International Law

(Spring 2016; Wednesdays 14:30-17:20)

#### Professor Paik Jin-Hyun

Graduate School of International Studies

Office: GSIS #140-1 Rm. 601

#### Tel: 880-8513 Fax: 873-0654

E-mail: [jhpaik@snu.ac.kr](mailto:jhpaik@sias.snu.ac.kr)

# Course Description

This course intends to enhance students’ understanding of the basic structure and process of international legal system. The course will address the structure and operational mechanism of international legal system, which is essential to understanding international cooperation in various forms. Particular reference will be made to multitudes of contemporary problems of international concern and their legal aspects. Throughout the course, students will be asked to define and assess the role and limitation of law in international relations.

# Readings

\*Peter Malanczuk, Akehurst’s Modern Introduction to International Law, Seventh Revised Edition (Routledge, 1997)

\*Malcolm N. Shaw, International Law, Sixth Edition (Cambridge University Press, 2008)

\*Malcolm D. Evans, Blackstone’s International Law Documents, Ninth Edition (Blackstone Press Ltd, 2009)

Mark W. Janis, International Law, Fifth Edition (Aspen Publishers, 2008)

Ian Brownlie (ed), Principles of Public International Law, Seventh Edition (Oxford University Press, 2008)

The books with an asterisk(\*) will be used as the textbooks for the course, and students are required to obtain them. Other materials will be handed out throughout the course. Students may find useful materials related to the course, among others, from the web-sites of American Society of International Law ([www.asil.org)](http://www.asil.org)), International Court of Justice([www.icj-cij.org](http://www.icj-cij.org)) and International Tribunal for the Law of the Sea (www.itlos.org).

**Course Schedule (Weekly)**

##### Week 1. Introduction; Definition, Nature and Effectiveness of International Law

Akehurst, chs. 1-2 (Introduction; History and Theory)

Janis, ch. 1 (The Nature of International Law)

Shaw, chs. 1-2 (The Nature and Development of International Law; International Law Today)

Anthony Clark Arend, “Do Legal Rules Matter?: International Law and International Politics”, Virginia Journal of International Law, vol. 38:2 (winter 1998), 107-153

##### Week 2. Source of International Law

Akehurst, ch. 3 (Source)

Janis, ch. 3 (Custom and Other Sources of International Law)

Shaw, ch. 3 (Sources)

##### Week 3. International Law and Municipal Law

Akehurst, ch. 4 (International Law and Municipal Law)

Janis, ch. 4 (International Law and Municipal Law)

Shaw, ch. 4 (International Law and Municipal Law)

H. K. Park, “Japan v. Kim Sun-Ki: Case No. 35, 1997”, American Journal of International Law, vol. 92/2 (1998), 301-305

##### Week 4. Subjects of International Law; Recognition of States and Governments

Akehurst, chs. 5-6 (States and Governments; International Organizations, Individuals, Companies and Groups)

Janis, ch. 6 (States and International Law)  
Shaw, chs. 5 and 9 (The Subjects of International Law; Recognition)

##### Week 5. Individuals in International Law: Human Rights

Akehurst, ch. 14 (Human Rights)

Janis, ch. 8 (Individual and International Law)

Shaw, chs. 6, 7 and 8 (The International Protection of Human Rights; The Regional Protection of Human Rights; Individual Responsibility in Int’l Law)

Report on the Mission to the DPRK, ROK and Japan on the Issue of Military Sexual Slavery in Wartime

##### Week 6. Acquisition of Territory

Akehurst, ch. 10 (Acquisition of Territory)

Shaw, ch. 10 (Territory)

Benjamin K. Sibbett, “Tokto or Takeshima?: The Territorial Dispute between Japan and the Republic of Korea”, Fordham International Law Journal, Vol. 12 (1998), 1606-1646

##### Week 7. Law of the Sea

Akehurst, ch. 12 (The Law of the Sea)

Shaw, ch. 11 (The Law of the Sea)

Ashley Roach, “Countering Piracy off Somalia: International Law and International Institutions, American Journal of International Law, vol. 104/2 (2010), 396-416

###### Text of the United Nations Convention on the Law of the Sea

##### Week 8. Midterm Exam

##### Week 9. Jurisdiction

Akehurst, ch. 7 (Jurisdiction)

Janis, ch. 10 (International Conflict of Laws)

Shaw, ch. 12 (Jurisdiction)

Henry Kissinger, “The Pitfalls of Universal Jurisdiction”, Foreign Affairs, Vol. 80, No. 4 (July/August 2001), 86-96

##### Week 10. Immunity from Jurisdiction

Akehurst, ch. 8 (Immunity from Jurisdiction)

Shaw, ch. 13 (Immunities from Jurisdiction)

Text of the Vienna Convention on Diplomatic Relations

*Week 11. State Responsibility*

Akehurst, ch. 17 (State Responsibility)

Shaw, ch. 14 (State Responsibility)

Ilhyung Lee, “The Law and Culture of the Apology in Korean Dispute Settlement”, Michigan Journal of International Law, vol. 27/1 (2005), 1-53

##### Week 12. Law of Treaties

Akehurst, ch. 9 (Treaties)

Janis, ch. 2 (Treaties)

Shaw, ch. 16 (The Law of Treaties)

Text of the Vienna Convention on the Law of Treaties

*Week 13. Pacific Settlement of Disputes*

Akehurst, ch. 18 (Pacific Settlement of Disputes between States)

Janis, ch. 5(The International Court)

Shaw, chw. 18-19 (The Settlement of Disputes by Peaceful Means; International Court of Justice)

Suzannah Linton and Firew Kebede Tiba, “The International Judge in an Age of Multiple International Courts and Tribunals”, Chicago Journal of International Law, vol. 9/2 (2009), 407-469

Statute of the International Court of Justice

##### Week 14. Use of Force

Akehurst, ch. 19 (International Wars, Civil Wars and the Right to Self-Determination; *ius ad bellum*)

Shaw, ch. 20 (International Law and the Use of Force by States)

# *Week 15. Final Exam*

# Course Requirements

1. In-class Midterm Exam (**35%** of grade)
2. In-class Final Exam (**50%** of grade)
3. Class Participation (**15%** of grade)

# Office Hours

Professor Paik will be available for office hours normally on Tuesday afternoon from 2:30-4:30 pm. Appointments should be made in advance through his teaching assistant (Room 602: 880-8513). If students have another classes or activities at this time, an alternative appointment can be arranged.