

INTERNATIONAL LAW

IE University

Professor: **FERNANDO VAL**

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Academic year: 23-24

Degree course: SECOND

Semester: 2º

Category: COMPULSORY

Number of credits: 6.0

Language: English

PREREQUISITES

There are no specific prerequisites for this course, although a keen interest in international relations and law is warmly welcome. Previous law studies might be an asset but carry no weight in the evaluation.

SUBJECT DESCRIPTION

The course is a general introduction to Public International Law and its stabilizing and sometimes correctional function in international politics and economy. It will explore the long tradition of legal thought and practice and their implementation in the constantly changing global agenda. Students will be taught to apply the acquired academic knowledge in situations where the political dynamics requires flexibility and comprehensive understanding of the existing international legal instruments.

The core areas to be addressed will be, among others: a) Interaction between international and national law, b) Use of force c) Humanitarian law and Human Rights, d) United Nations and other International organizations, e) International law enforcement mechanisms. The course is expected to broaden students' knowledge of how governments, international organizations and other international players interact in order to find solutions to contradicting interests and resolve conflicts by creating and/or implementing international legal instruments.

OBJECTIVES AND SKILLS

The course is designed to offer sound International legal (doctrinal) background, while encouraging the development of certain practical skills in the domain. The main objective is to build good understanding of the international law concepts in order to help students to reason and analyze specific situations and to draw relevant conclusions from international practice. In accordance with the program profile (International relations and Business administration), some international law aspects of trade and investments will be discussed, as well.

At the end of the course, students should be able to identify, use and analyze international legal instruments and judgments of international courts and should be able to assess the scope of their implementation. Furthermore, they will be expected to provide structured responses, both written and oral, to questions about the theory and practice of international law. Ultimately, they might try to solve or plead a short case with reference to particular international law rules and/or regulations.

METHODOLOGY

Constant reading is to be envisaged with a focus on the basic international law sources in addition to case publications, inter alia: ICJ and other International Courts' decisions or resolutions, United Nations Security Council (UNSC) and United Nations General Assembly (UNGA) resolutions, World Trade Organization (WTO) and Investment arbitration decisions, etc. Some political declarations will be discussed in the context of establishing a correlation between the global political agenda and the practice of international law. The sessions will be divided into two parts – theoretical and practical, respectively: comments on the reading assignment and discussions based on cases from the international practice and/or written exercises.

Students are expected to participate actively in the sessions, although under guidance. At the end, they should be able to reason and answer questions on the content of the discussed legal instruments and to understand the political, economic or legal motivations behind the same.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	30.0 %	45 hours
Discussions	20.0 %	30 hours
Exercises	16.67 %	25 hours
Group work	10.0 %	15 hours
Other individual studying	23.33 %	35 hours
TOTAL	100.0 %	150 hours

PROGRAM

SESSION 1 (LIVE IN-PERSON)

Lecture: History of International Law. Principles. International Legal System.

Reading Assignment:

Book Chapters: Malcolm Shaw, International Law, Chapters 1 and 2 (See Bibliography)

Book Chapters: Ian Brownlie, Principles of Public International Law (available at IE Library)

SESSION 2 (LIVE IN-PERSON)

Lecture: Sources of International Law (I). Custom and other sources - related issues. International Court of Justice.

Reading Assignment:

Book Chapters: Malcom Shaw, International Law: Sources of International Law, Chapter 3 (See Bibliography)

Book Chapters: Malcolm David Evans, International Law, Chapter 20 (See Bibliography)

Multimedia Documentation: Statute of the ICJ (ICJ)

SESSION 3 (LIVE IN-PERSON)

Lecture: Sources of International Law (II). The Law of Treaties

Reading Assignment:

Book Chapters: Malcolm Shaw, International Law, Chapter 15 (See Bibliography)

Multimedia Documentation: Vienna Convention on the Law of Treaties (1969) (United Nations, Office of Legal Affairs)

*Multimedia Documentation: ICJ Nicaragua v USA Case (Military and Paramilitary Activities)
Summary of the Judgment of 26 June 1986 (ICJ)*

SESSION 4 (LIVE IN-PERSON)

Lecture: International Law and National Law

Reading Assignment:

Book Chapters: Shaw, International Law, Chapter 4 (See Bibliography)

Multimedia Documentation: Barcelona Traction, Light and Power Company Ltd Case (Belgium v Spain), ICJ 1970 (ICJ)

SESSION 5 (LIVE IN-PERSON)

Lecture: International Law and National Law

Class practice: no additional reading is envisaged.

Students will be given group projects on the subject.

Book Chapters: Shaw, International Law, Chapter 4 (See Bibliography)

SESSION 6 (LIVE IN-PERSON)

Lecture: Subjects of International Law.

Reading Assignments:

Book Chapters: Shaw, International Law, Chapter 5 (See Bibliography)

Multimedia Documentation: ICJ, Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo (Summary of the Advisory Opinion of 22 July 2010) (ICJ)

SESSION 7 (LIVE IN-PERSON)

Lecture: Subjects of International Law

Reading Assignment:

Book Chapters: Shaw, International law, Chapter 5 (See Bibliography)

Book Chapters: Evans, International Law, Chapters 9 and 10 (See Bibliography)

Multimedia Documentation: The Charter of the United Nations, 1945 (UN)

SESSION 8 (LIVE IN-PERSON)

Lecture: Recognition. State Succession

Reading Assignment:

Book Chapters: Shaw, International Law, Chapters 8 and 16 (See Bibliography)

Multimedia Documentation: ICJ, Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo (Summary of the Advisory Opinion of 22 July 2010) (ICJ)

SESSION 9 (LIVE IN-PERSON)

Lecture: Recognition and State succession. Territory

Reading Assignments:

Book Chapters: Shaw, International Law, Chapter 9 (See Bibliography)

Multimedia Documentation: Western Sahara Opinion, ICJ Rep. 1975, Maritime Delimitation in the

Area between Greenland and Jan Mayen (Denmark v. Norway), Summary ICJ, 1993 (ICJ)

SESSION 10 (LIVE IN-PERSON)

Lecture: Recognition, State Succession and International Treaties

Practice: Tailor made case. Debate.

A tailor made case will be distributed prior to this session: students should prepare a short written paper on the same and the responses will be discussed in class.

SESSION 11 (LIVE IN-PERSON)

Lecture: Law of the Sea. History and Custom. Codification.

Reading Assignments:

Book Chapters: Shaw, International Law, Chapter 10 (See Bibliography)

Multimedia Documentation: Case Concerning Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), ICJ, 14 June 1993 (ICJ)

SESSION 12 (LIVE IN-PERSON)

Lecture: Law of the Sea. International Convention on Law of the Sea, 1986

Reading Assignments:

Book Chapters: Shaw, International Law, Chapter 10 (See Bibliography)

Multimedia Documentation: The International Tribunal on the Law of the Sea (ITLOS)

Multimedia Documentation: Legal instruments: International Convention on Law of the Sea (the Jamaica Convention) (UN, Office of Legal Affairs)

A short case will be given to the students prior to the session and discussed in class.

SESSION 13 (LIVE IN-PERSON)

Lecture: Jurisdiction and Immunities from Jurisdiction

Reading Assignment:

Book Chapters: Shaw, International Law, Chapters 11 and 12 (See Bibliography)

Multimedia Documentation: ICJ, Jurisdictional Immunities of the State (Germany v. Italy; Greece intervening) Summary of the Judgment of February 2012. (ICJ)

SESSION 14 (LIVE IN-PERSON)

Lecture: Jurisdiction and Immunities from Jurisdiction. Special treaties.

Reading Assignment:

Book Chapters: Shaw, International Law, Chapters 11 and 12 (See Bibliography)

Multimedia Documentation: UN Compensation Commission on Iraq, UNSC Resolution 687, 1991 (UNSC)

Multimedia Documentation: Case concerning the Arrest Warrant of 11 April 2000 (DR of the Congo v Belgium), ICJ Rep 2002 (ICJ)

SESSION 15 (LIVE IN-PERSON)

Lecture: Legal Status of Diplomatic Relations. International Organisations. Privileges and Immunities.

Reading Assignment:

Book Chapters: Shaw, International Law, only the related parts of Chapters 21 and 22 (See Bibliography)

Multimedia Documentation: United States Diplomatic and Consular Staff in Tehran, ICJ Judgment 1980 (ICJ)

Article: Vienna Convention of Diplomatic Relations, 1961 (United Nations, Treaty Series, vol. 500, p. 95) (ced)

Multimedia Documentation: Vienna Convention on Consular Relations, 1963, Convention of the Privileges and Immunities of the United Nations, 1946 (UN)

SESSION 16 (LIVE IN-PERSON)

Lecture: International Responsibility. State Responsibility

Reading Assignment:

Book Chapters: Shaw, International Law, Chapter 13 (See Bibliography)

Multimedia Documentation: International Law Commission: Articles on Responsibility of States for Internationally Wrongful Acts (2001)

Practical Case: Case: Rainbow Warrior Affair, Arbitration Award of 30 April 1990 (New Zealand v. France) (UN, VOLUME XIX pp. 199-221, 6 July 1986)

SESSION 17 (LIVE IN-PERSON)

Lecture: International Responsibility. State Responsibility

Reading Assignment:

Book Chapters: Evans, International Law, Chapter 15 (See Bibliography)

Multimedia Documentation: International Law Commission. Articles on Responsibility of States for Internationally Wrongful Acts (2001) (UN)

Practical Case: Rainbow Warrior Affair, Arbitration Award of 30 April 1990 (New Zealand v. France) (UN; VOLUME XIX pp. 199-221, 6 July 1986)

SESSION 18 (LIVE IN-PERSON)

Lecture: Settlement of Disputes by Peaceful Means. The International Court of Justice.

Reading assignment:

Book Chapters: Shaw, International Law, Chapters 17 and 18 (See Bibliography)

Article: The ICJ in the 21st Century: Judicial Restraint, Judicial Activism, or Proactive Judicial Policy, (The International and Comparative Law Quarterly, Vol. 56, No. 4 (Oct., 2007), pp. 741-753) (ced)

Multimedia Documentation: International Court of Justice (ICJ)

SESSION 19 (LIVE IN-PERSON)

Lecture: Settlement of Disputes by Peaceful Means. Arbitration.

Reading assignment:

Book Chapters: Shaw, International Law, Chapters 17 and 18 (See Bibliography)

Multimedia Documentation: The New York Convention web page

Article: The ICJ in the 21st Century: Judicial Restraint, Judicial Activism, or Proactive Judicial Policy, (The International and Comparative Law Quarterly, Vol. 56, No. 4 (Oct., 2007), pp. 741-753) (ced)

SESSION 20 (LIVE IN-PERSON)

Lecture: International Law and the Use of Force

Reading Assignment:

Book Chapters: Shaw, International Law, Chapters 19 and 21, pgs 946-980 (See Bibliography)

Multimedia Documentation: Implementing the Responsibility to Protect, Report of the UN Secretary General, A/63/677, 12 January 2009 (UN and The Rule of Law)

SESSION 21 (LIVE IN-PERSON)

Lecture: International Law and the Use of Force

Tailor made case study on Collective Security: principles and functioning.

Occupation Forces and Rightful Intervention – Debate.

SESSION 22 (LIVE IN-PERSON)

Lecture: International Humanitarian Law

UN OCHA, UNHCR, ICRC and other non-state actors

Reading assignment:

Book Chapters: Shaw, International Law, Chapter 20 (See Bibliography)

Multimedia Documentation: Practical Guide to International Humanitarian Law (Medecins sans Frontieres)

Multimedia Documentation: Legal Instruments: The Geneva Conventions and Optional Protocols, The Hague Conventions (ICRC)

SESSION 23 (LIVE IN-PERSON)

Lecture: International Humanitarian Law

Current perspective in the context of the new challenges – non-state actors, new technologies, distant wars. UN approach and ICRC statement.

Multimedia Documentation: San Remo Institute of International Humanitarian Law (The International Institute of Humanitarian Law)

Multimedia Documentation: Legal instruments: The Montreux Document, San Remo Institute of IHL research papers.

SESSION 24 (LIVE IN-PERSON)

Lecture: International Criminal Law and International Criminal Responsibility.

Individuals and the International Criminal Law.

Reading Assignment:

Book Chapters: Shaw, International Law, Chapter 7 (See Bibliography)

Working Paper: Office of the Prosecutor Policy Paper on Case Selection and Prioritisation (International Criminal Court)

SESSION 25 (LIVE IN-PERSON)

Lecture: Human Rights

Reading Assignment:

Multimedia Documentation: The Universal Declaration of Human Rights

Book Chapters: Shaw, International Law, Chapter 6 (See Bibliography)

SESSION 26 (LIVE IN-PERSON)

Lecture: International Mechanisms of Human Rights Protection, inter alia: UN HR Council.

Non state actors and their key role for the HR protection.

Reading Assignment:

International HR Treaties and HR framework, OCHR web page

Multimedia Documentation: UN Office of the High Commissioner of Human Rights

Book Chapters: International Law, Malcolm Evans, Chapter 26, Human Rights Law by Sir Nigel Rodley (See Bibliography)

SESSION 27 (LIVE IN-PERSON)

Lecture: International Environmental Law

Reading Assignment:

Book Chapters: Shaw, International Law, Chapter 14 (See Bibliography)

Practical Case: ICJ. Pulp Mills on the River Uruguay (Argentina v. Uruguay), Summary of the Judgement of 20 April 2010 (INTERNATIONAL COURT OF JUSTICE)

SESSION 28 (LIVE IN-PERSON)

Lecture: International Investment Law

Reading assignment:

Book Chapters: Evans, International Law, Chapter 24 (See Bibliography)

Multimedia Documentation: OECD Investment legal instruments

Multimedia Documentation: United Nations Commission On International Trade Law (UNCITRAL)

Practical Case: Azurix Corp. v The Argentine Republic, Award of the ICSID Case No ARB/01/12, 14 July 2006

Practical Case: LG&E Energy Corp. (and related) v Argentine Republic, Decision on Liability, ICSID Case No. ARB/02/ 1,3 October 2006

SESSION 29 (LIVE IN-PERSON)

Lecture: The WTO system and the EU law in the International Law context.

Reading assignment:

Multimedia Documentation: World Trade Organisation

Article: The Place of the WTO and its Law in the International Legal Order, (the European Journal of International Law, volume 17, N 5, 2007) (ced)

Book Chapters: European Exceptionalism in International Law? The European Union and the System of International Responsibility (ced)

Article: European Exceptionalism in International Law, Magdalena Licková (The European Journal of

International Law, volume 19, N 3, 2008) (ced)

Multimedia Documentation: United Nations Commission On International Trade Law (UNCITRAL)

Final remarks on the future perspectives of the International Law: Interaction with the “supra-national” law and norms... Other forms of International Law vision. To whom belongs the Moon?

Revision before the final exam.

SESSION 30 (LIVE IN-PERSON)

Final exam

BIBLIOGRAPHY

Compulsory

- Malcolm N. Shaw. (2021). *International Law*. 9th edition. Cambridge University Press. ISBN 9781108733052 (Printed)

Recommended

- David Harris and Sandesh Sivakumaran. (2020). *Cases and Materials on International Law*. 9th edition. Sweet and Maxwell. ISBN 9780414075993 (Digital)
- Malcolme D. Evans, coordinator. *International Law*. 4th or 5th edition. Oxford University Press. ISBN 9780198791836 (Printed)

EVALUATION CRITERIA

Constant reading is to be envisaged and is required during the course. The evaluation is based on core notes on written papers, group projects and active participation in class, inter alia:

1. During the semester students will be given written or practical tasks and will be graded accordingly.
2. Mid-term exam will be a written test: a combination of multiple choice questions and short theoretical explanations.
3. Sessions 5, 10 and 21 will be dedicated to practical exercises with tailor made cases.
4. Students will also be graded for their group performance and the development of legal reasoning skills.
5. The final exam will comprise of a choice between two essay questions, with optional resolution of a case instead.

Criteria	Percentage	Comments
Final Exam	30 %	
Intermediate Tests	20 %	mid-term exam
Individual Work	15 %	contribution and reasoning
Group Presentation	10 %	
Workgroups	15 %	case practice
Class Participation	10 %	

GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course. For every BIR Program mandatory class aside from the IR Unplugged and BIR Electives, students are required to obtain the minimum grade of 5 required to pass the course. Students whose grade in the Final Exam (or the largest assignment) is below 5 will fail the course. The rule applies to whichever assignment carries the greatest weight to the final grade. Dates and location of the final exam will be posted in advance and will not be changed. Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year). Students who are in the third or fourth attempt must contact the professor during the first two weeks of the course.

The Bachelor's in International Relations pursues to develop the knowledge, skills and attitudes for bringing transformative and sustainable change in today's world. Therefore, all the courses follow the principles of sustainability and diversity. Firstly, this course considers the agenda 2030 and builds upon the Sustainable Development Goals 4, 10, 13, 16 and 17. Secondly, this course is committed to a inclusive learning environment and looks to be enriched and enhanced by diversity along numerous dimensions, including race, ethnicity and national origins, gender and gender identity, sexuality, class and religion.

ATTENDANCE

In-person attendance is mandatory at IE University, as it is an essential factor of IE's learning methodology. While we do closely monitor attendance in each course, we also consider our students responsible for their own agenda and commitments, as adult university students. With that in mind, each student may miss up to 30% of the sessions within a given course and still maintain the possibility of passing that given course. This 30% "buffer" is to be used for any absences, such as: illnesses, personal emergencies, commitments, official/governmental matters, business and/or medical appointments, family situations, etc. Students should manage their various needs, and situations that may arise, within that 30% buffer. If a student is absent to more than the allowed 30% of the sessions (regardless of the reason), s/he will obtain a 0.0 grade for that course in both the ordinary and extraordinary calls of the current academic year, and s/he will have to retake the course during the following academic year.

Please pay close attention to your attendance. The program strongly encourages attending 100% of the sessions as it will improve your learning outcomes, it will increase the class performance and it will benefit your participation grade. Noncompliance with deadlines for Non-Classroom Learning activities or assignments will result in an absence for the session.

Extreme cases involving emergencies such as: extended hospitalizations, accidents, serious illnesses and other cases of force majeure, are to be consulted with the Program Management (bir.madridoffice@ie.edu) for assessment of the situation and corresponding documentation, in order to support and guide each student optimally. For more information about the university attendance policy, please check; <https://www.ie.edu/student-guide/bir/policies-and-guidelines/attendance/>

THIRD CALL RETAKE POLICY

Any student in their third call of a course, also known as a "Retaker", is obliged to observe the following rules:

- Third call students must contact their professors before or during the first session to ask which work and or *sessions will be required to obtain a passing grade. The professor will determine which work will be required in their course.

*(e.g. when presenting group work, sitting for examinations or other work done in class)

- Retakers are exempt from failing the call due to absences; however, they are not exempt from work the professor designates as necessary to obtain a passing grade. This means some sessions may be mandatory to attend in order to complete the work within.

- Students in their third call are responsible for managing the conflicts in their schedule, should students need advice on how to manage their conflicts they should visit the program office.

EXTRAORDINARY EXAMINATION POLICY

Any student whose weighted final grade is below 5 will be required to sit for the extraordinary exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

- The extraordinary call will consist of a comprehensive exam or equivalent assignment. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- Dates and location of the retakes will be posted in advance and will not be changed.
- The exam/assignment will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.

PLAGIARISM / ACADEMIC HONESTY

Plagiarism is the dishonest act of presenting another person's ideas, texts or words as your own. This includes in order of seriousness of the offense:

- providing faulty sources;
- copy-pasting material from your own past assignments (self-plagiarism) without the instructor's permission;
- copy-pasting material from external sources even while citing them;
- using verbatim translations from sources in other languages without citing them;
- copy-pasting material from external sources without citing them;
- and buying or commissioning essays from other parties.

IEU students must contact the professor if they don't know whether the use of a document constitutes plagiarism. For help with your academic writing, contact the Writing Center (writingcenter@faculty.ie.edu). The professor will also advise the student on how to present said material. All written assignments must be submitted through Turn-it-in, which produces a similarity report and detects cases of plagiarism. Professors are required to check each student's academic work in order to guarantee its originality. If the originality of the academic work is not clear, the professor will contact the student in order to clarify any doubts. Students using external tutorial support should report it to the professor and the BIR Program from the moment they began receiving this support. In the event that the meeting with the student fails to clarify the originality of the academic work, the professor will inform the Director of the Bachelor Program about the case, who will then decide whether to bring the case forward to the BIR Academic Review Panel. Very high similarity scores will be automatically flagged and forwarded to the Academic Review Panel. Plagiarism constitutes a very serious offense and may carry penalties ranging from getting a zero for the assignment to expulsion from the university depending on the severity of the case and the number of times the student has committed plagiarism in the past.

PROFESSOR BIO

Professor: **FERNANDO VAL GARIJO**

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FERNANDO VAL GARIJO

Fernando Val Garijo received a PhD in Law from UNED (2007), and a Masters' Degree in EU Studies from Universidad Politécnica de Madrid. His research has focused on International Criminal Law, International Humanitarian Law, International Organizations and, more recently, on Police and Judicial Cooperation and strategic border management in the EU. Fernando Val has served as external legal adviser for the Spanish Ministry of Foreign Affairs and Cooperation (2008-2011), and as legal assistant of one of the Special Rapporteurs of the International Law Commission of the United Nations in Geneva (2015, 2016, 2017, 2019 and 2021).

OTHER INFORMATION

Office hours: Appointment prior to.

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CODE OF CONDUCT IN CLASS

1. Be on time. Students arriving more than 5 minutes late will be marked as "Absent". Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor). Students attending online must always have their cameras on during the session or risk being marked absent.
2. If applicable, bring your name card and strictly follow the seating chart. It helps faculty members and fellow students learn your names.
3. Do not leave the room during the lecture: Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and therefore, will be marked as "Absent". Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).
4. Do not engage in side conversation. As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class. If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".
5. Use your laptop for course-related purposes only. The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the classroom and, consequently, will be marked as "Absent". The use of mobile phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.
7. Escalation policy: 1/3/5. Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward,