

Syllabus for the course: International Law of Treaties and the Functioning of the EU

Basic data on the course	
Academic Unit:	Faculty of Law
Name of course:	International Law of Treaties and the Functioning of the EU
Level of study:	LLM
Status of the course:	Mandatory
Year of studies:	I
No. hours per week:	2+1
Credits – ECTS:	4 ECTS
Time / location:	
Academic year:	
Lecturer:	Prof. Qerim Qerimi
Contact:	qerim.qerimi@uni-pr.edu
Description of the course:	<p>The world today is composed of close to 200 independent and sovereign states which through years have managed to create some basic norms and principles applicable generally enabling to create predictability, security and better communication between them. In this process, states have established international intergovernmental institutions, but also other formal and informal institutions in order to enhance this communicative process. Additionally, some states in specific regions have managed to create a more integrated institutional structure such as the EU, which ended up creating a so-called self-contained regime operating under the modalities of international law, but with many other characteristics and unique to them. At some point, they depart from some main principles recognized and well established under international law. This course discusses this connection and relationship between the norms of international law and specific regimes operating within the sphere of international law, including the limits and departures of such regimes from basic norms of international law. The specific emphasis will be on the functioning of the EU and its treaty practice from the perspective of the international law of treaties.</p>

Course objectives:	<p>The main objectives of this course are:</p> <ol style="list-style-type: none"> 1. To advance students' knowledge in the functioning of the EU and its relationship to basic norms and principles of international law. 2. To advance students' knowledge on the concept of the fragmentation of international law and its pros and cons. 3. To advance students' knowledge on the self-contained regimes and their operation under the rules of international law. 4. To raise critical questions and present critical perspectives to students regarding the issue of the functioning of the EU and its treaty practice the perspective of the international law of treaties.
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Expected learning results:	<p>After completion of this study course, the student will be able to:</p> <ol style="list-style-type: none"> 1. Identify the main principles of international law and obligations of states to abide them. 2. Identify the main contractual principles of the functioning of the EU. 3. Understand the obligations of the EU member states between each other and in relation to the EU institutions and third parties. 4. Understand the pros and cons of self-contained regimes such as the EU and how international law manages to avoid potential inter-state contests.
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Student contribution (which therefore shall correspond with the results of learning)

Activity	Hour	Day/week	Total
Lecture	2	15	30
Theoretical/ laboratory exercises	1	15	15
Tutorial	-	-	-
Contact with the Professor/Consultations	10 min.	15	2.5
Field exercises	-	-	-
Colloquium, seminars	1	2	2
Homework	-	-	-

Student self-learning (at the library or at home)	2	14	28
Final preparation for the exam	2	5	10
Time spent on evaluation (tests, quiz, final exam)	2	2	4
Projects, presentation etc.	3	3	9
Total			100.5 hour

Teaching methodology:	<p>Teaching methodology will include and be implemented as may be necessary in the class:</p> <ul style="list-style-type: none"> -Interactive lectures: Most of the time we will be organizing interactive lectures i.e. that in addition to lecturing by the Professor, students will be involved, either by asking or discussing and sharing their opinions regarding thematic issues that are the subject of the lecture. -Seminar work: Students will have the opportunity to opt for any topic or paper work, where preliminarily, they are offered elementary instructions regarding design of such works, and after that, they have the chance of introducing the result of their work to other students, followed by debates on the topics covered. -Organizing students in small groups: It is aimed to organize group work with students, where they are divided into small groups in order the debate and involvement of these groups in addressing various topics become the subject of the lecture. -Visits to EU institutions in Kosovo: As part of practical work with students will be organization of visits to an EU representation in Kosovo. -The implementation of modern teaching methods: When working with students modern methods and other techniques of teaching will be used, that will be in function of facilitating explanation of problems so that students have the opportunity to easily engage in learning and acquisition of matter that is subject to treatment. <p>The consumption of food and the use of tablets, smartphones, and other electronic devices in class are not allowed. Laptops</p>
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may be used only in case of a justified need. If you have been authorized to use a laptop, make sure you are disconnected from the Internet. Your phone must be shut off at the start of class.

Evaluation methodology:

Student evaluation is based on the forms reflecting points gained in % as follows:

- Mid-term exam.....30%
- Final exam.....30%
- Seminars.....30%
- In class active discussion..... 10%
- Total.....100%

** Evaluation scheme may be subject to changes to accommodate class needs.*

Description of grading system:

Grading	ECTS grading	points	Definition
10	A	91-100%	Excellent -excellent knowledge with few minor errors
9	B	81-90%	VERY GOOD - above the average standard but with some errors
8	C	71-80%	GOOD - generally good results with some errors that are observed
7	D	61-70%	Satisfactory - Good, but with many mistakes
6	E	51-60%	SIMPLY - results meet the minimum criteria
5 *	FX	40-50%	POOR – work is required by the student to earn credits
5	F	00-39%	POOR - more work is required to earn credit

Literature

Basic Literature:

Alina Kaczorowska-Ireland, *European Union Law* (4th Ed., Routledge, 2016).

Paz Andrés Sáenz de Santa María, *The European Union and the Law of Treaties: A Fruitful Relationship*, *European Journal of International Law*, vol. 30, no. 3 (2019).

Martti Koskenniemi, *FRAGMENTATION OF INTERNATIONAL LAW: DIFFICULTIES ARISING FROM THE DIVERSIFICATION*

	<p>AND EXPANSION OF INTERNATIONAL LAW (Report of the Study Group of the UN International Law Commission, 13 April 2006). Available at: http://legal.un.org/ilc/documentation/english/a_cn4_l682.pdf</p> <p>Gerhard Hafner, Pros and Cons Ensuing from Fragmentation of International Law, <i>Michigan Journal of International Law</i>, vol. 25, issue 4 (2004).</p> <p>Ziegler, Katja S., The Relationship between EU Law and International Law (December 30, 2013). University of Leicester School of Law Research Paper No. 13-17. Available at SSRN: https://ssrn.com/abstract=2373296 or http://dx.doi.org/10.2139/ssrn.2373296</p> <p>Treaty of Lisbon available at: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF.</p> <p>EU Global Strategy available at: https://eeas.europa.eu/topics/eu-global-strategy_en</p> <p>Additional material provided during the class.</p>
<p>Additional Literature:</p>	<p>Pol Morillas, <i>Strategy-making in the EU: From Foreign and Security Policy to External Action</i> (Springer International Publishing, 2018)</p> <p>Desmond Dinan, <i>Ever Closer Union: An Introduction to European Integration</i> (Lynne Rienner, 2010).</p> <p>John McCormick, <i>Understanding the European Union</i> (4th ed., Palgrave, 2008).</p> <p>Internet sources with specific interest in the EU:</p> <p>http://legal.un.org/ilc/guide/1_9.shtml (UN International Law Commission)</p> <p>EU Common Foreign and Security Policy available at: https://eeas.europa.eu/topics/common-foreign-security-policy-cfsp_en http://ec.europa.eu/ (European Commission: ECHO, Development policy)</p>

<https://ec.europa.eu/eurostat> (Eurostat)
<http://eiop.or.at/eiop/> (European Integration Online Papers)
<http://euobserver.com/> (general information on the EU)
<http://europa.eu.int/eur-lex/en/> (EU Law Portal)
<http://www.eupolitix.com> (EU Politix)
<http://www.globeurope.com/news-views> <http://fgr.wu-wien.ac.at/institut/ef/home01en.html> (Research Institute for European Affairs)
<http://isis-europe.org/> (information on European security)
http://selene.uab.es/_cs_iuee/english/Obs/m_working.html (Working Papers)
<http://ue.eu.int/> (Council of the European Union)
<http://www.ceps.be/> (Center for European Policy Studies)
<http://www.epc.eu> (European Policy Centre)
<http://www.iss.europa.eu> (Institute for Security Studies)
<http://www.ecfr.eu> (European Council on Foreign Relations)
<http://www.cer.org.uk/> (Center for European Reform)
<http://www.ecsanet.org/> (European Community Studies Association)
<http://www.eurunion.org/> (Delegation of the Commission to the US)
<http://www.eustudies.org/> (EUSA website: see the archives)
<http://www.jeanmonnetprogram.org/>
<http://www.lib.berkeley.edu/GSSI/eu.html> (official documents of EU)
<http://www.marshallcenter.org/> (George C. Marshall European Center for Security Studies)
<http://www.ucis.pitt.edu/cwes/EUC/euc.html> (European Union Center)
<http://www.unc.edu/depts/europe/msie.html> (University of North Carolina, Center for European Studies) www.euconflict.org (European Platform for Conflict Prevention and Transformation)
www.euractiv.com/en/HomePage (general information on the EU)
www.fornet.info (see the CFSP Forum)
www.iue.it/EFPB/ (EU foreign policy archive)
www.lse.ac.uk/Depts/intrel/EFPUworkingpaperseries.html (LSE Working Papers)
www.theepc.be (think tank)
<http://www.ceps.eu/research-areas/eu-foreign-policy> (Information on EU foreign policy (the Arab Spring, Caucasus))

General websites useful for reference:

<http://www.iiss.org> (think tank)
<http://www.hrw.org> (Human Rights Watch)
<http://www.ploughshares.ca/content/ACR/acr.html> (Project Ploughshares' Armed Conflicts Report)
<http://www.cidcm.umd.edu/inscr/mar2/> (information on ethnic conflict)
<http://democracyinafrica.org/> (information on democracy in Africa)
<http://www.nyu.edu/pages/cic/index1.html> (Center on International Cooperation, NYU)
<http://www.fafo.no/piccr/> (Programme for International Cooperation and Conflict Resolution, Norwegian social research institute Fafo)
<http://www.ipacademy.org/> (International Peace Academy)
<http://www.usip.org/> (United States Institute of Peace)
<http://www.isn.ethz.ch/> (International Relations and Security Network) http://www.reliefweb.int/ocha_ol/index.html (United Nations Office for the Coordination of Humanitarian Affairs)
<http://www.twq.com/info/archives.cfm> (The Washington Quarterly) <http://carnegieeurope.eu/strategieurope/?fa=54496> (Judy Dempsey's Blog)
<https://growthlab.cid.harvard.edu/news/what-should-we-do-about-inequality> (Harvard Growth Lab)

Key Journals for Research: European Journal of International Relations, European Journal of International Law, Journal of Common Market Studies, European Journal of Political Research, European Security, Journal of European Public Policy, European Union Politics, Hague Journal of Diplomacy.

Designed teaching plan:	
Week	Lecture to be elaborated:
<i>Week one:</i>	Introduction to the Course
<i>Week two:</i>	Sources of International Law
<i>Week three:</i>	Vienna Convention on the Law of Treaties and the main principles governing treaties

Week four:	Other Sources of international law
Week five:	Fragmentation of International Law
Week six:	Self-contained regimes
Week seven:	Sources of EU law and exceptions regarding some principles of treaty law governing relations between EU member states
Week eight:	Mid-term exam
Week nine:	Treaties establishing the European Communities and the EU up to the Treaty of Lisbon
Week ten:	Treaty of Lisbon and its main operating principles: Obligations between member states and the EU institutions and obligations towards third states.
Week eleven:	Direct applicability, effect and the supremacy of the EU law
Week twelve:	Liability of EU member states under EU Law
Week thirteen:	Enforcement of the EU law
Week fourteen:	Direct action against EU institutions, bodies, offices and agencies
Week fifteen:	Final exam

Academic policies and rules of conduct:

Students during the process of learning, examinations, as well as their presence in the faculty should pay attention to:

- respect the academic and non-academic staff of the university;
- not hinder the teaching process;
- listen carefully to the professors and their colleagues;
- not use food, drinks, chewing-gums in the class room; ;
- not use the mobile phone in the class room;
- attend in time in the class room;
- not copy during the exam and other tests