

Public International Law
Course Outline – 2021
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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. Although the course will be primarily taught online, the topics are still 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 course shall cover 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. If time allows, some key aspects of Refugee law shall also be covered.

The course aims to create awareness of the role of international law in post-apartheid South Africa. So local cases and examples may be used from time to time. Students are also 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;

(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

This year the teaching of the course shall be primarily through online. Our main teaching tool will be RUConnected. We shall use a combination of short audio lectures of about 20 minutes, which discuss the relevant topics, and Notes. All these shall be posted on RUConnected. At the end of each topic there may be short quizzes, some of which shall be for marks. *Students are encouraged to take these very seriously and complete them within time allowed.* There will also be a list of reading materials and practice questions. Particular importance is attached to discussions as one of the aims of the course is to encourage analytical and critical thinking on the part of the student. Students may share their views through any of the online platforms on what they missed in each audio lecture or what they think should be included. They are also welcome to post any views or concerns they may have. Apart from the prescribed textbook (Strydom) and other textbooks, most of the materials are available on the internet. These include journal articles and cases decided by international tribunals. There is absolutely no excuse for not reading these. ***Students are expected to take responsibility for their own learning by reading the course material provided and conducting research as directed.***

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. Responsibility of states for internationally wrongful Acts

Topic 5. Enforcement of Int'l Law (Maintenance of Int'l Peace & Security)

Topic 6. International Law in SA Domestic Courts

Topic 7: Protection of Refugees

ASSESSMENT

Students taking this course will be required to complete both formative and summative assessments that shall be offered through RUConnected. The coursework component shall be in the form of quiz/assignment and will account for 30% of the mark. The end of semester alternative summative assessment shall account for the other 70%.

The dates, times and nature of the assessments shall be communicated as the course progresses.

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"> - Critically discuss the status of international law vis-à-vis other laws - Analyse the efficacy of international law in providing remedy in disputes where its subjects are involved 	Quiz on RUConnected after each of the relevant topics, both formative and and summative; Final summative assessment.
Demonstrate knowledge and understanding of the key legal regimes operating in the international realm	<ul style="list-style-type: none"> - Critically discuss the UN Charter and its institutions - Analyse the role of treaties as the main sources of international law - Analyse the role and use of soft law, the rules of customary international law and state practice 	Quiz on RUConnected after each of the relevant topics, both formative and and summative; Final summative assessment.

Understand how international and foreign law are applicable in the domestic courts in South Africa	<ul style="list-style-type: none"> - 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 	Quiz on RUConnected after each of the relevant topics, both formative and and summative; Final summative assessment.
Demonstrate the ability to identify various factors and forces that shape the contemporary international community and how problem-solving contexts are interrelated	<ul style="list-style-type: none"> - 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 	Quiz on RUConnected after each of the relevant topics, both formative and and summative; Final summative assessment.
Apply the knowledge gained from this course to solve contemporary international problems	Apply the relevant law and precedents to a set of facts	Participation in on line discussions with classmates and the instructor; Quiz on RUConnected after each of the relevant topics, both formative and and summative; Final summative assessment.

RESOURCES

- The prescribed text for this course is **Hennie Strydom eds, *International Law*, 2nd edition**, Oxford University Press, 2020 (Students are strongly encouraged to have access to this text). We shall also be using John Dugard *et al*, *Dugard's*

International Law: A South African Perspective, 5th edition, Juta & Co., Ltd, 2019. This text is available on e-book format.

Other books and materials that are useful include:

- 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* 2nd 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.
- Fatima Khan & Tal Schreier eds., *Refugee Law in South Africa*, Cape Town; Juta 2014
- 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 of their on line learning experience. 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 alternative summative assessment 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.