1- 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 and international trade.

International law is a comparatively recent phenomenon in the history of law. Thus, “Public International Law I” begins with two sessions in which we will discuss the evolution of the ways of thinking about the relations among nations, starting with the universal polity of the Middle Ages and analysing its breaking-up and its replacement by a set of independent and sovereign states. This analysis covers of course the transition that led from medieval natural law to modern international law. We will then examine the nature of international law and its differences from, and relationship to, municipal law.

After this historical and conceptual introduction, the course (and its continuation in “Public International Law II”) tackles the most important international legal institutions. The list includes matters as relevant to the contemporary law practitioner as recognition of states and governments, sovereign immunity and international liability. Special attention will be given to the emergence of private actors in the global arena. Finally, the last three sessions will be dedicated to the study of some of the major issues in the international law of the sea.

“Public International Law II” provides an introduction to international organizations, settlements of disputes, the unilateral and collective use of force, Humanitarian Law, Human Rights Law, International Criminal Law and International Trade Law.

The significance of Public 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 utilization of International Law has also been enhanced by the creation of numerous judicial organs at international and regional level.

In addition, as a result of developments in the last decades (including the formation of international economic institutions, the creation of various dispute settlement methods and the emergence of binding rules governing many economic issues), International Economic Law now constitutes an increasingly fundamental part of Public International Law. In turn,
International Trade Law forms a particularly important part of International Economic Law since most states are members of the World Trade Organization or have at least observer status. A basic understanding of international trade regulation is therefore essential for lawyers working in the field of International Economic Law.

Overall, Public International Law plays a vital role since it underlies many other fields of law, such as European Union Law and Environmental Law. Thus, lawyers specializing in other fields of law also need to be familiar with International Law in order to advise their clients effectively. Similarly, business professionals benefit from an understanding of the international legal environment where companies operate as it facilitates conducting business successfully.

2- OBJECTIVES AND SKILLS

- To provide students with a good understanding of the legal rules that govern relations among states, traditional international organizations, and other international players
- 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
- To describe the role of different international 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 international crimes and the role played by international criminal tribunals
- To describe the main principles of International Trade Law and to understand their relevance for conducting business

3- CONTENT

PUBLIC INTERNATIONAL LAW PART I

SESSION 1
Historical introduction (I). – The origins: Natural law in the Middle Ages.

SESSION 2
Historical introduction (II). – The peace of Westphalia and the birth of international law.

SESSION 3
The nature of public international law.

SESSION 4
International law and municipal law.

SESSION 5
General international law and regional systems.

SESSION 6
Sources of international law. – Treaties and custom.
SESSION 7
Recognition of states and governments in international law.

SESSION 8
The foreign state as subject of municipal law. – Sovereign immunity (I): The commercial activity exception.

SESSION 9
Sovereign immunity (II): Contracts of employment. - Waiver of immunity.

SESSION 10
The emergence of private actors in international relations. - The status of ICANN in the Internet community.

SESSION 11

SESSION 12
International law of the sea (II). – Piracy.

SESSION 13
International law of the sea (III). - Fisheries law.

SESSION 14
Review session

SESSION 15
Midterm examination

PUBLIC INTERNATIONAL LAW PART II

SESSION 16: International Organizations

SESSION 17: The United Nations

SESSION 18: Settlements of Disputes: Diplomatic Methods, Arbitration and Judicial Settlements

SESSION 19: The Use of Force


SESSION 21: International Humanitarian Law


SESSION 26: International Trade Law (I) – The World Trade Organization and Dispute Resolution

SESSION 27: International Trade Law (II) – Main Principles of International Trade

SESSION 28: International Trade Law (III) – Exceptions to the Main Principles of International Trade: Sanitary and Phyto-sanitary Measures, Technical Barriers to Trade. GATS and TRIPS

SESSION 29: International Trade Law (IV) – Anti-dumping Laws, Subsidies and Countervailing Duties, Safeguards

SESSION 30: International Trade Law (V) – International Investment Law

SESSION 31: 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”. 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. Thus, students will be asked to solve cases or analyze rulings of different international courts.

Students are expected to read the assigned readings, which will help them to follow the lectures and prepare for the discussions in class. To this aim, students will receive a number of questions on the assigned readings before each class meeting in order to guide them in their studies. Throughout the course, students will also prepare group assignments in writing, which will be discussed in class. In addition, each working group will give one presentation.

Students are supposed to actively participate in class discussions. In order to assess the progress of students, written quizzes may be used.

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%.
This subject does not require the use of a laptop in class; nevertheless, if you want to bring your laptop, please contact your professor.

5 - EVALUATION SYSTEM

5.1. GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course. Attendance at 70% of the classes is compulsory and an absence of more than 30% will result in a grade of 0.0 for the subject. In addition, students not fulfilling the attendance requirement will automatically lose two attempts to pass the course and will thus only have two last attempts to do so during the following academic year.

Students are expected to do the readings and the assigned tasks for each class. Class preparation and class participation are essential in order to pass the course.

5.2. EVALUATION AND WEIGHTING CRITERIA

FINAL GRADE FOR THE COURSE

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

CRITERIA FOR CALCULATING THE GRADE FOR PART I

Class sessions will include lecture and discussion. Students’ evaluation will be made upon performance on class participation (20%) and an examination (80%). The examination, which is an important part of the learning process, will be open-book and will consist of carefully thought-out essay questions.

Questions will be handed out a few days before most sessions. Working groups should be prepared to answer them orally in class.

CRITERIA FOR CALCULATING THE GRADE FOR PART II

The grade accounting for 50% of the final grade for the course will be based on both individual and group work. The evaluation is based on:

Written group assignments: 20%
Class attendance and active participation: 30%
Exam: 50%

WRITTEN GROUP ASSIGNMENTS (20%)

Throughout the course, students will be requested to prepare 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 analyzing 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.

Each written assignment will be posted on the internet platform IE Campus approximately one week before each class and students must then solve the case or prepare the memorandum before the class meeting. 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.
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.

CLASS PARTICIPATION (30%)

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. The grades obtained for the written quizzes will also be included in the grade for participation.

EXAM (50%)

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

RETAKE EXAM

If a student's course grade is below 5.0, the student is required to take the retake exam to pass the course.

The maximum grade that students can obtain in the retake exam period is 8.0.

A student who has missed over 30% of the class meetings will not be allowed to take the retake exam, but will only have two attempts left to pass the course during the following academic year.

The exam will cover everything that students have learned in class, including lectures, case discussions and group exercises.