## 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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<th>Date</th>
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| August 26  | **I. The Nature and Sources of International Law**  
A. The Nature and Importance of International Law  
**Damrosch:**  
2-54  
**Readings, Volume 1:**  
| August 31  | **B. The Sources of International Law**  
**Damrosch:**  
55-121, skim 233-298 |
| September 1| **C. The Relation Between National and International Law**  
**Damrosch:**  
652-678 |
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)

Damrosch Supplement, skim:
262-265 Constitution of the United States, 1789 (doc. 23)

B. The Foreign Affairs Process

Readings, Volume 1:


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)

B. Interpretation of Treaties

Damrosch:
162-175

C. Breach and Enforcement: The Law of Material Breach and Reprisal

Damrosch:
200-232
September 15  
D. International Agreements Under United States Law: Conclusion and Termination  

**Damrosch:**  
679-754  

**Readings, Volume 1:**  

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

**Damrosch:**  
175-184  

**Readings, Volume 1:**  

**Readings, On Reserve:**  
*Skim*  

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:**  

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)  
Readings, On Reserve:

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:


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

Yugoslavia
September 28 (cont.)

**Somalia**


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

436  UN General Assembly Resolution 46/7 (1991)


**Rwanda**


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**


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:**


#5a Tristan McConnell, *Fighting Diamond Smuggling in Africa* in [CHRISTIAN SCIENCE MONITOR](http://www.csmonitor.com), (July 30, 2007)


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)
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)

October 12

G. 9/11 and the Control of Terrorism

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

Damrosch Supplement, skim:
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)

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, 4th Quarter, 2008) 137-144
Readings, Volume 2:
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.

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

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

A. Jurisdiction

**Damrosch:**
755-850

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:**

October 19  C. International Responsibility and Remedies

**Damrosch:**
498-555

**Damrosch Supplement, skim:**

October 20  D. States, Recognition, and Self-Determination

**Damrosch:**
299-402, 1518-1548, 458-491
VI. The Law of the Sea


Damrosch:
1372-1379

Damrosch Supplement, skim:

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)

Sources of Current Oceans Law:

Readings, Volume 2:

Readings, On Reserve:

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

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
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:**

*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)

**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)

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**November 2**


**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
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

12
Readings, On Reserve:

*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.*

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)
424-434 Convention Relating to the Status of Refugees, 1951(doc. 47)
437-450 European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (doc. 49)

**Readings, Volume 2:**

November 4 B. Case Studies:
- Democide in Kampuchea

**Readings, Volume 2:**

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

Readings, On Reserve:

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:

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)

November 10

E.  International Human Rights in United States Courts

**Damrosch:**
1045-1050

Readings, On Reserve:

Readings, Volume 2:
November 11  

VIII. The Environment and Common Areas

A. Background and General Principles

Damrosch:
1486-1510

Damrosch Supplement, skim:
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:
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

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:
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]
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:**

**Damrosch Supplement, skim:**
850-52 The Antarctic Treaty, 1959 (doc. 86)
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)

November 18  
IX. International Economic Issues

A. International Trade

**Readings, On Reserve:**

B. International Development and Investment

**Readings, On Reserve:**

November 23  
C. Regional Economic Communities

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

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)

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

December 1

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

Damrosch:  
598-612

Readings, Volume 2:  

December 2

XI. International Law: Toward a New World Order

Readings, Volume 2:  

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

December 5-17

Exam period