Course Description

This course is divided into two inter-related part or units.

PART I - INTRODUCTION

1. The Concept of International Law.

   International law as defined by various scholars.
   Traditional notions of international law.
   The subject matter of international legal regulation.
   The object of international legal regulation.
   International law and the international political system.
   International law as “Law.” Factors accounting for degree of state obedience of international law.
   Character of contemporary international law and the emergence of an international community.
   Functions of international law.

2. The History of International Law.

   Main elements of the history of international law:
   a) international relations
   b) norms and principles of international law
   c) the science of international law.
   The history of international law during the periods of slavery, feudalism, and the industrial revolution.
   International law in modern and contemporary times. International law in the Post-Cold World era.

3. The Subjects of International Law.

   a) The concept of subjects of international law.
      States, as primary subjects of international law.
      Unitary and federal states.
      Permanent neutral states.
      Confederations.
   b) International organizations as secondary subjects of international law.
      The International legal personality of international organizations (UN, OAS, The European Union, the Organization of African Unity).
   c) The problem of other subjects: Free City, Vatican, a state in the process of formation, corporate bodies, transnational corporations, physical bodies. *(Individuals).
   d) The objects of international law.

4. Sources of International Law.

   a) The concept of sources of law in general.
      The concept of sources of international law in particular.
      International treaties and customs.
      The inter-relationship between treaties and customs.
      The issue of other sources of international law - Judicial decisions and opinions of writers.
      The principles of international law.
   b) The concept of codification and the progressive development of international law.
      The impact of scientific and technological revolution on the codification of international law.
      Official and unofficial codification.
      Official codification of international law before and during the League of Nations.

5. **The Relationship Between International Law and Municipal Law.**

The theory of the relationship: Monism and Dualism. Inverted monism and the theory of harmonization. The Doctrine of the Courts on the relationship of international law and municipal law. Theories of incorporation and transformation. The problem of the internal operation of treaties. Municipal Law rules in the relationship of international law and municipal law - the law of the United States of America, English legal system, France, the Federal Republic of Germany, Italy and the former USSR.

6. **The Structure of Public International Law.**


7. **The Legal Personality of Sovereign States.**

The rights and obligations of sovereign states: Superpowers; large and small states.


B. State succession. Preconditions for state succession. Succession to international treaties - bilateral and multilateral. Acquired rights or invested rights. Succession to debts.
Succession to State archives.
Devolution or inheritance agreements.
Unilateral declarations by successor states.
The “Moving Treaty Frontier” rule.
Uniting and separation of states.

C. Jurisdictional immunities of States and their property.

8. Personal Jurisdiction of the State.

a) Nationality-Citizenship

Relevance of nationality in international law.
Nationality of major nation states.
The conditions for the grant of nationality.
Denationalization.
Dual nationality.
Stateless persons.
Passports and visas.

b. The concept of an alien (foreigner).

Treatment of aliens. National Theory. Most Favored Nation Treatment. Minimum Standard of
Treatment. Reciprocity.
Rights and obligations of aliens.
Admission of aliens.
Expulsion of aliens.
Alien enemies.
Extradition.
Refugees.
Territorial asylum for refugees.
Diplomatic asylum.
Asylum on board warships and merchant ships.


Concept of international treaties.
Types and nomenclature of international treaties.
International treaty capacity of international organizations.
The Vienna Convention of 1969.
Organs, representing states in the conclusion of treaties.
Conclusion of treaties.
Reservation.
Enter into force and provisional application of treaties.
Observance, application and interpretation of treaties.
Treaties and third states.
Amendment and modification of treaties.
Invalidity, termination and suspension of the operation of a treaty.
State succession and treaty relations.
Depositories, notifications, corrections and registration.
10. **State Responsibility.**

   - Origin of international responsibility.
   - Content, forms and degrees of international responsibility.
   - International crimes and international delicts.
   - Damage and guilt.
   - Implication of a state in the internationally wrongful act of another state.
   - Forms of reparation for breach of an international obligation.
   - The problem of criminal responsibility of states.
   - Responsibility for injuries to aliens.
   - Conflicting views.
   - Nationalization of alien property.
   - Permanent sovereignty of states over natural resources.
   - Exhaustion of local remedies.
   - Denial of justice.
   - The Calvo clause.
   - The issue of compensation for nationalized property.
   - Reparation of international wrong.
   - Forms of reparation.
   - The problem of remoteness of damages.
   - Factors in reparation.
   - The valuation of loss.
   - Interest.

**PART II - INSTITUTIONS OF INTERNATIONAL LAW**

1. **Territories in international law.**

   - State sovereignty and territory.
   - Imperium and dominium.
   - The component parts of a state’s territory.
   - Territorial supremacy.
   - Acquisition of territory.
   - Modes of acquisition.
   - Permanent sovereignty over natural resources.
   - Sovereignty over corporate bodies and physical bodies.
   - Loss of state territory.
   - Boundaries and frontiers.
   - Lines of demarcation and delimitation.
   - Boundary and territorial disputes in Third World countries.
   - International rivers.
   - Interoceanic canals.
   - Straits.
   - The Arctic.
   - Demilitarized zone.
   - Neutralized zone.
   - International servitude.
   - Elements of servitude.
   - Types of servitude.
   - The law relating to transit.
2. **The Law of the Sea.**

a) Territorial sea.
   - Legal statue of the territorial sea, of the air space over the territorial sea and of its bed and subsoil.
   - Limits of the territorial sea.
   - Innocent passage in the territorial sea.
   - Rules applicable to all ships.
   - Rules applicable to warships and other government ships of noncommercial character.
   - Contiguous zone.
   - Straits used for international navigation.
   - Exclusive economic zone.

b) Continental shelf.

c) High Seas.

- Conservation and management of the living resources of the high sea.
- Regime of island.
- Enclosed or semi-enclosed seas.

- Right of access of land locked states to and from the sea and freedom of transit.
- Development of resources of the sea.
- Protection and preservation of the Marine environment.
- Development and transfer of Marine technology.
- Seabed disputes.
- Chamber.

3. **Air Navigation Law.**

- The juridical character of airspace.
- Classification of aircraft.
- Aircraft as conditional territories of states.
- Commercial activities of foreign aircraft.
- The Chicago Convention of 1944 and the five freedoms of the air.
- The Tokyo Convention.
- The Warsaw Convention of 1919.
- The Rome Convention on damage caused by foreign aircraft to third parties on the surface.
- Hijacking of aircraft.
- International cooperation and hijacking of aircraft.

4. **Outerspace Law.**

- Concept of outerspace and outerspace law.
- The legal principles governing the activities of states in the exploration and use of outerspace.
- The UN Committee on the peaceful use of outerspace.
- The UN agreement on the rescue and return of astronauts and objects launched into outerspace.
- The demilitarization of outerspace.
- Liability for damage caused by space vehicles.

5. **Peaceful Settlement of Disputes.**
The development of the institute of peaceful settlement of disputes.
Negotiations, good offices, mediation, conciliation and inquiry.
Dispute settlement through the United Nations.
Role of arbitration in settlement of disputes.
“Compromise d’ Arbitrage.”
Problems of arbitration.
The International Court of Justice.
Jurisdiction and advisory opinion.

6. The Use of Force in International Law.

The traditional law.
“Intervention.”
Permissible uses of force short of war.
Self-defense.
Reprisals.
The law of war.
The nature of war.
Land warfare.
The codification and progressive development of land warfare.
The conduct of land war among belligerents and non-belligerents.
The sick and wounded.
Prisoners of war.
War correspondents.
Unprotected cities, towns and villages.
Protection of cultural centers.
Maritime war.
Maritime blockade.
Air-warfare.
National liberation wars.
The legal status of freedom fighters.
The problem of mercenaries.
War crimes.
The work of the UN ad commission on drafting an international treaty on mercenaries.
Pre-UN efforts to outlaw war.
The law of the United Nations Charter.
Collective use of force.
The scheme of the United Nations Charter.
United Nations peacekeeping operations.
Regional agreements on the collective use of force.
Sanctions.


Concept of international environmental law.
Subjects of international environmental law.
Sources of international environmental law.
Transboundary pollution. (General rule. Possible theories for liability for transboundary pollution).
Ozone depletion and global warming.
Wildlife preservation.
Hazardous waste, radioactive pollution, and environmental emergencies.
Deforestation.
Desertification/Land degradation.
Marine environment.
International trade and environment.
Military activities and the environment.

8. Responsibilities Of States For The Treatment Of Foreign Businesses.

- State responsibility.
- Standard of care.
- Objections.
- Relief.
- Insurance.
- Binding arbitration.


- The emergence and progressive development of diplomatic law.
- Concept of diplomatic law.
- Subjects and objects of diplomatic law.
- Sources of diplomatic law.
- Significance of national legislation.
- Internal and external organs of foreign relations.
- Diplomatic Agents:
  - Types of diplomats; heads of mission; diplomatic corps; appointment of a diplomatic mission; termination of a diplomatic mission.
- Privileges and immunities of diplomatic representatives and their personnel:
  - Significance of the Vienna Convention of 1961; the system of immunities under the Vienna Convention; duration of immunities; immunity in Third States.
- Limits and control of immunity:
  - Persona grata requirements; exceptions to immunity; sending state jurisdiction over its own diplomats; the waiving of immunity.
- Recent trends and problems relating to diplomatic immunities.
- Privileges and immunities of international civil servants and representatives of states to international organizations.
- Privileges and immunities of ad hoc diplomatic missions.
- International immunities - the 1946 UN Convention and the 1947 Headquarters Agreement.
- Legal status of trade representatives.
- Concept of Consular Law.
- Basic treaties on Consular Law.
- Consular Mission.
- Functions of Consular Missions.
- Classes of consuls.
- The appointment of consuls.
- The consular patent of Exequatur.
- The termination of functions of the consular representative.
- Consular privileges and immunities.