

PUBLIC INTERNATIONAL LAW

Bachelor of Laws LLB [2504110] SEP-2023 PIL-NLL.2.S.A

Area Public Law and Global Governance

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Semester: 1^o

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Dr Beatriz Eugenia Sánchez-Mojica is a lawyer and has a Ph.D. in Human Rights Law. She is an expert in International Human Rights Law and forced migration issues. Her work, as an academic and consultant, critically analyses the ability of International Law to weave a protective net in a globalized world. Her research is particularly focused on vulnerable populations such as refugees, internally displaced persons, people uprooted due to disasters and climate change, as well as victims of armed conflict. She has taught law in various universities both in Colombia, Spain and the UK, and has been a consultant on forced migration issues for the International Organization for Migration (IOM), the United Nations Development Program (UNDP), the World Bank and the Spanish Agency for International Cooperation (AECID).

Currently, she teaches at IE University Law School. She is also a fellow researcher at Instituto de Estudios Sobre Conflictos y Acción Humanitaria (IECAH). Moreover, she leads the Latin American Network on Internally Displaced Persons (LANID).

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SUBJECT DESCRIPTION

Public International Law is a legal system, which regulates relations between States and the operations of a number of international organizations. 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. The methodology and terminology of international law will also be discussed in the first sessions. We will also examine the difference of international law from national law and the relationship between the two.

After this introduction, we will go through the basic principles of public international law. These include especially the sources of international law, the law of treaties, the definition of a State and the principle of sovereign immunity. In this first part of the course, special attention will also be given to the law of international organisations and especially to the United Nations. The role of the individual in international law will also be examined.

The second part of the course (after the mid-term exam) starts with the important issue of State responsibility and the settlement of international disputes. Here we will look at different international courts and tribunals, examining particularly the practice of the International Court of Justice. The course then moves on to the unilateral and collective use of force, international humanitarian law and human rights law. The study of some of the major issues in the international law of the sea will also be included. The course finishes with an overview of international trade law and international investment law - two branches of international law that are growing rapidly in significance.

The first part of the course will therefore be devoted to understanding the foundations of public international law and the differences, and similarities, to national law as well as to international politics. The sources of international law will be at the very core of this part of the course. The second part, on the other hand, is devoted to particular branches of public international law. This leads us to more substantial and specific issues of international law. Throughout the course, we aim at understanding the issues at hand through practical examples and class debates. Active monitoring of related news and current issues is very much encouraged.

Overall, public international law plays a vital role since it underlies many other fields of law, such as European Union Law and 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 a fundamental tool for assessing and understanding many events taking place in the international scene.

LEARNING OBJECTIVES

- To provide students with a basic understanding of the legal rules that govern relations among States, traditional international organisations, and other international players;
- To understand how international rules are created, in particular International treaty law and customary international law;
- 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 and international trade law;
- To describe the role of different international actors and institutions in the enactment and enforcement of international rules;
- To describe the prohibition on the use of force by referring to the Charter of the United Nations and customary international law and to identify the exceptions to that prohibition;
- To discuss the hierarchy of human rights norms and to describe the monitoring system of human rights protection at international and European level;
- To describe the main principles of international trade law and to understand their relevance for conducting business;
- To acquire a basic knowledge of key concepts and rules of international environmental law and how international law is challenged by the consequences of climate change;
- To discuss the role of international law in global governance;

TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the whole process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the learning objectives of the course. This is done by engaging in a diverse range of teaching techniques and different types of learning activities such as the following:

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	30.0 hours
Discussions	20.0 %	30.0 hours
Exercises in class, Asynchronous sessions, Field Work	10.0 %	15.0 hours
Group work	20.0 %	30.0 hours
Individual studying	30.0 %	45.0 hours
TOTAL	100.0 %	150.0 hours

PROGRAM

SESSIONS 1 - 2 (LIVE IN-PERSON)

Introduction:

What is International Law?

A conceptual and methodological approach.

International Society and International Law: on legal thinking.

Book Chapters: History and nature of international law (Public International Law, 2015, pp. 5-20) (CED)

Other / Complementary Documentation: Lotus case (Series A no 10, ICGJ 248, 7th September 1927, League of Nations) (PCIJ)

Article: When was the Law of International Society Born? An Inquiry of the History of International Law from an Intercivilizational Perspective (Journal of the History of International Law 2: 1-66, 2000) (CED)

SESSIONS 3 - 4 (LIVE IN-PERSON)

The sources of International Law: An overview and the custom

Article: Article 38 (International Court of Justice, ICJ)

Book Chapters: Public International Law (2015, pp. 21-28 and pp. 28-48) (See Bibliography)

Other / Complementary Documentation: Nicaragua Case (Military and Paramilitary activities) (Merits) (Cases and Materials on International Law, 1986) (ICJ)

SESSIONS 5 - 6 (LIVE IN-PERSON)

The sources of International Law: The treaties

Other / Complementary Documentation: Vienna Convention on the Law of the Treaties (1969, United Nations)

Book Chapters: Public International Law (2015, pp. 68-119) (See Bibliography)

Other / Complementary Documentation: Reservations to the Genocide Convention case (Advisory opinion of 28 May 1951) (ICJ)

SESSIONS 7 - 8 (LIVE IN-PERSON)

The sources of International Law : Other Sources, in particular General Principles, Unilateral Acts, and Soft Law

Other / Complementary Documentation: Nuclear Tests case, 1974 (ICJ)

Book Chapters: Public International Law (2015, pp. 48-67 and 128-164) (See Bibliography)

Other / Complementary Documentation: Roper v. Simmons (March 2005; 543 U.S. 1-37) (US Supreme Court)

SESSIONS 9 - 10 (LIVE IN-PERSON)

Subjects of International Law: The State

Book Chapters: Brownlie's Principles of Public International Law, 9th Edition (2019, pp. 105-111 and 117-133)

Book Chapters: Public International Law (2015, pp. 356-377, 385-390, 391-418, 194-204, 165-170, and 208-225) (See Bibliography)

Other / Complementary Documentation: Germany v. Italy: Greece Intervening (Jurisdictional Immunities of the State, 2012) (ICJ)

Other / Complementary Documentation: Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Advisory opinion, 2010) (ICJ)

Other / Complementary Documentation: Reparation for Injuries (1949, Advisory Opinion) (ICJ)

SESSIONS 11 - 12 (LIVE IN-PERSON)

Subjects of International Law: The State and International Organizations,

Book Chapters: Public International Law (2015, pp. 356-377, 385-390, 391-418 and pp. 194-204)

(See Bibliography)

Other / Complementary Documentation: Germany v. Italy: Greece Intervening (Jurisdictional Immunities of the State, 2012) (ICJ)

Other / Complementary Documentation: Reparation for Injuries (1949, Advisory Opinion) (ICJ)

Book Chapters: Dapo Akande, "International Organizations," in International Law, ed. Malcolm D. Evans, Fifth edition (CED)

SESSIONS 13 - 14 (LIVE IN-PERSON)

Subjects of International Law: International Organizations, individuals and multinational corporations

Book Chapters: Brownlie's Principles of Public International Law, 9th Edition (2019, pp. 111-116)

Review session

SESSION 15 (LIVE IN-PERSON)

Mid-term exam

SESSIONS 16 - 17 (LIVE IN-PERSON)

State Responsibility

Book Chapters: Brownlie's Principles of Public International Law, 9th Edition (2019, pp. 523-576)

Other / Complementary Documentation: Draft Articles for Responsibility of States for Internationally Wrongful Acts (the "DARSIWA") (United Nations)

Other / Complementary Documentation: United States diplomatic and consular staff in Tehran (Judgment 24 May 1980) (ICJ)

SESSIONS 18 - 19 (LIVE IN-PERSON)

Settlements of Disputes

Book Chapters: Public International Law (2015, pp. 616-627, 629-636, 639-654, 662-674) (See Bibliography)

Other / Complementary Documentation: Nicaragua Case (Jurisdiction) (Summary of the Judgment of 26 November 1984) (ICJ)

Other / Complementary Documentation: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004, Summary of the Judgment) (ICJ)

SESSIONS 20 - 21 (LIVE IN-PERSON)

The United Nations: The UN system and International Security - the use of force and intervention (jus ad bellum)

Other / Complementary Documentation: Nicaragua v United States (Merits) (Military and

Paramilitary Activities in and Against Nicaragua; The Unilateral use of Force by States. ICJ, 1986) (ICJ)

Other / Complementary Documentation: UN Charter (United Nations)

Book Chapters: Public International Law (2015, pp. 683-719) (See Bibliography)

Other / Complementary Documentation: Legality of Use of Force - Yugoslavia v. Belgium (Summary of the Judgment of 2 June 1999) (ICJ)

Book Chapters: International Law and Use of Force; Chapter 2: The prohibition of the use of force, 2010 (CED)

SESSIONS 22 - 23 (LIVE IN-PERSON)

International Security (the Use of Force and Intervention) and International Humanitarian Law (jus in bellum)

Other / Complementary Documentation: UN Charter (Chapter VII) (United Nations)

Other / Complementary Documentation: Resolution 678 Iraq (United Nations)

Other / Complementary Documentation: 1441 Iraq (United Nations)

Other / Complementary Documentation: Resolution 1368 Afghanistan (UNSC)

Other / Complementary Documentation: Resolution 1373 Afghanistan (UNSC)

Other / Complementary Documentation: The Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) (74-103 of the opinion of 8 July 1996) (ICJ)

Other / Complementary Documentation: Geneva Conventions; Article 3 (extracts) (ICRC)

Book Chapters: Public International Law (2015, pp. 762-778, 787-800, 802-811) (See Bibliography)

SESSIONS 24 - 25 (LIVE IN-PERSON)

International Protection of Human Rights

Other / Complementary Documentation: UN Declaration on HR (United Nations)

Other / Complementary Documentation: Covenant on civil and political rights (OHCHR)

Other / Complementary Documentation: International Covenant on Economic, Social and Cultural Rights (OHCHR)

Book Chapters: Public International Law (2015, pp. 519-534, 542-547 and pp. 564-571) (See Bibliography)

Other / Complementary Documentation: European Convention on Human Rights (ECHR)

Other / Complementary Documentation: Bankovic and others v. Belgium and 16 NATO States (ECHR Admissibility Decision of 12 December 2001) (Council of Europe)

Book Chapters: Samuel Moyn, "The last utopia. Human Rights in history" Chapter 1 (CED)

SESSIONS 26 - 27 (LIVE IN-PERSON)

International Trade Law - Introduction to the WTO and the International Trading System

Book Chapters: Van den Bossche, Peter and Prevost, Denise, Essentials of WTO Law, 2016, pp. 13-47 (CED)

Book Chapters: Trebilcock, Understanding Trade Law, 2011, pp. 1-16, 24-31 (CED)

SESSIONS 28 - 29 (LIVE IN-PERSON)

Group exercise on IHRL- Oral arguments

SESSION 30 (LIVE IN-PERSON)

Final Exam

EVALUATION CRITERIA

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.

?WRITTEN AND/OR ORAL ASSIGNMENTS (30%)

?Students will be requested to prepare group assignments. The assignments will consist of a written analysis of a case or an oral presentation in front of the class. Students are expected to engage in independent research activity in preparing the memoranda and the presentations.

?Any memorandum must be delivered to the professor by the stipulated deadline. Students must upload an electronic document on the Turnitin Assignment folder created for the memorandum on IE Blackboard Ultra.

?The evaluation of the memoranda will focus on whether they provide a comprehensive answer to the questions asked and how well the students reason. 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. For possible oral presentations, the evaluation will take into consideration how well students understand the legal problem and argue their views.

Short individual evaluations might take place if the professor considers them necessary to promote students' engagement with the reading materials.

?MID-TERM AND FINAL EXAMS (60%)

?The exams will consist of short essay or reflection 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 mid-term exam covers the first part of the course whereas the final exam is focused on the second part of the course. ?

criteria	percentage	Learning Objectives	Comments
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Final Exam	30 %	- 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 and international trade law;	
Group Work	30 %	- To describe the role of different international actors and institutions in the enactment and enforcement of international rules; - To discuss the hierarchy of human rights norms and to describe the monitoring system of human rights protection at international and European level;	The second group assignment will include group oral presentations

Class Participation	10 %	- 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 and international trade law;	
Intermediate tests	30 %	- 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 and international trade law;	

RE-SIT / RE-TAKE POLICY

Each student has four (4) opportunities to pass any given course distributed over two (2) consecutive academic years. Each academic year consists of two calls: one (1) ordinary call (during the semester when the course is taking place); and one (1) extraordinary call (or “re-sit”) in June/July.

Students who do not comply with the 70% attendance requirement in each subject during the semester will automatically fail both calls (ordinary and extraordinary) for that academic year and will have to re-take the course (i.e., re-enrol) during the next academic year.

The extraordinary call evaluation criteria will be subject to the following rules:

- Students failing the course in the ordinary call (during the semester) will have to re-sit evaluation for the course in June / July (except those students who do not comply with the

attendance rule, and therefore will not have that opportunity, since they will fail both calls and must directly re-enrol in the course during the next academic year).

- It is not permitted to change the format or the date of the extraordinary call exams or deadlines under any circumstance. All extraordinary call evaluation dates will be announced in advance and must be taken into consideration before planning the summer (e.g. internships, trips, holidays, etc.).
- The June/July re-sit will consist of a comprehensive evaluation of the course. Your final grade for the course will depend on your performance in this exam or evaluation only. i.e., continuous evaluation over the semester (e.g. participation, quizzes, projects and/or other grade components over the semester) will not be taken into consideration for the extraordinary call. Students will have to achieve the minimum passing grade of 5 and the maximum grade will be capped at 8.0 (out of 10.0) – i.e., “notable” in the extraordinary call.
- After the final exam (on either the ordinary or extraordinary call), students will have the opportunity to attend a review session. Please be available to attend the session in order to clarify any concerns you might have regarding your grade. Your professor will inform you of the time and place of the review session. Students failing more than 18 ECTS credits after the June/July re-sits will be asked to leave the Program. Please, make sure to prepare yourself well for the exams in order to pass your failed subjects.
- If you decide not to take up the opportunity to re-sit an exam or evaluation during the June/July extraordinary call, you will need to enrol in that course again for the next academic year as a retaker and pay the corresponding tuition fees. As you know, students are allowed a total of four (4) calls to pass a given subject or course, in order to remain in the program.

Re-takers: Students who failed the subject in a previous academic year and are now re-enrolled as re-takers in a course must complete:

- Two individual written assignments: 50%. The argument of these papers and a timeline for delivery will have to be agreed with the professor in the first two weeks of the corresponding term.
- A final exam: 50%.

BIBLIOGRAPHY

Compulsory

- Kaczorowska-Ireland, Alina. (2015). *Public International Law*. Fifth edition. Routledge. ISBN 9780415722360 (Printed)

Recommended

- Malcom D. Evans. (2018). *International Law*. 5th. Oxford University Press. ISBN 9780198791836 (Digital)

- Christine D. Gray. (2018). *International Law and the Use of Force*. 4th. OUP Oxford. ISBN 0198808410 (Printed)

- James Crawford. (2019). *Brownlie’s Principles of Public International Law*. 9th Edition. Oxford University Press. ISBN 9780198737445 (Printed)

BEHAVIOR RULES

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.



ATTENDANCE POLICY

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

ETHICAL POLICY

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.

