

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
SIMON KUZNETS KHARKIV NATIONAL UNIVERSITY OF ECONOMICS

INTERNATIONAL LAW

Guidelines

**to practical tasks and independent work
for Bachelor's (first) degree students of speciality
291 "International Relations, Public Communications
and Regional Studies"**

**Kharkiv
S. Kuznets KhNUE
2021**

UDC 341(07.034)

I-69

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Затверджено на засіданні кафедри міжнародних економічних відносин.

Протокол № 1 від 05.01.2021 р.

Самостійне електронне текстове мережеве видання

International law [Electronic resource] : guidelines to practical tasks and independent work for Bachelor's (first) degree students of speciality 291 "International Relations, Public Communications and Regional Studios" / compiled by O. Dotsenko. – Kharkiv : S. Kuznets KhNUE, 2021. – 35 p. (English)

The guidelines for carrying out practical tasks and independent work of students are given to deepen, concretize and consolidate the gained knowledge of the theoretical part of the academic discipline.

For Bachelor's (first) degree students of speciality 291 "International Relations, Public Communications and Regional Studios".

UDC 341(07.034)

Introduction

Globalization of economic and social processes, which is inherent to modern international relations, determines the actualization of issues of cooperation between states to maintain sustainable and harmonious development of each individual state and the world community as a whole. This, in turn, requires and determines the specifics of the legal regulation of these relations, the existence and functioning of various norms, legal institutions and branches of international law.

The academic discipline "International Law" focusses on students' obtaining and mastering knowledge, skills and abilities in the field of public international law, in particular issues related to the concept and features, norms, principles and sources, subjects of international law; the legal status of the territory in international law; the law of international treaties: the international human rights law; the international criminal law; the law of foreign relations, etc.

The purpose of the academic discipline is to form students' basic knowledge of the fundamentals of public international law, as well as practical skills and abilities as to correct interpretation and application of international legal acts necessary to solve complex theoretical and practical problems in the field of international relations during their future professional activities in the field of international relations, foreign policy, international communications and regional studios and in conducting research.

The academic discipline is aimed at developing the following *competences*:

- the ability to speak a foreign language;
- the ability to analyze international processes in various contexts, including political, security, legal, economic, social, cultural and informational aspects:
 - the ability to assess the state and areas of research of international relations and world politics in political, economic, legal sciences, in interdisciplinary research;
 - the ability to solve complex specialized problems and settle practical issues in the field of international relations, foreign policy, public communications, regional research.

The academic discipline involves achieving the following educational results:

- the ability to research the problems of international relations, regional development, foreign policy, international communications using modern political, economic and legal theories and concepts, scientific methods and interdisciplinary approaches, to present research results, to provide appropriate recommendations;

- understanding and ability to apply current legislation, international normative acts and agreements, reference materials, current standards and specifications, etc. to solve complex specialized problems of international relations, public communications and regional studios;

- skills to conduct a professional discussion on issues of international relations, international communications, regional studios, foreign policy, to argue their position, to respect opponents and their views.

Practical tasks and tasks for independent work on this academic discipline are designed to get theoretical knowledge and master practical skills in the field of international public law.

Practical tasks and tasks for independent work are given in relation to the main themes of the academic discipline. They are based on the theoretical material of the relevant theme, as well as previous themes. Practical tasks and tasks for independent work are recommended to be done consistently, as consistent performance allows a student to better master and consolidate the material of the academic discipline.

When performing practical tasks and tasks for independent work, the student acquires professional competences and practical skills to solve applied problems of professional activity.

Content module 1

The general part

Theme 1. The concept and features of international law

Practical tasks for independent work

Task 1. Learn the lecture material and the materials contained in the recommended literature on the theme and be ready for an oral test and educational discussion on the issues of the seminar and questions for self-examination and control of knowledge.

Questions for consideration at the seminar

1. The concept, the subject, the features and functions of international law.
2. The origin and development of international law.
3. Public international law as a special system of law.
4. The ratio of international and national law.
5. State interests, politics and international law.

Questions for self-examination and control of knowledge

1. Characterize the subject of international public law.
2. Characterize the components of the system of international law.
3. Identify the main periodizations of international law.
4. Identify theories of origin of international law.
5. Characterize the conceptions of ratio between international and national law.

Task 2. Prepare multimedia presentations (reports) on the following topics (optional).

1. The development of international public law from the Ancient Times to the Congress of Westphalia.
2. International public law between the Congress of Westphalia in 1648 and the era of the Great French Revolution (on the verge of the 18 – 19th centuries).
3. The development of international public law from the era of the French Revolution to the creation of the Versailles system.

4. International public law from the creation of the Versailles system to the present day. The Versailles system (1919 – 1939).
5. International public law of the period of confrontation between totalitarianism and democracy (1945 – late 80s).
6. International public law of polycentrism (late 80s – present time).
7. The current state of development of international public law.

*Guidelines for preparation of multimedia presentations (reports) using
Microsoft PowerPoint*

Multimedia presentation is a tool that allows you to convey information in a visualized, schematic form, which raises its value.

General requirements: the presence of the title slide which indicates: the topic of the report, the name of the student, the academic group and faculty; adherence to a single style of design of all slides; observance of the accepted rules of spelling, punctuation, abbreviations and rules of design of the text (absence of a point in headings, etc.); a list of the used sources (on the last slide); at least 15 slides.

Design requirements: use no more than three colours on one slide (one for the background, the second for the headings, the third for the text); when choosing the colour of the text and filling diagrams, follow the rule of 3 colours – use the three main colours and their shades; avoid changing the background of the slides (in exceptional cases, use comfortable tones).

Requirements to the content of slides: one key concept; 7 – 8 lines of text; one chart with analytical comment; one SmartArt scheme; the content of the presentation should correspond to the purpose and objectives of the report; location of information on the slide is to be mostly horizontal, from top to bottom on the main diagonal; the most important information should be located in the centre of the screen; if there is a picture on the slide, the inscription must be placed under it.

Requirements to the text: brevity and conciseness of the statement, maximum informativeness of the text; text material presented using font size 20 pt minimum and only in exceptional cases 14 pt; serif fonts and no more than 1–2 font types; line length no more than 36 characters; line spacing 1.5 inside the paragraph and double spacing between the paragraphs; alignment justified, no "torn" edges of the text; underscores used only in hyperlinks.

Requirements to visual and animated series: the material must be structured, including schemes and organizational diagrams, supported, if necessary, with appropriate graphic images and video fragments; digital data should be presented in the form of tables and charts, kept in restrained colours; links are to be provided to multimedia content and cloud data through the hyperlink function; image quality (contrast of the image in relation to the background; absence of extra details in the photo or picture, brightness and contrast of the image); quality of the musical series (unobtrusiveness of music, absence of extraneous noises); animation effects can be used to focus on certain moments, to gradually display the contents of a slide on the screen, to demonstrate movement or sequence of actions.

Practical tasks to be done at the seminar

Task 1. Oral testing and educational discussion on the educational issues of the seminar and questions for self-examination and control of knowledge.

Task 2. Defence of the multimedia presentations (reports).

Bibliography: main: 1; additional: 3, 4, 5, 6, 12, 14; information resources: 19.

Theme 2. Norms, principles and sources of international public law

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. The concept, the features and classification of international legal norms.
2. The concept and features of the basic principles of international law.
3. The concept and types of sources of international law.

Questions for self-examination and control of knowledge

1. What is the peculiarity of the mandatory rules of international law?
2. Characterize the general principles of law as a source of international public law.
3. Explain the meaning of the principle of sovereign equality of states.
4. Identify the features of "soft law" acts.
5. Explain the features of the decisions of international intergovernmental organizations as sources of international law.

Task 2. Prepare multimedia presentations (reports) on the following topics (optional).

1. Acts of "soft law" as a source of international public law.
2. International custom as a source of international public law.

Guidelines for the preparation of multimedia presentations (reports) using Microsoft PowerPoint (see Practical tasks for independent work on Theme 1)

Task 3. Do the practical homework tasks in writing.

Task 3.1. State A carried out a massive air attack on objects located in the territory of State B. Qualifying the actions of State A as an act of aggression and resorting to self-defence, State B destroyed the air base in the territory of State A.

Determine the legitimacy of the states' actions regarding the principle of non-use of force or threat of force.

Task 3.2. The wording of Article 38 of the Charter of the International Court of Justice allows referring to the following sources of international law: general and special international conventions, international custom recognized in some way by the parties to the dispute as evidence of common practice recognized as a rule of law; general principles of law recognized by civilized nations; court decisions and doctrines of the most qualified specialists in public law as an auxiliary source for determining legal norms. But in international legal science there is a common view according to which in the practice of interstate communication, historically there are two main sources of law – an international treaty and international custom. With regard to the provisions of the said Article 38 of the Charter of the International Court of Justice, a number of theorists characterize it as an unsuccessful attempt to

consider it as a document that records the list of sources of international law. On the other hand, in recent years, the educational and scientific literature on international law makes increasingly more mention of the growing importance of resolutions of international organizations in the formation of international norms, as well as the fact that law-making decisions of organizations are a special source of international law. Finally, it is argued that the laws and case law of many states can be an aid in establishing the existence of certain customary rules of international law.

1. What specific features of different categories of sources of public international law – both main and auxiliary – can you highlight?

2. Justify your position on the problem of primary and secondary sources of public international law.

Guidelines for doing the practical homework tasks

The written version of the practical homework task must meet the requirements of clarity, completeness, and procedural formalization. The decision should consist of the following parts:

- the descriptive part, which indicates the content and grounds of the situation or dispute, its subject, grounds and mechanism of development, possible objections;

- the motivational part, which analyzes the circumstances relevant to the case, provides legal assessment of these circumstances, the position of the applicant in assessing the above, provides references to international and other regulations of substantive and procedural law, based on which the rights and obligations of the parties in disputed legal relations and other circumstances that are important for solving the situational problem are substantiated;

- the operative part, which must contain comprehensive, clear, indisputable, logically consistent conclusions that follow from the established factual circumstances on the merits of the task.

It should also be noted that students have the right, on their own initiative, in order to more fully analyze the conditions of the task, to go beyond the conditions of the task and the questions posed to the task.

Executed options for solving problems are not counted in the case of mere enumeration of articles of regulations in the decision without the initial data of the problem and logical conclusions from the analysis of the situation, as well as in the case of textual coincidence of the solution with two or more

applicants' papers. In this case, the corresponding score is not credited to either of students.

The scope of practical homework task is limited only to the requirement of completeness and validity.

Example:

The descriptive part

In 1978, the Shah's regime was overthrown in Iran. On February 13, 1979, the new government of Iran announced that it would revise all international agreements of a bondage, unequal nature, concluded by the monarchical regime with the United States and other Western countries. Iran's withdrawal from the SENTO military bloc and the liquidation of all its military organs in Iran were soon announced, and the 1955 Iranian-American treaty, which provided the United States with ample opportunities to exploit Iran's natural resources, was annulled. At the same time, the Iranian government has reaffirmed its participation in all other international organizations, in all universal international treaties.

Questions for practical homework:

1. What is the basis of the right of the new government of Iran to revise the international treaties of its predecessor?
2. How does the institution of termination of international treaties and contractual obligations relate to the institution of invalidation of an international treaty?
3. What are the specific grounds for recognizing an international treaty as invalid and what are the legal consequences that may occur in the event of such circumstances?

The motivational part

1. In 1978 the monarchical regime was overthrown and a republican one was established. Accordingly, there have been changes in the regime, which entail a change in the state and political system. Withdrawal from the military bloc and the elimination of military organs in Iran indicate that the policies of the previous government had the characteristics of a military regime. Accordingly, some agreements were aimed at maintaining and developing the military regime. Under the terms of Article 62 of the Vienna Convention on the Law of Treaties of 1969, a radical change which occurred

in the circumstances which existed at the time of the conclusion of the treaty and which was not foreseen by the parties may not be invoked as a ground for terminating or withdrawing from the treaty: a) the existence of such circumstances was an essential basis for the consent of the parties to the binding nature of the contract; b) the effect of a change of circumstances radically changes the scope of the obligations still to be performed under the contract. That is, a change in the scope of obligations and a change in circumstances give the new government the right to revise its predecessor's international treaties.

2. Article 42 of the Vienna Convention on the Law of Treaties of 1969 states that the validity of a treaty or the consent of a State to be bound by a treaty may be challenged only on the basis of the application of that convention. Termination of the contract, its denunciation or withdrawal of the party may take place only as a result of the application of the provisions of the contract or this convention. The same rule applies to the suspension of the contract.

The grounds on which a treaty may be declared invalid are provided for in Articles 46 to 53 of the 1969 Vienna Convention on the Law of Treaties. In international law, on the basis of invalidity, treaties are divided into two groups: absolutely invalid and negative. The first are those contracts whose invalidity is obvious and does not require proof. This is the use of force or threat of force, the contradiction of the treaty to the basic principles of international law, and so on. Negatives include those whose invalidity requires proof, such as bribery, deception, abuse of power, and so on.

The treaty may be terminated in accordance with the provisions of the treaty itself, withdrawal from it, denunciation, in connection with the conclusion of the next treaty, impossibility of its implementation, radical change of conditions, severance of diplomatic or consular relations or the emergence of new imperative international law and other grounds.

The treaty may be terminated upon expiration. As mentioned, the treaty may be concluded for a certain period – the expiration of its term and the lack of a clear intention to extend it, i.e. the extension of the term, entails the termination of the contract. The treaty is terminated with the onset of the cancellation condition, i.e. the condition provided for in the contract itself, the occurrence of which entails the termination of legal relations under the contract and, thus, the treaty itself. The annulment of an international treaty is carried out by agreement of the states that have concluded it. This often happens when concluding a new contract.

Denunciation is the termination of an international treaty on the terms provided by the treaty itself. The usual denunciation formula reads as follows: "This Treaty shall remain in force for a period of five years from the date of its entry into force. This Treaty shall remain in force for a further period of five years if one of the Contracting Parties the next term shall not notify the other Contracting Party of its intention to denounce it". Denunciation may be denied.

The annulment of an international treaty is its unilateral termination. As mentioned, unilateral termination of the treaty is contrary to the principle of *pacta sunt servanda* and is therefore inadmissible. However, if the other party to the treaty intentionally and systematically violates the treaty, fails to perform its obligations under the treaty, it may be cancelled. Cancellation, if properly motivated and justified, is not illegal.

Termination of an international treaty means that such a treaty has lost its binding force in the relations between its parties and has ceased to give rise to rights and obligations for them. In this case, the rights, obligations or legal status of its participants acquired under the contract, which arose as a result of the treaty, are retained after its termination, and the provisions of the invalid treaty have no legal force.

If the treaty is declared invalid, several options are possible: its participants are released from the obligation to perform the treaty in the future (obligations for the parties after the termination of the treaty are retained); the grounds that caused the invalidity of the treaty are eliminated; with the consent of the participants, the entire agreement or part of it is revised.

3. Articles 46 – 53 of the Vienna Convention on the Law of Treaties of 1969 set out the specific grounds for the invalidity of an international treaty. Really, an international treaty is considered invalid if:

- it was concluded with a clear violation of the provisions of domestic law relating to the competence and procedure for concluding a treaty (Article 46);
- consent to be bound by a treaty is erroneous when the error relates to a fact or situation which, on the assumption of that state, existed at the time of the treaty and was the essential basis for its consent to be bound by the treaty (Article 48);
- the state entered into a treaty under the influence of fraudulent actions of another state that participated in the negotiations (Article 49);
- the consent of the state to the binding nature of the treaty was expressed as a result of direct or indirect bribery of its representative by another state that participated in the negotiations (Article 50);

- the consent of the state to the binding nature of the treaty was expressed as a result of coercion of its representative by actions or threats against him (Article 51);
- the conclusion of the treaty was the result of a threat of force or its use in violation of the principles of international law embodied in the UN Charter (Article 52);
- the treaty at the time of conclusion contradicts the mandatory rule of general international law (jus cogens) (Article 53).

Signs of relative invalidity should be considered: violation of internal constitutional norms, error, deception, bribery of a state representative. Signs of absolute invalidity include: coercion of the state or its representative; the treaty contradicts the basic principles or imperative norm of general international law (jus cogens).

The relative invalidity makes the treaty challenged (negative). Absolute invalidity means the nullity of the treaty from the beginning.

The operative part

1. The right of the new Government of Iran to revise the international treaties of its predecessor is based on the terms of Article 62 of the Vienna Convention on the Law of Treaties of 1969 and consists in a radical change of circumstances.

2. Termination of an international treaty means that it has lost its legal force and no longer has legal consequences for its participants. Termination of the treaty in any case, except in cases of invalidity, does not entail cancellation of the consequences of the treaty. In case of invalidity of the contract, as it was noted, all consequences of the treaty are recognized as invalid. Termination of the treaty, as a rule, is connected with lawful actions.

3. Depending on the consequences, there are grounds for absolute and relative invalidity of treaties. Absolute invalidity entails the nullity of the contract from the outset, while relative invalidity turns the treaty only into one that can be challenged.

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Task 2. Defence of the multimedia presentations (reports).

Task 3. Defence of the practical homework tasks.

Bibliography: main: 1; additional: 4, 5, 8, 11, 13, 14; information resources: 23.

Theme 3. Subjects of international law. International legal recognition and succession

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. The concept and types of subjects of international law.
2. The state as the main subject of international law.
3. International legal personality of peoples and nations fighting for independence. International legal personality of international intergovernmental organizations. International legal personality of state-like entities.
4. Problematic issues of recognition of international legal personality of individuals and legal entities.
5. The concept, the forms and types of recognition in international law.
6. The concept of succession in international law.

Questions for self-examination and control of knowledge

1. Give the classifications of subjects of international law.
2. Describe the components of international legal personality.
3. Identify the features of the international legal personality of state-like entities.
4. Describe the theories of recognition in international law.
5. Describe the concept of succession in international law.

Task 2. Prepare multimedia presentations (reports) on the following topics (optional).

1. Problems of recognition of international legal personality by individuals and legal entities, in particular transnational corporations, and also by international non-governmental organizations.

2. Unrecognized states in modern international relations: legal characteristics (choose examples of your choice, but not to be repeated).

3. The Vatican as a subject of international law.

4. The Sovereign Military Hospitaller Order of Saint John of Jerusalem of Rhodes and of Malta as a subject of international law.

Guidelines for preparation of multimedia presentations (reports) using Microsoft PowerPoint (see Practical tasks for independent work on Theme 1)

Task 3. Do the practical homework task in writing.

Recently, many legal scholars have noted the supranational nature of some entities, especially the EU. There are several views on the nature of the EU: some researchers of international law refer to it as regional international organizations, others to a confederation or a supranational entity.

1. How would you describe the legal nature of the EU? Justify your answer.

2. Does the supranational nature of an international organization contradict international law?

3. List the conditions that must be met by states applying for membership in international organizations.

4. What features of EU law can be identified?

Guidelines for doing the practical homework task (see Practical tasks for independent work on Theme 1)

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Task 2. Defence of the multimedia presentations (reports).

Task 3. Defence of the practical homework tasks.

Task 4. Testing.

Bibliography: main: 1; additional: 2, 4, 5, 11, 13, 15; information resources: 23.

Theme 4. Territory in international law

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. The concept and types of territories in international law.
2. State territory and its constituent parts.
3. Ways to change and lease state territory.
4. The concept of state borders, their types and methods of establishment. International territory.
5. A territory with a mixed regime.
6. A territory with a special regime.

Questions for self-examination and control of knowledge

1. Define the state territory and name its constituent parts.
2. Describe the legitimate ways to change the state territory.
3. Describe the state borders by methods of establishment.
4. What is the peculiarity of the legal regime of Antarctica?
5. What is a demilitarized territory?

Task 2. Prepare multimedia presentations (reports) on the following topics (optional).

1. Territories with a special regime.
2. The legal regime of international rivers.
3. The legal regime of international straits.
4. The legal regime of international canals.

5. The International legal regime of outer space, the Moon and other celestial bodies.

6. The international legal regime of the Arctic.

7. The international legal regime of Antarctica.

Guidelines for preparation of multimedia presentations (reports) using Microsoft PowerPoint (see Practical tasks for independent work on Theme 1)

Task 3. Do the practical homework tasks in writing.

Task 3.1. According to item 1, item 3 of Article 4 of the Treaty between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics on the Finnish-Soviet border regime and on the settlement of border incidents of June 23, 1960, the embassy of Finland in Moscow and the USSR Foreign Ministry exchanged diplomatic notes, by which the system of marking the line of the said border was fixed at the contractual level. The Treaty between the USSR and the USA on the delimitation of maritime spaces, concluded in Washington on June 1, 1990, which has not yet been ratified but is actually in force, was devoted to the same issue.

1. What is a state border in the physical and legal sense?

2. What are the political and legal principles of the state in establishing and changing the borders of its territorial possessions and settling legal relations concerning them?

3. Which of the examples (independently selected by you from real international practice) can highlight the procedural forms used in the process of establishing the crossing of state borders between neighbouring states?

Task 3.2. Belgium and the Netherlands have appealed to the International Court of Justice to resolve a dispute between them over the sovereignty defects in two parts of the territory located on the Dutch-Belgian border with a large number of enclaves within the Belgian community of Baarle-Hertog and the Dutch community of Baarle-Nassau. According to the community memorandum developed in 1836 – 1841, the disputed areas were located in the municipality of Baarle-Nassau, but the memorandum description and the map, as annexes to the Border Convention of 1843, refer these areas to the community of Baarle-Hertog. In substantiating the legitimacy of their territorial claims, the Dutch provided the following evidence:

the Border Convention of 1843 recognized the existing status quo defined by the community memorandum; the provisions assigning both parts of the territory to Belgium are invalid because an error has been made in the said convention; the sovereignty of the Netherlands over the disputed plots has been established and effectively exercised since 1843 through the implementation of various measures that confirm the sovereign rights of this country in relation to such plots. After examining the evidence submitted, the UN International Court of Justice held on 20 June 1959 decided that Belgium had sovereignty over the disputed areas.

1. What principles and norms of international law guided the UN International Court of Justice in deciding in favour of Belgium?
2. What arguments can be offered to defend the position of Belgium?
3. What types and methods of establishing state borders do you know?
4. What are the international legal consequences of illegal display of the state border on the map in the memorandum description?

Guidelines for doing the practical homework tasks (see Practical tasks for independent work on Theme 1)

Task 4. Read and analyze the case "Maritime delimitation in the Black Sea (Romania v. Ukraine)" [17]. The answer should be given in the written form.

Task 5. Learn the lecture material and the materials of the recommended literature on the theme and be ready for the written test on Content module 1.

Questions for preparation for the written modular test

1. The concept, the subject, the features and functions of international law.
2. The origin and development of international law.
3. Public international law as a special system of law.
4. The ratio of international and national law.
5. State interests, politics and international law.
6. The concept, the features and the classification of international legal norms.
7. The concept and features of the basic principles of international law.
8. The concept and types of sources of international law.

9. The concept and types of subjects of international law.
10. The state as the main subject of international law.
11. International legal personality of peoples and nations fighting for independence. International legal personality of international intergovernmental organizations. International legal personality of state-like entities.
12. Problematic issues of recognition of international legal personality of individuals and legal entities.
13. The concept, the forms and types of recognition in international law.
14. The concept of succession in international law.
15. The concept and types of territories in international law.
16. State territory and its constituent parts.
17. Ways to change and lease state territory.
18. The concept of state borders, their types and methods of establishment. International territory.
19. A territory with a mixed regime.
20. A territory with a special regime.

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Task 2. Defence of the multimedia presentations (reports).

Task 3. Defence of the practical homework tasks.

Task 4. Consideration of the court case.

Task 5. A written test on Content module 1.

Guidelines for carrying out the written test on Content module 1

The modular written test on Themes 1 – 4 of Content module 1 "The general part" on the academic discipline "International Law" covers four theoretical issues. The students have to choose from a total of 30 options at their own discretion. Each option contains 4 questions (for each of the four themes of Content module 1). The maximum number of points in the case of full development of each theoretical question by the student is 4 points (1 point = 1 question of the written modular test).

Bibliography: main: 1; additional: 4, 6, 8, 12, 15, 16; information resources: 17, 19.

Content module 2

The special part

Theme 5. The law of international treaties

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. The concept and sources of law of international treaties.
 2. The concept, the form, the name and the structure of international treaties.
 3. Classification of international treaties.
 4. Parties to international treaties.
 5. The procedure and stages of concluding international treaties.
- Registration and publication of international treaties.
6. Interpretation of international treaties.
 7. Entry into force and effect of international treaties.
 8. Terms of validity and invalidity of international treaties.
 9. Amendments to international treaties.
 10. Termination of international treaties and suspension of their validity.

Questions for self-examination and control of knowledge

1. Define the concept of an international treaty.
2. Describe the stages of concluding an international treaty.
3. Explain the importance of the institution of reservations in the law of international treaties.
4. What are the functions of the depositary?
5. In which cases can the treaty be considered invalid?

Task 2. Do the practical homework tasks in writing.

Task 2.1. A dispute over the nationalization of the UK-Iranian oil company was considered in the UN International Court of Justice. The United

Kingdom, representing the company, claimed that the court was empowered to hear the dispute because there was an agreement between the Iranian government and the company, which it claimed was an international treaty.

1. What definition of an international treaty does international law give?
2. Highlight the necessary features of an international treaty.
3. Is the agreement between the government of Iran and the UK-Iranian oil company an international treaty?

Task 2.2. The history of international relations knows many treaties, which were planned to remain "forever" and which, however, sooner or later ceased to operate regardless of the intentions of their creators (for example, the Treaty of Eternal Peace, concluded in 421 B.C. between Athens and Sparta, lasted only 50 years).

1. What is the meaning of the concept of termination of an international treaty and contractual obligations?
2. What is the invalidation of a treaty based on the provisions of modern international law?

Guidelines for doing practical homework tasks (see Practical tasks for independent work on Theme 1)

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues and questions for self-examination and control of knowledge.

Task 2. Defence of the practical homework tasks.

Task 3. Testing.

Bibliography: main: 1; additional: 3, 4, 5, 6, 12, 15; information resources: 19.

Theme 6. International human rights law

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and

educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. Formation of an international system of protection of human rights.
2. Classification of human rights. International human rights standards.
3. Universal international institutional mechanisms for the protection of human rights.
4. Regional systems of protection of human rights. The European system of protection of human rights.
5. The role of international non-governmental organizations in the international protection of human rights.

Questions for self-examination and control of knowledge

1. Name the main international normative acts on human rights.
2. What documents make up the International Charter on Human Rights?
3. Name the UN institutions that have powers in the field of human rights.
4. Name the institutions of the Arab states that have powers in the field of human rights.
5. Describe the activities of the international non-governmental organization "Amnesty International" in the field of protection of human rights.

Task 2. Prepare multimedia presentations (reports) on the following topics (optional):

1. Institutional mechanisms for the protection of human rights in the Arab region.
2. Institutional mechanisms for the protection of human rights in Africa.
3. Institutional mechanisms for the protection of human rights in America.
4. Institutional mechanisms for the protection of human rights in Europe.
5. The role of non-governmental organizations in the protection of human rights.

Guidelines for preparation of multimedia presentations (reports) using Microsoft PowerPoint (see Practical tasks for independent work on Theme 1)

Task 3. Read and analyze the case "Pinto Coelho v. Portugal (No. 2)" [18]. The answer should be given in the written form.

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Task 2. Defence of the multimedia presentations (reports).

Task 3. Consideration of the court case.

Task 4. Testing.

Bibliography: main: 1; additional: 4, 5, 7, 9, 12, 14; information resources: 18, 19, 20.

Theme 7. International criminal law

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. The concept, the principles and sources of international criminal law.
2. International cooperation in the fight against crime.
3. The concept and types of international offenses. Jurisdiction of the International Criminal Court and international tribunals.
4. Providing legal assistance in criminal cases.
5. Extradition in international criminal law.
6. International Criminal Police Organization (Interpol).

Questions for self-examination and control of knowledge

1. Define an international crime.
2. Name and describe the levels of international cooperation in the fight against crime.
3. List the signs of crimes of an international nature.
4. Define extradition.
5. In what year was Interpol founded?

Task 2. Divide into groups of 4 – 6 people and prepare multimedia presentations (reports) on the following topics (optional).

1. Jurisdiction of international tribunals: the Nuremberg Tribunal.
2. Jurisdiction of international tribunals: the International Military Tribunal for the Far East.
3. Jurisdiction of international tribunals: the International Tribunal for the former Yugoslavia.
4. Jurisdiction of international tribunals: the International Tribunal for Rwanda.

Guidelines for the preparation of multimedia presentations (reports) using Microsoft PowerPoint (see Practical tasks for independent work on Theme 1)

Task 3. Do the practical homework tasks in writing.

Task 3.1. In 1992, the European Police Office (Europol) was established to coordinate operational and investigative activities throughout Europe. Its staff includes representatives of national law enforcement agencies (police, customs, migration, etc.). As is well known, Europol helps states to establish close contacts, cooperate in order to prevent and fight organized crime. In particular, this applies to the production and distribution of drugs, illegal migration, human trafficking, including child trafficking, pornography, counterfeiting, terrorism, etc.

1. Within which international regional organization does Europol operate?
2. What are the main functions and main forms of activity of Europol?
3. Name the governing bodies of Europol.

Task 3.2. In order to prevent the migration of crime, many international agreements on extradition have been concluded on a bilateral or multilateral basis. Thus, one of the most fundamental and universal treaties is the European Convention on the Extradition of Offenders of 1957, which provides for the obligation of the parties to extradite to each other, subject to the provisions of the convention, all persons prosecuted by the competent authorities of the requesting party wanted by these authorities in order to execute the sentence.

1. Provide a definition of extradition based on current regulations.
2. Have reservations been made to Ukraine when ratifying the European Convention on the Extradition of Offenders of 1957? What are they?
3. On what grounds is extradition carried out?
4. Under what conditions is extradition not carried out?

Guidelines for doing the practical homework tasks (see Practical tasks for independent work on Theme 1)

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Task 2. Defence of the multimedia presentations (reports).

Task 3. Defence of the practical homework tasks.

Bibliography: main: 1; additional: 4, 5, 9, 10, 12, 15; information resources: 19.

Theme 8. Foreign relations law

Practical tasks for independent work

Task 1. Learn the lecture material and the materials of the recommended literature on the theme and be ready for oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Questions for consideration in the practical session

1. The concept and sources of foreign relations law.
2. The system of foreign relations.
3. The general provisions of diplomatic law.
4. The general provisions of consular law.
5. The law of special missions.
6. The general provisions of diplomatic law of international organizations.

Questions for self-examination and control of knowledge

1. Define the concept of foreign relations.
2. Explain the procedure for appointing and recalling diplomatic representatives.
3. Explain the features of the legal status of full-time and part-time (honorary) consuls.
4. Name the types of special diplomatic missions.
5. Describe the types of diplomatic privileges and immunities of representatives of states in international organizations.

Task 2. Do the practical homework task in writing.

The former Georgian diplomat Georgy Maharadze, accused of the unintentional murder of a US teenager serving a sentence in a US prison, faces new trials. The mother of the murdered girl, Vivian Wagner, is filing a civil case against him, demanding compensation in the amount of \$15 million. Since January 1997, Maharadze, a counsellor at the Georgian embassy in the United States, who was driving a Ford Taurus company car, collided with a convoy of cars at a traffic light at an intersection in the US capital. The collision killed 16-year-old Joviana Waltrick and injured four others. Maharadze was returning from a business dinner where, as investigators found, he drank too much wine and, under its influence, almost tripled the speed limit in the city. A criminal case was brought against Maharadze. The diplomat was stripped of his diplomatic immunity by the Georgian authorities, convicted and imprisoned. But Wagner did not calm down, now she has filed a civil case against the former diplomat. Defendants included Maharadze himself, Georgia, Ford Motors and its dealer, which leased the car to the Georgian embassy (Maharadze said after the accident that the car's brakes had failed), and the Greek Tavern restaurant, where the diplomat dined. In

case of victory, Wagner intended to give all the money to create a fund in the name of her daughter, which will provide assistance to the families of those affected by drunk drivers.

1. Can a diplomatic agent waive the immunity from the jurisdiction of the state in which he is accredited?

2. Does waiving of the accrediting State of the diplomatic immunity of a particular diplomat in the territory of his host state mean rejecting the jurisdiction of the accrediting State itself?

3. Does diplomatic immunity extend to vehicles officially used by a diplomat?

Guidelines for doing practical homework tasks (see Practical tasks for independent work on Theme 1)

Task 2. Prepare essays on a topic of your choice within the subject matter of the of foreign relations law.

Guidelines for writing essays

An essay is an independent creative written work, which is characterized by personal nature of perception of the problem and its understanding, small volume, free composition, ease and emotional presentation.

The purpose of the essay is to develop skills in independent creative thinking and written consistent presentation of their own thoughts.

The essay allows the author to learn to clearly and competently formulate opinions, structure information, use the main categories of analysis, identify cause-and-effect relationships, illustrate the concept with relevant examples, argue their conclusions; observe a scientific style of speech.

The essay expresses the individual impressions and thoughts of the author on a particular subject or theme and does not claim to be an exhaustive interpretation. In terms of volume and function, it borders, on the one hand, on a scientific article and a literary essay (with which essays are often confused), on the other hand, on a philosophical treatise. Essay style is characterized by imagery, mobility of associations, often antitype of thinking, focus on intimate openness and conversational intonation.

Types of essays:

1) free – a small volume (7 – 10 sentences); free form and style of presentation; arbitrary structure; a mandatory requirement is the presence of the author's position;

2) formal – compliance with the structure of the text; availability of relevant components (theses, arguments, examples, evaluative judgments, conclusions); substantiation (argumentation) of the thesis.

The types of a formal essay are: informational (an essay-story, an essay-definition, an essay-description); critical; an essay-research (a comparative essay, an essay-opposition, a cause-effect essay, an essay-analysis).

The requirements for a formal essay:

1. The volume of 2 – 3 pages of text (200 – 300 words).

2. The essay should be perceived as a complete work, the idea of which is clear and distinct.

3. Each paragraph of the essay develops one thought.

4. It is necessary to write concisely and clearly. The essay should not contain anything superfluous, it should contain only the information necessary to present the idea of the essay, the author's own position.

5. The essay must have a clear logical compositional structure. In an essay, like in any work, the internal logic must be traced, which is determined, on the one hand, by the author's approach to the issue under discussion, and on the other by the issue itself. It is necessary to avoid sharp jumps from one idea to another, the idea should be presented consistently.

6. The essay must show that its author knows and meaningfully applies theoretical concepts, terms, generalizations, ideas.

7. The essay should contain a convincing argumentation of the problem.

The essay should contain a clear statement of the essence of the problem, include self-analysis of this problem with the use of the concepts and analytical tools considered in the discipline, conclusions that summarize the author's position on the problem.

The essay structure. The essay consists of the following parts – introduction, main part, conclusion.

Introduction is justification for choosing the topic of the essay (1 – 2 paragraphs). At this stage, it is very important to correctly formulate the thesis

which you are doing to develop in the main part. The introduction focuses on the issues of the essay, puts key questions. It is not superfluous to indicate the relevance (significance for modern society) of the problem of the essay. At this stage, it is very important to formulate the questions you are going to answer in the course of your research. When working on the introduction, the answers to the following questions can help: "Is it necessary to define the terms used in the topic of the essay?", "Why is the topic I am developing important at the moment?", "What concepts will be involved in my reasoning?", "Can I divide the topic into a little more subtopics?", etc. Use "traps" to attract attention, such as: a quote, a poem, questions, reflections, unusual facts, ideas or funny stories. There is no need to express the main idea in the first sentence. Avoid phrases like "This is an essay about" or "I'm going to talk about".

The main part is the theoretical basis of the chosen problem and the statement of the main question (3 – 5 paragraphs). This part involves the development and justification of argumentation and analysis, based on available data, other arguments and positions. Here it is necessary to agree or disagree with someone's opinion, it is necessary to continue or supplement it. Arguments must be consistent. Every opinion must be supported by evidence. In the process of constructing an essay it is necessary to remember that one paragraph should contain only one statement and the corresponding proof. Express your thoughts clearly. Support key ideas with facts, reflections, ideas, vivid descriptions, quotes, or other information or materials. One of the ways to determine the main points of the essay and the logic of coverage of the topic as a whole is the use of subheadings to indicate the key points of the argumentative presentation in the main part.

Conclusion is generalizations and reasoned conclusions to the topic, which summarize the essay or once again provide explanations, support the content and meaning of what is stated in the main part (1 – 2 paragraphs). Demonstrate your position on the issue. Methods recommended for drawing a conclusion are repetition, illustration, quotation. The conclusion may contain such a very important complementary element as an indication of the application of research, the development of relationships with other issues.

Essay evaluation focuses on: the ability to understand, evaluate, and relate key points to problems and issues; the ability to differentiate opposite

approaches and models, applying them to empirical material or discussion on fundamental issues; the ability to critically and independently evaluate the available data, point of view, position, arguments; the ability to apply analytical approaches, models, etc.

Task 3. Learn the lecture material and the materials of the recommended literature on the theme and be ready for the oral colloquium on Content module 2.

Questions for the oral colloquium on Content module 2

1. The concept and sources of law of international treaties.
2. The concept, the form, the name and the structure of international treaties.
3. Classification of international treaties.
4. Parties to international treaties.
5. The procedure and stages of concluding international treaties. Registration and publication of international treaties.
6. Interpretation of international treaties.
7. Entry into force and effect of international treaties.
8. Terms of validity and invalidity of international treaties.
9. Amendments to international treaties.
10. Termination of international treaties and suspension of their validity.
11. Formation of an international system of protection of human rights.
12. Classification of human rights. International human rights standards.
13. Universal international institutional mechanisms for the protection of human rights.
14. Regional systems of protection of human rights. The European system of protection of human rights.
15. The role of international non-governmental organizations in the international protection of human rights.
16. The concept, the principles and sources of international criminal law.
17. International cooperation in the fight against crime.
18. The concept and types of international offenses. Jurisdiction of the International Criminal Court and international tribunals.
19. Providing legal assistance in criminal cases.

20. Extradition in international criminal law.
21. The International Criminal Police Organization (Interpol).
22. The concept and sources of foreign relations law.
23. The system of foreign relations.
24. The general provisions of diplomatic law.
25. The general provisions of consular law.
26. The law of special missions.
27. The general provisions of diplomatic law of international organizations.

Practical tasks to be done in the practical session

Task 1. Oral testing and educational discussion on the issues of the practical session and questions for self-examination and control of knowledge.

Task 2. Defence of the practical homework tasks.

Task 3. Defence of the essays.

Task 4. Testing.

Task 5. The oral colloquium.

Guidelines for the oral colloquium on Content module 2

The oral modular colloquium on Themes 5 – 8 of the Special part of Content module 2 aims to discuss in oral form four short theoretical questions of the teacher's choice within the list proposed for training. The maximum number of points in the case of full development of each theoretical question by the applicant is 4 points (1 point = 1 colloquium question).

Bibliography: main: 1; additional: 2, 4, 6, 8, 13, 15; information resources: 19.

Bibliography

Main

1. Міжнародне право: основи теорії : підручник для студентів вищих навчальних закладів / за заг. ред. В. Г. Буткевича. – Київ : Либідь, 2012. – 605 с.

2. Міжнародне публічне право : підручник / В. М. Репецький та ін. ; за ред. проф. В. М. Репецького ; Львів. нац. ун-т ім. Івана Франка. – 2-ге вид., стер. – Київ : Знання, 2012. – 437 с.

3. Міжнародне публічне право : підручник : у 2 т. Т. 1 : Основи теорії / В. В. Мицик, М. В. Буроменський, О. В. Буткевич та ін. ; за ред. В. В. Мицика. – Харків : Право, 2019. – 416 с.

4. Сироїд Т. Л. Міжнародне публічне право : підручник / Т. Л. Сироїд. – Одеса : Фенікс, 2018. – 744 с.

5. Сироїд Т. Л. Міжнародний захист прав людини : навчальний посібник / Т. Л. Сироїд, Л. О. Фоміна. – Харків : Право, 2019. – 310 с.

6. Тимченко Л. Д. Міжнародне право : підручник / Л. Д. Тимченко, В. П. Кононенко. – Київ : Знання, 2012. – 631 с.

Additional

7. Далявська Т. П. Невизнані держави в контексті державотворчих процесів та міжнародного визнання / Т. П. Далявська // Держава і право. Юридичні і політичні науки. – 2014. – Вип. 66. – С. 345–353.

8. Перепьолкін С. М. Міжнародне право : словник-довідник / С. М. Перепьолкін, Т. Л. Сироїд, Л. А. Філянїна ; за заг. ред. д-ра юрид. наук, проф. Т. Л. Сироїд. – Харків : Юрайт, 2014. – 403 с.

9. Рабінович П. Міжнародні стандарти прав людини: загальні ознаки, класифікація / П. Рабінович, О. Венецька // Вісник Академії правових наук України. – 2012. – № 4. – С. 18–28.

10. Скуратова А. Ю. Международные преступления: современные проблемы квалификации : монография / А. Ю. Скуратова. – Москва : Инфра-М ; Норма, 2012. – 160 с.

11. Dixon M. Textbook on International Law / M. Dixon. – 7th ed. – S. I. : Oxford University Press, 2013. – 393 p.

12. Kaczorowska-Ireland A. Public International Law / A. Kaczorowska-Ireland. – 5th ed. – S. I. : Routledge, 2015. – 922 p.

13. Ohlin J. International Law: Evolving Doctrine and Practice (University Casebook Series) / J. Ohlin. – 1st ed. – S. I. : Foundation Press, 2018. – 891 p.

14. Shaw M. N. International Law / M. N. Shaw. – 8th ed. – S. I. : Cambridge University Press, 2017. – 1118 p.

15. Tanaka Y. The International Law of the Sea / Y. Tanaka. – 3rd ed. – S. I. : Cambridge University Press, 2019. – 634 p.

Information resources

16. Доценко О. М. Міжнародне право [Електронний ресурс] : конспект лекцій / О. М. Доценко. – Режим доступу : <https://pns.hneu.edu.ua/course/view.php?id=4942>.

17. Міжнародне право [Електронний ресурс] : навчальний курс на сайті персональних навчальних систем Харківського національного економічного університету імені Семена Кузнеця. – Режим доступу : <https://pns.hneu.edu.ua/course/view.php?id=4942>.

18. Case Law, Strasbourg: Pinto Coelho v. Portugal (No.2), Open Justice, Article 10 and Broadcasting recordings of hearings – Hugh Tomlinson QC. March 26, 2016 [Electronic resource]. – Access mode : <https://inform.org/2016/03/26/case-law-strasbourg-pinto-coelho-v-portugal-no-2-open-justice-article-10-and-broadcasting-recordings-of-hearings-hugh-tomlinson-qc>.

19. Free Human Rights E-Course [Electronic resource]. – Access mode : <https://www.humanrights.com/course>.

20. Maritime Delimitation in the Black Sea (Romania v. Ukraine). [Electronic resource]. – Access mode : <https://www.icj-cij.org/en/case/132>.

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НАВЧАЛЬНЕ ВИДАННЯ

МІЖНАРОДНЕ ПРАВО

**Методичні рекомендації
до практичних завдань
і самостійної роботи
студентів спеціальності 291 "Міжнародні відносини,
суспільні комунікації та регіональні студії"
першого (бакалаврського) рівня
(англ. мовою)**

Самостійне електронне текстове мережеве видання

Укладач **Доценко** Олена Михайлівна

Відповідальний за видання *І. П. Отенко*

Редактор *З. В. Зобова*

Коректор *З. В. Зобова*

Уміщено методичні рекомендації до виконання практичних завдань та самостійної роботи студентів для поглиблення, конкретизації та закріплення знань, отриманих у теоретичній частині навчальної дисципліни.

Рекомендовано для студентів спеціальності 291 "Міжнародні відносини, суспільні комунікації та регіональні студії" першого (бакалаврського) рівня.

План 2021 р. Поз. № 39 ЕВ. Обсяг 35 с.

Видавець і виготовлювач – ХНЕУ ім. С. Кузнеця, 61166, м. Харків, просп. Науки, 9-А

Свідоцтво про внесення суб'єкта видавничої справи до Державного реєстру

ДК № 4853 від 20.02.2015 р.