

Professor: Katerina Linos

Meeting Time: Mo/Tu 3:35 – 5:25 p.m.

Meeting Location: 140

Office Hours (Simon 887): Mo/Tu 5:30 - 7:00 p.m.

Email: klinos@law.berkeley.edu

Assistant: Leslie Stone, lstone@law.berkeley.edu

INTERNATIONAL LAW

PRELIMINARY SYLLABUS – FALL 2013

This course provides an introduction to international law broadly defined. It introduces the basic concepts that every lawyer should know about the international dimensions of law in the modern world, and offers a rigorous foundation for advanced courses in this field. We will cover a wide range of topics, including topics that are traditionally covered in classes in public international law, private international law, and comparative law. The core areas addressed are (1) the sources of international law, (2) the use of force, (3) international human rights, (4) international business transactions, (5) international law in domestic courts, (6) international economic law and (7) international environmental law.

Why study international law? Because legal systems today are highly interconnected, and the US plays a dominant role in the development and enforcement of the rules connecting the world. Careers in public international law can be found in government agencies, international organizations and tribunals, non-profit organizations, private law firms, and academia. Moreover, American lawyers today often represent either U.S. companies doing business abroad or foreign companies doing business here. Many areas of domestic law, from environmental law to antitrust law to intellectual property law, have important international aspects.

The course has no prerequisites, and no prior knowledge will be assumed. That said, LLM students and others who already have a background in international law are encouraged to take the course. This course will differ from traditional international law courses in that we will not focus exclusively on doctrine, but also on how politics and culture inform the negotiation and enforcement of international agreements.

This course is required for students who wish to complete the certificate in international law.

Readings

Many of the readings will be drawn from INTERNATIONAL LAW: NORMS ACTORS PROCESS DUNOFF, JEFFREY DUNOFF, STEVEN R. RATNER (3RD EDITION).

The book is accompanied by an important website: <http://sitemaker.umich.edu/drwcasebook/home>

This website includes documents relevant to the book (saving you from having to buy a documentary supplement) and updates to the casebook, some of which are assigned readings. Additional readings will be available on b-space.

I aim to limit the reading to under 30 pages per session, to allow you time to process this carefully.

If you would like to review an additional introductory treatise, I recommend DAVID BEDERMAN, INTERNATIONAL LAW FRAMEWORKS, 3RD EDITION. This is entirely optional.

Evaluation

This class requires regular attendance and participation. 20% of the grade will be based on in class participation. After the first week of classes, students will be randomly assigned to panels, and will be 'on call' to answer questions about the readings on those dates. To get full marks for class participation, all you need to do is attend class regularly, be prepared to answer questions when you are on panel, and participate constructively in other class discussions and exercises.

80% of the grade will be based on an 8-hour take home examination that can be scheduled on any day of the exam period.

Office Hours

My office hours are Mondays and Tuesdays from 5:30 to 7:00 p.m. in Simon 887. I look forward to meeting you, so please stop by to ask questions about the class, as well as questions about careers, research projects, follow on courses, etc.

Part I – Sources of International Law and the International Legal System

1. Introduction: Resolving Disputes Peacefully (Aug 26)

DRW 3-5 (including Levi), 7-8 (Grotius extract), 10-24 (including Notes and Questions)

Bederman, International Law Frameworks, pp. 52-56 ("State Identity, Sovereignty and Legitimacy")

ICJ Statute, arts 3.1, 13.1, 31.1-31.3, 34, 36.1-36.3

2. Treaties (Aug 27)

DRW 35-52

Labor Day – No Class on Monday September 2 – Make-up on Friday September 6

3. Treaties (continued) (Sept 3)

DRW 52-68 (not including Reservations)

4. Reservations (Sept 6) [FRIDAY, 1-2:50, Room 140]

Vienna Convention, arts. 19-22

DRW 68-73

DRW 436-50

5. Customary International Law (Sept 9)

DRW 73-92

Bederman, International Law Frameworks, pp. 13-19 (not including S.S. Lotus case)

6. “Soft Law” (Sept 10)

DRW 93-105

7. International Organizations (Sept 16)

DRW 159-187

United Nations Charter, Chapters I-VII (available at casebook website)

(pay special attention to articles 2.4, 2.7, 7, 23, 25, 27.3, 39, 41, 42, 51)

Part II – Use of Force

8. Does International Law Constrain Aggression? The Iraq Wars (Sept 17)

DRW 835-65

9. The US military response to Al Qaeda (Sept 23)

DRW 932-49

10. Detention, Hamdi and Hamdan (Sept 24)

DRW 949-78

11. Protecting Non-Combatants (Sept 30)

DRW 513-38

Part III – Human Rights

12. The US War on Terror and Torture (Oct 1)

DRW 403-36

13. Rights to Food and Water (Oct 7)

DRW 450-63

Winkler, The Human Right to Water, pp. 100-107, 125-140

14. Women's Rights (Oct 8)

DRW 463-87

Part IV – International Business Transactions

15. Jurisdiction (Antitrust) (Oct 14)

Bederman, International Law Frameworks, 185-193 ("Bases of Jurisdiction")

DRW 330-346

16. Arbitration (Oct 15)

Chow & Shownbaum, International Business Transactions (2010), pp. 613-44

17. Litigation (Oct 21)

Chow & Shownbaum, International Business Transactions (2010), pp. 644-64

18. Sovereign Immunity and Act of State (Oct 22)

DRW 377-99, 314-324

Part V – International Law in Domestic Courts

19. Breaking International Law (Oct 28)

DRW 269-288

20. Seeking Redress for Corporate Complicity in Human Rights Violations – ATCA (Oct 29)

DRW 298-314
Kiobel extracts

Part VI – International Economic Law (Trade, Investment, Migration)

21. Trade (Nov 4)

Andrew Guzman and Joost Pauwelyn, *International Trade* (2009) pp. 1-6, 80-107,

22. Dispute-Settlement in the WTO (Nov 5)

Andrew Guzman and Joost Pauwelyn, *International Trade* (2009) pp. 118-34, 166-70, 173-76, 195-96

23. Investment (Nov 8) [FRIDAY, 1-2:50, Room 140]

DRW 806-23

Veterans' Day – No Class on Monday November 11 – Make-up on Friday November 8

24. Migration (Nov 12)

Alexander Aleinikoff, *International Legal Norms and Migration*, pp. 1-27

25. Regional Integration – the European Union (Nov 18)

Anu Bradford, *The Brussels Effect*, NORTHWESTERN L. REV. (forthcoming 2012/13)
pp. 1-23

Part VII – International Environmental Law

26. Fisheries (Nov 19)

DRW 669-85

27. The Ozone Layer (Nov 25)

DRW 729-57

28. Climate Change (Nov 26)

DRW 757-75

Review Session – Monday December 2, 3:35-5:25, Room 140