

# International Law

## *Assignments*

Professor John Norton Moore  
Mon., Tues., Wed.; 8:50-9:50 am  
SL 294

Fall 2009  
University of Virginia  
School of Law

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### Texts for Reading Assignments

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<b>Damrosch:</b>	INTERNATIONAL LAW: CASES AND MATERIALS (Lori F. Damrosch ed., 5th ed. 2009)
<b>Damrosch Supplement:</b>	BASIC DOCUMENTS SUPPLEMENT TO INTERNATIONAL LAW: CASES AND MATERIALS (Lori F. Damrosch ed., 5th ed. 2009)
<b>UN Charter</b>	CHARTER OF THE UNITED NATIONS AND STATUTE OF THE INTERNATIONAL COURT OF JUSTICE (paperback)
<b>Readings:</b>	<i>Readings on International Law, Volumes 1 and 2</i> - a collection of supplementary documents compiled by Professor Moore available at the Law School Copy Center.

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Date	Topic
<b>August 26</b>	<b>I. The Nature and Sources of International Law</b>  A. The Nature and Importance of International Law  <b>Damrosch:</b> 2-54  <b>Readings, Volume 1:</b> 1-7 M.S. McDougal, <i>Law and Power</i> , 46 AM. J. INT'L L. 102-14 (1952) 8-21 H.C. Dillard, <i>Some Aspects of Law and Diplomacy</i> , 91 RECUEIL DES COURS 447-48, 451-72 (ch. 1) (1957) <b>22-44</b> J.N. Moore, <i>The Legal Tradition and the Management of National Security, in TOWARD WORLD ORDER AND HUMAN DIGNITY</i> 321-64 (W.M. Reisman & B.H. Weston eds., 1976)
<b>August 31</b>	<b>B. The Sources of International Law</b>  <b>Damrosch:</b> 55-121, skim 233-298
<b>September 1</b>	<b>C. The Relation Between National and International Law</b>  <b>Damrosch:</b> 652-678

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**September 2            II.        Foreign Relations Law of the United States**

A.    The Foreign Affairs Power: Presidential and Congressional Authority

**Readings, On Reserve:**

- #1    H.H. KOH, *The National Security Constitution We Inherited: From the Founding to the National Security Act*, in THE NATIONAL SECURITY CONSTITUTION: SHARING POWER AFTER THE IRAN-CONTRA AFFAIR 67-100 (1990)
- #2    R.F. TURNER, *The Rule of Law in National Security Affairs*, in REPEALING THE WAR POWERS RESOLUTION 47-107 (1991)

**Damrosch Supplement, skim:**

262-265 Constitution of the United States, 1789 (doc. 23)

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**September 7            B.        The Foreign Affairs Process**

**Readings, Volume 1:**

- 63-83 National Security Act of 1947, as amended [excerpts] (Office of General Counsel, CIA, 1 *Guide to Law of Central Intelligence Agency*, at II-1 to II-9 & notes)
- 84-88 “Remarks by John Norton Moore” on the panel “Law in the U.S. Foreign Relations Process: Opening the Channels,” 83 AM. SOCIETY INT’L L. PROCEEDINGS 407, 418-22 (1989)

For those interested in “The Reach of the Constitution Abroad,” see *United States v. Alvarez-Machain*, 112 S.Ct. 2188 (1992); Saltzburg, *The Reach of the Bill of Rights Beyond the Terra Firma of the United States*, 20 VA. J. INT’L L. 741 (1980); Stephan, *Constitutional Limits on International Rendition of Criminal Suspects*, 20 VA. J. INT’L L. 777 (1980); and *Boumediene v. Bush*, 553 U.S. \_\_\_\_ (2008) [writ of habeas corpus submission].

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**September 8            III.        Treaties and International Agreements**

A.    General Principles

**Damrosch:**  
122-161

**Damrosch Supplement, skim:**

43-63 Vienna Convention on the Law of Treaties, 1969 (doc. 3)

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**September 9            B.        Interpretation of Treaties**

**Damrosch:**  
162-175

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**September 14            C.        Breach and Enforcement: The Law of Material Breach and Reprisal**

**Damrosch:**  
200-232

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**September 15**                    D.    International Agreements Under United States Law: Conclusion and Termination

**Damrosch:**  
679-754

**Readings, Volume 1:**  
89-106    “Circular 175 Procedures” (Oct. 25, 1974), U.S. DEPARTMENT OF STATE, *Treaties and Other International Agreements*, 11 FOREIGN AFFAIRS MANUAL, Chapter 700

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**September 16**                    E.    International Agreements Under United States Law: The Debate About Unitary or Dual Modes of Interpretation

**Damrosch:**  
175-184

**Readings, Volume 1:**  
107-148    D.A. Koplow, *Constitutional Bait and Switch: Executive Reinterpretation of Arms Control Treaties*, 137 U. PA. L. REV. 1353-1435 (1989)  
149-154    E.V. Rostow, *The Reinterpretation Debate and Constitutional Law*, 137 U. PA. L. REV. 1451-60 (1989)

**Readings, On Reserve:**  
*Skim*      John Norton Moore, *Treaty Interpretation, the Constitution and the Rule of Law* (Dobbs Ferry, NY: Oceana Publications, Inc., 2001)

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**September 21**                    IV.    **The Use of Force—International Law in Conflict Settings**

A.    The History of the International Law of Conflict Management

**Damrosch:**  
1129-1139, 1142-1154

**Damrosch Supplement, skim:**  
512-513    Kellogg-Briand Pact, 1928 (doc. 57)  
517-520    Definition of Aggression Resolution, Annex, 1974 (doc.59)

**Readings, Volume 1:**  
155        “History Table” from J.N. MOORE, *Development of the International Law of Conflict Management*, in NATIONAL SECURITY LAW 2<sup>nd</sup> edition (J.N. Moore & R.F. Turner eds., 2005), 35-36

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**September 22**                    B.    Law and Competing Theories of the Origin of Major War

**Readings, Volume 1:**  
156-172    R.J. Rummel, “Power Kills; Absolute Power Kills Absolutely” (Oct. 20, 1991)  
172a-201    JOHN NORTON MOORE, SOLVING THE WAR PUZZLE, xvii-xxvi, 1-8 and 145 (Carolina Academic Press, 2004)

**Readings, On Reserve:**

- #3 BRUCE RUSSETT, GRASPING THE DEMOCRATIC PEACE: PRINCIPLES FOR A POST-COLD WAR WORLD, p. 9-11 (Princeton University Press 1993)
- 

**September 23**

- C. Collective Security and the Role of the United Nations and Regional Arrangements

**Damrosch:**

1221-1229, 1244-1249, 1251-1252, 1265-1276

**Damrosch Supplement, skim:**

- 1-30 Charter of the United Nations, 1945 (doc. 1) OR UN Charter booklet  
514-17 The “Uniting for Peace” Resolution, 1950 (doc. 58)  
520-523 Inter-American Treaty of Reciprocal Assistance (Rio Treaty, 1947) (doc. 60)  
74-95 Charter of the Organization of American States, 1948 (doc. 6)

**Readings, Volume 1:**

- 253-264 I.L. Claude, Jr., *Collective Security After the Cold War*, in COLLECTIVE SECURITY IN EUROPE AND ASIA 7-28 (G.L. Guertner ed., 1992)

\*For those interested in “The Grenada Incursion and Regional Arrangements,” see Moore, *Grenada and the International Double Standard*, 78 AM. J. INT’L L. 153-59 (1984); Joyner, *Reflections on the Lawfulness of Invasion*, 78 AM. J. INT’L L. 131, 134-35 (1984).

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**September 28**

- D. Case Studies in United Nations Peace-keeping and Peace-enforcing: Yugoslavia (Bosnia-Herzegovina, Croatia, Serbia), Somalia, Haiti, Rwanda, Sierra Leone, and the Congo

**Damrosch:**

1235-1236, 1249-1251, 1252-1265

**Readings, Volume 1:**

**General**

- 265-268 Richard Schifter, Special Assistant to the President and Counselor, National Security Council, “Is There a Clinton Doctrine?”—Remarks at the American Enterprise Institute Symposium, Nov. 2, 1993  
269-287 The Clinton Administration’s Policy on Reforming Multilateral Peace Operations (1994)

**Yugoslavia**

- 288-308 Selected UN Security Council Resolutions: 713 (1991), 743 (1992), 780 (1992), 781 (1992), 808 (1993), 819 (1993), 859 (1993), 913 (1994)  
309-323 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), 1993 I.C.J. 3-28 (Provisional Measures, Order of April 8)  
324-377 Rules of Procedure and Evidence, adopted Feb. 11, 1994, by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, UN Document IT/32 (March 14, 1994)

**September 28 (cont.)**

**Somalia**

- 378-393 Selected UN Security Council Resolutions: 814 (1993), 837 (1993), 897 (1994), 923 (1994)
- 394-399 Letter Dated 29 November 1992 from the Secretary-General Addressed to the President of the Security Council, U.N. Doc. S/24868 (1992)
- 400-433 skim: Report to the Congress on US Policy in Somalia, October 13, 1993

**Haiti**

- 434-435 Organization of American States (OAS) Resolutions: MRE/RES. 1/91 DISPATCH, Oct. 14, 1991, at 760-61
- 436 UN General Assembly Resolution 46/7 (1991)
- 437-448 Selected UN Security Council Resolutions: 841 (1993), 917 (1994), 933 (1994)
- 449-453 skim: Report of the Secretary-General on "The Situation of Democracy and Human Rights in Haiti," U.N. Doc. A/47/975 (S/26063) (July 12, 1993) [includes Governors Island Agreement, July 3, 1993]

**Rwanda**

- 454-470 Selected UN Security Council Resolutions: 912 (1994), 918 (1994), 925 (1994)
- 471 Letter of 2 July 1994 From the Secretary-General to the Security Council
- 472-473 Annex: Letter from the French Representative to the Secretary-General

**Sierra Leone**

- 474-478 Selected UN Security Council Resolutions: 1289 (2000), 1299 (2000)
- 479-480 William J. Clinton, Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, May 12, 2000.

**Readings, On Reserve:**

- #4 Peter Takirambudde, *Sierra Leone Rebels Forcefully Recruit Child Soldiers*, HUMAN RIGHTS WATCH, (May 31, 2000)
- #5 James Rupert, *Diamond Hunters Fuel Africa's Brutal Wars*, in WASHINGTON POST: FOREIGN SERVICE, (October 16, 1999)
- #5a Tristan McConnell, *Fighting Diamond Smuggling in Africa* in CHRISTIAN SCIENCE MONITOR (July 30, 2007)
- #6 Colum Lynch, *At U.N. a Clash Over Keeping the Peace*, WASHINGTON POST, (MAY 30, 2000)
- #6A Stephanie McCrummen, *Congo's Rape Epidemic Worsens During U.S.-Backed Military Operation*, WASHINGTON POST, August 10, 2009  
[http://www.washingtonpost.com/wp-dyn/content/article/2009/08/10/AR2009081000492\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/08/10/AR2009081000492_pf.html)
- #24 Richard S. Williamson, "United Nations Peacekeeping Operations: Possibilities and Limitations" Testimony before the House Committee on Foreign Relations, July 19, 2009  
<http://www.internationalrelations.house.gov/111/wil072909.pdf>

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**September 29**

- E. The Wars in Afghanistan and Iraq: Case Studies in *Jus ad Bellum* and *Jus in Bello*

**Damrosch:**

1146-1160, 1165-1192, 1238-1244, 1276, 1297

**Damrosch Supplement (or UN Charter booklet):**

2, 12 Charter of the United Nations, Article 2(4) and Article 51

**Damrosch Supplement, skim:**

524-30 Convention (No. IV) Respecting the Laws and Customs of War on Land, With Annex of Regulations, 1907 (doc. 62)

- 530-39 Geneva Convention Relative to the Treatment of Prisoners of War (doc. 63)  
 539-48 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949 (doc. 64)  
 548-64 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (doc. 65)  
 565-71 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (doc. 66)

**September 29 (cont.)**

**Readings, On Reserve:**

- #17 JOHN NORTON MOORE, *SOLVING THE WAR PUZZLE*, 72-82 (Carolina Academic Press, 2004)
- 

**September 30**

F. Nuremberg and the International Criminal Court: International Criminal Law

**Damrosch:**

1306-1327 and 1350-1372; skim 1327-1350

**Damrosch Supplement, skim:**

- 640-41 Nuremberg Charter, 1945 (doc. 75)  
 642 U.N. General Assembly Res. Affirming Principles of Int'l Law Recognized by the Charter of the Nuremberg Tribunal, 1946 (doc. 76)  
 642-43 Int'l Law Commission Principles of Int'l Law Recognized in the Charter of the Nuremberg Tribunal and the Judgment of the Tribunal, 1950 (doc. 77)  
 654-94 Rome Statute of the International Criminal Court, 1998 (doc. 79)
- 

**October 12**

G. 9/11 and the Control of Terrorism

**Damrosch:**

456-457, 540, 812-814, 841, 893-899, 1190-1192

**Damrosch Supplement, skim:**

- 270-274 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation [Montreal Convention, 1971] (doc. 26)  
 274-286 International Convention for the Suppression of the Financing of Terrorism [1999], (doc. 27)  
 694-97 UN Security Council Res. 1373 (Concerning Terrorist Financing), [2001] (doc. 80)  
 636-39 UN Security Council Res. 1540 (Weapons of Mass Destruction) [2004] (doc. 74)

**Readings, On Reserve:**

- #7a James P. Terry, *Terrorist Violence in the New Millennium: New Legal Solutions for an Old Nemesis*, JOINT FORCES QUARTERLY (Issue 51, 4<sup>th</sup> Quarter, 2008) 137-144  
[http://www.ndu.edu/inss/Press/jfq\\_pages/editions/i51/28.pdf](http://www.ndu.edu/inss/Press/jfq_pages/editions/i51/28.pdf)  
 #7b M.E. Bowman, *Some-Time, Part-Time and One-Time Terrorism*, 13 INTELLIGENCER: JOURNAL OF U.S. INTELLIGENCE STUDIES (Winter/Spring 2003) 13-18. <http://www.fas.org/irp/eprint/bowman.pdf>  
 #7c *National Intelligence Estimate: The Terrorist Threat to the US Homeland* (July 2007) [http://www.dni.gov/press\\_releases/20070717\\_release.pdf](http://www.dni.gov/press_releases/20070717_release.pdf)

**Readings, Volume 2:**

- 1 UN Security Council Resolution 1368 Condemning the Terrorist Attacks of 11 September 2001 in New York, Washington, DC, and Pennsylvania,
- 2-5 UN Security Council Resolution 1456 (Combating Terrorism), 2003
- 5a UN Security Council Resolution 1526 (Freezing Taliban/Al-Qaida Assets), 2004
- 6-7 Opening Statement by the President of the General Assembly on "Measures To Eliminate International Terrorism" on 1 October 2001.
- 8-18 Statement by Director of Central Intelligence George J. Tenet before the Senate Select Committee on Intelligence on the "Worldwide Threat 2001: National Security in a Changing World", February 7 2001.

**\*\*\* Fall Break, October 5-7, 2009\*\*\***

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**October 13**      **V.      The Structure of Peaceful Relations: General Principles**

A.    Jurisdiction

**Damrosch:**

755-850

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**October 14**      **B.    Immunity from Jurisdiction**

**Damrosch:**

851-955

**Damrosch Supplement, skim:**

- 297-307 Vienna Convention on Diplomatic Relations, 1961 (doc. 29)
- 307-318 Vienna Convention on Consular Relations, 1963 (doc. 30)
- 330-340 Convention on Jurisdictional Immunities of States and Their Property, 2004 (doc. 33)
- 340-353 U.S. Foreign Sovereign Immunities Act, 1976 (doc. 34)

**Readings, On Reserve:**

#18 *Republic of Austria et al. v. Altmann*, 541 U.S. (2004)

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**October 19**      **C.    International Responsibility and Remedies**

**Damrosch:**

498-555

**Damrosch Supplement, skim:**

- 153-165 International Law Commission Articles on Responsibility of States for Internationally Wrongful Acts, 2001 (doc. 13)
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**October 20**      **D.    States, Recognition, and Self-Determination**

**Damrosch:**

299-402, 1518-1548, 458-491

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October 21

VI. The Law of the Sea

- A. Historical Background; The Third United Nations Conference on the Law of the Sea and the 1982 United Nations Convention

**Damrosch:**

1372-1379

**Damrosch Supplement, skim:**

698-809 UN Convention on the Law of the Sea, 1982 [UNCLOS] (doc. 81)

**Readings, Volume 2:**

19-27 Convention on the Territorial Sea and the Contiguous Zone (1958)

28-32 Convention on the Continental Shelf (1958)

33-42 Convention on the High Seas (1958)

43-44 Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes, U.N. Doc. A/CONF.13/L.57

45-63 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA 1982: A COMMENTARY, VOLUME I, at xxv-xxix, 1-28 (M.H. Nordquist ed., 1985) [J.N. Moore, *Introduction*; and excerpts from: *The Third United Nations Conference on the Law of the Sea*, Statement by H. Shirley Amerasinghe; *A Constitution for the Oceans*, Statement by Tommy T.B. Koh; *Introduction to the United Nations Convention on the Law of the Sea*, Statement by Bernardo Zuleta]

**Sources of Current Oceans Law:**

**Readings, Volume 2:**

64-67 Joint Statement by the U.S. and the USSR and Uniform Interpretation of Rules of International Law Governing Innocent Passage, Sept. 23, 1989, *reprinted in 28 Int'l Legal Materials* 1444-47 (Nov. 1989) [the "Jackson Hole Agreement"]

**Readings, On Reserve:**

#8 K. Venkata Raman, *Toward a General Theory of International Customary Law*, in *WORLD ORDER AND HUMAN DIGNITY* 365-401 (W. Michael Reisman & Burns H. Weston eds., 1976)

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October 26

- B. Navigation, the Contiguous Zone, and the Regime of the High Seas

**Damrosch:**

1379-1404, 1430, 1441-1445

**Damrosch Supplement, skim:**

709-713 UN Convention on the Law of the Sea, Part III, arts. 34-44

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October 27

- C. The Exclusive Economic Zone and the Continental Margin

**Damrosch:**

1405-1429

**Damrosch Supplement, skim:**

715-729 UN Convention on the Law of the Sea, Parts V and VI, arts. 55-85

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On your own

\*D. Seabed Mining and the Regime of the Deep Seabed (Including the Part XI Implementation Agreement)

**Damrosch:**  
1445-1455

**Damrosch Supplement, skim:**

810-827 Agreement for Implementation of Part XI of the UN Convention of the Law of the Sea, 1994 (doc. 82)

**Readings, Volume 2:**

96-127 Report of the Secretary-General on “Law of the Sea,” U.N. Doc. A/48/950 (June 9, 1994), *particularly* Annex II: “Draft Resolution and Draft Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982” [formerly called the “Boat Paper”] at 9-31

**\*Review the suggested readings for this section on your own.**

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**October 28**

E. Piracy

**Damrosch:**  
1437-1439

**Readings, Volume 2:**

127a John N. Moore, Toward More Effective Counter Piracy Policy, (unpublished paper, August 2009)  
127b-f UN Security Council Resolutions 1816 (2008), 1838 (2008), 1846 (2008), 1851 (2008), 1872 (2009)

**Readings, On Reserve:**

#21 Max Boot, *Pirates, Then and Now: How Piracy Was Defeated in the Past and Can be Again*, 88 FOREIGN AFFAIRS 94-107 (July/August 2009)  
<http://www.foreignaffairs.com/articles/65156/max-boot/pirates-then-and-now>

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**November 2**

F. The 2003-2005 Debate About the United Nations LOS Convention and United States Adherence: Toward Senate Advice and Consent

**Readings, Volume 2:**

128-142 Testimony of John Norton Moore before the Senate Foreign Relations Committee, October 14, 2003  
143-173 Testimony of John Norton Moore before the House Committee on International Relations, May 12, 2004  
174-187 Statement of Dr. Peter M. Leitner before the House Committee on International Relations, May 12, 2004  
188-194 Testimony of Baker Spring before the House Committee on International Relations, May 12, 2004  
195-199 Address by Senator Richard G. Lugar at the Brookings Institution Law of the Sea Convention, May 4, 2004  
200-205 Testimony of Frank J. Gaffney, Jr. before the House Committee on International Relations, May 12, 2004  
206-207 Opposition letter to Senate Majority Leader Bill Frist, May 12, 2004  
207a “24 Star” letter from the Chairman of the Joint Chiefs of Staff advocating UNCLOS ratification, June 26, 2007

207b Coast Guard Fact Sheet on UNCLOS, June 12, 2009

Nov. 2 (cont.)

**Readings, On Reserve:**

- #9 R.G. Darman, *The Law of the Sea: Rethinking U.S. Interests*, 56 FOREIGN AFFAIRS 373-95 (1978)
- #10 E.L. Richardson, *Power, Mobility and the Law of the Sea*, 58 FOREIGN AFFAIRS 902-19 (1980)
- #11 Lawrence Eagleburger & J.N. Moore, *Opportunity on the Oceans* WASHINGTON POST (JULY 30, 2007) A15

**\*Readings, On Reserve, optional:**

- #20 Testimony of John Norton Moore before the Senate Committee on Armed Services, April 8, 2004

**\*Review the optional assignment on your own.**

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November 3

**VII. Human Rights and the Rule of Law**

A. Background and General Principles

**Damrosch:**

956-987, 996-1010, 1013-1037, 1307-1045

**Damrosch Supplement, skim:**

- 356-359 Universal Declaration of Human Rights, 1948 (doc. 36)
- 365-377 International Covenant on Civil and Political Rights, 1966 (doc. 38)
- 381-383 Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (doc. 41)
- 424-434 Convention Relating to the Status of Refugees, 1951 (doc. 47)
- 434-436 Protocol Relating to the Status of Refugees, 1967 (doc. 48)
- 437-450 European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (doc. 49)

**Readings, Volume 2:**

- 208+ Richard Schifter, "National Security Aspects of Human Rights Law," Presentation at the UVA National Security Law Institute, June 2008

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November 4

B. Case Studies:

- Democide in Kampuchea

**Readings, Volume 2:**

209-213 J.F. REVEL, HOW DEMOCRACIES PERISH 328-37 (1983)

**Readings, On Reserve:**

- #12 R.J. RUMMEL, *2,035,000 Murdered—The Hell State: Cambodia Under the Khmer Rouge*, DEATH BY GOVERNMENT 159-207 (1994)

- Democide ("Ethnic Cleansing" or "Ethnic Burial") in Bosnia

**Readings, Volume 2:**

214-216 "General Conclusions and Recommendations" from *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780* (1992), S/1994/674, 27 May 1994 and *Annexes*, 70-72

**Readings, On Reserve:**

- #13 *War Crimes in Bosnia-Herzegovina: U.N. Cease-Fire Won't Help Banja Luka*, HUMAN RIGHTS WATCH/HELSINKI (June 1994), 1-21  
- Democide in Rwanda

**Readings, On Reserve:**

- #14 Alex de Waal and Rakiya Omaar, *The Genocide in Rwanda and the International Response*, 94 CURRENT HISTORY 591 (April 1995) pp. 156-161

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**November 9**

- C. The Copenhagen Document: Toward the Rule of Law and Principles of Democratic Governance

**Damrosch:**

- 1003-1004 The Conference on Security and Cooperation in Europe (CSCE)

**Damrosch Supplement, skim:**

- 461-466 Conference on Security and Cooperation in Europe, Final Act, 1975 (Helsinki Accords) (doc. 51)

**Readings, Volume 2:**

- 217-263 J.N. Moore, "Morality and the Rule of Law in the Foreign Policy of the Democracies," Paper Prepared for the Andrew R. Cecil Lectures on Moral Values in a Free Society, University of Texas at Dallas, Nov. 14, 1991  
264 OAS General Assembly Resolution 1080, June 5, 1991, *reprinted in U.S. DEP'T OF STATE DISPATCH*, Oct. 7, 1991

- D. Community of Democracies

**Readings, Volume 2:**

- 264a-e Final Warsaw Declaration: Toward a Community of Democracies, 2000 (with note by John Norton Moore)  
264f-j J.N. Moore letter to Peter Ackerman of Freedom House, dated April 18, 2006 (unpublished)

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**November 10**

- E. International Human Rights in United States Courts

**Damrosch:**

- 1045-1050

**Readings, On Reserve:**

- #19 *Sosa v. Alvarez-Machain et al.*, 542 U.S. (2004)  
#24 John Norton Moore, *Civil Litigation Against Terrorism: Neglected Promise* in LEGAL ISSUES IN THE STRUGGLE AGAINST TERROR (Eds. J.N. Moore & R.F. Turner, forthcoming 2009)  
book BRANDT GOLDSTEIN, *STORMING THE COURT: HOW A BAND OF YALE LAW STUDENTS SUED THE PRESIDENT AND WON*, (Scribner, 2005), *SKIM* chapters 9, 10, 11, & epilogue—pp.223-311

**Readings, Volume 2:**

- 265-278 JOHN NORTON MOORE, *CIVIL LITIGATION AGAINST TERRORISM* 3-26 (Carolina Academic Press, 2004)

278a-LL Selections from *Hamdan v. Rumsfeld, Secretary of Defense, et. al.* (Decided June 29, 2006): opinion, part IV (Justice Stevens); dissent (Thomas).

The entire ruling may be found online at several sites, including:

[http://caselaw.lp.findlaw.com/scripts/printer\\_friendly.pl?page=us/000/05-184.html](http://caselaw.lp.findlaw.com/scripts/printer_friendly.pl?page=us/000/05-184.html)

See also, *Republic of Iraq v. Beatty*, 556 U.S. \_\_\_\_ (2009) [whether U.S. Courts have jurisdiction over Iraq in claims involving alleged misdeeds]; *Padilla v. Yoo*, No. C 08-00035 JSW (N.D. Cal. filed Jan. 4, 2008) [alleged violation of rights due to physical abuse as a detainee].

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November 11      VIII.    **The Environment and Common Areas**

A.    Background and General Principles

**Damrosch:**

1486-1510

**Damrosch Supplement, skim:**

840-845    Stockholm Declaration of the United Nations Conference on the Human Environment June 5-16, 1972 (doc. 84)

869-884    UN Framework Convention on Climate Change, 1992 (doc. 90)

884-904    Kyoto Protocol to the UN Framework Convention on Climate Change, 1997 (doc. 91)

905-915    Convention on Biological Diversity, 1992 (doc. 92)

**Readings, On Reserve:**

# 15      Sharon Begley, *Global-Warming Deniers: A Well-Funded Machine*  
NEWSWEEK, Aug 13, 2007

**Readings, Volume 2:**

279-288    CLIMATE CHANGE SCIENCE: AN ANALYSIS OF SOME KEY QUESTIONS, vii-viii, 1-5. Committee on the Science of Climate Change, Division on Earth and Life Studies, National Research Council (2001)

290-293    Jane A. Leggett, CRS ISSUE STATEMENT ON CLIMATE CHANGE, Mar.4, 2009  
[http://lugar.senate.gov/services/pdf\\_crs/CRS\\_Issue\\_Statement\\_on\\_Climate\\_Change.pdf](http://lugar.senate.gov/services/pdf_crs/CRS_Issue_Statement_on_Climate_Change.pdf)

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November 16

B.    Marine Pollution, and The Rio Conference: Discovering Eco-System Earth

**Damrosch:**

1455-1462

**Damrosch Supplement, skim:**

845-850    The Rio Declaration on Environment and Development, 1992 (doc. 85)

765-782    UN Convention on the Law of the Sea, Part XII, arts. 192-237

**Readings, Volume 2:**

315-326    UNITED NATIONS CONVENTION ON THE LAW OF THE SEA 1982: A COMMENTARY, VOLUME IV, at 3-22 (1989)

327-330    President George Bush, Remarks to Goddard Space Flight Center Employees in Greenbelt, Maryland, PUB. PAPERS 873-76 (June 1, 1992) [excerpt]

331-332    President William J. Clinton, Remarks on Earth Day, 29 WEEKLY COMP. PRES. DOC. 630, 631, 632-33, 634-35 (April 21, 1993) [excerpts]

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**November 17** C. Common Areas: Antarctica and Polar Policy, and the Moon, Other Celestial Bodies, and Outer Space

**Damrosch:**  
793, 1444, 1487-88

**Readings, On Reserve:**  
1558-72 Damrosch, INTERNATIONAL LAW, Fourth Edition, 2001

**Damrosch Supplement, skim:**  
850-52 The Antarctic Treaty, 1959 (doc. 86)  
572-573 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, 1963 (doc. 67)  
853-57 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, 1967 (doc. 87)

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**November 18** IX. **International Economic Issues**

A. International Trade

**Readings, On Reserve:**  
1573-96 Damrosch, INTERNATIONAL LAW, Fourth Edition, 2001

B. International Development and Investment

**Readings, On Reserve:**  
1596-1637 Damrosch, INTERNATIONAL LAW, Fourth Edition, 2001

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**November 23** C. Regional Economic Communities

**Readings, On Reserve (skim):**  
#16 Damrosch, INTERNATIONAL LAW, Third Edition, Chapter 19: Regional Economic Communities

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**November 24** X. **Peaceful Settlement of Disputes**

A. Background and General Theory

**Damrosch:**  
556-585

**Damrosch Supplement, skim:**  
206-212 General Act on Pacific Settlement of International Disputes, 1928 (doc.18)  
217-230 Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (ICSID Convention, 1965) (doc. 20)  
230-240 Statute of the International Tribunal for the Law of the Sea, 1982 (doc. 21)

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*** Thanksgiving Break, November 25-27, 2009 ***
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November 30

B. The International Court of Justice

**Damrosch:**

585-598, 624-651

**UN Charter booklet, skim:**

Statute of the International Court of Justice, 1945 (or Damrosch Supplement Doc. 2)

**Readings, Volume 2:**

333-377 *reference* International Court of Justice Biographies, 1995

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December 1

C. Case Study: The Decision of the International Court of Justice in *Nicaragua v. United States*

**Damrosch:**

598-612

**Readings, Volume 2:**

378-418 “The Inadmissibility of the Application,” Oral Argument of John Norton Moore on Behalf of the United States in the Case of *Nicaragua v. United States*, October 16, 1984

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December 2

**XI. International Law: Toward a New World Order**

**Readings, Volume 2:**

419-442 Report of the Secretary-General on “An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peace-keeping,” U.N. Doc. S/24111 (June 17, 1992) [excerpts of which are reprinted as document 7.8 in the Henkin Supplement, at 340-49]

443-450 Remarks of Anthony Lake, Special Assistant to the President for National Security Affairs, “From Containment to Enlargement,” John Hopkins University, School of Advanced International Legal Studies (SAIS), September 21, 1993

451-457 Barack Obama’s “A World that Stands as One” speech, Berlin July 24, 2008

458-466 Barack Obama’s “Africa’s Future is Up to Africans” speech, Ghana July 21, 2009

**Readings, On Reserve:**

#22 Michael Scherer, *Barack Obama’s New World Order*, TIME, Apr. 03, 2009  
<http://www.time.com/time/world/article/0,8599,1889512,00.html>

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*December 5-17*

*Exam period*