

# INTERNATIONAL LAW - SYLLABUS

Fall 2007

Prof. Philip Alston

## Revised version, Oct. 16, 2007

International law is now of major relevance in relation to a great many of the contexts which were once assumed to be exclusively the domain of domestic law. It is no longer a body of law that simply regulates relations between and among sovereign states. This course aims to illustrate the importance of international law, in all its forms, in relation to many of the central issues that preoccupy governments at the domestic level and to highlight the extent to which the assumptions underpinning it have changed in recent decades. The focus is on the norms, actors and processes which contribute to making international law what it is today. The approach seeks to combine theory and practice, although particular emphasis is attached to the actual practice of international law and its impact, or lack thereof, in relation to some of the most pressing issues on the international agenda.

No single course can teach international law in any comprehensive sense and the syllabus that follows is clearly selective, even by the standards of the limited range of topics addressed in the prescribed casebook. In addition to providing an understanding of the essential analytical tools needed to undertake research, and to practise, in the field, the course gives an introduction to diverse specialist areas such as trade and investment, human rights, the use of force, environmental law, humanitarian law, international crimes and social justice.

### Texts

The principal text is:

Dunoff, Ratner, & Wippman, *International Law: Norms, Actors, Process* (2nd ed., 2006) (referred to as 'DRW').

In addition it will be extremely useful for most students to read systematically and to use as a basic reference text:

Sean D. Murphy, *Principles of International Law* (2006)

Other reference works that might also be consulted include:

Mark W. Janis, *An Introduction to International Law* (4th ed. 2003)

Ian Brownlie, *Principles of Public International Law* (6th ed., 2003)

Antonio Cassese, *International Law* (2<sup>nd</sup> ed., 2004)

Peter Malanczuk, *Akehurst's Modern Introduction to International Law* (7th edition, 1997)

Malcolm Shaw, *International Law* (5<sup>th</sup> ed., 2003)

### **Materials**

The DRW casebook is accompanied by a website which contains copies of many of the primary materials such as treaties, cases etc which are dealt with in the course. It also contains updates on some issues. You should refer to it at <http://teaching.law.cornell.edu/faculty/drwcasebook/>.

Any additional course materials that are distributed will be placed on Blackboard and hard copies will be made available in VH411.

### **Exam**

There will be a 24 hour take-home exam which may be completed at any time during the exam period. Participation in class discussions is expected of all students and the final grades may be amended to take account of participation.

### **Office hours**

Office hours will be on Thursday between 1.30 and 3.30pm and a sign-up sheet is kept by my assistant, Kelly Ryan, in VH411.

## **COURSE STRUCTURE AND READING**

### **I. Introducing International Law**

Session 1: Thurs. August 30

International law in context: The Darfur Crisis: Norms, Actors, Process

Session 2: Tues. September 4

Tracing the evolution of IL: Chad/Libya, Rainbow Warrior DRW pp. 1-33

Session 3: Thurs. September 6

Treaties, Cyprus conflict DRW pp. 35-52

Session 4: Tues. September 11

Treaties (cont'd) DRW pp. 53-74

Session 5: Thurs. September 13

Custom & soft law: foreign direct investment DRW pp. 74-105

Tues, September 18 No class. See session 7 below

### **II. Participants in the International Legal Process**

Session 6: Thurs. September 20

Actors: States, DRW pp. 107-43

Session 7: Friday, September 21, 3-5pm. In place of class on Tues Sept. 18 session you are requested to attend the session by Prof Ryan Goodman, of Harvard Law School.

Session 8: Tues. September 25

Actors: International Organizations, DRW pp. 171-200

Session 9: Thurs. September 27

The Challenge of Non-State Actors, DRW pp. 201-234

### **III. International Law and Domestic Law**

Session 10: Tues. October 2

The Domestic Arena, DRW pp. 267-93

Session 11: Thurs. October 4

Breaking International Law, DRW pp. 293-315

Session 12: Tues. October 9

US Courts, DRW pp. 323-340

Session 13: Thurs. October 11

Jurisdiction DRW pp. 355-387

Session 14: Tues. October 16

Capturing Criminals Abroad DRW pp. 398-415

### **IV. Protection of Human Dignity**

Session 15: Thurs. October 18

Civil and political rights: torture, DRW 437-472

Session 16: Tues. October 23

The International Human Rights Covenants, DRW pp. 472-500

Session 17: Thurs. October 25

Limits on conduct of war: nuclear weapons, DRW pp. 527-53

Session 18: Tues. October 30

Protecting Non-Combatants, DRW pp. 554-573

Session 19: Thurs. November 1

The International Environment: Ozone Layer, DRW pp. 782-810

Sessions 20 and 21: Fri. November 2, 3.00 – 5.00

International Criminal Law, DRW pp. 607-646

Guest speaker: Prof William Schabas

## **V. Interdependence and Integration**

Session 22: Thurs. November 15  
Climate Change, DRW pp. 811-826

Session 23: Fri. November 16, 3.00 – 4.45  
Balancing Trade and Environment, DRW pp. 827-828 and 846-859

Session 24: Tues. November 20  
Resolving Investment Disputes, DRW pp. 859-872

## **VI. Challenges to International Law**

Session 25: Tues. November 27  
Use of Force, DRW pp. 877-915

Session 26: Thurs. November 29  
Intervention and Self-defense, DRW pp. 915-37

Session 27: Tues. December 4  
Legitimacy: The UN Security Council, DRW pp. 959-983

Session 28: Thurs. December 6  
Justice and Inequality: AIDS, DRW pp. 1044-1071