



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza		
<b>ACADEMIC YEAR</b>	2019/2020		
<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>	04035 - ELEMENTS OF PRIVATE LAW 02432 - CONSTITUTIONAL LAW - INTEGRATED COURSE		
<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>		

<b>PREREQUISITES</b>	Good knowledge of the domestic legal order, with particular regard 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>	<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>	

	<p>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.</p> <p>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.</p>
<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	B. Conforti, Diritto internazionale, Editoriale scientifica, Napoli, ultima edizione in commercio o, in alternativa, C. Focarelli, Diritto Internazionale, 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 individuals.
6	International Law-Creation (Part I): Custom and general principles of law.
9	International Law-Creation (Part II): Treaties (treaty-making procedures, reservations, interpretations, grounds of invalidity and extinction)
6	The hierarchy of rules, jus cogens and erga omnes obligations
6	The implementation of international rules within national systems
9	Breaches of international law and international legal responsibility
3	International dispute settlement
6	Use of Force and Collective Security
3	Selected issues in international law (I): Immunity of foreign States from courts' jurisdiction; limitations upon a State's treatment of foreigners
3	Selected issues in international law (II): the international law of the sea
3	Selected issues in international law (III): the international protection of the environment
3	Selected issues in international law (IV): the repression of international crimes

<b>PREREQUISITES</b>	Good knowledge of the domestic legal order, with particular regard 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>	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialised language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions. The interview consists of a minimum of three questions. The evaluation will take place in conformity to the following evaluation grid: -Excellent 30 -30 cum laude: excellent knowledge of the topics, excellent property language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives. - Very good 26-29: good knowledge of the topics, good properties of language, good capacity analytical; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analysed. -Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda. N. 1 Midterm oral exam on voluntary basis (mark out of 30).</p>
<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
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## SYLLABUS

Hrs	Frontal teaching
6	The origins of the international community. The main legal features of the international legal order
4	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 individuals.
3	Customs and general principles of law
11	The Law of Treaties
3	Hierarchy of norms, jus cogens, and erga omnes obligations
9	The relationship between International Law and National Law (with particular regard to custom, treaties, acts adopted by international organizations
9	Wrongful acts of States and the international legal responsibility
6	International Dispute Settlement
6	Use of Force by States and collective security
6	Selected issues in International Law: (I) the international law of the sea
3	Selected issues in International Law; (II) the immunity of foreign States from court's jurisdiction and the protection of foreigners under international law
3	Selected issues in International Law: (III) the repression of international crimes

<b>PREREQUISITES</b>	Good knowledge of the domestic legal order, with particular regard to the relevant constitutional norms dealing with the relationship between international and domestic law
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<b>ASSESSMENT METHODS</b>	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialised language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions. The interview consists of a minimum of three questions. The evaluation will take place in conformity to the following evaluation grid: -Excellent 30 -30 cum laude: excellent knowledge of the topics, excellent property language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives. - Very good 26-29: good knowledge of the topics, good properties of language, good capacity analytical; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analysed. -Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda. N. 1 Midterm oral exam on voluntary basis (mark out of 30).</p>
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6	Use of force by States and collective security
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