

2013 Multilateral Treaty Negotiation (MTN) Schedule

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- * 2013 Multilateral Treaty Negotiation will take up the case of ‘Whaling in the Antarctic’ pending before the International Court of Justice (ICJ). During the first 2/3 of the course, the students will read relevant material related to the case and present their work in the class. The working language of this class is mostly English, but Japanese students may seek assistance from the Professor on technical terms.
 - * In the latter part of the course, we will conduct a moot court based on the ICJ case.
 - * The students are advised to PREPARE EARLY, as reading material will become heavier as the course progresses.
 - * Relevant materials are uploaded on a HP below. The students are requested to download them and bring them to the class by themselves. In principle, the Professor will not prepare copies of those materials in the class.
- <http:// available in the class only >
- * The student reporters must prepare a resumé and/or PPT for the presentation in the class. A resumé should not be more than 2 pages in A4-sized paper; PPT should not be more than six slides. Students with resumé should come to the class with enough copies; students with PPT should send the PPT file to the TA and the Professor at latest by 11:00 am of the day of the class. The PPT files arrived late will not be shown by the TA in the class.
 - * Make-up classes (for Monday holidays: 3 classes) will be held on February 8 (Saturday), from 10:30 to 16:00. An intensive moot court practice will be conducted on this day.

Schedule (as of 21 October 2013)

Dates	Substance and Reading material	Reporters
10/7	Special Seminar by Dr. Peter Bridgewater	
10/21	Introduction	
10/28	Some experiences of a Japanese ‘Professor-Diplomat’ Class material: PPT by Professor Discussion Points: general Reading material: none	Lecture by professor
11/11	Reading the Application of Australia Class material: Resumé/PPT by students Discussion Points: ① Comprehending the Australian Application ② What is ICJ?: Its role and jurisdiction Reading Material: (1) Application, <i>Whaling in the Antarctic</i> , 2010 (2) Statute of ICJ, with the assistance of any textbook on international law	① Thitirat _____ (20 minutes) ② Giovanni _____ (20 minutes)
11/18	Understanding the ICRW Class material: Resumé/PPT by students Discussion Points: ③ What is ICRW? Its legal structure and important provisions ④ The development of ICRW Reading Material (3) Text of the International Convention for the Regulation of Whaling, with its Schedule (4) Birnie, ‘International Legal Issues in the Management and Protection of Whale’ (1989)	③ Bae _____ (20 minutes) ④ Aung _____ (20 minutes)
11/25	Understanding the context of the case: Class material: Resumé/PPT by students Discussion Points: ⑤ How does Park see the case? ⑥ How does Triggs see the case? Reading Material: (5) Park, ‘Japanese Scientific Whaling in Antarctica’ (2011) (6) Triggs, ‘Japanese Scientific Whaling’ (2000)	⑤ Tuan _____ (20 minutes) ⑥ Morinaka _____ (20 minutes)

12/2	General Discussion	
12/9	<p>Reading the Memorial and Counter-memorial of the Parties: Part I: Overview</p> <p>Class material: Résumé/PPT by students</p> <p>Discussion Points:</p> <p>⑦ How does Australia present its case?</p> <p>⑧ How does Japan present its case?</p> <p>Reading Material:</p> <p>(7) Australian Memorial, pp. 1-9.</p> <p>(8) Japanese Counter-memorial, pp.1-22.</p>	<p>⑦ Team A _____ (20 minutes)</p> <p>⑧ Team B _____ (20 minutes)</p>
12/16	<p>Reading the Memorial and Counter-memorial of the Parties: Part II: International Regulation of Whaling</p> <p>Class material: Résumé/PPT by students</p> <p>Discussion points:</p> <p>⑨ How does Australia see the development of whale regulation?</p> <p>⑩ How does Japan see the development of whale regulation?</p> <p>Reading Material:</p> <p>(9) Australian Memorial, pp.10-62</p> <p>(10) Japanese Counter-memorial, pp.55-138</p>	<p>⑨ Team B _____ (30 minutes)</p> <p>⑩ Team A _____ (30 minutes)</p>
2014 1/20	<p>Reading the Memorial and Counter-memorial of the Parties: Part III: JARPA</p> <p>Class material: Résumé/PPT by students</p> <p>Discussion points:</p> <p>⑪ How does Australia characterize the JARPA II?</p> <p>⑫ How does Japan characterize the JARPA II?</p> <p>Reading Material:</p> <p>(11) Australian Memorial, pp.63-139</p> <p>(12) Japanese Counter-memorial, pp.139-296</p>	<p>⑪ Team A _____ (30 minutes)</p> <p>⑫ Team B _____ (30 minutes)</p>
1/27	<p>Reading the Memorial and Counter-memorial of the Parties: Part IV: International Law and its Application</p> <p>Class material: Résumé/PPT by students</p> <p>Discussion points:</p> <p>⑬ How does Australia characterize the JARPA II?</p> <p>⑭ How does Japan characterize the JARPA II?</p> <p>Reading Material:</p> <p>(13) Australian Memorial, pp.140-279</p> <p>(14) Japanese Counter-memorial, pp.297-434</p>	<p>⑬ Team B _____ (40 minutes)</p> <p>⑭ Team A _____ (40 minutes)</p>
2/3	Moot Court practice	
2/4 (Tue)	Moot Court practice (cont.)	
2/8 (Sat)	Moot Court practice (final)	

Reading Material for ICJ *Whaling in the Antarctic* Case

	Material	Download/Place
11/11	Reading the Application of Australia	
Required	Australian Application 2010	0415_1_Application
Required	The Statute of the International Court of Justice	ICJ Statute
ref.	Malcolm Shaw, <i>International Law</i> (6 th ed., 2008), chapt.19, pp.1057-1117.	Library
ref.	Malcolm Evans ed., <i>International Law</i> (3 rd ed., 2010), chapt. 20, pp.586-614.	Library
ref.	<i>Brownlie's Principles of Public International law</i> (8 th ed., 2012), subsection 32.2, pp.721-733.	Library
11/18	Understanding the ICRW	
Required	International Convention for the Regulation of Whaling	ICRW1946
Required	Schedule to International Convention for the regulation of Whaling, as amended by the Commission at the 64 th Annual Meeting, July 2012	Schedule2012
Required	Pat W. Birnie, 'International Legal Issues in the Management and Protection of Whale: A Review of Four Decades of Experience,' <i>Natural Resources Journal</i> , Vol.29 (1989), pp.903-934	Birnie_Decades1989
ref.	Patricia Birnie, <i>International Regulation of Whaling</i> , Vol. I and II (1985), pp.168-204, and pp.600-634.	0422_1_Birnie_1 0422_1_Birnie_2
ref.	Alexander Gillespie, <i>Whaling Diplomacy: Defining Issues in International Environmental Law</i> (2005), 509pp.	Library (Shibata)
11/25	Understanding the context of the case	
Required	Maya Park, 'Japanese Scientific Whaling in Antarctica: Is Australia Attempting the Impossible?' <i>New Zealand Journal of Public International Law</i> , Vol. 9 (2011), pp.193-221.	0422_2_Park
Required	Gillian Triggs, 'Japanese Scientific Whaling: An Abuse of Right or Optimum Utilization?' <i>Asia Pacific Journal of Environmental Law</i> , Vol.5- 1 (2000), pp.33-59.	0513_2_Triggs
ref	Joanna Mossop, 'Australia v Japan: Whaling in the International Court of Justice,' <i>New Zealand Yearbook of International Law</i> , Vol. 7 (2009), pp.169-177.	0415_2_Mossop
ref	Paris Panel (International Panel of Independent Legal Experts) on Special Permits Whaling under International Law (2007)	Paris_Permits2007
ref	Joji Morishita and Dan Goodman, 'The IWC moratorium on commercial whaling was not a value judgment and was not intended as permanent prohibition,' <i>Agean Review of Law of the Sea</i> , Vol. 1 (2011), pp.301-311	Morishita_IWC2011
12/9~ 1/27		
Required	Memorial of Australia, Vol. I, 9 May 2011	Memorial_Aus
Required	Counter-Memorial of Japan, Vol. I, 9 March 2012	Count_Memorial_Japan
ref	Oral pleadings of the Parties, 26 June to 16 July, 2013	Oral_proceedings