PUBLIC INTERNATIONAL LAW

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

Office Hours: Tues., 2:00 – 3:30 pm, Hazel Hall Room 320
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Aug. 20: Introduction
“Definitions” (TWEN); “History” (1-3); “Sources” (29);
American Declaration of Independence (TWEN); Charter of the United Nations (DOC 1 - browse)

Part I: Classical Framework

Aug. 25: What is a State?
“Sovereign State” (551-556); “Recognition” (556-67, 577-97): esp’ly Tinoco, Greek Orth Church
The Helena (TWEN); U.S. v. Netherlands (Island of Palmas) (TWEN);
“Report on Liechtenstein” (TWEN); “Instructions on Red Cross” (TWEN); “ICRC’s Status” (650-53);

Aug 27: Who Belongs to Which State?
U.S. (Hilson) v. Germany (TWEN); Rex v. Bottrill (TWEN); Nottebohm (441-452);
Reparations (631-641); Barcelona Traction (457-71);
“Self-Determination” (600-02, 614-20): esp’ly Kosovo
European Convention on Nationality (DOC 143)

Sept. 1: Traditional Jurisdiction, Diplomatic and Judicial
“Lynching in New Orleans” (TWEN); Webster, “Reply to Austrian Foreign Minister” (TWEN)
Vienna Convention on Diplomatic Relations (DOC 297)

Sept. 3: Exceptions to Jurisdiction of Domestic Courts
“Foreign Sovereign Immunity” (1019-49), esp’ly Schooner, Texas Trading, Arg. Rep.;
“Act of State Doctrine” (1053-71), esp’ly Underhill, Banco Nacional, Kirkpatrick;
Convention on Jurisdictional Immunities (DOC 368)
Sept. 8: **Jurisdiction at the Margins**

* Lauritzen (943-950); Bernstein v. N.V. Nederlandsche (TWEN); Filartiga (18-25); Regina v. Bartle (TWEN); Sosa v. Alvarez (297310); Congo v. Belgium (TWEN);
* Foreign Sovereign Immunity Act (DOC 378); Conv. For Safety of Civil Aviation (DOC 301); Conv. For Suppressing Financing of Terrorism (DOC 306); Extradition US-UK (DOC 319)

Sept. 10: **Customary Law and Supplementary Sources**

“Customary” (107-49): esp’ly Paquete Habana, Asylum, Lotus, Texaco;
“Natural Law” (160-69): esp’ly Smith, Furundzija; U.S. (North Am. Dredging) v. Mexico (TWEN);
* G.A. Res. on Perm. Sovereignty (DOC 190)

Sept. 15: **Interpreting Treaties**

Law of Treaties (65-87; 96-105): esp’ly Reservations, Eastern Airlines, Greenland;
* Haitian Refugee Centers v. Sales (TWEN); Vienna Convention on the Law of Treaties (DOC 47)

Sept. 17: **Conditions of International Arbitration**

“Arbitration” (331-59): esp’ly Alabama, Dogger Bank, Rainbow Warrior;
* Mexico (Garcia) v. U.S. (TWEN); U.S. (Laura B. Janes) v. Mexico (TWEN);

Sept. 22: **The International Court of Justice**

“International Court” (359-94): esp’ly Minquiers, Diplomatic Staff
“Advisory Opinions” (403-22): esp’ly Wall in Palestine;
* Statute of ICJ (DOC 33)

Sept. 24: **Traditional Law of the Sea**

Murray v. Schooner Charming Betsy (290-95)
* High Seas (814-20): esp’ly Grotius; Vessels (821-46), esp’ly Muscat, Saiga; Dire
* Territorial Sea (872-92): esp’ly Keyn

Sept. 29: **Modern Extensions – UNCLOS and Elsewhere**

Continental Shelf and EEZ (846-72): esp’ly Truman, Fisheries
* Deep Sea Bed (892-908);
* Statute of ITLOS (DOC 258); Convention on the Law of the Sea (DOC 989)
* Agmt Relating to Implementation (DOC 910); Proposed Senate Res. of Ratification (TWEN)

Part II: **U.S. Law and International Law**

Oct. 1: **The Status of Treaties**

“Treaties and the Constitution” (211-235): esp’ly Foster, Asakura, Sei Fuji, Missouri, Whitney;
“PLO Case” (296); Proposed Bricker Amendment (TWEN); Reid v. Covert (TWEN);
* U.S. v. Bond (TWEN); Senate Res. of Consent to ICCPR (TWEN); Sen. Res. Gen. Conv (TWEN)
Oct. 6: **Commitments without Senate Ratification**
*U.S. v. Curtiss-Wright (239-46); U.S. v. Belmont (235-39); U.S. v. Guy Capps (TWEN); Dames & Moore v. Regan (246-55); NRDC v. EPA (TWEN); Hague Convention XIII: Duties of Neutral Powers in Naval War (TWEN); FDR Proclamation Of U.S. Neutrality (TWEN); Hull-Lothian (54-65); War Powers Res. (TWEN); OLC on UN Command (TWEN); OLC on Libyan Intervention (TWEN); North Atlantic Treaty (DOC 579 and TWEN)*

Oct. 8: **Executive Initiative and Judicial Control**
*Johnson v. Eisentrager (TWEN); Ex Parte Quirin (TWEN); Boumediene v. Bush (TWEN); Zivotofsky v. Sec. of State (TWEN); Medellin v. Texas (255-84);* General Comment 24 of UN H.Rts. Com’tee (TWEN)

Oct. 15: **U.S. Courts and U.S. Foreign Policy**
*U.S. v. Alvarez-Machain (TWEN); Hartford Fire Insurance v. Cal. (957); Morrison v. Nat’l. Australia Bank (TWEN); Saudi Arabia v. Nelson (TWEN); Kiobel v. Royal Dutch Shell (315-30);* Torture Conv. Implementation Act (DOC 299); Torture Victim Act (TWEN); Gen. Conv. Act (DOC 297)

**Part III: Global Domestic Policy?**

Oct. 20: **European Union**
*“Individuals as Subjects” (471-75); 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. 22: **European Human Rights Law**
*“Eur. Rts. Law (501-33); esp’ly Sunday Times, Soering; Al Skeini v. U.K. (TWEN); McCann v. U.K. (3-18); European Convention on Human Rights (DOC 484); EU Charter of Fund. Rights (DOC 498)*

Oct. 27: **Human Rights Protection Beyond Europe**
*“H.Rts and UN” (487-500); Universal Declaration of Human Rights (DOC 395); Cov. on Civil and Political Rights (DOC 399); Optional Protocol I (DOC 412); Conv. on Econ, Social and Cultural Rights (DOC 417); Conv. Against Torture (DOC 440); Conv. on Rts of the Child (DOC 450); Comments of UN H.Rts. Council (TWEN)*

Oct. 29: **Regional Authority in the Americas**
*Charter of Org. of Am States (DOC 83); American Convention on H.Rts. (DOC 520); “Resolution on Cuba” (TWEN); Michael Dominguez (174-76); “Respon. For Laws in Violation of the Convention” (TWEN); Valasquez Rodriguez (TWEN)*
Nov. 3: **International Trade: From GAAT to WTO**
GATT ’47 (TWEN); Agreement Establishing WTO (TWEN); WTO Dispute Settlement (DOC 269);
*Thailand-Cigarettes* (TWEN); *U.S.-Mexico (Stainless Steel)* (TWEN);
*Shrimp-Turtle* (423-36); Conv. on Settlement of Investment Disputes (DOC 244)

Nov. 5: **NAFTA**
NAFTA Dispute Resolution (TWEN); NAFTA Env. Agreement (TWEN); NAFTA Labor Agmt (TWEN)
*Metalclad v. Mexico* (TWEN); *Lowen v. U.S.* (TWEN)

Nov. 10: **Aspirations toward Global Environmental Regulation**
*Trail Smelter* (TWEN); *Nuclear Tests* (TWEN); “Antarctica” (663-83); “Ozone” (683-700)
Antarctic Treaty (DOC 959); Rio Declaration (DOC 949);
Vienna Convention on Ozone Layer (DOC 962); Montreal Protocol on Ozone (DOC 968);
Framework Convention on Climate Change (DOC 975); Kyoto Protocol on Climate Change (DOC 992);
Convention on Biological Diversity (DOC 1015); Cartegena Protocol on Biosafety (DOC 1026)

Part IV: **Law and Force**

Nov. 12: **Norms on Resort to Force – Traditional Views**
“Jus ad Bellum” (731-41): esp’ly *Nauillaa, Caroline*; Pre-World War I Commentary (TWEN);
League of Nations (DOC 557); Kellogg-Briand (DOC 567); Letter from Sec. Kellogg (TWEN)

Nov. 17: **Resort to Force Under the UN System**
“Art. 2(4)” (741-47; 751-64), esp’ly Henkin, Reisman; “Iraq” (764-83); Res. On Libya (TWEN);
“Terrorism” (785-801); “Humanitarian Interv” (801-12); UNGA Res on Aggression (DOC 572);
UNSC Res on WMD (DOC 716); Kampala Amendments on Aggression (DOC 779);
GA Res Ukraine (TWEN)

Nov. 19: **Laws of War**
“Jus in Bello” (701-31); Law of Reprisal (TWEN);
Hague Convention on the Laws of War (DOC 581); Protocol on Poisonous Gases (DOC 664);
Geneva Convention on POWs (DOC 588); Additional Protocol I (DOC 624); Treaty on Non-Proliferation
of Nuclear Weapons (DOC 634); ICJ Advisory Opinion on Nuclear Weapons (TWEN)

Nov. 24: **International Criminal Law**
“International Criminal Law” (534-49); Nuremberg Charter (DOC 640); Statute of ICTY (DOC 644);
Statute of Int’l Criminal Court (DOC 735)

Dec. 1: **Review and Conclusion**