

Course ID Number: ADC6450

Course Title: International Law

No. of Credits: 2

Graduate School of International Relations
International University of Japan

Term: Spring 2017

Instructor: Ministry of Foreign Affairs Officials

Tomohiro MIKANAGI: Director, International Legal Affairs Division, International Legal Affairs Bureau

Yusuke NAKANISHI: Deputy Director, Treaties Division, International Legal Affairs Bureau

Yasuhiro KITaura: Director, Law of the Sea Division, International Legal Affairs Bureau

Kunihiko KAWAZU: Director, Economic Treaties Division, International Legal Affairs Bureau

Akihiro OKOCHI: Director, Social Treaties Division, International Legal Affairs Bureau

Class dates: Week 1: April 7-8, Week 2: April 14-15, Week 3: April 28-29, Week 4: May 19-20, Week 5: June 2-3

Course Introduction

This class seeks to provide students with a thorough understanding of International law. The course will be taught by five Ministry of Foreign Affairs officials who are currently active in that field. Instructors will be visiting Fridays and Saturdays to give four periods of class at a time.

As of April 7 2017 (subject to change)

International Law

By Ministry of Foreign Affairs Officials

Coordinator: Professor Tomohito SHINODA

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Organization: This course is a lecture-based class, but the instructors encourage students to participate in discussion in order to find out more details of the contents.

Course Grade: The course grade will be based on final exam or paper (50%), class presentations/discussions (30%) and class attendance (20%).

Policies: The students are expected to read all the reading materials and attend all the classes. One week absence would result in the deduction of 4 points. Adjustments can be made for the following two cases: sickness and family emergency. If you miss 40 percent of class without reasonable causes, you will fail to pass.

Week 1 International law: introduction

Introduction to international law in the contemporary world and its role in diplomacy

By Tomohiro MIKANAGI, Director, International Legal Affairs Division, International Legal Affairs Bureau, Ministry of Foreign Affairs

1. Objective

The purpose of Week 1 is to provide students with introductory information on international law in the contemporary world and the role of international law in diplomacy.

2. Contents

“Can we really consider international law to be a law in its strict sense?” “Does international law really control the behavior of States?” These are the questions international lawyers have to face all the time. One day the answer seems “yes”, but the other day it becomes less clear.

One of the purposes of this course is to think about these questions and try to find some answer. In Week 1 lecturer will first give overview on international law in the contemporary world, based on his own experience. After this overview, he will discuss several issues where international law plays important role

and explain the role of international law in the day-to-day diplomatic practice.

In the course of this lecture the following legal issues will be touched upon: the prohibition of use of force, peaceful settlement of disputes.

3. Reading material

Lowe. V, *International Law* (2007) (especially chapter 1 to 3 and 8)

(This book is also useful for the rest of the course.)

Week 2 Treaties in Political Affairs

By Yusuke NAKANISHI, Deputy Director, Treaties Division, International Legal Affairs Bureau

1. Objective

The purpose of this week is to provide students with an overview of Law of Treaties, treaty making process and the security treaties in the region.

2. Contents

Topics to be covered are:

- Law of Treaties
- Treaty making process
- Japan - US Security Treaty
- Japan - US Status of Forces Agreement (SOFA) and other arrangements
- Case studies and negotiation practice

3. References

- Vienna Convention on Law of Treaties

<https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

- Vienna Convention on the Law of Treaties - Historic Archives (UNOLA)

<http://legal.un.org/avl/ha/vclt/vclt.html>

- Japan - US Security Treaty

<http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>

- Japan - US SOFA

<http://www.mofa.go.jp/region/n-america/us/security/agree0009.html>

- Japan - US Security Arrangements

<http://www.mofa.go.jp/region/n-america/us/security/arrange.html>

- Host Nation Support

<http://www.mofa.go.jp/region/n-america/us/security/hns.html>

Week 3 The Law of the Sea

United Nations Convention on the Law of the Sea: The principle of the maritime order; status of its ratification and implementation by the State Parties, and organs established under the Convention.

By Yasuhiro KITAURA, Director, Law of the Sea Division, International Legal Affairs Bureau, Ministry of Foreign Affairs

1. Contents

The objective of this week is to study key concepts of the law of the Sea, in particular UNCLOS that provides the basic framework to govern the international maritime order, and basic structure of UNCLOS together with organs established under UNCLOS. We also study some cases dealing with key concepts under UNCLOS such as Exclusive Economic Zone (EEZ), Continental Shelf, Deep Seabed and Settlement of Disputes.

2. Reading materials

(1) For overall information on the United Nations Convention on the Law of the Sea (UNCLOS), please visit http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm

This website provides introductory explanations on key items regarding UNCLOS, including

- A historical perspective
- Third United Nations Conference on the Law of the Sea
- Key provisions of the Convention
- The United Nations and the Convention

(2) For organs established under UNCLOS, such as the Commission on the Limits of Continental Shelf (CLCS), International Seabed Authority (ISA) and International Tribunal for the Law of the Sea (ITLOS), the following website provides you with basic information on each organ:

CLCS: http://www.un.org/Depts/los/clcs_new/clcs_home.htm

ISA: <https://www.isa.org.jm/>

ITLOS: <https://www.itlos.org/>

Week 4 Economic Treaties

International Economic Law (Focus on Trans-Pacific Partnership (TPP) Agreement)

By Kunihiro KAWAZU, Director, Economic Treaties Division, International Legal Affairs Bureau, Ministry of Foreign Affairs

1. Objectives

Week 3 will focus on the Trans-Pacific Partnership (TPP) Agreement, one of the most debated Free Trade

Agreements (FTAs), that was approved by the Japanese Diet on 9 December 2016. The introductory lectures are intended to provide students, as a background, basic knowledge and understandings of the core rules and principles contained in the TPP (Session 1, 2). In the Session 3, the topics that were most debated during the Diet session will be addressed. The last session (Session 4) will focus on the future of the FTAs, especially, taking into account the new US administration under President Trump.

(In case that the basic agreement of the EU-Japan Economic partnership Agreement is made before this course, this Agreement might be addressed, too.)

2. Contents

(1)Session 1 and 2: Introductory lectures on the Trans-Pacific Partnership (TPP) Agreement.

(2)Session 3: What are the most frequently asked questions during the Diet Session in Japan regarding the TPP Agreement?

(3)Session 4: Discussions: What will happen to the FTAs in the world? What kind of effect will Trump administration have on the US and the world?

3. Reading Materials

Students are recommended to read through the following materials prior to the sessions.

(<https://mfat.govt.nz/en/about-us/who-we-are/treaty-making-process/trans-pacific-partnership-tpp>), in particular;

- Text of the Agreement (“Text of the Trans-Pacific Partnership”) (<https://mfat.govt.nz/en/about-us/who-we-are/treaty-making-process/trans-pacific-partnership-tpp/text-of-the-trans-pacific-partnership/>)

- Annexes to the Agreement (“Text of the Trans-Pacific Partnership – Annexes”) (<https://mfat.govt.nz/en/about-us/who-we-are/treaty-making-process/trans-pacific-partnership-tpp/text-of-the-trans-pacific-partnership-annexes/>)

-TPP Ministerial summary of the Agreement (“Summary of the Trans-Pacific Partnership Agreement”) (https://mfat.govt.nz/assets/_securedfiles/Trans-Pacific-Partnership/TPP12-summary-of-the-Agreement.pdf)

Week 5 International Environmental Law

By Akihiro OKOCHI, Director, Social Treaties Division, International Legal Affairs Bureau, Ministry of Foreign Affairs

1. Objective

The purpose of this week is to provide students with an introduction to the main development that forms the backbone of international environmental law and its main features and principles as well as the technical aspects of this area.

2. Contents

Session 1: Development and main principles of international environmental law

Session 2: Protection of the atmosphere and seas

Session 3: Protection of biodiversity and regulation of dangerous substances

Session 4: International environmental law and other international laws

3. Reference material

“International Environmental Law -An Introduction”

http://legal.un.org/avl/ls/Weiss_EL.html

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm8_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm9_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm10_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm11_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/disp2_e.htm;

https://www.wto.org/english/thewto_e/whatis_e/tif_e/disp3_e.htm and

https://www.wto.org/english/thewto_e/whatis_e/tif_e/bey1_e.htm)

* On FTAs: See World Trade Organization, *World Trade Report 2011, The WTO and preferential trade agreements: From co-existence to coherence*

(http://www.wto.org/english/res_e/booksp_e/anrep_e/world_trade_report11_e.pdf),

in particular pp. 122-163 (https://www.wto.org/english/res_e/booksp_e/anrep_e/wtr11-2d_e.pdf)

* On TPP Agreement: See New Zealand Foreign Affairs and Trade TPP Depository homepage

(<https://mfat.govt.nz/en/about-us/who-we-are/treaty-making-process/trans-pacific-partnership-tpp>), in particular;

- Text of the Agreement (“Text of the Trans-Pacific Partnership”)

(<https://mfat.govt.nz/en/about-us/who-we-are/treaty-making-process/trans-pacific-partnership-tpp/text-of-the-trans-pacific-partnership/>)

- Annexes to the Agreement (“Text of the Trans-Pacific Partnership – Annexes”)

(<https://mfat.govt.nz/en/about-us/who-we-are/treaty-making-process/trans-pacific-partnership-tpp/text-of-the-trans-pacific-partnership-annexes/>)

-TPP Ministerial summary of the Agreement (“Summary of the Trans-Pacific Partnership Agreement”) (https://mfat.govt.nz/assets/_securedfiles/Trans-Pacific-Partnership/TPP12-summary-of-the-Agreement.pdf)

(2) For Sessions 3 and 4

* On BITs, with focus on ISDS: See United Nations Conference on Trade and Development, *Investor-State*

Disputes Arising From Investment Treaties: A Review, UNCTAD Series on International Investment Policies for Development, New York and Geneva, United Nations, 2005 (http://unctad.org/en/Docs/iteiit20054_en.pdf)

* On ISDS procedure under the TPP Agreement: See New Zealand Foreign Affairs and Trade TPP Depository homepage - Text of the Agreement (“Text of the Trans-Pacific Partnership”) “9. Investment” (<https://www.mfat.govt.nz/assets/securedfiles/Trans-Pacific-Partnership/Text/9.-Investment-Chapter.pdf>)