

INTERNATIONAL LAW AND ORGANIZATIONS

Stuart S. Malawer

FINAL ESSAY (Law and Policy)

The final essay is to be from 5-7 pages. Its topic is *Trump and the International System* focusing on the legal aspects of his pronouncements on policy. You should choose **one particular issue** and discuss the topic and conclude with a **recommendation for his policy** once he comes into office. [When possible please identify relevant legal items that we have discussed in class and covered in our casebook, documents book, and / or on our website.]

The issue can include *among others*, such ones as:

- Torture,
- Withdrawal from the Trans-Pacific Partnership agreement (TPP),
- Withdrawal from other international institutions such as the World Trade Organization, NAFTA, NATO,
- Diplomatic relations and embargo with Cuba,
- Diplomatic relations and trade sanctions with Iran or Russia or China,
- New sanctions or lifting of sanctions on the Russian Federation,
- More trade enforcement in the WTO concerning China,
- Joining the International Criminal Court,
- Withdrawing from the International Court of Justice,
- Withdrawing from international climate negotiations and the Paris Treaty,
- President's authority to terminate international agreements and recognition of governments,
- Relocation of the U.S. embassy in Israel,
- Military involvement in Syria or Yemen,
- Increase use of drones,
- War powers of the president,
- Negotiating claims settlement with Cuba or Iran,
- Engaging in the East China Sea and the UN Convention on the Law of the Seas,
- Imposing new tariffs and sanctions on China,
- Declaring China as not a market economy and / or declaring it as a currency manipulator,
- Presidential declaration on a ban of Moslems and 'terrorists' from entering the U.S.,
- Internment of Moslems as a risk to national security and / or as a prelude to deportation,

- Failure to provide asylum to those escaping from the Middle East and elsewhere,
- President's authority to intervene in ongoing litigation to try to terminate the litigation, for example, concerning rights of detainees and issues of national security,
- Offensive cyber operations.
- Extraterritorial rendition of terrorists,
- Tax penalties on multinationals hoarding money offshore,
- Barring Chinese direct investment into the U.S.,
- Extending litigation against foreign governments in the US.,
- Extending the state secrets privilege in litigation,
- The Microsoft Case and overseas location of data of foreign servers,
- The Alien Tort Statute and human rights litigation in the U.S.,
- Liability of foreign entities for terrorism under U.S. statutes,
- Application of foreign sovereign immunity in current litigation,
- Role of federal courts in deciding foreign policy or international legal issues,
- Tension between states and the federal government over laws impacting foreign trade or relations

[You may of course choose another issue not listed above if you would like especially as it may emerge over the next week or so or that you are particularly interested in.)

The purpose of this essay is for you to identify Trump's position as much as you can and then assess it in a legal and political context. (Both in the U.S. and / or international law context.)

Of course, I understand most of Trumps statements so far have been a jumble especially as to anything global. Just do the best you can. The thrust of your essay **is to recommend a policy position for Trump to adopt and why**. It's the policy proposal and arguments in support of it is what you add to the public discourse. (This is your *value-added component* of your essay. This is crucial.) You should use footnotes when you like and hyperlink them as much as possible.

The essay needs to be submitted to me on Tuesday May 8th by 5 p.m. Good Luck.