| Public International Law Course Syllabus | |
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| **Course Information** | Academic Year:<br>Semester:<br><br>Class Schedule: |
| **Instructor Information** | Name: Alemayehu Gebisa Abdi<br><br>Title: Lecturer<br><br>Phone Number: 0913208629<br><br>Email Address: alemayehugabisa2011@gmail.com |
| **ECTS** | 8 |
| **Course Description** | Public International Law traditionally deals with the laws that affect the political relations of nations on the international plane. The basic unit in the international system is the state, which acts similar to the way an individual acts under national law. States establish rights through treaties and customary practices, make claims against other states before arbitral panels and international courts, and defend. Public International law has increased in use and importance vastly over the twentieth and twenty first century, due to the increase in global trade, armed conflict, environmental deterioration on a worldwide scale, awareness of human rights violations, rapid and vast increase in international transportation and a boom in global communications. The course public international law is offered with a view to introducing students with the fundamentals of international law and to enable them understand how the fundamentals of international legal system works. To this effect, a wide range of issues (from sources, relationship between international law and municipal law, subjects of international law, jurisdiction, immunity, state responsibility, state succession, the law of treaties and dispute settlement to the UN system and peaceful settlement of international disputes) will be covered.Themselves against accusations of wrongdoing. |

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| | International organizations like the United Nations have now become international actors too, with the ability to enter into treaties with states and other international organizations, and to make claims before international tribunals. Increasingly, international law applies to individuals directly, through human rights and international criminal tribunals, and indirectly to corporations through controls on trade and rules relating to national jurisdiction over the activities of multinational companies.<br><br>Complex topics in international law must be built on a foundation of basic rules and structures. International law derives its nature from its constituent parts - individual states. So, students will first be introduced to the idea of state sovereignty and the traditional view of the international legal order as a Westphalian system of independent and sovereign states. Next, students will learn about the major subjects of international law-states and international organizations - and how these subjects are constituted. States make international laws through their actions and choices, and students from the beginning will appreciate the political nature of this process. The actions of states provide the groundwork for the sources of international law, and at this point, students will examine the major sources of international law in detail with emphasis on the two most important sources, customary law and treaty law.<br><br>Once familiarized with the basic rules, how these rules are applied in national and international contexts will also be explained; the initial reaction by injured states to an international wrong will be considered. State responsibility for a particular action must be confirmed and then possible remedies applied by the injured State. Often, states will resort to courts and arbitral panels to resolve their disputes. Matters of court jurisdiction are especially complex when dealing with international issues, and in some cases, adjudication can take place simultaneously at the national and international levels with inconsistent results. This would presume understanding adjudication at the international level by students and how international laws apply in domestic courts of Ethiopia, including the applicability of international customs and treaties |

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| | under the FDRE Constitution. The bases for jurisdiction of domestic courts over international issues will also be elaborated. Further, the issue of war will be taken up, with consideration of the prohibition on the threat or use of force under the UN Charter and the modern challenge presented by terrorist warfare.<br>This course highlights the key legal principles governing international organizations, their nature and functioning. The module deals with themes related to the legal personality of international organizations, their competence, responsibility, privileges, immunities, dissolution and succession. The module further explores questions relating to the role of the United Nations in the enforcement of international law, the role of global and regional organizations in the maintenance of international peace and security, and the role of the African Union and other African regional and sub-regional organizations as specific areas of study.<br><br>This course deals with the basic principles of African Union Law. It is designed to give students a working knowledge of AU law and among other things, the evolution, structure, institutions, subject matter, sources of AU law and the position of AU law in the legal systems of the member states. It examines the position of the AU within the structure of international law, specifically in relation to other international institutions such as the United Nations, Organization of American States, the EU, the Council of Europe, and the World Trade Organization. Students will acquire the skills needed to do research on AU law as affecting states, national legal systems, businesses and individuals, focusing on current events in the AU with a view to establishing the role of law in all activities carried out by the AU. |
| **Course Objectives, Competence Acquired** | After a successful completion of the course, students are expected to achieve basic knowledge and competence regarding:<br>▪ the nature and functioning of the international legal system;<br>▪ the political and legal elements of international law;<br>▪ the legal arguments involved with respect to sources of international law;<br>▪ the scope and applicability of international laws; |

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| | ▪ the overlapping authority and interplay of domestic and international court systems;<br>▪ the rules of international law governing international organizations;<br>▪ the current trends in the development of international institutional law;<br>▪ the effects of membership in international organizations in the Ethiopian context;<br>▪ the diverse types and functions of international organizations;<br>▪ the acquisition of legal personality by and the powers of international organizations;<br>▪ the grounds for the termination of membership in international organizations;<br>▪ the role of regional and sub-regional organizations under the auspices of the UN;<br>• the nature, subject matter, characteristics and sources of AU law;<br>• And the required professional skills for negotiation, advising and researching different aspects of the AU Law; |
| **Pre-requisite** | None |
| **Course status** | Mandatory |
| **Schedule** | |
| **Contact Hours** | **Chapters to be Covered** |
| | **Chapter I: The Nature and Development of International Law**<br>▪ Conceptual Definition of International Law<br>▪ Historical Development of International Law<br>▪ Nature and Scope of Public International Law<br>▪ Is international Law Really Law?<br>o Naturalism v. Positivism<br>▪ Purpose of Public International Law<br>▪ Weakness and Criticism of International Law |

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| | **Chapter II: Sources of International Law**<br>▪ What is source of law<br>  ■ Formal Sources of International Law<br>  ■ Material Sources of International Law<br>▪ Sources of International Law<br>▪ Customary International Law<br>▪ Treaty<br>▪ General Principles of Law<br>▪ Judicial Decision and Writings of Scholar<br>▪ Other Sources of International Law<br>▪ Equity<br>▪ Hierarchy of Sources of International Law<br>▪ Hierarchy of Norms: *Jus Cogens* |
| | **Chapter III: Relationship between International Law and Municipal Law**<br>▪ Theories developed to address the nexus between International and Municipal Law<br>  o The Monist School of Thought<br>  o The Dualist School of Thought<br>  o The Third Position<br>▪ Municipal Laws before International Law<br>▪ International Law before Municipal<br>▪ The Context of Ethiopia |
| | **Chapter IV: Subjects of International Law**<br>▪ The Concepts of Legal Personality and Subjects of International Law<br>  ▪ International Legal Persons<br>  ▪ Creation of States: Statehood<br>  ▪ Permanent Population<br>  ▪ Defined Territory<br>  ▪ Effective Government<br>  ▪ Capacity to enter into international relations<br>  ▪ Recognition of States<br>  o The Constitutive Theory<br>  o The Declarative (Evidentiary) Theory<br>  ▪ Recognition of Government<br>  o Tobar Doctrine<br>  o Estrada Doctrine |

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| | ▪ Premature Recognition<br>▪ The Legal Effects of Recognition<br>▪ Extinction of Statehood<br>o Merger<br>o Dissolution<br>o Dismemberment<br>▪ State Succession<br>o Predecessor v. Successor State<br>o Universal Succession<br>o Clean slate Succession<br>▪ International Organizations, Multinational Corporations, NGO's and Individuals as International legal persons<br>**Chapter V: Territory Under International Law**<br>▪ Concept of Territorial Integrity<br>▪ Territorial Sovereignty<br>▪ New States and Title to Territory<br>▪ Acquisition of Territory<br>o Boundary Treaties and Boundary Awards<br>o Accretion<br>o Cession<br>o Conquest<br>o Effective Control<br>▪ Territorial Integrity and Self Determination<br>o The Doctrine of Uti Possidetis<br>o Beyond Uti posidetis<br>▪ International Boundary Rivers<br>▪ The Common Heritage of Man Kind<br>▪ The Polar Regions<br>▪ Leases and Servitudes<br>▪ Outer Space |
| | **Chapter VI: Jurisdiction and Immunities Under International Law**<br>▪ The Principle of Domestic Jurisdiction<br>o Legislative, Executive and Judicial Jurisdiction<br>o Civil Jurisdiction<br>o Criminal Jurisdiction<br>▪ Territorial Principle |

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| | ▪ Nationality Principle<br>▪ Passive Principle<br>▪ Protective Principle<br>▪ Universality Principle<br>▪ Extradition<br>▪ The Principle of Extra-Territorial Jurisdiction<br>▪ State or Sovereign Immunity<br>o Absolute Approach<br>o Restrictive Approach<br>▪ Diplomatic Immunity<br>▪ Immunities of International Organizations |
| | **Chapter VII: State Responsibility Under International Law**<br>▪ The Concept, Nature and Meaning of State Responsibility<br>▪ Rules of State Responsibility<br>o Primary Rule (Substantive Rules of International Law)<br>o Secondary Rule (The Law of State Responsibility)<br>▪ Elements of State Responsibility<br>o Attribution of Conduct to the State<br>o Breach of an International Obligation<br>o Defense (Circumstances precluding wrongfulness)<br>▪ The Legal Consequence of an International Wrongful Act<br>o Reparation<br>o Cession<br>o Serious Breaches of Jus Cogens norms<br>o Diplomatic Protection and Nationality Claims<br>o Diplomatic<br>▪ Individual Responsibility |
| | **Chapter VIII: Use of Force under International Law**<br>▪ The Historical Developments of Use of Force International Law<br>▪ Jus ad Bellum v. Jus in Bello<br>▪ The Concept, Nature and Meaning of Use of Force under IL<br>▪ Views on Interpretation of the Prohibition of the threat and of force (Article 2(4) of the UN Charter)<br>o Permissive Approach |

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| | ○ Restrictive Approach<br>▪ Exceptions to the Prohibition of the threat and use of force<br>▪ Categories of Use of Force<br>○ Restoration<br>○ Reprisal<br>○ Self Defense in case of Use of Force<br>■ Individual Self Defense (Immediacy, Necessity, Proportionality and attribution)<br>■ Collective Self Defense<br>○ Self Defense in case of Use of Threat<br>■ Anticipatory Use of Military force<br>■ Primitive Use of Military Force<br>▪ Modalities of Intervention<br>○ The Responsibility to Protect Doctrine (R2P)<br>○ Humanitarian Intervention<br>○ The Unwilling and Unable Test Doctrine<br>○ Civil Wars<br>○ Aid to Authorities of a State<br>○ Aid to Rebels<br>▪ Modern Trends and Practices of the Use of Threat or Force<br>▪ The UN Peace Keeping v. Use of Force<br>▪ Terrorism<br>▪ Air and Space Law |
| | **Chapter IX: Law of Treaties**<br>▪ The Concept, Nature and Definition of Law of Treaties under International Law<br>▪ Classifications of Treaty<br>○ Law Making Treaty<br>○ Treaty Contracts<br>▪ Formations of Treaties<br>○ Formalities/Basic Elements<br>○ Consent by Signature, Exchange of Instruments, Ratification, Accession<br>○ Reservation<br>○ Entry into force of treaties<br>▪ Application of Treaties<br>▪ Third States<br>▪ Interpretation of treaties |

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| | ▪ Invalidation and Termination of Treaties<br>▪ Disputes Settlement<br>o Treaties between States and International Organizations<br><br>**Chapter X: International Dispute Resolution**<br><br>▪ Diplomatic methods of dispute settlement (Negotiation, good office, conciliation arbitration and mediation)<br>▪ Legal methods of dispute settlement<br>▪ Introduction to the International Court of Justice (ICJ)<br>▪ Contentious Jurisdiction<br>▪ Advisory Jurisdiction<br>▪ Other International Tribunals<br>▪ Justiciability and mootness<br>▪ National courts and international law issues<br><br>**Chapter XI: Law of International Organizations**<br><br>▪ Meaning and Scope of International Organizations<br>▪ The Historical Development of International Organizations<br>▪ The rise of modern organizations<br>▪ Approaches to international institutions<br>▪ Chief functions of international organization<br>▪ Classification of international organizations<br>o Classification based on functions<br>o Classification based on Membership<br>o Classification based on the type of contracting parties<br>o Classification based on intergovernmental or supranational<br><br>**Chapter XII: Common Institutional Issues of International Organizations**<br><br>▪ International personality of International Organizations<br>▪ Law governing the activities of an international organization in national jurisdictions and international Jurisdictions<br>▪ Powers and functions of international organizations<br>▪ Privileges and immunities before International Organizations |

- Responsibility of international organizations
- Membership
- Admission to membership
- Continuity, creation and succession of States
- Suspension, termination, withdrawal and expulsion
- Non-ratification of an amendment to the Constitution
- Disappearance or Loss of essential characteristics Representation

**Chapter XII: The United Nations System and its Specialized Agencies**

- Origin, purposes of the UN
- Principles of the UN
- Membership of the UN
- Amendment of UN Charter
- Organs of the United Nations
- The General nature of specialized agencies
- The legislative processes of specialized agencies
- Interpretation of constitutional texts
- Sanction and enforcement Procedures
- Development of international laws by specialized agencies

**Chapter XIV: Regional Organizations: The Africa Union**

- The Concept, Nature and Evolutions of Regional Organizations
- The European Union
- The Organization of American States (OAS)
- The Latin American Integration Association
- The Arab League
- The Africa Union
  - The Historical background of the AU
  - OAU as a predecessor to the AU
  - The strengths and weaknesses of the OAU
  - The Rational for the establishment of the AU
  - The position of AU in the classification of international organizations
  - The AU and Regional Economic Communities

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| | **Chapter XV: Institutional Structure of the AU**<br>▪ The Assembly<br>▪ The Executive Council<br>▪ The Commission<br>▪ The Pan-African Parliament<br>▪ The African Court of Justice<br>▪ The Permanent Representatives' Committee<br>▪ The Specialized Technical Committees<br>▪ The Economic, Social and Cultural Council<br>▪ The Peace and Security Council<br>▪ Financial Institutions: African Central Bank, the African Monetary Fund and the African Investment Bank<br>**Chapter XVI: The Role of the AU in Peace and Security in Africa**<br>▪ The competence of the AU in terms of Peace and Security<br>▪ The power to intervene in the affairs of member states<br>▪ Peace Keeping mission and operations<br>▪ Relationship of AU with other international human rights organizations<br>**Chapter XVII: Amendment of the Constitution of the AU**<br>▪ The consequence of the Principles in customary law<br>▪ The consent principle<br>▪ The majority principle<br>▪ The consent and majority principles combined |
| **Methods of Delivery** | Lectures, simulations, seminars, student presentations, group discussions, individual and group tutorials, assignments and project supervisions. |
| **Assessment** | The final grade shall be determined based on the performance of students in the following activities:<br>• Quiz/Class Participation…5%<br>• Tests……..30%<br>• Presentations…10%<br>• Assignments/ Project/ Essays…15%<br>• Final-Exam(s)……..40% |