

INTERNATIONAL LAW
Fall 2019
Mondays & Wednesdays 8:00-9:50am., Room 170

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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. The core areas addressed are (1) the sources of international law, (2) international actors, (3) the mechanisms of international responsibility, (4) the use of force, (5) international human rights, the law of war, and international criminal law (6) international economic law, (7) international environmental law, and (8) the intersection of domestic and international law.

There are many reasons to study international law. Legal systems today are highly interconnected, and the United States 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. Lawyers in the United States often represent either U.S. companies doing business abroad or foreign companies doing business in the United States. Many areas of domestic law, from environmental law to antitrust law to intellectual property law, have important international aspects. Many global problems, from the environment to human rights, cannot be addressed adequately by resort to domestic law alone. The course, accordingly, offers an introduction to a subject that is important to the practice of law in the United States and that is important to the resolution of some of the world's greatest challenges.

The course has no prerequisites, and no prior knowledge will be assumed. That said, students who already have a background in international law are encouraged to take the course.

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

Learning Objectives

Berkeley Law has identified the following school-wide learning outcomes for every course:

- a) Knowledge and understanding of substantive and procedural law;
- b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- c) Exercise of proper professional and ethical responsibilities to clients and the legal system;
- d) Other professional skills needed for competent and ethical participation as a member of the legal profession; and
- e) Using the law to solve real-world problems and to create a more just society.

This course will be structured around the following specific learning outcomes in international law:

- a) Knowledge and understanding of the purposes of international law, as well as the defining features of international law, including its sources and methodology;
- b) Knowledge of and ability to apply to hypothetical situations the legal rules governing key substantive areas that are addressed by international law
- c) Knowledge and understanding of the debates surrounding these rules, and an ability to critique the rules, including an understanding of ongoing debates about the role of international law; the value of international law; and the legitimacy of international law.

Course Materials

The primary text for this course is Jens David Ohlin, *International Law: Evolving Doctrine and Practice* (Foundation Press, 2018). In addition to casebook assignments, throughout the semester some readings will be distributed through the course website on bCourses. Please bring your casebook and any other assigned readings to class.

Course Requirements

Please read your email and bCourses announcements regularly for information on the class.

Please attend every class, arrive on time, and be prepared to participate in the class discussion. Half the class will be “on call” for each class. (On-call lists will be posted after the first week.)

If you must be absent from class because of illness or another emergency, please let me know if you can. If you are not prepared to participate in class discussion on a particular day, please let me know before class and I won’t call on you. Frequent resort to this option and/or unexcused absences will impact your final grade. Please read Rule 7 of the Academic Rules for further explanation of Berkeley Law’s policies on preparation and participation.

Please note that you may not record any class without my permission.

Evaluation

Evaluation will be based primarily (85%) on a 6-hour take-home exam at the end of the semester. The remaining 15% of your grade will be based on class participation. The class participation grade will be based on attendance and responsiveness to questions (think quality, not quantity!) and on a short presentation that groups of 3-4 class members will give on a current event related to international law.

Schedule

Please note that we will meet on Nov. 25 and Nov. 26 to make up for the Labor Day and Veterans Day holidays.

SYLLABUS

The following is an overview of the course and is subject to change. Reading assignments will be posted separately.

Part I: The Method of International Law

I. Introduction

- A. Evolution of International Law
- B. The Idea of International Legal Regulation

II. Sources of International Law

- A. Customary International Law
- B. Jus Cogens
- C. Treaties
- D. Other Sources

III. Actors in International Law

- A. States
- B. International Organizations

IV. The Mechanics of International Responsibility

- A. Principles of State Responsibility
- B. Adjudication of International Disputes
- C. Enforcement of International Law

Part II: Substantive Areas of International Law

V. Use of Force

- A. Prohibition of the Use of Force
- B. Self-Defense
- C. Humanitarian Intervention

VI. Protection of Individuals

- A. Human Rights
- B. International Humanitarian Law
- C. International Criminal Law

VII. Regulation of Transboundary Conduct

- A. International Economic Law
- B. International Environmental Law

Part III: Domestic Law and International Law

VIII. Interplay of International and National Law

- A. International Law in Domestic Courts
- B. Jurisdiction
- C. Immunities