



Enter the course title here INTERNATIONAL PUBLIC LAW I

Enter the course code LAW 247

Enter the number of credits (6 credits)

Enter information on when the course is offered (FALL 2018)

Instructor: **Mateeva Kamila Myrzabekovna, Sultan Khalilov and Hannepes Taychaev**

Class Schedule: Wdn., Fr. 09:25 (room 205), 10:50 (room 207)

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I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE

The International Public Law I course is a required course for a second year 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 International Public Law.

II. PROGRAM AND COURSE LEARNING OUTCOMES

PROGRAM LEARNING OUTCOMES

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;

5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

COURSE LEARNING OUTCOMES

Please, list your course learning outcomes and indicate which learning outcomes of the Law Program they help achieve. Each course should have 5-6 learning outcomes.

Upon successful completion of the course students will be able to:	Law Program Learning Outcomes
1. Identify, explain and be able to find different sources of International Public Law;	1
2. Differentiate and compare sources of International Public Law;	1, 2
3. Determine mechanisms on how to prove any norm of international customary law;	2, 5
4. Describe the treaty – making processes (formation of international treaties);	1
5. Analyze and interpret provisions of an international treaty;	2
6. Read and comprehend analyses of case law; brief cases and extract the rules from the case law of International Court of Justice;	2, 4, 5
7. Find and explain principles of International Public Law;	1, 2
8. Explain correlation of International and Municipal law;	1
9. Identify subjects of International Public Law and explain their place in this area of law;	1
11. Be familiar with the major universal and regional systems of human rights law, their relationships to each other, and the legal value and authority of declarations, decisions, judgments and other materials generated by them;	1
13. Solve hypothetical situations and develop arguments using International Public Law principles and rules;	2, 5
14. Be able to engage in discussions, to express their own ideas in a clear and logical way while participating in discussions in a constructive, collaborative and attentive manner, and;	3
15. Present and discuss ideas arguments effectively in a clear, understandable and engaging way.	3

III. 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 a hybrid of lecture/seminar every class, known as an interactive lecture method. This method requires students to read new materials beforehand and be ready to discuss

the given materials in class. Such method helps and equips the students with self-learning skills, which he/she will need in their further studies.

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

During the semester, students will work in pairs and will 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 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 the exams.

IV. COURSE REQUIREMENTS AND POLICY

- (1) The class will meet *twice* a week. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.
- (2) Students must be ON TIME for classes. If a student comes to class late and the instructor has already marked him/her as absent, the student is considered to be absent for the whole class.
- (3) CLASS ATTENDANCE is required. If the student misses a class with an excuse, a document explaining the absence must be presented to the instructor no later than the next class following the class during which the student was absent. If the requirements mentioned above are not observed, the student's absence is considered to be unexcused. If the student misses more than 4 classes, student will lose class participation and attendance points. If student misses 50% of the whole course (irrespective of the reason for absence), the student will be assigned an "F" grade for the course.
- (4) Each student is required to be enrolled in the e-course system (www.e-course.auca.kg). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.
- (5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. ***This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.***
- (6) The student has to follow the AUCA Academic Honesty Code and the Law Division's Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or an "F" grade for the whole course depending on the type of assignment and other circumstances.
- (7) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students' duty to stay informed of any adjustments made.

V. GRADING

Grading will be based upon the following components:

15% - Participation

10% - Attendance

35% - Mid-Term Examination

40% - Final Examination (total: 100%)

CLASS PARTICIPATION is extremely important in this course. Class participation is defined as: constant participation (answering questions, commenting on course material and asking questions) in the class, which shows his or her preparation for the class. Class participation will be also assessed through pop quizzes.

ATTENDANCE. Class attendance is required. If a student misses 4 or more class meetings he/she will automatically get 0 for the class participation and attendance component of grade.

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 an exam. If the student misses an exam, he/she will have a grade of "F" for that exam. The mid-term and final exams will be in form of a hypothetical situation (60 points) and multiple choice questions in the form of small hypotheticals and/or open questions (40 points). Answering hypothetical questions must be in the IRAC format (the answer should be structured and include following components: Issue, Rule, Analysis and Conclusion), while open questions should not be copied and 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 exams will be constructed in a way that a student will not have time to search for the answer, but will have only the time to write his/her analysis of the hypothetical and answer the multiple choice questions. Therefore, students are expected to be well-prepared.

Note: Open questions will usually entail questions in a comparative approach.

Overall, students will have 75 minutes to complete each exam. 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.

Grading Scale of the Law Program

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

VI. COURSE MATERIALS

Course materials are going to be provided from required reading materials however they will be complemented with other materials that will be distributed beforehand in class.

1. Required Reading Materials

Reading materials will be provided from following sources

- (a) Larry Damrosch, *International Law: Cases and Materials*, (West Group Fourth Ed. 2001, and Fifth Ed. 2009)
- (b) Anthony Aust, *Handbook of International Law*, (Cambridge University Press 2010)
- (c) Alina Kaczorowska, *Public International Law*, (Routledge press 2010)
- (d) Malcolm Shaw, *International law*, (Cambridge University Press Fifth Edition 2003)
- (e) *Materials and Cases, Contemporary International Law*, (Bishkek 2012)

2. Recommended Reading Materials

- (a) Ian Brownlie, *International Public Law*, (Oxford University Press, 2010)
- (b) Andrew Gutzman, *How International Law Works*, (Oxford University Press, 2008)
- (c) LexisNexis, any of the law review articles about the topics covered by the course

VII. COURSE OUTLINE

INTRODUCTION TO INTERNATIONAL LAW:	
Classes from Sept 5 - Oct 9, Oct 31-Nov 2 are taught by Kamila Mateeva	
Week 1 September 5	(a) Organizational matters and introduction to the course
September 7	Nature of International Law <i>H/W: Readings that are distributed in class (L. Damrosch) + Article 38 of the Statute of International Court of Justice.</i>
SOURCES OF INTERNATIONAL LAW:	
Treaty Law	
Week 2 September 12	(a) Concept of treaties as a source of international law <i>H/W: A. Aust pp. 49-56, L. Damrosch pp. 122-126.</i>
September 14	(b) Conclusion of Treaties <i>H/W: Articles 6-10 of Vienna Convention on the Law of Treaties of 1969, A.Aust pp. 56-59, L. Damrosch pp. 126-130, Contemporary International Law pp. 33-36 (UK. v. Iran)</i>
Week 3 September 19	(a) Means of expressing consent to be bound and Article 18 of Vienna Convention <i>H/W: Articles 11-18 of Vienna Convention on the Law of Treaties of 1969, A.Aust. pp 59-64, L. Damrosch pp 135-139.</i>
September 21	(b) Reservations and their importance <i>H/W: Articles 19-23 of Vienna Convention on the Law of Treaties of 1969, A.Aust pp. 64-73, Damrosch pp. 143-148 (Advisory Opinion on Reservation to the Convention on Genocide)</i>
Week 4 September 26	(a) Entry into force, application and interpretation <i>H/W: Articles 26-33 of Vienna Convention on the Law of Treaties of 1969, L. Damrosch pp. 162-163, A.Aust pp. 86-90</i>
September 28	(b) Amendment, duration and termination, invalidity <i>H/W: Articles 42-72 of Vienna Convention on the Law of Treaties of 1969, A.Aust pp.91-100</i>

International Customary Law	
Week 5 October 3	(a) Concept of customary international law H/W: Reading A. Aust pp. 6-7, Kaczorowska pp. 35-36, L. Damrosch pp. 68-76 (<i>Lotus case</i>)
October 5	(b) International customary law: State Practice H/W: Reading M. Shaw pp. 81-84, <i>Contemporary International Law</i> p. 42 (<i>Advisory opinion Legality of the Threat or Use of Nuclear Weapon</i>)
Week 6 October 10	(a) International customary law: Opinio Juris H/W: Reading M. Shaw pp.84-91, L. Damrosch pp. 96-100 (<i>Nicaragua case</i>)
October 12	(b) International customary law: State Practice and Opinio Juris; Relationship between treaties and international customary law. H/W: Reading <i>Contemporary International Law</i> pp. 36-40 (<i>Continental shelf case</i>).
Week 7 October 17	(a) International customary law: special custom <i>Regional Customary Law; Special rules of International Customary law</i> H/W: <i>Contemporary International Law</i> pp. 40-42 (<i>Indian territory case</i>).
Classes from October 19 –November 8 are taught by Sultan Khalilov	
October 19	Imperative norms (b) Imperative norms of international law: <i>Jus Cogens</i> H/W: Reading Kaczorowska 48-52, M. Shaw 123-127, Art. 51 of Vienna Convention on the Law of Treaties of 1969
Week 8 October 24	General Principles of Law
	(a) Concept of general principles of law as a source of international law. Case: <i>Erdemovich case ICTY (E-Version)</i>
October 26	Secondary sources of Law
	(b) Judicial decisions as a secondary source of law and teachings of the most high qualified publicists H/W: L. Damrosch pp. 134-142 (a) <i>Soft Law: declarations and resolutions</i> L. Damrosch pp. 142- 148 (<i>Filartiga case</i>),
Week 9 October 31	Review session
November 2	MIDTERM EXAM
November 5-9	Fall Break
Week 10 November 14	SUBJECTS OF INTERNATIONAL LAW (a) States as subjects of international law H/W: Shaw pp.195-204, A. Aust pp. 15-21
November 16	(b) Self-Determination of Peoples and State Succession H/W: Shaw pp.205-207, A. Aust pp. 22-32,
Week 11 November 21	International Governmental Organizations (a) International legal personality of international organizations (b) United Nations H/W: A. Aust 178-185, L. Damrosch pp. 359-369 (<i>Advisory</i>

	<i>Opinion</i>) pp. 379- 381
November 23	Individuals (a) Criminal responsibility of individuals under international law and international human rights law H/W: L. Damrosch pp. 396-398, 404-408
Classes from Nov 28 – till end of semester are taught by Hannepes Taychayev	
Week 12 November 28	Transnational Corporations (a) Legal personality of TNCs in the globalization process, TNCs' violations of human rights within globalization processes. <i>H/W: Damrosch pp. 421-424 Shaw pp. 206-225</i>
November 30	HUMAN RIGHTS (a) Concept of human rights and Universal Declaration of human rights <i>H/W: A. Aust 215-23; Damrosch pp. 602-604.</i>
	(b) Overview and history of International Human Rights; Derogations. <i>H/W: Damrosch pp. 586-595 and 607-612.</i>
Week 13 December 5	(a) International criminal law; Genocide <i>H/W: A. Aust 245-254 and 258-263; Contemporary International Law pp. 492-494(Bosnia case) and 496-499 (Kajelijeli case)</i>
December 7	(b) The law of armed conflict <i>H/W: A. Aust 235-244; Damrosch pp. 920, 937-939 and 961-964</i>
Week 14 December 12	INTERNATIONAL LAW and MUNICIPAL LAW (a) Relationship between international law and municipal law <i>Kaczorowska pp. 146-149, Damrosch pp. 159-162</i> (b) International law in the municipal law of other states <i>H/W: A. Aust 11-13, L. Damrosch pp.237-242</i>
December 14	NATIONALITY UNDER INTERNATIONAL LAW The concept of nationality under international law <i>H/W: Damrosch pp. 431-436 (Nottebohm case); Kaczorowska pp. 309-311 and 317-318</i>
Week 15 December 19	Final Exam