

INTERNATIONAL LAW

DEGREE: BACHELOR IN INTERNATIONAL RELATIONS

DEGREE COURSE YEAR: 2ND

1^º SEMESTER 2^º SEMESTER

CATEGORY: BASIC COMPULSORY OPTIONAL

NO. OF CREDITS (ECTS): 6

LANGUAGE: English

PREREQUISITES: None

1. SUBJECT DESCRIPTION

International Law is a legal system, which regulates relations between states and the operations of a number of international organisations. Today Public International Law regulates a wide range of issues, such as international security, the protection of human rights, international humanitarian law or international criminal law.

International law is a comparatively recent phenomenon in the history of law. Thus, the first part of the course begins with a discussion about why International Law exists, what it is and what is the difference between International law and International Politics. A discussion about methodology and about terminology will also be conducted at the beginning sessions. The transition that led from medieval natural law to modern international law, as well as the way of thinking about International Law will be discussed. We will then examine the nature of international law and its differences from, and relationship to, municipal law will be examined.

After the methodology and the conceptual introduction, the course tackles the most important international legal institutions. The list includes matters as relevant to the contemporary law practitioner as international treaties and sources of obligations, what defines a State and the principle of sovereign immunity. Special attention will be given to the emergence of international organisations and the importance of the issue of settlements of disputes, the unilateral and collective use of force, humanitarian law, human rights law and international criminal law. The study of some of the major issues of recent conflicts will also be included, as well as a reference to the growing importance of international economic and investment law.

The first part of this course will be therefore devoted to understanding what Public International law is, what the differences to other branches of law are and its foundations. The sources of International Law will be at the very core of this first part, explaining International law through practical examples and debates. The second part of the course will be devoted to specific issues and sections of public international law.

The significance of International Law is growing. This is, for example, illustrated by the increasing importance of international criminal law given that many offenders of international criminal law are now being prosecuted for war crimes and crimes against humanity. Similarly, the role of the International Court of Justice within the international legal system is growing since an increasing number of applications have been made to it in recent years. The utilisation of International Law has also been enhanced by the creation of numerous judicial organs at international and regional level. The work of the European Court of Human Rights, a victim of its own success, as well as the development of other regional systems of protection and their interactions will also be studied.

Overall, International Law plays a vital role since it underlies many other fields of law, such as European Union Law or even domestic Law. Thus, lawyers specialising in other fields of law also need to be familiar with International Law in order to advise their clients effectively. Public International Law is also a key topic for those specialising in International relations, as it is the main tool to assessing and understanding most problems of our globalised international society.

2. OBJECTIVES AND SKILLS

International law is a discipline which is very sensitive to detail (international lawyers were accused of being myopic handmaidens by one of its own). Nuance and precision matter a great deal in analysing and interpreting legal documents, cases and arguments. **Distinction** and **precision** are two of the methods used by international lawyers to distinguish their enterprise from international politics and justice. Of course, international lawyers are not as nuanced when they start talking about other disciplines! So, **avoid at all cost** being vague and imprecise when articulating a legal position.

Main objectives and skills include the following:

- To pay attention to detail, do not generalise, do not be vague and always think about counter-arguments when articulating your own argument.
- To learn the use of International law terminology in a meaningful way: to understand legal notions essential to describe today's world and to counter argue in international legal terms.
- To acquire a basic knowledge of key concepts and rules of International Law, including international rules governing the settlement of disputes and the use of force, International Humanitarian Law, International Human Rights Law, International Criminal Law and International Trade Law

3. CONTENT

SESSION 1

INTRODUCTION (I). – WHAT IS INTERNATIONAL LAW? A CONCEPTUAL AND METHODOLOGICAL APPROACH

SESSION 2
INTRODUCTION (II). –INTERNATIONAL SOCIETY AND INTERNATIONAL LAW: ON LEGAL THINKING

SESSION 3
INTRODUCTION (III). INTERNATIONAL LAW AND MUNICIPAL LAW.

SESSION 4
THE SOURCES OF INTERNATIONAL LAW (I)

SESSION 5
THE SOURCES OF INTERNATIONAL LAW (II): CUSTOM

SESSION 6
THE SOURCES OF INTERNATIONAL LAW (III): CUSTOM

SESSION 7
THE SOURCES OF INTERNATIONAL LAW (IV): TREATIES

SESSION 8
THE SOURCES OF INTERNATIONAL LAW (V): TREATIES

SESSION 9
THE SOURCES OF INTERNATIONAL LAW (VI): RESERVATIONS TO TREATIES

Debate on the reservations to the Convention on the Elimination of All forms of Discrimination v. Women

SESSION 10
THE SOURCES OF INTERNATIONAL LAW (VII): OTHER SOURCES, IN PARTICULAR GENERAL PRINCIPLES AND UNILATERAL ACTS

SESSION 11
SUBJECTS OF INTERNATIONAL LAW (I): THE STATE- THE ISSUE OF IMMUNITIES

SESSION 12
SUBJECTS OF INTERNATIONAL LAW (II): INTERNATIONAL ORGANISATIONS

SESSION 13
SUBJECTS OF INTERNATIONAL LAW (III): THE INDIVIDUAL

SESSION 14
REVIEW SESSION

SESSION 15
MID-TERM EXAM

SESSION 16
STATE RESPONSIBILITY

SESSION 17
SETTLEMENT OF DISPUTES: DIPLOMATIC METHODS, ARBITRATION AND JUDICIAL SETTLEMENTS

SESSION 18:
THE UNITED NATIONS- THE SYSTEM

SESSION 19
INTERNATIONAL SECURITY: THE USE OF FORCE AND INTERVENTION (I)

SESSION 20
INTERNATIONAL SECURITY: THE USE OF FORCE AND INTERVENTION (II)

SESSION 21
INTERNATIONAL SECURITY: THE USE OF FORCE AND INTERVENTION (III)

SESSION 22
INTERNATIONAL HUMANITARIAN LAW

SESSION 23
INTERNATIONAL PROTECTION OF HUMAN RIGHTS (I) – THE UN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS REGIONAL PROTECTION OF HUMAN RIGHTS

SESSION 24
INTERNATIONAL PROTECTION OF HUMAN RIGHTS (II): THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ECHR)

SESSION 25
INTERNATIONAL CRIMINAL LAW (I): – THE CRIMES

SESSION 26
INTERNATIONAL CRIMINAL LAW (II) – PROSECUTION OF INTERNATIONAL CRIMES. THE ROME STATUTE

Group discussion

A case scenario will be given

SESSION 27
INTERNATIONAL TRADE LAW (I) – MAIN PRINCIPLES OF INTERNATIONAL TRADE

SESSION 28
INTERNATIONAL TRADE LAW (II) – THE WORLD TRADE ORGANIZATION AND DISPUTES MECHANISM

Group discussion

Assessing WTO disputes mechanism: monitoring compliance

SESSION 29
REVIEW SESSION

SESSION 30: EXAM

4. METHODOLOGY AND ECTS WEIGHTING

The methodology will consist in a mixture of interactive lectures and case discussions mainly based on the “Socratic method”. Once the introduction and key concepts and terminology have been introduced, a part of each class will be dedicated to instructor presentations explaining the main concepts and theories of International Law. The rest of the class will be used to analyze and discuss some key cases that will illustrate the application of International Law in practice.

Students are expected **to read the assigned readings**, which will help them to follow the lectures and to prepare for the discussions in class. To this aim, judgments and cases will be made available and students will have to consult any of the given basic text books in order to prepare for the seminars. **Throughout the course, students will also prepare group assignments in writing, which will be discussed in class.**

Students are supposed to actively participate in class discussions.

The interactive lectures will account for approximately 20% of the ECTS weighting, the case discussions for 20%, while the group work outside class will account for 20% and individual studying outside class for 40%.

TEACHING METHODOLOGY	WEIGHTING	ESTIMATED TIME A STUDENT SHOULD DEDICATE TO PREPARE FOR:
Class participation	(10)%	15 hours
Individual work	(20)%	30 hours
Group work	(20)%	30 hours
Exams (individual studying)	(50)%	75 hours
TOTAL	100%	150 hours are required for a 6 ECTS course (30 sessions)

5. EVALUATION SYSTEM AND WEIGHTING CRITERIA

Each student has four attempts over two consecutive academic years to pass this course.

Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will lose their first and second chance, and go directly to the third one (they will need to enrol again in this course next academic year).

Students who will take the exam for the third or fourth time should contact the professor during the first two weeks of the course.

Class sessions will include lecture and discussion.

CRITERIA FOR CALCULATING THE GRADE

Students' evaluation will be made upon performance on written group assignments (20%), class participation (10%), individual quizzes (20%) and an examination (50%).

Your final grade will be weighted in the following way:

A.	Class participation	10%
B.	Group work (cases or papers)	20%
C.	Quizzes	20%
D.	Mid-term Exam	25%
E.	Final Exam	25%
TOTAL		100%

A. CLASS PARTICIPATION (10%)

Students are expected to attend and prepare in advance for all class meetings and to participate actively in debates. The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. They must participate in class discussions throughout the course.

B. GROUP ASSIGNMENTS (20%)

Throughout the course, students will be requested to prepare **two group assignments** in writing. The assignments will consist in the analysis of a case that will be discussed in class or the elaboration of a brief group memorandum analysing the legal issues involved in topical international affairs, which will be studied in class. Students are expected to engage in independent research activity in preparing the memorandums.

A hard copy of the document must be delivered to the professor at the beginning of each class. Students must also upload an electronic document on the Turnitin Assignment folder created for the memorandum on IE Campus in advance of the course.

The evaluation of the written assignments will focus on whether the document provides an answer to the questions asked or a clear and complete analysis of the legal issues raised and how well students reason and argue their views. In addition, the document must be written in a clear and well-structured manner and it must include the relevant footnotes when referring to statements given, opinions expressed or facts provided by other authors. Copy-pastes will not be accepted, but students must demonstrate that they are capable of conducting an independent analysis and explaining facts using their own words.

C. QUIZZES (20%)

During the semester, there will be 2 quizzes which will take place at the beginning of class, and will be announced in advance. The students will provide short responses to questions based on the readings from the previous sessions. Each quizzed is weighted 10%.

D. MID-TERM AND FINAL EXAMS (50%)

The exams will consist of short essays questions and the resolution of cases or problem questions.

It is essential that students know and understand the key concepts and main rules and principles of the topics studied in the course. Similarly, they should be familiar with how those rules and principles are applied and enforced in practice.

The evaluation of the exam is based on similar factors as the evaluation of the written group assignments. With regard to cases or practical problems, the students must analyse a factual situation, apply the appropriate legal principles to the facts and reason their conclusion.

The final grade for the exams will be made up of the average of the grade obtained in the exam concerning the first part (sessions 1-15, 25%) and the second part (sessions 16-30, 25%) of this course.

RETAKE POLICY

If a student's course grade is below 5.0, the student will be required to take a resit exam to pass the course. Each student has 4 chances to pass any given course distributed in two consecutive academic years (regular period and July period), except those not complying with the attendance rules, which are banned from this possibility.

The maximum grade that a student may obtain in the retake will be 8 out of 10.

6. USE OF ELECTRONIC DEVICES IN CLASS

This subject does not require the use of a laptop in class; nevertheless, if you want to bring your laptop, you can do so. In any case, the use of Wi-Fi for activities not related to this class will hinder your grade on participation.