INTRODUCTION TO INTERNATIONAL LAW
LAWG 235-08
(3 credit hours)

Profs. David P. Stewart and Jessica R. Simonoff
Monday 2:30 – 5:30 p.m.
McDonough 141

This course provides a broad introduction to the nature, sources and operation of international law. We will survey the basic principles, instruments and institutions of “public international law,” such as 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, international human rights, international environmental law, methods of international dispute resolution (including the role of the International Court of Justice), the law of the sea and outer space, and principles governing the use of force.

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

Almost certainly, developments at the international level during the semester will present us the opportunity to discuss “hot topics” involving. Depending on your particular interests, we may also be able to address a few other areas, for example, counter-terrorism, cyber-crimes, trafficking in drugs and persons, corruption, UN actions and sanctions, etc.

Textbook

We will be using the 7th edition of The International Legal System: Cases and Materials by O’Connell, Scott, Roht-Arriaza & Bradlow (Foundation 2015). The assigned readings are from this book. The document supplement for the prior (6th) edition is recommended but optional. We will post a number of important documents, judicial decisions and supplemental readings on Canvas.

You may also find it useful to refer to Buergenthal and Murphy, Public International Law in a Nutshell (5th ed. 2013); Murphy, Principles of International Law (2nd ed. 2012); or Bederman, International Law Frameworks (3rd ed. 2010) – all readily available at the bookstore or online.

Examination

The final examination will be a comprehensive three-hour, entirely open-book test covering the entire course on the basis of hypothetical and essay-type questions. It is scheduled to be held on Dec. 16, 2015 at 9:00 a.m. We will also assign short “reaction” papers during the course of the semester.
**Reading Assignments**

The schedule of topics and readings is attached. Our intent will be 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 pages per class hour. Do not overlook the assigned documentary and other supplementary readings (“Supp”), since they are important and one of your tasks this semester is 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, 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 course site on Canvas.

**Contacting Us**

Prof. Simonoff is reachable by email at TBD and (if absolutely necessary) by phone at TBD. Prof. Stewart’s office is Hotung 6018. He can be reached at TBD. His office hours are Tuesdays 2-3 p.m.; for appointments, please use Canvas or contact his faculty assistant, Jackie Williams, at TBD or TBD.
**CLASSES AND READING ASSIGNMENTS**

(* = available in document supplement   += on Canvas)

1. **Aug. 31** Mon  
   Introduction to the Course and the Topic
   
   **Reading:** Ch. 1 pp. 1-55
   **Supp:**
   *UN Charter (esp. arts. 1-8, 33-51, 92-96, 102-103)
   *Universal Declaration of Human Rights
   +Milanović v. Serbia (ECtHR 12.16.10)
   +ASIL Booklet “100 Ways” (2011)

2. **Sept. 7** Mon  
   **No class**

3. **Sept. 14** Mon  
   Sources and Evidence of (Public) International Law
   
   **Reading:** Ch. 2 pp. 58-74, 87-113, 124-141, 160-68
   **Supp:**
   *VCLT, arts. 1-18, 26-27, 31-33, 46-64
   +Glossary of Treaty Terms

4. **Sept. 21** Mon  
   Subjects of International Law
   
   **Reading:** Ch. 3 pp. 169-186, 198-224, 231-240, 249-273.
   **Supp:**
   *Declaration on Principles of Friendly Relations
   +Lists of States, Emergent States, etc.
   +List of Int'l Organizations, EU and OAS Member States

5. **Sept. 28** Mon  
   Jurisdiction and Immunities
   
   **Reading:** Ch. 4 pp. 293-309, 322-335, 339-345, 353-375, 379-86, 393-409
   **Supp:**
   *2004 UN Jurisdictional Immunities Convention; VCDR, VCCR
   +ITLOS Argentina v. Ghana (2012)
   +Elements of Immunity, Perspectives on Universal Jurisdiction

6. **Oct. 5** Mon  
   Human Rights and International Criminal Law
   
   **Reading:** Ch. 5 pp. 415-34, 446-57, 475-485, 494-505
   **Supp:**
   *UN Convention on the Elimination of All Forms of Discrimination Against Women (1979)
   +Inter-American Democratic Charter (2001)
No class Oct. 12

6. **Oct. 13 Tues** International Environmental Law

   **Reading:** Ch. 6 pp. 513-584

   **Supp:** TBD


   **Reading:** Ch. 7 pp. 585-634
   *UNCLOS*
   +Maritime Zones and Continental Shelf Areas (graphics)
   +OpEd: Kill the LOS (3.15)

8. **Oct. 26 Mon** TBD

   **Reading:**

   **Supp:**

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

   **Reading:** Ch. 8 pp. 635-735.
   *2004 Model BIT*
   +Zonats: Investor-State Dispute Settlement
   +Wash Post Sen. Warran on BIT and TTIP

10. **Nov. 9 Mon** State Responsibility and International Dispute Resolution

    **Reading:** Ch. 9 pp. 747-759, 769-772, 784-797, 809-820, 824-833, 837-865
    *ICJ Statute*
    +New York Convention
    +ICSID Convention

11. **Nov. 16 Mon** Use of Force, International Humanitarian Law

    **Reading:** Ch. 10 pp. 867-894, 911-929, 938-944, 950-967
    +Definition of Aggression
    +UN R2P Res. 53/144
    +Taxonomy of Armed Conflict

12. **Nov. 23 Mon** International Law in Domestic Legal Systems

    **Reading:** Ch. 11 pp. 985-1049
    *U.S. Constitution, arts. III and VI
    +Alien Tort Statute and Torture Victims Protection Act
13. Nov. 30    Mon    The Future of International Law; Review

   **Reading:**    Ch. 12 pp. 1093-1152
   **Supp:**

**Exam:**  Dec. 16, 2015  9:00 a.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:

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

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

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

iv. 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;

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

vi. gain a sense of the distinctive American voice in international legal affairs and the role that the United States and other countries together exercise in contributing to global affairs;

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

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

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

x. ask 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;

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

xii. 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

xiii. become better equipped to be a “lifelong learner” in the field of public international law.