

The Exeter College Oxford Summer Programme
at Exeter College in the University of Oxford

Introduction to International Law

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Course description

This course introduces students in some depth to the field of public international law, that is, the law that applies in the relationships between States and that governs certain aspects of the relations between States and non-State actors (including individuals and private corporations). The course will have two parts – the first, main part, will introduce students to certain structural features of international law (i.e. where does international law come from? How does it form? In what circumstances is a State legally responsible for violating international law?) The second part will introduce students to a few specific topics of regulation in international law (i.e. the use of military force and international trade law).

Course objectives

The aims of this course are:

- a) to increase students' understanding of the function of the law in international relations;
and
- b) to equip students with the ability to engage critically with the law.

Teaching

12 x 1.25 hr lectures

6 x 1.25 hr seminars

4 x 1 hr tutorials

Assessment

This course will be assessed via a 3 hour end-of-course exam (60%) in addition to one essay of not more than 2,000 words including references (40%), the details of which will be provided separately.

Readings

The core text for this course will be Malcolm D Evans (ed), *International Law* (5th edn, OUP, Oxford 2018). References in the reading list below to 'Evans' refer to this text. Required reading must be

completed in advance of the lectures, with further reading for students to deepen their knowledge of the topics especially for seminars, tutorials and the assessments.

Lecture 1: The nature of public international law

Required reading:

- Evans, chapters 1, 2 and 3

Further reading:

- Glanville Williams, 'International Law and the Controversy Concerning the Word "Law"' (1945) 22 *British Yearbook of International Law* 146
- J Crawford, 'Chance, Order, Change: The Course of International Law' (2014) 365 *Hague Recueil des Cours* http://www.nijhoffonline.nl/book?id=er365_er365_009-390 Part I
- Andrea Bianchi, *International Law Theories* (OUP, Oxford 2018)

Lecture 2: Subjects of international law

Required reading:

- Evans, chapters 7, 8 and 9

Further reading:

- *Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion)*, Advisory Opinion of 22 July 2010, ICJ Rep. 2010
- Talmon, 'The Constitutive versus the Declaratory Theory of Recognition: Tertium Non Datur?' (2005) 75 *British Year Book of International Law (BYIL)* 101-181
- D Akande, 'Which Entity is the Government of Libya and Why Does it Matter?', June 2011, and 'Recognition of the Libyan National Transitional Council as the Government of Libya' July 2011 at *EJIL: Talk!* blog
- A Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP, 2005)

Seminar 1: nature and subjects of international law

Lectures 3 and 4: The sources of international law (including the law of treaties)

Required reading:

- Evans, chapter 4, 5 and 6

Further reading:

- FL Kirgis, 'Custom on a Sliding Scale' (1987) 81 *AJIL* 146

- A Roberts, 'Traditional and Modern Approaches to International Law: A Reconciliation' (2001) 95 *AJIL* 757
- R Baxter 'Multilateral Treaties as Evidence of Customary International Law' (1965) 41 *BYIL* 275
- J Kammerhofer, 'Uncertainties in the Formal Sources of International Law: Customary International Law and Some of Its Problems' (2004) 15 *European Journal of International Law* (EJIL) 523
- P Weil, 'Towards Relative Normativity in International Law?' (1983) 77 *AJIL* 413-442
- R Goodman, 'Human Rights Treaties, Invalid Reservations, and State Consent' (2002) 96 *AJIL* 531
- See the International Law Commission's Guide to Practice on Reservations to Treaties at http://legal.un.org/ilc/guide/1_8.shtml
- See the symposium in (2013) 24 *EJIL* 1055 – 1152 on the International Law Commission's Guide to Practice on Reservations to Treaties

Seminar 2: sources and the law of treaties

Lectures 5 and 6: State responsibility

Required reading:

- Evans, chapter 14
- ILC [Articles on the Responsibility of States for Internationally Wrongful Acts](#) (2001)

Further reading:

- J Crawford, *The International Law Commission's Articles on State Responsibility* (CUP, Cambridge 2002), esp introduction
- M Koskeniemi, 'Solidarity Measures: State Responsibility as a New International Order?' (2001) 72 *BYIL* 337-356
- See the symposium on the ILC's Articles on State Responsibility in (2002) 96(4) *American Journal of International Law* 773 – 890
- P. Allott, 'State Responsibility and the Unmaking of International Law' (1988) 29 *Harvard International Law Journal* 1.

Seminar 3: state responsibility

Lectures 7 and 8: International Dispute Settlement

Required reading:

- Evans, chapters 18 and 19

Further reading:

- R Jennings, 'The International Court of Justice after Fifty Years' (1995) 89 *AJIL* 493
- R. Higgins, 'A Babel of Judicial Voices? Ruminations from the Bench' (2006) 55 *ICLQ* 791
- C Greenwood, 'Some Challenges of International Litigation' (2012) 1 *Cambridge Journal of International & Comparative Law* 7

Seminar 4: international dispute settlement

Lectures 9 and 10: Use of military force

Required reading:

- Evans, chapter 20

Further reading:

- N Krisch, 'Legality, Morality and the Dilemma of Humanitarian Intervention after Kosovo' (2002) 13 *EJIL* 323-335
- O Corten, 'The Unwilling or Unable Test: Has it Been or Could it be Accepted?' (2016) 29 *Leiden Journal of International Law* 777
- C Martin, 'Challenging and Refining the "Unwilling or Unable" Doctrine' (2019) 52 *Vanderbilt Journal of Transnational Law* 1
- M Milanovic 'Illegal But Legitimate?', April 2017 at *EJIL: Talk!* Blog
- A D Sofaer, 'On the Necessity of Pre-Emption' (2003) 14 *EJIL* 209
- B Simma 'NATO, the UN and the Use of Force: Legal Aspects', (1999) 10 *EJIL* 1-22
- V Lowe, 'The Iraq Crisis: What Now?', (2003) 52 *ICLQ* 859 (especially 865-869)

Seminar 5: use of military force

Lectures 11 and 12: International humanitarian law

Required reading:

- Evans, chapter 27

Further reading:

- K Dormann, 'The Legal Situation of "Unlawful/Unprivileged Combatants"' (2003) 850 *International Review of the Red Cross* 45

- D Akande, “Classification of Conflicts: Relevant Legal Concepts” in Wilmshurst (ed.), *International Law and the Classification of Conflicts* (2012), Chapter 3
- ICRC, ‘Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law’ (2009)
- M Schmitt, ‘Military Necessity and Humanity in International Humanitarian Law: Preserving the Delicate Balance’ (2009-2010) 50 *Virginia JIL* 795
- C Jochnick and R Normand, ‘The Legitimation of Violence: A Critical History of the Laws of War’ (1994) 35 *Harvard International Law Journal* 49

Seminar 6: international humanitarian law
