

# PUBLIC INTERNATIONAL LAW II

Tom Ginsburg

Winter 2008

Version 1.2

## Syllabus

This course focuses on particular areas of public international law. The emphasis is on the interaction between international legal rules, on the one hand, and international politics, domestic politics, US law, and historical factors, on the other hand. The course begins with a review of the legal rules that constitute the international politico-legal system and then delves into the substantive legal rules governing particular areas such as international trade, the use of force, and international criminal law. Public International Law I is not a prerequisite.

**Course Materials:** The course will use a casebook, which you should purchase: CARTER, TRIMBLE AND WEINER, INTERNATIONAL LAW: (5TH ED., 2007). There will be supplementary materials distributed by the instructor and available on Chalk. I have also ordered an optional text: HATHAWAY AND KOH, FOUNDATIONS OF INTERNATIONAL LAW AND POLITICS (2005). This is intended primarily for students who would like deeper engagement with international relations theory and will not be formally assigned.

I have put a documentary supplement with full text versions of many primary sources on reserve in the library. In addition, you can easily find the text of various treaties on the internet. Some useful sites are:

International Court of Justice: <http://www.icj-cij.org/icjwww/ibasicdocuments.htm>

UN Charter: <http://www.un.org/aboutun/charter/index.html>

Other UN documents: <http://www.un.org/documents/>

The Geneva Conventions of 1949 and the protocols of 1977:

<http://www.icrc.org/eng>

Another good site is the American Society for International Law:

<http://www.asil.org/resource/home.htm>

**Examination and Class Participation:** The final course grade will be determined principally by an open-book, three-hour final examination based on the lectures, class discussions, and all assigned material, whether discussed in class or not. The final examination will be held during the scheduled exam period. I may decide to raise your final exam score by one grade-step (e.g. B+ to A-) to acknowledge the quality of your contributions to class discussion during the semester. To preserve anonymity in the

grading of the final exam, any increase to a student's final course grade will be made after I have submitted the final exam grades to the registrar.

## **Syllabus**

The following syllabus is tentative and subject to change as the quarter goes on. In addition, we will have at least one makeup class to be scheduled. All readings are from the casebook unless noted. In general, we will discuss the main readings, and only briefly allude to notes and questions in the text.

### **Week 1: Introduction/Review**

- Jan 7            Course Introduction: The ICJ (on Chalk) (for new students)  
Jan 8            *Nature and Sources of International Law*  
                    Ratner "Two Problems" on Chalk
- Jan 9            *Methods of Understanding International Law*
- Casebook pp. 25-63
- Jack Snyder, One World, Rival Theories FOREIGN POLICY  
                    Nov./Dec. 2004, 53-62 (available on Chalk)
- Optional: HATHAWAY AND KOH, main articles from 28-132*

### **Week 2: The Use of Force**

- Jan 14           History                    pp 969-91  
Jan 15           Exceptions                pp 993-1021; 1028-37  
Jan 16           Collective Security      pp 1038-69

### **Week 3: International Criminal Law**

- Jan 22           History of International Criminal Law      pp 1136-52;1184-1204  
Jan 23           Norms of International Criminal Law      pp 1152-72

### **Week 4: Law of the Sea**

[note: no class Jan 28-29]

- Jan 30           Law of the Sea I                    pp 847-81

**Week 5: Law of the Sea**

Feb 5	Law of the Sea II	pp 881-921
Feb 6 (makeup)	International Environmental Law	pp 923-68
Feb 6	Climate Change	Ratner 811-26 on Chalk

**Week 6: Trade Law**

Feb 12	The WTO	pp 510-17
Feb 13	Dispute resolution in NAFTA/WTO	pp 401-27
Feb 16	Human Rights and Global Finance Symposium at U of C	

**Week 7: Investment Law**

Feb 18	Guest Lecture: Odious Finance, Prof. Christiana Ochoa, Indiana	
Feb 19	Investment Arbitration	pp 357-98
Feb 20	Bilateral Investment Treaties	Ratner 74-105 on Chalk
	Skim <i>Loewen</i>	Ratner 859-72 on Chalk

**Weeks 8-9 Problems in International Law**

Feb 25	Israel/Palestine	Readings TBA on Chalk
Feb 26	The Kashmir Problem	Readings TBA on Chalk
Feb 27	China/Taiwan	Readings TBA on Chalk
Mar 3	Rogue States: The Libya Case	Ratner 959-78 on Chalk
Mar 4	Womens rights	Ratner 500-26 on Chalk
Mar 5	Review	