

UNIVERSITY OF MINNESOTA LAW SCHOOL

Prof. Fionnuala Ní Aoláin & Dean David Wippman

INTERNATIONAL LAW (Fall 2009)

SYLLABUS

I. Course Description

This is a three-credit course which is designed to provide a general introduction to the international legal process. As the name itself suggests, “inter-national” law has traditionally been understood as the law governing relations among states. States constituted the basic units, and to a large extent the only units, of the international legal and political system. While states are still the most important participants in the international system, non-state actors have come to participate in all stages of the international legal process, and to acquire status, rights and obligations under international law. In addition, the substantive scope of international law has greatly expanded. Increasingly, international legal norms regulate areas that in the not-too-distant past were deemed to be part and parcel of the domestic jurisdiction and internal affairs of states such as human rights, protection of the environment, trade and monetary policies, labor law, and criminal law. Furthermore, major shifts have also taken place in some of the more “traditional” areas of international law—such as those pertaining to territory and borders, use of force and the law of the sea, and state responsibility.

A basic survey course cannot hope to deal comprehensively with the full panoply of international legal norms. Nor is it intended to cover comprehensively the norms and rules of the specific subjects that made their way into the syllabus. Thus, although the course will expose you to many substantive areas within international law—such as human rights, international criminal law, and use of force—learning in depth the black letter rules and doctrines that govern these distinct areas is not our primary goal. Rather, throughout the semester we will focus on issues pertaining to the formation, interpretation, application, compliance with, and at times even enforcement of, international legal norms and rules.

II. Course Requirements and Administration

A. Class preparation, attendance and participation:

Panels: We will run an on-call panel system for each class starting in week 2. Students will be assigned to 3 class sessions for the semester and that list will be circulated in advance of week 2. Being on call means that you will be expected to be fully prepared for class and assumes that you are able to respond to questions asked by us on the assigned materials. We note that we will still pose general questions to the class as a whole in any given class, and we expect all students to have read the relevant materials for each class session. If there is a reason you feel you should not be assigned in this way please make an appointment to speak with one of us to discuss the matter.

B. Final Examination and Grade:

Your grade in the course will be based on your score in an open book in-class examination. Students may receive up to one half grade (e.g. A- to A) augmentation on their exam score by significant class participation.

C. Contacting Us:

If you need to meet with either of us, please e-mail us at the e-mails below to set up an appointment:

Professor Ni Aoláin's e-mail is niaol002@umn.edu

Dean Wippman's e-mail is dwippman@umn.edu

III. Reading Material

The required text for the course is **Dunoff, Ratner, and Wippman, International Law: Norms, Actors, Process (Aspen, 2nd ed., 2006)** ("DRW"). There is no documentary supplement accompanying the book, but most of the documents and sources that we will be referring to are available through either the book-related website at <http://www.temple.edu/lawschool/drwiltext/> or our very own Human Rights Library at <http://www1.umn.edu/humanrts/>.

Students should read any web-site updates associated with the assigned textbook reading for the class. As the website is being currently updated we note that students should expect to have significant additions to their reading throughout the semester from the web-based materials.

Three additional web-based sources that may prove useful to you as we go along are the American Society for International Law ("ASIL"), *Guide to Electronic Resources for International Law* (<http://www.asil.org/resource/home.htm>), *Insights* (<http://www.asil.org/insights.htm>) and *International Law in Brief* (<http://www.asil.org/ilib/ilibarch.htm>).

* * *

Following is a detailed roadmap for the course. Please note: The schedule below is designed to provide you with a general framework for the course. It may be adjusted as we go along. We may move through some issues faster (or slower) than the schedule indicates.

Syllabus

Week 1: w/c September 8, 2009

Class # 1

Introduction

“**DRW**” pp3-30

Class #2 *Treaties*

“**DRW**” pp35-63

Class #3 *Treaties*

“**DRW**” pp64-74

Week 2: w/c September 15, 2009.

Class # 1

Customary International Law I & Soft Law

“**DRW**” pp74-92, 95-97

& Associated Update

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates2_2d.htm

Class # 2 Class #2

The State: Self-Determination & State Formation

“**DRW**” pp 111-130

& Associated Update

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates3_2d.htm

Class # 3

The State: Self-Determination & State Formation

“DRW” pp 107-130

Week 3: w/c September 22, 2009

Class # 1

State Succession & Governmental Change

“DRW” pp 144-171

Class # 2

International Organizations

“DRW” pp 171-200

Class # 3

“DRW” pp267-269, pp 273-293

& Associated Update [to Problem II]

http://www.temple.edu/lawschool/drwiltex/Updates_2ed/updates5_2d.htm

Read also Matheson Statement (SOFA), sections I and II at

<http://www.temple.edu/lawschool/drwiltex/docs/Matheson%20Testimony.pdf>

Week 4: w/c September 29th, 2009

Class # 1:

Breaking International Law

“DRW” pp293-313

& Associated Update to Problem III and excerpt of *Sanchez-Llamas* at

http://www.temple.edu/lawschool/drwiltex/docs/Sanchez_Llamas_5_2d_Edited.pdf.

Class # 2 *Breaking International Law II*

& Associated Update (*Medellin*) at

http://www.temple.edu/lawschool/drwiltex/docs/Medellin_edited1.pdf

Class # 3:

Interpreting International Law

“DRW” pp315-323, 326-340

& Associated Update to Problem V at

http://www.temple.edu/lawschool/drwiltex/Updates_2ed/updates5_2d.htm

Week 5: w/c October 6, 2009.

Class # 1

Jurisdiction to Prescribe

DRW” pp355-377

Class # 2

Jurisdiction to Prescribe II

“DRW” pp 377-398

& Associated Update to Problem II at

http://www.temple.edu/lawschool/drwiltex/Updates_2ed/updates6_2d.htm

Class # 3

Jurisdiction to Enforce

“DRW” pp398-415

& Associated Update to Problem III at

http://www.temple.edu/lawschool/drwiltex/Updates_2ed/updates6_2d.htm

Week 6: w/c October 13, 2009

Class # 1

Head of State Immunity

“DRW” pp667-693

Class # 2

Head of State Immunity II

“DRW” pp667-693

& Associated Update to Problem IV at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates9_2d.htm

Class # 3

Civil and Political Rights I

“DRW” pp 441-462

Week 7: w/c October 20, 2009

Class # 1 **INTERNATIONAL HUMAN RIGHTS**

Civil and Political Rights II

“DRW” pp 462-472

& Associated update at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates7_2d.htm

Class # 2

Limiting Obligations through Reservations

“DRW” pp 472-487

Class # 3

Economic, Social and Cultural Rights & FGM

“DRW” pp487-526

Week 8: w/c October 27, 2009.

Class # 1

Universalism v. Cultural Relativism

“DRW” pp 487-526

Class # 2

Nuclear Weapons and the Laws of Law

“**DRW**” pp527-553

& Associated Update to Problem I at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates8_2d.htm

Class # 3 *Laws of Law II*

“**DRW**” pp554-573

& Associated update to Problem II (Gaza)

Week 9: w/c November 3, 2009.

Class # 1

Class #2

International Criminal Law

“**DRW**” pp607-625

& Associated Update to Problem I at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates9_2d.htm

Class # 3

US Treatment of Prisoners at Abu Graib

“**DRW**” pp625-646

& Associated Update to Problem II at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates9_2d.htm

Week 10: w/c November 10, 2009

Class # 1

USE OF FORCE

Aggression, Self-Defence and Collective Security I

“DRW” pp875-894

Class # 2

Aggression, Self-Defence and Collective Security II

“DRW” p894-915

& Associated Update to Problem II

Class # 3

Intervention in Internal Conflicts

“DRW” pp915-937

& Associated Update to Problem III

Week 11: w/c November 17th, 2009. (DW)

Class # 1

Humanitarian Intervention

“DRW” pp937-957

& Associated Update to Problem IV

Class #2

“Judicial Review” over the Security Council

“DRW” pp959-983

& Associated Update to Problem I

Class # 3

Terrorism and the Use of Force

“DRW” pp 983-999

& Associated Update to Problem II.D.1 at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates14_2d_revised.htm

Week 12: w/c November 24th, 2009

Class # 1

“Enemy Combatants”

“**DRW**” pp 999- 1018

& Associated Update to Problem II.D.2 at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates14_2d_revised.htm

Class # 2

Prosecuting Detainees / Military Commissions

“**DRW**” pp 1018- 1031

& Associated Update to Problem II.D.3 at

http://www.temple.edu/lawschool/drwiltext/Updates_2ed/updates14_2d_revised.htm

Week 13: w/c December 1, 2009.

Class # 1

Law of Occupation

“**DRW**” pp 587-605

& Associated Update to Problem IV

Class # 2 *Ontological Doubts*

“**DRW**” pp 1031-1044

Class # 3

Week 14: w/c December 7th, 2009.

Class # 1