SYLLABUS
International Law I:
Introduction to International Law
1L Perspective Elective
Professor David A. Koplow
Spring, 2016
Monday and Wednesday, 11:10 to 12:35, Room 201

Part I. Introduction: The Nature and Scope of International Law

1. Wednesday, January 20:
   Introduction to the Course and the Topic

   --What is international law? How powerful is it?
   --What are the key issues to address in the study of IL?
   --How does IL compare to domestic U.S. law?
   --How far should U.S. law reach into foreign activities?

   Read textbook p. 244-253
   Skim Course Materials p. 1-8

Part II. The Sources and Institutions of International Law

   --Where does international law come from?
   --What is the role of "consent" in creating IL?
   --How does IL operate in the real world?
   --How effective is IL in altering the actions of states?

2. Monday, January 25:
   Sources of International Law

   --What does the Statute of the ICJ identify as the leading sources of IL?
   --How does the IL claims process work?
   --What alternate dispute resolution processes exist in IL?
   --What are the enforcement mechanisms for IL judgments?
Read textbook p. 1-22
Prepare to discuss Problem 2 (on Canvas)

3-4. Wednesday, January 27 and Monday, February 1:
**International Adjudication in the ICJ and Other Tribunals**

--How does the ICJ operate? How effective has it been?
--What has been the U.S. relationship to the ICJ?
--How well does the ICJ deal with contemporary crises?
--What other international judicial and arbitral tribunals exist?
--How can international adjudication be strengthened?

Read textbook p. 295-318, 325-334
Skim Documentary Supplement p. 28-42
Skim Course Materials p. 9-32

5-6. Wednesday, February 3 and Monday, February 8:
**International Agreements**

--What role do treaties play in international life?
--How are treaties formed, interpreted, and enforced?
--What happens in the event of a breach?
--How do reservations operate?
--What role have treaties played in creating and shaping the European Union?

Read textbook p. 85-112, skim p. 501-524
Skim Documentary Supplement p. 43-68, 201-224
Skim Course Materials p. 33-90
Prepare to discuss Problem 3 (on Canvas)
7. Wednesday, February 10:

**U.S. Treaty Law**

--What are the "hierarchies" among treaties, constitutions, and statutes under both U.S. law and IL?
--How is authority for international affairs allocated among the branches of the U.S. federal government?
--What are the respective roles of the 50 states and the federal government regarding international agreements?
--What is the difference between a "treaty" and an "executive agreement"?
--When is an agreement "self-executing"?

Read textbook p. 153-180, 202-207
Skim Course Materials p. 91-120
Prepare to discuss Problem 4 (on Canvas)

[Skip Mon. Feb. 15 (Presidents Day) and Wed. Feb. 17 (Faculty Retreat)]

8. Thursday, February 18 (Monday classes meet):

**Custom and Other Sources of International Law**

--How does a custom become binding on states?
--How may a state opt out of a norm of CIL?
--What is the effect of CIL inside the U.S.?
--What is jus cogens, and how does it operate?
--What are the other sources of international law and near-law?

Read textbook p. 112-133, 146-150, 240-243, 267-268
Skim Course Materials p. 121-130
Prepare to discuss Problem 5 (on Canvas)

9. Monday, February 22:

**International Organizations**

--What role does the U.N. play in international life?
--Will the post-cold war future of the U.N. be any different?
--What is, and should be, the U.S. role in the U.N.?
--What other supra-national organizations operate?
--What will be the role of the G8 and G77 in the future?

Read textbook p. 463-479, 499-501
Skim Documentary Supplement p. 1-27
10. Wednesday, February 24:
Interim Assessment: Is International Law Really "Law"?

--How does IL compare with domestic law on key operational variables?
--What are the principal theories about international law?
--How much does IL really matter in the world of politics?
--In what direction is the IL system heading?

Read textbook p. 22-32, 38-58
Skim Course Materials p. 145-147
Prepare to discuss Problem 7 (on Canvas)

Part III. The Participants in the IL System
--Who are the key players active in the IL system?
--How has IL evolved to embrace additional relevant actors?
--What status and rights does each participant enjoy?

11-12. Monday, February 29 and Wednesday, March 2:
States

--What are the defining characteristics of a state?
--How does the definition apply to contemporary close cases?
--What are the principles of state succession?
--What is the effect of diplomatic recognition of a state or government?
--What are the fusion and fission pressures on states?

Read textbook p. 429-463
Skim Course Materials p. 148-189
Prepare to discuss Problem 8 (on Canvas)

[Skip Monday, March 7 and Wednesday, March 9 (Spring Break)]

13. Monday, March 14:
Corporations and NGOs

--What role do multinational corporations play in international law?
--What is the standard of care a host country must accord a foreign corporation?
--Which state is authorized to espouse the claim of a multinational corporation?
--What is the IL on expropriation and compensation?

Read textbook p. 32-33, 133-146, 721-728, 733-744
Skim Course Materials p. 190-201
Prepare to discuss Problem 9 (on Canvas)

14-15. Wednesday, March 16 and Monday, March 21:

Persons

--How does a person acquire and lose nationality in one or more states?
--What are the rights of aliens?
--How are fundamental human rights protected by IL?
--What should be the U.S. strategy for promoting basic rights?

Read textbook p. 744-779 (for class 14), 1130-1151 (for class 15)
Skim Documentary Supplement p. 384-408 (for class 14), 942-974 (for class 15)

(International Covenant on Civil and Political Rights, also at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

Skim Course Materials, p. 202-227
Prepare to discuss Problem 10 (on Canvas)

Part IV. The Interpenetration of International and Domestic Law
--How do concepts of international law affect domestic U.S. litigation?
--What limits does IL place upon a state's exercise of judicial and executive powers inside its own territory and abroad?
--How may private individuals proceed with claims involving foreign states?

16-17. Wednesday, March 23 and Monday, March 28:

Jurisdiction

--What are "jurisdiction to prescribe" and "jurisdiction to enforce"?
--What are the six most commonly asserted bases of jurisdiction?
--How does the international system cope with conflicting claims of jurisdiction?
--How does extradition work?

Read textbook p. 637-650, 659-660 (for class 16), 670-705 (for class 17)
Skim Documentary Supplement p. 917-937
(U.S.-France MLAT, also available at: http://www.state.gov/documents/organization/121413.pdf
Skim Course Materials p. 228-242
Prepare to discuss Problem 11 (on Canvas)

18. Wednesday, March 30:
Foreign Sovereign Immunity

--How has the doctrine of foreign sovereign immunity evolved?
--How is the doctrine now dealt with in the United States and in other countries?
--What policy rationales support and oppose the doctrine?
--What other types of official immunities exist, and why?

Read textbook p. 535-544, 570-587, 592-596
Skim Documentary Supplement p. 301-316
(Foreign Sovereign Immunities Act, also available at: http://www.law.cornell.edu/uscode/text/28/part-IV/chapter-97)
Skim Course Materials p. 243-257
Prepare to discuss Problem 12 (on Canvas)

19. Monday, April 4:
The Act of State Doctrine
--How has the act of state doctrine evolved in the United States and elsewhere?
--Where is this jurisprudence headed today?
--Is it a useful, prudent and just aspect of law?
--How does the doctrine affect the relationship between the judiciary, the legislature, and the executive?

Read textbook p. 613-636
Skim Course Materials p. 258-60
Prepare to discuss Problem 13 (on Canvas)
20. Wednesday, April 6:  
**Catch-up Day**

No additional reading assignment

Part V. **International Law Applied: Two Case Studies**

--How does IL operate in key sectors of international life? 
--How well can IL adapt to rapidly changing political and economic circumstances? 
--How does IL function as a planning mechanism? 
--How does IL function in conflict situations? 
--Does IL help bend the arc of the moral universe toward justice?

21-22. Monday, April 11 and Wednesday, April 13:  
**The Law of the Sea: IL as a Planning Device**

--What are the international rules regarding the use of maritime resources? 
--How are control and access allocated in the various maritime zones between coastal and seafaring states? 
--What role has the U.S. played in the development of emerging LoS norms? 
--What should, and will, happen with the Law of the Sea Convention?

Read textbook p. 813-817, 822-853 (for class 21), 857-861, 865-875 (for class 22) 
Skim Documentary Supplement p. 541-652

(Law of the Sea Convention, also available at:  

(Implementing Agreement on Part XI, available at:  

Skim Course Materials p. 261-278 
Prepare to discuss Problem 14 (on Canvas)

23-24-25. Monday, April 18; Wednesday, April 20; and Monday, April 25:  
**The Use of Force: IL as Regulator of Violence**
--What are the legal justifications for an individual state to use military force?
--What types and levels of force may be permitted?
--When does international law permit collective use of violence?
--How will international legal and political mechanisms change the law of force in the post-cold war era?
--How can IL respond to the emerging threat of modern terrorism?

Read textbook p. 944-973 (for class 23), 977-1013 (for class 24), 1033-1051 (for class 25)
Skim Course Materials p. 279-290
Prepare to discuss Problems 15 and 16 (on Canvas)

Part VI: Conclusion

26. Wednesday, April 27:
Wrap-up and Conclusions

--What are the principal lessons of an introductory course in public international law?
--How might knowledge of IL principles be relevant to your future practice?
--Where will international law (and your work with it) progress in the future?

Skim Course Materials p. 291-310

Final Examination: Friday, May 13