



universität
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LL.M. in International Law

**University of Vienna
School of Law**

Winter Semester 2021/2022

Course Title: The Legal Foundations of World Politics

Professor: Hanspeter Neuhold

Purpose and summary of the course

The objective of this interdisciplinary course is to enable students to better understand the problems posed by some of the key legal principles governing relations between states and other subjects/actors of today's international system. These legal rules - the prohibition of the threat or use of force, non intervention in internal affairs, the peaceful settlement of international disputes and self-determination of peoples - will be discussed against the background of political variables by which they were and still are shaped after the end of the Cold War and "9/11". Whenever possible, practical examples/cases will primarily be taken from recent European history, above all the conflicts in the Balkans.

Theoretical approach and method

A "policy-oriented" approach to international law including the non-legal problems to be solved by legal rules will be adopted. Presentations by the instructor will be combined with discussions on the basis of assigned readings and questions raised by the instructor or students. Interaction and participatory learning will be encouraged

Literature

A reader, a set of documents and copies of the power point slides will be made available by the instructor.

Exam

The final written exam will consist of a number of questions focusing on the basic "messages" of the course and a short essay on a general issue for which students will be offered a choice between two or three topics.

Participation in discussions will also be taken into account for the final mark/grade (20%)

I Politically-Oriented Concept of International Law: The Normative Balance between Conflicting Interests

II. The Prohibition of the Threat or Use of Force in International Relations

- 1. Evolution of the principle: from the jus ad bellum to the jus contra bellum***
- 2. The UN system of collective security during the Cold War***
- 3. The UN system of collective security in the post-Cold War international system***

- 3.1. Security Council authorization to use force
- 3.2. "second-generation" peacekeeping operations
- 3.3. "third-generation" peacekeeping operations:
- 3.4. "enforcement by consent" by non-UN forces: IFOR/SFOR, KFOR
- 3.5. preventive peacekeeping
- 3.6. non-military sanctions and the issue of legal limits to the discretion of the Security Council
- 3.7. international administration: Bosnia-Herzegovina and Kosovo
- 3.8. individual criminal responsibility: ICTY as trailblazer
- 3.9. lawful "humanitarian intervention" without Security Council authorization?
- 3.10. "responsibility to protect" and enforcement action against the Gaddafi regime in 2011
- 3.11. the Security Council and the civil wars in Syria and Iraq

4. Self-defence under Art. 51 of the UN Charter

- 4.1. definition of an armed attack:
arms? scope of attack? identity of attacker? intent of harming?
- 4.2. targets of armed attacks entitling to self-defence
- 4.3. lawfulness of anticipatory self-defence
- 4.4. necessity and proportionality still required?
- 4.5. self-defence after measures taken by the Security-Council?
- 4.6. collective self-defence
- 4.7. wars of national liberation as self-defence?
- 4.8. self-defence within great power zones of influence?

III. Non-Intervention in Internal Affairs

1. The evolution of the principle

2. The thin line between desirable pressure and illegal interference

IV. The Peaceful Settlement of International Disputes

1. The advantages and shortcomings of the "classical" methods of dispute settlement

2. The International Court of Justice

3. The "proliferation" of courts and tribunals

4. The "Great Debate" on the "best" settlement method

5. The UN system for the peaceful settlement of disputes

V. Self-Determination of Peoples

1. The evolution of the principle

VI. Legal Aspects of the 2013/2014 Ukrainian Crisis