Course Syllabus: Introduction to Public International Law

Course Title: Introduction to Public International Law
Instructor: Dr. Thomas Skouteris, Associate Professor
Department: School of Public Policy, Central European University
Semester/Term: Fall (September-December) 2014
Class Schedule: Mondays 11.00 am - 12.40 pm (Group 2 only)
1:30 pm – 3:10 pm (Group 1 only)
Course Level: MA
No of Credits: 2
Pre-requisites: None
Course e-learning site: http://ceulearning.ceu.hu/
Office Hours: Tuesdays, 10:00-12:00, Room 202, SPP

1. Course Description
This course is a 'post-graduate introduction' to Public International Law for public policy students. It is an introduction because it assumes no prior knowledge of law or international law. It is a post-graduate introduction in the sense that it assumes that students will be able to advance quickly through the basic materials with a view to engaging contemporary debates on doctrine and practice in the field. It is designed for public policy students in the sense that, instead of providing vocational knowledge for future law practitioners, it aims to provide the necessary tool-kit to understand the limits and potentials of the function of international law in the context of globalized international relations. Its object is to make students conversant in international law and able to develop a critical sense when confronted with the materials. This critical posture will be encouraged by means of an inter-active method of teaching, in-class discussions, and the writing of reaction papers in which students will be expected to develop and express personal views. The course will discuss the "general" part of international law, i.e. questions of law making, sovereignty, jurisdiction, responsibility, enforcement, the settlement of disputes, and specific topics such as the use of force.

2. Learning Outcomes
By the end of the course, students should be able to:

- Understand the basic doctrines and concepts of public international law
- Critically discuss the limits and potentials of international law as a technique of public policy
- Analyze contemporary issues from the perspective of international law

3. Course Requirements
- A final take-home examination (50%): At the end of the course students will be given 24 hours in order to complete a Take-Home Examination. The examination will consist of 3 or more questions that students will need to answer individually. A maximum number of words and formatting instructions will be provided. The text of the Take Home Examination will be sent by email and posted on e-learning. Students will submit their answers by email. The exam will contain both problem and
essay questions. The idea is that, while answering the exam, students will have access to course materials, internet, and library resources.

- **Reaction paper (25%)**: Students are expected to submit a 'reaction paper' at a moment of their choice between November 1, 2014 and December 1, 2014. The reaction paper must not exceed 500 words. It will be submitted by email to the instructor. No formatting rules apply. The reaction paper must 'react' to any issue in the media, policy world, reading materials, or course discussions. Students must submit a personal and independent view. In doing so, they must critically engage with materials discussed in the classroom aside from additional sources that may be necessary. Reaction papers will be assessed on the capacity of the student to understand the materials and use them in the articulation of a personal view.

- **Class Participation (25%)**: Your ability to participate actively will be assessed during the semester. Thus, it is important that you prepare the material thoroughly so that you can answer questions in class and participate to the discussions in a relevant and constructive way.

4. **Classroom Policy**

You are expected to attend each and every class. Attendance will be taken at the beginning of each session. If you enter the classroom after attendance is taken, you will be considered absent. Extensive absence without medical or other serious reason will result in points being deducted from your participation grade. If you miss a class, you are responsible for the work assigned during the missed class. Your absence from class is not an excuse for not submitting an assignment. Students are expected to assist in creating an environment that is conducive to learning and protects the rights of all members of the university community.

5. **Academic Integrity Policy**

The course adopts a policy of zero-tolerance for cheating, plagiarism and academic dishonesty. Students who fail to meet the highest standards of academic integrity will be penalized according to the relevant CEU rules. You must attribute all ideas, arguments and quotations that you have taken from other sources. Refer to the University’s policy regarding what constitutes a violation of academic integrity.

6. **Communication Policy**

The instructor offers office hours (Tuesdays 10:00-12:00) during which students are free to visit and consult without appointment. Other communications should take place primarily by email. Appointments outside student hours are possible on occasion following a request by email. The course lecturer can be contacted at skouterist@ceu.hu. Please use your email judiciously. In other words, kindly refrain from abusing this wonderful medium by posing questions that you can answer by yourselves simply by doing a little bit of research. Please remember to first read the present syllabus and other available class documentation before asking questions. Course-related announcements will be made by email. Students must therefore use their Blackboard accounts regularly in order to find out whether there is any change in the course syllabus, schedule and so on. Students should check their blackboard once every two days to be sure and definitely on the day of the class.
### 7. Course Schedule

<table>
<thead>
<tr>
<th>Lecture</th>
<th>Date</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lecture 1</td>
<td>22/9/2014</td>
<td>General Introduction</td>
</tr>
<tr>
<td>Lecture 2</td>
<td>29/9/2014</td>
<td>One Legal Order, Many Legal Orders</td>
</tr>
<tr>
<td>Lecture 3</td>
<td>6/10/2014</td>
<td>International Law-Making (I)</td>
</tr>
<tr>
<td>Lecture 4</td>
<td>13/10/2014</td>
<td>International Law-Making (II)</td>
</tr>
<tr>
<td>Lecture 5</td>
<td>20/10/2014</td>
<td>International Legal Personality</td>
</tr>
<tr>
<td>Lecture 6</td>
<td>27/10/2014</td>
<td>Sovereignty</td>
</tr>
<tr>
<td>Lecture 7</td>
<td>3/11/2014</td>
<td>Jurisdiction</td>
</tr>
<tr>
<td>Lecture 8</td>
<td>10/11/2014</td>
<td>State Responsibility (I)</td>
</tr>
<tr>
<td>Lecture 9</td>
<td>17/11/2014</td>
<td>State Responsibility (II)</td>
</tr>
<tr>
<td>Lecture 10</td>
<td>24/11/2014</td>
<td>Enforcement and Remedies</td>
</tr>
<tr>
<td>Lecture 11</td>
<td>1/12/2014</td>
<td>Use of Force</td>
</tr>
<tr>
<td>Lecture 12</td>
<td>8/12/2014</td>
<td>International Law as a Public Policy Technique</td>
</tr>
<tr>
<td>Final Exam</td>
<td>TBA</td>
<td></td>
</tr>
</tbody>
</table>

### 8. Course Overview

#### Lecture 1: General Introduction

*General Introduction – Course Overview – Q&A on Syllabus – What is International Law? – International Law as a Public Policy Technique – Why should public policy students study international law?*

#### Lecture 2: One Legal Order, Many Legal Orders

*The ‘international plane’ – The relationship of international law to domestic law and other legal orders – International Law and networks – Effects of Globalization in the nature of the international legal order – international law and democracy/totalitarianism – the relationship of international law and the domestic legal order as a regulatory problem*

#### Lecture 3: International Law-Making (I)

*Law-making as a regulatory problem - How is international law created? – the absence of a global law-making authority – the role of sovereign will – Article 38 of the ICJ Statute – the classical sources of international law*

#### Lecture 4: International Law-Making (II)

*Limitations of classical sources – new law-making techniques and the new sources debate – relative normativity – supernorms – soft-law – other new sources*

#### Lecture 5: International Legal Personality

*Legal personality as a regulatory problem - The actors in international relations – the concept of legal personality – the legal persons of international law – states – international organizations – individuals – international corporations – NGOs – national liberation movements – terrorist and other non-state groups*

#### Lecture 6: Sovereignty

*Sovereignty as the traditional foundation of the international system – what is sovereignty – sovereignty in a historical perspective – what is sovereignty today – sovereignty in a globalized world – a world without sovereign states?*
Lecture 7: Jurisdiction
Jurisdiction as an offspring of sovereignty – the role and use of the principle of jurisdiction for the bases of jurisdiction – territoriality, nationality, passive personality – universal jurisdiction – jurisdiction as a regulatory problem

Lectures 8 & 9: State Responsibility (I & II)
The legal consequences of the breach of international law – the doctrine of state responsibility – liability as a regulatory problem – alternative ways of imagining international liability – the 2001 Articles of the International Law Commission – examination of key aspects of the existing rules – distinguishing state responsibility from other forms of liability under international law

Lecture 10: Enforcement and Remedies
How can international law be enforced? – Enforcement as a regulatory problem – Remedies for the violation of international law – the obligation to peacefully resolve international disputes – Art 33 UN Charter – negotiation, mediation, conciliation, arbitration, judicial dispute settlement

Lecture 11: The Use of Force
The prohibition of the use of force as a cornerstone – customary law and the UN Charter provisions – individual and collective self-defense – humanitarian intervention – jus ad bellum, jus in bello – of law and war

Lecture 12: International Law and a Public Policy Technique
Overview of the regulatory domains of public international law – overview of regulatory techniques – the limits and potentials of public international law – the use of public international law for students of public policy

9. Course Materials
Students are required prepare for class by reading materials posted on the course e-learning site. Advance preparation is absolutely essential for effective attendance. Class preparation facilitates discussion and ensures that class time is the occasion for a positive exchange of views, rather than a monologue on the part of the lecturer. It will be very difficult for students to follow the lectures and participate in class unless they have completed the compulsory readings prescribed. The course instructor will assume that materials have been read by all students and will structure the lectures accordingly.

A specific list of readings is assigned to each lecture. Readings come in two categories:

- **Compulsory Readings** are the bare minimum of student preparation. Students will not be able to successfully participate in the lectures or pass the final exams unless fluent with the compulsory readings.

- **Optional or Background readings** are additional readings that students may read in order to acquire fuller or deeper knowledge of the subject. Students are absolutely encouraged to do as much of the background reading as possible. Obviously, background readings have been selected meaningfully, for the purpose of casting light on specific important
aspects of the subject under examination. Although not part of the examination materials as such, students will absolutely realize the benefit of doing as much of the background readings as possible. While there is no expectation that students complete the background readings for each and every lecture, most students should do most of the readings most of the time.

Students will be asked in class to discuss compulsory readings and volunteer their views on the optional readings.

Course materials can be found on the course e-learning site.

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