

Course title	Public International Law 1				
Teacher(s)	Jean d'Aspremont, null			開講区分	単位数
				1st semester	1.0
Numbering Code		Day · Period	Other	Timetable Slot Code	1J350

Lesson topic

After a few critical observations on the various histories of international law as well as the determination of which actors qualify as states from the perspective of international law, this course introduces the way in which international obligations arise, consolidate, coalesce, and disappear in international law. It focuses on the life of international norms that are considered legally binding at the international level. In doing so, it revisits the doctrine of sources, the law of treaty, the doctrine of interpretation, the doctrine of succession, and the law of responsibility from a new and refreshing perspective.

Lesson target

The course aims at providing students with an elementary knowledge and understanding of the main doctrines of international law and allow them to make use of these doctrines to make international legal arguments or critically examine contemporary practice. The course is also meant to train students to deploy critical tools and deconstruct legal arguments and doctrines.

Syllabus and plan

Session 1: Histories of International Law

- There are many histories of international law. Histories of international law are constantly rewritten and recast. This session critically examines how the 1648 Peace of Westphalia was used to provide international law with a linear history.

Session 2: The State and the Myth of Montevideo

- This session will review the so-called doctrine of statehood and the criteria that must allegedly be met for an entity to qualify as a state. In doing so, this session will provide some critical insights on the common idea that the criteria of statehood are derived from the 1933 Montevideo Convention on the Rights and Duties of States as well as customary international law

Session 3: International Law and the Idea of Bindingness

- This session will explore the way in which international lawyers' understanding of legal bindingness have evolved in the last 2 centuries of legal thought and practice. Whilst legal bindingness is currently associated with those acts which are recognized as rules according to the doctrine of sources of international law, it will be shown that this has not always been the case. The session will also discuss contemporary challenges of sources-based understanding of legal bindingness.

Session 4: The Creation of Bindingness and the Sources of International Law

- This session will examine the instruments and behaviours through which international obligations are created. It will focus on the doctrine of the sources of international law which, since the second half of the 20th century, has become the central instrument to create international obligations and generate bindingness. Attention will be particularly be paid to customary international law and treaties. The session will extensively review the problems associated with the current mechanisms of creation of international obligations, including the practical and conceptual difficulties to identify international obligations

Session 5: The Sources of International Law and Expansionism

- This session will critically examine the contemporary attitudes of courts and lawyers to expand international obligations through a very liberal use of the sources of international law.

Session 6: The Determination of the Content of International Obligations (Interpretation)

- International obligations take shape as their content is determined. Content of international obligations is determined through interpretation. In reviewing the methods of interpretation of international obligations, it will be shown that interpreting international obligations is constitutive of the very pre-scriptions of such obligations. The session will explore the consequences of the fragmentation of interpretive power in international law as well as the various agendas that informs the interpretive strategies of international courts and authoritative interpreters.

Session 7: The Discontinuation of International Obligations and the Expiration of Bindingness

- This session will discuss the international law rules governing exit from multilateral and bilateral treaties. It will also examine the variety of ways in which treaty termination, denunciation, and withdrawal clauses are invoked. Attention will also be paid to the termination of customary law as well as the disappearance of states as a cause of the discontinuation of international obligations.

Session 8: The Breach of International Obligations and the Determination of Responsibility

This session will revisit the way in which mechanisms of sanctions of violations were invented and the conceptual choices that informed the design of international responsibility. This session will simultaneously show the extent to which the reaction the violations of international obligations simultaneously play different role, ranging from the reparation of damages to the defence of public interest.

Evaluation method

Students will be evaluated on the basis of a (closed book) written exam. This exam will come in the form of 4 questions of which students must answer 2. Each answer should not exceed 1000 words. The written exam will be aimed at testing students' knowledge of the basic doctrines of international law, the understanding of the conceptual and practical issues that accompany such doctrines as well as their ability to critically evaluate these doctrines and their agendas.

Evaluation baseline

With the method stated above, grades will be determined in accordance with the degrees of achievement of the objectives.

Notice (include info. on related class)

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Review and preparation

Office hour · Contact information

Contact details will be announced during lectures.

Message for student

Improvements in Teaching

Text

Detailed information on reading materials will be provided for students later.

Reference Material

Classroom Language

English

Keywords