Welcome to International Law. The information in this document is vital to your success in this course. Please read it carefully.

**Course Description and Student Learning Objectives**
This course aims to introduce you to the basic vocabulary, actors, sources and several substantive areas of International Law. It is designed both for students who seek a career focused on International Law and for those who want a better understanding of a topic affecting legal practice in any forum, including in the United States. In addition to acquiring substantive knowledge, this course will call upon you to sharpen a number of skills lawyers frequently use, including problem-solving, close reading and interpretation of texts, critical thinking and application of legal principles to fact scenarios. You will be required to use legal analysis skills to express arguments clearly in class, on the mid-term assignment, and on the final examination. By the end of this course, you should be able to:

1. Identify the sources of international law, including treaties, custom, and general principles, as well as non-traditional sources of international law,
2. Understand how these sources work in US law,
3. Identify the subjects/actors regulated by international law,
4. Apply sources of international law to concrete problems, pointing out ambiguities in the law and the facts when relevant, and
5. Understand and participate in contemporary theoretical debates about international law.

**Course Materials**
You are required to bring the textbook and any additional assigned materials with you to class each day.

*You may prefer not to purchase the Document Supplement and instead to look for the materials on-line. If so, I highly encourage you to print out the materials before you come to class so that you can annotate them during class, especially (1) the Vienna Convention on the Law of Treaties, (2) the United Nations Charter, and (3) the ICJ Statute.*
Course Website
This course has a TWEN site that includes the syllabus, announcements, forums, assignments and other class materials. All students are required to register for the site. I will communicate with you through TWEN.

Secondary Sources
If you believe it would be helpful to you to consult some secondary sources/horn books, I recommend
- **SEAN MURPHY, PRINCIPLES OF INTERNATIONAL LAW (2d ed., 2012)**, or
- **DAVID BEDERMAN & CHIMENE KEITNER, INTERNATIONAL LAW FRAMEWORKS (2016)**.

Grades (Exam and Participation)
Course grades will be determined on the basis of a timed in class mid-term examination (25%), a three-hour closed-book final examination (75%), and professionalism. The midterm and final will test your knowledge of the subjects covered in this course, as well as your critical thinking, legal analysis and argument skills.

Your professionalism - or lack thereof - may help or hurt your grade by up to one step (e.g., B+ to A-, or B- to C+). Professionalism means being present, on time and prepared to participate. “On time” means you are in your seat by the time the attendance sheet makes it to your seat. “Prepared” means you have read and reflected on the work assigned, including briefing cases and other sources discussed in the readings, and looked up any words or terms in the readings that you did not understand. Skimming the reading and getting a general idea of what was going on constitutes insufficient preparation.

I encourage you to come to class even if you are not prepared, but you must notify me that you are not prepared and you **may not sign in** on the attendance sheet. Also, you may not leave the room during class time unless you are experiencing an emergency.

Computers: I strongly encourage you to handwrite your notes. Studies show that laptops are distracting and make it much harder for you and those around you to learn.

OTHER LAW SCHOOL POLICIES

**Attendance:** Come to class! It’s required, and it helps you learn! A student who exceeds five absences in this course may be compelled to withdraw, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This is an American Bar Association (ABA) Standard for Law Schools.

**Amount of Work per Credit Hour:** ABA Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class. International Law is a three-credit course.
**Class Cancellation:** If class is cancelled, you will receive an email letting you know. If there is inclement weather, please visit UB’s web site or call the University's Snow Closing Line at (410) 837-4201.

**Academic Integrity:** Once you lose your reputation for honesty, it’s hard to get it back, especially in the legal profession. Know the Honor Code and stick to it. Here’s the link: [https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm).

**Title IX Sexual Harassment and Sexual Misconduct Policy:** Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: [http://www.ubalt.edu/titleix](http://www.ubalt.edu/titleix).

**Disability Policy:** If you are a student with a documented disability who requires an academic accommodation, please contact Karyn Schulz, Director, Center of Educational Access, Office of Disability and Access Services, at 410-837-4141 or kschulz@ubalt.edu.
INTERNATIONAL LAW- LIST OF COURSE TOPICS

The list of topics is subject to change to maximize student learning, and we may not cover every topic. All changes will be emailed to you and posted on the TWEN site.

UNIT I. INTRODUCTION TO INTERNATIONAL LAW

UNIT II. SOURCES OF INTERNATIONAL LAW

UNIT III. DOMESTIC IMPLEMENTATION OF INTERNATIONAL LAW

UNIT IV. SUBJECTS OF INTERNATIONAL LAW

UNIT V. STATE RESPONSIBILITY AND DISPUTE RESOLUTION

UNIT VI. HUMAN RIGHTS

UNIT VII. INTERNATIONAL ENVIRONMENTAL LAW

UNIT VIII. USE OF FORCE
INTERNATIONAL LAW – LIST OF ASSIGNMENTS

The casebook is “CB,” and the document supplement is “DS.” “TWEN” is the course website. To locate sources in the DS, look at the Table of Contents. Please note that this list of assignments is subject to change to further student learning.

I. Introduction

Class 1 (Monday, January 7): Introduction to International Law

- CB, Historical Introduction, at xvii-xxix
  - Read this for basic background on the history of international law and institutions
- “Russians Meddling in the Elections? Here’s the Data” New York Times (Op-Ed) (Nov. 6, 2018), on TWEN
- DS, Statute of the International Court of Justice, art. 38
- DS, United Nations Charter, Preamble, articles 1-2, 51
- Resolution Adopted by the General Assembly of the United Nations, Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty (1965), at http://www.un-documents.net/a20r2131.htm
- TWEN: Student Information Sheet – Please print out, fill out and bring to the first day of class.

Class 2 (Wednesday, January 9): Introduction II: What is international law? Is it really law?

- “The Pentagon Reportedly has a Secret Plan...” Business Insider (Nov. 2, 2018), on TWEN
- CB, p. 1-8, 17-20
II. Sources of International Law

Class 3 (Monday, January 14): Sources of International Law: Treaties I: VCLT, Conclusion and Entry into Force (Existence of a Treaty, Capacity to Conclude Treaties) Expression of Consent to Be Bound, Obligation not to Defeat Object and Purpose
- CB, 117-137
- DS, ICJ Statute, art. 38
- DS, Vienna Convention on the Law of Treaties; Read Preamble, look for relevant articles of VCLT as you read
- TWEN: JCPOA Excerpt
- Find a treaty you are interested in learning about either in the Document Supplement or online. What is your treaty about? Is it bilateral or multilateral? How many states are parties to it? Find any articles on requirements for entry into force.

Class 4 (Wednesday, January 16): Treaties II: Obligation to Defeat Object and Purpose; Reservations
- CB, 137-150 (up to “General Comment 24”)
- DS, VCLT, arts. 2, 19-21
- DS, Convention on the Prevention and Punishment of the Crime of Genocide
- The United States made the following Reservation when it became a party to the Genocide Convention:
  - “(1) That with reference to article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.”
- Is this reservation permissible?
- Look for provisions on reservations in the treaty you found for last class.

Monday, January 21 – No Class – MLK, Jr. Day

Class 5 (Wednesday, January 23): Treaties III: Reservations, Interpretation, Invalidity, Termination
- CB, 161-64
- DS, VCLT, arts. 26, 31, 32
- TWEN: Problem on Treaty Interpretation, Questions on Treaty Interpretation
- CB, 174-176, 183-194
- VCLT, arts. 46-53, 60-62
- TWEN: Problem on Treaty Interpretation, Questions on Termination
- Look for provisions on termination in your treaty.
Class 6 (Monday, January 28): Treaties IV: Termination, Suspension; Customary International Law I

- CB, 204- 210, 60-63
- TWEN: International Committee of the Red Cross, “Customary International Humanitarian Law,” Vol. I (Cambridge University Press). This is a study by the ICRC on the rules of customary international humanitarian law (IHL). IHL is concerned with what states are allowed to do and prohibited from doing during war. For example, the ICRC could analyze whether customary international humanitarian law prohibits states from using barrel bombs during war.
- TWEN: Letter from Office of the Legal Adviser to Dr. Kellenberger (p. 1-5). This is a letter from the State Department of the United States critiquing the ICRC study’s methodology.
- Why did the ICRC write a study on Customary International Humanitarian Law? Why not just rely on treaty law?
- What are the requirements for establishing a rule of customary international law?
- What are the State Department’s objections to the ICRC study?
- CB, 79, 88-91, 98-101
- Optional: CALI exercise on CIL – on TWEN

Class 7 (Wednesday, January 30): Customary International Law II; Jus Cogens, Relationship between Treaties and Custom; General Principles

- CB, 101-115, 217-28


- CB, 238-52, 257-64
- UN Charter, arts. 23-27, Chapter VII
- CB, 57-60
- Now you have learned about the various sources of international law. Are they based in state consent? Or do they come from natural law principles? Which ones seem to fit better into the positivism/voluntarism approach to international law? Which ones seem to fit better into the natural law framework?
- Look up the website of an international court and find out something to share with the class about it. How many states are subject to the court’s jurisdiction? Tell us about an interesting case decided by the court?
III. Domestic Implementation of International Law

Class 9 (Wednesday, February 6): Treaties I
- CB, 621-22, 647-53 (Constitutional Limitations on the Treaty Power, Missouri v. Holland). Can the federal government do anything it wants using the treaty power? What limits are there?
- CB, 657 (Restatement s. 115) – 659 (the later in time rule)
- CB, 659-60, 679 - 82 (notes 1-3). Are all treaties just like federal statutes? Are some treaties more like federal statutes than others? How do you tell the difference?

Class 10 (Monday, February 11): Treaties II (Self-Executing vs. NSE Treaties Cont’d, Interpreting Treaties, Suspension or Termination of Treaties, Congressional-Executive, Sole Executive Agreements)
- In class, everyone on the left side of the room (closest to the door to the classroom) will argue that the ICJ’s Avena judgment (discussed in the Medellin case) is self-executing (dissenting opinion), and everyone on the right side of the room will argue it is non-self executing (majority opinion). Be prepared to argue in class.
- CB, 660-79, 682-83 (notes 4-6)
- CB, 688-702

Class 11 (Wednesday, February 13): Customary International Law in US Law; International Law Before US Courts (Political Question; Act of State Doctrine)
- CB, 623-26. How did the authors of these opinions understand the relationship between the US and international law at the time of the founding?
- CB, 63-68 (Paquete Habana case). When you read this case, focus on the role of customary international law in US law.
- CB, 626-28 (up to Erie R.R. v. Tompkins), 642-47
- CB, 702-713

Class 12 (Monday, February 18): International Law Before US Courts; Exam Taking Information; What does an International Law Exam Look Like?
- CB, 713-717
- CB, 717-721 (up to note 5), 724 (starting at the line) - 731
- TWEN: Final Exam Fall 2009 – This is an example of a final exam.
- TWEN: Tips on Exam Taking
  - In preparation for class discussion, write out your thesis and outline your answer to the following question and bring it to class: To what extent is the US a monist or dualist state?
IV. Subjects of International Law

Class 13 (Wednesday, February 20): States
- CB, 281-296, 303-307
- CB, 321-29 (skim)

Class 14 (Monday, February 25): Peoples
- CB, 307-21
- TWEN: Excerpt of ICJ Advisory Opinion on Kosovo

Class 15 (Wednesday, February 27): MIDTERM EXAM – IN CLASS

Class 16 (Monday, March 4): Recognition of Governments
- CB, 332-53, 358-59

Class 17 (Wednesday, March 6): International Organizations
- CB, 387-404, 408-413, 419-21
- DS: UN Charter, Preamble, arts. 1-8, 9-15, 17-19, 23-27, 55, 57, 61, 62, 67, 92, 97, 100, 102, 103, 104, 105, 108, 110 (Read these articles to get a sense of the structure and purpose of the UN)
- Go on-line and find the website for an international organization that sounds interesting to you. Find the organization’s constitutive instrument – the treaty that establishes it. Be prepared to share with the class:
  - Based on the treaty, what is the organization’s mission?
  - How many members does it have and when was it founded? Where are its headquarters?
  - At least one of the following:
    - How are decisions made within the organization?
    - What is its budget and how is it funded?
    - What challenges does the organization face?
Class 18 (Monday, March 11): NGOs, Corporations

- CB, 424-32
- Look up an NGO on-line and be prepared to share with the class what the NGO is and what it does.
- CB, 468-469, 479-84
- DS, OECD Guidelines for Multinational Enterprises (revised 2011). These are voluntary principles and standards for responsible business conduct addressed to MNCs, created in the 1970s. Why do they matter if they are voluntary? Why do you think they are voluntary in the first place? What kinds of conduct are they concerned with?
- CB, 1010-1011 (BITs and FTAs)
- DS, Model US Bilateral Investment Treaty. This is an example of a bilateral investment treaty.
  - What types of disputes does this cover? Where can disputes be heard and decided?
- Imagine you represent the CEO of Sneaks, a sneaker company who needs to build a new factory to meet rising demand and is concerned about keeping costs as low as possible. What legal and non-legal considerations do you think the CEO should be aware of as she decides where to locate the factory? What law (both hard and soft) should she know about as she ventures abroad to set up her factory?
- Please be aware that you do not need to read the readings from the Document Supplement in depth. I just want you to get an overall sense of what these are about. For the Model BIT, focus on the Preamble, the definition of "investment" under article 1, art. 2, art. 3, art. 6, para. 1, and art. 25. Again, the goal is for you to have a sense of what this document is and how it might be used. For the OECD Guidelines, read the first couple of pages a bit more carefully to get a sense of what these are about, and then skim the rest of the document.

V. State Responsibility and Dispute Settlement

Class 19 (Wednesday, March 13): General Principles, Attribution of Conduct, Reparation, Countermeasures

- CB, 485-500, 506-511, 517-18, 521-23 (including Note 1)
- DS, International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts

Class 20 (Monday, March 25): Methods of Dispute Settlement, ICJ Jurisdiction

- CB, 531-544
- CB, 552-54, 559-61, 565-68
- TWEN: Skim Uruguay Materials I and II
- DS, Statute of the International Court of Justice

SPRING BREAK: MARCH 17 TO 24
VI. Human Rights

Class 21 (Wednesday, March 27): Human Rights I – Overview, Global Instruments and Institutions
- CB, 915-941
- DS, (starts at p. 395) Universal Declaration of Human Rights – Where do these rights come from? What stands out to you about them?
- DS, (starts at p. 399) International Covenant on Civil and Political Rights - skim
- DS, (starts at p. 412) First Optional Protocol to ICCPR - skim
- What mechanisms can you identify in the readings to enforce human rights?
- Optional: Other Human Rights treaties discussed in the readings

Class 22 (Monday, April 1): Human rights II – Global and Regional Institutions
- CB, 942-47; 954-56; 958-72
- DS, American Declaration on the Rights and Duties of Man
- DS, American convention on Human Rights
- Go on the website of the Inter-American Commission on Human Rights.
  - What does the Commission do?
  - Find either or a report authored by the Commission or a decision on a petition filed in the Commission. For example, you could look at the Commission’s decision on a petition filed against the United States, or you could look for a report by the Commission or a Special Rapporteur on a thematic issue, like detention of minors, or freedom of expression, or violence against women.
  - Be prepared to talk for a few minutes about what you found. What was it about? What was interesting about it? What questions do you have about it?

VII. International Environmental Law

Class 23 (Wednesday, April 3): Historic Development, Transborder Environmental Harm, Ozone Depletion
- CB, 1467-84
- CB, 1484-86
- Skim DS, (starts at 962), Vienna Convention for the Protection of the Ozone Layer
- Skim DS, (starts at 968), Montreal Protocol on Substances that Deplete the Ozone Layer
- Stockholm Declaration
- How is the problem of ozone depletion different from the problem of transborder environmental harm? How do the Vienna Convention and the Montreal Protocol differ?

Class 24 (Monday, April 8): Field Trip to OAS in Washington, DC - REQUIRED – AFTERNOON
VIII. Use of Force

Class 25 (Wednesday, April 10): Use of Force I – Pre-UN Charter Regime, beginning of UN Charter Regime
- CB, 1087-1103
- DS, (starts at p. 1), UN Charter, arts. 2(4), 51

Class 26 (Monday, April 15): Use of Force II – UN Charter Regime, exceptions to Prohibition on Use of Force
- CB, 1114-17, 1121-1134
- What are the stretchy words in Articles 2(4) and 51 of the UN Charter?
- Is a threat by President Trump to bomb Syria legal?
- In the Nicaragua case, why did the US think it was NOT violating the rules on the use of force? Did the Court agree with the US position? Why or why not?
- If State A sends a soldier into State B and shoots someone, does that constitute an “armed attack” within the meaning of article 51? Why or why not?

Class 27 (Wednesday, April 17): Use of Force III – Exceptions to prohibitions on use of force; Security Council
- CB, 1134-47
- CB, 1168-90
- What exceptions exist to the prohibition on the use of force? How would you apply them to specific facts? For example, was the Panama invasion legal? What is the Security Council’s role in maintaining peace and security?

Class 28 (Monday, April 22): Wrap Up, and Compliance with International Law
- CB, 8-17
- Does international law make a difference in the behavior of states? Always, sometimes or never? What drives when it makes a difference?

University Make up Days: April 23-24
University Exam Period: April 29 – May 10