Public International Law

Academic Year: (2021 / 2022) **Review date: 20-06-2021**

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

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

Lesson 1. International society and International law. 1. International law as a historical phenomenon. 2. The transition from classical International law to the contemporary one. 3. Universalization of the international society. 4. Humanization of the International society. 5. Basic features of the international society, including its heterogeneity.

Lesson 2. Conceptual framework and Fundamental Principles of International law. 1. Notion and theories of International law. 2. Basic features of International law. 3. Functions of International law. 4. Fundamental principles of International law.

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

Lesson 4. Subjects (II). 1. International organizations. 2. Individuals. 3. Transnational corporations. 4. Peoples. 5. Special cases.

Lesson. 5. 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

Lesson 6. Sources (II) Treaties: Notion and basic legal features. 2. The Vienna convention rules (1969). Spanish law. 3.Main elements and celebration phases.

Lesson 7. Application (I). 1. Supervision and mechanisms of control. 2. International State responsibility.3. Individual responsibility in International law.

Lesson 8. Application (II) 1. Diplomatic protection. 2. Enforcement application. 3. International law and municipal law. Main theories and Spanish law.

Lesson 9. Peaceful disputes settlement in International law. 1. Diplomatic methods. 2.Jurisdictional methods: arbitral and judicial settlement. 3. Proliferation of international tribunals. 4. The international Court of Justice.

Lesson. 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. 6. Restrictions on the means and methods of warfare.

Lesson 11. State jurisdiction titles. 1. Bases of jurisdiction. 2. Personal jurisdiction: (i) Nationality and

foreignship. (ii) Migration and Asylum / Refuge. (iii) Statelessness. 3. Territorial jurisdiction: (i) Territorial sovereignty. (ii) Modificative regimes. (iii) Acquisition and title to territory.

Lesson 12. The Law of the Sea. 1. General aspects and delimitation of the different areas. 2. Islands. Archipelagic States and States with Archipelagos. 3. Internal waters, territorial sea and contiguous zone. 4. Exclusive Economic Zone (EEZ) and continental shelf. 5. International Straits. 6. High Seas and Sea Bed.

Lesson 13. Other Spaces, Air and Outer Space. 1. International Water Courses. 2. International Canals. 3. Polar regions. 4. Aerial Law. 5. Outer Space Law.

Lesson 14. International Environmental Law and Sustainable Development. 1. Evolution and main features of the International reaction for the protection of the environment. 2. Basic features of the International Environmental Law (IEL). 3. Main dimensions of the IEL, iin particular the global scale issues: (i) Atmospheric pollution and Ozone Depletion. (ii) Climate change. (iii) Biodiversity. (iv) Desertification. (v) Other issues. 4. The Agenda 2030.

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. 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 one and answer the remaining three questions. The lenght of the exam will be one hour.

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:	50
% of continuous assessment (assigments, laboratory, practicals…):	50

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