

International Public Law II
(6 credits)
Law 236 02329
Spring Semester 2019
SYLLABUS
(subject to change)

Instructor: Mateeva Kamila Myrzabekovna
Hannepes Taychayev

Class Meetings Time: Tuesday –9:25 (Room), 10:50 (Room)
Thursday –9:25 (Room), 10:50 (Room)

Office Hours: Kamila - by appointment
Hannepes - by appointment

Contact Information: Tel: (312) 915000 Ext. 475
E-mail : kami.mateeva@gmail.com
E-mail : taychayev.h@gmail.com

I General Description and Objectives of the Course

This course is intended to introduce students to the basic concepts and problems of International Public Law. The course will cover in more detail the major traditional topics such as the concept of state responsibility and international human rights law...etc. 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, you should have a sound working familiarity with the basic principles of sub branches 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

Upon successful completion of the course students will be able to:	Learning Outcomes
1. Find and explain main principles and rules of state responsibility, be able to apply rules to the given hypothetical situations;	2,3,5
2. Identify main elements of refugee and be familiar with 1951 Refugee Convention.;	5,2
3. Be familiar with the dispute settlement mechanisms under international law;	
4. Be able to differentiate human rights protection mechanisms framework on a regional	5

basis;	
5. Read and comprehend analyses of case law, be able to excerpt main rules of the case;	3,5
6. Read and comprehend analyses of case law; brief cases and extract the rules from the case law of International Court of Justice;	3,5
7. Understand and analyze international and non-international conflicts in a legal context;	3,5
8. Gain fundamental understanding of administration of international criminal justice;	5
9. Examine international environmental issues in a legal context;	5
10. Understand rules for the use of the oceans by nations regarding topics such as how marine resources need to be managed and conserved;	5
11. Solve hypothetical situations and develop arguments using International Public Law principles and rules;	2
12. 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;	2,3
13. Present and discuss ideas arguments effectively in a clear, understandable and engaging way.	3

II Course Materials

The course material comes from the following sources:

1. Larry Damrosch, *International Law: Cases and Materials*, (West Group Fourth Ed. 2001)
2. Anthony Aust, *Handbook of International Law*, (Cambridge University Press 2005)
3. Alina Kaczorowska, *Public International Law*, (Routledge press 2010)
4. Malcolm Shaw, *International law*, (Cambridge University Press Sixth Edition 200300000)
5. *Contemporary International Law. Materials and cases* (Bishkek, 2012).
6. Philip Alston and Ryan Goodman, *International Human Rights* (Oxford 2013)

The majority of the course material will come from *Contemporary International Law*, which is available on E-course, online and in the library. Readings for the second half of class (i.e. from week 8 onwards) will be distributed in class. Some other materials will be provided on E-course.

Recommended readings are:

1. Ian Brownlie, *International Public Law*, (Oxford University Press, 2010)
2. Andrew Gutzman, *How International Law Works*, (Oxford University Press, 2008)
3. LexisNexis, any of the law review articles about the topics covered by the course

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 hybrid of lecture/seminar every class, also called the interactive lecture method. Students must read new materials beforehand and be ready to discuss the given materials in class. Such a method helps and equips the student a self-learning skill, which he/she will need in their further studies.

The instructors will use the Socratic Method. This method is widely used in courses based on case law. Since our course is mostly 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 will 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.

IV Assessment

1. During semester, students' grading will be based on the following components:
 - a) Class participation and attendance 10%
 - b) Pop-up quiz 10 %
 - c) Mid-Term 35 %
 - d) Final Exam 45 %

These components are going to be assessed based on following criteria:

Class participation is defined as following: constant participation (should be considered as following taking together: answering questions that were asked through the Socratic Method, commenting or asking 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. Class participation will be also assessed through pop quizzes.

Pop-quiz is a test that is given to students at the beginning or the end of a 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 mid-term and final exams will be in form of Hypothetical situation (60 points) and multiple-choice questions in form of small hypotheticals (40 points). Answering the large hypothetical question must be completed in the IRAC format (the answer should be structured and include following components: Issue, Rule, Analysis and Conclusion), while open questions should not be copy 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 assignments is 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.

Note: Open questions will usually entail questions on comparative approach.

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.

2. Grading criteria:

A 94-100%
A- 90-93%
B+ 86-89%
B 80-85%
B- 77-79%
C+ 74-76%

C 68-73%
C- 64-67%
D+ 60-63%
D 54-59%
D- 50-53%
F below 50%

V. Academic Conduct/ Course Policies

- (1) Students are expected to BE ON TIME for classes. If instructor marked the student absent in case that the student is late for the class, he/she is considered to be absent for the whole class, unless excused by instructor.
- (2) ATTENDANCE. ***Class attendance is required.*** An excused absence is possible only after the preliminary consent of the instructor or must be proved by necessary documents within a week after a student missed the class. If a student misses 4 classes without excuse or more then 50% of classes, he/she receives 0% for participation and attendance.
- (3) The student has to follow ACADEMIC HONESTY code. ***All types of cheating*** (plagiarism, group work, reusing old assignments from other courses, notes sharing in an exam...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.
- (4) Students are not allowed to use CELL PHONES during class. Cell phones and any other electronic devices should be either turned off or kept on silent. If a student is observed using his or her cell phone during class, the instructor will take it away for the remaining duration of the class session.
- (5) Students are not allowed to take pictures or videos during the class. You will be penalized and given an F in case of violation of this rule

VI	Subject Content
Week 1:	<p>USE OF FORCE IN POST WWII World</p> <p>(a) UN Charter and prohibition of Use of Force</p> <p>Readings:</p> <ul style="list-style-type: none"> • Shaw, Malcolm. 2008. International Law. 6 ed. pp. 1118 - 1166 • Contemporary International Law, pp.231-262 • A. Aust pp. 205-213 •
Week 2:	<p>LAW OF ARMED CONFLICTS</p> <p>(a) The scope of protection under international humanitarian law</p> <p>(b) The conduct of hostilities</p> <p>(c) Armed conflicts: international and internal</p> <p>Readings:</p> <ul style="list-style-type: none"> • Shaw, Malcolm. 2008. International Law. 6 ed. pp. 1167 - 1201
Week 3:	<p>INTERNATIONAL CRIMINAL LAW PART 1</p> <p>(a) Basic Concepts</p> <p>(b) International Tribunals</p> <p>(d) Principle of universal jurisdiction</p> <p>Readings:</p> <ul style="list-style-type: none"> • Shaw, Malcolm. 2008. International Law. 6 ed. pp. 397 - 429 • Rome Statute, definition of crimes and jurisdiction of the court • A. Aust pp. 255-259 • Contemporary International Law, pp.483-490
Week 4:	<p>INTERNATIONAL CRIMINAL LAW PART 2</p> <p>(a) International crimes</p> <p>(b) Command responsibility</p> <p>(c) Extradition</p> <p>Readings:</p> <ul style="list-style-type: none"> • Shaw, Malcolm. 2008. International Law. 6 ed. pp. 430 - 440 • Contemporary International Law, pp.492 – 511 • A. Aust pp. 245 - 254
Week 5:	<p>INTERNATIONAL ECONOMIC LAW</p> <p>(a) The Bretton Woods system and international economic organizations</p> <p>(b) The new World Trade Organization</p> <p>(c) Expropriation and standard of compensation</p> <p>Readings:</p> <ul style="list-style-type: none"> • Malanczuk, Peter. 1997. Akehurst's Modern Introduction to International Law. 7 ed. pp. 222 – 239
Week 6:	<p>INTERNATIONAL LAW OF THE SEA</p> <p>(a) Basic concepts: The territorial sea</p> <p>(b) The exclusive economic zone</p> <p>(c) The continental shelf</p> <p>(d) Landlocked states</p> <p>Readings:</p> <ul style="list-style-type: none"> • Shaw, Malcolm. 2008. International Law. 6 ed. pp. 553 – 638
Week 7:	<p>ENVIROMENTAL LAW</p> <p>(a) The basic duty of states</p> <p>(b) Liability for damage caused by private persons</p> <p>(c) The problems of the state responsibility approach</p> <p>Readings:</p> <ul style="list-style-type: none"> • Shaw, Malcolm. 2008. International Law. 6 ed. pp. 844 – 898
Week 9:	Review session
Week 10:	MIDTERM EXAM

- Week 11-12: **STATE RESPONSIBILITY UNDER INTERNATIONAL LAW**
 (a) Intro to the course, concept of State Responsibility
 H/W: *Chapter I (Part One) of Articles on state responsibility*
- (b) Existence of a breach of international obligations
 (c) Attribution of Conduct to a State
 H/W:
- Contemporary International Law, pp.156 - 170
 - Chapter II and III (Part One) of Articles on state responsibility
- Week 13: (a) Circumstances precluding wrongfulness
 (b) General Principles
 H/W:
- Contemporary International Law, pp.170 - 181
 - Chapter V (Part One) and chapter 1 (Part Two) of Articles on state responsibility,
- (c) Legal Consequences of Internationally Wrongful Act
 H/W:
- Contemporary International Law, pp.181- 186
 - Chapter II (Part Two)
- Week 14: **INTERNATIONAL REFUGEE LAW**
- (a) Basic concept of International refugee law
 - (b) Legal Framework: Sources of refugee law
 - (c) Refugee definitions in international instruments in national legislation
 - (d) Other persons of concern to UNHCR: returnees, stateless persons, internally displaced persons, and others
 - **H/W: The materials will be distributed one week before the class.**
- Week 15: **INTERNATIONAL HUMAN RIGHTS LAW**
 (a) Regional human rights treaties and outline of principal civil and political rights
 (b) General qualifications to rights and their enforcement
 H/W: The materials will be distributed one week before the class.
- Week 16: **DISPUTE SETTLEMENT**
 (a) Diplomatic Means of Dispute Settlement between States
 (b) Basic principles and rules on friendly settlement of disputes good offices, negotiation, mediation, conciliation, inquiry.
 H/W:
- Kazczorowska pp. 616- 625
 - Articles 2, 33-38 of UN Charter
- (c) Arbitration and mixed claims Commissions
 H/W:
- Kazczorowska pp. 625 – 633
 - A. Aust pp. 409-416
- Week 17: **Review Session**
 FINAL EXAM