Reading List

Course Aims

This Reading List is to assist those participating on the Public International Law in Practice course. It sets out the reading that should be helpful to complement your course, without the expectation that you will be able to read it all in advance, so you can refer to it later.

All the reading should be available in good law libraries and is not provided by BIICL. Please note that many of the readings are listed as alternatives and some useful websites are given when relevant.

The course is held in the Grotius Library of BIICL. This is on the first floor of Charles Clore House, 17 Russell Square (corner of Bedford Way), London WC1B 5JP.

On the first day of the course a pack of materials, which will include the PowerPoints used during the course and any essential material, will be provided.

I do hope that you find this helpful and that you enjoy the course.

Professor Robert McCorquodale
Director
Course Timetable

*Please note that speakers and timings can be subject to change at short notice.*

<table>
<thead>
<tr>
<th>TIME</th>
<th>TOPIC</th>
<th>SPEAKERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day 1 – 23 May 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.30-9.00</td>
<td>Registration</td>
<td></td>
</tr>
<tr>
<td>9.00-10.45</td>
<td>Introduction&lt;br&gt;Legal Foundations/Sources of Public International Law</td>
<td>Robert McCorquodale, BIICL Director</td>
</tr>
<tr>
<td>11.00-12.30</td>
<td>Public International Law in UK Courts</td>
<td>Jill Barrett, Arthur Watts Senior Research Fellow in Public International Law</td>
</tr>
<tr>
<td>12.30-1.30</td>
<td>Lunch</td>
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</tr>
<tr>
<td>1.30-3.00</td>
<td>Law of the Sea</td>
<td>Naomi Burke, Watts Research Fellow</td>
</tr>
<tr>
<td>3.00-3.15</td>
<td>Coffee Break</td>
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<tr>
<td>3.15-4.45</td>
<td>International Law and Armed Conflict</td>
<td>Qudsi Rasheed, Legal Adviser, Foreign and Commonwealth Office</td>
</tr>
<tr>
<td>4.45-5.30</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>5.30–7.00</td>
<td>Legal Practice in International Law&lt;br&gt;Reception</td>
<td>Yasmine Ahmed, Human Rights Watch&lt;br&gt;Richard Meeran, Leigh Day&lt;br&gt;Kate Parlett, 20 Essex Street&lt;br&gt;Constantine Partasides QC, Three Crowns&lt;br&gt;Qudsi Rasheed, FCO</td>
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<tr>
<td>Day 2 – 24 May 2016</td>
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<tr>
<td>09.00-10.30</td>
<td>International Human Rights Law</td>
<td>Kristin Hausler, Dorset Senior Research Fellow in Public International Law</td>
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<tr>
<td>10.45–12.15</td>
<td>International Law concerning Refugees and Migration</td>
<td>Jean-Pierre Gauci, Research Fellow in Public International Law</td>
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<td>12.15-1.00</td>
<td>Lunch</td>
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</tr>
<tr>
<td>1.00-2.30</td>
<td>Business and Human Rights</td>
<td>Lise Smit, Research Fellow in Business and Human Rights, and Robert McCorquodale</td>
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<tr>
<td>2.30-2.45</td>
<td>Coffee Break</td>
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<tr>
<td>2.45-4.30</td>
<td>International Trade Law</td>
<td>Julinda Beqiraj, Associate Senior Research Fellow in the Rule of Law</td>
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<tr>
<td>4.30-5.00</td>
<td>Break</td>
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<tr>
<td>5.00–6.30</td>
<td>International Investment Law</td>
<td>Jansen Calamita, Senior Research Fellow in International Trade and Investment Law</td>
</tr>
<tr>
<td>6.30 – 7.00</td>
<td>Conclusions</td>
<td>Julinda Beqiraj</td>
</tr>
</tbody>
</table>
Reading List

Legal Foundations/Sources of Public International Law

This session will introduce the main foundational elements of public international law, which are essential to understand how international law is created. These are treaties, customary international law and other “sources” of international law. In addition, there will be considerations of soft law and how international law, and our understanding of what is part of the international legal system, develops over time.


V. Lowe, International Law (OUP, 2007), Chapters 1 and 2; or

M. Evans (ed), International Law (4th ed, OUP, 2014) Chapters 4 and 5; or

M. Dixon, R. McCorquodale and S. Williams, Cases and Materials on International Law (OUP, 2011) Chapters 1 and 2

K. Qureshi, Public International Law Before the English Courts (Wildy, 2016), Introduction

Public International Law in UK Courts

This session will look at the reach of public international law into UK domestic law. We will look at the status of treaties and customary international law in the English legal system, and how UK courts identify, interpret and apply international rules, with reference to case law. Participants trained in other jurisdictions will be invited to compare this, briefly, with the application of international law in the domestic courts of their country.

J. Crawford, Brownlie’s Principles of Public International Law (8th ed, OUP, 2012) Chapter 3; or

C. McLachlan, Foreign Relations Law (CUP, 2014), Chapter 3; or


Sam Wordsworth, ‘Public International Law and the Administrative Court’, paper presented to the Constitutional and Administrative Law Bar Association, 04 April 2011

Both papers are at: http://www.adminlaw.org.uk/library/publications.php

Law of the Sea

‘Law of the Sea’ refers to rules governing the activities of States at sea, as opposed to ‘maritime law’ which refers to the law applicable to acts of private actors e.g. shipping. The core text for this session is the United Nations Convention on the Law of the Sea (“UNCLOS”), a treaty with 167 States parties. Most of the provisions of UNCLOS constitute rules of customary international law.

The session will cover maritime zones and principles of maritime delimitation. Maritime delimitation is the process whereby boundaries between overlapping maritime zones of States are determined. This session will also examine dispute resolution procedures under UNCLOS, with reference to cases currently pending settlement, including the dispute between the Philippines and China currently pending before an arbitral tribunal.


‘Methods of Resolving Maritime Boundary Disputes’ (Chatham House, 2006) (hardcopy will be given on the day)


International Law and Armed Conflict

This session will introduce how international law deals with conflicts; both the law of war and the law in war. This includes the law of armed conflict in terms of the legality of a war and collective security, and international humanitarian law, which regulates the conduct of parties within an armed conflict.

C. Gray, ‘The Use of Force and the International Legal Order’ in M. Evans, International Law (4th ed, OUP, 2014); or
Y. Dinstein, the Conduct of Hostilities under the Law of International Armed Conflict (CUP, 2010), Chapter 1 and 2

Geneva Conventions 1949, common Art 3

Convention (IV) Relative to the Protection of Civilian Persons in Time of War 1949


ICRC website: http://www.icrc.org/eng/

See also, P. Sands, Lawless World (2006)
International Human Rights Law

This session will discuss what are the human rights protected under international law and the various mechanisms available to monitor human rights and hear complaints about human rights violations. The session will cover the principal mechanisms at the international and regional levels, highlighting some of the main differences between them. Some relevant cases will be considered to demonstrate some of the current challenges with regard to the practical application and enforcement of human rights.

D. Moeckli, S. Shah and S. Sivakumaran (eds), International Human Rights Law (2nd ed, OUP, 2014), Chapters 5, 6 and 7, and pp. 3-14; or
A. Clapham, Human Rights: A Very Short Introduction (OUP, 2007); or


UN Human Rights Treaty Bodies, see: http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx

International Law concerning Refugees and Migration

This session will discuss international migration and refugee law. In particular the session will cover: the regulation of migration under international law; the right of States to control their borders; the international definition of “refugee”; the principle of “non-refoulement”; human trafficking; and migrant smuggling. It will touch on a number of international instruments including the Refugee Convention and the Convention on Transnational Organised Crime and its Protocols, as well as a number of regional instruments including the European Convention on Human Rights.

B. Opeskin, R. Perruchoud and J. Redpath-Cross Foundations of International Migration Law (CUP, 2012), Chapter 1; or

Business and Human Rights

On 16 June 2011 the Guiding Principles on Business and Human Rights were unanimously endorsed by the United Nations Human Rights Council. The stated objective of the Guiding Principles is to enhance ‘standards and practices with regard to business and human rights so as to achieve tangible results for affected individuals and communities’. This session will consider the increasing expectation on business to respect human rights, the role of international law, and what this means for business, for governments and for their legal advisers.


Business and Human Rights Resource Centre: http://www.business-humanrights.org

International Trade Law

This session offers an introduction to the law governing international trade as established by the World Trade Organization. It will examine the main sources of the existing regime, its fundamental principles and issues of dispute settlement. The session will also look at the interplay between WTO rules and other areas of international and domestic law, including the rights of WTO Members to protect public policy interests.

M. Herdegen, Principles of international Economic Law, (OUP, 2013): Ch. 2, 11-14, 20-21, 23 or

A. Lowenfeld, International Economic Law, (2nd ed, OUP, 2008): Ch. 3, 5 and 8


WTO legal texts: http://www.wto.org/english/docs_e/legal_e/legal_e.htm

WTO disputes: http://www.wto.org/english/tratop_e/dispu_e/find_dispu_cases_e.htm#results

The WTO in brief: http://www.wto.org/english/thewto_e/whatis_e/inbrief_e/inbr00_e.htm
International Investment Law

International investment law addresses the relationship between sovereign states and foreign investors under both customary international law and treaty law. International investment law has become dominated by bilateral and multilateral investment treaties of which there are presently some 3,200 in force. Under these agreements, states have undertaken to accord foreign investors certain standards of treatment and levels of protection with respect to the foreign investor’s investments in the ‘host state.’ In addition, states have agreed to subject themselves to internationalized dispute settlement procedures in order to resolve claims by investors that the host state has failed to accord the foreign investor with the level treatment agreed under the treaty.

Contemporary treaty-based investment disputes are almost always resolved through arbitration, sometimes before arbitral tribunals established by the International Centre for Settlement of Investment Disputes (ICSID), which is part of the World Bank group, sometimes before arbitral tribunals established through other arbitral institutions (such as the Stockholm Chamber of Commerce), and sometimes through ad hoc arrangements under the UNCITRAL Rules of Arbitration. This session examines the substantive law governing international investment, explores how rights and obligations can be enforced in an investment dispute, and considers the proper role of investment law in the international legal system.


International Centre for the Settlement of Investment Disputes (ICSID): icsid.worldbank.org


Investment Treaty Arbitration: ita.law.uvic.ca