# Public International Law

## Prof. Gabriele Della Morte

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide students with a basic knowledge of international law. At the end of the course, students will be able to understand and describe the actors that participate in the life of this order, the system of the sources of law, the phenomenon of the internal application of international legal rules, the international responsibility issue, as well as the contents of some of the main material regimes (use of force, treatment of foreigners, international protection of human rights, etc.)

***COURSE CONTENT***

The course covers the following issues:

– The international legal order. Brief history and analysis of the main features. Examination of the functions of producing, interpreting and executing rules.

– The main actors in international relations: States, international organisations, individuals and other participants. The problems of the so-called “international subjectivity”.

– The sources of international law. In particular: customary law, treaties, soft law, codification agreements, general principles of international law, recommendations of the international organisations. The importance of the so-called “soft law” in contemporary international law.

– The adaptation of national law to international law, with special reference to the issues concerning the adaptation to customary law and to treaty law within the framework of the Italian judicial system.

– Summary of the contents of international law. In particular: territorial sovereignty and its limitations; the law of the sea; the discipline of the use of force in general international law and the collective security system of the United Nations; the exercise of jurisdiction by the States; treatment of foreigners; jurisdictional immunity; international protection of human rights; international law of war; international criminal law.

– International responsibility. The notion of unlawful international act and relevant subjective and objective elements. Relevance of guilt and damage. The consequences of international unlawful acts: in particular, methods of reparation. Instruments to invoke international liability: in particular, countermeasures and restrictions on their exercise.

– Summary of the legislative framework for disputes between States. The notion of international dispute. Means of peaceful settlement of disputes. International jurisdiction: nature and characteristics. The International Court of Justice and the other international courts.

***READING LIST***

The exam preparation for attending students will be based on the lecture notes, partly supplemented by the textbooks listed below, as well as by the regulatory, judicial and doctrinal material specified in the digital platform of the Course (*Blackboard*).

For non-attending students, it is recommended the study, alternatively, of the following textbooks:

B. Conforti-M. Iovane, *Diritto Internazionale,* 12th edition, Editoriale Scientifica, Naples, 2021. Alternative textbooks may be specified on the lecturer's electronic notice board.

P. De Sena -M. Starita, *Corso di diritto Internazionale,* Il Mulino, Bologna, 2023.

Students can agree with the lecturer different textbooks, also in foreign language, in order to deepen some topics.

***TEACHING METHOD***

The course will be based on lectures enhancing students’ active participation. It will also include meetings with experts and specialists from the world of international professions (diplomats, international officials, etc.).

***ASSESSMENT METHOD AND CRITERIA***

The assessment of the learning outcomes takes place through oral exams at the scheduled deadlines, aimed at verifying the students’ level of learning, presentation accuracy, critical attitude and argumentative skills. More specifically, the oral exam is structured around issues relating to different and qualifying parts of the programme. The aim is to assess the level of overall knowledge acquired by the candidate, their ability to critically address the topics studied and to relate the various parts of the programme. The final mark is the weighted average of the answer outcomes.

The exam for attending students will be mainly focused on the topics presented during the lectures and the practical activities. In addition, students *might* be given the possibility - to be agreed - to take an assessment through intermediate stages, alternatively or cumulatively: a) in the oral presentation in class of specific topics agreed with the lecturer; b) in a paper written test in class concerning the topics covered.

*Criteria for awarding the final mark*

The students’ mastery shown in the arguments, their critical approach to the topics and the ability to relate the various parts of the programme will contribute to the final mark.

The students’ achievement of an organic and critical view of the topics addressed in class, together with the demonstration of a complete presentation mastery will be assessed with excellent marks. Inarticulate synthesis and analysis skills and/or correct but not always appropriate language will result in fair marks; training gaps and/or inappropriate language - albeit in a context of minimal knowledge - will produce marks that will not exceed the sufficiency. Training gaps (such as, ignoring some of the topics included in the course), inappropriate language, inability to relate the reference topics can only be assessed with a failing mark.

***NOTES AND PREREQUISITES***

*Notes*

A preferential criterion for the assignment of the degree thesis in Public International Law is that the mark obtained in the specific subject is not less than 27/30 in the specific subject.

*Pre-requisites*

Prerequisites for the course attendance and exam is an introductory course to the Constitutional law.

During lectures, frequent references will be made to the fundamental institutions of the European Union Law, for which, however, there are no introductory courses.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.