Public International Law

Academic Year: (2020 / 2021) **Review date: 10-07-2020**

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

Coordinating teacher: ABAD CASTELOS, MONTSERRAT

Type: Compulsory ECTS Credits : 6.0

Year : 2 Semester : 1

Branch of knowledge: Social Sciences and Law

OBJECTIVES

Students must know and understand the basic elements of public international law. To this end, the syllabus logic is distributed across topics (general questions, subjects, sources, application, use of force, global public goods, etc.), through which they can study the fundamentals of the subject. Throughout this syllabus, special attention is paid to the historical and dynamic characteristics of the international legal order, taking into account the specificities of the legal system of Spain. The principal aim of this syllabus is to avoid a formalistic approach towards international law, given that an excessively rigid view would be negative in order to acquire the necessary skills needed by the students in order to fully understand the international legal phenomenon and all its complexities.

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 perspective) 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). Spanish law. 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 purpose of the teaching methodology is to follow the Bologna model and its continuous evaluation system. Thus, the theoretical knowledge acquired is refined and put into practice in the practical classes, searching for deepening the indispensable interconnection between theory and practice. For that, lecturers for theory and practice should always be linked and coordinated in order to convey the best possible overview.
The teaching activities will combine different teaching methods (in particular, the seminar classes might include workshops, debates, oral presentations, short essays, cinema-forum, etc.). Some activities will follow a timeline foreseen. In spite of this schedule, the lecturer in charge might to make changes deemed as appropriate.

ASSESSMENT SYSTEM

The continuous assessment will be organized by the lecturer in charge of the seminar classes, taking into account the schedule and guidance for the subject. Following the Bologna model, this continuous evaluation will have a great weight in the calculation of the final grade.

Also, there will be a compulsory exam at the end of the term. This exam will be focused on the theoretical content of the subject. It will and consist of four questions: students will dismiss two and answer the remaining two questions during one hour. Alternatively, a multiple-choice type of test, authorized by the coordinator, may be taken.

In any case, the minimum mark required to pass the final exam will be 4 points (4/10). Therefore, the student who does not obtain these four points will not be able to pass the subject

In order to achieve the greatest possible correspondence between the assimilation of the theoretical contents taught and the practical implementation, , the evaluation of the knowledge acquired through the final exam may be carried out by both the lecturers who are responsible for giving the master sessions and by those who are in charge of the practical classes.

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

BASIC BIBLIOGRAPHY

- REBECCA MM WALLACE / OLGA MARTÍN -ORTEGA INTERNATIONAL LAW, SWEET & MAXWELL, 2020 (Ninth 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