

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

INTERNATIONAL LAW AND DEVELOPMENT

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

The main purpose of the present course is to contribute to the students' knowledge about the complexity and specificity of the international community and problems of international relations in the context of globalization, new threats and challenges to international law and order, and the role of modern international law on the prevention, overcoming and solving. The subjects of this course are global problems and challenges that directly affect the interests of the international community and have a negative impact on international security. The main goal of discipline is to convince students' confidence in the viability of the course of modern international law to adequately respond to new threats and challenges. At the heart of the course is an international legal analysis of the contemporary global issues and events that were not covered by public international law, in the undergraduate studies.

The main objectives of the course are: to consider those aspects that have been and now are the subject matter of the International Law Commission, and which assumes a sharp debate on inter-state forums and in the doctrine of international law, to analyze the theoretical problems of international law, which are the conceptual foundations, both general and special part of international law, to examine those aspects international law branches that have not been detailed studied as a part of the special disciplines, to point out the basic approaches of States to implement international obligations in the national legal system and law enforcement practices; consider the decisions of international organizations and bodies, and international judicial institutions of the universal and regional level in terms of their legality and legitimacy.

Position of course in *curriculum*

The course is delivered in the second and the third modules. The volume of the course is 6 ESTC credits.

Requirements for the results of the course

The graduate should have the following professional competences (PC):

ability to analyze and take into account the diversity of cultures in the process of intercultural interaction (UC-5);

ability to analyze non-standard situations of law enforcement practice and offer the most balanced solutions (GCC-1);

ability to professionally apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activity (PC-2);

ability to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

ability to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

To know:

- The degree of negative impact of globalization on the international legal order;
- Benefits of globalization in the world of unity, interrelatedness and interdependence of nations;
- The basic theoretical problems of modern international law;
- The basic doctrinal approaches to various theoretical problems of modern international law;
- Ways and means to prevent, overcome and resolve international legal problems of a global nature, adversely affecting the international legal order.

To be able to:

- Free to operate the basic categorial apparatus of international law;
- Assess the effectiveness of the UN bodies of problem solving within their competence;
- Predicting the International Law Commission to further the progressive development of international law;
- To propose concrete steps for the application of regulatory and institutional capacity of the UN system to solve global problems;
- Specify the path to improve the national legal resources on the implementation of international commitments of the national legal system.

Be skilled in:

- Work with the system of websites UN, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations;
- Work with international legal acts adopted on important aspects of maintaining international peace and security;
- Analysis of recent court decisions and the International Court of Justice of the European Court of Human Rights, the legal community perceived ambiguously;
- Solving the problems of interpretation or implementation of international obligations of States on the fundamental international agreements.

The volume of course and types of activities

Type	Total hours	Modules	
		II	III
Total classes workload	34	16	18
Lectures			
Classes	34	16	18
Home work	182	92	90
Volume, hours	216	108	108
Volume, credits	6	3	3

Contents of course

SECTION 1. SDGs and International Legal Regulation of Space Activities.

Outer space and its use to achieve the SDGs. EU programs: the European global satellite navigation system and the Copernicus program, their contribution to the achievement of the SDGs. Benefits of the use of outer space for global health protection. Role of the COPUOS Scientific and Technical Subcommittee on World Health Working Group. Inter-agency meeting on activities in outer space in the context of the use of space science and technology within the UN system for global health. Guidelines for the sustainability of outer space activities. Tell us about this document. UN platform for the use of space information for the prevention and elimination of emergencies and emergency responses. SDG 16 “Peace, Justice and Strong Institutions” and registration of space objects. Tell us about registration of space objects.

SECTION 2. Development in International Law.

The state of modern international law. Growing role of international law in the XXI century. The role of international law in resolution of global problems. The issue of the rule of law in international relations. The Declaration on the Right to Development adopted by the UN General Assembly on 4 December 1986; Draft Convention on the Right to Development Developed of the UN Human Rights Council Working Group on the Right to Development (2020); Transforming Our World: the 2030 Agenda for Sustainable Development, adopted by the General Assembly on 25 September 2015; the right to development.

SECTION 3. Migration and development: Some international legal aspects of interrelation.

Concept and types of migration. Sustainable Development Goals and Migration. Reflection of migration issues in two agendas on development. National development programs affecting migration. Relationship between Sustainable Development Goals and the goals of the Global Document on Migration 2018. Interconnection of migration and development as a principle of international legal regulation of migration.

SECTION 4. The International environmental law: some tendencies of development in the Anthropocene.

Trends in the development of international environmental law. Anthropocene as a notion. Sustainable Development Goals and the Environment. Problem of “marine plastic”. Prospects for creation of the World Environment Agreement. Prospects for creation of an International Environmental Court. Prospects for creation of the World Environmental Organization.

SECTION 5. Jurisdiction and Immunities in Contemporary International law.

Territorial principle. Principle of citizenship. Principle of protection. Universal jurisdiction. Competing jurisdiction. The issue of extraterritorial application of national legislation. Immunity from jurisdiction. State immunity. Diplomatic immunity. Consular immunity. Extraterritorial jurisdiction. Control tests to establish jurisdiction. Practice of the European Court of Human Rights.

SECTION 6. International legal regulation of the use of new energy sources (renewable / alternative energy).

Concept of renewable (alternative) energy sources. Appearance of the terms “unusual energy sources”, “new energy sources” in the practice of ECOSOC since 1959. International legal categorization of renewable (alternative) energy sources. Brief description of methods stimulation of the use of RES in different regions of the world (EU, USA, Canada, Russian Federation). International organizations in the area of renewable (alternative) energy sources. Involvement of large financial business entities in the development of RES, on the example of Tesla, Google, and their cooperation with international organizations interested in the development of RES. RES and human rights. RES and the Sustainable Development Goals 2030.

SECTION 7. Protection of atmosphere and International law.

Topical aspects of the protection of the atmosphere. 1985 Vienna Convention for the Protection of the Ozone Layer and 1987 Montreal Protocol. 1992 United Nations Framework Convention on Climate Change and its Additional Protocols. “Kigali Amendment”. Appendix 16 “Environmental protection. Volume II. Aircraft engine emissions” to the 1944 Convention on International Civil Aviation. 1979 Convention on Long-Range Transboundary Air Pollution and its Protocols. 2007 Space Debris Mitigation Guidelines of the United Nations Committee on the Peaceful Uses of Outer Space.

SECTION 8. Sustainable Development Goals (SDGs) and Official Development Assistance (ODA).

The concept of “Official development assistance” (ODA). International documents containing provisions on ODA. International structures dealing with ODA issues. ODA recipients. States that have met their ODA commitments in the recent years. Measures other than ODA financial assistance aimed at early achievement of sustainable development.

SECTION 9. The evolution of human rights in World Health Organization policy and the future of human rights through global health governance. Preconditions for emergence and creation of an international health care system. Formation of the concept of the right to health as an inalienable human right. Concept, structure, and content of the right to health. The notion of “health” and its criteria. Determination of legal content of the concept of the “right to healthcare”. International legal acts regulating the human right to health. International legal regulation of the human right to health at the universal and regional levels. Limitation of human rights and freedoms as a preventive measure to protect public health. Main directions and issues of international legal cooperation between states in the area of health protection in modern conditions.

SECTION 10. International legal regulation of cryptocurrencies and other Blockchain technologies. The concept of Blockchain. The concept of “cryptocurrency”. Legal regulation of Blockchain technologies by the example of the European Union. UNCITRAL and smart contracts. The current state of international legal regulation of Blockchain technologies.

SECTION 11. New aspects of the development of modern International humanitarian law. The concept of international humanitarian law (IHL). Sources of IHL. “Law of Geneva”, “Law of Hague”. Scope of the IHL. Types of armed conflicts subject to IHL. International armed conflicts. Non-international armed conflicts. Parties to armed conflicts and third states. International legal status of participants in armed conflicts. International legal protection of victims of armed conflicts. Prohibited means and methods of warfare. Trends in the development of international humanitarian law.

SECTION 12. Limitation of human rights in view of modern challenges and threats. Evolution of human rights. The concept and grounds of permissible human rights limitation, including the problem of derogation from fulfilment of obligations to protect human rights in light of an emergency situation in a state. Criteria for limiting human rights in judicial practice and international legal documents. Limitation of human rights within the European system for human rights protection. The problem of human rights protection in the light of the fight against terrorism and other contemporary challenges and threats.

SECTION 13. Modern technologies and international law of the sea. The provisions of the 1982 UN Convention on the Law of the Sea, the 1973 International Convention for the Prevention of Pollution from Ships, and the 1974 International Convention for the Safety of Life at Sea on the notions of “sea vessel”, “crew of a sea vessel”. Potential problems when using: floating nuclear power plants; floating oil and gas installations; autonomous sea vessels. Most effective methods for solving problems in the use of new technological types of sea vessels and installations.

SECTION 14. International criminal justice bodies and the SDGs. International crimes. International Military Tribunal (Nuremberg). International Military Tribunal for the Far East (Tokyo). International Criminal Tribunal for the former Yugoslavia. International Criminal Tribunal for Rwanda. International Criminal Court (ICC). Problem of immunities from international criminal jurisdiction. Problem of immunities in the practice of the ICC.

Sections of Course and Education forms

Sections	Lectures	Classes	Home work	Total hours
1		2	13	15
2		2	13	15
3		2	13	15
4		2	13	15
5		2	13	15
6		4	13	17
7		2	13	15
8		2	13	15
9		2	13	15
10		2	13	15
11		2	13	15
12		2	13	15
13		4	13	17
14		4	13	17
Total		34	182	216

Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 354), AU database, ECOEAS database, EAS database, SADC database, UN database, OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Additional resources

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>). Business & Human Rights Resource Centre (<https://www.business-humanrights.org/>).

Literature

1. Akehurst's modern introduction to international law / ed. P. Malanczuk. – 7th ed. – London: Routledge, 1997

2. Malcolm N. Shaw *International Law*. - Cambridge University Press, 2008
3. Besson Samantha, Tasioulas John. *The Philosophy of International Law* / Edited by, OUP, 2010.
4. *The Legal Regime of the International Criminal Court: Essays in Honour of Professor Igor Blishchenko* / Edited by: José Doria, Hans-Peter Gasser and M. Cherif Bassiouni. - Brill, 2009.
5. *The Law of International Responsibility* / Edited by James Crawford, Alain Pellet, and Simon Olleson. - Cambridge University Press, 2010.
6. *International Humanitarian Law and International Human Rights Law* / Edited by Orna Ben-Naftali. - Cambridge University Press, 2011
7. Dinah L. Shelton *Regional Protection of Human Rights*. - Cambridge University Press, 2010.

Guidelines on the organization of the course:

Practical Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of the material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Home work. In a broad sense, the home work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Knowledge control is carried out in the form of an essay.

Evaluation

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on esystem.rudn.ru.

Author

Associate Professor of the Department of
International Law, Candidate of Legal Sciences

M. Ilyashevich

Programme supervisor

Professor of the Department of International Law,
Doctor of Legal Sciences

N. Emelyanova

Head of the Department of International Law,
doctor of legal sciences, professor

A. Abashidze