

UNIVERSITY OF OXFORD
FOREIGN SERVICE PROGRAMME
PUBLIC INTERNATIONAL LAW

INTRODUCTION

Welcome to Oxford and to Public International Law or, in short, PIL!

The course aims at giving you an introduction to the general areas of public international law as well as some selected specialist areas of PIL such as the Law of the Sea, Human Rights and International Economic Law. In most cases the lectures can give no more than an overview and it is essential that you read the relevant material set out on the reading list.

The course consists of 23 lectures of an hour and a half each and eight one-hour tutorials. The lectures serve to introduce you to the topics. Tutorials are designed to be a space for discussion and reflection. They are not mini-lectures but are rather an opportunity for you to practice your essay writing skills (something you will need in the final exams) and to discuss the topics dealt with in the lectures in more detail. The eight tutorials are not meant to cover the whole area of the course, they are rather designed for you to learn by example. Ideally, you will prepare for the lectures by reading – at least – the passages from Shaw's textbook on *International Law* as specified on the reading list. The lecturer will then give you his/her perspective on the topic and you may raise any question that have arisen from your reading. Tutorials alternate between subjects on a weekly basis. The first tutorial will introduce each tutorial group to the essay writing technique in PIL.

READING

Oxford courses are to a large extent based on self-study with lectures and tutorials only supplementing your own studies. It is therefore absolutely essential that you do the required reading set out on the course reading list. The reading list is divided into 'Introductory Reading' and 'Specialist Reading' and it is expected that you read all the 'Introductory Reading' and a selection of the texts listed under 'Specialist Reading'. You will also be directed to 'Further Reading'. This is not part of the prescribed core. It is an indication of some of the more interesting writing on the subject, should you wish to follow up any particular topic in greater depth. There are also suggestions for further reading at the end of each chapter in Shaw's textbook on *International Law*. Please ensure that you read beyond the basic textbook references – an essential requirement for outstanding performance in the final examination.

The 'Introductory Reading' will, as a rule, refer you to the following three books which contain the essential materials for the course. If possible, I would advise you to buy these. A limited number of copies will be available from the Administrator's office. Some College libraries also hold copies which you might borrow.

TREATIES AND OTHER DOCUMENTS

Evans, Malcolm D. (ed.), *Blackstone's International Law Documents* (8th edn., Oxford: Oxford University Press, 2007)

It is essential that you bring your copy of *Blackstone's International Law Documents* to the lectures and tutorials. Documents listed on the reading list as 'Introductory Reading' are available in *Blackstone's International Law Documents* if not stated otherwise.

TEXTBOOK

Shaw, Malcolm N., *International Law* (6th edn., Cambridge: Cambridge University Press, 2008).

CASES AND MATERIALS

Dixon, Martin/McCorquodale, Robert, *Cases and Materials on International Law* (4th edn., Oxford: Oxford University Press, 2003)

OTHER TEXTBOOKS (NOT PART OF THE CORE READING)

There are also a number of other (more recently published) textbooks which may help you to find your way around the primary materials:

Brownlie, Ian, *Principles of Public International Law* (7th edn., Oxford: Oxford University Press, 2008)

Cassese, Antonio, *International Law* (2nd edn., Oxford: Oxford University Press, 2005)

Dixon, Martin, *Textbook on International Law* (6th edn., Oxford: University Press, 2007)

Evans, Malcolm D. (ed.), *International Law* (2nd edn. Oxford: Oxford University Press, 2006)

Gardiner, Richard K., *International Law* (Harlow: Longman, 2003)

Higgins, Rasalyn, *Problems & Process: International Law and How We Use It* (Oxford: Clarendon Press, 1995)

Jennings, Robert Y./Watts, Arthur (eds.), *Oppenheim's International Law* (9th edn., Harlow: Longman, 1992)

Kaczorowska, Alina, *Public International Law* (3rd edn., Abingdon: RoutledgeCavendish, 2005)

Lowe, Vaughan, *International Law* (Oxford: University Press, 2007)

Malanczuk, Peter, *Akehurst's Modern Introduction to International Law* (7th edn., London: Routledge, 1997)

Scott, Shirley V., *International Law in World Politics: An Introduction* (London: Lynne Rienner, 2004)

Wallace, Rebecca M.M., *International Law* (5th edn., London: Sweet & Maxwell, 2005)

There are two useful works of reference which you might like to consult:

- Bernhardt, Rudolf (ed.), *Encyclopedia of Public International Law*, 5 vols. (Amsterdam: North-Holland, 1992-2003)
- Volger, Helmut (ed.), *A Concise Encyclopedia of the United Nations* (The Hague: Kluwer, 2002 [available in the FSP collection])

LAW LIBRARY

All books listed above as well as the law reports and compilation of documents you are referred to in the reading list are available in the Bodleian Law Library, St. Cross Building, Manor Road, Oxford OX1 3 UR, homepage: <http://www.bodley.ox.ac.uk/dept/law/>. Please note that the textbooks and some of the law reports may also be available in your College library.

COURSE SCHEDULE

MICHAELMAS TERM

Week	Lecture
1	Introduction to the International Legal System
2	Sources I: Treaties and Custom
3	Sources II: Other Sources and the Relationship Between the Sources
4	Actors I: States and Governments
5	Actors II: The Role of Recognition
6	Actors III: International and Supranational Organizations
7	Actors IV: Individuals, Peoples, NGOs and Other Actors
8	Jurisdiction I: National Jurisdiction

HILARY TERM

Week	Lecture
1	Jurisdiction II: Jurisdiction of International Courts
2	Immunities I: State Immunity
3	Immunities II: Immunities Enjoyed by State Officials

Week	Lecture
4	Law of the Sea I: Zoning of the Sea
5	Law of the Sea II: Uses of the Sea
6	Prohibition of the Use of Force I: Collective Security
7	Prohibition of the Use of Force II: Unilateral Use of Force
8	International Humanitarian Law and Armed Conflict

TRINITY TERM

Week	Lecture
1	Protection of Human Rights
2	International Criminal Law
3	State Responsibility I: Establishment of Responsibility
4	State Responsibility II: Implementation of Responsibility
5	Dispute Settlement I: International Court of Justice
6	Dispute Settlement II: Other Means of Peaceful Dispute Settlement
7	PIL for the Terrified (Exam Preparation)

ABBREVIATIONS AND ACRONYMS OF PIL JOURNALS AND LAW REPORTS

All ER	All England Law Reports
AJIL	American Journal of International Law
BYBIL	British Year Book of International Law
ECHR Ser. A	European Court of Human Rights, Series A: Judgments and Decisions
ECR	European Court Reports
EJIL	European Journal of International Law
EPIL	Encyclopedia of Public International Law
ICJ Rep.	International Court of Justice, Reports of Judgments, Advisory Opinions and Orders
ICLQ	International & Comparative Law Quarterly
ILM	International Legal Materials
ILR	International Law Reports
ITLOS Rep.	International Tribunal for the Law of the Sea, Reports of Judgments, Advisory Opinions and Orders

PCIJ	Permanent Court of International Justice, Reports of Judgments, Advisory Opinions and Orders
RdC	Recueil des Cours de l'Académie de droit international (articles in English and French)
RIAA	United Nations, Reports of International Arbitral Awards
WLR	Weekly Law Reports

USEFUL WEB SITES

Web Address	Organization	Material
http://www.icj-cij.org/	International Court of Justice	Judgments, Advisory Opinions and Orders
http://www.echr.coe.int/	European Court of Human Rights	Judgments
http://www.itlos.org/	International Tribunal for the Law of the Sea	Judgements, Advisory Opinions and Orders
http://www.un.org/law/	United Nations	Links to United Nations Sites on International Law
http://www.un.org/en/documents/	United Nations	UN Documents (Security Council and General Assembly Resolutions, Presidential Statements, Verbatim Records, Reports)
http://www.consilium.europa.eu/showPage.aspx?id=1279&lang=EN	European Union	Official Documents
http://www.mpepil.com/	Max Planck Institute for Comparative Public Law and International Law	OPAC - Online Catalogue with search facility for both books and articles on PIL
http://www.eisil.org/	American Society of International Law	Electronic Information System for International Law - Texts of agreements and other documents to all areas of international law
http://www.asil.org/insights.cfm	American Society of International Law	Insights - Short papers on current developments in PIL

Web Address	Organization	Material
http://www.asil.org/ilibmenu.cfm	American Society of International Law	International Law in Brief - fortnightly newsletter with analytical abstracts of recent decisions and documents

COURSE DIRECTOR'S CONTACT DETAILS

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I am responsible for your PIL teaching and will give the PIL lectures. Mr Farid Ahmadov (farid.ahmadov@st-annes.ox.ac.uk) will provide the tutorials. Should you have any queries or suggestions with regard to the course please get in touch.

I hope you will find PIL an interesting and stimulating subject.
Stefan Talmon

MT - Week 1: Introduction to the International Legal System

A. KEY ASPECTS

- History of International Law
- International Law as Law
- Relationship Between International Law, European Law and Municipal Law
- The Basic Principles of International Law
- The Function of International Law

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 1-68, 129-194
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 1-18, 104-130

II. DOCUMENTS

- 1945 Charter of the United Nations, Preamble, Art. 1, 2
- 1969 Vienna Convention on the Law of Treaties, Art. 27, 46
- 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations

C. SPECIALIST READING

- Bethlehem, Daniel, International Law, European Community Law, National Law: Three Systems in Search of a Framework, in: Martti Koskenniemi (ed.), *International Law Aspects of the European Union*, The Hague 1998, 169-196
- D'Amato, Anthony, Is International Law Really "Law"?, *Northwestern University Law Review* 79 (1984/85), 1293-1314
- Koh, Harold H., Why Do Nations Obey International Law?, *Yale Law Journal* 106 (1997), 2599-2659

D. FURTHER READING

- Brownlie, Ian, The Reality and Efficacy of International Law, *British Year Book of International Law* 52 (1981), 1-8
- Franck, Thomas M./Thiruvengadam, Arun K., International Law and Constitution-Making, *Chinese Journal of International Law* 2 (2003), 467-518
- Grewe, Wilhelm, *The Epochs of International Law* (Berlin: Walter de Gruyter, 2000)
- Koskenniemi, Martti, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: University Press, 2001)

MT - Week 2:

Sources of International Law I: Treaties and Custom

A. KEY ASPECTS

- Art. 38 of the ICJ Statute as a Starting Point
- Elements of Customary International Law and How to Prove Them
- Treaty-Making
- Reservations and Interpretative Declarations
- Invalidity, Termination and Suspension of Treaties

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 69-98, 902-955, 966-984
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 19-42, 56-103

II. DOCUMENTS

- 1945 Statute of the International Court of Justice, Art. 38
- 1969 Vienna Convention on the Law of Treaties
- 1978 Vienna Convention on Succession of States in Respect of Treaties

III. CASES

It is absolutely essential that you read at least the substantive parts of the judgments in the original. There are very helpful summaries of these judgments available on the website of the International Court of Justice at <http://www.icj-cij.org/icjwww/idecisions.htm>. These should only be consulted for the facts of the cases and to get a general overview of the cases. Reading the summaries does not absolve you from reading the substantive parts of the judgements in the original. This comment applies to all case listed in the reading list.

- *Gabčíkovo-Nagymaros Project* (Hungary/Slovakia), ICJ Rep. 1997, 7-84
- *North Sea Continental Shelf Cases* (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands), ICJ Rep. 1969, 3-54

C. SPECIALIST READING

- Akehurst, Michael, Custom as a Source of International Law, *British Year Book of International Law* 47 (1974-1975), 1-53
- Jennings, Robert Y., What is International Law and How Do We Tell It When We See It?, *Schweizerisches Jahrbuch für Internationales Recht* 37 (1981), 59-88
- Yee, Sienho, The News that *Opinio Juris* 'Is Not a Necessary Element of Customary [International] Law' Is Greatly Exaggerated, *German Yearbook of International Law* 43 (2000), 227-238

D. FURTHER READING

- Aust, Anthony, *Modern Treaty Law and Practice* (2nd edn., Cambridge: University Press, 2007)
- Degan, Vladimir D., *The Sources of International Law* (The Hague: Kluwer, 1997)

MT - Week 3:
Sources of International Law II:
Other Sources and the Relationship Between the Sources

A. KEY ASPECTS

- General Principles of Law
- Sources Outside of Art. 38 of the ICJ Statute
- Hard Law, Soft Law, No Law
- *Jus Cogens* and Obligations *Erga Omnes*
- Hierarchy of Sources

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 98-128
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 43-55

II. DOCUMENTS

- 1945 Charter of the United Nations, Art. 103
- 1945 Statute of the International Court of Justice, Art. 38, 59
- 1969 Vienna Convention on the Law of Treaties [especially Art. 30, 53, 64]

III. CASES

- *Barcelona Traction, Light and Power Company, Limited*, ICJ Rep. 1970, 3-51

C. SPECIALIST READING

- Mosler, Hermann, General Principles of Law, in: Bernhardt, Rudolf (ed.), *Encyclopedia of Public International Law* 2 (1995), 511-526
- Weil, Prosper, Towards Relative Normativity in International Law?, *American Journal of International Law* 77 (1983), 413-442
- Elias, Olufemi/Lim, Chin, 'General Principles of Law', 'Soft' Law and the Identification of International Law, *Netherlands Yearbook of International Law* 28 (1997), 3-49

D. FURTHER READING

- Akehurst, Michael, The Hierarchy of the Sources of International Law, *British Year Book of International Law* 47 (1974/75), 273-285
- Cheng, Bing, United Nations Resolutions on Outer Space: 'Instant' International Customary Law?, *Indian Journal of International Law* 5 (1965), 23-48
- Simma, Bruno, From Bilateralism to Community Interest in International Law, *Recueil des Cours [Académie de Droit International de La Haye]* 250 (1994-VI), 217-384
- Tomuschat, Christian, Obligations Arising for States Without or Against Their Will, *Recueil des Cours [Académie de Droit International de La Haye]* 241 (1993-IV), 199-374

MT - Week 4:

Actors I: States and Governments

A. KEY ASPECTS

- Full and Partial Subjects of International Law
- Subjects and Organs Distinguished
- Criteria of Statehood
- Acquisition of Territory
- Creation, Extinction, Succession of States

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 195-242, 487-552, 956-966
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 131-139, 234-267

II. DOCUMENTS

- 1933 Montevideo Convention on the Rights and Duties of States, Art. 1 [reproduced in Dixon/McCorquodale, p. 133]
- 1945 Charter of the United Nations, Art. 4, 32, 93
- 1945 Statute of the International Court of Justice, Art. 34, 35
- 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations [especially Principle 1]

III. CASES

- *Opinion No. 1 [Disintegration of the Socialist Federal Republic of Yugoslavia]*, Conference on Yugoslavia, Arbitration Commission, 29 November 1991: 92 ILR 162; ILM 31 (1992), 1494
- *Opinion No. 8 [Extinction of the Socialist Federal Republic of Yugoslavia]*, Conference on Yugoslavia, Arbitration Commission, 4 July 1992: 92 ILR 199; ILM 31 (1992), 1521

C. SPECIALIST READING

- Crawford, James, The Criteria for Statehood in International Law, *British Year Book of International Law* 48 (1976-77), 93-182
- Crawford, James, Israel (1948-1949) and Palestine (1998-1999): Two Studies in the Creation of States, in: Guy Goodwin-Gill/Stefan Talmon (eds.), *The Reality of International Law* (Oxford: University Press, 1999), 95-124

D. FURTHER READING

- Brownlie, Ian, *Principles of Public International Law* (6th edn., Oxford: Oxford University Press, 2003), 105-169
- Crawford, James, *The Creation of States in International Law* (2nd edn., Oxford: University Press, 2006)

MT - Week 5:

Actors II: The Role of Recognition

A. KEY ASPECTS

- Meanings of Recognition
- Recognition of States and Governments Distinguished
- Modes of Recognition
- Legal Effects of Recognition
- Collective Non-Recognition of *De Facto* States as a Sanction

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 444-486
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 154-174

II. DOCUMENTS

- 1983 UN Security Council Resolution 541 of 18 November 1983 (available at: <http://www.un.org/documents/scres.htm>)

III. CASES

- *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, ICJ Rep. 1971, 16-58 [especially, 52-58]
- *Loizidou v. Turkey (Preliminary Objections)*, Application No. 15318/89, Judgment of 23 March 1995: ECHR, Ser. A, No. 310, 1; 103 ILR 622
- *Kuwait Airways Corporation v. Iraq Airways Co.*, Court of Appeal, 10 November 2000: [2001] 1 All ER (Comm) 557; [2001] 3 WLR 1117 [especially paras. 249-388]

C. SPECIALIST READING

- Talmon Stefan, Recognition of Governments: An Analysis of the New British Policy and Practice, *British Year Book of International Law* 63 (1992), 231-297
- Talmon Stefan, The Constitutive versus the Declaratory Doctrine of Recognition: *Tertium Non Datur?*, *British Year Book of International Law* 75 (2004), 101-181
- Warbrick, Colin, Unrecognized States and Liability for Income Tax, *International and Comparative Law Quarterly* 45 (1996), 954-960

D. FURTHER READING

- Dugard, John, *Recognition and the United Nations* (Cambridge: Cambridge University Press, 1987)
- Jennings, Robert/Watts, Arthur (eds.), *Oppenheim's International Law* (9th edn., Harlow: Longman, 1992), 126-203
- Talmon Stefan, *Recognition of Governments in International Law* (Oxford: Clarendon Press, 1998)

MT - Week 6:

Actors III: International and Supranational Organizations

A. KEY ASPECTS

- Types of International Organizations
- Legal Personality of International Organizations
- Powers of International Organizations
- Responsibility of International Organizations and Liability of Their Member States
- The European Union as an Actor in International Law

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 259-260, 1204-1216, 1282-1331
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 140-146

II. DOCUMENTS

- 1945 Charter of the United Nations, Art. 104, 105
- 1957 Treaty Establishing the European Community [as amended], especially Art. 111, 133, 281, 282, 300, 307, 310
- 1992 Treaty on European Union [as amended], especially Art. 1-28

III. CASES

- *Reparations for Injuries Suffered in the Service of the United Nations*, ICJ Rep. 1949, 174-188
- Case C-22/70 (*Commission v. Council*) [European Road Transport Agreement (ERTA/EATR) Case], [1971] ECR 263

C. SPECIALIST READING

- Hartley, Trevor C., *European Union Law in a Global Context: Text, Cases and Materials* (Cambridge: University Press, 2004), 9-18, 217-262
- Schermers, Henry G., International Organizations, in: Bedjaoui, Mohammed (ed.), *International Law: Achievements and Prospects* (Dordrecht: Nijhoff, 1991), 67-100
- Talmon, Stefan, The Security Council as World Legislature, *American Journal of International Law* 99 (2005), 175-193

D. FURTHER READING

- Cannizzaro, Enzo (ed.), *The European Union as an Actor in International Relations* (the Hague: Kluwer, 2002)
- Eeckhout, Piet, *External Relations of the European Union* (Oxford: University Press, 2004)
- Kronenberger, Vincent (ed.), *The European Union and the International Legal Order: Discord or Harmony?* (The Hague: Asser Press, 2001)
- Schermers, Henry G./Blokker, Niels M., *International Institutional Law* (Leiden: Martinus Nijhoff, 2003)

MT - Week 7:

Actors IV: Individuals, Peoples, NGOs and other Actors

A. KEY ASPECTS

- Rights and Duties of the Individual in International Law
- Peoples and National Liberation Organizations
- Actors Sui Generis: Holy See, Sovereign Order of Malta, Red Cross
- Transnational Corporations
- Non-Governmental Organizations

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 243-264
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 146-153

II. DOCUMENTS

- 1950 [European] Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 34
- 1998 Rome Statute of the International Criminal Court, Art. 1

III. CASES

- *LaGrand* (Germany v. United States of America), ICJ Rep. 2001, 466-517 [especially paras. 65-78]

C. SPECIALIST READING

- Bedjaoui, Mohammed (ed.), *International Law: Achievements and Prospects* (Dordrecht: Martinus Nijhoff, 1991), 101-132 [Articles by Raymond Rnajeve, Antonio Cassese and François Rogaux]
- McCorquodale, Robert, The Individual and the International Legal System, in: Evans, Malcolm (ed.), *International Law* (2nd edn., Oxford: University Press, 2006), 307-332
- Schulze, Peter M., NGOs - Non-Governmental Organizations, in Volger, Helmut (ed.), *Concise Encyclopedia of the United Nations* (The Hague: Kluwer, 2002), 378-387

D. FURTHER READING

- Hobe, Stephan, Individuals and Groups as Global Actors: The Denationalization of International Transactions, in: Rainer Hofmann (ed.), *Non-State Actors as New Subjects of International Law* (Berlin: Duncker & Humblot, 1999), 115-135
- Thürer, Daniel, The Emergence of Non-governmental Organizations and Transnational Enterprises in International Law and the Changing Role of the State, in: Rainer Hofmann (ed.), *Non-State Actors as New Subjects of International Law* (Berlin: Duncker & Humblot, 1999), 37-58

MT - Week 8:

Jurisdiction I: National Jurisdiction

A. KEY ASPECTS

- The ‘Three-Step Approach’ to Jurisdiction and Immunities
- Types and Meanings of Jurisdiction
- Bases of Extraterritorial Prescriptive Jurisdiction
- Bases of Extraterritorial Enforcement Jurisdiction
- Clashes of Jurisdiction

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 645-696
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 268-294

II. DOCUMENTS

- 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Art. V, VI
- 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention), Arts. 1-9
- 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, Arts. 1-8
- 1982 United Nations Convention on the Law of the Sea, Arts. 2, 17, 21-28, 33, 56, 91, 92, 97, 101-111, 207-221
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Arts. 1-8
- 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Arts. 1-11
- 1994 Convention on the Safety of United Nations and Associated Personnel, Arts. 9, 10, 13-15
- 1999 International Convention for the Suppression of the Financing of Terrorism, Arts. 6-11

III. CASES

- *Attorney-General of the Government of Israel v. Eichmann*, District Court of Jerusalem, (1961) 36 ILR 5
- *The Case of the S.S. “Lotus”* (1927), PCIJ, Ser. A, No. 10 [or Ser. A/B, No. 22]
- *F. Hoffmann-La Roche Ltd. V. Empagran S.A.*, United States Supreme Court, Decision of 14 June 2004, 542 US 155; also available at <http://www.supremecourtus.gov/>
- *US v. Yousef*, 317 F.3d 56 (CA 2nd Cir. 2003)

C. SPECIALIST READING

- Akehurst Michael, Jurisdiction in International Law, *British Year Book of International Law* 46 (1972-1973), 145-217
- Estey, Wade, The Five Basis of Extraterritorial Jurisdiction and the Failure of the

Presumption Against Extraterritoriality, *Hastings International and Comparative Law Review* 21 (1997), 177-208

- Lowe, Vaughan, Jurisdiction, in: Evans, Malcolm (ed.), *International Law* (2nd edn., Oxford: University Press, 2006), 335-360

D. FURTHER READING

- Sadat, Leila Nadya, Redefining Universal Jurisdiction, *New England Law Review* 35 (2001), 241-263
- Scharf, Michael P., Application of Treaty-Based Universal Jurisdiction to Nationals of Non-Party States, *New England Law Review* 35 (2001), 363-382
- Wilske, Stephan/Schiller, Teresa, International Jurisdiction in Cyberspace: Which States May Regulate the Internet?, *Federal Communications Law Journal* 50 (1997), 117-178

HT - Week 1:

Jurisdiction II: Jurisdiction of International Courts

A. KEY ASPECTS

- International jurisdiction: meanings
- Bases of international jurisdiction
- Scope of international jurisdiction
- International and internationalized tribunals
- Objections to international jurisdiction: The USA and the International Criminal Court

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 397-430, 1057-1117
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 227-230, 294-300, 582-584, 586-593

II. DOCUMENTS

- 1945 Statute of the International Court of Justice, Art. 36
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Art. V, VI
- 1969 Vienna Convention on the Law of Treaties, Arts. 34-38
- 1993 Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY Statute)
- 1998 Rome Statute of the International Criminal Court, Arts. 5-13

III. CASES

- *Prosecutor v. Moinina Fofana*, Special Court for Sierra Leone, Appeals Chamber, Decision of 25 May 2004, Case No. SCSL-2004-14-AR72(E), Decision on Preliminary Motion on Lack of Jurisdiction Materiae: Illegal Delegation of Powers by the United Nations, <http://www.sc-sl.org/CDF-decisions.html>
- *Prosecutor v. Augustine Gbao*, Special Court for Sierra Leone, Appeals Chamber, Decision of 25 May 2004, Case No. SCSL-2004-15-AR72(E), Decision on Preliminary Motion on the Invalidity of the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court, <http://www.sc-sl.org/RUF-decisions.html>
- *Prosecutor v. Tadić*, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (ICTY), Appeals Chamber, Decision of 2 October 1995, Case IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, ILM 35 (1996), 32

C. SPECIALIST READING

- Akande, Dapo, The Jurisdiction of the International Criminal Court over Nationals of Non-

- Parties: Legal Basis and Limits, *Journal of International Criminal Justice* 1 (2003), 618-650 [available online: <http://tdnet.bodley.ox.ac.uk/>]
- Lowe, Vaughan, Overlapping Jurisdiction in International Tribunals, *Australian Yearbook of International Law* 20 (1999), 191-204
 - Elagab, Omer Yousif, The Special Court for Sierra Leone: Some Constraints, *International Journal of Human Rights* 8 (2004), 249-273
 - Orentlicher, Diane F., Unilateral Multilateralism: United States Policy Toward the International Criminal Court, *Cornell International Law Journal* 36 (2004), 415-433 [available online on Westlaw]

D. FURTHER READING

- Amerasinghe, Chittharanjan Felix, *Jurisdiction of International Tribunals* (The Hague: Kluwer, 2003)
- Romano, Cesare p.R./Nollkaemper, André/Kleffner, Jann K. (eds.), *Internationalized Criminal Tribunals. Sierra Leone, East Timor, Kosovo, and Cambodia* (Oxford: University Press, 2004)
- McGoldrick, Dominic/Rowe, Peter/Donnelly, Eric (eds.), *The Permanent International Criminal Court. Legal and Policy Issues* (Oxford: Hart, 2004)

HT - Week 2: Immunities I: State Immunity

A. KEY ASPECTS

- Origins of the plea of State immunity
- Absolute immunity, restrictive immunity, further restricted immunity?
- Immunity from adjudication
- Immunity from execution
- Other techniques to avoid jurisdiction

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 697-735, 740-750
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 301-337

II. DOCUMENTS

- 1945 Charter of the United Nations, Art. 105
- 1972 European Convention on State Immunity and Additional Protocol
- 1978 UK State Immunity Act
- 1982 United Nations Convention on the Law of the Sea, Arts. 32, 236
- 1976 US Foreign Sovereign Immunities Act, 28 U.S.C. §§1602-1611 (available at: <http://uscode.house.gov/usc.htm>)
- 2004 United Nations Convention on Jurisdictional Immunities of States and Their Property, UN Doc. A/RES/59/38, 16 December 2004 (available at: <http://documents.un.org/>)

III. CASES

- *Republic of Austria v. Altmann*, US Supreme Court, Decision of 7 June 2004, 541 US 677; ILM 43 (2004), 1425; also available at: <http://www.supremecourtus.gov/>

C. SPECIALIST READING

- Handl, Elisabeth C., Introductory Note to the U.S. Supreme Court: Judgment in the Case of Republic of Austria v. Altmann, ILM 43 (2004), 1421-1424
- Talmon, Stefan, War Booty of 'Separate Entity' Protected by Sovereign Immunity, *Oxford Journal of Legal Studies* 15 (1995), 295-307
- Vournas, Elena, Prefecture of Voiotia v. Federal Republic of Germany: Sovereign Immunity and the Exception for Jus Cogens Violations, *New York Law School Journal of International and Comparative Law* 21 (2001), 629-653 [available on Westlaw]

D. FURTHER READING

- Dellapenna, Joseph W., *Suing Foreign Governments and Their Corporations* (2nd edn., Ardsley: Transnational Publishers, 2003)
- Dickinson, Andrew/Lindsay, Rae/Loonam, James P., *State Immunity. Selected Materials and Commentary* (Oxford: University Press, 2004)
- Fox, Hazel, *The Law of State Immunity* (2nd edn, Oxford: Oxford University Press, 2008)

HT - Week 3: Immunities II: Immunities Enjoyed by State Officials

A. KEY ASPECTS

- Legal basis for immunities of State representatives
- Persons enjoying immunities
- Immunities of former public officials
- Scope of immunity: immunity *ratione materiae* and *ratione personae*
- Limits to immunity

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 735-740, 750-777
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 332-333, 337-347
- Wickremasinghe, Chanaka, Immunities Enjoyed by Officials of States and International Organizations, in: Evans, Malcolm (ed.), *International Law* (2nd edn., Oxford: University Press, 2006), 395-421

II. DOCUMENTS

- 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Art. IV
- 1961 Vienna Convention on Diplomatic Relations, Arts. 29-41
- 1978 UK State Immunity Act, s. 20
- 1998 Rome Statute of the International Criminal Court, Arts. 27, 98

III. CASES

- *Al-Adsani v. The United Kingdom*, Judgement of 21 November 2001, available at: <http://hudoc.echr.coe.int/Hudoc2doc2/HEJUD/200308/al-adsani.batj.doc>
- *Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of Congo v. Belgium)*, Judgment of 14 February 2002: ILM 41 (2002), 536
- *Prosecutor v. Charles Taylor*, Case No. SCSL-2003-01-I-059, Decision on Immunity from Jurisdiction, 31 May 2004, available at: <http://www.sc-sl.org/>

C. SPECIALIST READING

- Bröhmer, Jürgen, Immunity of a Former Head of State: General Pinochet and the House of Lords, *Leiden Journal of International Law* 13 (2000), 229-237
- Lloyd Jones, David, Article 6 ECHR and Immunities arising in Public International Law, *International and Comparative Law Quarterly* 52 (2003), 463-472

D. FURTHER READING

- Denza, Eileen, *Diplomatic Law* (3rd edn., Oxford: University Press, 2008)
- Lee, Luke T./Quigley, John, *Consular Law and Practice* (3rd edn., Oxford: OUP, 2008)
- Watts, Arthur, The Legal Position in International Law of Heads of State, Heads of Government and Foreign Ministers, *Recueil des Cours* 247 (1994-III), 9-130

HT - Week 4:

Law of the Sea I: Zoning of the Sea

A. KEY ASPECTS

- Law of the Sea: Importance, Terms, Sources
- Development of the Law of the Sea
- The “Zoning of the Sea”
- The importance of baselines for the delimitation of the maritime zones
- The concepts of sovereignty, sovereign rights, and jurisdiction
- Delimitation of maritime zones

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 553-608, 628-644
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 348-389

II. DOCUMENTS

- 1958 Geneva Convention on the Continental Shelf
- 1982 United Nations Convention on the Law of the Sea

III. CASES

- *Anglo-Norwegian Fisheries* (United Kingdom v. Norway), ICJ Rep. 1951, 116
- *Eritrea-Yemen Arbitration, Phase II: Maritime Delimitation*, Award of 17 December 1999, ILM 40 (2001), 983; also available at <http://pca-cpa.org/PDF/EY%20Phase%20II.PDF>

C. SPECIALIST READING

- Jagota, S.P., Developments in the Law of the Sea between 1970 and 1998: A Historical Perspective, *Journal of the History of International Law* 2 (2000), 91-119
- Reisman, W.M., Maritime delimitation between opposite states – traditional “artisanal” fishing regimes – transboundary non-living resources – interpretation of prior award – straight baselines – effect of coastal and midsea islands, *American Journal of International Law* 94 (2000), 721-736 [available on Westlaw]
- Talmon, Stefan, Law of the Sea, in: Volger, Helmut (ed.), *A Concise Encyclopedia of the United Nations* (The Hague: Kluwer, 2002), 356-366

D. FURTHER READING

- Brown, E.D., *The International Law of the Sea, Vol. I: Introductory Manual* (Aldershot: Dartmouth, 1994)
- Charney, J.L./Alexander, L.M./Smith, R.W. (eds.), *International Maritime Boundaries*, vols. I-IV (The Hague: Nijhoff, 1993-2002)
- Churchill, Robin/Lowe, Vaughan, *The Law of the Sea* (3rd edn., Manchester: MUP, 1999)
- Sohn, Louis B./Noyes, John E., *Cases and Materials on the Law of the Sea* (Ardsley: Transnational Publishers, 2004)

E. USEFUL INTERNET SITES

I. COURTS AND TRIBUNALS

- International Court of Justice (ICJ): <http://www.icj-cij.org/>
- International Tribunal for the Law of the Sea (ITLOS): <http://www.itlos.org/>
- Permanent Court of Arbitration (PCA): <http://www.pca-cpa.org>

II. BODIES ESTABLISHED BY THE UN CONVENTION ON THE LAW OF THE SEA (OTHER THAN ITLOS)

- International Seabed Authority: <http://www.isa.org.jm/>
- Commission on the Limits of the Continental Shelf:
http://www.un.org/Depts/los/clcs_new/clcs_home.htm

III. UNITED NATIONS

- United Nations, International Law: <http://www.un.org/law/>
- Oceans and the Law of the Sea: <http://www.un.org/Depts/los/index.htm>
- Illustrative maps of maritime boundaries: http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/cartographic_material.htm
- Maritime Spaces: Legislation and Treaties:
<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm>

HT - Week 5: Law of the Sea II: Uses of the Sea

A. KEY ASPECTS

- The Right of Navigation and Overflight in the Maritime Zones under Coastal State Jurisdiction
- Fisheries in the exclusive economic zone
- Exploration and exploitation of the continental shelf
- The regime of the area
- Policing the seas (terrorism, weapons of mass destruction)

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 609-628
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 389-402

II. DOCUMENTS

- 1982 United Nations Convention on the Law of the Sea
- 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
- 1988 Vienna Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (at: http://www.unodc.org/unodc/en/un_treaties_and_resolutions.html)
- 1994 Agreement Relating to the Implementation of Part XI of the United Nations Convention of the Law of the Sea
- 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
- 1996 Council of Europe Agreement on Illicit Traffic by Sea, Implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, CETS No. 156 (available at: <http://conventions.coe.int/>)

C. SPECIALIST READING

- Bardin, Anne, Coastal State's Jurisdiction over Foreign Vessels, *Pace International Law Review* 14 (2002), 27-76 [available on Westlaw]
- Byers, Michael, Policing the High Seas: The Proliferation Security Initiative, *American Journal of International Law* 98 (2004), 526-545

D. FURTHER READING

- Brown, E.D., *The International Law of the Sea*, Vol. I: *Introductory Manual* (Aldershot: Dartmouth, 1994)
- Churchill, Robin/Lowe, Vaughan, *The Law of the Sea* (3rd edn., Manchester: MUP, 1999)
- Sohn, Louis B./Noyes, John E., *Cases and Materials on the Law of the Sea* (Ardley: Transnational Publishers, 2004)

HT - Week 6: Prohibition of the Use of Force I: Collective Security

A. KEY ASPECTS

- Collective security under the UN Charter
- The powers of the Security Council
- The powers of the General Assembly
- Peacekeeping and peace enforcement
- Regional systems of collective security

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 1204-1281
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 561-571

II. DOCUMENTS

- 1945 United Nations Charter, Arts. 1, 2, 24-54
- 1992 Agenda for Peace, Preventative Diplomacy, Peacemaking and Peace-keeping (available at: <http://www.un.org/Docs/SG/agpeace.html>)
- 1995 Supplement to an Agenda for Peace (at: <http://www.un.org/Docs/SG/agsupp.html>)
- 1999 NATO's Strategic Concept (available at <http://www.nato.int/docu/pr/1999/p99-065e.htm>)

C. SPECIALIST READING

- Cuéllar, Mariano-Florentino, Reflections on Sovereignty and Collective Security, *Stanford Journal of International Law* 40 (2004), 211-257 [available on Westlaw]
- Joyner, Christopher C., United Nations Sanctions after Iraq: Looking Back to Sea Ahead, *Chicago Journal of International Law* 4 (2003), 329-353
- Sarooshi, Danesh, The UN Collective Security System and the Establishment of Peace, *Current Legal Problems* 53 (2000), 621-645 [also available in many college libraries]

D. FURTHER READING

- De Wet, Erika, *The Chapter VII Powers of the United Nations Security Council* (Oxford: Hart, 2004)
- Gowlland-Debbas, Vera (ed.), *United Nations Sanctions and International Law* (The Hague: Kluwer, 2001)
- Gray, Christine, *International Law and the Use of Force* (3rd edn., Oxford: University Press, 2008)
- Sarooshi, Danesh, *The United Nations and the Development of Collective Security* (Oxford: University Press, 1999)
- Simma, Bruno (ed.), *Charter of the United Nations. A Commentary* (2nd edn., Oxford: University Press, 2002)
- White, Nigel D., *Keeping the Peace. The United Nations and the Maintenance of International Peace and Security* (2nd edn., Manchester: University Press, 1998)

HT - Week 7: Prohibition of the Use of Force II: Unilateral use of force

A. KEY ASPECTS

- Limitations of the prohibition of the use of force in Art. 2 (4) UN Charter
- Individual and collective self-defence
- Humanitarian intervention
- Intervention by invitation
- Rescue missions

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 1118-1166
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 521-561

II. DOCUMENTS

- 1945 United Nations Charter, Arts. 51
- 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations
- 1974 Definition of Aggression (UN GA Res. 3314 (XXX) of 14 December 1974, Annex) [available in International Legal Material 13 (1974), 710-714 or at <http://ods-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/739/16/IMG/NR073916.pdf?OpenElement>]

III. CASES

- *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America) (Merits), ICJ Rep. 1986, 14 at 10-13 [facts] 88-116 [relevant law]
- *Oil Platforms* (Islamic Republic of Iran v. United States of America), Judgement of 6 November 2003, ILM 42 (2003), 1333, also available at: <http://www.icj-cij.org/> [Read the judgment of the Court and the separate opinion of Judge Simma]
- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004 (available at <http://www.icj-cij.org/>), paras.139-142

C. SPECIALIST READING

- Bothe, Michael, Terrorism and the Legality of Pre-emptive Force, *European Journal of International Law* 14 (2003), 227-240
- Lowe, Vaughan, The Iraq Crisis: What Now?, *International and Comparative Law Quarterly* 52 (2003), 859-871
- Kosovo: House of Commons Foreign Affairs Committee 4th Report, June 2000, Memoranda, *International and Comparative Law Quarterly* 49 (2000), 876-943 (contributions by Ian Brownlie, Christine Chinkin, Christopher Greenwood, Vaughan Lowe)
- Editorial Comments: NATO's Kosovo Intervention, *American Journal of International Law* 93 (1999), 824-862 (contributions by L. Henkin, R. Wedgwood, J.I. Charney, C. Chinkin, R.A. Falk, T.M. Franck, M.W. Reisman)

D. FURTHER READING

- Alexandrov, Stanimir A., *Self-Defence Against the Use of Force in International Law* (The Hague: Kluwer, 1996)
- Chesterman, Simon, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: University Press, 2001)
- Dinstein, Yoram, *War, Aggression and Self-Defence* (4th edn., Cambridge: University Press, 2005)
- Franck, Thomas, *Recourse to Force. State Action Against Threats and Armed Attacks* (Cambridge: University Press, 2002)
- Symposium: ‘A War against Terrorism’: What Role for International Law? US and European Perspectives, *European Journal of International Law* 14 (2003), 209-378
- Taft, Willia H./Buchwald, Todd F., Preemption, Iraq, and International Law, *American Journal of International Law* 97 (2003), 557-563
- The Legal Department of the Ministry of Foreign Affairs of the Russian Federation, Legal Assessment of the Use of Force Against Iraq, *International and Comparative Law Quarterly* 52 (2003), 1059-1063
- The Use of Force Against Iraq, *International and Comparative Law Quarterly* 52 (2003), 811-814
- Yoo, John, International Law and the War in Iraq, *American Journal of International Law* 97 (2003), 563-576

HT - Week 8:

International Humanitarian Law and Armed Conflict

A. KEY ASPECTS

- Jus ad bellum and jus in bello
- Application of international humanitarian law and human rights law
- Lawful combatants, lawful non-combatants, and unlawful combatants
- The protection afforded under the Geneva Conventions system
- The powers of belligerent occupants

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 1167-1203

II. DOCUMENTS

[The text of the documents may be found in Roberts, Adam/Guelff, Richard (eds.), *Documents on the Laws of War* (3rd edn., Oxford: University Press, 2000) and are available online at: <http://www.icrc.org/ihl>]

- 1907 Hague Regulations Respecting the Laws and Customs of War on Land (Annex to the Hague Convention IV Respecting the Laws and Customs on Land)
- 1949 Geneva Convention III Relative to the Treatment of Prisoners of War
- 1949 Geneva Convention IV Relative to the Protection of Civilians in Time of War
- 1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts
- 1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts
- UN Security Council Resolution 1483 (2003) of 22 May 2003

III. CASES

- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Rep. 1996 (I), 226-267
- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004 (available at <http://www.icj-cij.org/>), paras. 78, 86-105, 124-136
- *Hamdi et al. v. Rumsfeld, Secretary of Defense, et al.*, United States Supreme Court, 28 June 2004, 124 S.Ct. 2633; also available at: <http://www.supremecourtus.gov>
- *Rasul et al. v. Bush, President of the United States*, United States Supreme Court, 28 June 2004, 124 S.Ct. 2686; also available at: <http://www.supremecourtus.gov>

C. SPECIALIST READING

- Agora: Military Commissions, *American Journal of International Law* 96 (2002), 320-358
- Aldrich, George H., The Taliban, Al Qaeda, and the Determination of Illegal Combatants, *American Journal of International Law* 96 (2002), 891-898
- Singer, P.W., War, Profits, and the Vacuum of Law: Privatized Military Firms and

International Law, *Columbia Journal of Transnational Law* 42 (2004), 521-549

D. FURTHER READING

- Callen, Jason, Unlawful Combatants and the Geneva Conventions, *Virginia Journal of International Law* 44 (2004), 1025-1072 [available on Westlaw]
- Dinstein, Yoram, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: University Press, 2004)
- Fleck, Dieter (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (2nd edn., Oxford: University Press, 2008)
- Goldman, Robert K./Tittlemore, Brian D., Unprivileged Combatants and the Hostilities in Afghanistan: Their Status and Rights Under International Humanitarian and Human Rights Law, ASIL, December 2002 (at: <http://www.asil.org/taskforce/goldman.pdf>)
- Green, Leslie C., *The contemporary law of armed conflict* (2nd edn., Manchester: University Press, 2000)
- UK Ministry of Defence, *The Manual of the Law of Armed Conflict* (Oxford: University Press, 2004)

TT - Week 1: Protection of Human Rights

A. KEY ASPECTS

- Development and Evolution of Human Rights Principles under International Law (UN Charter, UN Declaration (1948), Other UN Protection)
- Monitoring Compliance
- Regional Mechanisms for Protecting Human Rights - European Convention
- Domestic Implementation of International Standards - The Human Rights Act 1998

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 265-396
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 175-233

II. DOCUMENTS

- 1948 Universal Declaration of Human Rights
- 1950 Convention for the Protection of Human Rights and Fundamental Freedoms
- 1966 International Covenant on Civil and Political Rights
- 1966 International Covenant on Economic, Social and Cultural Rights
- 1969 American Convention on Human Rights
- 1981 African Charter on Human and People's Rights
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1995 Framework Convention for the Protection of National Minorities
- 1998 Protocol on the Establishment of an African Court on Human Rights and People's Rights

C. SPECIALIST READING

- Harris, David, Regional Protection of Human Rights: The Inter-American Achievement, in: Harris, David and Livingstone, Stephen (eds), *The Inter-American System of Human Rights* (Oxford: Clarendon Press, 1998) 1-30
- Steiner, Henry J., International Protection of Human Rights, in: Evans, Malcolm (ed.), *International Law* (2nd edn., Oxford: University Press, 2006), 753-782

D. FURTHER READING

- Alston, Philip (ed.), *The UN and Human Rights* (2nd edn., Oxford: University Press, 2003)
- Van Dijk, Pieter and van Hoof, G.J.H., *Theory and Practice of the European Convention on Human Rights* (3rd edn., The Hague: Kluwer Law International, 1998)
- Watson, J.S., *Theory and Reality in the International Protection of Human Rights* (Ardsley, NY: Transnational Publishers, 1999)

TT - Week 2: International Criminal Law

A. KEY ASPECTS

- Historical Background and Development of International Criminal Law
- The Rome Statute of the International Criminal Court 1998
- The Concept of Universality
- Jurisdiction (Genocide, Crimes Against Humanity, War Crimes, Aggression)
- A New Dawn of Justice?

B. INTRODUCTORY READING

I. LITERATURE

- Cassese, Antonio, International Criminal Law, in: Evans, Malcolm (ed.), *International Law* (2nd edn., Oxford: University Press, 2006), 719-752
- Shaw, *International Law* (2008), 397-399, 430-443

II. DOCUMENTS

- 1948 Convention on the Prevention and Punishment of the Crime of Genocide
- 1993 Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
- 1998 Rome Statute of the International Criminal Court
- 2000 Elements of Crime

C. SPECIALIST READING

- Cameron, Iain, Jurisdiction and Admissibility Issues Under the ICC Statute, in: McGoldrick, Dominic/Rowe, Peter/Donnelly, Eric, *The Permanent International Criminal Court. Legal and Political Issues* (Oxford: Hart Publishing, 2004), 65-94
- Gurulé, Jimmy, United States Opposition to the 1998 Rome Statute Establishing an International Criminal Court. Is the Court's Jurisdiction Truly Complementary to National Criminal Jurisdictions?, *Cornell International Law Journal* 35 (2002) 1-45
- Schabas, William A., United States Hostility to the International Criminal Court: It's All About the Security Council, *European Journal of International Law* 15 (2004), 701-720
- Wedgwood, Ruth, The International Criminal Court: An American View, *European Journal of International Law* 10 (1999), 93-107

D. FURTHER READING

- Cassese, Antonio, *International Criminal Law* (2nd edn., Oxford: University Press, 2008)
- Cassese, Antonio, The Role of Internationalized Courts and Tribunals in the Fight Against International Criminality, in: Romano, Cesare P./Nollkaemper, André/Kleffner, Jann K. (eds.), *Internationalized Criminal Courts. Sierra Leone, East Timor, Kosovo and Cambodia* (Oxford: University Press, 2004), 3-13

TT - Week 3:

State Responsibility I: Establishment of Responsibility

A. KEY ASPECTS

- State Responsibility in Context
- The ILC Articles on Responsibility of States for Internationally Wrongful Acts
- Conditions for State Responsibility under the ILC Articles
- The Question of Attribution
- Legal Consequences of International Responsibility

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 778-799, 808-843
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 403-453

II. DOCUMENTS

- 2001 ILC Articles on Responsibility of States for Internationally Wrongful Acts

III. CASES

- *Rainbow Warrior (New Zealand/France)*, Ruling of 6 July 1986: 82 ILR 499; ILM 26 (1987), 1346
- *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgement of 25 September 1997: ICJ Rep. 1997, 7
- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment of 26 February 2007, ICJ Rep. 2007, available at <http://www.icj-cij.org/docket/files/91/13685.pdf>

C. SPECIALIST READING

- Bodansky, Daniel/Crook, John R., Symposium: The ILC's State Responsibility Articles, Introduction and Overview, *American Journal of International Law* 96 (2002), 773-791
- Crawford, James, *The International Law Commission's Articles on State Responsibility. Introduction, Text and Commentaries* (Cambridge: CUP, 2002), 1-60 [Introduction]
- Klein, Pierre, Responsibility for Serious Breaches of Obligations Deriving from Peremptory Norms of International Law and United Nations Law, *European Journal of International Law* 13 (2002), 1241-1255
- Talmon, Stefan, Responsibility of International Organizations: Does the European Community Require Special Treatment?, in: Ragazzi, Maurizio (ed.), *International Responsibility Today: Essays in Memory of Oscar Schachter* (Leiden: Martinus Nijhoff, 2005), 405-421

D. FURTHER READING

- Brownlie, Ian, *System of the Law of Nations: State Responsibility, Part I* (Oxford:

- Clarendon Press, 1983)
- Jørgensen, Nina, *The Responsibility of States for International Crimes* (Oxford: University Press, 2000)

TT - Week 4:

State Responsibility II: Implementation of Responsibility

A. KEY ASPECTS

- The Distinction Between the Injured State and Other States
- Conditions for the Invocation of Responsibility
- Countermeasures
- Sanctions

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 799-808
- White, Nigel D. and Abass, Ademola, Countermeasures and Sanctions, in: Evans, Malcolm (ed.), *International Law* (2nd edn., Oxford: University Press, 2006), 509-532

II. DOCUMENTS

- 1994 WTO Understanding on Rules and Procedures Governing the Settlement of Disputes, Art. 22
- 2001 ILC Articles on Responsibility of States for Internationally Wrongful Acts

C. SPECIALIST READING

- Abi-Saab, Georges, The Concept of Sanction in International Law, in: Gowlland-Debbas, Vera (ed.), *United Nations Sanctions and International Law* (The Hague: Kluwer, 2001), 29-41
- Cannizzaro, Enzo, The Role of Proportionality in the Law of International Countermeasures, *European Journal of International Law* 12 (2001), 889-916
- Crawford, James, The Relationship between Sanctions and Countermeasures, in: Gowlland-Debbas, Vera (ed.), *United Nations Sanctions and International Law* (The Hague: Kluwer, 2001), 56-68
- Kawasaki, Kyoji, The 'Injured State' in the International Law of State Responsibility, *Hitotsubashi Journal of Law & Politics* 28 (2000), 17-31 (Law Library: Japan 300 H30)

D. FURTHER READING

- see the works above
- Fitzmaurice, Malgosia/Sarooshi, Dan, *Issues of States Responsibility Before International Judicial Institutions* (Oxford: Hart Publishing, 2004)

TT - Week 5:

International Dispute Settlement I: International Court of Justice

A. KEY ASPECTS

- Organization of the Court
- Jurisdiction and Admissibility
- Procedure in the Principal Proceedings on the Merits
- Incidental Proceedings
- Compliance with Decisions of the Court
- The Court and the Security Council
- Proliferation of International Courts and Tribunals

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 1057-1117
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 585-610

II. DOCUMENTS

- 1945 Charter of the United Nations, Arts. 92-96
- 1945 Statute of the International Court of Justice
- 1982 United Nations Convention on the Law of the Sea, Arts. 186-191, 279-299, Annex VI
- 1994 Agreement Establishing the World Trade Organization, Annex 2: Understanding on Rules and Procedure Governing the Settlement of Disputes

C. SPECIALIST READING

- Ajibola, B. A., Bases for Jurisdiction Before the International Court of Justice, in: Jasantuliyana, Nandasiri (ed.) *Perspectives on International Law. Essays in Honour of Judge Manfred Lachs* (The Hague: Kluwer, 1995), 227-273
- Akande, Dapo, The International Court of Justice and the Security Council. Is there Room for Judicial Control of Decisions of the Political Organs of the United Nations?, *International and Comparative Law Quarterly* 46 (1997), 309-343
- Alexandrov, Stanimir A., Accepting the Compulsory Jurisdiction of the International Court of Justice with Reservations. An Overview of Practice with a Focus on Recent Trends and Cases, *Leiden Journal of International Law* 14 (2001), 89-124
- Merrills, John G., The Optional Clause Revisited, *British Year Book of International Law* 64 (1993), 197-245

D. FURTHER READING

- Bowett, Derek et al., *The International Court of Justice. Process, Practice and Procedure* (London: B.I.I.C.L., 1997)
- Rosenne, Shabtai, *The Law and Practice of the International Court of Justice*, 4 vols. (3rd edn., The Hague: Martinus Nijhoff, 1997)

TT - Week 6:

International Dispute Settlement II: Other Means of Peaceful Dispute Settlement

A. KEY ASPECTS

- Judicial and Diplomatic Means of Dispute Settlement Distinguished
- Negotiation
- Good Offices and mediation
- Inquiry
- Conciliation
- International Institutions and Dispute Settlement

B. INTRODUCTORY READING

I. LITERATURE

- Shaw, *International Law* (2008), 1010-1056
- Dixon/McCorquodale, *Cases and Materials on International Law* (2003), 572-584

II. DOCUMENTS

- 1945 Charter of the United Nations, Arts. 1, 2, 33-38
- 1982 United Nations Convention on the Law of the Sea, Art. 284, Annex V

C. SPECIALIST READING

- Chinkin, Christine, Alternative Dispute Resolution under International Law, in: Evans, Malcolm (ed.), *Remedies in International Law: The Institutional Dilemma* (Oxford: Hart, 1998), 123-140
- Franck, Thomas and Nolte, Georg, The Good Offices Function of the Secretary-General, in: Roberts, Adam/Kingsbury, Benedict (eds.), *United Nations, Divided World. The UN's Roles in International Relations* (2nd edn., Oxford: Clarendon Press, 1993), 143-182
- Peters, Anne, International Dispute Settlement. A Network of Cooperational Duties, *European Journal of International Law* 14 (2003), 1-34
- Plunckett, E.A., UN Fact-Finding as a Means of Settling International Disputes, *Virginia Journal of International Law* 9 (1968-1969), 154-184

D. FURTHER READING

- Collier, John/Lowe, Vaughan, *The Settlement of Disputes in International Law. Institutions and Procedures* (Oxford: OUP, 1999)
- Merrills, John G., *International Dispute Settlement* (4th edn., Cambridge: CUP, 2005)

Tutorial Questions

The tutorials in PIL alternate on a weekly basis with the tutorials in International Politics and International Trade & Finance. Please consult the tutorial schedule for your PIL tutorial dates. For each tutorial you have to prepare a written essay on the topic specified below:

- TUTORIAL 1: Compare the strengths and weaknesses of national and international law. To what extent can they be said to be similar or different?
- TUTORIAL 2: How is customary international law formed? Does the increased reliance on treaties mean that customary law is no longer relevant?
- TUTORIAL 3: Since 1980, it has been the policy of the British Government not to recognise new governments but only new States. In recent years this policy has been increasingly criticised in Parliament for leading to implied acceptance of undesirable governments such as the Taliban regime in Afghanistan. You are asked to advise the British Foreign Secretary whether international law really distinguishes between recognition of new States and recognition of new governments, and whether recent practice of States supports or contradicts the existing British policy.
- TUTORIAL 4: Does modern international law know of an exception to State immunity in cases of expropriation of property, gross violations of human rights and violations of norms of jus cogens? If it does not, should it?
- TUTORIAL 5: ‘All developments in the law of the sea were motivated by the interest of coastal States to extend their sea areas.’ Discuss.
- TUTORIAL 6: When are States entitled to resort to the use of force? Are there any gaps in the law which prevent States from effectively protecting themselves? Would you recommend any changes in the law concerning the unilateral use of force?
- TUTORIAL 7: ‘Despite the clear-cut provisions of the ILC Articles on State responsibility, it is not always easy to establish the international responsibility of a State.’ Discuss.
- TUTORIAL 8: Have the possibilities of the optional clause as a basis for the jurisdiction of the International Court of Justice been insufficiently realized and, if so, what other methods of consent may be invoked by States?

Past Exam Questions

The following are questions from a previous examination for the Certificate in Diplomatic Studies and the Postgraduate Diploma in Diplomatic Studies. It is advisable to answer old exam questions in preparation for the final examination. Further exam papers from previous years are available from the Administrator's Office.

1. What is the role of international law in modern society?

2. **EITHER**

a. How does international law change?

OR

b. Is there a difference between the concepts of jus cogens, obligations erga omnes, and international crimes?

3. How do international law and municipal law interact?

4. 'Recognition is of more concern to politicians than to lawyers.'

Discuss.

5. 'The individual is now a significant subject of international law.'

Discuss.

6. Under what conditions may a State be held responsible for the acts of private individuals?

7. In May 2000, *Arthur* and four other men, all nationals of the State of *Andrina*, boarded an aircraft registered with the State of *Riva* shortly before its scheduled departure from *Balu*, the capital of the State of *Bunania*. *Arthur* took control of the cockpit and forced the pilot to take off immediately. The remaining hijackers held the 280 passengers captive in their seats. The hijackers' aim was to force the Government of *Riva* to release several prisoners convicted of terrorist offences. The Government of *Riva*, however, refused to negotiate with *Arthur*. Once the aircraft ran out of fuel *Arthur* forced the pilot to return to *Balu*. There, the hijackers released the passengers, held a press conference, blew up the plane, and fled from the airport.

In January 2004, *Arthur* was forcibly abducted in *Bunania* by agents of the Secret Service of *Industria*, a State involved in the global fight against terrorism, smuggled out of *Bunania* and brought to *Industria* where he was charged with the hijacking of the *Rivan* aircraft.

Industria and *Riva* are parties to the 1971 Convention for the Suppression of

Unlawful Acts against the Safety of Civil Aviation.

Advise *Arthur* with regard to the jurisdiction of the *Industrian* courts.

8. To what extent can the concept of immunity in international law be reconciled with the effective protection of human rights?
9. The State of *Ruritania* intends to board and search foreign vessels reasonably suspected of carrying weapons of mass destruction, their delivery systems, and related materials and to seize such cargoes.

Advise *Ruritania* whether and, if so, to what extent this may be done according to the 1982 United Nations Convention on the Law of the Sea in its ports and in the various maritime zones.

10. Is it illegal under international law for a Member State of the United Nations to monitor the telephone conversations of the UN Secretary-General? Does it make a difference whether this is done by placing bugging devices in the UN headquarters or whether this is carried out with electronic surveillance equipment from outside the UN headquarters?
11. How has the law on the use of force and self-defence changed over the last 10 years?
12. Have the possibilities of the optional clause as a basis for jurisdiction of the International Court of Justice been insufficiently realized and, if so, what other methods of consent may be invoked by States?