

**GRAD-C2-1101: International Law**

Başak Çalı and Cathryn Costello

1. General information

Class time	Group A: Monday, 12-14h Group B: Monday, 14-16h Group C: Tuesday, 12-14h Group D: Tuesday, 14-16h
Course Format	This course uses a “flipped classroom” format and combines 50 minutes of pre-recorded material (audio or video) with a 50-minute interactive seminar. Students will use the pre-recorded material to prepare for the seminar. The seminar is taught onsite at the Hertie School, or online via the platform Clickmeeting, depending upon your location. For those attending the online seminar, Clickmeeting allows for interactive, participatory seminar style teaching.
Instructor	Başak Çalı and Cathryn Costello
Instructor’s office	2.59
Instructor’s e-mail	cali@hertie-school.org
Instructor’s phone number	+49 30 259 219 310
Assistant	Nadja Starke, Email: starke@hertie-school.org Phone: +49 30 259 219 254 Room: 3.45
Instructor’s Office Hours	TBD

Link to Module Handbook [MIA](#) and [MPP](#)Link to [Study, Examination and Admission Rules](#)Instructor Information:

Başak Çalı is Professor of International Law and Co-director of the Centre of Fundamental Rights at the Hertie School. Her research spans general international law and international human rights law.

Professor Çalı is the editor of *International Law for International Relations* (OUP, 2010) and co-editor of *Legalisation of Human Rights: Multidisciplinary Perspectives on Human Rights and Human Rights Law* (Routledge, 2006). Her most recent book, *The Authority of International Law: Obedience, Respect and Rebuttal*, was published by Oxford University Press in 2015. She has served as a European Convention on Human Rights expert for the Council of Europe since 2002 and has extensive experience as a trainer of judges, prosecutors and lawyers in international human rights law. Professor Çalı is Chair of the European Implementation Network, editor in chief of OUP UN Human Rights Law Case Reports and a fellow of the Human Rights Centre at the University of Essex, United Kingdom.

Cathryn Costello is Professor of Fundamental Rights and Co-director of the Centre for Fundamental Rights at the Hertie School. Her research spans many aspects of human rights law, with a particular focus on the rights of refugees and migrants. Her books include *The Human Rights of Migrants and Refugees in European Law* (Oxford University Press, 2015). With Michelle Foster and Jane McAdam, she is a co-editor of the *Oxford Handbook of International Refugee Law* (forthcoming 2021). She has undertaken human rights research for UNHCR, the Council of Europe and the European Parliament.

2. Course Contents and Learning Objectives

Course contents:

This course aims to provide a foundational basis in international law for Masters in International Affairs students. The course covers the sources of international law, the terrain of institutions, principles and doctrines of international law, and the operation of international law in selected contemporary issue-areas covering international security, migration, global trade and the climate crisis.

The course has two parts:

Part I surveys the nature and central characteristics of modern international law, relationship between international law and domestic law, modes of international law making, debates on the hierarchy of norms and norm conflicts in international law, subjects and actors of international law and the terrain of international courts and tribunals.

Part II focuses on selected contemporary issue areas in international law. These include emergence of new states in international law, international law on the use of force, international crimes, international economic law, international refugee law, third state responsibility in international law and international law and climate change.

The course does not assume any prior knowledge of international law or legal training.

Main learning objectives:

The course aims to provide students with an overview of how international law is made, the basic structure of international law and how international law operates within the broader context of international relations.

By the end of the course, students should have attained:

1. A clear grasp of certain key concepts and theoretical debates in international law and the consequences of those for the operation of international law;
2. Knowledge of the sources of international law, how international law is made and interpreted and the interplay between different sources of international law;
3. A solid understanding of the different roles international law plays in international affairs;
4. An ability to construct and appraise legal arguments with respect to specific case studies in international law.
5. An ability to critically engage with international law texts and materials.

Target group:

This is a core course for MIA students.

Teaching style:

Course will be taught by way of lectures and structured class debates.

Prerequisites:

N/A

Diversity Statement:

The course aims to serve students from all diverse backgrounds and perspectives. It draws on examples, cases and institutions across the globe and suggests readings from a diversity of perspectives on international law. We invite all our students to engage in discussion with care and empathy for the other members in the classroom. Aim to disagree without becoming disagreeable.

It is our intention that students' learning is addressed both in and out of class, and that the diversity that students bring to this class be viewed as a resource, strength and benefit. We intend to present materials and activities that are respectful of diversity. Your suggestions are encouraged and appreciated. Please let us know ways to improve the effectiveness of the course for you personally or for other students or student groups.

3. Grading and Assignments

Composition of Final Grade:

Assignment 1: Class debate participation	Deadline: Please sign up on Moodle for two class debates	In class	10%
Assignment 2: Case or situation note	Deadline: Due on Wed at 10 am two weeks after your debate	Submit via Moodle	20%

Assignment 3: Case or situation note	Deadline: Due on Wed at 10 am two weeks after your debate	Submit via Moodle	30%
Assignment 4: Final exam	Final exam week	Open book online exam	40%

Assignment Details

Assignment 1

You will present and debate a case or a hypothetical or actual legal problem as a group based on selected readings of international legal materials. You will take part in two debates throughout the course. Please refer to list of debates and debating guidelines on Moodle for further information and Week 1 seminar. (10%)

Assignment 2 and Assignment 3

In connection to the debates you take part you are asked to prepare -as a group- a case or issue analysis note of 1500 words excluding footnotes. Your case note should set out 1) the political background key facts of the case/issue, the outcome of the judgment and what type of legal argumentation have led to that outcome/ the arguments for and against the position you are analysing 2) reasons for the view you take on the legal matter 3) arguments against your view 4) your rebuttal of the arguments against your view. The case or situation notes are due on the Wednesday at 10 am two weeks after your actual debate. Please refer to case note writing guidelines on Moodle for further information.

Assignment 4

During the end of term exam week, you will be given an online one hundred and twenty minutes open book exam, which will ask you to legally assess set questions on a hypothetical scenario. You will be assessed based on your identification, discussion and application of legal principles to issues at hand. More details on this exam, including a mock exam and a preparatory session for the exam will be provided.

Late submission of assignments: For each day the assignment is turned in late, the grade will be reduced by 10% (e.g. submission two days after the deadline would result in 20% grade deduction).

Attendance: Students are expected to be present and prepared for every class session. Active participation during lectures and seminar discussions is essential. If unavoidable circumstances arise which prevent attendance or preparation, the instructor should be advised by email with as much advance notice as possible. Please note that students cannot miss more than two out of 12 course sessions. For further information please consult the [Examination Rules](#) §10.

Academic Integrity: The Hertie School is committed to the standards of good academic and ethical conduct. Any violation of these standards shall be subject to disciplinary action. Plagiarism, deceitful actions as well as free-riding in group work are not tolerated. See [Examination Rules](#) §16.

Compensation for Disadvantages: If a student furnishes evidence that he or she is not able to take an examination as required in whole or in part due to disability or permanent illness, the Examination

Committee may upon written request approve learning accommodation(s). In this respect, the submission of adequate certificates may be required. See [Examination Rules](#) §14.

Extenuating circumstances: An extension can be granted due to extenuating circumstances (i.e., for reasons like illness, personal loss or hardship, or caring duties). In such cases, please contact the course instructors and the Examination Office *in advance* of the deadline.

4. General Readings

Assigned readings from a number of casebooks on international law will be available in the library for your reference. Please see below a list of textbooks or general overview books that may be helpful. Some of these are edited volumes and others are single authored monographs. Of these recommended texts, my book is an introductory text in international law directed at students with **no** international law background. The rest are international law textbooks (In Dixon and Harris, you will be able to find summaries of many of the important cases in international law.) up until Higgins. The book by Higgins combines theory (international legal process theory) and practice. The book by Charlesworth and Chinkin brings feminist analysis to bear on international law, but it is also a great introduction to international law. Angie's book investigates the close connections between colonialism, imperialism and international law from a historical perspective. The edited collection by Dunoff and Pollack discusses of international law connects with domestic and international law politics. It is also a great resource for those who may develop an interest in doing further research at the intersection of international law and international politics.

- Çalı, Başak (ed.) (2010) International Law for International Relations (Oxford University Press).
- Shaw, M. (ed.) (2014) International Law (Seventh Edition) (Cambridge University Press).
- Evans, M. (ed.) (2018) International Law (Fifth Edition) (Oxford University Press).
- Dixon, M. (ed.) (2013) Textbook on International Law (Seventh Edition) (Oxford University Press).
- Aust, A. (ed.) (2010) Handbook of International Law (Cambridge University Press).
- Dixon M., McCorquodale, R. and Williams, S. (eds.) (2015) Cases and Materials in International Law (Oxford University Press).
- Harris, D. (ed.) (2015) Cases and Materials in International Law (Sweet & Maxwell)
- Crawford, J. (ed.) (2012) Brownlie's Principles of Public International Law (Oxford University Press).
- Crawford, J., Koskeniemi, M., Ranganathan, S. (eds.) (2012) Cambridge Companion to International Law (Cambridge University Press).
- Cassese, A. (ed.) (2005) International Law (Oxford University Press).
- Higgins, R. (ed.) (1995) Problems and Process: International Law and How we Use it (Clarendon Press).
- Charlesworth, H. and Chinkin, C. (eds.) (2000) The Boundaries of International Law: A Feminist Analysis (Manchester University Press).
- Anghie, A. (ed.) (2012) Imperialism, Sovereignty and the Making of International Law (Cambridge University Press)
- Dunoff, J., Pollack, M. (eds.) (2012) International Law and International Relations: The State of the Art (Cambridge University Press).

There are also many excellent international law blogs and resource sites that offer you international law analysis of real time events. I regularly follow <https://www.ejiltalk.org/>, and *Opinio juris*, ASIL Insights, Voelkerrechtsblog, amongst others. I recommend that you also follow these.

5. Session Overview

Session	Session Date	Session Title
1	07/08.09.2020	Introduction: What is International Law? Scope and actors
2	14/15.09.2020	State sovereignty: A historical and doctrinal overview
3	21/22.09.2020	Types and hierarchy of norms in international law
4	28/29.09.2020	Sources of international law: International treaties, custom and soft law
5	05/06.10.2020	Enforcement mechanisms in International Law
6	12/13.10.2020	Statehood and international legal personality
Mid-term Exam Week: 19.10 - 23.10.2020 – no class		
7	26/27.10.2020	International law on the use of force and laws of armed conflict
8	02/03.11.2020	International crimes
9	09/10.11.2020	International refugee law and state responsibility
10	16/17.11.2020	International economic law
11	23/24.11.2020	International law and the climate crisis
12	30.11/01.12.2020	Conclusion
Final Exam Week: 14.12 - 18.12.2020 – no class		

6. Course Sessions and Readings

All readings will be accessible on the Moodle course site before semester start. In the case that there is a change in readings, students will be notified by email.

Required readings are to be read and analysed thoroughly. Optional readings are intended to broaden your knowledge in the respective area and it is highly recommended to at least skim them.

The syllabus may be updated throughout the course with additional suggestions as to readings/podcasts/videos on current developments. Please see Moodle for ongoing updates.

Session 1: Introduction: What is International Law? Scope and actors	
Learning Objective	<p>We will start with a general introduction to the course and to each other. We will then discuss of how the course operates and go through the syllabus of the course.</p> <p>After this, we will survey what actors and institutions international law covers and how it relates international law relates to domestic law.</p>
Required Readings	<p>'Course syllabus'</p> <p>Çalı, B. (2010) 'International Law for International Relations: Foundations for Interdisciplinary Study', in: <i>International Law for International Relations (ILforIR)</i>, pp. 3-24.</p>
Check out	<p><u>'Charter of the United Nations'</u> (1945).</p> <p><u>'The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies'</u>, United Nations.</p> <p>'International Convention on the Elimination of All Forms of Racial Discrimination' (1964).</p> <p><u>'International Courts Finder Database'</u>.</p> <p><u>WTO Issues 2020 Annual Report</u>.</p> <p><u>'International Investment Agreements Navigator'</u>, United Nations.</p> <p><u>'War and Law'</u>, ICRC.</p> <p><u>'United Nations Treaty Collection'</u>.</p>

Session 2: State Sovereignty: A historical and doctrinal overview

Learning Objective	The aim of this session is to discuss the historical basis and the doctrinal features of state sovereignty as a central foundation of international law. It will also discuss how international law seeks to limit state sovereignty. The session asks what effects human rights, rights of indigenous peoples, the powers of the Security Council, the imminent dangers of climate change, the trade and investment regimes and the rise of powerful non-state actors have on sovereignty as an organising principle in international law.
Required Readings	<p>Anghie, A. (2010) 'Basic Principles of International Law: A Historical Perspective', in: <i>ILforIR</i>, pp. 46-71.</p> <p>'Charter of the United Nations' (1945), Preamble, Articles 1 and 2, 24, 39.</p> <p>'United Nations Declaration on the Rights of Indigenous Peoples' (2008).</p>
Required Readings (case summaries)	'The Lotus case' (France v. Turkey) (1927), Permanent Court of International Justice (on the concept of jurisdiction and sovereign liberties).
Optional Readings	<p>Anghie, A. (2006) 'The evolution of International Law: Colonial and Post-Colonial Realities', <i>Third World Quarterly</i> 2006 27(5), pp. 739-753.</p> <p>Ginsburg, T. (2020) 'Authoritarian International Law?' <i>American Journal of International Law</i>. DOI: 10.1017/ajil.2020.3</p> <p>Coleman, A., Maogoto, J. (2013). ' "Westphalian" Meets "Eastphalian" Sovereignty: China in a Globalized World', <i>Asian Journal of International Law</i> 3(2), pp. 237-269. doi:10.1017/S2044251313000179</p>

Session 3: Types and Hierarchy of norms in International Law

Learning Objective	The aim of this session is to discuss the normative contestations about the nature and purpose of international law. We will discuss whether and to what extent international law can be derived from moral principles without each and every state explicitly agreeing to such principles. We will also inquire into the notion of hierarchy of norms (<i>ius cogens</i>) in international law and types of norms in international law.
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<p>Required Readings</p>	<p>Çalı, B. (2010) 'Perspectives on International Relations in International Law', in: <i>ILforIR</i>, pp. 71-91.</p> <p>Shelton, D. (2006) 'Normative Hierarchy in International Law.', <i>The American Journal of International Law</i>, 100(2), 291-323. www.jstor.org/stable/3651149</p> <p>'Vienna Convention on the Law of Treaties' (1969), Articles 53 and 64.</p> <p>'International Law Commission: Draft Articles on State Responsibility', Article 41.</p>
<p>Optional Readings</p>	<p>Alter, K., Raustiala, K. (2018) 'The Rise of International Regime Complexity.', <i>Annual Review of Law and Social Science</i> (14), pp. 329-349. https://doi.org/10.1146/annurev-lawsocsci-101317-030830</p> <p>Charlesworth, H., Chinkin, C. and Wright, S. (1991) 'Feminist Approaches to International Law', <i>American Journal of International Law</i> 85, p. 613.</p> <p>Chimni, B.S. (2007) 'The Past, Present and Future of International Law: A Critical Third World Approach', <i>Melbourne Journal of International Law</i> 8(2), p. 499.</p> <p>Charlesworth, H., & Chinkin, C. (1993) 'The Gender of Jus Cogens', <i>Human Rights Quarterly</i> 15(1), pp. 63-76. doi:10.2307/762651</p> <p>Dapo, A. (2008) <u>'Yet More on Immunity: Germany brings case against Italy before the ICJ'</u>, 26 December 2008, <i>Ejil: Talk!</i></p>

Session 4: Sources of International Law: International treaties, custom and soft law

<p>Learning Objective</p>	<p>This session focusses on sources of international law and their relationship. International treaty making is abundant in international relations. The session will cover who is entitled to make treaties in international law, how treaty obligations become binding, the regime of reservations, and principles governing treaty exit. It will then discuss the functions, definition and identification of customary international law and the utility of custom in contemporary international relations marked by dense treaty relations between states.</p>
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Required Readings	<p>Beckett, J. (2010) 'Customary International Law', in: <i>ILforIR</i>, pp. 122-136.</p> <p>Voyiakis, E. (2010) 'International Treaties', in: <i>ILforIR</i>, pp.99-122.</p> <p>Benvenisti, E. and Downs, G. (2007) 'The Empire's New Clothes: Political Economy and the Fragmentation of International Law', <i>Stanford Law Review</i> 60 (2), pp. 595-631.</p>
Required Readings (case summaries)	<p>'North Sea Continental Shelf Case' (1969), ICJ (on evidence for custom).</p> <p>Case concerning the Pulp Mills (Argentina v. Uruguay) (2010), ICJ (identifying customary international law).</p>
Optional Readings	<p>Chinkin, C. (1989) 'The Challenge of Soft Law: Development and Change in International Law', <i>International and Comparative Law Quarterly</i> 38.4, pp. 850-866.</p> <p>Wood, M. (2015) '<u>Third report on identification of customary international law</u>', General Assembly, United Nations.</p> <p>Kammerhofer, J. (2004) 'Uncertainty in the Formal Sources of International Law: Customary International Law and Some of its Problems', <i>EJIL</i>, 15 (3), pp. 523-553.</p> <p>Klabbers, J. (1996) 'The Redundancy of Soft Law', <i>Nordisk Journal of International Law</i> 65.2, pp. 167-182.</p> <p>Talmon, S. (2015) '<u>Determining Customary International Law: The ICJ's Methodology between Induction, Deduction and Assertion</u>', 27 November 2015, <i>EJIL: Talk!</i></p> <p>Joyner, D. (2019), '<u>Why I Stopped Believing in Customary International Law</u>', <i>Asian Journal of International Law</i> 9(1), pp. 31-45.</p> <p>Case concerning the Arrest Warrant of 11 April 2000 [known as the 'Yerodia Case'] (Democratic Republic of the Congo v. Belgium) (2002) ICJ (on evidence for custom).</p>
Check out	<u>Environmental Disputes in GATT/WTO</u>
Watch	<u>Francoise J. Hampson, Reservations to UN Human Rights Treaties</u>

Session 5: Enforcement mechanisms in International Law

Learning Objective	The aim of this session is to survey the breadth of adjudicatory and other enforcement mechanisms in international law, ranging from international courts and tribunals to compliance committees, and monitoring organs. In light of that material, we will consider the concept of law's 'effectiveness.'
Required Readings	<p>Amaya-Castro, J. 'International courts and tribunals', in: <i>ILforIR</i>, pp. 165-191.</p> <p>Alter, K., Helfer, L., Madsen, M. (2018) 'International Court Authority in a Complex World' in: <i>International Court Authority</i>, Alter, Helfer, Madsen (eds.), (Oxford University Press).</p> <p>Romano, C., Alter, K., Shany, Y. (2014) 'Mapping International Adjudicative Bodies, the Issues, and Players', in: <i>The Oxford Handbook of International Adjudication</i>, Romano, C., Alter, K., Shany, Y. (eds.) (Oxford University Press).</p> <p>Stubbins Bates, E. (2014) 'Sophisticated Constructivism in Human Rights Compliance Theory' (Review Essay), <i>EJIL</i> 1169.</p> <p>Mitchell, R. (2008) 'Compliance Theory: Compliance, Effectiveness, and Behaviour Change in International Environmental Law', in: <i>Oxford Handbook of International Environmental Law</i>, Bodansky, Brunée, Hay (eds.) (Oxford University Press).</p> <p>UN Charter Article 24, Chapter VII of the United Nations Charter.</p> <p>Snyder, F. (1993) 'The Effectiveness of European Community Law: Institutions, Processes, Tools and Techniques', <i>Modern Law Review</i> 19.</p>
Required Readings (case summaries)	tbd
Optional Readings	<p>Young, O. (2011) 'Effectiveness of international environmental regimes: Existing knowledge, cutting-edge themes, and research strategies' <i>Proceedings of the National Academy of Sciences of the United States of America (PNAS)</i>, 19853. https://www.pnas.org/content/pnas/108/50/19853.full.pdf</p> <p>Çalı, B., Koch, A. (2014) 'Foxes Guarding the Foxes? Peer Review of Human Rights Judgments by the Committee of Ministers of the Council of Europe', <i>Human Rights Law Review</i> 14(2), pp. 301-325.</p>

	<p>Cowan, J., Billaud, J. (2015) 'Between learning and schooling: the politics of human rights monitoring at the Universal Periodic Review', <i>Third World Quarterly</i>, 36(6), pp. 1175–1190. https://doi.org/10.1080/01436597.2015.1047202.</p> <p>Creamer, C., Simmons, B. (2019) 'The Proof Is in the Process: Self-Reporting under International Human Rights Treaties', <i>American Journal of International Law</i>, 114(1), 1–50. https://doi.org/10.1017/ajil.2019.70.</p>
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Session 6: Statehood and international legal personality

Learning Objective	<p>In this session we survey different types of international legal personality in international law ranging from states to de facto states, and to international organisations and corporations. We focus on the differences between rights and obligations of amongst these actors.</p> <p>This is also the first session where we can put our knowledge gained in previous seminars on the sources of international law to use. What sources govern the creation of new states in international law? What are the core qualities of states? Do states need to be recognised by other states in order to attain statehood? What governs secession in international law?</p>
Required Readings	<p>Borgen, C. (2010) 'States and International Law: The problems of self-determination, secession and recognition', in: <i>ILforIR</i>, pp. 191-207.</p> <p>Crawford, J. (2012) 'Creation and incidence of statehood' and 'Recognition of States and Governments', in: <i>Brownlie's Principles of Public International Law</i> (Oxford University Press).</p> <p>Vidmar, J. (2017) '<u>Catalonia: The Way Forward is Comparative Constitutional Rather than International Legal Argument</u>', 24 October 2017, <i>EJIL: Talk!</i></p> <p>Vidmar, J. (2014) '<u>Crimea's Referendum and Secession: Why it Resembles Northern Cyprus More than Kosovo</u>', 20 March 2014, <i>EJIL: Talk!</i></p>
Required Readings (cases)	<p>Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, ICJ Advisory Opinion (2010).</p> <p>Reference re Secession of Quebec (1998), Canadian Supreme Court.</p>

	Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, (2019) Advisory Opinion, ICJ.
Optional Readings	<p>Cismas, I. (2010) 'Secession in Theory and Practice: The Case of Kosovo and Beyond', <i>Goettingen Journal of International Law</i> 2 (2), pp. 531-587.</p> <p>Peters, A. (2017) '<u>Populist International Law? The Suspended Independence and the Normative Value of the Referendum on Catalonia</u>', 12 October 2017, <i>EJIL: Talk!</i></p> <p>Shahabuddin, M. (2019) '<u>Post-colonial Boundaries, International Law, and the Making of the Rohingya Crisis in Myanmar</u>', <i>Asian Journal of International Law</i> 9(2), pp. 334-358.</p>

Mid-term Exam Week: 19 – 23.10.2020 – no class

Session 7: International Law on the use of force and laws of armed conflict	
Learning Objective	<p>This session focuses on the exceptions to the prohibition of the unilateral use of force under international law, namely use of force in self-defence and use of force authorised by the Security Council for humanitarian or collective security reasons. It surveys the disagreements concerning the definition and trigger conditions of self-defence. It also asks whether there is a right to unilateral humanitarian intervention to protect a civilian population or to punish an aggressor in international law. The session then will briefly survey the core principles of international humanitarian law and will compare them to the protection of civilians and legitimate use of violence in peace time.</p>

<p>Required Readings</p>	<p>'United Nations Charter', Articles 1, 2, 33, 39, 40, 41, 42, 51, 52.</p> <p>Rodley, N. and Çalı, B. (2010) 'International Law on the Use of Force', in: <i>ILforIR</i>, pp. 213-233.</p> <p>Çalı, B. and Griffin, E. (2010) 'International Humanitarian Law', in: <i>ILforIR</i>, pp. 234-254.</p> <p>United Nations Security Council 'Resolution 1373' (2001).</p> <p>Akande, D. (2012), '<u>UK Government Rejects Pre-emptive Self Defence With Respect to Iran</u>', 26 October 2012, <i>EJIL: Talk!</i></p> <p>Heller, K. (2012) '<u>Why Preventive Self-Defense Violates the UN Charter</u>', 07 March 2012, <i>opinio juris</i>.</p> <p>Milanovic, M. (2018) '<u>The Syria Strikes: Still Clearly Illegal</u>', 15 April 2018, <i>EJIL: Talk!</i></p> <p>Bellamy, A. (2015) 'The Responsibility to Protect turns ten', <i>Ethics & International Affairs</i> 29 (2), pp. 161 – 185.</p> <p>'<u>Contemporary challenges for IHL</u>', 05 February 2013, International Committee of the Red Cross.</p> <p>'<u>Legality of Targeted Killing Program under International Law</u>', Lawfareblog.</p>
<p>Required Readings (case summaries)</p>	<p>Certain Expenses of the United Nations (1962), ICJ (on the legal basis for the UN peacekeeping operations).</p> <p>Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States) (1986), ICJ.</p> <p>Case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) (2005), ICJ.</p>

Optional Readings	<p>Tams, C. (2009) 'The Use of Force against Terrorists', <i>European Journal of International Law</i> 20 (2), pp. 359-397.</p> <p>Macak, K. (2015) '<u>Was the Downing of the Russian Jet by Turkey Illegal?</u>', 26 November 2015, <i>EJIL: Talk!</i></p> <p>Rozenberg, J. (2016) '<u>The Iraq war inquiry has left the door open for Tony Blair to be prosecuted</u>', 06 July 2016, <i>The Guardian</i>.</p> <p>White, N., Henderson, C. (2013) '<u>The Changing Face of Peacekeeping in the 21st Century</u>', 29 May 2013, <i>Elgar blog</i>.</p> <p>'<u>UN sex abuse scandal: Rise in allegations against peacekeepers</u>', 04 March 2016, BBC News.</p> <p>Mamiya, R. (2014) '<u>Legal Challenges for UN Peacekeepers Protecting Civilians in South Sudan</u>', 09 December 2014, <i>ASIL Insights</i> 18 (26).</p> <p>Weller, M. (2018) '<u>An International Use of Force in Salisbury?</u>', 14 March 2018, <i>EJIL: Talk!</i></p> <p>Blokker, N. (2000) 'Is the authorization authorized? Powers and Practice of the UN Security Council to authorize the use of force by coalitions of able and willing', <i>EJIL</i> 11(3), pp. 541-568.</p> <p>Rodley, N. and Çali, B. (2007) 'Kosovo Revisited: Humanitarian Intervention on the Fault Lines of International Law', <i>Human Rights Law Review</i> 7 (2), pp. 275-297.</p> <p>Sassòli, M. and Shany, Y. (2011) '<u>Should the obligations of states and armed groups under international humanitarian law really be equal?</u>', <i>International Review of the Red Cross</i> 93 (882).</p> <p>Akande, D. (2016) '<u>When does the use of force against a non-state armed group trigger an international armed conflict and why does this matter?</u>', 18 October 2016, <i>EJIL: Talk!</i></p> <p>'<u>Treaty on the Prohibition of Nuclear Weapons</u>' (2017), United Nations.</p>
Check out	<p>'<u>The Security Council Report</u>'</p> <p><u>Current UN Peacekeeping Operations</u></p>
Listen to	<p>'<u>Application of international law to cyber operations</u>', <i>EJIL: Talk! EJIL: The Podcast</i>.</p>

Session 8: International crimes

Learning Objective	This session will cover the history and rationale for introducing individual criminal responsibility in international law. It will focus on the definition of core crimes in international law and the differences between war crimes, crimes against humanity, the crime of genocide and aggression. The session will then focus on the pathways for the enforcement of international criminal law ranging from the exercise of domestic jurisdiction to the International Criminal Court.
Required Readings	<p>Gaeta, P. (2010) 'International Criminal Law', in: <i>ILforIR</i>, pp. 258-280.</p> <p>Cryer, R. (2014) 'International Criminal Law', in: <i>International Law</i>, Evans, M. (ed.), (Oxford University Press), pp. 752-782.</p> <p>Akande, D. (2010) '<u>What Exactly was Agreed in Kampala on the Crime of Aggression?</u>', 21 June 2010, <i>EJIL: Talk!</i></p> <p>Schabas, W. (2012) 'Identifying International Crimes', in: <i>Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals</i>, Schabas, W. (ed.) (Oxford University Press), pp. 25-46.</p> <p>'Rome Statute of the International Criminal Court' (1998).</p>
Required Readings (cases)	<p>Case 'The Prosecutor v. Jean-Paul Akayesu' (1998), ICTR.</p> <p>'Genocide case' (Bosnia Herzegovina v. Serbia) (2007), ICJ (state responsibility without attribution).</p> <p>Excerpts from <u>ICL cases</u> (to be distributed).</p>

Optional Readings	<p>Crawford, J. (2012) 'International Criminal Justice', in: <i>Brownlie's Principles of Public International Law</i>, Crawford (ed.), (Oxford University Press).</p> <p>'Malabo Protocol of the African Union' (2014), Amnesty International.</p> <p><u>Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Islamic Republic of Afghanistan</u>, 12 April 2019, International Criminal Court.</p> <p>Galand, A. (2018) '<u>A Global Public Goods Perspective on the Legitimacy of the International Criminal Court</u>', <i>Loyola L.A. International & Comparative Law Review</i> 41, pp. 125-180.</p> <p>Galand, A. (2018) '<u>Prosecuting 'The Beatles' before the ICC: A Gateway for the Opening of an Investigation in Syria?</u>', 19 April 2018, EJIL: Talk!</p> <p>Stahn, C. (2018) '<u>The crime of aggression</u>', in: '<i>Critical Introduction to International Criminal Law</i>', Stahn, C. (ed.) (Cambridge University Press), pp. 95-105.</p> <p>Sands, P. (ed.) (2016) 'East West Street', (Hachet).</p>
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Session 9: International refugee law and state responsibility

Learning Objective	<p>The aim of this session is to inquire into states (and the EU's) human rights and refugee law obligations at borders, including to those seeking protection. Both international refugee and human rights law are understood to apply within states' 'jurisdiction' which includes some extraterritorial acts. When states act in concert to prevent refugees and other migrants reaching their territory for protection, is that legal under human rights and refugee law? This session will open up contemporary debates about human rights and border controls.</p>
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Required Readings	<p>'The 1951 Convention relating to the status of Refugee and its 1967 Protocol' (2011), UNHCR.</p> <p>Dowd, R. and McAdam, J. (2017) '<u>International Cooperation and Responsibility-Sharing to Protect Refugees: What, Why and How?</u>', <i>International and Comparative Law Quarterly</i> 66 (4), pp. 863-892.</p> <p>'Draft articles on <u>Responsibility of States for Internationally Wrongful Acts</u>' (2001), <i>Yearbook of the International Law Commission</i>. (In particular article 16 and 41.)</p> <p>Çalı, Başak (2015) '<u>Tears in Our Eyes: Third State Obligations in International Law</u>', 30 July 2015, <i>EJIL:Talk!</i></p> <p>'<u>EU support of Libyan coast guard 'inhuman': U.N. rights chief</u>', 14 November 2017, Reuters.</p>
Required Readings (cases)	<p>Case 'Hirsi Jamaa v. Italy' (2012), ECtHR.</p> <p>Case 'N.D. et N.T. v. Spain' (2015), ECtHR.</p> <p><u>The Haitian Centre for Human Rights et al. v United States, Case 10.675 (1997), Inter-American Commission on Human Rights (IACHR).</u></p>
Optional Readings	<p>Hathaway, J., Gammeltoft-Hansen, T. (2014) 'Non-Refoulement in a World of Cooperative Deterrence', <i>Law & Economics Working Papers</i>. Paper 106.</p> <p>Koh, H. (2014) '<u>YLS Sale Symposium: Sale's Legacies</u>', 14 March 2014, <i>Opinio Juris</i>.</p> <p>Ghezelbash, D. (ed.) (2018) 'Refuge Lost: Asylum Law in an Interdependent World' (Cambridge University Press).</p>
Check out	<p>'<u>Figures at a Glance</u>' (2019), UNHCR.</p> <p>'<u>Missing migrants. Tracking Deaths Along Migration Routes.</u>'</p> <p>'<u>Diminished "Operation Sophia" abandons refugees and migrants to reckless Libyan Coast Guard</u>', 27 March 2019, Amnesty International.</p>

Session 10: International economic law

Learning Objective	The aim of this session is to survey the central principles and institutions of international economic law, composed of the global WTO regime, regional economic agreements as well as bilateral agreements (in particular on investment) (also called the 'spaghetti bowl'), as well as to query the place of human migration, labour mobility and labour standards in this system.
Required Readings	<p>Sebastian, T. (2010) 'World Trade and International Law', in: <i>ILforIR</i>, pp. 330-351.</p> <p>Hartman, S. (2013) 'The WTO, the Doha Round Impasse, PTAs, and FTAs/ RTAs', <i>The International Trade Journal</i> pp. 411-430. doi: 10.1080/08853908.2013.827903.</p> <p>Brewster, R. (2019) 'WTO Dispute Settlement: Can We Go Back Again?' <i>AJIL Unbound</i> 113, pp. 61-66. doi:10.1017/aju.2019.4.</p> <p>Kumm, M. (2016) 'An Empire of Capital? Transatlantic Investment Protection as the Institutionalization of Unjustified Privilege', <i>ESIL Reflection</i>.</p> <p>Thomas, C. (2019) 'Irregular Migration and International Economic Asymmetry', in: <i>World Trade and Investment Law Reimagined: A Progressive Agenda for an Inclusive Globalization</i>, Santos, A., Thomas, C., Trubek, D. (eds.) (Anthem Press, forthcoming 2019). <u>Cornell Legal Studies Research Paper No. 19-11.</u></p> <p>Cho, S., Rosado Marzán, C. (forthcoming 2020) '<u>Labor, Trade, and Populism: How ILO-WTO Collaboration Can Save the Global Economic Order</u>'. <i>American University Law Review</i>.</p>
Required Readings (case summaries)	<p><u>'Russia – Traffic in Transit (DS 512)'</u></p> <p>Bogdanova, I. (2019) '<u>The WTO Panel Ruling on the National Security Exception: Has the Panel 'Cut' the Baby in Half?</u>', 12 April 2019, <i>Ejil: Talk!</i></p>

Optional Readings	<p>Chang, H. (1998) 'Migration as International Trade: The Economic Gains from the Liberalized Movement of Labor', <i>UCLA Journal of International Law and Foreign Affairs</i> 3, pp. 371–414.</p> <p>Trachtman, J. (ed.) (2009) 'The International Law of Economic Migration: Toward the Fourth Freedom' (W.E. Upjohn Institute).</p> <p>Cho, S. (2009) 'Development by Moving People: Unearthing the Development Potential of a GATS Visa', in: <i>Developing Countries in the WTO Legal System</i>, Thomas, C., Trachtman, J. (eds.) (Oxford University Press), pp. 457–474.</p>
Check out	<p>Database of Bilateral Investment Agreements</p> <p>Understanding the WTO</p>

Session 11: International Law and the climate crisis

Learning Objective	<p>The aim of this final session is to analyse and discuss how international law has so far addressed climate change. The session will focus on the concepts and regulatory models that have been developed through international law alongside the potential and limits of these models. It will focus, in particular, on the Paris Agreement for Climate Change and the recent rise in domestic climate laws and climate change cases across the world.</p>
Required Readings	<p>Bodansky, D. et al (2017) 'International Climate Change Law: An Introduction', in: <i>International Climate Change Law</i>, Bodansky, D. et al (eds.) (Oxford University Press), pp. 1-34.</p> <p>Brunnée, J. and Streck, C. (2013) 'The UNFCCC as a negotiation forum: towards common but more differentiated responsibilities', <i>Climate Policy</i> 13 (5), pp. 589-607.</p> <p>Rajamani, L. (2016) 'The 2015 Paris Agreement: Interplay Between Hard, Soft and Non-Obligations', <i>Journal of Environmental Law</i> 28 (2), pp. 337–358.</p> <p>'Paris Agreement' (2015).</p> <p>'Convention on biological diversity'.</p> <p>'Explained: How the rulebook agreed at Katowice further dilutes the Paris Agreement', 19 December 2018, Financial Express.</p>

Check out	<p>'Vienna Convention for the Protection of the Ozone Layer' (1985), United Nations.</p> <p>'United Nations Framework Convention on Climate Change' (1992), United Nations.</p> <p>'Kyoto Protocol to the United Nations Framework Convention on Climate Change' (2005), United Nations.</p> <p><u>'The Paris Agreement rulebook explained'</u>, 05 December 2018, Climate change news.</p>
Optional Readings	<p>Rosen, A. (2015) 'The Wrong Solution at the Right Time: The Failure of the Kyoto Protocol on Climate Change', <i>Politics & Policy</i> 43(1), pp. 30-58. https://doi.org/10.1111/polp.12105</p> <p>Schrijver, N. (2016) 'Managing the global commons: common good or common sink?', <i>Third World Quarterly</i> (27), pp. 1252-1267.</p> <p>Brunnée, J. and Rajamani, L. (2017) 'The Legality of Downgrading Nationally Determined Contributions under the Paris Agreement: Lessons from the US Disengagement', <i>Journal of Environmental Law</i> 29 (3), pp. 537–551.</p> <p>Falkner, R. (2016) 'The Paris agreement and the new logic of international climate politics', <i>International Affairs</i>. https://doi.org/10.1111/1468-2346.12708</p> <p>French, D., Rajamani, L. (2013) 'Climate Change and International Environmental Law: Musings on a Journey to Somewhere', <i>Journal of Environmental Law</i> 25 (3), p. 437.</p> <p>The Environment and Human Rights (State Obligations in Relation to the Environment in the Context of the Protection and Guarantee of the Rights to Life and to Personal Integrity – Interpretation and Scope of Articles 4(1) and 5(1) of the American Convention on Human Rights), Advisory Opinion OC-23/18, Inter-Am. Ct. H.R., (ser. A) No. 23 (15 November 2017) (currently in Spanish only)</p> <p>Vega-Barbosa, G. (2018) <u>'Human Rights and the Protection of the Environment: The Advisory Opinion of the Inter-American Court of Human Rights'</u>, 26 February 2018, <i>ESIL: Talk!</i></p> <p>Banda, M. (2018) 'Inter American Court of Human Rights Advisory Opinion on the Environment and Human Rights', <i>ASIL Insights</i> 22 (6).</p> <p><u>'Climate Case Explained'</u> (2019), Urgenda (the Netherlands).</p>

Check out	<p><u>'Climate Action Tracker'</u></p> <p><u>'Verdict in dutch Climate case' (2019), Urgenda</u> (with English subtitles).</p> <p>Hernández, G., Nedeski, N., Sparks, T. (2020) <u>'Judging climate change obligations: Can the World Court rise to the occasion?'</u>, 30 April 2020, <i>Voelkerrechtsblog</i>.</p>
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Session 12: Conclusion	
Learning Objective	Conclusion: Q and A, preparation for the exam
Required Readings	Mock Exam, Exam Instructions
Optional Readings	None.

Final Exam Week: 14 - 18.12.2020 – no class