

Academic Year: (2023 / 2024)

Review date: 18-05-2022

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

Coordinating teacher: FERNANDEZ LIESA, CARLOS RAMON

Type: Compulsory ECTS Credits : 5.0

Year : 2 Semester : 1

OBJECTIVES

Students have to know and understand the basic elements of public international law. To this effect the systematic form of the program is divided in five parts (general questions. Subjects. Juridical system and sources. Application. Competences and spaces regime), 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 Kingdom of Spain juridical system. This conception tends to overcome a formal conception of international law. A formal conception would avoid the student acquiring needed competences to an integrated understanding of international juridical phenomenon.

DESCRIPTION OF CONTENTS: PROGRAMME

Topic 1. The international society and International law. 1. International juridical order: general questions. 3. Basis elements of international society. 3. The heterogeneity of International society (power, economy and culture) and the evolution of International law.

Topic 2. Historical evolution of International law. 1. International law as a historical phenomenon. The transition from classical international law to contemporary. 2. The universalization of I.S. and IL 3. International society institutionalization. 3 International law humanization

Topic. 3. Notion and fundamental principles of International law 1 Notion, basis and functions of IL. 2. Fundamental principles of classic IL: Equality, sovereignty and non intervention. 3. Fundamental principles of contemporary IL. International cooperation; peaceful settlement; prohibition of the use of force; free determination. Others.

Topic 4. Subjects (I). 1 International personality. State's elements. 2. States organs and international relations. 3. States creation, recognition, transformation and succession. 4 States immunities and others immunities. Spanish law.

Topic 5. Subjects (II). 1. International organizations: origin, elements and demonstrations of international personality. 2 Juridical regimen. IO activities. 3. Peoples and individuals as subjects of IL. 4 4 Others subjects and actors. NGOs and multinational enterprises.

Topic 6. Sources. (I). 1. Ius cogens and ius dispositivum. 3. Sources. Custom. 4. International organizations acts. 5. State conduct and unilateral acts. 6 Other sources (principios generales; jurisprudencia)

Topic 7. Sources (II). 1. International treaties: general questions. 2. Celebration phases. Reservations. 3. Reform, crisis and treaties termination. 4. Spanish law treaties.

Topic 8. Application (I). 1. Spontaneous application and international control. 2. State international responsibility. 3. Individuals international responsibility.

Topic 9. Application (II). 1. Diplomatic protection. 2. Enforcement application. Retaliating measures, countermeasures and sanctions. 3. International courts proliferation.

Topic 10. International law, international law relations. 1 Theoretical problems International-internal law. 2. Spanish law regime.

Topic 11. Competences. Spaces regime under sovereign jurisdiction (I). 1. Competences and state jurisdiction. State territory and borders. 2. Aerial space regime. 3. Marine areas under state sovereignty (continental platform. Exclusive economic zone). Others.

Topic 12. International spaces and common heritage of humanity (II). 1. International spaces (High see. International watercourses). 2 International straits. 3. Polar areas. 4. Spaces common heritage of humanity: the zone. The outerspace.

LEARNING ACTIVITIES AND METHODOLOGY

The teaching methodology purpose is to follow the Bologna's model (continuous assessment). The theoretical knowledge acquired is perfected and deepened 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: assisted readings, workshops, debates, films etc.. One can include specialized videos, the media reports, institutional webs of States, International states organizations, NGOs etc.. In the cronograma some activities would be given, but the professor responsible can change one activity for another. The cronograma can be applied with flexibility and, in any case, it is necessary to adapt to the teaching dynamic. For example, the theoretical and reduced class should always be coordinated between the professors.

ASSESSMENT SYSTEM

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|---|----|
| % end-of-term-examination: | 50 |
| % of continuous assessment (assignments, laboratory, practicals...): | 50 |

The knowledge will be evaluated through the active participation of students, by controlling reading, performing works and execution of exercises and case studies.

Each teacher will set a compulsory minimum number of practices without whose completion the student will not pass the continuous assessment. The marks of continuous assessment will be as following: 3 points from different elements within continuous evaluation; 2 points continuous evaluation test/exam.

There will be a compulsory theoretical exam (5 points) at the end of the program. This exam will consist of four questions, given by the coordinator or the responsible delegate, that only two questions can be answered by the student in one hour. The minimal marks exigible to pass the final exam is not less than 4 points. Any student that does not have four points will be failed. Alternatively, authorized by the coordinator, it can be an examination test.

The evaluation of knowledge acquired by the students will be done by the lecturer who has been responsible for the continuous assessment, with the objective to obtain the most adequate relation between the practical and theoretical knowledge assimilated. Students evaluation can also be done by the professor (of theoretical)

BASIC BIBLIOGRAPHY

- M^a Paz Andrés Sáenz de S. (edición de) Legislación básica de Derecho Internacional Público, 10^a edición actualizada Editorial Tecnos, Madrid 2011
- Fernando M. Mariño. Derecho Internacional Público. Parte General. , Editorial Trotta. 4^a ed., Madrid 2005
- Manuel Díez de Velasco. Instituciones de Derecho Internacional Público. , Editorial Tecnos., 17 ed. Madrid 2009.

ADDITIONAL BIBLIOGRAPHY

- Crawford, J. Brownlies principles in international law, Oxford University Press, 2012
- Shaw, M.N., International law, Cambridge University Press, 2014
- Watson, A., The evolution of international society. A comparative historical analysis, Routledge, 2009