

Course title	Public International Law 1				
Responsible person to enter grades	James Gerald DEVANEY、TAKEUCHI Mari			開講区分	単位数
				2nd semester	1.0
Numbering Code		Day・Period, etc.	Other	Timetable Slot Code	3J393

#### Lesson topic

International law obliges states to settle their disputes peacefully. It does not however prescribe one particular mechanism of dispute resolution; and it notably does not, as a general rule, require states to settle their disputes before international courts and tribunals competent to render binding decisions. Perhaps as a result of this, the two main modes of binding dispute resolution — international arbitration and adjudication — have traditionally remained exceptional. Since the end of the cold war, this traditional perception has been revisited: new international courts and tribunals have been established in a range of fields (trade, law of the sea, criminal justice, etc.), and existing institutions and regimes of international arbitration and adjudication have been used more frequently (International Court of Justice, investment arbitration, etc.). According to some, the present era can in fact be described as an ‘age of international adjudication’ (Sir Christopher Greenwood). At the same time, the trend towards more binding dispute resolution seems fragile, as many states seek to curb the power of international criminal courts, human rights courts, and investment tribunals.

Against this background, this course discusses the current role of international courts and tribunals in international relations. It does so in three steps: (i) by tracing the evolution of international arbitration and adjudication; (ii) by discussing the role and record of important international courts and tribunals existing today; and (iii) by reflecting on the benefits and drawbacks of submitting disputes to international courts and tribunals. Because of its focus on disputes and litigation, the course will look at international law “in action”, thus seeking to disprove the common assertion that international law had little practical relevance. Its overall aim is to provide participants with a clearer understanding of the working of international courts and

#### Lesson target

The course is aimed to introduce to students the current role of international courts and tribunals in international relations.

#### Syllabus and plan

1. The nature and development of international law
2. International courts and tribunals over time: the evolution of binding dispute settlement
3. Binding dispute settlement ‘in action’ : the International Court of Justice
4. Binding dispute settlement ‘in action’ : the United Nations Convention on the Law of the Sea
5. Case Study 1: The ‘Enrica Lexie’ Dispute
6. Binding dispute settlement ‘in action’ : investment arbitration
7. Case Study 2: Ukraine v Russia
8. No longer a weak department of power? A synthesis

#### Evaluation method

Students are required to write a short essay of no more than 2,000 words, which should be submitted electronically to Dr. Devaney and cc to the GMAP Admin Office by the end of 27th November (JST). Around 1 month ahead of this date, students will be provided with two essay options from which they should select one. Contact details will be notified during the course.

#### Evaluation baseline

Students should be able to explain the proper definition of “international courts and tribunals” and its related fundamental concepts.

#### Notice (include info. on related class)

The course does not presuppose any prior knowledge of international courts and tribunals. It is meant to take the form of an interactive seminar in which participants actively participate in discussions.

#### Review and preparation

In order to facilitate interaction, participants are strongly encouraged to read the texts (and watch the video) indicated before the start of the course.

#### Office hour · Contact information

Contact details will be announced during the course.

#### Message for student

#### Improvements in Teaching

#### Text

Video: Greenwood, *International Law in the Age of Adjudication*, audio/video recording available via the UN Audiovisual Library: [https://legal.un.org/avl/ls/Greenwood\\_CT.html](https://legal.un.org/avl/ls/Greenwood_CT.html)

James Crawford, *Brownlie's Principles of Public International Law* (8th edn), 718-743 (2012)

ISBN: 9780199699698

Yuval Shany, *No Longer a Weak Department of Power? Reflections on the Emergence of a New International Judiciary*, *European Journal of International Law* 20 (2009), 73-91, at <http://www.ejil.org/pdfs/20/1/1775.pdf>

Benedict Kingsbury, *International Courts: Uneven Judicialization in Global Order*, in Crawford/Koskenniemi, *The Cambridge Companion to International Law*, 203-227 (2012), ISBN: 9780521190886

#### Reference Material

N/A

#### Classroom Language

English

#### Keywords

international law, international conflicts and disputes, conflict resolution, peaceful dispute settlement, International Court of Justice, international arbitration, investment arbitration, jurisdiction, international courts and tribunals, peace through law