

American University of Central Asia
International and Business Law Department
International Public Law I
Law 265 01230
SYLLABUS
Fall Semester 2013

Credits - 3

Class Meetings Time: Tuesday – 9:25 /10:50,
Friday – 9:25 / 10:50

Office Hours: by appointment

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N.B ! This syllabus is subject to change ! Always consult the e-course for updates !

I General Description and Objectives of the Course

The International Public Law I course is a required course for law students and an elective course for students of other departments; the latter may take it as a general education course or as a course under the minor program.

This course aims to introduce students to the basic concepts and problems of public international law; to develop knowledge and understanding of the international legal system, the main institutions which contribute to the development and application of international law; and, the legal rules, principles and processes which govern key areas of inter-state activity. Moreover, the course objective is to develop student skills of case and treaty analysis, legal reasoning, criticism, oral and written communication, and legal research.

International law commonly is defined as the rules, principles, and norms, which govern the interaction among states. The course will cover traditional topics in this field such as 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.

II Learning Outcomes

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

- ✓ Identify, explain, and be able to find different sources of International Public Law;
- ✓ Differentiate and compare sources of International Public Law;
- ✓ Determine mechanisms on how to prove any norm of international customary law;
- ✓ Describe the treaty – making processes (formation of international treaties);

- ✓ Analyze and interpret provisions of International Treaty;
- ✓ Read and comprehend analysis of case law; brief cases and extracts the rules from the case law of International Court of Justice;
- ✓ Find and explain principles of International Public Law;
- ✓ Explain correlation of International and Municipal law;
- ✓ Identify subjects of International Public Law and explain their place in this area of law
- ✓ Explain what a human right is and be able to identify a human right from any other type of rights;
- ✓ Solve hypothetical situations and develop arguments using International Public Law principles and rules;
- ✓ Be able to engage in discussions, to express own ideas in a clear and logical way;
- ✓ Be able to participate in discussions in a constructive, collaborative and attentive manner;
- ✓ Present and discuss ideas arguments effectively, in a clear, understandable and engaging way.

III Course Readers & Sources

Course readers will be distributed during the first class; all readers are to be returned in the end of the semester. In addition, there could be additional reading materials distributed every week containing by the instructor. Students should also regularly refer to the e-course page of the course: www.e-course.auca.kg. Additional materials for the course as well as other important documents will be uploaded there.

Reading materials are primarily based on the following sources:

- Larry Damrosch, International Law: Cases and Materials, (5th ed. 2009);
- D. J. Harris, Cases and Materials on International Law (6th ed. 2004);
- P. Malanczuk, Akehurst's Modern Introduction to International Law (7th ed. 1997);
- Anthony Aust, Handbook of International Law, (2005);
- Alina Kaczorowska, Public International Law, (2010);
- Malcolm Shaw, International law, (5th Ed. 2003);
- Materials and Cases, Contemporary International Law, (2012).

Recommended readings include:

- Ian Brownlie, Principles of Public International Law, (6th ed. 2003);
- Andrew Gutzman, How International Law Works, (2008);
- R. Higgins, Problems and Process: International Law and How We Use It (1994);
- M.D. Evans (ed.), International Law (2003) ;
- Any of the law review articles about the topics covered by the course (can be found via JStor, Lexis Nexis, and other databases).

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.

The main teaching methods used include Socratic Method, problem based learning and research based learning. Socratic Method is widely used in law schools and is a way of engaging large groups of students into discussion of course topics through asking them questions and guiding them right to the core issues. 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.

Since International Public Law is heavily based on case law, using problem based learning method contributes to a deeper understanding of the law. Moreover, learning how to identify the problem and find a solution is a critical skill for any future lawyer. Finally, research based learning method helps students to build essential legal research and writing skills. Written assignments of the course will require students to find sources, analyze them, and produce a quality paper on given legal issues.

In addition, students will be required to work in groups in order to prepare a presentation on one of the major ICJ cases. This task will contribute to the students' ability to work in a team and help them in excelling their presentation skills.

V Assessment

Students' grading will be based on the following components:

Component	%
Class participation	25%
Essay	15%
Group Case Presentation	10%
Mid-term exam	20%
Final Exam	30%
Total	100%

Class participation is extremely important in this course. *Class participation is defined as following: 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.

Essay topics as well as other information regarding essays will be available on the e-course page during the second week of the course. In general, essays should be in the range between 1500 - 2000 words (excluding footnotes and endnotes). Students will be provided with feedback on the content of the essay and also notified of their level of performance prior to the date of the final exam.

Group presentations will be held throughout the course, exact date depends on the chosen case, which should correlate with the topic discussed in the class. The list of cases for presentations will be available on the e-course page. During the first week of classes, all students should be assigned to a group and choose their case.

Mid-Term & Final Exams will be held in a similar format: closed book + open book. The closed book part will be focused on the knowledge of terminology, whereas the open book part will contain a hypothetical case. Hypothetical resolving must be followed with IRAC format (the answer should be structured and include following components: Issue, Rule, Analysis and Conclusion). 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 are 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. More detailed instructions will be given closer to the exam dates.

The student cannot miss or rewrite exam.¹ If the student misses exam, he/she will have F for exam.

Grading Scale

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

VI Course Policies & Student Conduct

Students are expected to **BE ON TIME** for classes. If instructors marked the student absent in case that the student is late for the class, he is considered to be absent for the whole class.

¹ 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.

Class attendance is required. If a student misses 4 class meetings he/she will automatically get zero points for class participation. Missing more than 8 classes can incur failure of the entire course upon discretion of the instructor.

CELL PHONES and any other electronic devices should be turned off!

VII Originality, Academic Honesty & Plagiarism

Students are expected to get acquainted with the primary sources of International Law as well as with the secondary sources as textbooks and periodical articles, which facilitate deeper comprehension and assessment of the law. While essays and examination answers will draw on and be informed by this material, students are expected to **think for themselves** and to express themselves in their **own** words, providing a certain portion of originality.

All course assignments should be original and must not be plagiarized. Plagiarism is the appropriation of another person's thoughts or words without attribution. Plagiarism is an offence against the AUCA Code of Student Rights, Responsibilities and Conduct.² 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.

VIII Subject Content

Week & Date	Topic
Week 1 Sep 3 & 6	INTRODUCTION TO INTERNATIONAL LAW (a) Organizational matters and introduction to the course; (b) Nature of International Law <i>H/W: Reading A. Aust pp. 2-8, L. Damrosch pp. 4-5, 10-11, Article 38 of the Statute of the International Court of Justice</i>
Week 2 Sep 10 & 13	SOURCES OF INTERNATIONAL LAW Treaty Law (a) Concept of treaties as a source of international law <i>H/W: A. Aust pp. 49-56, L. Damrosch pp 451-460 (Norway v. Denmark, Nuclear Tests Case)</i> (b) Conclusion of Treaties <i>H/W: Articles 6-10 of Vienna Convention on the Law of Treaties 1969, A. Aust pp. 56-59, L. Damrosch pp. 470-475, Materials and Cases pp. 33-36 (Qatar v. Bahrain, UK. v. Iran)</i>

² Part III, Section A.3 of the Code states that "[a] student must not adopt or reproduce ideas, words, or statements of another person without appropriate acknowledgment. A student must give credit to the originality of others and acknowledge indebtedness whenever he or she does any of the following: 3.1.Quotes another person's actual words, either oral or written; 3.2.Paraphrases another person's words, either oral or written; 3.3.Uses another person's idea, opinion, or theory; or 3.4. Borrows facts, statistics, or other illustrative material from work of the other student, unless the information is common knowledge."

<p>Week 3 Sep 10 & 13</p>	<p>(c) Means of expressing consent to be bound and Article 18 of the Vienna Convention 1969 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</p> <p>(d) 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</p>
<p>Week 4 Sep 17 & 20</p>	<p>(e) 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</p> <p>(g) 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</p>
<p>Week 5 Sep 24 & 27</p>	<p>International Customary Law</p> <p>(a) Concept of customary international law H/W: Reading A. Aust pp. 6-7, Kaczorowska 35-36, L. Damrosch pp. 68-74 (<i>Lotus case</i>)</p> <p>(b) International customary law: <i>State Practice</i> H/W: Reading M. Shaw pp. 81-84, Kaczorowska 36-39 L. Damrosch pp. 77-83 (<i>Advisory opinion</i>)</p>
<p>Week 6 Oct 1 & 4</p>	<p>(c) - International customary law: <i>OpinioJuris</i> H/W: Reading M. Shaw pp.84-91, Kaczorowska 39-42; 42-48 (<i>second half of this reading might be discussed in the next session</i>) L. Damrosch pp. 96-99 (<i>Nicaragua case</i>)</p> <p>(d) International customary law: <i>State Practice and OpinioJuris</i>; Relationship between treaties and international customary law H/W: Reading L. Damrosch pp. 92-95 (<i>Continental shelf case</i>); Kaczorowska 42-48,</p>
<p>Week 7 Oct 8 & 11</p>	<p>(e) International customary law: special custom Regional Customary Law; Special rules of International Customary law H/W: L. Damrosch pp. 89-91 (<i>Indian territory case</i>);</p> <p>REVIEW SESSION on Oct 11th! H/W: Review all the covered materials</p>

<p>Week 8 Oct 15 & 18</p>	<p>Oct 15th is a holiday– use this time to prepare for the midterm!</p> <p style="text-align: center;">Oct 18th - midterm!!!</p>
<p>Week 9 Oct 22 & 25</p>	<p>Imperative norms Imperative norms of international law: Jus Cogens H/W: Reading Kaczorowska 48-52, Aust p.10, M. Shaw 123-127, Art. 51 of Vienna Convention on the Law of Treaties of 1969</p> <p>General Principles of Law (a) Concept of general principles of law as a source of international law H/W: Reading L. Damrosch pp. 118-123, A. Kaczorowska pp. 5-7 (b) Case: <i>Erdemovich case</i> ICTY.</p>
<p>Week 10 Oct 28 & Nov 1</p>	<p>Secondary sources of Law Judicial decisions as a secondary source of law and teachings of the most high qualified publicists H/W: L. Damrosch pp. 134-142 (a) Soft Law: declarations and resolutions L. Damrosch pp. 142- 148 (<i>Filartiga case</i>),</p>
<p>Week 11 Nov 5& 8</p>	<p>SUBJECTS OF INTERNATIONAL LAW States (a) States as subjects of international law H/W: Shaw pp.195-204, A. Aust pp. 15-21 (b) Self-Determination of Peoples and State Succession H/W: Shaw pp.205-207, A. Aust pp. 22-32</p> <p>Nov 8 – no class</p>
<p>Week 12 Nov 12 & 15</p>	<p>International Governmental Organizations (a) International legal personality of international organizations H/W: A.Aust 178-185, L. Damrosch pp. 359-368 (<i>Advisory Opinion</i>) pp. 379- 381 (b) United Nations H/W: A.Aust pp.186-205</p>
<p>Week 13 Nov 19 & 22</p>	<p>Individuals Criminal responsibility of individuals under international law H/W: L. Damrosch pp. 396-398, 404-408</p> <p>Corporations Transnational corporations under international law and their nationality H/W: Damrosh pp. 421-424, Shaw pp. 206-225</p>

<p>Week 14 Nov 26 & 29</p>	<p>International Law & Municipal Law International law in the municipal law of other states H/W: Shaw pp. 129-157; <i>Law of the Kyrgyz Republic on International Treaties of 1999 and Constitution of the Kyrgyz Republic of 1993</i></p>
<p>Week 15 Dec 3 & 6</p>	<p>Nationality under International Law The concept of nationality under international law H/W: L. Damrosch pp. 425-426, 429-434 (Nottebohm case)</p> <p>Human Rights Concept of human rights and Universal Declaration of human rights H/W: L. Damrosch pp. 586-589, 591, 593-595</p>
<p>Week 16 Dec 10 & 13</p>	<p>Review Session Review all covered materials</p>
<p>Exam Week</p>	<p>Review Session & Final Exam!!!</p>