Public International Law

Academic Year: (2018 / 2019) **Review date: 04-05-2018**

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: FERNANDEZ LIESA, CARLOS RAMON

Type: Compulsory ECTS Credits : 6.0

Year : 2 Semester : 1

Branch of knowledge: Social Sciences and Law

OBJECTIVES

Students have to know and understand the basical elements of public international law. To this effect the systematical form of the program is divided in topics ((general questions. Subjects. Juridical system and sources. Application. Competences and spaces regime etc..), through which they can study the basic elements of public international law. Along this program special attention is given to the historical and dynamic characteristic of this juridical order, and taking into account the Kingdon of Spain juridical system. This conception tends to overcome a formal conception of international law. A formal conception would avoid the student acquering needed competences to an integrated understanding of international juridical phenomenon.

DESCRIPTION OF CONTENTS: PROGRAMME

Topic 1. International society and International law. 1. Basic elements of International law. 2. Basic elements of International society. 3. The heterogeneity of International society (political, economic and cultural) and the evolution of International law.

Topic 2. Historical evolution of International law. 1. International law as an historical phenomenon. 2. The transition from classical international law to contemporary. 3 International society universalization 4. Humanization of the International law.

Topic 3. Fundamental Principles of International law. 1. Notion, theories, and functions of International law. 2. Fundamental principles and features of International law. 3. Fundamental principles of classical international law. 4. Fundamental principles of contemporary international law

Topic. 4. Subjects (I). 1. International legal personality. 2. State organs, diplomatic relations and International law. 3 State elements. Creation, recognition and extinction. 4. Inmunities. Spanish law.

Topic 5. Subjects (II). 1. International organizations. 2. Individuals. 3. Transnational corporations. 4. The right of all peoples to self-determination. 5. Special cases.

Topic. 6. Sources (I). 1. Ius cogens and Ius dispositivum. 2. Custom: Main elements. 3. Acts of International organizations. 4. Acts of the State in IL 5. General principles of Law. 6.Other sources

Topic 7. Sources (II) Treaties: Notion and basic legal features. 2. The Vienna convention rules (1969). The spanish regime. 3. Main elements and celebration phases. 4. Other Sources.

Topic 8. The application (I). 1. Spontaneous application and control mechanisms. 2. International State responsibility. 3. Individual responsibility in International law.

Topic 9. The application (II) 1. Diplomatic protection. 2. Enforcement application. 3. International law and municipal law. Main theories and Spanish law.

Topic. 10. International law and the use of force 1. From the just war to the United Nations. 2. The United Nations charter and the use of force. 3. Humanitarian intervention. The responsibility to protect. 4. Origin and evolution of International humanitarian law. 5 The protection of victims. Weapons limitations. Others questions.

Topic 11. Peaceful disputes settlement in International law. 1. Diplomatic methods of dispute settlement. Main rules 2. The international Court of Justice. 3. The proliferation of International

Tribunals.

Topic. 12. State jurisdiction titles. 1. Territorial jurisdiction. Concept of erritorial sovereignty. The acquisition and title to territory. 2. Spaces under national jurisdiction. 3. Territorial conflicts and International law. 4 Personal jurisdiction: nationality; foreigners; others status. 5. Universal jurisdiction titles. Spanish evolution.

Topic 13. Global public goods in International law (I). 1. International spaces (High seas; international water courses). 2. International Straits. 3. Polar spaces. 4. Spaces world of humankind

Topic 14. Global public goods in international law (II): 1. The protection of environment. 2. The Sustainble development goals and development cooperation. 3. The international law of culture

LEARNING ACTIVITIES AND METHODOLOGY

The teaching methodologie purpose is to follow the Bolonia´s model (continuous assesment). The theoretical knowledge acquired is perfeccioned and deepen in the reduced classes (Knowledge is knowledge). Interconnection is looked for between theory and practice. The tutorial regime will be that of the University. Teaching activities will be the usual of the theoretical and reduced classes, combining different teaching methods. To this effect, together with practical case method, other techniques could be used as the following: asssited readings, workshops, debates, films etc.. One can include specialized videos, the medias reports, institutional webs of States, International states organizations, NGOs etc.. In the cronograme some activities would be given, but the professor responsable can change one activity for another. The cronograme can be applied with flexibility and, in any case, it is necesarry to adapt to the teaching dynamic. For example, the theoretical and reduced classed should always be coordinated between the professors.

ASSESSMENT SYSTEM

Continuous assesement will be organised, by subject responsible professor, taking into account the cronograme and the professors instructions.The teaching methodologie purpose is to follow the Bolonia´s model (continuous assesment).

There will be a compulsory theoretical exam at the end of the program. This exam will consist of four questions, given by the coordinator or the responsable delegate, that only two questions can be answer by the students in one our.

% end-of-term-examination:	40
% of continuous assessment (assigments, laboratory, practicals…):	60

BASIC BIBLIOGRAPHY

- SHAW, M International law, Cambridge University Press, 965 pp, 2014 (seven edition)

ADDITIONAL BIBLIOGRAPHY

- Buzzan, Little International system in world history, Oxford University Press, 2010
- Crawford Browline principles of Public international law, Oxford University Press, 2012
- Watson, A. The evolution of International society, Routledge, 2009