

**NEW YORK UNIVERSITY**  
**College of Arts and Science**  
**Department of Politics**

V 53.0740: International Law  
Professor James C. Hsiung

Fall 2007  
MW 2:00-3:15pm

**Syllabus**

Course Description

This course proposes to serve a dual purpose: (i) as an introduction to the substance of international law; and (ii) as an introduction to legal reasoning.

How Studied? International law is studied in this course not only as a component of international relations and a guide to the practitioner, but also as a product of the international political processes and, hence, an indicator of the larger international reality in which we live. A very real function of the readings and class discussions is to enable students to gain (a) a basic understanding of the role of law (or the lack of it) in international relations and, equally, (b) a familiarity with the legal way of looking at problems. An enhancement of the students' sense of the interplay of law and politics in international relations is expected.

Because of the nature of the course and the way it is conducted, you are expected to keep up your readings on a week-to-week basis (don't wait till they pile up on you!). Class meetings are not all straight lectures; they provide time to discuss text materials. If you have not read the text, you derive very little, if at all, from the class sessions. You should do the assigned reading before coming to class.

Nature of the Reading. The reading consists of three types of material: (a) expository writing by scholars ("publicists"); (b) excerpts from cases decided by courts or other tribunals; and (c) excerpts from documents. Thinking about questions in the material as you read it will help prepare you for class. (Additional materials may be given out in class when necessary.)

Casebook & Supplement

- (1) Demrosch, Henkin, Pugh, Schachter, & Smit, *International Law: Cases & Materials*. 4th ed. (West Publishing Co., 2001) – hereinafter cited as ILCM;
- (2) *Idem*, *Basic Documents: Supplement* [to the above], 4th ed. (West Publishing, 2001) – hereinafter cited as BDS.

---

## CLASS CALENDAR

1. Introduction: International Law & International Relations  
Lecture
2. Nature of International Law  
ILCM, 1-55
3. Sources and Evidence of International Law  
ILCM, 56-158  
BDS, 34 (ICJ Stat., Art. 38)
4. International Law & Municipal Law;  
Act of State Doctrine & the Hickenlooper Amendment  
ILCM, 159-248  
BDS, 40-43 (esp. Art. VI, US Constitution,)
5. Subjects of International Law  
ILCM, 249-315 (states); 348-358 (state succession); 359-395 (IO's);  
396-450 (natural & juridical persons)
6. Immunities & Privileges of States; Protection of  
Diplomatic and Consular Agents, etc.  
ILCM, 1197-1313  
BDS, 574-672
7. Responsibility of States; Treatment of Aliens; &  
Human Rights  
ILCM, 684-741; 742-819  
ILCM, 586-683 (Human Rights Protection)  
BDS, 165-300 (major human rights documents)

---

Mid Term (October 24, 2007)

---

8. Territory; and Jurisdiction  
ILCM, 315-348 (territorial sovereignty; acquisition, and extent);  
1088-1197 (bases of jurisdiction)
9. International Agreements (Law of Treaties)  
ILCM, 451-584; 105-116 (Jus Cogens)  
BDS, 134-152 (text of the 1969 Vienna Convention)

---

10. Peaceful Settlement of Disputes

ILCM, 820-919

BDS, 354-393 (relevant documents)

11. Use of Force and IL; Arms Control,

Role of the UN & Other IO's

ILCM, 920-1087

BDS, 394-522 (relevant documents, incl. the G.A. Resolution on  
"Definition of Aggression," pp. 409-411)

12. The "Maritime Regimes" & the Environment:

Good Earth, the Moon, and Outer Space

ILCM, 11383-1508 (Law of the Sea); 1538-1557 (int'l waterways)

ILCM, 1509-1537 (the environment); 1558-1572 (outer space, polar regions)

BDS, 673-967 (relevant docs.)

13. International Economic Law (Trade, Finance, Investment)

ILCM, 1573-1629

BDS, 1003-1067 (relevant documents)



■ Last day of class: December 12, 2007 (Wednesday)



#### OTHER REQUIREMENTS

In addition to a mid-term and a final exam, a short summary report is required, due at the time of the final exam. Preferably no more than 25-30 pages in length (double-spaced), the summary should succinctly and coherently incorporate your notes from class and from the assigned readings. It should adequately represent what you have learned from this course. It is wise to take ample notes while doing the readings and while attending class – and to reflect schematically on the substance being introduced. Your summary report should be an edited version of the most important essentials distilled from this cumulative array of notes. Writing the summary report has been found to be the best way to prepare for the in-class exams.

#### OFFICE HOURS, etc.

My office hours are Wednesdays, 3:30-5:30 p.m., plus other times by appointment. My office is located at 19 West 4 Street (Rm 222). My direct line: (212) 998-8523. E-mail address: <jch2@nyu.edu>.

---

## How to Brief a Case?

In this course, we are learning international law by the case method, as is used in American law schools. It is important that you learn how to brief a case. You may be called up to do so in class. To save class time, you may be asked on occasion to brief certain cases in writing, especially those of a classic importance. The following is a rough guide on how to brief a case.

First, keep in mind the “5 W’s and one H” (i.e., what, where, when, who, and why; and how) of a case.

Second, note the legal questions involved. If it is a case before a tribunal,<sup>1</sup> note the specific questions the tribunal is asked to examine and decide upon.

Third, note also the arguments presented by the contending parties, and their respective legal defense.

Fourth, pay attention to (a) how the tribunal sorts out the details and analyzes the legal questions at issue, (b) how it finds the relevant law (including the sources and evidence), (c) how the tribunal argues its case, presents its points, and applies the law, and (d) if a vote is taken, how members of the tribunal voted on the final decision or award. Note in addition the language used in the decision/award, including its precision in wording, legal elegance, the nuances, and even subtle “asides” (including obiter dictums).

---

<sup>1</sup> “Tribunal” is used in the generic sense, denoting either a court, an ad hoc tribunal, an arbitral tribunal, a conciliation commission, or its like (such as a WTO DSB panel).