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# International Law

## Critical Thinking Frameworks in International Law

Gleider Hernández, *International Law* (2<sup>nd</sup> edition, Oxford University Press, 2022)

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### Responding to 'essay questions' in exams

Essay questions often involve an open question where students are asked to express their opinion on a doctrinal point, a set of competing theories, or a contemporary development. The student of international law might gaze in horror at an exam question, sometimes consisting of only a few lines, asking for extensive explanation, reflection, and/or commentary. Yet the questions are usually relatively open-ended, allowing a student to demonstrate two key skills:

- the ability to synthesise knowledge that has been acquired within the module or course of study
- the ability to demonstrate original analysis and reflection in relation to what has been learned, going beyond regurgitation or rote learning.

#### **A step-by-step guide of how to tackle an essay question in an exam**

**Step 1. Identify the question.** Often, students simply jump to giving their own views and giving a response without a clear understanding of what has been asked. The question will, invariably, have been discussed in lectures and the reading materials; try to think about which legal issues might be involved and in play.

**Step 2. Identify the applicable law.** To what area of international law does this apply? Is it possible that there is more than one area to which it applies? Usually, a question will require focus on one specific topic or rule, but

sometimes a well-formulated response might allow a student to bring in knowledge based in other topics in the course.

**Step 3. Formulate an essay structure.** Time is precious; but take a moment to reflect on the main points you wish to cover. This can take the form of just a few bullet points, but an essay plan will give structure to your answer and help to ensure that you do not miss any key sources, issues or case law that are essential to consider. This is a great way to maximise your knowledge and understanding of the key points and present them in the answer within the limited time given.

**Step 4. Identify the relevant debates and questions.** It is usually not sufficient, when asked an essay question, merely to identify relevant treaty provisions or relevant case law that might identify customary law or general principles. To answer such a question often requires that you explain where the dominant debates lie, and that you understand where the controversial points and grey areas might be found. Break down your answer into manageable, identifiable points that help you to develop your response.

**Step 5. Reflect on your argument and offer a conclusion.** International law academics rarely want students merely to parrot back their preferences or sensibilities. They prefer for a student to adopt a position, whether a robust defence of a certain position, or a well-defended ambivalence between competing views. This is your opportunity to draw on the key arguments you have given in the main body of your response and to tie them together persuasively.