

**COURSE DATA****Data Subject**

|                      |                          |
|----------------------|--------------------------|
| <b>Code</b>          | 35217                    |
| <b>Name</b>          | International public law |
| <b>Cycle</b>         | Grade                    |
| <b>ECTS Credits</b>  | 7.5                      |
| <b>Academic year</b> | 2020 - 2021              |

**Study (s)**

| <b>Degree</b>   | <b>Center</b>   | <b>Acad. year</b> | <b>Period</b> |
|---|---|-------------------|---------------|
| 1303 - Degree in Law  | Faculty of Law  | 2                 | Annual        |
| 1921 - D.D. in Business Management Administration-Law           | Doubles Studies Faculty of Law - Faculty of Economics | 3                 | Annual        |
| 1922 - D.D. in Law-Political and Public Administration Sciences | Faculty of Law  | 2                 | Annual        |
| 1923 - D.D. in Law-Criminology                                  | Faculty of Law  | 3                 | Annual        |

**Subject-matter**

| <b>Degree</b>   | <b>Subject-matter</b>          | <b>Character</b> |
|---|--------------------------------|------------------|
| 1303 - Degree in Law  | 14 - Public international law  | Obligatory       |
| 1921 - D.D. in Business Management Administration-Law           | 4 - Year 3 compulsory subjects | Obligatory       |
| 1922 - D.D. in Law-Political and Public Administration Sciences | 3 - Year 2 compulsory subjects | Obligatory       |
| 1923 - D.D. in Law-Criminology                                  | 4 - Year 3 compulsory subjects | Obligatory       |

**Coordination**

| <b>Name</b>                  | <b>Department</b>                                 |
|------------------------------|---|
| BOU FRANCH, VALENTIN ENRIQUE | 65 - International Law 'Adolfo Miaja de la Muela' |

**SUMMARY**



## **I. INTRODUCTION**

The diverse Syllabus of the Studies of Degree include information on both teaching and learning processes according to the model established and recommended by the 'Unidad de Innovación Educativa' of the 'Universitat de València – Estudi General' (which contains, amongst other aspects, competences and learning results).

This document represents the Syllabus of the compulsory Public International Law course. As established by the academic-teaching Protocol on the Degrees of the Faculty of Law of the 'Universitat de València – Estudi General' (henceforth, the *Protocol*), page 4, this Syllabus has been prepared by the Knowledge Area of Public International Law and International Relations and approved by the Academic Commission on the Law Title (henceforth, CAT-Law).

This Syllabus shall be applied in all the groups of the Public International Law subject, regardless of the Degree of the *Universitat de València – Estudi General* in which they are given.

Lecturers of a group on Public International Law shall attach to this Syllabus the Program of activities envisaged. This Program entails a high level of specification of the contents of the Syllabus. Anyway, it should be pointed out that the Protocol states in page 5 that 'the Program of activities of the Lecturer shall not contradict the Syllabus that it develops'.

## **II. BRIEF SUMMARY OF THE SUBJECT**

The *Verifica* (that is, the former academic Syllabus) of the Law Degree (page 82) establishes the following:

### **CONTENTS OF THE MODULE / SUBJECT AND OBSERVATIONS**

#### **Contents of the Public International Law subject:**

International society and subjects of Public International Law. Creation and application of international norms. Peaceful settlement of international disputes. Functions of Public International Law.

#### **Observations:**

The teaching Programs of all the groups of the Public International Law subject shall comply with the Syllabus prepared by the Area of Public International Law and International Relations

## **III. POSITION OF THE COURSE IN THE ACADEMIC SYLLABUS**

The course Public International Law is given throughout two terms not only of the second year of the Law Degree and the double Degree on Law-Political Science, but also of the third year of the double Degree on Law- Business Administration and Management and the double Degree on Law- Criminology.

As the 'Verifica' of the Law Degree of the *Universitat de València – Estudi General* lays down, this subject has special connections with other subjects.



Regarding the **Law Degree**, it has to be borne in mind that a good knowledge of Public International Law is required to achieve an appropriate understanding of the subject Legal Institutions of the European Union. Secondly, two optional subjects of the *International Legal* itinerary (International Environmental Law and International Humanitarian Law) are specialties of the Public International Law Course. Finally, it should be pointed out the transversal character of the subject due to the constant expansion of the material contents of international norms. Therefore, in every legal subject there are international norms that discipline and regulate its contents.

That is also the case in the **double Degree in Law– Business Administration and Management**. Hence, a good knowledge of Public International Law is required to achieve an appropriate understanding of the subject Legal Institutions of the European Union. In addition, it should be pointed out the transversal character of the subject due to the constant expansion of the material content of international norms. Therefore, in every legal subject there are international norms that discipline and regulate its contents.

For what it has to do with the **double Degree in Law– Political Science**, it should also be taken into account that a good knowledge of Public International Law is required to achieve an appropriate understanding of the subject Institutions and Politics of the European Union. Secondly, the contents of the basic annual subject International Relations and Organizations are closely connected with the subject Public International Law. International relations entail the study of the international social environment, and this knowledge contributes to a better understanding of the characters of Public International Law. International Organizations are well-established subjects of International Law, and their deep knowledge is a speciality of this course. Thirdly, it should be noted that the compulsory course on Human Rights and International Cooperation is a speciality of the subject on Public International Law. Finally, it should be pointed out the transversal character of the subject due to the constant expansion of the material contents of international norms. Therefore, in every legal subject there are international norms that discipline and regulate its contents.

Lastly, it should be taken into account that the Public International Law course is also given in the **double Degree in Law–Criminology**. Once again, it should also be taken into account that a good knowledge of Public International Law is required to achieve an appropriate understanding of the subject Legal Institutions of the European Union. Moreover, the optional subject International Criminal Law is a speciality of the Public International Law course. Again, it should be pointed out the transversal character of the subject due to the constant expansion of the material contents of international norms. Therefore, in every legal subject there are international norms that discipline and regulate its contents.

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

#### I. PREVIOUS REQUIREMENTS

None.

#### II. RECOMMENDATIONS

A good oral and written knowledge of English language is recommended.



Attendance to class is advised.

Attendance to classes of the group of enrolment is recommended.

## OUTCOMES

### 1303 - Degree in Law

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## LEARNING OUTCOMES

### I. SPECIFIC COMPETENCES OF THE DEGREE THAT STUDENTS ARE EXPECTED TO ACQUIRE WHILE TAKING THE PUBLIC INTERNATIONAL LAW COURSE:

The 'Verifica' of the Law Degree (pages 13 and 14) indicates that students shall acquire fourteen specific competences of the Degree when taking, amongst others, the Public International Law course.

In addition, the 'Verifica' indicates (page 82) the connection between the specific competences of the Law Degree and the competences regarding learning results (hereafter, T.A. competences) of the Public International Law course.

The specific competences of the Law Degree that are to be acquired while taking the Public International Law course and their relationship with T.A. competences of this subject are the following:

- **Competence 1:** Ability to recognize the significance of Law as a regulatory system of social relations (in connection with T.A. competences number 2, 3 and 4),
- **Competence 2:** Ability to know the content and application of all the branches of the legal order (regarding T.A. competences number 1, 2, 3 and 4),
- **Competence 3:** Ability to understand the unitary character of the legal order and the need of an interdisciplinary approach to legal problems (regarding T.A. competence number 2),
- **Competence 4:** Ability to use constitutional principles and values, respect of human rights (with special attention to gender equality), sustainability and peace culture as working tools for interpretation of the legal order (regarding T.A. competence number 2),
- **Competence 5:** Ability to know the constitutional legal framework, the political institutions of the State and their functioning (regarding T.A. competence number 2),
- **Competence 6:** Ability to know the European Union and international legal framework, their institutions and their functioning (regarding T.A. competences number 1, 2 and 3),
- **Competence 7:** Ability to use legal sources (norms, jurisprudence and scholars) (regarding T.A. competence number 3),
- **Competence 8:** Ability to read and interpret legal texts (regarding T.A. competence number 3),
- **Competence 9:** Ability to properly communicate in the legal field (including both oral and written communication) (regarding T.A. competence number 3),
- **Competence 10:** Ability to analyse legal problems and summarize their approach and resolution (regarding T.A. competence number 3),
- **Competence 11:** Ability to acquire a critical consciousness when analysing the legal order, and to





- develop legal dialectics (regarding T.A. competence number 3),
- **Competence 12:** Ability to acquire basic knowledge of legal argumentation (regarding T.A. competence number 4),
  - **Competence 13:** Ability to use new information and communication technologies for obtaining and selecting legal information (regarding T.A. competence number 3),
  - **Competence 14:** Ability to negotiate and conciliate (regarding T.A. competence number 4).

**II. IN CONNECTION WITH GENERAL COMPETENCES OF THE DEGREE, STUDENTS ARE EXPECTED TO ACQUIRE THE FOLLOWING COMPETENCES WHILE TAKING THE PUBLIC INTERNATIONAL LAW COURSE:**

With regard to general competences of the Degree envisaged in the 'Verifica' of the Law Degree (pages 10-11), students shall acquire the following general competences while taking amongst others this course on Public International Law:

- 1) Ability to properly look, find, analyse and select different sources of legal information.
- 2) Ability to analyze and summarize when understanding legal texts, jurisprudence and scholars.
- 3) Ability to decide on the grounds of legal arguments.
- 4) Ability to develop critical reasoning.

Ability to develop autonomous learning.

## **DESCRIPTION OF CONTENTS**

### **1. International community and International Law**

FIRST PART: THE INTERNATIONAL LEGAL SYSTEM

LESSON 1: INTERNATIONAL COMMUNITY AND INTERNATIONAL LAW

1. The International Community: historical evolution and present form. 2. Incidence of the structure of the International Community on the international legal system. 3. Concept and characteristics of Public International Law.

### **2. Processes of creation of International Law**

SECOND PART: CREATION OF INTERNATIONAL LAW

LESSON 2: PROCESSES OF CREATION OF INTERNATIONAL LAW

1.- Formal sources and other processes of creation of International Law. 2.- International custom: concept, elements and types. 3.- General principles of Law. 4.- Unilateral acts of States; acquiescence



and stoppel. 5.- Normative acts of International Organizations. 6.- The codification of International Law.

### **3. International treaties**

#### **LESSON 3: INTERNATIONAL TREATIES**

1.- The 1969 Vienna Convention on the Law of Treaties: a) Conclusion and entry into force of treaties, b) Reservations to treaties, c) Observance, application and interpretation of treaties, d) Amendment and modification of treaties, e) Invalidity, termination and suspension of the operation of treaties, f) Deposit, registration and publication of treaties. 2.- Conclusion of treaties in Spanish Law.

### **4. International legal personality**

#### **THIRD PART: SUBJECTS OF INTERNATIONAL LAW**

#### **LESSON 4: INTERNATIONAL LEGAL PERSONALITY**

1.- Meaning and acquisition of international legal personality. 2.- Well-established subjects: States and International Organizations. 3.- Controversial subjects: political entities and religious entities. 4.- Other international actors: multinational enterprises and non-governmental organizations. 5.- The status of individuals in International Law.

### **5. The State as a subject of International Law**

#### **LESSON 5: THE STATE AS A SUBJECT OF INTERNATIONAL LAW**

1.- The State and its constituent elements. 2.- State sovereignty and its corollaries: equality, non intervention and sovereign immunity. 3.- Dynamics of the State: a) identity and continuity of the State, b) birth of new States: recognition of States, c) political transformations: recognition of Governments, d) territorial transformations: succession of States.

### **6. State organs in international relations**

#### **LESSON 6: STATE ORGANS IN INTERNATIONAL RELATIONS**

1.- Representation of States in international relations: Head of State, Head of Government and Foreign Minister. 2.- Diplomatic relations: Diplomatic Missions, Special Missions and Representations before international Organisms and Conferences. 3.- Consular relations.



## **7. The Organization of the United Nations (UN)**

### LESSON 7: THE ORGANIZATION OF THE UNITED NATIONS (UN)

1.- Background and creation of the UN: the UN Charter. 2.- Purposes and principles of the Organization. 3.- Membership in the UN. 4.- Organs of the UN. 5.- Amendment and review of the UN Charter. 6.- Specialized Agencies of the UN.

## **8. State competences on the territory**

### FOURTH PART: INTERNATIONAL REGULATION OF STATE COMPETENCES

### LESSON 8: STATE COMPETENCES ON THE TERRITORY

1.- State territorial sovereignty. 2.- Titles to acquire territory. 3.- Borders and neighbourhood relations. 4.- Special territorial regimes.

## **9. Marine and air spaces under State jurisdiction**

### LESSON 9: MARINE AND AIR SPACES UNDER STATE JURISDICTION

1.- State jurisdiction over marine areas: a) The 1982 United Nations Convention on the Law of the Sea, b) Regime of marine areas under jurisdiction of the coastal State, c) Regime of marine areas out of national jurisdiction. 2.- State jurisdiction over airspaces.

## **10. State jurisdiction over other spaces of international interest**

### LESSON 10: STATE JURISDICTION OVER OTHER SPACES OF INTERNATIONAL INTEREST

1.- International waterways. 2.- Polar regions: the Arctic and Antarctica. 3.- Outer Space.

## **11. State competences over individuals**

### LESSON 11: STATE COMPETENCES OVER INDIVIDUALS

1.- General aspects: State jurisdiction over its nationals. 2.- Diplomatic protection: a) Concept and features, b) Legal requirements, c) Distinction from similar institutions, d) Diplomatic protection in Spanish Law. 3.- State jurisdiction over foreigners. 4.- Special regimes: asylum and refuge.



## **12. Maintenance of international peace and security**

### **FIFTH PART: OTHER FUNDAMENTAL FUNCTIONS OF INTERNATIONAL LAW**

#### **LESSON 12: MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

1.- The prohibition of the threat or use of force. 2.- Self-defence. 3.- The legal regime on maintenance of international peace and security in the UN Charter. 4.- Peacekeeping operations.

## **13. International protection of Human Rights**

### **LESSON 13: INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

1.- The international protection of Human Rights at the universal level: the work of the United Nations. 2.- The international protection of Human Rights at the regional level: special reference to the work of the Council of Europe. 3.- Protection of victims of armed conflicts.

## **14. International protection of the environment**

### **LESSON 14: INTERNATIONAL PROTECTION OF THE ENVIRONMENT**

1.- International Environmental Law: specific features. 2.- Fundamental principles of International Environmental Law. 3.- Environment and Development: the Sustainable Development.

## **15. Implementation of International Law within National Law**

### **SIXTH PART: THE IMPLEMENTATION OF INTERNATIONAL LAW**

#### **LESSON 15: IMPLEMENTATION OF INTERNATIONAL LAW WITHIN NATIONAL LAW**

1.- The relations between International and National Law. 2.- The incorporation of international norms into National Law: the Spanish case. 3.- Conflicts between International Law and National Law: special reference to the Spanish case.

## **16. State international responsibility**

### **LESSON 16: STATE INTERNATIONAL RESPONSIBILITY**

1.- General aspects: the international responsibility. 2.- International responsibility for wrongful acts: a) Attribution of a conduct to the State, b) Breach of an international obligation, c) Circumstances precluding wrongfulness, d) Consequences of liability: forms of reparation. 3.- International liability for injurious consequences arising out of acts not prohibited by International Law.



**17. Mechanisms guaranteeing the enforcement of International Law****LESSON 17: MECHANISMS GUARANTEEING THE ENFORCEMENT OF INTERNATIONAL LAW**

1.- General aspects: ordinary and forced implementation. 2.- Unilateral enforcement measures: a) Retortion measures, b) Countermeasures. 3.- Institutional enforcement: a) Isolation measures, b) International sanctions, c) Repression of international crimes.

**18. Peaceful settlement of international disputes: diplomatic means of settlement****LESSON 18: PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES: DIPLOMATIC MEANS OF SETTLEMENT**

1.- International disputes and their peaceful settlement. 2.- Diplomatic means of settlement: negotiation, good offices, mediation, inquiry, conciliation and resort to regional institutions or agreements. 3.- Peaceful settlement of disputes by the United Nations.

**19. Peaceful settlement of international disputes: jurisdictional means of settlement****LESSON 19: PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES: JURISDICTIONAL MEANS OF SETTLEMENT**

1.- Jurisdictional settlement of international disputes. 2.- International arbitration: origins, features and operation. 3.- International judicial settlement: a) The International Court of Justice: organization, contentious jurisdiction and advisory jurisdiction, b) Other international courts.

**WORKLOAD**

| ACTIVITY                          | Hours         | % To be attended |
|-----------------------------------|---------------|------------------|
| Theoretical and practical classes | 75,00         | 100              |
| Study and independent work        | 72,00         | 0                |
| Preparing lectures                | 36,00         | 0                |
| <b>TOTAL</b>                      | <b>183,00</b> |                  |

**TEACHING METHODOLOGY**

*Theoretical classes* will last 38 hours and will be split in sessions of 100 and 50 minutes of effective in-class teaching. Theoretical classes are considered as part of the formative activities that integrate in-class teaching. This implies that attendance of both the Lecturer and the students is compulsory. Hence, no Lecturer shall give theoretical classes virtually.



In the first session of theoretical classes, each Lecturer shall introduce the group to the contents of the different formative activities that are planned (*formative activities* are theoretical classes, applied classes, complementary activities and exams, supervised activities and autonomous work. All of them are explained in the present section of this syllabus), his/her schedule and the evaluation system to be followed. Therefore, students are expected to bring to the first class both this syllabus and the Annex containing the Program of Activities planned by the Lecturer. Both documents will be available at the virtual classroom and in the webpage of the Department of International Law *Adolfo Miaja de la Muela*.

In the remaining sessions of theoretical classes, each Lecturer shall explain the teaching program of the subject (see *supra* section 6). In theoretical classes the whole teaching program will not be dealt with, as they will be devoted to fundamental ideas of each lesson. However, it shall be underlined that the whole teaching program will be evaluated through the *global exam* (see *infra* section 9).

Each Lecturer shall use the methodology that he/she considers more appropriate, usually by combining different educational methods. Not only some master classes can exceptionally be given, but also a lesson can be dealt with by starting from the students' doubts or questions, or even commenting on certain legal texts (individually or in groups), etc.

**Applied classes** will last 25 hours and they are also considered as part of the formative activities that integrate in-class teaching. This implies that attendance of both the Lecturer and the students is compulsory. Hence, no Lecturer can give applied classes virtually.

Applied classes are similar to former *practical classes*. According to the Protocol (page 6), in these classes applied activities will be carried out. They can involve activities using active methodologies of teaching-learning such as: study of cases, resolution of problems, computer assignments, learning based in problems, simulations, etc.

**Complementary activities and exams** are the last kind of formative activities considered as in-class teaching. This implies that attendance of both the Lecturer and the students is compulsory. Hence, no Lecturer can give complementary activities and exams virtually.

**Complementary activities** will last 8 hours and they are a new compulsory activity introduced in the Law Degree. They can either be specific to a group or be common to other groups of the subject of Public International Law. Moreover, they can even be common to all the subjects of the same year of the Degree.

The same expression of complementary activities is too broad. They can consist in either seminars of coordination, on methodology or concerning a specific problem or issue, or collective tutorials, etc. As a general rule, complementary activities will usually be carried out in the same classroom as theoretical and applied classes. Nevertheless, they can also be carried out in another classroom (since each group has another classroom available once a week, although it is reserved for complementary activities of all the subjects), and even out of the classroom (i.e. visit to the Depositary Library of the UN). However, when that other classroom is needed, Lecturers shall contact the coordinator of the Law Degree. In all the groups of the subject Public International Law a compulsory common complementary activity will be developed, consisting in the **introduction to the utilization of the United Nations database**.



Regarding **exams**, they can last up to 4 hours in both examination sessions. In this section some ideas can be advanced that will be explained in detail in section 9 of this syllabus.

Undergraduate studies have introduced important changes with respect to the evaluation system that was followed in the old degrees. The final qualification of the subject is the result of a mixed system of evaluation of learning, which combines a global test on the teaching program of the subject (which until now has been called the final exam) complemented by a system of continuous assessment, which covers the evaluation of the work done by the student in three different training activities: applied classes, complementary activities and directed activities.

**Supervised activities** represent a non in-class activity. That is, neither are they carried out in the classroom, nor the Lecturer's attendance is required. Nevertheless, they shall be supervised by the Lecturer. They consist in the work that each student is expected to carry out on his/her own in order to prepare theoretical classes in advance (summaries of lessons, replies to certain questions...), which shall be delivered to the Lecturer. That is the reason why written essays carried out by students are known as *deliveries*.

Each of the 19 deliveries (as this is the number of chapters of the teaching program) implies an average of 1 hour and 53 minutes of work for the students. In consequence, the total amount of time devoted by students to carrying out the 19 deliveries is 36 hours.

**Autonomous work** is considered to be a non-supervised and a non in-class activity. Hence, students are expected to carry it on their own, with neither the attendance nor the supervision of the Lecturer.

This activity refers to the student's own work outside of the classroom and with no supervision or direction of the Lecturer, that is, his/her study of the teaching program (see *supra*, section 6) so as to acquire the necessary knowledge, competences and abilities in order to pass the subject.

Taking into account that each hour of theoretical classes shall represent at least two hours of study, this autonomous work is supposed to last at least 72 hours (as 36 hours of theoretical classes are given in this subject, since the first 2 hours of theoretical classes are devoted to introducing the subject).

## EVALUATION

The evaluation system

A-Written and/or oral test(s), consisting of one or more exams that may be objective, include theoretical-practical questions and/or problems.

B- Continuous evaluation of each student, based on regular attendance and active participation in the proposed face-to-face activities, such as the practical realization or participation in workshops, the preparation and/or delivery of papers, reports and/or oral presentations on such activities, individually or collectively, all taking into consideration the degree of involvement and effort of the student in the teaching-learning process and the skills and attitudes shown during the development of such activities.



C- Continuous evaluation of each student, based on the student's attendance to seminars or visits to institutions; and, where appropriate, delivery of papers, reports, reports and/or oral presentations on the activity carried out, individually or collectively, all taking into consideration the degree of involvement and effort of the student in the teaching-learning process and the skills and attitudes shown during the development of such activity.

### Weighting

The overall test is to be valued between 50% and 70% of the final grade of the course, while the set of continuous evaluation activities is to be valued in the remaining proportion.

## REFERENCES

### Basic

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## **ADDENDUM COVID-19**

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

IN CLASS TEACHING MODEL: Theoretical-practical face-to-face classes for the entire course whenever so determined by the Dean's Office for the course. Such teaching may be updated taking into account the evolution of the pandemic and the health situation, and always complying with the indications regarding maximum permitted capacity and recommended interpersonal teaching.



**HYBRID TEACHING MODEL:** Theoretical-practical face-to-face classes with the group being divided into two or more subgroups (automatically established by the secretary's office). In the weeks of non-face-to-face teaching, the teaching may be synchronous or asynchronous. For this purpose, each professor must specify in the annex to the teaching guide how the teaching of the non face-to-face subgroup will be carried out, and it can be done in any of these ways:

- Videoconference by means of the devices in the classroom (camera and microphone) in a synchronous way, so that the group of students who do not attend in person can follow it. The synchronous way will have to be carried out in the timetable fixed for the subject and for the group.
- To foresee autonomous work for the students, through teaching videos, voice-over ppts, diagrams, reading materials, etc. - -

**VIRTUAL TEACHING MODEL:** When the teaching cannot be given in total presentiality, nor in hybrid system due to the situation of the pandemic, the dimensions of the classrooms and the maximum capacity allowed in each moment, it will be given in model of total non presentiality of the student body, under the same conditions as indicated for the part of the hybrid system, although priority will be given to synchronous teaching by means of teletransmission via BBC or TEAMS given during the timetable established for the subject and the group, with the professor specifying the model to be followed in the appendix to the teaching guide.