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Fall 2008

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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) human rights; (4) regulation of the use of force; (5) regulation of international agreements; (6) allocation, protection and regulation of natural resources, including the environment and the oceans; (7) regulation of trade; and (8) international law and domestic law.

Materials: The required book for this class is Jeffrey L. Dunoff, Steven R. Ratner, & David Wippman, *International Law – Norms, Actors, Process: A Problem-Oriented Approach* (2d ed. 2006) (DRW). 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: Mondays, 3PM-4PM. I am also available at other times by appointment.

Course Syllabus

Note: Syllabus subject to revision during the course of the term.

I. Introduction

A. The Operation of International Law

- Assignment 1: DRW 3-4, 12-15, 18-32

II. What is International Law? Sources

A. Treaties

- Assignment 2: DRW 35-61
- Assignment 3: DRW 61-74, 472-85

B. Custom

- Assignment 4: DRW 74-92

III. Participants in the International Legal Process

A. States

- Assignment 5: DRW 107-37

B. International Organizations

- Assignment 6: DRW 171-97, skim 197-200

C. NGOs

- Assignment 7: DRW 201-16

D. Intrastate Units

- Assignment 8: DRW 234-50

IV. International Law in Domestic Legal Systems: The United States

A. Limits on Making International Agreements

- Assignment 9: DRW 267-93

B. Conflicts Between International and Domestic Law

- Assignment 10: DRW 293-306, Supplement #1

C. Incorporation of International Law into U.S. Law: Self-Execution and Non-Self-Execution

- Assignment 11: DRW 313-15, Supplement #2

V. Extending the Reach of Domestic Law: Jurisdiction

A. Jurisdiction to Make and Apply Law

- Assignment 12: DRW 355-77
- Assignment 13: DRW 377-98

B. Jurisdiction to Enforce Law

- Assignment 14: DRW 398-415

C. Immunities

- Assignment 15: DRW 415-35, Supplement #3

VI. Protecting Human Dignity I: Substantive Human Rights Norms and Their Enforcement

A. The Prohibition of Torture

- Assignment 16: DRW 441-62

B. Economic, Social, and Cultural Rights

- Assignment 17: DRW 487-500

C. Women's Rights

- Assignment 18: DRW 500-26

D. Domestic Criminal Liability for Violation of Human Rights

- Assignment 19: DRW 667-93

E. Civil Liability for Violation of Human Rights

- Assignment 20: DRW 326-53

VII. The Use of Force

A. Responding to and Containing Aggression

- Assignment 21: DRW 875-97
- Assignment 22: DRW 897-915
- Assignment 23: DRW 915-37

B. Humanitarian Intervention

- Assignment 24: DRW 937-57

VIII. Protecting Human Dignity II: International Humanitarian Law

A. Limits on the Use of Certain Weapons

- Assignment 25: DRW 527-53

B. Protecting Non-Combatants

- Assignment 26: DRW 554-73

C. International Criminal Law

- Assignment 27: DRW 615-16, 621-23, 628-29, 646-67

IX. The Law of the Sea

A. The Territorial Sea

- Assignment 28: DRW 701-18

B. The Exclusive Economic Zone

- Assignment 29: DRW 718-33

C. The Continental Shelf

- Assignment 30: 736-60

X. International Environmental Law

A. Protecting the Atmosphere: Saving the Ozone Layer

- Assignment 31: DRW 761-63; 782-805

B. Protecting the Planet: Combating Climate Change

- Assignment 32: DRW 811-26

XI. International Economic Law

A. Resolving Trade Disputes

- Assignment 33: DRW 827-46

B. Balancing Trade and the Environment

- Assignment 34: DRW 846-59

C. Resolving Investment Disputes

- Assignment 35: DRW 859-72