations* (539);  
*Barcelona Traction* (387); “Self-Determination” (514-529);  
Vienna Convention on Succession of States, Re: Treaties (DOC 923)

**Aug. 28:** **Traditional Jurisdiction, Diplomatic and Judicial**  
“Lynching in New Orleans” (TWEN); Webster, “Reply to Austrian Foreign Minister” (TWEN)  
“Act of State Doctrine” (938-955), esp’ly *Underhill, Banco Nacional, Kirkpatrick*;

**Sept. 4:** **Jurisdiction at the Margins**  
*Charming Betsy* (265); *Lauritzen* (867); *Bernstein v. N.V. Nederlandsche* (TWEN); *Filartiga* (17);  
*Regina v. Bartle* (TWEN); *Sosa v. Alvarez* (271); *Congo v. Belgium* (TWEN);  
For. Sov. Imm. Act (DOC 340); Vienna Convention on Diplomatic Relations (DOC 297)
Sept. 9: Customary Law and Supplementary Sources
“Customary” (97-133): esp’ly Paquete Habana, Asylum, Lotus, Texaco;
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)

Sept. 11: 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)

Sept. 16: 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);

Sept. 18: The International Court of Justice
“International Court” (312-340): esp’ly Minquiers, Diplomatic Staff; Nicaragua (620);
“Advisory Opinions” (344-360): esp’ly Wall in Palestine;
Statute of ICJ (DOC 30); Pacific Settlement of Disputes (DOC 206)

Sept. 23: Traditional Law of the Sea
High Seas (761-67): esp’ly Grotius; Vessels (768-782), esp’ly Muscat, Saiga;
Territorial Sea (809-826): esp’ly Keyn

Sept. 25: Modern Extensions – UNCLOS and Elsewhere
Continental Shelf and EEZ (784-808): esp’ly Truman, Fisheries, La Bretagne;
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

Sept. 30: The Status of Treaties
“Treaties and the Constitution” (188-202, 211-12): esp’ly Foster, Asakura, Sei Fuji, Missouri, Whitney;
Proposed Bricker Amendment (TWEN); Reid v. Covert (TWEN); U.S. v. Bond (TWEN);
Senate Res. of Consent to ICCPR (TWEN); Reservations to Genocide Convention (TWEN)

Oct 2: Commitments without Senate Ratification
U.S. v. Curtiss-Wright (216); U.S. v. Belmont (213); U.S. v. Guy Capps (TWEN);
Dames & Moore v. Regan (224); NRDC v. EPA (TWEN); Medellin v. Texas (232)
General Comment 24 of UN H.Rts. Com’tee (TWEN)
Oct 7: **Executive Initiative and Judicial Control**

*Johnson v. Eisentrager* (TWEN); *Ex Parte Quirin* (TWEN); *Hamdan v. Rumsfeld* (586);
*Boumediene v. Bush* (TWEN); *Zivotofsky v. Sec. of State* (TWEN);
War Powers Res. (TWEN); OLC on UN Command (TWEN); OLC on Libyan Intervention (TWEN);
North Atlantic Treaty (DOC 523 and TWEN)

Oct 9: **U.S. Courts and U.S. Foreign Policy**

*Respublica v. Longchamps* (259); *U.S. v. Alvarez-Machain* (TWEN); *Crosby v. Nat’l Council* (203);
*Hartford Fire Insurance v. Cal.* (880); *Morrison v. Nat’l. Australia Bank* (TWEN);
*Saudi Arabia v. Nelson* (TWEN); *Kiobel v. Royal Dutch Shell* (TWEN); Torture Conv. Act (DOC 268);
Torture Victim Act (TWEN)

**Part III: Global Domestic Policy?**

Oct. 16: **European Union**

“Individuals as Subjects” (400-404); *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)

Oct. 21: **European Human Rights Law**

“Municipal Law” and “Nuremberg” (404-414); Eur. Rts. Law (428-458): esp’ly *Sunday Times, Soering; Al Skeini v. U.K.* (TWEN); *McCann v. U.K.* (3); European Convention on Human Rights (DOC 437);
EU Charter of Fund. Rights (DOC 450)

Oct. 23: **Human Rights Protection Beyond Europe**

“H.Rts and UN” (415-427); Universal Declaration of Human Rights (DOC 356);
Cov. on Civil and Political Rights (DOC 365); Cov. on Econ, Social and Cultural Rights (DOC 360);
Convention Against Torture (DOC 396); Convention on Rights of the Child (DOC 405);
Comments of UN H.Rts. Council (TWEN)

Oct. 28: **Regional Authority in the Americas**

Charter of Org. of Am States (DOC 74); American Convention on H.Rts. (DOC 470);
“Resolution on Cuba” (TWEN); *Michael Domingues* (158); “Respon. For Laws in Violation of the Convention” (TWEN); *Valasquez Rodriguez* (TWEN)

Oct. 30: **International Trade: From GAAT to WTO**

GATT ‘47 (TWEN); Agreement Establishing WTO (TWEN); WTO Dispute Settlement Understanding (DOC 240); *Thailand-Cigarettes* (TWEN); *U.S.-Mexico (Stainless Steel)* (TWEN); *Shrimp-Turtle* (726);
Conv. on Investment (DOC 217)
Nov. 4: **NAFTA**
NAFTA Dispute Resolution (TWEN); NAFTA Env. Agreement (TWEN); NAFTA Labor Agmt (TWEN)
*Metalclad v. Mexico* (TWEN); *Lowen v. U.S.* (TWEN)

Nov. 6: **Aspirations toward Global Environmental Regulation**
“Int’l Env Law” (689-725), esp’ly *Trail Smelter, Nuclear Tests, Ozone*
“Env., Comm’ty, Int’l Law” (559-564); “Antarctica” (740-756);
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); Cartegena Protocol on Biosafety (DOC 915)

Part IV: Law and Force

Nov. 11: **Norms on Resort to Force – Traditional Views**
“Jus ad Bellum” (598-607); Pre-World War I Commentary (TWEN);
League of Nations (DOC 503); Kellogg-Briand (DOC 512); Letter from Sec. Kellogg (TWEN)

Nov. 13: **Resort to Force Under the UN System**
“Art. 2(4)” (598-633), esp’ly Henkin, O’Connell, Nat. Sec. Strategy;
“The UN and Kosovo” (654-662); “Invasion of Iraq” (663-675); “New Challenges” (676-688)
“Uniting for Peace” Res. (DOC 514); Definition of Aggression Res. (DOC 517);
ICC Amendments on Aggression (TWEN)

Nov. 18: **Laws of War**
“Jus in Bello” (565-585); Law of Reprisal (TWEN);
Hague Convention on the Laws of War (DOC 524); Geneva Convention on POWs (DOC 530);
Additional Protocol I (DOC 548);

Nov. 12: **International Criminal Law**
“International Criminal Law” (459-471); Nuremberg Charter (DOC 640); Statute of ICTY (DOC 644);
Statute of Int’l Criminal Court (DOC 654); Recent Cases (TWEN)

Nov. 21: **Review and Conclusion**