

## JUFN30, International Legal Structure, 15 credits

### *International Legal Structure, 15 högskolepoäng*

#### Second Cycle / Avancerad nivå

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### Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2016-05-11 to be valid from 2016-08-29, autumn semester 2016.

### General Information

*International Legal Structure* is an elective course in the Master of Laws Programme. It is to take place during semester 7 or 8 of the programme. The course comprises ten weeks of full-time study.

*Language of instruction:* English

*Main field of studies*

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*Depth of study relative to the degree requirements*

A1N, Second cycle, has only first-cycle course/s as entry requirements

### Learning outcomes

The learning outcomes of the course can in general be described in terms of the five verbs understand, apply, analyse, assess and create (= use creatively). (Compare Anderson and Krathwohl, *A Taxonomy for Learning, Teaching, and Assessing. A Revision of Bloom's Taxonomy of Education* (2001). Also compare with the programme syllabus of Master of Laws programme in which the learning outcomes of the whole programme are described with the six nouns knowledge, understanding, competence, skills, judgement and approach, which is another way of describing the same thing.) In actual practice this means that students and teaching staff share the ambition that students, on completion of the course, shall be able to demonstrate:

1. that they *understand* the structure of international law. This includes the ability to identify and explain, in general terms, the many linkages that currently frame the international legal order and tie legal elements together.
2. that they can *apply* their understanding of the structure of international law. This includes the ability to identify, when confronted with actual disputes or

situations, their particular structural component(s), as well as the ability to give oral and written account of such disputes/situations in terms of their structural component(s).

3. that they can use their understanding of the structure of international law to *analyse* and disentangle actual disputes/situations that may be both intricate and perplexing. This includes the ability to explain issues of international legal structure in terms of prevailing theories and their possible alternatives.
4. that they can *assess* actual disputes/situations bearing on issues of international legal structure. This includes the ability to critically reflect on the role of pre-existing assumptions about the layout of the contemporary architecture of international law, the ability to pass judgment on the desirability of specific choices reflected in the contemporary architecture of international law, as well as an awareness of the significance of choosing particular approaches to their respective understanding of international law.
5. that they can *creatively use* their understanding of the various alternative approaches to the issues of international legal structure addressed throughout the course. This includes the ability to formulate and perform, from a party perspective, an appropriate legal strategy for the purpose of the resolution of particular disputes/situations, and the ability to put forward new theories on the way best to tie international legal elements together.

## Course content

The course brings into focus the structural corner stones of the international legal order. In doing so the course adopts a broad perspective to international law. Unlike introductory courses on international law which typically focus on the norms created to facilitate the coexistence of states and mutual relations, the present course aims to transcend the “surface” of international law and engage instead with the reasons informing the layout of the current architecture of the international legal order. Consequently, throughout the course, a great variety of issues will be introduced for further exploration by students. They include:

- Various perceptions of the concept of an international legal norm.
- The hierarchical organisation of international legal norms.
- The context-dependency of the meaning of international legal norms.
- The dependence of international law on past history and authority.
- The dealing of international law with particular aspects of reality, such as territory, time, subject and subject-matter.
- The interaction and interdependence of international law and domestic legal systems.
- Foundational concepts of international law, such as state sovereignty, good faith, proportionality and reasonableness.
- The role of values for the understanding and application of international law generally.

## Course design

The course is organised in five modules, based on the nature of the many issues addressed:

1. Problematising the structure of international law
2. The interaction of the international legal structure with aspects of reality: time, territory, subject-matter, and subject

3. The application/operation of international law
4. Foundational concepts of international law
5. The legitimacy of international law

The teaching consists of lectures and seminars that relate to the five modules. Both lectures and seminars are intended to work as means to attain the learning outcomes of the course. However, the lectures focus on the following two outcomes: that students shall be able to understand the structure of international law in the sense of point 1 of the learning outcomes, and that students shall be able to apply their understanding of the structure of international law in the sense of point 2 of the learning outcomes. The seminars are more focused on honing the remaining three outcomes: that student shall be able to analyse and disentangle actual disputes/situations that may be both intricate and perplexing. in the sense of point 3 of the learning outcomes, that students shall be able to assess actual disputes/situations bearing on issues of international legal structure in the sense of point 4 of the learning outcomes, and that student shall be able to creatively use their understanding of the various alternative approaches to the issues of international legal structure addressed throughout the course in the sense of point 5 of the learning outcomes.

The language of instruction is English. The required reading and seminar assignments are all in English. The assessment of the course is also executed in English.

## Assessment

Students are assessed on the basis of their performance in the following three course component: the final written exam, the assessed seminars throughout the course, and the marking template that is to be written, submitted and assigned points in the first week of the course.

*Subcourses that are part of this course can be found in an appendix at the end of this document.*

## Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

### AB – Pass with Distinction

The student must be able to demonstrate that he or she *understands* the structure of international law in the sense of point 1 of the learning outcomes, that he or she is able to *apply* his/her understanding of the structure of international law in the sense of point 2 of the learning outcomes, that he or she is able to *analyse* and disentangle actual disputes/situations that may be both intricate and perplexing in the sense of point 3 of the learning outcomes, that he or she is able to *assess* actual disputes/situations bearing on issues of international legal structure in the sense of point 4 of the learning outcomes, and that he or she is able to *creatively use* his/her understanding of the various alternative approaches to the issues of international legal structure addressed throughout the course in the sense of point 5 of the learning outcomes.

### BA – Pass with Credit

The student must be able to demonstrate that he or she *understands* the structure of international law in the sense of point 1 of the learning outcomes, that he or she is

able to *apply* his/her understanding of the structure of international law in the sense of point 2 of the learning outcomes, that he or she is able to *analyse* and disentangle actual disputes/situations that may be both intricate and perplexing in the sense of point 3 of the learning outcomes, and that he or she is able to assess actual disputes/situations bearing on issues of international legal structure in the sense of point 4 of the learning outcomes.

### **B – Pass**

The student must be able to demonstrate that he or she *understands* the structure of international law in the sense of point 1 of the learning outcomes, that he or she is able to *apply* his/her understanding of the structure of international law in the sense of point 2 of the learning outcomes, and that he or she is able to *analyse* and disentangle actual disputes/situations that may be both intricate and perplexing in the sense of point 3 of the learning outcomes.

### **U – Fail**

The student is unable to demonstrate that he or she *understands* the structure of international law in the sense of point 1 of the learning outcomes, that he or she is able to *apply* his/her understanding of the structure of international law in the sense of point 2 of the learning outcomes, and that he or she is able to *analyse* and disentangle actual disputes/situations that may be both intricate and perplexing in the sense of point 3 of the learning outcomes.

## **Entry requirements**

Students on the Master of Laws programme must have passed semesters 1-4 of the programme and 30 credits from semesters 5 and 6. Furthermore, they must have passed the course *LAGF01 International Law*. International students must have passed at least two and a half years of law school studies, including an introductory course of international law corresponding to at least five weeks of full time study (7.5 credits).

## **Further information**

The University views plagiarism as a very serious academic offence, and will take disciplinary action against students for any kind of attempted misconduct in connection with examinations and assessment. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

## Subcourses in JUFN30, International Legal Structure

Applies from H16

1601 International Legal Structure, 15,0 hp  
Grading scale: Fail, Pass, Pass with credit, Pass with distinction