

INTERNATIONAL AND COMPARATIVE LAW (INTER)

INTER 952: Law of the Sea

2 Credits

Address all central aspects of the law of the sea as a branch of public international law. INTER 952 Law of the Sea (2) This course addresses the public law of the sea (as distinct from admiralty law), covering the principal aspects of that subject as follows: historical overview; freedom of the high seas; nationality of vessels; flag State jurisdiction; baselines; boundaries; boundaries of maritime jurisdiction between adjacent and opposite States; internal waters and ports; territorial sea, contiguous zone, straits, and archipelagic waters; continental shelf; exclusive economic zone; deep seabed; marine pollution, living resources of the high seas, and the settlement of disputes, with particular reference to the Law of the Sea Tribunal (Hamburg). From time to time, as appropriate, the instructor may choose individual areas of the world or individual issues of the law of the sea to analyze in special detail within the main subject areas of the course. The course aims to offer thorough instruction on the foundations and sources of the law of the sea, the principal types of maritime jurisdiction, the principles of resource management, and approaches to the settlement of maritime disputes. The general historical introduction and subsequent sections are designed to accentuate problems and issues which enable students to master the foundations of the law of the sea. Accordingly, students of this course should: (1) develop a more profound understanding of alternative approaches to legal reasoning and of legal concepts and institutions within the framework of international law; (2) enhance their skills of legal analysis (3) develop a greater awareness of concepts of legal science and legal system; (4) read in some depth on the contemporary relevant principal documents on the law of the sea and appropriate doctrinal writings. At the end of the course students should: (1) have a sound grounding in how the law of the sea has developed; (2) be more demanding of rigorous in formulating and evaluating ideas and propositions; (3) have a sense of the virtues and limitations of comparison as a method of scientific inquiry in law through the analysis of relevant national legislation; (4) have a thorough command of the main principles and rules of the law of the sea; (5) give evidence of an ability to understand the other side of an argument, and better appreciate the strengths of an opposing view; (6) develop a willingness to question, to prove, to seek further information, and to display initiative in expanding one's knowledge.

INTER 953: Law of Treaties

2 Credits

Treaties are the foundation of public and private international law and national foreign affairs law. This course examines: historical development of law of treaties; concept of treaty; treaty as source of international and national law; stages of concluding treaty; reservations; accession to treaties; functions of depositary; publication of treaties; breach of treaty obligations; invalidity, termination, and suspension of treaties; denunciation and other withdrawal from treaties; treaties and *jus cogens*; treaties and customary rules of international law; treaties and third States; treaties and municipal law; interpretation of treaties; languages and authentic texts of treaties. INTER 953 Law of Treaties (2) Treaties are the foundation of public and private international law and national foreign affairs law. This course examines: historical development of law of treaties; concept of treaty; treaty as source of international and

national law; stages of concluding treaty; reservations; accession to treaties; functions of depositary; publication of treaties; breach of treaty obligations; invalidity, termination, and suspension of treaties; denunciation and other withdrawal from treaties; treaties and *jus cogens*; treaties and customary rules of international law; treaties and third States; treaties and municipal law; interpretation of treaties; languages and authentic texts of treaties. Texts: A. Aust, *Modern Treaty Law and Practice* (Cambridge University Press, 2000); W. E. Butler, *The Law of Treaties in Russia and the Commonwealth of Independent States* (Cambridge University Press, 2002). The course aims to offer thorough instruction on the foundations and sources of the law of treaties, the role of treaties as a source of international law, the procedures of treaty-making, the relationship between treaties and customary international law and rules *jus cogens*, and the role of language in treaty-formation. The general historical introduction and subsequent sections are designed to accentuate problems and issues which enable students to master the foundations of the law of treaties. Accordingly, students of this course should: (1) develop a more profound understanding of alternative approaches to legal reasoning and of legal concepts and institutions within the framework of international law; (2) enhance their skills of legal analysis (3) develop a greater awareness of concepts of legal science and legal systems; (4) read in some depth on the contemporary relevant principal documents on the law of treaties and appropriate doctrinal writings. At the end of the course students should: (1) have a sound grounding in how the law of treaties has developed; (2) be more demanding and rigorous in formulating and evaluating ideas and propositions; (3) have a sense of the virtues and limitations of comparison as a method of scientific inquiry in law through the analysis of relevant national legislation; (4) have a thorough command of the main principles and rules of the law of treaties; (5) give evidence of an ability to understand the other side of an argument, and better appreciate the strengths of an opposing view; (6) develop a willingness to question, to probe, to seek further information, and to display initiative in expanding one's knowledge.

INTER 954: Foreign Investment in Russia and the CIS

2 Credits

Addresses principal aspects of the legal framework for foreign investment in Russia and other CIS countries. INTER 954 Foreign Investment in Russia and the CIS (2) This is a "hands-on" subject which requires students to analyze and negotiate the essential elements of a foreign investment transaction in the Russian Federation, having regard to those elements of Russian law and legal institutions that any foreign investor will have to be familiar with. The course commences with an introduction to the legal foundations of the Soviet State monopoly of foreign trade, an overview of foreign investment laws in the CIS countries, investment guarantees, the investment vehicles of choice in Russia, elements of private international law, the role of legal opinions, and the settlement of commercial disputes, with special emphasis on arbitration. Most of the course is devoted to "negotiating" a draft charter of a joint-stock or limited responsibility society against the background of relevant Russian legislation. The course aims to offer thorough instruction on the role of the State in foreign investment guarantees, the transaction aspects of foreign corporate vehicles, and the role of arbitration in settling foreign investment disputes. The general historical introduction and subsequent sections are designed to accentuate problems and issues which enable students to master the framework of foreign investment in Russia and the CIS. Accordingly, students of this course should: (1) develop a more profound understanding of alternative approaches to legal reasoning and of legal concepts and institutions within the framework of investment

transactions; (2) enhance their skills of legal analysis (3) develop a greater awareness of concepts of legal science and legal system; (4) read in some depth on the contemporary relevant principal legislation and treaties regulating investment in Russia and the CIS and appropriate doctrinal writings. At the end of the course students should: (1) have a sound grounding in how the law of regulating the framework of foreign investment in Russia and the CIS has developed; (2) be more demanding and rigorous in formulating and evaluating ideas and propositions; (3) have a sense of the virtues and limitations of comparison as a method of scientific inquiry in law through the analysis of relevant national legislation; (4) have a thorough command of the main principles and rules of law regulating foreign investment transactions; (5) give evidence of an ability to understand the other side of an argument, and better appreciate the strengths of an opposing view; (6) develop a willingness to question, to probe, to seek further information, and to display initiative in expanding one's knowledge.

INTER 958: Comparative Constitutional & Public Law

3 Credits/Maximum of 999

The principal objective of this course is to provide students with a greater understanding of how each nation's body of constitutional law is shaped by history, institutions, and current values. The principal objective of this course is to provide students with a greater understanding of how each nation's body of constitutional law is shaped by history, institutions, and current values. The comparative project, by focusing on narrow differences between similar countries, allows students to move beyond an acceptance of basic premises of constitutional law as "natural" or "inherent." As an important dividend, students will gain basic knowledge of foundational concepts in the legal landscape of other nations, hopefully providing students with a comparative advantage in seeking employment with government offices and private firms whose clients engage in substantial cross-border transactions.

INTER 959: Russian Law

2 Credits

This 2-credit course is concerned with the development of the law, legal system, and legal institutions of what is popularly known as Russia but also correctly and officially known as the Russian Federation within the boundaries presently occupied and, historically, within the boundaries of the Russian Empire. By "law" we mean formal legislation, customary rules, relevant international legal rules, legal doctrine, and anything else regarded by the Russian State or by Russian jurists as comprising part of the "law." For our purposes "legal institutions" encompass all law enforcement agencies or any other agencies of the State or empowered by the state which are concerned with the law in any manner whatsoever, including educational institutions.

INTER 961: Asylum and Refugee Law

3 Credits

This class surveys the laws of political asylum and related protection for those fleeing danger in their home countries. It examines asylum and refugee law and policy in the United States, and sets forth the legal grounds for barring someone from asylum. It also explores the politics driving immigration policy, including asylum and refugee policy, and the federal agencies that implement those policies.

INTER 965: Immigration Law

3 Credits

This course is intended to provide students with a general knowledge of immigration law, including such critical subjects as the constitutional powers of the federal government over immigration matters, admission and exclusion, entry, deportation, and political asylum.

INTER 966: International Litigation and Arbitration

3 Credits

This course is intended to acquaint students with the impact of globalization upon the process of litigation. It focuses upon the adjudicatory resolution of disputes created by international contracts and global business transactions through the standard legal trial process and arbitration. Various basic topics are treated, including (1) the certification and training of international lawyers; (2) the liability exposure of multinational enterprises; (3) the State as an actor in global commerce; (4) problems of comparative jurisdiction, service of process and evidence-gathering, proof of foreign law, and the enforcement of foreign judgements; (5) the extraterritorial application of national law; and (6) attempts to establish a transborder law and legal process. The course also provides a thorough introduction to international arbitration and investor-state arbitration.

INTER 968: Comparative Antitrust Law

3 Credits

This course focuses on the antitrust law of the European Union and selected other jurisdictions. It will cover international mergers, monopolies, price fixing cartels, distribution restraints, and related topics. The course examines principles of comity and cooperation among international enforcers investigating cases with a multi-national impact. We also review the antitrust laws of other selected jurisdictions, focusing on proposed and recently enacted competition laws including those of selected new entrants to the European Union and China, and on laws of other jurisdictions with an important impact on U.S. firms such as Japan. Finally, the course will consider issues such as advising multi-national clients, obtaining discovery internationally, and litigating complex cases.

INTER 971: International Law

3 Credits

This course introduces students to key concepts and doctrines of international law. It examines the sources of international law such as custom and treaty, the bases of international jurisdiction, issues of statehood, recognition and succession, nationality, international agreements, and United States participation in the international legal system. The course provides students with the basics needed for both public and private international law practice.

INTER 974: Civil Law From Empire to Union

3 Credits

The most important issue of Civil Law today is its Worldview and its perspectives on Citizenship as well as on International Justice. In other words, particularities of the Civil Law sustain a worldview that stems from Roman Law-traditions and practices of the Roman Empire. These pertain to more recent legal developments taking place in a unifying Europe. The profiles of the major functionaries in today's Civil Law domain: judges, attorneys, EU civil servants and administrators mirror

such traditions. This course is not restricted to a traditional comparative perspective. Means are provided for a correct and effective transnational communication between legal professionals. To study Civil Law and EU Law implies an approach, understanding and management of the electronic means to communicate with its citizens, institutions and courts. The EU website is an outstanding instrument to understand the structures within lawyers must operate.

INTER 978: Dynamics of International Economic Order: Law, Politics, and Power Law

3 Credits

Dynamics of International Economic Order examines the cross-cutting relationship between political power and global governance. To this end, the course considers three inter-related sets of issues: first, how nation-states define international economic order through the creation of legal frameworks and rules-based regimes for cross-border trade, investment, and monetary relations; second, how shifts in the international distribution of economic and political power impact these frameworks and regimes; and third, how great powers in the contemporary context more specifically, the United States (the emblematic established power) and China (the paradigmatic rising power)—approach global economic governance as part of their grand strategies to advance their interests and enhance their international position.

INTER 979: Energy, International Security, and the Global Economy

3 Credits

This course explores the economic, political, and strategic implications of ongoing trends and structural shifts in global energy markets. It focuses especially on international markets for crude oil and natural gas; attention is also devoted to nuclear energy, the international nuclear industry, and nonproliferation challenges.

INTER 984: International Commercial Arbitration

3 Credits

This course explores the legal frameworks, as well as the strategic considerations, practical skills and policy considerations that are implicated in international arbitration law and practice. International arbitration is the default means by which international commercial disputes are resolved. The effectiveness of its processes and outcomes are assured through a complex interaction of international treaties, national laws, contractual agreements, specialized procedural rules, and international customs and practice norms. The regime is designed to strike an appropriate balance between party autonomy with the sovereign and transnational regulatory interests implicated in disputes. In addition to the doctrinal and practical aspects of international arbitration, this course will also explore the larger trends and theoretical questions raised in contemporary debates about the future of international arbitration. This course is one that will satisfy the prerequisite for participation in the Vis Moot Competition.

INTER 985: Introduction to Research Design

3 Credits

This class provides a general introduction to empirical research methods appropriate for international affairs specialists and lawyers. The approach is hands-on, with a focus on learning practical skills for evaluating real-world events.

INTER 997: Special Topics

1-9 Credits/Maximum of 9

Formal courses given on a topical or special interest subject which may be offered infrequently; several different topics may be taught in one year or term.