



Course Syllabus, Fall 2017

LAW101G

INTRODUCTION TO INTERNATIONAL AND EUROPEAN LAW

Number of ECTS credits: 6

Time and Place:

Monday 11.30 – 13 hrs

Wednesday 11.30 – 13 hrs

Contact Details of the Professor

Name of Professor: Marc Cogen

E-mail: marcgcogen@gmail.com

Office hours: one hour after each class

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Course Prerequisites (if any)

None.

Course Description

The course introduces the student to both general international law and EU law. The first part deals with an introduction to general international law. The major fields of international law are explained: sources of law, fundamental rights and duties of states, human rights, international organizations, international legal regimes governing particular subjects (the atmosphere, Antarctica, the high seas). The second part deals with EU law. It explains the sources and the hierarchy of EU law, the principles governing the powers and the division of powers in the EU and between the EU and its member states, democratic governance and human rights, the EU institutions, and the internal market.

Further Detail on Course Content (if needed)

None

Course Learning Objectives (CLO)

- acquire knowledge of terminology and concepts of international and European Law
 - *in terms of knowledge:*
Demonstrate their understanding of the sources of international law and European law, by knowing, differentiating and applying the hierarchy between the different norms in any activity (weekly classes, exams, written assignments)

- gain an understanding of the international system and the European integration process
 - *in terms of knowledge:*
Gain knowledge of the major fields of international law and European law in terms of subject matter and their specific legal characteristics: for international law: states as subjects of international law, the global commons (law of the sea, atmosphere, space law, Antarctica), the status of individuals, treaty law, diplomatic and consular law, international organizations; for European law: timeline of European integration, powers of the EU, democratic governance and human rights, the institutions of the EU, the internal market, justice and home affairs, legal aspects of the common foreign and security policy

- a working knowledge on the law of treaties, the role of states in law-formation, and the characteristics of international organizations
 - *in terms of skills:*
Use appropriate referencing and bibliographic methods in the two written assignments; and
demonstrate their ability to read cases (International Court of Justice, Court of Justice of the EU, international arbitration) by applying the legal concepts in class (questions and answers) and in the two written assignments

- to know the decision-making institutions of the EU
 - *in terms of knowledge:*
Demonstrate their understanding of the sources of international law and European law, by knowing, differentiating and applying the hierarchy between the different norms in any activity (weekly classes, exams, written assignments)

- develop the ability for independent analysis of the interplay between international and European Law
 - *in terms of skills:*
Use electronic databases: two VUB-offered platforms (JSTOR and WESTLAW), EURLEX, Peace Palace Library, ICJ website, Court of Justice of the EU website, the major newspapers or dedicated websites for following current events in international and European law for any research activity

- consultation of the major legal databases on international law and European law
 - *in terms of skills*
Use electronic databases: two VUB-offered platforms (JSTOR and WESTLAW), EURLEX, Peace Palace Library, ICJ website, Court of Justice of the EU website, the major newspapers or dedicated websites for following current events in international and European law for any research activity

- gaining an understanding how international and European law developed in history
 - *in terms of attitude:*
Awareness of the importance of the 'time factor' in international law and European law by knowing the major historical events that created this law

**LINK BETWEEN MAJOR OBJECTIVES, COURSE OBJECTIVES, TEACHING METHODS,
ASSIGNMENTS AND FEEDBACK**

(BA International and European Law)

Summary: This introductory course puts emphasis on concepts and terminology in both international and European law as well as using access to electronic data and literature.

Number of assignments used in this course: 4 (two written assignments and two exams)

Number of Feedback occasions in this course (either written or oral): 1 oral feedback after midterm exam and 2 written form feedbacks on the written assignments.

Number and Types of Teaching Methods: weekly classes, PPT slides, in-class exercises, questions and answers.

Major Learning Objectives	Course Learning objectives addressing the Major Objectives (testable learning objectives)	Methods used to Teach Course Objectives	Methods (and numbers/types of assignments) used to test these learning objectives	Type, Timing and Instances of Feedback given to Student
acquire knowledge of terminology and concepts of international and European Law.	acquire knowledge of terminology and concepts of international and European Law	Weekly classes with PPT slides and questions	Two written assignments; and Midterm and final exams	One oral feedback of midterm exam; two written reports on the two written assignments
gain an understanding of the international system and the European integration process	gain an understanding of the international system and the European integration process	Weekly classes with PPT slides and questions	Two written assignments; and midterm and final exams	One oral feedback of midterm exam; two written reports on the two written assignments
develop a working knowledge of international law-making by means of treaties, state practice and decisions of international organizations and conferences	A working knowledge on the law of treaties, the role of states in law-formation, and the characteristics of international organizations	Weekly classes with PPT slides and questions	midterm and final exams	One oral feedback
become familiar with the European institutions and the decision-making processes	To know the decision-making institutions of the EU	Weekly classes with PPT slides and questions	final exam; one written assignment	One written report on the written assignment
develop the ability for independent analysis of the interplay between international and European Law	develop the ability for independent analysis of the interplay between international and European Law	Preparation in class of the two written assignments	Two written assignments	Two written reports on the two written assignments
develop the ability to transpose the analysis of rules and events into a scientifically sound and feasible research project				
enhance the student's ability to use the appropriate research				

Major Learning Objectives	Course Learning objectives addressing the Major Objectives (testable learning objectives)	Methods used to Teach Course Objectives	Methods (and numbers/types of assignments) used to test these learning objectives	Type, Timing and Instances of Feedback given to Student
methods and tools in the framework of independent research projects				
provide students with the knowledge of and practice with electronic information sources on international and European law	Consultation of the major legal databases on international law and European law	Weekly classes with PPT slides and in-class exercises	Two written assignments	Two written reports on the two written assignments
develop the ability to communicate in an effective way the acquired knowledge and the outcome of research projects, both in written and oral form				
develop the ability for group work is incorporated into the structure of in-class presentations and case studies				
further develop skills in intercultural communication				
develop English language skills, both written and oral				
stimulate critical attitudes, which are necessary for "life-long learning" and sensitivity to the importance of legal and ethical considerations and the ability to confront dominant, popular opinions with constructive criticism				
stimulate an awareness of the normative dimension of international and European legal policies and of related ethical, social and operational problems and dilemmas.	Gaining an understanding how international and European law developed in history	Questions and answers in weekly classes	Questions and answers in weekly classes	In the weekly classes

Main Course Materials (please note that you can find the readings for each week and session in the Course Schedule section below)

The course material consists of powerpoint presentations, lecture notes and readings from the textbook. Powerpoint presentations will be made available at the beginning of the classes and any change will be circulated. A week-by-week overview of the course readings can be found in the section below.

The syllabus is handed out in the first class while the powerpoint presentations and important messages will be emailed to the students. The professor is expected to email relevant material in a timely manner.

Course material marked as 'suggested readings' and 'additional sources' is helpful for research and to gain an increased understanding, but is not mandatory. This material can be found online or will be made available upon individual request.

Textbook: The reader of this course, updated each semester

Recommended Reference Books

- James Crawford, *Brownlie's Principles of Public International Law*, Oxford, Oxford UP, 2012 (eighth edition)
- Anthony Arnall, *The Oxford Handbook of European Union Law*, Oxford, Oxford UP, 2015

Active Learning and Intensive 'Reading around the Subject': Additional Sources, Recommended Journals and Websites

Learning should be an active and self-motivated experience. Students who passively listen to lectures, copy someone else's notes, and limit their readings to required chapters are unlikely to develop their critical thinking and expand their personal knowledge system. At the exam, these students often fail to demonstrate a critical approach. Students are strongly recommended to have an updated understanding of developments related to this course and related to their wider Major. Active and engaged learning will turn out to be enriching to the overall course and class discussions. Students are invited to deepen their understanding of both theoretical and current issues from a variety of sources. Please find a list of suggestions compassing the entire course below. You are encouraged to read and browse in the leading journals of your discipline.

Leading Journals in International and European Law

American Journal of International Law, Human Rights Quarterly, European Journal of International Law, American Journal of Comparative Law, Virginia Journal of International Law, European Law Journal, Chicago Journal of International Law, Journal of International Economic Law, Global Governance: A Review of Multilateralism and International Organizations,

Common Market Law Review, Journal of International Criminal Justice, International Journal of Constitutional Law, Fordham International Law Journal, International Journal of Transitional Justice, German Law Journal, Vanderbilt Journal of Transnational Law, Human Rights Law Review, Cornell International Law Journal, Michigan Journal of International Law, New York University Journal of International Law & Policy, Harvard International Law Journal, Yale Journal of International Law

Further Journals Relevant for this Course

The International & Comparative Law Quarterly; International Organizations Law Review

Websites of Interest

Summaries of judgments, advisory opinions and orders of the International Court of Justice can be found here:

<http://legal.un.org/icjsummaries/>

All contentious cases of the International Court of Justice are on-line available:

www.icj-cij.org/en/contentious-cases

All advisory opinions of the International Court of Justice are on-line available:

www.icj-cij.org/en/advisory-proceedings

All contentious cases and advisory opinions of the Permanent Court of International Justice, the predecessor of the International Court of Justice, are available at:

www.icj-cij.org/en/pcij

Peace Palace Library for researching any publication on international law and European law:

www.peacepalacelibrary.nl/

For EU law, both treaties and secondary law, consult the official legal database of the EU

<http://eur-lex.europa.eu/homepage.html?locale=en>

and the TEU and TFEU treaties are online here:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:C:2010:083:TOC>

Court of Justice of the EU and its cases

https://curia.europa.eu/jcms/jcms/j_6/en/

Work Load Calculation for this Course

This course counts for 6 ECTS, which translates into 150 – 180 hours for the entire semester for this course. This means that you are expected to spend roughly 10 hours per week on this course. This includes 3 hours of lectures or seminars per week and 7 hours ‘out of class’ time spent on preparatory readings, studying time for exams as well as time spent on preparing your assignments. Please see below the estimated breakdown of your work-load for this course.

Time spent in class: 3 hours per week / 45 hours per semester

Time allocated for course readings: 7 hours per week /91 hours per semester: 13 weeks

Time allocated for preparing Assignment 1: 10 hours

Time allocated for preparing Assignment 2: 10 hours

Time allocated for preparing/revising for written Mid-term Exam: 12 hours

Time allocated preparing/revising for written Final Exam: 12 hours

Total hours for this Course: 180 hrs

Course Assessment: Assignments Overview

The students will be evaluated on the basis of their performance in the following assignments:

➤ Written Assignment 1	20%
➤ Written Assignment 2	20%
➤ Midterm exam	30%
➤ Final exam	<u>30%</u>
TOTAL	100%

Grading Scale of Vesalius College

Vesalius College grading policy follows the American system of letter grades, which correspond to a point scale from 0 – 100. **All assignments (including exams) must be graded on the scale of 0-100.** To comply with the Flemish Educational norms, professors should on request also provide the conversion of the grade on the Flemish scale of 0-20. The conversion table below outlines the grade equivalents.

Letter grade	Scale of 100 (VeCo Grading Scale)	Scale of 20 (Flemish System)
A	85-100	17.0-20.0
A-	81-84	16.1-16.9
B+	77-80	15.3-16.0
B	73-76	14.5-15.2
B-	69-72	13.7-14.4
C+	66-68	13.1-13.6
C	62-65	12.3-13.0
C-	58-61	11.5-12.2
D+	54-57	10.7-11.4
D	50-53	10.0-10.6
F	0-49	0-9.9

Description of Activities, Grading Criteria and Deadlines

Written Assignment 1

Description

Before the midterm, a written assignment of 1,500 words (200 words is the margin of tolerance on both sides and the highest word count accepted) - including footnotes - on a topic of international law; assignment topics are chosen in consultation with the professor; the title of the assignment must cover its contents as precise as possible.

The assignment should contain a short introduction, an analysis, and a conclusion, with numbered pages.

The assignment should include the major treaties, rules of customary international law, case law and resolutions where appropriate.

The written assignment applies the following course objectives:

- acquire knowledge of terminology and concepts of international and European Law.
- gain an understanding of the international system and the European integration process
- develop the ability for independent analysis of the interplay between international and European Law
- consultation of the major legal databases on international law

Submission of written assignment on date due (see course schedule) before midterm exam and by e-mail in Word format to marcgcogen@gmail.com (no PDF format)

Course assessment: 20% of total assessment or 20 points

Written Assignment 2

Description

Before final exam: a written assignment of 2,000 words. 200 words is the margin of tolerance on both sides and the highest word count accepted - including footnotes - on a topic of EU law and policy; assignment topics are chosen in consultation with the professor; the title of the assignment must cover its contents as precise as possible.

The written assignment should contain a short introduction, an analysis, and a conclusion, with numbered pages.

The written assignment should include the major treaties (TEU and TFEU), EU regulations and directives, case law and resolutions where appropriate.

The written assignment applies the following course objectives:

- acquire knowledge of terminology and concepts of international and European Law.
- gain an understanding of the international system and the European integration process
- develop the ability for independent analysis of the interplay between international and European Law
- Consultation of the major legal databases on European law
- To know the decision-making institutions of the EU

Submission of the written assignment in hard copy on date due (see course schedule) and by e-mail in Word format to marcgcogen@gmail.com (no PDF format).

Course assessment percentage: 20% of total assessment or 20 points

System of bibliographic referencing in the two written assignments: the footnotes

Books and journal articles

Jan Klabbers and Asa Wallendahl (eds.), *Research Handbook on the Law of International Organizations*, Cheltenham, Edward Elgar Publishing, 2011, p. 137;

Kenneth Katkin, 'Communication Breakdown? The Future of Global Connectivity After the Privatization of INTELSAT', *Vanderbilt Journal of Transnational Law*, 2005, pp. 1323-1401;

Hadewych Hazelzet, 'The Decision-Making Approach to International Organizations: Cox and Jacobson's Anatomic Lesson Revisited', in Bob Reinalda and Bertjan Verbeek (eds.), *Autonomous Policy Making in International Organizations*, London, Routledge, 1998, p. 37.

Treaties, agreements, conventions and protocols

Mention the full title of the treaty, agreement, convention or protocol with the year of conclusion in the text itself without reference to it in footnote.

For example,

Treaty on the Non-proliferation of Nuclear Weapons of 1968
Convention on the Rights of the Child of 1989

Case law

'North Sea Continental Shelf' case, judgment of February 20, 1969, International Court of Justice, paragraph 74;

'Applicability of the Obligation to Arbitrate' advisory opinion of April 26, 1988 International Court of Justice, paragraph 25;

EU Law

COM(2012)497final or Communication on enhancing and focusing EU international cooperation in research and innovation: A strategic approach - COM(2012)497final;

EU Regulation 528/2012 concerning the making available on the market and use of biocidal products;

Directive 2013/36/EU on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms;

Commission Implementing Decision (2013)5243final extending the multiannual Union programme for the collection, management and use of data in the fisheries sector for the period 2011-2013 to the period 2014-2016

Midterm Exam (written)

Five questions with each 2 points on legal terminology and concepts. A typical answer requires five to eight lines.

Two questions are related to theoretical and historical developments for the interpretation of complex legal dynamics. A typical answer requires between 20 and 30 lines - 5 points for each question.

Note that the elements of the answer are NOT enough, they must be worked out in sentences and have a logical structure.

Final Exam (written)

Six questions with each 2 points on legal terminology and concepts. A typical answer requires five to eight lines.

Two questions related to theoretical and historical developments for the interpretation of complex legal dynamics. A typical answer requires between 20 and 30 lines - 4 points for each question.

Note that the elements of the answer are NOT enough, they must be worked out in sentences and have a logical structure.

Rubrics: Transparent Grading Criteria for Each Written Assignment

The following criteria will be applied in assessing your written assignments:

- A. The grading rubrics hereunder give students the possibility to understand the rationale of the grading and to prepare at best for all assignments
- B. Pay attention to the reference system in footnotes as explained in this syllabus – see above
- C. Include all major legal elements and use paragraphs to separate the issues covered

Rubrics for Written Assignment 1

Structure of essay, including word count Total: /6	An introduction and conclusion; word count /2	Essay is well structured and coherent /2	A short ad rem intro (preferably a history), a good structure, use of separate paragraphs per topic, and conclusion /2
Critical analysis of the major elements Total: /8	Major elements are covered /2	Good legal reasoning in a logical way /2	Systematic analysis of all major elements and use of personal comments or critical questions. Essay is persuasive in its reasoning /4
Legal sources and legal terminology, including footnotes Total: /6	Good use of scholarly articles /2	Appropriate use of legal terminology; an analytical-legal style; correct use of footnotes /2	All major sources are consulted with good legal terminology overall. The topic is placed in the broader context of international law /2
TOTAL /20 On a scale of 100:			

Comments:

Rubrics for Written Assignment 2

Structure of essay, including word count Total: /6	An introduction and conclusion; word count /2	Essay is well structured and coherent /2	A short ad rem intro (preferably a history), a good structure, use of separate paragraphs per topic, and conclusion /2
Critical analysis of the major elements Total: /8	Major elements are covered /2	Good legal reasoning in a logical way /2	Systematic analysis of all major elements and use of personal comments or critical questions. Essay is persuasive in its reasoning /4
Legal sources and legal terminology, including footnotes Total: /6	Good use of scholarly articles /2	Appropriate use of legal terminology; an analytical-legal style; correct use of footnotes /2	All major sources are consulted with good legal terminology overall. The topic is placed in the broader context of European law /2
TOTAL /20 On a scale of 100:			

Comments:

Vesalius College Attendance Policy

As the College is committed to providing students with high-quality classes and ample opportunity for teacher-student interaction, it is imperative that students regularly attend class. As such, Vesalius College has a strict attendance policy.

Participation in class meetings is mandatory, except in case of a medical emergency (e.g. sickness). Students will need to provide evidence for missing class (doctor's note). If evidence is provided, the missed class is considered as an excused class. If no evidence is provided immediately before or after the class, the missed class is counted as an absence.

Participation implies that students are on time: as a general rule, the College advises that students should be punctual in this regard, but it is up to the professor to decide whether to count late arrivals as absences, or not.

If students are absent for too many classes for a single course, they receive a penalty on their overall grade for that course.

If students are absent for five 1,5 hour class sessions of a course, they receive a penalty of 5 points on their overall grade (out of 100) for that course.

For each additional absence (over five) for a 1,5 hour class session, an additional penalty of 1 point is applied to the reduced course grade.

Example 1: at the end of the semester, a student has a course grade of 75/100. Over the course of the semester, s/he missed 4 unexcused sessions of 1,5 hours for the course. No penalty is applied.

Example 2: at the end of the semester, a student has an overall grade of 75/100. Over the course of the semester, s/he missed 5 unexcused sessions of 1,5 hours for the course. S/he receives a penalty of 5 points (out of a hundred), and his/her final course grade is 70/100.

Example 3: at the end of the semester, a student has an overall grade of 75/100. Over the course of the semester, s/he missed 7 sessions of 1,5 hours for the course. S/He receives a penalty of 7 points, and his/her final course grade is 68/100.

Additional Course Policies

Late papers will not be accepted unless there are serious legitimate reasons. Provision of a signed medical note is required, and notice must be given prior to the deadline.

Academic Honesty Statement

Academic dishonesty is NOT tolerated in this course.

Academic honesty is not only an ethical issue but also the foundation of scholarship. Cheating and plagiarism, including self-plagiarism, are therefore serious breaches of academic integrity.

Following the College policy, cheating and plagiarism cases will be communicated in writing to the Associate Dean and submitted to the Student Conduct Committee for disciplinary action.

If you refer to someone else's work or your own past work, appropriate references and citations must be provided. Grammar, spelling and punctuation count, so use the tools necessary to correct before handing in assignments.

Please consult the Section "Avoiding Plagiarism" in the College Catalogue for further guidance.

Turnitin

All written assignments that graded and count for more than 10% towards the final course grade need to be submitted via the anti-plagiarism software Turnitin. You will receive from your professor a unique password and access code for your Class.

Overview of Course Schedule

Week 1	28 Aug	Outline of the course; Introduction, Customary international law, treaties; general principles of law, judicial decisions
	30 Aug	equity, resolutions of international conferences and organizations, definition of a state
Week 2	4 Sept	Four principles, the right to self-determination
	6 Sept	Recognition, state succession
Week 3	11 Sept	The 'failed state' and its administration, the fundamental rights of a state
	13 Sept	State responsibility; democracy and legitimate government
Week 4	18 Sept	Global commons: intro; the oceans
	20 Sept	Outer space; the atmosphere; Antarctica
Week 5	25 Sept	The individual: intro; human rights, the International Bill of Human Rights
	27 Sept	Nationality of individual and corporation; refugees, expulsion, extradition Submission of Written Assignment 1 in hard copy in class
Week 6	2 Oct	Diplomatic law: intro; heads of state and government; diplomatic functions, nomenclature; immunities & privileges, UN Security Council resolutions
Week 7 Mid-term Week		REVISION SESSION
		Mid-Term Exams
Week 8	16 Oct	Diplomatic protection; consular law: Intro; consular functions, exequatur; privileges & immunities
	18 Oct	Consular assistance; law of treaties: Intro; terminology; preparatory works
Week 9	23 Oct	The preamble; articles; reservations; obligations among contracting states
	25 Oct	Treaties and third parties; intro to international organizations
Fall Recess – 30 October to 3rd November 2017 – NO CLASSES		
Week 10	6 Nov	Definition of an IO; legal personality; powers, structure; organs
	8 Nov	UN membership; UNGA; UNSC; ECOSOC; Secretariat; ICJ, UNCITRAL
Week 11	13 Nov	Timeline of European integration; sources of EU Law; treaties; powers;
	15 Nov	Purposes and powers; Lisbon Reform; European values;
Week 12	20 Nov	Legal holiday
	22 Nov	European Parliament; European Council; Council, Commission; Court
Week 13	27 Nov	ECB; Court of Auditors; the internal market
	29 Nov	Internal market; competition rules; external dimension Submission of Written Assignment 2 in hard copy in class
Week 14	4 Dec	Justice and home affairs; CFSP
		Revision
Week 15		FINAL EXAMS

Detailed Session-by-Session Course Outline

Week 1

- Monday 28 Aug 11.30-13 hrs Reader 1.1 to 1.4
Outline of the course; Introduction, Customary international law, treaties; general principles of law, judicial decisions
- Wednesday 30 Aug 11.30-13 hrs Reader 1.5 to 2.1
equity, resolutions of international conferences and organizations, definition of a state

Main topics

- What are the sources of international law? How different are they compared with the sources of domestic law?
- What are the basic elements of customary international law? Is there case law on it?
- What defines a treaty? What are the consequences of a treaty?
- Is national law applicable or relevant in international law?
- What is the role of resolutions of international organizations and international conferences in the formation of international law?

Readings

Reader 1.1 to 1.4

Introduction, Customary international law, treaties; general principles of law, judicial decisions

Reader 1.5 to 2.1

equity, resolutions of international conferences and organizations, definition of a state

Recommended further readings

- ✓ Philip Allot, The Concept of International Law, in: *European Journal of International Law*, 1999, pp. 31-50
- ✓ Pierre-Hugues Verdier and Erik Voeten, Precedent, Compliance, and Change in Customary International Law: An Explanatory Theory, in: *American Journal of International Law*, 2014, pp. 389-434
- ✓ Anthony Aust, *Modern Treaty Law and Practice*, Cambridge, Cambridge UP, 2013, pp. 14-34
- ✓ Emmanuel Voyiakis, Do General Principles fill “Gaps” in International Law?, in: *Austrian Review of International and European Law*, 2009, pp. 239-256

Week 2

- Monday 4 Sep 11.30-13 hrs Reader 2.2 to 2.3
Four principles, the right to self-determination
- Wednesday 6 Sept 11.30-13 hrs Reader 2.4 to 2.5
Recognition, state succession

Main topics

- Why is the Montevideo Convention of 1933 still relevant to the definition of a state?
- Does international law pronounce itself on the division of powers within a state?

- What is the evolution of the concept of the right to self-determination?
- Can a state exercise jurisdiction outside its borders?
- What are the basic rules of state succession?

Readings

Reader 2.2 to 2.3

Four principles, right to self-determination

Reader 2.4 to 2.5

Recognition, state succession

Recommended further readings

- ✓ Sergia Carbone and Lorenzo Schiano di Pepe, States, Fundamental Rights and Duties, in: Max Planck Encyclopedia of Public International Law, entry of January 2009
<http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1112>
- ✓ Karen Knop, Diversity and Self-Determination in International Law, Cambridge, Cambridge UP, 2008, pp. 29-108
- ✓ William Worster, Law, Politics, and the Conception of the State in State Recognition Theory, in: Boston University International Law Journal, 2009, 116-171, online at <http://www.bu.edu/law/journals-archive/international/volume27n1/documents/worster.pdf>
- ✓ Ineta Ziemele, State Succession and Issues of Nationality and Statelessness, in: Alice Edwards and Laura Ellen van Waas (eds.), Nationality and Statelessness Under International Law, Cambridge, Cambridge UP, 2014, pp. 217-246

Week 3

- Monday 11 Sep 11.30-13 hrs Reader 2.6 to 2.7
The 'failed state' and its administration, the fundamental rights of a state
- Wednesday 13 Sept 11.30-13 hrs Reader 2.8 to 2.9
State responsibility, democracy and legitimate government

Main topics:

- How does international law deal with 'failed states'? Can the international community take over the administration of a 'failed state'?
- How is the right to independence of a state exercised in the international relations?
- All states are equal under international law regardless of their size, power or population. How can this principle be reconciled with the great differences between states?
- What are the basic elements of state responsibility? Are all states bound by the ILC Draft of 2001 on state responsibility?
- Is a democracy part of international law as a legal obligation of all states?

Readings

Reader 2.6 to 2.7

The 'failed state' and its administration, fundamental rights of a state

Reader 2.8 to 2.9

State responsibility, democracy and legitimate government

Recommended further readings:

- ✓ Hannah Woolaver, *State Failure, Sovereign Equality and Non-Intervention: Assessing Claimed Rights to Intervene in Failed States*, in: *Wisconsin International Law Journal*, 2014, pp. 595-620
- ✓ Mark Gibney, *Beyond Individual Accountability: The Meaning of State Responsibility*, in: Kurt Mills and David Jason Karp (eds.), *Human Rights Protection in Global Politics: Responsibilities of States and Non-State Actors*, London, Basingstoke, 2015, pp. 90-109
- ✓ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries
http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf
- ✓ Hilary Charlesworth, *Democracy and International Law*, in: *Recueil des cours*, 2014, pp. 43-152

Week 4

- Monday 18 Sept 11.30-13 hrs Reader 3.1 to 3.2
Global commons: intro, oceans
- Wednesday 20 Sept 11.30-13 hrs Reader 3.3 to 3.5
Outer space, atmosphere, Antarctica

Main topics

- How are the global commons defined by international law? What kind of legal regime is applicable to them?
- What is the legal regime of the Exclusive Economic Zone?
- What are the freedoms of the high seas?
- Is international law applicable in outer space?
- What is the international status of Antarctica? The North Pole?

Readings

Reader 3.1 to 3.2
Global commons: intro, oceans
Reader 3.3 to 3.5
Outer space, atmosphere, Antarctica

Recommended further readings

- ✓ Nico Schrijver, *From Mare Liberum to the Global Commons: Building on the Grotian Heritage*, in: *Grotiana*, 2009, pp. 168-206
- ✓ Brian Abrams, *First Contact: Establishing Jurisdiction over Activities in Outer Space*, in: *Georgia Journal of International and Comparative Law*, 2014, pp. 797-824
- ✓ Paolo Galizzi, *Air, Atmosphere and Climate Change*, in: Shawkat Alam (ed.), *Routledge Handbook of International Environmental Law*, London, Routledge, 2013, pp. 333-347
- ✓ Philippe Gautier, *The Exercise of Jurisdiction over Activities in Antarctica: A New Challenge for the Antarctic System*, in: Lilian del Castillo e.a. (eds.), *Law of the Sea, from Grotius to the International Tribunal for the Law of the Sea*, Leiden, Brill Nijhoff, 2015, pp. 192-210

Week 5

- Monday 25 Sept 11.30-13 hrs Reader 4.1 to 4.3
Individual: intro, human rights and secular/democratic concepts, the 'International Bill

of Human Rights'

Submission of Essay 1

- Wednesday 27 Sept 11.30-13 Reader 4.4 to 4.6
Nationality of individual, corporate nationality, refugees and asylum, expulsion and Extradition
Submission of Written Assignment 1 in hard copy in class

Main topics

- Are human rights treaties directly applicable in the domestic law of the contracting states?
- What is the relationship between human rights and the secular/democratic concepts?
- What does international law say about the attribution of nationality?
- What are the criteria offered by international law regarding corporate nationality?
- What are the criteria in international law on the granting of the status of political refugee?
- What is the difference between expulsion and extradition?
- What are the specific characteristics of the 'European Arrest Warrant'?
- How is the surrender to international war tribunals guaranteed?

Readings

Reader 4.1 to 4.3

Individual: intro, human rights and secular/democratic concepts, the 'International Bill of Human Rights'

Reader 4.4 to 4.6

Nationality of individual, corporate nationality, refugees and asylum, expulsion and extradition

Recommended further readings:

- ✓ Leigh Payne e.a., Overcoming Barriers to Justice in the Age of Human Rights Accountability, in: Human Rights Quarterly, 2015, pp. 728-754
- ✓ Peter Fabienne, A Human Right to Democracy?, in: Rowan Cruft e.a. (eds.), Philosophical Foundations of Human Rights, Oxford, Oxford UP, 2015, pp. 481-490
- ✓ Hilary Charlesworth, Democracy and International Law, in: Recueil des cours, 2014, pp. 43-152
- ✓ Guy Goodwin-Gill, The Admission of Refugees, in Richard Plender (ed.), Issues in International Migration Law, Leiden, Brill Nijhoff, 2015, pp. 111-117
- ✓ Clifford Mailer, Deportation and Expulsion, in: Richard Plender (ed.), Issues in International Migration Law, Leiden, Brill Nijhoff, 2015, pp. 179-200

Week 6

- Monday 2 Oct 11.30-13 hrs Reader 4.7 to 5.1.6
diplomatic law: intro, Heads of state and government, diplomatic functions, nomenclature, immunities and privileges, UN Security Council sanctions and diplomatic and consular relations
- Wednesday 4 Oct 11.30-13 hrs Repetition

Main topics:

- What are the tasks of diplomats?
- What is the difference between a diplomat and a consul?
- Explain the powers of sanction of the UN Security Council regarding diplomatic and consular relations.

Readings

Reader 4.7 to 5.1.6

diplomatic law: intro, Heads of state and government, diplomatic functions, nomenclature, immunities and privileges, UN Security Council sanctions and diplomatic and consular relations

Recommended further readings

- ✓ Ved Nanda, Extradition and Mutual Legal Assistance: Recent Trends in Inter-State Cooperation to Combat International Crimes, in: Bartram Stewart Brown (ed.), Research Handbook on International Criminal Law, Cheltenham, Elgar, 2011, pp. 333-358
- ✓ Joanne Foakes, The Position of Heads of State and Senior Officials in International Law, Oxford, Oxford UP, 2014, pp. 1-28 (overview and general principles)
- ✓ Brian Barder, What Diplomats Do: The Life and Work of Diplomats, Lanham, Rowman & Littlefield, 2014 (selected readings)
- ✓ Eileen Denza, Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations, Oxford, Oxford UP, 2008 (selected readings)

Week 7

- Monday 9 Oct 11.30-13 hrs **Midterm Exam**

Week 8

- Monday 16 Oct 11.30-13 hrs Reader 5.1.7 to 5.2.4
Diplomatic protection, consular law: intro, consular functions, appointment and exequatur, consular privileges and immunities
- Wednesday 18 Oct 11.30-13 hrs Reader 5.2.5 to 6.3
Consular assistance, law of treaties: intro, treaty terminology, preparatory proceedings

Main topics

- What is diplomatic protection? How is the 'local remedies rule' applied?
- What are the tasks of a consul?
- Why are the consular privileges and immunities different from diplomatic privileges and immunities?
- What is consular assistance?
- What are the most important cases regarding consular assistance?

Readings

Reader 5.1.7 to 5.2.4

Diplomatic protection, consular law: intro, consular functions, appointment and exequatur, consular privileges and immunities

Reader 5.2.5 to 6.3

Consular protection, law of treaties: intro, treaty terminology, preparatory proceedings

Recommended further readings

- ✓ Kate Parlett, Diplomatic Protection and the International Court of Justice, in: Christian Tams and James Sloan (eds.), *The Development of International Law by the International Court of Justice*, Oxford, Oxford UP, 2013, pp. 87-106
- ✓ Bernardo Amor, Diplomatic and Consular Protection: The Rights of the State and the Rights of the Individual in the “Lagrand” and “Avena” Cases, in: Ulrich Fastenrath and Bruno Simma (eds.), *From Bilateralism to Community Interest: Essays in Honour of Judge Bruno Simma*, Oxford, Oxford UP, 2011, pp. 1097-1117
- ✓ Peter O’Keefe, Privileges and Immunities of the Diplomatic Family, in: *The International and Comparative Law Quarterly*, 1976, pp. 329-350
- ✓ Annemarieke Vermeer-Küzli, Diplomatic Protection and Consular Assistance of Migrants, in: Vincent Chetail and Céline Bauloz (eds.), *Research Handbook on International Law and Migration*, Cheltenham, Edward Elgar, 2014, pp. 265-280

Week 9

- Monday 23 Oct 11.30-13 hrs Reader 6.4 to 6.8
The preamble, articles, reservations, obligations among contracting states
- Wednesday 25 Oct 11.30-13 hrs Reader 6.9 to 7.3
Treaties and third parties, origins of international organizations, the inter-American system, Europe

Main topics

- What is the subject of the law of treaties?
- What is the legal meaning of the preamble of a treaty?
- What is a ‘material breach’ of a treaty? What are the possible consequences?
- Why is the current regime of reservations to treaties considered as a liberal regime? What is the major point of criticism concerning this liberal regime?
- Explain the Inter-American system by means of treaties.
- What were the major foreign policy differences between the French and the British priorities with regard to post-war Europe? How does it connect to the Schuman Declaration of May 9, 1950?

Readings

Reader 6.4 to 6.8

The preamble, articles, reservations, obligations among contracting states

Reader 6.9 to 7.3

Treaties and third parties, origins of international organizations, the inter-American system, Europe

Recommended further readings

- ✓ Saida El Boudouhi, The National Judge as an Ordinary Judge of International Law? Invocability of Treaty Law in National Courts, in: *Leiden Journal of International Law*, 2015, pp. 283-301
- ✓ Ulf Linderfalk, Is Treaty Interpretation an Art or Science?: International Law and Rational Decision Making, in: *European Journal of International Law*, 2015, pp. 169-189

- ✓ Malgosia Fitzmaurice, Third Parties and the Law of Treaties, in: Max Planck Yearbook of United Nations Law, 2002, pp. 37-137
- ✓ Anthony Aust, Modern Treaty Law and Practice, Cambridge, Cambridge UP, 2013, pp. 114-144 (reservations)

Fall Recess from 30 October to 3 November

Week 10

- Monday 6 Nov 11.30-13 hrs Reader 7.4 to 7.10
Definition of an international organization, legal personality, powers, structure and organs, privileges and immunities, financial organizations, the United Nations
- Wednesday 8 Nov 11.30-13 hrs Reader 7.11 to 7.17
UN membership, UN General Assembly, UN Security Council, ECOSOC, UN Secretariat, International Court of Justice, UNCITRAL, UN regional commissions

Main topics

- What is the legal difference between an international organization and a state?
- Why is the 'Reparation for Injuries' advisory opinion of 1949 a landmark ruling?
- How do the World Bank and the IMF influence the domestic policies of their member states?
- Explain that the United Nations is a global organization.
- How is the veto power in the UN Security Council defined? Which countries can exercise a veto?
- Why is Chapter VII of the UN Charter so important for conflict management?
- What is the difference between the contentious jurisdiction and the advisory opinion of the International Court of Justice?

Readings

Reader 7.4 to 7.10

Definition of an international organization, legal personality, powers, structure and organs, privileges and immunities, financial organizations, the United Nations

Reader 7.11 to 7.17

UN membership, UN General Assembly, UN Security Council, ECOSOC, UN Secretariat, International Court of Justice, UNCITRAL, UN regional commissions

Recommended further readings

- ✓ Jan Klabbbers, An Introduction to International Organizations Law, Cambridge, Cambridge UP, 2015, pp. 1-36
- ✓ Inis Claude, Walter Sharp and Rowland Egger, History, concept and financing of international organizations:
www.encyclopedia.com/topic/International_organization.aspx#1
- ✓ August Reinisch, Privileges and Immunities, in: Jan Klabbbers and Asa Wallendahl (eds.), Research Handbook on the Law of International Organizations, Cheltenham, Edward Elgar, 2011, pp. 132-155
- ✓ Daisuke Madokoro, How the United Nations Secretary-General Promotes International Norms: Persuasion, Collective Legitimation, and Responsibility to Protect, in: Global Responsibility to Protect, 2015, pp. 31-55
- ✓ Report of the International Court of Justice for the period 1 August 2015 to 31 July 2016 - www.icj-cij.org/files/annual-reports/2015-2016-en.pdf

Week 11

- Monday 13 Nov 11.30-13 hrs Reader 8.1 to 8.2.1
Timeline of European integration, sources of EU law: primary law, Secondary EU law, general international law, treaties concluded between EU member states, treaties concluded by EU, autonomy and primacy of EU law, powers of the EU: intro
- Wednesday 15 Nov 11.30-13 hrs Reader 8.3.2 to 8.4.5
Purpose and powers, Lisbon Treaty reform, provision on repatriation of powers, European values, Charter of Fundamental Rights & ECHR, principle of good neighbourliness

Main topics:

- What is the primary law of the EU?
- What is the difference between a regulation and a directive?
- Does international law have any role in EU law?
- Does EU law have primacy over domestic law?
- How are the powers of the EU attributed?

Readings

Reader 8.1 to 8.2.1

Timeline of European integration, sources of EU law: primary law, Secondary EU law, general international law, treaties concluded between EU member states, treaties concluded by EU, autonomy and primacy of EU law, powers of the EU: intro

Reader 8.3.2 to 8.4.5

Purpose and powers, Lisbon Treaty reform, provision on repatriation of powers, European values, Charter of Fundamental Rights & ECHR, principle of good neighbourliness

Recommended further readings

- ✓ Martin Dedman, *The Origins and Development of the European Union 1945-2008*, Abingdon, Routledge, 1996, pp. 5-48 (origins)
- ✓ Monica Claes, *The Primacy of EU Law in European and National Law*, in: Anthony Arnall and Damian Chalmers (eds.), *The Oxford Handbook of European Union Law*, Oxford, Oxford UP, 2015, pp. 178-211
- ✓ Tapio Raunio, *The Gatekeepers of European Integration? The Functions of National Parliaments in the EU Political System*, in: *Journal of European Integration*, 2011, pp. 303-321
- ✓ Ramses Wessel, *Immunities of the European Union*, in: *International Organizations Law Review*, 2013, pp. 395-418
- www.utwente.nl/bms/pa/research/wessel/wessel104.pdf

Week 12

- Monday 20 Nov legal holiday
- Wednesday 22 Nov 11.30-13 hrs Reader 8.5 to 8.5.5
The European Parliament, the European Council, the Council, the Commission, the Court of Justice

Main topics:

- How did the Lisbon Reform change EU law?
- What are the European values? Are these values part of international law?

- Explain the ordinary legislative procedure.
- How do the European Council and the Council interact?
- What are the powers of the European Commission?
- Why is a preliminary ruling an instrument to enhance homogeneity within the EU?

Readings

Reader 8.5 to 8.5.5

The European Parliament, the European Council, the Council, the Commission, the Court of Justice

Recommended further readings

- ✓ Jean-Claude Piris, *The Lisbon Treaty: A Legal and Political Analysis*, Cambridge, Cambridge UP, 2010, pp. 204-237 (the institutions)
- ✓ Brice Dickson, *The EU Charter of Fundamental Rights in the Case Law of the European Court of Human Rights*, in: *European Human Rights Law Review*, 2015, pp. 27-40
- ✓ Uwe Puetter, *The European Council and the Council: New Intergovernmentalism and Institutional Change*, Oxford, Oxford UP, 2014, pp. 68-147 (the European Council)
- ✓ Roman Petrov, *The Principle of Good Neighbourliness and the European Neighbourhood Policy*, in: Dimitry Kochenov and Elena Basheska (eds.), *Good Neighbourliness in the European Legal Context*, Leiden, Brill Nijhoff, 2015, pp. 289-305

Week 13

- Monday 27 Nov 11.30-13 hrs Reader 8.5.6 to 8.6.4
The European Central Bank, the Court of Auditors, the internal market: intro, free movement of goods, free movement of persons, free movement of services
- Wednesday 29 Nov 11.30-13 hrs Reader 8.6.5 to 8.6.7
Free movement of capital and payments, competition rules, the external dimension of the internal market
Submission of Written Assignment 2 in hard copy in class

Main topics:

- The Eurozone sets preliminary criteria, also called the Maastricht convergence criteria. Why are these criteria so important? Were they respected in the past?
- Agriculture has a special legal position in EU law. What has led to this special treatment?
- What is still dysfunctional in the free movement of services?
- Can the free movement of capital and payments be suspended by a member state? If so, under which circumstances? Give an example.

Readings

Reader 8.5.6 to 8.6.4

The European Central Bank, the Court of Auditors, the internal market: intro, free movement of goods, free movement of persons, free movement of services

Reader 8.6.5 to 8.6.7

Free movement of capital and payments, competition rules, the external dimension of the internal market

Recommended further readings

- ✓ Christian Hofmann; A Legal Analysis of the Eurozone Crisis, in: Christoph Paules (ed.), A Debt Restructuring Mechanism for Sovereigns: Do We Need a Legal Procedure?, München, Beck, 2014, pp. 43-73
- ✓ Alison Burrell, The CAP: Looking Back, Looking Ahead, in: Grace Skogstad and Amy Verdun (eds.), The Common Agricultural Policy - Policy Dynamics in a Changing Context, Abingdon, Routledge, 2010, pp. 6-24
- ✓ Anca Chirta, A Legal-Historical Review of the EU Competition Rules: The Commission Wishes to “Practise What It Preaches” ... But Can It Do So?: Comment on Otis, in: International and Comparative Law Quarterly, 2014, pp. 281-316
- ✓ Gareth Davies, The Law on the Free Movement of Services: Powerful, But Not Always Persuasive, in: Arnall and Damian Chalmers (eds.), The Oxford Handbook of European Union Law, Oxford, Oxford UP, 2015, pp. 562-585

Week 14

- Monday 4 Dec 11.30-13 hrs Reader 8.7 to 8.8
The area of freedom, security and justice; a common foreign and security policy
- Wednesday 6 Dec 11.30-13 hrs Repetition

Main topics:

- How did the Lisbon Reform change the area of freedom, security and justice?
- How is the decision-making in the area of freedom, security and justice?
- What is the Schengen Area?
- How does the Common Security and Defence Policy complement NATO?
- Explain that the civilian aspects of conflict management are taken seriously by the EU.

Readings

Reader 8.7 to 8.8

The area of freedom, security and justice; a common foreign and security policy

Recommended further readings

- ✓ Guillemine Taupiac-Nouvel, The Principle of Mutual Recognition in Criminal Matters: A New model of Judicial Cooperation within the European Union, in: European Criminal Law Review, 2012, pp. 236-251
- ✓ Nadine El-Enany, EU Asylum and Immigration Law Under the Area of Freedom, Security and Justice, in: Arnall and Damian Chalmers (eds.), The Oxford Handbook of European Union Law, Oxford, Oxford UP, 2015, pp. 867-891
- ✓ Guri Rosen, EU Confidential: The European Parliament’s Involvement in EU Security and Defence Policy, in: Journal of Common Market Studies, 2015, pp. 383-398

Week 15

- **Final Exam** - date to be determined by VeCo Administration