

# **International Public Law I (3credits)**

**Law 165 01230**

**Fall Semester 2011**

## **SYLLABUS**

(subject to change)

<b>Instructor:</b>	Kamila M. Mateeva
<b>Class Meetings Time:</b>	Tuesday – 9:25, 10:50, Friday –9:25, 10:50
<b>Office Hours:</b>	By appointment
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### **I General Description of the Course**

The International Public Law I course is a required course for a second law students and an elective course for other students, who may take it as a general education course or as a course under the minor program. This course is intended to introduce students to the basic concepts and problems of public international law. International law commonly is defined as the rules, principles, and norms, which govern the interaction among states. The course will cover the traditional major topics in this field such as the sources and subjects of international law, human rights law, the concept of state responsibility and the relationship between international law and the municipal law of states. The course will review and discuss a number of international law cases, as well as certain treaties, resolutions and other international legal instruments of importance. Upon successful completion of this course, a student should have a sound working familiarity with the basic principles of Public International Law.

### **II Learning Outcomes**

By the end of the course students should be able to:

1. Identify, explain, and be able to find different sources of International Public Law
2. Differentiate and compare sources of International Public Law
3. Determine mechanisms on how to prove any norm of international customary law
4. Describe the treaty – making processes (formation of international treaties)
5. Analyze and interpret provisions of International Treaty
6. Read and comprehend analysis of case law; brief cases and extracts the rules from the case law of International Court of Justice
7. Find and explain principles of International Public Law
8. Explain correlation of International and Municipal law
9. Identify subjects of International Public Law and explain their place in this area of law
10. Explain what a human right is and be able to identify a human right from any other type of rights.
11. Solve hypothetical situations and develop arguments using International Public Law principles and rules
12. Be able to engage in discussions, to express own ideas in a clear and logical way. Also be able to participate in discussions in a constructive, collaborative and attentive manner.

13. Present and discuss ideas arguments effectively, in a clear, understandable and engaging way.

### **III Course Materials**

Students will be given course reader that will contain the whole mandatory course material. The course material comes from the following sources:

1. Larry Damrosch, *International Law: Cases and Materials*, (West Group Fourth Ed. 2001)
2. Anthony Aust, *Handbook of International Law*, (Cambridge University Press 2005)
3. Alina Kaczorowska, *Public International Law*, (Routledge press 2010)
4. Malcolm Shaw, *International law*, (Cambridge University Press Fifth Edition 2003)

Recommended readings are:

1. Ian Brownlie, *International Public Law*, (Oxford University Press, 2010)
2. Andrew Gutzman, *How International Law Works*, (Oxford University Press, 2008)
3. LexisNexis, any of the law review articles about the topics covered by the course

### **IV Teaching Methods**

The class will meet twice a week. This course does not use traditional method of lecture and seminar division. There is going to be hybrid of lecture/seminar every class or it can be called as interactive lecture method. This method implies students to read new materials beforehand and be ready to discuss the given materials in class. Such method helps and equips the student a self-learning skill, which he/she will need in their further studies.

An instructor of this course is also going to use Socratic Method. This method is widely used if the course is based on case law. Since our course is mostly based on cases, this method is going to guide students' discussion. Instructor will call on the students randomly to answer a question, discuss the given case, or a hypothetical situation. This method equip students with analytical and critical thinking since the student is not given the answer to question but the student should find an answer himself by answering instructor's question

During the semester, students are going to work in pairs, where students are going to discuss certain topics and then make a 5 minute presentation in class. Thus, students will master and improve presentation skills.

Overall, before mid-term and exam, there will be several classes, where the instructor will employ free discussion method, where students could contribute to the dialogues on the summarizing topics. Such method will help students to check their knowledge and get prepared for a review session

### **V Assessment**

During semester, students' grading will be based on the following components:

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|------------------------|------|
| a) Class participation | 25 % |
| b) Mid-Term            | 35 % |
| c) Final Exam          | 40 % |

These components are going to be assessed based on the following criteria:

**Class participation** is defined as follows: constant participation (should be considered as following taking together: answer the questions, comment or ask questions) in the class, which shows his or her preparation for the class with the use of and citation to the home material assignment that the student was assigned to read; the class participation will be also assessed through pop quizzes.

**Pop-quiz-** is a test that is given to students at the beginning or the end of the class, to check either his/her preparation for a class or his/her learning in class (listening to the lecture and discussion in class).

**Mid-Term and Final Exam.** The student can not miss or rewrite exam.<sup>1</sup> If the student misses exam, he/she will have F for exam. Mid Term and Final Exam will be in form of Hypothetical situation (60 points) and multiple choice questions in form of small hypotheticals (40 points). Hypothetical resolving must be followed with IRAC format (the answer should be structured and include following components: Issue, Rule, Analysis and Conclusion), while open questions should not be copy pasted from reading materials, but should be explained with your own words. Both exams will have an open book format. Open book format means that a student will have an access to his/her own course materials (course reader, international treaties, and notes), however, he/she should be aware that the assignments is going to be constructed in a way that a student will not have time to search and even look at the answer, but will have only the time to write his/her analysis of hypothetical and answer multiple choice questions.

*Note: Open questions will usually entail questions on comparative approach.*

Overall, students will have 75 minutes to complete their each exam assignment. The Mid-Term will cover the first eight weeks of the course. The Final Exam will cover the whole course with emphasis of the second part of the semester. There will be review sessions conducted before the Mid-Term and the Final Exam.

#### **Table of grading range in percentage**

A	94-100%
A-	90-93%
B+	86-89%
B	80-85%
B-	77-79%
C+	74-76%
C	68-73%
C-	64-67%
D+	60-63%
D	54-59%
D-	50-53%
F	below 50%

#### **VI Academic Conduct/ Course Policies**

- (1) Students are expected to BE ON TIME for classes. If instructor marked the student absent in case that the student is late for the class, he is considered to be absent for the whole class, unless excused by instructor.
- (2) ATTENDANCE. Class attendance is required. If the student misses the class with an excuse, certificate about the absence must be presented no later than the next class after

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<sup>1</sup> If the student is sick, he/she is required to come to exam anyway. The instructor will grade the exam according to those circumstances surrounding the student situation.

when the student will come. *If the requirements mentioned above are not observed, student's absence is considered to be unexcused.* If the student misses 3 classes without excuse or 50% of the whole course (with and without an excuse), student is given an "X" grade.

- (3) The student has to follow ACADEMIC HONESTY code. *All types of cheating* (plagiarism etc.) *are strictly prohibited.* If student fails to observe this requirement, instructor may give from an "F" for the work up to an "F" for the whole course depending on the type of assignment and other circumstances.
- (4) CELL PHONES and any other electronic devices should be either turned off or kept on silence.

## VIII Subject Content

- INTRODUCTION TO INTERNATIONAL LAW:**
- Week 1:
- (a) Organizational matters and introduction to the course
  - (b) Nature of International Law  
*H/W: Reading A.Aust pp. 2-8, L. Damrosch pp. 4-5, 10-11, Article 38 of the Statute of International Court of Justice.*
- SOURCES OF INTERNATIONAL LAW:**
- Treaty Law**
- Week 2:
- (a) Concept of treaties as a source of international law  
*H/W: A. Aust pp. 49-56, L. Damrosch pp 451-460 (Norway v. Denmark, Nuclear Tests Case)*
  - (b) Conclusion of Treaties  
*H/W: Articles 6-10 of Vienna Convention on the Law of Treaties of 1969, A.Aust pp. 56-59, L. Damrosch pp. 470-475*
- Week 3:  
Convention
- (a) Means of expressing consent to be bound and Article 18 of Vienna  
*H/W: Articles 11-18 of Vienna Convention on the Law of Treaties of 1969, A.Aust. pp 59-64, L. Damrosch pp 473-476*
  - (b) Reservations and their importance  
*H/W: Articles 19-23 of Vienna Convention on the Law of Treaties of 1969, A.Aust pp. 64-73, Advisory Opinion on Reservation to the Convention on Genocide (reading to be distributed)*
- Week 4:
- (a) entry into force, application and interpretation  
*H/W: Articles 26-33 of Vienna Convention on the Law of Treaties of 1969, L. Damrosch pp. 496-499, A.Aust pp. 86-90*
  - (b) Amendment, duration and termination, invalidity  
*H/W: Articles 42-72 of Vienna Convention on the Law of Treaties of 1969, A.Aust pp.91-100*
- International Customary Law**
- Week 5:
- (a) Concept of customary international law



H/W: *Shaw pp.205-207, A. Aust pp. 22-32, (MUST HAVE MAKE UP CLASS FOR THIS SESSION either before week 11 or after it)*

Week 12:

**International Governmental Organizations**

- (a) International legal personality of international organizations  
H/W: *A.Aust 178-185, L. Damrosch pp. 359-368 (Advisory Opinion) pp. 379- 381*
- (b) United Nations  
H/W: *A.Aust pp.186-205*

Week 13:

**Individuals**

- (a) Criminal responsibility of individuals under international law  
H/W: *L. Damrosch pp. 396-398, 404-408*

**Corporations**

- (a) Transnational corporations under international law and their nationality  
H/W: *Damrosch pp. 421-424*  
*Shaw pp. 206-225*

Week 14:

**INTERNATIONAL LAW and MUNICIPAL LAW**

- (a) International law in the municipal law of other states  
H/W: *Shaw pp. 129-157; Law of the Kyrgyz Republic on International Treaties of 1999 and Constitution of the Kyrgyz Republic of 1993*
- (b) May continue discuss municipal law this session

Week 15:

**NATIONALITY UNDER INTERNATIONAL LAW**

- (a) The concept of nationality under international law  
H/W: *L. Damrosch pp. 425-426, 429-434 (Nottebohm case)*

**HUMAN RIGHTS**

- (a) Concept of human rights and Universal Declaration of human rights  
H/W: *L. Damrosch pp. 586-589, 591, 593-595*

Exam Week:

**REVIEW SESSION**

Review all covered materials