



## **The Exeter College Summer Programme At Exeter College in the University of Oxford**

### **Introduction to International Law**

#### **Course description**

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

#### **Course objectives**

The aims of this course are:

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

#### **Teaching**

- 12 x 1.25 hr lectures
- 6 x 1.25 hr seminars
- 4 x 1.25 hr tutorials

#### **Assessment**

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

#### **Readings**

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

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

### **Lecture 1: The nature of public international law**

Required reading:

- Evans, chapters 1, 2 and 3

Further reading:

- Glanville Williams, 'International Law and the Controversy Concerning the Word "Law"' (1945) 22 *British Yearbook of International Law* 146
- J Crawford, 'Chance, Order, Change: The Course of International Law' (2014) 365 *Hague Recueil des Cours* [http://www.nijhoffonline.nl/book?id=er365\\_er365\\_009-390](http://www.nijhoffonline.nl/book?id=er365_er365_009-390) Part I
- Andrea Bianchi, *International Law Theories* (OUP, Oxford 2018)

### **Lecture 2 and 3: The sources of international law**

Required reading:

- Evans, chapter 4 and 5

Further reading:

- M. Akehurst, 'Custom as a Source of International Law' (1974-1975) 47 *British Yearbook of International Law* (BYIL) 1
- C.M. Chinkin, 'The Challenge of Soft Law: Development and Change in International Law' (1989) 38 *International and Comparative Law Quarterly* (ICLQ) 850.
- J Charney 'Universal International Law' (1993) 87 *American Journal of International Law* (AJIL) 529
- FL Kirgus, 'Custom on a Sliding Scale' (1987) 81 *AJIL* 146
- A Roberts, 'Traditional and Modern Approaches to International Law: A Reconciliation' (2001) 95 *AJIL* 757
- R Baxter 'Multilateral Treaties as Evidence of Customary International Law' (1965) 41 *BYIL* 275
- J Kammerhofer, 'Uncertainties in the Formal Sources of International Law: Customary International Law and Some of Its Problems' (2004) 15 *European Journal of International Law* (EJIL) 523

### **Lectures 3 and 4: The law of treaties**

Required reading:

- Evans, chapter 6

Further reading:

- C Redgwell, 'Universality or Integrity? Some Reflections on Reservations to General Multilateral Treaties' (1993) *British Yearbook of International Law* 245
- R Goodman, 'Human Rights Treaties, Invalid Reservations, and State Consent' (2002) 96 *AJIL* 531
- See the International Law Commission's Guide to Practice on Reservations to Treaties at [http://legal.un.org/ilc/guide/1\\_8.shtml](http://legal.un.org/ilc/guide/1_8.shtml)
- See the symposium in (2013) 24 *EJIL* 1055 – 1152 on the International Law Commission's Guide to Practice on Reservations to Treaties

## **Lecture 5: Subjects of international law**

Required reading:

- Evans, chapters 7, 8 and 9

Further reading:

- J Crawford, *The Creation of States in International Law* (OUP, Oxford 2006)
- A Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP, Cambridge 2005)
- K Parlett, *The Individual in the International Legal System* (CUP, Cambridge 2011)
- A Clapham, *Human Rights Obligations of Non-State Actors* (OUP, Oxford 2006)

## **Lectures 6 and 7: State responsibility**

Required reading:

- Evans, chapter 14

Further reading:

- J Crawford, *The International Law Commission's Articles on State Responsibility* (CUP, Cambridge 2002), esp introduction
- J Crawford, *State Responsibility: The General Part* (CUP, Cambridge 2014)
- See the symposium on the ILC's Articles on State Responsibility in (2002) 96(4) *American Journal of International Law* 773 – 890

## **Lectures 8 and 9: International Dispute Settlement**

Required reading:

- Evans, chapters 18 and 19

Further reading:

- R Jennings, 'The International Court of Justice after Fifty Years' (1995) 89 *AJIL* 493
- D Akande, '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?' (1997) 46 *ICLQ* 309

- R. Higgins, 'A Babel of Judicial Voices? Ruminations from the Bench' (2006) 55 ICLQ 791
- C Greenwood, 'Some Challenges of International Litigation' (2012) 1 *Cambridge Journal of International & Comparative Law* 7

### **Lectures 10 and 11: Use of military force**

Required reading:

- Evans, chapter 20

Further reading:

- C Gray, *International Law and the Use of Force* (4<sup>th</sup> edn, OUP, Oxford 2018)
- M Weller (ed), *Oxford Handbook of the Use of Force in International Law* (OUP, Oxford 2015)
- O Corten, 'The Unwilling or Unable Test: Has it Been or Could it be Accepted?' (2016) 29 *Leiden Journal of International Law* 777

### **Lectures 11 and 12: International humanitarian law**

Required reading:

- Evans, chapter 27

Further reading:

- Y Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (3<sup>rd</sup> edn, CUP, Cambridge 2016)
- K Dormann, 'The Legal Situation of "Unlawful/Unprivileged Combatants"' (2003) 850 *International Review of the Red Cross* 45
- Sandesh Sivakumaran, *The Law of Non-International Armed Conflict* (OUP, Oxford 2012)