Professor: Katerina Linos

Meeting Time: Tu/Th 3:35 – 5:25 p.m.

Meeting Location: 170

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

Email: klinos@law.berkeley.edu

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

**INTERNATIONAL LAW**

**PRELIMINARY SYLLABUS**

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 ways in which international law can be used in domestic court litigation, particularly in the United States, (3) international human rights, (4) international environmental law, (5) the use of force, (6) trade and investment, and (7) international business transactions.

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.

**Evaluation**

This class requires regular attendance and participation. 20% of the grade will be based on in class participation.

80% of the grade will be based on an 8-hour take home examination.

**Part I – Sources of International Law and the UN system**

**1. Introduction and UN System** (Jan 8)

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

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

**2. Treaties** (Jan 10)

DRW 35-52

**3. Treaties (continued)** (Jan 15)

DRW 52-73

**4. Reservations** (Jan 17)

Vienna Convention, arts. 19-22

DRW 436-50

**5. Customary International Law and “Soft” Law** (Jan 22)

DRW 77-105

**6. Treaty Negotiation and Drafting Exercises** (Jan 24)

Materials to be distributed

**7. International Organizations** (Jan 29)

DRW 159-187

**8. Locating International Law Materials** (Jan 31)

Special session with Marci Hoffman, International Law Librarian

**Part II – International Law in Domestic Courts**

**9. Breaking International Law** (Feb 5)

DRW 269-288

**10. Seeking Redress for Corporate Complicity in Human Rights Violations – ATCA** (Feb 7)

DRW 298-314

**11. Redress (con’d) – the Kiobel case** (Feb 12)

(Pending Supreme Court decision)

**Part III – Human Rights**

**12. The US War on Terror and Torture** (Feb 14)

DRW 403-36

**13. Rights to Food and Water** (Feb 19)

DRW 450-63

Materials on right to water to be distributed

**14. Women’s Rights** (Feb 21)

DRW 463-87

**Part IV – International Business Transactions**

**15. Jurisdiction (Antitrust Policy)** (Feb 26)

DRW 330-356

**16. Litigation** (Feb 28)

Chow & Shownbaum, International Business Transactions (2010), pp. 613-17, 644-664

**17. Arbitration** (Mar 5)

Special visit from David Caron

**18. Sovereign Immunity** (Mar 7)

DRW 377-99

**Part V – International Economic Law (Trade, Investment, Migration)**

**19. Trade** (Mar 12)

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

**20. Dispute-Settlement in the WTO**  (Mar 14)

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

**21. Investment** (Mar 19)

DRW 806-23

**22. Migration** (Mar 21)

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

Special visit from Kate Jastram

SPRING BREAK!

**23. Regional Integration – the European Union** (April 2)

Anu Bradford, *The Brussels Effect*, Northwestern L. Rev. (forthcoming 2012/13)

pp. 1-23

**Part VI – International Environmental Law**

**24. Fisheries** (April 4)

DRW 669-85

**25. The Ozone Layer** (April 9)

DRW 729-57

**26. Climate Change** (April 11)

DRW 757-75

**Part VII – Use of Force**

**27. Protecting Non-Combatants** (April 16)

DRW 513-38

**28. Detention, Hamdi and Hamdan** (April 18)

DRW 949-78

Review Session – Wednesday April 24, 1-3 pm, Room 170