

Syllabus: International Law (Fall 2012) (Prof. Paust)

casebook and Documents Supplement: PAUST, VAN DYKE, MALONE, INTERNATIONAL LAW AND LITIGATION IN THE U.S. (3 ed. 2009) (West, American Casebook Series); and 2008 DOCUMENTS SUPPLEMENT TO INTERNATIONAL LAW AND LITIGATION IN THE U.S. (West 2008, American Casebook Series)

Chapter One. Nature, Sources and Evidences of International Law

- Aug. 27: pages 2-17 and discussion
- Aug. 29: pages 17 (Ns & Qs) - 29
- Sept. 3: holiday
- Sept. 5: pages 30-54
- Sept. 10: pages 54-79
- Sept. 12: pages 80 (reservations, etc.) - 95; skim 95-103 (*Paquete* case)

Chapter Two. Domestic Incorporation

- Sept. 17: pages 103-111 and 120-131
- Sept. 19: pages 131 (Section 2 B 2 a) - 145
- Sept. 24: pages 145-165 (Section 2 B 2 b - 2 B 4 a)
- Sept. 26: pages 165-195 (Section 2 B 4 b, on Judicial Review of Executive Detention of "Terrorists" Without Trial and relevant current events)
- Oct. 1: (SKIP pages 195-250 [In re GTMO; Hamdan]) and do pages 250-282 (Section 2 B 4 d, 2 B 5)
- Oct. 3: pages 282-327 (Section 2 C 1 a-c)
- Oct. 8: pages 327-363 (Section 2 C 1 d)
- Oct. 10: pages 363 (Section 2 C 2) - 387
- Oct. 15: pages 387-411 (thru Section 2 D 1)
- Oct. 17: pages 411 (Section 2 D 2, the ATCA, TVPA, Antiterrorism Act) - 425
- Oct. 22: pages 425-457
- Oct. 24: pages 457-505
- Oct. 29: pages 532-557 (Section 2 E 1)
- Oct. 31: pages 557 (Section 2 E 2) - 581 (skip *Breard*), 588-590 (State powers)

Chapter Three. Jurisdiction and Extradition

- Nov. 5: pages 591-611
- Nov. 7: pages 611-642
- Nov. 12: no class
- Nov. 14: pages 642-658 (universal jurisdiction) and pages 658-665 (starting

enforcement)

Nov. 19: pages 665-691

Nov. 21: holiday (Thanksgiving Nov. 22)

Chapter Four. **Foreign Sovereign Immunity and Act of State**

Nov. 26: read (in the Docs. Supp.) the FSIA, 28 U.S.C. § 1330(a)-(b), and §§ 1602-1605(a)(7) and 1606-1611 (briefing and questions in class).

Nov. 28: read pages 763-774, 777 (Tate Letter) - 787 (thru to end of Section 1 C 4) and pages 787-793 (Section 1 D 1); pages 793-800, 810-812

(2nd extract of *Weltover* case and Questions)

Dec. 3: pages 815-822 (torts & terrorism exceptions)

Dec. 5: catch up if behind, yet, IF time during the course: pages 900-911, 925-930 (Act of State and *Sabbatino*)

Dec. 15 (1:00 p.m.) (Friday) – Exam: the three-hour exam will be open book, open notes (bring in any written materials that you prefer).

Class attendance: class attendance is required (those missing more than 20% will be dropped).

Objectives: to familiarize students with the nature, sources and evidences of international law; past forms of and possibilities for domestic incorporation of international law and the primacy of international or domestic laws in case of conflict; jurisdictional requirements under international law; enforcement competencies under international law; foreign sovereign immunity and its exceptions; the act of state doctrine and its exceptions; to consider relevant professional and ethical issues; and to integrate issues covered with the analytical and practical skills necessary for the practice of international law in domestic fora.