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Office Hours:

- ♣ Tuesday, 11.20 -12.50, room 5.07
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Public International Law

Spring semester 2023/2024

– *Syllabus* –

Field of study: International Relations

Course type: compulsory course

Assessment methods:

- **Lectures:** end-of-term test exam (20 multiple choice questions) and one case study.
- **Classes:** end-of-term test exam (20 multiple choice questions) or class participation (points).

- Classes -

Class I-II. The definition, concept and history of international law

1. Law and politics in the world community.
2. The role of force.
3. International system.
4. The function of politics.
5. Historical development of international law:
 - early origins,
 - the Middle Ages and the Renaissance,
 - the founders of modern international law,
 - positivism and naturalism,
 - the nineteenth century,
 - the twentieth century,
 - communist approaches to international law,
 - the Third World.
6. The expanding legal scope of international concern.
7. Modern theories and interpretations.
8. Positive Law and Natural Law.
9. New approaches.
10. The fragmentation of international law?

Literature:

M.N. Shaw, *International Law*, Cambridge 2008, pp. 1-68.

Class III-IV. Sources of international law: case studies

Class V-VI. The subjects of international law

1. The concept of legal personality.
2. State as a subject of international law.

3. The criteria of statehood.
4. The fundamental rights of states.
5. Unitary and federal states.
6. *Sui generis* territorial entities.
7. Insurgents, belligerents and national liberation movements as a subjects of international law.
8. Individuals as a subjects of international law.
9. International organizations as a subjects of international law.
10. The right to self-determination.
11. Territorial integrity of states vs. self-determination of peoples.

Literature:

M.N. Shaw, *International Law*, Cambridge 2008, pp. 195-264.

Class VII. Immunities from jurisdiction in international law

1. The concept of state immunity.
2. The absolute and restrictive approach to state immunity.
3. International immunities and privileges of Heads of State and members of the Government.
4. The concept of diplomatic immunity.
5. Diplomatic privileges and immunities.
6. Consular privileges and immunities.

Literature:

M.N. Shaw, *International Law*, Cambridge 2008, pp. 697-777.

Class VIII. Immunities from jurisdiction in international law: case studies

Class IX-X. Territory in international law

1. The concept of territory in international law.
2. Territorial sovereignty.
3. New states and title to territory.
4. The acquisition of additional territory:
 - boundary treaties and boundary awards,
 - accretion,
 - cession,
 - conquest and the use of force,
 - the exercise of effective control,
 - intertemporal law,
 - The role of subsequent conduct: recognition, acquiescence and estoppel.
5. Territorial integrity, self-determination and sundry claims.
6. The doctrine of *uti possidetis*.
7. The law of outer space.
8. The territorial sea:
 - width,
 - juridical nature,
 - right of innocent passage,
 - jurisdiction over foreign ships.
9. Internal waters.
10. Baselines.
11. Bays.
12. Islands.
13. Archipelagic states.
14. Contiguous zone.

15. Exclusive economic zone.
16. Continental shelf.
17. High seas.
18. International straits.

Literature:

M.N. Shaw, *International Law*, Cambridge 2008, pp. 487-614.

Class XI. Territory in international law: case studies

Class XII. The settlement of disputes in international law

1. Diplomatic methods of dispute settlement:
 - negotiation,
 - good offices and mediation,
 - inquiry,
 - conciliation.
2. International institutions and dispute settlement:
 - regional organisations,
 - universal organisations,
3. Arbitration.
4. Permanent international courts.

Literature:

M.N. Shaw, *International Law*, Cambridge 2008, pp. 1010-1056.

Class XIII. The settlement of disputes in international law: case studies

XIV. International humanitarian law

1. The origin and development of the international humanitarian law.
2. The scope of protection under the Geneva Conventions system:
 - wounded and sick,
 - prisoners of war,
 - protection of civilians and occupation.
3. The conduct of hostilities.
4. Armed conflicts in international law:
 - international armed conflict
 - non-international armed conflict
5. Enforcement of humanitarian law.

Literature:

M.N. Shaw, *International Law*, Cambridge 2008, pp. 1167-1203.

XV. International humanitarian law: case studies