

Jacobs University

Legalization and international law (Legaliz)

MA in International Relations: Global governance and social theory
900442

Fall 2020

Time: Friday, 9:00 – 11:45

The course will be offered electronically.

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:

Cassese, A. (2005): International law. 2nd ed. Oxford: OUP

Crawford, J. (2019): Brownlie's principles of public international law. 9th ed. Oxford: OUP

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, 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 15 March, 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 and as hardcopy to the lecturer. The hardcopies are to be placed into the *white box* in Research IV, ground floor.

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 and as hardcopy to the lecturer. The hardcopies are to be placed into the *white box* in Research IV, ground floor.

Teaching Assistant Samrawit Teshome Sahilemariam (s.sahilemariam@jacobs-university.de) 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. **Samrawit 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.

Given the fact that the programme starts after the beginning of the semester at the Jacobs University, extra-classes may be added to the classes listed in the provisional time table following below.

The first presentation by participants will be possible on 6/11/20.

All participants must have registered the topics for their complementary presentations, case analyses, literature reviews and final term papers by 6/11/20.

Syllabus:

Introduction

Unit 1: Overview, aim of course, requirements

Part 1: Public international law and world order

(Units 2 and 3)

Unit 2: Public international law: what is it?

Reading:

Cassese: chapter 1 and chapter 2

Unit 3: The fundamental principles and the subjects of the international community

Reading:

Cassese: chapter 3 and chapter 4

Part 2: The making of public international law

(Units 4 - 6)

Units 4 : The sources of public international law

Reading:

Cassese: chapter 7

Unit 5: The United Nations as law makers

Reading:

See reading for Unit 4

Unit 6: The special position of the Security Council of the United Nations

Reading:

See reading for Unit 4

Part 3: Selected areas of ongoing international law-making (Units 7 -15)

Unit 7 and Unit 8: The law of armed conflicts

Unit 9 and Unit 10: Legal responses to systematic injustice by states

Unit 11 and Unit 12: The law of the sea

Unit 13 and Unit 14: The law on climate change

Unit 15: Summary and conclusion

Provisional timetable:

9/10	Unit 1
16/10	Units 2 - 3
23/10	Units 4 - 6
6/11	Units 7 - 8
13/11	Unit 9
20/11	Unit 10
27/11	Unit 11
4/12	Unit 12
11/12	Unit 13
18/12	Units 14 – 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.