

Transnational Legal Institutions
Political Science 305.01
Spring 2008

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Office Hours: Tuesday and Thursday 4 to 5 pm
Class Meets: Tuesday & Thursday, 2:15 until 4:05 pm, Mears 115
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The purpose of this course is to study critically some of the world's supra-national rules and institutions that govern nations, groups of nations, sub-national groups of people, non-state international institutions and, in some cases, individuals using legal norms and structures. The course will have four major components: 1) an initial presentation by me on one of the major institutions employing legal norms and structures, 2) a detailed exegesis by Prof. Herbert Hausmaninger of the structure and rules of the Court of Justice of the European Union and the European Court of Human Rights, 3) a series of class member presentations, that we will hear *seriatim* in class, guided by the member's research, on one significant aspect of international governance, and 4) a 15-page paper by each of you, either on the topic you selected for phase 3, or some other topic relevant to the course and approved by me. In addition to the final 15- page paper you will be expected to complete (and be graded on) the following: 1) the presentation and a 2-5 page outline of the initial topic you select for phase 3, (this outline must be submitted to me electronically at least twenty-fours in advance of the class presentation to allow me to read and circulate it to the class), 2) a take-home examination on the material taught by Prof. Hausmaninger for his European Court of Justice section of the course that will occur, and 3) faithful attendance and participation in class. I will ask questions and make comments during the class presentations and I invite all of you to participate as well.

You must select a topic to develop and present in person either in class by the Friday Spring break begins, or by an e-mail or in-person agreement with me sometime reasonably before that date. (We will need to set in each case the date of the presentation and you can see a number of the choices set out below.) Each person must select a topic. The following is a list of appropriate topics: 1) the U.S. Constitution's provisions on international law or the law of nations, 2) the structure and origins of the International Court of Justice or a particular decision by the ICJ (<http://www.icj-cij.org/>), 3) the Universal Declaration of Human Rights, 4) the traditional meaning of "customary" international law, 5) any significant United States Supreme Court decision on the scope of international law, 6) any treaty or convention that the United States is a party to, including, for example, the Nuclear Nonproliferation Treaty or the WTO, that has an internal dispute resolution mechanism or tribunal, 7) any treaty or convention that the United States has refused to become a party to, or 8) any other relevant topic agreed upon with me provided that it is based on one substantial original piece of international legal material, including a decision of a United States court. We will likely have an outside speaker for one of the dates listed as "Class Presentations" in the syllabus.

One of the convenient things about this course is that a large amount of the relevant original materials can be obtained by using on-line resources. There is only one required text book to purchase from Susan Schoen at my office (for \$20), a copy of photocopied materials on

the Court of Justice of the European Union and the European Court of Human Rights put together by Prof. Hausmaninger. Here are a few web-sites that some or all of you might use: 1) International Criminal Court--- <http://www.un.org/law/icc/>, 2) Nuclear Non-Proliferation Treaty-- http://www.anl.gov/dpi2/hist_docs/treaties/nnpt68.htm, 3) the Anti-Ballistic Missile Treaty--- http://www.dpi.anl.gov/dpi2/hist_docs/treaties/abm72.htm, 4) Rules for Private International Arbitration of the International Chamber of Commerce in Paris--- <http://www.iccwbo.org/court/english/arbitration/rules.asp>, 5) the World Trade Organization--- <http://www.wto.org>, and 6) United States court decisions--- <http://www.law.cornell.edu> (Cornell Legal Information Institute.)

We will meet twice a week until your presentations are completed. The paper is due at 5 pm on Friday, May 16 at Nollen House. I would be happy to read any draft provided I have twenty four hours to read it over. All drafts and papers should be submitted electronically due to my various travel obligations.

Tuesday, January 22

General Introduction: International Legal Institutions (No assignment) & Sources of International and Transnational Law

Thursday, January 24

Researching RKO's Topic & RKO Presentation

Tuesday, January 29

The European Community (Union) and its Institutional Structure (Assignment I in Booklet)

Thursday, January 31

Sources of EC (EU) Law (Assignment II)

Tuesday, February 5

The Court of Justice: Composition, Organization, Procedure (Assignment III)

Thursday, February 7

Types of Jurisdiction (Assignment IV)

Tuesday, February 12

The Court as Law-Maker (Assignment V)

Thursday, February 14

The ECJ and National Courts (Assignment VI)

Tuesday, February 19

The ECJ and National Courts (Assignment VII)

Thursday, February 21

The ECtHR: Structure, Functions and Procedure (Assignment VIII)

Tuesday, February 26

Case Law and Its Impact on Member States (Assignment IX)

Thursday, February 28

The Two Courts: Relationship and Future Effects (Assignment X)

Tuesday, March 4

Take Home Test on European Court for Justice and ECtHR

Thursday, March 6 Robert Peck, guest lecturer

Tuesday, March 11 No class

Thursday, March 13 Class Presentations

Spring Break

Tuesday, April 1 Class Presentations

Thursday, April 3 Class Presentations

Tuesday, April 8 Class Presentations

Thursday, April 10 Class Presentations

Tuesday, April 15 Class Presentations

Thursday, April 17 Class Presentations

Tuesday, April 22 Class Presentations

Thursday, April 24 Class Presentations

Friday, May 16, 5 pm Papers Due at Nollen House