



University of New York  
Tirana

**INTERNATIONAL LAW AND DIPLOMACY**  
Fall 2006

Lecturer: Enika Abazi, Ph.D.

E-mail: [eabazi@unyt.edu.tr](mailto:eabazi@unyt.edu.tr)

Classes: Wednesday, 16.00-20.00

Tutorials: 15.00-16.00 and by appointment, use my email address.

Classroom: 4C

**Goals of Course**

World Politics are not in a state of continuous disarray and power is not the only mean used to preserve order in the relations between the states. International law and diplomacy play an important role in the preservation of order in the international system by offering the rules of inter-relations between states and providing the means to settle disputes among them.

The main objectives of this course will be:

- To introduce students to the history, theories and sources of international law.
- To examine various organisations and institutions that facilitates the discourse among states.
- To analyse different issues of economy, human rights, environment and war and peace that challenge international order, and to present the means that society of states uses to peacefully resolve disputes in a milieu fraught with peril.

Methodology of teaching will be interactive combining lecturing with students' discussions. In every class student are supposed to be prepared not only based on the recommended readings but also materials that will be provided to illustrate the topics

Required Readings:

-- **Malcolm N. Shaw** (2003) *International Law*. 5th ed. Cambridge: Cambridge University Press.

Recommended Readings:

-- **Lasok and Bridge** (1994) *Law & Institutions of the European Union*. 6<sup>th</sup> ed. London: Butterworths.

### **Requirements and Grading:**

- *Readings:* No point, but all elements of the class and your grade depend on staying on the top of the readings.
- *Discussion Section-15%:* You must attend and actively participate in discussion section each week. Class attendance is only 5% of your grade.
- *Midterm Exam 20%:* The in-class mid-term will include both essay and short-answer questions. Details will be discussed in class prior to the exam.
- *Final Take Home Exam 40%:* The in-class final will include essay, medium and short-answer questions. Details will be discussed in class prior to the exam.
- *Case study review and presentation. 25%:* Students are required to prepare in groups of 2 or 3 a case study and present revise and present it in class. The *review and presentation* is expected to be presented in class **following the alphabetic order and assigned at the day of the presentation.**
- *Late assignments:* Late assignment will lose 2% of its grade per day. Thus, an assignment that is 0-24 hours late would have 2 of 100 points deducted, one that is 25-48 hours late would have 4 of 100 points deducted, etc.

### **Academic Integrity, Plagiarism, Fabrication, Cheating and Misconduct:**

When you hand in an assignment, make sure that everything is your own work or cited properly. Raise any question and concerns you have with the lecturer before problems arise. I consider enrolling in this course as your agreement to abide by the University Policy in Academic Integrity.

### **Course Outline**

#### **Week 1, 10 October**

#### **Introduction to class**

**No readings assigned.**

#### *Required Readings*

##### **To be read**

-- **Malcolm N. Shaw** (2003) "The Nature and Development of International Law."

*International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1-12.

-- **Malcolm N. Shaw** (2003) "International Law Today." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 42-64.

#### *Recommended Readings*

- **Malcolm N. Shaw** (2003) "The Nature and Development of International Law.- Historical Developments" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 13-41.

#### **Week 2, 17 October Sources of International Law**

##### Question for Discussion

Discuss the main sources of International Law.

### *Required Readings*

- **Malcolm N. Shaw** (2003) “Sources.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 65-119.

### **Week 3, 24 October** **International and Municipal Law**

#### Question for Discussion

- Discuss the theories about international and municipal law and their differences.
- Discuss about the subjects of International law and their qualities.

### *Required Readings*

- **Malcolm N. Shaw** (2003) “International Law.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 120-174.

### **Week 4, 31 October** **Subjects of International Law**

#### Question for Discussion

- Discuss about the subjects of International law and their qualities.

### *Required Readings*

- **Malcolm N. Shaw** (2003) “The Subjects of International Law” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 175-200 and 232-246.

### *Case studies*

- **Malcolm N. Shaw** (2003) “Sui Generis.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 201-217.
- **Malcolm N. Shaw** (2003) “Special Cases.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp.218-224.
- **Malcolm N. Shaw** (2003) “The right of all peoples to self-determination.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp.225-246.

### **Week 5, 7 November** **Human Rights and International and Regional Laws**

#### Question for Discussion

- Discuss how the issue of human rights is treated in the international and regional law.

- **Malcolm N. Shaw** (2003) “The international protection of human rights.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 247-256 and 310-318.
- **Malcolm N. Shaw** (2003) “The regional protection of human rights. Europe” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 319-340.

### *Case Studies*

- **Malcolm N. Shaw** (2003) "The international protection of human rights.- The UN - Implementation" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 281-284.
- **Malcolm N. Shaw** (2003) "The international protection of human rights.- The UN - Implementation"" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 285-288.
- **Malcolm N. Shaw** (2003) "The international protection of human rights.- The UN - Implementation" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 289-309.
- **Malcolm N. Shaw** (2003) "The regional protection of human rights.- Europe-EC, OSCE&CIS Developments" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 344-353.
- **Malcolm N. Shaw** (2003) "The regional protection of human rights.- The American Convention and the Banjul Charter." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 354-366.

## **Week 6, 14 November**

### **Recognition and Territoriality in International Law**

#### Questions for Discussion

- Discuss different types of recognition in the international law.
- Discuss the conceptualisation of territoriality in the international law.

#### *Required Readings*

- **Malcolm N. Shaw** (2003) "Recognition" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 367-393
- **Malcolm N. Shaw** (2003) "Territoriality" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 409-451.

#### *Case Studies*

- **Malcolm N. Shaw** (2003) "Recognition.- The UK" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 394-403.
- **Malcolm N. Shaw** (2003) "Recognition.- The US" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 404-408.
- **Malcolm N. Shaw** (2003) "Territoriality.- The Falkland Islands & Heritage of the Mankind" *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 452-454.
- **Malcolm N. Shaw** (2003) "Territoriality.- Polar Regions & Leases and Servitudes." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 455-462.

## **Week 7, 21 November Air and Space Law**

#### Questions for Discussion

- Discuss the dispositions of international law about the definitions and usage of air and space.

### *Required Readings*

- **Malcolm N. Shaw** (2003) “Air Law and Space Law” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 463-493.

### **Midterm Exam, (2.00 hours).**

### **Week 8, 28 November (to be rescheduled)**

#### **Sea Law**

#### Questions for Discussion

--Discuss the dispositions of international law about the definitions and usage of sea.

- **Malcolm N. Shaw** (2003) “The Law of Sea” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 490-527 and 560-571.

#### *Case Studies*

- **Malcolm N. Shaw** (2003) “The Law of Sea, Maritime delimitations, Landlocked states” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 527-541-527.
- **Malcolm N. Shaw** (2003) “The Law of Sea, The high sea” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 542-559.

### **Week 9, 5 December**

#### **Jurisdiction and Immunities from Jurisdiction**

#### Question for Discussions

--Discuss the concept and usage of Jurisdiction and Immunities from it in International Law.

#### *Required Readings*

- **Malcolm N. Shaw** (2003) “Jurisdiction” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 572- 593 and 610--620.
- **Malcolm N. Shaw** (2003) “Immunities from Jurisdiction” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 621-667

#### *Case Studies*

- **Malcolm N. Shaw** (2003) “Jurisdiction-Piracy...” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 593-609.
- **Malcolm N. Shaw** (2003) “Immunities from Jurisdiction- Diplomatic Law-” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 668-687.
- **Malcolm N. Shaw** (2003) “Immunities from Jurisdiction- Consular privileges..” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 688-693.
- 

### **Week 10, 12 December**

#### **State Responsibility and Secession in International Law**

#### Question for discussion

--Discuss the provisions of International Law on State’s Responsibility and Succession.

### *Required Readings*

- **Malcolm N. Shaw** (2003) “State Responsibility” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 694-734.
- **Malcolm N. Shaw** (2003) “State Succession.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 861-888.

### *Case Studies*

- **Malcolm N. Shaw** (2003) “State Responsibility, The expropriation...” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 737-752.
- **Malcolm N. Shaw** (2003) “State Succession.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 889-913.

## **Week 10, 12 December**

### **The Law of Treaties and the EU Law**

#### Question for discussion

- Explain what the meaning of law of treaties is?
- Discuss the European Community Law

### *Required Readings*

- **Malcolm N. Shaw** (2003) “The Law of Treaties” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 810-860.
- **Lasok and Bridge** (1994) “The Origins of Community Law.” *Law & Institutions of the European Union*. 6<sup>th</sup> ed. London: Butterworths, pp. 102-112. (photocopy to be provided).

## **Week 11, 19 December**

### **The Settlement of Disputes by Peaceful Means**

#### Question for discussion

- Discuss the means sanctioned by International Law to be used in the peaceful settlement of the disputes among states.

### *Required Readings*

- **Malcolm N. Shaw** (2003) “The Settlement of disputes by peaceful means.” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 914-950.
- **Malcolm N. Shaw** (2003) “International humanitarian law” *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1045-1081.
- 

### *Case Study*

- Enumerate and explain the peaceful means used by International Community before and after the Kosovo conflict (Team work).

## **Week 12, 09 January**

### **International Law and the Use of Force by States**

#### Question for discussion

--Discuss the attitude of international law toward the usage of force in international relations.

#### *Required Readings*

**Malcolm N. Shaw** (2003) "International Law and the Use of Force by States." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1013-1054.

**Malcolm N. Shaw** (2003) "Inter-state courts and tribunals." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 951-1005.

#### *Case Study*

\* Explain the legal arguments offered in the case of military intervention in Kosovo and Bosnia (Team work).

**Malcolm N. Shaw** (2003) "Inter-state courts and tribunals, The International Tribunal.." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1005-1012.

## **Week 13, 16 January**

### **The United Nations**

#### Questions for discussion

--Discuss the role of the UN in international law.

#### *Required Readings*

- **Malcolm N. Shaw** (2003) "The United Nations, The Collective Sec....." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1082-1119.

#### *Case Studies*

- **Malcolm N. Shaw** (2003) "The United Nations, The Collective Sec....." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1119-1138.
- **Malcolm N. Shaw** (2003) "The United Nations, The use of force....." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1138.-1147.
- **Malcolm N. Shaw** (2003) "The United Nations, The use of force....." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1147-1150.
- **Malcolm N. Shaw** (2003) "The United Nations, The rang of....." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1501-1161

**Week 14 and 15, 23 January**  
**International Institutions in the International Law**

Questions for discussion

--Discuss the status of institutions in international law.

*Required Readings*

- **Malcolm N. Shaw** (2003) "International Institutions." *International Law*. 5th ed. Cambridge: Cambridge University Press, pp. 1161-1186 and 1186-1215.

*Recommended*

- **Lasok and Bridge** (1994) "The Law of the Institutions [of the EU]." *Law & Institutions of the European Union*. 6<sup>th</sup> ed. London: Butterworths, pp. 181-231 and 244-282. (Photocopy to be provided).

**Summary and Conclusions of the Course**

**Be Prepared! Good Luck!**

**If you have learning difficulties please contact Anxhela Gramo.**