

南華大學九十五學年度第一學期課程教學綱要

科目名稱：國際公法研究

科目代號：503200983

英文名稱：Seminar in International Law

授課教師：孫國祥

開課單位	亞太研究所			上課教室	S212R
學分數	3	授課時間	Thu.1420-1910	修別	optional
教學目標	<p>This course offers graduate students an introduction to the study of international law. Traditionally, international law expressed the relationship among sovereign nations. A combination of written treaties, other written agreements, the traditions of war, and of diplomacy, international law placed some limits on the conduct of nations. However, international law has been the subject of numerous critics, ranging from those who question whether it is law at all, to those who claim that international law reflects only the interests of dominant, developed nations.</p> <p>Three major developments in the 20th century have permanently changed the structure and practice of international law:</p> <ol style="list-style-type: none"> 1.The winding down of the colonial era, creating the rise of a large number of new sovereign nations, all asserting full sovereign rights in the international system. 2.The Second World War, which accelerated the end of colonialism, brought genocide to worldwide attention, and began the atomic age. These events led to the assertion of individuals as actors in international law, and resulted in the enhanced role of intergovernmental organizations and nongovernmental organizations. 3.The rise and fall of the Soviet Union. Its impact on the application of international law profoundly affected the course of 20th century history. <p>A fourth development that is just now beginning to affect existing international law is the beginning of the information age.</p> <p>This purpose of this course is to examine the tools of public international law in the post-Cold War world. We will study the traditional tools of international law to determine the tools that are still relevant to the relationships among nations.</p> <p>We will also study the newer methods of creating effective international law. Throughout the course, we will attempt to examine whether international law is relevant, effective, and enforceable. We will also work to predict the direction international law will evolve in the next few decades.</p>				
課程綱要：(含每週授課進度)					
COURSE INTRODUCTION/TOPICS					
Let's just talk IL!					
SEPTEMBER 19 - THE NATURE AND DEVELOPMENT OF INTERNATIONAL LAW					
<ol style="list-style-type: none"> 1. Historical Development 2. Modern Theories and Interpretations <ol style="list-style-type: none"> a) The Concept of Sovereignty (Pragmatism) b) Looking Upwards for the Law (Naturalism) c) Making the Law Up As We Go Along (Positivism) 					
SEPTEMBER 26 - SOURCES OF INTERNATIONAL LAW					
<ol style="list-style-type: none"> 1. Treaties and Other International Agreements 2. Customary International Law 3. General Principles of Law Recognized by Civilized Nations 4. Judicial Decisions and the All-Mighty Academics 					

課程綱要：(含每週授課進度) (continue)

OCTOBER 3 - INTERNATIONAL LAW CASE: TERRITORIAL DISPUTE

1. [Territorial Dispute \(Libyan Arab Jamahiriya/Chad\)](#) (1990-1994)

OCTOBER 10 -

OCTOBER 17 – PASSAGE THROUGH & EAST TIMOR

1. [Passage Through the Great Belt \(Finland v. Denmark\)](#) (1991-1992)
2. [East Timor \(Portugal v. Australia\)](#) (1991-1995)

OCTOBER 24 – MARITIME DELIMITATION & OIL PLATFORMS

1. [Maritime Delimitation and Territorial Questions between Qatar and Bahrain \(Qatar v. Bahrain\)](#) (1991-2001)
2. [Oil Platforms \(Islamic Republic of Iran v. United States of America\)](#) (1992-2003)

OCTOBER 31 – LOCKERBIE

1. [Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie \(Libyan Arab Jamahiriya v. United Kingdom\)](#) (1992-2003)
2. [Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie \(Libyan Arab Jamahiriya v. United States of America\)](#) (1992-2003)

NOVEMBER 7 – NO MEETING (MID. EXAM.)

NOVEMBER 14 – LAND AND MARITIME BOUNDARY

1. [Gabcikovo-Nagymaros \(Hungary/Slovakia\)](#) (1993-)
2. [Land and Maritime Boundary between Cameroon and Nigeria \(Cameroon v. Nigeria: Equatorial Guinea intervening\)](#) (1994-2002)

NOVEMBER 21 – NUCLEAR TEST AND FISHERIES JURISDICTION

1. [Request for an examination of the situation in accordance with paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests \(New Zealand v. France\) case](#) (1995)
2. [Fisheries Jurisdiction \(Spain v. Canada\)](#) (1995-1998)

NOVEMBER 28 – KASIKILI/SEDUSU ISLAND

1. [Kasikili/Sedudu Island \(Botswana/Namibia\)](#) (1996-1999)
2. [Vienna Convention on Consular Relations \(Paraguay v. United States of America\)](#) (1998)

DECEMBER 5 – PAULAU LITIGAN AND PULAU SIPADAN

1. [Sovereignty over Pulau Litigan and Pulau Sipadan \(Indonesia/Malaysia\)](#) (1998-2002)
2. [Aerial Incident of 10 August 1999 \(Pakistan v. India\)](#) (1999-2000)

DECEMBER 12 - JURISDICTION

1. [LaGrand \(Germany v. United States of America\)](#) (1999 -2001)
2. [Arrest Warrant of 11 April 2000 \(Democratic Republic of the Congo v. Belgium\)](#) (2000-2002)

DECEMBER 19 - GENOCIDE

1. [Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v. Yugoslavia\), Preliminary Objections \(Yugoslavia v. Bosnia and Herzegovina\)](#) (2001-2003)

課程綱要：(含每週授課進度) (continue)

DECEMBER 26 – ADVISORY CASES

1. [Legality of the Use by a State of Nuclear Weapons in Armed Conflict](#) (1993-1996)
2. [Difference relating to immunity from legal process of a Special Rapporteur of the Commission on Human Rights](#) (1998 - 1999)

講授方式	1 課堂講授 2 分組討論 3 實習 4 參觀訪問 5 其它
課程其它特色(可略)	To develop skills in analytical reasoning. To improve students' ability to write with precision, clarity, and logical coherence. To develop students' ability to identify and apply international legal principles relevant to current issues and events in global politics.
指定教材	Michael Akehurst, <i>A Modern Introduction to International Law</i> , 6 th ed., New York: Routledge, 1995.
主要參考書籍	1. DICTIONARIES & ENCYCLOPEDIAS Robert L. Bledsoe & Boleslaw A. Boczek, <i>The International Law Dictionary</i> (1987) <i>Encyclopedia of Public International Law</i> James R. Fox, <i>Dictionary of International and Comparative Law</i> (2d ed.) (1997) International Law Dictionary & Directory <i>Oxford Companion to Law</i> () Clive Parry & John P. Grant, <i>The Encyclopedic Dictionary of International Law</i> (1986) Jack C. Plano & Roy Olton, <i>The International Relations Dictionary</i> (4 th ed.) (1988) 2. RESEARCH GUIDES <i>Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research</i> (Jeanne Rehberg & Radu D. Popa, eds.) American Society of International Law Information Resources on International Law Duke Law School Library: Foreign & International Resources <i>Guide to International Legal Research</i> (3d ed. with 2001 supplement) LLRX International/Foreign Resource Page 3. BIBLIOGRAPHIES & INDEXES <i>Index to Foreign Legal Periodicals</i> (Index Table and via the web) <i>Public International Law: A Current Bibliography of Books and Articles</i> (Internet) Charles Szladits, <i>A Bibliography on Foreign and Comparative Law: Books and Articles in English</i> (1955-1989), continued by <i>Szladits' Bibliography on Foreign and Comparative Law: Books and Articles in English</i> (1990-).
主要參考書籍	4. SELECTED TREATISES ON INTERNATIONAL LAW STUDENT-ORIENTED TEXTS David J. Bederman, <i>International Law Frameworks</i> (2000) Gerhard von Glahn, <i>Law Among Nations: An Introduction to Public International</i>

	<p><i>Law</i> (7th ed. 1996)</p> <p>Mark Janis, <i>An Introduction to International Law</i> (3d ed. 1999)</p> <p>Peter Malanchuk, <i>Akehurst's Modern Introduction to International Law</i> (7th rev. ed. 1997)</p> <p>Malcolm Shaw, <i>International Law</i> (4th ed. 1997)</p> <p>Rebecca Wallace, <i>International Law: A Student Introduction</i> (3d ed. 1997)</p> <p>SCHOLARLY AND OTHER TREATISES</p> <p>Robert J. Beck, Anthony Clark Arend & Robert D. Vander Lugt, eds. <i>International Rules: Approaches from International Law and International Relations</i> (1996)</p> <p>Ian Brownlie, <i>Principles of Public International Law</i> (5th ed. 1998)</p> <p>Lung-chu Chen, <i>An Introduction to Contemporary International Law: A Policy-Oriented Perspective</i> (2d ed. 2000)</p> <p>R.R. Churchill & A.V. Lowe, <i>The Law of the Sea</i> (3rd ed. 1999)</p> <p>Anthony D'Amato, <i>International Law Studies</i> (1997)</p> <p>Louis Henkin, <i>How Nations Behave</i> (2d ed. 1979)</p> <p>Rosalyn Higgins, <i>Problems and Process: International Law and How We Use It</i> (1994)</p> <p>Robert Jennings & Arthur Watts, <i>Oppenheim's International Law</i> (9th ed. 1992)</p> <p>Lucinda Low, Pat Norton & Daniel Drory, eds. <i>International Lawyer's Deskbook</i> (1996)</p> <p>Oscar Schachter, <i>International Law in Theory and Practice</i> (1991)</p> <p>LEADING ENGLISH LANGUAGE JOURNALS</p> <p><i>American Journal of International Law</i></p> <p><i>International and Comparative Law Quarterly</i></p> <p><i>British Yearbook of International Law</i></p> <p><i>International Lawyer</i></p> <p>5. INTERNATIONAL LAW SOURCES</p> <p>http://www.towson.edu/~sara/internatlaw.htm</p> <p>http://www.findlaw.com/12international/</p> <p>http://jurist.law.pitt.edu/terrorism/terrorism3.htm</p> <p>http://www.asil.org/resource/ergintr1.htm</p> <p>http://www.yale.edu/lawweb/avalon/avalon.htm</p>
成績考核 方 式	<p>Commentaries and participation 40%</p> <p>Seminar presentation 20%</p> <p>Essay 40%</p>
備 註	