

Public International Law

Code: 102232
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	2	1

Contact

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Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Jaume Munich Gasà
Sonia Güell Peris

Prerequisites

non

Objectives and Contextualisation

- Understand that the international system is increasingly interdependent and that the freedom of the state to adopt international standards is limited by the joint will of other States
- Know that public international law remains the necessary instrument for regulating international relations
- Assume that the subjects are the international law makers & must comply with them.
- Understand that public international law has a high level of voluntary compliance weighs, at times, seems the opposite. The reason is that it is adopted by the common interest of States and is therefore enforced.
- Address that a very significant part of the internal rules of States have their origin or are related to public international law

Skills

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- Arguing and laying the foundation for the implementation of legal standards.
- Defending and promoting the essential values of the social and democratic State of Law.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Identifying and solving problems.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.

- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Properly analysing the issues related to equality between men and women.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of leading a group of people, by using the appropriate methods to guide individuals or groups towards the attainment of a goal.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Working in multidisciplinary and interdisciplinary fields.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning outcomes

1. Analysing the protection of human rights of men and woman in the international and European orders.
2. Analysing the values of the international society, specially the ones aimed to promote a culture of peace, reflected in the international and European legislation.
3. Apprehending the necessary mechanisms to assess and apply the legislative reforms at an international and European level and in particular in relation to the changes produced in the protection of the human rights.
4. Arguing and laying the foundation for the implementation of the legal-international standards bearing in mind that there might be several possible reasonings.
5. Assessing and putting into practice the changes in international and European jurisprudence in order to apply them to concrete legal problems.
6. Defending and promoting the essential values of the social and democratic State of Law.
7. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
8. Distinguishing the most frequent databases of the international framework.
9. Drawing up and formalising works, reports, documents, rulings.
10. Finding the applicable standards in international matters.
11. Identifying and solving problems.
12. Identifying, knowing and applying the principles and basic regulations of the international and European Union legal system, particularly the ones that refer to the protection of the human rights.
13. Integrating the importance of the international law as a regulatory system of the international society, as well as the European Union and its impact in the domestic legal orders.
14. Solving interpretation and application problems of international laws.
15. Students must be capable of leading a group of people, by using the appropriate methods to guide individuals or groups towards the attainment of a goal.
16. Students must be capable of learning autonomously and having an entrepreneurial spirit.
17. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
18. Using computing networks from appropriate bibliographic sources for a concrete work.
19. Working in multidisciplinary and interdisciplinary fields.
20. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

INTERNATIONAL PUBLIC LAW PROGRAM

I. THE INTERNATIONAL SYSTEM

Lesson 1. International society and public international law

Origin and evolution. International public law as a legal system of the current international society. The institutionalization of the international system. The United Nations and its principles. Concept of public international law

II. INTERNATIONAL SUBJECTIVITY

Lesson 2. The international subjectivity of the State

Concept and constitutive elements of the State. The principle of sovereign equality. State immunities. The principle of nonintervention. The recognition of States. The recognition of governments. The external representation of the States.

Lesson 3. The international subjectivity of international organizations and the international status of other actors

The international legal personality of international organizations. The international organizations capacity & competences. Historical situations. The people. Non-governmental organizations-NGOs. Transnational corporations. The individual. The humanity

III. THE CREATION PROCESS OF NORMS IN INTERNATIONAL LAW

Lesson 4. The structure of the international legal system

Concept of *lege ferenda*. Consent and consensus of States in the formation of norms. The hierarchy of international norms: *ius cogens*.

Lesson 5. Treaties as a source of public international law

Concept of treaty. Classes of treaties and functions. The celebration process: special reference to Spain. Reservations. The provisional application. Deposit and registration of treaties.

Lesson 6. Other sources of public international law, auxiliary means and their interaction

Custom. The general principles of law. Equity. Jurisprudence and doctrine. Concept and classes of unilateral acts of the States. The unilateral acts of IOs: the internal normative function and the external normative function, special reference to the resolutions of the General Assembly and the Security Council of the United Nations. The interaction between formal sources and supporting mechanisms for the creation of norms.

IV. ORDINARY APPLICATION OF PUBLIC INTERNATIONAL LAW

Lesson 7. Relations between public international law and domestic law

The reception of public international law and its hierarchy: special reference to Spain. The interpretation and application of the norms of public international law, special reference to Spain. International control.

Lesson 8. Effects of international law and their possible alterations

The effect of international law (special reference to *erga omnes* effects). Nullity, modification, termination and suspension of treaties

V. EXTRAORDINARY APPLICATION OF INTERNATIONAL PUBLIC LAW

Lesson 9. The peaceful settlement of international disputes

Concept and regulation of controversies. The diplomatic mechanisms. The jurisdictional mechanism: Arbitration, judicial settlement (special reference to the International Court of Justice). The dispute settlement in international organizations.

Lesson 10. International responsibility

Concept of international responsibility. The objective element and the subjective element. The exclusion circumstances. Consequences of the internationally wrongful act: reparation. The obligation to repair for lawful acts. The international responsibility of the individual.

Lesson 11. Mechanisms for enforcing public international law

Diplomatic protection. Self-measurement. Institutionalized procedures. Chapters VII and VIII of the Charter. The practice of the United Nations: peacekeeping forces and other mechanisms

VI. SPACE COMPETENCES AND INTERNATIONAL COOPERATION

Lesson 12. Space competences of collective interest

The terrestrial space. Airspace. The law of the sea. Other spaces of collective interest. Protection of the environment

Lesson 13. International economic architecture and development cooperation

International financial relations. International trade relations. Cooperation for development.

Lesson 14. The International Law of Armed Conflict.

Origin and evolution of the International Humanitarian Law (IHL). The guiding principles of IHL. The international regulatory framework. The role of the Red Cross.

Methodology

Directed activities

a) Master classes: taught by the teacher

b) Cases: Each teacher at the beginning of the course will explain their model. There will be at most 3 evaluable practical activities that will count at most 30% of the final grade

c) Autonomous: Each teacher in the classroom (and virtual campus) will explain how to prepare autonomously the contents of the course

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
cases	12	0.48	2, 6, 17, 7, 11, 19, 10, 18, 5
Master classes	30	1.2	2, 12, 3, 13, 14
Type: Supervised			
Tutorial	5	0.2	11, 9, 14, 15, 19
Type: Autonomous			
documentation research	12	0.48	8, 10, 18
documents, reading	12	0.48	1, 10, 5
essays: preparation and writing	30	1.2	4, 7, 8, 11, 9, 14, 15, 19, 20, 10, 18, 5
study	14	0.56	2, 12
Text book, reading	21	0.84	2, 13

Evaluation

Evaluation Model: The evaluation is continuous, so the teacher can establish the degree of achievement of the competences

A) The evaluable practical activities carried out during the course (maximum 3) will represent 30% of the final grade

B) Exam: This is an exam of questions related with the course. It will represent 70% of the final grade.

Reevaluation: There is a possibility of reevaluation but only of the exam (max.70%).

If the grade of the exam (70%) and the practical activities (30%) reaches a minimum of 5 (50%), the course is approved.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Cases & essays	30%	12	0.48	2, 1, 4, 6, 17, 7, 8, 12, 11, 9, 14, 15, 19, 20, 10, 18, 5
Exam	70%	2	0.08	2, 4, 6, 7, 8, 12, 3, 13, 11, 9, 14, 16, 10, 5

Bibliography

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III. OTHERS

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JIMÉNEZ PIERNAS, Introducción al derecho Internacional Público. Práctica de España y de la Unión Europea, ed. Tecnos, 2011

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