

## **Public International Law**

### **Course Outline - 2018**

#### INTRODUCTION

##### **Overview**

Public International Law is a compulsory course offered at the penultimate LLB level. It is aimed at providing students with an introductory knowledge of principles of Public International Law – that branch of the law that deals with interactions and relations among states as well as among international and regional institutions. Every year, a selection of topics designed to provide students with an understanding of the contemporary legal issues that arise from states interactions with one another in the international arena, the role(s) of individuals in the international system; the role of United Nations in the maintenance of international peace and security, the fundamental principles and nature of the international legal system; and the role and importance of international law in modern human societies are taught. Particular attention is given to creating ample awareness of the role of international law in post-apartheid South Africa. Students are advised that whereas political questions may be at the root of state behaviour, this is a legal study and students must always pay attention to legal principles and not politics.

#### LEARNING COMPONENT

##### **Assumptions of Prior Learning**

The following assumptions of prior learning are made:

- That the students who will enrol in this course have the ability to communicate effectively in both spoken and written English;
- That they are able to read, interpret and extract legal principles from international agreements, decisions of international tribunals and other sources and materials;
- That they are able to learn independently;
- That they are familiar with key constitutional principles;

- That they are able to apply problem-solving techniques to practical situations;
- That they are capable of applying referencing techniques prescribed by the faculty of law in all they writing.

## Outcomes

### (a) Critical Outcomes

The course will contribute to the student attaining the following critical outcomes:

- collecting, analysing, organising and critically evaluating information conveyed during lectures and contained in the study guide;
- identifying and solving legal practical problems;
- demonstrating an understanding of the world as a set of related systems;
- successfully completing given tasks without supervision;
- use of technology (RUconnected)

### (b) Specific outcomes

Students successfully completing this course should be able to

- Understand and appreciate the nature of the international system, how it is organised and how it works
- Demonstrate knowledge and understanding of the key legal regimes operating in the international realm
- Understand how international and foreign law are applicable in the domestic courts in South Africa
- Demonstrate the ability to identify various factors and forces that shape the contemporary international community and how problem-solving contexts are interrelated
- Apply the knowledge gained from this cause to solve contemporary international problems

## TEACHING METHODS

The teaching of the course will take the form of formal lecturing and class discussions. There will be two 45 minute lectures every week on topics specified in this outline. Particular importance is attached to the class discussions as one of the aims of the course is to encourage analytical and critical thinking on the part of the student. All students will be called upon to share their views on any matter. Thus, pre-reading of course materials is highly recommended and is indeed expected to ensure easier understanding of legal principles and theories to be discussed during lectures. *Students are expected to take responsibility for their own learning by reading the course material provided and conducting research as directed.* There are ample resources in the internet and students are encouraged to take advantage of the same. In addition, there is a lot of value in listening to international news as knowledge of contemporary issues that arise from time may be of value in understanding the underlying legal principles discussed in class. [Instructions will involve the discussion

of some of these issues] Students are also encouraged to discuss any problems they may encounter during research with the instructor and to engage in discussions via RUconnected.

### OUTLINE OF COURSE CONTENT

Topic 1: Introduction (Nature, Scope and Evolution of International Law)

Topic 2: Sources of International Law

Topic 3: The Law of Treaties

Topic 4: Relationship between International Law and Municipal Law

Topic 5: Prohibition on the Use of Force and peaceful resolution of disputes

Topic 6: Responsibility of States for internationally Wrongful Acts

Topic 7: International Criminal Law: ICC and Africa

### ASSESSMENT

Students taking this course will be required to do one assignment and a test as part of their class work component. The class work will amount to 30% of the final mark. There will be a 2 hour end of semester exam, which will account for 70% of the mark.

Lecture attendance is compulsory and the student may not miss a maximum of six lectures, unless a satisfactory explanation is furnished. (Students should consult the Law Faculty's Survival Guide for rules regarding DPs and LOAs). It is every student's responsibility to sign the class register circulated during the lecture. The class register will serve as proof of attendance or non-attendance of lectures.

The dates and times of the assignment and test will be communicated in class.

Specific Outcomes	Assessment Criteria	Assessment Tasks
Understand and appreciate the nature of the international system, how it is organised and how it works	<ul style="list-style-type: none"> <li>- Critically discuss the status of international law vis-à-vis other laws</li> <li>- Analyse the efficacy of international law in providing remedy in disputes where its subjects are involved</li> </ul>	<ul style="list-style-type: none"> <li>- Class discussions.</li> <li>- Theory and problem questions in test and exam.</li> <li>- Class assignment.</li> </ul>
Demonstrate knowledge and understanding of the key legal regimes operating in the international realm	<ul style="list-style-type: none"> <li>- Critically discuss the UN Charter and its institutions</li> <li>- Analyse the role of treaties as the main sources of international law</li> </ul>	<ul style="list-style-type: none"> <li>- Class discussions.</li> <li>- Theory and problem questions in test and exam.</li> </ul>

	- Analyse the role and use of soft law, the rules of customary international law and state practice	- Class assignment.
Understand how international and foreign law are applicable in the domestic courts in South Africa	- Identify the rules of the Constitution that allow for the application of international law in domestic courts - Critically discuss how domestic courts have applied such rules	- Class discussions. - Theory and problem questions in test and exam.
Demonstrate the ability to identify various factors and forces that shape the contemporary international community and how problem-solving contexts are interrelated	- Critically discuss how international legal standards have been applied in resolving international disputes - Identify key international tribunals, such as ICC, and demonstrate the knowledge of how they perform their functions	- Class discussions and problem solving exercises. - Problem questions in test and exam.
Apply the knowledge gained from this course to solve contemporary international problems	Apply the relevant law and precedents to a set of facts	- Class discussions and problem solving exercises. - Problem questions in test and exam.

## RESOURCES

The prescribed text for this course is **Hennie Strydom eds, *International Law***, Oxford University Press, 2016 (Students are strongly encouraged to have access to this text).

Other books and materials that are useful include:

- John Dugard, *International Law: A South African Perspective*, 4th edition, Juta & Co., Ltd, 2012
- Ademola Abass, *International Law: Text, Cases and Materials*, Oxford University Press, 2012

- James Crawford, *Brownlie's Principles of Public International Law*, 8th ed., Oxford University Press, 2012
- Malcolm Evans ed., *International Law* 2<sup>nd</sup> edition, Oxford University Press, 2006
- D J Harris, *Cases and Materials on International Law*, 6th edition, London: Sweet & Maxwell, 2004.
- Antonio Cassese, *International Criminal Law*, Oxford; Oxford University Press, 2003
- Robert Cryer *et al* eds., *An Introduction to international Criminal Law and Procedure*, Cambridge University Press, 2008.
- The United Nations Charter
- Universal Declaration of Human Rights
- Vienna Convention on the Law of Treaties
- Rome Statute for the International Criminal Court
- Other UN Treaties
- Any other reading material that is necessary will be made known ahead of the lecture in which such material will be used

## EVALUATION

Students will be required to complete evaluation questionnaires according to the Law Faculty's evaluation cycle. Student responses to these questionnaires assist the faculty in improving the quality of teaching as well as for curriculum development. An external examiner will assess the quality of the exam paper and student answers and will complete a report on the course. Nonetheless, students are encouraged to discuss difficulties and problems regarding the course with the lecturer – either personally or through a class representative.