



Course program and reading list

Semester 2 Year 2024

School: Lauder School of Government, Diplomacy & Strategy B.A

International Law

Lecturer:

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Course No.:	Course Type :	Weekly Hours :	Credit:
803	Lecture	4	4

Course Requirements :	Group Code :	Language:
Final Paper	241080301	English

Course Description

International law is a legal system originally intended to regulate relations between the components of the international community. It is a unique legal framework that aims to govern the behavior of states without the presence of an international sovereign with exclusive governmental authority. In recent years, amidst accelerated globalization, international law has gained prominence in international, legal, and political discourse worldwide, including in Israel.

The course comprises Four main parts:

The first part will cover the development of international law, its significance in shaping

the international system with its diverse actors, and its relationship with domestic law. We will explore the various areas regulated by international law, its fundamental principles, and its normative sources.

The second part the course will deal with the primary actors of international law – the State and international organizations.

The third part of the course will analyze specific legal issues of international law, such as laws governing the use of force, laws of war, international human rights law, international criminal law, and international tribunals. Throughout the course, we will examine different perspectives regarding the nature, advantages, and limitations of international law in addressing contemporary challenges within the international system.

The fourth part of the course will focus on Israel and international law with a special emphasis on the unprecedented attack of Hamas on Israeli citizens on October 7th and the war that is going since then between Israel and Hamas. We will analyze the different legal issues and procedures that Israel is facing and discuss them within the context of the course.



Course Goals

The course aims to offer an introductory understanding of the characteristics of the normative framework provided by international law. It seeks to familiarize students with both the advantages and limitations of this framework, providing them with basic tools for informed analysis of issues within the field of international law.



Grading

Participation in classes and reading materials: Attending classes and reading the material designated for each class on the reading list are mandatory. The discussion in the lessons assumes mastery of the reading materials.

Course grade structure: **90%** final paper and **10%** case presentation in class.



Additional Notes

Recitations: There is no separate syllabus for recitations, though you might be asked to prepare or read certain material ahead of recitations; make sure to keep yourself updated via the course website. Recitations provide an opportunity to ask questions, go over difficult concepts, and work in smaller groups. For purposes of the recitations, the class will be divided into two groups. Each group will meet with the TA for a recitation once every two weeks. Please make sure you know which group you have been assigned to, as you can only attend the recitations of that group.

In-Class Discussion and Etiquette: Please arrive in class and connect to Zoom on time. We will take a break after our first hour – so no worries: you will have time for that coffee break. Participation is more than encouraged: you make the class! The more you engage, the more you learn, and the more we all enjoy.

Mandatory Readings: Reading before class is mandatory, especially taking into account that this is a legal course with new concepts and a new way of thinking. If you do the reading on a weekly basis, this course will not be difficult. Note that the designation of the reading material according to this syllabus may be updated from time to time, depending on the progress of the course. Therefore, please follow the instructions regularly published on the course site.

Class presentations: From the middle of the semester, you will be assigned an issue that pertains to the particular challenges and considerations that Israel faces with regard to international law and be required to analyze it in small working groups. During the classes, each group will have 20 minutes to present its analysis of the issue assigned. The presentation amounts to 10% of the final grade.



Reading List

Part 1 Introduction

Topic 1 The Nature of International Law – 27.3.2024

- Shaw, Malcolm N. 2008. "The Nature and Development of International Law." In *International Law*, Cambridge: Cambridge University Press. Chapter 1, 1-13, 30-42
- Rosalyn Higgins, *Problems & Process, International Law and How We Use It* (OUP, 1998), pp. 1-16.

Topic 2 Sources of International Law and the Interplay with Domestic Law – 3.4.2024

- Vienna Convention on the Law of Treaties, in particularly Arts. 2, 11, 18, 19-21, 31-32, 56-60, 64.
- Ori Pomson, *A Basic Introduction to the Sources of International Law*, University of Cambridge (2014).
- Article 38 of the Statute of the International Court of Justice
- The International Court of Justice on Customary International Law (summary of ICJ cases on custom, uploaded onto course website).
- Eileen Denza, *The Relationship between International Law and National Law*, in Malcolm Evans, *International Law* (OUP, 2018), pp. 396-408.
- HCJ 7957/04, *Mara'abe v. Prime Minister of Israel* (2005), paras. 14, 56-61, 73-74.
- Roth Lapidoth, 'International Law Within the Israel Legal System', *24 Israel Law Review*, 1990, p.251.

Part 2 The Subjects of International Law

Topic 3 The State and International Organizations – 10.4.2024

- Rosalyn Higgins, Problems & Process, International Law and How We Use It (OUP, 1998), pp. 39-55.
- Montevideo Convention on the Rights and Duties of States (1933), Article 1.
- Chesterman, Johnstone and Malone, Law and Practice of the United Nations (OUP, 2016), pp. 113-225 (incl. questions following the material).
- United Nations Charter, Articles 1-2, 4, 6-7, 10, 12, 18, 33-51, 103
- International Court of Justice, How the Court Works?

Passover Holiday Break 17.04.2024 – 29.04.2024

Part 3 Select Issues of International Law

Topic 4 The Prohibition on the Use of Force and its Exceptions – 01.05.2024

- United Nations Charter, Article 51.
- Christine Gray, The Use of Force and the International Legal Order, in Malcolm Evans, International Law (Oxford, 2018), pp. 601-623 (up to "UN Peacekeeping").
- Louis Henkin, How Nations Behave (CUP, 1979), pp. 135-145 (on the interpretation of Article 51 of the UN Charter).
- The Caroline Incident, in DJ Harris, Cases and Materials on International Law (Thomson, 2004), pp. 921-22; and Military and Paramilitary Activities in and against Nicaragua, Nicaragua v. United States, ICJ (1986), paras. 187-201).
- Security Council resolution 1368 (2001), Condemning the terrorist acts of 11 September 2001.
- Micael N. Schmitt, *Russia's "special Military Operation" and the (Claimed) Right of Self-Defense*, Articles of War (Fem 28, 2022).
- Micael N. Schmitt and Col. Chris Ford, *The Use of Force in Response to Syrian Chemical Attacks: Emergence of a New Norm?*, Just Security (8 April, 2017).

Topic 5 International Humanitarian Law – 08.05.2024

- Marco Sassòli, *International Humanitarian Law*, Edward Elgar 2019, pp. 15-29, 204-230.
- The Hague Regulations of 1907 concerning the Laws and Customs of War on Land, Articles 1, 21-28.
- Third Geneva Convention of 1949, Article 4.
- Fourth Geneva Convention of 1949, Articles 2-3.
- Protocol Additional to the Geneva Conventions of 1977, Articles 1, 43-44, 51-52, 57.
- Orna Ben-Naftali, and Keren Michaeli. "Public Committee Against Torture in Israel v. Government of Israel. Case No. HCJ 769/02." *The American Journal of International Law*, vol. 101, no. 2, 2007, pp. 459-65. JSTOR.
- HCJ 4764/04 *Physicians for Human Rights v. IDF Commander in Gaza* (2004).
- Micael N. Schmitt, *Israel-Hamas 2023 Symposium – Attacking Hamas – Part II, The Rules*, Articles of War (7 December, 2023).

Topic 6 Belligerent Occupation – 15.05.2024

- Marco Sassòli, *International Humanitarian Law*, Edward Elgar 2019, pp. 303–325.
- The Hague Regulations of 1907 concerning the Laws and Customs of War on Land, Articles 42–56.
- Fourth Geneva Convention of 1949, Articles 2, 27–34, 47–78.
- HCJ 390/79 *Dweikat et al. v. State* (1979).
- Harpaz G, Shany Y. *The Israeli Supreme Court and the Incremental Expansion of the Scope of Discretion under Belligerent Occupation Law*. *Israel Law Review*. 2010; 43(3), 514–550.
- HCJ 9132/07 *Jaber Al-Bassiouni Ahmed and others v Prime Minister* (2008).
- Legal Consequence of the Construction of a Wall in the Occupied Palestinian Territories, ICJ Advisory Opinion (2004), paras. 70–163.

Topic 7 Human Rights Law – 22.05.2024

- United Nations Charter, Articles 1(3), 55, 56.
- Universal Declaration of Human Rights.
- International Convention on Civil and Political Rights (ICCPR) 1966, Articles 1–28, 40–41.
- Shaw, Malcolm N. 2008. "The International Protection of Human Rights." In *International Law*, Cambridge: Cambridge University Press, pp. 265–268, 272–281, 302–307.
- UN Human Rights Committee (HRC), *General comment no. 36, Article 6 (Right to Life)*, CCPR/C/GC/35, 3 September 2019.
- Legal Consequence of the Construction of a Wall in the Occupied Palestinian Territories, ICJ Advisory Opinion (2004), paras. 102–111.
- Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin (A/78/520) (Advance Unedited Version).

Topic 8 International Criminal Law – 29.05.2024

- Robert Cryer, *International Criminal Law*, in Malcolm Evans, *International Law* (OUP, 2018), pp. 743–765.
- Rome Statute of the International Criminal Court, Articles 1–5 and 11–17.
- Peter Romaniuk, 'Crime and Criminal Justice', in Thomas G. Weiss, and Sam Daws (eds), *The Oxford Handbook on the United Nations*, 2nd edn, Oxford Handbooks (2018; online edn, Oxford Academic).
- Noëlle Quénivet, *Israel-Hamas 2023 Symposium – Attacking Hamas – Sexual Violence on October 7*, *Articles of War* (19 December, 2023).

Part 4 International Law and Israel – 05.06.2024 + 12.06.2024

Topic 9 Selected Issues

- The Public Commission to Examine the Maritime Incident of 31 May 2010, Second Report, pp. 53–73.

- S/RES/2334 Security Council Resolution No. 2334 (2016) – end to Israeli settlement building.
- Yahli Shereshevsky, HCJ 3003/18 Yesh Din – Volunteers for Human Rights v. Chief of General Staff, Israel Defense Forces (IDF). *American Journal of International Law*. 2019;113(2): pp. 361-368.
- ICJ, *South Africa v. Israel*, Summary of the Order of 26 January 2024.
- Mission report of the Official visit of the Office of the SRSG-SVC to Israel and the occupied West Bank 29 January – 14 February 2024, 2-6; 8-9

Conclusion – 19.06.2024