

LL4050V/LL5050V/LLJ5050V/LL6050V/LC5050V Public International Law (PIL)

What role does law play in shaping our global community and world order today? How can sovereign states cooperate in ways that are timely and sufficient on matters of common concern? Can global institutions and public international law bind and hold against even powerful states when they act illegally?

This foundational course introduces the student to the nature, major principles, processes and institutions of the international legal system, the relationship between international and domestic law and the role of law in promoting world public order. Students will acquire an understanding of the conceptual issues underlying this discipline and a critical appreciation of how law inter-relates with contemporary world politics, its global, regional and domestic significance. Topics include the creation and status of international law, participation and competence in the international legal system, primary substantive norms such as the law regulating the use of force and enforcement procedures. The class will also consider the changing global order in the light of increasing Sino-American conflict and the Covid-19 pandemic.

At the end of the course participants should be able to:

1. Demonstrate awareness about public international law in relation to key global concerns and threats including the assertion and exercise of sovereignty, the use of force, the peaceful settlement of disputes and the protection of human rights, and the specific legal principles, treaties and other instruments in these areas.
2. Describe and explain various treaty- and law-making initiatives and their differing approaches, in terms of their norms and institutions and also the ways they seek to increase the acceptance of new norms and compliance with obligations and undertakings.
3. Describe and explain the ways in which law is used by powerful and less powerful governments in handling their disputes, distinct but often in tandem with economic and political tools.
4. Describe and explore the ways in which the traditional modes and roots of public international law are shifting towards a “global law” in which citizen groups and private sector corporations can be influenced or can influence these processes and outcomes.

Seminars 1-5 survey the foundational concepts and basic norms in the development of public international law. This begins with historical growth of public international law from European origins and its evolution and application to the rest of the world after WW2 and decolonization. The sources of international law and the international institutions are considered, with an emphasis on the continuing role of the sovereign state as the cornerstone of the international system that creates a radical difference from domestic systems of law. Approaches to reconciling national and international legal systems will be examined, as will the processes for recognizing statehood, with its ancillary rights and responsibilities.

Seminars 7-12 will then consider aspects of more specific areas that have developed in public international law including the law of the sea, environmental protection, human rights as well as more traditional areas concerning the use of force and the peaceful settlement of disputes. In this consideration, cross cutting themes concerning the enforceability of public international law and its application and ability to bind powerful states will be discussed, together with trends towards a “global” law of “multilevel governance” that involves citizens and also corporations more directly. For 2019-20, the course will specifically reference the current controversy concerning the “Rohingya” minority in the Rakhine state of Myanmar.

Class Participation - 15%; Presentation (individual and by video) - 25% & 6-Hr Take Home Exam - 60%