



De La Salle University
Commercial Law Department

International Law
2nd Term, AY 2018-19

FACULTY: Amiel Ian Valdez
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COURSE CODE: INTLLAW
SECTION: A51

SCHEDULE:
T-TH: 18:00-19:30
Room: SJ209

Subject Overview

This subject surveys the basic principles and rules of the public international legal order. It is designed to introduce the students to the fundamental concepts of public international law, its history and contemporary relevance, the sources of international law, and the role of some key international institutions, such as the United Nations (UN). This subject covers both the theoretical and practical aspects in order for the students to better appreciate how public international law works in a range of issues such as dispute settlement, and self-determination, as well as in emerging legal regimes such as international environmental law, international criminal law, among others. Students will be encouraged to critically evaluate the position of international law in international politics and society by addressing the past and current developments through case studies.

Expected Learning Outcomes:

A student who has successfully completed this subject should be able to:

- explain the salient features of international law as a legal system, and compare and contrast these features with those of municipal law;
- identify, locate and interpret the sources of international law;
- analyze matters of international concern and apply pertinent rules and principles of international law to them;
- construct, defend and critique arguments in support of particular propositions of international law;
- reflect critically upon and engage with theoretical debates relating to the structure, content and efficacy of the international legal system; and
- undertake self-directed research on international law issues using printed and online resources.

Expected Lasallian Graduate Attributes (ELGA):

Further, upon completion of this subject, the student is expected to do the following:

UNIVERSITY ELGA	LEARNING OUTCOME
Spirit of Faith Seal for Service Communication in Mission	Observe Christian and La Sallian Values at all times, though ethics and social responsibility
COLLEGE OF BUSINESS ELGA	LEARNING OUTCOME
Effective Communicator	The student will be able to explain their knowledge of legal terms and principles, use these in clearly expressing their ideas in class recitations, examinations, and other required activities.
Critical Thinker and Creative Thinker	The student will understand the fundamentals of public international law, its difference from municipal laws, and how these two legal systems interact in global politics. The student will explain legal principles by drawing his/her own observation and understanding that he/she will demonstrate during class recitations/presentations, during the required activities, and in answering examinations.
Technically Competent	The student can provide a correct legal basis and sound arguments on international law that the student can manifest in class recitations/presentations, required activities and examinations.
Ethically and Socially Responsible Citizens	Reflect work ethics consistent with University ELGA

Prescribed and Recommended Texts:

Students are required to obtain the prescribed text for this subject:

Shaw, Malcolm, *International Law* (Cambridge University Press, 8th ed. 2017)

Students should ensure that they have read the prescribed reading prior to the commencement of the topic. Additional reading materials will be provided during class.

Other useful general texts on international law include:

Aust, Anthony, *Handbook of International Law* (Cambridge University Press, 2nd ed, 2010)

Cassese, Antonio, *International Law* (Oxford University Press, 2nd ed, 2005)

Evans, Malcolm (ed), *International Law* (Oxford University Press, 5th ed, 2018)

Philippine publications

Bernas, Joaquin G, *Introduction to Public International Law* (Rex Bookstore, 2009)

Duka, Cecilio D, *Public International Law Simplified* (Rex Bookstore, 2017)

Nachura, Antonio E B, and Gatdula, Jemy, *Outline Introduction to Public International Law* (Rex Bookstore, 2017)

Source Materials

- International Legal Materials (ILM)
- American Journal of International Law (AJIL)
- International and Comparative Law Quarterly (ICLQ)

Law Reports

- International Court of Justice Reports
- International Law Reports

Websites

- United Nations: <http://www.un.org>
- International Court of Justice: <http://www.icj-cij.org>.
- American Society of International Law: <http://www.asil.org>
- Lauterpacht Centre for International Law: <https://www.lcil.cam.ac.uk>
- European Journal of International Law: <http://www.ejil.org>

Assessment Tasks:

Tasks	Weighting
Class Recitation/Participation *Case study presentation shall comprise 15 of the allotted 30 points	30 points
Midterm Examination	30 points
Final Examination	40 points

Evaluation:

This class follows a point system for grading. Each student will accumulate points according to his/her completion of above requirements. Below is the grade equivalent for accumulated points:

Accumulated points	Grade equivalent
97-100	4
94-96	3.5
89-93	3
85-88	2.5
80-84	2

75-79	1.5
70-74	1
0-69	0

No bonus points will be given in this course.

Rubric for recitation and class presentation:

Criteria	EXEMPLARY 4	SATISFACTORY 3	DEVELOPING 2	BEGINNING 1
Knowledge / Understanding (scope of Knowledge)	Very high degree of understanding of ideas/ concepts/ arguments/ evidence on topic	Considerable understanding of ideas/concepts arguments/ evidence of topic	Moderate understanding of ideas/concepts/ arguments/ evidence of topic	Insufficient understanding of ideas/concepts/ arguments/ evidence of topic
Thinking / Inquiry (responses to Challenges)	Highly effective use of critical/analytical thinking skills to respond to challenges / questions using concrete examples, concepts or analogies	Uses effective critical/analytical thinking skills to respond to challenges/ questions using examples, concepts or analogies	Uses critical/analytical thinking skills to respond to challenges/ questions using examples, concepts or analogies with moderate effectiveness	Uses little critical/analytical thinking skills to respond to challenges / questions
Communication (articulation of ideas)	Exceptionally effective and professional oral communication skills (e.g., scholarly / academic language, correct grammar and sentence structure; rhetorical devices; voice projection; gestures; body language; timing)	Concrete oral communication skills that reflect professionalism	Adequate professionalism in oral communication skills	Uses little application of oral communication skills or professionalism
Application (organization of ideas and clear connections in synopsis and oral summary)	Excellent organization and application of researched ideas, arguments, counter arguments and evidence to thesis presented in a logical and coherent method	Organizes and applies researched ideas, arguments, counter arguments and evidence to thesis effectively in synopsis and oral summary	Adequate organization and application of researched ideas, arguments, counter arguments and evidence to thesis in written synopsis and oral summary	Lack of organization and application of researched ideas, arguments, counter arguments and evidence to thesis

	in written synopsis and oral summary			
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Specific Criteria for Oral Case Presentation:

- 1) The presentation provides a clear statement of facts and issues of the case. (40%);
- 2) Relevant legal provisions and/or policy principles are identified and analyzed. (30%);
- 3) The presentation links the case to the relevant sections of the subject, and the presenters contribute to class discussions. (20%);
- 4) General presentation style. (10%)

Rubric for written outputs (examinations):

Criteria	EXEMPLARY 4	SATISFACTORY 5	DEVELOPING 2	BEGINNING 1
Completeness	Complete in all respects; Reflects all requirements	Complete in most respects; Reflects most requirements	Incomplete in many respects; Reflects few requirements	Incomplete in most respects; Does not reflect requirements
Understanding	Demonstrates a sophisticated understanding of the topic(s) and issue(s)	Demonstrates an accomplished understanding of the topic(s) and issue(s)	Demonstrates an acceptable understanding of the topic(s) and issue(s)	Demonstrates an inadequate understanding of the topic(s) and issue(s)
Analysis and application	Presents an insightful and thorough analysis of all questions; Makes appropriate and powerful connections between the case featured and the concepts studied in the reading	Presents an Effective analysis of all questions; Makes appropriate Connections between the case featured and the strategic concepts studied in the reading	Presents a superficial analysis of some of the Questions; Makes appropriate but somewhat Vague connections between the case featured the and concepts studied in the reading	Presents an incomplete analysis of the Question; Makes little or no connection between the case featured and the strategic concepts studied in the reading

Writing mechanics	<p>Writing demonstrates a sophisticated clarity, conciseness, and correctness;</p> <p>Includes thorough details and relevant data and information;</p> <p>Extremely well-organized</p>	<p>Writing is accomplished in terms of clarity and conciseness and contains only a few errors;</p> <p>Includes sufficient details and relevant data and information;</p> <p>Well organized</p>	<p>Writing lacks clarity or conciseness and contains numerous errors;</p> <p>Gives insufficient detail and relevant data and information;</p> <p>Lacks organization</p>	<p>Writing is unfocused, rambling, or contains serious errors;</p> <p>Lacks detail and relevant data and information;</p> <p>Poorly organized</p>
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Fourth Hour:

As part of their attendance within the term, students shall be required by the instructor to participate in Video/Film Show or be assigned to view such film at home; or to participate in lecture/s, Seminar/s or workshop/s; or to attend conference/s, and to draft reflection papers related such activity. The fourth hour activity shall consist of an aggregate of four (4) hours for a 1 unit subject, nine (9) hours for a 2 unit subject, or thirteen (13) hours for a three unit subject. The professor shall determine the nature of the activity, and inform the students of the said activity no later than the 13th week of the trimester. Failure of the student to participate or to attend in the fourth hour activity, or failure to submit requirements appurtenant thereto, shall be considered an absence, and shall be dealt with in accordance with the student handbook.

Course Outline:

Over the course of 23 (24) meetings, the following topics will be covered:

- I. The Nature and Development of International Law
- II. Sources of International Law and the Law of Treaties
- III. Subjects of International Law, States, Sovereignty, and Jurisdiction
- IV. United Nations and International Organizations
- V. Peaceful Settlement of Disputes, and the International Court of Justice
- VI. Use of Force
- VII. Application of International Law

Meeting 1
(January 8)

Course Orientation

Meetings 2, 3, 4
(January 10, 15, 17)

I. The Nature and Development of International Law

Shaw (8th ed):

Chapter 1: The Nature and Development of International Law
Chapter 2: International Law Today
Chapter 4: International Law and Municipal Law

Merel Alstein, *Top Ten Developments in International Law in 2018* (31 December 2018) Oxford University Press's Academic Insights for the Thinking World <https://blog.oup.com/2018/12/top-ten-developments-international-law-2018/?fbclid=IwAR2iBTw00_pf46HxcpERU-ywKD87gBgZYFysfpcp3H3yd_BfHWKy-i49f0>

Case:

On the Doctrine of Incorporation in the context of US-Philippines Extradition Treaty

Secretary of Justice v. Lantion, G.R. No. 139465, 18 January 2000 (Decision), Supreme Court of the Philippines [See also the Supreme Court's Resolution of the Motion for Reconsideration, 17 October 2000]

Further reading:

Cassese (2nd ed): Chapters 1-3

China Miéville, *Between Equal Rights: A Marxist Theory of International Law* (Chicago, IL: Haymarket Books, 2005) 117-52; 225-94

Joost Pauwelyn, Ramses Wessel, and Jan Wouters, "When Structures Become Shackles: Stagnation and Dynamics in International Lawmaking," *EJIL* 25, no. 3 (2014) 733-63

Vaughn Lowe, *International Law* (Oxford University Press, 2007), Chapter 1

Phillippe Sands, *Lawless World: America and the Making and Breaking of Global Rules* (2005), Chapter 1

Malcolm Evans (ed), *International Law* (Oxford University Press, 4th ed, 2014), Chapter 14 (Eileen Denza, 'The Relationship Between International and National Law')

Evans (5th ed, 2018), Part I (Martti Koskenniemi, 'What is international law for?')

Meetings 5, 6, 7, 8
(January 22, 24, 29, 31)

II. Sources of International Law and the Law of Treaties

Shaw (8th ed):

Chapter 3: Sources

Chapter 15: The Law of Treaties

Statute of the International Court of Justice, articles 38 and 59

Vienna Convention on the Law of Treaties

Cases:

North Sea Continental Shelf Cases (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands), Judgment, International Court of Justice, 20 February 1969 <<https://www.icj-cij.org/files/case-related/51/051-19690220-JUD-01-00-EN.pdf>>

Case Concerning Maritime Delimitation and Territorial Questions Between Qatar and Bahrain (Qatar v. Bahrain), Jurisdiction and Admissibility, International Court of Justice, 1 July 1994 <<https://www.icj-cij.org/files/case-related/87/087-19940701-JUD-01-00-EN.pdf>>

Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America) [1986] ICJ Reports 14, paragraphs 185-195

Nuclear Tests Case (Australia v. France), Judgment, International Court of Justice, 20 December 1974 <<https://www.icj-cij.org/files/case-related/58/058-19741220-JUD-01-00-EN.pdf>>

Nuclear Tests Case (New Zealand v. France), Judgment, International Court of Justice, 20 December 1974 <<https://www.icj-cij.org/files/case-related/59/059-19741220-JUD-01-00-EN.pdf>>

Further reading:

Cassese (2nd ed), Chapters 11, 8, 9, 10

Evans (4th ed), Chapter 4 (Hugh Thirlway, 'The Sources of International Law')

Evans (4th ed), Chapter 7 (Malgosia Fitzmaurice, 'The Practical Working of the Law of Treaties')

Treaty between the Kingdom of the Netherlands and Australia on the Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17, signed 1 August 2014, [2014] ATS 30 (entered into force 1 August 2014)

Arrangement between Ukraine and Australia on the Deployment of Australian Personnel to Ukraine Following the Downing of Malaysian Airlines Flight MH17, signed 24 July 2014

Meetings 9, 10, 11, 12
(February 7, 12, 14, 19)

III. Subjects of International Law, States, Sovereignty and Jurisdiction

Shaw (8th ed):

Chapter 5: The Subjects of International Law

Chapter 8: Recognition

Chapter 9: Territory

Chapter 16: State Succession

UN Charter, article 1(2)

🚩 A guest lecturer will discuss the fundamentals of the Association of Southeast Asian Nations (ASEAN)

Cases:

Western Sahara, Advisory Opinion, International Court of Justice, 16 October 1975

Island of Palmas Case (or Miangas) (United States of America v. the Netherlands), Permanent Court of Arbitration, Award, 4 April 1928

Meeting 13
(February 21)

Midterm Examination

Meetings 14, 15
(February 26, 28)

Shaw (8th ed):

Chapter 11: Jurisdiction
Chapter 12: Immunities from Jurisdiction
Chapter 13: State Responsibility

Vienna Convention on Diplomatic Relations

Vienna Convention on Consular Relations

Cases:

Case Concerning United States Diplomatic and Consular Staff in Tehran
(United States of America v. Iran), Judgment, International Court of Justice, 24 May 1980

LaGrand Case (Germany v. United States of America), Judgment, International Court of Justice, 27 June 2001

Reports of International Arbitral Awards, XIX, "Case Concerning the Differences Between New Zealand and France Arising from the Rainbow Warrior Affair," 199-221 (United Nations, 6 July 1986)
<http://legal.un.org/riaa/cases/vol_XIX/199-221.pdf>

Further reading:

Nehal Bhuta, 'Justice Without Borders? Prosecuting General Pinochet' (1999) 23 Melbourne University Law Review 499

Evans (4th ed), Chapter 11 (Christopher Staker, 'Jurisdiction')

Evans (4th ed), Chapter 13 (Chanaka Wickremasinghe, 'Immunities Enjoyed by Officials of States and International Organizations')

Evans (4th ed), Chapter 15 (James Crawford and Simon Olleson, 'The Character and Forms of International Responsibility')

Antonio Cassese, 'The Nicaragua and Tadić Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia, (2007) 18(4) European Journal of International Law 649-668

Cassese (2nd ed), Chapter 12: The Implementation of International Rules within National Systems

Meetings 16, 17
(March 5, 7)

IV. United Nations (UN) and International Organizations

Shaw (8th ed):

Chapter 21: The United Nations

Chapter 22: International Organizations

Meetings 18, 19*
(March 12, 14)

V. Peaceful Settlement of Disputes, and the International Court of Justice

Shaw (8th ed):

Chapter 17: The Settlement of Disputes by Peaceful Means

Chapter 18: The International Court of Justice

Cases:

Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia) (Provisional Measures) (International Court of Justice, Order of 03 March 2014)

Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), Order, International Court of Justice, 14 April 1992

Further reading:

Cassese (2nd ed): Chapters 13-17

***Meeting 19**
(March 14)

VI. Use of Force

Shaw (8th ed), Chapter 19: International Law and the Use of Force by States

UN Charter, articles 2(3), 2(4), 24, 25, 39-51

Further reading:

Evans (2nd ed), Chapter 21 (Christine Gray, 'The Use of Force and the International Legal Order') 618-640 only; no need to read pages 640-648

Monica Hakimi, 'Defensive Force Against Non-State Actors: The State of Play' (2015) 91 International Law Studies 1-31

Security Council Resolution 2249 (2015)

"Was the War Legal? Leading Lawyers Give Their Verdict," *The Guardian*, March 02, 2004, available at: <https://www.theguardian.com/politics/2004/mar/02/uk.international.leducationnews>

Meetings 20, 21, 22, 23
(March 26, 28, April 2, 4)

VII. Application of International Law

International Criminal Law (March 26)

Shaw (8th ed), Chapter 7: Individual Criminal Responsibility in International Law

Case:

Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, International Court of Justice, 18 November 2008

Law of the Sea (March 28)

Shaw (8th ed), Chapter 10: The Law of the Sea

Case:

In the Matter of the South China Arbitration Before an Arbitral Tribunal Constituted Under Annex VII to the 1982 United Nations Convention on the Law of the Sea, PCA Case No. 2013-19 (the Republic of the Philippines and the People's Republic of China), Award, Permanent Court of Arbitration, 12 July 2016

🌍 A guest lecturer will discuss the fundamentals of the Law of the Sea and the current issues in this regime.

International Environmental Law (April 2)

Shaw (8th ed), Chapter 14: International Environmental Law

Cases:

Pulp Mills on the River Uruguay (Argentina v Uruguay) (Judgment),
[2010] ICJ Rep 14

*Certain Activities Carried Out by Nicaragua in the Border of the Area
(Costa Rica v Nicaragua) and Construction of a Road in Costa Rica
along the San Juan River (Nicaragua v Costa Rica) (Judgment)*, [2015]
I.C.J. Rep. 665

*Resident Marine Mammals of the Protected Seascape of Tañon Strait v.
Secretary Reyes*, G.R. No. 180771, 21 April 2015, Supreme Court of
the Philippines

International Human Rights Law (April 4)

Shaw (8th ed), Chapter 6: The International Protection of Human Rights

- ✚ A guest lecturer will discuss the fundamentals of International Human Rights Law and the current issues in this regime.

Meeting 26

(April 9)

Final Examination

Approved by:

DR. JOCELYN P. CRUZ

Chair, Commercial Law Department

Noted by:

DR. BRIAN C. GOZUN

Dean, RVR- College of Business