2.8 Module 13 Public International Law

2.8.1 Headline information about the module

Module title	Public International Law
Module NFQ level (only if an NFQ level can be demonstrated)	N/A
Module number/reference	Module 13
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLB (Hons)
Stage of parent programme	2
Semester (semester1/semester2 if applicable)	Semester 1 or 2
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	5
List the teaching and learning modes	Full-Time, Part-Time
Entry requirements (statement of knowledge, skill and competence)	Learners to have successfully completed Stage 1 of the programme
Pre-requisite module titles	None
Co-requisite module titles	None
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Training and Education provided by Griffith College.
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	One Semester, 12 Weeks
Average (over the duration of the module) of the contact hours per week (see * below)	2
Module-specific physical resources and support required per centre (or instance of the module)	Lecture room with internet access and digital projector.

Analysis of required learning effort										
Effort while in contact with staff										
Classroom and demonstrations		Mentoring and small-group tutoring		Other (specify)		Directed e-learning (hours)	Independ-ent learning (hours)	Other hours (specify)	Work-based learning hours of learning effort	Total effort (hours)
Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner			Assignment		
24	1:60						101			125
Allocation of marks (within the module)										
		Continuous assessment		Supervised project	Proctored practical examination	Proctored written examination		Total		
Percentage contribution						100		**100%**		

2.8.2 Module aims and objectives

Learners international law should know how the system addresses problems related to global interdependence and integration; to this end, it will be amplified and examined how challenges to the international legal order are crucial for the world order, such as the use of force and conduct of war through a post-colonial lens. Throughout, the module will engage in a critical reflection on the legitimacy, efficacy and justice of the international system as it is currently configured. The principal goal of the course is to give a foundational knowledge and analytical tools that will equip learners to think deeply and rigorously about the role of law in the contemporary global system.

The binding force of public international law will be evaluated against the backdrop of globalisation: the connecting theme, in this regard, is the decline of the state, the emergence of non-state actors (including inter-governmental organizations, non-governmental organizations, multinational enterprises and their impact on the content of international law). The module focuses on public international law rather than the substantive branches of international law that are covered elsewhere in the curriculum, such as international economic law, international environmental law, international human rights law, international humanitarian law, and international criminal law.

The module shall provide the learners with a good understanding of the main elements of public international law. Learners shall assess and evaluate critically the international legal dimension of international events and they should be able to critically evaluate the lawfulness (or otherwise) of international conduct.

Moreover, the learners shall have a critical approach to colonial antiques of the law; a solid appreciation of the structure of international organizations and their working methods, while understanding how treaties and international agreements are negotiated, formalised and ratified; an insight into the key aspects of customary international law and detailed understanding of the principles of public international law; the ability to locate the sources and apply in practice the principles of public international law; and the ability to analyse the different fora in which international law is enforced

2.8.3 Minimum intended learning outcomes
On successful completion of this module, learners will be able to:

(i) Critically analyse and evaluate Public International law against its colonial history, while using and discussing philosophical, political and economic structures underpinning it
(ii) Apply advanced theoretical critical knowledge and in depth critical thinking to construct credible and creative solutions to various Public International legal problems in light of hegemonic power structures
(iii) Apply detailed knowledge and in-depth understanding of Public International Law principles
(iv) show a systematic, integrated and critical awareness of specific aspects of the subject through the completion of discussions forums on Moodle, specialised examinations and coursework
(v) Communicate through research an integrated systematic and critical awareness of seminal original work

2.8.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs
The world as we know is more and more embedded in bilateral and multilateral agreements, consultations and nation states are organized in supra- and international organizations. To this end, international law is the substantive body of rules, norms and customs – while initiating processes by which law is created, interpreted and enforced. This course will introduce to both: the substantive and procedural aspects of international law.

The module will stress and elucidate mechanisms through which international law is developed in its colonial context; it will analyse the institutions which enforce the law; and, finally, the course will dissect the legal regimes that take shape as a result. The course will critically analyse international law doctrines, discuss contemporary challenges and it will analyse them all through the lens of a particular critique, the Third World Approaches to International Law (TWAIL). Beginning with the history of international law and its colonial antecedents, the module will move on and discuss the sources in the international system.

2.8.5 Information provided to learners about the module
The purpose of this module is to introduce learners to public international law. In this module, learners will learn to: identify the sources, principles and subjects of public international law against the background of colonial origins; understand how public international law and international bodies regulate the behaviour of State and non-State actors; and apply public

international law to hypothetical and actual case studies. Learners are expected to attend lectures, contribute in tutorials, and to engage in online learning activities on a regular basis.

2.8.6 Module content, organisation and structure

- History matters. The historical antecedents of public international law Focus: What are the Third World Approaches to International Law?
- Unpacking the law. The structure and sources of international law (customary International law, treaties and convention)
  Focus: The North Sea Continental Shelf Case
- Cogito ergo sum. The state under international law and the quest for statehood
  Focus: Is there a right to self-determination? The ICJ and Kosovo
- The right and obligations of international and supranational organizations in international law
  Focus: What is the role and   standing of non-governmental organizations on the international plane?
- Sovereignty under international law revisited
  Focus: Is state sovereignty a carte blanche for human rights violations?
- State immunity
  Focus: Poland vs. Germany – battle for justice or display of nationalism?
- The Relationship between International Law and Municipal Law Focus: The LaGrand Case
- International Legal Personality: States
  Focus: Are failing states still states?
- International   Legal   Personality:
  Subjects and International Organisations
  Focus: The UN – still relevant?
- Jurisdiction and dispute settlement
  Focus: Palestine and the ICC – ending impunity?
- Self-Defence and the Use of Force
  Focus: David vs. Goliath – the Nicaragua vs. USA
- The application of international law: facets of international protection of human rights law, international criminal law, international humanitarian law
  Focus: Responsibility to protect – the need for an intervention into Venezuela?
  Focus of each shifts in light of world events.

2.8.7 Module teaching and learning (including formative assessment) strategy Assessment

Formative Assessment

A formative assessment is designed to give feedback on understanding of the module content, but it will not count towards mark for the module.

Form of assessment: Lecture discussion questions

Size of the assessment: (e.g. length / duration): Formulation of a position to questions provided in the discussion forums on Moodle each week (varying based on world events), discussion and debate with colleagues during the lecture.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including in-class presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

2.8.8 Work-based learning and practice-placement
Public International Law is a classroom-based module and does not require work- based learning and practice elements.

2.8.9 E-learning
Independent learning and research supported with on line resources available through Moodle and zoom.

2.8.10 Module physical resource requirements
For this module and access to materials, learners must be enabled to adequate teaching/learning/assessment resources, specialist equipment and assisted in administrative support and/or work placement requirements.

2.8.11 Reading lists and other information resources
Primary Reading
Anghie, Antony: Imperialism, Sovereignty and the Making of International Law, (1st edition Cambridge University Press, 2007)
Balakrishnan Rajagopal: International Law from Below: Development, Social Movements and Third World Resistance, (1st edition, Cambridge University Press, 2003)
Brownlie, Ian and James Crawford: Principles of Public International Law, (8th edition, Oxford University Press, 2012)
Cassese, Antonio: International Law, (2nd edition, Oxford University Press, 2003)
Conforti, Benedetto and Labella, Angelo: An Introduction to International Law, (1st edition, Martin Nijhoff publishers, 2012)
Dixon, Martin: Textbook on International Law, (7th edition, Oxford University Press, 2013)
Evans, Malcolm D.: Blackstone's International Law Documents, (13th edition, Oxford University Press, 2017)
Evans, Malcolm D.: International Law, (4th edition, Oxford University Press, 2014)
Pahuja, Sundhya: Decolonizing International Law: Development, Economic Growth and the Politics of Universality, (1st edition, Cambridge University Press, 2011)

Natarajan, Usha; Reynolds, John; Bhatia, Amar; Xavier, Sujith: Third World Approaches to International Law: On Praxis and the Intellectual, (1st edition, Routledge, 2017)

2.8.12 Specifications for module staffing requirements

Staff for this module should, ideally, hold a PhD in international law and reflect broad scholarship, publishing record and hold at least two years of teaching experience.

2.8.13 Module summative assessment strategy

Summative Assessment

No.	Description	MIMLOs	Weighting
1	Exam	i-iv	100%

2.8.14 Sample assessment materials

<div align="center">

Sample Examination
Answer any <u>three</u> of the following questions.
All questions carry equal marks.

</div>

Question 1
Critically discuss the relevance of the Arrest Warrant Case before the International Court of Justice vis-à-vis the Pinochet case before the British High Court.

Consider and examine the following question: Is there a right to waive the immunity of state officials for grave human rights violations?

> ***Sample Answer 1***
>
> *With this answer, the students are requested to display the problems and tensions re. immunity vis-à-vis human rights obligations, but stress also the emerging view on human rights on the international plane*
>
> *Moreover, students' answers on dissenting views from the benches would be appreciated*

Question 2
With reference to case law and international legal standards, describe and examine if Somalia is a state!

> **Sample Answer 2**
>
> *Using the discussions and legal characteristics on statehood, the students must display knowledge on the conditions of statehood and make reference to either case studies*
>
> *Eventually, students must stress that states don't disappear, but that governments do*

Question 3
What are the sources of international law? With reference to case law, critically discuss what is the content of customary law?

> ***Sample Answer 3***
>
> *Learners must show their knowledge of art 38 ICJ Statute and explain the sources of PIL*
>
> *Using the Fisheries Jurisdiction Case and North Sea Continental Shelf Case they must illustrate the source of customary international law*

Question 4

Explain and outline the political and legal antecedents from humanitarian intervention to responsibility to protect!

> ***Sample Answer 4***
> * *Learners must explain the background to R2P, by explaining the antecedents of humanitarian intervention (India in Bangladesh, Vietnam in Cambodia, NATO in Serbia)*
> * *They must outline the flaws and then revert to the international discussion and the result in the UN's 2005 World Summit paper*
> * *They must clearly define what the preconditions are before it comes to R2P*

Question 5

Please discuss the Avena case and explain why United States of America breached international obligations?

Sample Answer 5
* *critical discussion of the Avena case and its history*
* *reference to the LaGrand case and its international legal magnitude*
* *discussion on the customary law-nature of the VCCR on the USA*

Question 6 Critically examine and explain what the means and methods of states to the peaceful settlement of disputes are? Critically discuss and outline the legal codification and provide case law to amplify?

> ***Sample Answer 6***
> * *Students must make proper reference to case law, the UN Charter and the ICJ statute and explain the role of the ICJ to explain peaceful dispute settlements*
> * *Students are requested to make reference to Corfu Channel, Nicaragua etc. to highlight the necessity of art. 36 of the ICJ Statute*