

1. Updated Group Members

According to my personal notes and records attended the Thursday, October 27th session the following professors:

Nerina Boschiero, Rick Bales, Nurul Barizah, Ljilina Biukovic, Sagrario Dolores, Helmut Grothe, Mohamed Olwan, Sigit Riyanto. Tadeaus Konmcewicz reached us at the end of the session.

The Attendees at the Saturday, October 29th session were:

Nerina Boschiero, Rick Bales, Nurul Barizah, Ljilina Biukovic, Sagrario Dolores, Helmut Grothe, Mohamed Olwan, Tadeaus Konmcewicz, **plus Veerabhadran Vijayakumar, Idris Idris, Yaser Khalaileh**

Please correct me if I have missed someone.

2. Attached document of report

Small group session template 1:

The discussion focused mainly on:

- A) effective pedagogical strategies,
and
- B) evaluative approaches.

In respect to the former, the international law group agreed on the following:

- The need to put international law legal concepts in the context of the world realities
- Going beyond the normative approaches and explain how international law impacts in the everyday life
- The need of more innovative ways of teaching (more legal clinics, post cast audiovisuals, moot courts, experts able to explain who to argue international law cases in front of international courts and arbitral tribunals).

In respect of the latter, the international law group agreed on the following:

- the need of mid-term oral and written examinations
- a combination of different evaluative approaches, including cases analysis, solving hypothetical cases, essays on specific international law questions.

Small group session template 2:

The group enlightened the great diversity between civil and common law countries in respect of the various types of degrees in law. While common law system provides for a three-years undergraduate bachelor's degree (in some cases the undergraduate programmes can last forth years) that allows undergraduates to see law in its historical and wider social context, and to examine its general principles and techniques, most of the civil law faculties follow the Higher-education European

system. The EU system distinguishes between undergraduate (first cycle) and post-graduate programmes (second and third cycles, i.e. second level vocational Master programmes, LL.M. and PhDs). In respect of law studies, the civil law system provides both a three-year bachelor programme that confer a 1st level degree that does not enable undergraduates to enter into the classic legal professions (bar, judiciary and notary) and a five single-cycle-degree programme that enables graduates to accede to admission to practice law. The group agreed on the objective difficulties to recommend a single, uniform, all-fit, ideal curriculum.

In respect to the various possible undergraduate curricula, especially in the light of the different solutions provided in each national education system (where either public international law and/or private international law courses could not be imposed as mandatory) the group discussed the suggestion to introduce into the various curricula a general course on Transnational Law in order to provide students with an introduction to the basic principles of public and private international law and comparative law. Prof. Biukovic illustrated, in this respect, the content of the course taught at British Columbia Faculty of Law, whose purpose is to introduce students to the legal world beyond the confines of each single national legal system. The group agreed in principle on the suggestion of having such a course where no mandatory courses are envisaged in the various faculties.

Furthermore, many members of the international law group emphasized that most of the law graduate students do not enter the *classical legal professions*; therefore, an ideal curriculum should provide students with opportunity of pursuing their future career in a wider and more challenging environment.

In respect of knowledge, skills and values the group added, to the previous one envisaged, other core essential elements:

- in respect of knowledge, the group stressed the need for law students to possess the preliminary necessary basic knowledge of historical events that influenced the origin and nature of international law, as well as a basic good knowledge of the geography of the world. In this respect, it has been suggested that an ideal curriculum should put the necessary emphasis on such courses as history of law and geo-politics and geo-economics.
- In respect of the values, the Group underlined the importance of equality, tolerance, openness and respect of the others, in all their differences within and between societies, belief, culture sensibility and cultural diversity.

Finally, the group came at the conclusion that it has not understood the request of “Agreement on Doctrinal Package”. We therefore were unable to provide any answer to that request.

To sum up, the proposal of the international law group in respect of the development of global standards in international law can be summarized as follow:

A. Knowledge

A law graduate should know and understand:

- i. The distinctive nature of the international legal system and of public international law which regulates relations between subjects and actors on the global stage, and of
- ii. the distinctive elements of the international legal reasoning;
- iii. the impact of globalization on international law: changing subjects (new actors and their impact on international law), changing objects, new trends in law-making;
- iv. a critical perspective on global governance and an understanding that international law is also a force that can govern globalization by standing for global distributive justice,

- sustainable development and protection of all those who have most lost from the excesses of globalization;
- v. the growing role of transnationalism;
 - vi. the growing influence of international law on municipal law;
 - vii. the growing concern about fragmentation of international law in a diverse world and the need to avoid conflicting interpretations by constructing a dialogue between courts and tribunals.

Key elements to be covered by any public international law curriculum:

- i. Overview of the historical development of public international law;
- ii. The structure of the international community;
- iii. The fundamental principles of international law governing international relations;
- iv. The States as primary Subjects of International Law and other International Legal Subjects and Actors;
- v. The sources of international law (customs, treaties, jus cogens and other law-creating processes);
- vi. The ways to adjudicate and enforce public international law: the current regulation of State responsibility, the responsibility of International Organization and the debate about the responsibility/ accountability of other Actors in international law;
- vii. The implementation of international rules within national systems;
- viii. The operation of the United Nations System;
- ix. The prohibition of the threat or use of force and the central role of UN Security Council in ensuring peace as a supreme goal of the world community;
- x. Mechanism for promoting and pursuing the prevention and or peaceful settlement of disputes;
- xi. Hints on the expansion of substantive fields of international law (the protection of human rights, of the environment, and the current international economic order);
- xii. In case the faculty does not provide for a mandatory course in Private International Law, the necessity to teach the core hints of the private international law rules to be applied in presence of a cross-border legal dispute (covering at least the three fundamental issues of jurisdiction, applicable law and recognition and enforcement of foreign judgments).

B. Skills:

A public international law course, in addition to the basic understanding of distinctive nature of public international law and structure of the international legal system, should provide the following skills:

- The knowledge necessary to pursue in-depth studies and research in specific areas of international law (including through the use of online technologies);
- Develop effective skills, both orally and in writing, in the construction of legal arguments and analysis on issues of international law;
- Develop sound legal reasoning in the use and application of relevant case law, particularly for civil law countries;
- Understand how international law influences the development and adaptation of domestic law through legislative, executive and judicial action;

- Awareness of current global international issues and the way in which they impact on the evolution of international law;
- Develop the ability to apply effective, innovative solutions, both independently and cooperatively, to solve current and future problems faced by the international community;
- Ability to make a greater use of international law to make progressive claims in domestic courts.

C. Values:

A sound curriculum in public international law should to construct on the following values:

- An awareness of ethical, social and cultural issues within the global context and their importance in the exercise of professional skills and responsibilities;
- Acceptance of different cultural sensibilities and cultural diversities;
- Assurance of political neutrality;
- Commitment to the highest standards of professional endeavor (legal ethics);
- Openness and tolerance of otherness,
- Commitment to fundamental principles of justice in international law;
- Attitude towards peaceful settlement of disputes and the promotion of friendly relationship among Nations;
- Respect for fundamental human rights and fundamental freedom for all;
- A commitment towards the fundamental values enshrined in the peremptory norms of international law.

3. New Chair

The group did not discuss this request, since this is totally new.