



## **ROYAL UNIVERSITY OF LAW AND ECONOMICS**

### **ENGLISH LANGUAGE BASED BACHELOR OF LAW**

#### **COURSE SYLLABUS: Public International Law**

Credit: 5 (75 hours)

#### **Term: Spring 2017**

(January 16, 2017 – May 12, 2017)

Time: Monday & Thursday, 5:45PM-8:30PM

Room: 30.1 (Monday); Room: 30.4 (Thursday)

Instructor: Vann Yuvaktep  
vann\_yuvaktep@yahoo.com

### **1. COURSE DESCRIPTION**

Public International Law is a body of law governing interactions of States with other States and non-State actors. Unlike national laws, public international law is complex due to its lack of the central law-making and law-enforcing bodies.

The Public International Law course aims to build students a good foundation in international law by helping students gain substantive knowledge on some of the basic concepts and principles in public international law. This foundation is necessary for the students to advance their studies in the related field or to act as basis for analysis on the ongoing situations in international relations today.

This course will spend much of its time covering: sources, subjects, and objects of international law, jurisdiction and immunities, dispute settlement, the use of force, international environmental law, and state responsibility for internationally wrongful acts. The course will end by introducing international human rights and humanitarian laws in which students will learn in the following term.

### **2. COURSE OBJECTIVES**

This course will have four course objectives.

1. Students will be required to actively read the assigned texts in order to answer the regular questioning by the lecturer.
2. Students will be required to study and analyze several cases that exemplifying important principles in international law.
3. Students will be required to evaluate some existing and emerging principles in international law through vigorous in-class discussion of its reasonableness.
4. Students will be required to solve hypothetical cases, in which they need to identify the issues and develop arguments and counter-arguments to support their claims.

### 3. EXPECTED LEARNING OUTCOMES

After completing the course,

1. Students will be able to understand the general concepts of and many specific principles in international law.
2. Students will be able to break down the international legal principles and rules found in legal texts and case laws to extract their purposes and rationales.
3. Students will be able to identify legal issues and apply the relevant rules to a hypothetical case relating to the taught areas of international law.
4. Students will be able to evaluate the reasonableness, effectiveness, and efficiency of the laws and judgments in international law.

### 4. TEACHING METHODS

Each class will primarily use a panel discussion method. Students will be divided into panels, where each panel is responsible for certain topics of the classes. In the classes where a panel is responsible for, there will be questions directed to the panel. The nature of the questions will not only be about what the content is, but also how the panel thinks about the contents.

All students are required to do the assigned reading every week before each class. Members of the panel will be called out to answer questions, and they are expected to generate meaningful class discussion on their alternating, assigned days. Other students must follow the discussion because they may be questioned on the topic too.

Students are encouraged to actively take notes during the lectures and discussion. There will be no distribution of slides.

The schedule of reading assignment is shown below in Section 8.

### 5. STUDENT ASSESSMENT

1. Attendance (10%)
2. Class Participation (15%)
3. Assignment (5%)
4. Mid-Term (30%)
5. Final Examination (40%)

#### *Explanatory Notes*

- Attendance (10%): Class attendance is mandatory. One absence, with or without excuse, will be subject to 2% deduction of the attendance assessment.
- Class Participation (15%): Each panel will have a chance to earn this score on the assigned days when they engage in meaningful class discussion based on the reading of the assigned materials prior to class.
- Assignment (5%): There will be one short analysis paper.
- Mid-Term (30%): The mid-term examination will be in-class and close-book for two hours, consisting of both multiple choices and essay-writing questions.
- Final Examination (40%): The final examination will be in-class and close-book for two and a half hours. The exam will consist of both multiple choices and essay-writing questions

## 6. CLASS POLICIES

Attendance & Absence Policy: One absence, with or without excuse, will be subject to 2% deduction of the attendance assessment. Five or more absence will disqualify the student from taking the final exam, and thus, will fail the class.

- Lateness: The class will start at 5:45pm. Only occasional lateness to the class may be tolerable subject to minor score deductions by the lecturer. If the student comes to class late on a regular basis for good cause, he or she must seek permission by the lecturer in advance; otherwise, he or she will get extremely low on attendance score.

Academic Dishonesty: Students are strictly prohibited from conducting or assisting any form of academic dishonesty in all course-related activities.

- During examination, students are strictly prohibited to communicate to one another anyhow for any reason without authorization of the lecturer or the exam proctor(s).
- If found guilty of cheating, regardless whether it is his or her first time, the student may fail the cheated assessment, fail the class, or be expelled from the program depending on the seriousness of the violation and the willingness to cooperate after it occurred. The disciplinary actions will be taken against both those who cheated and those who knowingly (or should have known that they) assisted the cheating.

Cheating activities include (but are not limited to the following):

- Sharing your own work with others regardless of the intent of the sharing
- Copying or plagiarizing from other's work without proper acknowledgement
- Any communication during examination regardless what the content of such communication is about or how it is communicated
- Any conduct suggesting that offends academic integrity and honesty as strictly upheld in law schools

Use of Internet: You are not allowed to surf the Internet or use any social media unless permitted by the lecturer. Your attention is required.

Miscellaneous: No eating or chatting is allowed in the class. If necessary, you may leave the room quietly to do it outside the class. Do not disturb the classes. Remember that if you need to do something beside listening to the class discussion, you must do it outside the class.

\*\*\***Important Note**: We will return the classroom to the way we found it, so we must clear our garbage and return all tables and chairs to how and where we found them.

## 7. READING MATERIALS

**Main "Textbook"**:

- Thomas Buergenthal & Sean D. Murphy, *Public International Law in a Nutshell*, 2013 (5th ed.).

**Other Supplemented Materials**:

- They will be sent through emails before each respective class.

## 8. CLASSES AND READING ASSIGNMENTS

Note: Students are required to read the assigned sections of the texts shown under each of the topic. Students in their panel-day (and sometimes, other students too) will be questioned for answer and discussion about such topic.

### INTRODUCTION

#### **Class 1 (Jan 16) – History and the Concept of International Law**

- What is international law?
- Historical Overview
  - Textbook, §1-1 (p. 1); §1-5 to §1-13 (p. 3-13); §1-16 (p. 16-19)
- The Concept of Sovereignty and Its Evolution
- International Law & Domestic Law
  - Monist and Dualist States

[Jan 19 – No Class]

### SOURCES OF INTERNATIONAL LAW

#### **Class 2 (Jan 23) – Sources of International Law [PANEL 1]**

- Overview; primary and secondary sources
  - Textbook, p. 21-40

#### **Class 3 (Jan 26) – Customary International Law [PANEL 2]**

- Textbook, §2-3 (p. 27-29)
- Elements of CIL
  - Andre da Rocha Ferreira, et al., “Formation and Evidence of Customary International Law”, 2013, < <https://www.ufrgs.br/ufrgsmun/2013/wp-content/uploads/2013/10/Formation-and-Evidence-of-Customary-International-Law.pdf> >.
    - Read Only 2.2 (page 186-191)

#### **Class 4 (Jan 30) – General Principle of Law [PANEL 3]**

- Textbook, §2-5
- Preclusion/Estoppel
  - *Preah Vihear Temple Case* (excerpt will be provided)

### PARTICIPATION IN INTERNATIONAL LAW

#### **Class 5 (Feb 2) – States and Statehood [PANEL 1]**

- What is a State? Elements of Statehood
  - Textbook, §3-1, §3-2
  - James Crawford’s Five Classic Elements of Statehood (excerpt will be distributed)

#### **Class 6 (Feb 6) – Extinction of States [PANEL 2]**

- Textbook, §3-3
- James Crawford’s Extinction of Statehood (excerpt will be distributed)

#### **Class 7 (Feb 9) – Legitimacy of Governments [PANEL 3]**

- Textbook, §3-4

- Talmon's Legitimacy of Governments (excerpt will be distributed)
- *Tinoco Case (Great Britain v. Costa Rica)*
  - Case Summary: <http://casebrief.me/casebriefs/tinoco-arbitration/>
- Thinking about legitimacy of governments of Cambodia since 1979-Future

### **Class 8 (Feb 13) – International Organizations [PANEL 1]**

- Overview
  - Textbook, §3-6
- United Nations
  - Textbook, §3-9, §3-10, §3-11, §3-12, §3-14, §3-15
- Regional Organizations
  - Textbook, §3-20, §3-21, §3-22, §3-23

### **Class 9 (Feb 16) – Non-state Actors [PANEL 2]**

- Non-state Actors
  - Textbook, page 75
  - Excerpt text will be provided
- Overview of Diplomatic Protection of Nationals
  - Excerpt text will be provided

## THE LAW OF TREATIES

### **Class 10 (Feb 20) – The Law of Treaties [PANEL 3]**

- Textbook, page 123-137

### **Class 11 (Feb 23) – The Law of Treaties (continued) [PANEL 1]**

- Textbook, page 137-148

## DISPUTE SETTLEMENT

### **Class 12 (Feb 27) – Dispute Settlement [PANEL 2]**

- Textbook, page 77-90

### **Class 13 (Mar 2) – Dispute Settlement (continued) [PANEL 3]**

- Textbook, page 90-108
- Review for Mid-Term

## MID-TERM EXAMINATION

### **Class 14 (Mar 6) – Mid-Term Examination**

- From 6:00PM-8:00PM; Close-book; Review lessons from Class 1 until 13
- Absolutely NO other paper on the table except the Test Paper.

## JURISDICTION & IMMUNITIES

### **Class 15 (Mar 9) – Jurisdiction [PANEL 1]**

- Textbook, page 248-268

**Class 16 (Mar 13) – Immunities of Persons [PANEL 2]**

- Textbook, page 269-285 (no need to read §9-8)

**Class 17 (Mar 16) – Immunities of States [PANEL 3]**

- Textbook, §9-9 (page 286-288)
- United Nations Convention on the Immunities of States and Their Property with Commentaries (excerpt will be provided)

USE OF FORCE

**Class 18 (Mar 20) – Use of Force [PANEL 1]**

- Textbook, page 391-402

**Class 19 (Mar 23) – Use of Force (continued) [PANEL 2]**

- Textbook, page 402-412

OTHER TOPICS

**Class 20 (Mar 27) – International Environmental Law [PANEL 3]**

- Textbook, §11-3 (page 369-374)
- Prevention of Transboundary Harm
  - *Trail Smelter Case*
  - *Gabcikovo-Nagymaros Case*

**Class 21 (Mar 30) – State Responsibility for Internationally Wrongful Acts**

- Reading documents will be sent later.

*[No Class on Apr 3, 6, 10, 13]*

**Class 22 (To Be Confirmed) – International Legal Research & Writing**

- Introduction to International Legal Research & Writing
  - Release of Assignment Problem

**Class 23 (To Be Confirmed) – Introduction to Human Rights & Humanitarian Laws**

- \*Guest Speaker (Possible)
- Reading documents will be confirmed later.
- Deadline to submit the assignment.

**Class 24 (May 4)**

- Final Examination Review

FINAL EXAMINATION

**Class 24 (May 11) – FINAL EXAMINATION**

- From 6:00PM-8:30PM; Close-book; Review lessons from Class 1 until 22
- Absolutely NO other paper on the table except the Test Paper.

*Class End*

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## **9. About the Instructor**

### **Vann, Yuvaktep**

Lecturer in Law, RULE-ELBBL

Expected Admission for Membership of the New York Bar (April 2017)

vann\_yuvaktep@yahoo.com

### **Education Background**

LL.M. in Environmental and Energy Law, New York University (NYU Law)

*Specialized Areas of Law:* Environmental law, energy law, public international law, contracts, international environmental law and governance, legal ethics, and legal analysis and writing.

*Other Interested Areas:* Political science, administrative laws, and refugee laws

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*End of Course Syllabus*