University of St.Gallen

Course and Examination Fact Sheet: Spring Semester 2014

2,172: Law I B

ECTS credits: 5.5

Overview examination/s

(binding regulations see below)
Central - Written examination (100%, 180 mins.)

Attached courses

Timetable -- Language -- Lecturer
2,172,1.00 Introduction to Constitutional Law and Public International Law -- English -- Egli Patricia
2,172,3.01 Constitutional Law and Public International Law: Independent Studies, Group 1 -- English -- Schibli Beatrix
2,172,3.02 Constitutional Law and Public International Law: Independent Studies, Group 2 -- English -- Schibli Beatrix
2,172,3.03 Constitutional Law and Public International Law: Independent Studies, Group 3 -- English -- Schibli Hans R.
2,172,3.04 Constitutional Law and Public International Law: Independent Studies, Group 4 -- English -- Schibli Hans R.
2,172,3.05 Constitutional Law and Public International Law: Independent Studies, Group 5 -- English -- Senn Myriam
2,172,3.06 Constitutional Law and Public International Law: Independent Studies, Group 6 -- English -- Senn Myriam
2,172,3.07 Constitutional Law and Public International Law: Independent Studies, Group 7 -- English -- Kayser Martin
2,172,3.08 Constitutional Law and Public International Law: Independent Studies, Group 8 -- English -- Kayser Martin

Course information

Course prerequisites

None

Course content

The course offers a comprehensive introduction to constitutional law and public international law. Constitutional law refers to a set of basic legal principles and rules that define the nature, function and organization of a state. In a first part, the course thus discusses the historical development, sources and interpretation of the Federal Constitution of the Swiss Confederation of 18 April 1999. In addition, the central principles and stuctures of the Federal Constitution of the Swiss Confederation are studied. The course gives students the opportunity to learn about the basic legal concepts underlying the Swiss state such as the principle of the „Rechtsstaat“, federalism, democracy and social justice. Key aspects of the course are also the fundamental rights guaranteed by the constitution.

Main Topics:

- Introduction
- Historical Development
- Sources of Constitutional Law
- Constitutional Interpretation
- Constitutional Principles
  - Principle of the „Rechtsstaat“
  - Federalism
  - Democracy
  - Social Justice
- Parliament, Government and the Judiciary
- Fundamental Rights
- Protection of Fundamental Rights

Constitutional law is more and more influenced by public international law. Public international law is a set of rules regarded and accepted as binding in relations between states and other international actors. In a second part, the course thus explores the

highly important and dynamic area of public international law. The course offers an overview of the central principles of public international law and discusses some specific international law regimes, such as the United Nations system, international human rights law, international criminal law and international economic law.

Main Topics:

- Introduction
- Sources of Public International Law
- Subjects of International Law
- The Charter and the Organs of the United Nations
- International Human Rights Law
- Interaction Between National and International Law
- International Humanitarian Law
- International Criminal Law
- International Economic System
- Responsibility and International Dispute Settlement

Course structure

Lectures:

The lectures before the semester break focus on the introduction to constitutional law; the remaining lectures discuss the basic principles of public international law.

Independent Studies:

The course material will be further discussed and explained in accompanying exercises in smaller groups. The impact of constitutional law and public international law will be illustrated with cases.

Please note that the lecture notes contain further details regarding the course structure.

Course literature

- P. Egli: Introduction to Constitutional Law and Public International Law (lecture notes)
- Additional material and documents on the StudyNet

Additional course information

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Examination information

Examination part/s

1. Examination part (1/1)

Examination time and form

Central - Written examination (100%, 180 mins.)

Remark

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Examination-aid rule

Extended Closed Book for Examinations in Law
The use of aids is limited. Any additional aids permitted must be listed exhaustively in the examination fact sheet. Basically, the following applies:

- For this examination, all pocket calculators of the Texas Instruments TI-30 series and bilingual dictionaries without marginal notes are admissible. Any other pocket calculators, as well as electronic dictionaries, are inadmissible.

- In addition, any type of communication is inadmissible, as are all electronic devices that can be programmed and are capable of communication, such as notebooks, tablets, PDAs, mobile telephones and others.
- Students themselves are exclusively responsible for the procurement of aids.
- Official statutory texts issued by the Confederation in the four national languages and in the English translation provided by the Federal Chancellery, as well as official statutory texts issued by the Canton of St. Gallen, are admissible.
- Only the additional aids and texts of laws listed individually under "Supplementary aids" (exhaustive list) are admissible. Any aids and texts of laws that are not listed are expressly inadmissible and will be collected without substitution.

Texts of laws may be prepared as follows:

- References to other articles of law (only name of the law + article number, e.g. "art. 62 et seq. CO"); these references must be written in one of the national languages and/or in English.
- Highlights e.g. with markers (however, no individual letters must be marked); any other notes and comments are prohibited.
- Index: self-adhesive slips of paper in the margin of individual texts of law; they must only bear the marginalia/titles of the relevant page.
- In print-outs and copies of legal texts according the specification in this fact sheet (i.e. all official statutory texts issued by the Confederation, or the admitted private collections incl. table of contents and indexes), the original source must be clearly discernible.

Supplementary aids

Admitted are the following text-collections:

German:

- BIAGGINI Giovanni/EHRENZELLER Bernhard, Öffentliches Recht, 6. Auflage, Zürich/Basel/Genf 2013
- HÄNNI Peter/BELSER Eva Maria/WALDMANN Bernhard, Öff. Recht I, 2. Auflage, Basel 2012

Additionally, the official versions of the constitution and other statutory texts in German as issued by the Federal Chancellery are permitted.

French:

Only the official versions of the constitution and other statutory texts as issued by the Federal Chancellery are permitted.

Italian:

Only the official versions of the constitution and other statutory texts as issued by the Federal Chancellery are permitted.

English:

- Reference Materials available at the Skriptenkommission.
- The English versions of the constitution and other statutory texts as issued by the Federal Chancellery are permitted.

Examination languages

Question language: English
Answer language: English

Examination content

The examination content comprises the lecture notes and all additional lecture content, including the cases covered in the independent study modules, uploaded on StudyNet until the end of spring semester (reference date: 25.05.2014).

The examination consists of two equal parts: the first part covers constitutional law (90 mins.) and the second part covers public international law (90 mins.).

Examination relevant literature

- P. Egli: Introduction to Constitutional Law and Public International Law (lecture notes)
- All lecture, exercise and independent-study documents posted on StudyNet until the end of the spring semester (reference

date: 25.05.2014)

Please note

We would like to point out to you that this fact sheet has absolute priority over other information such as StudyNet, faculty members' personal databases, information provided in lectures, etc.

When will the fact sheets become binding?

- Information about courses and examination time (central/decentral and grading form): from the start of the bidding process on 23 January 2014
- Information about decentral examinations (examination-aid rule, examination content, examination relevant literature): after the 4th semester week on 17 March 2014
- Information about central examinations (examination-aid rule, examination content, examination relevant literature): from the start of the enrolment period for the examinations on 7 April 2014

Please look at the fact sheet once more after these deadlines have expired.