This course will introduce students to the foundations of public international law and the contemporary international legal process. Public international law has evolved from its exclusive domain of “law among sovereigns” to an interdependent process of global governance, largely managed by inter governmental and non-governmental institutions. We will consider the implications of global interdependence and the increasingly robust international judicial system for the principles and practice of public international law. Special emphasis will be placed on the application of public international law to the human rights of women and ethnic minorities, humanitarian intervention, war and terrorism, refugees and internally displaced peoples, and transnational advocacy.

Attendance, Class Participation, Course Requirements

Students will be evaluated on the basis of a take home mid-term exam (30% of the final grade) and a final take home exam (50% of the final grade). Although this is an introductory course to the discipline of public international law, our class sessions will be the place for analysis and discussion. I will facilitate this process, but active participation of all class members is essential. To this end, class participation will count for 20% of the student’s final grade.

Knowledge of current events will play a leading role in our discussions of public international law. Students will be expected to read the international section of a reputable national newspaper in preparing for weekly classes and should subscribe to the American Society for International Law’s email bulletin: “International law in Brief.” (To subscribe, go to: http://www.asil.org/ilibindx.htm). During the first week, students will choose a geographic region of the world and consult the national newspapers of that region to gain a comparative perspective on world events that may not be paramount to the United States journalism empire. Try to streamline your choices according to a region of the world you may be interested in learning more about or where you have linguistic fluidity (if there is no English language version of the paper). Every two weeks, we expect briefings from those teams to keep the rest of the class abreast of world events and international law responses.

Clearly, reading class material is essential for success in this class. Because this is an upper level class, I have long dispensed with the illusion that students come prepared to every class session. I also have read the material many times over, so I am not interested in a passive lecture format. To strike a balance, I ask students to sign up for four sessions during which they will facilitate discussion. The position taken by the discussion groups
is up to the participants, but the aim of this exercise is to summarize the readings for the class, demonstrate the student’s understanding of the readings, and their relevance to public international law.

A sample range of discussion topics might include:

- Humanitarian intervention in Sudan, Liberia, or Iraq
- State responsibility for human rights violations of women
- Environmental crimes and remedies
- International Law in domestic courts
- Collaborative approaches to enforcing fair labor standards
- International Criminal Tribunals (promises and prospects)

We will use the text *An Introduction to International law (4th Edition)* by Mark W. Janis, together with supplementary reading materials available on the 3rd floor of the Law building.

**Films:** A number of course related films will be shown during the semester. Titles & projection times will be announced in class. **There are no make-up opportunities for missed film viewings if the movies are not part of the Law school’s collection.**

---

**Week One: Introduction (August 21-23)**

- Administrative matters
- Course objectives and requirements
- Selection of thematic groups and discussion of press presentations

**Reading Assignment:**


Samantha Power, “Dying in Darfur: Can the Ethnic Cleansing in Sudan be stopped?” (New Yorker, August 30, 2004).

**Discussion Group: Questions to think about:**

1. Who is doing the killing in Darfur, and why? According to Power? Mandami?
2. Why did the Janjaweed become involved?
3. Why do you think the international community is unwilling to intervene to help stop the genocide in Darfur?
Week Two: (August 28-30)

Traditional and critical understandings of the discipline of public international law

Reading Assignment:
Janis: An Introduction to International Law (Fourth edition) Chapters 1-3
SM: Francisco de Vitoria—Political Writings: On The American Indians
SM: Hugo Grotius, On Laws of War and Peace

Questions for Discussion group:
What are the sources of international law that international jurists draw upon in Lotus, and in the Aaland Islands cases to resolve the issues of jurisdiction, self-determination, sovereignty?
What is the view of sovereignty exemplified in Vitoria? Are the American “Indians” sovereign nations? According to Vitoria, is there one over-arching “universal” system of law which binds all peoples—even “savages” and infidels?
What are the responsibilities of each state? Where does authority lie?

Week Three (September 4-6)

International Relations vs. International Law—can there be law among sovereigns? Issues of enforcement, legitimacy, globalization, & real politick

Janis: Chapter 5: The International Court (skim)
Janis: Chapter 6: States and International Law

Questions for Discussion group:
Why do we believe that law is only contingent upon enforcement or enforceability? What about consent, self-interest, cooperation, mutual aid? Why do nations obey international law almost all of the time in the absence of a sovereign?
Week Four (September 11-13)

International Institutions

Janis Chapter 7: International Organizations and Regimes pp. 199-238
SM: Junne: International Organizations in a period of globalization: New (problems of) legitimacy (pp. 68-84);
SM: UN materials.

Discussion group will be joined by the press group for this week. Press briefers, download the UNGA agenda for the week of 9/11-13; and disseminate a UN institutional chart. Highlight any special charters of the various bodies meeting that week. What representatives are in attendance, check whether there is any national press attention to the issues in front of the General Assembly or other bodies (UNCTAD, UNIFEM, UNAIDS etc.)

Week Five (September 18-20)

Non State Actors
Film: China Blue

SM: Margaret Keck & Kathryn Sikkink: Activists Without Borders “Transnational Advocacy Networks in International Politics” (pp.91-110)

Does I v. The Gap, Inc.: Can a Sweatshop Suit Settlement Save Saipan?
Erin Geiger Smith 23 Rev. Litig. 737


Questions for Discussion group: Is transnational advocacy/global justice dependent upon international law? How do advocates deal with issues of sovereignty in light of globalization, universal jurisdiction, open markets and the need for economic development in struggling economies?
Week Six (September 25-27) 10/15/07 11/1/2007 Genocide

SM: Samantha Power: A problem from Hell: America and the Age of genocide. Chapters 9-12

Week Seven (October 2-4) Prof. McKinley out of town October 4

International Law in US Domestic Courts
*The Antelope* 23 U.S. 66 (1825)
*The Paquete Habana* 175 U.S. 677 (1900) pp. 5-11

Janis Chapter 4: International law and Municipal law

Week Eight: (October 9-11) International Law in US Courts cont’d


Questions for Discussion group: What should the role of international law play in US courts? Why is the United States loath to ratify international treaties? What are the different interpretations of the Alien Tort Claims Act in *Filartiga* as opposed to *Alvarez Machain*?

Week Nine: (October 16-18) International Criminal Law

Prosecutor vs. Jean-Paul Akayesu
Case No. ICT-R-96-4-T

Questions for Discussion group: What are the criteria for punishing atrocities? Is this justice/law, morality or is it
politics? Can a nation “move on” and construct a new identity in a post-genocidal situation? Is the trend only to punish the ones who bear the greatest responsibility for atrocities worth the monumental financial and legal effort?

Mid term exam available Thursday October 18th, (take home)
Due Monday October 22nd by 5 p.m.

Week Ten: (October 23-25)
International Human Rights

- Velásquez-Rodriguez v. Honduras  
  Inter-American Court of Human Rights, 1988
- Olga Tellis v. Bombay Municipal Corporation (Supreme Court of India 1985)
- Soobramooney v. Minister of Health (KwaZulu-Natal) (CCSA, 1997)
- DeShaney v. Winnebago County Department of Social Services 489 U.S. 189 (1989)

Questions for discussion group: What are the core set of principles of justice that should form the foundation of a globally acceptable, effective system of human rights? Under what conditions can the contemporary human rights regime contribute to the realization of global justice? What are the limitations of the human rights regime and international institutions in the realization of that goal?

Week Eleven (October 30-Nov 1)
War on Terror
  Jay S. Bybee, Memorandum for Alberto Gonzales, Counsel to the President, Standards of Conduct for Interrogation under 18 USC 2340-2340A (August 1, 2002)

  Hamdan v. Rumsfeld 126 S.Ct. 2749

Week Twelve (November 6-8)
Feminist Approaches to International Law

Week Thirteen (November 13-15)
   Case study of International Institutions: Office of the United Nations High Commissioner for Refugees
   SM: 1951 Refugee Convention

   SM: Ambiguity and Change: Humanitarian NGOs Prepare for the Future. Executive Summary, Chapter 2, Chapter 3, chapter 4, Epilogue

Questions for Discussion group: What are the agency’s priorities? How does it get funded? What is its mission? Is this relief work, is it long term community development? What are the goals of relief organizations and humanitarian NGOs today, given the protracted problems caused by war, drought, famine, earthquakes?

November 20th
   No class, Thanksgiving break

November 27th
   International Environmental Law

   The Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua
   Inter-American Ct. H.R., Judgment August 31, 2001

End of semester!