

INTERNATIONAL LAW

Spring Term, 2011
Hamline University School of Law
Professor Katrina Pagonis

SYLLABUS

Contact Information

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Class Meetings

Tues. & Thurs. 1:00-2:15am, Room 105

Office Hours

Tues. & Thurs. 2:30-3:30pm *or by appointment*

I. INTRODUCTION & COURSE OBJECTIVES

Welcome to *International Law*. 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. In our class, there will be those for whom international law is a budding passion, others who are uncertain whether they will ever need familiarity with international law in their professional career, and still others who are ambivalent. Regardless of your perspectives when you enter this class, it is my hope that by the end of the semester you will be a better informed citizen able to engage in nuanced debate regarding international relations and our international legal system and that once you are an established practitioner, you will look back at this class as a valuable component of your legal education.

Learning outcomes: By the end of this course, you should be able to:

- Describe the nature of international law;
- Identify and apply the sources of international law, including treaties, custom, scholarship, and general principles of law;
- Read, interpret, and apply treaty provisions;
- Identify the actors in and subjects of international law;
- Understand and apply jurisdictional principles in the international context;
- Identify situations where immunity applies and analyze the scope of immunities in particular cases;
- Apply the law of state responsibility to determine whether a breach may be attributed to the state, whether the state has an excuse or justification, and, if not, what the consequences of the breach may be;
- Determine whether, how, and for what purposes international law can be applied in United States courts and the courts of foreign nations; and
- Demonstrate basic familiarity with international human rights law, the use of force, and the law of common spaces.

II. LOGISTICS

- A. **Time and Place.** This three-credit course will meet twice a week on **Mondays** and **Wednesdays**, from **9:30-10:45am** in **Law 100**.
- B. **Textbook and Readings.** The syllabus contains a list of Readings for each class meeting.

- **Required Text:**

- **O'CONNELL, SCOTT, AND ROHT-ARRIAZA, THE INTERNATIONAL LEGAL SYSTEM: CASES AND MATERIALS** (6th ed., 2010).
- Publisher: Foundation Press
- ISBN: 9781599415512

- **Documentary Supplement:**

- You are ***not required*** to purchase the documentary supplement; however, if you do not purchase the documentary supplement, it is your responsibility to procure a publicly available copy of each assigned document from an online source.
- **O'CONNELL, SCOTT, AND ROHT-ARRIAZA, THE INTERNATIONAL LEGAL SYSTEM: CASES AND MATERIALS, DOCUMENTARY SUPPLEMENT** (6th ed., 2010).
- Publisher: Foundation Press
- ISBN: 9781599411842

In addition to Readings from our course textbook, I may occasionally assign additional cases and articles, copies of which will be posted on TWEN and/or placed on reserve in the library (as indicated in the list of Reading assignments).

Students are responsible for Reading and analyzing all assigned course materials before each class.

- C. **TWEN Site.** Course documents, updated syllabi, and any powerpoints used in class will be posted on the class TWEN site. In addition, you are encouraged to participate in discussions of current events in health law by posting to our news forum on TWEN.

III. COURSE REQUIREMENTS & POLICIES

A. **Attendance**

Attendance is important and required by the ABA and Hamline University School of Law. At the beginning of each class, I will distribute a class roster for you to sign. *If you are absent for more than three classes, your absences will be treated as "excessive" in accordance with Hamline University Academic Rule 108.* If you will be absent to attend a hearing required by another course or to observe a religious holiday, it is your responsibility to talk with me in advance to arrange make up work and have the absence excused.

B. **Preparedness and Punctuality**

Punctuality and preparedness are both important: they demonstrate your respect for your peers and me and they allow you to get the most out of the class. *If you are more than 10 minutes late, you have missed a substantial part of that day's*

class; your tardiness will therefore count as an absence and you are prohibited from signing in as present for that class.

Most class sessions will be based on lectures and class discussion of the issues raised by the lecture and Readings. Class discussions showing rigorous thought and an informed understanding of the subject matter will be an integral part of the learning process. **You must read: all of the assigned materials before class to facilitate discussions** (regardless of whether you have volunteered to be “on call”).

C. **Participation**

Volunteering to be On Call: At the beginning of each class session, I will have a copy of the seating chart on which you can designate whether you would like to be “on call” for that day. You can sign up to be on call during the 5 minutes preceding class (i.e., **once class has begun, you can no longer sign up**). See “Course Evaluation” below for information on how volunteering to be on call can boost your grade.

Participation when not On Call: If you have not signed up to be on call, you will still be expected to actively engage in small group discussions and activities and should be sufficiently prepared to do so.

D. **Technology Policy**

Laptops: Students are expected to use technology in a professional and productive manner. The use of laptops in a manner that does not further our learning objectives or a manner that distracts others is strictly prohibited. **If a student uses technology in a way that distracts others, he or she may have his grade lowered by one-half of a letter; if the student does so again, he or she may be asked to drop the course without receiving academic credit for the class.**

Cellphones and Similar Devices: You are prohibited from using cell phones and smart phones during class time. If you use such a device during class, you will have your grade lowered by one-half of a letter. If you do so again, you may be asked to drop the course without receiving academic credit for the class.

IV. COURSE EVALUATION

The grade for the course will be based on your performance on the midterm and final examinations (weight allocated as indicated in the table below) with a possible upward adjustment based on participation:

	Details	Component of Final Grade
<i>Final Exam</i>	<i>Scheduled</i> , 2 hour exam, anonymous, open book and open note	2/3
<i>Midterm Exam</i>	<i>Take Home</i> , one week, open book, open note, anonymous	1/3
<i>Participation &</i>	See below	“Bump up”

<i>Problems</i>		(see below)
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Bump up. To receive a “bump up” in your grade (e.g., raising your final grade from a B+ to an A-), you must (1) volunteer to be on call for 23 of our 28 class meetings ***and*** (2) submit 5 separate news updates relevant to the course in the TWEN forum. If you volunteer to be on call but are not in fact prepared, you will be ineligible to receive a bump up.

V. INSTRUCTOR AVAILABILITY

I want to be fully available to help students whenever they need assistance with the content and Readings in the class.

I will hold ***office hours one hour after each class.*** I am also available to meet with students by appointment. Feel free to come to office hours individually or with your study group.

VI. FINAL THOUGHTS

International law is a vast and evolving legal system, and regardless of your career goals, I anticipate that you will find that the materials covered in this course contribute to your legal practice and help you to be a more engaged citizen of the world. I look forward to getting to know you and to our many thoughtful discussions. If I can ever be of assistance, please come by and see me at any mutually convenient time.

COURSE SCHEDULE

The following course schedule is subject to change. Any revised versions will be posted on TWEN, and it is your responsibility to check TWEN for the most up-to-date version.

Text = O'Connell et al., *The International Legal System: Cases and Materials* (6th ed., 2010)

DS = Documentary Supplement (or find online)

Class 1—Jan. 18: *Introduction to International Law, Piracy*

Read: Preface v-viii, 1-13, Review United Nations Charter (DS 1-23)

US v. Smith, 4

Class 2—Jan. 20: *Is it Law?*

Read: 13-27, Review Statute of the International Court of Justice (DS 24-35)

Administration des Douanes v. Société Café Jacques Vabre, 23

Class 3—Jan. 25: *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—Jan. 27: *Sources of International Law, Treaties*

Read: 59-84, Review Vienna Convention on the Law of Treaties (DS 52-74)

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—Feb. 1: *Sources of International Law, Treaties*

Read: 84-108

LaGrand, 84

The Gabcíkovo-Nagymaros Project, 93

Class 6—Feb. 3: *Sources of International Law, Custom*

Read: 108-132

The Paquete Habana, 113

North Sea Continental Shelf Case, 120

Class 7—Feb. 8: *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—Feb. 10: *Peremptory Norms & Subjects of International Law*

Read: 157-180

Free Zones of Upper Savoy, 161

Siderman v. Argentina, 163

Barcelona Traction, 170

Class 9—Feb. 15: *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—Feb. 17: *Subjects of International Law: Governments*

Read: 203-224

The Tinoco Claims, 203

Secession of Quebec, 220

Class 11—Feb. 22: *Subjects of International Law: Individuals*

Read: 224-247

The Notteböhm Case, 225

Re: Immigration Act and Hanna, 234

Class 12—Feb. 24: *Subjects of International Law: Corporations, Vessels, and International Organizations*

Read: 247-274, Review United Nations Charter (DS 1-23)

Barcelona Traction, 248

The M/V Saiga, 251

Reparations Case, 263

Class 13—Mar. 1: *Jurisdiction*

Read: 303-325

R. v. Hape, 304

The S. S. Lotus, 312

Hartford Fire Ins. Co v. Cal., 322

Class 14—Mar. 3: *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

MARCH 8 & 10: NO CLASS. HAPPY SPRING BREAK!

Class 15—Mar. 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—Mar. 17: *Jurisdiction & Immunity*

Read: 358-381

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

Class 17—Mar. 22: *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—Mar. 24: *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—Mar. 29 & 31: *International Human Rights Law*

Professor Pagonis—Materials TBD

Class 21—Apr. 5: *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—Apr. 7: *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—Apr. 12 & 14: *Use of Force and the Rules of War*

Professor Swanson—Materials TBD.

Class 25 & 26—Apr. 19 & 21: *International Economic Relations*
Professor Blair---Materials to be provided.

Class 27—Apr. 26: *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—Apr. 28: *International Law in US Courts and French Courts*

Read: 1086-1110, 1142-1147

Medellin v. Texas, 1086

Sosa v. Alvarez-Machain, 1094

Gaddafi, 1144

In re Aquarone, 1146