

Unilateralism in International Law: Regulation, Responsibility and the Rule of Law

Semester:	Fall semester- FS 2025
Root Number:	513411
ECTS:	4
Lecturers:	Professor Kimberley Trapp, Professor Alex Mills
Dates:	3-7 November, 2025
Room:	Anna Nussbaum, World Trade Institute

Course Description

Multilateral rules and institutions in international law appear to be under challenge from a more unilateral regulatory approach. This course offers an assessment of how this approach fits within but also challenges the existing framework of international law. It focuses on the adoption of regulatory measures by States, including legislative and executive acts, which are intended to have an external impact. This is the case, for example, in relation to unilateral sanctions on foreign State or non-State actors. This course explores three different lenses through which international law engages with such measures, providing both a general grounding and focused consideration of contemporary issues. First, these measures are regulated by the international law of jurisdiction, which seeks to directly limit the power of States to regulate extraterritorially, reducing the potential risk of regulatory conflict. Questions may be raised, however, as to whether these rules function as an effective constraint, raising rule of law challenges. Second, regulatory measures may be considered through the lens of State responsibility, as they may breach primary rules of international law, including the prohibition on coercive intervention or other more specialised rules. In some cases, however, the primary rules may provide for an exception (such as a national security exception), and in other case their wrongfulness may be precluded under the secondary rules of State responsibility – for example, where they may be characterised as a counter-measure in response to the prior breach of international

law by another State. A third related but broader lens is that some unilateral regulatory measures may be viewed as a means of enforcing international law rules – understood in a wider context of the incomplete institutionalisation and judicialisation of international law. Where collective means of enforcing international law are absent or weakened (a present concern, for example, in relation to international trade law), unilateral or horizontal measures may be adopted as a contentious alternative. They may thus perhaps be viewed as reinforcing the rule of law in international relations, though also present their own rule of law challenges

Audience:

The course is designed for advanced students in law with a strong command of English and interest in international law and international relations, and especially for:

- PhD students with a focus in Law, University of Bern
- Government officials, legal practitioners, and staff of international organisations who hold a Master's degree in law, and have at least three years of professional experience in areas relevant to public international law. (Online participation is an option for these individuals, with the option for certificate of attendance, pending 80% course attendance).

Lecturer

Professor Kimberley Trapp

Kimberley Trapp is Deputy Dean and Professor of Public International Law at the Faculty of Laws, University College London (UCL). She served as the Faculty's Vice-Dean (International) from 2018-2022. Prior to joining UCL in 2012, she was a Lecturer at Newnham College and an Affiliated Lecturer at the Faculty of Law, University of Cambridge. Kimberley obtained a BA (philosophy), BCL and LLB from McGill University, and an LL.M and PhD from the University of Cambridge. Between her McGill Law degrees and her LL.M at Cambridge, Kimberley was a practicing lawyer at Davis Polk & Wardwell (in New York and Hong Kong, M&A and private equity). Kimberley collaborates as an academic advisor on issues of international humanitarian and human rights law with various NGOs and Government departments, has published in leading academic journals and edited collections on issues relating to the use of force, State responsibility, the interaction between international humanitarian law and terrorism suppression, and the settlement of international disputes, and has presented related scholarship at various forums,

including the Annual Meetings of the Canadian Council on International Law, American Society of International Law and Australian and New Zealand Society of International Law. Kimberley is co-editor of the OUP 'Elements of International Law' book series, a member of the Academic Review Board of the *Cambridge International Law Journal*, Board of Editors of the *Journal on the Use of Force and International Law* and serves on the Advisory Board of the *McGill Journal of International Law & Legal Pluralism*.

Professor Alex Mills

Alex Mills is Professor of Public and Private International Law in the Faculty of Laws, University College London (UCL). Before joining UCL he was a Fellow and College Lecturer at Selwyn College and an Affiliated Lecturer at the Faculty of Law, University of Cambridge. He holds undergraduate degrees in Philosophy and Law (both with first class honours) from the University of Sydney, Australia, and practised as a Solicitor in Sydney before completing an LLM (first class) and a PhD (awarded the Yorke Prize) in Law at Gonville and Caius College, University of Cambridge. He researches and teaches on a wide range of topics, encompassing public international law, private international law, foreign relations law, and commercial and investment arbitration. He has published two sole-authored monographs and a co-authored textbook, and his research has also been published in internationally leading journals and edited books, and cited by courts in a range of jurisdictions, including the Court of Justice of the European Union, the European Court of Human Rights, England and Wales, Hong Kong, Singapore, Australia, New Zealand, India, Brazil and the Bahamas. He has given presentations to legal professionals and at academic conferences around the world, and has held visiting positions at universities in the European Union, United States and Australia. He has also been consulted on public and private international law issues by government departments, intergovernmental organisations, legal practitioners and NGOs, and has also served as an expert witness and amicus curiae in foreign courts on matters of public and private international law. He is a specialist editor of *Dicey, Morris and Collins on the Conflict of Laws*, and General Editor of the *International and Comparative Law Quarterly*.

Course Overview

Class	Date	Day	Time	Hours	Lecturer	Topic
1	3. Nov.2025	Monday	9.30-11.00, 11.30 – 13.00, 14.00-15.00	4	Trapp, Mills	Introduction and Unilateral Acts in International Law
2	4. Nov.2025	Tuesday	9.30-11.00, 11.30 – 13.00, 14.00-15.00	4	Trapp, Mills	Jurisdiction (1)

3	5. Nov.2025	Wednesday	9.30-11.00, 11.30 – 13.00, 14.00-15.00	4	Trapp, Mills	Jurisdiction (2); State Responsibility (1)
4	6. Nov.2025	Thursday	9.30-11.00, 11.30 – 13.00, 14.00-15.00	4	Trapp, Mills	State Responsibility (2)
5	7. Nov.2025	Friday	9.30-11.00, 11.30 – 13.00, 14.00-15.00	4	Trapp, Mills	The Enforcement of International Law

Compulsory and recommended reading materials

Students will receive a reading list with both mandatory and optional reading materials.

Learning Outcomes

At the end of this course, students should understand and be able to critically assess:

- the various roles that unilateral acts play in public international law;
- the key principles of the law of jurisdiction in international law, and how they apply to unilateral acts with extraterritorial effects (such as sanctions);
- when and how states may be held responsible for breaches of international law, including particularly how those rules apply to unilateral acts; and
- the potential role of unilateral acts such as sanctions as a means of enforcing international law (and the implications of this for the rule of law in international law).

Exams and Grades

Students will complete a **5,000 word take-home assessment, due at 17:00 CET on 14 November 2025**. Assessments must be submitted by email to a.mills@ucl.ac.uk. Further guidance on the format of the assessment will be provided in class. Answers are expected to draw on the course reading materials – further research is not required.

The course will follow the University of Bern grading system.