I. COURSE MATERIALS

A. Primary References:
   1. 1987 CONSTITUTION
   2. JOAQUIN G. BERNAS, S.J., INTRODUCTION TO PUBLIC INTERNATIONAL LAW (2009)
   3. JAMES CRAWFORD, BROWNLIE’S PRINCIPLES OF PUBLIC INTERNATIONAL LAW (8th ed. 2013)

B. Supplementary Materials:

C. Dropbox. Materials will be uploaded/shared via cloud storage folder.

II. FINAL GRADE

A. Class Discussion 20%
B. Short Exam 30%
C. Moot Court 50%
I. **MODULE 1: INTRODUCTION – NATURE OF INTERNATIONAL LAW**

*Read* the following:

4. *A short history of International Law* by Stephen C Neff, in EVANS, pp. 3-24
5. *What is international law for?* by Marti Koskenniemi, in EVANS, pp. 29-52.

II. **MODULE 2: SOURCES OF INTERNATIONAL LAW**

**A. General References**

1. BERNAS, pp. 8-21.
2. Statute of the International Court of Justice, Arts. 38 and 59.
3. CRAWFORD, pp. 20-47. (For Supplementary Reading)

**B. On Customary International Law**

7. *North Sea Continental Shelf Cases* (Germany/Denmark and Germany/Netherlands), ICJ Reports, 20 February 1969.
8. *Asylum Case* (Colombia v. Peru), ICJ Reports, 20 November 1950
9. *Nuclear Test Cases*, ICJ Reports:
   a. New Zealand v. France, 1974
   c. Request for an examination of the situation in accordance with par. 63 of the court's judgment of the 20 December 1974 in the Nuclear Tests (New Zealand V. France) Case, 1995
11. *Case Concerning the Right of Passage Over Indian Territory* (Portugal v. India), ICJ Reports, 12 April 1960

C. **On Treaties**

15. *Interpretation of Peace Treaties Case* (Second Phase, Advisory Opinion), ICJ Reports 1950, 221.

D. **On General Principles**

18. *Corfu Channel Case*, ICJ Reports, 9 April 1949

E. **On Judicial Decisions**


**Guide Questions:**

a. Is international law – law?
b. What are the bases of international law?
c. What is meant by “jus cogens”?
d. What is meant by “erga omnes”?
e. What is meant by “opinio juris”?
f. What are the “sources” of international law?
g. Is there a hierarchy of these sources?
h. Distinguish “soft law” from “hard law”
i. How do we distinguish private international law from public international law?
j. Is there collective responsibility for a breach of international law?
k. What is the extent of a state’s freedom of action?
III. MODULE 3: RELATIONSHIP OF NATIONAL & INTERNATIONAL LAW

A. General References

1. CONSTITUTION, Art. II §2; Art. VII §21; Art. VIII §5; Art. XVIII §25.
2. BERNAS, pp. 58-70.
3. CRAWFORD, pp. 48-111. (For Supplementary Reading)

B. On doctrine of incorporation


C. On doctrine of transformation

D. On interpretation in case of possible conflict

25. *Saguisag v. Ochoa*, (supra)

E. On foreign jurisdiction approach


F. On treaties and executive agreements

2. Vienna Convention on the Law of Treaties
3. *Guidelines in the Negotiation of International Agreements and its Ratification, Executive Order No. 459 (Nov. 25, 1997).*
5. *Saguisag v. Ochoa*, (supra)

Guide Questions:

a. Distinguish between Monist and Dualist theories of international law.
b. Distinguish between the doctrine of incorporation and the doctrine of transformation.
c. In case of conflict between municipal law and international law, which should prevail?
IV. MODULE 4: PERSONALITY AND RECOGNITION

A. General references

1. BERNAS, Chap. 5, pp. 71-102.
2. CRAWFORD, pp. 115-202. (For Supplementary Reading).

B. On subjects of international law


C. On creation and incidence of statehood


State Succession:


Self-determination:


D. **On recognition of states and governments**


E. **On international organizations and others**

19. 1945 Charter of the United Nations, Arts. 7, 104


**Guide Questions:**

a. What are the elements of statehood?

b. Is recognition an element of statehood?

c. What are the theories on recognition of a state?

d. Distinguish the following doctrines: Tobar/Wilson, Stinson, and Estrada?

e. Distinguish de iure from de facto recognition.

f. Can the Holy See be considered a state?

g. What are “sui generis” entities?

h. What is the principle of succession of states/governments?

i. What is the principle of state continuity?

j. What is belligerency?

k. What is the “uti possidetis iuris” doctrine?

l. What is the doctrine of sovereign immunity?

m. What is the “act of state” doctrine?

n. What are the Calvo and Drago doctrines?

o. What is the doctrine of sovereign equality of states?

p. What is the doctrine of non-intervention?

q. What is the principle of self-determination?

r. Distinguish between recognition of states and recognition of governments.
V. MODULE 5: TERRITORIAL SOVEREIGNTY

A. **General References**
   2. CRAWFORD, pp. 203-254. (For Supplementary Reading).

B. **On forms of governmental authority over territory**
   3. CRAWFORD, pp. 203-254. (For Supplementary Reading).
   8. *Island of Palmas Case* (Netherlands v. U.S.A., 2 R.I.A.A. 829, Permanent Court of Arbitration

C. **On Acquisition and Transfer of Territorial Sovereignty**
   15. *Sovereignty Over Pulau Ligitan and Pulau Sipadan* (Indonesia/Malaysia).
   16. Frontier Dispute (Burkina Faso/Mali).
   17. *Sovereignty over Pedra Branca/Pulau Batu Puteh*, Middle rocks and South Ledge (Malaysia/Singapore), ICJ Reports 2008

**Guide Questions:**

a. What are the “modes” of acquiring territory?

b. What is the meaning of “effectivité”?

c. What does discovery and occupation mean as a mode of acquiring territory?
VI. MODULE 6: THE SEA AND THE AIR

A. General References

3. Republic Act No. 9522 – An Act to Define the Baselines of the Territorial Sea of the Philippines
5. Convention on International Civil Aviation, signed at Chicago on 7 December 1944

B. On Jurisdiction over Sea and Air

10. *North Sea Continental Shelf Cases* (Germany/Denmark and Germany/Netherlands), ICJ Reports, 20 February 1969.
11. SS Lotus case.

Guide Questions:

a. What is the archipelagic doctrine?
b. What is the Thalweg doctrine?
c. Distinguish the territorial sea from the high seas.
d. What is the continental shelf?
e. Distinguish the rights of the coastal state in the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf.
f. What is the doctrine of innocent passage?
g. What are the five freedoms in a state’s aerial domain?
VII. MODULE 7: THE PHILIPPINE TERRITORY

A. General References

1. 1987 Constitution, Art. I.
4. Republic Act No. 9522 – *An Act to Define the Baselines of the Territorial Sea of the Philippines*
5. Treaty of Peace Between the United States of America and the Kingdom of Spain (Treaty of Paris), 10 December 1898.
7. Convention Between the United States of America and Great Britain Delimiting the Boundary Between the Philippine Archipelago and the State of Borneo (1930).
12. *Saguisag v. Ochoa*, (supra)

B. On claim to Spratlys

14. Treaty Limits of the Philippines (illustration) South China Sea: Selected Claims (illustration)
15. Carpio, Historical Facts, Historical Lies, and Historical Rights in the West Philippine Sea
16. *South China Sea Arbitration*, Award on Jurisdiction and Admissibility, 29 October 2015

C. On claim to Sabah

17. Manila Accord Between the Philippines, the Federation of Malaya, and Indonesia, 31 July 1963
18. Manila Declaration by the Philippines, the Federation of Malaya, and Indonesia, 3 August 1963
19. Joint Statement by the Philippines, the Federation of Malaya, and Indonesia, 5 August 1963
20. DFA Policy Paper No. 15 (on Sabah Claim)
21. Philippine Claim to Sabah, Materials and Documents
   a. Letters of Acting Consul-General Treacher to the Earl of Derby
   b. Grant by the Sultan of Sulu of a Permanent Lease covering his Lands and Territories on the Island of Borneo
   c. Commission from the Sultan of Sulu appointing Baron de Overbeck Datu Bandahara and Rajah of Sandakan
   d. Proclamation on the Termination of the Lease
   e. Brief Memorandum on the Government of the Sultanate of Sulu and Powers of the Sultan during the 19th Century
   f. Statement at the Opening Meeting of the British-Philippine Talks
   g. Joint Final Communiqué
   h. Cession and Transfer of the Territory of North Borneo to the Republic of the Philippines

Guide Questions:

   a. What is the legal basis of the Philippine's claim over the Kalayaan Island Group?
   b. What are the legal arguments of the Philippines in the West Philippine Sea dispute with China? How about China's arguments?
   c. What is the legal basis of the Philippine's claim over Sabah? How about Malaysia's arguments?

VIII. MODULE 8: THE ENVIRONMENT AND NATURAL RESOURCES

A. Common Spaces and Cooperation in the Use of Natural Resources

   1. Legality of Threat or Use of Nuclear Weapons, ICJ Reports 1996, p. 266
   2. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
   4. *Gabčíkovo–Nagymaros Project Case* (Hungary/Slovakia), (supra)
   5. Antarctic Treaty
6. 1963 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (GAR 1962)
7. 1966 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

B. **Protection of the Environment**

1. BERNAS, 320-334.
7. The Stockholm Principles (1972)
9. 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, as adjusted and amended

IX. **MODULE 9: INTERNATIONAL TRANSACTIONS**

A. **Law of the Treaties**

7. BERNAS, pp. 22-57.
9. *Guidelines in the Negotiation of International Agreements and its Ratification, Executive Order No. 459 (Nov. 25, 1997).*
10. Enhanced Defense Cooperation Agreement
12. *Gabčíkovo–Nagymaros Project Case* (Hungary/Slovakia), (full text)
B. **Diplomatic and Consular Relations**

15. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

C. **Unilateral Acts; Estoppel**

16. *Legality of Threat or Use of Nuclear Weapons*, ICJ Reports 1996, p.266
17. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

D. **Succession to Rights and Duties**

18. *Legality of Threat or Use of Nuclear Weapons*, ICJ Reports 1996, p.266
19. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)