

**Public International Law**

Code: 102232  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	2	1

**Contact**

Name: Jaume Munich Gasa  
Email: Jaume.Munich@uab.cat

**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**

Claudia Cristina Jiménez Cortés  
Jaume Munich Gasa  
Ana Ayuso Pozo  
Sonia Güell Peris

**Prerequisites**

The classes will be in Catalan except for the groups: 1, 3 and 51 in Castilian.

Law:  
Group 01: Claudia Jiménez  
Group 02: Claudia Jiménez  
Group 03: Sònia Güell  
Group 51: Ana Ayuso  
Group 52: Jaume Munich  
Group 70: Jaume Munich

Political Science:  
Group 01: Sònia Güell

**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

## Competences

- 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.
- Defend and promote the basic values of coexistence in democracy.
- 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. Defend and promote the basic values of coexistence in democracy.
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**

### PUBLIC INTERNATIONAL LAW PROGRAM

#### I. THE INTERNATIONAL SYSTEM

##### Lesson 1. International society and the public international law (PIL)

Origin and evolution. The institutionalization of the international system. The United Nations and its principles. Cc

#### II. THE INTERNATIONAL SUBJECTIVITY

##### Lesson 2. The international subjectivity of the State

Concept and constituent elements of the State. The principle of sovereign equality. Immunities of the State. The p

##### Lesson 3. The international subjectivity of international organizations (IO) and the international status of other act

The international legal personality of the IO. The competences of the IO. Historical situations. The peoples. NGO.

#### III. THE PROCESS FOR TRAINING RULES IN PIL

##### Lesson 4. The structure of the international legal system

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

##### Lesson 5. Treaties as a source of PIL

Concept of treaty. Modalities of treaties and functions. The celebration of treaties: special reference to the Spanish

##### Lesson 6. Other sources of PIL, auxiliary means and their interaction

The custom. The general principles of law. Equity. Jurisprudence and doctrine. Concept and modalities of unilateral *Soft law*. The interaction between formal sources and coadjuvant mechanisms for the creation of norms.

#### IV. ORDINARY APPLICATION OF THE PIL

Lesson 7. The relations of the PIL with the internal rights

The reception of the PIL and its hierarchy: special reference to the Spanish State. The interpretation. The applica

Lesson 8. Effects of international regulations and their possible alterations

The effects of the international norms, special reference to the *erga omnes* effects. Nullity, modification, termination and suspension of treaties.

#### V. EXTRAORDINARY APPLICATION OF THE PIL

Lesson 9. The peaceful resolution of international disputes

Concept and regulation of disputes. The diplomatic means of solution. The means of jurisdictional solution: the ar

Lesson 10. International responsibility

Concept of international responsibility. The objective element and the subjective element. Excluding circumstan

Lesson 11. Mechanisms for demanding compliance with the PIL

Diplomatic protection Countermeasures. The institutionalized procedures: the social sanction, the disciplinary po

#### VI. SPACE COMPETENCES AND INTERNATIONAL COOPERATION

Lesson 12. Space competences and spaces of collective interest

The terrestrial space. Air space. The law of the sea. Other spaces of collective interest. The protection of the env

Lesson 13. International economic architecture and development cooperation

International financial relations. International trade relations. Development cooperation.

Lesson 14. International law on armed conflicts.

Origin and evolution of international humanitarian law (IHL). The governing principles of the IHL. The internation

## Methodology

Directed activities:

- Master classes: taught by the teacher.
- Case study resolution: each teacher at the beginning of the course will explain their system.
- Moot case: each teacher at the beginning of the course will explain their model.

Autonomous activities: 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			
Case study resolution	5	0.2	2, 6, 17, 7, 11, 19, 10, 18, 5
Master classes	22.5	0.9	2, 12, 3, 13, 14
Moot case	17.5	0.7	2, 4, 17, 7, 8, 12, 3, 11, 9, 14, 15, 20, 19, 10, 18, 5
Type: Autonomous			
Case study preparation	18	0.72	2, 6, 17, 7, 11, 19, 10, 18, 5
Recension	15	0.6	2, 4, 6, 17, 7, 8, 12, 13, 9, 16, 10, 18, 5
preparation and writing of moot court	18	0.72	2, 4, 17, 7, 8, 12, 3, 11, 9, 14, 15, 20, 19, 10, 18, 5
study	49	1.96	2, 12

## Assessment

Evaluation model: the evaluation is continued and aims to enable teachers to establish the degree of achievement

The

practical activities that can be evaluated throughout the course will represent 50% of the final mark. These activities

a) A simulated trial (30%)

b) An evaluable practice (10%)

c) A review (10%)

Content exam: this is a question exam related to the subject's program, which equals 50% of the final grade.

Re-evaluation: there is a re-evaluation but only of the exam of contents (max 50%). No minimum mark of examination of contents is requested to go to the r

The subject will be approved if the sum of the marks obtained among all activities is at least 5, as long as the mark of the exam of contents is equal to or greater than 4.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Exam of contents	50%	5	0.2	2, 4, 6, 7, 8, 12, 3, 13, 11, 9, 14, 16, 10, 5
Moot case	30%	0	0	2, 4, 7, 8, 12, 3, 11, 9, 14, 15, 20, 19, 10, 18, 5
Review	10%	0	0	2, 4, 6, 17, 7, 8, 12, 13, 9, 16, 10, 18, 5
case study	10%	0	0	2, 1, 4, 6, 17, 7, 8, 12, 11, 9, 14, 15, 20, 19, 10, 18, 5

## Bibliography

### MANDATORY BIBLIOGRAPHY

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### RECOMMENDED BIBLIOGRAPHY

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CASADO, R., *Derecho internacional*, 3ª ed., Tecnos, 2017.

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MARIÑO, F. M., *Derecho internacional público (Parte General)*, 4ª ed., Trotta, 2005.

ORTEGA, M., *Derecho global. Derecho internacional público en la era global*, Tecnos, 2014.

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RODRIGUEZ, A., *Lecciones de derecho internacional público*, 6ª ed., Tecnos, 2006.

SALINAS, Ana. (dir.), *Lecciones de Derecho Internacional Público*, Tecnos, 2015

#### BASIC TEXTS

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