

PUBLIC INTERNATIONAL LAW – LW5118

Irish Centre for Human Rights School of Law Academic Year 2025-2026

Course Outline

Objective	The course is intended for students with little or no knowledge of public international law. The main objective of the course is to provide students with an overview of the basic notions and methodology of public international law. The course will equip students with the skills required in order to envisage public international law dimensions of real-life situations and be able to engage with public international law dimension of their area of specialisation (human rights, international criminal law, international humanitarian law etc).	
Lecturer(s)	Name Ekaterina Yahyaoui Krivenko	E-mail Ekaterina.yahyaoui@universityofgalway.ie
Overall Learning Outcomes	<ul style="list-style-type: none">• Explain and utilise correctly basic concepts of public international law and its terminology;• Identify and apply relevant sources of public international law in basic scenarios;• Apply basic public international law tools in the research;• Discuss public international law dimensions of current international events, including through a critically lens.	
Format	Each 3h (with a break) seminar consists of a theoretical introduction and class discussion of relevant public international law notions, documents, and decisions. Students are expected to undertake required readings in preparation for each seminar. Detailed instructions, including reflective questions for readings will be posted on blackboard one week in advance of each class. Seminars take place on Tuesdays from 10am to 1pm in the seminar room of the ICHR starting 16 September 2025. However, please check specific dates in the course outline and always check your emails for any changes.	
Programme(s)	All LL.M. programmes of the ICHR and the School of Law	
Course Material	Preparatory readings from some of the below textbooks or the Max-Planck Encyclopaedia of Public International Law will be indicated in the detailed course outline. They constitute the background reading. Other mandatory readings will be judgements and advisory opinions of the International Court of Justice. These judgements and opinions are available on the website of the ICJ: http://www.icj-cij.org/en/list-of-all-cases . These will form the basis for discussion in class. Students are not required to purchase any textbook. However, they might find it useful to supplement required course readings by any up-to-date	

	<p>textbook. The following are particularly recommended (always check for the latest edition, but earlier editions can also be used provided notice is taken of relevant later developments):</p> <ul style="list-style-type: none"> ▪ Malcolm D. Evans (ed.), <i>Public International Law</i>, Oxford: Oxford University Press ▪ Jan Klabbers, <i>International Law</i>, Cambridge: Cambridge University Press, ▪ Malcolm N. Shaw, <i>International Law</i>, Cambridge: Cambridge University Press ▪ James Crawford, Brownlie's <i>Principles of Public International Law</i>, Oxford, Oxford University Press ▪ Paola Gaeta, Jorge E. Viñuales, and Salvatore Zappalá, <i>Cassese's International Law</i>, Oxford University Press
Assessment	<p>Essay on a topic from the list of suggested topics (5000 words maximum, including footnotes, excluding table of contents and bibliography). More clarifications will be provided during the first class (100%). The topic has to be agreed by week 8.</p>

Week 1 (16 September 2025)

INTRODUCTION

1. Historical development and nature of international law

Mandatory readings:

- Malcolm N. Shaw, *International Law*, chapter 1 (Nature and Development of International Law) available on library webpage in electronic format
- M Koskeniemi, "What is International Law For?", in M. Evans (ed), *International Law*, Oxford: Oxford University Press (2010, 3rd edition) PDF exceptionally posted on Canvas (normally students are expected to find mandatory readings either online on the ICJ webpage or in electronic format in the library)

Weeks 2 & 3 (30 September and 3 October 2025)

SOURCES AND NORMS OF PUBLIC INTERNATIONAL LAW

1. Theory of sources of public international law

- a) Distinction between the source and the norm
- b) Distinction between formal sources and material sources
- c) Article 38 of the Statute of the International Court of Justice
- d) Relationship between sources of public international law
- e) Relationship between norms of public international law

2. International treaties

- a) Definition and categories
- b) Conclusion of treaties
- c) Reservations to international treaties
- d) Validity of treaties
- e) Application of treaties
- f) Modifications and termination of treaties

Mandatory readings:

- Article 38 of the Statute of the International Court of Justice (for week 3)

- Vienna Convention on the Law of Treaties between States, 1969 (for week 3, keep for other weeks too)
- General Comment No. 24: Issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, Doc. CCPR/C/21/Rev. 1/Add. 6147 available online (eg <http://www.refworld.org/docid/453883fc11.html>)
- Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, advisory opinion, 28 May 1951, ICJ Reports 1951, p. 15. Read p. 16 (questions) and p. 20 and seq. (reference is made to page numbers at the top of the page)
- Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda), 3 February 2006, summary of the judgement and Joint Separate Opinion by Judges Higgins, Kooijmans, Elaraby, Owada and Simma
- Malcolm N. Shaw, *International Law*, in 9th edition: pages 58-60 (introduction to the chapter on sources, 78-82 (section on treaties), chapter 15 Law of treaties (you can skip section 'Amendment and Modification of Treaties' and 'Treaties Between States and International Organisations')

Week 4 (14 October 2025)

3. Custom and other sources of public international law

- a) Custom
 - i) Formation of customary rules
 - ii) Application of customary rules
- b) General principles of law
- c) Judicial decisions and teachings of publicists
- d) Unilateral declarations

4. Other relevant notions

Jus cogens – *erga omnes* – soft law

5. Critical evaluation of the theory of sources

Mandatory readings:

- The case of the S.S. « Lotus », 7 September 1927, PCIJ Reports, Series A, n° 10, p. 4. Read p. 5 and p. 10 and seq.
- North Sea Continental Shelf Cases, judgement, 20 February 1969, ICJ Reports 1969, p. 3. Read paragraphs 1 (starts at p. 12), 2, 14, 15, 37 and 60-85
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, judgement, 26 June 1986, ICJ Reports 1986, p. 14. Read paragraphs 172-269.
- Nuclear Tests (New Zealand v. France) (Australia v. France), judgement, 20 December 1974, ICJ Reports 1974, p. 457. Read paragraphs 16 and seq.
- Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, 25 February 2019, read paras 144-162
- Malcolm N. Shaw, *International Law*, chapter 3 'Sources'

Week 5 (21 October 2025)

SUBJECTS OF PUBLIC INTERNATIONAL LAW

1. Overview

2. States

- a) Acquisition of legal personality

- b) Competencies
- c) Immunities

Mandatory readings:

- Island of Palmas case (Netherlands v USA), 4 April 1928, 2 UN Rep. Int'l Arbitration Awards 829, available at legal.un.org/riaa/cases/vol_II/829-871.pdf
- Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening), judgement, 3 February 2012, ICJ Reports
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), judgement, 14 February 2002, ICJ Reports 2002, p. 3 (paragraphs 1, 13-15, 45, 46, 51-78) and Joint separate opinion of Judges Higgins, Kooijmans and Buergerthal (paras. 1-5, 17, 18, 19, 45-52, 70-89)
- Shaw's book has a section on states in chapter 5 'Subjects of International Law'. Please read it. We also cover questions of recognition (8), territory (9), jurisdiction (11), immunities (12) which each have a separate chapter in Shaw. However, we will not go into as much detail as Shaw's book so you are not required to read these chapters (8, 9, 11 and 12). However, you are free to do so if you want to get a deeper understanding of one of these issues.

Week 6 (28 October 2025)

3. International Organisations and other subjects of public international law

- a) International organisations
 - i) Nature of their legal personality
 - ii) Example of the Organisation of the United Nations
- b) Individuals
 - i) Links to the State
 - ii) International protection of human rights
 - iii) International criminal law and duties of individuals
- c) Other subjects

Mandatory readings:

- Charter of the United Nations adopted on 26 June 1945 (entered into force on 25 October 1945), available online. Read preamble and articles 1-32, 55, 61-72, 92-101.
- Reparation for Injuries Suffered in the Service of the United Nations, advisory opinion, 11 April 1949, ICJ Reports 1949, p. 174
- Nottebohm (Liechtenstein v. Guatemala), judgment, 6 April 1955, ICJ Reports 1955, p. 4
- Reference re Secession of Quebec, [1998] 2 S.C.R. 217 (read paras 109-146 only)
- Malcolm N. Shaw, *International Law*, chapter 'Subjects of International Law' (remainder). You can also read chapter 21 United Nations and chapter 22 International Organisations but these two are not mandatory

Week 7 (4 November 2025)

IMPLEMENTATION OF PUBLIC INTERNATIONAL LAW AND RESPONSIBILITY OF STATES

1. Relationship between national and international law

- a) General theories:
 - monism and dualism - subordination and coordination
- b) Examples of application

- i) International treaties
- ii) Customary law and *jus cogens*

2. International responsibility

Mandatory readings:

- Draft Articles on the Responsibility of States for Internationally Wrongful Acts, adopted by the UN General Assembly on 12 December 2001, available online (You need the text without commentaries. A text containing detailed commentaries also exists. You are not required to read the commentaries.)
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion, 9 July 2004; ICJ Reports 2004, p. 136 (pages 4-6 and paras. 66, 67, 143 and seq.)
- Malcolm N. Shaw, *International Law*, chapter 4 'International Law and Municipal Law' (pp 110-159 only) and chapter 13 'State Responsibility' (until section 'diplomatic protection and nationality of claims') pp. 677-703 in the 9th edition.

Week 8 (13 November 2025)

Finalise discussion of any topics

Revision (if necessary)

Instructions and clarifications regarding essay