

## General Introduction

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international law

public international law



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1648

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2 1625

3 1789

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1648 1917

1 1917

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3 1928

19

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60

1

(1827 1916)

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2



formal sources

material sources

38

38

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1

international treaty

general treaty

special treaty

contractual treaty

law-making treaty



2

international custom

a.

b. “ ” opinio juris

3. general principles of law

“ ”

res judicata

bona fide

pacta sunt servanda

estoppel

jus abutendi

ex injuria jus non oritur

4

1 judicial decision writings of publicists

2 ex aequo et bono

3 resolutions of international organization

monism

dualism or pluralism

theories of Co-ordination

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(Basic Principle of International Law)

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jus cogens

state sovereignty



non use of force

1

2 definition of aggression

1974 12 14

non-intervention

“ ” “ ” humanitarian intervention

domestic jurisdiction

equality and mutual benefit

self-determination of peoples

international cooperation

“ ” “ ”

“ ”

“ ” “ ”

## Five Principles of Peaceful Co-existence

1954

“ ”



Military and Paramilitary Activities in against Nicaragua

1983        1984

1984    4

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4

Subject of International Law

1

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1

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1

2

3

1 permanent population

2 defined territory

3 government

4 sovereignty

unitary state

composite states

independent country

dependent country

permanent neutralized state

mini-state

## fundamental rights

1 right of independence

2 right of equality

1

2

3

4

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3 right of self-preservation

right of national defence

right of self-defence

a

b

c

4 jurisdiction

1 territorial jurisdiction

2 personal jurisdiction

3 protective jurisdiction

4 universal jurisdiction



the lotus case

1926 8 2

5 state immunity

“

” par in parem non habet jurisdiction

the doctrine of absolute immunity

the doctrine of relative or restrictive immunity



1909

1911

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600

1938

1951

1979

11

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11

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1982 9 1

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3

constitutive theory

declaratory theory

recognition of states



1

2

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1

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(Succession of State and Government)



1

2

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state succession

1

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“ ” personal treaties

2

“ ” dispositive treaties “ ” non-

personal treaties

3

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1978

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“ ”

succession of governments

1917

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1961

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1967

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1972 9 29

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1977 9 16

1977 10

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1982 4 14

1986 2 4

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## The Institution of Nationality

nationality

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4

1

original nationality

nationality by

birth

1

2

3

2

acquired nationality

1

2

1

2



1930

1961

1980

Legal Status of Aliens



treatment of aliens

1 national treatment

2 most-favored-nation treatment



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3 Treatment of Generalized System of Preference

4

“ ” minimum international standard

diplomatic protection

1



extradition

1

2

1

double criminality

principle of identity

2

3

principle of specialty

reextradition

4

3

4

asylum

1

1948

1967

2

1948

3

1951



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(State Territory)

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( )

(territory)

(territorial sovereignty)



Malvinas Islands, Battle of

1982

1833

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1200	5	6	100	,	1.37

land territory

territorial water

internal water

territorial sea

territorial airspace

subsoil

“ ”

“ ”

modes of acquisition and loss territory

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on

erranullius



(The Palmas Island Arbitration)

16

1677

1898

1906

1925 1

2        prescription

3        accretion

4        cession

5        conquest

referendum

(

1 boundary

“ ”

“ ”

“ ”

“ ” “ ”

natural boundary

geometrical boundary

celestial boundary

2

3

1

2

“ ”

3

2

frontier

1

2

3

4

15

15 000

18 000

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Antarctic

sector Principle)

1959

2

Arctic Regions

1

2

3

“ ”

(The Law of Sea)

1982



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1958

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( )

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1930

1958

1973

1982

1994 11 16

60

1994 7

28

1979

the territorial sea

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2

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1 (innocent passage)



corfu channel case

1946

5 14

1946 10 22

82

11 12 13

22

1947 4 9

1947 5 22

1947 7 2

1                    1946   10   22  
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2                    10   22       11   12       13  
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(contiguous zone

24

“       ”

12

(exclusive economic zone)

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200

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2003 11 12

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1 2 “P-3C”

“ ” 2 P-3C

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18

2 P-3C

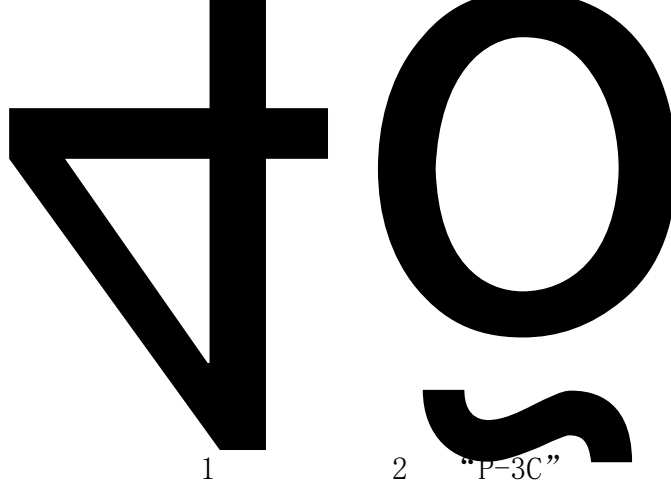
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(exclusive economic zone)

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continental shelf

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1958 a

1982

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350





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a

B

C 200

4



(The North Sea Continental Shelf Case)

1966

1967 2

1969 2 20

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strait used for international navigation

“ ”

“ ”

1 transit passage

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archipelagic waters

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1:1 9:1 2

“ ”

high sea

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piracy

right of visit

right of hot pursuit

international seabed area

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the common heritage of mankind

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air law ( )

outer space law

20

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1919

1944

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1963

1970

1971



1944

1919

1 Aircraft

2 aircraft nationality

3 scheduled flight non-

scheduled flight

4

transit right



1963

1970

1971

1988

1991

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1983

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1983 7 18

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1989 12 16

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1990 4 28

1990 7 18

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1988 12 21 103

1991 11

1971

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1991 11 21

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1966

1967

1971

1974

1979

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## Law of Diplomatic Relations

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head of state  
head of government  
ministry of foreign affairs

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1648

1815

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customary international law

conventional international law

1961

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right of legation

embassy

2

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the members of the mission

1

A

diplomatic agents/representatives

head of missions

ambassador

minister

B

members of the administrative and technical staff

C

members of the service staff

2

agreement

persona non grata

3

4

5

1969 12 8

3

diplomatic privileges and



immunities

1

1961

1946

1947

1969

1975

theory of extritoriality/extra-territoriality

theory of representative character

theory of functional necessity

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inviolability

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1979 11 4

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Case Concerning United States Diplomatic and Consular Staff in Tehran

1979 11 4 □ □

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1999 5 8

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1999 7 30



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## Responsibilities in International Law

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internationally wrongful acts

1

1

a

b

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2

international crime

1

2

3

4

1 consent

2 countermeasures

3 force majeure and fortuitous event

4 distress and the state of necessity

1.

2. reparation

3.           restitution in kind
4.           compensation
5.           satisfaction
6.           cessation of wrongful conduct

international liability for

injurious consequences arising out of acts not prohibited by international law

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Trail Smelter Arbitration

1896

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1966      1972

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1973 5 16



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(peaceful settlement of international disputes

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General

international disputes

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justiciable dispute

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non-justiciable dispute ;

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1928 8 27

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## Political Methods of Settlement

negotiation

inquiry investigation

good office

mediation

1962 12 6

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conciliation

Legal Methods of Settlement

international arbitration

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1899 1

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Permanent Court of International Justice

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1922 1939

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1946

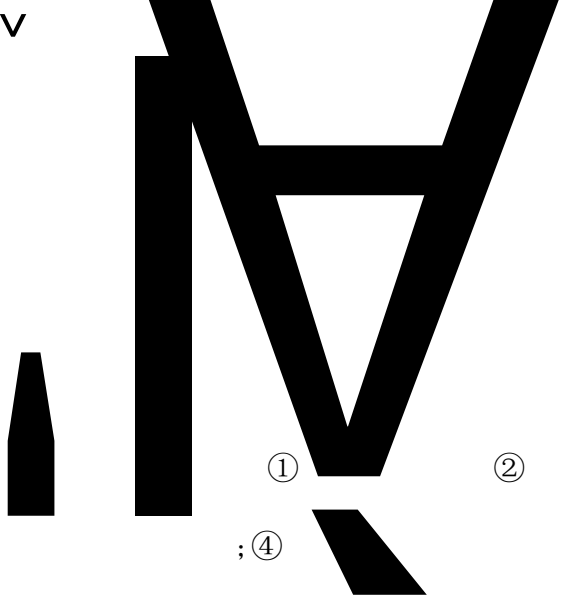
International Court of Justice

1946 ,





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## The Law of War

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state of war

a.

b.

c.

d.

means of warfare

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belligerents

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prisoners of war

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neutrality and law of neutrality

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1976

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1981

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1997

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1971

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1984

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1981