INTERNATIONAL LAW - CONTEMPORARY ISSUES (LL105)

Course duration: 54 hours lecture and class time (12 three hour lectures + 12 ninety minute classes.)

Summer School Programme Area: Law
LSE Teaching Department: Department of Law
Lead Faculty: Dr Chris Thomas, Dr Devika Hovell and Dr Dalia Palombo (Dept. of Law)
Pre-requisites: None, although a familiarity with legal terminology would be an advantage.

Substance of the course
Welcome to Contemporary Issues in International Law – we hope you will enjoy the experience of learning about international law in this time of great flux. The overall purpose of the course is to engage students with international affairs through the study of the legal frameworks which govern them, while at the same time situating that legal framework within the material and cultural conditions of international politics. It will be problem-based, rather than doctrinal, and will focus on controversial and significant issues in contemporary international politics – including the recent examples of the use of force, international economic integration, and the promotion and protection of human rights. Both the lectures and classes are taught in a manner that encourages participation through role-plays, and question and answer sessions. It is vital that each of you remains engaged and involved throughout the course. The more you put in to this course the more you will get out of it.

Substantively, the classes will introduce you to the structure and operation of the international legal order through a variety of focussed case studies including: the war on terror and the international legal prohibition against torture; the use of force in Iraq, Libya and Syria; the International Criminal Court; the World Trade Organization; and international investment disputes, among others.

Formative Assessment

The formative assessment for the course will be one written assignment prepared in class on the Friday of Week One.

Summative Assessment

The summative assessments for the course will be one written assignment (1500w, due Friday of Week Two, worth 25% of the overall grade), and one two-hour written examination at the end of the course (Friday of Week Three, worth 75% of the overall grade). The precise time and location of the final exam will be circulated during the programme.

Texts

There will be a coursepack containing most of the reading for this course. However, you will also need to have access to the following text: Evans (ed), International Law, 4th ed. (OUP: 2014). The Library will have limited copies of this, and you may find it best to purchase your own copy.
Lecture schedule and reading list (subject to modification)

1. **Theory and Sources** (Dr Thomas, Monday Week 1)

   Essential reading:
   - Statute of the ICJ, Article 38(1)
   - Vienna Convention on the Law of Treaties, esp Articles 18-21, 26, 31-33, 52-53 and 64
   - Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc A/67/279 (9 August 2012), pp 5-22
   - Anaya, Indigenous Peoples in International Law (2nd ed., 2004), Chap 1 (pp9 -27), full text available online through LSE library

   Background reading:
   - Evans, International Law (4th ed, 2014), Chs 1, 4 and 7

2. **Sovereignty and Statehood** (Dr Thomas, Tuesday Week 1)

   Essential reading:
   - Montevideo Convention on the Rights and Duties of States, Article 1
   - Guy S Goodwin-Gill, Legal Opinion re the Palestine Liberation Organization, the Future State of Palestine, and the Question of Popular Representation (August 2011)
   - Articles on the Responsibility of States for Internationally Wrongful Acts, Articles 2, 4-11

   Background reading:
   - Evans, International Law (4th ed, 2014), Chs 8 and 15

3. **Jurisdiction and Immunities** (Dr Hovell, Wednesday Week 1)

   Essential reading:

   Background reading:
   - Evans, International Law (4th ed, 2014), Chs 11, 12 (339-65 only) and 13 (392-408 only)

4. **International and Municipal Law** (Dr Hovell, Thursday Week 1)

   Essential reading:
   - R v Jones (Margaret) [2006] UKHL 16, esp. Lord Bingham, paras 1-26
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**Background reading:**

5. **International Criminal Law** (Dr Hovell, Monday Week 2)

**Essential reading:**
- Frédéric Mégret and Marika Giles Samson, ‘Holding the Line on Complementarity in Libya: the Case for Tolerating Flawed Domestic Trials’ (2013) 11 *Journal of International Criminal Justice* 571

**Background reading:**

6. **International Courts and Tribunals** (Dr Hovell, Friday Week 1)

**Essential reading:**
- *Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v United States)*, Judgment of 26 November 1984 (Jurisdiction and Admissibility) ICJ Reports 1984 (read extract of judgment contained in chapter from Mary Ellen O’Connell chapter)
- *Avena and Other Mexican Nationals* (Mexico v. United States of America), Judgment, ICJ Reports 2004, 12 (FOCUS on paras 138-153)

**Background reading:**

7. **Human Rights** (Dr Palombo, Tuesday, Week 2)

**Essential reading:**
- TBC

**Background reading:**
8. **International Humanitarian Law** (Dr Palombo, Wednesday, Week 2)

**Essential reading:**

**Background reading:**

9. **The Use of Force I: Article 2(4), Collective Security and Humanitarian Intervention** (Dr Thomas, Thursday Week 2)

**Essential reading:**
- UN Charter, Article 2 and Chapter VII.
- Anne Orford, ‘*What Kind of Law is This*?’ (29 March 2011)

**Background reading:**
- Evans (ed), *International Law* (4th ed), Ch 21

10. **The Use of Force II: Self-Defence and Terrorism** (Dr Thomas, Friday Week 2)

**Essential reading:**
- Bethlehem, ‘Principles Relevant to the Scope of a State’s Right of Self-Defense against an Imminent or Actual Armed Attack by Non-State Actors’ (2012) 106 AJIL 769-777

**Background reading:**

11. **Security Council Simulation** (Monday Week 3)
12. **The World Trade Organization** (Dr Thomas, Tuesday Week 3)

**Essential reading:**
- The General Agreement on Tariffs and Trade 1947, especially Articles I, III, XI, XX
- WTO Understanding on the Settlement of Disputes
- Nottage, ‘Developing Countries in the WTO Dispute Settlement System’ (2009)

**Background reading:**
- Trebilcock, Advanced Introduction to International Trade Law (Edward Elgar, 2015)
- [Rodrik, Globalization Paradox]

6. **International Investment Law** (Dr Thomas, Wednesday Week 3)

**Essential reading:**
- Muchlinski, ‘Policy and Objectives’ in Oxford Handbook of International Investment Law (OUP, 2008), Chapter 1, full text available through LSE Library
- ICSID Convention (1965), esp Articles 1, 25-27, 41-42, 48, 50-54,
- (For those with a particular interest): Moloo and Jacinto, 'Environmental and Health Regulation: Assessing Liability under Investment Treaties' (2011) 29 Berkeley Journal of International Law 1-65, full text available through library catalogue.

**Background reading:**
- Tecnicas Medioambientales Tecmed SA v Mexico, ICSID Case No ARB(AF)/00/2 (29 May 2003), paras 95-174
- Van Harten, ‘A Case for an International Investment Court’

14. **Revision Day** (Thursday Week 3)

15. **Final Examination** (Friday Week 3)
Credit Transfer: If you are hoping to earn credit by taking this course, please ensure that you confirm it is eligible for credit transfer well in advance of the start date. Please discuss this directly with your home institution or Study Abroad Advisor.

As a guide, our LSE Summer School courses are typically eligible for three or four credits within the US system and 7.5 ECTS in Europe. Different institutions and countries can, and will, vary. You will receive a digital transcript and a printed certificate following your successful completion of the course in order to make arrangements for transfer of credit.

If you have any queries, please direct them to summer.school@lse.ac.uk