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|----------------|---|------------|-------|---------------------|-------|
| Course title   | Public International Law 1                          |            |       |                     |       |
| Teacher(s)     | Christian TAMS, James Gerald DEVANEY, TAKEUCHI Mari |            |       | 開講区分                | 単位数   |
|                |   |            |       | 2nd semester        | 1.0   |
| Numbering Code |   | Day・Period | Other | Timetable Slot Code | 3J391 |

#### 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.

#### Lesson target

The course is aimed to introduce to students the current role of international courts and tribunals in international relations. Its overall aim is to provide participants with a clearer understanding of the working of international courts and tribunals, and of the promises and challenges of binding dispute resolution.

#### Syllabus and plan

1. The peaceful settlement of international disputes
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 ‘: investment arbitration
5. Binding dispute settlement ‘in action ‘: the World Trade Organization
6. Beyond dispute settlement: the functions of international courts and tribunals
7. Too much, too fast? The backlash against international courts and tribunals
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 Prof. Tams and Dr. Devaney by 15 January 2022. 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

Due to the on-going health restrictions, the course will be taught as an intensive online course, combining synchronous and asynchronous modes of delivery. More specifically, in mid-November 2020, students will be provided with recordings of 8 short lectures covering essential aspects of the 8 topics listed above. These recordings will be in the form of voice-over presentations using power point slides. In order to engage with these recorded lectures, students should have first engaged with the readings listed below (section 10: Materials), which address many of the issues to be addressed in our course.

Between 14 and 21 December 2021, we will hold 4 'live online seminars ' during which we will discuss key themes and current challenges. These 'live seminars ' are meant to be interactive, and students will be encouraged to apply their knowledge, based on their prior engagement with the reading and the recorded lectures. In order for these interactive seminars to be beneficial to all, students should have watched all recorded lectures beforehand.

#### Improvements in Teaching

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)

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>

#### Text

Brownlie' s Principles of Public International Law (8th edn), 718-743 (2012) / James Crawford : , ISBN:9780199699698  
International Courts: Uneven Judicialization in Global Order, in Crawford/Koskenniemi, 203-227 / Benedict Kingsbury : The Cambridge Companion to International Law ,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