

**International Law
Thurgood Marshall School of Law**

Professor Craig Jackson

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Office Hours: 11-12; 1-3 MW; 11-3 Friday.

Book: Damrosch and Murphy: International Law: Cases and Materials - 6th edition

SPECIAL NOTE ON CLASS TIMES: Classes on Mondays and Wednesdays will begin at 3 and end at 3:45. This time will be made up on Fridays when we will meet from 3-4.

In this semester's International Law course we will attempt to solve some of the world's problems, or at least try to understand why some of these problems have not been solved using the rules of the Law of Nations--International Law. The course will include an overview of the basic building blocks of international law and theory, the creation of law in the international system, the enforcement of that law, and adjudication of legal problems between the various parties of the international legal system.

The approach will be like this. In addition to studying International Law basic concepts and textual materials, several real life and current problems will be addressed in the form of a case problem. Students will be asked to pick an international law issue in current events and, using course materials from the text, and other journalistic and/or academic materials, produce an executive summary of the topic and provide a description of the international issues involved in a class presentation. Depending on class size the presentation will either be on an individual basis or as part of a group project.

For example, the situation in Syria involves several international law issues—state sovereignty, international human rights, humanitarian law, United Nations law, use of force. The issues involving both North Korea's and Iran's potential development of nuclear capability also involves state sovereignty and United Nations law, but also addresses issues dealing with nuclear proliferation, treaty law, and anticipatory self-defense. Also, U.S. immigration policies can involve aspects of international human rights law, state responsibility, non-refoulement (the obligation to provide asylum from persecution or danger in an immigrant's home state). These issues will be evaluated using either law creation, law enforcement, adjudication of legal problems, or the role of parties in the legal system. Please understand that this is not a paper assignment. The goal is to encourage additional and focused reading on a particular contemporary issue in international law sufficient to prepare an executive summary of the basic issues involved.

Students will be expected to prepare in advance approximately 30 pages of material for each class session. Students will also be expected to keep up with international current events and will be given a list of suggested periodicals, newspapers, websites and monthly publications that can be used for this purpose.

Grading: The final grade in the course will be based on the final in class exam in December (90%) and class presentation during the semester (10%).

Syllabus

Before classes begins: Historical Introduction pages xvii – xxix

Chapter section

- 1. Nature of International Law**
 1. International Law as binding Law
 2. Completeness and Coherence in International Law
 4. Differing Methodological Approaches
 - E. International Law and International Relations
 - F. Feminist Jurisprudence
- 2. Sources: Customary International Law**
 1. Sources and Evidence of International Law Generally
 2. Customary International Law
 3. The Relationship of Custom and Treaties
- 3. Sources: The Law of Treaties**
 1. Defining and Governing Law
 2. Conclusion and Entry into Force
 3. Reservation
 4. Observation, Application and Interpretation
 5. Invalidity, Termination, and Suspension
- 4. Other Sources of International Law**
 1. General Principles of Law
 2. Judicial Decisions and Publicists
 6. Unilateral Acts
- 15. Use of Force**
 1. Use of Force prior to the U.N. Charter
 2. The UN Charter Prohibition on Use of Force
 3. Exceptions to the Prohibition: Self-Defense
 4. Controversial uses of Force for Non-Defensive Purposes
 5. Use of Force and the Security Council
 7. Use of Force and Regional Organizations
- 5. States**
 1. Determination of Statehood

2. Principle of Self-determination of Peoples
3. Entities with Special Status
4. Recognition of Government
5. Acquisition and De-Limitation of Territory

8. Rules on State Responsibility

1. General principles of State Responsibility
2. Attribution of Conduct of a state
3. Breach of International Obligation
4. Circumstances precluding Wrongfulness
5. Reparation for the breach of an International obligation
6. Countermeasures

Chapter section

9. Dispute Settlement

1. The Obligation to Settle Disputes by Peaceful Means
2. Non-adjudication Procedures
3. Arbitration
 - A. The Nature and Role of International Arbitration
 - B. Key Elements in the Arbitral Process
4. The International Court of Justice

13. Human Rights

1. Foundations of Human Rights
2. Global Norms and Institutions
3. Regional Norms and Institutions
4. Deviating from the Norms
5. Mechanisms for promoting compliance

16. International Criminal Law

[Start with chapter 15 section 8]

4. The International Criminal Court

10. International Law in National Law

1. General Considerations

[Read Reynaldo Valencia, Craig L. Jackson, Leticia Van de Putte, Rodney Ellis, *Avena and the World Court's Death Penalty Jurisdiction in Texas: Addressing the Odd Notion of Texas's Independence from the World* 23 Yale Law and Policy L. Rev 455 (2005)].

2. Customary International Law in U.S. Law

3. Treaties in U.S. Law
4. Other International Agreements
5. International Law before U.S. Courts

11. Jurisdiction at the National Level

1. Overview of Jurisdiction
2. National Law Limitations on Jurisdiction to Prescribe
3. International Law Principles on Jurisdiction to Prescribe
4. International Limitations on Jurisdiction to adjudicate
5. International law limitations on Jurisdiction to Enforce
6. Granting Jurisdiction to a foreign state by Treaty

12. Immunity from Jurisdiction

1. Jurisdictional Immunities of Foreign States
2. U.S. Sovereign Immunities Act
4. Immunities of State Representative3s