

Los Andes University Summer School

PUBLIC INTERNATIONAL LAW

Course Syllabus

Instructor:

Dr. Mihir Kanade, mkanade@upeace.org

Overview of the Course

1. *General Description*

Contemporary international life has become unthinkable without the existence of public international law. Increasingly, international relations have become juridified, while more and more actors (international organizations, individuals, groups, NGOs, and corporations) participate in norm creation, implementation and enforcement. And, as humanity faces unprecedented challenges, the call for more cooperation and regulation is undiminished. This course offers a comprehensive overview of the topic of public international law. It provides students with a broad introduction that will focus on laying a firm foundation of knowledge about the most important doctrines and topics in this field. It will provide students with a solid grasp of the vocabulary of international law (sources, jurisdiction, responsibility, enforcement, etc.), as well as a sense of the context in which international law originates and operates and an understanding of the legal and political institutions that play a role in international law and dispute settlement. Students will also be introduced to the methods prevalent in international legal argumentation as well as the methodology for researching international law. Finally, the course will analyze a broad range of contemporary issues using international legal tools, such as peace and security, the use of force, human rights, humanitarian law, criminal law, diplomatic and consular protection, amongst others.

2. *Intended Participants*

This course is intended for advanced undergraduate and Master students in International Law and related fields.

3. *Class Format*

4.1 Number of Credits

4 credits

4.2 *Number of Sessions and Length of Course*

The course will consist of 8 sessions of five hours each to be held across two weeks in June-July 2020.

4.3 *Methodology*

The course will be imparted using lectures with a highly interactive character.

4. ***Course Requirements***

Students will be required to come to class prepared, and attentiveness and participation will constitute a portion of the final grade. Students will be required to complete an exam at the end of the course, as well as assignments during the course.

5. ***Assessment***

- 30% attendance and participation in class
 - *Attendance and Absences*

Regular attendance in all classes is expected. As a matter of courtesy, absence from class should be accounted for by informing the class instructor in writing about the reasons. Absences will proportionately reduce the participation grade, unless extenuating circumstances are documented. The student wishing to justify her/his absence must do so before the coordination of the EIV within a term not exceeding two (2) business days following the date of absence. The following will be valid excuses:

- Medical disabilities.
- Disabilities issued by the Decanatura de Estudiantes.
- Death of the spouse or family member up to the second degree of consanguinity.
- Authorization to participate in sporting events, issued by the Decanatura de Estudiantes.
- Authorization to attend academic and cultural activities, issued by the respective academic unit.
- Summons to judicial proceedings, duly supported by the respective document.

Whatever the reason for absence, students are always responsible for the material covered in the lectures they may have missed. Students who fail to attend more than 20% (twenty percent) of the class will not be approved to complete the class. When their absences are properly justified, they may negotiate with the course professor for the submission of additional independent work.

- *Participation*

Students are expected to actively participate in class discussions and assignments, including individual or group work, simulations, role plays, debates, quizzes etc. Participation refers to ‘informed’ participation. Therefore, it is expected that students will have done the readings assigned for the session *prior* to coming to the class.

- 70% Final Exam

Students will be given an open book exam consisting of 7 questions by email on the day following the end of the class. Each answer must be written in 500 to 750 words. Each question will carry 10% of the total grade for the course. Students must submit the answers by email to the course instructor at mkanade@upeace.org within 3 days.

6. *Intended Learning Outcomes*

Students will acquire a solid grasp and understanding of the most important doctrines in international law. Sovereignty, jurisdiction, and sources will receive the primary attention before moving on to questions of enforcement, dispute settlement, and governance. After taking a bird’s eye view of various areas of social life in which international law plays a role, the course will reflect upon and explore some of the deeper layers of significance of international law, including the prohibition of use of force in international relations, international regulation of human rights and of individual responsibility. Finally, students will learn about the critical methods in international legal argumentation.

7. *Pedagogy*

The teaching and learning strategies in the course will be based on critical pedagogical principles, including the use of creative and participatory activities, which will encourage the students to share their experiences and critically reflect on concepts, theories, issues and practices related to peace studies. Several case studies involving group work will form an integral part of the pedagogy.

8. *Instructor*

Dr. Mihir Kanade (India) is the Academic Director of the University for Peace (established by the UN General Assembly), the Head of its Department of International Law, and the Director of the UPEACE Human Rights Centre. He is also an adjunct faculty at Universidad Alfonso X El Sabio (Spain), Cheikh Anta Diop University (Senegal), and Long Island University (United States). Dr. Kanade serves as the academic co-coordinator of the LLM programme in Transnational Crime and Justice offered at the United Nations Interregional Crime and Justice Research Institute, Turin, Italy. His principal area of academic research and study is Public International Law, Human Rights and Globalization, covering several themes within that interface including trade, business and investment, sustainable development, forced displacement of people, indigenous peoples’ rights, public health, amongst others. He conducts several trainings for staff of intergovernmental, governmental and non-governmental organizations, as well as professionals, in the field of international law and human rights. He serves on the International Advisory Board of the International Bar Association on the topic of Business and Human Rights. He has conducted extensive trainings for several business corporations on mainstreaming ISO 26000 and UN

Guiding Principles on Business and Human Rights in their corporate activities, including the conduct of due diligence, human rights impact assessments, and setting up of operational level grievance mechanisms. He co-leads an elearning project in partnership with the UN Office of the High Commissioner for Human Rights and UNU-IIGH for training UN staff and diplomats of permanent missions of States on operationalizing the Right to Development in Implementation of the SDGs. He also chairs the United Nations drafting group of international experts on an international treaty on the right to development. Prior to academia, Dr. Kanade practiced for several years as a lawyer at the Bombay High Court (Nagpur and Bombay benches) and at the Supreme Court of India. He holds a LL.B from Nagpur University (India) and a Master degree and Doctorate from UPEACE.

9. Course Sessions and Readings:

Day One

Session One (14:00 to 16:00): Introduction to Public International Law

Session Two (16:30 to 18:00): International Law as a System

Session Three (18:15 to 19:45): Statehood

Learning Objectives:

Today, we will begin by setting the stage for the course with a general introduction to the field of public international law. We will analyze the history and evolution of modern international law, its importance in contemporary international and national society, as well as the role it plays in shaping the course of future events of importance to humanity and the planet. In session two, we will discuss the idea of international law as a ‘system’ and its implications for the epistemology of international law. Through an analysis of key jurisprudence from the International Court of Justice, we will analyze whether international law is a complete or incomplete system. Questions such as ‘what happens when international law does not regulate or is silent about a particular aspect of international relations?’ will be discussed. In Session Three, we will explore the concept of Statehood and the different theories on the criteria for a geographical entity to qualify as a State under international law.

Required Readings:

- American Society of International Law (2018), *International Law: 100 Ways it Shapes Our Lives*, Available at <https://www.asil.org/sites/default/files/100Ways/100Ways.pdf>
- Abass, Ademola (2014), *Complete International Law: Text, Cases, and Materials*, Oxford: Oxford University Press, Chapter 1.
- International Conference of American States (1933), *Montevideo Convention on the Rights and Duties*, Adopted in Montevideo at the 7th International Conference of American States, *League of Nations Treaty Series*, No.165, p.19.
- Crawford, James (2011), “State”, *Max Plank Encyclopedia of International Law*, January 2011.

Recommended Readings:

- Crawford, James (2014), *Chance, Order, Change: The Course of International Law, General Course on Public International Law*, Brill Nijhoff, Chapter 1.
- Crawford, James and Miles, C. A. (2017), “Four Ways of Thinking about the History of International Law” in M. R.–H. Eiriksson, J. Sainz-Borgo, H. Gudmundsdottir, G. Gudmundsdottir, J. Amaya Castro, M. Kanade, Y. Saab, & H. Sipalla (eds.), *Liber Amicorum: In Honour of a Modern Renaissance Man – His Excellency Gudmundur Eiriksson*, Ciudad Colon and Sonipat: UPEACE and O.P. Jindal Global University, pp. 309–328.
- Higgins, Rosalyn (1994), *Problems and Process. International Law and How We Use It*, Oxford: Oxford University Press, Chapter I.
- Wolfrum, Rudiger (2006), “International Law”, *Max Planck Encyclopedia of Public International Law*. November 2006.
- Shaw, Malcolm (2008), *International Law*, 6th ed., pp. 195–264.
- Besson, Samantha (2011), “Sovereignty”, *Max Plank Encyclopedia of International Law*, April 2011.
- Schermers, Henry and Blokker, Niels (2008). “International Organizations or Institutions, Membership”, *Max Plank Encyclopedia of International Law*, January 2008.
- Onuma, Y. (2000). “When Was the Law of International Society Born? An Inquiry of the History of International Law from an Intercivilizational Perspective”, *Journal of the History of International Law*, Vol.2, p.1.

Day Two

Session One (14:00 to 16:00): International Responsibility of States

Session Two (16:30 to 18:00): International Responsibility of States

Session Three (18:15 to 19:45): Subjects of International Law

Learning Objectives:

In sessions one and two today, we will explore the of Responsibility of States for Internationally Wrongful Acts. We will discuss when is a State considered to have committed an internationally wrongful act and what are the consequences of such acts under international law. We will explore the Draft Articles on the topic developed by the International Law Commission and supplement them with hypothetical case studies to learn how to apply the law on State Responsibility. In the last session, we will begin analyzing the question of who are the ‘subjects’ of public international law, and analyze States, international organizations and their subsidiaries, atypical subjects, and national liberation movements as subjects.

Required Readings:

- International Law Commission (2001), *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, Supplement No. 10 (A/56/10), chp.IV.E.1, Available at: <http://www.refworld.org/docid/3ddb8f804.html>
- Walter, Christian (2007), “Subjects of International Law”, *Max Plank Encyclopedia of International Law*, May 2007.
- Crawford, James (2013), “Personality and Participation”, *Collected Courses of the Hague Academy of International Law*, Vol. 365, pp. 137–159.

Recommended Readings:

- Tomuschat, Christian (1993), “Obligations Arising for States Without or Against Their Will”, *Hague Academy of International Law Collected Courses*, Vol. 241, Chapter I.
- Trindade, Antônio Augusto Cançado (2005), “International Law for Humankind: Towards A New Jus Gentium”, *General Course on Public International Law. (Hague Academy of International Law Collected Courses*, Vol. 316, pp. 203–333.
- Dixon, Martin, McCorquodale, Robert and Williams, Sarah (2016), “Personality and Recognition”, *Cases and Materials on International Law*. 6th edition, Oxford: Oxford University Press, Chapter 5, pp.136–182.

Day Three

Session One (14:00 to 16:00): Subjects of International Law

Session Two (16:30 to 18:00): Sources of International Law I - Treaties

Session Three (18:15 to 19:45): Sources of International Law I - Treaties

Learning Objectives:

In Session One, we will continue with our exploration of the other subjects of international law which are increasingly becoming relevant in the international order, including individuals and groups/communities, as well as private actors such as non-governmental organizations and business corporations. In sessions two and three, we will begin studying the topic of sources of international law, with a specific deconstruction of Art. 38 of the Statute of the International Court of Justice. We will look at the idea of international law being a ‘consensualist’ system of law. In particular, we will discuss in-depth treaties as a source of international law and will analyse the Vienna Convention on the Law of Treaties, along with important jurisprudence on the topic.

Required Readings:

- United Nations (1946), *Statute of the International Court of Justice*, Available at: <http://www.refworld.org/docid/3deb4b9c0.html>, Art. 38.
- United Nations (1969), *Vienna Convention on the Law of Treaties*, United Nations, Treaty Series, vol. 1155, p. 331.
- Abass, Ademola (2014), *Complete International Law: Text, Cases, and Materials*, Oxford: Oxford University Press. Chapter 3.

Recommended Readings:

- Crawford J. (2012), “The Law of Treaties”, in Brownlie’s Principles of Public International Law, Eighth ed. (Oxford: Oxford University Press), pp. 367-394.
- Vagts, D. F. (2010), “The Treaty-Making Process: A Guide for Outsiders”, *ILSA Journal of International and Comparative Law*, Vol.17, p. 127.

Day Four

Session One (14:00 to 16:00): Sources of International Law I - Treaties

Session Two (16:30 to 18:00): Sources of International Law II – Customary International Law and Other Sources

Session Three (18:15 to 19:45): Sources of International Law II – Customary International Law and Other Sources

Learning Objectives:

Today, we will continue with law of treaties with practical case studies in the first session involving group work. In the second and third sessions, we will explore the non-treaty sources of international law with a specific deconstruction of Art. 38 of the Statute of the International Court of Justice. In particular, we will deconstruct the various dimensions of Customary International Law through an analysis of doctrine and jurisprudence, before proceeding to understanding ‘general principles of law recognized by civilized nations’ and the subsidiary means for determination of rules of law. We will finally analyze the concept of *ex aequo et bono*.

Required Readings:

- United Nations (1946), *Statute of the International Court of Justice*, Available at: <http://www.refworld.org/docid/3deb4b9c0.html>, Art. 38.
- Abass, Ademola (2014), *Complete International Law: Text, Cases, and Materials*, Oxford: Oxford University Press, Chapter 2.
- Treves, T. (2006), “Customary International Law”, *Max Plank Encyclopaedia of Public International Law*. November 2006.
- Gaja, G. (2007), “General Principles of Law”, *Max Plank Encyclopaedia of Public International Law*, May 2013.

Recommended Readings:

- Dixon, Martin, McCorquodale, Robert and Williams, Sarah (2016), “Personality and Recognition”, *Cases and Materials on International Law*. 6th edition, Oxford: Oxford University Press, Chapter 2, pp.18–54.

- Bellinger III, John and Haynes II, William (2007), “A US Government Response to the International Committee of the Red Cross Study ‘Customary International Humanitarian Law’”, *International Review of the Red Cross*, Vol. 89, No. 866, pp.443–471.
- International Court of Justice (1986), “Military and Paramilitary Activities in and against Nicaragua (Nicaragua v US), Merits”, *I.C.J. Reports 1986*, p.14, Paras. 175–268, 292. [to be found online]

Day Five

Session One (14:00 to 16:00): Fragmentation of International Law and Techniques for Interpretation

Session Two (16:30 to 18:00): Prohibition of the Use of Force in International Law

Session Three (18:15 to 19:45): Prohibition of the Use of Force in International Law

Learning Objectives:

In Session one, we will analyze the concept of ‘fragmentation of international law’ in the context of increasing specialization and autonomization of different legal regimes (such as international human rights law, trade law, environmental law, refugee law etc.) and the problems that emerge for the coherence and unity of general international law as a result of this phenomenon. We will also, through a study conducted by the International Law Commission on the issue of fragmentation, analyze the techniques for interpretation under international law, when there appear to be conflicting obligations for States under different legal regimes. We will, in particular, analyze the concepts of *lex posterior*, *lex specialis*, and *lex superior*, as well as the concept of obligations *erga omnes*. In Sessions two and three, we will explore the international legal regime for the prohibition of the use of force (and also the threat to use force) in international law, also referred to as *jus ad bellum*, and analyze its exceptions under international law (authorization by the Security Council and self-defense). Using jurisprudence from the ICJ, we will problematize the contemporary legal regime on this topic, including a discussion on ‘preemptive self defense’.

Required Readings:

- International Law Commission (2006), *Report on the Fragmentation of International Law*, Selected Pages.
- Schrijver, Nico (2017), “The Ban on the Use of Force in the UN Charter”, *The Oxford Handbook of the Use of Force in International Law*, Oxford: Oxford University Press, pp.465–87.
- International Court of Justice (1986), “Military and Paramilitary Activities in and against Nicaragua (Nicaragua v US), Merits”, *I.C.J. Reports 1986*, p.14, Paras. 175–268, 292. (to be found online)
- Deeks, Ashley S. (2017), “Taming the Doctrine of Pre-Emption”, *The Oxford Handbook of the Use of Force in International Law*, Oxford: Oxford University Press, pp.661–78.

- De Wet, Erika (2017), “Regional Organizations and Arrangements: Authorization, Ratification, or Independent Action”, *The Oxford Handbook of the Use of Force in International Law*, Oxford: Oxford University Press, pp.314–28.

Recommended Readings:

- Shelton, Dinah (2003), “International Law and ‘Relative Normativity’”, in Malcolm D. Evans (ed.), *International Law*, pp. 145–172.
- Abbott, Kenneth and Snidal, Duncan (2000), “Hard and Soft Law in International Governance”, *International Organization*, Vol. 54, pp. 421–456.
- D’Amato, Anthony (1990), “It’s a Bird, It’s a Plane, It’s Jus Cogens!”, *Connecticut Journal of International Law*, Vol.6, No. 1, pp. 1–6.
- Hall, Stephen (2001), “The Persistent Spectre: Natural Law, International Order and the Limits of Legal Positivism”, *European Journal of International Law*, Vol.12, No.2, pp. 269–30.
- Koskeniemi, Martti (2009), “Miserable Comforters: International Relations as New Natural Law”, *European Journal of International Relations*, Vol.15, No.3, pp. 395–422.
- Lindenfalk, Ulf (2013), “The Source of Jus Cogens Obligations: How Legal Positivism Copes With Peremptory International Law”, *Nordic Journal of International Law*, Vol82, No.3, pp. 369–389.
- Weil, Prosper (1983), “Towards Relative Normativity in International Law”, *American Journal of International Law*, Vol. 77, p.413.
- International Court of Justice (2005), “Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment”, *I.C.J. Reports 2005*, p.168. (to be found online).
- Kreß, Claus (2017), “The International Court of Justice and the ‘Principle of Non-Use of Force’”, *The Oxford Handbook of the Use of Force in International Law*, Oxford: Oxford University Press, pp.561–604.
- Gill, T.D. (2017), “When Does Self-Defense End?”, *The Oxford Handbook of the Use of Force in International Law*, Oxford: Oxford University Press, pp.737–751.

Day Six

Session One (14:00 to 16:00): Prohibition of the Use of Force in International Law

Session Two (16:30 to 18:00): Settlement of Disputes in International Law

Session Three (18:15 to 19:45): Jurisdiction

Learning Objectives:

We will begin today's class with practical case studies through group work on interpretation of the UN Charter's provisions on the prohibition of the use of force and its exceptions. We will then analyze jurisprudence from the ICJ to answer the questions raised in the case study. In Session Two, we will analyse the topic of dispute settlement in international law through peaceful means, focusing on both judicial and non-judicial means. We will discuss the principles enshrined under Art. 33 of the UN Charter regarding settlement of disputes between States, before concluding with a snap-shot of the different courts and tribunals existing in international judicial dispute settlement. Finally, in Session Three, we will discuss the concept of 'jurisdiction' in international law, including its principles (territorial, active and passive personality of international subjects, national interest, and universal), rules, and their exceptions (diplomatic, sovereignty, state).

Required Readings:

- United Nations (1945), *Charter of the United Nations*, Adopted on 24 October 1945, 1 UNTS XVI, Ch. VI.
- Pellet, A (2013), "Peaceful Settlement of International Disputes", *Max Planck Encyclopedia of International Law*, August 2013.
- Pellet, A (2013), "Judicial Settlement of International Disputes", *Max Planck Encyclopedia of International Law*, July 2013.
- Crawford, James (2012), "Jurisdictional Competence", *Brownlie's Principles of Public International Law*, Eighth edition, Oxford: Oxford University Press, pp. 456–486.
- Simma, B. and Müller, A. (2012), "Exercise and Limits of Jurisdiction" in James Crawford and Martti Koskenniemi (eds), *The Cambridge Companion to International Law*, pp. 134–156.

Recommended Readings:

- Merrills, John (2003), "The Means of Dispute Settlement," in Malcolm D. Evans (ed.), *International Law*, pp. 529–557.
- Riesman, Michael W (2012), "The Diversity of Contemporary International Dispute Resolution: Functions and Policies", *Journal of International Dispute Settlement*, Vol.3, No. 1, pp. 1–17.
- United Nations Office of Legal Affairs (1992), *Handbook on the Peaceful Settlement of Disputes between States*, available at: <http://legal.un.org/cod/books/HandbookOnPSD.pdf>
- Kingsbury, Benedict (2012), "International Courts: Uneven Judicialisation in Global Order", in James Crawford and Martti Koskenniemi (eds.), *The Cambridge Companion to International Law*, pp.203–227.
- Shany, Yuval (2012), "Assessing the Effectiveness of International Courts: A Goal-Based Approach", *The American Journal of International Law*, Vol.106, No.2, pp. 225–270.
- Higgins, Rosalyn (1994), *Problems and Process. International Law and How We Use It*, Oxford: Oxford University Press, Chapter 3.
- Lowe, Vaughan (2003), "Jurisdiction", in Malcolm D. Evans (ed.), *International Law*, pp. 329–355.
- Fox, Hazel (2003), "International Law and Restraints on the Exercise of Jurisdiction by National Courts of States", in Malcolm D. Evans (ed.), *International Law*, pp. 357–385.

- Oxman, B.H. (2007), “Jurisdiction of States”. *Max Plank Encyclopaedia of Public International Law*, November 2007.
- Pahuja, Sundhya (2013), “Laws of Encounter: A Jurisdictional Account of International Law”, *London Review of International Law* Vol.1, No.1, pp.63–98.

Day Seven

Session One (14:00 to 16:00): Universal Jurisdiction, *Aut Dedere Aut Judicare*, and the Law on Consular Access

Session Two (16:30 to 18:00): International Regulation of Human Rights

Session Three (18:15 to 19:45): International Regulation of Human Rights

In Session one today, we will zoom in on the base of jurisdiction referred to as universal jurisdiction for gross crimes. After having understood its concept in the previous session, we will analyze the jurisprudence of the ICJ on this topic. We will also explore a related but distinct concept of *aut dedere aut judicare*. Finally, we will analyze the requirements on States prosecuting foreigners to guarantee consular access. In Sessions Two and Three, we will analyze the emergence of human rights as one of the most important fields in international law and the ‘individualization’ of rights under Public International Law. We will problematize the concept of human rights and analyze how international law seeks to regulate its respect, protection and fulfillment.

Required Readings:

- International Court of Justice. Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium). 14 February 2002.
- International Court of Justice. Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal). 20 July 2012.
- International Court of Justice. Jadhav Case (India v. Pakistan). 2019.
- Rhona K.M. Smith, 2013, “Key Concepts: Universality, Interdependence and Categories of Rights” in *Texts and Materials on International Human Rights*, 3rd Edition (London and New York: Routledge), pp. 28–58.
- Julia Kozma, 2014, “The United Nations Human Rights System: The Genesis and Role of the Human Rights Council and the High Commissioner for Human Rights” in Anja Mihr and Mark Gibney (eds), *The Sage Handbook of Human Rights* (London and New Delhi: Sage Publications), pp. 555–574.
- Nigel S. Rodley, 2013, “The Role and Impact of Treaty Bodies”, in *The Oxford Handbook of International Human Rights Law* (Oxford: Oxford University Press), Oxford Handbooks Online.

Recommended Readings:

- Crawford J. (2012), “Privileges and Immunities of Foreign States”, in *Brownlie’s Principles of Public International Law, Eighth ed.* (Oxford: Oxford University Press), pp. 487-508.
- Dembour, M. B. (2010). “What are Human Rights? Four Schools of Thought. *Human Rights Quarterly*, 32(1), pp. 1-20.
- Christof Heyns and Magnus Killander, 2013, “Universality and the Growth of Regional Systems” in *The Oxford Handbook of International Human Rights Law* (Oxford: Oxford University Press), Oxford Handbooks Online.
- Fiona McKay, 2013, “What Outcomes for Victims?” in *The Oxford Handbook of International Human Rights Law* (Oxford: Oxford University Press), Oxford Handbooks Online.

Day Eight

Session One (14:00 to 16:00): International Regulation of Individual Responsibility

Session Two (16:30 to 18:00): International Regulation of Individual Responsibility

Session Three (18:15 to 19:45): Critical Methods of International Law

Learning Objectives:

In the first two sessions, we will focus our attention to the international regulation of individual responsibility under international law. In particular, we will understand important aspects of international criminal law as well of international humanitarian law. These two regimes constitute some of the most important dimensions of obligations that public international law places on individuals. In the final session of this course, we will devote our attention to critical methods of international law as distinguished from the mainstream positivist methods. Specific attention will be devoted to Third World Approaches to International Law (TWAIL) and its growing importance in the context of the backlash against global governance and international law as a neo-colonial tool.

Required Readings:

- Nobuo Hayashi, “Basic Principles”, in Rain Liivoja and Tim McCormack (eds.), *Routledge Handbook of the Law of Armed Conflict* (London and New York: Routledge, 2016) 89, pp. 89-105.
- Mary Ellen O’Connell, “Historical Development and Legal Basis”, in Dieter Fleck (ed.), *The Handbook of International Humanitarian Law*, 3rd ed. (Oxford: Oxford University Press, 2013) 1, pp. 1-24.
- Crawford J. (2012), “International Criminal Justice”, in *Brownlie’s Principles of Public International Law, Eighth ed.* (Oxford: Oxford University Press), pp. 671-692.
- Chimni, Bhupinder S. (2003), “Third World Approaches to International Law: A Manifesto”, in Antony Anghie et al. (eds.), *The Third World and International Order*, Leiden: Martinus Nijhoff Publishers, pp.47–73.

- Koskenniemi, Martti (2004), “Letter to the Editors of the Symposium” in Steven Ratner and Anne-Marie Slaughter (eds.), *Appraising the Methods of International Law: A Prospectus for Readers*, *Studies on Transnational Legal Policy*, Vol.36, No.1, pp. 109–126.

Recommended Readings:

- Ruis, T (2018), "Criminalizing Aggression: How the Future of the Law on the Use of Force Rests in the Hands of the ICC", *European Journal of International Law*, Vol.29, No. 3, pp. 887-917.
- Akande, D and Tzanakopoulos, A (2017), "The Crime of Aggression in the ICC and State Responsibility", *Harvard International Law Journal (Online)*, Vol.58, pp. 33-36.
- Emily Crawford, “Combatants”, in Rain Liivoja and Tim McCormack (eds.), *Routledge Handbook of the Law of Armed Conflict* (London and New York: Routledge, 2016) 123, pp. 123-138.
- Emanuela-Chiara Gillard, “Protection of Civilians in the Conduct of Hostilities”, in Rain Liivoja and Tim McCormack (eds.), *Routledge Handbook of the Law of Armed Conflict* (London and New York: Routledge, 2016) 157, pp. 157-180.
- Stefen Oeter, “Methods and Means of Combat”, in Dieter Fleck (ed.), *The Handbook of International Humanitarian Law*, 3rd ed. (Oxford: Oxford University Press, 2013) 115, pp. 115-230
- Chalesworth, Hillary et al. (1991), “Feminist Approaches to International Law”, *American Journal of International Law*, Vol.85, p. 613.
- Gathii, James (2007), “Imperialism, Colonialism and International Law”, *Buffalo Law Review*, Vol.54, No.4, pp. 1013–1066.
- Mutua, Makau (1997), “Never Again: Questioning the Yugoslav and Rwanda Tribunals”, *Temple International and Comparative Law Review*, Vol.11, No.1, pp. 167–187.