Georgetown University Law Center  
As of 8.21.16  
Fall 2016  

**INTRODUCTION TO INTERNATIONAL LAW**  
LAW J/G 235-08  
(3 credit hours)  

Profs. David P. Stewart and Jessica R. Simonoff  
Wednesday 5:45 p.m. – 8:45 p.m.  
McDonough 201  

This course provides a broad introduction to the nature, sources and operation of international law. The aim is to provide you with a solid understanding of the basic principles, instruments and institutions of “public international law,” both as a framework for further study and for dealing with the international legal issues you are likely to encounter in practice.  

Accordingly, we will survey the law governing treaties and other international agreements, the nature and content of customary international law, the recognition of states and governments, the role and operation of international and regional organizations such as the United Nations and the OAS, issues of state responsibility, international human rights, the law of the sea and outer space, international dispute resolution mechanisms (including the role of the International Court of Justice and other courts and tribunals), and international peacekeeping and principles governing the use of force (including in the context of counter-terrorism efforts).  

We will also spend some time on the role international law plays in the U.S. legal system as reflected, for example, in concepts of (and restrictions on) civil and criminal jurisdiction, diplomatic and foreign sovereign immunity, and enforcement of foreign judgments.  

Almost certainly, developments at the international level during the semester will present us the opportunity to discuss “hot topics” as they arise during the course of the semester. For example, we’ll certainly discuss issues related to the use of force in the Middle East, the on-going refugee crisis, and the recent arbitration award regarding the South China Sea. Depending on your particular interests, we may also be able to address a few other areas, for example, cyber-crimes, trafficking in drugs and persons, international rules regarding corruption, UN actions and sanctions, etc.  

The course is appropriate for J.D. and graduate students, including beginners (i.e., those who have never studied international law) as well as those who have some prior exposure and experience. We welcome students who received their initial legal training in foreign law schools.  

**Textbook**  

We will be using the 6th edition of *International Law: Cases and Materials* by Lori Fisler Damrosch and Sean D. Murphy (West Academic 2014). The assigned readings are from this book. The document supplement for the 6th edition is optional but recommended since we do expect you to become familiar with a number of primary documents contained in the supplement. In addition, we will post a number of additional documents, judicial decisions and supplemental readings on Canvas.
For a relatively easy-to-read overview of the field, you may also find it useful to refer to (i) Buergenthal and Murphy, *Public International Law in a Nutshell* (5th ed. 2013), (ii) Murphy, *Principles of International Law* (2nd ed. 2012), or (iii) Bederman, *International Law Frameworks* (3rd ed. 2010) – all readily available at the bookstore or online.

**Examination**

We will offer two examinations in this course: a midterm and a final examination. Both will be comprehensive three-hour, entirely open-book tests. The midterm will cover all of the material in the course to date; it will be a take-home examination. The final examination will cover the entire course on the basis of hypothetical and essay-type questions. It is scheduled to be held on Tuesday, December 6 at 6 p.m.

**Reading Assignments**

The schedule of topics and readings is attached. Our intent is to keep to this schedule as closely as possible, although travel and other commitments will require some adjustments. The readings are in the neighborhood of 30-40 pages per class hour, meaning approximately 70-90 pages of reading each week. Do not overlook the assigned documentary and other readings in the Document Supplement and on Canvas (“Supp”), because they are important materials in this field and because you should use this semester to become familiar with these basic international law instruments. Again, some supplemental materials will be assigned as the course progresses. Please note the assignment to be completed for the first class.

**Participation**

Our expectations are simple: Be present, be prepared, and be a participant. Attendance is required. Do the readings. Every class member should be prepared for each session. Active class participation is strongly encouraged. Discussions and presentations will assume your familiarity with the assigned readings; you will benefit only if you have done them thoughtfully. Your active participation in, and positive contributions to, class discussions may be taken into account in the final course grade, but only to your benefit.

**Canvas**

We will be using Canvas for communication, discussion, assignment and document distribution. Once registered for the course, you should have access to the Canvas site.
CLASSES AND READING ASSIGNMENTS
(* = available in document supplement and/or internet  += on Canvas)

1. Aug. 31 Wed Introduction; Nature and Sources of International Law

Reading:  
(1) Historical Introduction, pp. xvii-xxix (skim); Ch. 1, pp.1-24  
(2) Ch. 1, pp. 24-40  

Supp:  
* UN Charter pp. 1-26 (esp. arts. 1-8, 33-51, 92-96, 102-103)  
* UN Decl. on Principles of Friendly Relations (1970), pp. 73-81  
+ Joint Declaration (Russia and China) on Principles of Int’l Law (July 2016) (Canvas)  

Task:  
+ In ASIL Booklet “100 Ways” (2011), which three entries surprised you most? (Canvas or https://www.asil.org/education/100-ways)

2. Sept. 7 Wed Sources and Evidence (I): CIL and General Principles

Reading:  
(1) Ch. 2, pp. 57-84, 88-91  
(2) Ch. 2, pp. 95-97, 98-105, 111-115; Ch. 4, pp. 217-228, 238-243  

Supp:  

Task:  
N/A


Reading:  
(1) Ch. 3, pp. 117-157  
(2) Ch. 3, pp. 161-169, 204-210  

Supp:  
* VCLT, pp. 47-69, arts. 1-18, 26-27, 31-33, 46-64  
+ Glossary of Treaty Terms  

Task:  
Go to https://treaties.un.org and determine (i) how many states are currently party to the UN Convention on Disabled Persons and (ii) which states have signed but not yet ratified?

4. Sept. 21 Wed Subjects of International Law (I): States

Reading:  
(1) Ch. 5, pp. 281-294, 303-312, 332-347  
(2) Ch. 5, pp. 351-353, 359-377, 382-385  

Supp:  
+ Lists of States, Emergent States, etc.  

Task:  
TBD

5. Sept. 28 Wed Subjects (II): IGO’s & NGO’s, Corporations and Individuals

Reading:  
(1) Ch. 6, pp. 387-405, 413-432  
(2) Ch. 7, pp. 433-441, 443-454, 468-469, 477-484  

Supp:  
+ List of Int’l Organizations,  
+ EU and OAS Member States  
+ Inter-American Democratic Charter  

Task:  
https://www.theguardian.com/world/2016/jun/01/haiti-cholera-epidemic-united-nations-letter
6. **Oct. 5** Wed  State Responsibility and Dispute Settlement  

**Reading:**  
(1) Ch. 8, pp. 485-504, 514-529  
(2) Ch. 9, pp. 531-571, 595-601, 609-615  

**Supp:**  
* ICJ Statute, pp. 33-46  
* ILC Arts. on State Responsibility, pp. 177-199  

**Task:**  
What is the next scheduled event in the contentious proceeding before the ICJ between Somalia and Kenya regarding their dispute over the Maritime Delimitation in the Indian Ocean?  

7. **Oct. 12** Wed  Use of Force, International Humanitarian Law  

**Reading:**  
(1) Ch. 15, pp. 1087-1137  
(2) Ch. 15, pp. 1140-1147, 1152-1154, 1159-62, 1164-66, 1168-78, 1225-36, 1260-69  

**Supp:**  
* Protocol II to 1949 Geneva Conventions, pp. 624-631  
**Task:**  
TBD  

8. **Oct. 19** Wed  Jurisdiction and Immunities  

**Reading:**  
(1) Ch. 11, pp. 733-746 (stop after n.3), 752-774, 778-796, 802-806  
(2) Ch. 12, pp. 815-829, 837-845, 875-881, 897-910  

**Supp:**  
* 2004 UN Jurisdictional Immunities Convention, pp. 368-78; Vienna Conventions on Diplomatic and Consular Relations, pp. 331-55  
+ Elements of Immunity, Perspectives on Universal Jurisdiction  
**Task:**  
TBD  

9. **Oct. 26** Wed  International Human Rights Law  

**Reading:**  
(1) Ch. 13, pp. 915-921, 934-954, 956-971, 995-1001  
(2) See task  

**Supp:**  
* UDHR, pp. 395-399  
* Int'l Covenant on Civil and Political Rights, pp. 399-412  
* Int'l Cov. on Economic, Social and Cultural Rights, pp. 417-422  
* UN Convention on the Elimination of All Forms of Discrimination Against Women (1979), pp. 432-39  

**Task:**  

10. **Nov. 2** Mon  International Economic and Development Law  

**Reading:**  
(1) Ch. 14, pp. 1007-1043, 1057-59  
(2) TBD  

**Supp:**  
* 2012 U.S. Model BIT, pp. 203-37  
* NY Convention, pp. 239-43; ICSID Convention, pp.244-58  
+ Zients: Investor-State Dispute Settlement  
+ Wash. Post Sen. Warren on BIT and TTIP  

**Task:**  
TBD
11. Nov. 9  Weds  Law of the Sea, Outer Space, Environment

**Reading:**
(1) Ch. 17, pp. 1353-1374; 1383-1392; 1398-1404; 1412-1418; 1429-1438
(2) Ch. 18, pp. 1467-1494, 1502-1505

**Supp:**
* UN Framework Convention on Climate Change and Kyoto Protocol, pp. 975-1014 (skim)
+ Maritime Zones and Continental Shelf Areas (graphics)
+ OpEd: Kill the LOS (3.15)
+ Economist Article on PCA Award on South China Seas

**Task:**
TBD

12. Nov. 16 Wed  Int’l Criminal Law, Private International Law; Int’l Refugee Law

**Reading:**
Ch. 16, pp. 1271-1285, 1295-1298, 1328-1334

**Supp:**
* Rome Statute (Int’l Criminal Ct.), arts. 1-18, pp. 735-747
* UN Refugee Convention, pp. 471-81
+ Stewart, Private International Law: A Dynamic and Developing Field
+ Brand, Understanding Judgments Recognition
+ Aleinikoff, “Rethinking the International Refugee Regime,” Yale J. Int’l L (online) (Spring 2016)
+ Hague Conference Judgments Convention: go to  
https://assets.hcch.net/docs/42a96b27-11fa-49f9-8e48-a82245aff1a6.pdf

**Task:**
Read and think about review questions

Nov. 23 NO CLASS

13. Nov. 30  Wed  International Law in Domestic Legal Systems; Review

**Reading:**
(1) Ch. 10: pp. 621-633, 647-654, 659-684; 692-697
(2) Prior examination, review questions

**Supp:**
* U.S. Constitution, arts. III and VI, pp. 293-96
+Alien Tort Statute and Torture Victims Protection Act

**Exam:**  December 6, 6 p.m.
OBJECTIVES

This “survey” course is intended to introduce you to the study of the nature, sources, and operation of contemporary public international law. The overall goal is to give you a better understanding of the nature and function of law in the global society, and the role of international law in domestic legal systems. It is also intended to serve as a general precursor to other international law courses in the Georgetown Law curriculum, including International Law II (which covers international business and economic law), comparative law studies, and more specialized offerings.

Through this course you should:

a. understand the interplay among the key historical, legal, political, ethical and other factors that have influenced the evolution of international law;

b. be familiar with the actors and institutions that contribute to international law;

c. know the basic procedures for creating, interpreting, and applying treaties, custom, and other sources of international law;

d. recognize that non-judicial sources play a major role in creating legal rules, and that lawyers need to know how to recognize, interpret and apply diverse sorts of legal materials;

e. appreciate the main tenets of contemporary international law and the key public policy issues and alternatives that shape the current international legal environment;

f. gain a sense of the distinctive American approach to international legal issues and the role that the United States and other countries together exercise in contributing to the international legal order;

g. understand the role of international law in the U.S. and other legal systems;

h. know where to find, how to research, how to read, and how to apply public international legal materials;

i. appreciate the strengths and weaknesses of the international legal system and how it compares to domestic law systems;

j. be able to discuss in a more sophisticated way the basic questions about whether international law really is “law,” and about what the concept of “law” really means, especially within a system lacking the usual overt mechanisms for enforcement;

k. know the difference between public and private international law;

l. see the areas you cover in your other GULC courses from the vantage point of alternative foreign or international comparisons;

m. be exposed to some of the typical challenges and tasks of a lawyer in the international field, and have some simulated practice in the modes of analysis, argumentation, advocacy, etc. that have analogues in the domestic arena; and

n. become better equipped to be a “lifelong learner” in public and private international law and the increasing number of sub-specialties within those broad categories.