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Reading and Rereading the Caroline Correspondence, 1838-1842: Shaping the Modern Right of Self-Defence in International Law

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**Wednesday, 5 March 2014, 12:30 - 1:30 pm
Room A723, 7/F, Cheng Yu Tung Tower
The University of Hong Kong**

This presentation will argue for a return to - and detailed reading of - the Caroline correspondence between Great Britain and the United States, which lasted for four years from 1838 to 1842. The correspondence has been made famous by virtue of the formula it presents for the operation of the right of self-defence in international law--principally through the principles of necessity and proportionality - and relates to an event that occurred on the territory of the United States on the evening of December 29, 1837. However, much remains obscure about why the correspondence lasted so long, and what a reading of the correspondence in its entirety does for our understanding of what these principles mean (or may mean) in practice. A detailed and holistic 'reading' of the correspondence is therefore undertaken and, then, a 'rereading' of how this correspondence has been received in the jurisprudence of the International Court of Justice in the Nicaragua Case (1986). Through this latter exercise, the intention is that a more informed and complete picture emerges of the law and the limitations of this law when set against the law of the United Nations Charter, especially taking into account the activation of the right of self-defence during the 'war on terror'.

Dino Kritsiotis is Chair of Public International Law at the University of Nottingham—where he has taught since October 1994—and serves as the founding Head of the International Humanitarian Law Unit of the Human Rights Law Centre. He is a recognized authority in the field of general international law, specializing in international law and the use of force and armed conflict as well as the history and theory of public international law. Professor Kritsiotis has held the Robert K. Castetter Distinguished Visiting Foreign Law Professorship at the California Western School of Law in San Diego (2012) as well as the L. Bates Lea Visiting Professorship of Law at the University of Michigan (2005 –2008). He has lectured and taught at the University of Hong Kong, the University of New South Wales, the University of Melbourne and the University of Cape Town, and is a regular member of the faculty of the summer Masters Programme in International Human Rights Law at Oxford University.

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