



VERMONT LAW SCHOOL

INTERNATIONAL LAW
COURSE #INT.7425.01

SPRING 2023

SYLLABUS

Tuesdays and Thursdays
9:55 - 11:10 a.m.
Oakes Hall - Room 107

Instructor: Peter W. Adler
Cell Phone: (781) 223-2837 (M-F)
Email: padler@vermontlaw.edu
Office Hours: After class or by arrangement

Welcome to International Law! It is a vast, important, and challenging topic.

COURSE DESCRIPTION. The first part of the course will cover foundational topics in international law, including its main sources, institutions, and actors. The second part will focus on specific topics in international law, including the laws of war, peace agreements, the law of the sea, environmental protection, human rights, the International Criminal Court, intellectual property protection, and issues in international trade.

GOALS

- Learn the foundational concepts in international law and apply them to specific topics.
- Improve your analytic, listening, speaking, and writing skills to become a more effective lawyer.

- Perhaps consider a career in international law, and develop a more global perspective.

COURSE MATERIALS

1. Jeffrey L. Dunoff, Steven R. Ratner & David Wippman, *International Law: Norms, Actors, Process* (4th ed. 2015) (“DRW”). Be sure to rent or buy the 2015 edition and not a more recent edition. There should be copies in the bookstore and you can rent the book for about \$25 from Amazon [here](#).
2. Sean D. Murphy, *Principles of International Law* (3d ed. 2018) (“Murphy”). This treatise complements the casebook by summarizing the main concepts in international law. There should be copies in the bookstore and the book is available used for about \$45 from Amazon [here](#).
3. Supplementary readings and other materials are listed in the syllabus with links when needed. These include articles from The New York Times and Harvard University cases, which cost \$4.25 each. If you cannot access Times articles without a subscription, you can obtain a free subscription through VLS at <http://libguides.vermontlaw.edu/databases>.

REQUIREMENTS

- Do the assignments
- Come prepared to class
- Participate in class

GUEST SPEAKER. Our guest speaker is Attorney David Maloof, a leading maritime lawyer. He will discuss how he has won difficult cases and how he is working to help find a peaceful solution to the Israeli-Palestine conflict.

OFFICE HOURS. Your success in this class and after graduation is important to me. I would be happy to talk with you to discuss the course, your career goals, or just to get to you know you better. We can meet after class or schedule a time to meet or talk.

GRADING

Assignments, Attendance, and Class Participation (25%)

Legal Memorandum (12.5%)

Midterm Examination (25%)

Persuasive Essay and Report (12.5%)

Final Examination (25%)

Total (100%)

Assignments, Attendance, and Class Participation (25%)

You will earn one point for attending class, one point for each short written assignment, and one point for participating (speaking to the class).

Assignments and Packback. Each assignment will be posted on Canvas. Written assignments must be at least one-half of a page long, double spaced, excluding any header. You will be graded mostly on content but partially on how well you write, so edit and proofread your work. After the first week, we will be using the Packback online community platform for assignments and for the legal memorandum and legal brief. For a brief

introduction to Packback and why we are using it, watch the video [here](#) or at <https://vimeo.com/163888277>. Packback ordinarily costs students \$49 but your cost is \$19. For support, go help.packback.co and click [here](#).

Participation. Your participation is vital to the success of this course. My expectation is that you will attend every class having completed the assigned readings and ready to engage in discussion. You bring a wealth of professional and personal experience from which the rest of the class (including me) can learn, which I encourage you to share. Please listen well and engage thoughtfully and respectfully with diverse viewpoints. At the end of the semester, if you have participated often and well, and you are close to earning a higher grade, I may increase your grade.

Legal Memorandum and Report (12.5%)

Your first writing assignment, due at the end of the first half of the course, is to write a short (at least 3 pages double spaced or longer if needed) legal memorandum about a pending law case or a current issue of interest to you in international law or the law of another country. A legal memorandum sets out the material facts, the legal issue(s) presented, and it neutrally discusses how the law should be applied based on the facts. Instructions and a sample legal memorandum will be provided.

Legal Brief and Informal Report (12.5%)

A lawyer has an ethical duty to be a zealous advocate for his or her client. Your second assignment, due near the end of the course, is to write a short (at least 3 pages double spaced or longer) legal brief as a lawyer zealously advocating for your client, for your point of view, or for a change in the law. A sample brief will be provided. You will be given a list of possible topics or choose any one that interests you. Then share what you have learned in an informal report (5 minutes).

These two short papers will be graded 80% based on their content and 20% on your ability to write clearly, concisely, and grammatically. Writing tips will be provided.

Midterm Examination (25%)

Final Examination (25%)

These examinations may cover *anything that has been assigned and that we have discussed in class*, such as my lectures and any guest lecture(s), readings, cases, and class discussions, including comments students make in class. The final exam will only test what we have covered during the second half of the semester.

MISCELLANEOUS

ONLINE POLLING. We will be using PollEverywhere.com for online polling and exams, so bring a smart phone or laptop to every class. Please register with your student email so that poll results will show who you are. The polls will always be at <http://PollEv.com/peterwadler300>.

HBS CASES. These are available in a course pack at <https://hbsp.harvard.edu/import/1019720>. Buy them one by one when needed. They cost \$4.25 each.

SUGGESTIONS AND CONCERNS. I welcome your feedback and suggestions! Also please inform me of any corrections needed (e.g., if a link to an assignment does not work) or concerns.

EXTENSIONS. If you have an emergency, illness, or other valid reason you cannot attend class or meet a deadline, please request a pass online. You will receive credit as if you had attended and an extension to complete the work.

STUDENT CODE OF CONDUCT. Honesty and integrity are very important in the academic setting, in your law work, and in life. Be sure to read and abide by the university’s student [Code of Conduct](#). To avoid plagiarizing, simply use quotation marks or cite any authority that you reference. Dishonesty can result in failing the course and disciplinary action.

OUTLINE. You may find it helpful in this course—and in any course—to prepare an outline in Word of the key points in readings and as discussed in class.

CHANGES. If changes are needed to the syllabus, you will be notified, and a revised copy will be posted online showing the date of the change.

COURSE SCHEDULE

PART I – FOUNDATIONAL CONCEPTS

DATE	TOPIC	READINGS/ASSIGNMENTS
INTRODUCTION		
1/17	First class: greetings; review syllabus; brief history of international law	Read the syllabus and rent or buy the two required books
1/19	History and how IL shapes our lives	Research and report on one old case in IL or one treaty, and one way that IL shapes our lives; 100 examples here .
1/24	Evolution of international law and basic principles	<ul style="list-style-type: none"> • DRW 1 – 16 (Aouzou Strip conflict) • Murphy 1 – 7 • Dan Levin, Canada and Denmark Fight Over Island With Whisky and Schnapps, N.Y. Times (Nov. 7, 2016), available at https://www.nytimes.com/2016/11/08/world/what-in-the-world/canada-denmark-hans-island-whisky-schnapps.html
1/26	The Rainbow Warrior Affair	<ul style="list-style-type: none"> • DRW 16 – 31
SOURCES		
1/31	Treaties, Part I	<ul style="list-style-type: none"> • DRW 33 – 47 • Murphy 81 – 87
2/2	Treaties, Part II	<ul style="list-style-type: none"> • DRW 47 – 56 • Murphy 94 – 101 • Debate Over Paris Climate Deal Could Turn on a Single Phrase, N.Y. Times (May 2, 2017), available at https://www.nytimes.com/2017/05/02/climate/trump-paris-climate-agreement.html
2/7	Treaties, Part III	<ul style="list-style-type: none"> • DRW 56 – 68 • Murphy 87 – 94 • The Paris Agreement, https://unfccc.int/sites/default/files/english_paris_agreement.pdf

		<ul style="list-style-type: none"> • Lisa Friedman, U.S. Quits Paris Climate Agreement: Questions and Answers, N.Y. TIMES (Nov. 4, 2020), at https://www.nytimes.com/2020/11/04/climate/paris-climate-agreement-trump.html • Marta Torre-Schaub et al., Analysing the legal scope of the Paris Agreement and related commitments, IDDRI Blogpost series (Nov. 24, 2020), at https://www.iddri.org/en/publications-and-events/blog-post/analysing-legal-scope-paris-agreement-and-related-commitments
2/9	Custom, Part I	<ul style="list-style-type: none"> • DRW 68, 73 – 83 • Murphy 101 – 111
2/14	Custom, Part II and “Soft Law”	<ul style="list-style-type: none"> • DRW 68 – 73, 83 - 100 • Murphy 112 – 114
ACTORS		
2/16	States, Part I	<p>What is a state?</p> <ul style="list-style-type: none"> • DRW 105 – 117 • Murphy 33 – 41 • William Taylor, Steven K. Pifer, and John E. Herbst, Don’t Forget Crimea, N.Y. Times (June 8, 2014), at https://www.nytimes.com/2014/06/09/opinion/dont-forgetcrimea.html
2/21	States, Part II	<p>Who is the “self” in self-determination?</p> <ul style="list-style-type: none"> • DRW, 117 – 130 • Max Fisher and Amanda Taub, Catalans and Kurds Discover the Hard Truth About Secession, N.Y. Times (Sept. 29, 2017), at https://www.nytimes.com/2017/09/29/world/europe/independence-movements-catalans-kurds.html • Milena Sterio, Do Kurds Have the Right to Self-Determination and/or Secession?, Opinio Juris Blog (Sept. 28, 2017), at http://opiniojuris.org/2017/09/28/kurds-right-self-determination-andor-secession/ • Jessie Yeung and Angus Watson, Bougainville independence vote delivers emphatic demand to become world’s newest nation, CNN (Dec. 11, 2019), at https://www.cnn.com/2019/12/11/asia/bougainville-papua-new-guinea-intl-hnk/index.html
2/23	International Organizations	<ul style="list-style-type: none"> • DRW 142 – 151; 154 – 163 • Murphy, 52 – 59; 117 – 120 • Elisabeth Rosenthal, Race Is On as Ice Melt Reveals Arctic Treasures, N.Y. Times (Sept. 19, 2012), at https://www.nytimes.com/2012/09/19/science/earth/arctic-resources-exposed-by-warming-set-off-competition.html
2/28	Non-governmental organizations (NGOs)	<ul style="list-style-type: none"> • DRW 169 – 189 • Murphy, 73 – 76; 78 – 79

	and transnational corporations (TNCs)	
2/28	Legal Memorandum	Due at midnight
3/2	Mid-Term Examination	In class
3/7	Spring Break	No class
3/9	Spring Break	No class

PART II – SPECIFIC TOPICS

DATE	TOPIC	READINGS/ASSIGNMENTS
3/14	The Use of Force	<ul style="list-style-type: none"> • DRW 713 – 735 • Murphy 573 – 579 • Discuss legal aspects of the Ukraine war
3/16	Peace Agreements	<u>HKS Case</u> : “Blessed are the Peacemakers: Senator Danforth as Special Envoy to the Sudan”
3/21	Human Rights	<ul style="list-style-type: none"> • DRW 342 – 366 • Murphy 389 – 392 • U.N. Convention Against Torture, Preamble and Part I (Articles 1 – 16), at https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading
3/23	International Criminal Law	<ul style="list-style-type: none"> • DRW 475 – 485 • Murphy 527 – 533 • OPTIONAL: Professor Benjamin Ferencz lectures, The Evolution of International Criminal Law—A Personal Account, at http://legal.un.org/avl/ls/Ferencz_CLP.html#. This series of lectures is an interesting look at the past 60+ years of international criminal law through the eyes of someone who helped shape it.
3/28	Law of the Sea	<ul style="list-style-type: none"> • DRW 543 – 549; 578 – 580 • Murphy 474 – 477 • Research the South China Sea dispute, the ruling by the Permanent Court of Arbitration, and the aftermath
3/30	Traditional Practices	Research and debate whether non-therapeutic male circumcision is good for health and lawful, or bad for health and unlawful. Readings to be assigned.
4/4	Child Labor	<u>HBS Case</u> : “IKEA’s Global Sourcing Challenge: Indian Rugs and Child Labor (A)”
4/6	Labor Law	<u>HBS Case</u> : “Hitting the Wall: Nike and International Labor Practices”
4/11	Intellectual Property	<u>HLS Case</u> : “Ching Pow: Far East Yardies!!”
4/13	Marijuana	• <u>HLS Case</u> : “The Decriminalization of Marijuana in Jamaica”

		<ul style="list-style-type: none"> • HBS Case: “Born Global: Timeless Herbal Care Prepares to Supply Medical Marijuana to Canadians”
4/18	Trade Law	HBS Case : “Delta Blues A and B”
4/20	Trade Law	HBS Case : “Dieselgate - Heavy Fumes Exhausting the Volkswagen Group”
4/25	Trade Law	HBS Case : “The U.S.-China Trade War”
4/27	Persuasive Essay	Discuss your persuasive essay topic (5 minutes) and course wrap-up
5/5-5/12	Examination Period	Final Exam, date and time TBD

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