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Public International Law

Summary: This course is an introduction to the international legal system and particularly its decision-making processes – how international law is made and applied; the institutions created for making decisions; and the various legal regimes that are established. Consideration will be given to formal as well as operational prescriptions and practices. The role of power in this system will be candidly acknowledged, and the problems and opportunities it presents will be explored.

Materials: A three-volume coursepack (hereinafter CP) will be available.

Attendance: Class attendance is required. Unexcused absences will lower your grade, and excessive unexcused absences may result in your withdrawal from the course or exclusion from the final exam. Excused absences (e.g., illness, family emergency, religious observance) will not put you in such jeopardy. If you are seeking an excused absence, please give me a brief explanation in writing (by email).

Grading: Your grade will be based on a final exam and class participation. In considering class participation and its positive or negative impact on your final grade, I will take into account such things as: your level of preparation, as reflected in whether and how well you answer in class; your classroom performance generally (e.g., your willingness and ability to engage in classroom discussion in a considered and thoughtful manner); and attendance (e.g., excessive absences and/or tardiness).

Laptops: Laptops may be used in-class for note-taking and appropriate legal research relevant to the course. Laptops and other electronic devices may not be used in class for any other purpose. I reserve the right to restrict or ban the use of laptops.

Class Communications: I will make announcements in class and, occasionally, by email. When communicating by email, I will use your UC email address. You are responsible for checking your UC email regularly.

Office Hours: Tuesdays, 12PM-2PM. I am also available at other times by appointment.

Course Syllabus

I. Introduction

Aug. 23: The International Legal System
CP 1-43

II. What is International Law? Sources

Aug. 25: Custom
CP 44-64

Aug. 30: Treaties: Entering into Treaties
CP 65-73

III. Who Makes International Law? Participants

Sept. 8: States: What is Statehood?
CP 74-87

Sept. 13: States: Rights and Obligations Incident to Statehood
CP 88-105

Sept. 15: International Organizations
CP 106-123

Sept. 20: Other Actors
CP 124-142

IV. Implementation and Enforcement

Sept. 22: International Enforcement
CP 143-158

Sept. 27: Implementing Treaties in the United States
CP 159-175

Sept. 29: Interpreting Treaties in the United States
CP 176-196

Oct. 4: Implementing Other Agreements in the United States
CP 197-223

Oct. 6: Implementing International Decisions in the United States
and Unit Wrap-Up
CP 224-256

V. Extending the Reach of Domestic Law

Oct. 18: Principles of Jurisdiction
CP 257-275

Oct. 20: Principles of Jurisdiction
CP 276-300

Oct. 25: Limits on Jurisdiction: Immunities
CP 301-334

VI. Protecting the Interests of Individuals and Corporations

Oct. 27: Resolving Corporate Disputes: Arbitration
CP 335-361

Nov. 1: Resolving Corporate Disputes: Arbitration
CP 362-376

Nov. 3: Protecting against State Misconduct: Diplomatic Protection
CP 377-405

Nov. 8: Protecting Investors from State Misconduct
CP 406-450

Nov. 15: Protecting Individuals from State Misconduct: Defining Torture
CP 451-483

Nov. 17: Protecting Individuals from State Misconduct:
Implementing and Enforcing the Prohibition of Torture
CP 484-508

Nov. 22: Protecting Individuals from Other Individuals
CP 509-549

VII. Responding to and Containing Aggression

Nov. 24: The U.N. Charter and Security Council Authorization
CP 550-575

Nov. 29: The Use of Force in Self-Defense
CP 577-590

Dec. 1: Self-Defense against Terrorists
CP 591-603