

JUSTITIA ET PACE
INSTITUT DE DROIT INTERNATIONAL

Session of Strasbourg - 1997

The Teaching of Public and Private International Law

(Tenth Commission, Rapporteur : Mr Ronald Macdonald)

(The English text is authoritative. The French text is a translation.)

The Institute of International Law,

Reaffirming the Resolution adopted at its Athens Session on 12 September 1979 on the teaching of international law ;

Emphasising that international law increasingly affects the content of municipal law and that a knowledge of international law is necessary to discharge a wide range of professional responsibilities at the national level and the responsibilities of individuals in an increasingly cohesive international society ;

Reaffirming that, in the conditions prevailing in the present world, legal education is incomplete if it does not cover the basic elements of public and private international law ;

Noting that the international community is moving to a more complex system in which non-State actors are increasing in importance and that international and national laws are becoming more closely interrelated ;

Anxious to ensure that the teaching of international law is sufficiently adapted to changes in the international system and to the role and interests of various non-State actors, including individuals ;

Desiring to contribute to global efforts to strengthen the teaching, study, dissemination, and wider appreciation of international law within the framework of the United Nations Decade on International Law in pursuance of the goals set out in General Assembly Resolution 44/23 of 17 November 1989 ;

I

Recommends that :

1. Every school and faculty of law offer a foundation course or courses on public and private international law. The purpose of such courses is to familiarise students with the basic elements of public and private international law and to provide a foundation on which more specialized knowledge can be acquired at later stages of the educational process.
2. No law student graduate from schools or faculties of law or enter the practice of law and the judicial or diplomatic service without having had a foundation course or courses on public and private international law. The foundation course might usefully include the topics referred to in Annex I.
3. Schools and faculties of law offer a range of optional courses and seminars supplementing the foundation course or courses described in paragraph 1. Subjects that might be offered on an optional basis at advanced levels of instruction are referred to in Annex II.
4. Where two separate courses are offered on public and private international law, there will be close interrelation and coordination between them.
5. Where admission to the practice of law is by professional examination, the examination or examinations should include public and private international law among the subjects regularly examined.
6. (1) The curricula of the political science faculties and similar university departments should include a course on the basic principles of public and private international law.

(2) The curricula of military academies and similar institutions for the training of officers and non-commissioned officers should incorporate, in addition to the course on general matters, a course on the law of armed conflict, including international humanitarian law. The main rules of this body of law should also be part of the training of all members of the armed forces.

(3) Every effort should be made to offer in high schools an introduction to the international legal system.

II

Invites the Bureau to create a permanent Commission within the framework of the Institute to facilitate the realisation of the goals of this Resolution. Special attention should be given to teaching of public and private international law in developing countries, including access to legal information and the provision of adequate library sources.

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(September 4, 1997)

ANNEX I

For Public International Law, the foundation course might usefully include the following topics :

- (i) The history, nature and function of international law.
- (ii) The sources of international law.
- (iii) The law of treaties.
- (iv) The relationship between public and private international law.
- (v) The relationship between international law and national law.
- (vi) Subjects of international law, including the individual.
- (vii) The regulation of land, sea, air, space.
- (viii) Jurisdiction and immunities ; nationality ; aliens ; refugees.
- (ix) The international law of human rights.
- (x) State responsibility.
- (xi) The peaceful settlement of disputes.
- (xii) The use of force and the United Nations system of collective security.

For Private International Law, the foundation course might usefully include the following topics :

- (i) Sources of private international law.
- (ii) The relationship between private and public international law.
- (iii) Principles of jurisdiction to adjudicate.
- (iv) Choice of law (connecting factors, characterisation, public policy).
- (v) Recognition and enforcement of foreign judgements.

ANNEX II

For Public International Law, the following subjects, among others, might be offered on an optional basis :

- (i) The law and practice of the United Nations, its principles, purposes and practices.
- (ii) International institutional law.
- (iii) The law of diplomatic and consular relations.
- (iv) International law of development.
- (v) International environmental law.
- (vi) International economic law.
- (vii) International criminal law.
- (viii) International humanitarian law.
- (ix) International labour law.
- (x) International administrative law.
- (xi) The law on the use and regulation of natural resources.
- (xii) The international law of disarmament.
- (xiii) The international law of the sea and international maritime law.
- (xiv) The international law of regional integration.
- (xv) The law of unification, integration, and harmonization.

For Private International Law, the following subjects, among others, might be offered on an optional basis :

- (i) International arbitration.
- (ii) International contracts.
- (iii) International company law.
- (iv) International torts.
- (v) International family law and succession.

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