



## The International MA Program in Conflict Resolution and Mediation

The Gershon H. Gordon  
Faculty of Social Sciences  
Tel Aviv University

### International Law and Dispute Resolution

*Fall 2023*

Class Meeting Time Tuesdays 17:30-20:00 in Naftali 004

No classes October 31, November 14, 21, 28

**Lecturer:** Daniel Reisner

**Email:** [reisnerd@hfn.co.il](mailto:reisnerd@hfn.co.il)

**Description:** The course is divided into two main parts. The first part is intended to serve as an introduction to the basic rules and principles of international law, and to the various methods of dispute resolution established or recognized by international law. At the conclusion of this part of the course, the students should have an overview understanding of the primary topics of international law (what are the sources of international law; who are the recognized actors international law; what are the main substantive fields of international law etc.) and of the variety of dispute resolution mechanisms relevant for inter-state disputes.

The second part of the course will focus on the Arab-Israeli conflict, as a case study in which the interplay of international law rules and norms together with the various dispute resolution mechanisms will be shown.

**Course materials:** As there is no exam at the end of the course, the purpose of the course materials is to provide students with background information on the issues discussed in class, and to serve as potential sources of data for their final papers. There are three types of course materials. The first includes all the materials/slides and presentations used by the lecturer during the classes. These materials will be made available on the course's Moodle website. The second includes additional required reading, which will be listed in this syllabus. The third (which does not exist in all topics) includes additional optional reading, which is also listed in this syllabus and is intended for those students who have an interest in enhancing their understanding of specific topics.

I have chosen Professor Malcolm Shaw's landmark book "International Law" as the basic treatise for reading material for the course. The reason I chose this book and not others is that, in my experience, this is the most comprehensive international law book which is written in an engaging, yet often self-critical fashion. It does not attempt to elevate international law to the heights of God-given truth, but recognizes international law for what it is - a potentially flawed attempt by man to regulate behavior between states. As such - it is easy for me to identify with many of the book's propositions and perspectives, and I find it a useful introduction to international law for the probably equally sceptical advanced student. The latest edition of the book is the 6th edition. However, as some places still have the 5<sup>th</sup> edition, the syllabus provides reference to both editions.



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**Grading:** All students will be required to submit two papers which will together constitute 100% of their course grade. The first paper – to be submitted **December 5 2023** will be a short paper (15% of the class grade) focused on showcasing the student's growing understanding of basic international law principles on a real-life current event. The final paper, to be submitted at the end of the semester, will comprise the remaining 85% of the grade (divided as follows: Quality of content (up to 60%); quality of research (up to 17%) and originality of subject and execution (up to 8%). The possible topics of the two papers will be explained during the class. For the short paper – each student must submit an individual paper. For the Final Paper - up to two students may submit a paper together, provided they meet the minimum requirements for such joint work, as explained by the lecturer. Final assignment is due by email **February 17, 2023**. When submitting both papers, CC Corey at [coreygs@tauex.tau.ac.il](mailto:coreygs@tauex.tau.ac.il).

There are no extensions given for final assignments.

**The lecturer:** As I am a full-time practicing lawyer, I will not be able to keep regular office hours at the university. However, I shall be available to students either via email ([reisnerd@hfn.co.il](mailto:reisnerd@hfn.co.il)) or in person (please coordinate through my assistant Gila at 03-6922884).

## **PART 1: Introduction to International Law**

### **Topic #1: What is international law and what are its sources?**

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 42-47; 65-67;*

OR

*(6<sup>th</sup> edition) pp 69-76; 93-99; 109-113.*

*Article 38(1) of the Statute of the International Court of Justice*

<http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>).

Optional reading:

*Shaw: (5<sup>th</sup> edition) pp 68-99;*

OR

*(6<sup>th</sup> edition) pp 77-92; 100-108; 113-127.*



**Topic #2: Who are the subjects of International Law?**

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 175-186; 220-225; 232-233; 241-246.*

OR

*(6<sup>th</sup> edition) pp 195-204; 207-208; 245-250; 259-260.*

Optional reading:

*Shaw: (5<sup>th</sup> edition) pp 194-220.*

OR

*(6<sup>th</sup> edition) pp 205-206; 208-223; 251-259; 260-264.*

**Topic #3: The United Nations**

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 1082-1099.*

OR

*(6<sup>th</sup> edition) pp 1204 – 1224; 1233-1235; 1266-1267.*

Optional reading:

*Shaw: (6<sup>th</sup> edition) pp 1224-1233; 1235-1257 .*

*The UN Charter (<http://www.un.org/en/documents/charter/index.shtml>)*

**Topic #4: Human Rights**

Required reading (in addition to material appearing in course slides/presentations):

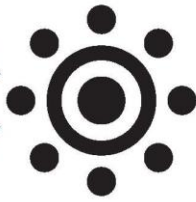
*Shaw: (5<sup>th</sup> edition) pp 247-257.*

OR

*(6<sup>th</sup> edition) pp 265-276.*

Optional reading:

*The American Convention on Human Rights*



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<http://www.cidh.org/basicos/english/Basic3.American%20Convention.htm>

*The Arab Charter of Human Rights*

<http://www1.umn.edu/humanrts/instree/arabcharter.html>

### **Topic #5: Territory (land, air and maritime).**

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 409-429; 463-465; 490-493; 505-511; 515-523.*

OR

*(6<sup>th</sup> edition) pp 487-507; 520-530; 541-543; 553-558; 568-574; 578-586; 609-614; 628-629.*

Optional reading:

*Shaw: (5<sup>th</sup> edition) pp 429-452.*

OR

*(6<sup>th</sup> edition) pp 508-519.*

### **Topic #6: The Laws of Armed Conflict**

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 1054-1076; 1079-1080; 1024-1032.*

OR

*(6<sup>th</sup> edition) pp 1118-1128; 1131-1143; 1145-1147; 1155-1158; 1167-1171.*

Optional reading:

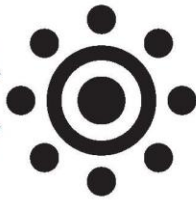
*Fourth Hague Convention respecting the Laws and Customs of War on Land, 1907 (and especially its Annex):*

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/1d1726425f6955aec125641e0038bfd6>.

*Fourth Geneva Convention relative to the Protection of Civilian persons in time of War., 1949*

<http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

*First additional Protocol to the Geneva Conventions relating to the protection of victims of International Armed Conflicts, 1979. <http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>*



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### Topic #7: International law and terrorism.

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 1048-1053.*

OR

*(6<sup>th</sup> edition) pp 1159-1166.*

*International Convention for the Suppression of the Financing of Terrorism*

(<http://www.un.org/law/cod/finterr.htm>).

UN Security Council Resolution 1373 (2001) (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>)

*Articles 44 and 45 of the First additional Protocol to the Geneva Conventions relating to the protection of victims of International Armed Conflicts, 1979.*

(<http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>)

### Topic #8: Dispute resolution mechanisms in international law

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 914-928; 951-960.*

OR

*(6<sup>th</sup> edition) pp 1010-1024; 1047-1056.*

Optional reading:

*Understanding the WTO - Settling disputes:*

([http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/disp1\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm))

## **PART 2: Case Study: the Arab-Israeli Conflict**

### Topic #9: An historical introduction to the Arab-Israeli conflict

Required reading (in addition to material appearing in course slides/presentations):

None.

Optional reading:

A Brief History of the Arab-Israeli conflict (the Guardian)

(<http://www.guardian.co.uk/flash/0,5860,720353,00.html>)



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Myths and Facts - a guide to the Arab-Israeli conflict

(<http://www.jewishvirtuallibrary.org/jsource/myths2/myths2006.pdf>)

Palestine, Israel and the Arab-Israeli Conflict - a primer ([http://www.merip.org/palestine-israel\\_primer/toc-pal-isr-primer.html](http://www.merip.org/palestine-israel_primer/toc-pal-isr-primer.html))

### Topic #10: The primary international law issues arising out of the Arab-Israeli conflict

Required reading (in addition to material appearing in course slides/presentations):

*Shaw: (5<sup>th</sup> edition) pp 225-231; 422-424; 460-461 (relating to the Suez Canal).*

OR

*(6<sup>th</sup> edition) pp 245-248; 447; 1178-1182.*

*UN Security Council Resolution 242*

(<http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/UN%20Security%20Council%20Resolution%20242>)

*Palestine Refugees* (<http://www.unrwa.org/etemplate.php?id=86>)

### Topic #11: Dispute resolution in the context of the Arab-Israeli conflict

Required reading (in addition to material appearing in course slides/presentations):

*None.*

Optional reading:

*The Israel-Egypt Tabá Arbitration* ([http://untreaty.un.org/cod/riaa/cases/vol\\_XX/1-118.pdf](http://untreaty.un.org/cod/riaa/cases/vol_XX/1-118.pdf))

### Academic Fraud

Any person found guilty of academic fraud will be subject to severe sanctions. Some examples of academic fraud include:

- plagiarism or cheating of any kind;
- submitting work of which the student is not the author, in whole or in part (except for duly cited quotations or references);
- presenting research data that has been falsified or concocted in any way; and
- submitting, without written prior approval from the professors concerned, the same work for more than one course.