



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza		
<b>ACADEMIC YEAR</b>	2018/2019		
<b>MASTER'S DEGREE (MSC)</b>	LAW		
<b>SUBJECT</b>	INTERNATIONAL LAW		
<b>TYPE OF EDUCATIONAL ACTIVITY</b>	B		
<b>AMBIT</b>	20010-Internazionalistico		
<b>CODE</b>	02502		
<b>SCIENTIFIC SECTOR(S)</b>	IUS/13		
<b>HEAD PROFESSOR(S)</b>	TRAMONTANA ENZAMARIA	Professore Associato	Univ. di PALERMO
	STARITA MASSIMO	Professore Ordinario	Univ. di PALERMO
	DE SENA PASQUALE	Professore Ordinario	Univ. di PALERMO
<b>OTHER PROFESSOR(S)</b>			
<b>CREDITS</b>	9		
<b>INDIVIDUAL STUDY (Hrs)</b>	153		
<b>COURSE ACTIVITY (Hrs)</b>	72		
<b>PROPAEDEUTICAL SUBJECTS</b>	02432 - CONSTITUTIONAL LAW - INTEGRATED COURSE 04035 - ELEMENTS OF PRIVATE LAW		
<b>MUTUALIZATION</b>			
<b>YEAR</b>	3		
<b>TERM (SEMESTER)</b>	2° semester		
<b>ATTENDANCE</b>	Not mandatory		
<b>EVALUATION</b>	Out of 30		
<b>TEACHER OFFICE HOURS</b>	<p><b>DE SENA PASQUALE</b> Tuesday 18:00 20:00 Gentili Signori, A partire dal 6 giugno pv, in concomitanza con la chiusura dei corsi, il mio ricevimento in presenza sarà sospeso. Esso continuerà, su appuntamento, via Teams, ogni martedì, dalle 18 alle 20. Un saluto cordiale, PDS</p> <p><b>STARITA MASSIMO</b> Monday 09:00 13:00 Dipartimento di Giurisprudenza - via Maqueda 172, secondo piano, stanza n. 5</p> <p><b>TRAMONTANA ENZAMARIA</b> Tuesday 12:00 13:00</p>		

DOCENTE: Prof. MASSIMO STARITA- *Lettere F-N*

<b>PREREQUISITES</b>	Good knowledge of the domestic legal order with particular reference to the relevant constitutional norms dealing with the relationship between international and domestic law.
<b>LEARNING OUTCOMES</b>	<p>Knowledge and understanding: Students will gain a general knowledge of the international legal order, especially of its legal subjects and of the functions of law-making, judicial settlement and enforcement. Since the beginning of the course, the knowledge of the main international sub-systems will be crucial.</p> <p>Applying knowledge and comprehension: Students will be able to make their new skills effective, and to widen and increase their knowledge through the analysis of practical cases. To this end, students will acquire the necessary instruments to carry out accurate researches of international legal material and case law.</p> <p>Making judgements: Students will develop a critical approach about the different conceptions of international law, its social functions and its contents. They will become able to elaborate autonomous proposals in order to find out the solution of specialised legal questions. Thanks to the acquired critical capabilities, students will be able to develop an autonomous reasoning, with regard to both practical cases and scholarly opinions.</p> <p>Communicating skills: Students will gain awareness of the meaning of the words used to communicate ideas, considering the single relevant context. They will be able to use appropriately foreign words; to deal with a controversial legal question individuating its key points; to use different communicating skills - either orally or in written - in order to illustrate a legal specific matter, using an adequate legal terminology; to conduct bibliographic researches and to use appropriately web instruments, such as electronic data banks, electronic reviews etc.</p> <p>Learning skills: Students will obtain an overall understanding of international public law and an appropriate studying methodology, which will provide them with the capability to undertake activities (such as the consultation of relevant bibliographic, normative and case law material) in order to undertake high specialised studying paths. Students will be able to apply the specific learning methods of international law in order to enhance and update their skills in professional contexts.</p>
<b>ASSESSMENT METHODS</b>	Oral exam with evaluation out of 30.
<b>EDUCATIONAL OBJECTIVES</b>	The main goal of the course is to provide students with specific skills, which are necessary to understand the international legal order, taking into account the structural differences between such a legal order and the domestic ones. This approach should desirably bring to increase the knowledge - and the conception itself - of the legal phenomenon by students. In other words, following this path, students should get used to think about this phenomenon in a highly pluralistic manner, assuming a modern perspective of the international legal landscape, which today is made by a network of different legal systems, not necessarily linked in a hierarchical structure. To this end, the course will focus on the question of traditional and emerging international actors. Moreover, it will provide students with the knowledge of the modality through which the structural and essential functions of every legal order (norm-making, judicial settlement and enforcement) are exercised at the international level. Lastly, particular relevance will be given to the acquisition of specific skills in the very complex matter of the relationship between the international legal order and the domestic legal ones, on the one hand, and among different international legal regimes, on the other, with the aim to identify the principles guiding the interactions among them.
<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	B. Conforti, <i>Diritto internazionale</i> , Editoriale scientifica, Napoli, ultima edizione in commercio.

### SYLLABUS

Hrs	Frontal teaching
6	The origins of the international community. The main legal features of the international legal order
6	International legal persons (Part I): the notion of international legal personality; States, insurgents and national liberation movements
3	International Legal Persons (Part II): international organizations and individual.
6	International Law creation: (Part I): custom and general principles
9	International law creation (Part II): Treaties (treaty-making procedures; reservations; interpretation; grounds of invalidity and extinction)
6	The hierarchy of rules: jus cogens and erga omnes obligations
6	The implementation of international rules within domestic legal systems.

## SYLLABUS

Hrs	Frontal teaching
9	Breaches of International Law and International Responsibility
3	International dispute settlement
6	Use of force and collective security
3	Selected issues of international law (I): immunity of foreign States from courts' jurisdiction; limitations upon a State's treatment of foreigners
3	Selected issues of international law (II): the international law of the sea
3	Selected issues of international law (III): the international protection of the environment
3	Selected issues of international law (IV): the repression of international crimes

**DOCENTE:** Prof. PASQUALE DE SENA- *Lettere A-E*

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9	International law creation (Part II): Treaties (treaty-making procedures; reservations; interpretation; grounds of invalidity and extinction)
6	The hierarchy of rules: jus cogens and erga omnes obligations
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Hrs	Frontal teaching
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3	International dispute settlement
6	Use of force and collective security
3	Selected issues of international law (I): immunity of foreign States from courts' jurisdiction; limitations upon a State's treatment of foreigners
3	Selected issues of international law (II): the international law of the sea
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<b>ASSESSMENT METHODS</b>	<p>La valutazione dello studente prevede una prova orale, consistente in un colloquio in cui vengono proposti quesiti vertenti su argomenti compresi nel programma del corso. Le domande tenderanno a valutare se lo studente abbia conoscenza e comprensione degli argomenti, abbia acquisito competenza interpretativa e autonomia di giudizio di casi concreti, e abbia acquisito il possesso di un'adeguata capacita' espositiva.</p> <p>La valutazione avviene in conformita' alla seguente griglia di valutazione:</p> <ul style="list-style-type: none"> <li>-Esito eccellente 30 -30 e lode: ottima conoscenza degli argomenti, ottima proprieta' di linguaggio, ottima capacita' analitica; lo studente e' in grado di applicare le conoscenze teoriche a casi concreti di cui si propone la soluzione, ipotizzando anche alternative plurime.</li> <li>-Esito molto buono 26-29: buona conoscenza degli argomenti, buona proprieta' di linguaggio, buona capacita' analitica; lo studente e' in grado di applicare in modo adeguato le conoscenze teoriche a casi concreti di cui si propone la soluzione.</li> <li>-Esito buono 24-25: conoscenza di base dei principali argomenti, discreta proprieta' di linguaggio, lo studente mostra una limitata capacita' di applicare le conoscenze teoriche a casi concreti di cui si propone la soluzione.</li> <li>-Esito soddisfacente 21-23: lo studente non mostra piena padronanza degli argomenti principali dell'insegnamento, pur possedendone le conoscenze fondamentali; mostra comunque soddisfacente proprieta' di linguaggio sebbene con una scarsa capacita' di applicare in modo adeguato le conoscenze teoriche a casi concreti di cui si propone la soluzione.</li> </ul> <p>Esito sufficiente 18-20: La soglia della sufficienza sara' raggiunta quando lo studente mostri conoscenza e comprensione degli argomenti almeno nelle linee generali e abbia competenze applicative minime in ordine alla risoluzione di casi concreti; dovra' ugualmente possedere capacita' espositive e argomentative tali da consentire la trasmissione delle sue conoscenze all'esaminatore. Al di sotto di tale soglia, l'esame risultera' insufficiente.</p> <p>E' prevista una prova in itinere orale. La sottoposizione alla prova in itinere e' meramente facoltativa per lo studente. La valutazione della prova in itinere segue lo schema di valutazione di cui sopra ed incide sul voto finale in una misura non superiore al 50%, in relazione alla parte di programma effettivamente oggetto della prova medesima. In ogni caso nell'esame orale finale lo studente dovra' ottenere almeno la sufficienza. Lo studente potra' comunque rinunciare all'esito della prova intermedia, sostenendo l'esame finale sull'intero programma.</p>
<b>EDUCATIONAL OBJECTIVES</b>	

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