

## **Syllabus: International Law (Fall 2014) (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)

meet: M & W 10:30 a.m.

### **Chapter One. Nature, Sources and Evidences of International Law**

- Aug. 25: pages 2-17 and discussion
- Aug. 27: pages 17 (Ns & Qs) - 29
- Sept. 1: no class (Labor Day)
- Sept. 3: pages 30-54
- Sept. 8: pages 54-79
- Sept. 10: pages 80 (reservations, etc.) - 95; skim 95-103 (*Paquete* case)

### **Chapter Two. Domestic Incorporation**

- Sept. 15: pages 103-111 and 120-131
- Sept. 17: pages 131 (Section 2 B 2 a) - 145
- Sept. 22: pages 145-165 (Section 2 B 2 b - 2 B 4 a)
- Sept. 24: pages 165-195 (Section 2 B 4 b, on Judicial Review of Executive Detention of "Terrorists" Without Trial and relevant current events)
- Sept. 29: (SKIP pages 195-250 [In re GTMO; Hamdan]) and do pages 250-282 (Section 2 B 4 d, 2 B 5)
- Oct. 1: pages 282-327 (Section 2 C 1 a-c)
- Oct. 6: pages 327-363 (Section 2 C 1 d)
- Oct. 8: pages 363 (Section 2 C 2) - 387
- Oct. 13: pages 387-411 (thru Section 2 D 1)
- Oct. 15: pages 411 (Section 2 D 2, the ATCA, TVPA, Antiterrorism Act) - 425
- Oct. 20: pages 425-457
- Oct. 22: pages 457-505
- Oct. 27: pages 532-557 (Section 2 E 1)
- Oct. 29: pages 557 (Section 2 E 2) - 581 (skip *Breard*), 588-590 (State powers)

### **Chapter Three. Jurisdiction and Extradition**

- Nov. 3: pages 591-611
- Nov. 5: pages 611-642
- Nov. 10: pages 642-658 (universal jurisdiction) and pages 658-665 (starting

enforcement)

Nov. 12: pages 665-691

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

Nov. 17: 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. 19: 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

(2<sup>nd</sup> extract of *Weltover* case and Questions)

Nov. 24: pages 815-822 (torts & terrorism exceptions)

Nov. 26: no class (Thanksgiving holiday)

Dec. 1: review session

Dec. 12 (10:00 a.m. to 1:00 p.m.) (Tuesday) – *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.*