

LAW3311 Public International Law

Code

LAW3311

Title

Public International Law

Prerequisites

Theory of State and Law

Credits

3

Description

This course is designed to provide students with a solid understanding of public international law, its political nature and how it relates to real life global events and institutions. The course will cover the fundamental principles that govern state relations, and state’s interactions with others actors of International law. The course will start with an introduction to the international legal system, comprising a presentation of the peculiarities of international law as compared to national law. It will then focus on core areas of PIL consisting of issues such as the nature of international law, how international law is made and when does it come into effect, where it is debated and how it is enforced, and so on. Subject matters, such as sources of international law, international responsibility of States for wrongful conduct, principles relating to jurisdiction and the settlement of international disputes will be covered in depth during the course. In addition to general concepts, some selected specialist areas of PIL such as the laws on the use of force, the responsibility to protect and the International law of the sea will be examined

Outcomes

Upon successful completion of the course, students will be able to: 2.1 Knowledge outcomes • Students will gain an understanding of the nature of public international law • Students will learn about sources of public international law and applicability thereof in relation to the substantive rules within the international legal framework. • Students are provided with a solid foundation for the further study and research of more specialist areas of international law. • Ability to critically examine the principles and institutions of international law • Ability to apply international law to current political and general global events • Ability to understand how researchers approach scholarship in International law 2.2 Skills outcomes • learn to develop analytical and critical skills in the distinct reasoning of international law • learn to organise their own learning programme and manage their time effectively. • learn to assimilate large amounts of material and extract from it relevant information to successfully prepare for and complete each seminar and written assignment. • learn to listen and participate effectively in class. • learn to express ideas cogently orally and in writing. • develop problem-solving skills and the ability to generate practical ideas for the solution of legal problems.

Assessment

60 % -first and second assessments

40 % -final assessment

Tentative course outline

Week1

Introduction to the International Legal Order → The structure of the International Community → Historical Development and Specificities of Public International Law → The Relationship between International law and Domestic Law

Week2

The Subjects of International Law (1) → The Concept of Subject of Law and of Legal Personality → States: Definition and Conditions for Statehood, Territory and Underlying principles, Sovereignty

Week3

-Is unilateral secession prohibited? -When is unilateral secession a right? Self-determination of peoples

Week4

The Subjects of International Law (2) → International Organizations: Legal Definition, Rights and Duties under International Law → The status of Individuals in International Legal order → Other International Actors: Non-state Actors and International Regulations of their Activities

Week5

The sources of International Law (1) → Article 38 of the ICJ Statute and its list of Sources Treaties: Concept, Conclusion, reservation, Conditions of Validity, Interpretation, termination

Week6

General Principles of Law -Unilateral acts of states -Unilateral acts of International organizations -Soft law The fundamental Principles of International Law (1) → The principles proclaimed in the UN General Assembly resolution 2625 (XXV) of 1970

Week7

Review. Exam.

Week8

The fundamental Principles of International Law (2) The Prohibition of the Use of Force — History of the prohibition of the Use of Force — Scope of the Prohibition and its Legal nature — The Horizontal Exception to the prohibition: Individual and Collective Self-Defense

Week9

-Humanitarian Interventions and responsibility to protect

Week10

State Responsibility for Internationally Wrongful Acts (1) — Nature of International Responsibility The Elements of State Responsibility -The Content of State Responsibility -The Invocation of Responsibility and Diplomatic Protection

Week11

Seeking justice The settlement of international disputes (1) -Diplomatic Means of Dispute Settlement: Negotiation, Good Offices, Mediation, Inquiry, Conciliation -Legal Means of Dispute Settlement: Arbitration and Permanent Courts

Week12

Review. Exam.

Week13

International Humanitarian Law

Week14

International Humanitarian Law

Week15

International Law of the Sea