

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

<b>Code</b>	36761
<b>Name</b>	International public law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2021 - 2022

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period year</b>
1933 - Double Degree in Law and Economics_2022	Faculty of Economics	1 First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1933 - Double Degree in Law and Economics_2022	1 - Asignaturas de primer curso	Obligatory

**SUMMARY****1. INTRODUCTION**

The Teaching Guides for undergraduate studies include information on the teaching and learning processes according to a model designed and recommended by the Educational Innovation Unit of the University of Valencia - Estudi General, which includes, among other aspects, the competencies and learning outcomes.

This document is the Teaching Guide of the compulsory four-month course Public International Law applicable to the Double Degree Law-Economics. In accordance with the Academic-Teaching Protocol for the Degrees of the Faculty of Law of the University of Valencia - Estudi General (hereinafter, the Protocol), page 4, this Teaching Guide has been prepared by the Area of Public International Law and International Relations of this University and has been approved by the Academic Committee of the Degree in Law (hereinafter, CAT-Law). Each Professor who teaches a Group of the subject Public International Law must attach, as an Annex to this Teaching Guide, the Program of activities that he/she intends to develop in his/her Group of this subject. The Program of activities of each Professor involves a high level of concreteness of the contents of this Teaching Guide. In any case, it should be noted that the Protocol expressly states on page 5 that "the Professor's Program of Activities cannot contradict the Teaching Guide that he/she develops".



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

In the Verifica del Grado en Derecho (page 82), the following is stated:

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

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

International society and the 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 each of the Groups of the subject Public International Law must conform to the Teaching Guide prepared by the Area of Public International Law and International Relations.

## **3. LOCATION OF THE COURSE IN THE STUDY PLANS**

The course Public International Law is taught in the double Degree in Law-Economics during the first four-month period of the first year. According to the Verifica del Grado en Derecho of the Universitat de València - Estudi General, the subject Public International Law maintains a special link with several subjects.

In the case of the double Degree in Law - Economics, a good knowledge of the contents of the subject Public International Law is a premise for the adequate understanding of the basic semester subject Legal Institutions of the European Union. It should again be pointed out that the constant expansion of the material content of international norms has turned the subject Public International Law into a subject with a markedly transversal character, since in all legal subjects there are international norms that discipline and regulate some of 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. PREREQUISITES**

There are no prerequisites.

#### **II. RECOMMENDATIONS**

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

Attendance to classes is recommended.

It is recommended to attend the classes of the Group of the subject Public International Law in which the student is enrolled.

**COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)****LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)****I. REGARDING THE SPECIFIC COMPETENCES OF THE DEGREE, STUDENTS MUST ACQUIRE THE FOLLOWING COMPETENCES WHEN TAKING THE SUBJECT PUBLIC INTERNATIONAL LAW:**

In the Verifica of the Degree in Law (pages 13 and 14) it is indicated that students must necessarily acquire fourteen specific competences of the Degree by taking, among others, the subject Public International Law. The Verifica also indicates (page 82) the relationship of the specific competences of the Bachelor's Degree in Law with the competences in terms of learning outcomes (hereinafter, T.A. competences) of the Public International Law course. The specific competences of the Degree in Law to be acquired with the subject Public International Law and its relation with the T.A. competences of this subject are the following:- Competence 1: Ability to recognize the importance of Law as a regulatory system of social relations (in relation to the T.A. competences numbers 2, 3 and 4);- Competence 2: Ability to know the content and application of each of the branches of the legal system (in relation to the competences T.A. numbers 1, 2, 3 and 4);- Competence 3: Ability to understand the unitary nature of the legal system and the necessary interdisciplinary vision of legal problems (in relation to T.A. competence number 2);- Competence 4: Ability to use constitutional principles and values, respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace, as working tools in the interpretation of the legal system (in relation to competence T.A. number 2);- Competence 5: Ability to know the constitutional normative framework, the political institutions of the State and their functioning (in relation to competence T.A. number 2);- Competence 6: Ability to know the normative framework at the community and international level, the institutions that compose it and its functioning (in relation to competences T.A. numbers 1, 2 and 3);- Competence 7: Ability to handle legal sources (legal, jurisprudential and doctrinal) (in relation to T.A. competence number 3);- Competence 8: Ability to read and interpret legal texts (in relation to T.A. competence number 3);- Competence 9: Ability to communicate correctly orally and in writing in the legal field (in relation to T.A. competence number 3);- Competence 10: Ability to analyze legal problems and synthesis in their approach and resolution (in relation to the competence T.A. number 3);- Competence 11: Ability to acquire a critical conscience in the analysis of the legal system and to develop legal dialectics (in relation to the competence T.A. number 3);- Competence 12: Ability to acquire the basic knowledge of legal argumentation (in relation to competence T.A. number 4);- Competence 13: Ability to use new information and communication technologies in obtaining and selecting legal information (in relation to T.A. competence number 3);- Competence 14: Negotiation and conciliation skills (in relation to T.A. competence number 4).

**II. REGARDING THE GENERAL COMPETENCES OF THE DEGREE, BY TAKING THE SUBJECT PUBLIC INTERNATIONAL LAW STUDENTS MUST ACQUIRE THE FOLLOWING COMPETENCES:**

From the general competences of the Degree foreseen in the Verifica del Grado en Derecho (pages 10-11), by taking, among others, the subject Public International Law students should acquire the following general competences: 1) Ability to search, locate, analyze and correctly select different sources of legal information. 2) Capacity of analysis and synthesis in the comprehension of legal texts, jurisprudence and doctrine. 3) Ability to make decisions with legal arguments. 4) Ability to develop critical reasoning.



Ability to develop autonomous learning.

## DESCRIPTION OF CONTENTS

### 1. THE INTERNATIONAL LEGAL SYSTEM

THEME 1: INTERNATIONAL COMMUNITY AND INTERNATIONAL LAW

1.- The international community: historical evolution and current configuration. 2.- Incidence of the structure of the International Community in the international legal system. 3.- Concept and characteristics of Public International Law.

### 2. THE PROCESSES OF CREATION OF INTERNATIONAL LAW

PART TWO: THE CREATION OF INTERNATIONAL LAW

SUBJECT 2: THE PROCESSES OF CREATION OF INTERNATIONAL LAW

1.- The formal sources and other processes of creation of International Law. 2.- The international custom: concept, elements and classes. 3.- The general principles of law. The unilateral acts of the States; the acquiescence and the estoppel. 5.- The normative acts of international organizations. 6.- The codification of international law.

### 3. INTERNATIONAL TREATIES

UNIT 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) Nullity, termination and suspension of the operation of treaties; f) Deposit, registration and publication of treaties. The conclusion of treaties in Spanish Law.

### 4. INTERNATIONAL PERSONALITY

PART THREE: THE SUBJECTS OF INTERNATIONAL LAW

UNIT 4: INTERNATIONAL PERSONALITY

Meaning and acquisition of international legal personality. 2. 2. - Subjects enshrined: the States and the international organizations. 3.- Controversial subjects: political entities and religious entities. 4.- Other international actors: multinational corporations and non-governmental organizations. 5.- The status of the individual in International Law.

### 5. THE STATE AS A SUBJECT OF INTERNATIONAL LAW

UNIT 5: THE STATE AS A SUBJECT OF INTERNATIONAL LAW

1.- The State and its constituent elements. The sovereignty of the State and its corollaries: equality, non-intervention and sovereign immunity. The dynamics of the State: a) identity and continuity of the State; b) birth of new States: the recognition of States; c) political transformations: the recognition of Governments; d) territorial transformations: the succession of States. 4. The State organs in charge of





international relations: the Head of State, the Head of Government and the Minister of Foreign Affairs. a.- Diplomatic relations: Diplomatic Missions, Special Missions and Representations before International Organizations and Conferences. b.- Consular relations.

## **6. INTERNATIONAL ORGANIZATIONS. IN SPECIAL, THE ORGANIZATION OF THE UNITED NATIONS**

UNIT 6: INTERNATIONAL ORGANIZATIONS. IN SPECIAL, THE ORGANIZATION OF THE UNITED NATIONS (UN).

1.- International Organizations. The United Nations Organization: a) Background and creation of the UN: the Charter of the United Nations. b) Purposes and principles of the Organization. c) Membership of the UN. d) The organs of the United Nations. e) Specialized agencies of the United Nations. International organizations in the field of economics: a) the IMF. b) the World Bank Group; c) GATT and the WTO; d) other regional organizations.

## **7. THE COMPETENCES OF THE STATE OVER THE TERRITORY**

PART FOUR: THE INTERNATIONAL REGULATION OF THE COMPETENCES OF THE STATE  
UNIT 7: THE COMPETENCES OF THE STATE OVER THE TERRITORY

1 .- The territorial sovereignty of the State. 2 .- Titles of acquisition of the territory. 3 .- Borders and neighborly relations. 4 .- Special territorial regimes.

## **8. THE COMPETENCES OF THE STATE OVER MARINE SPACES AND AIRSPACE**

UNIT 8: THE COMPETENCES OF THE STATE OVER MARINE SPACES AND AIRSPACE

1 .- State jurisdiction over marine spaces: a) The United Nations Convention on the Law of the Sea 1982; b) The regime of marine spaces under the jurisdiction of the coastal State; c) The regime of marine spaces beyond the limits of national jurisdiction. 2 .- State powers over airspace.

## **9. THE COMPETENCES OF THE STATE OVER PERSONS**

UNIT 9: THE POWERS OF THE STATE OVER PERSONS

1.- General aspects: the powers of the State over its nationals. 2.- Diplomatic protection: a) Concept and characteristics; b) Conditions for its exercise; c) Distinction of related figures; d) Diplomatic protection in Spanish Law. 3 .- The powers of the State over foreigners. 4.- Special regimes: asylum and refuge.

## **10. THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

PART FIVE: FUNDAMENTAL FUNCTIONS OF INTERNATIONAL LAW

UNIT 10: THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

The prohibition of the threat or use of force. 2. The legitimate defense. The system of maintenance of international peace and security in the UN Charter. 4. 4.- Peacekeeping Operations.



## **11. THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

### UNIT 11: INTERNATIONAL PROTECTION OF HUMAN RIGHTS

The international protection of human rights at the universal level: the work of the United Nations. 2. 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 and the EU. Protection of victims of armed conflicts.

## **12. THE IMPLEMENTATION OF INTERNATIONAL LAW IN DOMESTIC LAW**

### PART SIX: THE IMPLEMENTATION OF INTERNATIONAL LAW

#### UNIT 12: THE IMPLEMENTATION OF INTERNATIONAL LAW IN DOMESTIC LAW

1.- The relationship between international law and domestic law. 2.- The integration of international norms in the internal law: reference to the Spanish case. 3.- Conflicts between international law and domestic law: reference to the Spanish case.

## **13.**

### UNIT 13: THE INTERNATIONAL RESPONSIBILITY OF THE STATE

1.- General aspects: the institution of international responsibility. International responsibility for wrongful acts: a) Attribution of conduct to the State; b) Violation of an international obligation; c) Circumstances precluding wrongfulness; d) Consequences of responsibility: reparation and its forms. 3.- Liability for the harmful consequences of non-prohibited acts.

## **14. MECHANISMS TO ENSURE THE IMPLEMENTATION OF INTERNATIONAL LAW**

### UNIT 14: MECHANISMS TO ENSURE THE IMPLEMENTATION OF INTERNATIONAL LAW

1.- General aspects: ordinary implementation and forced implementation. 2.- Unilateral responses: a) Retaliatory measures; b) Countermeasures. 3. - The institutional answers: a) The measures of isolation; b) The international sanctions; c) The repression of the international crimes.

## **15. THE PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES**

### UNIT 15: THE PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

1.- The international controversies and their solution by peaceful means. 2.- The political means of solution: negotiation, good offices, mediation, investigation, conciliation and recourse to regional organisms or agreements. 3.- The peaceful settlement of disputes by the United Nations. 4. The jurisdictional settlement of international disputes: International arbitration: origins, characteristics and operation and international judicial settlement: a) The International Court of Justice: organization, contentious function and advisory function; b) Other international tribunals.



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Study and independent work	60,00	0
Preparing lectures	30,00	0
<b>TOTAL</b>	<b>150,00</b>	

## TEACHING METHODOLOGY

Students will have to acquire the theoretical-dogmatic knowledge that make up the subject "Public International Law", whose content is included in the program included in point 5 of this guide. The teaching of the subject Public International Law comprises a set of face-to-face, directed and autonomous activities that will be developed in the first four-month period of the academic year. The face-to-face activities will consist of the development of theoretical-applied classes that may be completed with seminars, tutorials, etc... For the development of the theoretical-applied classes, various teaching methodologies will be used such as lectures, case resolution, etc... This course has been assigned a teaching load of 6 ECTS credits (European Credit Transfer and Accumulation System) which are specified as follows: 6 credits x 25 hours = 150 hours (RD 1125/2003, Art. 4.5). These hours will be distributed in three types of activities to be carried out by the students: - Directed activities (outside the classroom): 30 hours. - Classroom teaching (in the classroom): 60 hours. a) Classes: 30 hours. b) Applied classes: 20 hours.c) Complementary activities and exams: 10 hours. - Autonomous work (outside the classroom): 60 hours.

## EVALUATION

Each professor may indicate in the annex to his/her teaching guide the existence of any minimum requirement to pass the subject (either in relation to the overall test or to the continuous evaluation). If no minimum requirement is established in the annex, it will be understood that there is no minimum requirement in the overall test or in the continuous evaluation to pass the subject. A- Written and/or oral test(s), consisting of one or several 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 practical work 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 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 global 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

- JUSTE RUIZ, J.; CASTILLO DAUDÍ, M.; BOU FRANCH, V., Lecciones de Derecho Internacional Público, Valencia, Tirant lo Blanch, 3ª edición, 2018.
- CASSESE, A., International Law, 2nd ed., 2005.
- CRAWFORD J., Brownlie's Principles of Public International Law, Oxford University Press, 9th edition, 2019.
- DÍEZ DE VELASCO, M., Instituciones de Derecho Internacional Público, 17ª ed., Madrid, Tecnos, 2010, 1176 páginas.

## ADDENDUM COVID-19

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

### HYBRID TEACHING

If the academic authority so determines, this subject will be adapted to the hybrid teaching model established by the Faculty of Law, through which theoretical-practical classes will be taught in discontinuous weeks for the student. For this purpose, the Secretary's Office of the Faculty will proceed to divide the group into as many subgroups as necessary, teaching in the classroom, in the schedule established for the subject, to one of the subgroups each week according to the calendar established by the Faculty, providing for the others, as a priority, monitoring of the class through synchronous VIDEOCONFERENCE.

The contents, workload and evaluation are maintained in the terms initially foreseen in the academic guide.

### VIRTUAL TEACHING

If the academic authority establishes the change in virtual teaching, this subject will be taught for all students under the same conditions as those indicated for the virtual teaching part of the hybrid system.

The contents, workload and evaluation will be maintained in the terms initially foreseen in the academic guide.