

University of Oslo, Faculty of Law, Public International Law Masters Programme

Moot Court Course

Reading List and Course Outline

1. Introduction: Public International Law Moot Courts and the Telders' Moot Court in the Hague

Essential Reading on Moot Courts in General:

****Chapter 1 in Meghan Spillane and the IBA, *International Law Moot Court: An Introduction*, Idebate Press, 2008

***Chapter 1 and 2 in John Snape and Gary Watt, *How to Moot: A student guide to mooting*, Oxford 2010

Chapter 1 in David Pope and Dan Hill, *Mooting and Advocacy Skills*, Thomson 2010

On the Telders' Moot Court:

****<http://grotiuscentre.org/com/doc.asp?DocID=424>

in particular: Telders Moot Court, General Information, Taking Part

Side note:

1 Continued: Understanding the ICJ: The Court, composition, admissibility of cases pursuant to Art. 36 of the ICJ Statute and reservations

Essential reading:

****Martin Dixon, *Textbook on International Law*, Oxford University Press, 2007, 283-307

***Thomas Franck, *Nicaragua v. USA, Jurisdiction and Admissibility*, (1985) 79 AJIL, 495

**Stephen Schwebel, *Chambers of the ICJ formed for particular Cases in: Y. Dinstein (ed.), International Law at a Time of Perplexity* (Nijhoff 1989)

***Philippe Sands, Ruth Mackenzie, Yuval Shany, *Manual on International Courts and Tribunals*, Butterworths 1999, 4-22

****Compromis submitted to the ICJ by Hungary and Slovakia in the *Gabčíkovo v. Nagymaros Case*:

<http://www.icj-cij.org/docket/index.php?p1=3&p2=1&k=8d&case=92&code=hs&p3=0>

****Contrast: *Application of Germany in the Jurisdictional Immunities Case*:

<http://www.icj-cij.org/docket/index.php?p1=3&p2=1&k=60&case=143&code=gi&p3=0>

University of Oslo, Faculty of Law, Public International Law Masters Programme

2. Legal research

- How to research in public international law:
 - What are you looking for, why are you looking for it, where are you looking for it
 - What: Legal sources and secondary legal materials

Side note:

2 continued: The sources of Public International Law

Essential reading:

****Martin Dixon, Textbook on International Law, Oxford University Press 2007, chapter 2

***D.J. Harris, Cases and Materials on International Law, Sweet and Maxwell 1983, 19-52

- Why: Mind maps and other tools to map a certain topic/area of research
- Where: sources and databases: westlaw, lexis nexis, ppl.nl., max planck opac, hudoc database, UN treaty database, bayefsky, sim.law.uu.nl/SIM/Dochome.nsf?Open, un.treaty.org; un.org
- Compiling a bibliography

Essential Reading:

****Paul I. Weitzer, How to please the Court, Chapter 2, 10-44

***Sharon Hanson, Legal Method, Skills and Reasoning, Part two, 41-66

3. Legal reading:

- a. The importance of context
- b. How to read primary and secondary legal sources:
 - i. Treaties: structure of an international treaty: preamble, main part, concluding paragraphs
 - ii. Security Council decisions
 - iii. General Assembly documents
 - iv. Historical sources: Draft articles of the International Law Commission
 - v. Revision: binding force of UNSC resolutions, GA resolutions, ILC resolutions and articles

Essential reading:

**** UN Security Council Resolution 1929, 9 June 2010

****UNGA resolution requesting the Secretary General to submit further report on investigations into violations during the Gaza conflict, 26 February 2010

****ILC Draft Articles on Transboundary harm

University of Oslo, Faculty of Law, Public International Law Masters Programme

- c. How to read judgments:
 - i. Contrast: House of Lords Pinochet Judgment v. ICJ judgment (Arrest Warrant Case)
 - ii. *Precedent* and *stare decisis* in public international law
- d. How to read scholarly writings
- e. Effective reading: keyword search, skimming through legal texts

Essential reading:

****Sharon Hanson, *Legal Method and Legal Reasoning*, 69ff (contexts of law), 157-168 (on precedent) 208ff (on reading texts about the law)

****Pinochet judgment:

<http://www.publications.parliament.uk/pa/ld199899/ldjudgmt/jd990115/pino01.htm> (remember to also click on the *continue* to read the second part of the judgment)

****ICJ, *Case Concerning the Arrest Warrant of 11 April 2000* (Belgium v. Congo):

4. Legal writing:

- a. Legal memoranda and the statement of facts
 - i. How to write legal memoranda
 - ii. How to write a statement of facts – applicant v. respondent side

Essential Reading:

****Meghan Spillane and the IBA, *International Law Moot Court: An Introduction*, Idebate Press, 2008, 51-57, 67-75 (for the statement of facts)

****http://www.ualr.edu/cmbarger/SAMPLE_MEMO.HTML

**** Compromis concerning the use of genetic material for the cure of the Ebola virus
www.glc.edu/mootcourt/documents/dmhprob07.pdf

5. Continued: Legal writing

- a. Types of legal argument:
 - i. IRAC scheme and other schemes of argument (TEC, SP etc.)
 - ii. Citing legal sources

Discussion of homework related to statement of facts: applicant / respondent side

Essential Reading:

****Lynn Bahrych, *Legal Writing in a Nutshell*, West 2009, 34-41

University of Oslo, Faculty of Law, Public International Law Masters Programme

Side note:

6. Citing Public International Law sources in legal writings:

- i. Treaty law: applicability to the states members to the treaty, how do treaties come into being, negotiations and history of a treaty
- ii. Customary law: proof must be provided for state practice and opinio juris
- iii. Scholarly opinions: less important, must be shown that the persons cited are a leading authority in their field, do not use too often in a legal memorandum
- iv. The applicability of sources of international law: lex posterior rule, lex specialis rule, intertemporal law
- v. Bolstering an argument:
 1. Ius cogens and erga omnes obligations
 2. The interpretation of rules in public international law: the rules of the Vienna Convention, importance of naming the method as well as the actual source one is referring to.

Reading:

****ICJ, Arrest Warrant Case, Counter-Memorial of the Kingdom of Belgium

Discussion of homework related to use of IRAC scheme

7. Legal writing continued:

- vi. Style, grammar and language
 1. Language and grammar
 2. Paragraph style
 3. Transition between paragraphs
 4. The importance of argument and how to establish an argument
 5. Building counter-arguments

Essential reading:

****ICJ, Arrest Warrant Case, Counter-Memorial of the Kingdom of Belgium

****Lynn Bahrych, Legal Writing in a Nutshell, West 2009, in particular: 29-49, 54-80

***Sharon Hanson, Legal Method, Skills and Reasoning, Part three, 229-287

***<http://www.ualr.edu/cmbarger/>

8. Oral argument:

- a. Structure of an oral argument
 - i. Addressing judges in court

University of Oslo, Faculty of Law, Public International Law Masters Programme

- ii. Structure
- iii. Composure and dressing issues
- b. Be prepared: organising the sources for your presentation
- c. The handout

Essential Reading:

****Paul I. Weitzer, How to please the Court, 45-69

****Meghan Spillane and the IBA, *International Law Moot Court: An Introduction*, Idebate Press, 2008, 77-95

Class performance: Presentation of teams for the applicant side and critique

9. Oral argument 2: Presentation of teams of the respondent side and critique

10. Oral argument 3: Full Court Performance: The Telders Compromis

Applicant and Respondent teams, full bench of judges