

Teaching International Law Interest Group

Message from TILIG Editorial Board

It is our pleasure to publish this Autumn newsletter of the Teaching International Law Interest Group (TILIG) of the American Society of International Law. This year has brought several exciting changes and activities to our group.

Our new co-chair is Luiz Philipe De Oliveira, and our newsletter also has more co-editors now.

Our group has been very active hosting several webinars, all meticulously focusing on various and current aspects of the teaching of international law. We had a very busy summer, with the month of July hosting two webinars. Starting with the voices of the special perspectives of TWAIL and Feminism, on July 10th, we had our webinar 'Teaching of TWAIL Feminisms and TWAIL-Feminisms: The Politics and Pedagogy of Hyphens'. On July 17th, the contextual teaching of both public and private international law also had their share of our coverage as they were the subject of our webinar titled 'Teaching Public and Private International Law: Contexts, Choices, Creativity'.

Additionally, on Wednesday August 30th, we had our webinar titled 'Teaching Sustainable Development in an Interdependent Economic World: the Behavioral Turn'.

Current publications of relevance to the teaching of international law were also the subject of our active intellectual endeavours. On May 5th, we hosted a book discussion event titled 'Book Discussion on The Everyday Makers of International Law' published by Cambridge University Press. All events were moderated by our co-chair Md. Rizwanul Islam of North South University. A big thank you to Rizwan! We also extend our appreciation to all the contributors to our webinars and book discussion. Our co-editor Kerine provides an interesting recap of the book discussion event in this issue.

Finally, we call on all our community members to be a part of our active intellectual endeavours. Please keep sending in your writings on the teaching of international law, professional development news or announcements of published works and any upcoming events related to the teaching of international law... etc.

We welcome and appreciate all your suggestions.

Happy reading!

TILIG Co-editors,
Dr. Khadeija E. Mahgoub
Melina Lito
Celine Yan Wang
Kerine Dobson

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Teaching International Law Interest Group

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January – August 2023 Webinar Roundup

The Teaching International Law Interest Group (TILIG) hosted four (4) webinars over the first three quarters of this year.

Book Discussion on *The Everyday Makers of International Law: From Great Halls to Back Rooms*

TILIG's webinar Book Discussion on 5 May 2023 featured the text *The Everyday Makers of International Law: From Great Halls to Back Rooms* a 17-chapter book published in November 2022 by Cambridge University Press. Miia Halme-Tuomisaari, Senior Lecturer in Human Rights Studies at Lund University engaged in discussions with the author Tomasso Soave, Assistant Professor at the Department of Legal Studies of Central European University. TILIG Co-Chair Rizwanul Islam of North South University also engaged Tomasso in discussions and moderated the Q and A segment.

Tomasso described the book as 'a little strange', noting its overall dissonance with existing categories of international law scholarship being a textbook, an ethnographical work and a fictional endeavour all in one. The text provides nuanced insight into the inner workings of international courts and tribunals, highlighting the lesser known or invisible practices and interactions involved in international dispute settlement. It reveals the 'everyday life of the professional who inhabits courts and tribunals, their culture, assumptions, tacit rules and how the rules are organised' showcasing these professionals' '...lives, ambitions, and preoccupations' and the cooperation and competition among them. The book gives a structured account of what is known generally, while respecting confidentiality and the integrity of the international dispute process.

Miia shared her experience of the book and also engaged Tomasso on various aspects of its contents and approach. Noting that the anthropologist writes what everyone already knows, she also commented on the nuanced yet exciting story-telling approach of the book and its exploration of macro consequences of micro practices.

Writings on the Teaching of International Law

The Irony of Teaching International Law in Environments of War: Reflections of an International Law Teacher

Introduction

Once, it was called the law of peace and war, but now, due to its current broadened concept, it is called public international law. Nevertheless, the topic of peace and war remains one of the subject's core elements.

In the following paragraphs, I would like to share my reflections as a public international law teacher and a citizen of a war-torn country – that is, my beloved home country, Sudan.

With the ongoing conflict entering its six months, the issue of peace and war have unbelievably and alarmingly meant that my personal life and career have become intertwined.

I will endeavour to give a well-balanced view on some pedagogical aspects of teaching international law, in relation to the learning environment and the learners, and the curriculum.

A word about the teaching of values

Before sharing my thoughts on this topic, I would like to say that the process of teaching law is expected to encourage students to think deeply and critically about their learning topics. In addition, as Nigel Duncan argued, "legal study introduces values of its own. The scope for disagreement about these values ... and their practical underpinning ... gives law as a field of study enormous potential from both an academic and an educational perspective."¹

Conceptually, the study of international law is expected to introduce a variety of contentious topics that may prick many sensitivities due to the nature of some topics and the different identities of the learners. Accordingly, it is not surprising that the teaching of the subject will involve some irony and controversy.

—continued on page 3

¹ Nigel Duncan "Responsibility and Ethics" in R. Burridge and others (eds) *Effective Learning and Teaching in Law* (1st edn, Kogan Page, 2002) 106

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Environments of war and the learners

War belongs to a few branches of international law, including international humanitarian law. The pedagogical concept of a safe learning environment acquires a particularly ironic meaning and nature amid insecurity and war. The safety aspect, becomes critical, as many who are involved in the teaching and learning process become part of the migrant and refugee communities because of war.

It can be difficult to establish logical communication and discuss peace and war in an objective way with migrant and refugee students. While a significant number of students might still be passionate about the main or basic topics of public international law, difficulties naturally arise when they learn about international peace and states' sovereignty under the shadow of bombing and shelling.

Environments of war and the curriculum

The curriculum of international law means that in an environment of war, we are faced with a situation where the curriculum topics on peace and war, state sovereignty, and non-interference become very complicated and ironic. In the current tragic status of the ongoing war in Sudan, this becomes of special significance due to the well-known foreign interference in the conflict.

A summary of the pedagogical aspects of teaching international law during times of war

The insecure environment of war interferes with both the 'why' and 'how' factors of teaching students about international peace.

It should be recognised that the components of a teaching and learning process are related to:

- What are you teaching the students?
- How does this speak to their logic and understanding of things?
- How would you convince them?

This means that the main points within the pedagogical aspects of teaching international law amid times of war are concerned with:

- What kind of curriculum do you have?
- What are the learning outcomes?
- What is the link between theory and practice?

So, teaching and learning processes are about the decisions made regarding the how and why of things. The challenge is that an ongoing conflict environment or insecurities interfere with these choices or might have a direct impact on them.

Some takeaways

1. Peace and security will continue to be main topics within the international law curriculum. However, the challenge remains as to how to bring in more realistic and forward-thinking approaches to the formula.
2. Today's students are tomorrow's international lawyers, and it is therefore important that they fully understand certain realities of international law, such as "the myth of the sovereign state", just to borrow Lowe's phrasing.²
3. The international rule of law has always been under scrutiny, and it seems it will remain so.
4. Law professors should maintain their focus on how they teach the students of their communities and home states the rules of international law on peace and war and their shortcomings.
5. Initially, teaching of the topic should not be put on hold. However, one should always think about the road to reasonableness and sense amid the chaos and madness of the reality.
6. In essence, international law is about the 'natural human being', and this should be reflected in its teaching.

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² Vaughan Lowe, *International Law: A Very Short Introduction* (1st edn, Oxford University Press 2015) 2



Recent and Forthcoming Publications:

1. Allen Weiner, Duncan Hollis, and Chimene Keitner are pleased to announce the recent publication of their casebook, *International Law* (Aspen, 8th ed.). Review copies and teaching materials are available at <https://www.aspenpublishing.com/Weiner-InternationalLaw8>. In addition to adding a new author (Keitner), the latest edition features multiple updates including: detailed treatment of the legal issues arising from Russia's invasion of Ukraine; vignettes highlighting the operation of international law in other contemporary crises like the COVID-19 pandemic and the Rohingya genocide in Myanmar; deeper comparative treatment of international law principles of jurisdiction and immunity; coverage of major recent international cases including the ICJ's Advisory Opinion on self-determination (the *Separation of the Chagos Archipelago from Mauritius in 1965*) and the Dutch Supreme Court case on the international human right to a healthy environment (*Netherlands v. Urgenda*); discussion of international law principles governing election interference and other harmful cyber operations; and increased diversity of authors and perspective. Like previous editions, this casebook covers core topics in public international law and U.S. foreign relations law (a detailed table of contents is available on the casebook website). TILIG members are welcome to reach out to any of the authors with questions or feedback.
2. Received from William Slomanson:
 - a. California's Gun Purchase Waiting Period: A History of the Future, 36 *California Litigation Reporter* _ (Sept. 2023), https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpapers.ssrn.com%2Fsol3%2Fpapers.cfm%3Fabstract_id%3D4510925&data=05%7C01%7C%7C0ab835cbdf5240e39ce208db9a8a76a7%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C638273691706135462%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=hlcwp9jSrlVmCux3K0vjHQb5PI5QOvr8jpszrWSwfK8%3D&reserved=0
 - b. Russia's War in Ukraine: First Anniversary Realpolitik, 45 *T. Jefferson L. Rev.* _ (forthcoming, 2023), https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpapers.ssrn.com%2Fsol3%2Fpapers.cfm%3Fabstract_id%3D4395960&data=05%7C01%7C%7C0ab835cbdf5240e39ce208db9a8a76a7%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C638273691706292097%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=AMA8PIULzGG4boVeJIW19C0NWo0dvHW9VNZTIBceeCw%3D&reserved=0