INTERNATIONAL DISPUTE RESOLUTION

1. The International Court of Justice
   a. The Statute of the International Court of Justice [documentary supplement].
   b. Generally [556-562]
   c. Jurisdiction in contentious cases [582-624].
   e. Michael J. Glennon, Protecting the Court's Institutional Interests: Why Not the Marbury Approach? 81 AJIL 121 (Jan., 1987).

2. Rules on state responsibility
   a. General principles of responsibility [498-502].
   b. Attribution of conduct to a state [503-512].
c. Breach of an international obligation [512-519].
d. Circumstances precluding wrongfulness [519-529].
f. Reparation for the breach of an international obligation [529-532].
g. Countermeasures and self-help [532-541].

   a. Al-Skeini and Others v. the United Kingdom [GC], no. 55721/07, 7 July 2011.
   b. Banković and Others v. Belgium and 16 Other Contracting States (dec.) [GC], no. 52207/99, ECHR 2001-II.
   c. Cyprus v. Turkey [GC], no. 25781/94, ECHR 2001-IV.
   e. Ilașcu and Others v. Moldova and Russia [GC], no. 48787/99, ECHR 2004-VII.
   g. Loizidou v. Turkey (merits), 18 December 1996, Reports 1996-VI.
   h. Loizidou v. Turkey (preliminary objections), 23 March 1995, Series A no. 310.
   i. Öcalan v. Turkey [GC], no. 46221/99, ECHR 2005-IV.

THE USE OF FORCE

4. Use of force by states: The Just War Doctrine
   a. Summary of criteria.

5. Use of force by states: Emerging norms in the pre-Charter era
   d. Customary international law [1129-1134].
   e. Pre-UN efforts to discourage war [1135-1141]


6. Use of force by states: The UN Charter  
   a. The prohibition of the use of force [1142-1164].
   d. Michael J. Glennon, How War Left the Law Behind, N.Y. TIMES, Nov. 21, 2002 at A33.
   e. Michael J. Glennon, LIMITS OF LAW, PREROGATIVES OF POWER 67-100 (2001).


8. Use of force by the United Nations  
   a. The Charter’s framework [1221-1276].
   d. Iraq  
      i. Adam Roberts, Law and the Use of Force after Iraq, SURVIVAL 31-56 (Summer 2003).
   e. Is anything ultra vires?  
      i. Thomas M. Franck, RECURS TO FORCE 20-44 (2002).

9. **Self-Defense**
   a. Generally [1134-35; 1165-1181; 1188-1192].
   e. Reprisal; *The Nautilus* (1949) [1132-1134].

10. **Counter-terrorism: Preemption and prevention**
    a. Anticipatory self-defense [1181-1187].
    k. The Pan Am 103 trial [419-421].

11. **Internal conflicts and humanitarian intervention**
    a. Generally [1192-1220].
d. The Case of Kosovo, Henry J. Steiner & Philip Alston, INTERNATIONAL HUMAN RIGHTS IN CONTEXT 653-662 (2nd ed. 2000).
f. The Responsibility to Protect [1044-1045].
i. UK paper on the legal basis for humanitarian intervention in Kosovo (Foreign Office cable) (undated).

12. The law of war
   a. General
      i. Just war theory [review item 4(a) above].
      ii. International humanitarian law [1276-1297].
      viii. The Torture Convention, documentary supplement.
      ix. The internet [1304-1305]

   b. Iraq and the war on terror


**CRIMINAL RESPONSIBILITY OF INDIVIDUALS**

13. Nuremberg and its aftermath
   a. The Nuremberg Trials [1306-1326].
   c. The Genocide Convention and draft code of crimes [409-411; 1328-1332].

   a. Yugoslavia [1327-1340].
   b. Rwanda [1341-1344].
   c. Other tribunals [1344-1349]
   d. The International Criminal Court [1350-1371].

15. The ICC and the Crime of Aggression
   b. ICC Web Site
   c. Statement of Harld Koh, State Department Legal Adviser, Mar. 23, 2010
THE REACH OF STATE POWER

16. Jurisdiction
   a. Introduction [755-762]
   c. The bases of jurisdiction to prescribe
      i. The territorial principle [767-773; 779-781].
      ii. The nationality principle [784-791].
      iii. The passive personality principle [793-798].
      iv. The protective principle [798-803].
      v. The universality principle [804-815].
   d. Judicial and enforcement activities
      i. Jurisdiction to adjudicate [815-818].
      ii. Jurisdiction to enforce [818-829].
      iii. Extradition [838-850].

17. The act of state doctrine
   b. Aftermath and implications [675-678].

18. Immunities of foreign states
   a. Sovereign immunity
      i. Absolute immunity [851-854].
      ii. Restrictive immunity [854-860].
      iii. The role of the executive branch [860].
   b. Diplomatic and consular immunity
      i. Diplomats and consuls [935-940].
      ii. Head-of-state immunity [924-935].

19 & 20. Human rights: commonalities and divisions
   a. Generally [956-961]
   b. The utility of “rights”


iv. Comment on some characteristics of the liberal political tradition, Henry J. Steiner & Philip Alston, INTERNATIONAL HUMAN RIGHTS IN CONTEXT 361-365 (2nd ed. 2000).


c. Cultural relativism: A case study of hate speech
   i. Generally [994, n. 7].
   iii. Hate speech, Henry J. Steiner & Philip Alston, INTERNATIONAL HUMAN RIGHTS IN CONTEXT 749-766 (2nd ed. 2000).

21. Human rights: fundamental norms
   a. Substantive law
      i. Global institutions [983-998]
      ii. Significant treaties [975-982].
      iii. Customary norms [996-999].
      iv. Rights of women [988-994].
      v. Incorporation into U.S. law [995; 1014-1021; 1045-1050].
   d. The right to development, Henry J. Steiner & Philip Alston, INTERNATIONAL HUMAN RIGHTS IN CONTEXT 1315-1323 (2nd ed. 2000).

22. Human rights: Factfinding and Evidence — a case study

23. Democracy promotion*

24. Protecting the environment: Biodiversity and endangered species
   d. Limits on international trade [1510-1514].

25. Protecting the environment: Public goods and the global commons
   a. Introduction [1486-1491].
   c. Transborder environmental harm [1491-1502].
   d. Preserving collective goods [1502-1510]
   e. David Brown, Global Polio Largely Fading, WASHINGTON POST, December 26, 2005 at A01.
   f. Daniel Smith, It's the End of the World, and He Feels Fine, N.Y. TIMES, April 17, 2014

26. Arms control and disarmament: a review session*
   a. Background [1297-1304].
   b. A review problem: negative security assurances and declaratory U.S. policy concerning use of nuclear weapons

Schedule. The class meets Tuesday and Thursday from 11:05 a.m. to 12:20 p.m. in the Crowe Room. Numerical headings in this syllabus each represent one class session; materials grouped together normally will be discussed together. Several topic headings will, however, extend beyond a single class session. Most classes will consist of lectures and discussion, with a greater proportion of discussion than

* Coverage of this class is contingent upon progress in earlier classes.
was possible in The International Legal Order (Law 200). Discussions are predicated on an assumption of familiarity with the assigned materials; readings should therefore be completed before the relevant class session.


**Accessing reading materials.** All of the materials in this syllabus are available on the Tufts Trunk site for this course, which is accessible from any computer with an internet browser.

**Lecture outlines.** Outlines of each lecture normally will be available in the relevant Trunk course document folder shortly before each class. These outlines are provided to make the class easier to follow for students whose native language is not English. They should not be seen as a substitute for class attendance.

**Recordings.** Recordings of classes or any part thereof are not permitted under any circumstances.

**Eligibility.** Students may not register or cross-register for this class if it conflicts with another class in which they are enrolled. Auditors are not admitted in this course. International Legal Order (Law 200) is a pre-requisite; no waivers are granted.

**Final examination.** A three-hour, closed-book examination will be held on a date announced by the Registrar’s office. It will consist of essay, short-answer and multiple-choice questions. The format will be similar to that of the examination in The International Legal Order. To ensure the integrity of the examination process and also to ensure fairness and equal treatment for all students, re-scheduling of the exam is permitted only on an emergency basis, involving documented medical incapacity of the student or death or serious illness within the immediate family.

**Mid-semester examination.** There is no mid-semester examination.
Grading. The letter grade that results from the final examination may be raised one-half letter grade for superior performance in class discussions. Recorded grades are raised only for arithmetical or administrative error; “extra credit” is not given, nor are grades altered, for additional papers or other work.

Class attendance. Students are expected to attend all class sessions.

Office hours. Office is located at 315 Goddard, across from the Crowe Room. Office hours are 2:00 to 3:00 on Thursday, other times by appointment—though if the door is open, as it usually is, feel free to come in. Appointments may be made directly with me at the email address below. My assistant is Lupita Ervin at Lupita.Ervin@Tufts.edu or (617) 627-4319, in room C405.

Bluebook review. Final exams will be available for review after grades are turned in. Students wishing to do so should see my assistant Lupita. Bluebooks may not be altered or removed from the reviewing area.

Recommendations. Students seeking recommendations should consult “Guidelines for Recommendations” in the course information folder on the Trunk web site.

Contact information. Email: michael.glennon@tufts.edu. Telephone: (617) 627-3941. Web site: http://www.fletcher.tufts.edu/faculty/glennon. Please do not use email for substantive issue discussion—stop by the office.