

Jacobs University

Legalization and international law (Legaliz)

MA in International Relations: Global governance and social theory
900442

Fall 2022

Time: Friday, 9:45 – 12:30

Lecturer: Prof. Dr. Manfred O. Hinz

Research IV, Room 99B

Tel.: 0421 2003381

E-mail: m.hinz@jacobs-university.de

mhinz@uni-bremen.de

Office hours: by appointment

Description of the course:

The purpose of the course on *Legalization and International Law* is to explore the place of legislation in public international law within the context of global governance. Questions the seminar wants to explore are: Where does international law come from? Who were the main actors of public international law in the past? Who are the main actors today? To what extent does public international law contribute to solving international conflicts?

Part one and part two serve as introduction to international law, especially for those participants who have not participated in lectures on international law. The third part of the seminar is devoted to special areas that will illustrate international law-making as part of international political processes.

General reading recommendations:

Gaeta, P.; Viñuales, J. E.; Zappalà; S. (2020): Cassese's international law. 3rd ed., Oxford: Oxford University Press (Below referred to as: "Cassese".)

Reading for the special areas in the third part of the course: It will be up to the participants to do their own search for the relevant materials.

Assessment

Each student is expected to attend all the sessions of the seminar.

The participants have the choice to book the course as carrying either 9 or 6 ECTS:

Full size participation (9 ECTS credit points):

Complementary presentation of a topic of the course (30 min.; including written report of c. 600 words), counting 25%; a

Case analysis, i. e. an analysis of a case decided by a national or international court or dispute settlement body (presentation of 15 min. and written report of c. 600 words), counting 25 %; and a

Literature review of c. 2 500 words (excluding footnotes and bibliography) due on 15 March 2023, counting 50%.

Small size participation (6 ECTS):

Complementary presentation of a topic of the course (30 min.; including written report of c. 600 words), counting 50%; and a

Final paper (term paper) of c. 1,500 words (excluding footnotes and bibliography) due on 19 December 2022, counting 50%.

Working in teams of up to three participants is recommended and may be mandatory depending on the number of participants. It will be up to the members of the working groups to decide whether they want to be assessed as groups or individually. In the latter case, they must inform the lecturer accordingly and on what is authored by whom.

The aim of the **complementary presentation of a topic** is to deepen the understanding of the topic to which the presentation is related. A written report on the complementary presentation must contain references to relevant literature and is due for **electronic submission** to the lecturer and the participants one week before the presentation. The topics for the complementary presentation have to be chosen from a list of topics prepared by the lecturer. It will be up to the participants to search for relevant literature and to prepare themselves accordingly.

The participants will receive a list of **cases** from which they are requested to select the case of their choice. The written report of the **case analysis** is due for **electronic submission** to the lecturer and the participants on the day before the presentation.

The topic of the **literature review** will be chosen by the participants and has to be confirmed by the lecturer. The objective of the review paper is to give an analysis of literature relevant to the topic. The review papers have to be submitted electronically to the lecturer.

The topic of the **final paper** (term paper, to which the usual requirements for an essay will apply) will also be chosen by the participants and has to be confirmed by the lecturer. The papers have to be submitted electronically to the lecturer.

The teaching assistant will register the bookings for complementary presentations, case analyses, literature reviews and final term papers. To avoid over-loading of units, we have to limit the number of **complementary presentations** and **case analyses** per lecture. The teaching assistant will, receiving your requests for registration of the topics for complementary presentations and case analyses, see to it that we will have an equal distribution of presentations during the course.

The dates of the units can be found at the end of this outline of the course.

The first presentation by participants will be possible on 4/11/22.

All participants must have registered the topics for their complementary presentations, case analyses, literature reviews and final term papers by 4/11/22.

Syllabus:

Introduction

Unit 1: Overview, aim of course, requirements

Part 1: Public international law and world order

Unit 2: Public international law: what is it?

Reading:

Cassese: Chapter 1

Unit 3: International law in historic perspective

Reading:

Cassese: Chapter 2

Unit 4: International law in historic perspective, continued, and theories of international law

Part 2: The making of public international law

Unit 5: The sources of public international law

Reading:

Cassese: Chapters 9 and 10

Unit 6: The fundamental principles and the subjects of the international community

Reading:

Cassese: Chapters 3 and 4

Unit 7: The subjects of international law

Reading:

Cassese: Chapter 4

Unit 8: International organizations and international law

Reading:

Cassese: Chapter 7

Part 3: Selected areas of ongoing international law-making

Unit 9: The law of armed conflicts

Unit 10: Law of refugees

Units 11: Legal responses to systematic injustice by states and state officials

Unit 12: Law of the sea

Unit 13: The law on climate change

Unit 14: Cyber technology and international law

Unit 15: Summary and conclusion

Provisional timetable:

7/10 Unit 1

Part 1

7/10 Units 2 and 3

14/10 Unit 4

Part 2

21/10 Units 5 and 6

28/10 Units 7 and 8

Part 3

4/11 Units 9 and 10

11/11 Unit 11

25/11 Unit 12

2/12 No class

19/12 Unit 13

16/12 Units 14 and 15

Note: The duration of lectures covering two units may be extended for some 15 minutes over the usual time so that the necessary aspects of the units can be appropriately looked at.