

Course guide  
**Advanced Course in Public International Law**  
15 credits, Autumn 2020

*This course guide has been adapted to the standard format at SU. Last updated in June 2020.*

Please remember to check the course website regularly for updated information.

Welcome to the course!

## 1 Aim of the course

### 1.1 Content and purpose

Public international law is a complex and dynamic field of law, and an essential site through which we structure, think about and act upon the current global order. Indeed, as will become evident during the course, the international legal order is everywhere.

At the most general level, this course will take students step-by-step through the fundamental elements of the discipline of public international law. It will thus provide them with a detailed understanding of the norms, doctrines and institutions of the international legal order, giving them a relevant and rigorous language and set of techniques with which to analyse and assess global politics, global economics and global history through the lens of international law.

Importantly, just as the students will learn to bring international norms and institutions to bear on politics, economics and history, they will also be encouraged to reverse this relationship, bringing politics, economics and history to bear on international norms and institutions, in order to think more critically about the discipline and its effects. Is international law always merely a force for good, or might it be possible that it has at times contributed to the construction and sustenance of the very problems it is called upon to solve?

Finally, in order to equip students with the tools to apply the knowledge gained in the course critically and broadly, the course will pay attention to the question of how the doctrine, norms and institutions associated with the 'international' influence not only international relations but also our daily life.

#### 1.1.1 Overarching aim of the course

The goal of the course is to provide students with the opportunity to gain deeper insight into the area of public international law.

#### 1.1.2 General structure of the course

The course consists of twenty-five lectures, twelve short writing assignments (memos of 2-3 pages each) some of which come with tutorial sessions, a problem-based seminar session, an essay (of 6-10 pages) and an end exam (open-book), all of which will strive to give students an understanding of the fundamentals and theoretical underpinnings of the international legal framework.

Throughout, the course will seek to offer a critical (albeit a sympathetic) exploration of the meaning of international norms and principles and of their

potential as the basis for an ethical and legal order by illustrating the complex interplay between law and extra-legal factors.

Course examination is divided into twelve short memos (2-3 pages each), a problem-based seminar session, an individual essay (of 6-10 pages) and a written end exam (open-book). Please see section 3 of this course guide.

### 1.1.3 Expectations

#### *Knowledge and understanding*

After completing the course, the student should be able to:

- demonstrate a sophisticated knowledge and understanding of the concepts, principles and rules of public international law, and
- demonstrate an awareness of their doctrinal and theoretical underpinnings.

#### *Skills and abilities*

After completing the course, the student should be able to:

- demonstrate a comprehensive knowledge and understanding of the application and interpretation of legal norms in the various fields of international law,
- demonstrate an intricate familiarity with the operations of the institutions of public international law,
- demonstrate an ability to identify, formulate and analyse international legal issues in a systematic, critical and independent fashion, and
- demonstrate an ability to express coherent and sophisticated ideas, arguments and conclusions in the English language.

#### *Judgment and approach*

After completing the course, the student should be able to:

- demonstrate a critical awareness of the significance of public international law within the global system.

## 1.2 Instruction

Teaching is carried out in the form of lectures with discussions. Students are expected to have read the relevant materials of the course ahead of each lecture, at least in a cursory manner. Student activity is important for the success of the course.

Different types of instructions are used for the purpose of enhancing different skills. The lectures should assist students to understand basic concepts and principles that underpin international human rights law. The short memos will enhance the student's knowledge of and ability to analyze the substance of public international law. The problem-based seminar session will test the student's knowledge of the substance of public international law and its various procedures, but, more importantly, it should also enhance the student's ability to creatively use this

knowledge. The essay should, in its turn, develop the student's ability to connect knowledge of the substance and procedure of international law with critical thinking. The written exam will test and develop the student's knowledge of the substantive and procedural rules involved as well as the ability to identify legal problems and apply the rules.

Slides used by the lecturer together with a short synopsis for each lecture will be posted on the course website.

Please note that while attendance at lectures is not **mandatory**, attendance is highly recommended, given that the end exam will be based on the lectures as well as on the (whole of the) course textbook and additional reading materials provided on the course website. Participation in the seminar session, however, **is** mandatory, as are all the written exercises.

## 2 Structure of the course

### 2.1 Structure of the course and alignment to expectations

The teaching and examination are aligned to the expectations (lärandemål) as listed in the curriculum (kursplan) and section 1.1.3 as follows:

- *Identify legal problems within various areas of public international law*  
Teaching: the lectures will give an overview of public international law as well as some of the key legal problems in the area.  
Examination: students will need to identify legal problems in public international law for all their written assignments, for and during the problem-based seminar session and as they complete the written exam.

- Identify extra-legal factors that have contributed to the formation of international legal norms*

Teaching: The lectures will seek to illustrate the complex interplay between legal and extra-legal factors in the formation and in the functioning of public international law.

Examination: students are instructed to consider and discuss extra-legal factors as part of the assignments, which will test the student's ability to connect knowledge of the substance and procedure of international law with critical thinking.
- Apply international legal norms*

Teaching: The lectures will provide an overview of how substantive norms are applied in different contexts.

Examination: students will apply international legal norms and principles in all the written assignments, the problem-based seminar session and the written end exam.
- Critically reflect on and analyze the role of public international law in context*

Teaching: Throughout the course, the lectures involve critical reflection on public international law.

Examination: students need to critically reflect on the role of public international law as part of their written assignments and when preparing for and taking part in the problem-based seminar session, and in completing the written end exam (problem-oriented questions).

## 2.2 Detailed structure of the course

The table below displays the structure of the course and the way in which the various lectures and exercises relate to one another. As the course schedule may be subject to change, please remember to check the course website regularly for any potential amendments.

For your convenience, the following table will also indicate the corresponding chapters in the course textbook. **Do note** however that you are to read the **whole book** for the exam. Additional readings will be indicated during the course and can be found on the course website. The website will also offer a summary for each lecture.

<b>Lectures</b>	<b>Assignments &amp; Exam</b>	<b>Chapter in the textbook</b>
<i>Settings of international law</i>		1
<i>Sources of international law</i>		4, 5
<i>Law of treaties I</i>		6
<i>Law of treaties II</i>	memo & tutorials	6
<i>Subjects of international law: states</i>	memo	7
<i>Subjects of international law: international organizations law</i>	memo	8
<i>Jurisdiction</i>		10
<i>Immunities from jurisdiction: sovereign immunity, diplomatic law</i>		11, 12
<i>The individual in international law: human rights</i>		9, 25
<i>The individual in international law: stateless persons, refugees and migrants</i>	memo	26
<i>The law of responsibility: state responsibility</i>	memo & tutorials	14
<i>The law of responsibility: international organizations, multinational corporations</i>	memo	SD
<i>Settlement of disputes: International courts and tribunals</i>		18, 19
<i>Sanctions, countermeasures, collective security</i>		17, 20
<i>Use of force</i>	memo & tutorials	20, 16
<i>The law of armed conflict, international humanitarian law</i>	memo	27
<i>International criminal law</i>	memo	24
<i>The law of the sea</i>	memo	21
<i>The air and outer space</i>		SD
<i>New technologies</i>		SD
<i>Protecting the environment</i>	memo	22
<i>The global economy</i>	memo	23
<i>International law &amp; domestic law</i>		13

<i>Global governance</i>		SD
<i>What is international law for?</i>		2
	problem-based seminar sessions	
	essay	

### 2.3 Oral and written exercises

See below, section 3.

### 2.4 Mandatory components

Please note that while attendance at lectures is not mandatory, attendance is highly recommended, given that the end exam will be based on the lectures as well as on the (whole of the) course textbook plus additional reading materials provided on the course website. Participation in the **seminar session**, however, is mandatory, as are all the **written exercises**.

### 2.5 International and comparative elements

All of the elements are international. There are elements of comparative law regarding various monitoring mechanisms, for example.

### 2.6 Interaction with the surrounding society

Throughout the course we will deal with not only “legal” but also political, social, cultural and economic issues.

### 2.7 Relation to other courses

This is, for the time being, one of the specialized and advanced courses offered to exchange students and Swedish students towards the end of the law programme. The course connects to previous courses in the law programme such as constitutional/public law (Statsrätt), EU law (Europarätt) and Public International Law (Folkrätt), and to other specialized and advanced courses such as International Criminal Law, International Law and the Global Economy, and Human Rights in a Global Perspective.

### 2.8 Course literature and source materials

- *International Law*, edited by Malcolm Evans, Oxford University Press, 5<sup>th</sup> edition, 2018, 976 pp.

- Additional texts for the course will be made available through the course website (these will be referred to as “Selected Documents”, abbreviation “SD”).

- The course website will also offer the slides and a synopsis for each lecture.

## 2.9 Optional readings

References to optional readings will be offered on the course website.

## 2.10 Preparations for lecture and seminar sessions

Teaching/learning in this course is partly carried out in the form of traditional lectures with discussions, partly pursuant to problem-based learning.

For the lectures, students are expected to have studied the relevant materials of the course ahead of each session, at least in a cursory manner. Any slides used by the lecturer will be posted on the course website, together with a summary for each lecture. For readings instructions, please see above, the table under section 2.2. Kindly note that the course website will offer further, detailed references to the literature and source material for each session.

In all the lectures, complex real-world problems will be used to promote students' critical understanding of the actual functioning of various concepts and principles of public international law. This does not merely mean analyzing cases that have already been adjudicated (whether in class or whether by writing case memos) but it also means that students will in the problem-based seminar be offered with an open-ended case that has specifically been created for them to deliberate, discuss and solve.

# 3 Assignments and examination

## 3.1 General

### 3.1.1 EXAMINATION

The course is examined through twelve short memos (2-3 pages each), a problem-based seminar session, an individual essay (of 6-10 pages) and an open-book end exam.

The short memos will test the student's knowledge of and ability to analyze the substance of public international law. The essay will test the student's ability to connect knowledge of the substance and procedure of international law with critical thinking. The problem-based seminar will test the student's knowledge of the substance of international human rights law and its various procedures, as well as the student's ability to creatively use this knowledge. The written exam will, in its turn, test the student's knowledge of the substantive and procedural rules involved as well as the ability to identify and critically analyze legal problems and apply the relevant rules.

Please note that grading is anonymous, as far as possible. Each student will receive a code, to be used on individual written assignments. Accordingly, kindly refrain from writing your name on any of the assignments.

The maximum score for each examination component is as follows:

Memos (max 3 points per memo)	36 pts
Individual essay	20 pts
Problem-based seminar session	8 pts
Written exam	36 pts
TOTAL	100 pts

Swedish grade:

AB= 91-100

Ba= 71-90

B= 51-70

ECTS-grade:

A= 91-100

B= 81-90

C= 71-80

D= 61-70

E= 51-60

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FX=Fail

F= Fail

These limits may be revised, but only downwards. **A passing grade for the course is only attainable if a student receives at least 50% of the maximum score on each component.**



## 3.1.2 CITATION

### 3.1.2.1 *Format of sources*

You can choose whether to use Oxford referencing style or Harvard referencing style.

Oxford referencing: references are in footnotes. The first time a source is used, use the full reference. In subsequent references use *ibid.* if it is the immediately subsequent footnote, otherwise use short form.

Harvard referencing: references are embedded in the text in short form and enclosed in parenthesis, either within or after a sentence, for example: (Sluiter, 2002, p. 35).

Legal texts normally use Oxford referencing, social sciences use Harvard referencing. Since this is text combining law and political science you can choose which style to use. However, it is important that you are consistent and stick to the same referencing style throughout the entire text, do not mix the two styles.

### 3.1.2.2 *Monography*

Göran Sluiter, *International Criminal Adjudication and the Collection of Evidence: Obligations of States*, Intersentia, Antwerpen/Oxford/New York, 2002

Short form: Sluiter, 2002

### 3.1.2.3 *Article in journal*

Michela Miraglia, *Admissibility of Evidence, Standard of Proof, and Nature of the Decision in the ICC Confirmation of Charges in Lubanga*, *Journal of International Criminal Justice*, vol 6, 3 (2008): 489-503

Short form: Miraglia, 2008

Several authors (three or more): Gideon Boas et al., *International Criminal Law Practitioner Library: International Criminal Procedure Volume 3*, Cambridge University Press, Cambridge, 2011

Short form: Boas et al., 2011

### 3.1.2.4 *Part of a book*

Gilbert Bitti, *Two bones of Contention between Civil and Common Law: The Record of the Proceedings and the Treatment of the Concursum Delictorum*, Horst Fischer/Claus Kreß/Sascha Rolf Lüder (Eds.), *International and national prosecution of crimes under International Law*, 273-288, Second Edition, Berliner Wissenschafts-Verlag, Berlin, 2004

Short form: Bitti, 2004

Several editors (three or more):

Peter Malanczuk, *Protection of National Security Interests*, Antonio Cassese et al. (Eds.), *The Rome Statute of the International Criminal Court*, 1371-1386, Oxford University Press, Oxford, 2002

Short form: Malanczuk, 2002

### 3.1.2.5 Case law

**ICTY** (*and other international criminal tribunals*)  
*Prosecutor v. Tadić*, (Case No. IT-94-1), ICTY T. Ch., Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-link, 25 June 1996

Short form: *Tadić*, ICTY T. Ch., 25 June 1996

**ICC** (**please include document number as indicated below**)  
*Prosecutor v. Lubanga*, ICC PT. Ch. I, Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81, ICC-01/04-01/06-455, 20 September 2006

Short form: *Lubanga*, ICC PT. Ch. I, 20 September 2006

**ICJ**  
*Corfu Channel* (United Kingdom of Great Britain and Northern Ireland v. Albania), ICJ, Judgment, 9 April 1949

Short form: *Corfu Channel*, ICJ, 9 April 1949

**ECtHR** (and other human rights courts)  
*Doorson v. The Netherlands*, (Application No. 20524/92), ECtHR, Judgment, 26 March

1996 Short form: *Doorson v. The Netherlands*, ECtHR, 26 March 1996

#### **Human Rights Committee**

*Wolf v. Panama*, (Communication No. 289/1988), HRC, Views, 26 March

1992 Short form: *Wolf v. Panama*, HRC, 26 March 1992

### 3.1.2.6 Treaties

European Convention for the Protection of Human Rights and Fundamental Freedoms adopted 4 November 1950 as amended by Protocol No. 11 and 14, 213 UNTS 221

Short form: ECHR

Charter of Fundamental Rights of the European Union, published 26 October 2012, C

326/391 Short form: EU Charter of Rights

### 3.1.2.7 Internet sources

Internet sources can be used with the following guidelines:

- If the source is available in printed form as well as on the internet, use the format indicated in 3.1.2.1-3.1.2.6, do not indicate the internet address. This is relevant for example in relation to case law and articles in journals which you can assume exist in printed form. In other words, even if you find a case or article in a journal though the internet, treat them as printed sources.
- It is not enough to indicate on which website you find some information, for example, [www.un.org](http://www.un.org) is an incomplete reference. A reader will not be able to find, check and read such a reference.
- By the same reasoning, it is not enough with a reference only consisting of an internet address because such addresses may change.
- Thus, if you use a reference from the internet, indicate the author (if applicable),

organization or equivalent that is the owner/publisher of the website, title of the relevant page on the website, date when the page was published (if date is indicated on the website), internet address, last date when you visited the website - as done in the following example:

Ban Ki-moon, United Nations Department of Public Information, *UN Saddened by Coal Mine Tragedy, Secretary-General Says he Stands Together with People of Turkey*, 15 May 2014, <<http://www.un.org/News/Press/docs//2014/sgsm15845.doc.htm>>, checked 16 May 2014

Short form: Ban Ki-moon, 2014

### **3.1.2.8 Plagiarism**

You may never use any source or copy from the internet or elsewhere without referencing in the main text, footnotes and/or in endnotes. We check all the writing assignments, including the individual essays, with anti-plagiarism software. Kindly note that any form of plagiarism immediately results in a formal complaint with the Stockholm University. If you are unsure about what is or is not permissible, do check with the teacher.

To plagiarize is to present content from someone else's work as your own by omitting information either on the authorship or on where the said content originated from. Do note that plagiarism refers not only to copying someone else's text *in verbatim* but also to presenting someone else's ideas and conclusions as your own. It can also cover materials other than mere text, such as pictures, figures and diagrams.

Scholarly work does of course to a large extent build on the work of others - there is nothing wrong in making intellectual progress by using the understanding gained by previous discoveries, as long as proper references are used. So, in order to avoid plagiarism, always remember to carefully indicate correct references to your sources.

### 3.1.3 SOURCES

#### 3.1.3.1 Sources of Law

Domestic law normally relies on sources of law such as:

1. Statute law (adopted by parliament/congress)
2. Case law (from courts)
3. Preparatory works (by the Government and/or committees)
4. Doctrine (writings of legal scholars who are perceived as authorities)

Different domestic jurisdictions assign different legal value to the sources listed above. For example, in the UK case law is relied upon extensively whereas preparatory works are perceived as having little/no value (as a binding source of law). This may be contrasted with continental European jurisdictions which rely more on statute law, in some cases on preparatory works (for example Scandinavia) and less on case law.

Under the traditional approach international law has three sources of law (as enumerated in Article 38 of the ICJ Statute):

1. Treaties
2. International customary law
3. General principles of law

Doctrine and case law are not sources of law in themselves, they are subsidiary means for the determination of the rules of law (1-3 above).

Instruction: Left-click + ctrl to use the links below

#### 3.1.3.2 International Organizations

[Council of Europe \(CoE\)](#)

[United Nations \(UN\)](#)

[United Nations Treaty Collection](#)

[International Committee of the Red Cross \(ICRC\)](#)

#### 3.1.3.3 Tribunals and Courts

[International Court of Justice \(ICJ\)](#)

[International Tribunal for the Law of the Sea \(ITLOS\)](#)

[Court of Justice of the European Union \(ECJ\)](#)

[Administrative Tribunal of the International Labour Organisation](#)

#### 3.1.3.4 Regional Human Rights Courts

[European Court of Human Rights \(ECtHR\)](#)

[Hudoc database](#)

[Inter-American Court of Human Rights \(IACHR\)](#)

[African Court on Human and Peoples' Rights \(AfCHPR\)](#)

#### 3.1.3.5 International criminal tribunals and courts

[Trial of the Major War Criminals before the International Military Tribunal \(IMT\)](#)

[Database at the Library of Congress](#)

[Database Yale University](#)

Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 (NMT)

[Database at the Library of Congress](#)

[International Criminal Tribunal for Rwanda \(ICTR\)](#)

[Cases](#)

[International Criminal Tribunal for the former Yugoslavia \(ICTY\)](#)

[Cases](#)

[Court records](#)

[Mechanism for International Criminal Tribunals \(MICT\)](#)

[International Criminal Court \(ICC\)](#)

[Extraordinary Chambers in the Courts of Cambodia \(ECCC\)](#)

[Special Court for Sierra Leone \(SCSL\)](#)

[Special Tribunal for Lebanon \(STL\)](#)

### **3.1.3.6 Library**

[Stockholm University Library](#)

[Libris](#)

### **3.1.3.7 Journals**

[Hein-on-line](#) (access: Stockholm University)

[Westlaw start](#) (access: Stockholm University, first log in through the University library website)

### **3.1.3.8 Online commentaries**

[Commentary on the Law of the International Criminal Court \(CLICC\)](#)

### 3.1.4 HOW PAPERS WILL BE EVALUATED

The papers will be evaluated mainly on the basis of the following criteria (which we have adopted from the assessment criteria of the course Law and Information Communication Technology).

<b>Grade</b>	<b>Criteria</b>
<b>AB</b> <b>(A)*</b>	An excellently structured reasoning with a clear focus on the central aspects and with a high relevance in light of the questions posed; extensive reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.
<b>AB</b> <b>(B)*</b>	A very well structured reasoning with a clear focus on the central aspects and with a high relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.
<b>BA</b> <b>(C)*</b>	A well structured reasoning with a focus on the central aspects and with relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; ability to engage in abstract reasoning and to make independent and balanced assessment of the problems.
<b>BA</b> <b>(D)*</b>	A structured and relevant reasoning which covers some of the central aspects in light of the questions posed; reference to legal sources and the correct use of relevant facts; signs of an ability to engage in abstract reasoning and to make an independent assessment of the problems.
<b>B</b> <b>(E)*</b>	A transparent reasoning which observes some aspects that are central to the questions posed; some reference to legal sources and relevant facts; signs of an ability to make an independent assessment of the problems.
<b>Fx</b>	A reasoning which observes aspects that are central to the questions posed but insufficient reference to legal sources and the relevant facts and/or no signs of an ability to make an independent assessment of the problems.
<b>F</b>	A reproduction of disjointed facts with insufficient reasoning.

\*The symbols in parenthesis represent the equivalent of the stated grade on the A – F scale.

In the grading of the papers these criteria will be used, although the weight given to the different criteria will vary depending on the assignment; please see further under each assignment.

Please insert a copy of the following table at the end of the individual essay that you write for this course. The table contains the criteria which will be used in the grading, and it will also enable us to give you feedback.

<b>Overall assessment</b>	
<b>Method, analysis, argumentation</b>	
<b>Presentation (focused, clear and logical outline)</b>	
<b>Sources (citations, use of relevant material)</b>	
<b>Facts, knowledge about the subject</b>	
<b>Conclusions, critical reflections</b>	
<b>Style</b>	
<b>Other comments</b>	

### **3.2 Memos**

Please see the separate instructions posted on the course website.

### **3.3 Essay**

Please see the separate instructions posted on the course website.

### **3.4 Problem-based seminar**

Please see the separate instructions posted on the course website.

### **3.5 Written exam**

Please see the separate instructions posted on the course website.

## **4 Contact information**

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