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## Public International Law

**Summary:** This course is an introduction to the international legal system and particularly its decision-making processes – how international law is made and applied; the institutions created for making decisions; and the various legal regimes that are established. Consideration will be given to formal as well as operational prescriptions and practices. The role of power in this system will be candidly acknowledged, and the problems and opportunities it presents will be explored. Special attention will be given to: (1) theory; (2) participants in the system; (3) nationality and human rights; (4) regulation of the use of force; (5) regulation of international agreements; and (6) allocation, protection and regulation of natural resources.

**Materials:** The required book for this class is W. Michael Reisman, et al., *International Law in Contemporary Perspective* (2d ed. 2004). Additional materials will also be provided.

**Attendance:** Regular class attendance is required. Unexcused absences will lower your grade, and excessive unexcused absences may result in your withdrawal from the course or exclusion from the final exam. Excused absences (e.g., illness, family emergency, religious observance) will not put you in such jeopardy. If you are seeking an excused absence, please give me a brief explanation in writing (by email).

**Grading:** Your grade will be based on a final exam and class participation. In considering class participation and its positive or negative impact on your final grade, I will take into account such things as: your level of preparation, as reflected in whether and how well you answer in class; your classroom performance generally (e.g., your willingness and ability to engage in classroom discussion in a considered and thoughtful manner); and attendance (e.g., excessive absences and/or tardiness).

**Class Communications:** I will make announcements in class and, occasionally, by email. When communicating by email, I will use your UC email address. You are responsible for checking your UC email regularly.

**Office Hours:** Tuesdays, 3PM-4PM. I am also available at other times by appointment.

Week 1: *The Constitutive Process* – How Should We Conceive International Law? How Is International Law Made and Applied? **Readings:** Casebook, pp. 1-2, 13-28, 36-45 (through note 5), 46-71, 73-90, 94-102 (through note 2); Supplement No. 1. **Class Discussion Focus:** Case Study of the Legality of Nuclear Weapons and Their Testing.

Week 2: *The Constitutive Process* – Interaction Between International and National Actors; Relation Between Lawfulness of Actions and the Constitutive Process. **Readings:** Casebook, pp. 104-22, 125-37, 140-44, 1018-28; Supplement No. 1. **Class Discussion Focus:** Case Study of the Cases Concerning the Vienna Convention on Consular Relations.

Week 3: *Establishment, Transformation, and Termination of States and Other Actors* – States. **Readings:** Casebook, pp. 149-229. **Class Discussion Focus:** The Principle of Self-Determination; The Principle of *Uti Possidetis*.

Week 4: *Establishment, Transformation, and Termination of States and Other Actors* – States and Other Actors. **Readings:** Casebook, pp. 230-61, 289-337. **Class Discussion Focus:** Recognition; Governments-in-Exile; Regime Change; NGOs; Multinational Corporations; Private Armies; Terrorists.

Week 5: *Protection and Control of Persons* – Nationality. **Readings:** Casebook, pp. 353-439. **Class Discussion Focus:** *Tunis-Morocco*; *Nottebohm*; *Flegenheimer*; Transfer, Withdrawal, and Termination of Nationality; Multiple Nationality.

- Week 6: *Protection and Control of Persons* – Nationality. Readings: Casebook, pp. 439-500. Class Discussion Focus: Protection of Persons; Modalities of Protection; Regulation of Internal Consequences of Nationality.
- Week 7: *Protection and Control of Persons* – Human Rights. Readings: Casebook, pp. 520-629. Class Discussion Focus: *Jus Cogens*; Domestic Human Rights Enforcement: Alien Tort Statute; International Human Rights Enforcement; Human Rights and Claims of Cultural Relativity.
- Week 8: *Strategies* – Regulating the Use of the Military Instrument. Readings: Casebook, pp. 1047-1141. Class Discussion Focus: Initiating the Use of Force; The Conduct of Hostilities.
- Week 9: *Strategies* – Regulating the Use of the Military Instrument. Readings: Casebook, pp. 1141-71. Class Discussion Focus: Individual Criminal Liability. *Strategies* – Regulating the Use of the Diplomatic Instrument. Readings: 1246-78. Class Discussion Focus: Limitations on Immunity.
- Week 10: *Strategies* – Regulating International Agreements. Readings: Casebook, pp. 1279-1318. Class Discussion Focus: Formation: U.S. Constitutional Structure; Limitations on Formation: International and Domestic.
- Week 11: *Strategies* – Regulating International Agreements. Readings: Casebook, pp. 1318-80. Class Discussion Focus: Signature; Reservations; Interpretation; Suspension and Termination.
- Week 12: *Strategies* – Regulating the Use of the Economic Instrument. Readings: 1183-1234. Class Discussion Focus: Regulation of Sanctions; Regulation of Corruption. *Allocation, Protection and Regulation of Use of the Resources of the Planet* – Water. Readings: Casebook, pp. 647-97. Class Discussion Focus: *Le Louis*; *Fisheries Case*; *Corfu Channel Case*.
- Week 13: *Allocation, Protection and Regulation of Use of the Resources of the Planet* – Water. Readings: Casebook, pp. 698-746. Class Discussion Focus: Continental Shelf; Exclusive Economic Zone; Other International Waters. *Allocation, Protection and Regulation of Use of the Resources of the Planet* – Environment. Readings: Casebook, pp. 826-66. Class Discussion Focus: Environmental Regimes.
- Week 14: *Allocation, Protection and Regulation of Use of the Resources of the Planet* – Environment. Readings: Casebook, pp. 866-92. Class Discussion Focus: International Trade and Environmental Protection.
- Week 15: Catch-up (if necessary); Review.