MOSCOW STATE INSTITUTE OF INTERNATIONAL RELATIONS
(MGIMO-UNIVERSITY)
THE MINISTRY OF FOREIGN AFFAIRS OF RUSSIA

B.A. in Government and International Affairs
School of Government and International Affairs
Department of International Law

«Approved»
Director
MGIMO School
Government and International Affairs
Mikhail Troitskiy, PhD

26 June 2017

INTERNATIONAL LAW

PROGRAM

Moscow, 2017
The course program developed by:

Prof. Alexander Vylegzhanin, Dr. of Law

Alt. Prof. Mikhail Lysenko, PhD

Visiting Prof. Tim Potier, PhD, Dr. of Art

Darya Asadullaeva, Master of Law

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The course “International Law” is elaborated in accordance with the MGIMO Educational Standard for the Bachelor’s Program in International Affairs (program track “Government and International Affairs”).

Authors

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Director of the MGIMO Library Marina Reshetnikova
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The program was approved by the Chair of International Law on 2017

Head of the Chair of International Law Prof. A.Vylegzhanin,
Dr. of Law
PART 1: COURSE DESCRIPTION AND TEACHING METHODS

1.1 General information

- Full course title: International Law
- Type of course: Compulsory
- Level of course: B.A.
- Year of study: 4th
- Number of ECTS credits allocated: 0
- Name of lecturers and office hours:

  Mikhail Lysenko, PhD, Associate Professor, Chair of International Law

  Office hours: Thursday 1PM-4PM, office 305

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1.2 Course aims and learning outcomes

The aim of the course is to provide students with basic knowledge and sound understanding of International Law, its concept, principles, sources and branches; to introduce students to theory and practical aspects of International Law as well as the role of International Law in contemporary international relations; to direct students to self-study of International Law; to provide students with a list of the main documents, literature and internet resources on International Law; to develop the ability freely and properly to handle international legal concepts and to acquire the skill of practical application of legal materials.

By the end of this course, students should be able to:

- retain theoretical foundations of modern International Law;
- handle basic terminology used in International law;

- understand basic trends in the development and codification of International Law;

- know basic international organizations, their statutes and mandates, connected with the formation of norms of International Law;

- understand mechanisms and principles of international cooperation in the field of International Law;

- apply provisions of International Law in various spheres of international relations;

- conduct a comparative legal analysis of legal norms in different branches of International Law.

1.3 Course requirements and grading plan

Course requirements

Students are required to attend at least 90% of classes and be prepared for class discussions and presentations. Study of the assigned materials is obligatory.

Grading plan

Students shall attend all lectures and seminars and participate in class discussions. Since the course is highly interactive, it is essential that students attend the seminars having read the materials for that day’s class.

Students at each seminar shall perform in-class presentations (up to 5-10 minutes). Presentations shall be based on the week’s additional readings. Presenters should supply a brief historical background, lay down basic facts and arguments, analyse provisions of main documents, and express their own opinions.
on the subject of the presentation. The presentation is followed by a short discussion. The lecturer will give the presenter a short oral feedback after the presentation, including the grade. If needed the lecturer shall provide an off-class consultation on the subject.

At the end of the lessons and seminars the lectures provides the students with the list of questions for the Oral Test.

PART 2. Course content

2.1 Types of work

<table>
<thead>
<tr>
<th>Types of work</th>
<th>Academic hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>72</td>
</tr>
<tr>
<td>Total for lectures and seminars</td>
<td>36</td>
</tr>
<tr>
<td>Lectures</td>
<td>18</td>
</tr>
<tr>
<td>Seminars</td>
<td>18</td>
</tr>
<tr>
<td>Oral test</td>
<td>2</td>
</tr>
<tr>
<td>Homework</td>
<td>34</td>
</tr>
<tr>
<td>Written home assignments</td>
<td>14</td>
</tr>
<tr>
<td>Preparation for seminars and oral test</td>
<td>20</td>
</tr>
</tbody>
</table>

2.2. Course content by Topics

Topic 1. International Law: its subject, definition, sources, basic principles and system.

1. Subject and Definition of International Law. UN Charter on International Law.
2. Sources of International Law. Article 38 of the Statute of the International Court of Justice.
4. Peremptory norms of International Law (jus cogens).


7. Progressive development and codification of International Law. The UN Commission on International Law.


Sources for Topic 1:


2. Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations of 1970: 


Additional reading for Topic 1:


Internet resources for Topic 1:
2. UN System of Organizations: http://www.unsystem.org
3. UN: http://www.un.org

Topic 2. General Principles of Law: equity, a case study
1. The emergence of the Law of Equity in the English Legal System
2. The historic struggle between the Common Law and the Law of Equity
3. The purpose and function of the Law of Equity in the English Legal System
4. The equitable maxims
5. Equity as a general principle of law
6. Equity and the Law of the Sea
7. Equity, international law and non-maritime cases

Sources for Topic 2:
1. Provisions of Oxford 1258
2. Earl of Oxford’s Case (1615)
3. The Supreme Court of Judicature Acts 1873 and 1875


**Additional reading for Topic 2:**


4. Shaw, M.N. International Law. Cambridge University Press, 2008:
   http://jpkc.fudan.edu.cn/picture/article/460/05/56/944404884db8857880997b8500b1/694d8cb6-b013-42a3-837a-2298e170ed58.pdf


**Internet resources for Topic 2:**

1. UN Treaty Series Online Collection:


**Topic 3. The Law of Treaties**


2. Sources of the Law of Treaties:

3. Classification of types, structure of Treaties.
4. Conclusion, entry into force, ratification, implementation, accession, termination and suspension of Treaties.
5. Interpretation, amendments to Treaties.
6. Verification of Treaties.

Sources for Topic 3:

Additional reading for Topic 3:

Internet resources for Topic 3:

1. Definition, classification, types, structure of intergovernmental International Organizations.
2. Legal status of International Organizations.
3. Founding documents (charters, statutes) of International Organizations.
4. Resolutions / decisions of International Organizations.
6. The United Nations specialized agencies / organizations.
7. Regional organizations: general characteristics, charter documents.
8. The European Union and the Commonwealth of Independent States as regional inter-governmental organizations.
9. Legal status of non-governmental organizations.

Sources for Topic 4:

Additional reading for Topic 4:

Internet resources for Topic 4:

Topic 5. Diplomatic and Consular Law
1. Definitions of Diplomatic and Consular Law.

3. Sources of Diplomatic and Consular Law.
   a. Vienna Convention on Diplomatic Relations.
   b. Vienna Convention on Consular Relations.


5. Establishment/termination of diplomatic and consular relations and missions.

6. Legal and functional difference between diplomatic and consular representatives.

7. A trend toward a convergence of Diplomatic and Consular Law.

Sources for Topic 5:

1. Vienna Convention on Diplomatic Relations:

2. Vienna Convention on Consular Relations:

Additional reading for Topic 5:


Internet resources for Topic 5:

1. UN: http://www.un.org

2. UN Treaty Series Online Collection:
Topic 6. Settlement of Disputes by Peaceful Means

1. Chapter VI of the UN Charter on pacific settlement of disputes.
3. Legal means and mechanisms: arbitration, judicial settlement.
4. The role of the International Court of Justice, other courts and tribunals in dispute settlement.
5. Resort to the UN, OSCE, other regional agencies or arrangements.
6. The role and authority of the UN Security Council in dispute settlement.
7. Sanctions in International Law.

Sources for Topic 6:


Additional reading for Topic 6:


Internet resources for Topic 6:

2. UN: http://www.un.org


1. Prohibition of the use of force in Article 2 (4) of the UN Charter.


Sources for Topic 7:


3. The Statute of the International Atomic Energy Agency: https://www.iaea.org/about/statute


Additional reading for Topic 7:


Internet resources for Topic 7:

1. International Atomic Energy Agency: https://www.iaea.org/

2. UN Office for Disarmament Affairs (UNODA): http://www.un.org/disarmament/


Topic 8. Status of Territory in International Law. Civil Aviation Law and Outer Space Law

1. Territory under International Law: definition, state territory, territorial sovereignty, state boundaries, international territory, legal grounds for a change of a state territory and of national boundaries.
2. Civil Aviation Law: definition and scope, principles governing use of air space, open/international air space, national/sovereign air space, legal regulation of international/trans-boundary air flights, Conventions on International Civil Aviation, International Civil Aviation Organization.

3. Outer Space Law: definition, basic treaties, legal status of outer space and celestial bodies, basic principles of the use of outer space, legal limits and bans on the use of outer space, prevention of an arms race in outer space.

Sources for Topic 8:


Additional reading for Topic 8:


Internet resources for Topic 8:
2. International Civil Aviation Organization: http://www.icao
4. UN Office of Outer Space Affairs: http://www.unoosa.org

Topic 9. Law of the Sea. Legal Status of the Arctic and Antarctica
1. Definition, sources and basic principles of the Law of the Sea.
3. Legal status of internal waters, territorial sea, contiguous zone, archipelagic waters, international straits, Exclusive Economic Zone, Continental Shelf.
4. Legal status, freedoms and limits on the use of the High Seas.
5. Legal Status of the Arctic and Antarctica.

Sources for Topic 9:
1. Convention on the Continental Shelf, 1958:
2. Convention on the High Seas, 1958:
3. Convention on the Territorial Sea and the Contiguous Zone, 1958:
5. Antarctic Treaty, 1959: http://ats.aq/index_e.htm

Additional reading for Topic 9:

Internet resources Topic 9:
2. International Maritime Organization:
   http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/Default.aspx
4. Secretariat of the Antarctic Treaty: http://ats.aq/e/ats.htm


2. Three basic pillars of International Human Rights Law: Universal Declaration of Human Rights, 1948; International Covenant on Civil and

3. UN as the main coordinating body to implement and monitor International Human Rights. Jurisdictions of UN Human Rights Committees on implementation of conventions on human rights.


5. European Court of Human Rights.


9. Functions and contribution of the International Red Cross Committee in International Humanitarian Law.

Sources for Topic 10:


Additional reading for Topic 10:


Internet resources for Topic 10:

1. UN: http://www.un.org
2. International Committee of the Red Cross: https://www.icrc.org/en

2.3 Oral Test Questions
1. Subject and Definition of International Law.
2. System of International Law.
4. Sources, Norms (Rules) of International Law.
6. Basic principles of International Law.
7. Progressive development and codification of International Law. The UN Commission on International Law.
8. The emergence of the Law of Equity
9. Equity and the Common Law
10. The purpose and function of the Law of Equity
11. Equity as a general principle of law
12. Equity in treaty law and cases
15. Classification of types, structure of Treaties.
16. Conclusion, entry into force, ratification, implementation, accession, termination and suspension of Treaties.
17. Interpretation, amendments to Treaties.
18. Verification of Treaties.
20. Legal status of International Organizations.
21. Founding documents (charters, statutes) of International Organizations.
22. Resolutions/decisions of International Organizations.
24. The United Nations specialized agencies/organizations.
26. Regional organizations: general characteristics, charter documents.
27. The European Union and the Commonwealth of Independent States as regional inter-governmental organizations.
30. Preparation, convening, procedural rules of International Conferences. Legal status of decisions of International Conferences.
32. National Government bodies in charge of Foreign Relations.
33. Sources of Diplomatic and Consular Law.
35. Establishment/termination of diplomatic and consular relations and missions.
36. Legal and functional difference between diplomatic and consular representatives.
37. UN Charter on pacific settlement of disputes.
39. Legal means and mechanisms: arbitration, judicial settlement.
40. The role of the International Court of Justice, other courts and tribunals in dispute settlement.
41. Resort to the UN, OSCE, other regional agencies or arrangements.
42. Prohibition of the use of force in Article 2 (4) of the UN Charter.
43. Use of force under Chapter VII of the UN Charter. Actions with respect to threats to peace, breaches of peace and acts of aggression. Definition of aggression. Self-defense.

44. Peace enforcement, peace keeping, peace building. Confidence building measures.

45. International regime of arms control and disarmament. Non-proliferation of nuclear and other weapons of mass destruction.


48. Territory under International Law: definition and scope, principles governing territory, state territory, territorial sovereignty, and state boundaries, legal grounds for a change of a state territory and of national boundaries.

49. Civil Aviation Law: definition and scope, principles governing use of air space, open/international air space, national/sovereign air space, legal regulation of international/trans-boundary air flights.

50. Outer Space Law: definition, basic treaties, legal status of outer space and celestial bodies, basic principles of the use of outer space, limits and bans on the military use of outer space.

51. Definition, sources, basic principles of the Law of the Sea.


53. Legal status of internal waters, territorial sea, contiguous zone, archipelagic waters, international straits, Exclusive Economic Zone, Continental Shelf.

54. Legal status, freedoms and limits on the use of the High Seas.

55. Legal Status of the Arctic and Antarctica.

56. Scope, definitions and principles of the International Human Rights Law.
57. Three basic pillars of International Human Rights Law.
58. UN as the main coordinating body to implement and monitor International Human Rights.
60. European Court of Human Rights.
61. Definition and scope of International Humanitarian Law.
62. Functions and contribution of the International Red Cross Committee in International Humanitarian Law.

2.4. Oral Test

Fall semester Oral Test – last week of December - January 10-25.
Oral Test – 95-100% (in class, 140 minutes).

2.5 Table of recommended sources and literature

Sources

1. Antarctic Treaty: http://ats.aq/index_e.htm
8. Convention on the Continental Shelf, 1958:
10. Convention on the Physical Protection of Nuclear Material:
    https://ola.iaea.org/ola/treaties/multi.html
11. Convention for the Suppression of Terrorist Bombings:
12. Convention on the Territorial Sea and the Contiguous Zone, 1958:
20. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (the
"Outer Space Treaty"):

21. Treaty on the Non-Proliferation of Nuclear Weapons (NPT):
http://www.state.gov/documents/organization/141503.pdf


23. Vienna Convention on Consular Relations:

24. Vienna Convention on Diplomatic Relations:

    Organizations or Between International Organizations:
http://www.treatylaw.org/vienna-convention-law-treaties-states-international-
    organizations-international-organizations/


Textbooks


Additional Reading

1. Abdul Hamid Kwarteng. Introduction to International Law: The Beginners

2. Bartsch R. International Aviation Law: A Practical Guide. - Farnham:
   Ashgate, 2012.

6. Earl of Oxford’s Case (1615)
17. Provisions of Oxford 1258


   http://jpkc.fudan.edu.cn/picture/article/460/05/56/944404884db8857880997b8500b1/694d8cb6-b013-42a3-837a-2298e170ed58.pdf


23. The Supreme Court of Judicature Acts 1873 and 1875


Internet Resources:


10. Secretariat of the Antarctic Treaty: http://ats.aq/e/ats.htm
15. UN Office of Outer Space Affairs: http://www.unoosa.org
18. UN System of Organizations: http://www.unsystem.org
PART 3. FINAL REMARKS

• Plagiarism is regarded as a severe violation and an indication of incompetence of a student. Plagiarism is understood as one’s text compilation for other people’s publications, even if with addition of one’s own phrases and sentences. Collective performance of individual tasks is also unacceptable. Discovered plagiarism is followed by an F-mark regardless of the fulfillment of all other requirements.

• Assignments are to be handed in on the due date. Late submissions are followed by the 1/3 grade lowering for each day of delay.

• Students shall keep a copy of all works submitted for the evaluation.