

# TEACHING INTERNATIONAL LAW: BEYOND THE LAW SCHOOL EXPERIENCE

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As teachers, it is perhaps natural for us to think about teaching in the classroom context, although this panel is demonstrating the teaching opportunities that may exist outside of a single course or courses in international law. I would like to address the teaching opportunities (and needs) that exist beyond the classroom and beyond the law school experience. I would like to throw this into the discussion not only because this is what I have been working on at the American Society of International Law (ASIL), but also because of the pace and volume of change now taking place in international law. Even for those who may have taken a course, more is constantly being generated and sometimes now coming from sources not previously thought of as an actor in the international legal system.

In April 2000, ASIL President Arthur Rovine appointed Roy Lee (Chair), James Apple and John Gamble<sup>1</sup> to a working group to consider possible ASIL initiatives for teaching outside of the classroom. In his letter setting up the working group, President Rovine wrote:

As I have reflected on the ASILs strengths prior to assuming the presidency, I concluded that one of the Society's major assets is its many world-renowned teachers. It further occurred to me that the Society would do itself and international law some good if we could find ways to tap these individuals to teach—not in a university classroom which is the primary occupation of many of our members, but to teach more broadly.

Audiences I have in mind are legal officers in government ministries and international organizations, including people from developing countries, who may need time to reflect on their work or may profit from an opportunity to learn from experts. I further have in mind the staff of courts and attorneys in the early years of their practice as they begin to develop a specific professional focus. This is teaching beyond the traditional classroom years, and is exposure to the best our field (and Society) has to offer worldwide.

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ASILs interest in teaching originates with a mandate in its charter. As early as 1907, Elihu Root, ASILs founder and first President, had already noted that international law should be the centerpiece of an educated citizenry. Given career and legal developments today, learning in international law cannot end with the classroom particularly since many entering the legal profession may not have had any exposure to international law during their formal training.<sup>2</sup> Furthermore, the ASILs worldwide academic membership is one of its strongest assets.

ASIL believes that international law is more central today than ever, but recognizes that it has to compete with many more subjects for the attention of students, practitioners, government officials and even academics. Teaching in international law is something that one increasingly hears a need for whether through continuing legal education, law reform, or encouraging the rule of law.

The Working Group adopted a broad definition of the teaching of international law outside the classroom and developed a list of possible audiences. These include:

- a) Judges and law clerks;
- b) Practicing lawyers;
- c) Undergraduate and law students;
- d) Members of the media;
- e) Diplomats, including UN diplomats;
- f) Legislators, legislative staff;
- g) Corporate executives;
- h) High school students;
- i) Military;
- j) General public;
- k) Law professors.

Recent ASIL outreach activities share several common features:

- a) They identify audiences that are important for the effective practice and development of international law and provide them with the information and network resources to enable them to play their role (e.g., the judicial and media programs);
- b) They select and filter information to make it accessible to the target audiences (e.g., hard copy print materials, e-mail distributed materials, and web-based resources);
- c) They seek to create a network of international law specialists by joining the ASIL membership and their associates with the outreach audiences (e.g., the ASILForum web-based discussion group);

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2. See Hans Corell, UN Under-Secretary-General for Legal Affairs and The Legal Counsel, *An Appeal to the Deans of Law Schools Worldwide*, available at <http://www.un.org/law/counsel/info.htm> (last visited Jan. 31, 2003).

d) They convene interested and important groups in international affairs to address specific problems or needs (e.g. formation of task forces on issues like those related to terrorism and the ASIL Annual Meeting).

These features were developed based on several assumptions:

a) That the nature of the audience is either that these are busy people who do not need more to do or who may feel a need for information, but may not know how to get it;

b) That the target audience can provide valuable insight into how most effectively to reach members of a target group. Working from within a group is important not only to give teaching the subject matter credibility, but also to ensure its relevance and meaning to the audience. It engages and creates “stakeholders;”

c) That listening may be as important as teaching to the organizing of effective programs and that each contact provides an opportunity for further understanding of the practice and development of contemporary international law.

We have learned that for our judicial program, for example, texts need to be concise, but yet well documented to provide authority as well as to provide reference for further research. We have also learned that a preliminary introduction often needs to be followed up with a longer treatment of a daylong course or even short course. So, credibility within the target audience, drawing from the target audience for program development, multiple opportunities to learn, and follow up materials are key elements of effective teaching outside the school setting.

Techniques that we have used or are developing to accomplish these purposes include:

a) Briefings by individual experts or panels of experts with or without supporting material;

b) Supporting or regular information resources – ASIL Insights and International Law In Brief. Making known the availability of the other information resources like the AJIL, ILM;

c) Short courses – seminars of one day, weekend to two weeks for appropriate audiences;

d) Providing opportunities to address issues – list serves and columns in publications;

e) Touring seminars and collaboration with existing short courses to add international law as it relates to a particular topic – UNITAR programs, for example;

f) Web-based teaching – nothing that ASIL has done yet, but seems to have potential. Or combining web-based and in-person teaching seems a possibility;

- g) Enrichment programs for legal professionals – CLE programs in association with law firms or organized off site;
- h) Business and government roundtables to focus on a specific policy area.

Where academia is relevant to the above is that the trainers or resources for these approaches are often professors. Teaching material largely derives from materials developed originally for classroom use. The development of supporting materials is often done by academics. So, it may be teaching beyond the classroom, but it is teaching as part of a professional's working life, which means that the classes are in fact brought to where the target audience works. Technology provides unprecedented opportunities for storing and disseminating information as well as putting together virtual classrooms. It takes infrastructure – staff to organize meetings and equipment; it takes information – individuals who can shape the issues to create a meaningful teaching and learning experience; and those who will contribute to the program.

If we think more expansively about the teaching opportunities that exist throughout our professional lives, perhaps the challenge of making the legal profession and broader public aware of international law will appear less daunting because it increases the number of teaching opportunities and venues. The effectiveness of such continuing education, however, is based on an assumption of a sound foundation to build on. And so, I would end by inviting both professorate and practitioner to identify the core components of law and international law that would make future teaching more effective. Will the University of Michigan's required course on Transnational Law accomplish this? Time will tell.

More generally, there seems an opportunity for international lawyers to reflect on the core principles on which international law is based and to emphasize those in traditional law school teaching. The question for the formal legal curriculum might then be one of how to equip students most broadly for substantive growth and development in international law throughout their professional lives. This would seem a question worth pursuing in a fast changing professional environment.