

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

Lesson topic

In the context of global instability and seemingly existential challenges to the international order, it is arguably more important than ever to understand states' international legal obligations. One such obligation is the legal duty on states to settle their international disputes peacefully. This duty, however, does not obligate states to peacefully settle their disputes before international courts and tribunals competent to render binding decisions. In fact, resort to international courts and tribunals has historically been exceptional in international relations.

The end of the Cold War brought a period of optimism about the future of the international legal order, and saw the establishment of new international courts and tribunals in a number of different fields (including trade and investment, law of the sea, and criminal justice. Today, some courts such as the International Court of Justice are busier than ever, handling cases relating to issues of the utmost importance to the future of humanity such as including the prevention and punishment of genocide, climate change, and sovereignty over territory.

That said, international courts and tribunals have not been spared the 'backlash' against international institutions in recent years, and courts continue to have very limited enforcement powers, particularly with regard to powerful states.

In this context, this course seeks to critically explore 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) exploring a number of case studies. The overall aim of the course is to provide participants with

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. Binding dispute settlement in action: settlement of international investment disputes
6. Case Study 1: 'The Last Colony' : The Chagos Archipelago before ICATs
7. Case Study 2: The 'Crime of Crimes' before the ICJ: Ukraine, Palestine and beyond
8. Synthesis: No longer a 'weak department of power' ?

Evaluation method

Students are required to write a short essay of no more than 2,000 words, which should be submitted electronically to Professor Devaney by 8 February. 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

Malcolm Evans, *International Law (2024)*, Chapter 18 'The Means of Dispute Settlement' , and Chapter 19, 'The International Court of Justice' , ISBN: 9780192848642

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

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

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