

Transnational Legal Institutions
Political Science 305.01
Spring 2009

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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*, guided by the member's research, on one significant aspect of international governance or conflict resolution, 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 it 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 relevant (to this course) topic before the Friday on which Spring break begins. (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.) The following is a list of representative 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 ("ICJ") 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, 7) any international institutional organization that functions in a legal manner, or 8) any other relevant topic agreed upon with me provided that it is based on one substantial original piece of international legal material. We will have an outside speaker, Prof. Dr. Joseph Strauss of the Max Planck Institute for Intellectual Property, Competition and Tax Law on March 31 and perhaps others. Your presentations must each be prefaced by a circulated outline and the presentation must occur using a Power Point that you have prepared and use to guide your talk.

One of the convenient things about the subject matter of this course is that most of the relevant original materials can be obtained by using on-line resources. There is only one required text book to purchase which you can obtain 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.un.org/events/npt2005/npttreaty.html>, 3) the Anti-Ballistic Missile Treaty---<http://www.state.gov/www/global/arms/treaties/abmpage.html>, 4) Code, Rules and Model Contracts for Private International Arbitration of the International Chamber of Commerce in Paris <http://www.iccwbo.org/display7/doctype6/index.html>, 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 15 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 20

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

Thursday, January 22

Researching RKO's Topic & RKO Presentation on NAFTA
<http://www.fas.usda.gov/itp/Policy/nafta/nafta.asp>

Tuesday, January 27

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

Thursday, January 29

Sources of EC (EU) Law (Assignment II)

Tuesday, February 3

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

Thursday, February 5

Types of Jurisdiction (Assignment IV)

Tuesday, February 10

The Court as Law-Maker (Assignment V)

Thursday, February 12

The ECJ and National Courts (Assignment VI)

Tuesday, February 17

The European Convention for the Protection of Human Rights and Fundamental Freedoms (Assignment VII)

Thursday, February 19

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

Tuesday, February 24

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

Thursday, February 26

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

Tuesday, March 3

Take Home Test on European Court for Justice and ECtHR

Thursday, March 5**Tuesday, March 10**

Thursday, March 12 Class Presentations

Spring Break

Tuesday, March 31 Lecture by Prof. Dr. Joseph Strauss, "Impact of the New World Order on Economic Development with special Focus on GATT and TRIPS"

Thursday, April 2 Class Presentations

Tuesday, April 7 Class Presentations

Thursday, April 9 Class Presentations

Tuesday, April 14 Class Presentations

Thursday, April 16 Class Presentations

Tuesday, April 21 Class Presentations

Thursday, April 23

Class Presentations

Friday, May 15, 5 pm

Papers Due at Nollen House