

AMERICAN UNIVERSITY
WASHINGTON SEMESTER PROGRAM

SEMINAR IN INTERNATIONAL LAW & ORGANIZATIONS

SPRING 2007

Prof. Shawn Bates
Dunblane 215

Course Description:

This course is an introduction to the international law system and the international organizations that are the major actors in that system. Because of the breadth of this subject matter, and its continuing evolution, this course is by necessity a survey of the field of international law and has been designed to address and use as example some of the most immediate, and occasionally contentious, issues in the world today.

The course will begin with identifying and examining the treaties, conventions, and customary norms from which international law is derived. This will include looking at some of the major international institutions (United Nations, World Bank, International Monetary Fund) as well as some of the multinational entities, specifically the European Union.

This eight-credit course is designed to complement your internship and your research project (if you are required to complete one). Generally, there are six seminar sessions per week, totaling a minimum of eight hours of contact time. These sessions take place Mondays through Wednesdays. The seminar consists partly of lectures, class discussions and video presentations. However, the distinctive feature and emphasis of the seminar is direct exposure to the development and systems of international law through briefings by public officials, policy analysts, legal scholars and practitioners, and other professionals who are involved in the practice and development of international law and organizations. Briefings will be held both on and off campus.

Course Requirements:

Class Participation and Preparation (15%)

You will be expected to be present for all lectures and presentations on campus, and to accompany the class to off-site visits. It is also expected that you will be familiar with the materials assigned for the week/topic area at the beginning of the week, though mastery of the subject matter is not expected. Although this is not a law school course, you will be expected to be familiar with the facts and holdings of any cases assigned in the readings, and may be called upon to present this information in class.

Case Analysis (10%)

An important part of any study of international law and organizations is being aware of the current developments in international affairs and the roles international organizations and legal institutions are playing in current affairs. As part of this course you will be expected to produce a 12-15 page case analysis of a situation or case involving or implicating an international organization or legal regime. Topics will be chosen by the student and approved by the Professor. A brief summary of your topic selection is due to the professor no later than February 2.

The Case Analysis should be footnoted according to the Bluebook Standard System of citation. The analysis should have a minimum of five (5) print sources and a bibliography.

Briefing Memoranda (3) (15%)

In addition to the Case Analysis, students will be assigned three memoranda over the course of the semester. These memoranda will be in various formats, but will likely consist of one legal memorandum to a Senior Partner at an international law firm, a briefing memo to a legislator, and a

Examinations (60%)

There will be a Mid-term examination (20%) and a Final (40%). Each will consist of three (3) to four (4) essay questions and will be two hours in length. They will be open book and open note exams, but the student should realize that time will be short, and though they will have their notes and materials for reference, they should be familiar enough with the material to at least outline a coherent answer without reference to these.

At the option of the professor an additional Quiz on a specific topic of study may be added. This will make up 5% of the final grade, and will take the place of a portion of the Final Exam.

Course Texts (tentative):

Carter, Trimble, & Bradley, *International Law* (Casebook), 4TH edition

Carter, Trimble, & Bradley, *International Law: Selected Documents, 2005-2006*

Additional articles will be posted on the course Blackboard site and available for download by the students. These documents will be available at least one week before they are assigned.

TOPICS AND READINGS

WEEK 1: JAN. 16, 17 Introduction and Sources of International Law

What is International Law? Is there such a thing as a “law of nations,” and if so, on what bodies of law, documents and/or conventions, or customs is it based? How is it enforced? Can it be enforced? In the first week of the course we will explore the ideas and historical evolution of international law and its relationship to foreign policy.

REQUIRED READING

Casebook, pp. 1-47, 62-83

WEEK 2: JAN. 22, 23, 24 Creating International Norms

What is a “norm “ of international law, or international affairs? Customary international law is an often cited concept, but without much obvious substance. This week we will explore the evolution of this concept and its applicability to the international system through instruments such as the UN Charter and the Geneva Conventions.

REQUIRED READING

Casebook, pp. 93-134

Document Supplement, Vienna Convention on the Law of Treaties

WEEK 3: JAN. 29, 30, 31 International Law in the United States

What is the applicability of international law in domestic situations? How should international law be viewed in domestic courts? In cases of a conflict between international law and domestic law, which is preemptive?

REQUIRED READING

Casebook, pp. 157 – 178, 189-205, 209-215

Articles on Blackboard

WEEK 4: FEB. 5, 6, 7 Foreign Sovereign Immunity Act and the Act of State Doctrine International Organizations – NGO’s and Multilaterals

What truth is there to the claim of embassies being the “soil” of a foreign country? What protections are given to Ambassadors and embassy personnel, and what is their historical basis? What implications does this have for international law, and international relations?

REQUIRED READING

Casebook, pp 135-153

Documentary Supplement

WEEK 5: FEB. 12, 13, 14

International Dispute Resolution

One of the primary reasons for the establishment of international law, norms, treaties, conventions, etc. is the settlement of disputes both between sovereign powers and individuals. The prime driving forces behind these conflicts are often national expansion or commercial interests. This week will focus both on the institutions and procedures of international dispute resolution, and will be carried throughout the remainder of the semester.

REQUIRED READING

Casebook, pp. 271-283, 288-295, 308-320

WEEK 6: FEB. 19, 20, 21

International Trade and Business Transactions

Building on the discussion of international dispute resolution, we will examine the development, operation and maintenance of the international trade and finance systems. This will include an examination of the roles of the International Monetary Fund and the World Bank, as well the International Center for the Settlement of Investment Disputes (ICSID).

REQUIRED READING

WEEK 7: FEB. 26 – MID-TERM EXAM

WEEK 7: FEB. 27, 28

The United Nations and Introduction to the Use of Force

Specifically we will examine the role of the UN in the authorization of economic sanctions of the use of force by states. This week will serve as preparation for our trip to New York.

REQUIRED READING

WEEK 8: NEW YORK

The United Nations and the Court of International Trade

During this week we will meet with several delegations to the United Nations, and observe some of the major policy debates. We will also receive a briefing on the operation of the Court of International Trade, the United States Federal Court with exclusive jurisdiction over trade disputes. This will hopefully be accompanied by an opportunity to observe an actual hearing of the Court.

REQUIRED READING

SPRING BREAK MARCH 11 – 18 – NO CLASSES MEET

WEEK 9: MARCH 19, 20, 21

Multinational Entities and the Evolution of the International System: The European Union

Following our return from New York, we will begin an in-depth study of the modern evolution of the international system, first with an examination of the form and developing functions of the European Union. We will focus on the interlocking systems and roles of the European Commission, Council and Parliament. Does Europe actually need a Constitution, or is one already in place? What is the current state of the evolution of the EU and its expansion to 25 states?

REQUIRED READING

WEEK 10: MARCH 26, 27, 28

The North Atlantic Treaty Organization (NATO) and the Use of Force

Returning to our discussion of the Use of Force and adding the dimension of a Regional Organization recognized by the UN, we will examine the roles NATO has played in Kosovo and the ongoing mission in Afghanistan. How do these organizations work together, and separately? This will be our final preparation for the trip to Brussels and the Hague.

REQUIRED READING

WEEK 11 & 12

**Brussels, Belgium
The Hague, Netherlands**

Itinerary to be determined.

REQUIRED READING

WEEK 13: APRIL 16, 17, 18
International Human Rights

Following discussions at the International Court of Justice and the International Criminal Court, we will be entering a discussion of International Human Rights norms and legal regimes in the forms of the ICC, the International Criminal Tribunal for the former Yugoslavia (ICTY), and the International Criminal Tribunal for Rwanda (ICTR).

REQUIRED READING

WEEK 14: APRIL 23, 24, 25
International Environmental Law (briefly)

REQUIRED READING

APRIL 30: REVIEW SESSION

MAY 1-2 STUDY DAYS

MAY 7 – FINAL EXAM