



International Law
Spring 2011

Professor Steven R. Swanson

Course Description and Objectives:

This course introduces the basic concepts and problems of international law and the international legal system. Students should leave the course with a solid foundation in the nature of international law, its sources, and the major players involved in the application of international legal norms.

Students taking this course are often concerned that a lack of knowledge about world affairs could cause a problem. Most Americans have little knowledge about what goes on beyond our borders. There will obviously be some students in the class who have stronger backgrounds and interest in what is going on in the world. Over the years, I have found that this knowledge does not translate into better performance in this class. In other words, don't worry if this is the first time that you have delved into international issues. Of course, that doesn't mean that this isn't a good time to start. The Internet provides a myriad of wonderful sources to fill you in about what is happening out there. You may also want to consider joining Hamline's International Law Students Association, which provides a number of activities during the year that should increase your comfort with the area.

The primary course objectives will be to learn:

1. The nature of international law.
2. Sources of international law, including treaties, custom, scholarship, and general principles of law.

3. International law actors and subjects.
4. International jurisdictional principles.
5. Immunity norms.
6. Human Rights
7. State Responsibility
8. International Law in National Courts
9. Use of Force

Required Text:

MARY ELLEN O'CONNELL, RICHARD R. SCOTT, & NAOMI ROHT-ARRIAZA, THE INTERNATIONAL LEGAL SYSTEM: CASES AND MATERIALS (6th ed. 2010)

Grading:

Your final grade will be based on an open book take-home exam given over a seven-day period beginning February 25 and a two-hour closed book scheduled exam given at the end of the course. The take-home will count as 1/3 of the final grade. Class participation may be considered in determining your final grade.

Class Participation and Attendance:

Although I personally may find the ABA and Hamline rules relating to attendance to be somewhat childish, we are all forced to live with them. Regular class attendance will be expected. Students that miss more than three classes risk being removed from the class.

Laptop Policy

Students may use their laptops in class for course related purposes.

TWEN:

I have created a TWEN site for this class. At times, I may post materials on TWEN for class use. Please sign up for TWEN, being sure to use a current e-mail address, so that I can contact the class.

Assignments:

Because this is a brand new textbook, the following assignments should be considered more of a flexible roadmap, rather than a guarantee of what we will cover and when. In particular, I have placed a number of key international law documents on TWEN, which are referred to in the syllabus and the text. By doing this, we avoid the substantial cost of the documents supplement. As we go through the course, you will learn how to find these documents on the Internet. Be sure to refer to these documents as necessary.

Class 1: Introduction to International Law, Piracy

Read Preface, 1-13, Review TWEN, United Nations Charter

US v. Smith, 4

Class 2: Is it Law?

Read 13-27, Review TWEN, Statute of the International Court of Justice

Administration des Douanes v. Société Café Jacques Vabre, 23

Class 3: Nature of International Law

Read 27-38, 50-58

Obligation to Arbitrate Under the UN Headquarters Agreement, 27

US v. PLO, 29

Regina v. Bartle, 52

Class 4: Sources of International Law, Treaties

Read 59-84, Review TWEN, Vienna Convention on the Law of Treaties

Legal Status of Eastern Greenland, 62

Reservations to the Convention on Genocide, 66

Belilos v. Switzerland, 72

Import Prohibition of Certain Shrimp and Shrimp Products, 78

Class 5: Sources of International Law, Treaties

Read 84-108

LaGrand, 84

The Gabčíkovo-Nagymaros Project, 93

Class 6: Sources of International Law, Custom

Read 108-132

The Paquete Habana, 113

North Sea Continental Shelf Case, 120

Class 7: Sources of International Law, Custom, Equity, and General Principles

Read 132-157

Nicaragua, 132

South West Africa Cases, 142

Barcelona Traction, 145

North Sea Continental Shelf Case, 150

Class 8: Peremptory Norms & Subjects of International Law

Read 157-180

Free Zones of Upper Savoy, 161

Siderman v. Argentina, 163

Barcelona Traction, 170

Class 9: Subjects of International Law, States

Read 180-203

In Re Citizenship of X, 188

The Island of Palmas Case, 191

Land, Island, and Maritime Frontier Dispute, 193

Class 10: Subjects of International Law: Governments

Read 203-224

The Tinoco Claims, 203

Secession of Quebec, 220

Class 11: Subjects of International Law: Individuals

Read 224-247

The Notteböhmer Case, 225

Re: Immigration Act and Hanna, 234

Class 12: Subjects of International Law: Corporations, Vessels, and International Organizations

Read 247-274; Review, United Nations Charter on TWEN

Barcelona Traction, 248

The M/V Saiga, 251

Reparations Case, 263

Class 13: Jurisdiction

Read 303-325

R. v. Hape, 304

The S. S. Lotus, 312

Hartford Fire Ins. Co v. Cal., 322

Class 14: Jurisdiction

Read 325-341

F. Hoffmann La Roche v. Empagran S.A., 325

Yahoo! v. La Ligue Contre Le Racisme, 331

Dow Jones v. Gutnick, 335

Class 15: Jurisdiction

Read 341-358

US v. Clark, 342
US v. Yunis, 345
US v. Pizzarusso, 348
Regina v. Bartle, 350
US v. Yousef, 351

Class 16: Jurisdiction & Immunity

Read 358-381

US v. Alvarez-Machain, 360
Republic of Austria v. Altmann, 369
Argentina v. Hess, 398

Class 17: Sovereign Immunity

Read 381-397

Argentina v. Weltover, 381
Rein v. Libya, 385
Jones v. Saudi Arabia, 387
Al-Adsani v. UK, 392
Mission of India v. NYC, 394
Barrondon v. US, 396

Class 18: Immunity

Read 397-425

Regina v. Bartle, 397
Arrest Warrant, 401
767 Third Ave. Associates v. Zaire, 408
Zaire v. Duclaux, 412

Classes 19 & 20: International Human Rights Law

Professor Pagonis--Materials to be provided.

Class 21: State Responsibility

Read 763-790

The Factory at Chorzow, 764
Nicaragua, 769
Prosecutor v. Tadic, 773
Application of the Genocide Convention, 774
Case Concerning United States Diplomatic and Consular Staff in Tehran,

783

Class 22: State Responsibility

Read 791-813

Rainbow Warrior, 795

Case Concerning United States Diplomatic and Consular Staff in Tehran,

803

Case Concerning the Air Services Agreement of 27 March 1946, 807

Class 23 & 24: Use of Force and the Rules of War

Professor Swanson—Materials to be provided.

Class 25 & 26: International Economic Relations

Professor Blair--Materials to be provided.

Class 27: International Law in US Courts

Read 1064-1086

Ware v. Hilton, 1066

Missouri v. Holland, 1068

US v. Alvarez-Machain, 1072

MCC-Marble Ceramic Center, Inc. v. Ceramic Nuovo d' Agostino, 1080

Class 28: International Law in US Courts and France

Read 1086-1110, 1142-1147

Medellin v. Texas, 1086

Sosa v. Alvarez-Machain, 1094

Gaddafi, 1144

In re Aquarone, 1146