

INTERNATIONAL LAW
UNIVERSITY OF FLORIDA COLLEGE OF LAW
LAW 6260, Section 5122
Prof. Berta E. Hernández-Truyol

SYLLABUS
(rev. 07/23/2008 pm)

***** There has been a change in the required textbooks. Carter's International Law (2007) is still required; however, the Selected Documents text is no longer required.**

The readings from that text will instead be provided online through the class syllabus webpage. ***

Other information regarding the course is available from the "[Course Outline](#)" available from Prof. Hernández's webpage (<http://lic.law.ufl.edu/~hernandez>).

Unless otherwise indicated, the reading assignments refer to the required casebook. Every student is expected to have completed the assigned readings **prior** to class.

Students also are expected to read additional materials as indicated and links are provided online, usually in either pdf or html format. Adobe Reader 6.0 or higher should be used to view pdfs, otherwise may experience some difficulties.

Note: In order to inform the current events discussion with which every class will start, students must read a newspaper daily. As the class focus is international, it is suggested that students read the New York Times, Wall Street Journal, London Financial Times, or some such publication (all of which are available via WestLaw or Lexis/Nexis). It is important every student be prepared and class participation will be considered in grading.

I. INTRODUCTION

Class 1. General Information; 9/11 (8/25)

Assignment: 64-92; UN Charter art. 2(4) & 51; skim 1061-66).

Class 2. What is International Law? (8/26)

Assignment: 1-25

Class 3. Is International Law Really Law? (8/27)

Assignment: 25-48

Class 4. International Law and Theory (9/2)

Assignment: 48-63

II. CREATION OF NORMS

Class 5. Treaties: Formation, Observance, Invalidity, Reservations (9/3)

Assignment: 93-113; Vienna Convention ([pdf](#)); Statute of the International Court of Justice art. 38 ([pdf](#)); prepare question 1, p. 99

Class 6. Treaties (cont'd): Termination, Withdrawal, Jus Cogens; Customary International Law (CIL); Resolutions (9/8)

Assignment: 113-137; Statute of the ICJ art. 38 ([pdf](#))

Class 7. General Principles of Law (9/9)

Assignment: 151-157

Class 8. Treaties -- U.S. Law: Articles II and IV (9/10)

Assignment: 158-170 (including cases: *Missouri v. Holland*; *Reid v. Covert*; *Verdugo-Urquidez* (note 9, p. 169)); U.S. Constitution ([pdf](#))

Class 9. Treaties as Domestic Law; Self-Executing Treaties, Reservations, Last in Time, Termination (9/15)

Assignment: 170-189 (including cases: *Asakura v. City of Seattle*, *U.S. v. Postal*; *Foster and Elam v. Neilson* (excerpt only: [html](#)); *U.S. v. Percheman* (excerpt only: [html](#)); ICCPR arts. 2, 4-7, 9, 10, 14, 15, 18-20, 26, 41, 42, 50 ([pdf](#)); *Breard v. Greene*; Vienna Convention arts. 19-23 ([pdf](#)); U.S. Senate Resolution on ICCPR ([pdf](#)))

Class 10. Presidential Foreign Relations Power (9/16)

Assignment: 189-201 (including cases: *U.S. v. Curtiss-Wright Corp.*, *Youngstown Sheet & Tube Co. v. Sawyer*)

Class 11. Presidential Executive Agreements (9/17)

Assignment: 201-215 (including cases: *U.S. v. Pink*, *Dames & Moore v. Regan*); IEEPA ([pdf](#))

Class 12. National Emergency Legislation, the War on Terrorism (9/22)

Assignment 215-238 (including *Hamdi*, *Hamdan*)

Class 13. Problem (9/23)

Assignment: p. 169 -- Problem 8; B.E. Hernandez, *To Bear or Not to Bear: Reproductive Freedom as an International Human Right*, 17 Brooklyn J. Int'l Law 309, 333-34 (1991) (excerpt only: [html](#))

Class 14. CIL in U.S. Courts (9/24)

Assignment: 239-250 (including cases: *The Paquete Habana*, *Filartiga v. Pena-Irala*); Alien Tort Claims Act ([pdf](#)); Torture Victim Protection Act ([pdf](#))

Class 15. CIL in U. S. Courts (cont'd) The Charming Betsy Canon (9/29)

Assignment: 250-269 (including cases: *Sosa*)

Class 16. Federalism (9/30)

Assignment: 269-285 (including cases: *Crosby v. National Foreign Trade Council*; *American Insurance v. Garamandi*)

III. ACTORS IN THE INTERNATIONAL ARENA STATES AND OTHER INTERNATIONAL LEGAL ENTITIES

Class 17. States and their governments; Recognition (10/1)

Assignment: 443-457

Class 18. Taiwan; State succession (10/6)

Assignment: 457-474

Class 19. Territories and other entities; International Organizations, MNCs, NGOs (10/7)

Assignment: 474-478, UN Draft Declaration on the Rights of Indigenous Peoples ([html](#)); 137-151

Class 20. International Regional Entities: UN (10/8)

Assignment 478-496

Class 21. International & Regional Entities: IMF, WB, WTO, G7/8, G77 (10/13)

Assignment: 496-520

Class 22. Regional Entities – EU, NATO, OSCE, OAS, AU (10/14)

Assignment: 520-525, 531-534, 549-553, 556-558

IV. FOREIGN SOVEREIGN IMMUNITY AND THE ACT OF STATE DOCTRINE

Class 23. Immunity of Foreign States: Absolute, Restrictive, Foreign Sovereign Immunities Act (FSIA) Overview (10/15)

Assignment: 559-84 (including cases: *Verlinden B.V. v. Central Bank of Nigeria*; *Republic of Austria v. Altman*); U.S. FSIA ([pdf](#))

Class 24. FSIA (cont'd) Entities, Waiver, Counterclaim (10/20)

Assignment: 584-596 (including case: *Saudi Arabia v. Nelson*)

Class 25. FSIA: Non-Commerical Tort, Expropriation, Enforcement of Arbitral Agreements, Terrorist Acts, Immunity from Attachment or Execution, Current Status of Immunity Outside the U.S. (10/21)

Assignment: 596-620 (including cases: *Letelier v. Chile*, *Risk v. Halvorsen, Alejandre v. Republic of Cuba*); U.S. FSIA ([pdf](#))

Class 26. Immunity: Embassies and Consulates, Diplomats and Consuls, Head of State; Act of State (AOS) through *Sabbatino* (10/22)

Assignment: 620-28 (including case: *U.S. v. Noriega*), 628-640 (including cases: *Banco Nacional de Cuba v. Sabbatino*); Vienna Convention on Diplomatic Relations ([pdf](#));
Vienna Convention on Consular Relations ([pdf](#))

Class 27. AOS – Limitations and Exceptions (10/27)

Assignment: 640-648 (including case: *First National City Bank v. Banco Nacional de Cuba*)

Class 28. AOS – Limitations (cont'd); AOS in Other States (10/28)

Assignment: 648-656 (including case: *W.S. Kirkpatrick & Co. v. Environmental Tectonics Corp.*)

V. ALLOCATION OF LEGAL AUTHORITY AMONG STATES

Class 29. Introduction, Prescriptive Jurisdiction; Territory, (10/29)

Assignment: 657-685 (including cases: *Hartford Fire Insurance Co. v. California*; *Hoffman-La Roche v. Empagran*) ([pdf](#))

Class 30. Prescriptive Jurisdiction – Nationality; The Cuban Embargo (11/3)

Assignment: 685-702 (including case: *The Netherlands:… v. Sensor Nederland B.V.*);

B.E. Hernández-Truyol, *Sanctions & Sovereignty: Analysis of the Embargo Under International Legal Norms*, 215 N.Y.L.J. S4 (col. 1) (1996) ([html](#))

Class 31. Prescriptive Jurisdiction -- Protective, Passive, Universal (11/4)

Assignment: 703-722 (including cases: *U.S. v. Romero-Galue*; *U.S. v. Columba-Collela*; *U.S. v. Usama Bin Laden*)

Class 32. Jurisdiction to Enforce and Adjudicate (11/5)

Assignment: 722-742 (including case: *U.S. v. Alvarez-Machain*)

Class 33. Choice of Law (11/10)

Assignment: 742-753 (including case: *Pancotto v. Sociedade de Safaris de Mozambique*)

VI. STATE RESPONSIBILITY-INJURY TO ALIENS AND INTERNATIONAL HUMAN RIGHTS

Class 34. Historical Background; Attribution of Conduct to the State (11/12)

Assignment: 753-766

Class 35. Property Rights; Nationality (11/17)

Assignment: 766-777

Class 36. Human Rights -- Introduction (11/18)

Assignment: 777-808; *see also* Class 16 material on UN organs ([pdf](#))

Class 37. Human Rights (cont'd) -- Domestic Implementation (11/19)

Assignment: 808-828; Hernández-Truyol & Johns, *Global Rights, Local Wrongs, and Legal Fixes: An International Human Rights Critique of Immigration and Welfare "Reform"*,

71 So. Cal. L. Rev. 547, 590-95 (1998) (excerpt only: [html](#))

Class 38. Human Rights (cont'd) -- Regional Systems (11/24)

Assignment: 828-845 (including case: *The Soering Case*); skim B.E. Hernández-Truyol, *Human Rights Through a Gendered Lens: Emergence, Evolution, Revolution*, in Women and International Human Rights Law, Vol. 1 (Askin & Koenig eds.), pp. 5-24 (two excerpts: #1 [html](#), #2 [html](#))

Class 39. Humanitarian Law; Guantánamo Cases (11/25)

Assignment: 845; Review Hamdi & Hamdan (Class 12)

VII. USE OF FORCE

Class 40. Before World War II (11/26)

Assignment: 969-983

Class 41. After World War II (12/1)

Assignment: 983-999

Class 42. After World War II (cont'd) (12/2)

Assignment: 1003-1010, 1028-1036