

INTERNATIONAL PUBLIC LAW
SYLLABUS

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Office hours: By appointment only (office in Clinic)

About the Course

This course will teach students about legal systems and laws governing relations among states, and its expansion to non-state actors (e.g., the private individual, international organizations and transnational corporations). We will survey sources of international law, mechanisms and institutions in which international law is employed, and will then look at one or two substantive areas, focusing on human rights and use of force. Students will learn about how and why international law is created and how it is enforced, both internationally and in the United States. Understanding how international law is enforced will require students to learn about, *inter alia*, the nature of international disputes, the subjects of international law, and the forums in which disputes are settled.

Readings

The required casebook for this class is MARK W. JANIS AND JOHN NOYES, INTERNATIONAL LAW: CASES AND COMMENTARY (West: 3rd ed., 2005).

General Class Requirements

Academic Paper Course

Because of the relatively small size of the class and because some of you have asked to use this course as your writing requirement, I am making this an academic paper course. The academic paper will be worth 75% of the final grade. Ten percent of the grade will be based on an oral presentation of the academic paper during the second half of the semester. Fifteen percent of the grade will be based on class participation, which will include the quality of your participation in and preparedness for any small group exercises that I may arrange in-class, as well as your active listening and constructive feedback on the oral presentations of your classmates.

The Academic Paper

The Academic Paper option requires that you identify a promising and original research topic in public international law. You will be required to conduct thorough research of your topic, to write analytically about it, and to advance your own position or conclusions. You may write this paper to fulfill your graduation writing requirement.

You must first obtain my approval for your topic. To do this, please submit a brief, written statement of 1-2 pages on the issue you propose to examine and your tentative thesis. You should do this as early in the semester as possible, and no later than March 2nd. Feel free to make an appointment to talk with me within the first two weeks to chat informally about possible paper topics. As my office is in the clinic, and as I have active cases, it will be difficult for you to drop by without an appointment.

If your paper topic is approved, you will be required to submit an outline of your paper and list sources you propose to review by Tues. March 21st. At this time, you should also be prepared to discuss your paper, as oral presentations will begin after Spring Break, commencing on the 21st of March. I will send around a sign up sheet for oral presentations prior to Spring Break, but will assign slots if volunteers are not forthcoming.

Your complete rough draft is due no later than Tues. April 18th, in my office. Please note that by rough draft I do not mean a writing product in its beginning stages. I expect a draft that is as completed as possible in terms of research, thesis and development. The more complete the draft, the more benefit you will receive from my comments.

Your final paper is due on Thursday, May 4th, by 5pm in my office.

Those students writing the paper to fulfill their writing requirement must also attend two workshops. Workshop 1 (Feb. 2 or 3) is on research and scholarly writing and topic or thesis development and Workshop 2 (Feb. 9 or 10) is on plagiarism, footnotes and brief citation. It will be your responsibility to check with the Registrar's Office for the schedule and attend these classes.

Oral Presentation

The oral presentation will be based on your academic paper. You will have 20 minutes for the presentation, which will conclude with a question and answer period. You will be graded on the substance and delivery, including your use of effective teaching techniques - e.g. group exercises.

Class Participation

Class participation includes attendance and engagement in class discussions and small group exercises, as well as being present for and commenting on the oral presentations or your classmates. More than three unexcused absences may affect this part of your grade, as will coming to class unprepared. You are expected to complete all reading assignments for each class. Quality of participation is more important than quantity. Excused absences will generally be given only for serious medical or family emergencies.

Special Needs

Learning Enhancement Services (LES) houses Disability Services, Tutoring Services and Learning Strategies. If you have a documented disability that may require assistance, you will need to contact LES for coordination in your academic accommodations. LES is located in the Reynolds Student Services complex, Ste. 137. The phone number is 895-0866 or TDD 702-895-062. You may also visit the LES website at <http://unlv.edu/studentlife/les>.

As a general rule, a student missing a class because of observance of a religious holiday shall have the opportunity to make up missed work. In addition, these students may request that missed classes be videotaped. Students must notify the professor of anticipated absences by the last day of late registration to be assured of these opportunities. Similar opportunities may also be available to students who report a documented serious illness or grave family misfortune.

Reading Assignments

The following are the rough reading assignments. I will make changes throughout the semester, according to the amount of material we are able to cover.

Class 1: Review syllabus, discuss history of international law and go over international rules and process. Please read pages 1-26 of the case book, and familiarize yourselves with the documents in the appendix, so that we can begin substantive discussion.

Class 2: The Nature of International Law
pp. 1-26, McCann *and Filartiga*

Class 3: Treaties
pp. 27-47 and Vienna Convention on the Law of Treaties, p. 926-958

I. Custom and the Non-Consensual sources of Int'l Law

A. Customary International Law
p. 92-102

The Paquete Habana

B. General Principles of Law
p. 128-138

C. Natural Law and *jus cogens*
p.148-154

Furundzija – ICTY 2002
Domingues- ICCPR 2001

D. Equity [and review of sources of int'l law]

p. 162-179 N. Continental Shelf Case

II. International Law in Domestic Legal Systems

p. 180-190

A. Interpretation of Treaties

p. 236-262, Alvarez and Sosa

III. International Dispute Settlement

p. 263, 274-284

a. Public International Arbitration

b. International Courts

p. 294-309, 311-327

IV. Individuals and International Law

a. International Human Rights Law

p. 339, 368-377

Nuremburg Judgement

b. UN and Human Rights Law

p. 377-388

V. International Law and the Use of Force

a. Traditional Laws of War

p. 513, 528-534

Hamdi, 2004

b. Use of Force and Article 2(4)

p. 547-554

c. The UN and Use of Force

p. 571, 580-582, 587-590

i. Peacekeeping

Show – A Good Man in Hell

ii. Peacebuilding

If time permits, I will supplement the coursebook, and we will cover some readings and discussion on peacebuilding, nation-building and post-conflict reconstruction. If this is your area of interest, come see me for additional readings. The remainder of the semester, roughly the weeks after Spring Break, will be devoted to your oral presentations during class time.