

Course: Public International Law and Contemporary World
Professor: Tatjana Papić
Course type: elective
ECTS: 12
Requirements for enrolment: (a) proficiency in English, and (b) the completion of the basic course in public international law at the previous level of university studies.
<p>Course Description</p> <p>This course aims at providing students with an in-depth understanding of public international law, both in respect its theory and practice. The course aspires to enhance students' grasp of the origins, nature and limits of international law and to prepare them to engage with contemporary challenges in the field. Additionally, it strives to strengthen critical and independent consideration of the application of international law in different settings. In that way, the course empowers students to recognise and tackle international law aspect of legal questions they might encounter for the purposes of their doctoral thesis research.</p>
<p>Learning outcomes</p> <p>Learning outcomes include: (1) acquiring in-depth theoretical and practical knowledge of international law; (2) the ability to research, analyse and discuss different issues in international law, including those which relate to its contemporary challenges; (3) understanding of the interaction between international and national legal frameworks; and (4) the competence in recognising and confronting international law aspect of their doctoral research.</p>
<p>Topics:</p> <ol style="list-style-type: none"> 16. International law in the diplomatic history 17. How To Approach International Law? 18. What is a Purpose of International Law? 19. What Type of Law? 20. The Notion of Sovereignty in International Law 21. Sources of International Law 22. The Nature of International Law 23. The Rule of International Law 24. Application of International Law in Domestic Legal Order 25. International Law and International Politics 26. International Courts 27. State Responsibility in the light of the Right to Life – Case Study <i>Makuchyan and Minasyan Case</i> 28. International Huma Rights Law 29. International Law in the Digital Age Freedom of Expression – Viral Misinformation and the Freedom of Expression 30. <i>Ius ad bellum</i> and <i>ius ad bello</i> in the Contemporary Context
<p>Recommended Literature</p> <ol style="list-style-type: none"> 1. ICJ, <i>Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo</i>, Advisory Opinion of 22 July 2010, ICJ Reports 2010, p. 403. https://www.icj-cij.org/files/case-related/141/141-20100722-ADV-01-00-EN.pdf 2. ICJ, <i>Barcelona Traction, Light and Power Company Limited (Belgium v. Spain) (Second Phase)</i>, Judgment of 5 February 1970, ICJ Report 1970, p. 3. https://www.icj-cij.org/files/case-related/50/050-19700205-JUD-01-00-EN.pdf

3. ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment of 26 February 2007, ICJ Reports 2007, p. 43. <https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>
4. ICJ, *Case Concerning the Arrest Warrant of 11 April 2000* (Democratic Republic of Congo v. Belgium), Judgment of 14 February 2002, ICJ Reports 2002, p. 3. <https://www.icj-cij.org/files/case-related/121/121-20020214-JUD-01-00-EN.pdf>
5. ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, ICJ Reports 1996, p. 226. <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>
6. ICJ, *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States), Judgment of 27 June 1986, ICJ Reports 1986, p. 14. <https://www.icj-cij.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf>
7. ICJ, *Nottebohm Case* (Lichtenstein v. Guatemala) (Second Phase), Judgment of 6 April 1955, ICJ Reports 1955, p. 4. <https://www.icj-cij.org/files/case-related/18/018-19550406-JUD-01-00-EN.pdf>
8. ICJ, *Nuclear Test Case* (Australia v. France; New Zealand v. France), Judgment of 20 December 1974, ICJ Reports 1974, p. 253. <https://www.icj-cij.org/files/case-related/58/058-19741220-JUD-01-00-EN.pdf>
9. ICJ, *Reparation for Injuries Suffered in the Service of the UN*, Advisory Opinion of 11 April 1949, ICJ Report 1949, p. 174. <https://www.icj-cij.org/files/case-related/4/004-19490411-ADV-01-00-EN.pdf>
10. ICJ, *Reservations to the Convention on Genocide*, Advisory Opinion of 28 May 1951, ICJ Reports 1951, p. 15. <https://www.icj-cij.org/files/case-related/12/012-19510528-ADV-01-00-EN.pdf>
11. ICJ, *United States Diplomatic and Consular Staff in Teheran* (US v. Iran), Judgment of 24 May 1980, ICJ Reports 1980, p. 3. <https://www.icj-cij.org/files/case-related/64/064-19800524-JUD-01-00-EN.pdf>
12. ICTY, Trial Chamber, *The Prosecutor v. Furundžija*, IT-95-17/1T, Judgment of 10 December 1998. <https://www.refworld.org/cases,ICTY,40276a8a4.html>
13. International Law Commission, 2001, *Articles on Responsibility of States for International Wrongful Acts with Commentaries*. https://legal.un.org/docs/?path=../ilc/texts/instruments/english/commentaries/9_6_2_001.pdf&lang=EF
14. EctHR, *Handyside v. UK*, no. 5493/72, Judgment of 7 December 1976 [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-57499%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57499%22]})
15. Ginsburg, T., 2020, "Authoritarian International Law", *AJIL*, Vol 101, p. 221, <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/authoritarian-international-law/FEE3604900EE3EF547B5A87BEA265571>
16. Discussion on Anthea Roberts' book *Is International Law International?*, 2017, OUP, <https://www.youtube.com/watch?v=eSAu2FZNcpo>
17. Chesterman, S., 2005, "An International Rule of Law", *Max Planck Encyclopedia of Public International Law*, <https://www.iilj.org/wp-content/uploads/2017/03/Chesterman-An-International-Rule-of-Law-2005.pdf>
18. Peters, A., 2009, "Humanity as the A and Ω of Sovereignty", 29 *EJIL*, Vol. 29, p. 513, <https://academic.oup.com/ejil/article/20/3/513/402328>
19. Hakimi, M., 2017, "The Work of International Law", *Harvard International Law Journal*, Vol. 58, pp. 1-46. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=2865&context=articles>

20. Hakimi, M., 2020, Why Should We Care About International Law?, Michigan Law Review, Vol. 118, pp. 1283-1306. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=5828&context=mlr>
21. Milanović, M., Papić, T., 2009, As Bad As It Gets: The European Court of Human Rights's Behrami and Saramati Decisions and General International Law, International and Comparative Law Quarterly, Vol. 58, pp. 267-296.
22. Papić, T., 2021, Derecognition of States: The Case of Kosovo, Cornell Journal of International Law, Vol. 53, pp. 101-153.
23. Montevideo Convention on the Rights and Duties of States, 1933, 135 LNTS 19. <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml>
24. PCIJ, *SS Lotus Case* (France v. Turkey), Judgment of 7 September 1927, Series A, No. 10, p. 1. https://www.icj-cij.org/files/permanent-court-of-international-justice/serie_A/A_10/30_Lotus_Arret.pdf
25. Milanović, M., 2016, The Impact of the ICTY on the Former Yugoslavia: An Anticipatory Postmortem, AJIL, Vol. 110, p. 233, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2755505
26. General Assembly, Report of the the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, UN Doc. A/68/382 (13 September 2013), <https://digitallibrary.un.org/record/758638?ln=en>
27. Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, UN Doc. A/HRC/47/25 (13 April 2021), <https://undocs.org/A/HRC/47/25> Supreme Court of Canada, *Reference Re Secession of Quebec*, 1998 CanLII 793 (SCC), [1998] 2 SCR 217. <https://www.canlii.org/en/ca/scc/doc/1998/1998canlii793/1998canlii793.html>
28. UN Human Rights Committee (HRC), *CCPR General Comment No. 24: Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant*, UN dok. CCPR/C/21/Rev.1/Add.6 (4 November 1994). <https://www.refworld.org/docid/453883fc11.html>
29. UN Security Council Resolution 1244 (1999). <https://digitallibrary.un.org/record/274488>
30. UN Security Council Resolution 1368 (2001). https://avalon.law.yale.edu/sept11/unsecres_1368.asp
31. UN Security Council Resolution 1373 (2001). <https://www.refworld.org/docid/3c4e94552a.html>
32. UN Security Council Resolution 678 (1990). <https://digitallibrary.un.org/record/102245>
33. UN Security Council Resolution 2249 (2015). <https://www.refworld.org/docid/5656a4654.html>

Number of classes	Teaching:	Practicum:
5 (a week)	5	-
Teaching Methods		
Interactive lectures, class discussion, case studies, individual research assignments and presentations, essays, practical exercises and consultations		
Grading		
A. Students' performance will be primarily graded on the basis of the final paper submitted at the end of the course.		

- B. In addition, students will write one reflection paper during the course of the semester.
- C. Class participation will be taken into consideration.
- D. The final grade will be 65% final paper, 20% reflection paper, and 15% participation.