

## Foundations Of International Law

### **Course contents**

The three fundamental legal functions on which the legal dynamics of the international community is founded – law-making, law-determination and law-enforcement – will be analysed within the contemporary social context. International law will be presented in its different dimensions: as a tool in the hand of international actors able to handle change in the international society and safeguard stability and predictability of international legal relations; as common language useful in reaching consensus or, at least, ‘peaceful disagreement’; as key to understanding the reality of contemporary international relations. Bringing together different perspectives, it will be shown how international rules, while made by governments and mostly addressed to them, can be of great relevance to private actors and to their interests. The course will be divided up in 2 modules and will address the following subjects:

### MODULE 1

#### **I. What is International Law**

- International Law in Historical and Evolutionary Perspectives
- International Law in Social Context
- Differences and similarities between international and domestic law
- Relativity and Dialectics in the Interpretation of International Rules
- Effectiveness of International Rules: Spontaneous Observance and Forced Compliance

#### **II. Subjects of International Law**

- States
- International organizations
- NGOs
- Individuals
- Corporations

#### **III. Making and Changing of International Law**

- Absence of an International Legislature
- Treaty Law
- Customary Law
- Relationship between Treaty and Customary Law
- General Principles of Law
- Soft Law

#### **IV. International Law and Domestic Legal Systems**

- Monism and Dualism
- Municipal Law before International Adjudicative Bodies
- International Law before Domestic Adjudicative Bodies
- The Doctrine of Incorporation in Common Law Legal Orders
- The 'Receipt' of International Law in Civil Law Legal Orders
- Legal Nationalism

#### **V. Breaching of International Law**

- State Responsibility
- State liability

#### **VI. The International Means of Dispute Settlement**

- Diplomatic Means
- Adjudicative Means
- Institutional Means

### **MODULE 2**

#### **VII. Areas of material law**

- International Economic Law
- International Law of the Sea
- Human Rights Law
- International Environmental Law
- International Criminal Law

#### **VIII. International Water Law**

- Sources of International Water Law: the UN and the UNECE Water Conventions
- Scope of the UN and the UNECE Water Conventions
- Substantial principles of IWL
- Cooperation in IWL
- Human Rights dimension of IWL
- Dispute prevention and settlement
- Relationship between the two Conventions