

International Law

Academic year 2021-2022

International Law in the 21st Century

DI131 - Autumn - 6 ECTS

Wednesday 14h15 - 16h00

Course Description

This is an advanced introduction to public international law, which aims at an enhanced understanding of its foundational concepts and methods through a discussion of current practices and leading case law. The course will cover traditional international law doctrines (such as subjects, law making, normative interactions, responsibility, enforcement and mechanisms to settle disputes and induce compliance), with an emphasis on contemporary pressures on each of them. Upon successful completion, students will acquire a solid background of the rules, techniques, and practices that shape the fundamental structure of international law and the dynamics of its evolution. They will also acquire the necessary skills to expand and sharpen their knowledge of international law in specific fields.

> PROFESSOR

[Paola Gaeta](#)

[Office hours](#)

> ASSISTANT

[Anna Rosalie Greipl](#)

[Office hours](#)

Syllabus

METHODOLOGY

The course consists of 13 weekly classes, taking the form of frontal lectures given by the Professor and in-class discussion on assigned case law. On the 14th class, which is the last of the course, students will sit the final exam. Students are invited to participate in the discussion with pertinent comments and questions. During the semester, the Teaching Assistant will hold tutorials during which students will be able to consolidate the knowledge acquired in class and to prepare for the assignments and the final exam. Students are welcome to contact the Professor and the Teaching Assistant via email to schedule meetings and discuss individual matters. However, because they are of interest for the whole class, questions regarding the substance of the course or exam modalities – if not addressed in class or during the tutorials – should only be posted on the dedicated section of the Moodle

page of the course, so that they can be answered publicly by either the Professor or the Teaching Assistant to the benefit of all students.

Please note that when something is posted on the class forum, students will receive a notification on their @graduatenstitute.ch email address. Students are therefore invited to regularly check that email address.

COURSE MATERIALS

The main reference text for the course is: P. Gaeta, J. E. Viñuales and S. Zappalá, *Cassese's International Law*, Third Edition (Oxford University Press, 2020) which will be supplemented by additional readings, in particular for the case studies. Before each class, students are required to read all the assigned materials indicated in the syllabus. Unless specific chapters, paragraphs or pages are indicated in the syllabus, the materials have to be read in their entirety. The reading list will be communicated on the first day of the course.

EXAM MODALITIES

Students will have to hand in one take home case study, worth 20% of the final grade, related to one of the topics of the course. A final exam, consisting of a case study and worth 60% of the final grade will take place at the end of the course. The timing, requirements and modalities of all these assignments will be communicated in due course.

COURSE CONTENT

I. Subjects and Actors in International Law

Class 1: States and statehood

Class 2: Non-state actors and the puzzle of international legal personality

Class 3: Case study on states and statehood

Class 4 – Case study on the international legal personality of non-state actors

II. International Law Making Processes and the Sources of International Law

Class 5 - Formal sources and international law making processes

Class 6: *Jus cogens* and normative interactions

Class 7: Case study on customary international law

Class 8: The making and unmaking of treaties

Class 9: Case study on reservations and derogations to human rights treaties

III. Responsibility, Enforcement and Dispute Settlement

Class 10: Responsibility under International Law

Class 11: Countermeasures and sanctions

Class 12: Dispute settlement

Class 13: Case study on sanctions

Class 14: Final exam