

SEMINAR ON INTERNATIONAL COURTS

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Washington College of Law
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SYLLABUS

I. COURSE DESCRIPTION

Introduction to the practice of international courts and arbitral panels and their role in the development of international law. Offered in a seminar format, the course will outline the evolution of international tribunals, examine the development of international legal principles by international tribunals with reference to "sources" methodology, provide an in-depth critique of a decision of the International Court of Justice, and discuss issues concerning the effectiveness and future role of international courts in the development of international law.

II. COURSE GOALS

- 1) Introduce students to the historical evolution and function of international tribunals within the international legal system.
- 2) Reenforce students' conceptual understanding of the sources of international law and their inter-relationships, as developed by international tribunals.
- 3) Examine selected international legal issues and modes of legal argumentation using case studies of international judicial opinions.
- 4) Outline issues concerning the effectiveness of the international tribunals as dispute resolution mechanisms and their future.

III. CLASS OUTLINE (Discussion Topics and Assignments)

Class 1 Introduction
8/27/91

Discussion Topics:

- 1) Administrative matters.
- 2) Review of international law: Definitions and sources.

Reading Assignments:

- 1) ICJ Statute, Arts. 38 & 59.
- 2) Restatement (Third) of the Foreign Relations Law of the United States §§ 101-103 (1987) (Introductory Note & Comments).

Class 2 Introduction to International Legal Theory
8/29/91

Discussion Topics:

- 1) Origins of international law.
- 2) Theoretical Underpinnings of Int'l Law - Naturalists, Realists, Positivists, Socialists, New Haven School (Policy Science), and Third World Perspectives.

Reading Assignments:

- 1) G. Finch, The Sources of Modern International Law 15-29 (1937).
- 2) H. Morgenthau & K. Thompson, Politics Among Nations 293-327 (6th ed. 1985).
- 3) Tunkin, The Contemporary Soviet Theory of International Law, 31 Current Legal Probs. 177-88 (1978).
- 4) Kelson, Principles of International Law 3-16 (R. Tucker 2d rev. ed. 1966).

Class 3 Evolution and Structure of Int'l Judicial Bodies
9/3/91

Discussion Topics:

- 1) International arbitral tribunals
- 2) Permanent Court of Arbitration
- 3) The Permanent Court of International Justice
- 4) The International Court of Justice
- 5) Regional Courts

Reading Assignments:

- 1) Rosenne, The World Court, 3-22 (4th ed. 1989).
- 2) 1 Rosenne, The Law and Practice of the International Court, 7-10 (1965).
- 3) Schlochauer, "Arbitration", 1 Encyclopedia of Public International Law, 1~~6~~⁴-26 (Bernhardt ed. 1981).
- 4) Plender, The European Court as an International Tribunal, 42 Cambridge L.J. 279-98 (1983).

Class 4 Introduction to the International Court of Justice
9/5/91

Discussion Topics:

- 1) Basic Structure of the International Court of Justice: Organs, Functions, Composition and Selection.
- 2) Procedure in the ICJ: Bringing a Case

Reading Assignments:

- 1) Rosenne, The World Court, ²³⁻⁴⁹ 51-77, 113-53 (4th ed. 1989).
- 2) Statute of the International Court of Justice, Arts. 39-68.
- 3) Panel Discussion, The Independence and Impartiality of International Judges, Am. Soc. Int'l L. Proc. 508-529 (1989).

Discussion Topics:

- 1) The Compulsory Jurisdiction of the I.C.J.
- 2) U.S. Modification/Renunciation of Compulsory Jurisdiction in the Nicaragua Case
- 3) Expanding the Advisory Jurisdiction of the I.C.J.
- 4) Access to I.C.J. Advisory Opinions by National Courts

Reading Assignments:

- 1) Statute of the International Court of Justice, Arts. 34-38, 65(1).
- 2) U.N. Charter, Art. 96
- 3) Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. U.S.), 1984 ICJ 392-443
- 4) Letter to the United Nations Secretary-General Concerning Non-Applicability of Compulsory Jurisdiction of the International Court of Justice with Regard to Disputes with Central American States (April 6, 1984), reprinted in 23 Int'l Leg. Mat. 670 (1984).
- 5) Statement of the United States Withdrawal from the Proceedings Initiated by Nicaragua in the International Court of Justice (January 18, 1985), reprinted in 24 Int'l Leg. Mat. 246-249 (1985).
- 6) Observations on the International Court of Justice's November 26, 1984 Judgment on Jurisdiction and Admissibility in the Case of Nicaragua v. United States of America, reprinted in 24 Int'l Leg. Mat. 249-263 (1985).
- 7) Department of State Letter and Statement Concerning Termination of Acceptance of International Court of Justice Compulsory Jurisdiction (October 7, 1985), reprinted in, 24 Int'l Leg. Mat. 1742-1745 (1985).

Discussion Topics:

General discussion of opinions by international tribunals involving:

- 1) The interpretation of treaties and the application of the Vienna Convention on Treaty Interpretation.
- 2) The principle pacta sunt servanda and the effect of changed circumstances;
- 3) The effect of treaty reservations
- 4) Treaties as evidence of customary international law
- 5) Unilateral declarations: an analogy to treaties

Reading Assignment:

- 1) Singh, The Role and Record of the International Court of Justice, 15~~6~~⁷-16~~8~~¹ (1989).
- 2) Vienna Convention on the Law of Treaties (1969), Arts. 19, 20, 26, 38, 53, 61, 62, 64, 71.
- 3) Lee, The Law of the Sea Convention and Third Parties, 77 Am. J. Int'l L. 541-568 (1982).
- 4) Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide (Advisory Opinion), 1951 ICJ 15-55 (treaty reservations).
- 5) Nuclear Tests Case (Australia v. France), Judgment, 1974 ICJ 253, 257-258, 26~~6~~-270.

Class 7 Development of Customary International Law by
 International Tribunals - Part I
9/17/91

Discussion Topics

- 1) The role of international tribunals in developing customary law.
- 2) The methodology used by international courts in determining international customs.
- 3) Development of a customary legal principle: the concept of regional norms

Reading Assignments

- 1) Asylum Case (Columbia v. Peru) 1950 I.C.J. 266, 272-79, 288-89, 335-39, 369-72 (regional norms).
- 2) Fisheries Case (U.K. v. Nor.), 1951 I.C.J. 116, 124-25, 190-193 (Read, J., dissenting).
- 3) Summary of the North Sea Continental Shelf Case from I.C.J. Yearbook.
- 4) North Sea Continental Shelf Case (W. Ger. v. Den.), 1969 I.C.J. 3, 28-29, 41-46.
- 5) Right of Passage Over Indian Territory Case (Port. v. Ind.) 1960 I.C.J. 6, 27-32, 36-46.

Class 8 Development of Customary International Law by
International Tribunals - Part II
9/19/91

Discussion Topics:

- 1) Development of a customary legal principle: the notion of the persistent objector
- 2) Development of a customary legal principle: the principle of jus cogens

Reading Assignment:

- 1) Fisheries Case (U.K. v. Nor.), 1951 I.C.J. 116, 131-~~32~~
- 2) Asylum Case (Colom. v. Peru), 1950 I.C.J. 266, 277-78, ³⁶⁷⁻⁷
- 3) Statement by the President of July 1982, 18 Weekly Comp. Pres. Doc. 887 (July 12, 1982). ⁹
- 4) Statement by the President of March 10, 1983 on United States Oceans Policy, reprinted in 22 Int'l Leg. Mat. 464-465 (1983)
- 5) Proclamation 5030 of March 10, 1983 Concerning the Exclusive Economic Zone of the United States, reprinted in 22 Int'l Leg. Mat. 465 (1983).
- 6) Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. U.S.), 1986 I.C.J. 14, 22, 100-101, 199-200
- 7) Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. U.S.), 1984 I.C.J. 14, 614-616
- 8) Legal Consequences for States of the Continued Presence of South Africa in Namibia (S.W. Africa) Not With-standing Security Council Resolution 276 (1970), 1971 I.C.J. 16, 73-75, 89-90
- 9) South West Africa Cases (Ethiopia v. S. Africa; Liberia v. S. Africa), 1966 I.C.J. 6, 297-300
- 10) Vienna Convention on the Law of Treaties, Arts. 53, 64, 71.

Class 9 The Application of General Principles of Law Common to
All Nations By International Tribunals
9/26/91

Discussion Topic:

- 1) The role of international tribunals in the interpretation and application of general principals of law.

Reading Assignments:

- 1) Akehurst, The Application of General Principles of Law by The Court of Justice of the European Communities 52 Brit. Y.B. of Int'l L. 29-51 (1981).
- 2) Cheng, General Principles of Law as Applied by International Courts and Tribunals 1-26 (1953).
- 3) Summary of the South West Africa Cases from the I.C.J. Yearbook.
- 4) South West Africa Cases (Ethiopia v. S. Africa; Liberia v. S. Africa), 1966 I.C.J. 6, 294-301.

Discussion Topics:

- 1) The role and function of subsidiary sources
- 2) International legal publicists as subsidiary sources of international law.
- 3) Judicial decisions as subsidiary sources of international law.
- 4) Utilizing subsidiary sources.

Reading Assignment

A hypothetical case is pending before the World Court involving foreign support of ethnic groups struggling to create new nation-states in Eastern Europe. As a law clerk for the U.S. Justice, you are asked to analyze the potential relevance of the principle of self-determination. What would you advise based on a reading of the following:

- 1) International Covenant on Civil and Political Rights, Art. 1
- 2) Brownlie, Principles of Public International Law, 173-174, 593-596 (3rd Ed., 1979).
- 3) O'Connell, International Law, 312-315 (2d ed., 1970).
- 4) Pomerance, Self Determination in Law and Practice, 9-28 (1982)
- 5) Sorensen, ed., Manual of Public International Law, 508-509, 771-772 (1968).
- 6) Starke, Introduction to International Law, 123-125 (10th ed., 1989).
- 7) Western Sahara Case (Advisory Opinion), 1975 ICJ 12, 31-37.

Class 11 Case Study: Corfu Channel Case - Jurisdiction
10/1/91

Discussion Topics:

- 1) Review of facts leading to Corfu Channel Case.
- 2) Analysis of Pleadings on Jurisdiction by U.K. and Albania before the International Court of Justice.

Reading Assignments:

- 1) The Corfu Channel Case: A Chronology
- 2) Corfu Channel Case (U.K. v. Alb.), 1 I.C.J. Pleadings 8-17 (1949).
- 3) Corfu Channel Case (U.K. v. Alb.), 1947-1948 ICJ 15-45 (Preliminary Objection).
- 4) Corfu Channel Case, 2 I.C.J. Pleadings 29 (1950)(Special Agreement/Compromis).

Class 12 Case Study: Corfu Channel Case - Pleadings on the Merits
10/3/91

Discussion Topics:

- 1) Analysis of the Pleadings Before the I.C.J. on the Merits in the Corfu Channel Case

Reading Assignments:

- 1) Corfu Channel Case (U.K. v. Alb.) 1 I.C.J. Pleadings 19-53 (1949)(Memorial Submitted by the Government of the United Kingdom).
- 2) Corfu Channel Case (U.K. v. Alb.), 1949 ICJ 4-12 (Merits).

Class 13 Case Study: Corfu Channel Case - Decision on the Merits

10/8/91

Discussion Topic:

- 1) Analysis of the I.C.J. Opinion on the Merits in the Corfu Channel Case.

Reading Assignment:

- 1) Corfu Channel Case (U.K. v. Alb.), 1949 ICJ 12-131 (Merits).

Class 14 Case Study: Corfu Channel Case - Enforcement

10/10/91

Discussion Topics:

- 1) Enforcement of ICJ Judgment in Corfu Against Albania - Review of the Monetary Gold Case

Reading Assignments:

- 1) Corfu Channel Case (U.K. v. Alb.), 2 I.C.J. Pleadings 390-402 (1949-1950)(Observations of the United Kingdom on the Amount of Compensation).
- 2) Corfu Channel Case (U.K. v. Alb.), 1949 ICJ 244-265 (Assessment).
- 3) Summary of the Monetary Gold Case, Yearbook of the I.C.J. 83-86 (1954).
- 4) Monetary Gold Case (Italy v. France, U.K & U.S.), 1 ICJ Pleadings 8-15, 77-83 (1954 (Compensation)).
- 5) Monetary Gold Case (Italy v. France, U.K. & U.S.), 1954 ICJ 19-35 (Preliminary Question)

Class 15 Assessing the International Court of Justice - Part I
10/15/91

Discussion Topic:

- 1) Problems of Non-Appearance, Non-Participation and Non-Performance

Reading Assignments:

- 1) Charney, "Disputes Implicating the Institutional Credibility of the Court: Problems of Non-Appearance, Non-Participation, and Non-Performance", The International Court of Justice at a Crossroads, 288-319 (L. Damrosch ed. 1987).
- 2) Gross, Underutilization of the International Court of Justice, 27 Harv. Int'l L. J., 571-597 (1986).

Class 16 Assessing the International Court of Justice: Part II
10/17/91

Discussion Topics:

- 1) The Suitability of So-Called "Political" Cases for Resolution by the I.C.J.
- 2) Quick and Dirty Comparison of the I.C.J. Decisions in the Nicaragua Case and the Hostages Case.
- 3) Issues of Fact-finding in International Adjudication

Reading Assignments:

- 1) Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. U.S.), 1986 I.C.J. 14
- 2) United States Diplomatic and Consular Staff in Tehran (U.S. v. Iran), 1980 ICJ 3
- 3) Statement of the United States Withdrawal from the Proceedings Initiated by Nicaragua in the International Court of Justice (January 18, 1985), reprinted in 24 Int'l Leg. Mat. 246-249 (1985).

(continued)

- 4) Observations on the International Court of Justice's November 26, 1984 Judgment on Jurisdiction and Admissibility in the Case of Nicaragua v. United States of America, reprinted in 24 Int'l Leg. Mat. 249-263 (1985).
- 5) Department of State Letter and Statement Concerning Termination of Acceptance of International Court of Justice Compulsory Jurisdiction (October 7, 1985), reprinted in, 24 Int'l Leg. Mat. 1742-1745 (1985).
- 6) Statute of the International Court of Justice, Art. 36(2).
- 7) Panel Discussion, "Factfinding by the International Court with Particular Regard to 'Fluid' Situations", 1987 Am. Soc. Int'l L. Proc. 484-501 (1987).

Class 17 Assessing the Int'l Court of Justice: Part III
10/22/91

Discussion Topics:

- 1) International Incidents and Their Implications for Judicial Dispute Resolution

Reading Assignments:

- 1) Reisman & Williard, eds., International Incidents: The Law That Counts in World Politics, 3-24 (1988).
- 2) Falk, The Validity of the Incidents Genre, 12 Yale J. Int'l L. 376-85 (1987).
- 3) Bowett, International Incidents: New Genre or New Delusion?, 12 Yale J. Int'l L. 386-95 (1987).

Class 18 Assessing the International Court of Justice - Part IV
10/24/91

Discussion Topic:

- 1) The Use of Interim Measures by the I.C.J.
- 2) The Enforcement of I.C.J. Decisions

Reading Assignments:

- 1) Statute of the International Court of Justice, Art. 41.
- 2) Sztucki, Interim Measures in the Hague Court: An Attempt at Scrutiny 221-302 (1983).
- 3) Schacter, Enforcement of International Judicial & Arbitral Decisions, 54 Am. J. Int'l L. 1-24 (1960).

Class 19 The Evolving International Court of Justice
10/29/91

Discussion Topic:

- 1) Evolving Structures: The ICJ Chambers Procedure.
- 2) Expanding the ICJ's Equitable Jurisdiction

Reading Assignments:

- 1) Statute of the International Court of Justice, Art. 26.
- 2) Gulf of Maine Case (U.S. v. Can.) 1982 ICJ 3-14 (Constitution of Chamber).
- 3) Schwebel, Ad Hoc Chambers of the International Court of Justice 81 Am. J. Int'l L. 831-854 (1987).
- 4) Summary of Gulf of Maine Case from the I.C.J. Yearbook, 103-114 (1984).
- 5) Gulf of Maine Case (U.S. v. Can.) 1984 ICJ 246, 300 (113-14), 312-13 (155-58), 357 (1-2), 360-62 (1-3), 382-89 (36-48) (Merits).
- 6) North Sea Continental Shelf Case (W. Ger. v. Den.; W.Ger. v. Neth.), 1969 I.C.J. 3, 49-52 (86-99).
- 7) Fisheries Jurisdiction Case (U.K. v. Iceland), 1974 ICJ 3, 20-22 (42-48), 148-49 (34) (Merits).

Class 20 The Future of International Courts
10/31/91

Discussion Topics:

- 1) The Effectiveness of the I.C.J. - An Assessment
- 2) Proposals for Revitalizing the I.C.J.

Reading Assignments:

- 1) R. Falk, Reviving the World Court, 1-24, 173-192 (1986).
- 2) T. Franck, Judging the World Court, 35-76 (1986).

Class 21 International Courts and the Laws of War
11/5/91

Discussion Topics:

- 1) The Enforcement of International Humanitarian Law by International Tribunals
- 2) The Nuremberg and Tokyo War Crimes Trials

Reading Assignments:

- 1) 1 Trial of the Major War Criminals before the International Military Tribunal 8-23 (1947).
- 2) Fogelson, The Nuremberg Legacy: An Unfulfilled Promise, 63 S. Cal. L. Rev. 833-85, 903-05 (1990).
- 3) Laternser, Looking Back at the Nuremberg Trials with Special Consideration of the Processes Against Military Leaders, 8 Whittier L. Rev. 557-80 (1986).

Class 22 Int'l Arbitrations - The U.S.-Iran Claims Tribunal
11/7/91

Discussion Topics:

- 1) Overview of International Arbitration
- 2) Creation, Jurisdiction, and Procedures of the U.S.-Iran Claims Tribunal

Reading Assignments:

- 1) Declaration of the Government of the Democratic and Popular Republic of Algeria (January 19, 1981), reprinted in Kahn, The Iran-United States Claims Tribunal: Controversies, Cases, and Contributions 268-274 (1990)
- 2) Declaration of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran (January 19, 1991), reprinted in Kahn, The Iran-United States Claims Tribunal: Controversies, Cases, and Contributions 275-279 (1990).
- 3) Lagergren, "Iran-United States Claims Tribunal" in Realism in Law-Making 113-127 (Bos & Siblesz, Eds., 1986).

Class 23 International Courts and Human Rights
11/12/91

Discussion Topics:

- 1) Overview of International Human Rights Tribunals
- 2) Creation, Jurisdiction, Procedures and Jurisprudence of the Inter-American Court of Human Rights

Reading Assignments:

- 1) Buergenthal, The Inter-American Court of Human Rights, 76 Am. J. Int'l L. 231-245 (1982).
- 2) Deodar, The First Contentious Cases Before the Inter-American Court of Human Rights, 3 Am. U.J. Int'l L. & Pol'y 283-97 (1988).
- 3) M. Janis & R. Kay, European Human Rights Law 87-116 (1990).

Class 24 New International Courts: Problems and Prospects
11/14/91

Discussion Topics:

- 1) The Creation of New International Courts: Political, Jurisdictional, and Procedural Issues.
- 2) Proposals for New International Courts.
- 3) The Proposed International Criminal Tribunal

Reading Assignments:

- 1) Bassiouni, A Draft International Criminal Code and Draft Statute for an International Criminal Tribunal 1-20 (1987).

Classes 25 - 29 Class Presentations
11/19/91
11/21/91
11/26/91
12/3/91

Discussion Topics: Student Presentations on Papers

Reading Assignment: None

Writing Assignment: None

Class 29 Final Examination Period
(Date?)

Discussion Topics: None

Reading Assignment: None

Writing Assignment: Paper Due

IV. COURSE REQUIREMENTS

70% Scholarly Paper (30+ pages, double-spaced) on a topic relating to the role and effectiveness of international tribunals in the development of international law.

Topic Proposal Due: Class 8 (9/19/91)
Outline Due: Class 20 (10/31/91)
Final Paper Due: Final Examination

NOTE: The paper will be reviewed subject to the criteria for satisfaction of the WCL Upper Division Writing Requirement.

20% Class Presentation: 20 minute presentation of paper topic. The grade will be based on the following factors: style; organization; preparation; ability to defend topic thesis; and responsiveness to questions.

10% Class Participation: evaluation of attendance, participation, and preparation.

V. SUPPLEMENTAL READINGS

Classes 1 & 2 Introduction to Sources of International Law and International Legal Theory

- 1) F. Bonkowsky, International Norms and National Policy 1-20 (1980).
- 2) Boyle, Ideals and Things: International Legal Scholarship and the Prison-House of Language, 26 Harv. Int'l L. J. 327-59 (1986).
- 3) I. Brownlie, Principles of Public International Law 1-32 (3d ed. 1979).
- 4) J. Cohen & Hungdah Chiu, 1 People's China and International Law (1974).
- 5) D'Amato, Is International Law Really Law?, 79 Nw. U.L. Rev. 1293-314 (1985).
- 6) Franck, Is Justice Relevant to the International Legal System?, 64 Notre Dame L. Rev., 945-963 (1989).
- 7) Grzybowski, Soviet Theory of International Law for the Seventies, 77 Am. J. Int'l L. 862 (1983).
- 8) H.L.A. Hart, The Concept of Law 77-96, 208-31 (1961).
- 9) History of the Law of Nations, in 7 Encyclopedia of Public International Law 126-203, 252-73 (1984).
- 10) Kelsen, The Pure Theory of Law (1967).
- 11) Kennedy, Primitive Legal Scholarship, 27 Harv. Int'l L.J. 1-98 (1986).
- 12) C. Krauthammer, "The Curse of Legalism", The New Republic, 44-50 (Nov. 6, 1989).
- 13) McDougal & Lasswell, The Identification and Appraisal of Diverse Systems of Public Order, 53 Am. J. Int'l L. 1-29 (1959).
- 14) McWhinney, Western and Non-Western Legal Cultures and the International Court of Justice, 65 Wash. Univ. L. Quarterly 873-889 (1987)
- 15) Mullerson, Sources of International Law: New Tendencies in Soviet Thinking 83 Am. J. Int'l L. 494-512 (1989).

- 16) Tunkin, International Law in the International System, 147 Recueil des Cours 77-84 (1975).
- 17) B. Weston, R. Falk & A. D'Amato, International Law & World Order 19-115 (1980).

Class 3 Evolution and Structure of International Judicial Bodies

- 1) Bernhardt, Commentary: The European System, 2 Conn. J. of Int'l L., 299-301 (1987).
- 2) Cerna, The Inter-American Commission on Human Rights, 2 Conn. J. of Int'l L. 311-318 (1987).
- 3) Everling, The Member States of the European Community Before Their Court of Justice, 9 Eur. L. Rev. 215-241 (1984).
- 4) Hudson, "The Central American Court of Justice", The Permanent Court of International Justice: 1920-1942, 42-70 (1943)
- 5) Jimenez de Arechega, The Work and Jurisprudence of the International Court of Justice - 1947-1986, 58 Brit. Y.B. Int'l L. 1-38 (1987).
- 6) Lockwood, Advisory Opinions of the Inter-American Court of Human Rights, 13 Den. J. Int'l L. & Pol'y 245-267 (1984).
- 7) Slynn, The Court of Justice of the European Communities, 33 Int'l & Comp. L. Quarterly 409-429 (1984).
- 8) Statute of the Inter-American Court of Human Rights, 12 Lawyer of the Americas, 787-796 (1980).
- 9) Stewart, The Iran-United States Claims Tribunal: Accomplishments and Prospects, Private Investors Abroad, 525-560 (1984).
- 10) Stuart, The Court of Justice of the European Communities: The Scope of Its Jurisdiction and the Evolution of Its Case Law Under the EEC Treaty, 3 Nw. J. Int'l L & Bus. 415-451 (1981)

Classes 4 & 5 Introduction to the International Court of Justice
- Structure, Procedures, & Jurisdiction

Generally

- 1) Elkind, The Duty to Appear Before the International Court of Justice, 37 Int'l & Comp. L. Quarterly 674-681 (1988).
- 2) Gordon, Observations on the Independence and Impartiality of the Members of the International Court of Justice 2 Conn. J. of Int'l L. 397-426 (1987).
- 3) Hamilton, Jurisdiction of the International Court of Justice, 8 G. Mason Univ. L. Rev. 253-284 (1985).
- 4) Jennings, The Internal Judicial Practice of the International Court of Justice, 59 Brit. Y.B. Int'l L. 31-47 (1988).
- 5) Lachs, A Few Thoughts on the Independence of Judges of the International Court of Justice, 25 Colum. J. Trans. L. 593-600 (1987)
- 6) Lee & McWhinney, The 1987 Elections to the International Court of Justice, 25 Can. Y.B. Int'l L. 379-388 (1987).
- 7) McWhinney, Law, Politics, and "Regionalism" in the Nomination and Election of World Court Judges, 13 Syr. J. Int'l L. & Comm. 1-28 (1986).
- 8) Rosenne, Procedure in the International Court (1983).

Compulsory Jurisdiction of the International Court of Justice and the Nicaragua Case

- 1) D'Amato, Modifying U.S. Acceptance of the Compulsory Jurisdiction of the World Court, 79 Am. J. Int'l L., 385-405 (1985).
- 2) Glennon, Nicaragua v. U.S.: Constitutionality of U.S. Modification of International Court of Justice Jurisdiction, 79 Am. J. Int'l L. 682-689 (1985).
- 3) Hightet, "You Can Run But You Can't Hide": Reflections on the U.S. Position in the Nicaragua Case, 27 Va. J. Int'l L. 551-572 (1987).

- 4) Panel Discussion, Should the United States Reconsider its Acceptance of World Court Jurisdiction?, 1985 Am. Soc. of Int'l L. Proc. 95-109.
- 5) Oda, Reservations in the Declaration of Acceptance of the Optional Clause and the Period of Validity of those Declarations: The Effect of the Schultz Letter, 59 Brit Y.B. Int'l L. 1-30 (1984).
- 6) Reisman, Has the World Court Exceeded Its Jurisdiction?, 80 Am. J. Int'l L. 128-134 (1986).
- 7) Scott and Csajko, Compulsory Jurisdiction and Defiance in the World Court: A Comparison of the PCIJ and the ICJ, 16 Den. J. Int'l L. & Pol'y, 377-392 (1988).

Advisory Jurisdiction of the International Court of Justice

- 1) Butcher, The Consonance of U.S. Positions on International Law with Advisory Opinions of the International Court of Justice, 30 How. L. J. 45-91 (1987)
- 2) Goldkang, House Approves Proposal Permitting International Court of Justice to Advise Domestic Courts, 77 Am. J. Int'l L. 338-340 (1983).
- 3) McLaughlin, Allowing Federal Courts Access to International Court of Justice Advisory Opinions: Critique and Proposal, 6 Hastings Int'l & Comp. L. Rev 745-772 (1983).
- 4) Rosenne, Preliminary Rulings by the International Court of Justice at the Instance of National Courts: A Reply, 29 Va. J. Int'l L. 401-412 (1989).
- 5) Schwebel, Preliminary Rulings by the International Court of Justice at the Instance of National Courts, 28 Va. J. Int'l L. 401-412 (1989).
- 6) Schwebel, Authorizing the Secretary-General of the United Nations to Request Advisory Opinions of the International Court of Justice, 78 Am. J. Int'l L. 869-878 (1984).
- 7) Schwebel, Widening the Advisory Jurisdiction of the International Court of Justice Without Amending Its Statute, 32 Cath. Univ. L. Rev. 355-361 (1984).
- 8) Sohn, Broadening the Advisory Jurisdiction of the International Court of Justice, 77 Am. J. Int'l L. 124-129 (1983).

Class 6 Treaty Law in International Tribunals

- 1) Bederman, The 1871 London Declaration, Rebus Sic Stantibus and a Primitivist View of the Law of Nations, 82 Am. J. Int'l L. 1-40 (1988).
- 2) Belilos Case, 132 Eur. Ct. H.R. (ser. A)(1988), reprinted in 10 Eur. Hum. Rts. Rep. 466 (1988)(treaty reservations).
- 3) Bourguignon, The Belilos Case: New Light on Reservations to Multilateral Treaties, 29 Va. J. Int'l L. 347-86 (1989).
- 4) Grenville & Wasserstein, The Major International Treaties Since 1945: A History and Guide with Texts, 1-18 (1987).
- 5) Lukashuk, The Principal Pacta Sunt Servanda and the Nature of Obligation Under International Law, 83 Am. J. Int'l L. 513-18 (1989)(Soviet perspective).
- 6) McGinley, Practice as a Guide to Treaty Interpretation, 9 Fletcher Forum 211-230 (1985).
- 7) Sinclair, The Vienna Convention on the Law of Treaties 1-28, 114-58 (2d ed. 1984).
- 8) Yambrusic, Treaty Interpretation: Theory and Reality, 55-145 (1987)(jurisprudence of the ICJ).

Classes 7 & 8 Development of Customary International Law by International Tribunals

- 1) Christianson, Jus Cogens: Guarding Interests Fundamental to International Society 28 Va. J. Int'l L. 585-648 (1988).
- 2) Colson, How Persistent Must the Persistent Objector Be?, 61 Wash. L. Rev. 957 (1986).
- 3) D'Amato, The Concept of Custom in International Law 3-20 (1971).
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