

PUBLIC INTERNATIONAL LAW

GRADO EN DERECHO / BACHELOR OF LAWS

Professor: **JOHANNA JACOBSSON**

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Degree course: FIRST

Semester: 2^o

Category: BASIC

Number of credits: 6.0

Language: English

PREREQUISITES SUBJECT DESCRIPTION

Public international law is a legal system, which regulates relations between states and the operations of international organizations. Today public international law includes 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 organizations 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, 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.

OBJECTIVES AND SKILLS

- 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 UN Charter 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

METHODOLOGY

The methodology consists of a mixture of interactive lectures and case discussions. A part of each class will be dedicated to the instructor's presentations explaining the main concepts and theories of international law. The rest of the class will be used to analyse and discuss some key cases that illustrate the application of international law in practice.

Students are expected to read the assigned readings, which form the essential background to follow the lectures and to prepare for the class discussions. Throughout the course, students will also prepare group assignments in writing and they must be prepared to discuss or present them in class. The students are also expected to actively participate in class discussions.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	30 hours
Discussions	20.0 %	30 hours
Exercises	6.67 %	10 hours
Group work	20.0 %	30 hours
Other individual studying	33.33 %	50 hours
TOTAL	100.0 %	150 hours

PROGRAM

SESSION 1

Introduction (I): What is international law?

SESSION 2

Introduction (II): International law and municipal (national) law

SESSION 3

The Sources of International Law (I): The Custom

SESSION 4

The sources of International Law (II): Treaties

SESSION 5

The Sources of International Law (III): Reservations to Treaties

SESSION 6

The Sources of International Law (IV): Application, Interpretation, Amendment and Modification, and Termination and Suspension of Treaties

SESSION 7

The Sources of International Law (V): Other Sources, in particular General Principles and Unilateral Acts

SESSION 8

Subjects of International Law (I): The State – Territory and Recognition

SESSION 9

Subjects of International Law (II): The State – The Right to Self-determination

SESSION 10

Subjects of International Law (III): The State – Jurisdiction and the Issue of Immunities

SESSION 11

Subjects of International law (IV): International Organisations

SESSION 12

The United Nations

SESSION 13

Subjects of International law (V): Individuals; Non-governmental Organisations and Multinational corporations

SESSION 14

Review session

SESSION 15

Mid-term exam

SESSION 16

State Responsibility

SESSION 17

Settlements of Disputes (I): Diplomatic Methods and Arbitration

SESSION 18

Settlements of Disputes (II): Judicial Settlements

SESSION 19

International courts

Group work and presentations

SESSION 20

International Security: the Use of Force and Intervention (*jus ad bellum*)

SESSION 21

International Humanitarian Law (*jus in bello*)

SESSION 22

International Protection of Human Rights (I): The UN System for the Protection of Human Rights and Regional Protection of Human Rights

SESSION 23

International Protection of Human Rights (II): The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

SESSIONS 24 - 25

The Law of the Sea Convention (UNCLOS); The High Seas; Piracy

SESSION 26

International Trade Law (I): The World Trade Organization and Dispute Resolution

SESSION 27

International Trade Law (II): Exceptions to the Main Principles of International Trade; Anti-dumping Laws, Subsidies and Countervailing Duties, Safeguards

SESSION 28

Introduction to International Investment Law

SESSION 29

A practice case and review

SESSION 30

Final exam

BIBLIOGRAPHY

Public International Law (by Kaczorowska-Ireland) serves as a general reference textbook covering the classical topics of public international law. The book is used throughout the course and the students must therefore purchase the book before the course starts. Alternatively, the book is available as an e-book in the IE library. Students are also encouraged to consult *International Law* (by Shaw) and *International Law: Cases and Materials* (by Harris and Sivakumaran).

In addition, students will be provided with copies of judgments and sometimes readings from other books or sources.

Students interested in deepening their knowledge of international trade law are recommended to consult *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (by Van den Bossche and Zdouc).

COMPULSORY

Title: Public International Law

Author: Kaczorowska-Ireland, Alina

Publisher / Edition / Year: Routledge / 5th edition / 2015

ISBN / ISSN: 9780415722360

Medium: PRINT & ELECTRONIC

RECOMMENDED

Title: International Law

Author: Shaw, Malcolm N.

Publisher / Edition / Year: Cambridge University Press / 8th edition / 2017

ISBN / ISSN: 978-1316638538

Medium: PRINT & ELECTRONIC

Title: Cases and Materials on International Law Author:

Harris, D. and Sivakumaran, S.

Publisher / Edition / Year: Sweet and Maxwell / 8th edition / 2015

ISBN / ISSN: 978- 0414033030

Medium: PRINT

Title: International Law

Author: Cassese, Antonio

Publisher / Edition / Year: Oxford University Press / 2nd / 2005

ISBN / ISSN: 978-1107612495

Medium: PRINT

Title: The Law and Policy of the World Trade Organization: Text, Cases and Materials

Author: Van den Bossche, Peter and Zdouc, Werner

Publisher / Edition / Year: Cambridge University Press / 4th edition / 2017

ISBN / ISSN: 978-1316610527 Medium:

PRINT

EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS

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

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 should contact the professor during the first two weeks of the course.

6.2. EVALUATION AND WEIGHTING CRITERIA

The final grade for the course will be based on both individual and group work. The evaluation is based on:

Criteria	Percentage	Comments
Class Participation	20 %	
Group assignments	20 %	
Mid-term exam	30 %	
Final exam	30 %	

CLASS PARTICIPATION (20%)

Students are expected to prepare in advance for all class sessions. This includes reading all the designated materials, taking notes on them and preparing any assigned tasks. During the sessions, the students are expected to participate actively in discussions. Attendance alone does not contribute to the class participation grade but active participation is required. 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. Quiz tests will be held during the semester to provide further input for this part of the evaluation.

GROUP ASSIGNMENTS (20%)

Throughout the course, students will be requested to prepare group assignments. The assignments will consist of analyses of cases that will be discussed in class or brief group memorandums covering legal issues involved in various topical issues. Students are expected to engage in independent research activity in preparation of the memorandums.

A hard copy of the memorandums must be delivered to the professor at the beginning of the class in which the work is due. Students must also upload an electronic version on the Turnitin Assignment folder created for the memorandum on IE Campus prior to the session.

The evaluation of the written assignments will focus on whether the memorandum 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.

EXAMS (60%)

The mid-term (30%) and final exam (30%) will consist of essay questions and/or 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 exams 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.

6.3 RETAKE POLICY

Any student whose weighted final grade is below 5 will be required to sit for the retake 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 retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- The exam 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.
- The third attempt will require the student to complete:
 - individual assignments (40%);
 - a mid-term (30%); and
 - a final exam (30%)This is also applicable to students who do not have required attendance, e.g. sickness.
- Dates and location of the retakes will be posted in advance and will not be changed.

PROFESSOR BIO

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[Johanna Jacobsson](#) is Professor of European and International Law at the IE University. She holds an LL.B. and LL.M. from the University of Helsinki and a Ph.D. in International Trade Law from the European University Institute (Florence, Italy). She also holds a B.A. in Russian and East European Studies from the University of Helsinki.

Professor Jacobsson's main research interests are in the fields of international trade and business law, EU law and international dispute settlement. She has previously acted as a law clerk at the Court of Justice of the European Union and been a visiting researcher at the Finnish Institute of International Affairs. Professor Jacobsson has also practiced law in a commercial law firm where her practice focused on dispute settlement (national/EU litigation and commercial arbitration) as well as on competition, employment and general corporate law.

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail.

OTHER INFORMATION

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).

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 room and, consequently, will be marked as “Absent”.

6. **No cellular phones:** IE University implements a “Phone-free Classroom” policy and, therefore, the use of 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, any expulsion from the classroom due to disciplinary issues will entail 5 absences.