

General Introduction

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international law

public international law

	universal international law	general
international law	particular international law	

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J. Ausitín) “ ”

positive morality

2 “ ” international comity

3 “ ” weak law “ ” soft 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

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(1827 1916)

H.

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formal sources

material sources

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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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Subject of International Law

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1

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1

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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

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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

1926 10

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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constitutive theory

declaratory theory

recognition of states

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(Succession of State and Government)

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state succession

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“ ” personal treaties

2 “ ” dispositive treaties “ ” non-

personal treaties

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1978

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“ ”

succession of governments

1917

“ ”



5 1950

1961 “

” 1967 “ ”

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1972 9 29

“ ” 1977 9 16

1977 10 “ ”

1982 4 14

1986 2 4

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The Institution of Nationality

nationality

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1

original nationality

nationality by

birth

1

2

3

2

acquired nationality

1

2

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1930

1961

1980

Legal Status of Aliens

1 national treatment

11

4

“ ” minimum international standard

diplomatic protection

effective nationality

exhaustion of local remedies



1905

1905–1939

1931

1939 3

1939 10 13 10 20

1939 12 1

1941 12 11

1943 11 19

1946 1 22

1946 1

1946 7 24

1944 12 20

1951 12 10

extradition

1

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1

double criminality

principle of identity

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principle of specialty

reextradition

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18

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asylum

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1948

1967

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1948

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1951

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(State Territory)

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(territory)

(territorial sovereignty)



Malvinas Islands, Battle of

1982

1833

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12

30

1200

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1.37

land territory

territorial water

internal water

territorial sea

territorial airspace

subsoil

“ ”

“ ”

modes of acquisition and loss territory



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1

occupation

terranullius



K J

(The Palmas Island Arbitration)

16

1677

1898

c B

1906

1925 1

2 prescription

3 accretion

4 cession

5 conquest

referendum

(

1 boundary

“ ”

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“ ” “ ”

natural boundary

geometrical boundary

celestial boundary

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3

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frontier

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15 000

18 000

Antarctic

1959

Arctic Regions

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(The Law of Sea)

1982

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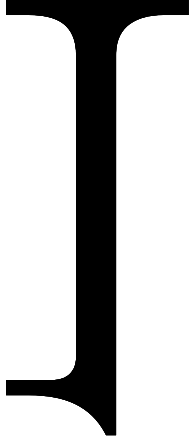
1958

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1930

1958

1973

1982

1994

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16

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1994

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1979

the territorial sea

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1 (innocent passage)



corfu channel case

1946

5 14

1946 10 22

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11 12 13

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1947 4 9

1947 5 22

1947 7 2

1		1946	10	22		
	?		?			
2		10	22	11	12	13
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2						

,

(contiguous zone

24

“ ”

12

(exclusive economic zone)

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2003 11 12

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“P-3C”

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P-3C

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2 P-3C

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(exclusive economic zone)

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1 2 “P-3C”
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continental shelf

1 1958 0

1982

2 200 200
, 200 350

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a

B

C 200

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(The North Sea Continental Shelf Case)

1966

1967 2

1969 2 20

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strait used for international navigation

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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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1994 7 28

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air law ()

outer space law

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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

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transit right

1963

1970

1971

1988

1991

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1983

296

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1983 7 18

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1989 12 16
CA981 B2448) 20
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“ 300 TNT ”

1990 4 28
1990 7 18
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(1) ?
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1988 12 21 103
1991 11
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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
19 20

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customary international law
conventional international law 1961

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right of legation

embassy

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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

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1969 12 8

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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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Case Concerning United States Diplomatic and Consular Staff in Tehran

1979 11 4

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11 5

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1979 11 4

1999 5 8

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1999 7 30

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Responsibilities in International Law

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6 “ ”

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

1931

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(peaceful settlement of international disputes

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General

international disputes

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1 justiciable dispute

2 non-justiciable dispute ;

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1899 1907 1907

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1914 “ ”

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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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1907 1918

1982

2 Permanent Court of International Justice

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1946

International Court of Justice

1946 ,



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The Law of War

state of war

a.

b.

c.

d.

means of warfare

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2 belligerents

3 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