**复旦大学课程教学大纲**

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| **院系: 法学院 日期: 2024.05.08** | | | | | | | | | |
| **课程代码** | LAWS130061.03 | | | | | | | | |
| **课程名称** | 国际法学（英文） | | | | | | | | |
| **英文名称** | * **International Law (English)** | | | | | | | | |
| **学 分 数** | 3 | | | **周学时** | 3 | | **授课语言** | 英文 | |
| **课程性质** | □通识教育专项□核心课程□通识教育选修□大类基础☑专业必修□专业选修□其他 | | | | | | | | |
| **教学目的** | This course offers a broad introduction to international law and provides a foundation for specialized courses in international law. Additionally, this course also aims at guiding students in building legal capacities to solve daily issues of international law and understanding the values of international law. | | | | | | | | |
| **基本内容简介** | This course will cover topics including the key sources, actors and institutions of international law; the application of international law by domestic courts; adjudication by international judicial bodies; extraterritorial application of domestic law; and specific issue areas such as international crimes, international trade, and the use of force. | | | | | | | | |
| **基本要求:**  (1) **Final examination**: The final course grade will be determined principally by an in-class final examination based on the lectures and class participation. The final exam will consist of an issue-spotting essay question and/or a policy question. The exam will be an open book one. Students will have a better idea of final exam questions in preparing and reviewing the mock mid-term exam later in this semester.  (2) **Class participation and preparation**: Each student will be called to brief an assigned case (3 minutes/500 words) for twice in class. Each successful case brief scores for 20 points. I may raise your final exam score by five points (e.g., from 90 to 85) to reward sustained and high-quality contributions to class discussions during the course. If you feel unprepared for a particular class, I would appreciate if you would send me an **email BEFORE** class begins.  (3) **Attendance and absences**: I expect all students to attend every class. If you feel that you must be absent from class for an important reason (such as a serious illness, a family emergency, or a job interview that cannot be scheduled to a different day and time) please let me know in advance. I may lower your final exam score by five points (e.g., from 90 to 85) if you do not show up when being called in class and did not inform me of your absence in an **email BEFORE** class begins. Students with numerous unexcused absences will not be permitted to sit for the final exam or have their final course grade reduced by one grade-step. | | | | | | | | | |
| **授课方式:** Lecture | | | | | | | | | |
| **主讲教师简介**:  蒋超翊，青年副研究员，工作邮箱([Chaoyi\_jiang@fudan.edu.cn](mailto:Chaoyi_jiang@fudan.edu.cn))，办公室地址与电话（法学院401C；约见前请先邮件与教师确认）。  Chaoyi Jiang is a Junior Associate Professor of Fudan University Law School. She majors in public international law, with particular interests in the making of international law, foreign relations law, and interdisciplinary studies between international law and international relations. In terms of specific areas of international law, she has been focusing on climate change law, international trade law, international humanitarian law, international organizations, international human rights law, international criminal law, and general theories of international law. She obtained her LL.B and LL.M in International Law from Tsinghua University School of Law. While studying in Tsinghua, she also studied at William and Mary College Law School as an exchange student and attended the summer course of the Hague Academy of International Law. After graduation, she attended the LL.M Program specialized in International Legal Studies at New York University School of Law. She received the U.S.-Asia Law Institute Fellowship upon graduation and worked at the Institute for two years as a research scholar. She began her doctoral study at Duke University School of Law in 2015 and received her S.J.D. at the end of 2019. She joined Fudan Law School in 2020 as a postdoctoral teaching fellow. | | | | | | | | | |
| **教学团队成员** | | | | | | | | | |
| **姓名** | | **性别** | **职称** | | | **院系** | | | **在教学中承担的职责** |
| 蒋超翊 | | 女 | 青年副研究员 | | | 法学院 | | | 主讲教师 |
| 鲁安妮 | | 女 | 在读法学硕士研究生 | | | 法学院 | | | 助教 |
| **教学内容安排**  Class 1: Introduction to International Law   * Objective: Understand the differences in the actors, major issues, applicable laws and solutions between the foreign office model and the global governance model   Class 2: Treaties I: Conclusion and Invalidation of Treaties   * Objective: Understand and apply the substantive and procedural requirements of treaty conclusion and invalidation   Class 3: Treaties II: Interpretation and Termination of Treaties   * Objective: Understanding and apply the VCLT rules on treaty interpretation and termination   Class 4: Treaties III: Reservation to Treaties   * Objective: Understand the requirements, procedures, and effects of treaty reservation   Class 5: Customary International Law   * Objective: Understand the criteria of establishing a rule of customary international law   Class 6: Customary International Law II and Soft Law   * Objective: Know how and where to find supportive evidence of an emerging rule of customary international law, whether and when an emerging rule of customary international law will prevail over a pre-existing one, and understand the relationship between customary international law, treaty, and soft law   Class 7: General Principles of Law   * Objective: Understand different approaches in ascertaining a general principle of law and the major controversies over them   Class 8: What is a State   * Objective: Understand the criteria of statehood in theory and in practice, the different standards in establishing and maintaining statehood, and the effects of recognition   Class 9: International Organizations   * Objective: Understand the role of international organizations as an actor of international law   Class 10: Practice on a Mock Mid-term Exam (not graded)   * Objective: Build the primary capacity in issue-spotting, identifying, interpreting, and applying relevant rules of international law, structuring the answer   Class 11: Jurisdiction to Prescribe: The Extraterritoriality   * Objective: Understand the fundamental bases of jurisdiction to prescribe and how to solve conflicts of concurrent jurisdictions   Class 12: Extraterritorial Jurisdiction to Adjudicate/Enforce   * Objective: Understand the limits of extra territorial jurisdiction to adjudicate and enforce   Class 13: The Prohibition Against Torture   * Objective: Understand the nature, scope and meaning of the prohibition against torture by focusing on the case-study of foreign detainees of the US captured in its “Global War on Terror”   Class 14: WTO Dispute Settlement: Balancing Trade and Non-trade Values   * Objective: Understand the balancing approach adopted by the WTO Dispute Settlement Body in weighing non-trade values against trade liberalization   Class 15: The Use of Force: The Gulf War and the Iraq War   * Objective: Understand the major controversies surrounding “self-defense” in law and in practice   Class 16: The Relations between International Law and Domestic Law   * Objective: Understand how international law enters into the domestic legal system | | | | | | | | | |
| **课内外讨论或练习、实践、体验等环节设计：**  Class 10 will be distributed to review the mock mid-term exam so that students will be able to get better prepared for the final exam. | | | | | | | | | |
| **如需配备助教，注明助教工作内容：辅助教学工作**   1. Establishing and maintaining elearning for notices and reading materials; 2. Setting up the electronic facilities before each class begins; 3. Organizing class activities, such as the order of students briefing the assigned case materials, make-up class and supplementary lectures. | | | | | | | | | |
| **考核和评价方式（**提供学生课程最终成绩的分数组成，体现形成性的评价过程**）:**  The final course grade will be determined principally by an in-class open book final examination based on the lectures (60%) and class participation (40%). | | | | | | | | | |
| **教材（**包括作者、书名、出版社和出版时间；如使用自编讲义，也请列明**）：**  《国际公法学》编写组编，《国际公法学》（第二版）高等教育出版社，2022年版 | | | | | | | | | |
| **教学参考资料（**包括作者、书名、出版社和出版时间**）：**  贾兵兵，《国际公法：和平时期的解释与适用》，清华大学出版社（2015）。  贾兵兵，《国际公法：下卷：武装冲突中的解释与适用》，清华大学出版社（2020）。 | | | | | | | | | |