

TEACHING OF INTERNATIONAL LAW IN 1984

Some Non-Utopian Proposals

Upendra Baxi and Bill Holder

Introduction

We preface our inquiry into the teaching of international law with three principal observations.

First, we point to the dramatic and exciting growth of international law and international institutions, reflecting the rapidly developing interactions between peoples and states. Our conception of international law must cater to this growth in a number of ways. Initially the dynamic qualities of international society spawn suspicion of black-letter generalisations of the "international law is ..." type. Then the increasing involvement of non-state entities in the international legal processes must be accommodated. This relates especially, of course, to international organisations, but it also extends to other groups such as multinational business enterprises. From the traditional confines of international law - especially British "public" international law - we detect a movement of the focus towards what Jessup calls "transnational law". Consequently, we call for renewed efforts to appreciate the importance of international law to legal and political organisation at the state level.

Secondly, we note the disagreements and confusion concerning the objective of legal education to which international law (like most other subjects) remains vulnerable. (Perhaps the Richardson Committee will provide the panacea!) The proffered major objectives have now a familiar, platitudinous ring, and reflect personal predictions. Even when the objectives are sought to be implemented, performance usually fails to

measure up to promise.

Our third preliminary point is: How much do we know about the teaching of international law? An essay on the "Teaching of International Law in 1984" can be an exercise either in prediction or in programming. Either way depends on an examination of the place, past and present, of the subject in Australasian law schools. But how reliable are the normal research resources - the course descriptions and the book lists of the various law schools? ¹ Courses vary; the description often stays the same. Booklists become exercises in planned obsolescence. Emphasis distorts. Students do not enroll. Courses though listed are not offered. Proper fieldwork in the law schools might provide a scientific check to impressionism in thinking about teaching of international law in the future.

In the absence of more intensive empirical scientific investigation we offer our own observations, hypotheses and disguised prejudices. And in so doing we risk the charge of creating and combating strawmen. But these are the perils that any pre-scientific enterprise must face.

Stocktaking

The Australian contribution to international law, in terms of eminent scholars and international lawyer statesmen, measures up well. In an Olympic Games of international lawyers, we might even rate a medal.

Yet teaching of international law in Australia on the whole can only be branded conventional if not

¹ See Appendix A.

mediocre. Typically, in approach, the common law myths control: law, including international law, is presented as a closed, self-contained, automatic, syntactical system. Dealing with abstract generalities, inconsistencies are brushed aside. The distinction of "ought" and "is", regularly contributing to the ambiguity of generalisations, rarely is admitted. (All general textbooks falter on the same hurdle.) Any link to underlying world conditions is shunned (that's politics, not law!). Typically, in approach, teaching is expository - demanding no involvement of the class, little reaction to the contemporary crises. Further, research skills are glossed over, assessment being largely based on reproduction from memory. Because of the contents of the course - "52 topics in 52 lectures" or "Law of Peace and Law of War" - superficial abstractions dominate. Meagre or non-existent library resources also nurture the natural reluctance of students to research "impractical" topics. Overall, a less creative diet would be hard to construct (although some courses in jurisprudence show that it is possible!) We have inherited the worst of the British teaching system and yet rejected some of its redeeming graces (such as individual discussion). We lack the refined ability of, say, the French to synthesise. We lack the ideological commitment of the Americans. The casebook method of teaching (generally after our weaning from the United States) is increasingly used - but suitable solid, comprehensive materials are lacking. How far away is a multi-factoral, transnational, problem oriented book in the ilk of Chayes, Ehrlich and Lawenfeld? Is it any wonder, then, that Australian students who specialise overseas are not enthused to return to the Australian teaching fold?

Diagnosis

The paradox of eminent personal success and our teaching mediocrity depends on numerous factors. First,

one might speculate, the installation of international law as a subject for the LL.B. degree in the early decades of this century may well have been a difficult marriage. For international law does not fit easily into a traditional common law curriculum. Was the high degree of traditionalism in structure and content, then, the price paid for legitimacy of the subject? If so, then limited resources only could be expected, as well as few incentives for specialisation. (Such features remain dominant today.) With limited facilities being devoted to legal education in general, a high priority could not be attached to international law - the step-child. Clearly, too, the law schools were sensitive to the inbred demands of the profession. Further, the slow emergence of an independent foreign policy (due partly to cultural domination), relative geographical isolation and parochial feelings of non-involvement, all had an effect on priorities. Coincidentally, demand from business and government for lawyers conversant with international legal aspects was extremely limited. In particular, we were content to borrow from the experienced skills of others; Australia was trapped by its own evolutionary environment. In other words, international status might greet the wandering intellectual, but at home he has been smothered by an indifferent environment and the low status-ranking of his subject.

In two significant aspects, Australian courses in international law have failed to escape their stultifying habitat. First, primarily because of the rule-orientated nature of texts and teaching generally there has been a demonstrable failure to realise the social importance of problems. (Again this was a reflection of the law school as a whole.) Surely one of the pivotal social problems of our age, for example, is the challenge of bureaucracy to the status and standing of the individual; the study

of analytical rules barely reflects this, and when it does most teachers find themselves incapable of tackling any sustained analysis. In the international domain, as in national law, we must link our descriptive inquiries into past practice and present expectations to explicit policy objectives. Specifically, which international institutions and laws are required to promote what effective and acceptable international policies? How can the developing international legal system be built and contemporary disintegrative conditions controlled? What production and what distribution is to be fostered, with what priority? What national freedom of choice is to be maintained? Then, how do these general policies relate to: law making and law application; participation; control of territory and resources; control of people; jurisdiction; liability of states for torts and business transactions; treaties; coercion and armed force; and settlement of disputes? To isolate and develop policies, linked to realistically observed conditions, often complementary in form and always contentious by nature, to accommodate the competing tugs of the national and the community interest - obviously these are difficult, elusive skills. Basically our suggestion boils down to this realisation: the decision functions of international law, whether organised or decentralised, involve value preferences. From the reality of value choosing there is no escape, and to fail to identify these choices is only to avoid what is already inherent in legal processes. To ignore the major "shoulds" of any slice of legal activity is to obfuscate, and not to elucidate.

We would highlight, secondly, that international law is a distinctive subject in the sense that even its basic understanding presupposes a modicum of interdisciplinary comprehension. Since 1945, and especially

in the 1960's, new developments in international law and organisation have evoked novel methodological responses. These new approaches, usually entailing application to select facets of the international power and legal systems, have produced scholarly writing of a highly specialised kind. Except for introductory texts, the era of comprehensive textbooks on a subject called international law is now past. Comprehensiveness in a single text is an unattainable ideal when international legal activity expands so rapidly. The dogmatic assertions of the text or treatise have become uninteresting, uninspiring and unsatisfactory. At most they are entirely misleading, because, as students quickly ascertain, they foster illusions of certainty. Tautologies and question-begging and intuition substitute for the sizeable reality of on-going, competing claims of the dynamic international legal system. Casebooks, though a necessary tool for the Socratic teacher and the besieged librarian, face similar hazards. Only studies of an interdisciplinary approach escape the shackles of myth and legalistic subterfuge. We refer, for example, to the contributions of Corbett, de Visscher, Stone, Lasswell and McDougal, and more recently Carlston, Haas, Hoffmann, Falk, Friedmann, and Kaplan and Katzenbach.

The most obvious correlation of skills is between international law on the one hand and political science and history on the other. (Interestingly enough the political scientists, as we know, find our breed irrelevant if not absurd.) A good deal of international law could be traced to economic demands and needs - yet what recent Australian article or book draws on economic postulates or practice? Most problems of international law, indeed, can only be understood and explained in complex interdisciplinary terms. One cannot talk sensibly about the nuclear non-proliferation

treaty without taking account of the current SALT negotiations. But to grasp the problematics of SALT in turn requires an understanding of contemporary strategic thought and military technology. Similarly, can one expound the legal status of the continental shelf without a proper grounding in marine geography, geology and the techniques of ocean-mining? Can incantation of the requirement of "just, prompt and effective compensation" be divorced from appreciation of the host country's socio-economic needs, its stage of development, its life-style pattern and the interplay of world "grants economy"? Finally the peaceful settlement of disputes area, a neat, glossy picture in most general texts, obviously leads to the complexities of the dynamics and strategies of negotiation, including game theories and content analysis.

Prognosis

Unless radical changes are made in the structuring and teaching of international law in the coming years then there is a real danger of it becoming a "non-subject" by 1984. The past contents and structure belong to a bygone age and a bygone world. To cling to them will foster alienation and indifference towards the subject.

We recommend, therefore, a reorientation of international law teaching. This reorientation involves formidable tasks - certainly of the dimensions of the cleaning of the Augean stables.

1. Teachers must be educated to form, and be prepared to pronounce and to defend, their guiding policy preferences. This implies changed thinking about international law. We suggest that international law should be viewed sociologically; as a device of

building community institutions by the development of consensus, the search for common interests and the management of conflicts - at the same time satisfying the normal complementary legal needs of stability of expectations and the requirements of change.

2. Teachers must develop interdisciplinary skills at least to the point of becoming specialists in some aspects of international law. They need not seek to satisfy the common conception of the academic who knows "more and more about less and less". But the normal analytical skills typical of Common Law teaching, arid enough in their own narrow confines, are not rewarding ends in international law. We need not repeat our indictment of compendious textbooks. It follows, however, that we encourage specialised monographic writings. This call for empirical in-depth studies must be exemplified, in addition, in increased exploration of national practice of international law. For any problem of international law what is the Australian policy, and how is it furthered nationally and internationally? For too long students and teachers have ignored these demonstrable national endorsements and contributions to the international legal system. Yet we would all agree that national practice is what makes international law tick. Accordingly a full Australian digest - now under way, edited by Starke - is an essential minimum research tool. Only with the acceptance of these suggestions will the subjects of international law be liberated from their neatly packaged, pre-digested form. Furthermore, the doctrinal and realpolitik aspects must be supplemented by scientific observation and explanation. Functional phenomenological and systems analysis must be sought which isolate, quantify and qualify past trends, present developments and future options.

3. What, then, of the curriculum? The parameters of a proper course of international law - limited resources and time plus low law school priority - set real limits to any proposals for change. The basic requirements are:

(a) An introductory undergraduate course called international law organised so as to allow both a general orientation to the subject and some scope for specialised work. Were a semester system to be adopted then the course should, we suggest, run for two semesters - otherwise our proposals for detailed inquiry in a sector would collapse.

(b) Subjects within international law should be initiated as undergraduate options. Many mutations are possible. They would include the accepted staples of International Organisation and Air and Space Law; also

(i) LAW AND FORCE: Study of force, order and justice in international relations - legal regulation of use of force through humanitarian rules of warfare and attempts at progressive "outlawry" of war - problem definition of aggression - problematics of "civil" wars - nuclear disarmament - problems of imposed treaties ...

(ii) RESOURCE LAW AND DEVELOPMENT: Study of economic development of poor countries through bilateral and multilateral aid; international legal transactions; GATT & UNCTAD; perhaps, ILO; law of state responsibility for injuries to aliens; multinational corporations as subjects of international law ...

(iii) THE UNITED NATIONS: Study of the UN's role in peaceful settlement of disputes - with League background; - Functions/achievements of specialized agencies/voting rules/secretariat; human rights ...

(iv) ADJUDICATORY & NON-ADJUDICATORY MODES OF DISPUTE SETTLEMENT: Problems of third party settlement - PCIJ & ICJ - international claims through diplomatic processes ...

(v) SYMBOLIC AND RESOURCE ASPECTS OF SOVEREIGNTY OF STATES: Here problems of jurisdiction - states rights - domestic jurisdiction - doctrine of equality of states - self determination - immunities ...

(c) Eventually the law school curriculum will (tend to be) reorganised on functional lines instead of existing fortuitous Common Law demarcations. Upon reaching this millennium international law subjects could and should be incorporated. Even now many courses could incorporate without difficulty relevant trans-national aspects - international qualities of policy, institutions and developing law. We highlight, for example, the allocation of legislative competence; control of resources; civil liberties, industrial and intellectual property; and business organisation.

(d) On a broader front, yet pertinent because of the effect on the atmosphere in which one has to teach, we hope to see increasing institutionalisation of extra-university international law research and inquiry. Minimum goals should be an active international law interest group of AULSA; the establishment of local international law societies - hopefully precursors of an Australian Society of International Law; a viable Yearbook, involving student writing; and increasing interchange with the government offices. Optimum goals raise the prospect of adequately financed functional and regional studies; the creation of graduate seminars; and the eventual establishment of an International Law Institute directing its attention to Australasian and Asian aspects and bringing together scholars on a regular basis.

We conclude on an optimistic note. International law need not become a non-subject by 1984. Many of the past inhibiting factors today are being severely and properly challenged. For the first time

Australia enjoys pretensions of international independence. That the old cry of international law being of no consequence is denied by both big business and big government who need, demand and expect appropriate expertise. The older generation of teachers of international law deserve praise for their sustenance of a subject frequently under attack. The challenge now is to bring relevance to the subject and interest to the student.

INTERNATIONAL LAW IN AUSTRALASIAN LAW SCHOOLS

APPENDIX A

The following synopses are taken from handbooks issued by the Law Schools.

AUSTRALIAN NATIONAL UNIVERSITY (1971)

Optional subject in third or later year.

Law of International Organisations and International Business Transactions also offered.

International Law

Fifty-two classes.

Syllabus: The nature and operation of the international legal system with emphasis on the Australian perspective. Institutions, policies, principles and rules of international law relating to transnational claims of: participation; control of resources and people; strategies of diplomacy, agreements and force; jurisdiction; settlement of disputes.

Prescribed Books

Cases and materials on International Law (issued by the Law School).

Charter of the United Nations and Statute of the International Court of Justice, U.N.

Examination: One three-hour paper and one research paper.

UNIVERSITY OF NEW SOUTH WALES (1971)

Optional subject.

International and comparative Labour Law and International Business Transactions also offered.

Public International Law

International law affecting the relations of governments in peace, and the functioning of international organisations.

UNIVERSITY OF SYDNEY (1971)

Optional subject in third or later year.

International Legal Organisations also offered.

Public International Law

This course comprises some 90 lectures, with additional seminars, weekly or fortnightly.

The subject will include a critical examination of:

(1) the nature, history and sources of public international law;

(2) the rules concerning the conduct of states and the United Nations (a) in the relations of peace, (b) in the relations of conflict short of war including collective peace enforcement, (c) in the relations of war and neutrality.

Textbooks:

Law of Peace:

Either Lectures and Reading on Public International Law, by Stone, J. rev. 1958 by Tammelo, I. with supplementary current materials (not available for distribution in 1971 but multiple copies are in the Library)

Or Greig, D.W., Public International Law, 1970, pp.44-473 and 622, 633.

For introductory reading students may use either - Brierly, J.L., The Law of Nations, 6th ed., by Waldock, C.H.M., Oxf., Clarendon Press, 1963, or Greig, D.W., Public International Law, Syd., Butterworths, 1970.

The casebooks recommended are - Green, L.C., International Law through the Cases, 3rd ed., London., Stevens, 1970, and Friedmann, W., Lissitzyn, O.L., and Pugh, R.C., International Law Cases and Materials, West Publ., 1969

Law of Disputes, Peace Enforcement and War:

Stone, J., Legal Controls of International Conflict, Syd., Maitland, 1954 and Supplement of 1953-58; or second impression, revised, 1959

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UNIVERSITY OF QUEENSLAND (1971)

Optional subject in fifth year.

Public International Law

A course of 54 lectures and seminars on the Public International Law of Peace. Special emphasis will be placed upon the study of the constitution and functions of the United Nations Organization and the International Court of Justice.

Prescribed text-books

Starke, J.G., Introduction to International Law, Lond., Butterworths.

Greig, D.W., International Law, Lond., Butterworths.

* For reference books see page 9 of Appendix.

For reference

O'Connell, D.P., International Law, Lond., Stevens, 2v.
Green, L.C., International law through the cases, Lond.,
Stevens.

UNIVERSITY OF ADELAIDE (1971)

Optional subject.

International Law

Pre-requisite subjects: Elements of Law; Criminal Law
and Procedure.

Pre-requisite or concurrent subjects: The Law of Contract;
The Law of Torts; The Law of Property; Constitutional Law II.

Textbooks:

O'Connell, D.P., International law, 2nd edition (Stevens, 1970).
Green, L.C., International law through the cases, 3rd
edition (Stevens, 1970).
Brierly, J.L., The law of nations, 6th edition (O.U.P., 1963).
Brownlie, I., Principles of public international law,
(O.U.P., 1966).

Reference books:

Lauterpacht, H., Recognition in international law (C.U.P.
1948).
O'Connell, D.P., State succession in municipal law and
international law (O.U.P., 1967).
Colombos, C.J., International law of the sea, 6th edition
(Longmans, 1967).
McNair, A.D., The law of treaties (O.U.P., 1961).
Lauterpacht, H., The development of international law by the
International Court (Stevens, 1958).
Oppenheim, L.F.L., International law, Vol. I, 8th edition
(Longmans, 1955).
Goodrich, L.M., Hambro, E., and Simons, A.P., Charter of
the United Nations, 3rd edition (Columbia Univ. Press, 1969).
Bowett, D.W., The law of international institutions
(Stevens, 1963).
De Visscher, C., Theory and reality in public international
law, revised edition (Princeton U.P., 1968).
Briggs, H.W., The law of nations: cases, documents and
notes, 2nd edition, (Stevens, 1953).

UNIVERSITY OF TASMANIA (1971)

Compulsory subject in second year.
International Trade also offered.

PUBLIC INTERNATIONAL LAW

Principles of International Law:

1. An historical introduction to international law - The Austinian view - sources of international law, including the law of treaties.
2. Subjects of international law - Personality, including statehood and international agencies - Doctrines of recognition - attributes of statehood - the modern meaning of sovereignty - organs of the state - diplomatic representation and immunity - the individual as a subject, and human rights.
3. State Responsibility.
4. The objects of international law - territory and territorial waters - individuals, including nationality and aliens - extradition.
5. The administration of international law - jurisdiction - enforcement measures - settlement of disputes.

Books prescribed

Starke, J.G.: An Introduction to International Law (Butterworth).
Charter of the United Nations and Statute of the International Court of Justice.

Books for Reference

Lauterpacht, H. (ed): Oppenheim's International Law, 8th ed., Vol. I - Peace (Longmans)
O'Connell, D.P.: Australia and International Law (Law Book Co.)
O'Connell, D.P.: International Law (2 vols.)
Brierley, J.L.: The Law of Nations (O.U.P.)

MONASH UNIVERSITY (1971)

Optional subject.

INTERNATIONAL LAW

Syllabus: The subject will be primarily concerned with the legal principles which apply to relations between sovereign states in time of peace. Special emphasis will be placed throughout on the application of these legal principles to Australia and an examination will be made of the special problems raised by the existence of a federal system.

The subject will be divided into four parts.

Part 1 discusses the basis and sources of international law, the relation between international law and municipal law, international personality and the problems of recognition and state succession, the acquisition and extent of state territory, the jurisdiction of states, the place of the individual in international law, and international delinquencies.

Part 2 concerns the law and practice relating to international treaties, their formation, interpretation and termination. Recent codification and development of international law by international treaty, particularly in the areas of the law of the sea, of air, and of space will be considered.

Part 3 involves an examination of certain legal aspects of the United Nations with special reference to the International Court of Justice.

Part 4 discusses briefly the subjects of international litigation.

Required Written Work: Exercises will be required from time to time during the year.

Annual Examination: There will be one 3-hour examination paper.

PRELIMINARY READING

Required

Vallat, Sir Francis, International Law and the Practitioner, Manchester U.P., 1966

Recommended

Henkin, Louis, How Nations Behave, Praeger, 1968

PRESCRIBED BOOKS AND MATERIALS

Greig, D.W., International Law, Butterworth, 1969

Charter of the United Nations and Statute of The International Court of Justice.

Diplomatic Privileges and Immunities Act 1967 (Commonwealth)

Extradition (Commonwealth Countries) Act 1966-1968 (Commonwealth).

Citizenship Act 1948-1969 (Commonwealth)

Extradition (Foreign States) Act 1966-1968 (Commonwealth)

REFERENCE BOOKS

Bowett, D.W., The Law of the Sea, Manchester U.P., 1967
Detter, I., Essays on the Law of Treaties, Sweet & Maxwell, 1967.

Lauterpacht, H., The Development of International Law by the International Court, Stevens, 1958

Lillich, R.B., International Claims: Their Adjudication by National Commissions, Syracuse, 1962.

Lumb, R.D., The Law of the Sea and Australian Off-Shore Areas, Queensland U.P., 1966

McNair, A.D., Law of Treaties, O.U.P., 1961

O'Connell, D.P. (ed.), International Law in Australia, Law Book Co., 1966.

O'Connell, D.P., International Law, Vols. I, II, Stevens-Oceana, 1964.

Oppenheim, L., International Law, Vol. I, 8th ed. Longmans Green, 1955.

Vallat, Sir Francis, International Law and the Practitioner, Manchester U.P., 1966.

UNIVERSITY OF MELBOURNE (1970)

Optional subject in third or later year.

INTERNATIONAL LAW

A course of two classes per week throughout the year.

SYLLABUS

In this course an analysis is made of the nature and function of International Law in order to assess its impact on contemporary International Society.

International Law is a dynamic field which provides an orderly framework for the relations between Sovereign States and such international organisations as have been endowed with international legal personality.

A sociological enquiry will be made into the reasons why States generally act in conformity with International Law and also why in certain circumstances a State may disregard a rule of International Law.

The course will deal mainly with the International Law of peace which will be expounded by reference to the seven fundamental and interrelated principles of International Law, namely: Sovereignty, Recognition, Consent, Good Faith, Freedom of the Seas, International Responsibility and Self-Defence. Other topics for discussion are the law of treaties, state succession and the position of the individual in International Law.

At the level of organised international society, super-structures such as the United Nations and its specialised agencies will be studied.

Finally, the course examines the jurisdiction of the International Court of Justice and the whole problem relating to the peaceful settlement of disputes both at the level of unorganised international society and at the level of organised international society.

The teaching method used is the inductive method which treats the decisions of international courts and tribunals as the best evidence of the rules of International Law. Students will therefore be required to study a large number of cases during the year and to discuss them in class.

BOOKS

(a) Recommended for preliminary reading:

Brierly, J.L., The Law of Nations, (6th ed., O.U.P., 1963)

Starke, J.G., Introduction to International Law,
(6th ed., Butterworth, 1967)

Schwarzenberger, G., A Manual of International Law,
(5th ed., Stevens, 1967.)

(b) Prescribed books:

Cases and materials on International Law (obtainable from the Law School).

Charter of the United Nations and Statute of the International Court of Justice.

(c) Recommended for reference:

- Briggs, H.W., The Law of Nations, (2nd ed., Appleton, 1952).
- Friedmann, W., The Changing Structure of International Law, (Stevens & Sons, 1964).
- Hall, International Law, (8th ed., O.U.P., 1924).
- Jenks, C.W., The Common Law of Mankind, (Stevens, 1958).
- Jenks, C.W., The Prospects of International Adjudication, (Stevens, 1964).
- Kelsen, H., The Law of the United Nations, (Stevens, 1950).
- Lauterpacht, H., The Development of International Law Through the International Court, (Stevens & Sons Ltd. 1958).
- O'Connell, D.P., International Law, 2 Vols. (Stevens, 1965).
- O'Connell, D.P., (ed.), International Law in Australia, (Law Book Co., 1965).
- Oppenheim, F.L., International Law, (8th ed., by Lauterpacht), (Longmans, 1955, 1957).
- Rosenne, Shabtai, The Law and Practice of the International Court, 2 Vols. (Sijthoff, 1965)
- Schwarzenberger, G., The Frontiers of International Law, (Stevens, 1962).

EXAMINATION

One 3-hour paper for Pass or for Honours respectively. Candidates for honours will be required to attend Honours Seminars in the Second Term.

UNIVERSITY OF WESTERN AUSTRALIA (1971)

Optional subject in third or later year.

INTERNATIONAL LAW

The history and sources of international law and its relationship with municipal law; normal and abnormal international personality and statehood, and state territory; the extent of the territorial sovereignty of states, the regime of the high seas and the restrictions on state jurisdiction; the position of individuals in international law including nationality and citizenship; the settlement of international disputes by tribunals and under the League of Nations covenant and United Nations charter; some aspects of the law of war and the legal consequences of war; the concept of neutrality and its legal consequences.

Lectures: 2 per week; tutorials: as arranged.

TEXT BOOK

Starke, J.G., An Introduction to International Law, 6th ed.: Butterworth 1967.

RECOMMENDED READING

O'Connell, D.P., International Law; Law Book Co. 1965
Schwarzenberger, G., A Manual of International Law, 5th ed.: Law Book Co. 1967.

UNIVERSITY OF AUCKLAND (1971)

Optional subject.

Law of International Institutions also offered.

International Law (One paper)

The principles of the law of nations in peace, war and neutrality and an introduction to the law of international organisation.

Prescribed text: Starke, Introduction to International Law (6th ed. 1967) Butterworths.

UNIVERSITY OF CANTERBURY (1971)

Optional subject.

INTERNATIONAL LAW (One paper)

The principles of the law of nations in peace, war and neutrality and an introduction to the law of international organisation.

Text-books: Sorenson, Manual of International Law; OR Starke, Introduction to International Law; Green, International Law through Cases, 3rd edition; D.W. Bowett, The Law of International Institutions, 2nd edition.

Recommended reading: O'Connell, International Law (2 vols.); Schwarzenberger, Manual of International Law, 5th edition; Sohn, Basic Documents of United Nations Law.

UNIVERSITY OF OTAGO (1971)

Compulsory subject.

INTERNATIONAL LAW: One paper

The principles of the law of nations in peace, war and neutrality and an introduction to the law of international organisation.

VICTORIA UNIVERSITY OF WELLINGTON (1971)

Optional subject in third year.

International Institutions also offered.

INTERNATIONAL LAW: Here the student is asked to look beyond the boundaries of his own country and to study the way in which law is applied to govern the problems which arise between the States of the World Community. Law can operate in a wider field than that of the State. The student is given an idea of the foundations on which men are now building such institutions as the United Nations in the

hope that world peace may be obtained ultimately through the medium of Law. He is shown that a lawyer may make a contribution, through his professional training as a citizen of the world as well as a citizen of his own country.

Textbooks:

Brierley, The Law of Nations (6 ed.)
Starke, An Introduction to International Law (6 ed.)
Sorensen, (ed.) Manual of Public International Law.

For reference:

Briggs, The Law of Nations
Oppenheim, International Law (2 vols.)
O'Connell, International Law (2 vols.)
Schwarzenberger, A Manual of International Law (5 ed.)
Green, International Law through the Cases (3 ed.)

UNIVERSITY OF PAPUA AND NEW GUINEA (1971)

Optional subject in fifth year.

INTERNATIONAL LAW

Course Details:

In this unit particular emphasis will be placed on the rules of International Law dealing with newly independent countries and Trust Territories prior to independence. Specifically, the following topics shall be examined:-

- A. The formation of new states.
- B. Recognition
- C. The termination of trusteeship.
- D. The amalgamation of Trust Territories and colonial territories to form new states.
- E. The right to secede.
- F. The United Nations and the developing world.
- G. Regional associations.
- H. Accession of new states to treaties and conventions.

Five one-hour seminars each week.

Pre-requisites:

Prescribed practical experience.

Prescribed Texts:

NOTE: Prescribed Texts and Recommended Texts are not yet available for listing in respect of this unit.

University of Sydney cont.

Reference books:

O'Connell, D.P. International Law, 2 vols., Lond., Sweet and Maxwell, 1965.
Lauterpacht, H., ed., Oppenheim's International Law, Vol.I, 8th ed., Lond. Longmans, 1963 (or later ed.).

- Lauterpacht, H., ed., Oppenheim's International Law, Vol.II, 7th ed., Lond., Longmans, 1952.
- Sorenson, M., ed., Manual of Public International Law, N.Y., Macmillan, 196.
- Goodrich, L.M., The United Nations, Lond., Stevens, 1960
- Goodrich, L.M., and Hambro, E., The Charter of the United Nations, 2nd ed., Lond., Stevens, 1949.
- Kelsen, H. Principles of International Law, 2nd ed. by Tucker, R.W., N.Y., Holt, Reinhard & Winston Inc., 1966.
- Schwarzenberger, G. A Manual of International Law, 5th ed. Lond., Stevens, 1967, 2 vols.
- Schwarzenberger, G., International Law: As applied by International Courts and Tribunals, Vol. 2, The Law of Armed Conflict, Lon., Stevens, 1968.
- Starke, J.G., An Introduction to International Law, 6th ed. Lond., Butterworths, 1967.
- Stone, J., Aggression and World Order, Syd., Maitland, 1958
- Stone, J., Quest for Survival, Syd., Maitland, 1961.
- Kelsen, H., The Law of the United Nations, Lond., Stevens, with Supplement, Lond., Stevens, 1964.